

**Approved: 10-5-22**  
**Distributed: 10-13-22**

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**September 21, 2022**

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, September 21, 2022, at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes, 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. Absent with prior notice was Vice-Chair William Paulitz.

**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  
September 21, 2022**

**Citizen's Queries:**

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| <b>MATTER: Citizen's Query by Brian Hone for the Pedestrian Cyclist Advisory Board</b>   |
| <b>DISCUSSION:</b> Present was Brian Hone, 29 Upper River Road, is the Chairman of the Pedestrian Cyclist Advisory Board, inquired about the removal of pedestrian and cyclist access to Jeffrey's Neck Road. He asked about the process to preserve such access. Hughes said it is an engineering question. She said there can be no impact to the Salt Marsh. She said that MA DEP should be part of the conversation. |
| <b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b><br>❖ <i>None.</i>  |

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

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| <b>MATTER: 36-1506: 17 Bay Road.</b> Holden (John Dick). NOI for addition to existing single-family home. <i>Cont. from 9/7/2022</i>   |
| <b>DISCUSSION:</b> The matter is being continued without discussion at the applicant's request.  |
| <b>MOTION:</b><br>♦ <b>A motion was made by Commissioner Putnam to continue to October 5, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b> |
| <b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b><br>❖ <i>None.</i>  |

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| <b>MATTER: 36-1507: 40 North Ridge Road.</b> Radcliffe-Walsh (DeRosa). NOI to raze and rebuild existing single-family home. <i>Cont. from 9/7/2022</i>                             |
| <b>DISCUSSION:</b> The matter is being continued without discussion at the applicant's request.  |
| <b>MOTION:</b><br>♦ <b>A motion was made by Commissioner Putnam to continue to October 5, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b> |
| <b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b><br>❖ <i>None.</i>  |

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| <b>MATTER: 36-1511: 26-40 Market Street.</b> Cutter (DeRosa). NOI to raze and rebuild accessory structure. <i>Cont. from 9/7/2022</i>  |
| <b>DISCUSSION:</b> The matter is being continued without discussion at the applicant's request.  |
| <b>MOTION:</b><br>♦ <b>A motion was made by Commissioner Putnam to continue to October 5, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b> |
| <b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b><br>❖ <i>None.</i>  |

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| <b>MATTER: 36-1514: 41 River Road.</b> Scannell (Graham). NOI replace/extend stone stairway, extend to new roof deck with stairway, repair retaining wall, replaced paved area, install subsurface propane tank. <i>Cont. from 9/7/2022</i> |
| <b>DISCUSSION:</b> The matter is being continued without discussion at the applicant's request.   |

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes  
September 21, 2022**

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| <p><b>MOTION:</b></p> <p>◆ A motion was made by Commissioner Putnam to continue to October 5, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p> |
| <p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <p>❖ None.</p>  |
| <p><b>MATTER: 36-1508: 110 and 113 Little Neck Road.</b> Chace (Hancock). NOI for demolition and reconstruction of single-family home. <i>Cont. from 9/7/2022</i></p>                  |
| <p><b>DISCUSSION:</b> The matter is being continued without discussion at the applicant's request.</p>   |
| <p><b>MOTION:</b></p> <p>◆ A motion was made by Commissioner ffolliott to continue to October 19, 2022. The motion was seconded by Commissioner Jim Stone and passed unanimously.</p>  |
| <p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <p>❖ None.</p>  |

**Courtesy Positions for Town Projects**

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| <p><b>MATTER: 36- : 4 Fellows Road.</b> TOI Department of Public Works. NOI to work with Beaver Deceivers International to install beaver deceiver at inlet to Fellows Road culvert. <i>New</i></p>   |
| <p><b>DISCUSSION:</b> Present was Frank Ventimiglia, Department of Public Works. Ventimiglia explained that there is increased beaver activity in the culvert and would bring in Skip Lisle of Beaver Deceivers International to install a Beaver Deceiver at the site. . Hughes requested information on the elevation of the pipe. Ventimiglia to inquire and include information in the plan. Ventimiglia noted the beaver dam upstream is on private property and will not be removed by DPW.</p> <p><b>Public Comment:</b> Jaimie Fay, 9 Fellows Road, is in support of the project.</p> |
| <p><b>MOTION:</b></p> <p>◆ A motion was made by Commissioner ffolliott to continue to October 5, 2022. The motion was seconded by Commissioner Jim Stone (hahahah) and passed unanimously.</p>  |
| <p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <p>❖ None.</p> <p><i>Documents: NOI filing packet dated 9-7-2022; permission letter from landowner dated 9-19-22</i></p>   |

**Stormwater Permit Applications:**

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| <p><b>MATTER: 125 Topsfield Road.</b> Bishop/Bergeron (Graham). Stormwater Management Plan for construction of single-family house with associated appurtenances. <i>New</i></p>   |
| <p><b>DISCUSSION:</b> Present was Larry Graham (H.L. Graham and Associates). The site plan was displayed, and Graham explained the project. The site is approximately 16 acres and is lightly wooded. Graham reviewed elevations of the site, the soils, and pointed out the border of the wetland area. Graham said no work is proposed within 100 ft. of the wetland. Graham also noted the site is served by Town water and electric. Topsfield Road is a Designated Scenic Road requiring an application for an opening that will go before the Planning Board. One 22' DBH oak tree is proposed to be removed. The entire driveway will be gravel.</p> <p>Graham reviewed the Stormwater Management system and drainage plan. A 1500-gallon cistern tank is proposed to be used for horses and watering the landscape. Seven BMPs are proposed for the site. Increase water to wetland is sustainable. Graham noted the Board of Health approved the septic system for a 4-bedroom house.</p> <p>Hughes is concerned with the O &amp; M for the system. Graham estimated a \$2,500 annual cost for maintenance to be performed by a third-party contractor. Hughes also noted that annual reports are required. Graham said the owners are aware of the requirements. Graham noted two waiver requests will be included in the application.</p> <p>No public comment noted.</p> |

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes  
September 21, 2022**

**MOTION:**

◆ **A motion was made by Commissioner Carney-Feldman to continue to October 5, 2022. The motion was seconded by Commissioner Jim Stone and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *There will be draft conditions at the next meeting.*

*Documents: Stormwater Application and plan prepared by HL Graham dated 9-7-2022*

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

**MATTER: 36-1477: 214 High Street.** 214 High Street 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 6/15/2022.*

**DISCUSSION:** Present were Larry Graham (H.L. Graham and Associates), Mike DeRosa (DeRosa Environmental), Mike Becker (applicant) and Charissa Vitas (applicant). Graham reviewed the revised site plan (dated July 2022). Graham noted several Town Departments reviewed and provided feedback for the project.

Graham reviewed on-site parking and access to parking. Eight spaces are underneath the proposed building with access on the left side of the site. Six additional outdoor parking spaces are located on the left side of the site and two handicap parking spaces are located on the right side of the site. The building was expanded to 42 ft. in depth. Graham noted conflicts between the zoning bylaws and conservation restrictions. The 50 ft. setback overlaps with the NBZ. Graham noted single-family and two-family homes are not permitted in the zone. Multi-family and commercial is permitted for the zone.

DeRosa discussed the restoration plan. The rear of the site will be converted from mowed lawn to a vegetated wetland area. Buffer zone restoration is included.

Hughes said the ICC noted many times that it is a difficult site to develop. The ICC I has been generous by accepting development outside the 25 ft. NDZ. Hughes reiterated the proximity of the Town's Zone II drinking water supply. She noted the amount of development proposed is not feasible for site. The project needs to be scaled back. Carney-Feldman added that it is understandable that a developer wants to maximize profits for the site, but it is at the expense of the environment. Jack Stone inquired about the substantial hardship and why the ICC should grant waivers/variances for development in buffer zones. Graham said the shape and topography of the lot. The lot is approximately 3 acres but only a small area is allowed for development. Becker asked if the 25ft. NDZ is the only issue. Hughes said it is the starting point. Waivers are required for both the 50 ft. and 65 ft. NBZ. Hughes explained that buffer zones help protect resource areas.

**Public Comment:** Odile Breton, 9 Soffron Lane, works part-time for the Town but has no managerial or decision-making responsibilities. Breton records the minutes for the Planning Board (PB) and noted the applicant's last appearance before the PB did not result in affirming the layout of the site. The PB requested the applicant to get ICC approval first as the ICC has expertise in Wetlands Protection Act.

**MOTION:**

◆ **A motion was made by Commissioner Putnam to continue to October 5, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

*Documents: Revision letter prepared by HL Graham dated 9-14-22; Revised plan prepared by HL Graham dated 7-14-22; Updated plan with plantings dated 9-10-22 prepared by HL Graham*

**MATTER: 36-1515: 26 Turkey Shore Road.** Cummings. NOI for landscaping, patio, and deck board replacing. *Cont. from 9/7/2022.*

**DISCUSSION:** Present was Josh Cummings (owner/applicant). A new plan with additional details was submitted and presented. Cummings reviewed the plan. Commissioner ffolliott had concerns about the bank being stabilized over the winter. Hughes said conditions can be added if plantings are not done by November 1, 2022. OOC will

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes  
September 21, 2022**

specifically state everything that is being approved. Cummings to remove the dock from the plan and re-submit. No public comment noted.

**MOTION:**

◆ **A motion was made by Commissioner Carney-Feldman to continue to October 5, 2022. The motion was seconded by Commissioner Jim Stone and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Pirrotta to draft OOC for the next meeting.*

*Documents: Revised color plan dated 9-16-22; Email regarding plantings dated 9-19-22*

**MATTER: 36-1513: 39 Bay Road, Little Neck Condo Assoc.** NOI to intercept drainage from Hilltop Rd. and Bay Rd. to minimize erosion at 31 Bay Rd. *Cont. from 9/7/2022*

**DISCUSSION:** Present was Jacqui Trainer (Allen & Major Associates, Inc.). Trainer noted updates for resource areas on the plan based on DEP comments. New outfall is at elevation 18. Trainer noted the existing outfall is at elevation 10. It will be capped. Erosion controls were added to the plan as requested. Nicole Hayes did the Coastal Bank delineation. Hayes reviewed figures/diagrams of slopes of the Coastal Bank. Hughes said three transects are required to be on the plan. No waivers are requested. The plan is for maintenance of existing drainage. No public comment.

**MOTION:**

◆ **A motion was made by Commissioner ffolliott to continue to October 5, 2022. The motion was seconded by Commissioner Putnam and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Transects to be added to the plan. Pirrotta to draft OOC for next meeting.*

*Documents: Email response to DEP from Allen and Major dated 9-14-22; Revised plan prepared by Allen and Major dated 9-14-22*

**Requests for Certificates of Compliance:**

**MATTER: 36-1157: 19 Hayward Street.** (Meridian). COC. *Cont. from 9/7/2022*

**DISCUSSION:** Present were David Kelley (Meridian Associates) and Evin Guvendiren (DeRosa Environmental) and current property owner (Steven Edington). Guvendiren reviewed the site walk and noted some vegetation needs to be removed but Hughes noted the presence of native vegetation growing in the basin, as well. Hughes suggested issuing an EO to remove and manage the invasive species. A plan to manage the invasive species should be submitted. No public comment noted.

**MOTION:**

◆ **A motion was made by Commissioner Carney-Feldman to issue an Enforcement Order for the applicant to develop a maintenance plan to address invasive species in the detention basin by November 2, 2022. The motion was seconded by Commissioner Jim Stone and passed unanimously.**

◆ **A motion was made by Commissioner Jim Stone to issue a full and final COC for 36-1157 to facilitate the P & S for 19 Hayward Street. The motion was seconded by Commissioner Putnam and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Applicant must submit a plan to manage invasive species.*

*Documents: Photos dated 9-20-22*

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

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes  
September 21, 2022**

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| <b>MATTER: 36- : 50 Mill Road.</b> Greene (Wetlands and Land Management). NOI to construct and repair a septic system. <i>New</i>   |
| <b>DISCUSSION:</b> Present was Bill Manuell (Wetlands and Land Management). He described the septic system upgrade. The property is approximately 5 acres and borders the Ipswich River. Manuell pointed out resource areas and buffer zones on the site plan. He noted the leach field is out of jurisdiction. Proposed work in jurisdiction includes installing two tanks under the driveway. The Board of Health approved the project. No public comment. A draft OOC to be prepared for the next meeting. |
| <b>MOTION:</b><br><p style="text-align: center;">◆ <b>A motion was made by Commissioner ffolliott to close the public hearing. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b></p>   |
| <b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b><br><p style="text-align: center;">❖ <i>Draft OOC for the next meeting.</i></p> <i>Documents: NOI prepared by Wetlands Mgmt dated 9-6-22; Septic plan prepared by Domestic Septic Design dated 5-17-22; photos dated 9-20-22</i>   |

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| <b>MATTER: 36-1414: 173 Linebrook Road.</b> Symes Development (Williams & Sparages). MM to install a patio behind unit 46. <i>New</i>  |
| <b>DISCUSSION:</b> Present was Jeff Rhuda (Symes Development) and Greg Hochmuth (Williams & Sparages). In August 2020, an OOC was issued approving the entire project. Hochmuth reviewed the minor modification request to install a patio behind unit 46. Hochmuth noted that the original approved proposal was a much larger unit with a deck. A permeable patio is proposed outside of the NDZ and NBZ. Erosion controls are in good shape. Hochmuth explained that true permeable pavers have wider joints allowing water to go through faster. Small stone materials are used between the pavers. Hughes requested information on the pavers be included. Hochmuth noted there is no additional impervious area added with the MM. Commissioner ffolliott said that when this project was first before the ICC we had concerns about approving the polygons that represented where the houses would be built. We were assured that nothing associated with the construction would be outside the polygon such as propane tanks, AC units, patios and decks. We had concerns about the extra work load for our agent. The applicant also said that house lot 47 would be coming before us for a deck.<br><br>No public comment noted.<br><br>The fee for a minor modification is 25% of the original filing fee. Hochmuth said the original would calculate to \$1,225 (25% of the original). He said a under the Town bylaw, a fee for a single-family home, \$300 x 25% = \$75. Hughes said \$75 is reasonable. Putnam said the fee should increase incrementally per MM request. |
| <b>MOTION:</b><br><p style="text-align: center;">◆ <b>A motion was made by Commissioner Carney-Feldman to waive the fee of \$1,225 (25% of original filing fee) and accept \$75 fee for the MM application. The motion was seconded by Commissioner Jim Stone and passed unanimously.</b></p> <p style="text-align: center;">◆ <b>A motion was made by Commissioner Putnam to approve the MM as presented and upon receipt of information on permeable pavers. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b></p>  |
| <b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b><br><p style="text-align: center;">❖ <i>Applicant to submit information on permeable pavers.</i></p> <i>Documents: MM request and plan prepared by William Sparages dated 8-25-22; Fee reduction request dated 9-20-22</i>  |

**Enforcement Matters:**

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| <b>MATTER: 46 North Ridge Road.</b> Enforcement. <i>Cont. from 9/7/2022</i>            |
| <b>DISCUSSION:</b> Pirrotta said the owner requested a continuance to October 5, 2022. |
| <b>MOTION:</b>   |

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes  
September 21, 2022**

**◆ A motion was made by Commissioner ffolliott to continue to October 5, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

*Documents: Update letter from DeRosa Env. Dated 9-19-22*

**MATTER: 3 Willowdale Circle.** Unpermitted tree cutting. *Cont. from 9/7/2022*

**DISCUSSION:** No one was present for the matter. ffolliott said there is not enough plantings. The restoration is not successful. Pirrotta to follow up with the owner.

**MOTION:**

**◆ A motion was made by Commissioner ffolliott to continue to November 2, 2022. The motion was seconded by Commissioner Jim Stone and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**MATTER: 81 Old Right Road.** Unpermitted tree cutting. *Cont. from 9/7/2022*

**DISCUSSION:** Pirrotta visited the site. A sketch for the location of the plantings and an agreement for plant species is needed from the owner. Pirrotta to follow up with the owner.

**MOTION:**

**◆ A motion was made by Commissioner Putnam to continue to October 5, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

*Documents: Photos dated 9-15-22*

**MATTER: 85 Old Right Road.** Unpermitted tree cutting. *Cont. from 9/7/2022*

**DISCUSSION:** Pirrotta visited the site. The owner would like to plant two pine trees for the trees that were cut down. Pirrotta said shrubs would make more sense since there are a lot of trees in the area. ICC suggested five shrubs to plant and sweet pepperbush and gray dogwood is a suggested shrub.

**MOTION:**

**◆ A motion was made by Commissioner ffolliott to continue to October 5, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

*Documents: Photos dated 9-15-22*

**MATTER: 121 Argilla Road.** Enforcement

**DISCUSSION:** Present were Attorney Frank Di Luna, Kat Kenney (owner) and Greg Hochmuth (Williams and Sparages). Restoration area is in jurisdiction. Hochmuth said gravel needs to be removed at Argilla Road access. Hochmuth would like to do the proposed work under an EO. The Farm Plan includes a maintenance plan. Di Luna to provide the maintenance plan.

**MOTION:**

**◆ A motion was made by Commissioner ffolliott to continue to October 19, 2022. The motion was seconded by Commissioner Jim Stone and passed unanimously.**

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes  
September 21, 2022**

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| <b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> |
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❖ *None.*

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| <b>MATTER: 20 Peatfield Street.</b> Enforcement. |
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| <b>DISCUSSION:</b> Pirrotta noted work was done in the Ipswich River near the public landing. The EO was issued. It appears a channel was dug in the river for canoe access. Owner requests to continue to October 5, 2022. |
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| <b>MOTION:</b> |
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♦ **A motion was made by Commissioner ffolliott to continue to October 5, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

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| <b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> |
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❖ *None.*

*Documents: EO dated 9-13-22; response letter from owner dated 9-19-22*

**Other Business:**

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| <b>MATTER: Discussion on “contiguous” upland for Planning Board initiated Article for Fall Town Meeting</b> |
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| <b>DISCUSSION:</b> ICC discussed a zoning article proposed by the Planning Board for Town Meeting. Lot owner will be required to have 100% of buildable lot. This is a change from 70% of the buildable lot in upland. ICC to prepare a statement to include “contiguous” upland in the zoning article and make a motion to amend the zoning article at Town Meeting. |
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| <b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> |
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❖ *None.*

**Approval of Minutes: September 7, 2022**

♦ **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 Putnam to adjourn at 10:04 p.m. The motion was seconded by Commissioner Jack Stone 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.**