

**Approved: 3-3-2021**  
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**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**February 17, 2021**

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, February 17, 2021 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 Andrea Mackinney. Commissioner Raymond Putnam, absent with prior notification.

**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: Sally's Pond.** (DeRosa) Discuss possible art exhibit locations.

Andrea Gaut-Eigerman and Mike DeRosa, DeRosa Environmental Consulting, Present

This property is under a Conservation Restriction given by the Historical Commission to the town in 1974. The proposed public art will be placed outside of the 200' Riverfront Area. .

Chair Jennifer Hughes asked what is the nature of the art and will it align with the use of the CR on the property? Andrea said that she does not know what the piece is yet, but it will have a significance to the site with an environmental message.

Chair Jennifer Hughes asked what are the restrictions for the property? Andrea said that item #3 on the first page of the Conservation Restriction does list activities that are allowed but later in the document it lists activities that are not. That portion of the CR document was not provided to the Commission in the submission for the CQ.

Chair Jennifer Hughes asked to receive formal notification when the approval and location is decided.  
Documents: Map of proposed art locations.

### **214 High Street**

Mike DeRosa, DeRosa Environmental, Present

There is an existing building with a deck and shed with gravel parking in the front of the subject property. They are proposing mitigation/restoration in already existing BVW and converting lawn to dense vegetation.

There would be 12,500 sq ft of alteration of buffer zone. 18,750 sq ft is needed for restoration and mitigation would be required.

They are asking if the Commission will allow use of wetland as mitigation?  
Chair Jennifer Hughes clearly states that the Commission would not allow that.

Larry Graham said that the stormwater mitigation would take place in areas C and D on the Mitigation and Alteration Plan submitted by DeRosa  
Vice-Chair William Paulitz agreed with Chair Jennifer Hughes.. The amount of disturbance in the No Build Zone would not be allowed.

### **Jim McCarthy, 35 Fellows Road**

Jim's question is in regard to the process of the Essex Pastures LLC 40B proposal before other boards and if or when does the Conservation Commission weigh in on waiver requests? Chair Jennifer Hughes explained that the Zoning Board of Appeals is acting as the local permitting authority because it is a 40B project

Agent Brendan Lynch will locate the 32 page ZBA waiver list document to distribute to the members of the Commission.

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

#### Continue to March 3, 2021:

- **36-1430: Water Street.** TOI Department of Public Works. (Coneco). NOI reconstruction of headwall and bank restoration at end of Summer Street. *Cont from 2/3/21*
- **58 Mitchell Rd.** *Enforcement matter cont from 1/20/21*

Mike DeRosa provided an update on 58 Mitchell Road that 8 test pits were dug by Tyler Ferrick on January 28. They will come to our next meeting with a restoration plan..

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

### **REQUESTS FOR DETERMINATION OF APPLICABILITY (RDA):**

- **74 Old Right Rd.** Pynchon. RDA to construct a driveway apron. *Cont from 2/3/21*

Agent Brendan Lynch was unable to touch base with Hancock Associates and recommends that this matter be continued to the next meeting.

A motion was made by Commissioner Catherine Carney-Feldman to continue to March 3, 2021. The motion was seconded by Vice-Chair William Paulitz. Commissioner Sissy ffollott recused herself.

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

- **36-1461: 20 North Ridge Rd.** Jaquez (DeRosa). NOI for coastal bank restoration and planting of native plants to improve habitat value. *Cont from 2/3/21*

Mike DeRosa, DeRosa Environmental, Present

Efforts have been made to schedule a site walk since the last meeting. The outstanding issue is the boxelder trees on the Coastal Bank. DeRosa is pressed for time because they would like to remove the invasives this winter to be ready for planting this spring.

A site walk has been scheduled on Thursday, February 25<sup>th</sup> at 4:00.

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

- **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. *Cont from 2/3/21*

Mike DeRosa, DeRosa Environmental, Present

Since the last meeting a site walk has been scheduled on Thursday February 25<sup>th</sup>. DeRosa is proposing chemical treatment of the phragmites which will be performed by Colin Gosselin of Water & Wetland.

Colin explained that the work would take place in the Fall 2021. He will be using an amphibious marsh vehicle called a Marsh Master.

\*(The audio quality of Colin's presentation was very poor throughout despite efforts to improve it.)\*

Chair Jennifer Hughes said that the Commission has previously allowed chemical treatment for phragmites control and thinks this project is permissible.

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

- **36-1460: 66 Labor in Vain Road.** Miranda Updike (Graham) NOI for septic system replacement for house and cottage. *Cont from 1/20/21.*

Larry Graham, H.L. Graham Associates, Present

This project was continued until Board of Health approval of the plan which occurred at their February 1<sup>st</sup> meeting.

Agent Brendan Lynch will update the DEP file number to #36-1460, add a Special Condition that any trees to be removed be flagged before the pre-construction meeting and to include in the Findings that the one-bedroom cottage will be connected to the leach field.

A motion was made by Commissioner Catherine Carney-Feldman to issue a waiver for work in No Disturb Zone to abandon the existing system. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

A motion was made by Vice-Chair William Paulitz to close public hearing and issue a positive OOC as drafted and amended. The motion was seconded by Commissioner James Stone and passed unanimously.

Documents: Revision 2 Plan prepared by Graham Assoc. dated 1-27-21. Revised WPA Form page 3.

- **36-1462: 66 Labor in Vain Road.** David Updike (Graham) NOI for septic system replacement and well for barn. *Cont from 1/20/21*

Larry Graham, H.L. Graham Associates, Present.

The Board of Health did not approve the new well for the barn. It has been removed from the plan. Larry is looking into the possibility of an extension of the town water system to the end of the road or of another new well. They will be going back before the BOH on March 8 and would like to come back to the Commission for the second meeting in March or the first meeting in April.

A motion was made by Commissioner Sissy Ffolliott to continue to April 7, 2021. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

Documents: Revision 2 Plan prepared by Graham Assoc. dated 1-27-21

- **36-1458: 30 Old England Rd.** Blessington. (Graham) Raze and rebuild dwelling with attached garage, septic tight tank and buried propane tank. *Cont from 2/3/21*

Larry Graham, H.L. Graham Associates, Present

Agent Brendan Lynch will make the following changes on the draft OOC:

Page 2, #32 capitalize “zone”  
 Condition #45, monumentation is confusing, should state “3 monuments, 1 granite”.  
 Remove incorrect footer “8 Candlewood” and  
 change to 30 Old England Road.

A motion was made by Vice-Chair William Paulitz to issue a positive OOC as drafted and amended. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

- **36-1464: 61 River Rd.** Harris (John Dick). NOI for demolition and reconstruction of a single family dwelling in Riverfront area and buffer to Coastal Bank. *Cont from 2/3/21*

John Dick, Present

John has addressed the issues of a punch list requested by the Commission . There is a bulkhead shown on the plan that may remove depending on the Condominium Association. John Dick discussed the Stormwater Management and explained that the trench is twice the size that is required for the roof. The Applicant still does not know what the Condo Association will allow.

Vice-Chair William Paulitz asked if people can park in front of the house on River Road? John said no.

Chair Jennifer Hughes is concerned with water stored around the foundation instead of directing it away from it..

Chair Jennifer Hughes asked if the Condo Association has given its approval? John received a letter from the Condo Association and explained that their concern is with the roof treatment. The Commission did not receive the letter. John provided it during the meeting.

The Special Conditions notes for Agent Lynch are:

#37 update DEP file number

#53 dumpster placed behind the house. The approved stockpiled material area needs to be shown on the plan.

Reference all plans including Coastal Bank transects

Reference Emergency Certification in “Other Documents”

Send an email to the Condo Association informing them that the ICC has completed their review and intend to issue OOC but need to know if the Association will approve the trench system near the road.

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

Documents: Proposed Plan prepared by Donohoe Survey dated 2-9-21, Fire Renovation Plan prepared by Wayne Wesson dated 1-31-21, Stormwater checklist, Coastal bank checklist

- **36-1253: 27 Water St.** (Wetlands Management) Extension to OOC. *Cont from 2/3/21*

Bill Manuell, Present

Agent Brendan Lynch spoke with Field Agent Bill Decie and they think that 3 years is appropriate for plant monitoring.

Brendan will check with DEP about filling forms during the Emergency Declaration.

A motion was made by Commissioner Sissy ffolliott to approve two-year extension for the project as the extension will effectively be 3 years due to the Pandemic Emergency Declaration.

The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

#### **OTHER BUSINESS:**

- Appointment of Conservation Commission Officers

A motion was made by Commissioner Sissy ffolliott to approve the current slate. The motion as seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

**APPROVAL OF MINUTES: 1/20/21**

A motion was made by Commissioner Vice-Chair William Paulitz to approve the 1/20/21 minutes as drafted and amended. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

**ADJOURNMENT:**

A motion was made by Vice-Chair William Paulitz to adjourn at 8:58 p.m. The motion was seconded by Commissioner Catherine Carney-Feldman 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.**