

**Approved: 5-17-23**

**Distributed: 6-6-23**

## **IPSWICH CONSERVATION COMMISSION**

### **Meeting Minutes**

**May 3, 2023**

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, May 3, 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, and Jack Stone (excused at 8:52 pm). Also present were Agent Jenna Pirrotta and Recording Secretary Odile Breton. Absent with prior notice was Commissioner James “Jim” 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

**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

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**May 3, 2023**

**Citizen's Queries:** None noted.

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

<b>MATTER: 36-1402: 173 Linebrook Road/Mile Lane.</b> Town of Ipswich Open Space Program. Potential violation. <i>Cont. from 4/5/2023.</i>
<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 May 17, 2023. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.</p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p style="text-align: center;">❖ None.</p>
<b>MATTER: 148 Town Farm Road.</b> Palmariello. Small Projects Permit. Test pits and shed replacement. <i>Cont. from 4/19/2023.</i>
<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 May 17, 2023. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.</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).</b> Symes Associates (Williams & Sparages). COC. <i>Cont. from 4/19/2023.</i>
<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 May 17, 2023. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.</p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p style="text-align: center;">❖ None.</p>
<b>MATTER: 36-1415: 173 Linebrook Road (Phase II – Lot 21).</b> Symes Associates (Williams & Sparages). COC. <i>Cont. from 4/19/2023.</i>
<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 May 17, 2023. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.</p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p style="text-align: center;">❖ None.</p>
<b>MATTER: 36-1416: 173 Linebrook Road (Phase II – Lot 20).</b> Symes Associates (Williams & Sparages). COC. <i>Cont. from 4/19/2023.</i>
<b>DISCUSSION:</b> The matter is being continued without discussion at the applicant's request.

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

**May 3, 2023**

**MOTION:**

◆ A motion was made by Commissioner Carney-Feldman to continue to May 17, 2023. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**MATTER: 36-1235: 189 High Street.** Tassar LLC. COC. *Cont. from 4/19/2023.*

**DISCUSSION:** The matter is being continued without discussion at the applicant's request.

**MOTION:**

◆ A motion was made by Commissioner Carney-Feldman to continue to May 17, 2023. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**MATTER: 36-1529: Clark Pond.** Association of Great Neck (DeRosa Env). NOI for implementation of proposed maintenance plan for Clark Pond and Clark Beach. *Cont. from 4/5/2023.*

**DISCUSSION:** The matter is being continued without discussion at the applicant's request.

**MOTION:**

◆ A motion was made by Commissioner Ffolliott to continue to June 7, 2023. The motion was seconded by Commissioner Carney-Feldman and passed unanimously after roll call vote.

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**COURTESY POSITIONS for TOWN PROJECTS**

**MATTER: 140 Little Neck Road, Pavilion Beach Parking Lot.** TOI Department of Public Works (DPW). RDA for maintenance of existing parking lot. *Cont. from 4/19/2023.*

**DISCUSSION:** Present was Frank Ventimiglia (DPW). Ventimiglia noted the Town has re-graded the parking lot in the past. He anticipates 2 truck loads of materials to compact for the parking lot. Carney-Feldman asked where materials from the parking lot are being washed away. Ventimiglia said sand and sediment are usually washed out to the roadway. A photograph of the existing conditions of the parking lot was presented. Hughes inquired about alternative materials and if CZM has any recommendations for materials. Carney-Feldman suggested continuing the matter to give DPW time to investigate alternative materials. No public comment noted.

**MOTION:**

◆ A motion was made by Commissioner Carney-Feldman to continue to May 17, 2023. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *DPW to research alternative materials.*

**Requests for Determination of Applicability:**

**MATTER: 45 Heartbreak Road.** Savarese/Patrick (Truman Architects). RDA to raze existing 2 story structure and rebuild single story addition. *New*

**DISCUSSION:** Present was Zach Bensley (Truman Architects) and presented for the application. He explained the project and noted a portion of the existing house is in the NBZ. Owners would like to add 140 sq. ft. in the NBZ. Hughes noted that proposed work in sub-zones needs to be filed under an NOI and advertised in the local paper.

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

**May 3, 2023**

Bensley noted the house is above the wetlands. Access is by the steppingstone path. Part of the project removes the brick patio and use the area for mitigation. Hughes explained the need to file an NOI for extensive work in the sub-zones. Paulitz suggesting withdrawing the RDA. Bensley will discuss with the owners. No public comment noted.

**MOTION:**

♦ **A motion was made by Vice-Chair Hughes to continue to May 17, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously after roll call vote.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

*Documents: RDA application and permit plan dated 4-19-23; photos 4-24-23*

**MATTER: 20 Spillers Lane.** Roesler (Graham). RDA for removal and restoration of previously altered, new walkways and steps. *New.*

**DISCUSSION:** Present were Larry Graham (H. L. Graham & Associates) and Rob Roesler (owner/applicant). Graham noted in 2007 an RDA was filed for similar site work. Portions of the approved work were not completed and the current RDA application proposes completing the site work (repair of pea stone walkways and decks), roof work and siding work. No foundation work is proposed. The property borders the Ipswich River. The old plan was revised and an inspection of work completed from the 2007 RDA was completed.

Graham reviewed the table on the plan which documents the square footage of different areas of the site (proposed and previously disturbed/altered areas, restored areas). Graham continued describing the project noting interior work to the home will also be done. The project proposes removing a concrete deck and restoring the area. A hardscape area between the pool and the house is proposed. The wood gangway was removed from the site (approx. 670 sq. ft.). Photographs of the site were presented.

Hughes noted open areas of grass going toward the water and noted a 2019 RDA was filed. Roesler explained the 2019 RDA and the plantings. In 2019, walkways were replaced (in-kind), a rock wall was repaired, and repairs were made to a retaining wall. Roesler said when the gangway was removed, dead plants near it were also removed.

Pirrota recommended pre and post construction site visits, installation of erosion controls for the project and removal of debris for off-site disposal. No public comment noted.

**MOTION:**

♦ **A motion was made by Vice-Chair Hughes to issue an NDA (checking negative 2 & 3) with Special Conditions for pre and post construction site visits, installation of erosion controls and removal of debris for off-site disposal. The motion was seconded by Commissioner Carney-Feldman and passed unanimously after roll call vote.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**DOCUMENT LIST:**

*RDA application and plan prepared by HL Graham dated 4-19-23; photos 4-20-23*

**STORMWATER MANAGEMENT PERMIT APPLICATIONS**

**MATTER: 80 Old Right Road.** Koning (Graham). Stormwater Management Permit Application to raze and replace existing single-family house. *New.*

**DISCUSSION:** Present were Larry Graham (H.L. Graham & Associates) and Ronnie Koning (owner/applicant). Commissioner ffolliott is recused from this matter.

Paulitz reviewed the application and had questions on calculations for stormwater run-off. Graham responded and made updates for the driveway for stormwater run-off. Graham said the changes will not impact the ability to comply with the Stormwater Bylaw. Graham reviewed the site plan and noted soils tests were done to design the drainage system. The house was removed. The proposed dwelling is in the same location with an extension for a garage. A pool and car barn are proposed. The driveway is extended to the car barn at the rear of the property.

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

**May 3, 2023**

Graham pointed out the locations of infiltration basins. The existing septic system is in front of the house and it will be replaced in the same location. About 20-30 mature red pine trees were taken down for the extended driveway.

Hughes said the use of Low Impact Development (LID) is required under the Stormwater Management Bylaw. The proposed gravel driveway is considered impervious. Graham said the plan does not change drainage patterns and does not propose much more impervious surface than was there before. Hughes said major changes are not necessary to incorporate LID. Koning added that the plan is not to bring in a lot of materials. Graham designed a balanced site. No public comment noted.

**MOTION:**

◆ **A motion was made by Commissioner Carney-Feldman to continue to May 17, 2023. The motion was seconded by Commissioner Putnam and passed with 5 votes yes after roll call vote (ffolliott recused).**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Graham to look into adding LID techniques..*

*Documents: Stormwater permit and plans prepared by HL Graham dated 4-19-23; photos 4-4-23*

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

**MATTER: 36-1532: 6 Chebacco Road.** Cannava (Rimmer). ATF NOI for inground pool, patio and associated appurtenances. *New.*

**DISCUSSION:** Present were Mary Rimmer (Rimmer Environmental) and Jay and Melissa Cannava (owners/applicants). Rimmer reviewed the plan and pointed out the approved restoration area under the EO. Monuments are documented on the plan. There is a long-term meadow management plan that was submitted with the restoration plan. The fence around the pool extends approximately 5 ft. away from the pool patio.

Hughes noted on the plan, the mitigation area should be extended between the areas marked A13 to A15. Hughes suggested adding a monument by the extended mitigation area (between A13 and A15). Rimmer suggested using boulders for the monuments. No public comment noted.

ICC reviewed draft OOC. Waivers are requested for work in the NBZ, NDZ and for engineered plans. Hughes suggested describing the circumstances for the ATF NOI in the findings as most violations are not allowed to remain. The building permit was signed and the applicant was not made aware of the requirements related to the wetlands.

Hughes suggested adding a condition to allow the option of having water trucked off-site for the pool drainage. Pirrotta to add a reference in the conditions for the April 12, 2023 restoration narrative for the meadow management. Hughes suggested adding condition #49 for the meadow management/maintenance.

**MOTION:**

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

◆ **A motion was made by Commissioner Putnam 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 Putnam 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:**

*NOI filing application prepared by Rimmer Env. Dated 4-19-23; site plan prepared by Rimmer Env. Dated 4-10-23*

**MATTER: 36- : 145 High Street.** Nikolakopoulos (Graham). NOI for 4-unit multi-family development. *New*

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

**May 3, 2023**

**DISCUSSION:** Present was Larry Graham (H.L. Graham & Associates). Graham noted the project was filed with the Planning Board. Stormwater Management and drainage plan were peer reviewed (Bob Puff). All the stormwater management calculations were done under “new development”. The parcel is approximately 1 acre. The project proposes 2 buildings with 2 dwelling units in each building. The wetland line was delineated by Mary Rimmer and reviewed by ICC. The project will be on Town water and sewer.

Graham pointed out an area (approximately 150 sq. ft.) for a car turn-around for unit 4 in the NBZ. Graham pointed out a post and rail fence in the NDZ which will be an extension of the Bank Gloucester fence (adjacent property).

Graham reviewed stormwater management and drainage plan. He noted all calculations for stormwater management were done under the consideration that the project is new development. He pointed out infiltration chambers on the site. He noted the project will go before the Water Sub-Committee and Select Board for a waiver from the Ipswich Bylaw 3 ft. distance requirement for the drainage structure and high ground water. He noted the Ipswich Bylaw differs from the State requirement of 2 ft. separation.

Hughes noted an alternatives analysis was not completed. She asked if the building with units 3 and 4 could move forward toward High Street and away from the NBZ. Graham said the project needs to comply with a 50 ft. setback requirement from the front of the site. Hughes said the snow storage should not be pushed toward the wetlands. Hughes noted that Low Impact Development (LID) must be considered. Paulitz and Hughes had concerns about a portion of the driveway in the NBZ. Graham will look into moving it out of the NBZ. Graham asked about passive use for residents in the NBZ and NDZ. Hughes said mitigation is needed for passive use in the NBZ and NDZ. Hughes noted the plan does not include AC units for the exterior. Mechanical units are not allowed in the NBZ.

Densely planting the wetlands was suggested to minimize maintenance for the owners. Paulitz suggested posting a “no snow storage” sign at the rear of the driveway to prevent pushing snow toward the wetlands. No public comment noted.

**MOTION:**

**◆ A motion was made by Commissioner Carney-Feldman to continue to June 7, 2023. The motion was seconded by Vice-Chair Hughes and passed unanimously after roll call vote.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Graham to revise plan and look into LID.*

*Documents: NOI filing application prepared by HL Graaham dated 4-9-23; Revision 2 plan prepared by HL Graham dated 4-6-23; planning review summary and comments dated 5-3-23*

**Requests for Certificates of Compliance:**

**MATTER: 36-1072: 3 Blair Drive.** Martel. COC. *New.*

**DISCUSSION:** Present was Robert Martel (owner/applicant). Martel said a home was built on the site in 2009, to replace the existing single-family house. The OOC (dated 7/24/2009) expired in 2012. A certificate of occupancy was issued in 2009. Pictures of the site were presented. A foundation as-built plan was submitted. Martel is requesting a waiver for a certification letter from an engineer for completed work and an engineered stamped “as-built” plan.

Hughes noted both items requested for waivers were conditions of the 2009 OOC. The ICC does not usually grant waivers on conditions. Martel said it could take engineers up to 6 months to complete.

**MOTION:**

**◆ A motion was made by Vice-Chair Hughes to continue to September 6, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously after roll call vote.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

*Documents: COC application and waiver request dated 4-20-23; photos 4-20-23*

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

**May 3, 2023**

<b>MATTER: 36-1068: 143 Argilla Road.</b> Russell. COC. <i>New</i>
<b>DISCUSSION:</b> Present was Miranda Russell (owner/applicant). The OOC was issued July 2, 2008 and reissued April 2, 2014 for an upgrade on the septic system. The 2014 as-built plan was submitted. Applicant is requesting a waiver for the letter from the engineer confirming work completed. Hughes asked if the Board of Health (BOH) received a letter from the engineer. Pirrotta will check with the BOH. Pirrotta noted the kitchen addition was not completed. The COC form will need to note which portion of the work (kitchen addition) was not completed.
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Vice-Chair Hughes to issue a full and final COC noting the kitchen addition to the building was not completed. The motion was seconded by Commissioner Putnam and passed unanimously after roll call vote.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p align="center">❖ <i>Pirrotta to check with BOH for letter from engineer.</i>  <i>Documents: COC application received 4-11-23; as built plan prepared by CG Johnson dated 3-7-2014; cover letter date 4-25-23</i></p>

<b>MATTER: 36-1083: 90 Topsfield Road.</b> Bryant. COC. <i>New</i> .
<b>DISCUSSION:</b> Pirrotta explained the OOC was issued November 9, 2009 and reissued in 2014. Pirrotta noted the special conditions were not attached and filed with the 2014 reissued OOC. The project was for a sewer hookup. Pirrotta visited the site and noted the approved work appears to be completed as approved. A waiver for the as built plan and letter from the engineer confirming completed work is requested. Hughes requested Pirrotta check with the Water and Sewer Department for documentation that work conforms with standards.
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Vice-Chair Hughes to continue to May 17, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously after roll call vote.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p align="center">❖ <i>Pirrotta to check with Water &amp; Sewer regarding completed work.</i>  <i>Documents: COC filing application and cover letter dated 5-2-23; photos 4-11-23</i></p>

**Enforcement Matters:**

<b>MATTER: 257 Linebrook Road.</b> EO.
<b>DISCUSSION:</b> Paulitz noted there was a typo on the agenda and the correct address of the EO is 257 Topsfield Road. Pirrotta recommended continuing the matter.
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Commissioner Carney-Feldman to continue to May 17, 2023. The motion was seconded by Vice-Chair Hughes and passed unanimously after roll call vote.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p align="center">❖ <i>None.</i></p>

**Approval of Minutes: April 19, 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 after roll call vote.**

**Adjournment:**

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**May 3, 2023**

♦ A motion was made by Vice-Chair Hughes to adjourn at 9:52 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, 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.**