

Approved: 3/2/2022
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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
February 16, 2022

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, February 16, 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 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 – 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: None noted.

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

MATTER: 36-1386: Labor In Vain Rd. 79 Labor In Vain Realty Trust (Graham) NOI to repair areas damaged by storms in jurisdictional areas. <i>Cont. from 1/5/2022</i>
DISCUSSION: The matter is continued without discussion at the applicant's request.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner ffolliott to continue to March 2, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>
MATTER: 36-1497: 55 Waldingfield Rd. Ora, Inc. (DeRosa, Hancock) NOI for proposed construction of wetland crossing and patio. <i>Cont. from 2/2/2022</i>
DISCUSSION: The matter is continued without discussion at the applicant's request.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner ffolliott to continue to March 2, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>
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. <i>Cont. from 2/2/2022</i>
DISCUSSION: The matter is continued without discussion at the applicant's request.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to April 6, 2022. The motion was seconded by Commissioner Stone and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>

Courtesy Positions for Town Projects

MATTER: Proposed Revisions to Stormwater Bylaw Regulations
DISCUSSION: Hughes noted meeting with the Planning Department and DPW to review overlaps in the regulations. The Planning Board will be the permitting authority for applications in its jurisdiction and will strive to make regulations consistent with stormwater regulations. Hughes noted DPW reference was removed because DPW has general performance standards and nothing specific to Ipswich. <p>Climate resiliency language will be added by using higher rainfall amounts (NOAA Atlas 14 data). Hughes said DPW will step up the standard. Hughes suggested consistency for infiltration. It differs for redevelopment and said it should be 1 inch. The Planning Board will have its peer reviewer review the revisions to Stormwater Bylaw Regulations.</p> <p>Public Comment: Larry Graham, 12 Labor In Vain Road, asked for clarification on stormwater authority. Hughes said if a project is only before the Planning Board, then the Planning Board is the permitting authority for stormwater regulations. Graham had a question regarding compliance with State stormwater standards. Hughes</p>

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said the section is for small projects where it may not be feasible to meet the standards.

Hughes said the ICC needs to hear from the Planning Board and DPW on their review of the regulations. ICC hopes to finalize the regulations at the March 2, 2022 meeting.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 36-1399: Argilla Road R-O-W . DPW ORAD Extension Request. *New*

DISCUSSION: Lynch said the ORAD expires within two weeks. It was originally issued in 2019. The request is for a three-year extension. Lynch recommends a two-year extension.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to approve a two-year extension for the ORAD. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Extension Request dated 12-21-21

MATTER: 36-1488: 4 Pineswamp Rd. TOI DPW (Coneco) ANRAD. *Cont. from 2/2/2022*

DISCUSSION: Lynch noted a surveyor has not put-up new flags and there is not a revised plan. Lynch recommended continuing to March 2, 2022.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 36-1430: Water Street. TOI DPW (Coneco) NOI reconstruction of headwall and bank restoration at end of Summer Street. *Cont. from 2/2/2022*

DISCUSSION: Lynch said that CZM recommended going for the next round of grant funding. Lynch said it may take several months for an update on the project. Hughes suggested speaking with DPW for a withdrawal (due to the protracted timeline) and to refile.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to speak with DPW.*

Small Project Permits

MATTER: 233 Argilla Road Townsend (Hancock) SPP for soil testing. *New*

DISCUSSION: Present were Devon Morse, wetland scientist and Deb Colbert, engineer (Hancock Associates). Morse explained the soil testing is for a septic design. The site was displayed, and Morse pointed out resource areas (wetlands, salt marsh) and the location of two test pits. Morse noted the preferred location is out of

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jurisdiction. Morse noted vegetation of vines and shrubs are overgrown throughout the property and clearing is needed. Hughes is concerned about the clearing. Clearing should be minimal for access to the test pit only. ffolliott asked about a need for a second test pit. Morse said an alternative is needed if the first pit is not viable. Paulitz requested more information on the area for the second test pit. Colbert said clearing is within five feet around the house. Hughes suggested adding a condition for minor clearing to access the test pit and the Conservation Agent is to be informed of the clearing date and to be on site for the clearing. The applicant should file an RDA for vegetation clearing.

No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliott to approve the SPP with condition of minimal clearing and Conservation Agent to be on site during clearing. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Small Project Permit dated 1-25-22

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1495: 3 Plains Rd. Lafoe (Rimmer) NOI for removal of existing concrete slab and construction of in ground pool. *Cont. from 2/2/2022*

DISCUSSION: Present was Mary Rimmer (Rimmer Environmental). Carney-Feldman suggested switching the location of the shrubs and trees. She said trees behind the pool will not make the owners happy in the fall when the pool is filled with leaves. The OOC was reviewed. ffolliott requested that Condition #62 for de-watering be removed. Hughes requested a condition related to filters and discharging water. She requested removing a condition related to not using Town water to fill the pool. Lynch to revise the OOC for the requested items.

No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Commissioner Putnam and passed unanimously.**

◆ **A motion was made by Vice-Chair Paulitz to issue a positive OOC as drafted/amended. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to revise OOC for conditions requested.*

Documents: Proposed Improvement Plan dated 1-12-22

MATTER: 36-1492: 48 Turkey Shore Rd. Von Oehsen (Rimmer) NOI for renovations to existing single-family home. *Cont. from 2/2/2022*

DISCUSSION: Present were Mary Rimmer (Rimmer Environmental), John Morin (Morin Cameron Group, and Rue Sherwood, Landscape Architect). Morin reviewed the revised plan and pointed out changes. The detached dwelling unit size was reduced (24x28) and meets the 20 ft. setback requirement. The driveway has a smaller footprint and proposed material is permeable gravel pavers by the detached dwelling unit. Morin pointed out the location for a rain garden and explained why the location is better than the previous proposed location. Morin noted additional details for roof recharge system were added to the plan. Existing stairs on the site to be removed and relocated. Sherwood reviewed the landscape plan.

Hughes noted a three-season porch in the 100 ft. river front zone that is not permissible. Morin explained there is an existing porch in the 100 ft. area. Hughes said the porch is being demolished and there are alternatives for its location. The 100 ft. river front zone is for vegetation to protect the river. Rimmer said the proposed structure is

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not going further than the existing structure. Hughes questioned stairs outside the existing house footprint. Morin explained the stairs are needed because of the grade and need for access under the porch to the basement. Morin will discuss location of stairs with the architect.

Hughes is concerned about the relocation of NDZ markers. She asked if there will be mowing of the lawn behind the markers. Rimmer said the lawn will be mowed. Hughes said mowing behind NDZ markers is generally not allowed. The NDZ needs to be clear and areas to be maintained needs to be clear. Rimmer suggested adding markers for restoration area. ICC needs to know what areas will mowed and maintained. Hughes suggested adding conditions for limited lawn maintenance. Morin to develop and O & M checklist for the owners.

Hughes noted receiving several letters from the public and many comments in the letters were not specifically related to ICC jurisdiction. Hughes explained ICC enforces State laws for wetlands. The entire property is within 200 ft. of the river front.

Hughes noted items needed from the applicant for reference in the OOC. Morin to submit revised plans by February 23, 2022.

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 Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Revised O&M, site plan, planting plan, letter dated 2-10-22; abutter letters

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 multi-family dwelling. *Cont. from 1/19/2022*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental), Larry Graham (H.L. Graham & Associates), and Mike Becker (214 High St. LLC). Graham prepared grading and drainage plan and the plan was submitted to the Planning Board.

DeRosa reviewed existing conditions and demolition plan. The proposed layout of the site was reviewed (layout of building, parking, snow storage and retaining wall). A gathering area was added. There is approximately 7.5 ft. between the rear of the building and the wetland for access. Based on other projects in town Commissioner ffollitt suggested a split rail fence be installed at the new No Disturb line and monumentation discs be placed on several (4?) of the posts.

Carney-Feldman is concerned about the small area for snow storage. Graham said the O & M plan states snow is to be removed from the site.

The shed behind the existing single-family home will be removed and this is a 33 sq. ft. reduction in the resource area. Planting plan was reviewed. Hughes noted an area behind the building that needs to be included in landscape plan.

Graham noted the application will go before the Planning Board on March 10, 2022. Graham reviewed details on drainage and stormwater management. Paulitz is concerned about the location of a catch basin. The grading is a concern and if not designed properly, water will bypass infiltration system and will flow onto the driveway. Graham noted infiltration details are on sheet 4 of the plans. Hughes requested a checklist for the stormwater management. Graham noted a checklist is included in the O & M plan. Hughes requested a checklist *form* that includes dates of service and service contractor name.

There are 15 parking spaces in total. Nine spaces are in garages (ground floor of the building). Access to garages is over a concrete walkway.

No public comment noted.

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MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to March 16, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Supplemental filing dated 2-9-2022

MATTER: 36-1490: 32 North Ridge Rd. Bonsignore (Hancock) NOI for reconstruction of a single-family home. *Cont. from 2/2/2022*

DISCUSSION: Present were Devon Morse and Deb Colbert (Hancock Associates). Carney-Feldman visited the site earlier today and noted it is very small. She suggested ICC members to visit the site. Lynch said Hancock Associates met with abutters (Valcours) to work out issues. Lynch received an email from the Valcours noting their concerns for access are relieved.

Colbert and Morse reviewed plan changes. Everything is out of the NDZ. The stonewall is removed. Drainage needs to be pulled back from the coastal bank. Hughes requested more details on the patio that is located below the balcony. Colbert said it will be concrete block pavers with grass. Hughes asked that details about the patio be included on the plan. ICC is fine with grass under the balcony. Hughes said propane tanks, AC units, any mechanicals should be included on the plan and not be in NDZ.

Morse reviewed restoration notes on the plan and noted planting will occur next year. Hughes said NDZ and coastal bank monuments need to go on NDZ line. Hughes noted large boulders can be used for monuments.

Lynch to prepare a draft OOC for March 2, 2022. No public comments noted.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to prepare draft OOC for 3-2-2022.*

Documents: Revised Plan dated 2-22-22

Requests for Certificates of Compliance:

MATTER: 36-1249: 32 North Ridge Rd. Bonsignore (Hancock) COC. *Cont. from 2/2/2022*

DISCUSSION: Present was Devon Morse (Hancock Associates). ICC can select “invalid” when the new OOC is issued. No public comments noted.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 36-301: 4 Kingfisher. Provost (Hancock) COC. *Cont. from 2/2/2022*

DISCUSSION: Present was Devon Morse (Hancock Associates). ICC reviewed COC. No comments noted.

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MOTION:

◆ A motion was made by Vice-Chair Paulitz to issue a full and final COC. The motion was seconded by Commissioner ffollott and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

Other Business:

MATTER: 36-1491: 34 North Ridge Rd. Valcour (Graham) NOI to construct foundation under portion of existing dwelling. *Cont. from 2/2/2022*

DISCUSSION: Lynch noted the public hearing was closed on February 2, 2022. ICC reviewed draft OOC. Lynch to revise numbering in the OOC. Lynch to revise wording for condition #49 related to trucks bringing in concrete.

MOTION:

◆ A motion was made by Commissioner Putnam to issue OOC as drafted and amended. The motion was seconded by Vice-Chair Paulitz and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Update OOC for edits discussed.*

Approval of Minutes: February 2, 2022

◆ A motion was made by Commissioner Carney-Feldman to approve the minutes as drafted/amended. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes yes (Putnam abstained).

Adjournment:

◆ A motion was made by Commissioner Carney-Feldman to adjourn at 9:58 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.