

**Approved: 2-1-23**  
**Distributed: 2-22-23**

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**January 18, 2023**

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, January 18, 2023 at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffolliott, Catherine Carney-Feldman, Raymond Putnam, and James (Jim) Stone. Also present were Agent Jenna Pirrotta and Recording Secretary Odile Breton. Absent with prior notice was Commissioner Jack Stone.

**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:**

<b>MATTER: Citizen's Query for naming a park at 54 County Street by Isiac Ross</b>
<b>DISCUSSION:</b> Present was Isaac Ross. Ross is seeking support from the ICC to name a park after Jenny Slew. Ross provided background to the ICC. Jenny Slew was an Ipswich resident that won her freedom from slavery in the courts. Hughes said a letter can be prepared that states the ICC does not object to the name request. The park at 54 County Street is currently not named. Hughes noted that the Select Board probably makes the final decision on the name of the park.
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> ❖ <i>Pirrotta to prepare a letter on behalf of the ICC.</i>

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

<b>MATTER: 112 Little Neck Road.</b> Iwanicki. RDA for new patio, walkway and deck. <i>Cont. from 1/4/2023</i>
<b>DISCUSSION:</b> The matter is being continued without discussion.
<b>MOTION:</b> ♦ <b>A motion was made by Vice-Chair Paulitz to continue to February 1, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously.</b>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> ❖ <i>None.</i>

<b>MATTER: 6 Chebacco Road.</b> Cannava. Enforcement for unpermitted stockpiling/earthwork. <i>Cont. from 12/7/2022</i>
<b>DISCUSSION:</b> The matter is being continued without discussion.
<b>MOTION:</b> ♦ <b>A motion was made by Commissioner Carney-Feldman to continue to February 15, 2023. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</b>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> ❖ <i>None.</i>

<b>MATTER: 36-1233: 28 Old England Road.</b> Blessington. COC. <i>Cont. from 12/7/2022.</i>
<b>DISCUSSION:</b> The matter is being continued without discussion.
<b>MOTION:</b> ♦ <b>A motion was made by Vice-Chair Paulitz to continue to April 5, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously.</b>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> ❖ <i>None.</i>

<b>MATTER: 7 Old Essex Road.</b> Patten (Seaside Legal). RDA to retain unpermitted patio and shed. <i>Cont. from 1/4/2023.</i>
<b>DISCUSSION:</b> The matter is being continued without discussion.

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**MOTION:**

◆ **A motion was made by Commissioner Carney-Feldman to continue to February 1, 2023. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**Small Project Permits**

**MATTER: 14 Safford Street.** Cliff Wagner. SPP to repair and replace existing 2nd story deck. *New*

**DISCUSSION:** Present was Cliff Wagner (contractor). The application is to replace an existing 2<sup>nd</sup> floor deck that is within the 100 ft. buffer to BVW and 200 ft. Riverfront. It's a "replacement in kind". Wagner said the existing footings need to be replaced and he will put the new footings in the same location. There appeared to be a shed in the wetlands. Wagner is not the owner of the property and did not have any information regarding the shed. Pirrotta to revisit the site. Paulitz suggested adding a condition for erosion control. Pirrotta to review erosion controls with Wagner on site. No public comment noted.

**MOTION:**

◆ **A motion was made by Commissioner Carney-Feldman to approve the SPP with conditions. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

*Documents: SPP Application dated 1-9-23*

**STORMWATER MANAGEMENT PERMIT APPLICATIONS:**

**MATTER: 265 Topsfield Road.** Logan (Congdon). *Cont. from 1/4/2023*

**DISCUSSION:** Present was Steve Congdon representing the owner. Congdon noted John Judd (Gateway Consultants) did the septic system and stormwater management plan. Paulitz reviewed the plan and said it could be approved. Congdon reviewed the rain garden details. One waiver is requested from Section 8D(5) of the Stormwater Regulations. It relates to the reduction of run-off volume for a 10-year event. No public comment noted.

**MOTION:**

◆ **A motion was made by Commissioner ffolliott to approve the request of waiver for Section 8d5 of the Stormwater Regulations. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

◆ **A motion was made by Vice-Chair Paulitz to close the public hearing. The motion was seconded by Commissioner Putnam and passed unanimously.**

◆ **A motion was made by Vice-Chair Paulitz to issue a Stormwater Management Permit with Conditions. The motion was seconded by Commissioner Putnam and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

*Documents: Revised stormwater management plan and revised plan dated 1-3-23*

**Ongoing Notices of Intent, Minor Modifications and Formal Amendments:**

**MATTER: 36-1514: 41 River Road.** Scannell (Graham). NOI replace/extend stairway to new roof deck, repair retaining wall, replace paved area, install subsurface propane tank. *Cont. from 1/4/2023*

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**DISCUSSION:** Present was Gerry McDonald (H.L. Graham & Associates). McDonald added details for the patio and retaining wall to the plans and reviewed the materials (pervious pavers to be used). The propane tanks were moved and will remain above ground. ICC reviewed the draft conditions. Hughes suggested adding the restoration area and the retaining wall will be capped, so nothing is added. Hughes noted the project is on the Coastal Bank and no walls should be built or added. It should be a replacement in-kind. It should be noted that it is edging for the stairs and not a wall along the stairs. Waivers are for work on the Coastal Bank. Hughes noted the mitigation removes impervious surface and makes improvements to the resource area. The pavement removal work is in the NDZ and NBZ. The mitigation area is approximately 267 sq. ft. of removed pavement replaced with stone. Hughes suggested condition #20 be specific as to what is being permitted (wooden stairs on sono tubes, no addition to walls). Condition #30 should add "River Front", and "Land Subject to Coastal Storm Flowage. No public comment noted. Paulitz and Putnam abstained from voting as they missed several public hearings for the matter

**MOTION:**

◆ **A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Commissioner Jim Stone and passed with 4 votes yes (Paulitz and Putnam abstained).**

◆ **A motion was made by Commissioner Carney-Feldman to issue a positive OOC as drafted/amended. The motion was seconded by Commissioner Jim Stone and passed with 4 votes yes (Paulitz and Putnam abstained).**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None*

*Documents: Revised plan dated 12-21-22 prepared by Graham Assoc.*

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

**MATTER: 36-1524: 38 North Ridge Road.** Smith (Graham). NOI for landscape and hardscape activities. *New*

**DISCUSSION:** Present was Larry Graham (H.L. Graham & Associates). He noted on a separate application for this site that there is an OOC (36-1483) for a rebuild of stairs on the Coastal Bank. This application is for repair and replace work around the site and for work in the subzones, to replace the parking area with pavers, remove and replace pavers in the front of the house, and replace the existing unit block walls with fieldstone walls. There is a mitigation area located in the rear NE corner of the site and the project proposes to add 51 sq. ft. of mitigation. Graham noted a 17 sq. ft. landing is added in the NBZ and 51 sq. ft. of mitigation is proposed in the NDZ. Hughes said the ICC is not inclined to allow the landing in the NBZ. Graham said it can be removed and the addition for mitigation is no longer needed. Graham to revise the plan. ICC reviewed the draft OOC. No public comment noted.

**MOTION:**

◆ **A motion was made by Commissioner Putnam to approve the request of waivers for work in the NBZ and NDZ for work to replace in-kind. The motion was seconded by Commissioner ffolliott and passed unanimously.**

◆ **A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

◆ **A motion was made by Commissioner Carney-Feldman to issue a positive OOC as drafted/amended. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Graham to submit revised plan (removing 17 sq. ft. landing in the NBZ).*

*Documents: NOI Application and plan dated 12-28-22 prepared by Graham Assoc.*

**MATTER: 36-1523: 82 North Ridge Road.** Smith (Graham). NOI for construction of landing, steps and paver sitting area. *New*

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**DISCUSSION:** Present was Larry Graham (H.L. Graham & Associates). The excavation activities on the site are suspended under an EO. This application is to replace an existing landing and stairs on the lower level of the house. The new sitting area is within the 100 ft. buffer for the Coastal Bank and will have permeable pavers for drainage. The project proposes to use a portion of the excavated area as a dry well. Hughes is concerned about new construction in the NBZ and noted two sets of stairs are not needed. She also suggested proposing an alternative outside of the NBZ. Graham will discuss with the owners. A mitigation area is proposed and a planting plan will be submitted. Monuments were requested and one should be a granite post. Graham asked if boulders could be used for monuments. Hughes said the boulders should have placards. No public comment noted.

**MOTION:**

♦ **A motion was made by Vice-Chair Paulitz to continue to February 1, 2023. The motion was seconded by Commissioner Putnam and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

*Documents: NOI Application and plan dated 12-28-22 prepared by Graham Assoc*

**MATTER: 36-1525: 143 County Road.** Ipswich River Watershed Assoc (IRWA) (DeRosa). NOI for riverfront area restoration activities. *New*

**DISCUSSION:** Present were Mike DeRosa (DeRosa Environmental) and Neil Shea (IRWA). DeRosa said the project is an ecological restoration plan. DeRosa provided a brief history of the site. DeRosa reviewed the proposed project elements which include work along the riverfront. The scope of work includes removal of invasive species, replanting native canopy, existing canopy management, removal of dead Ash trees and hazardous trees, and improvements to a garden pond. All work is within 200ft. of the river front. Waivers are requested for work in the buffer zones and submittal of engineered plans as there is no new construction.

DeRosa reviewed existing conditions. There is a rocky overlook ruin which will be cleaned up and stabilized. Some fencing is proposed for the overlook for safety purposes. A new trail is proposed to be added to connect two existing trails. Paulitz requested more details concerning the stream bed and removal of the broken pipe/culvert.

DeRosa reviewed “Assisted Migration Strategies” for the site. This includes replacing invasive tree species with native tree species. Carney-Feldman suggested adding a water plan in case of a drought. ICC to schedule a site visit. No public comment noted.

**MOTION:**

♦ **A motion was made by Commissioner Carney-Feldman to continue to February 1, 2023. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *ICC to schedule a site visit.*

*Documents: NOI Application dated 12-28-22 prepared by DeRosa Env.*

**Requests for Certificates of Compliance:**

**MATTER: 36-1173: 24 North Ridge Road.** Bodenstab/Gerbe. COC. *Cont. from 1/4/2023*

**DISCUSSION:** Pirrotta noted there was a request to waive a condition for “as-built” plan. The applicant was able to provide “as-built” plans that were submitted in 2013 for the septic system. A letter was also provided by the Board of Health. Pirrotta recommends issuing the COC.

**MOTION:**

♦ **A motion was made by Commissioner Putnam to issue a full and final COC. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

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*Documents: Site photos 12-19-22*

**Enforcement Matters:**

**MATTER: 167 County Road.** Thomas. Enforcement for unpermitted site work/soil stockpiling. *Cont. from 12/7/2022*

**DISCUSSION:** Pirrotta noted that erosion controls were installed and the large soil pile was removed. The owner needs additional time to file the RDA. Pirrotta recommends continuing until March 2023.

**MOTION:**

◆ A motion was made by Vice-Chair Paulitz to continue to March 1, 2023. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None*

*Documents: Site photos 12-5-22*

**Other Business:**

**MATTER: OOC – Dow Brook Dam.** 272 High Street. TOI Water Department. NOI for maintenance to gatehouse and associated pipelines at the Dow Brook Reservoir Dam. *Cont. from 1/4/2023*

**DISCUSSION:** Pirrotta noted the public hearing was closed on 1/4/2023. ICC to review draft OOC. Hughes suggested adding a condition for active monitoring the dewatering process.

**MOTION:**

◆ A motion was made by Vice-Chair Paulitz to issue a positive OOC as drafted/amended. The motion was seconded by Commissioner Ffolliott and passed unanimously.

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**MATTER: Election of Conservation Commission Officers**

**DISCUSSION:** Pirrotta noted this is usually done at the beginning of the calendar year. Hughes would like to stay on the ICC as a Commissioner and not as chair. ICC noted this election does not have to be done this evening.

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *ICC members to consider election of officers.*

**Approval of Minutes: January 4, 2023**

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

**IPSWICH CONSERVATION COMMISSION****Meeting Minutes****January 18, 2023****Adjournment:**

♦ A motion was made by Vice-Chair Paulitz to adjourn at 9:51 p.m. The motion was seconded by Commissioner Carney-Feldman 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.**