

**Approved: 4-20-2022**  
**Distributed: 5-12-2022**

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**April 6, 2022**

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, April 6, 2022, at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffollott, Catherine Carney-Feldman, and James Stone. Also present were Associate Commissioner Jack Stone, Agent Brendan Lynch and Recording Secretary Odile Breton. Absent with prior notice was Commissioner Raymond Putnam. Chair Hughes made announcements regarding remote meetings.

**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.

**Courtesy Positions for Town Projects**

**MATTER: 36-1488: 4 Pineswamp Rd. TOI DPW (Coneco). ANRAD Cont. from 3/16/2022**

**DISCUSSION:** Present was Kevin McHugh (Coneco). McHugh noted the delineation line was presented at the last meeting and was reviewed by a third-party consultant. The third-party consultant recommended modifications to the delineation line. McHugh presented the revised line and original line on an aerial view of the site. He noted soil tests were conducted. Lynch walked the site with the third-party consultant and Mike Toohill (Coneco). Lynch said the major change is around existing community gardens. Lynch pointed out the area on the aerial view.

Hughes said topography should be included on the plan of record. A written waiver request is required if the plan will not include topography. DPW should update the plan. McHugh said a written waiver request will be submitted. Lynch to contact DPW.

**Public Comment:** Seth Barry, 29 Linebrook Road, asked about accuracy of delineation line and the soil tests performed. Hughes said the third-party reviewer is exceptionally experienced with the area. Soil tests are performed so area is not based solely on vegetation.

Rick Covino, 65 Pineswamp Road, asked about the drainage on site. Hughes noted a stream runs through the site and vegetated wetlands borders the stream. The grading runs toward the stream.

**MOTION:**

◆ **A motion was made by Commissioner Carney-Feldman to approve the request of waiver for topography on the project plan. The motion was seconded by Vice-Chair Paulitz and passed with 4 votes (Commissioner Stone recused due to technical issues).**

◆ **A motion was made by Commissioner ffolliott to close the public hearing. The motion was seconded by Commissioner Paulitz and passed unanimously.**

◆ **A motion was made by Commissioner ffolliott to issue ORAD and approve the delineation line presented on plan this evening. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Plan to include LiDAR before issuing ORAD. DEP needs an updated copy of the plan with the changed delineation line.*

**MATTER: Proposed revisions to Stormwater Bylaw Regulations**

**DISCUSSION:** Lynch said proposed changes were sent for peer review, but comments have not been received. Lynch to follow up with peer reviewer. Hughes said the peer review comments are needed for the next meeting and the Town needs to be compliant with MS4 requirements. Coneco reviewed the changes and had no comments.

**Public Comment:** Larry Graham, 12 Labor In Vain Road, suggested edits. He noted the 50-year storm was included on page 14 section 5 but was not included in section 4a. On page 15, Graham disagreed with calculations for inches / hour for the 50-year and 100-year storm events. Graham inquired about application form and fees. Hughes said to use the existing form and pay current fees. Graham said use of proprietary devices should be included. Hughes said that only DEP and EPA approved devices can be used which are noted under general performance standards.

Lynch reviewed fees in surrounding municipalities.

**MOTION:**

◆ **A motion was made by Vice-Chair Paulitz to continue to April 20, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Lynch to follow up with peer reviewer.*

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

**MATTER: 36-1498: 71 Pineswamp Rd, Kamon Farm.** Essex County Greenbelt. NOI for improvement to a portion of existing farm road to provide access to proposed 12 vehicle gravel parking area including an all-access gravel trail to create public access to Essex County Greenbelt Assoc. Kamon Farm conservation land. *Cont. from 3/16/2022*

**DISCUSSION:** Present were David Rimmer, Director of Land Stewardship and Kate Bowditch, President of Essex County Greenbelt Association for this matter. Rimmer summarized the hearings and changes made to the project. He noted the project was scaled back from 12 to 8 parking spaces. Rimmer reviewed a sketch of the locations of trees. He analyzed moving the parking lot farther back and the move would not negate tree removal.

**Public Comment:** Rick Covino, 65 Pineswamp Rd., asked how the number of parking spaces were determined. Covino noted drainage goes over Kimball Brook. Rimmer said there is no formula used to determine the number of parking spaces. He said it was determined by experience of managing similar properties. Rimmer does not expect all 8 spaces to always be filled. The 8 spaces will reduce parking on the street. Rimmer said the French drain system around the parking lot is to prevent run-off. There was no analysis completed for the impact across the street. Covino is concerned with the number of parking spaces and noted several other Greenbelt properties have significantly smaller parking lots. Rimmer said other Greenbelt properties are topographically limited for parking. For example, the Sally Weatherall property is primarily salt marsh.

Hughes noted positive feedback for the project from multiple Town departments.

Carney-Feldman requested adding a condition to the OOC to protect tree roots during construction.

**MOTION:**

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

◆ **A motion was made by Commissioner Carney-Feldman to issue a positive OOC for work in ICC jurisdiction as drafted/amended. The motion was seconded by Commissioner Ffolliott and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

*Documents: Open Space letter dated 3-24-22*

**MATTER: 36-1497: 55 Waldingfield Rd.** Ora, Inc. (DeRosa, Hancock) NOI for proposed construction of wetland crossing and patio. *Cont. from 3/16/2022*

**DISCUSSION:** Mike DeRosa, DeRosa Environmental was present for this matter. DeRosa said the applicant is withdrawing the application.

**MOTION:**

◆ **A motion was made by Commissioner Ffolliott to accept the applicant withdrawal as requested. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

*Documents: Withdrawal request dated 3-24-22*

**MATTER: 36-1493: 70 North Ridge Rd.** Harrigan (DeRosa). NOI for renovations to existing pier, installation of ramp, float and walkway and reconstruction of stairs. *Cont. from 2/16/2022*

**DISCUSSION:** Present were Mike DeRosa (DeRosa Environmental), Mark Georgian, (First Water Engineering) and Barry Harrigan (owner). DeRosa reviewed changes to the project. An aluminum gangway was added, and the proposed stairway removed. The driveway will be re-worked and come under a separate NOI. Hughes asked about the deck. Georgian explained the design and said it is above the flood zone. The structure is off the beach on timber

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pier support piles. Hughes notes the structure does not appear to be approved from the original Chapter 91 license. Hughes suggested a gangway that is seasonal instead of a permanent structure on the coastal bank. Hughes requested a comparison of the original approved Chapter 91 license structure to the current proposed structure (all dimensions requested). Georgian questioned the concern over a permanent stable structure. Hughes said the project should avoid, minimize and mitigate in resource areas.

Hughes questioned the stairs and concrete pad over the groin which was not part of the Chapter 91 license. Georgian reviewed access on the groin in the Chapter 91 license. The previous design did not include the concrete pad. The concrete pad is attempting to manage existing large concrete pieces. Photographs of the existing groin were displayed. DeRosa noted comments from MA Division of Marine Fisheries (DMF). It requested a reduction in the concrete pad size. Hughes asked about the purpose of the stairs. It's an egress to the beach. DMF would prefer no stairs. Hughes noted the proposed structure should not extend wider to the coastal beach. She requested a comparison of dimensions approved under the Chapter 91 license to the proposed structure.

Hughes asked about the helical anchor piles. Georgian said the piles replace traditional anchor system and minimize the footprint. DeRosa reviewed comments from DMF. Hughes said the Harbor Master needs to provide comments in writing regarding the safety of the design.

Paulitz asked how the concrete slab will be installed. Georgian said the slab will be precast and can be brought in on a barge to avoid equipment on the shore. Paulitz requested more detailed information on the means and methods of installation.

Hughes noted the Chapter 91 license includes public access which is not noted on the plans. DeRosa will add detail to the plan. Paulitz requested a photograph of the public access area. No public comment noted.

**MOTION:**

◆ **A motion was made by Commissioner Carney-Feldman to continue to April 20, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Lynch to contact the Harbor Master and DMF. Applicant to update plan to include public access details, removal of debris and kayaks, and comparison of approved Chapter 91 license dimensions to current proposal dimensions. DeRosa and Georgian to prepare alternatives for ramp/deck to be seasonal structure.*

*Documents: Letter from DeRosa Env. Response to DMF dated 3-30-22*

**MATTER: 36-1494: 124 North Ridge Rd. IBYC.** (Graham) NOI for boat ramp repair and paving of gravel access road to ramp. *Cont. from 3/16/2022*

**DISCUSSION:** Present were Larry Graham and Gerry McDonald (H. L. Graham and Associates). McDonald summarized the project and hearings to date. He noted additional details were added to the plan as requested by ICC. Transects provided coincide with proposed work. Hughes reviewed the transects and noted delineation of coastal bank drops below the road. Graham expressed concern about revising coastal bank delineation as the line on the current plan was accepted for prior projects on this site. Hughes said this is a new project and the delineation needs to be correct for this filing. It does not impact prior projects that have COCs.

Paulitz questioned drainage calculations. McDonald reviewed and said the purpose is to minimize velocity of water and erosion.

Hughes said the ICC needs to make a statement on the size of the project. ICC can waive Town stormwater regulations but there is no waiver for Wetlands Protection Act stormwater management. ICC should document a finding the applicant is doing the maximum extent practicable for stormwater management. McDonald to provide stormwater calculations and revise delineation on plan. No public comment noted.

**MOTION:**

◆ **A motion was made by Commissioner Ffolliott to continue to April 20, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

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**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Applicant to revise delineation on plan and provide stormwater management calculations.*  
*Documents: Revised plan prepared by Graham Assoc dated 3-23-22*

**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 3/16/2022*

**DISCUSSION:** Present was Mike DeRosa (DeRosa Environmental). DeRosa said the plans were sent to CZM since the last meeting. CZM has not provided comments and DeRosa requested a continuance. Hughes said no structure can be in the salt marsh and where the road ends needs to be determined. DeRosa to provide better measurements on the plan.

**MOTION:**

◆ **A motion was made by Vice-Chair Paulitz to continue to April 20, 2022. The motion was seconded by Commissioner Stone and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**Requests for Certificates of Compliance:**

**MATTER: 36-1157: 19 Hayward St.** (Meridian) COC. *New*

**DISCUSSION:** Lynch said the applicant requested a continuance to June 15, 2022.

**MOTION:**

◆ **A motion was made by Vice-Chair Paulitz to continue to June 15, 2022. The motion was seconded by Commissioner Stone and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

*Documents: COC dated 3-21-22 prepared by Meridian.*

**MATTER: 36-1471: 20 Lakemans Lane.** Bernard. COC. *Cont. from 3/16/2022*

**DISCUSSION:** Present was Dan Bernard. No disturb markers were added and noted on the plan. The foundation plan was submitted to the Town Building Department and Conservation Commission office. No public comment noted.

**MOTION:**

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

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None*

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

**MATTER: 36-1474: 47 Newmarch St.** (DeRosa) MM. *New*

**DISCUSSION:** Present was Mike DeRosa (DeRosa Environmental). DeRosa presented the site plan and highlighted the modifications in red. He noted the addition of a hot tub and walkway. There is a smaller turnaround driveway. Minor modifications will be reflected in "as built" plan. No ICC or public comment noted.

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**MOTION:**

◆ **A motion was made by Commissioner ffolliott to approve the minor modification as submitted. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

*Documents: Revised plan dated 3-28-22 prepared by Morin Cameron.*

**MATTER: 36-1499: 114 Essex Road.** Wolf Hollow. NOI for removal and construction of foot bridge. *New*

**DISCUSSION:** Present was Anthony Hurrell and Zee Soffron (Wolf Hollow). Hurrell explained the project and improvements to the wetland area. Hurrell reviewed existing conditions. The project includes a rear access to be ADA compliant. The current foot bridge is low and experiences flooding. There is a deck off the rear door and a 5 ft. walkway. Elevations and materials were reviewed. Helical piles will be used to support the structures.

Hughes noted the proposed deck is in the NBZ. The applicant needs to complete an alternatives analysis. Hurrell will investigate making the deck smaller to get it out of NBZ. ICC to schedule a site visit. No public comment noted.

**MOTION:**

◆ **A motion was made by Vice-Chair Paulitz to continue to April 20, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Applicant to prepare alternatives analysis.*

*Documents: Notice of Intent Filing package dated March 2022.*

**MATTER: 36- : 38A Topsfield Rd.** (Wetlands Land Mgmt). NOI to construct a new single-family dwelling. *New*

**DISCUSSION:** Present was Bill Manuell (Wetlands Land Mgmt). Manuell explained the project and noted the wetlands come up to the rear property line. He noted the proposed house is small (585 sq. ft.). He pointed out the 50 ft. No Disturb line and 65ft. No Build line on the plan and the proposed dwelling is close to the street. He reviewed the drainage and stormwater management.

Carney-Feldman is concerned with the NBZ going to the back of the house. Monuments are needed. Manuell pointed out one marker on the plan. Carney-Feldman suggested adding one or two more markers.

Manuell noted the dwelling will be connected to Town water and sewer. Hughes said verification is needed from DPW. Lynch to do a site visit to review wetlands area. No public comment noted.

**MOTION:**

◆ **A motion was made by Vice-Chair Paulitz to continue to April 20, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Lynch to do a site visit.*

*Documents: Notice of Intent Filing package prepared by Wetlands Land Mgmt. dated March 2022.*

**MATTER: 36- : 5-7 Turkey Shore Rd.** Carl Gardner. NOI to construct a 20' x 25' accessory dwelling unit, and expansion of gravel driveway. *New*

**DISCUSSION:** Present was Carl Gardner (owner). Gardner explained the project of a new accessory dwelling unit and the expansion of the driveway is needed to accommodate parking. He said the new accessory dwelling is 500 sq. ft. and the existing shed will be replaced with a larger shed. An 8 x 10 ft. permeable patio will be on the back of the dwelling unit.

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Gardner reviewed drainage which defuses run-off. Hughes said Section 10.585 of the Riverfront regulations require an alternatives analysis for new development. She noted the first 100 ft. of the Riverfront should be vegetated (no structures). She expressed concern that the driveway drains toward the river and there needs to be some thought given to treatment for drainage. She said Riverfront calculations for allowance of development need to be on the plan. Gardner said the project is small and falls well below jurisdiction of State and local stormwater management requirements. Gardner said it is a low impact development and adding a structural solution adds maintenance. Hughes is concerned with a portion of the driveway being in the Town right of way and DPW approval is needed. She said treatment of driveway run-off should be on-site. Paulitz suggested expanding the rain garden down the property line.

Gardner said no alternatives analysis was provided because the alternative is not to build. The proposed location of the dwelling is furthest from the river. Hughes said that option and the reason why they were chosen needs to be documented. ICC to schedule a site visit.

**Public Comment:** Nicole Hupin, 17 Turkey Shore Road, has lived on Turkey Shore Rd. for 21 years. She discussed conditions during heavy rainfall. The storm drain between 3 and 5 Turkey Shore Rd. does not adequately drain. She said 3 Turkey Shore Rd. had 4 ft. of water in the basement that had to be drained by the Fire Department. Hupin did not know how often the basement at 3 Turkey Shore Rd. experiences water in the basement.

Gardner responded that the catch basin is located at a low point of Turkey Shore Rd. and debris and leaves clog the drains. He said 5-7 Turkey Shore Rd. has not experienced water in the basement because it was constructed differently. He said 3 Turkey Shore Rd. relies on a sub-pump.

**MOTION:**

◆ **A motion was made by Commissioner Ffolliott to continue to April 20, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Lynch to schedule a site visit. Applicant to provide documentation requested for application.*  
*Documents: Notice of Intent Filing Package and Plans prepared by ASB Design Group dated 3-14-22*

**Enforcement Matters:**

**MATTER: 121 Argilla Road** Gravel driveway

**DISCUSSION:** Hughes said the ICC needs the delineation that has been requested in the enforcement order. The owner will receive fines if not provided.

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Lynch to notify owner.*

**MATTER: 62 Jeffreys Neck Road** Fence

**DISCUSSION:** Lynch said the owner has not responded. Hughes said if there is no response for the next meeting, the owner will receive fines and the matter will be brought to the attention of DEP.

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Lynch to notify owner.*

**Other Business:**

**MATTER: Turner Hill Conservation Restriction, Estoppel Certificate**

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**DISCUSSION:** Present was Attorney Philip Lake, representing GCTH Ipswich. Turner Hill will be under new management. The Estoppel Certificate confirms the CR complies for the transfer of ownership. The buyer and the lender want to confirm there are no outstanding issues with the CR. The certificate requires a quorum for ICC signatures.

**MOTION:**

◆ **A motion was made by Commissioner Carney-Feldman to issue and a quorum to sign an Estoppel Certificate for the Turner Hill CR. The motion was seconded by Commissioner ffolliott and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *ICC members to sign Estoppel Certificate.*

**Approval of Minutes: March 16, 2022**

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

**Adjournment:**

◆ **A motion was made by Vice-Chair Paulitz to adjourn at 11:02 p.m. The motion was seconded by Commissioner ffolliott 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.**