

Approved: September 15, 2021

Distributed: October 21, 2021

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

September 1, 2021

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, September 1, 2021 at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffolliott, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present were Agent Brendan Lynch and Recording Secretary Odile Breton. Absent with prior notice were Commissioner Jill Frier and Associate Commissioner Jack 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

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: None Noted

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

MATTER: 36-1480: 301 Argilla Rd. Trustees of Reservations (Woods Hole Group) NOI for installation of Coastal Education Center at Crane Beach. <i>Cont. from 8/18/21</i>
DISCUSSION: No discussion. Applicant requested to continue.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Putnam to continue to September 15, 2021. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None.</i></p>

COURTESY POSITIONS FOR TOWN PROJECTS

MATTER: 36-1254: Old England Rd. Culvert. TOI Department of Public Works. COC. <i>Cont. from 5/19/21</i>
DISCUSSION: There was no one present for this matter. Lynch provided photographs of both sides of the culvert. Lynch said it was fine to issue the COC.
MOTION: <p style="text-align: center;">♦ A motion was made by Vice-Chair Paulitz to issue a full and final COC. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None.</i></p>

MATTER: 36- : Plains Road Right of Way. TOI Department of Public Works (DPW). NOI to repair culvert and headwall to pre-existing conditions. <i>Cont. from 8/18/21</i>
DISCUSSION: Present was Frank Ventimiglia, Town of Ipswich Public Works. Ventimiglia noted the project has not received a DEP number. Ventimiglia provided background on the project. He said the culvert appeared to be backed up and damaged occurred to the headwall and pipes during the clearing of the culvert. DPW is looking to repair the inlet pipe and headwall. Ventimiglia noted that there are no funds currently available to replace the culvert. DPW has reached out to engineers to get quotes and develop a plan. Hughes recommended the ICC visit the site and identify the stream.
MOTION: <p style="text-align: center;">♦ A motion was made by Vice-Chair Paulitz to continue to September 15, 2021. The motion was seconded by Commissioner ffollott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>ICC to visit the site.</i></p>

MATTER: SPP. TOI ReCreation Department. Vista pruning
DISCUSSION: Lynch noted a potential withdrawal of this request. Black locust is to be removed. Hughes recommended getting the withdrawal in writing.

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MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to September 15, 2021. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Requests for Determination of Applicability:

MATTER: 18 Mineral St. Getchell. RDA for shed replacement. *Cont. from 8/18/21*

DISCUSSION: Present was Emily Getchell, the applicant. Getchell noted the shed needs to be 40 ft. from the wetlands. Getchell is considering moving the shed toward the Central Street neighbor and meet the side setback requirement. Hughes said the applicant needs to document what is intended and where the shed will be placed. The foundation for the shed needs to be documented as well as any vegetation removal. Final plans need to be submitted to Lynch. A pre and post site visit by a Conservation Agent will be done for the location of the shed.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to issue an NDA with Special Conditions after receipt of updated plans for 18 Mineral Street. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Final plans to be submitted by the applicant to Lynch. Pre and post site visit by Agent to confirm location of the shed.*

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1477: 214 High Street. 214 High St LLC (DeRosa) NOI for implementation for an ecological restoration plan, removal of an existing single-family home and construction of multi-family dwelling. *Cont. from 8/4/21*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental) and Larry Graham (H. L. Graham & Associates). A revised site plan was presented and DeRosa noted the parking and snow storage was moved out of the NDZ and NBZ.

Graham noted the applicant has not filed for a special permit with the Planning Board but a Citizen's Query for the project will be made at the September 9, 2021 Planning Board meeting. The Citizen's Query is not a formal filing. Graham noted the Planning Board did not want another similar application process that occurred with 108 Central Street.

There are 13 parking spaces noted on the site plan and potentially 6 units in the dwelling. Figure 2c is the planting plan and DeRosa noted mitigation. The applicant is looking for some sense from the ICC on the presented plans and if it makes sense to move forward with drainage and landscaping plans to be completed. DeRosa noted that there are competing interest from different Town boards. Hughes suggested the different Town boards and departments work together for what is best for this site. Lynch noted regular meetings with Town department heads and suggested scheduling this application for one of the meetings.

Public Comment: Odile Breton, 9 Soffron Lane, noted the Planning Board special permit is at the discretion of the Planning Board. The applicant may request 13 parking spaces and 6 dwelling units but may not be granted those spaces or units. She also noted the 108 Central St. application before the Planning Board was denied as the applicant never completed the application.

Hughes noted that this process for development has not historically occurred. Applicants have not come before the ICC and asked for feedback on various versions of site plans prior to completing the application. The same applicant has done this twice. Paulitz noted revisions to the plan are better. He asked what the applicant envisions for a yard for residents so that in the future there is no enforcement orders issued.

Public Comment: Toni Mooradd, 106 Central St., is a member of the Planning Board. She thinks a lot of the

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Town boards do want to work together and have to find a better way to work together.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to October 6, 2021. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Revision 3 Concept Plan dated 8-24-21 prepared by Graham Assoc.

MATTER: 36-1476: 108 Central St. Becker (DeRosa) ANRAD *Cont. from 8/4/21*

DISCUSSION: Present was Mike DeRosa (DeRosa Environmental). DeRosa noted the payment for the peer review was sent by the applicant. The site plan was displayed and DeRosa noted the 200 ft. river front area moved slightly south. The wetland line will be reviewed. No additional comments.

MOTION:

◆ **A motion was made by Vice-Chair Paulitz to issue continue to October 6, 2021. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to work with peer reviewer to schedule review.*

MATTER: 36-1479: 171 Town Farm Rd. Greenspoint Inv. (DeRosa) NOI to raze and rebuild single family house, installation of septic system and construction of a studio. *Cont. from 8/4/21*

DISCUSSION: Present were the applicants and owners, Mike Lord and Fred Ebinger, Mike DeRosa (DeRosa Environmental) and John Morin (Morin Cameron Group).

DeRosa noted the project is trying to move dwellings out of the sensitive zones and toward the road and higher land. DeRosa presented the site plan and noted the first floor of the proposed dwelling is 4.5 ft. above the flood plain. The ACEC line was identified on the site plan. Elevation 13 is the 100-year flood plain. The proposed dwelling is out of Elevation 13. DeRosa said the proposed plan is far better than the existing conditions.

Morin noted proposed activity is identified in the shaded areas on the site plan. It includes mitigation and invasive species removal. Total site disturbance is 27,330 sq. ft. He said MS4 program is applicable for projects that alter 1 acre or more (43,560 sq. ft.). Total alteration for structure moved to and out of is approximately 11,660 sq. ft. Ipswich storm water bylaw is applicable and calculations and mitigation are provided on the site plans. Morin said the survey was completed back in 2009 and he will verify what was used to establish the setbacks from the river.

Lynch noted restricted use of the property based on prior permitting (1968 and 1981). Further analysis on the documents will be done.

Hughes noted at the site visit there was a porta potty and there did not appear to be sewage. Hughes reviewed the property record card for the site, and this is a zero-bathroom structure. The regulations prohibit activities within the 150 ft. ACEC buffer which include new subsurface sewage disposal systems for new construction. If there is no current sewage on the site, the regulations prohibit any new sewage systems. Morin said the existing house has a drywell and existing cesspool. Hughes said there was no piping coming from the house. Things may have been installed but they are not on any approved plan and there are no permits. Lord said the old building cards reference a bathroom (1960s). Hughes suggested consulting with George Hall (Town Counsel for Ipswich) on documents that restrict use. Hughes suggested going through the Town Manager before contacting legal counsel directly. Hughes is concerned about developing on uplands in the marsh and all the waivers needed to complete this project. ffolliott is concerned about a basement in the flood plain. Carney-Feldman said it makes no sense to construct a building that will not have accessibility. Jim Stone said the certificate of occupancy was granted many years ago

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and may not be granted today in existing conditions. Paulitz noted the project is not retreating from the island as there is a proposed studio structure. Paulitz also noted there is no place to park a car.
No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Jim Stone to continue to September 15, 2021. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to draft questions for legal counsel and to discuss with Town Manager.*

MATTER: 36-1482: 58 North Ridge Rd. Napolitano (Graham) NOI for stair replacement on coastal bank. *Cont. from 8/18/21*

DISCUSSION: Present was Larry Graham (H. L. Graham & Associates). Graham noted a DEP file number was received. Graham added Note 8 to the site plan for seed plantings as requested by the ICC. Lynch to prepare conditions for 9/15/2021 ICC meeting.
No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to prepare conditions for 9/15/21.*
Documents: Revision 2 Permit Plan dated 8-24-21 prepared by Graham Assoc.

MATTER: 36-1483: 38 North Ridge Rd. Smith (Graham) NOI for stair replacement on coastal bank. *Cont. from 8/18/21*

DISCUSSION: Present was Larry Graham (H. L. Graham & Associates). Graham noted the DEP file number was received. He added note 8 on the site plan for seed plantings. Lynch to prepare conditions for 9/15/2021 ICC meeting.
No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Commissioner Ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to prepare conditions for 9/15/21.*
Documents: Revision 2 Permit Plan dated 8-24-21 prepared by Graham Assoc

MATTER: 36-1481: 28 Water Street. Henry/Mendelson (Graham) NOI for an addition to a single-family residence. *Cont. from 8/18/21*

DISCUSSION: Present were Larry Graham (H. L. Graham & Associates) and the applicants/owners Katie Mendelson and Jim Henry. Graham presented revised site plans and noted the addition for storage was moved back as requested by the ICC. He noted a small square footage change due to the adjustment. He noted adding an overhang (2ft. 8 inch) supported by three columns. It would be open underneath (about a 6 to 8 ft. clearance). A letter was sent with revised plan summarizing changes.

Hughes inquired about the hardscape in the front and the stairs and landing. Graham said there are 7 stairs coming up from the flagstone patio in the front of the house. Henry said the stairs are needed for entrance.

Hughes noted that Mass DEP sited there was no alternative analysis for this project. Hughes noted alternatives were discussed during the public hearing. Alternatives, including not building, should be documented for the ICC and Mass DEP.

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No waivers requested. No public comment.

Lynch to prepare conditions for 9/15/21.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to draft conditions for 9/15/21.*

Documents: Revision 1 Permit Plan dated 8-25-21 prepared by Graham Assoc

MATTER: 36- : 7 Fifth Street. Martineau. ANOI for an addition. *Cont. from 8/18/21*

DISCUSSION: Lynch noted the DEP file number has not been received. Lynch also worked with applicant on planting plan and alternative analysis. Applicant requested to continue.

MOTION:

◆ **A motion was made by Commissioner Ffolliott to continue to September 15, 2021. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Revised application dated 7-19-21

Requests for Certificates of Compliance:

MATTER: 36-1215: 301 Argilla Rd. Crane Beach Bath House. Trustees of Reservations. COC. *New*

DISCUSSION: Present was Peter Pinciario (Trustees of Reservations). He noted the request for a minor modification for the bath house deck and the gazebo. The work is completed. Lynch reviewed the plans and did not have comments.

MOTION:

◆ **A motion was made by Commissioner Ffolliott to issue a full and final COC. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

COC dated 8-12-21, plan prepared by Hancock Assoc. dated 1-14-21

MATTER: 36-727: 14 Plains Rd. Iacobacci (Holt) COC. *Cont. from 5/5/21.*

DISCUSSION: Paulitz is recused from this matter. Lynch said the project is 98% complete. The lawn needs to be patched. Putnam noted changes from the original approved plan. Lynch noted a minor modification in 2018 for deck, stairs and porch in the front of the house. Lynch to review differences from “as built” and approved plans. Lynch to visit the site and take photographs. Lynch noted the extension is still valid.

MOTION:

◆ **A motion was made by Commissioner Putnam to continue to September 15, 2021. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to do a site visit and take photographs.*

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MATTER: 36-895: 101 Jeffreys Neck Rd. Gonzales (Wetlands Mgmt.) COC. <i>Cont. from 8/4/21</i>
DISCUSSION: Lynch noted unpermitted work has been corrected and completed. Monuments have been installed. Lynch said the matter can be continued.
MOTION: <p align="center">◆ A motion was made by Commissioner ffolliott to continue to September 15, 2021. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p align="center">❖ <i>None</i></p>

MATTER: 36-1477: 88 Little Neck Rd. Cheever (Graham). COC. <i>Cont. from 8/18/21</i>
DISCUSSION: Present were Larry Graham (H. L. Graham & Associates) and Peter Cheever, applicant and owner. Graham said the formal amendment was filed August 11, 2021 (noted below) and notified abutters. The two matters were heard simultaneously. Graham reviewed six items that differ on the “as built” plan from the approved plans (included on Exhibit B in submission). <ol style="list-style-type: none"> 1. Planter size in front of house is 12 sq. ft. smaller than originally planned. 2. Air conditioner pad was built smaller (11 sq. ft. less). 3. Propane tank was not installed (9 sq. ft. less). 4. River stone drip edge all around the house (330 sq. ft. in addition). 5. Extended driveway in length approximately 10 ft (180 sq. ft. in addition) 6. Paver patio constructed 240 sq. ft. added. <p>Hughes asked about original numbers. She asked Graham to identify the new development from the original plans. Hughes would like to review before issuing a COC. Lynch noted the amounts are not on the original plans for area of disturbance. Graham estimated disturbance is less than 5,000 sq. ft. The correct filing fee ffolliott said should be triple fees for After -the – Fact modifications. Graham said the original filing fee of \$187.50 was paid so Mr. Cheever needed to pay an additional \$375.00.</p> <p>No public comment.</p>
MOTION: <p align="center">◆ A motion was made by Vice-Chair Paulitz to continue to September 15, 2021. The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p align="center">❖ <i>Applicant to pay the balance of fees (triple fees for after the fact modifications). Graham to submit calculations and update NOI.</i></p>

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

MATTER: 36-1477: 88 Little Neck Rd. Cheever (Graham). FA for extension of driveway, paver patio and river stone drip edge. <i>New</i>
DISCUSSION: Present were Larry Graham (H. L. Graham & Associates) and Peter Cheever, applicant and owner. See discussion above.
MOTION: <p align="center">◆ A motion was made by Vice-Chair Paulitz to continue to September 15, 2021. The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p align="center">❖ <i>See above action items</i></p>

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Documents: formal Amendment dated 8-11-21 prepared by Graham Assoc.

MATTER: 36-1455: 10 North Ridge Rd. McNiff (Graham) MM. *New*

DISCUSSION: Present was Larry Graham (H. L. Graham & Associates) and Al McNiff, the applicant and owner. A minor modification was filed for a house on a coastal bank that will be razed and rebuilt. There is a restoration plan prepared by DeRosa Environmental. The revised plan has a proposed smaller dwelling. The approved plan (version 3 December 2020) has a detached garage. The revised plan has an attached garage. Graham reviewed Resource and Buffer zone area coverage table on the plan. He noted there is no change to the mitigation planting area. Drainage is the same and roof drainage is going to the rain garden.

Hughes noted that more work will be done in the subzones. She asked if the garage can be moved forward and out of the subzones. Graham will ask architect and owner. McNiff said reducing the permeable patio can be done. Paulitz said coming back to the ICC with a modification that increased activity in the subzones is not good and Carney-Feldman agreed.

No public comment.

MOTION:

- ◆ **A motion was made by Commissioner Carney-Feldman to continue to October 6, 2021. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None*

Documents: Minor Modification prepared by Graham Assoc, revision 4 plan dated 8-17-21

Enforcement Matters:

MATTER: 24 Lakemans. Unpermitted expansion of driveway.

DISCUSSION: Present was David Kelly from Meridian Associates. Kelly provided background on the site. Owner expanded the driveway that was not approved. There will be a mitigation and restoration plan developed and submit to the ICC. Kelly to have a survey crew go to the site and determine the extent of issues. Hughes said an enforcement order is needed to do the restoration work.

No public comment.

MOTION:

- ◆ **A motion was made by Commissioner ffolliott to continue to October 20, 2021. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None.*

Approval of Minutes: August 18, 2021

- ◆ **A motion was made by Commissioner Carney-Feldman to approve the minutes as drafted/modified. The motion was seconded by Commissioner Putnam and passed unanimously.**

Adjournment:

- ◆ **A motion was made by Commissioner Carney-Feldman to adjourn at 9:40 p.m. The motion was seconded by Commissioner ffolliott and passed unanimously.**

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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.