

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

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, March 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
OOC – 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: None noted.

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

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>Cont. from 2/15/2023</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 Ffolliott to continue to March 15, 2023. 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;">❖ None.</p>

Small Project Permits

MATTER: 10 Brady Drive. Brady. SPP for utility trench. <i>New</i>
DISCUSSION: Pirrotta explained the project for an electric utility upgrade at an existing commercial building. The project proposes a utility trench near the driveway to the building and to install a transformer on the site. Proposed work is outside the NDZ. A previous submitted "as-built" plan was submitted noting the delineation of wetlands. Existing utilities are overhead. Paulitz suggested the trench be next to the driveway. Hughes suggested the condition wording be as close to the driveway as feasible. Conditions should include erosion controls be in place throughout the project, the site to be stabilized, the utility line be staked for pre-construction site visit and have a post construction site visit by the Conservation Agent. 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 Vice-Chair Hughes and passed unanimously after roll call vote.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>
DOCUMENT LIST: SPP filing and site photos dated 2-22-23

Requests for Determination of Applicability:

MATTER: 167 County Road. Thomas. RDA for front yard landscaping including planting shrubs and flowers. <i>New</i>
DISCUSSION: Present was Lisa Thomas (owner/applicant). Pirrotta explained there was a violation letter issued for stockpiling on the property. The owner filed an RDA for landscaping work and a plant list was submitted. Thomas noted the soil piles were removed and erosion controls are in place. Carney-Feldman suggested including Latin names (binomial nomenclature) of plants to ensure straight natives are purchased and planted. Conditions include updating plant list with Latin names, native plants to be installed, and erosion controls to remain in place until the site is stabilized. No public comment noted.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Putnam to issue an NDA (selecting Box 3) with conditions. 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;">❖ None.</p>

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DOCUMENT LIST:

RDA filing dated 2-9-23; follow up email dated 2-27-23

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1525: 143 County Road. Ipswich River Watershed Association (IRWA). (DeRosa). NOI for riverfront area restoration activities. *Cont. from 2/15/2023*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental) and Neil Shea (IRWA). DeRosa prepared a memo of open items from the last hearing. DeRosa noted that the footbridge proposed was a request from the donor that is paying for the project. DeRosa proposed to bolt the footbridge to concrete so it will not float away in a flood event. Paulitz said the concern includes adding access to the footbridge. Carney-Feldman suggested making the access width as small as possible. Shea noted the path to the footbridge exists and a new trail is not being added for the footbridge. Invasive species will be removed from the path. Hughes noted during the site visit, there was no clear trail to the footbridge. Anchoring the footbridge to concrete is favorable. DeRosa noted it is a footpath to the footbridge and it is smaller than the trails. Hughes suggested the path not be greater than 3 feet in width.

DeRosa requested adding some habitat piles in the floodplain. It was noted that there should not be a lot of materials in the flood plain. Irrigation during a drought was discussed. Shea said, if needed, IRWA can commit to purchasing water. Marking trees to be removed and trees to be retained will be done using different color tape. A dewatering plan was reviewed. The plant list was updated to include sweet pepperbush (*Clethra alnifolia*).

Pirrotta reviewed the draft OOC. She noted a waiver request for engineered plans and the NDZ is 25 ft. The location of erosion controls is documented. Hughes suggested Condition #50 for monitoring include GPS location of trees and monitoring should go on for 5 years since this is a major restoration project. Condition #27 should be updated for the 5-year OOC time frame. GPS locations for the footbridge and the new stream location should also be included. DeRosa to update the memo presented this evening and submit to the Conservation Agent. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to approve the request of waivers for engineered plans and work in the NDZ and NBZ. The motion was seconded by Vice-Chair Hughes and passed unanimously after roll call vote.**

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

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Applicant to update memo and resubmit.*

DOCUMENT LIST:

Supplemental information date 2-8-23

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

MATTER: 36-1528: 18 Lakemans Lane. Sullivan (Williams and Sparages). NOI to install a paver patio, walkways and planting areas. *New*

DISCUSSION: Present was Greg Hochmuth (Williams and Sparages). Hochmuth presented the site plan and explained the project for landscaping improvements. He said the site was before the ICC in 2021 for septic system replacement and noted resource areas on the site plan. Mary Rimmer flagged the on-site wetlands in 2021. Erosion controls are documented on the plan. The owners want to add raised vegetable gardens and decorative fencing. All work proposed is within existing lawn and maintained areas. Access for machinery and materials will be from the westerly driveway and 30" tree to be protected from heavy equipment. ICC reviewed draft OOC. No waivers are

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requested. No public comment noted.

MOTION:

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

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

DOCUMENT LIST:

NOI filing prepared by Williams and Sparages dated 2-14-23; revised plan dated 2-28-23 prepared by Williams and Sparages

MATTER: 36-1527: 46 Howe Street. Fitzpatrick (Hancock Associates). NOI for construction of an addition to single-family home and associated landscaping related to rerouting water drainage. *New*

DISCUSSION: Present were Devon Morse (Wetland Scientist (WPIT) -Hancock Associates), Mathew Connors (Project Engineer-Hancock Associates) and John Fitzpatrick (owner/applicant). Morse presented the site plan and identified the resource areas. Hughes noted the existing shed is in the resource area and asked if it was permitted. The shed was added in 1988 without a permit. Fitzpatrick purchased the property in 2015. Connors reviewed the proposed addition and drainage. A retaining wall near the shed is proposed. Hughes suggested an alternative analysis be submitted as work and the retaining wall are proposed to be in a sub-zone. The plan will be revised to document erosion controls along the fence line. The project must go before the ZBA. Hughes noted that filing with ZBA needs to be done prior to coming before the ICC. Applicant will complete filing process with ZBA.

Morse noted the wetlands were delineated in 2021 and reviewed proposed mitigation. Hughes suggested moving no disturb markers closer to the restoration area. Paulitz suggested including an O & M plan for the owner. Hughes suggested adding the patio to the project since there is no permit for the work that was started. Hughes suggested a site visit. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Putnam to continue to April 5, 2023. The motion was seconded by Vice-Chair Hughes and passed unanimously after roll call vote.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Applicant to complete filing process with ZBA. O & M plan to be prepared by Hancock Associates for the owner. ICC to complete a site visit.*

Documents: NOI filing and plan prepared by Hancock Assoc. dated 2-6-23; tree removal memo dated 3-24-21

Requests for Certificates of Compliance:

MATTER: 36-1307: 31 River Road. Ivanov (DeRosa). COC. *Cont. from 2/15/2023*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental), Larry Graham (H.L. Graham & Associates), and Mark Ivanov (owner). DeRosa said the planting plan was submitted and the mitigation areas (A, B, and C on the presented plan) total 656 sq. ft. The OOC approved a mitigation area of 540 sq. ft. Carney-Feldman suggested moving mitigation Area B away from the house. Hughes suggested combining the areas to one location which will make it easier to maintain. Ivanov said the sale of the property is scheduled for March 29, 2023. ICC discussed issuing an EO for the mitigation plan and issuing a COC noting the EO for the mitigation plan. The planting for the mitigation plan should be completed by June 15, 2023 and monitoring should be for one year.

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MOTION:

- ◆ A motion was made by Commissioner ffolliott to issue an Enforcement Order for a mitigation plan. The motion was seconded by Vice-Chair Hughes and passed unanimously after roll call vote.

- ◆ A motion was made by Vice-Chair Hughes to continue the EO to June 21, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously after roll call vote.

- ◆ A motion was made by Vice-Chair Hughes to issue a full and final COC referencing the EO for the mitigation plan. The motion was seconded by Commissioner Carney-Feldman and passed unanimously after roll call vote.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Mitigation planting to be completed by owner by June 15, 2023.*

DOCUMENT LIST:

Supplemental plan prepared by HL Graham dated 3-1-23; mitigation calculations dated 2-28-23; COC plans prepared by HL Graham dated 2-1-34

Enforcement Matters:

MATTER: 167 County Road. Thomas. Enforcement for unpermitted sitework/soil stockpiling. *Cont. 1/18/2023*

DISCUSSION: Pirrotta noted the owner filed the necessary RDA which was presented and discussed earlier this evening. Pirrotta noted the owner was sent a violation letter and an EO was not issued. As noted earlier, the stockpiling was removed and an RDA was filed for sitework.

MOTION:

- ◆ A motion was made by Vice-Chair Hughes to issue a “Return to Compliance” memo for 167 County Road. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None.*

Other Business:

MATTER: Planning Board request for comments – Turner Hill Irrigation Well, DEP File #36-1520

DISCUSSION: Pirrotta drafted a letter on behalf of the ICC to the Planning Board. Carney-Feldman expresses concerns for future requests to drill for more wells. Paulitz noted the site has a DEP water withdrawal approval to pull water from on-site wells and this is not under the Commission’s purview. Hughes said the ICC would need to make a connection of how wells negatively impact wetlands. There were no comments on the draft letter.

MOTION:

- ◆ A motion was made by Vice-Chair Hughes to authorize Conservation Agent to provide correspondence related to Turner Hill Irrigation Well to the Planning Board. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None.*

MATTER: Enforcement for non-response to 3+ COC notification letters.

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<p>DISCUSSION: Pirrotta explained the Conservation Office has reached out to owner/applicants to close out expired OOCs. Pirrotta requested guidance from ICC. Hughes said EOs should be issued for non-compliance matters.</p>
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<p>MOTION: NO VOTE necessary for discussed matter.</p>

<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p>
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❖ *None.*

Approval of Minutes: February 15, 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 after roll call vote.

Adjournment:

◆ A motion was made by Vice-Chair Hughes to adjourn at 9:20 p.m. The motion was seconded by Commissioner ffollott 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.