

Approved: 2/16/2022
Distributed: 3-8-2022

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
February 2, 2022

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, February 2, 2022, at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffollott, Catherine Carney-Feldman, and James Stone. Also present were Agent Brendan Lynch and Recording Secretary Odile Breton. Absent with prior notice was Commissioner Raymond Putnam.

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
OOC – 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

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

February 2, 2022

Citizen's Queries: None noted

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

MATTER: 36-1490: 32 North Ridge Rd. Bonsignore (Hancock) NOI for reconstruction of a single-family home. <i>Cont. from 1/5/2022</i>
DISCUSSION: There was no discussion as the matter is continued at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to continue to February 16, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None.
MATTER: 36-1249: 32 North Ridge Rd. Bonsignore (Hancock) COC. <i>Cont. from 1/5/2022</i>
DISCUSSION: There was no discussion as the matter is continued at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to continue to February 16, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None.
MATTER: 36-1492: 48 Turkey Shore Rd. Von Oehsen (Rimmer) NOI for renovations to existing single-family home. <i>Cont. from 1/19/2022</i>
DISCUSSION: There was no discussion as the matter is continued at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to continue to February 16, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None.
MATTER: 36- : 55 Waldingfield Rd. Ora, Inc. (DeRosa, Hancock) NOI for proposed construction of wetland crossing and patio. <i>Cont. from 1/19/2022</i>
DISCUSSION: There was no discussion as the matter is continued at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to continue to February 16, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None.

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

February 2, 2022

Courtesy Positions for Town Projects

MATTER: Proposed revisions to Stormwater Bylaw Regulations
DISCUSSION: ICC discussed edits. It was noted that final revisions are not complete. DPW and the Planning Board need to review the changes. ICC is working with a consultant for climate resiliency. The matter needs to be continued. Public Comment: Larry Graham, 12 Labor In Vain Road, noted that a number of projects are not within ICC jurisdiction and asked what should people do in the interim. Hughes responded that existing regulations should be followed, and the ICC will be regulating under the current bylaw.
MOTION: ♦ A motion was made by Commissioner ffolliott to continue to February 16, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>Meet with DPW and Planning Board to review proposed changes.</i>
MATTER: 36-1488: 4 Pineswamp Rd. TOI DPW (Coneco) ANRAD. <i>Cont. from 1/5/2022</i>
DISCUSSION: Present was Kevin McHugh (Coneco). Lynch met with Al Averill CPSS, a third-party reviewer. Lynch walked the site two weeks ago with Mike Toohill (Coneco) and minor revisions were made to the delineation line. He noted the surveyor will review and will add changes to the plan. The revised plan is needed to vote on delineation. No public comment noted.
MOTION: ♦ A motion was made by Commissioner Stone to continue to February 16, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i> <i>Documents: Peer Review prepared by Eco Tech dated 1-20-22</i>
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 1/5/2022.</i>
DISCUSSION: Present was Kevin McHugh (Coneco). McHugh provided an update. He scheduled a call with CZM for 2/3/2022 to get suggestions. It is unclear if a Chapter 91 license is needed. No public comment noted.
MOTION: ♦ A motion was made by Commissioner Carney-Feldman to continue to February 16, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i>

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1491: 34 North Ridge Rd. Valcour (Graham) NOI to construct foundation under portion of existing dwelling. <i>Cont. from 1/5/2022</i>
DISCUSSION: Present were Larry Graham (H.L. Graham & Associates) and Patricia Valcour. The site plan was displayed and Graham pointed out work to be done in the NDZ and NBZ. Graham noted the ICC requested an alternatives analysis for the work and mitigation plan. On January 26, 2022, Graham submitted revised plan noting 240 sq. ft. of work in the NBZ and NDZ, mitigation plan (for 500 sq. ft.) and plantings plan for the mitigation plan. He noted the work is within the four walls of the existing home and they are not expanding. Paulitz asked about access and getting soil out and stones in. Graham said it will be done using small equipment (mini excavator) on the right side which has approximately 10 ft. in width. The concrete will be pumped into the location.

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

February 2, 2022

Carney-Feldman noted concerns on plantings selection. She explained plants that are genetically altered are cultivars and straight native plants are preferred. A condition can be added for straight native plants. Carney-Feldman requested the Latin names for plants on the plans.

Lynch recommended issuing a positive order and can prepare a draft for the next meeting.

No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to approve the request of waivers for NBZ and NDZ with mitigation. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to draft OOC for next ICC meeting.*

Documents: Revised plan prepared by HL Graham Assoc. dated 1-26-22; Planting plan dated 1-26-22.

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. *Cont. from 1/19/2022*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental), Evin Guvendiren (DeRosa Environmental), and Barry Harrigan. DeRosa noted a letter was received from DCR noting Plum Island Sound is protected. DeRosa noted revisions to the plan. The change includes a standard ramp and float. The structure will be taken off site in off season. DeRosa is confident that the design will meet Chapter 91 standards.

Hughes requested responses to DMF (Division of Marine Fisheries) comments. Hughes does not believe it is necessary to have two access structures. There is a lot of proposed structure on the coastal bank. Proposed projects are required to avoid, minimize, and mitigate. It was noted that the Harbor Master will not sign off on the project until the Coast Guard and Army Core of Engineers are ok with the project not interfering with navigation on waterways.

Paulitz and Carney-Feldman agreed that the site does not need double access. DeRosa said it is difficult to take away what already exists. Hughes emphasized there are no stairs, and the site has not had stairs in decades.

No public comment noted.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Pictures of proposed float date 1-21-22

Requests for Certificates of Compliance:

MATTER: 36-301: Kingfisher Rd. Provost (Hancock) COC. *New*

DISCUSSION: Present was Devon Morse, Wetlands Scientist (Hancock Associates). Morse noted a 1991 enforcement order for clearing on the coastal bank without permission. Morse displayed photographs of the current conditions of the area. She pointed to vegetation on the coastal bank. Hughes requested Lynch to schedule a site visit to determine stabilization of the coastal bank.

No public comment noted.

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

February 2, 2022

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to perform a site visit and schedule a Commission site visit.*

Documents: COC request and Existing Conditions plan prepared by Hancock Assoc. dated 1-18-22

MATTER: 36-1425: 4 Merganser Rd. Robitaille (Graham) COC. Cont. from 1/19/2022

DISCUSSION: Present was Larry Graham (H. L. Graham & Associates). Graham noted the matter was continued for the FA to be filed. The FA has been files and would like final COC to be issued.

No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliott to issue a full and final COC. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

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

MATTER: 36- : 4 Kingfisher Rd. Provost (Hancock) NOI for new septic system and staircase replacement.

New

DISCUSSION: Present were Devon Morse PWIT, (Hancock Associates), Larry Graham (H.L. Graham & Associates) and Gerry McDonald (H.L. Graham & Associates). Morse reviewed environmental conditions. Morse pointed out the location of the existing house and staircase to the beach. Morse noted the staircase is in poor condition and applicant would like to replace it. A portion of the staircase located in the coastal bank will be removed.

Graham reviewed the plan for the staircase. The plan is for wooden stairs that are 3 ft. wide and sonotubes for support. An 8x10 ft. landing is at the base of the stairs (ACEC elevation 9.2). A retractable aluminum “ship ladder” will be off the landing to access the beach. Coastal slope seed mix will be used at the completion of the stairs for surface area beneath the stairs.

McDonald explained the upgrade for the septic system. On the site plan, he noted the system component legend. There are comments from the Health Department and responses are being drafted. McDonald noted the comments will not change the plan. McDonald noted erosion controls need to be added to the plan. There is a waiver request for work in the NBZ.

Hughes asked about a tree near the house. Provost said the trees are on the property line. Paulitz asked how the septic system will be built. McDonald said a crane will bring tanks in. Paulitz is concerned with materials removed off site and the use of large trucks. Paulitz suggested using small equipment.

Public Comment: Tom Burgess, abutter, is in favor of replacing the septic system.

George Soffron and Andrea Young, abutters, are in favor of repairing the septic system. They asked how close the sand filter to the property line is and how high will it be. McDonald said 5 ft. and above grade to flat and on the water side it will be about 3 ft. above ground. McDonald noted digging will be 6 or 7ft. and may encounter roots of nearby pine trees. ffolliott suggested BMP of making clean cuts to the roots and keeping them moist until the work is completed and backfilled.

McDonald explained Note 9 on the plan is the best alternative which is required to note under Title V. McDonald said the next meeting with the Board of Health is March 7, 2022.

Hughes requested scheduling a site visit.

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

February 2, 2022

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to schedule a site visit.*

Documents: NOI Application and existing conditions plan prepared by Hancock Assoc. dated 1-18-22; permit plan prepared by HL Graham Assoc dated 12-8-21; Sewer Disposal plan prepared by HL Graham Assoc. dated 1-19-22

MATTER: 36-1494: 124 North Ridge Rd. IBYC (Graham) NOI for boat ramp repair and paving of gravel access road to ram. *New*

DISCUSSION: Present were Gerry McDonald (H.L. Graham & Associates) and Tom Burgess (IBYC). McDonald explained paving over an area gravel is needed as the gravel is eroding. The plan proposes a flowable fill underneath the concrete ramp to stabilize and prevent erosion. Hughes said the flowable fill is problematic. Hughes asked McDonald to identify the resource areas. McDonald responded coastal bank. Hughes said flowable fill should not be used in ACEC because it will not meet performance standards. Hughes added that paving over pervious area needs to meet stormwater standards.

Burgess noted that the gravel driveway works as designed in minor rainstorms. It does not work in major storms and the gravel ends up at the beach. Hughes said paving changes the hydrology and it needs to be evaluated under stormwater standards. Hughes suggested a site visit.

No public comment noted.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to schedule a site visit for ICC.*

Documents: NOI Application prepared by HL Graham Assoc dated 1-3-22 and NOI plan dated 12-26-21

MATTER: 36-1495: 3 Plains Rd. Lafoe (Rimmer) NOI for removal of existing concrete slab and construction of in ground pool. *New*

DISCUSSION: Present was Mary Rimmer (Rimmer Environmental). Rimmer the site. She noted a concrete foundation was poured for a garage, but the garage was not built. The proposed pool would be in the location of garage foundation and impervious surface would be reduced. Rimmer noted the site is flat. Proposed mitigation planting is along the southern property line behind the pool. There is a waiver request for fully engineered plans as the project does not have adverse impact. Rimmer noted a pool installer has not been selected.

Hughes said a condition is no dumping (back washing) of pool water. Hughes requested Rimmer suggest 5 to 7 native shrubs for plantings plan.

No public comment noted.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
February 2, 2022

Approval of Minutes: January 19, 2022

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

Adjournment:

◆ A motion was made by Vice-Chair Paulitz to adjourn at 9:28 p.m. The motion was seconded by Commissioner 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.