



## TOWN OF IPSWICH PLANNING & DEVELOPMENT DEPARTMENT

TOWN HALL, 25 GREEN STREET, IPSWICH, MASSACHUSETTS 01938

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TO: Planning Board  
FROM: Open Space Program Staff  
SUBJECT: **Outstanding Open Space-Related Questions and Concerns for the Planning Board**  
DATE: July 20, 2022

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This memo includes a number of questions and considerations that have been discussed in past meetings regarding Open Space and Public Access or that the Open Space Program Staff seek to raise to the Planning Board:

1. What is the Planning Board's decision on Protection of the eastern paddock adjacent to Greenbelt's Julia Bird Property? The Open Space Committee's (OSC) recommendation continues to be that the eastern paddock area should be included in the permanently protected Conservation Restriction (CR) area to guarantee it from future development or disturbance. If the Board is not willing to require the entire eastern paddock be protected by a conservation restriction through the permit approval process, it should consider increasing the Open Space Area required to be put in conservation restriction by 10% as allowed by the Bylaw at the discretion of the Planning Board (section H(5)(c)), which could be achieved in part by increasing Area B and Area C (i.e. the 100' and 250' setbacks) adjacent to Phase 1B behind the barn, to gain more area of guaranteed protection of that eastern paddock.
2. The Planning Board needs to ask the applicant to provide a surveyed boundary plan of the proposed Conservation Restriction/Open Space areas and trail locations so as to accurately determine where those locations are relative to the property boundaries and the existing property conditions, as well as proposed property improvements and construction.
3. Are there portions of the proposed trail that are outside of the proposed conservation restriction area? These trail locations should be more clearly defined on the plans provided, as should the property boundary with the adjacent Julia Bird Reservation owned by Greenbelt. Trails depicted on the ORA Exhibit plan 5b. Loop Trail that are not on the 55 Waldingfield property (i.e., on Greenbelt's Julia Bird property) should be clearly identified on the plan as OFF PROPERTY and not presented as part of the applicant's proposed trail layout for the trail easement.
4. Does the Board have issue with the location of the rain garden (adjacent to Phase 1B and located within the 250' front setback), as it appears to be constructed partially in the proposed conservation restriction? If the Board allows this drainage feature within the Conservation Restriction, an approved management and maintenance plan of the rain garden will need to be incorporated as part of the conservation restriction.
5. Is the Board content with the proposal to include areas of the formal gardens and lawn as part of the CR areas, or do they feel that those areas are already adequately protected under the Historic Commissions certification of historical significance of the landscape features (Letter in ORA binder Appendix 2, Written Exhibits 2 and 3, dated October 5, 2021 and December 13, 2021 respectively)? If the Board allows these gardens to be included, an approved management and maintenance plan of the formal gardens and lawn will need to be incorporated as part of the conservation restriction.



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6. The site plan for 1A (Sheet 3/5) shows a rock dispersion pad within Julia Bird CR on the property. Per the terms of the Julia Bird CR (*December 18, 1972*), such impacts do not appear to be allowed within the restricted area (*see attached*). Any activity proposed by the applicant that is not permitted within the terms of the existing Julia Bird CR should not be permitted by the Planning Board.
7. The proposed amphitheater and corners of phase 2 and 3 development are immediately adjacent to the existing Julia Bird Conservation Restriction (see layout plan 4 – sheet 9/13). Has the Board considered the dimensional requirement below (H)(5)(d)(i), as well as impacts of construction and continued use of this area adjacent to the CR (noise, lighting, habitat impacts, vegetation and drainage impacts, consequential creation of hazardous tree areas)?
  - o *d. Dimensional Regulations i. A minimum setback of one hundred (100) feet shall be provided between a GEPD and abutting lots, and a buffer strip consisting of vegetated area with a minimum depth of one hundred (100) feet shall be provided between the GEPD and any street line. An entry drive, along with a gate house and appropriate signage, may be permitted within the buffer strip. If a boundary line of the GEPD is adjacent to permanent open space, such as Town, State, Federal or privately-restricted open space, the Planning Board may require that the first thirty (30) feet of the setback from such open space be a landscaped buffer. The Planning Board may decrease or increase by not more than twenty percent (20%) any buffer area requirement if, after site plan review by the Board, the Board deems such action to be reasonable and appropriate.*

If the Board allows the amphitheater adjacent to the conservation area, we recommend that the permit include specific conditions related to construction, uses, noise, light, erosion, and boundary setbacks per the above regulation.

8. All engineered plans need to be revised to show the correct location of 20' wide ROW granted to Essex County Greenbelt, which is shown to be in the incorrect location on some of the plan pages submitted by the applicant in the packet dated June 3, 2022.
9. Is the proposed phase 2 and 3 subsurface sewage disposal system and reserve areas as shown on Utility Plan page 7 of the plans dated 6/28/22 located within or adjacent to the 100' setback proposed as conservation Area B, and/or the orchard west of Phase 1B shown on Waldingfield Planting Plan L2? The Planning Board should consider the impacts of these infrastructure components on these protected and planted areas, and whether their locations should be modified.



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Attachment: 1972 Julia Bird Conservation Restriction

BK 5966 PG 244

& PLAN  
SEE PL. B. 126  
PL. 5

## CONSERVATION RESTRICTION

JULIA BIRD of Walpole, Norfolk County, Massachusetts, in order to insure the preservation in perpetuity of certain land of the Grantor in its present predominantly undeveloped condition, hereby grants to JOHN W. PEIRCE, Garden St., Topsfield; HENRY N. SAWYER, 58 Peabody St., Middleton; FREDERIC WINTHROP, 746 Highland Ave., Hamilton; GILBERT L. STEWARD, JR., Hamilton Rd., Topsfield; CHARLES G. RICE, Coles Island, Gloucester; RUTH ALEXANDER, Batchelders Landing, Rowley; all of Essex County, Massachusetts, as they are Trustees under agreement and declaration of Trust entitled the "Essex County Green Belt Association", dated April 18, 1961 and recorded in the Essex South District Registry of Deeds in Book 4837, Page 210 and as amended, a conservation restriction pursuant to Chapter 184, Section 31 et. seq. of the General Laws of Massachusetts, on a certain parcel of land located in Ipswich, Essex County, Massachusetts, bounded and described as follows:

Beginning at a point on the Southerly side of the Ipswich River said point being on the Western boundary of Lot "A" as shown on Land Court plan 11711<sup>A</sup> (CERT. 6835);

Thence running S 21°-03'-05"E by said Lot "A" twenty feet  $\frac{1}{2}$  (20' $\frac{1}{2}$ ) to a drill hole in a cone bound.

Thence running S 21°-03'-05"E by said Lot "A" fifty one and seventeen hundredths feet (51.17') to a drill hole set at the end of a stone wall;

Thence turning and running N 73°-51'-31"W by land of Grantor four hundred forty six and ninety two hundredths feet (446.92') to a drill hole in a cone bound;



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Thence turning and running S 81-37'-25"W by land of Grantor one hundred fifty two and forty eight hundredths feet (152.48') to a drill hole in a cone bound;

Thence turning and running S 60-09'-23"W by land of Grantor two hundred twenty three and seventy nine hundredths feet (223.79') to a drill hole in a cone bound;

Thence turning and running S 71 -35' -48"W by land of Grantor one hundred seventy four and seventy nine hundredths feet (174.79') to a drill hole in a cone bound;

Thence turning and running S 23-04'-44"W by land of Grantor one hundred fifty four and thirty eight hundredths feet (154.38') to a drill hole in a cone bound;

Thence turning and running S 36 -05'-20"W by land of Grantor Two hundred sixty six and seventy nine hundredths feet (266.79') to a drill hole in a cone bound;

Thence turning and running S 79 -36' -10"W by land of Grantor two hundred twelve and thirteen hundredths feet (212.13') to a drill hole set in a boulder;

Thence turning and running S 31 -13' 00"W by land of Grantor ninety five and ninety three hundredths feet (95.93') to a drill hole in a cone bound;

Thence turning and running S 75 -24'-00"W by land of Grantor three hundred fourteen and three tenths feet (314.3') to a drill hole in a cone bound;

Thence turning and running S 85 -09'-45W by land of Grantor one hundred ninety nine and twenty four hundredths feet (199.24') to a drill hole set in a stone wall at land of Walter A. Smith Jr.;

Thence turning and running N 33 -07'-17"W by land of said Smith one hundred fifty and three tenths feet (150.3') to a stone bound marked "T" on its Easterly face;

Thence running N 33 -07'-17"W by land of said Smith thirty five feet ± (35'±) to said Ipswich River;

Thence turning and running downstream by said Ipswich River to the point of beginning.

Being over a portion of the premises conveyed to me by deed dated July 1, 1926 and recorded with the Essex South District Registry of Deeds in Book 2821, Page 291;



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The terms of this conservation restriction are as follows:

I. The Grantor, her heirs, successors and assigns shall neither perform nor permit others to perform any of the following activities on said land:

(a) construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground;

(b) dumping or placing of soil or other substance or material as landfill, or dumping or placing trash, waste or unsightly or offensive materials;

(c) removal or destruction of trees, shrubs or other vegetation;

(d) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface;

(e) surface use except for agricultural, farming, forest or outdoor recreational purposes or purposes permitting the land or water area to remain predominantly in its natural condition;

(f) activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation; or

(g) other acts or uses detrimental to such retention of land or water areas.

II. The conservation restriction hereby conveyed shall not



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operate to grant to the Trustees or their successors or to the general public any right to enter onto said land, except that the Trustees, through one or more duly designated officers, employees or agents shall have the right to enter said land, at reasonable times and in a reasonable manner, for the purpose of inspecting said land, insuring compliance with the terms of this conservation restriction and remedying any violations thereof.

This conservation restriction shall be binding upon and may be enforced against the Grantor, her heirs, successors and assigns by the Trustees and their successors and assigns by the Trustees and their successors as holders of this conservation restriction.

Inasmuch as this conservation restriction is given as a gift, no documentary stamps are needed for this instrument.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal this 18<sup>th</sup> day of December, 1972.

Julia Bird  
Julia Bird

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

18<sup>th</sup> December 1972

Then personally appeared the above-named Julia Bird and acknowledged the foregoing instrument to be her free act and deed, before me,

Daniel A. Nuger  
Notary Public

My commission expires: Feb 15, 1979





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APPROVAL BY SELECTMEN

We, the undersigned Board of Selectmen of the Town of Ipswich acting pursuant to Chapter 184, Section 32 of the General Laws of Massachusetts, hereby approve the above conservation restriction this 26<sup>th</sup> day of March 1973.

*Joseph A. Naranjo*  
\_\_\_\_\_  
*Charles W. Cobb*  
\_\_\_\_\_  
*Edward Kozlowski*  
\_\_\_\_\_  
*William M. Rubin*  
\_\_\_\_\_  
*John J. Ryan*  
\_\_\_\_\_

APPROVAL BY COMMISSIONER OF NATURAL RESOURCES

I, the undersigned Commissioner of Natural Resources of the Commonwealth of Massachusetts, acting pursuant to Chapter 184, Section 32 of the General Laws of Massachusetts, hereby approve the above conservation restriction this 9<sup>th</sup> day of April 1973.

*Andrew Rosen*  
\_\_\_\_\_  
Commissioner of Natural Resources

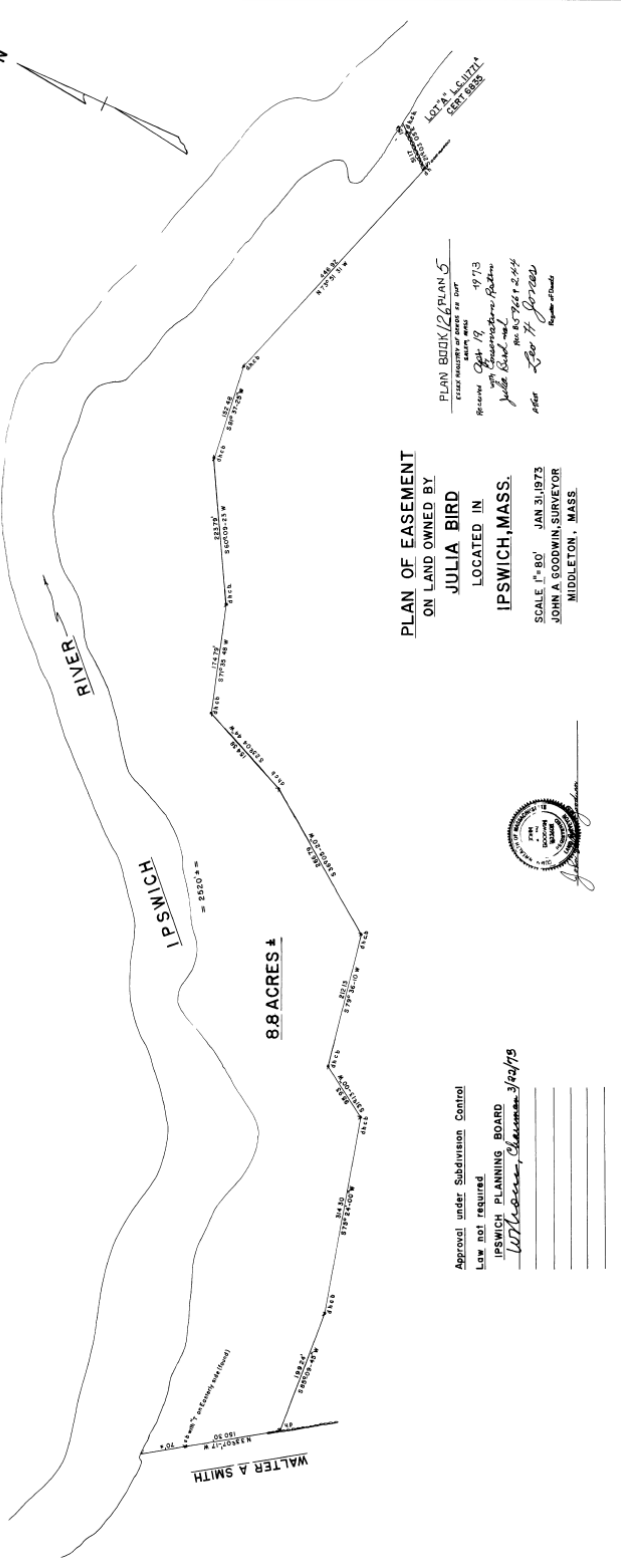
ESSEX SS. RECORDED April 19, 1973 45 M. PAST 11 A.M. INST. # 116



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**PLAN OF EASEMENT**  
**ON LAND OWNED BY**  
**JULIA BIRD**  
**LOCATED IN**  
**IPSWICH, MASS.**  
 SCALE 1" = 80' JAN 31, 1973  
 JOHN A. GOODWIN, SURVEYOR  
 MIDDLETON, MASS.

PLAN BOOK 12/PLAN 5  
 EXACT RECOVERY OF AREA AS SHOWN  
 49.73  
 APPROVED BY  
 TOWN OF IPSWICH  
 JULIA BIRD and  
 HER ESTATE  
 BY  
 JOHN H. GARDNER  
 REGISTERED



Approval under Subdivision Control  
 Law not required  
 IPSWICH PLANNING BOARD  
 W. H. ... 3/22/75