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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
January 3, 2024

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, January 3, 2024 at 7:00 p.m. via ZOOM. Members present were Acting Chair Jennifer Hughes, Commissioners Sissy ffollott, Catherine Carney-Feldman, Acting Vice Chair Raymond Putnam, and James (Jim) Stone. Also present were Agent Mary Lester and Recording Secretary Odile Breton. Absent with prior notice was Commissioner Jack Stone. Please note ICC votes are done by roll call.

DEFINITION INDEX:

ACEC – Area of Critical Environmental Concern
ANRAD - Abbreviated Notice of Resource Area Delineation (WPA Form 4A)
BOH – Board of Health
BVW - Bordering Vegetated Wetland
Bylaw – Ipswich Wetlands Protection Bylaw (Ch. 224)
COC – Certificate of Compliance (Request for COC = WPA Form 8A; COC = WPA Form 8B)
CR – Conservation Restriction
CZM – MA Office of Coastal Zone Management
DCR - Department of Conservation and Recreation
DEP – MA Department of Environmental Protection
DPW- Ipswich Department of Public Works
EC – Emergency Certificate
EO – Enforcement Order (WPA Form 9)
ICC – Ipswich Conservation Commission
LIAU – Land in Agricultural Use
LSCSF – Land Subject to Coastal Storm Flowage
LSP – Licensed Site Professional
NOI – Notice of Intent (WPA Form 3)
NBZ – No-Build Zone, per Ipswich Wetlands Protection Bylaw
NDZ – No-Disturbance Zone, per Ipswich Wetlands Protection Bylaw
O & M Plan – Operations and Maintenance Plan: An O&M plan is an indication that a facility is in continued compliance with applicable regulations and permit conditions
OOB – Order of Conditions (WPA Form 5)
ORAD – Order of Resource Area Delineation (WPA Form 4B)
RDA – Request for Determination of Applicability (WPA Form 1) (*below is a list of possible outcomes for RDAs; all issued on WPA Form 2*)
 Negative #2 Determination (NDA) – This is an approval for work in in resource areas
 Negative #3 Determination (NDA) – This is an approval for work in in buffer zones
 Negative #5 Determination (NDA) – This is approval for work that meets the requirements of an exception under the WPA
 Negative #6 Determination– This is an approval for work under the Ipswich Wetland Protection Bylaw
 Positive Determination – This is a denial requiring an NOI to be filed should the applicant wish to pursue
RPA - Riverfront Protection Act
SWM – Storm Water Management
SPP – Small Projects Permit
WPA – Massachusetts Wetlands Protection Act (310 CMR 10.00 *et seq.*)
ZBA – Zoning Board of Appeals

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Citizen's Queries:

MATTER: Citizen's Query for 27 Green Street Whipple Annex
<p>DISCUSSION: Lester confirmed what was needed for repairs and new projects. Hughes said the drainage repairs can move forward as it is not a new project. Any additional improvements or new projects would need a filing or a modification request. The OOC needs to be recorded and a COC (at least a partial COC) is needed to approve additional improvements or new projects.</p> <p>Public Comment: Carol Bousquet, 27 Green Street, is a resident at the Whipple Annex and is concerned about the resolution of filing the OOC. Bousquet said the Town is claiming it is Harborlight's responsibility and Harborlight is claiming it is the Town's responsibility. She is concerned about the site not getting the COC and the issues with drainage will continue. Hughes said the COC is not needed for the drainage repairs. The COC is needed for any new proposed projects.</p>
<p>MOTION:</p> <p style="text-align: center;">◆ No action required by ICC.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="text-align: center;">❖ <i>None.</i></p>

Matters Being Continued to FUTURE Sessions at the Applicant's Request:

MATTER: 36-1538: 16 Spillers Lane. Markos (DeRosa Env.). NOI for pool and patio. <i>Cont. from 12/6/2023</i>
<p>DISCUSSION: The matter is being continued without discussion at the applicant's request.</p>
<p>MOTION:</p> <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to continue to January 17, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="text-align: center;">❖ <i>None.</i></p>

MATTER: 36 Mitchell Road. Enforcement (DeRosa Env.). <i>Cont. from 12/6/2023</i>
<p>DISCUSSION: The matter is being continued without discussion at the applicant's request.</p>
<p>MOTION:</p> <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to continue to January 17, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="text-align: center;">❖ <i>None.</i></p>

MATTER: 257 Topsfield Road. (DeRosa). Unpermitted clearing activities. <i>Cont. from 12/6/2023</i>
<p>DISCUSSION: The matter is being continued without discussion at the applicant's request.</p>
<p>MOTION:</p> <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to continue to January 17, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="text-align: center;">❖ <i>None.</i></p>

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MATTER: 58 Mitchell Road. Roberts (DeRosa Env.). EO return to compliance. <i>Cont. from 12/6/2023</i>
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: ♦ A motion was made by Commissioner Carney-Feldman to continue to January 17, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner ffolliott and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None.

MATTER: 36-1514: 41 River Road. Scannell (Graham & Associates). MM for extended river stone, stairway and deck revisions. <i>Cont. from 12/6/2023</i>
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: ♦ A motion was made by Commissioner Carney-Feldman to continue to January 17, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner ffolliott and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None.

MATTER: 36-1529: Clark Pond. Association of Great Neck (DeRosa Env.). NOI for implementation of proposed maintenance plan for Clark Pond and Clark Beach. <i>Cont. from 12/6/2023</i>
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: ♦ A motion was made by Commissioner Carney-Feldman to continue to February 7, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner ffolliott and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None.

MATTER: 46 North Ridge Road. (DeRosa Env.) Enforcement for cutting on coastal bank. <i>Cont. from 12/6/2023</i>
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: ♦ A motion was made by Commissioner Putnam to continue to June 5, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner Jim Stone and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None.

Small Project Permits

MATTER: 89 Argilla Road. Hodgson. SPP for test pits. <i>New</i>
DISCUSSION: Present was Dan MacRitchie (DC MacRitchie Engineering). MacRitchie explained the SPP is for test pits to test soils for a new septic system. Marsh Hay will be used for stabilization in the disturbed area to prevent soils from migrating into the wetlands over the winter. DeRosa re-flagged the wetland delineation. No public comment noted.

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MOTION:

◆ **A motion was made by Commissioner Putnam to approve the SPP as proposed. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Small Project filing application dated 12-13-23

New Notices of Intent, Minor Modifications, Formal Amendments, and Extensions:

MATTER: 36-1542: 52 North Ridge Road. McTague (Graham & Associates). NOI for stair replacement on coastal bank. *New*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates) and Kevin McTague (owner/applicant). The project is to replace stairs on the coastal bank (that are currently large concrete blocks) with an entirely new stairway consisting of landings and retractable ship's ladder. There are 4 proposed landings that are 4 ft wide and 5 ft. in length and one landing that is 8 ft. in length. Kayak racks are also proposed.

Graham noted that the property also has a COC request for a septic system project. The OOC for the septic system project required markers to be installed. Graham noted the markers were not installed and would prefer to install the markers at the completion of this proposed project.

Hughes suggested the conservation agent and ICC visit the site. Hughes asked if the stairs were permitted or pre-dated the Wetlands Protection Act. If the stairs were not permitted or pre-dated the Act, then the ICC would not allow replacement stairs. Graham will research the history of the path and stairs. McTague noted the property was developed in 1935. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to January 17, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Graham to research and provide documentation of the stairs.*

Documents: NOI filing application and plan dated 12-13-23 prepared by HL Graham Assoc.

Requests for Certificates of Compliance:

MATTER: 36-1339: 52 North Ridge Road. McTague (Graham & Associates). COC for septic system. *New*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). The application is for a septic system that was installed. An as-built plan was presented. Graham noted the differences from the approved plan. A cut-off trench was not installed and not required. An AC unit was placed on an existing pad. Steps and a deck were replaced in a different configuration than the original steps and deck. This added an additional 8 sq. ft. Markers were not installed and Graham requested the markers be installed with the NOI for coastal bank stairs discussed earlier in the evening. Crushed stone was added to a path which was not on the original plan.

Hughes said the increase in the deck size is a concern and suggested an-after-the-fact RDA filing to be done for the deck, stairs, and walkway/path.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to February 7, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: COC filing application and plan dated 12-12-23 prepared by HL Graham Assoc

MATTER: 36-1494: 124 North Ridge Road. Ipswich Bay Yacht Club (Graham & Associates). COC. *New*

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DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). The project was for work for the access ramp to the water. Less work was completed than planned. Graham noted the road was not re-paved but was patched in certain locations instead. No ICC questions / comments.

MOTION:

◆ **A motion was made by Commissioner Putnam to issue a full and final COC. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

Documents: COC filing application and plan dated 12-12-23 prepared by HL Graham Assoc

MATTER: 36-1524: 38 North Ridge Road. Smith (Graham & Associates). COC. *Cont. from 12/6/2023*

DISCUSSION: Present was Larry Graham (H. L. Graham & Associates) and Douglas Smith (owner/applicant). Graham noted the ICC had concerns with plantings in a mulch bed at the top of coastal bank and ffolliott noted the area should be naturalized. Mulch would not be approved by the ICC. Graham noted a COC was issued in 2019 and Smith purchased the property in December 2020. Smith said he has maintained what was existing (including now grassed over previously approved stone drip strip) at the time of purchase. Hughes asked Lester to review the previous COC filing for information on plantings.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to January 17, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

Documents: Email from HL Graham dated 12-20-23

MATTER: 36-1391: 1 Ipswich Woods Drive. Geoffrion (Graham & Associates). COC. *Cont. from 12/6/2023*

DISCUSSION: Present was Larry Graham (H. L. Graham & Associates). The project was for a 12x15 addition to the house. Plantings and markers were required. A 4x4 blue stone patio was removed and has been grassed over. A 6x12 blue stone patio was added. In 2018, waivers were approved with the OOC (issued December 2018). A pre-construction meeting occurred with Field Agent Bill Decie.

Hughes noted the waiver was for 2 sq. ft. of patio in the NDZ. There is no approved patio addition in the OOC and the 6x12 patio appears to be a violation. Graham will discuss removal of the patio with the owners.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to June 26, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner Jim Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

Documents: Email from HL Graham dated 12-20-23

MATTER: 36-1495: 3 Plains Road. Lafoe. COC. *Cont. from 12/6/2023*

DISCUSSION: No one was present for the matter. ICC is concerned that substitutions made to the approved list of plants do not include any native plants. Changes in plantings were not approved by the ICC or the Conservation Agent. And the same comments from the previous 2 meetings (updated notation and missing fence from a previous EO) have not been addressed. Lester reached out to Mary Rimmer who worked on the site. Rimmer was not able to attend this evening. Lester will reach out to Rimmer again.

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MOTION:

◆ A motion was made by Commissioner Carney-Feldman to continue to January 17, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner ffolliott and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

MATTER: 36-1235: 189 High Street. Tassar LLC. COC. *Cont. from 12/6/2023*

DISCUSSION: The matter is being continued without discussion at the applicant's request.

MOTION:

◆ A motion was made by Commissioner Carney-Feldman to continue to January 17, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner ffolliott and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

MATTER: 36-1414: 173 Linebrook Road. Symes Development. COC. *New*

DISCUSSION: No one was present for the matter. Lester noted several Town departments have concerns with the development. Lester will be visiting the site with Open Space personnel. Carney-Feldman noted the developer provided the number of trees planted but did not provide names of the trees. Carney-Feldman requested the plantings names to determine if they are native species.

MOTION:

◆ A motion was made by Commissioner ffolliott to continue to February 7, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner Putnam and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

Documents: COC filing application and plan dated 12-15-23 prepared by Williams and Sparages

Enforcement Matters:

MATTER: 71 Linebrook Road. EO. *Cont. from 12/6/2023*

DISCUSSION: The matter is being continued without discussion at the applicant's request.

MOTION:

◆ A motion was made by Commissioner Carney-Feldman to continue to January 17, 2024 (at a meeting via ZOOM). The motion was seconded by Commissioner Jim Stone and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Approval of Minutes: December 6, 2023

◆ A motion was made by Commissioner Carney-Feldman to approve the minutes as drafted/amended. The motion was seconded by Commissioner Putnam and passed unanimously.

Adjournment:

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♦ A motion was made by Commissioner Carney-Feldman to adjourn at 8:46 p.m. The motion was seconded by Commissioner ffolliott and passed unanimously.

Respectfully submitted,

Odile Breton
Recording Secretary

These minutes are the summary of a taped or video-recorded meeting and of secretarial notes. As such, the Ipswich Conservation Commission reserves the right to supplement these minutes with tapes and vice versa, to reflect the proceedings. The Ipswich Conservation Commission does not guarantee the quality of the tapes or video-recording, nor does it exclusively rely upon them.