

**Approved: 5-4-2022**  
**Distributed: 6-28-2022**

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**April 20, 2022**

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, April 20, 2022, 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. 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:**

<b>MATTER: Citizen's Query for Association of Great Neck.</b> Clark Beach access road repairs.
<b>DISCUSSION:</b> Present was Lianne Halloran, President of the Association of Great Neck. Halloran presented photographs of the access road and noted it did not suffer significant damage in the past year. There were some potholes which require recovery of on-site material. Halloran is requesting permission to make repairs. A mini excavator will be used but the work can be done by hand if preferred.  Hughes said maintenance is not an issue if the recovery is material from the pond side of the road. Hughes requested Lynch to visit the site pre and post work and requested the Association provide Lynch with 24 hours' notice of scheduled work. Hughes requested machinery to stay on the road during the work. Lynch to send the Association an email documenting the approved work and conditions.
<b>MOTION:</b>  ♦ <b>A motion was made by Vice-Chair Paulitz to authorize the requested maintenance work (detailed in an email from Lynch to the Association of Great Neck). The motion was seconded by Commissioner Stone and passed unanimously.</b>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b>  ❖ <i>Lynch to visit the site pre and post maintenance work. Lynch to send an email detailing the authorized work and conditions.</i>

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

<b>MATTER: 36-1477: 214 High Street.</b> 214 High Street LLC (DeRosa). NOI for implementation of an ecological restoration plan, removal of an existing single-family home and construction of multi-family dwelling. <i>Cont. from 3/16/2022</i>
<b>DISCUSSION:</b> The matter is requested to be continued without discussion by the applicant.
<b>MOTION:</b>  ♦ <b>A motion was made by Commissioner ffolliott to continue to May 4, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</b>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b>  ❖ <i>None.</i>
<b>MATTER: 36-1500: 38A Topsfield Rd.</b> (Wetlands Land Mgmt). NOI to construct a new single-family dwelling. <i>Cont. from 4/6/2022</i>
<b>DISCUSSION:</b> The matter is requested to be continued without discussion by the applicant.
<b>MOTION:</b>  ♦ <b>A motion was made by Commissioner ffolliott to continue to May 4, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</b>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b>  ❖ <i>None.</i>  <i>Documents: NOI application package dated March 2022; plan entitled Existing Conditions dated 12-21-21</i>

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**Courtesy Positions for Town Projects**

<b>MATTER: Proposed revisions to Stormwater Bylaw Regulations</b>
<b>DISCUSSION:</b> Lynch said no comments were received from the Planning Board. Lynch reviewed the updates to the regulation since the last ICC meeting. Changes were made for 24-hour rainfall rates in inched for the 50-year and 100-year storm. Fees were discussed and \$150 was agreed. No public comment noted.
<b>MOTION:</b> <ul style="list-style-type: none"> <li>◆ <b>A motion was made by Commissioner Putnam to approve and implement Stormwater Bylaw Regulations as drafted and amended. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b></li> </ul>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <ul style="list-style-type: none"> <li>❖ <i>Lynch to post to Town website.</i></li> </ul>

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

<b>MATTER: 36-1493: 70 North Ridge Rd.</b> Harrigan (DeRosa). NOI for renovations to existing pier, installation of ramp, float and walkway and reconstruction of stairs. <i>Cont. from 4/6/2022</i>
<b>DISCUSSION:</b> Present were Mike DeRosa (DeRosa Environmental) and Barry Harrigan (owner). DeRosa reviewed a listing of items needed for the application. DeRosa reached out to the Harbor Master for helical mooring but has not yet received a response. A method is being developed for the construction of the concrete slab. They have reached out to Chapter 91 for comments regarding the revised plan layout. DeRosa noted that the US Coast Guard and the US Army Core of Engineers will review after the ICC issues an OOC. DeRosa requested continuing the matter to May 4, 2022. No public comment noted.
<b>MOTION:</b> <ul style="list-style-type: none"> <li>◆ <b>A motion was made by Vice-Chair Paulitz to continue to May 4, 2022. The motion was seconded by Commissioner ffollriott and passed unanimously.</b></li> </ul>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <ul style="list-style-type: none"> <li>❖ <i>None.</i></li> </ul>

<b>MATTER: 36-1494: 124 North Ridge Rd. IBYC.</b> (Graham) NOI for boat ramp repair and paving of gravel access road to ramp. <i>Cont. from 4/6/2022</i>
<b>DISCUSSION:</b> Present were Larry Graham and Gerry McDonald (H. L. Graham and Associates). Graham noted McDonald was not on the call and requested tabling the matter (See vote below). McDonald made the call, and the matter was untabled (See vote below). McDonald reviewed the changes to the plan and stormwater calculations. A transect (T3) was added which changed the location of top of coastal bank from the bayside of access ramp. It did not change top of coastal bank or buffer zones in the area where work is proposed. A leaching catch basin was added to catch run-off from proposed paved surface. McDonald explained Rip-Rap and check dam are to reduce water velocity. McDonald reviewed drainage summary. Hughes ask about O & M plan for large structures. McDonald noted the O & M plan was not updated for the recent changes. Hughes requested Paulitz and Lynch to develop a condition for potential issues and the applicant would have to come back before the ICC. Revised O & M is required to be recorded with the OOC. No public comment noted. Waiver for stormwater management standards is requested as it is not redevelopment but new impervious surface. The applicant is not able to provide recharge that is required for water quality. ICC reviewed draft OOC. Plan dates need to be updated. Stormwater management section must be added. All prior orders must be closed. Add additional condition that Paulitz and Lynch will develop.

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**MOTION:**

- ◆ A motion was made by Commissioner Carney-Feldman to table the matter (7:24 pm). The motion was seconded by Vice-Chair Paulitz and passed unanimously.
- ◆ A motion was made by Commissioner ffolliott to continue to untable the matter (7:27 pm). The motion was seconded by Commissioner Stone and passed unanimously.
- ◆ A motion was made by Commissioner ffolliott to approve requested waiver for stormwater standards (2, 3 & 4) related to new development. The motion was seconded by Commissioner Stone and passed unanimously.
- ◆ A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Commissioner Putnam and passed unanimously.
- ◆ A motion was made by Commissioner Putnam to issue OOC as drafted and amended. The motion was seconded by Commissioner Stone and passed unanimously.

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

- ❖ *Applicant to update O & M plan. Paulitz and Lynch to develop an additional condition. Lynch to update plan dates and add stormwater management section to OOC.*

*Documents: Revision 4 Plan prepared by Graham Assoc dated 4-13-2022.*

**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 4/6/2022*

**DISCUSSION:** Present was Mike DeRosa (DeRosa Environmental) and Larry Graham (H. L. Graham & Associates). DeRosa said the plans were sent to CZM since the last meeting. Both DeRosa and Lynch noted CZM has not provided comments. Lynch to meet DeRosa and Graham with an auger at the site. No public comment noted.

**MOTION:**

- ◆ A motion was made by Commissioner Putnam to continue to May 4, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

- ❖ *None.*

**MATTER: 36-1499: 114 Essex Rd.** Wolf Hollow. NOI for removal and construction of foot bridge. *Cont. from 4/6/2022*

**DISCUSSION:** Present were Anthony Hurrell and Zee Soffron (Wolf Hollow). Hurrell reviewed Figure 1 which was revised to move the rear deck from the NBZ. The pathway would still cross the NBZ. Figure 2 was reviewed. Gravel walkway near viewing area will be replaced to be ADA compliant. Hurrell would like to use an excavator for the work. Grass seed will be used under the new deck structure. Hughes suggested using a native restoration mix for seed. No public comment noted.

A waiver requested to work in NBZ and NDZ and a waiver requested for engineered plans.

**MOTION:**

- ◆ A motion was made by Commissioner ffolliott to approve waivers as requested and discussed. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
- ◆ A motion was made by Commissioner Stone to close the public hearing. The motion was seconded by Commissioner Putnam and passed unanimously.

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<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <ul style="list-style-type: none"> <li>❖ <i>Lynch to draft OOC for May 4, 2022 ICC meeting.</i></li> </ul> <p><i>Documents: NOI application package dated March 2022.</i></p>
<p><b>MATTER: 36-1501: 5-7 Turkey Shore Rd.</b> (Carl Gardner). NOI to construct a 20'x25' accessory dwelling unit and expansion of gravel driveway. <i>Cont. from 4/6/2022</i></p>
<p><b>DISCUSSION:</b> Present was Carl Gardner (owner/applicant). Gardner noted the plans were revised based on comments from the ICC. The driveway width was reduced to 18 ft. A level French drain was added to the left side. Updated calculations were added for River Resource Area impact. Gardner said a Low Impact Development design is being used to minimize impact of new structure and driveway width. Hughes said DPW needs to provide approval for work on the right of way. ICC needs DPW approval prior to issuing the OOC. ICC cannot issue OOC for work on property the applicant does not own.</p> <p>Paulitz asked how water gets to the infiltration trench as grading does not appear to go in that direction. Gardner said engineer designed grading to get water to trench. Paulitz noted the swale on the plan. Gardner said water is directed to small catch basin at elevation 16.5. Hughes said plantings for rain garden should be Native.</p> <p><b>Public Comment:</b> Kitty Bartholome, 16 Turkey Shore Rd., asked about the driveway and if there will be cutting into the hillside. Gardner responded that the driveway elevation will be raised and he does not envision cutting into the hillside unless necessary. Bartholome asked about resource area impact and if disturbance exceeds 10% of the lot. Hughes said it is a new development, so it is possible it exceeds 10% of the lot. The regulation is 10% or 5,000 sq. ft., whichever is greater. Bartholome asked about a third-party review. Lynch noted comments have not been received from the Planning Board's third-party reviewer.</p> <p>Hughes noted the O &amp; M plan for treatment of system is needed. Approval from DPW is needed for work on the right of way. DPW can email approval to Lynch. An updated plant listing is needed.</p>
<p><b>MOTION:</b></p> <ul style="list-style-type: none"> <li>◆ <b>A motion was made by Commissioner Ffolliott to continue to May 4, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b></li> </ul>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <ul style="list-style-type: none"> <li>❖ <i>Lynch to follow up with Planning Department for peer review comments.</i></li> </ul> <p><i>Documents: NOI application package; Plan prepared by ASB Revised 4-8-2022; Alternative analysis; Hydrolic soil group; stormwater infiltration letter; letters from abutters;</i></p>
<p><b><u>Requests for Certificates of Compliance:</u></b></p>
<p><b>MATTER: 36-1378: 143 High Street</b> Bank Gloucester COC. <i>New</i></p>
<p><b>DISCUSSION:</b> Lynch said the Engineered Certification has not been received. He did receive Wetland Certification from Bill Manuell. Stormwater management and O &amp; M certification is also needed. No one from the applicant was present. Lynch to contact applicant for items. Lynch noted placards need to be added to the installed monumentation posts.</p>
<p><b>MOTION:</b></p> <ul style="list-style-type: none"> <li>◆ <b>A motion was made by Vice-Chair Paulitz to continue to May 4, 2022. The motion was seconded by Commissioner Stone and passed unanimously.</b></li> </ul>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <ul style="list-style-type: none"> <li>❖ <i>None.</i></li> </ul> <p><i>Documents: Request for COC</i></p>

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

<b>MATTER: 36-1502: 263 Argilla Rd.</b> (Graham) NOI for septic repair. <i>New</i>
<b>DISCUSSION:</b> Present were Larry Graham and Gerry McDonald (H.L. Graham & Associates). McDonald presented the site plan and explained the septic repair. Work will be within the 100 ft. buffer coastal resource zone. The leaching field will be beyond the 100 ft. buffer zone. Paulitz requested erosion control for the leaching field to help identify the area for the contractor. Graham explained the location of the sewer in the rear of the house. He said it cannot be re-routed. The tanks need to be 12 inches above the ground water to meet Title V requirements. Lynch to visit the site. No public comment noted.
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Vice-Chair Paulitz to continue to May 4, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p align="center">❖ <i>Lynch to draft OOC for next ICC meeting.</i></p> <p><i>Documents: NOI application package; plan prepared by Graham Assoc. revised date 2-23-22</i></p>

**Enforcement Matters:**

<b>MATTER: 121 Argilla Road</b> Gravel driveway
<b>DISCUSSION:</b> Attorney Frank Di Luna was present. Hughes said the portion of the property where the violation occurred is not land in agricultural use. Aerials from 2019 do not show roads and wetland delineation has not been provided. ICC has contacted MA DEP regarding the violations. Hughes also noted that aerials on MA DEP GIS do not show a road. ICC stance on the matter has not changed. Attorney Di Luna stated it is agricultural use for horses and the owners sell horses. He said the road is noted on Town historical maps. Hughes requested documentation from Attorney Di Luna. Hughes asked Lynch to update the EO and document items to be submitted within 30 days.
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Commissioner Carney-Feldman to continue to June 1, 2022. The motion was seconded by Commissioner Ffolliott and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p align="center">❖ <i>Lynch to notify owner, update EO and items needed from owner within 30 days.</i></p>

<b>MATTER: 62 Jeffreys Neck Road</b> Fence
<b>DISCUSSION:</b> Lynch received a communication from the owner which stated the fence will be moved. Lynch noted that Bill Manuell from Wetlands Land Mgmt. was at the site to complete a delineation line. The ICC needs an update on the deck.
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Commissioner Stone to continue to May 4, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p align="center">❖ <i>Lynch to notify owner, update EO and items needed from owner within 30 days.</i></p>

**Approval of Minutes: April 6, 2022**

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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 Stone and passed unanimously.

**Adjournment:**

◆ A motion was made by Commissioner Carney-Feldman to adjourn at 9:22 p.m. The motion was seconded by Vice-Chair Paulitz 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.**