

**Approved: 7/21/21**  
**Distributed: 7/22/21**

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**July 7, 2021**

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, July 7, 2021 at 7:00 p.m. via ZOOM. Members present were Chairman Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffolliott, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present were Agent Brendan Lynch. Absent with prior notice was 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**

**July 7, 2021**

**Citizen's Queries: None Noted**

**Courtesy Position for Town Projects**

**MATTER: Kamon Property-** Conservation Restriction Approval for Kamon Property (Beth O'Connor – Open Space)

**DISCUSSION:** Present was Beth O'Connor, Open Space Steward who stated that the P & S transaction with Greenbelt and the Kamon Realty Trust occurred last week and Greenbelt is now the fee owner of the 94+ acre property. The Town will close with Greenbelt at the end of July 2021 for the Conservation Restriction. The Conservation Restriction has been circulated for review by Town Counsel, EEA and ICC. O'Connor is before the ICC this evening to request votes on four separate items; (1) to approve the acquisition of the Conservation Restriction from Greenbelt, (2) to approve the Conservation Restriction presented this evening with any final changes to be approved by the ICC Chair, (3) to authorize the ICC Chair to accept the Conservation Restriction on behalf of the ICC, (4) to authorize the Town Manager to sign all documents related to the closing with Greenbelt on the acquisition.

No comments or questions from ICC members.

**MOTION:**

◆ **A motion was made by Vice-Chair Paulitz to approve the acquisition of the Conservation Restriction from Essex County Greenbelt (a Massachusetts not for profit corporation) as grantor to the Town of Ipswich acting by and through its Conservation Commission by authority MGL Chapter 40 Section 8c as grantee pursuant to the Purchase and Sale agreement between grantor and grantee dated June 16, 2021. The motion was seconded by Commissioner ffolliott and passed unanimously.**

◆ **A motion was made by Commissioner Carney-Feldman to approve the Conservation Restriction substantially in the form presented at the July 7, 2021 meeting of the ICC with final changes to be approved by the Chair of the ICC in her reasonable discretion in consultation with Town Counsel. The motion was seconded by Commissioner Putnam and passed unanimously.**

◆ **A motion was made by Vice-Chair Paulitz to authorize the Chair of the ICC to execute and accept the Conservation Restriction on behalf of ICC. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

◆ **A motion was made by Commissioner Carney-Feldman to authorize the Town Manager to do all things reasonably necessary in the judgement of the Town Manager to effectuate the acquisition of the Conservation Restriction including without limitations signing all closing documents, settlement statements and authorizations regarding the direction of funds. The motion was seconded by Commissioner ffolliott and passed unanimously.**

**Documents: Conservation Restriction Plan prepared by Donhoe dated 7-7-2021**

**Requests for Determination of Applicability (RDA):**

**MATTER: 44 Howe Street;** Christopher Segee. Above ground swimming pool. *New*

**DISCUSSION:** Present were Christopher and Ashley Segee. A site plan was presented. They are proposing to install a 15 x 30 ft. above ground pool in the buffer zone. There is no excavation but will remove the top layer of soil and add sand. The pool will use cartridge filters and water to fill the pool will be purchased from a company in Middleton. Segee noted the wetland boundaries were updated in May by Hancock Associates. Agent Lynch said the pool will be approximately 50 to 60 feet from the wetland. Lynch does not see any issues with the plan. Ladders will be used to access the pool. Chair Hughes suggested moving the pool closer to the house if the owners want to install a deck in the future. Hughes suggested the following conditions; staking the area for pre-construction to allow space for potential future requests and cartridge non back washing filter and no back washing

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

**July 7, 2021**

allowed. If pool drainage is required it would be pumped out and not discharged to the wetland.

**RECOMMENDATION OF AGENT:** Lynch recommends a negative 3 determination.

**MOTION:**

- ◆ **A motion was made by Commissioner Carney-Feldman to issue an NDA (negative 3) with the conditions discussed for 44 Howe Street. The motion was seconded by Commissioner Stone and passed unanimously.**  
**Documents: RDA dated 6-15-2021**

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

**MATTER: 36-1473;** 14 North Ridge Road. Keady. (Graham). NOI to repair existing seawall. *Cont. from 6/16/2021*

**DISCUSSION:** The motion was tabled (see vote below) as the structural engineer was not present (7:25 pm). The matter was un-tabled (see vote below – 8:10-m). Present was Gerry McDonald (H.L. Graham & Associates). Agent Lynch has not received comments from CZM. Chair Hughes said the concern is related to the concrete over rock at the base of the wall. McDonald said the plan was modified and “shotcrete” is to be used on vertical faces which is above the MHW (mean high water) level. CZM was provided with the revised plan. McDonald said the project is on the Coastal = Bank. Waivers were not requested.

**MOTION:**

- ◆ **A motion was made by Vice-Chair Paulitz to table the matter. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**
- ◆ **A motion was made by Vice-Chair Paulitz to un-table the matter. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**
- ◆ **A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Commissioner Stone and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

- ❖ *Lynch to draft an OOC for the next meeting.*  
**Documents: Revised plan prepared by Graham Assoc. dated 6-1-21, Reised drawings dated 4-20-21**

**MATTER: 36-1474;** 47 Newmarch Street. George (DeRosa). NOI to raze and rebuild an existing single family home. *Cont. from 6/16/2021*

**DISCUSSION:** Present was Mike DeRosa (DeRosa Environmental). DeRosa said questions about drainage issues are resolved. DeRosa presented the site plan and pointed out the addition of an HVAC pad that was discussed at the prior meeting. A tree will be added behind the house with the exact location to be determined after the house is built. Waivers were requested and are included in the NOI.

No questions or comments from the ICC. No public comments noted.

**MOTION:**

- ◆ **A motion was made by Commissioner Carney-Feldman to grant the request of waivers for restoration work in the no disturbance zone. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**
- ◆ **A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**
- ◆ **A motion was made by Commissioner Putnam to approve the positive OOC as drafted. The**

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

**July 7, 2021**

**motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

Documents: Revised plan prepared by Morin Cameron dated 6-28-21

**MATTER: 36-1476;** 108 Central Street. Becker (DeRosa). ANRAD. *Cont. from 6/16/2021*

**DISCUSSION:** Present was Mike DeRosa (DeRosa Environmental). The request is for approval of the wetland line only. . An aerial view and site plan were presented. He said the wetland boundary was flagged and he pointed out the location of Farley Brook. Also noted on the plan are the 50 ft. No Disturb Zone, 65 ft. No Build Zone , 100 ft. buffer and 200 ft. River Front Area. DeRosa explained the culverts and source of water.

Chair Hughes requested Agent Lynch to consult with DEP regarding the Wetlands Change Maps. Hughes would like a third party consultant with a soils background to look at the land at the rear of the site.

**MOTION:**

◆ **A motion was made by Vice-Chair Paulitz to continue to July 21, 2021. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Lynch to consult with DEP regarding the wetlands change maps.*

**MATTER: 36-1467;** Rosewood Drive, units 60 and 61. Hubert LeBlanc Tr. (Wetlands Land Mgmt.). NOI to construct a duplex housing building. *Cont. from 6/16/2021*

**DISCUSSION:** Present was Bill Manuell from Wetlands Land Management. A revised plan was submitted with a different driveway configuration. Manuell presented the site plan and noted the area of the driveway that needed to be tweaked so it would not encroach in the No Disturb Zone. The no disturb markers were surveyed located and are noted on the As-built plan. The markers coincide with the Conservation Restriction plan.

Chair Hughes stated that all the plans must be at the same scale. Hughes has concerns with rolling all prior orders into this Order of Conditions and asked if the No Disturb Zone across the entire property (average of 25 ft.) complies. The perennial concern with this site is that the development is too close to the wetland line. LeBlanc said the average distance from prior orders is 15 ft not 25 ft. Additional review is needed to confirm.

No additional comments/questions from the ICC.

**MOTION:**

◆ **A motion was made by Vice-Chair Paulitz to continue to July 21, 2021. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Lynch to draft OCC with assistance from Town Counsel. A draft to be sent to the applicant's attorney for review.*

Documents: Revised plan prepared by Eastern Land Survey dated 6-24-21

**Requests for Certificates of Compliance:**

**MATTER: 36-1428;** 47 Newmarch Street. (DeRosa) COC. *Cont. from 6/16/2021*

**DISCUSSION:** Present was Mike DeRosa (DeRosa Environmental). Request is for COC for outstanding order of conditions. Last week, DeRosa and Agent Lynch reviewed the restoration areas in the buffer zone and wetland area. He said everything is stabilized and fully vegetated.

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

**July 7, 2021**

<p><b>RECOMMENDATION OF AGENT:</b> Issue full and final COC.</p>
<p><b>MOTION:</b></p> <ul style="list-style-type: none"> <li>◆ <b>A motion was made by Commissioner Carney-Feldman to issue a full and final COC. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</b></li> </ul>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <ul style="list-style-type: none"> <li>❖ <i>Lynch noted for New OOC – 1 post should be granite and 2 should be wood.</i></li> </ul> <p>Documents: photos dated 6-29-21</p>
<p><b>MATTER: 36-943;</b> 82 Topsfield Road. COC. <i>Cont. from 6/16/2021</i></p>
<p><b>DISCUSSION:</b> Agent Lynch requested the matter be tabled as Iron Tree will be available at 8:15 pm. The motion was un-tabled at 8:25 pm. Present was George Gallagher (condominium association). Iron Tree was not available. Chair Hughes described the site visit and the review of plantings. She said the 75% compliance has been met. There were still some invasive species coming in but it is suspected that has to do with the clearing that was part of the enforcement action. Carney-Feldman suggested some training and education for home owners on invasive species. She said home owners can reach out to Lynch for information. Chair Hughes said issuing the OOC does not address the enforcement order.</p>
<p><b>MOTION:</b></p> <ul style="list-style-type: none"> <li>◆ <b>A motion was made by Vice-Chair Paulitz to table the matter. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b></li> <li>◆ <b>A motion was made by Commissioner Carney-Feldman to un-table the matter. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</b></li> <li>◆ <b>A motion was made by Commissioner Carney-Feldman to issue a full and final COC for 82 Topsfield Road. The motion was seconded by Commissioner Putnam and passed unanimously.</b></li> </ul>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <ul style="list-style-type: none"> <li>❖ <i>None</i></li> </ul> <p>COC Request dated 6-16-21 prepared by GZA</p>
<p><b>MATTER: 36-1324;</b> 65 East Street. Douglas Cameron, Office of Fishing and Boating Access. COC. <i>New</i></p>
<p><b>DISCUSSION:</b> Lynch said there is a change relating to cutting deeper to get to some larger cracks. The capping on the top of the wall is approximately 2 ft. deep. It was originally expected to be approximately 18 inches deep. Another change relates to the piles. The piles were driven down to refusal and brackets were used on the concrete seawall.</p> <p>No comments or questions from ICC members.</p>
<p><b>RECOMMENDATION OF AGENT:</b> Lynch recommends issuing the COC.</p>
<p><b>MOTION:</b></p> <ul style="list-style-type: none"> <li>◆ <b>A motion was made by Vice-Chair Paulitz to issue a full and final COC for 65 East Street. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b></li> </ul>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <ul style="list-style-type: none"> <li>❖ <i>None</i></li> </ul>
<p><b>MATTER: 36-1174;</b> 27 Northgate Road. Borgman. COC. <i>New</i></p>

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

**July 7, 2021**

<p><b>DISCUSSION:</b> Lynch said this is a result of an enforcement order for a barn and clearing within a buffer zone. Lynch said the plantings were done earlier this year and the order called for two growing seasons. The home owner submitted photographs of the plantings. Lynch said it needs another growing season.</p>
<p><b>RECOMMENDATION OF AGENT:</b> Lynch recommends continuing to next spring (2022).</p>
<p><b>MOTION:</b></p> <p align="center">◆ <b>A motion was made by Commissioner Carney-Feldman to continue to the first ICC meeting in June 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.</b></p>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <p align="center">❖ <i>None</i></p> <p>Documents: Restoration plan prepared by Rimmer Env. Dated 7-27-12</p>

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

<p><b>MATTER: 36-1477;</b> 214 High Street LLC (DeRosa). NOI for implementation of an ecological restoration plan, removal of an existing single family home and construction of a multi-family dwelling. <i>New</i></p>
<p><b>DISCUSSION:</b> Present was Mike DeRosa (DeRosa Environmental), Mike Becker, and Larry Graham. Chair Hughes confirmed with DeRosa that the project needs Planning Board approval. Chair Hughes reminded the applicant that the Wetlands Protection Act requires that the applicant has filed for all permits that can be obtained. DeRosa said the Planning Board asked the applicant to present the project to ICC. Included in the project is a proposed conservation restriction (CR) and wetland restoration. The proposed new building is within the no disturb zone. Chair Hughes understands all the issues however this is not a complete filing. Development right up against a wetland is not going to be approved. There needs to be a buffer zone. Chair Hughes said the applicant needs to be in the process of acquiring a permit from the Planning Board prior to having an application before the ICC. An aerial view of the site was displayed and DeRosa pointed out the wetland area for the CR. ffolliott said the wetlands area is already protected without a CR. Carney-Feldman said the building is too large for the space. Vice-Chair Paulitz said it was too close to the wetland. Parties agreed to continue and the applicant will file an application with the Planning Department. No public comments noted.</p>
<p><b>MOTION:</b></p> <p align="center">◆ <b>A motion was made by Commissioner Carney-Feldman to continue to August 4, 2021. The motion was seconded by Commissioner ffolliott and passed unanimously.</b></p>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <p align="center">❖ <i>Applicant to submit application for special permit to the Planning Department.</i></p> <p>Documents: NOI dated 6-16-21 prepared by Graham Assoc, DEP comments dated 6-29-21; photos dated 6-28-21</p>

**Enforcement Matters:**

<p><b>MATTER: Clark Beach Access Road.</b> Association of Great Neck (AGN)</p>
<p><b>DISCUSSION:</b> No one was available from AGN for this meeting so Agent Lynch provided a status update. The enforcement order was amended with a completion date of June 15, 2021 and the work was done. Lynch did a site visit with the contractor and members of the AGN. A 10 ft. width was established and spray painted. Lynch noted two truck loads of fill were removed and the road was edged with old logs. The vegetation is growing back. Photographs of the road were made available to the ICC. He suggested ICC members visit the site if the photographs do not suffice.</p>
<p><b>RECOMMENDATION OF AGENT:</b> Lynch recommends issuing a letter of compliance.</p>
<p><b>MOTION:</b></p>

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

**July 7, 2021**

◆ **A motion was made by Commissioner Stone to issue a letter returning to compliance. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Lynch to send AGN letter.*

**Other Business:**

**MATTER: 82 Topsfield Road.** Iron Tree Service

**DISCUSSION:** Present was Ann Martin for the Enforcement Order at the Ipswich River condominiums. Martin said the installation of plantings went very well. A report was sent to Agent Lynch. Iron Tree is hoping for a “return to compliance” letter. Chair Hughes noted that members of the ICC visited the site to review the work and noticed invasive species have come back in the area that was erroneously cleared. The concern is the invasive species will cover the new plantings. Martin does not represent the Condominium Association but suggested it could hire knowledgeable professionals to manage and control the invasive species such as the grape vines and bittersweet. Chair Hughes requested Martin draft her suggestions for management and control of invasive species and why it needs to be done.

**MOTION:**

◆ **A motion was made by Vice-Chair Paulitz to issue a return to compliance letter upon receipt of written expert advice to the condominium association on options to control invasive species in this particular location. The motion was seconded by Commissioner Ffolliott and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Martin to send letter to Lynch.*

**Approval of Minutes: June 16, 2021**

◆ **A motion was made by Commissioner Carney-Feldman to approve the minutes as drafted/amended. The motion was seconded by Commissioner Putnam and passed with 5 votes (Paulitz abstained).**

**Adjournment:**

◆ **A motion was made by Commissioner Carney-Feldman to adjourn at 9:10 p.m. The motion was seconded by Vice-Chair Paulitz 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,**

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**July 7, 2021**

**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.**