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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
April 19, 2023

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, April 19, 2023 at 7:00 p.m. via ZOOM. Members present were Vice-Chair Jennifer Hughes, Commissioners Sissy ffollott, Catherine Carney-Feldman, Raymond Putnam, James (Jim) Stone and Jack Stone. Also present were Agent Jenna Pirrotta and Recording Secretary Odile Breton. Absent with prior notice was Chair William Paulitz. Vice-Chair Jennifer Hughes chaired the meeting.

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:

MATTER: Citizen's Query for Ipswich Partnership by Glenn Gibbs (Ipswich Acting Planning Director), Sam Raymond and Chase Delano (Ipswich Partnership)
<p>DISCUSSION: Present were Glenn Gibbs, Sam Raymond and Chase Delano. Gibbs provided background on an OOC issued for the Ipswich Riverwalk extension. The Town completed phase 1 of the project but the OOC has expired. Ipswich Partnership applied for a \$100,000 grant to fund phase 2 of the project. Ipswich Partnership has spoken to Dave Cutter (owns an accessory structure at 26-40 Market Street). Cutter was recently issued an OOC to raze and rebuild the structure. The Ipswich Riverwalk extension runs adjacent to Cutter's property and phase 2 was proposed to run through Cutter's property. Cutter's OOC conflicts with the ability to build the walkway and landscaping. Gibbs reviewed the approved plans for the Riverwalk extension and asked about the approach for approval.</p> <p>Hughes said a minor modification is not appropriate. The applicant must follow the DEP process which is to file a formal amendment. Carney-Feldman noted the ICC worked with Cutter on the accessory structure application and the structure moved away from the river. Phase 2 of the extension proposes the accessory structure remain in the original position. Hughes said that Cutter must be made aware that the OOC issued to him will be under review.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>Documents: Letter from Planning Director dated 4-14-23</i></p>

MATTER: Citizen's Query for Clark Road and Clark Pond by Cricket Wilbur, 52 Clark Road
<p>DISCUSSION: Wilbur expressed concern for work on Clark Beach access road and read a prepared statement of her concerns about the work and its impact on Clark Pond. An EO issued in 2021 to the Association of Great Neck required future road work to be filed under an NOI. Pirrotta noted that the requested road work was reviewed by the ICC and it involved reclaiming materials washed off of the roadway by storms. Pirrotta did a site visit and no new material is being brought in. No expansion of the road is being done. Hughes said it is annual repair and maintenance work. ICC is currently reviewing the new NOI for the maintenance plan and the matter is being continued. A new NOI is needed for work outside of maintenance. Wilbur noted that taking material out of the pond is disturbance.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i></p>

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

MATTER: 36-1529 Clark Pond. Association of Great Neck (DeRosa Env). NOI for implementation of proposed maintenance plan for Clark Pond and Clark Beach. <i>Cont. from 4/5/2023.</i>
<p>DISCUSSION: The matter is being continued without discussion at the applicant's request.</p>
<p>MOTION: ♦ A motion was made by Commissioner Carney-Feldman to continue to May 3, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously after roll call vote.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i></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>Cont. from 3/15/2023.</i>
<p>DISCUSSION: The matter is being continued without discussion at the applicant's request.</p>

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<p>MOTION:</p> <p>◆ A motion was made by Commissioner ffolliott to continue to May 17, 2023. The motion was seconded by Commissioner Carney-Feldman and passed unanimously after roll call vote.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ None.</p>
<p>MATTER: 36-1417: 173 Linebrook Road (Phase 2 – Roadway only). Symes Associates (Williams & Sparages). COC. <i>Cont. from 4/5/2023.</i></p>
<p>DISCUSSION: The matter is being continued without discussion at the applicant's request.</p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner Carney-Feldman to continue to May 3, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously after roll call vote.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ None.</p>
<p>MATTER: 36-1415: 173 Linebrook Road (Phase 2 – Lot 21). Symes Associates (Williams & Sparages). COC. <i>Cont. from 4/5/2023.</i></p>
<p>DISCUSSION: The matter is being continued without discussion at the applicant's request.</p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner Carney-Feldman to continue to May 3, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously after roll call vote.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ None.</p>
<p>MATTER: 36-1416: 173 Linebrook Road (Phase 2 – Lot 20). Symes Associates (Williams & Sparages). COC. <i>Cont. from 4/5/2023.</i></p>
<p>DISCUSSION: The matter is being continued without discussion at the applicant's request.</p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner Carney-Feldman to continue to May 3, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously after roll call vote.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ None.</p>

Courtesy Positions for Town Projects

<p>MATTER: 36-1445: Town Farm Road. TOI Department of Public Works. Extension request. <i>New.</i></p>
<p>DISCUSSION: Pirrotta explained the project is to repair a culvert and funding is still needed. No work has begun. The request is for a 3-year extension. Hughes expects at least 1 year for the work and 1 year for monitoring. ICC agreed to a 2-year extension. Pirrotta recommended a check-in for the project in 1 year. No public comment noted.</p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner Putnam to approve the extension for 2 years (with a check in by DPW in 1 year). The motion was seconded by Commissioner ffolliott and passed unanimously after roll call vote.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ None.</p>

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DOCUMENT LIST:

Extension request dated 3-31-23

MATTER: 140 Little Neck Road, Pavilion Beach Parking Lot. TOI Department of Public Works. RDA for maintenance of existing parking lot. *New.*

DISCUSSION: Pirrotta explained that it is annual work done on the parking lot. Hughes asked about the materials to be used. The description in the application describes materials that are not present at the site. Carney-Feldman said it is a sensitive area and requested a Town representative to be present to answer questions on the project at the next meeting. Pirrotta recommended continuing the matter. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to May 3, 2023. The motion was seconded by Commissioner Carney-Feldman and passed unanimously after roll call vote.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: RDA filing dated 3-28-23

Small Project Permits

MATTER: 148 Town Farm Road. Palmariello. Test pits and shed replacement. *New.*

DISCUSSION: Present was Anthony Palmariello, owner/applicant. Palmariello explained the septic system is to be replaced and the test pits are needed to test soils. He noted the shed has existed on the property since the 1970's and needs to be replaced. Hughes suspects the shed was not permitted as it is in a resource area (ACEC). Palmariello noted the wetlands were delineated/flagged 2 months ago. The topography on the plan presented is current. The shed has no foundation and needs to stay above the floodplain.

Hughes suggested Pirrotta investigate if the shed was approved/permitted. Palmariello suggested moving the shed 10 ft. closer to the house. Hughes said it needs to be above ACEC Elevation 10. Hughes noted a septic system would not be allowed below ACEC Elevation 10. There cannot be an adverse impact in the ACEC. She noted one test pit is located at Elevation 8 or 9 and the other appears to be at Elevation 6 or 9. The plan is difficult to read. The entire site appears to be within land subject to coastal storm flowage. ICC needs more information on the resource areas and a better plan with all that information on it.

Pirrotta to confirm regulations for a septic system with the Board of Health. Pirrotta to work with the applicant to identify resource areas.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to May 3, 2023. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Research approval / permit for existing shed.*

Documents: SPP filing dated 4-10-23; site photos 4-14-23

Minor Modifications (MM) / Extension to Order of Conditions:

MATTER: 36-1507: 40 North Ridge Road. Radcliffe-Walsh. MM. *New.*

DISCUSSION: Present were Mike DeRosa, Evin Guvendiren (DeRosa Environmental), and Ken Savoie (Savoie Nolan Architects). DeRosa said the demolition began and the foundation is in poor condition. The existing foundation lacks the proper footings and support. Photographs of the existing foundation were presented. The minor modification request is to replace the existing foundation in the same footprint. However the OOC begins with a finding that if the existing foundation cannot be used then the OOC is invalid. Hughes pointed out that the condition was included for a reason. Each project has an opportunity to make things better. During the public

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hearings for the OOC, the ICC requested the home be moved away from the coastal bank. That was not done because the existing foundation was to be used.

DeRosa said repair work can be done to the existing foundation. For safety reasons, the preference is to have a new foundation. Savoie noted repair work may cause more disturbance. Savoie noted the house is not closer to the resource area than other neighboring homes. Hughes said if the existing foundation is not used, then the OOC is invalid and a new NOI will need to be filed. If there will be additional impact from foundation repair work, then an amendment should be filed. Hughes suggested withdrawing the minor modification request. DeRosa will send a withdrawal letter to the Conservation Office. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Putnam to continue to May 3, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously after roll call vote.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *DeRosa to send a request to withdraw the minor modification letter.*

Documents: MM letter dated 4-4-23; site photos 4-18-23; Building dept. response dated 4-19-23; letter from engineer dated 4-12-23

Ongoing Notices of Intent 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 4/5/2023.*

DISCUSSION: Present were John Fitzpatrick, owner/applicant, Devon Morse (WPIT) – Hancock Associates) and Matthew Connors (Project Engineer - Hancock Associates). Morse reviewed the changes to the plan based on ICC comments. The waiver was revised for work in the NBZ and NDZ (grading work for the swale). No comments from ICC. No public comment noted. ICC reviewed draft OOC. Condition #50 to be updated to include gray dogwood shrubs unless not available. Substitute plantings to be included.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to approve the request of waivers for work in the NBZ and NDZ for area drain and grading. The motion was seconded by Commissioner Jim Stone 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 ffolliott 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 ffolliott and passed unanimously after roll call vote.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

DOCUMENT LIST:

Documents: Memo from Hancock Assoc. and revised plan dated 4-11-23; revised WPA EDEP Form 3

New Notices of Intent and Formal Amendments:

MATTER: 36-1530: 8 Capeview Road. French (CG Johnson). NOI for septic system upgrade. *New.*

DISCUSSION: Present was Chuck Johnson (CG Johnson Engineering). Johnson noted a small project permit was issued for test pits. Johnson reviewed the plan for the septic system upgrade and noted it was approved by the Board of Health. Resource areas documented on the plan were pointed out. Bill Manuell delineated the wetlands and Pirrotta did review the delineation. Pirrotta noted very thick vegetation in the area.

Johnson said approximately 24 sq. ft. of disturbance is noted on the plan. Approximately 89 sq. ft. of mitigation is proposed. Exhibit N includes a waiver request for work in the NBZ. Hughes suggested adding a new monument for the new no disturb area. Carney-Feldman suggested 9 plantings to be added for vegetation. ICC discussed

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<p>placement of the new monument. No public comment noted.</p> <p>ICC reviewed the draft OOC. Conditions to be updated to include one new monument and its placement. Conditions to be updated to include 9 new plantings.</p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to approve the request of waivers for work in the NBZ to replace the septic system. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote. ◆ A motion was made by Commissioner ffolliott 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 Commissioner ffolliott to issue a positive OOC as drafted/amended. The motion was seconded by Commissioner Carney-Feldman and passed unanimously after roll call vote.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <ul style="list-style-type: none"> ❖ <i>Updates to OOC.</i>
<p>DOCUMENT LIST:</p> <p><i>NOI application dated 3-29-23; Plan prepared by CG Johnson dated 3-24-23</i></p>

Requests for Certificates of Compliance:

<p>MATTER: 36-1291: 6 River Court. Sklarz. COC. <i>New.</i></p>
<p>DISCUSSION: Pirrotta explained that work under the OOC was not initiated. The OOC was to remove decks. Pirrotta visited the site and noted the decks were in place. No ICC comments. No public comments noted.</p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Putnam to issue an invalid COC as no work under the OOC was initiated and completed. The motion was seconded by Commissioner ffolliott and passed unanimously after roll call vote.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <ul style="list-style-type: none"> ❖ <i>None.</i>
<p>DOCUMENT LIST:</p> <p><i>COC filing application dated 4-3-23; photos dated 4-13-23</i></p>

<p>MATTER: 36-1235: 189 High Street. Tassar LLC. COC. <i>New .</i></p>
<p>DISCUSSION: Pirrotta explained that work under the OOC (issued 2015) was not initiated. Pirrotta visited the site to confirm no work was initiated or completed. Pirrotta took photographs of the site. Hughes did not recall fences at the site when the ICC did a site visit. Hughes requested an explanation for site changes between 2015-2021. Pirrotta to review aerial photographs and discuss with the owner to determine site changes. No public comment noted.</p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to continue to May 3, 2023. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <ul style="list-style-type: none"> ❖ <i>Pirrotta to follow-up with the owner on site changes.</i> <p><i>Documents: COC filing application 4/6/23; photos 4/19/23</i></p>

Enforcement Matters:

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<p>MATTER: 6 Chebacco Road. Cannava. EO for unpermitted stockpiling/fill and pool construction. <i>Cont. from 4/5/2023.</i></p>
<p>DISCUSSION: Present were Melissa and Jay Cannava and Mary Rimmer (Rimmer Environmental). Rimmer said the after-the-fact NOI for the pool was filed today. The restoration plan was submitted. The restoration converts approximately 12,000 sq. ft. of existing lawn to a meadow which includes a shallow swale. Approximately 2,600 sq. ft. of the site will be lawn. A plant list for the meadow is included and six trees are proposed to be planted on site. Three Red Maples and three Atlantic White Cedars are proposed for the trees. Management recommendations for the meadow are included. Hughes suggested extending the meadow between A13 and A15 (on the wetlands line) with seeding. Hughes suggested using native grass seed mix that is more drought tolerant. Rimmer noted the mowing schedule is needed to maintain the meadow. It was noted that installation of the meadow plantings should be completed by the end of the 2023 growing season. No public comment noted.</p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner Carney-Feldman to issue a new Enforcement Order to approve the restoration plan as discussed and amended. The motion was seconded by Commissioner ffolliott and passed unanimously after roll call vote.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ <i>Pirrotta to update EO.</i></p>
<p>DOCUMENT LIST:</p> <p><i>Restoration Plan dated 4-12-23 and plan dated 4/10/23</i></p>

Other Business:

<p>MATTER: 214 High Street. Site plan review application – Planning Board request for comments. <i>New.</i></p>
<p>DISCUSSION: Pirrotta prepared a draft comment letter. The Planning Board received an application for a site plan review for a new hotel to be constructed. ICC reviewed the comments. Hughes suggested adding an explanation for the 50 ft. NDZ and 15 ft. NBZ due to the change in use from residential to commercial. The site currently has a residential home. Resource areas are noted in the comments as well as the need for the applicant to file a Notice of Intent.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ <i>Pirrotta to update draft comment letter and forward to the Planning Board.</i></p>

Approval of Minutes: April 5, 2023

- ◆ **A motion was made by Commissioner Putnam to approve the minutes as drafted/amended. The motion was seconded by Commissioner Jim Stone and passed unanimously after roll call vote.**

Adjournment:

- ◆ **A motion was made by Commissioner Jack Stone to adjourn at 9:34 p.m. The motion was seconded by Commissioner Carney-Feldman 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,

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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.