

Approved: October 6, 2021
Distributed: October 21, 2021

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
September 15, 2021

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, September 15, 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 was Commissioner 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
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: 55 Waldingfield Road

<p>MATTER: 55 Waldingfield Road – Ora, Inc. Discussion of open trail system on property with a boardwalk to cross a stream.</p>
<p>DISCUSSION: Present was John Harden (Olsen Lewis Architects) and Mike DeRosa (DeRosa Environmental). Harden introduced a proposed trail system loop at 55 Waldingfield Road. Site diagrams were presented. Harden noted a proposed stream crossing in the conservation restriction (CR) area behind the existing mansion. He presented a photograph of an existing crossing that is appealing for this project. He said the crossing would be six ft. wide boardwalk. He noted the property is under a Purchase & Sale agreement and it is the intent of Ora, Inc. to add area to the CR for public use as required by the Ipswich Great Estate bylaw. Carney-Feldman suggested working with Essex County Trail Association. She asked if bikes would be allowed to use the trail. Harden said the holder of the CR would do the work on trail use.</p> <p>Hughes provided guidance for an application. For the crossing, ICC would look to bridge the entire bank of the swale so there would not be any structures within it. The ICC also looks for a buffer. Hughes said they would have to file a NOI because the project is bridging a resource area.</p>
<p>MOTION:</p> <p align="center">◆ No motion necessary</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p align="center">❖ <i>None.</i></p>

Courtesy Positions for Town Projects

<p>MATTER: 36-1430: Water Street. TOI Department of Public Works. (Coneco). NOI reconstruction of headwall and bank restoration at end of Summer Street <i>Cont. from 7/21/2021</i></p>
<p>DISCUSSION: Lynch said there is a request to continue to October 20, 2021.</p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Vice-Chair Paulitz to continue to October 20, 2021. The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p align="center">❖ <i>None.</i></p>

<p>MATTER: 36- : Plains Road Right of Way. TOI Department of Public Works. NOI to repair culvert and headwall to pre-existing conditions. <i>Cont. from 9/1/2021</i></p>
<p>DISCUSSION: Lynch noted there is no DEP file number and the site visit did not occur. Hughes requested rescheduling the site visit. She noted there does not appear to be stream characteristics. Paulitz visited the site on Monday and said it would not have to meet stream crossing standards. Lynch to contact DPW for plan amendment.</p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Commissioner ffolliott to continue to October 6, 2021. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p align="center">❖ <i>Lynch to reschedule site visit.</i></p>

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MATTER: SPP: TOI ReCreation Department. Vista pruning. Cont. from 9/1/2021
DISCUSSION: Lynch noted a withdrawal of the application.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Putnam to grant the withdrawal request. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None.</i></p>

Requests for Determination of Applicability:

MATTER: 22 Elm St. Driftway Condominium Trust. RDA to construct two sets of egress steps. New
DISCUSSION: Present was Robert Donahue, trustee and one of four owners of the property. He explained the need to replace stairs. He is requesting permission to install “switch back” wooden stairways for proper egress. He said the construction is over dirt and pavers. Hughes noted the location is river front and there are no exemptions for egress stairs. Hughes noted the submitted plans do not document any impact or footprint and does not meet RDA filing requirements. ICC needs a better representation of what is on site. ffolliott noted the plans need dimensions and need to identify what exists and what is proposed. Lynch to assist applicant to prepare better plans with more detail; sketch of decks with notation of dimensions, detail of supports and what supports will be set on, location of building and water. No public comment noted.
MOTION: <p style="text-align: center;">♦ 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.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>Lynch to visit the site.</i> <i>RDA submittal dated 9-1-21</i></p>

Ongoing Notices of Intent, Minor Modifications (MM), and Formal Amendments (FA):

MATTER: 36- : 7 Fifth St. Martineau. ANOI for addition. Cont. from 9/1/2021
DISCUSSION: Present was Vincent Martineau, owner. A draft OOC reviewed. No public comment noted.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner ffolliott to close the public hearing. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p> <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to issue a positive OOC as drafted/amended. 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: 36-1480: 301 Argilla Rd. Trustees of Reservations (Woods Hole Group) NOI for installation of Coastal Education Center at Crane Beach. Cont. from 9/1/2021
DISCUSSION: Lynch noted a request to continue to October 6, 2021.

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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.*

MATTER: 36-1447: 88 Little Neck Rd. Cheever (Graham). FA for extension of driveway, paver patio, and river stone drip edge. *Cont. from 9/1/2021*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham noted that the project is also requesting a COC which is also on the agenda. Hughes requested a motion to review the COC out of order of the agenda (see motion below).

Graham said additional figures were added to the plans as requested and a \$375 payment was made (triple fees). He said there is 5,660 sq. ft. of river front area for 88 Little Neck Road and 3,125 sq. ft. were altered. Graham to send DEP letter with updated information.

No public comment noted.

MOTION:

◆ A motion was made by Vice-Chair Paulitz to review COC for 88 Little Neck Road out of order of the agenda. The motion was seconded by Commissioner Stone and passed unanimously.

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

◆ A motion was made by Vice-Chair Paulitz to issue a positive OOC as drafted/amended. The motion was seconded by Commissioner ffolliott and passed unanimously.

◆ A motion was made by Commissioner ffolliott to issue COC pending receipt of recording documentation of OOC. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Amended OOC needs to be filed before COC is issued to applicant.*

MATTER: 36-1386: Labor In Vain Rd. 79 Labor In Vain Realty Trust (Graham). NOI to repair areas damaged by storms in jurisdictional areas. *Cont. from 7/21/2021*

DISCUSSION: Lynch did a site visit and noted a large amount of packed gravel stone. He said the NOI has been dormant. Lynch also confirmed that DPW did not do this work. An enforcement order to be issued with a request that owners appear at the next ICC meeting. It was noted that Larry Graham is the engineer on file. Graham said he is unaware of the work.

MOTION:

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

◆ A motion was made by Commissioner ffolliott to issue an enforcement order. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

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MATTER: 36-1410: 14-16 Mitchell Rd. (Meridian) MM. <i>Cont. from 8/4/2021</i>
<p>DISCUSSION: Present was Chris Rokos, engineer (Meridian Associates). He noted the project was peer reviewed by Bob Puff and the modification was approved by the Planning Board last week (see 9/9/2021 Planning Board minutes). Rokos noted the project was reduced in size. Hughes said it is not a minor modification if there is an increase in impervious surface. She noted the drainage plan was under Mass DEP standards and not under local regulations, Ipswich bylaw stormwater standards. Hughes said an FA should be filed. Lynch to provide ICC hard copy of previous plans. The amendment should include a description of changes, the impact to buffer zone, and increase of impervious surface.</p> <p>No public comment noted.</p>
<p>MOTION:</p> <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to October 6, 2021. The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="text-align: center;">❖ <i>None.</i></p> <p><i>Revised plans prepared by Meridian Assoc. and stormwater report dated 8-18-21</i></p>

MATTER: 36-1478: 45 Pineswamp Rd. DosSantos NOI for single family dwelling. <i>Cont. from 8/18/2021</i>
<p>DISCUSSION: Present was Mike DosSantos, applicant and Chris York, engineer. Site plans were displayed and York pointed out the flags for the wetlands. Hughes is concerned about the change in location for flags A4 and A5. She is also concerned about the Western environmental report and said there is no channel. York said Mark West (Western Environmental) flagged the site for wetland delineation.</p> <p>York reviewed plan updates and additional erosion control lines. He discussed the driveway grading, stone swale and infiltration basin. York to provide detail for 100 year storm and construction sequencing.</p> <p>Hughes is concerned about the potential disruption of the natural flow of water to the resource area. She has concerns about the nine ft.tall wall and rain garden. Suggestions were discussed for run off from the sports court.</p> <p>Public Comment: Tim Hannibal, 52 Pineswamp Rd., is an abutter. He noted trees were removed at 43 Pineswamp which increased run off to Pineswamp. He expressed concern about using chemicals being used on the driveway for ice and snow. He said run off will impact his property and a nearby pond that wild life uses.</p> <p>Hughes suggested a peer review and a site walk and Paulitz agreed.</p>
<p>MOTION:</p> <p style="text-align: center;">♦ 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.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="text-align: center;">❖ <i>Lynch to reach out to Planning Department about using Bob Puff for a peer review.</i></p> <p><i>Revision 2 plans dated 9-8-21 prepared by Millenium Eng.</i></p>

MATTER: 36-1479: 171 Town Farm Rd. Greenspoint Inv. (DeRosa) NOI to raze and rebuild a single family house, installation of septic system and construction of a studio. <i>Cont. from 9/1/2021</i>
<p>DISCUSSION: Lynch noted a request to continue to October 6, 2021.</p>
<p>MOTION:</p> <p style="text-align: center;">♦ 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.</p>

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ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

REQUEST for CERTIFICATES OF COMPLIANCE (COC)

MATTER: 36-1477: 88 Little neck Rd. Cheever (Graham). COC *Cont. from 9/1/2021*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). See above under Ongoing Notices as the COC matter was discussed out of order.

MOTION:

◆ **See motions related to COC documented above.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Supplemental information letter prepared by Graham Assoc. dated 9-2-21

MATTER: 36-1473: 14 North Ridge Rd. Keady (Graham). COC *New*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Lynch did a site visit and photographs of the repair to the seawall were presented. Lynch noted broken concrete at the base of the seawall was cleared. Hughes said the removal of boulders and stones was not approved and suggested a site visit by the ICC. Paulitz noted in the photographs that it appears the shotcrete covers the boulders and stones.

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:

❖ *Lynch to schedule a site visit.*

COC and plan prepared by Graham Assoc. dated 8-26-21

MATTER: 36-727: 14 Plains Rd. Iacobacci (Holt). COC *Cont. from 9/1/2021*

DISCUSSION: Paulitz is recused from the matter. Lynch provided an update. Lynch said the as built plans show retaining walls. Photographs taken of the site do not show retaining walls. Lynch said monuments are in place. Hughes noted erosion controls should be removed from the site and disposed of properly before a COC is issued. Hughes said the “turn around” needs to be included on the plan. She said the engineer should document in a letter the discrepancies with the as built plan.

MOTION:

◆ **A motion was made by Commissioner Putnam to continue to October 6, 2021. The motion was seconded by Commissioner Ffolliott and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Site visit photos dated 9-8-21

MATTER: 36-895: 101 Jeffrey's Neck Rd. Gonzales (Wetlands Mgmt). COC *Cont. from 9/1/2021*

DISCUSSION: Lynch said the COC request is After The Fact notice.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

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Enforcement Matters:

MATTER: 62 Jeffreys Neck Rd. Unpermitted fence within jurisdictional areas. <i>Cont. from 7/21/2021</i>
DISCUSSION: Lynch said the fence needs to be removed from the jurisdictional area and need to discuss with the owner who is reluctant to move the fence.
MOTION: <ul style="list-style-type: none"> ◆ 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: <ul style="list-style-type: none"> ❖ <i>Lynch to contact owner.</i>
MATTER: 121 Argilla Rd. Unpermitted work within jurisdictional areas. <i>Cont. from 7/21/2021</i>
DISCUSSION: Hughes suggested amending the enforcement order to have the delineation completed by a reasonable deadline date.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner ffolliott to issue an amended Enforcement Order to included delineation be completed by a date established by the Conservation Agent. The motion was seconded by Commissioner Putnam and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>Lynch to contact owner.</i>

Other Business:

MATTER: 12 Fowlers Lane. <i>Cont. from 9/16/2021</i>
DISCUSSION: Lynch provided an update. He said the grass is coming in. There are two growing seasons and Lynch recommends a visit in the spring.
MOTION: <p align="center">None.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None.</i>
MATTER: 36-1482: 58 North Ridge Rd. Napolitano (Graham). NOI for stair replacement on coastal bank. <i>Cont. from 9/1/2021</i>
DISCUSSION: Hughes noted the public hearing was closed and review of OOC is needed. Also the seed mix for under the stairs needs to be specified and any spoils need to be removed from the site and disposed of properly.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to issue positive OOC as drafted/amended. The motion was seconded by Commissioner ffolliott and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None.</i>

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MATTER: 36-1483: 38 North Ridge Rd. Smith (Graham). NOI for stair replacement on coastal bank. <i>Cont. from 9/1/2021</i>
DISCUSSION: Hughes noted the public hearing was closed and review of OOC is needed. Also the seed mix for under the stairs needs to be specified and any spoils need to be removed from the site and disposed of properly.
MOTION: <p align="center">◆ A motion was made by Commissioner ffolliott to issue positive OOC as drafted/amended. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p align="center">❖ <i>None.</i></p>

MATTER: 36-1481: 28 Water Street. Henry/Mendelson (Graham). NOI for an addition to a single family residence. <i>Cont. from 9/1/2021</i>
DISCUSSION: Hughes noted the public hearing was closed and review of OOC is needed. Paulitz stated that condition regarding sweeping needs to be removed as it is a gravel driveway.
MOTION: <p align="center">◆ A motion was made by Commissioner Carney-Feldman to positive OOC as drafted/amended. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p align="center">❖ <i>None.</i></p>

MATTER: 106 Essex Rd. Conservation Restriction Amendment Beth O'Connor (DeRosa). Amendment to Conservation Restriction
DISCUSSION: Lynch provided an update and noted DCR is reviewing the formal request to amend the Conservation Restriction by the owners. The request relates to moving the unrestricted area. DCR review committee is expected to review the request on September 29, 2021 and make a recommendation to the DCR Commissioner.
MOTION: <p align="center">◆ A motion was made by Commissioner Carney-Feldman to positive OOC as drafted/amended. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p align="center">❖ <i>None.</i></p>

Lynch provided an update on Commissioner Jill Frier. He said she is considering resigning and suggested the ICC ask Associate Commissioner Jack Stone to take her place. The members discussed the suggestion and requested Lynch discuss with the Town Manager.

Approval of Minutes: September 1, 2021

Paulitz requested adding language for clarification of the driveway for 88 Little Neck Road.

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◆ A motion was made by Commissioner Carney-Feldman to approve the minutes as drafted/amended. The motion was seconded by Vice-Chair Paulitz and passed unanimously.

Adjournment:

◆ A motion was made by Commissioner Carney-Feldman to adjourn at 9:34 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, 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.