

Approved: August 9, 2023
Distributed: September 8, 2023

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
July 26, 2023

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, July 26, 2023 at 7:00 p.m. via ZOOM. Members present were Chair William Paulitz, Vice-Chair Jennifer Hughes (arrived at 7:25 p.m. and left the meeting at 8:53 p.m. – after 36 Linebrook Road Public Safety Building hearings), 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. Please note ICC votes are done by roll call.

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
July 26, 2023

Citizen's Queries: None noted.

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

MATTER: 36-0937: 17 Greens Point Road. Baker. COC. Cont. from 7/12/2023
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 Jim Stone to continue to August 9, 2023 (at a meeting via ZOOM beginning at 7:00 p.m.). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>
MATTER: 36-1235: 189 High Street. Tassar LLC. COC. Cont. from 7/12/2023
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 Jim Stone to continue to August 9, 2023 (at a meeting via ZOOM beginning at 7:00 p.m.). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>
MATTER: 36-1328: 121 Little Neck Road. Lochtefeld. COC. Cont. from 6/21/2023
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 Jim Stone to continue to August 9, 2023 (at a meeting via ZOOM beginning at 7:00 p.m.). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>
MATTER: 36-1534: 40 and 42 Chattanooga Road. McKegney (Epsilon). Abbreviated Notice of Resource Area Delineation for confirmation of delineated wetland resource areas. Cont. from 7/12/2023
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 Jim Stone to continue to August 9, 2023 (at a meeting via ZOOM beginning at 7:00 p.m.). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

July 26, 2023

Courtesy Positions for Town Projects

<p>MATTER: Special Town Meeting Warrant Article Draft for Marini Farm Lease at 275 Linebrook Road. Town of Ipswich Open Space Program. <i>New</i></p>
<p>DISCUSSION: Present was Beth O'Connor, Ipswich Open Space Steward. O'Connor explained the draft article for the Town to renew a lease agreement for land with Marini Farm. The current lease expires in November 2023. O'Connor said approximately 10 acres out of 76 acres has been leased for farming purposes. Terms of the are not included in the draft article and will be negotiated with Marini Farm. O'Connor is requested the ICC support the draft article for Fall Special Town Meeting. The citizens of Ipswich will vote on the article.</p> <p>Carney-Feldman asked about annual reporting requirements for pesticide use by Marini Farm. She said the ICC has not received the reports. O'Connor will look into the reporting and said Marini Farm is also required to submit information to the State. Carney-Feldman would prefer to vote on the matter at the next ICC meeting to give time to received and review the reports. No public comment noted.</p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner ffolliott to support the draft article for the Marini Farm lease at 275 Linebrook Road and to move the article forward for Special Town Meeting. The motion was seconded by Commissioner Putnam and passed with 5 votes yes (Hughes not available for the vote), and 1 vote no (Carney-Feldman).</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 40px;">❖ <i>O'Connor to research required report submissions by Marini Farm.</i></p>

<p>MATTER: 25 Green Street. Town of Ipswich Facilities Dept. Small Project Permit for walkway/pavement repairs to Town Hall back entrance. <i>New</i></p>
<p>DISCUSSION: Pirrotta noted the applicant requested a withdrawal of the application. The applicant will re-submit the project as an RDA.</p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner ffolliott to accept the applicant withdrawal without prejudice. The motion was seconded by Commissioner Putnam and passed unanimously (all members present for the vote).</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 40px;">❖ <i>None.</i></p>
<p>DOCUMENT LIST: SPP application dated 7-7-23</p>

<p>MATTER: 36 Linebrook Road. Town of Ipswich, Department of Public Works (DPW). Enforcement for unpermitted mowing and ground disturbance. <i>New</i></p>
<p>DISCUSSION: Present was Rick Clarke, DPW Director. Pirrotta noted an enforcement order was issued for the activity. Clarke explained an area needed to be mowed for a surveyor. Clearing had been done last year for test pits. Clarke said clear communication about the areas to mow were not provided to the employee but he notified Agent Pirrotta immediately and he accepted full responsibility for the lack of communication. The machine got stuck and needed to be towed off site. Pirrotta met Clarke on site to review the area impacted by the clearing and machine. The wetland line was flagged by the surveyor. A site plan was presented documenting the disturbed areas. Clarke has contacted Coneco to develop a restoration plan for the disturbed areas. Carney-Feldman said the area is sensitive and she is disappointed in the lack of communication between the DPW and ICC as well as other departments. She visited</p>

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

July 26, 2023

the site and noted several stakes were broken by the activity. One specific area had not been previously disturbed. Commissioner Putnam concurred that there needs to be better collaboration between all town departments.

Public Comment:

Sue Coppola, 29 Pineswamp Road, noted a local newspaper article on the mowing activity and said the Town Manager took responsibility. She asked how the process will proceed. Paulitz explained the EO process was the same for any violation whether it was the town a business or a private citizen and time will be allotted for restoration work and growth of plants.

Attorney Meredith Fine, representing the Build It Right, group asked who requested the area be mowed. Clarke explained that a surveyor needed areas mowed to place wetland flags.

Seth Perry, 29 Linebrook Road, asked if the wetland line changed. Clarke said Coneco completed the wetland delineation 2 or 3 years ago. A third-party was hired to complete a review of the delineation. All parties (including Town representation) met on site to review and agree with the current wetland line.

Amanda Tower, 29 Linebrook Road, asked when the wetland line was delineated and if all the current year heavy rain impacts the line. Clarke said the line was delineated 2 or 3 years ago. Hughes noted the wetland line does not change because of heavy rain. It is determined by hydrology and soils as well as indicator plants. Paulitz said the wetland delineation was approved through the ICC process.

Clarke is planning to submit a restoration plan for the August 9, 2023 ICC meeting. Putnam suggested installing stakes for the NDZ (50 ft. of wetland line). Carney-Feldman said the stakes should be clearly defined. Clarke noted the restoration area will be between the treelines on the plan.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to update the EO, and for DPW to present a restoration plan at the August 9, 2023 ICC meeting, and for DPW to install stakes for the 50 ft. NDZ area. The motion was seconded by Commissioner Jim Stone and passed unanimously.**

◆ **A motion was made by Commissioner Carney-Feldman to continue to August 9, 2023 (at a meeting via ZOOM beginning at 7:00 p.m.). The motion was seconded by Commissioner Jim Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *DPW to prepare restoration plan and stake NDZ area for restoration.*

Documents: EO dated 7-20-23

MATTER: 36-1531: 36 Linebrook Road. Town of Ipswich, Town Manager (Gallante Architect Studio). **Notice of Intent and Stormwater Management Permit Application** to construct a new multi-story building with associated appurtenances and stormwater management system. *Cont. from 7/12/2023*

DISCUSSION: Present was Steve Powers (Samiotes Engineering). Powers reviewed the stormwater management plan and noted three infiltration chambers (1 below the apron in front of the fire engine bays, 1 in the fire station parking area, and 1 in the rear parking area).

Powers discussed the alternative analysis done and presented variations of site plans that were prepared prior to the current version. Powers noted asphalt pavement is needed for safety purposes in the rear area of the building for police to access police vehicles. Powers said police cars are cleaned in the DPW facility. Hughes said the washing of any safety vehicles or equipment outside on the site should not be allowed. The Town has an O & M plan for Town equipment.

Carney-Feldman asked about lawn maintenance along the parking lots and suggested adding more plants. Carney-Feldman also asked about watering during droughts and if DPW will be maintaining the plants. Hughes suggested the NDZ area be more linear. She pointed out a specific area that would require 3 monuments. It would be easier to maintain and monument if the area was linear. Powers agreed and will speak with the landscape architect to make the change.

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

July 26, 2023

Paulitz noted a drainage pipe in the NDZ and requested it be moved out of the NDZ. Paulitz noted GPI did the peer review and Powers responded to peer review comments. An additional review was done and more peer review comments were added.

Pirrotta noted a letter from Hugh Gallagher, 32 Linebrook Road was received. It contained questions about drainage and water flow to his property. Pirrotta said the Build It Right group submitted a peer review. Powers said most of the comments from the Build It Right peer review mirrored GPI's comments.

Public Comment:

Hugh Gallagher, 32 Linebrook Road, is an abutter and read questions from his submitted letter. He asked about an outlet and discharging water going on to his property. He is concerned about flooding on his property. Powers said the outlet did not change. The water flows to the wetlands on 36 Linebrook Road. Powers to add details to the plan. Powers explained the requirements of stormwater management. The system is required to pick up additional water run-off from the development. The underground detention systems are designed to pick up stormwater run-off. Vice chair Hughes pointed out that much of 32 Linebrook Rd is wetland and the ICC was very familiar with the property from a violation with the previous owners several years ago.

Larry Graham, 12 Labor In Vain Road, is concerned about a catch basin behind the building that is only 3" lower than the floor elevation. Powers said it is a double catch basin to address stormwater. Powers reviewed the flow of water to the infiltration chambers and eventually to the outlet pipe. Hughes said it may be beneficial to have additional capacity. Graham noted a walkway from the rear parking lot and asked about its purpose. Powers said it is a safe way to provide access to the front of the building. Graham does not believe it will be used frequently especially in bad weather.

Powers to update plan with additional information as discussed and to respond to additional peer review comments. No further comments from ICC or the public.

MOTION:

- ◆ **A motion was made by Commissioner Putnam to continue (both NOI and Stormwater Management Permit Application) to August 9, 2023 (at a meeting via ZOOM beginning at 7:00 p.m.). The motion was seconded by Vice-Chair Hughes and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None.*

Documents: Letter from Samoites date 7-3-23; Peer Review letter from Samiotes dated 7-19-23; NOI Report, Plan Set and Stormwater Report prepared by Samiotes dated 7-19-23; letter from Patrick Garner dated 7-17-23

Stormwater Management Permit Applications (SWP)

MATTER: 10 Wainwright Street. Souza. SWP for construction of new single-family house with associated appurtenances. *Cont. from 7/12/2023*

DISCUSSION: Present were Michael Novak (Patriot Engineering) and Brian Souza (owner/applicant). Novak reviewed the site plan for the single-family house project. He pointed out the infiltration system increased in size. A 5ft. wide swale is proposed for the steep driveway as well as check dams. No public comment noted.

Draft conditions were prepared and reviewed. Novak discussed the O & M plan. Paulitz noted an as built plan will need to be submitted. Paulitz noted the owner is responsible for completing the O & M checklist and submitting it to the Conservation Department annually (each October).

MOTION:

- ◆ **A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Commissioner Jim Stone and passed unanimously (6 votes – Hughes left the meeting).**
- ◆ **A motion was made by Commissioner Carney-Feldman to issue the Stormwater Management Permit with conditions (as drafted). The motion was seconded by Commissioner Jim Stone and passed unanimously (6 votes).**

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

July 26, 2023

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

DOCUMENT LIST:

Revised Stormwater report and plan prepared by Patriot Engineering dated 7-24-23

Minor Modifications (MM) and Extensions:

MATTER: 36-1449: 3 Bay View Road. Stringer. Extension request. *New*

DISCUSSION: Present was Tom Stringer (owner/applicant). Applicant is requesting a 1-year extension to complete planting and an as-built plan. Current permit will expire in August 2023. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Putnam to grant a one-year extension. The motion was seconded by Commissioner Jim Stone and passed unanimously (6 votes).**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

DOCUMENT LIST:

Extension Request dated 7-7-23

MATTER: 36-1265: 1 Jay Road. Soffron. Extension request. *New*

DISCUSSION: Present was George Soffron (owner/applicant). The current permit expires in August 2023. Applicant is requesting a 6-month extension to complete work. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Putnam to grant a 6-month extension. The motion was seconded by Commissioner Carney-Feldman and passed unanimously (6 votes).**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

DOCUMENT LIST:

Extension Request dated 7-10-23

MATTER: 36-1265: 1 Jay Road. Soffron. MM to downsize from a 22' x 16' garage to a 20' x 14' shed. *New*

DISCUSSION: Present was George Soffron (owner/applicant). Soffron explained the decision to do a shed instead of a garage. The shed will be built off site and brought to the site completed. The shed will fit in the original envelope of the garage. Soffron noted the shed is slightly smaller than the originally proposed garage. The shed will have gutters to direct water to the drainage system. It will tie into the stormwater management system. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliott to grant the minor modification as presented and discussed. The motion was seconded by Commissioner Carney-Feldman and passed unanimously (6 votes).**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

DOCUMENT LIST:

Minor Modification filing dated 7-10-23

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

July 26, 2023

Ongoing Notices of Intent (NOI) and Formal Amendments (FA):

MATTER: 36-1469: 134 Argilla Road. (Rimmer) FA to the OOC to add a fence, shed, walkways and steps. <i>Cont. from 7/12/2023</i>
DISCUSSION: Present was Mary Rimmer (Rimmer Environmental). Rimmer submitted revised plans today. The changes include eliminating the shed from the proposed plan and moving the fence for the dog play area out of the NBZ. Stairs on the exterior of the barn were added to the plan. No public comment noted.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to approve the formal amendment for a fence (out of NBZ), permeable walkway and all original conditions of the OOC to continue to be applicable. The motion was seconded by Commissioner Jim Stone and passed unanimously (6 votes).
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None.</i>
DOCUMENT LIST: <i>Revised plan dated 7-26-23</i>

Requests for Certificates of Compliance:

MATTER: 36-1378: 143 High Street. Bank Gloucester. COC. <i>Cont. from 7/12/2023</i>
DISCUSSION: No one for Bank Gloucester was present for the matter. Pirrotta noted documentation was received confirming 36-inch diameter for pipes as requested by the ICC. No further outstanding items or comments on the matter.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Putnam to issue a full and final COC. The motion was seconded by Commissioner ffollott and passed unanimously (6 votes).
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None.</i> <i>Documents: Pipe diameter letter dated 7-20-23</i>

MATTER: 36-441: 15 Old England Road. Savoie. COC. <i>Cont. from 7/12/2023</i>
DISCUSSION: Present were Chuck Johnson (CG Johnson Engineering) and Ken Savoie (owner/applicant). Pirrotta noted receiving a letter from Vicki Halmen (Ipswich Water Department) stating a pressure test was not needed. Johnson noted the single-family home built is within the approved building envelope. Paulitz noted the home was built approximately 20 years ago. Johnson did not see drainage issues on the site.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Jim Stone to issue a full and final COC. The motion was seconded by Commissioner Carney-Feldman and passed unanimously (6 votes).
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None</i> <i>Documents: Letter from Utilities Dept date 7-18-23; Existing ConditionsPlan dated 7-24-23</i>

Approval of Minutes: July 12, 2023

- ◆ **A motion was made by Commissioner Carney-Feldman to approve the minutes as drafted/amended. The motion was seconded by Commissioner Jim Stone and passed unanimously (6 votes).**

Adjournment:

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
July 26, 2023

♦ A motion was made by Commissioner Jack Stone to adjourn at 9:31 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.