

**Approved: 6-2-2021**  
**Distributed: 6-7-2021**

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**April 21, 2021**

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, April 21, 2021 at 7:00 p.m. in Room A of the Ipswich Town Hall. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffolliott, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present was Agent Brendan Lynch.

**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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Chair Hughes noted the meeting began at a 6:30 pm and went into Executive Session. The public meeting will resume at 7:00 pm.

**Citizen's Queries:**

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| <b>MATTER: Citizen's Query for 88 Little Neck Rd by Peter Cheever</b>   |
| <b>DISCUSSION:</b> Peter Cheever stated 88 Little Neck Rd is being renovated and the attention is turning to 89 Little Neck Rd. Cheever displayed a site plan. He is looking to add safe access to the water edge. His presentation included a photo of access to the river edge. The proposal is for stairs for safe pedestrian access. Chair Hughes reviewed aerial images and did not see any former stairs at the location. She asked if there is any other evidence other than the clearing. Cheever said just what is in the photograph. Chair Hughes said the ICC prefers shared use access instead of each property having its own access. Chair Hughes said Little Neck has many combined access points. The practice of the ICC is to permit stairs where they have been permitted before and not create new access points. The concern is for bank stability. Cheever said when he bought the property, he understood that he would be able to access the water. Chair Hughes asked if he had any photos to substantiate previous use. |

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

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| <b>MATTER: 36-1467:</b> Rosewood Drive, units 60 and 61. Hubert LeBlanc Tr (Bill Manuell Wetlands Land Mgmt). NOI to construct a duplex housing building. <i>Cont from 4/7/21</i>                                 |
| <b>DISCUSSION:</b> Chair Hughes noted the matter will be continued to May 5, 2021.  |
| <b>MOTION:</b><br><p style="text-align: center;">♦ <b>A motion was made by Commissioner Carney-Feldman to continue to May 5, 2021. The motion was seconded by Commissioner Putnam and passed unanimously.</b></p> |

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| <b>MATTER: 36 -1464:</b> 61 River Rd. Harris (John Dick PWS). NOI for demolition and reconstruction of a single family dwelling in Riverfront Area and Buffer to Coastal Bank. <i>Cont from 4/7/21</i>            |
| <b>DISCUSSION:</b> Chair Hughes noted the matter will be continued to May 5, 2021.  |
| <b>MOTION:</b><br><p style="text-align: center;">♦ <b>A motion was made by Commissioner Carney-Feldman to continue to May 5, 2021. The motion was seconded by Commissioner Putnam and passed unanimously.</b></p> |

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| <b>MATTER: 36 -1254:</b> Old England Rd Culvert. TOI Department of Public Works. COC. <i>Cont from 4/7/21</i>   |
| <b>DISCUSSION:</b> Chair Hughes noted the matter will be continued to May 19, 2021.   |
| <b>MOTION:</b><br><p style="text-align: center;">♦ <b>A motion was made by Commissioner Carney-Feldman to continue to May 19, 2021. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</b></p> |

**Courtesy Position for Town Projects**

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| <b>MATTER: 36-1430:</b> Water Street. TOI Department of Public Works. (Coneco). NOI reconstruction of headwall and bank restoration at end of Summer Street. <i>Cont from 4/7/21</i>  |
| <b>DISCUSSION:</b> Present was Kevin McHugh with Coneco Engineers and Scientist and Mike Toohill. McHugh displayed a site plan. He said the current plan is to reconstruct what is there. They will replace the existing headwall with a new one the same size. Some grading will be done at the site and will repair some erosion. |

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Approximately 160 ft. of wood guardrail will be constructed along the edge of the roadway to provide protection. The headwall is in the Coastal Bank and not in Salt Marsh . Plantings and restoration in the form of a Living Shoreline were discussed. A revised planting schedule and species was presented. Chair Hughes suggested some signage to prohibit access during the growth period and said it could be a Special Condition.

Public Comment: Vard Johnson, 8 Water St, asked if the guard rail is designed to prevent access to the river and if will it be permanent? McHugh said the intention is to restrict access to the river to protect vegetation. Chair Hughes said for the Bank Restoration to succeed, people cannot be accessing the river at this point. Education and signage will be used to effect that change.

Larry Graham, supports the project. He noted the project is not above elevation 10. He suspects the erosion around the headwall is from both foot traffic and overflow from the Summer St. drainage. It would be prudent to have a curb in the vicinity of the proposed guardrail that would direct overflow water to a catch basin. McHugh said the curb was part of the project and extends further than the guardrail. Graham noticed a comment on the plan regarding tree clearing and requested that the project save as many trees as possible. Chair Hughes stated that the OOC does not allow for trees to be removed. If it is necessary to remove trees, it should be done in consultation with Conservation agent and approved by the ICC.

#### MOTION:

♦ **A motion was made by Commissioner Carney-Feldman to continue to May 5, 2021. The motion was seconded by Commissioner Ffolliott and passed unanimously.**

#### ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to review DMF comments and time of use restrictions. Lynch to prepare a draft.*

Documents: Plans prepared by Coneco dated 4-2-21, planting memo date 4-22-20; letter dated 4-15-21

### **Small Project Permits**

**MATTER: 58 Essex Road.** Smith. SPP for shed replacement. *Cont from 4/7/21*

**DISCUSSION:** Present were Janet and Tim Smith. They are proposing to take down a large shed and replace it with a 10x14 structure. There will be crushed stone in the same footprint. The demolition contractor will bring in erosion control for the area.

#### MOTION:

♦ **A motion was made by Commissioner Stone to issue a SPP with the conditions described. The motion was seconded by Commissioner Putnam and passed unanimously.**

#### ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Agent Lynch to include details in the SPP regarding the size of the shed (10' X 14'), the material the shed will be placed on, erosion control and both a pre and post construction meeting.*

### **Requests for Determination of Applicability:**

**MATTER: 16 Spillers Lane.** Spillers Lane Dock Association. RDA for local approval to apply for a Chapter 91 license. *Cont from 4/7/21*

**DISCUSSION:** Agent Lynch said the applicant is withdrawing the RDA and will be filing a NOI.

#### MOTION:

♦ **A motion was made by Vice-Chair Paulitz to accept the withdrawal. The motion was seconded by Commissioner Putnam and passed unanimously.**

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

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| <b>MATTER: 36-1288:</b> 20 Turkey Shore Rd. (DeRosa) Extension request. <i>New</i>   |
| <b>DISCUSSION:</b> Agent Lynch said the majority of the project has been completed however the applicant is requesting a 1 year extension to May 6, 2022. The applicant received a prior extension which expires May 6, 2021.  |
| <b>MOTION:</b><br><ul style="list-style-type: none"> <li>◆ A motion was made by Vice-Chair Paulitz to grant the one year extension request. The motion was seconded by Commissioner Stone and passed unanimously.</li> </ul>   |
| <b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b><br><ul style="list-style-type: none"> <li>❖ Agent Lynch to reach out to DeRosa regarding outstanding work and follow up to confirm that the project is in compliance.</li> </ul> Documents: Extension request dated 4-5-21 |

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| <b>MATTER: 36 - :</b> 40 North Ridge Rd. Phillips (Dan Johnson). NOI for replacement of septic system. <i>New</i>   |
| <b>DISCUSSION:</b> Agent Lynch said there is a request by the applicant to continue to May 5, 2021.   |
| <b>MOTION:</b><br><ul style="list-style-type: none"> <li>◆ A motion was made by Commissioner Carney-Feldman to continue to May 5, 2021. The motion was seconded by Commissioner Putnam and passed unanimously.</li> </ul> Documents: NOI dated 3-18-21; plan prepared by Domestic Septic Design dated 3-17-21 |

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

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| <b>MATTER: 36-1386: Labor In Vain Rd.</b> 79 Labor In Vain Realty Trust. (Graham). NOI to repair areas damaged by storms in jurisdictional areas. <i>Cont from 11/18/2020</i>   |
| <b>DISCUSSION:</b> Agent Lynch said there is a request by the applicant to continue to June 16, 2021.   |
| <b>MOTION:</b><br><ul style="list-style-type: none"> <li>◆ A motion was made by Commissioner ffolliott to continue to June 16, 2021. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</li> </ul> |

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| <b>MATTER: 36-1468:</b> 25 Jeffreys Neck Road. Ganley (Graham). NOI to construct a carport, garage and pool. <i>Cont from 4/7/21</i>   |
| <b>DISCUSSION:</b> Present was Larry Graham (H.L. Graham & Associates). Revised plans were submitted on April 14, 2021. A dewatering site was located and identified on the plan. A detail was added for a dewatering basin. Dimensions were added for all the improvements. Conservation markers were added in the locations requested. Pool water restriction notes were also added to the plan. |
| <b>MOTION:</b><br><ul style="list-style-type: none"> <li>◆ A motion was made by Commissioner ffolliott to close the public hearing. The motion was seconded by Commissioner Stone and passed unanimously.</li> <li>◆ A motion was made by Commissioner Putnam to approve the OOC as drafted and amended. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</li> </ul>          |

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**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

- ❖ *Agent Lynch to revise condition #47 stating no dewatering in the OOC. Dewatering should be done in accordance with the plan.. Lynch to include references to documents and NOI in the OOC. Lynch to add the number of monuments to the OOC.*

Documents: Revised plan and supplemental information prepared by Graham dated 4-14-21

**MATTER: 36-1469:** 134 Argilla Road. Waterman/Carson (Rimmer Environmental LLC). NOI to construct a 10 x 24 addition and septic system replacement. *Cont from 4/7/21*

**DISCUSSION:** Present was Mary Rimmer representing owners Waterman and Carson. Ryan McShera, project designer was present. The revised site plan was displayed. The ACEC boundary was corrected. Rimmer noted a small portion of the septic system is in the no disturb zone. Rimmer stated the Board of Health approved the septic system last week. Rimmer said the gazebo will be relocated outside jurisdictional areas and gravel fill will be removed and approximately 255 sq. ft. of wetlands will be restored. Buffer zone and wetland mitigation have been expanded. Chair Hughes requested the new naturalized area have monuments so the area will not be disturbed again. She suggested 4 monuments (2 Granite and 2 boulders) that can be conditioned.

No public comments noted.

**MOTION:**

- ◆ **A motion was made by Vice-Chair Paulitz to grant waivers for the work in the No Build and No Disturb Zones. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

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

- ◆ **A motion was made by Commissioner Carney-Feldman to approve OOC as drafted and amended. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

- ❖ *Agent Lynch to amend the OOC to include references to the NOI and planting plan document and any documents submitted and dated. Lynch to revise the monumentation in condition 49. Condition should note 4 monuments with 2 to be granite and 2 to be boulders. Lynch to amend monitoring to bi-monthly. Lynch to delete condition 50.*

Documents: Revised plan prepared by Waypoint dated 4-13-21; revised planting plan, narrative and seed mix prepared by Rimmer

**MATTER: 36 - :** Argilla Rd. The Trustees of Reservations, Russell Hopping (Rimmer Environmental LLC). NOI for Great Marsh Integrated Restoration Project. *Cont from 4/7/21*

**DISCUSSION:** Agent Lynch said there is a request by the applicant to continue to May 5, 2021.

**MOTION:**

- ◆ **A motion was made by Commissioner Carney-Feldman to continue to May 5, 2021. The motion was seconded by Commissioner Putnam and passed unanimously.**

Documents: Comment letter CZM 4-8-21; Comment letter DEP 4-9-21; Letter DMF 4-20-21

**MATTER: 36-1466:** 240 County Rd and Fellows Rd. New England Biolabs (Meridian Associates Inc.). NOI for a new child care center to include vegetated areas, surface parking and entry drive. *Cont from 4/7/21*

**DISCUSSION:** Present were Pat Norton from New England Biolabs, April Ferraro from Meridian, Charlie Wear from Hancock Associates, and Kate Keenen, landscape architect with Offshoots. Wear displayed the site plan for the project. Wear said they worked closely with Bob Puff P.E. Consulting Civil Engineer in the last few weeks on infiltration, drainage and rain gardens and noted the plans are not significantly different from the last presentation.

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Wear spoke with Mr. Puff and said he has not completed his review of the drainage report. The review is expected to be completed by Monday and no major changes are expected. Keenen reviewed changes in the landscaping plan. She pointed out the use of Native species and not cultivars based on comments from the ICC. Carney-Feldman asked how the plantings will be watered and what the source is and asked for a back up plan in case of town water ban. Keenan said the plan notes the irrigation system connection to the NEB private well. Chair Hughes explained that irrigation systems are subject to Town water restrictions and the concern is that the area is already in a mild drought. She suggested having a backup plan in case dry conditions continue.

Public Comment: Jim McCarthy, 35 Fellows Rd, inquired about land on the side of wetlands close to Fellows Rd. He asked if there is a conservation easement for the trail and any plan for landscaping on that side of the property. Wear said he did not know the status of the Conservation Restriction. Norton said there has not been any consideration for landscaping on that side at this time. The damaged fence in the area will be replaced. Wear noted it is mostly wetlands.

**MOTION:**

◆ **A motion was made by Commissioner Ffolliott to continue to May 5, 2021. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Agent Lynch to add maintenance plan and mowing guidance to OOC. Lynch to prepare draft order for next ICC meeting.*

Documents: Revised plan, stormwater calculations and management, planting plan prepared by Meridan dated 4-14-21

**Enforcement Matters:**

**MATTER: 58 Mitchell Rd. Cont from 4/7/21**

**DISCUSSION:** Chair Hughes noted receiving a memo updating the ICC on removal of fill from jurisdictional areas. She would like a restoration plan to reference. She said erosion control is needed based on the work being done. Agent Lynch noted there are existing erosion controls on the backside by the tree line. Lynch said DeRosa will provide a sequencing plan for the next ICC meeting. Hughes noted multiple violations and would like them all to be addressed in the plan. Ffolliott said we would like a plan for the entire area that will be restored not just the test pit area.

**RECOMMENDATION OF AGENT:**

**MOTION:**

◆ **A motion was made by Commissioner Ffolliott to continue to May 5, 2021. The motion was seconded by Commissioner Stone and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Agent Lynch to follow up with DeRosa for restoration plan. Lynch to add all fill materials are to be taken off site and disposed of properly.*

**MATTER: 62 Jeffreys Neck Rd. New, unpermitted fence**

**DISCUSSION:** Present was Andy Toliver. They put up a fence too close to wetlands. Photographs of the fence were displayed. Toliver provided the history of events for the fence. The fence was installed to contain dogs and did not require a building permit since it is under 6 ft. The wetland area is not signed as no disturb. He received a map from the Town that did not indicate a No Disturb or No Build Zones.. The fence was installed at the edge of the wetland and is in the No Disturb Zone. Larry Graham said the RDA plan presented is from 11 years ago.

**MOTION:**

◆ **A motion was made by Commissioner Putnam to continue to May 5, 2021. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

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**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

- ❖ *Agent Lynch will make a site visit to investigate the wetland line before the next ICC meeting.*

**Other Business:**

**MATTER:** Turner Hill Restroom Facility Draft (Graham)

**DISCUSSION:** Present were Larry Graham (H.L. Graham & Associates) and John Sadowski (Turner Hill Golf Club). A site plan was displayed. Graham said the golf club would like to install a restroom facility between the 12<sup>th</sup> and 13<sup>th</sup> fairways at the back of the course. The location is over 200 ft from the closest resource area and noted it is allowed in the CR. He said we are permitting this with DEP for the connection of the sewer and wastewater treatment. Graham said no tree clearing is needed for the project. Photographs of the area were presented. There will be a trench for the pipe approximately 48 inches wide. Chair Hughes suggested drafting a letter saying the project complies with Conservation Restriction for the site.

**MOTION:**

- ◆ **A motion was made by Commissioner Ffolliott to authorize Lynch to issue a letter stating facts as discussed at the hearing. . The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

- ❖ *Agent Lynch to draft letter for project complying with CR.*

Documents: Plan prepared by Graham dated 3-31-21; Letter from Graham dated 4-1-21; Architectural Plan prepared by Joseph Tatone dated 4-7-21

**MATTER:** 126/128 High Street. Comments requested from the Planning Department on potential development

**DISCUSSION:** Agent Lynch stated the Planning Board requested comments from the ICC because the project is within the water supply district. Lynch said stormwater is handled by the Planning Board because of the special permit applied for by the project. Chair Hughes is an abutter and said it would be better for Agent Lynch to comment. Present was Larry Graham, design engineer for the project. He said Bob Puff P.E. Consulting Civil Engineer is reviewing this for the Planning Board and Graham received a comment letter. Graham said Puff is reviewing this based on Massachusetts StormWater Management policy and the Water Supply Protection District bylaw requirements. No further discussion.

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

- ❖ *Agent Lynch to request copy of Peer Review letter from the Planning Department.*

Documents: Supplemental information and revised plans prepared by Graham dated 3-25-21; revised planting plan dated 3-24-21

**MATTER:** Clark Beach Access Road

**DISCUSSION:** Present were Ray Best, Treasurer - Association of Great Neck (AGN) and John Shaw, President - AGN. AGN oversees the Clark Beach property. Mr. Best is responding to questions from the ICC. Chair Hughes noted vegetation on the side of the road had been trimmed like a hedge. A photograph of the trimmed vegetation was displayed. AGN has used the same contractor for mowing for years. The contractor noted the vegetation was over grown and into the road. The contractor accidentally over trimmed the vegetation and Best apologized. AGN

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has spoken to the contractor about not trimming the vegetation as a hedge by the road.

Lou Vlahos of Val-Mac Construction Co., said he was instructed to retrieve everything from the pond side and put it back in place and cap it off with a couple of inches of stone packed base and level it out. He said in a few places the road is wider than 10 ft. It is 12 ft. Chair Hughes said she visited the road and noted in some areas the road was wider by 2 to 4 ft and the concern is that the fill is resource area. It's a barrier beach and needs to function that way. She suggested pulling back materials in those areas and keeping the road 10 ft. wide.

Chair Hughes suggested that Agent Lynch draft a letter and oversee the restoration. .

Public Comment: Cricket Wilbur is concerned about the amount of stone packed base used. She said in the past when a reconstruction of this size was done a permit was required. Chair Hughes stated that repair of the road is in the maintenance plan.

Best was not ready to discuss the maintenance plan. Chair Hughes said CZM has a lot of information on Coastal Beach Management. She said it has Performance Standards that the ICC will be looking for in the AGN beach management plan.

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

- ❖ *Agent Lynch to draft letter to AGN stating what needs to be completed for the restoration.*

**Adjournment:**

- ◆ **A motion was made by Commissioner ffolliott to adjourn at 9:36 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.**