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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
January 19, 2022

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, January 19, 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 Associate Commissioner Jack Stone, Agent Brendan Lynch and 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 – StormWater 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.

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

MATTER: 36-1493: 70 North Ridge Rd. Harrigan (DeRosa). NOI for renovations to existing piers, installation of ramp, float and walkway and reconstruction of stairs. *Cont. from 1/5/2022*

DISCUSSION: Lynch noted a request from the applicant to continue to February 2, 2022, without discussion.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 36-1477: 214 High Street. 214 High St LLC (DeRosa) NOI for implementation of an ecological restoration plan, removal of an existing single-family home and construction of a multi-family dwelling. *Cont. from 12/8/2021*

DISCUSSION: Lynch noted a request from the applicant to continue to February 16, 2022, without discussion.

MOTION:

◆ **A motion was made by Commissioner Jim Stone to continue to February 16, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1492: 48 Turkey Shore Rd. Von Oehsen (Rimmer). NOI for renovations to existing single-family home. *Cont. from 1/5/2022*

DISCUSSION: Present was John Morin (Morin Cameron Group). Morin provided an update and discussed the site visit with ICC, APDC and Planning Board. He stated the architect is revising plans for the main dwelling and he is waiting for final proposal of dwelling to move on with other site plans. Morin noted an alternatives analysis was submitted early today and does not expect ICC comments this evening. Revised plans are expected to be submitted on 1/26/2022 for the 2/2/2022 meeting. No public comment noted.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Other Business:

MATTER: Proposed revisions to Stormwater Bylaw Regulations

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DISCUSSION: Hughes suggested the discussion be moved ahead for discussion. See vote below to move the discussion out of order of the agenda. Paulitz reviewed comments he made.

Section 5 Applicability A – there was a question on additional language needed for water draining off a property to another property. Paulitz is concerned applicants may attempt to get out of compliance. Hughes said the language can be strengthened for the indirect connection. Paulitz agreed.

Section 6 B (1) Administrative Stormwater Management Review Procedure and Standards - there was a question on property owner sign off. Would an authorized agent be able to sign off for homeowners in a Homeowner’s Association?

Section 6 H Project Changes and Section 7 K Project Changes – need to add “BMP” changes.

Section 8 B (3) Plans (b) – for existing conditions, suggested to include typography, property lines, pavement and other ground cover. Hughes said the section was taken from a model bylaw and can be changed to be more consistent.

Section 8 C (4) – relates to expectations of a redevelopment with Total Suspended Solids (TSS). Hughes suggested discussing how to clarify the section. Hughes noted it is for the area under construction which could include both new development and redevelopment.

Section 8 E Stormwater Management Design Standards (1) stormwater runoff – this would be the section to add regulating stormwater volume. Hughes noted there is a requirement to infiltrate the first inch. Paulitz suggested regulating / maintaining pre and post volumes. Paulitz noted it may be a threshold difficult to meet.

Section 8 E (11) – add language to follow standards in MA Stormwater Management Handbook

Section 8 E (14) – define culvert to make it clear. Hughes noted that there is reference to stream crossing standards.

Section 9 E (12) – does “temporarily” need to be defined by a specific time frame?

Section 10 B (6) (d) & (e) – add language for Town Manager or Select Board approval for maintenance contracts. Hughes said DPW should be asked if this type of event will happen.

Section 14 – Final Reports for permitted project should add language that BMPs are included on plans.

Hughes thanked Paulitz for his comments. Hughes explained EPA requires MS4 permitting communities to make changes to stormwater bylaws and regulations. She noted bylaw changes were passed in 2021 and ICC is now updating the regulations. The changes try to regulate and minimize poisonous discharge to water bodies.

Public Comment: Laryy Graham, 12 Labor In Vain Road, asked about the effective date of the regulation changes. Hughes said as soon as ICC adopts the changes. DPW is not the authority for MS4 permits. Graham suggested some edits. He suggested adding the date of adoption for the bylaw references. He suggested “as built drawings” should reference “approved stormwater management plans”. He asked about “stormwater management design standards” and asked if DPW has requirements. Graham believes it may be included in Subdivision Requirements. Hughes noted DPW will do a review of the proposed changes and provide comments to ICC. Graham asked about “easements” and who do the easements go to? Hughes said a HOA or an individual property owner would be responsible.

Hughes said edits need to be made and ICC needs to meet with DPW and Planning Department.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to take the Stormwater Bylaw Regulations revision discussion out of order of the agenda. The motion was seconded by Commissioner ffolliott and passed unanimously.**

◆ **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.*

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Requests for Certificates of Compliance:

MATTER: 36-1425: 4 Merganser Rd. Robitaille (Graham) COC. <i>Cont. from 1/5/2022</i>
DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham requested a continuation.
MOTION: <p style="text-align: center;">♦ A motion was made by Vice-Chair Paulitz to continue to February 2, 2022. The motion was seconded by Commissioner Jim Stone and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None.</i></p>

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

MATTER: 39 - : 55 Waldingfield Rd. Ora, Inc. (DeRosa/Hancock) NOI for proposed construction of wetland crossing and patio. <i>New</i>
DISCUSSION: Present were Mike DeRosa (DeRosa Environmental), Jennifer Williams (Ora, Inc.) Lolly Gibson (landscape architect), John Harden (Olson Lewis). DeRosa noted a DEP file has not been received. The project proposes a crossing to connect existing paths and patio construction off the back of the mansion. DeRosa noted 210 sq. ft. of the patio is in NBZ. DeRosa noted the wetland is spring fed from an old well. DeRosa reviewed proposed mitigation plan. A stone bridge is proposed for the crossing. The stone bridge will have a grass path. DeRosa said the impact calculations noting 80 sq. ft. of altered wetlands for the crossing. <p>Hughes said ICC will do a site visit. Hughes said there should be an alternatives analysis for disturbing the wetlands. Hughes said the analysis should document the least amount of impact to the wetlands. The applicant needs a strong analysis for the patio to be constructed in NBZ and NDZ. Carney-Feldman questioned the grass path on the bridge. She said it will have to be maintained after horses go over the path. Horses are used to wood bridges. Williams said a wood bridge could rot and could be dangerous for horses. She noted working with Carol Lloyd, Essex County Trail Association (ECT) for the crossing. Paulitz questioned the culvert and its details. He said it does not seem to be an appropriate size. DeRosa will review.</p> <p>Harden described the trail and connections. DeRosa noted a portion of the trail in in the CR with Greenbelt. Hughes said Greenbelt would have to approve trails as the holder of the CR. Putnam asked about grading. DeRosa said there is not enough grading to show on the plans.</p> <p>Hughes said ICC needs to review stormwater management for any new development. Hughes emphasized that safety is desired, but ICC focuses on impact to resource areas. Hughes said the wetland replication should be closer to the disturbed site and not on the river front.</p> <p>Public Comment: Jennifer Eddy, 187 County Road, is an equestrian and has used the trails on this property. She noted a trail behind the mansion and asked why that is not being used. Harden said a goal of the project is to create a loop trail and have the trail be in the CR. The trail behind the house is not in the CR.</p> <p>Jack Whittier, 35 Waldingfield Road, said a trail does not need to be in a CR.</p> <p>Carol Lloyd, ECTA, said a CR does not guarantee trail protection.</p> <p>Williams to schedule a site visit for the ICC. Lynch reminded the applicant that revisions need to be submitted by 1/26/2022 for the 2/2/2022 meeting.</p>

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MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: NOI Application prepared by DeRosa Env. Dated 12-29-21; plan prepared by Hancock Assoc. dated 12-28-21. Letter from neighbors dated 1-12-22.

Enforcement Matters:

MATTER: Enforcement Matters

DISCUSSION: Hughes requested that Lynch provide a listing of active Enforcement Orders and their respective dates. Lynch to provide listing to ICC for the next scheduled meeting. No action required.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Other Business:

MATTER: Election of Commission Officers

DISCUSSION: Members discussed continuing with the current chair and vice-chair.

MOTION:

◆ A motion was made by Commissioner Carney-Feldman to maintain current officers for the ICC. The motion was seconded by Commissioner ffolliott and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Approval of Minutes: January 5, 2022

◆ A motion was made by Commissioner Carney-Feldman to approve the minutes of January 5, 2022, as drafted/amended. The motion was seconded by Commissioner Putnam and passed unanimously.

Adjournment:

◆ A motion was made by Vice-Chair Paulitz to adjourn at 9:00 p.m. The motion was seconded by Commissioner Putnam 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.