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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
February 3, 2021

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, February 3, 2021 at 7:00 p.m. via Zoom. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffolliot, Catherine Carney-Feldman, Raymond Putnam and James Stone. Also present were Agent Brendan Lynch and Recording Secretary Andrea Mackinney.

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 – Storm Water Management

SPP – Small Projects Permit

WPA – Massachusetts Wetlands Protection Act (310 CMR 10.00 *et seq.*)

ZBA – Zoning Board of Appeals

CITIZEN'S QUERIES: NONE

MATTERS BEING CONTINUED TO FUTURE SESSIONS AT APPLICANT'S REQUEST:

- **36-1430: Water Street.** TOI Department of Public Works. (Coneco). NOI reconstruction of headwall and bank restoration at end of Summer Street. Cont from 1/20/21

A motion was made by Vice-Chair William Paulitz to continue to February 17, 2021. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

COURTESY POSITIONS FOR TOWN PROJECTS:

- **Open Space and Recreation Plan Update** – Andy Brengle, Co-Chair Open Space Committee

Andy Brengle, Present

Andy presented the 2020 Open Space Recreation Plan with highlights of the plan. He said that it has been conditionally accepted by the State with some conditions that make the Town eligible for grant money.

A motion was made by Commissioner Catherine Carney-Feldman to issue a letter of support as drafted and presented. The motion was seconded by Commissioner James Stone and passed unanimously.

- **36-1254: Old England Rd Culvert.** TOI Department of Public Works. COC. . *Cont from 1/20/21*

Agent Brendan Lynch said that there were erosion issues over the top of the pipe. He is not sure if the material used had not set. DPW dropped 4" stone over the top. Agent Lynch recommended that this be continued until March for the erosion control to be removed and some of the stone pulled out at the edge of pavement.

A motion was made by Commissioner Catherine Carney-Feldman to continue to March 3, 2021. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

REQUESTS FOR DETERMINATION OF APPLICABILITY (RDA):

- **74 Old Right Rd.** Pynchon. RDA to construct a driveway apron. *Cont from 1/20/21*

Agent Brendan Lynch reached out to Hancock and has not heard back from them.

A motion was made by Vice-Chair William Paulitz to continue to February 17, 2021. The motion was seconded by Commissioner Raymond Putnam. Commissioner Sissy ffolliott recused herself.

SMALL PROJECT PERMIT (SPP):

- **40 North Ridge Rd.** Phillips (Dan Johnson). SPP test pits for septic. *New.*

Dan Johnson, Present

This project is to upgrade a failed septic system. The soil testing area is between the house and road and is within 100' buffer zone at the top of Coastal Bank, but out of the 150' ACEC. Dan had success with soil testing on some abutter's properties. He may want to do testing on the side of the house where the current system is.

Chair Jennifer Hughes would like erosion control installed if the test is done on the side of the house. She recommends using some sort of bark mulch filled sock.

Vice-Chair William Paulitz asked about access to property? Dan said on the right side of the retaining wall.

A motion was made by Commissioner Raymond Putnam to issue Small Project Permit as described with erosion control if work is done on the side of the house. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

Documents: SPP date 1-28-2021.

ON-GOING NOTICES OF INTENT (NOI), MINOR MODIFICATIONS (MM) AND FORMAL AMENDMENTS (FA):

- **36-1253: 27 Water St.** (Wetlands Mgmt) Extension to OOC. *New.*

A motion was made by Vice-Chair William Paulitz at 7:32pm to table this agenda item. The motion was seconded by Commissioner Raymond Putnam and passed unanimously.

A motion was made by Vice-Chair William Paulitz at 8:48pm to untable this agenda item. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

Bill Manuell, Wetlands Management, Present

Bill asks for 3-year extension, one year for construction and two years to monitor vegetation that needs to go in.

Agent Brendan Lynch is going to look into the tolling period.

A motion was made by Commissioner Catherine Carney-Feldman to continue to February 17, 2021. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

Documents: Extension request date 1-13-2021

- **36-1331: 340 Linebrook Rd.** (Wetlands Mgmt) Extension to OOC. *New.*

John Colatoni, Present

The project was supposed to start next year and they would like to get an extension.

Agent Brendan Lynch said that the extension is for three years.

Chair Jennifer Hughes said that the initial order was 3 years and none of the work was started.

John said that they will be building an auxiliary apartment using the previously approved plan.

A motion was made by Commissioner Catherine Carney-Feldman to grant the extension for two years. The motion was seconded by Vice-Chair William Paulitz and passed unanimously
Documents: Extension request dated 1-13-2021.

- **36-____: 58 Mitchell Rd.** Roberts. (Hancock) NOI for land clearing and restoration of contractor's yard. *Cont from 1/20/21*

Mike DeRosa, DeRosa Environmental Consulting, Present

Mike requested a formal withdrawal of the Notice of Intent. They want to resolve the enforcement order first and will likely file another Notice of Intent. Agent Brendan Lynch said that the fees have already been refunded.

A motion was made by Commissioner Raymond Putnam to accept the formal withdrawal and was seconded by Vice-Chair William Paulitz and passed unanimously.

- **36-1461: 20 North Ridge Rd.** Jaquez (DeRosa). NOI for coastal bank restoration and planting of native plants to improve habitat value. *Cont from 1/20/21*

Mike DeRosa, DeRosa Environmental Consulting, Present

The site walk was cancelled and needs to be rescheduled.

One of the issues that was discussed is the Boxelder tree. There are 3 trees that are proposed to be removed. The Boxelder tree is considered invasive to New England. Several commissioners expressed concern at its removal citing the importance of Boxelder trees as habitat. The Commission will look at the tree during the site walk.

A motion was made by Commissioner Catherine Carney-Feldman continue to February 17, 2021. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

36-1458: 30 Old England Rd. Blessington. (Graham) Raze and rebuild dwelling with attached garage, septic tight tank and buried propane tank. *Cont from 1/20/21*

Larry Graham, H.L. Graham Associates, Present

Larry explained that he made additional revisions including elimination of the infiltration trench, relocation of the concrete truck washout area outside of the buffer, adding a dewatering basin in propane tank area, moved the drywell to the west side of the driveway and regraded the driveway. The revised NOI to delete 4400 sq ft of BVW alteration. He took the Town's stormwater performance standards and the proposed plan addresses the standards. He also addressed standards 8, 9 and 10.

A motion was made by Vice-Chair William Paulitz to close the public hearing. The motion was seconded by Commissioner Catherine Carney-Feldman.

Documents: Revised plan prepared by HL Graham dated 1-27-2021.

REQUESTS FOR CERTIFICATES OF COMPLIANCE (COC):

- **36-1408: 20 South Main St.** Skillman (Graham). COC. *Cont from 1/20/21*

Larry Graham, H.L. Graham Associates, Present

Larry added the water quality inlet and also included the illicit discharge statement on the plan.

A motion was made by Commissioner Catherine Carney-Feldman to issue a full and final COC. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

Documents: Revised plan prepared by HL Graham dated 1-27-2021.

NEW NOTICES OF INTENT (NOI), MINOR MODIFICATIONS (MM), FORMAL AMENDMENTS (FA):

- **36-1463: 80 Labor in Vain Rd.** Brown/Casey (DeRosa). NOI for ecological restoration project, new hardscape and landscape and installation of underground propane tank. *New.*

Mike DeRosa, DeRosa Environmental Consulting, Present

Mike explained that they are proposing to do a major cutting of the phragmites with a device called the Marsh Master. They will treat the freshly cut phragmites and do repeat cuttings as a second phase. Waters and Wetlands (Colin Gosselin) will perform the work.

Commissioner Catherine Carney-Feldman asked whether a two-year observation period after removal is long enough? Mike said they were going to apply for a five-year Notice of Intent ..

There is a proposed bocce court outside of the subzones. The basketball court will be removed. The propane tank will be relocated. There are approximately 80,000 sq. ft of phragmites that will be treated next fall.

The planting plan is extensive and are proposing seaside goldenrod near the phragmites.

Chair Jennifer Hughes asked Mike to look at the historical aerials for unapproved tree clearing.

A site visit will be rescheduled.

A motion was made by Commissioner Catherine Carney-Feldman to continue to February 17, 2021. The motion was seconded by Commissioner Raymond Putnam and passed unanimously. Documents: NOI dated 1-20-21 prepared by DeRosa Env.

- **36-1464: 61 River Rd.** Harris (John Dick). NOI for demolition and reconstruction of a single family dwelling in Riverfront Area and Buffer to Costal Bank. *New.*

John Dick, Present

A plan was prepared by Donohoe Survey, Inc. and the house has been torn down. The Architect is designing a modular unit to be put on the foundation. The proposed house needs a bulkhead and secondary egress. The footprint will remain the same.

Chair Jennifer Hughes asks if the delineation has not changed? The FEMA flood elevation had changed in that area previously. John said yes, the FEMA flood elevation is current as far as he knows and it defines coastal bank.

A new foundation will be installed and a concrete washout will be behind the house in the driveway.

Chair Jennifer Hughes asks if there is a stormwater check list included as this is part of a condominium and it is required. John said that Dick Doherty did include a stormwater report, but not a checklist.

Chair Jennifer Hughes comments about the utilities being put in a basement and if this is the best place for them.

The erosion control will be across the road . A letter is needed from the condominium association approving the design.

Agent Brendan Lynch will confirm the FEMA flood elevation and other stormwater issues at the site. .

Vice-Chair William Paulitz asks to show cross sections for coastal bank

The former house did not have a basement.

The stormwater needs to be shown on the plan and not just the narrative. Depth of stone detail should be shown as well.

All of the trees are remaining.

A motion was made by Commissioner Catherine Carney-Feldman to continue to February 17, 2021. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

Documents: NOI dated 12-31-20, Plan prepared by Donohoe dated 12-1-20, Stormwater report prepared by Doherty date 1-18-21.

OTHER BUSINESS:

- **Department of Public Works** – Request for letter of support for MassDOT County Street TIP Project (Transportation Improvement Project)

The project is where the County Street bridge is. Agent Brendan Lynch will draft a letter for Chair Hughes to sign.

A motion was made by Vice-Chair William Paulitz to authorize a letter for Chair Jennifer Hughes to sign and was seconded by Commissioner James Stone and passed unanimously.

APPROVAL OF MINUTES: 1/6/2021

A motion was made by Commissioner Raymond Putnam to approve the 1/6/21 minutes as drafted and amended. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

ADJOURNMENT:

A motion was made by Commissioner Sissy Ffolliott to adjourn at 8:59 p.m. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

Respectfully submitted,

Andrea Mackinney
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.