

Approved: August 23, 2023
Distributed: September 8, 2023

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
August 9, 2023

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, August 9, 2023 at 7:00 p.m. via ZOOM. Members present were Vice-Chair Jennifer Hughes, Commissioners Sissy ffollott, Catherine Carney-Feldman, Raymond Putnam, and James (Jim) Stone. Also present was Recording Secretary Odile Breton. Absent with prior notice were Chair William Paulitz, Commissioner Jack Stone and Agent Jenna Pirrotta. Please note ICC votes are done by roll call. Vice-Chair Hughes chaired the August 9, 2023 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
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

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Citizen's Queries:

MATTER: Citizen's Query for 41 River Road by Frank Scannel and Brenda Pearse

DISCUSSION: Present were Frank Scannel and Brenda Pearse (owners). Scannel noted an OOC was issued in February 2023 and a building permit was issued in June 2023 to add a roof deck to the house. Pirrotta visited the site and gave permission to remove two fallen trees. Photographs were sent to the Conservation Office documenting significant bank erosion. Scannel is asking if the ICC would reconsider a plan to stabilize the bank under the current OOC. Hughes said coastal bank restoration requires a wetland scientist and structures are not allowed to stabilize the bank. The current OOC does not cover coastal bank restoration. A new application for coastal bank restoration is required.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

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

MATTER: 36-1531: 36 Linebrook Road. Town of Ipswich, Town Manager (Gallante Architect Studio). **NOI** to construct a new multi-story building with associated appurtenances and **Stormwater Management Permit** to construct a new multi-story building with associated appurtenances and stormwater management system. *Cont. from 7/26/2023*

DISCUSSION: The matters are being continued without discussion at the applicant's request.

MOTION:

◆ **A motion was made by Commissioner Jim Stone to continue to August 23, 2023 (at a meeting via ZOOM). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 36-1534: 40 and 42 Chattanooga Road. McKegney (Epsilon). Abbreviated Notice of Resource Area Delineation for confirmation of delineated resource areas. *Cont. from 7/26/2023*

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

MOTION:

◆ **A motion was made by Commissioner Jim Stone to continue to August 23, 2023 (at a meeting via ZOOM). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 36-1417: 173 Linebrook Road (Phase II – Roadway Only). Symes Associates (Williams & Sparages). COC. *Cont. from 7/12/2023*

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

MOTION:

◆ **A motion was made by Commissioner Jim Stone to continue to August 23, 2023 (at a meeting via ZOOM). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

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MATTER: 36-1415: 173 Linebrook Road (Phase II – Lot 21). Symes Associates (Williams & Sparages). COC. <i>Cont. from 7/12/2023</i>
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Jim Stone to continue to August 23, 2023 (at a meeting via ZOOM). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None.</i>
MATTER: 36-1416: 173 Linebrook Road (Phase II – Lot 20). Symes Associates (Williams & Sparages). COC. <i>Cont. from 7/12/2023</i>
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Jim Stone to continue to August 23, 2023 (at a meeting via ZOOM). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None.</i>
MATTER: 36-1233: 28 Old England Road. Blessington (Graham Assoc.). COC. <i>Cont. from 7/12/2023</i>
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Jim Stone to continue to August 23, 2023 (at a meeting via ZOOM). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None.</i>
MATTER: 36-1235: 189 High Street. Tassar LLC. COC. <i>Cont. from 7/26/2023</i>
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Jim Stone to continue to August 23, 2023 (at a meeting via ZOOM). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None.</i>
MATTER: 257 Topsfield Road. Potential violation for unpermitted clearing. <i>Cont. from 6/21/2023</i>
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Jim Stone to continue to August 23, 2023 (at a meeting via ZOOM). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None.</i>

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Courtesy Position for TOWN Projects

MATTER: 36-1517: Fellows Road. Town of Ipswich, Department of Public Works. COC. *New*

DISCUSSION: Present was Rick Clarke, Public Works Director. The project was the installation of a beaver deceiver. Clarke said it appears to be working as planned. No ICC or public comments.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to issue a full and final COC. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: COC filing dated 7-26-23

MATTER: 36 Linebrook Road. Town of Ipswich, Department of Public Works. Enforcement order for unpermitted mowing and ground disturbance. *Cont. from 7/26/2023*

DISCUSSION: Present was Rick Clarke, Public Works Director. Clarke said Coneco consulted on the restoration plan. Clarke said a mini excavator will be used to level out the area. Areas that cannot be reached with the mini excavator will be hand raked. The area will be seeded with a wet mix. Clarke is proposing to do the work in September 2023. Clarke noted the 50 ft. NDZ line was staked out. Hughes suggested do the work in the driest conditions possible and suggested to not use larger machinery. DPW should contact the Conservation Agent before work begins. Carney-Feldman asked about funding for the restoration. Clarke said it will come out of the DPW budget. Putnam suggested the amended EO include a completion date. Hughes suggested completing the work by November 1, 2023. Hughes noted that if conditions continue to be wet, hand seeding may need to be done to stabilize the area.

MOTION:

◆ **A motion was made by Commissioner Putnam to amend the Enforcement Order for DPW to proceed with the restoration plan work using a mini excavator under the driest conditions, and to notify the Conservation Agent before work begins and to complete restoration work by November 1, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Updated EO dated 8-1-23; Restoration plan dated 7-24-23; memo dated 7-26-23

Small Project Permits

MATTER: 62 Jeffreys Neck Road. Combs. SPP for construction of a 10' x12' shed. *New*

DISCUSSION: Present was Matthew Combs (owner/applicant). Combs explained the project to add a storage shed for landscaping equipment. The site plan was displayed identifying the location of the shed. Hughes suggested a post construction site visit. No public comments.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to approve the SPP as proposed with a post construction site visit by the Conservation Agent. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: SPP filing dated 7-24-23

Requests for Determination of Applicability:

MATTER: 87 Old Right Road. Keefe (Graham). RDA for residential hardscape including patio and walkway and fence installation. *New*

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DISCUSSION: The matter was tabled. See vote below. The matter was untabled at 7:51 pm. See vote below.

Present was Larry Graham (H.L. Graham & Associates). The site plan was presented and Graham described the project. A brick patio is proposed on the eastern side of the home. The patio includes a fire pit. The patio is approximately 76 ft. away from the wetlands. A unit block wall is proposed to go behind the patio. Graham noted the owner installed a unit block wall in the buffer zone and it is approximately 647 sq. ft. of disturbance. Hughes suggested updating the plans to include the unit block wall installed by the owner. A privacy fence is also part of the project. The fence is 48 ft. in length and will have a 6-inch clearance. Graham noted the area is flat and excavation is not significant. A one-foot drip edge trench filled with crushed stone will be added for run-off from the patio. Hughes said the plans and description of the project need to be updated (owner installed wall, drip edge trench). Revision dates for the plan need to be provided to the Conservation Agent. Graham thinks he can submit the updates by next Wednesday. No public comment noted.

MOTION:

- ◆ **A motion was made by Commissioner Jim Stone to table the matter. The motion was seconded by Commissioner Putnam and passed unanimously.**
- ◆ **A motion was made by Commissioner Carney-Feldman to untable the matter (7:51 pm). The motion was seconded by Commissioner Jim Stone and passed unanimously.**
- ◆ **A motion was made by Commissioner Jim Stone to issue an NDA with Special Conditions for pre and post construction site visits. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: RDA filing and plan prepared by HL Graham Assoc. dated 7-26-23

MATTER: 17 Greens Point Road. Baker (Wetlands & Land Mgmt.). After the fact RDA for deck and paver walkway. *New*

DISCUSSION: Present was Bill Manuell (Wetlands & Land Mgmt.). The 2005 OOC required an as-built plan. The deck changes and walkway were not on the record plan. An as-built plan was presented. Manuell noted the old plans did not accurately include existing conditions. No public comment noted.

MOTION:

- ◆ **A motion was made by Commissioner Putnam to issue an NDA. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: RDA filing prepared by Wetlands Land Mgmt. dated 7-24-23; As built revised plan dated 6-14-23

Minor Modifications (MM) and Extensions to existing OOCs:

MATTER: 36-1513: 39 Bay Road. Little Neck Condominium Trust (Thayer Assoc). MM to storm drainage adjacent to 39 Bay Road. *New*

DISCUSSION: Present was Jacqui Trainer (Allen & Major) and Brian Jones (engineer – Allen & Major). Trainer explained there is a slight relocation and increase in size. Relocation was pointed out on the site plan. Trainer noted the catch basin will be a double catch basin under the MM. Hughes asked if the pipe size needs to change. Jones said no. No public comment noted.

MOTION:

- ◆ **A motion was made by Commissioner ffollriott to accept the minor modification for the OOC as presented. The motion was seconded by Commissioner Jim Stone and passed unanimously.**

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ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: MM filing prepared by Allen and Major dated 7-25-23

MATTER: 36-1452: 439 Linebrook Road. Szydłowska. Extension request. *New*

DISCUSSION: Present were Michal and Lydia Szydłowska (owners/applicants). They are requesting an extension to complete site work. The septic system was installed. They are currently grading the area behind the house. Work should be completed within one year. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to grant a one-year extension to complete site work. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Extension Request dated 7-24-23

MATTER: 36-1450: 2 Jay Road. Godin. Extension request and minor modification to repair existing retaining wall, reorient stairs and relocate drain line. *New*

DISCUSSION: Present was Mark Godin (owner/applicant). The OOC was issued in 2020 and he is requesting an extension. He said the contractors damaged an existing retaining wall by the driveway while installing the stormwater management system. Grass and plantings need to be established to get a COC. He is requesting a one-year extension. Under the minor modification, the stairway will go down the side of the deck and will not go beyond the dimensions of the deck. There is a change to the drainpipes off the down spouts and a change to the pipe from a catch basin (CB1 on the plan). Godin said the water will end up in the same location as originally proposed. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to approve the minor modification as presented. The motion was seconded by Commissioner Jim Stone and passed unanimously.**

◆ **A motion was made by Commissioner ffolliott to grant a one-year extension. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Extension Request dated 7-19-23

Requests for Certificates of Compliance:

MATTER: 36-1436: 6 Mill Rd. LLC. (DeRosa Env). COC. *New*

DISCUSSION: Present was Evin Guvendiren (DeRosa Environmental). The approved plans and an as-built plan were presented. The OOC was for a garage and the garage was built as approved. Guvendiren noted the garage was pre-fabricated and no earth work was done. No ICC comments.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

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Documents: COC filing prepared by DeRosa Env. Dated 7-26-23

MATTER: 36-1446: 1 Old England Road. Shields (DeRosa Env). COC. *New*

DISCUSSION: Present was Evin Guvendiren (DeRosa Environmental). Guvendiren explained the project removed an old tennis court and installed a garden within the footprint of the tennis court and a shed. A swimming pool was a part of the project but was not installed. Before and after photographs were presented. Monthly monitoring was completed and reports were submitted. The area is stable and the construction access was seeded. No ICC comments.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: COC filing prepared by DeRosa Env. Dated 7-26-23

MATTER: 36-1516: 50 Mill Road. Greene (Wetlands & Land Mgmt.). COC. *New*

DISCUSSION: Present was Bill Manuell (Wetlands & Land Mgmt.). An as-built plan was presented for a septic system upgrade project. It is a 7-bedroom home and there are two septic tanks. The tanks were relocated and one tank is completely out of the buffer zone. The second tanks is partially in the buffer zone. The original plan had both tanks in the buffer zone. Manuell instructed the removal of erosion controls last week. Manuell to confirm removal of erosion controls before COC is issued. No ICC comments.

MOTION:

◆ **A motion was made by Commissioner ffolliott to issue a full and final COC pending confirmation of erosion control removal. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: COC filing prepared by Wetlands Mgmt. dated 7-22-23

MATTER: 36-0937: 17 Greens Point Road. Baker. COC. *Cont. from 7/26/2023*

DISCUSSION: Present was Bill Manuell (Wetlands & Land Mgmt.). It was noted the matter was discussed earlier in the meeting under an RDA where an NDA was issued. No ICC comments.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to issue a full and final COC once the NDA is issued. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Revised As Built plan dated 6-14-23

MATTER: 36-1328: 121 Little Neck Road. Lochtefeld. COC. *Cont. from 7/26/2023*

DISCUSSION: Present were Anthony and Brenda Lochtefeld (owners). Lochtefeld said the wall replacement and patio were installed. Replanting was completed and NDZ posts were installed. The plants continue to be nurtured. No ICC comments.

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MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Enforcement Matters:

MATTER: 18 Spring Street. Enforcement Order for erosion and sedimentation into jurisdictional area. *New*

DISCUSSION: Present was Owen Thomas (owner). Thomas explained a new home is being built. Erosion controls are around the construction area. The existing driveway has an easement for 18 and 20 Spring Street. Water was running down the driveway and created erosion. Sediment went into the resource area. A silt sock was installed along the driveway to prevent further erosion.

Thomas said a proper crown and drainage ditch will be installed on both sides of the driveway to prevent erosion. Hughes suggested adding crushed stone for the drainage ditch. Hughes also suggested looking into a swale with check dams as a possible solution. Hughes requested the owner to present the final plan for the driveway. No further ICC comments.

MOTION:

◆ A motion was made by Commissioner ffolliott to amend the EO to accept the restoration plan with the final plan to be submitted to the Conservation Agent for review and approval by November 30, 2023. The motion was seconded by Commissioner Putnam and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: EO dated 7-27-23; site photos 8-1-23

MATTER: Little Neck Condominium Trust. Potential violation for boat storage and site-wide stormwater management.

DISCUSSION: Hughes noted no one from Little Neck Condominium Trust was present for the matter. Hughes explained there are kayaks on dunes. There continues to be drainage issues. Hughes suggested not approving further projects on Little Neck until the drainage issues are addressed.

MOTION:

◆ A motion was made by Commissioner Putnam to continue to August 23, 2023 (at a meeting via ZOOM). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Approval of Minutes: July 26, 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 Commissioner Carney-Feldman to adjourn at 8:42 p.m. The motion was seconded by Commissioner ffolliott and passed unanimously.

Respectfully submitted,

IPSWICH CONSERVATION COMMISSION
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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.