

Approved: 9/7/2022
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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
August 17, 2022

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, August 17, 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, James (Jim) Stone and Jack Stone. Also present was Recording Secretary Odile Breton.

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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Hughes announced that Jack Stone is a full Commissioner for the ICC.

Citizen's Queries:

MATTER: 64 Paradise Road (DeRosa)
DISCUSSION: Present was Evin Guvendiren (DeRosa Environmental). Guvendiren inquired about an additional area of the site to manage phragmites. Aerial view was presented. She pointed out the areas to be added (island in the pond and an area along the pond shore). Hughes said a filing is needed to document the means and methods to be used for the work. Hughes suggested filing for a minor modification. Hughes asked if the materials could be dredged. Guvendiren will investigate dredging the areas. No action necessary by the ICC. Documents: Sketch of Phragmites Areas

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

MATTER: 36-1511: 26-40 Market Street. Cutter (DeRosa). NOI to raze and rebuild accessory structure. Cont. from 8/3/2022
DISCUSSION: The matter is being continued without discussion.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to continue to September 7, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>

MATTER: 36-1507: 40 North Ridge Rd. Radcliffe-Walsh (DeRosa). NOI to raze and rebuild existing single-family home. Cont. from 8/3/2022
DISCUSSION: The matter is being continued without discussion.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to continue to September 7, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>

MATTER: 36-1506: 17 Bay Road. Holden (John Dick). NOI for addition to existing single-family home. Cont. from 7/20/2022
DISCUSSION: The matter is being continued without discussion.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to continue to September 7, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>

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Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

<p>MATTER: 36-1508: 110 and 113 Little Neck Rd. Chace (Hancock). NOI for demolition and reconstruction of single-family home. <i>Cont. from 8/3/2022</i></p>
<p>DISCUSSION: Present were John Chace (owner/applicant) and Devon Morse (Hancock Associates). Morse said a Riverfront analysis was submitted. The proposed alteration for the site is approximately 1062 sq. ft. Morse reviewed changes to the plan. The impervious surface that was originally proposed is reduced by 458 sq. ft. The reduction includes 150 sq. ft. reduction in the patio and 40 sq. ft. reduction in the retaining wall. Morse reviewed the landscape plan. The project is not in the Riverfront area. The existing gravel parking area will be planted and used as native restoration. Morse noted the project will be before the Zoning Board of Appeals on August 18, 2022. Hughes suggested a No Disturb maker for the restoration/mitigation area. Hughes asked the applicant to speak with DPW for the curb cut and re-seeding the Right of Way.</p> <p>Hughes suggested keeping the public hearing open in case changes need to be made to the plans. The project is before the Zoning Board of Appeals and the Board of Health in September 2022. Carney-Feldman asked about the timing on plantings and watering across the street. Chace will inquire with the landscape team and provide a response for timing and watering. No public comment noted.</p>
<p>MOTION:</p> <p style="text-align: center;">♦ A motion was made by Commissioner ffolliott to continue to September 7, 2022. The motion was seconded by Commissioner Jim Stone and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="text-align: center;">❖ <i>None.</i></p> <p>Documents: Final response comments from Hancock Assoc. dated August 5, 2022</p>
<p>MATTER: 36-1512: 2 Riverside Dr. Hockenberry. NOI to construct an addition to single-family dwelling. <i>Cont. from 8/3/2022</i></p>
<p>DISCUSSION: Present were Nate and Lisa Hockenberry (owner/applicant). Hockenberry contacted Bill Manuell to locate wetland flags. The DEP file number was received. Hockenberry requested feedback for proposed mitigation plantings. Hughes said the applicant needs to provide reasons for being closer to resource area under section 10.58(5)c. Hughes suggested bringing mitigation up to the 100 ft. Riverfront line. The area is required to be vegetated under Riverfront regulations. No public comment noted.</p>
<p>MOTION:</p> <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to September 7, 2022. 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>Documents: Proposed Plan 8-17-22</p>
<p>MATTER: 36- : 26 Turkey Shore Rd. Cummings. NOI for landscaping, patio, and deck board replacement. <i>Cont. from 8/3/2022</i></p>
<p>DISCUSSION: Present was Josh Cummings (owner/applicant). Cummings is waiting for the DEP file number. He requested feedback from the site visit. Hughes said a revised plan documenting resource areas is needed. Hughes said information is needed on how the slope and top of Castal Bank will be stabilized. Cummings believes he had those plans and will submit them to the Conservation Department. Cummings is waiting for the building permit to replace/repair the deck. Hughes said the Acting Conservation Agent will need to sign off and suggested Cummings follow-up with the agent. No public comment noted.</p>

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MOTION:

- ◆ **A motion was made by Vice-Chair Paulitz to continue to September 7, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None.*

Documents: Letter from abutter received 8-3-22

Requests for Certificates of Compliance:

MATTER: 36-1157: 19 Hayward St. (Meridian). COC. Cont. from 7/20/2022

DISCUSSION: Present was David Kelley (Meridian Associates). Kelley submitted a memo from Mike DeRosa (DeRosa Environmental) describing the plantings. The memo suggested a more vigorous maintenance plan. DeRosa reviewed the area on August 5, 2022. Paulitz noted that the memo did not describe anything on the planting plan or what was planted. Chair Hughes reiterates that there is a planting plan for the area around the basin and it needs to be in compliance for a COC. The OOC has conditions that need to be complied with when an applicant requests a COC or it will be denied. Paulitz suggested documenting the current plantings and compare to what was proposed in the plantings plan.

MOTION:

- ◆ **A motion was made by Vice-Chair Paulitz to continue to September 7, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None.*

Documents: Supplemental letter prepared by DeRosa Env. Dated 8-11-22

MATTER: 36-1465: 7 Old Essex Rd. Orlando (Seaside Legal). COC. Cont. from 8/3/2022

DISCUSSION: Present was Attorney Lauren Weeks (Seaside Legal) representing the seller of the property. The work for the OOC was not started/completed. Weeks said the property was sold and the seller is obligated to take care of the matter. A shed and patio were installed but were not permitted. The patio is in subzones and needs to be removed. The shed can be removed, or an after-the-fact RDA can be submitted. Weeks suggested a resolution for two separate items. A COC for work not completed and an EO to address items not permitted (patio and shed). Hughes suggested drafting a cover letter to go with the COC and the COC and EO should be issued simultaneously.

MOTION:

- ◆ **A motion was made by Commissioner ffolliott to issue a COC for an invalid OOC. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**
- ◆ **A motion was made by Commissioner ffolliott to authorize the Conservation Agent to issue an EO for removal of the patio and shed or permit unauthorized activity to be in compliance with the local wetlands bylaw. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None.*

MATTER: 36-1299: 6 Fox Creek Rd and 198 Argilla Rd. Ed Monnolley. COC. New

DISCUSSION: No one was present for the matter. ffolliott read a memo from Bill Decie (Acting Conservation Agent) recommending granting a COC. The memo noted that burnt trees were removed. Hughes suggested continuing the matter to review the file for special conditions, site plans and photographs as this project was from 2016.

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MOTION:

◆ A motion was made by Vice-Chair Paulitz to continue to September 7, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: COC application filing package

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

MATTER: 36-1287: 56 Paradise Rd Miles River Sand and Gravel. DeRosa. Extension request. *New*

DISCUSSION: Present was Evin Guvendiren (DeRosa Environmental). It is a request for a 3-year extension to manage phragmites and monitoring reports will continue. The original OOC was for 5 years. No public comment.

MOTION:

◆ A motion was made by Commissioner Carney-Feldman to grant a 3-year extension as requested. The motion was seconded by Commissioner Jim Stone and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Extension request prepared by DeRosa Env. dated 8-9-22

MATTER: 36-1513: 39 Bay Rd. Little Neck Condo Assoc. NOI to intercept drainage from Hilltop Rd and Bay Rd to minimize erosion at 32 Bay Rd. *New*

DISCUSSION: Present was Jacqui Trainer (Allen & Major Associates). who explained that it is a re-design to manage water. The existing drainage is going toward a house. An aerial view was presented. Trainer pointed out the existing drainage and areas of erosion concerns. Trainer reviewed the proposed drainage and noted the work needs to be done for safety purposes. Paulitz suggested updating precipitation amounts in the plan. Hughes suggested a site visit to review the coastal bank. It was also noted that the Ipswich Conservation Commission has been waiting for a Stormwater Plan for ALL of Little Neck for many years – pre-Pandemic.

No public comment.

MOTION:

◆ A motion was made by Vice-Chair Paulitz to continue to September 7, 2022. The motion was seconded by Commissioner Putnam and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: NOI filing application package and plans prepared by Allen & Majors dated 8-3-22

Enforcement Matters:

MATTER: 3 Willowdale Circle. Unpermitted tree cutting. *Cont. from 6/1/2022*

DISCUSSION: It was noted that the wrong plantings and the wrong number were installed.

MOTION:

◆ A motion was made by Vice-Chair Paulitz to continue to September 7, 2022. The motion was seconded by Commissioner ffollott and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

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❖ <i>None.</i>
MATTER: 55 Town Farm Rd. Cont. from 7/20/2022
DISCUSSION: Putnam is recused as an abutter. Bill Decie (Acting Conservation Agent) did a site visit and is awaiting delineation from the owner. The owner is away until September.
MOTION: <ul style="list-style-type: none"> ❖ A motion was made by Vice-Chair Paulitz to continue to October 5, 2022. The motion was seconded by Commissioner Carney-Feldman and passed with 6 votes (Putnam abstained).
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None.</i>

MATTER: 81 Old Right Rd. Cont. from 8/3/2022
DISCUSSION: A planting plan and a sketch plan are needed.
MOTION: <ul style="list-style-type: none"> ❖ A motion was made by Vice-Chair Paulitz to continue to September 7, 2022. The motion was seconded by Commissioner Jim Stone and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None.</i> Documents: Photos 8-2-22

Approval of Minutes: August 3, 2022

An edit to Town Hill Water Tower matter regarding run-off from top of tank was made.

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

Document Approval:

MATTER: 24 Lakemans Lane. OOC
DISCUSSION: ICC reviewed draft OOC. It was noted the public hearing was closed at the previous meeting. Hughes said there needs to be references in the OOC to other documents (NOI, waiver requests).
MOTION: <ul style="list-style-type: none"> ❖ A motion was made by Commissioner Putnam to issue a 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>Edits to be sent to Conservation Department staff.</i>

MATTER: 28 Eagle Hill. OOC
DISCUSSION: ICC reviewed draft OOC. It was noted the public hearing was closed at the previous meeting. ffolliott suggested including language for “animal waste” under condition #55. Hughes said condition #33 needs to mention ACEC resource area. For that area, hay bales are needed for erosion controls. Condition #38 is updated for de-watering. Paulitz suggested adding a condition to not stockpile dirt on site.

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MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 46 North Ridge Rd. Enforcement Order

DISCUSSION: It was noted that the Coastal Bank was cut/cleared without a permit. Owner needs to delineate resource area, propose restoration, and cease and desist all activities on the Coastal Bank.

MOTION:

◆ A motion was made by Commissioner Carney-Feldman to ratify the EO as issued for unpermitted work. The motion was seconded by Commissioner Putnam and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Adjournment:

◆ A motion was made by Commissioner Jack Stone to adjourn at 9:11 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.