

Approved: 1-19-2022
Distributed: 3-8-2022

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
January 5, 2022

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, January 5, 2022, at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes, Commissioners Sissy ffollott, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present were Associate Commissioner Jack Stone, Agent Brendan Lynch and Recording Secretary Odile Breton. Absent with prior notice was Vice-Chair William Paulitz.

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:

MATTER: Citizen's Query for 14 and 16 Fellows Road by Larry Graham and Mary Rimmer on behalf of Joe Calareso.
DISCUSSION: Present was Larry Graham (H.L. Graham & Associates) and Mary Rimmer (Rimmer Environmental). Graham explained the owners would like a greenhouse for 14 Fellows Road. Rimmer delineated resource areas on 14 Fellows Road. Rimmer described the 8 acres site and noted a stream. Rimmer stated the proposed greenhouse will have footings and not a foundation. Rimmer had questions for setbacks. Carney-Feldman suggested a site visit would help as the ICC cannot respond to some inquiries without seeing the site. Hughes said waivers can be requested instead of trying to meet use requirements along with robust enhancement along the riverfront. Hughes said stormwater could be an issue. Graham said cisterns will be used.
MOTION: ♦ No action by ICC required.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i>

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

MATTER: 36-1430: Water Street. TOI Department of Public Works (Coneco). NOI reconstruction of headwall and bank restoration at end of Summer Street. <i>Cont. from 11/17/2021</i>
DISCUSSION: Applicant request to continue without discussion.
MOTION: ♦ A motion was made by Commissioner Carney-Feldman to continue to February 2, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i>

MATTER: 36-1488: 4 Pineswamp Road. TOI DPW (Coneco). ANRAD. <i>Cont. from 12/8/2021</i>
DISCUSSION: Applicant request to continue without discussion.
MOTION: ♦ A motion was made by Commissioner Carney-Feldman to continue to February 2, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i>

Requests for Determination of Applicability (RDA):

MATTER: 3 Plains Road. Lafoe (Rimmer) RDA for inground pool. <i>New</i>
DISCUSSION: Present was Mary Rimmer (Rimmer Environmental). Rimmer reviewed photographs and provided a brief history of the site. The request is to construct an inground pool where a detached garage existed. Rimmer identified wetland boundary and buffer zone. Rimmer said the former garage was in the buffer zone. The original concrete foundation was 1550 sq. ft. The proposed pool and patio will be 1000 sq. ft. Hughes said inground pool applications are usually an NOI, not an RDA. Putnam and ffolliott agreed with Hughes. Hughes said the ICC prefers an NOI so the ICC can condition the project. Rimmer said the applicant will withdraw the RDA and re-apply as an NOI.

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MOTION:

◆ A motion was made by Commissioner Carney-Feldman to continue to February 2, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 26 Estes St. Spittle (Bobrek Eng). RDA to demolish and reconstruct an existing garage. *New*

DISCUSSION: Present was Alex Cedrone (CAI Technologies). The applicant wants to expand the garage, but it is within 200 ft of the river front. The existing garage is approximately 160 ft. from the river front. Hughes noted a portion is redevelopment and a portion is new development. The proposed garage is 20x12, or 240 sq. ft. This is 50 sq. ft more than the existing garage and the expansion is toward the house. Hughes asked if a 12' minimum drip strip could be added around the garage. Cedrone said that is a reasonable request and improves conditions. Cedrone said the drip edge would be 1foot in width and approximately 2 feet in depth. No public comment noted.

MOTION:

◆ A motion was made by Commissioner Stone to issue an NDA with Special Conditions for erosion controls and drip strip. The motion was seconded by Commissioner ffolliott and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch – negative determination 2 and 3 will be noted as work is in the resource area.*

Documents: RDA form and permit plan dated 12-14-2021.

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1386: Labor In Vain Road. 79 Labor In Vain Realty Trust (Graham). NOI to repair areas damaged by storms in jurisdictional areas. *Cont. from 10/6/2021*

DISCUSSION: Lynch is in touch with homeowners' representatives, and they are aware of the recent enforcement order to come up with a restoration plan and remove the gravel. The original NOI was for repairing the shoulder of the causeway. Applicant requested a continuance to February 16, 2022, as they will be contacting CZM to assist with the restoration plan. The EO must be updated for continuance date.

MOTION:

◆ A motion was made by Commissioner ffolliott to continue to February 16, 2022. The motion was seconded by Commissioner Putnam and passed unanimously.

◆ A motion was made by Commissioner ffolliott to amend EO to include new continuance date of February 16, 2022. The motion was seconded by Commissioner Putnam and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Update EO for continuance date of February 16, 2022.*

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Requests for Certificates of Compliance:

MATTER: 36-1249: 32 North Ridge Road. Bonsignore (Hancock) COC. <i>New</i>
DISCUSSION: Present was Devon Morse, Wetlands Scientist (Hancock Associates). Morse provided history on the site and the original OOC (issued May 2018). She noted the only work completed was the demolition of the single-family house. The OOC expired. Applicant is requesting to formally close OOC. Lynch said the ICC can issue partial compliance because only the demolition was completed. Hughes suggested the applicant file an NOI and if approved, applicant will get new OOC. When approved work is completed, a COC can be issued and old EOs can be closed out
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to January 19, 2022. The motion was seconded by Commissioner Stone and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None.</i></p> <p><i>Documents: Request for COC and existing conditions revised plan prepared by Hancock Assoc. dated 12-14-2021</i></p>
MATTER: 36-1395: 19 Sagamore Rd. Hollingsworth (DeRosa) COC. <i>New</i>
DISCUSSION: Present was Evin Guvendiren (DeRosa Environmental). Guvendiren reviewed completed restoration work. Lynch visited the site on Monday. Photographs of the restoration work were presented. Hughes said the site needs 2 years and inspection should be completed during the growing season to assess a 75% success rate of Native vegetation. The OOC expires August 2022.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to May 4, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p> <p><i>Documents: Request for COC prepared by DeRosa Env. Dated 12-8-21</i></p>
MATTER: 36-1306: 35 River Rd. Veno (Graham) COC. <i>New</i>
DISCUSSION: Present was Larry Graham (H.L Graham & Associates). The original OOC was issued in 2018. Lynch provided comments from the site visit and noted monitoring reports submitted. Graham reviewed the plantings. Putnam said the monitoring reports are satisfactory.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to issue a full and final COC. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p> <p><i>Documents: Request for COC and plan prepared by HL Graham Assoc. dated 12-9-2021.</i></p>
MATTER: 36-1425: 4 Merganser Rd. Robitaille (Graham) COC. <i>Cont. from 11/17/2021. FA2 New</i>
DISCUSSION: NOTE: The FA and COC were presented and reviewed simultaneously. Present was Larry Graham (H.L. Graham & Associates). He reminded the ICC that a COC was requested in November 2021.

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Graham pointed out the differences on the as built plans. He stated the FA with changes made by the contractor without ICC approval agrees with the revised as built plan. Lynch noted the filing of the FA plan needs to occur before the COC can be issued and triple filing fees apply. The recorded OOC needs to be referenced in the COC. The COC can be continued to the next meeting.

MOTION:

◆ **A motion was made by Commissioner Putnam to issue the FA after the fact. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

◆ **A motion was made by Commissioner Carney-Feldman to continue to January 19, 2022. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to issue amended OOC and update dates for the plans.*

Documents: Request for COC and As Built Plan prepared by HL Graham Assoc. dated 10-26-2021

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

MATTER: 36-1491: 34 North Ridge Road Valcour (Graham). NOI to construct foundation under portion of existing dwelling. *New*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham said a portion of the existing house is supported by footings and columns. Applicant would like to install a full foundation under a portion of the house. Graham reviewed the site plan and pointed out the space 2 ft. in width for excavation purposes to pour foundation. The space will be back filled with stone to create a drip trench around a portion of the house. He noted erosion controls along the east side of the site and hooking back up the west side. He stated there is no proposed increase to the footprint of the house and no increase in impervious area. Waivers are requested for setbacks. Most of the work is in the 15 ft. NBZ. Hughes said adding the foundation is an increase to the impervious area on the site. ICC members agreed with Hughes.

There are some requirements that need to be met to request the waiver. One requirement is that there are no alternatives to what is proposed to meet the purpose of the project. If there are no viable alternatives, then mitigation is needed. For waivers, there is a 1.5 to 1.0 requirement for mitigation. Waivers require an alternatives analysis and mitigation. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to February 2, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: NOI Application and Plan dated 12-15-201 prepared by HL Graham Assoc.

MATTER: 36-1492: 48 Turkey Shore Rd. Von Oehsen (Rimmer). NOI for renovations to existing single-family home. *New*

DISCUSSION: Present were Mary Rimmer (Rimmer Environmental) and John Morin (Morin Cameron Group). Rimmer described existing conditions and noted the site is approximately 1.3 acres. Rimmer pointed out the resource areas, riverfront, coastal bank and wetlands. The existing house (virtually the entire parcel) is within the 200 ft. river front area. The project proposes demolition of the non-historic portion of the house, construct addition and redirect the gravel driveway. Existing wood stairs to the dock to be replaced with granite stairs. Rimmer reviewed proposed mitigation. Morin identified multiple monuments and boulders to be placed on the site. Morin reviewed the stormwater management plan and designed a roof recharge system. Morin explained soil tests were completed and reviewed results. The project includes a water harvesting cistern.

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A proposed dwelling unit will be farther away from the river than the existing structure. The proposed dwelling unit is subject to Planning Board review for conversion of an accessory building and a public hearing is scheduled for January 6, 2022.

Rue Sherwood of Rue Sherwood Landscaping Design reviewed landscaping, plantings, and mitigation areas within the river front and coastal bank. She noted two Norway maple trees will be removed and replaced with a species red maple tree.

Hughes questioned the monumentation and said it does not align with the mitigation area. Hughes suggested a site visit within the next two weeks. There were no DEP comments. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to January 19, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to coordinate a site visit.*

Documents: NOI Application prepared by Rimmer Env; landscape plan prepared by Rue Sherwood; Stormwater Management and Plans dated 12-14-2021 prepared by Morin Cameron Group.

MATTER: 36-1490: 32 North Ridge Rd. Bonsignore (Hancock). NOI for reconstruction of single-family home.
New

DISCUSSION: Present were Devon Morse, Wetlands Scientist (Hancock Associates) and Deb Colbert, engineer (Hancock Associates). Morse reviewed resource areas and noted expired OOC work completed (demolished 600 sq. ft. cottage). The project proposes to increase the size of the house to be build where old house existed. The proposed house is 3-bedroom with a 2-car garage. Colbert reviewed stormwater management and proposed 2 cisterns on the property. A tight tank for the septic was approved by the Board of Health.

Hughes noted the proposed deck at the rear of the house and said nothing will be permitted in the NDZ. Carney-Feldman commented that there is no vegetation on site. The project is for a large house on a very small lot with a lot of parking. Morse reviewed the plantings and said the plan can be revised to spread the plantings around the property.

Patricia Valcour, an abutter, said she has an easement to access her property 34 North Ridge Rd from 32 North Ridge Rd. She noted a stake in the middle of the easement and expressed concerns about access to her property. Colbert requested meeting with Valcour to discuss potential solutions. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to February 2, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: NOI Application and plan prepared by Hancock Assoc. dated 12-14-2021

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. *New*

DISCUSSION: Present was ____.

RECOMMENDATION OF AGENT:

MOTION:

◆ **A motion was made by Commissioner Jim Stone__ to continue to 1/19/22___. The motion was seconded by Commissioner ffolliott__ and passed unanimously. OR**

◆ **A motion was made by Commissioner ___ to approve the request of waivers for _____. The motion**

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<p>was seconded by Commissioner ____ and passed unanimously.</p> <p>◆ A motion was made by Commissioner ____ to close the public hearing. The motion was seconded by Commissioner ____ and passed unanimously.</p> <p>◆ A motion was made by Commissioner ____ to issue a positive OOC as drafted/amended. The motion was seconded by Commissioner ____ and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ <i>None.</i></p> <p><i>Documents: NOI Application prepared by DeRosa Env. Dated 12-15-2021; plans prepared by Mark Georgian dated 12-14-2021.</i></p>

Enforcement Matters:

<p>MATTER: COPY FROM AGENDA.</p>
<p>DISCUSSION: Present was ____.</p>
<p>RECOMMENDATION OF AGENT:</p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner ____ to continue to _____. The motion was seconded by Commissioner ____ and passed unanimously. OR</p> <p>◆ A motion was made by Commissioner ____ to issue/confirm an Enforcement Order. The motion was seconded by Commissioner ____ and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ <i>None.</i></p>

<p>MATTER:</p>
<p>DISCUSSION: Present was ____.</p>
<p>RECOMMENDATION OF AGENT:</p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner ____ to continue to _____. The motion was seconded by Commissioner ____ and passed unanimously. OR</p> <p>◆ A motion was made by Commissioner ____ to issue/confirm an Enforcement Order. The motion was seconded by Commissioner ____ and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ <i>None.</i></p>

Other Business:

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MATTER: . Discussion of updated Stormwater Regulations
DISCUSSION: Present was _____. The Chair recommended that due to late hour that this topic be discussed at the beginning of 1/19/22 meeting. It would also have educational benefits for the public at large to hear the discussion. Larry Graham had questions and comments.
RECOMMENDATION OF AGENT:
MOTION: ♦ A motion was made by Commissioner ____ to _____. The motion was seconded by Commissioner _____ and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i>

MATTER:
DISCUSSION: Present was _____.
RECOMMENDATION OF AGENT:
MOTION: ♦ A motion was made by Commissioner ____ to _____. The motion was seconded by Commissioner _____ and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i>
DOCUMENT LIST:

Tabled Matters and Discussion Items:

MATTER:
DISCUSSION:
RECOMMENDATION OF AGENT: NA.
MOTION: NA.
ACTION ITEMS / SPECIAL INSTRUCTIONS: NA

Approval of Minutes: Date 12/8/21

 ♦ A motion was made by Commissioner Carney-Feldman____ to approve the minutes as drafted/amended. The motion was seconded by Commissioner Ray Putnam____ and passed unanimously.

Document Signage: (No Vote Required)

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Adjournment:

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♦ A motion was made by Commissioner ffolllott___ to adjourn at _10:33__ p.m. The motion was seconded by Commissioner _Ray Putnam___ and passed unanimously.

Respectfully submitted,

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.