

Approved: 3-1-23
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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
February 15, 2023

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, February 15, 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

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
February 15, 2023

Citizen's Queries: None noted.

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

MATTER: 36-1098: 32 Eagle Hill Road. Corsetti (Graham). COC. <i>Cont. from 2/1/2023.</i>
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Jim Stone to continue to March 15, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously after roll call vote.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;"><i>None.</i></p>

Courtesy Positions for Town Projects

MATTER: 16 Peabody Street. TOI Public Works Department. SPP for guardrail. <i>New.</i>
DISCUSSION: Present was Frank Ventimiglia (DPW) and he explained the project. There is a new gate in place creating a dead-end street causing cars to turn around in the yard. The guardrail proposed is approximately 60 ft. in length. Any equipment used to install guardrail to remain on pavement and all spoils to be removed. No temporary erosion controls needed. Aerial views of the site were presented. No public comment noted.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to approve the SPP with conditions. The motion was seconded by Commissioner Jim Stone and passed unanimously after roll call vote.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;"><i>None.</i></p> <p><i>Documents: SPP dated 2-7-23; site photos 2-10-23</i></p>

MATTER: 36-1426: Jeffreys Neck Road. TOI Public Works Department. Extension request for OOC. <i>New.</i>
DISCUSSION: Present were Frank Ventimiglia (DPW) and Kevin McHugh (CONECO Engineers & Scientists). McHugh explained the reason for the extension request. McHugh provided a summary of the project and noted delays due to FEMA reviews. The project has re-applied for funding and requests a 3-year extension. Hughes requested annual status reports during the 3-year extension period.
MOTION: <p style="text-align: center;">♦ A motion was made by Vice-Chair Hughes to grant the 3-year extension request for the OOC. The motion was seconded by Commissioner ffolliott and passed unanimously after roll call vote.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;"><i>Applicant to provide annual updates to ICC.</i></p> <p><i>Documents: Extension request dated 2-6-23</i></p>

MATTER: 36- : Argilla Road from Crane Estate entrance to Crane Beach gatehouse. TOI Public Works Department (Woods Hole Group). NOI for adaptation project to increase road elevation. <i>Cont. from 2/1/2023.</i>
DISCUSSION: Present were Ted Wickwire (Woods Hole Group), Jen Ducey (STANTEC) and Frank Ventimiglia (DPW). A DEP file number has not been issued. Wickwire reviewed information requested by ICC and noted the site plan was updated for the 25 ft. NDZ. Wickwire believes the project meets Stormwater Management standards. He said the modeling time frame is to re-visit the site in 50 years. A bridge alternative was reviewed. The bridge alternative would have significantly higher costs and greater impact to the area. Paulitz suggested the applicant complete a checklist to document how the project meets Stormwater Management bylaws.

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
February 15, 2023

public safety reasons, it is the preferred alignment of the Crane Estate entrance and width of the road. No public comment noted.

MOTION:

◆ **A motion was made by Vice-Chair Hughes to continue to March 1, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously after roll call vote.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

Applicant to complete a checklist documenting how the project meets Stormwater Management bylaw.

Documents: Supplemental letter dated 2-8-23

Requests for Determination of Applicability:

MATTER: 112 Little Neck Road. Iwanicki. RDA for new patio, walkway and deck. *Cont. from 2/1/2023.*

DISCUSSION: Present was Elissa Iwanicki (applicant/owner). Pirrotta noted updated plans were received and work is confirmed to be outside the inner 100 ft. riverfront area. The patio will be permeable and Pirrotta recommends that material specs be submitted prior to construction. Iwanicki confirmed her understanding of submitting material specs for the patio. Pirrotta recommends installation of erosion controls and pre and post construction site visits. No ICC comments. No public comments noted.

MOTION:

◆ **A motion was made by Commissioner Putnam to issue an NDA (checking boxes 2 and 3) with Special Conditions for erosion controls and pre and post construction site visits. The motion was seconded by Commissioner Carney-Feldman and passed unanimously after roll call vote.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

Applicant to submit material specs for patio.

Documents: Letter from applicant dated 2-5-23; final plan

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1525: 143 County Road. Ipswich River Watershed Assoc. (IRWA) (DeRosa). NOI for riverfront area restoration activities. *Cont. from 2/1/2023.*

DISCUSSION: The matter was tabled at 7:39 pm due to technical issues. The matter was untabled at 7:45 pm. See votes below.

Present were Mike DeRosa (DeRosa Environmental) and Neil Shea (IRWA). DeRosa noted the site walk with ICC. DeRosa noted updates to the following:

- Irrigation strategy developed in more detail.
- Tree monitoring – tree tags to be added and location of trees.
- Use of cut trees for wood products (fencing, benches)
- Incorporate wildlife habitat plan.
- Images of pre-construction bridge over water feature developed.
- Revised trail alignment.
- Cutting and removal of trees limited to landward side of existing trail.
- Use of trees and brush in sustainable and ecological ways.

DeRosa reviewed details for irrigation which includes harvesting from the river with buckets and storing water in 300-gallon tanks. Construction sequencing and re-alignment of a trail were reviewed. The project proposes to add a footbridge to connect two existing trails. Hughes is concerned about adding the footbridge in a sensitive area and it does not appear to be necessary. DeRosa said the intent is to create an experience for people walking through the area. Hughes noted the proposed footbridge is within 100 ft. of the river and in bordering land subject to flooding. Additional disturbance in the area is not ideal. Hughes is concerned with adding a structure in a flood plain. Most Commissioners verbalized these concerns also.

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
February 15, 2023

DeRosa and IRWA to revisit the footbridge and trail alignment. Erosion controls were suggested to be on the trail side. Applicant to update proposed tree removal and to mark all trees to be removed. Putnam suggested the applicant include a de-watering plan for work near the stream. No public comment noted.

MOTION:

- ◆ **A motion was made by Commissioner Putnam to table the matter. The motion was seconded by Commissioner Jack Stone and passed unanimously after roll call vote.**
- ◆ **A motion was made by Commissioner Carney-Feldman to untable the matter. The motion was seconded by Vice-Chair Hughes and passed unanimously after roll call vote.**
- ◆ **A motion was made by Commissioner ffolliott to continue to March 1, 2023. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

Applicant to add de-watering plan, mark all trees proposed to be removed, revise plan for footbridge and trail alignment.

Documents: Supplemental memo dated 2-8-23

MATTER: 36-1526: 70 North Ridge Road. Harrigan (Graham). NOI for septic system repair. *Cont. from 2/1/2023.*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham noted the DEP file number was received since the last ICC meeting. Graham updated note 9 on the plan to indicate it is a requirement from the Board of Health and is not being built. Paulitz suggested erosion control on the down slope side of the infiltration unit. Graham will add erosion controls to the plan. ICC reviewed the draft OOC. Waivers are for work in the NBZ and NDZ to install the tanks. No public comment noted.

MOTION:

- ◆ **A motion was made by Vice-Chair Hughes to approve the request of waivers for work in the NBZ and NDZ to install tanks. The motion was seconded by Commissioner ffolliott and passed unanimously after roll call vote.**
- ◆ **A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Commissioner Jim Stone and passed unanimously after roll call vote.**
- ◆ **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 unanimously after roll call vote.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

None.

Documents: Revised plan dated 2-8-23 prepared by HL Graham and Assoc.

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

MATTER: 36-1504: 10 Chebacco Road. Hoopes (Rimmer). FA to revise drainage line. *New.*

DISCUSSION: Present were Mary Rimmer (Rimmer Environmental) and Dan MacRitchie (project engineer). Rimmer noted at the previous ICC meeting, the owner had a citizen's query related to this matter to replace an existing 4-inch pipe with a 6-inch pipe. Rimmer noted since reviewing the project, it is a minor modification and not a formal amendment. The discharge will be farther away from the wetlands and the work will be maintained in the approved original plan area. No public comment noted.

MOTION:

- ◆ **A motion was made by Commissioner Putnam to approve the minor modification as presented. The motion was seconded by Vice-Chair Hughes and passed unanimously after roll call vote.**
- ◆ **A motion was made by Commissioner Carney-Feldman to approve the withdrawal of a formal**

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
February 15, 2023

amendment. The motion was seconded by Commissioner Jim Stone and passed unanimously after roll call vote.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

None.

Documents: Formal Amendment filing dated 2-1-23 and revised plan dated 2-1-23

Requests for Certificates of Compliance:

MATTER: 36-1307: 31 River Road. Ivanov (DeRosa). COC. *New.*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental), Larry Graham (H.L. Graham & Associates), and Mark Ivanov (owner/applicant). DeRosa noted the house was built with approved minor modification for pavers located on one side of the house. The driveway is crushed stone, not pavement that was approved under the plan. As-built differences were reviewed:

- +292 sq. ft. of disturbance in the riverfront
- +208 sq. ft. of disturbance in the coastal bank
- +83 sq. ft. of disturbance in 25 ft. NDZ
- +7 sq. ft. of disturbance in 15 ft. NBZ

Hughes noted the mitigation area is lawn and gravel and that lawn does not suffice as mitigation. The native plantings on the approved planting plan need to be implemented. There was a discussion on how the project has reduced pavement that was approved and therefore, the mitigation area was reduced. Hughes suggested a site visit to review the area. No public comment noted.

MOTION:

♦ A motion was made by Commissioner Carney-Feldman to continue to March 1, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously after roll call vote.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

ICC to schedule and complete a site visit.

Documents: COC filing and plan prepared by HL Graham dated 2-1-23; follow up information date 2-10-23; site photos dated 2-10-23

MATTER: 36-1067: 143 County Road. Ipswich River Watershed Assoc. (IRWA). COC. *New.*

DISCUSSION: Present was Neil Shea (IRWA). Shea noted the COC is for a 2008 OOC for a floating dock. The as built was reviewed. Pirrotta to add documentation for items not constructed. Pirrotta recommends issuing the COC with the perpetual conditions as noted.

MOTION:

♦ A motion was made by Commissioner ffolliott to issue a full and final COC. The motion was seconded by Commissioner Carney-Feldman and passed unanimously after roll call vote.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

None.

Documents: COC application dated 1-31-23; as built and photos

Enforcement Matters:

MATTER: 6 Chebacco Road. Cannava. Enforcement for unpermitted stockpiling and earthwork. *Cont. from 1/18/2023.*

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
February 15, 2023

DISCUSSION: Pirrotta heard from the owners who are in the process of retaining Mary Rimmer. ICC is looking for a delineation. Rimmer (Rimmer Environmental) was present and noted she visited the site. No further details at this time.
MOTION: <p style="text-align:center">♦ A motion was made by Commissioner Putnam to continue to March 15, 2023. The motion was seconded by Vice-Chair Hughes and passed unanimously after roll call vote.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align:center"><i>None.</i></p>

MATTER: 82 North Ridge Road. EO, return to compliance.
DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Pirrotta noted a planting plan was submitted this week per the recently issued OOC. Pirrotta noted requirements of the EO have been met.
MOTION: <p style="text-align:center">♦ A motion was made by Vice-Chair Hughes to issue a Return to Compliance letter. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align:center"><i>None.</i></p>

Approval of Minutes: February 1, 2023

- ♦ **A motion was made by Commissioner Carney-Feldman to approve the February 1, 2023 minutes as drafted and amended. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.**

Other Business

Pirrotta noted the Planning Board is requesting comments from the ICC for Turner Hill special permit application for irrigation wells which is scheduled for the March 9, 2023 Planning Board meeting, and suggests the Commission include for discussion on the next meeting agenda. It was noted that the ICC has approved the wells.

Adjournment

- ♦ **A motion was made by Commissioner Jack Stone to adjourn at 9:07 p.m. The motion was seconded by Vice-Chair Hughes and passed unanimously after roll call vote.**

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.