

**Approved: 4-19-23**

**Distributed: 5-1-23**

## **IPSWICH CONSERVATION COMMISSION**

### **Meeting Minutes**

**April 5, 2023**

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, April 5, 2023 at 7:00 p.m. via ZOOM. Members present were Chair William Paulitz, Vice-Chair Jennifer Hughes (late arrival 7:10 pm), Commissioners Sissy ffolliot, Catherine Carney-Feldman, Raymond Putnam, and James 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:** None noted.

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

<b>MATTER: 36-1233: 28 Old England Road. Blessington. COC. Cont. from 1/18/2023</b>
<b>DISCUSSION:</b> The matter is being continued without discussion at the applicant's request.
<b>MOTION:</b> <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to continue to June 7, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p style="text-align: center;">❖ None.</p>
<b>MATTER: 36-1417: 173 Linebrook Road (Phase II-Roadway Only). Symes Associates (Williams &amp; Sparages). COC. Cont. from 3/15/2023</b>
<b>DISCUSSION:</b> The matter is being continued without discussion at the applicant's request.
<b>MOTION:</b> <p style="text-align: center;">◆ A motion was made by Commissioner Jim Stone to continue to April 19, 2023. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p style="text-align: center;">❖ None.</p>
<b>MATTER: 36-1415: 173 Linebrook Road (Phase 2 – Lot 21). Symes Associates (Williams &amp; Sparages). COC. Cont. from 3/15/2023</b>
<b>DISCUSSION:</b> The matter is being continued without discussion at the applicant's request.
<b>MOTION:</b> <p style="text-align: center;">◆ A motion was made by Commissioner Jim Stone to continue to April 19, 2023. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p style="text-align: center;">❖ None.</p>
<b>MATTER: 36-1416: 173 Linebrook Road (Phase 2 – Lot 20). Symes Associates (Williams &amp; Sparages). COC. Cont. from 3/15/2023</b>
<b>DISCUSSION:</b> The matter is being continued without discussion at the applicant's request.
<b>MOTION:</b> <p style="text-align: center;">◆ A motion was made by Commissioner Jim Stone to continue to April 19, 2023. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p style="text-align: center;">❖ None.</p>

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**Courtesy Positions for Town Projects**

<p><b>MATTER: 36-1402: 173 Linebrook Road/Mile Lane.</b> TOI Open Space Program. Potential violation. <i>Cont. from 2/1/2023</i></p>
<p><b>DISCUSSION:</b> Present were Beth O'Connor, Ipswich Open Space Steward and Dan MacRitchie (DC MacRitchie, LLC – project engineer). MacRitchie reviewed survey findings and the as-built plan. An as-built survey was complete in March 2023. MacRitchie pointed out the disturbance areas and compared the approved plan with the as-built plan. He noted the as-built finished grading is consistently lower than the approved plan finished grading for the road. The variances throughout range from 6 inches to 12-14 inches. The road is passable for pedestrians and farm vehicles and the area appears stable. MacRitchie suggested monitoring the area for a period to determine if additional work is needed. Materials do not appear to be going into the wetlands area. Hughes suggested a site visit and that the ICC do a post construction site visit to determine functionality. Carney-Feldman agreed and the area was very wet prior to materials being added to the road. ICC to schedule a site visit. No public comment noted.</p>
<p><b>MOTION:</b></p> <p style="text-align: center;">♦ <b>A motion was made by Commissioner ffolliott to continue to May 3, 2023. The motion was seconded by Vice-Chair Hughes and passed unanimously.</b></p>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <p style="text-align: center;">❖ <i>ICC to schedule a site visit.</i></p> <p>Documents: As Built plan prepared by DC MacRitchie dated 3/20/23 and review letter dated 3/30/23</p>

**Requests for Determination of Applicability:**

<p><b>MATTER: US Fish &amp; Wildlife Service.</b> RDA for Town wide treatment of invasive Perennial Pepperweed at various locations. <i>New</i></p>
<p><b>DISCUSSION:</b> Present was Liana DiNunzio, Great Marsh Technician (Mass Audubon/USFWS). DiNunzio reviewed a presentation for the project to remove Pepperweed and noted the request is for the next 3 years, as the previous Determination is expiring and they would like to continue the work. She described the issue with the invasive plant and its locations. DiNunzio reviewed various treatments which include pulling the weed by hand, bagging and disposing or spraying with herbicide. A low toxicity herbicide (Escort) is used and is sprayed directly on the weed. Best management practices for the invasive plant were reviewed. DiNunzio explained the weed spreads easily. Treatment sites include Jeffreys Neck Road, Town Farm Road, Labor In Vain Road, Ipswich River Marsh and Argilla Road. The goal of the project is to stop the spread and eradicate Pepperweed. The request for the RDA is to complete the work. DiNunzio noted that a 3-year period is normally issued for the RDA/NDA. Pirrotta noted boxes Negative 2 and Negative 3 are to be checked. Pirrotta suggested adding a condition that only a licensed applicator should apply the herbicide. No public comment noted.</p>
<p><b>MOTION:</b></p> <p style="text-align: center;">♦ <b>A motion was made by Vice-Chair Hughes to issue an NDA (selecting box 2 and 3) with Special Conditions for spraying herbicide. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b></p>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <p style="text-align: center;">❖ <i>None.</i></p>
<p><b>DOCUMENT LIST:</b></p> <p>RDA filing application and property owners list dated 3-2-23</p>

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

**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. *Cont. from 3/1/2023*

**DISCUSSION:** Present were Devon Morse (Wetlands Scientist – Hancock Associates), Mathew Connors (Project Engineer – Hancock Associates), and John Fitzpatrick (owner/applicant). Morse provided an update and reviewed responses to DEP comments received on March 8, 2023. A “cut and fill” memo was submitted and impacts for bordering land subject to flooding were included on the WPA form. Erosion controls were adjusted along the property line and wraps around the restoration area. A pervious patio was added to the plan. An O & M plan for drainage maintenance was included. An alternatives analysis was submitted for the proposed retaining wall work in the subzones.

Hughes is concerned about granting waivers for this project. There is a capability to have new items outside the subzones. Connors noted the NDZ area is already impacted by an existing shed. The plans are trying to reduce further deterioration of the shed. Connors explained the retaining wall helps prevent the soil from impacting the foundation. Hughes suggested grading instead of installing a wall in the NDZ. No public comment noted.

Morse and Connors requested to table the matter as they discuss how to move forward with the project with the owner. The matter was tabled at 7:51 pm. See vote below.

The matter was untabled at 8:56 pm. See vote below.

Morse noted the project will move forward with the suggested grading (2 to 1 slope) and place for an area drain. The slope will be vegetated with shrubs to help stabilize. Hughes noted the outlet for the drainage pipe should not be in the NDZ reducing the chance of pollutants getting into it.. Hughes said the final plan needs to be submitted and the public hearing cannot be closed this evening.

**MOTION:**

◆ **A motion was made by Commissioner Ffolliott to table the matter. The motion was seconded by Commissioner Putnam and passed unanimously.**

◆ **A motion was made by Commissioner Ffolliott to untable the matter. The motion was seconded by Vice-Chair Hughes and passed unanimously.**

◆ **A motion was made by Commissioner Carney-Feldman to continue to April 19, 2023. The motion was seconded by Commissioner Putnam and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Applicant to submit revised plan.*

Documents: Review Comments letter prepared by Hancock Assoc. dated 3-27-23

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

**MATTER: 36 - : Clark Pond.** Association of Great Neck (DeRosa Env). NOI for implementation of proposed maintenance plan for Clark Pond and Clark Beach. *New*

**DISCUSSION:** Present was Mike DeRosa (DeRosa Environmental). DeRosa explained the NOI is for Clark Pond and Clark Beach maintenance. DeRosa reviewed the maintenance plan and noted the Ipswich Conservation Department reviews the proposed maintenance work. DeRosa noted there is a documentation paper trail for proposed work and completed work.

Proposed work includes repair and maintenance of the existing dam at Clark Pond. DeRosa noted the Common Terns, a rare and endangered bird species (determined by Natural Heritage), uses habitat near Clark Pond. All work will be done by hand. DeRosa will provide more details on the dam maintenance.

Stream maintenance was reviewed. Hughes noted work proposed dredging is not ideal. She is opposed to clearing the stream and similar request in the past have been denied. Other commissioners agreed.

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Invasive species management involve cutting phragmites. DeRosa said cutting is done on both sides of the walking paths/trails and approximately within 10 ft of each side of the paths/trails. Hand tools will be used for cutting. The purpose is to get the vegetation away from the paths/trails. Hughes said “other locations” noted in the plan should be identified. DeRosa added that phragmites near the dam and the stream will be cut. Paulitz requested adding details for electric or battery-operated tools to eliminate the need for refueling in sensitive areas. Hughes noted only 5 feet of clearing is needed by the dam.

DeRosa discussed repairs and maintenance to the existing road and parking lot. Machinery (mini excavator) will be used. The maintenance includes replacing gravel that was washed away by storms. Paulitz requested the amount of materials to be used be defined. Hughes suggested adding road width and road elevation details. She noted the road should not be made wider or elevated higher than previously approved.

Beach maintenance includes removing excess seaweed, wrack and debris. Rakes and shovels will be used for the work. Paulitz requested removing the use of machinery in this section of the plan. Hughes is opposed to removing wrack for maintenance as the activity is not allowed on any other beach in Ipswich.

Dune restoration involves beach grass planting to fill in areas. Hughes requested a plan for areas for planting.

Signage, fencing and seasonal structures were discussed. There is a need for signs in the parking lot. DeRosa noted some posts for the fence need to be replaced (in-kind) at the Clark Beach parking lot.

Hughes said the management maintenance plan will need adaptation for climate resiliency. Paulitz suggested the plan include a time frame for completion of work forms.

**Public Comment:** Cricket Wilbur, 52 Clark Road, encouraged the ICC to visit the site. She has concerns and suggestions for the repair and maintenance plan. She prepared a letter and read it. She described sand moving into Clark Pond. She noted some activities in the plan alter the coast and the proposed work should be filed as an NOI as they are coastal engineering projects. She reminded the ICC that an EO was issued for work not permitted done on the road and as a result, an NOI is required for any future work on the road. She noted that best management practices should include monitoring for pre and post work.

Stan Wood, 74 Clark Road, does not believe the dam needs repair. He noted some clearing for the stream is needed and noted that there are times when the bridge is not passable. Some clearing needs to happen to allow the stream to flow.

ICC to visit the site.

#### **MOTION:**

◆ **A motion was made by Commissioner Jim Stone to continue to April 19, 2023. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

#### **ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *ICC to visit the site.*

Documents: NOI filing application prepared by DeRosa dated 3-22-23; As built plan prepared by Bryant Assoc. dated 2-11-02

### **Requests for Certificates of Compliance:**

**MATTER: 36-1164: 59 East Street.** Wallace. COC. *New*

**DISCUSSION:** Present was John Wallace (owner). Wallace noted the work is complete. Pirrotta visited the site and noted the site is stable. No public comment noted.

#### **MOTION:**

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

#### **ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

#### **DOCUMENT LIST:**

COC filing application dated 3-13-23; site photos dated 3-21-23

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<b>MATTER: 36-1213: 20 Lowes Lane.</b> Wegzyn. COC. <i>New</i>
<b>DISCUSSION:</b> Pirrotta provided background. She noted an OOC was issued in 2014 for installation of a sewer line. No permitted work under the OOC was completed. Pirrotta visited the site and noted no work was done. Pirrotta said the original applicant passed away. The work cannot be completed now since the OOC has expired. No public comment noted.
<b>MOTION:</b> <ul style="list-style-type: none"> <li>◆ <b>A motion was made by Vice-Chair Hughes to issue an invalid COC. The motion was seconded by Commissioner ffolliott and passed unanimously. OR</b></li> </ul>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <ul style="list-style-type: none"> <li>❖ <i>None</i></li> </ul>
<b>DOCUMENT LIST:</b> COC filing application dated 3-15-23; plan prepared by Raggs Inc dated 11-9-13; site photos dated 3-21-23

**Enforcement Matters:**

<b>MATTER: 6 Chebacco Road.</b> Cannava. EO for unpermitted stockpiling fill and pool construction. <i>Cont. from 3/1/2023</i>
<b>DISCUSSION:</b> Present were Mary Rimmer (Rimmer Environmental) and Jay Cannava (owner). Rimmer requested an extension for the restoration plan as she has some questions for the ICC. Removing the stockpiling and re-seeding can be done. Rimmer noted the owners would like to create a vegetated swale by the wetland boundary instead of having lawn. Putnam inquired about the proposed depth of the swale. Rimmer anticipates it to be 6 inches deep. Hughes noted a detail plan is needed for the restoration plan. Carney-Feldman suggested a wetlands meadow to avoid changing the terrain. Hughes said some grading is needed for the site to remove the fill material. Restoration is part of the EO. Cannava inquired about work needed to be done for insurance purposes. He noted a fence is needed for the pool. Hughes suggested adding the fence to the restoration plan so the owner can have it installed sooner. Hughes said a Notice of Intent is needed to approve the work ATF. No public comment noted.  Paulitz summarized the activities for this matter: Extend the receipt of the restoration plan to April 19, 2023. The NOI should be submitted by May 3, 2023 for the May 17, 2023 ICC meeting.
<b>MOTION:</b> <ul style="list-style-type: none"> <li>◆ <b>A motion was made by Commissioner Carney-Feldman to extend the deadline for the mitigation plan to April 19, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously.</b></li> <li>◆ <b>A motion was made by Commissioner Carney-Feldman to extend the deadline for filing an NOI (submission by May 3, 2023) to May 17, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously.</b></li> <li>◆ <b>A motion was made by Commissioner Carney-Feldman to continue to April 19, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously.</b></li> </ul>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <ul style="list-style-type: none"> <li>❖ <i>Applicant to complete a mitigation plan and file an NOI.</i></li> </ul>

<b>MATTER: 375 Linebrook Road.</b> Snee. Potential violation for unpermitted tree and brush removal.
<b>DISCUSSION:</b> Pirrotta explained reports of trees removed by a pond (10 to 15 trees cut) were received by the Conservation Office. Pirrotta noted the owner said there was bittersweet in the area which harmed the trees. Pirrotta said it is a jurisdictional area. Hughes suggested issuing an EO requiring the wetland resource areas be delineated and a restoration plan be submitted. Paulitz suggested the matter be placed on the May 17, 2023 agenda. No public

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comment noted.
<b>MOTION:</b> ♦ A motion was made by Commissioner ffolliott to issue an Enforcement Order requiring wetland resource delineation and a restoration plan be submitted by May 10, 2023 to be reviewed at the May 17, 2023 ICC meeting. The motion was seconded by Commissioner Jim Stone and passed unanimously.
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> ❖ <i>EO to be issued.</i>
<b>DOCUMENT LIST:</b> Site photos 4-5-23

**Approval of Minutes: March 15, 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:**

- ♦ A motion was made by Vice-Chair Hughes to adjourn at 9:44 p.m. The motion was seconded by Commissioner Putnam 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.**