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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
February 1, 2023

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, February 1, 2023, at 7:00 p.m. via ZOOM. Members present were Chair William Paulitz, Vice-Chair Jennifer Hughes, Commissioners Sissy ffolliott, Catherine Carney-Feldman, Raymond Putnam, James (Jim) Stone and Jack Stone. Also present were Agent Jenna Pirrotta and Recording Secretary Odile Breton.

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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MATTER: Election of Officers for the Conservation Commission
DISCUSSION: ICC voted on officers for the ICC. Paulitz accepted the nomination to be the Chair for 2023. Hughes accepted the nomination to be the vice-chair for 2023 and were duly elected
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Hughes to appoint William Paulitz as Chair for the ICC. The motion was seconded by Commissioner Jim Stone and passed unanimously. ◆ A motion was made by Commissioner Carney-Feldman to appoint Jennifer Hughes as Vice-Chair for the ICC. The motion was seconded by Commissioner Putnam and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None.

Citizen's Queries:

MATTER: Citizen's Query for 10 Chebacco Road by Tom Hoopes
DISCUSSION: Present were Dan MacRitchie (engineer) and Tom Hoopes (owner). There is an open OOC for work at the site. During excavation, a new six-inch diameter pipe was planned to be connected to an existing pipe believed to also be 6". It was discovered that the existing pipe has a 4 inch diameter and that connection would cause drainage problems. The request is to exchange the existing 4-inch pipe with a 6-inch pipe. Chair Paulitz suggested filing a formal amendment for the additional work as work in this area was not approved in the original filing
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None.

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

MATTER: 112 Little Neck Road. Iwaniki. RDA for new patio, walkway, and deck. Cont. from 1/18/2023
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner ffolliott to continue to February 15, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None.

MATTER: 36-1525: 143 County Road. Ipswich River Watershed Association (IRWA). DeRosa. NOI for riverfront area restoration activities. Cont. from 1/18/2023
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner ffolliott to continue to February 15, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None.

COURTESY POSITIONS for TOWN PROJECTS

MATTER: 36-1402: 173 Linebrook Road/Mile Lane. TOI Open Space Program. Potential violation. Cont. from 1/4/2023
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<p>DISCUSSION: Present were Beth O'Connor (TOI Open Space Steward) and Frank Ventimiglia (TOI DPW). O'Connor provided an update and noted requested information was submitted. The Ben-Pac material does meet special borrow specifications for the roadway. O'Connor anticipates 4 – 6 weeks for plans from the engineer. Mary Rimmer will be rechecking the mitigation area and provide a replication plan. No public comment noted.</p>
<p>MOTION:</p> <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to April 5, 2023. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="text-align: center;">❖ <i>None.</i></p>

<p>MATTER: 36- : Argilla Road from Crane Estate entrance to the Crane Beach gatehouse. TOI Public Works Department (Woods Hole Group). NOI for adaptation project to increase road elevation. <i>New</i></p>
<p>DISCUSSION: Present were Ted Wickwire (Woods Hole Group), Jen Ducey (Stantec – engineer consultants), Peter Pinciario (Trustees of Reservations) and Frank Ventimiglia (TOI DPW). A presentation for the “adaptation project” was reviewed by Wickwire. The presentation included background, project studies, alternatives analysis and mitigation. There is a need to adapt this portion of Argilla Road due to tidal flooding, vulnerability, and storm damage which threatens the stability of the road and access loss to the area.</p> <p>Wickwire noted that the project cannot be permitted under MassDEP regulations. Variances are required. Wickwire identified resource areas. Alternatives analysis and resource impact assessment were reviewed. Wickwire also reviewed recommendations, proposed design of culverts and mitigation measures. Replacing the culverts will allow for full tidal exchange. Mitigation includes adding native species and removing invasive species.</p> <p>Wickwire reviewed the permitting challenges and noted over 10,000 sq. ft. of land will be disturbed by the project. A Stormwater Management Permit is also required. Wickwire asked for guidance under Ipswich bylaws. Hughes noted it is up to the applicant to determine and document which standards it can meet under the bylaws. Paulitz requested information on how the project meets standards under 310 CMR 10.32 (3). Gurney noted the standards are met with the restoration proposed.</p> <p>Public Comment: John Wigglesworth, 283 Argilla Road, asked how raising the road will impact other properties. He is concerned about flooding neighboring properties. He asked if the road would need to be raised again in the future. He asked about alternatives ways to access the beach other than Argilla Road.</p> <p>Wickwire responded that models do not indicate flooding at neighboring properties. The project model extends to 2070 and additional raising, if needed, is not expected before 2070.</p> <p>No further public or ICC comments.</p>
<p>MOTION:</p> <p style="text-align: center;">♦ A motion was made by Commissioner Jim Stone to continue to February 15, 2023. 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> <p><i>Documents: NOI Application dated 1-16-23 prepared by Woods Hole Group; letter from MA DMF dated 1-30-23; NHESP letter dated 1-30-23</i></p>

Requests for Determination of Applicability:

<p>MATTER: 7 Old Essex Road. Patten (Seaside Legal). RDA to retain unpermitted patio and shed. <i>Cont. from 1/18/2023</i></p>
<p>DISCUSSION: Present was Attorney Lauren Weeks (Seaside Legal) on behalf of the owner. Weeks provided an update. Approximately 54 sq. ft. of the patio and a plastic storage unit will be removed. Three monuments will be installed (1 granite post). Mitigation proposed includes planting three trees and other plantings. Carney-Feldman reiterated that the plants should be native and appropriate for the area. Weeks to confirm native plants to be used. No public comment noted. ICC can issue NDA noting confirmation of receipt of updated planting plan.</p>

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MOTION:

◆ **A motion was made by Commissioner ffolliott to issue an NDA (selecting boxes #2 and #3) with Special Conditions for 7 Old Essex Road. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Applicant to confirm native plants for planting plan and resubmit plan.*

MATTER: 128 Argilla Road. Ording. RDA for septic system repair. *New*

DISCUSSION: Present was Jon Ording (owner/applicant). Pirrotta said the plan notes the project is outside of resource areas except for a new pipe. The old components will be removed. Paulitz suggested adjusting erosion controls and move it toward the patio and along the property line/fence. Hughes noted the delineation is not confirmed. Ording noted the flags are still in place. Pirrotta would still need to visit the site in order to confirm the delineation as the Commission did not review or approve the wetlands delineation. It was also determined that the proposed septic replacement was an improvement over existing conditions and cited as far away from the resource area as the soil testing and property would allow. Conditions include installation of erosion controls, stabilizing the site, and pre and post construction site visit by the Agent. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Jack Stone to issue an NDA (selection box 3) with Special Conditions for 128 Argilla Road. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: RDA Application date 1-12-23; Revised plan dated 12-13-22 prepared by Dan Johnson

Minor Modifications (MM), Extensions to Order Of Conditions (OOC):

MATTER: 36-1414: 173 Linebrook Road. Symes Associates (Williams & Sparages). MM for after the fact patios and landings. *New*

DISCUSSION: Present was Greg Hochmuth (Williams & Sparages). Hochmuth met Pirrotta to walk the site before the meeting. Eight units had unpermitted paver patios/landings installed. All patios/landings are outside of the NDZ and were measured and added to the plans. Hochmuth noted the overall project reduced impervious surfaces that were actually approved and several of the added patios/landings are within the approved unit footprint. It was determined that 4 units have added structures outside of the approved footprint. Fees were discussed and the fees will be tripled for the after-the-fact units that have landings outside of the approved footprint. No public comment noted.

MOTION:

◆ **A motion was made by Vice-Chair Hughes to approve the Minor Modification upon receipt of additional fees. The motion was seconded by Commissioner Jack Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Applicant to pay additional fees.*

Documents: MM Application and plan dated 1-25-23 prepared by Williams and Sparages; site photos 1-10-23

MATTER: 36-1414: 173 Linebrook Road. Breen. MM for patio expansion behind Unit 43. *Cont. from 1/4/2023*

DISCUSSION: Present were Attorney Jeff Poirier and Catherine Breen (owner/applicant). The patio is proposed to be expanded to 10 ft. x 9 ft. (108 sq. ft.). Native species (six plants) will be planted for privacy between units 42 and 43 and between unit 43 and the trail. No public comment noted.

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MOTION:

- ◆ A motion was made by Vice-Chair Hughes to approve the Minor Modification with plantings to be approved by the Conservation Agent. The motion was seconded by Commissioner Putnam and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Conservation Agent to approve plantings.*

Ongoing Notices of Intent and Formal Amendments:

MATTER: 36-1523: 82 North Ridge Road. Smith (Graham). NOI for construction of landing, steps and paver sitting area. *Cont. from 1/18/2023*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham reviewed changes to the plan noting regrading and removal of proposed steps. Graham noted monuments will be boulders and one granite post. Pirrotta noted the planting plan was not submitted. The mitigation area is 295 sq. ft. and the planting plan needs to be approved by the Conservation Agent or ICC. It was noted that the Enforcement Order can be lifted when the OOC is recorded. ICC reviewed draft OOC. Hughes noted the restoration plantings should not be just herbaceous plants but include shrubs and be included in the description of work. Hughes said the new mitigation area should be permanently marked and not the NDZ. No public comment noted.

MOTION:

- ◆ A motion was made by Commissioner ffolliott to approve the request of waivers for work in the NBZ and NDZ. The motion was seconded by Vice-Chair Hughes and passed unanimously.
- ◆ A motion was made by Commissioner Putnam to continue the EO to February 15, 2023. The motion was seconded by Vice-Chair Hughes and passed unanimously.
- ◆ A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Vice-Chair Hughes 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 Hughes and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None.*

Documents: Revised plan dated 1-25-23 prepared by Graham Assoc.

New Notices of Intent and Formal Amendments:

MATTER: 36- : 70 North Ridge Road. Harrigan (Graham). NOI for septic system repair. *New*

DISCUSSION: Present was Gerry McDonald (H.L. Graham & Associates). The septic system work is within the 15 ft. NBZ. The existing septic system will be abandoned. Small equipment will be used to access the area and tanks to be set by cranes. McDonald noted they are waiting for a DEP file number. There was a question on item #9 on the plan. McDonald noted it is a graphic for the “best feasible upgrade” which is required by the Board of Health. Hughes suggested noting on the plan legend that it is not proposed to be installed. No public comment noted.

MOTION:

- ◆ A motion was made by Commissioner ffolliott to continue to February 15, 2023. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None.*

Documents: NOI Application and plan dated 1-18-23 prepared by Graham Assoc.

Requests for Certificates of Compliance:

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MATTER: 36-1010: 32 Eagle Hill Road. Corsetti (Graham). COC. <i>New</i>
DISCUSSION: Present were Larry Graham and Gerry McDonald (H.L. Graham & Associates). Pirrotta visited the site. She noted the shed is on blocks and other improvements were made. The owner provided information for the other improvements (edge of driveway, fencing). The “after the fact” filing was for work on the shed that was done without a permit. Pirrotta recommends issuing the COC.
MOTION: <p align="center">◆ A motion was made by Commissioner Putnam to issue a full and final COC. The motion was seconded by Vice-Chair Hughes and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p align="center">❖ <i>None.</i></p> <i>Documents: COC application and plan dated 1-18-23 prepared by Graham Assoc.</i>

MATTER: 36-1098: 32 Eagle Hill Road. Corsetti (Graham). COC. <i>New</i>
DISCUSSION: Present were Larry Graham and Gerry McDonald (H.L. Graham & Associates). Pirrotta noted the work was to replace an existing deck and construct an addition to the home. McDonald noted the addition was not completed. A deck existed and McDonald noted repairs were done to the deck. Hughes noted on the photographs the deck is on sonotubes and it appears a new deck was installed. Hughes suggested Pirrotta go to the Building Inspector to see what permits were issued.
MOTION: <p align="center">◆ A motion was made by Commissioner Carney-Feldman to continue to February 15, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p align="center">❖ <i>Research building permits.</i></p> <i>Documents: COC application and plan dated 1-18-23 prepared by Graham Assoc.</i>

Approval of Minutes: January 18, 2023

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

Adjournment:

◆ **A motion was made by Commissioner Putnam to adjourn at 9:55 p.m. The motion was seconded by Commissioner Jack Stone 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.