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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
April 3, 2019

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, April 3, 2019 at 7:00 p.m. in Room A of the Ipswich Town Hall. Members present were Vice-Chair William Paulitz, Commissioners Sissy ffolliott, Brian O'Neill, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present were Agent Alicia Geilen and Recording Secretary Amy Scicchitani. Absent with prior notice was Chairman Jennifer Hughes.

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

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

MATTER: 36-728: 251 Topsfield Rd. Turner Hill. Request to amend COC. <i>Continued to April 17, 2019.</i>
DISCUSSION: There was no one present for this matter.
RECOMMENDATION OF AGENT: <i>Continue to April 17, 2019.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Stone to continue to April 17, 2019. The motion was seconded by Acting Vice-Chair ffollott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: <i>Continuance request.</i>
MATTER: 36-1403: 2 Jay Rd. Shaw. NOI for septic system repair in jurisdictional areas. <i>Continued from March 6, 2019.</i>
DISCUSSION: There was no one present for this matter.
RECOMMENDATION OF AGENT: <i>Continue to April 17, 2019.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Stone to continue to April 17, 2019. The motion was seconded by Acting Vice-Chair ffollott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: <i>Continuance request.</i>
MATTER: 36-791: 83 Turnpike Rd. United Pipe & steel. Request for COC. <i>Continued to June 5, 2019.</i>
DISCUSSION: There was no one present for this matter.
RECOMMENDATION OF AGENT: <i>Continue to June 5, 2019</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner O'Neil to continue to June 5, 2019. The motion was seconded by Acting Vice-Chair ffollott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: <i>Continuance request.</i>

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Requests for Determination of Applicability:

<p>MATTER: 51 Linebrook Rd. Lesko. RDA to construct a deck in jurisdictional areas. <i>Continued from March 20, 2019.</i></p>
<p>DISCUSSION: Present was Mike DeRosa, DeRosa Environmental, Inc. This matter pertained to an RDA for a new 20' by 30' deck. Agent Geilen shared that COC request was incomplete because there was no as-built plan (see below), and asked if this impacted the Commission's decision not to approve the deck until a COC had been filed. The Commission said the incomplete filing was good enough for an RDA, which is a minor project at the outer edges of resource area. Mr. DeRosa stated that the as-built will be prepared by the May 1st meeting. Discussion: special condition needed for pre- and post-work inspections.</p>
<p>RECOMMENDATION OF AGENT: <i>Approve the NDA #3 on RDA with special conditions for pre- and post-work inspections.</i></p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner Carney-Feldman to issue an NDA #3 with Special Conditions as recommended. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST:</p> <p><i>No new documents submitted.</i></p>

<p>MATTER: 4 Merganser Rd. Robitaille. RDA for a 3' by 12' addition and to relocate AC unit within jurisdictional areas. <i>New.</i></p>
<p>DISCUSSION: Present was Larry Graham, H.L. Graham Associates and Dennis Robitaille, homeowner/applicant. Previously discussed at the March 6, 2019 meeting (CQ), was the 3' x 12' bump out with no foundation on the side of house. The bump out is in the same area as current AC unit, thus AC unit will be moved upslope.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue NDA #3 special condition with post-work inspection.</i></p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner Stone to issue an NDA #3 with Special Conditions as recommended. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST:</p> <p><i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled "Plan to Accompany RDA" dated March 20, 2109, and prepared by H.L. Graham Assoc.</i></p>

<p>MATTER: River Rd. Little Neck Condo Association. RDA for seasonal kayak storage in jurisdictional areas. <i>New.</i></p>
<p>DISCUSSION: Present was Mark DiSalvo, Chair of Little Neck Condo Association, and colleague William Devlin. This matter is for a formal approval for kayak storage racks on beach area near River Rd (installed in 2018 in response to an EO) and also a mooring/anchor solution for dinghies, and an extension of the existing dinghy dock. Signage will be needed to keep boats off of vegetated resource areas. A trial was implemented in 2018 for the kayak rack, and went well. Dinghy dock and new mooring anchor issue are for 30-40 dinghies which were stored on vegetated resource areas. Many of the boats were not licensed by Harbor Master. There is not enough space for all the dinghies at the dinghy dock, even if expanded, so they came up with in-water moorings system. The applicants are proposing common dinghy tie up and (a mooring permit will be required) there will be procedures distributed to owners. The applicants are also proposing extension to seasonal dinghy dock (enlarging dock from 4 ft to 6 ft wide). All boats will be town permitted. Harbormaster has approved dingy dock extension, but not the mooring system. That approval must be obtained before the mooring anchor can be installed. At the</p>

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<p>end of the season, there will be a pull-out date (April 15th to November 1st). All boat owners must comply with regulations. The Harbormaster has added Little Neck dinghy dock as a new location to the Online Mooring site to facilitate registrations. Agent Geilen asked applicant to submit a revised sketch. The Commission wants them to submit a report at the end of the boating season on status and attend the December 4, 2019 meeting.</p>
<p>RECOMMENDATION OF AGENT: <i>NDA 2 and 3 with pre- and post-work inspections, submit Harbormaster approval before work starts, and a status report in the fall, and attend the December 4, 2019 ICC meeting.</i></p>
<p>MOTION: ♦ A motion was made by Commissioner Carney-Feldman to issue an NDA 2 and 3 with Special Conditions as recommended. The motion was seconded by Commissioner Stone and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i></p>
<p>DOCUMENT LIST: <i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan.</i></p>

<p>MATTER: 5 Abbott Ln. Whooley. RDA for after-the-fact approval of deck in jurisdictional areas. <i>New.</i></p>
<p>DISCUSSION: Present was Ann McMenemy, Hancock Associates and applicant Mr. Whooley, homeowner. A COC was filed and the two items discussed: the deck on house had not been permitted and small area of vegetation near to property line was cut on Town land, which continued to be mowed. One monument at 25 ft NDZ should be installed. Triple fees for after the fact filing are waived because the work took place over 20 years ago and is very minor in nature.</p>
<p>RECOMMENDATION OF AGENT: <i>NDA #3 with no special conditions.</i></p>
<p>MOTION: ♦ A motion was made by Commissioner Carney-Feldman to issue an NDA #3 with no Special Conditions and waiving of triple fees. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST: <i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled "Topographical As Built Plan" dated March 19, 2019, and prepared by Hancock Assoc.</i></p>

<p>MATTER: 12 Abbot Ln. Calvani. RDA for after-the-fact approval of deck in jurisdictional areas. <i>New.</i></p>
<p>DISCUSSION: Present was Ann McMenemy, Hancock Associates and William Calvani. In January, the items which needed to be addressed were: a portion of deck and a shed are in the 100-foot buffer zone, and an area within 25 feet NDZ had been cleared and used as yard. Upland restoration plan was discussed (292 square feet) as was the monumentation. The owner will perform the restoration work. Agent Geilen noted that restoration work could be part of an EO. Discussion: plant 3 trees and 5 shrubs, come back in 1 year to confirm monumenting and plant survival, and ICC may approve COC. Ms. McMenemy noted that the surveying for monumentation has been completed.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue NDA #3 for deck with no special conditions.</i></p>
<p>MOTION: ♦ A motion was made by Acting Vice-Chair Ffolliott to issue an NDA #3 (for deck) with no special conditions. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>

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DOCUMENT LIST:

Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled "Topographical As Built Plan" dated March 19, 2019, and prepared by Hancock Assoc.

Requests for Certificates of Compliance:

MATTER: 36-463: 5 Abbott Ln. Whooley. *Continued from March 20, 2019.*

DISCUSSION: Present was Ann McMenemy, Hancock Associates. Agent Geilen has not had a site visit. Monument has not been installed as of yet. Alicia recommends COC to be held by Agent Geilen will confirmation of monumentation.

RECOMMENDATION OF AGENT: *Issue full & final COC to be held with Agent Geilen until monumentation is confirmed.*

MOTION:

◆ **A motion was made by Commissioner O'Neill to issue a full and final COC to be held by Agent Geilen. The motion was seconded by Acting Vice-Chair ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None*

DOCUMENT LIST:

Approved plan prepared by Hancock Eng. Dated May 28, 1996; Order of Conditions.

MATTER: 36-467: 12 Abbott Ln. Calvani. *Continued from March 20, 2019.*

DISCUSSION: Present was Ann McMenemy, Hancock Associates and William Calvani. Discussed: add one addition NDZ marker and ensure there is one marker at the southeast property line. Mitigation planting added, one more tree to be added and must survive for a full growing season. This is to be confirmed by Agent Geilen. Discussion: comfort letter as Conservation Commission agrees to everything but planting is ready for COC.

RECOMMENDATION OF AGENT: *Continue to May 6, 2020.*

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to take this matter out of order. The motion was seconded by Commissioner Putnam and passed unanimously.**

◆ **A motion was made by Acting Vice-Chair ffolliott to continue to May 6, 2020. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *Agent Geilen to approve revised plan with new NDZ locations and additional tree.*

DOCUMENT LIST:

Approved plan prepared by Hancock Eng. Dated May 28, 1996; Order of Conditions

MATTER: 36-0823: 51 Linebrook Rd. Lesko. *New.*

DISCUSSION: This matter was taken out of order. Present was Mike DeRosa, DeRosa Environmental, Inc. The applicant would like this matter continued to May 1, 2019.

RECOMMENDATION OF AGENT: *Continue to May 1, 2019.*

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<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Stone to take this matter out of order. The motion was seconded by Commissioner Carney-Feldman and passed unanimously. ◆ A motion was made by Commissioner Carney-Feldman to continue to May 1, 2019. The motion was seconded by Acting Vice-Chair ffolliott and passed unanimously.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None</i></p>
<p>DOCUMENT LIST: <i>WPA Form 8A-Request for Certificate of Compliance, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Letter of Substantial Compliance dated March 37, 2019, prepared by DeRosa Env.</i></p>
<p>MATTER: 36-1116: 8 Leslie. Warnecke. <i>Continued from March 20, 2019.</i></p>
<p>DISCUSSION: There was no one present for this matter. Agent Geilen had a site visit and noted that restoration work and buffer zone restoration were done in accordance with the approved plan. Agent Geilen recommends one granite monument and four cedar post are to be done.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue full & final COC to be held by Agent Geilen until proof of monumentation. Lift Enforcement Order.</i></p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to issue a full and final COC, to be held by Agent Geilen until completion of monumentation. The motion was seconded by Acting Vice-Chair ffolliott and passed unanimously. ◆ A motion was made by acting Vice-Chair ffolliott to lift the Enforcement Order. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None</i></p>
<p>DOCUMENT LIST: <i>Monument Plan.</i></p>
<p>MATTER: 36-1270: 28 Northridge Rd. Russell. <i>New.</i></p>
<p>DISCUSSION: There was no one present for this matter. Agent Geilen noted that the OOC is still valid. Field Inspector Deice did site visit and observed dumping of lawn waste at this or the neighboring property. She noted that a letter was sent to the abutter in case it was them. OOC not expired but applicant wishes to close OOC.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue COC for invalid OOC</i></p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman for COC for invalid OOC. The motion was seconded by Acting Vice-Chair ffolliott and passed unanimously.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None</i></p>
<p>DOCUMENT LIST: <i>WPA Form 8A-Request for Certificate of Compliance, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet.</i></p>

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MATTER: 36-895: 101 Jeffreys Neck Rd. Gonzales. New.

DISCUSSION: Present was Bill Manuel, Wetland and Land Management. Bill presented, saying that they are trying to close out the OOC from 2004, with help from Chuck Johnson, engineer. There are 14 non-compliance items to be discussed:

1. deck larger than approved and in NBZ (Ok to stay, per below, with ATF permitting);
2. second set of egress steps off deck in NBZ (Ok to stay, per below, with ATF permitting);
- 3 and 4. driveway built slightly wider, partially in the NBZ (Ok to stay, per below, with ATF permitting);
5. gravel walk in NDZ/NBZ (must be restored to lawn);
6. gravel patio area between shed/stairs (must be restored to lawn);
- 7-9. cobblestone-edged planters in NDZ (OK to stay, with ATF permitting);
10. raised vegetable/herb garden in NBZ and NDZ (OK to stay, with ATF permitting);
11. three-season room built larger, but out of subzones (OK to stay, with ATF permitting);
- 12 and 13. flagstone terrace (areas in NBZ to be restored to lawn; areas out of subzones ok to stay, with ATF permitting);
14. front landscaping (OK to stay, with ATF permitting).

Four trees were removed in NDZ. Agent Geilen recommends two native trees be replaced; one in the NDZ on the north side, and the other near wetlands to the south. Discussion: need to keep both sets of deck steps for egress since the septic system is a barrier; larger driveway is needed for safety reasons on a busy road, landscaping/garden areas are fine, NDZ monuments necessary. The deck is 74 square feet larger and will be allowed to stay because it was built in an area is not critical to wildlife habitat (between house and raised septic system). Triple fees to be assessed for after-the-fact NOI for activities to remain. There is the possibility of an EO, if needed to compel action.

RECOMMENDATION OF AGENT: *Continue to August 21, 2019.*

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to August 21, 2019. The motion was seconded by Acting Vice-Chair ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *Agent Geilen to send meeting notes to Bill Manuel.*

DOCUMENT LIST:

WPA Form 8A-Request for Certificate of Compliance, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, As-Built plan dated March 14, 2019, prepared by CG Johnson, Letter of Substantial Compliance dated March 19, 2019, prepared by Wetlands Land Mgmt.; As Built Plan prepared by Hancock Assoc. dated 9/21/18; Proposed Residence Plan prepared by CG Johnson dated 8/16/04.

MATTER: 36-1274: 114-116 County Rd. Catamount Mgmt. New.

DISCUSSION: Present was Mike DeRosa, DeRosa Environmental, Inc representing Catamount Mgmt. Mr. DeRosa noted that the as-built plan was complete. There are three items identified by Meridian that are not compliant with the OOC: gravel pad in NBZ should be plantings (220 square feet not planted), and No Snow Storage signage not installed. Mr. DeRosa recommends site-walk. NDZ boulders were placed at limit of work, not the edge of the NDZ so that needs to be corrected. Discussion: items stored in ICC jurisdiction but out of subzones, Airstream camper on gravel pad not on plan. Commissioner Carney-Feldman noted wooded area has many plastic bags. Agent Geilen noted dumpster was not placed in correct area. Mr. DeRosa to check if dumpster should be fenced in. SWM was part of OOC, an engineer must state whether the stormwater management system was properly constructed and provide proof of maintenance. Discussion: Tenants must sign statement confirming that they understand OOC.

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RECOMMENDATION OF AGENT: <i>Continue to May 1, 2019.</i>
MOTION: <p align="center">◆ A motion was made by Acting Vice-Chair ffolliott to continue to May 1, 2019. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>Site walk recommended. Mike DeRosa to check on fencing for dumpster.</i>
DOCUMENT LIST: <i>WPA Form 8A-Request for Certificate of Compliance, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, As-Built plan entitled "As Built Plan" dated March 11, 2019, prepared by Meridian Assoc., Letter of Substantial Compliance dated March 20, 2019, prepared by DeRosa Env.</i>

MATTER: 36-1018/A: 187 County Rd. Eddy. <i>Continued from March 20, 2019.</i>
DISCUSSION: Present was Mike DeRosa, DeRosa Environmental, Inc. representing Tom and Jen Eddy, and April Ferraro, Meridian Associates. A site-walk with the ConCom was completed. Three items to be discussed were: bridge width and abutments (ok), house changes (patio and driveway different, added retaining wall at barn, fence partially in NBZ), and restoration area (ok). Pertaining to the house, Mr. DeRosa stated pool and deck were smaller than permitted. Discussion: split-rail fence (80 feet) long for the dogs. Agent Geilen rad from the minutes when the minor modification was approved, which required that the split rail fence was moved outside NBZ. Mr. DeRosa noted that fence posts are a minor impact. Discussion: pony paddock should have vegetated berm. Agent Geilen recommends an after-the-fact RDA, triple fees. Discussion: triple fees should be waived because the changes are less of an impact, and retaining wall is only partially in jurisdiction. Fence must be removed from NBZ.
RECOMMENDATION OF AGENT: <i>Continue to May 15, 2019.</i>
MOTION: <p align="center">◆ A motion was made by Commissioner Carney-Feldman to continue to May 15, 2019. The motion was seconded by Acting Vice-Chair ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: <i>ICC Minutes; Final Compiled Supplemental Information dated March 26, 2019 prepared by DeRosa Environmental.; final approved plan.</i>

MATTER: 36-1105: 187 County Rd. Eddy. <i>Continued from March 20, 2019.</i>
DISCUSSION: Present was Mike DeRosa and April Ferraro, Meridian Associates. This matter pertains to the bridge. The full-size approved plan shows one width and small detailed plan shows an accurate width of bridge. No changes were made to the stone abutment as recommended by Conservation Commission.
RECOMMENDATION OF AGENT: <i>Issue a full and final COC.</i>
MOTION: <p align="center">◆ A motion was made by Commissioner Carney-Feldman to issue a full and final COC. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None</i>

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DOCUMENT LIST:

ICC Minutes; Final Compiled Supplemental Information dated March 26, 2019 prepared by DeRosa Environmental.; final approved plan.

MATTER: 36-1159: 187 County Rd. Eddy. *Continued from March 20, 2019.*

DISCUSSION: Present was Mike DeRosa & April Ferraro, Meridian Association. Agent Geilen noted that the restoration is great. Two years of growing reports submitted.

RECOMMENDATION OF AGENT: *Issue a full and final COC.*

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to issue a full and final COC. The motion was seconded by Commissioner O’Neill and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None*

DOCUMENT LIST:

ICC Minutes; Final Compiled Supplemental Information dated March 26, 2019 prepared by DeRosa Environmental.; final approved plan.

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

MATTER: 36-___ : 56 Fellows Rd. Knowlton. NOI for construction of single-family house with associated accessory building, septic, driveway and grading in jurisdictional areas. *New.*

DISCUSSION: Present was Ken Lania, representative, and David Knowlton, homeowner. Mr. Lania presented requesting approval for a single-family home and barn. Agent Geilen noted that the BVW line was approved under an ORAD. Discussion: erosion control, stormwater management. No work proposed in the subzones (NDZ, NBZ). The DEP File # has been received. Site will disturb more than 10,000 sf so local stormwater bylaw must be complied with (SWM calculations needed, but not DEP Stormwater report form). Agent Geilen noted to monument edge of disturbance goes into NDZ, so current edge of disturbance should be monumented as a NDZ. Discussion: deck/patio/shed should be on plan.

RECOMMENDATION OF AGENT: *Continue to 4/17/19.*

MOTION:

◆ **A motion was made by Acting Vice-Chair Ffolliott to continue to April 17, 2019. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled “Site Plan” dated December 5, 2018, prepared by Cornerstone Land Cons., Legal Ad, Locus Map, Notification of Abutters, Abutters List and Affidavit of Service.

MATTER: 36-1404: Hood Pond. MA Dept. of Conservation and Recreation. NOI for aquatic management program to control nuisance and non-native plant growth utilizing treatment with State registered aquatic herbicides, algaecides and other BMP’s in jurisdictional areas. *New.*

DISCUSSION: Present was Ann Carroll, DCR Office of Water Resources, and Kara Sowolski, Solitude Lake Management. Presently, the pond is infested with water chestnut, milfoil, and fanwort (floating plants in the lake), and phragmites on the edge of it. Acting Vice-Chair Ffolliott had concerns with herbicide in water management. Warning signs will be posted when water is treated. For 2019, last treatment will be in July. There will be an initial treatment, then two booster applications, depending on growth, full year application may be necessary.

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Many homeowners surrounding the pond were present and in approval of this matter. Robbi Tobin, 53 Boxford Road, an abutting neighbor who lives on pond, noted she was well informed of treatment of pond. Ms. Tobin attended training program and passed out information to neighbors. Discussion: Division of Marine Fisheries has concerns, and will get comments from Topsfield/Ipswich ConComs. First application is anticipated in early May, when plants are smaller, then treatments will continue every 3-4 weeks later, ending in July. Pond is closed to swimming and boating during application of treatments. There should be coordination with Conservation Commission and let neighbors know the dates of treatment. Beth Rogers of 8 Pond street, said all 12 waterfront property owners are in approval of treatment. They request a 5-year approval for this restoration project. Discussion: Waiting for Division of Marine Fisheries.

RECOMMENDATION OF AGENT: *Continue to April 17, 2019.*

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to April 17, 2019. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Legal Ad, Locus Map, Notification of Abutters, Abutters List and Affidavit of Service. Clear cast label; Sonar Genesis Label; Sonar One Label; emails; agents comments April 1, 2019.

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1395: 19 Sagamore Rd. Hollingsworth. NOI for implementation of an ecological restoration plan and proposed raze and rebuild of an existing structure in jurisdictional areas. *Continue from March 20, 2019.*

DISCUSSION: Present was Mike DeRosa, DeRosa Environmental and Ann Hollingsworth, owner. Since the last meeting, there was a site walk with Agent Geilen and Field Inspector Deice. Changes made were the septic tank was moved (outside NBZ), force main to outward edge, electric/water lines. Wetland line changed (2 flags moved), which resulted in moving NDZ, underground utility line moved. The Board of Health has not yet approved, septic is an outstanding issue. The existing barn has 92 square feet in the NBZ, and proposed work has 65 square feet in the NBZ. Over 11,000 square feet of restoration for the pond/wetland areas, converting lawn to wetland area (it will be planted), and monumentation will be added. Agent Geilen said that she checked into an allegation made by abutter, Robert Budinski, that the owner before the last owner (two owners ago), had filled in wetlands. She confirmed 6 inches to 2 feet of fill over wetlands behind the barn. She called DEP to find out how to handle very old wetland fill, and they said that if fill was placed in wetland after the 1990 regulation change, and current owner has owned less than 3 years, the Commission may require the fill to come out. Mr. DeRosa thinks Town Counsel should look into this matter. Discussion: age of the fill, possibly before 1990, no way to know, no proof of fill date by abutter, burden of proof of illegal fill on the Commission. Commissioner Carney-Feldman shared that this couple should not be penalized for what prior owners had done and is satisfied with mitigation. Acting Chairman Paulitz agreed that current owner should not be liable for previous owner's actions. Discussion: Board of Health requires sleeving the force main when within 10 feet of water line, Agent Geilen thinks it should also be sleeved when within 10' of pond. Mr. DeRosa noted they could do additional plantings for a screening for abutting neighbor views. Agent Geilen to talk to Health Agent regarding Board of Health approval, and requirement to prove the septic box can be pumped out. Discussion: Mike DeRosa to also check into how septic box will be pumped out.

RECOMMENDATION OF AGENT: *Continue to April 17, 2019.*

MOTION:

◆ **A motion was made by Acting Vice-Chair ffolliott to continue to April 17, 2019. The motion was seconded by Commissioner Stone and passed unanimously.**

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ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: <i>Final compiled supplemental letter from DeRosa Environmental dated March 25, 2019.</i>

MATTER: 36-1397: 10 Bowdoin Rd. Halloran. NOI to raze and rebuild single family home in jurisdictional areas. <i>Continued from March 20, 2019.</i>
DISCUSSION: Present was Mike DeRosa, DeRosa Environmental, Inc. and John Morin, Morin-Cameron Group, representing John and LeeAnn Halloran. Conservation Commission had asked for additional drainage information, so Mr. Morin presented draining calculations. Other changes are two granite NDZ markers and three NDZ boulders in between. Erosion control line was added up slope at top of coastal bank. A portion of the NDZ that is lawn were regraded. On Monday, April 1, 2019, the Board of Health had approved plans, local upgrades/variances. Mr. DeRosa noted that added will be compost berm, which will be permanent, added plantings on top of bank, added details on side. Discussion: bark mulch sock, additional grading into NDZ.
RECOMMENDATION OF AGENT: <i>Approve waivers, and issue positive Order of Conditions, close public hearing.</i>
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Stone to approve the requested waivers. The motion was seconded by Commissioner O'Neill and passed unanimously. ◆ A motion was made by Commissioner Carney-Feldman to close the public hearing and issue positive OOC to be reviewed/issued at April 17, 2019 meeting. The motion was seconded by Commissioner O'Neill and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: <i>Final compiled supplemental letter from DeRosa Environmental dated March 27, 2019.</i>

MATTER: 36-1396: 10 Bowdoin Rd. Halloran. NOI for restoration and stairway on coastal bank in jurisdictional areas. <i>Continue from March 20, 2019.</i>
DISCUSSION: Present was Mike DeRosa, DeRosa Environment and John Morin, representing the Halloran's. Additional planting above coastal bank, berm was added, additional planting on base of coastal bank. Mr. DeRosa noted that through-flow decking and helical piles will be used, steps will end at elevation 10. Discussion: stepping stones added, details added from vendor. Discussion: remnants of steps observed at site visit on coastal bank.
RECOMMENDATION OF AGENT: <i>Approve requested waivers, issue positive OOC and close public hearing</i>
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Acting Vice-Chair ffollott to approve the requested waivers. The motion was seconded by Commissioner Carney-Feldman and passed unanimously. ◆ A motion was made by Commissioner Carney-Feldman to close the public hearing and issue positive OOC issued/signed at April 17, 2019 meeting. The motion was seconded by Commissioner O'Neill and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: <i>Final compiled supplemental letter from DeRosa Environmental dated March 27, 2019.</i>

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<p>MATTER: 36-1401: 65 Linebrook Rd. Johnson. NOI for septic system repair in jurisdictional areas. <i>Continued from March 20, 2019.</i></p>
<p>DISCUSSION: Present was Larry Graham, H.L. Graham Associates and Josh Johnson, homeowner. This matter is a NOI for septic system repair only. Mr. DeRosa, Agent Geilen and Larry Graham had a site-walk for delineation of wetlands. One adjustment was made (Wetland flag A4 was moved upslope). Conservation Commission asked for new NDZ monumented on property, which the Agent concurs with. At prior meeting, Chairman Hughes wished that this should be granite bound, which is now an add on. Pile of rubble comprised of broken asphalt to be approved as part of this OOC (Mr. Graham requested a waiver of the NDZ for this). Septic has been approved by BOH.</p>
<p>RECOMMENDATION OF AGENT: <i>OOC with special condition to remove rubble.</i></p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Acting Vice-Chair ffollott to approve the request of waivers. The motion was seconded by Commissioner Carney-Feldman and passed unanimously. ◆ A motion was made by Commissioner Carney-Feldman to close the public hearing and issue positive OOC with special conditions. The motion was seconded by Commissioner Stone.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>Waiver request added for debris pile</i></p>
<p>DOCUMENT LIST: <i>Compiled supplemental information prepared by Graham Assoc. dated March 27, 2019; final approved plan prepared by Graham Assoc. dated January 30, 2019.</i></p>
<p>MATTER: 36-1400: 33 Greens Point Rd. Greens Point Investment Trust. NOI to raze and rebuild existing dwelling and install tight tank in jurisdictional areas. <i>Continued from March 6, 2019.</i></p>
<p>DISCUSSION: Present was Larry Graham, H.L. Graham Associates. Mr. Graham is representing Greens Point. Larry submitted a revised plan regarding matter from March 20, 2019. Applicant will approach the Zoning board of Appeals on April 18th, to move proposed building into side yard. The elevation of building (14), first floor is shop / garage living space will be on second floor, total land is 6011 square feet, construction in flood plan is 229 square feet, footings to support egress, supports between and elevation of slab will be stem walls, no flood proof requirements necessary/required, 46% of area will be disturbed, 3 feet between edge tank and erosion control. Previous plan had incorrect NBZ/NDZ. Discussion: deck will have steel supports on 2nd floor. Monumented NDZ was proposed and tight tank will stay where proposed.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to May 1, 2019.</i></p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Acting Vice-Chair ffollott to continue to May 1, 2019. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST: <i>Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled "Permit Plan" dated March 26, 2019, prepared by Graham Assoc., Legal Ad, Locus Map, Notification of Abutters, Abutters List and Affidavit of Service.</i></p>
<p>MATTER: 36-1387: 44 River Rd. Aiello. NOI to replace an existing masonry wall in jurisdictional areas. <i>Continued from February 20, 2019.</i></p>
<p>DISCUSSION: Present was Larry Graham, H.L. Graham and Karen Gilbert, representative from Epsilon Assoc (wetlands consultant). Mr. Graham presented an overview of the area, site area are houses at grade level (built before coastal regulation). Mr. Graham and Ms. Gilbert said the following: testing on sediment samples provided a</p>

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basis of delineation of coastal dune; dune regulations state that the project should not interfere with sand migration, but sand material is being moved mechanically back onto the dune when it blows onto lawns or the road; dune movement does not provide storm damage prevention; proposed wall will keep the dune in its place; house cannot be elevated because of height restrictions and the road is right behind the house (glacial landform). Discussion: proposing wall 2 feet higher (will prevent sand migration, reduce coastal flooding of home); abutting neighbor's wall was not approved by Conservation Commission; has condo owners approved this wall? Mr. Graham will find out the answer.

RECOMMENDATION OF AGENT: *Continue to April 17, 2019.*

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to April 17, 2019. The motion was seconded by Acting Vice-Chair ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *Agent to put NOI, plans and both LEC Reports in Dropbox for the 4/17/19 meeting.*

DOCUMENT LIST:

Dune restoration plan prepared by DeRosa Environmental dated February 12, 2019; Permit plan prepared by Graham Assoc. dated October 3, 2018; Compliance letter dated January 7, 2019; site photo.

MATTER: 36-1386: Labor In Vain Rd. 79 Labor in Vain Realty Trust NOI to repair areas damaged by storms in jurisdictional areas. *Continued from January 16, 2019.*

DISCUSSION: Present was Larry Graham, H.L. Graham Associates. Mr. Graham, will file a SPP for this application to use small excavator for trenching of soils for the sections of roadway to determine where the old road base resided. Two excavation will be made to determine this because this will be done in ACEC. Discussion: Stay within road bed the project can move forward, restriction to creeping salt march

RECOMMENDATION OF AGENT: *Continue to May 1, 2019.*

MOTION:

◆ **A motion was made by Acting Vice-Chair ffolliott to continue to May 1, 2019. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

No new documents submitted.

Enforcement Matters:

MATTER: 36,36,38 Mitchell Rd. McMillan Enforcement Update. *Continued from March 6, 2019.*

DISCUSSION: There was no one present for this matter.

RECOMMENDATION OF AGENT: *Continue to April 17, 2019.*

MOTION:

◆ **None**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

◆ *None.*

DOCUMENT LIST: *No new documents submitted.*

MATTER: 46 Labor In Vain Rd. Sears. Enforcement Update. *Continued from December 5, 2018.*

DISCUSSION: There was no one present for this matter.

RECOMMENDATION OF AGENT: *Continue to April 17, 2019.*

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MOTION: ♦ None.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i>
DOCUMENT LIST: <i>No new documents submitted.</i>
MATTER: 36-223: 91 Turnpike Rd. <i>Continued from February 20, 2019.</i>
DISCUSSION: There was no one present for this matter.
RECOMMENDATION OF AGENT: <i>Continue to April 17, 2019.</i>
MOTION: ♦ None.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i>
DOCUMENT LIST: <i>No new documents submitted.</i>

Other Business: None.

Tabled Matters and Discussion Items: None.

Approval of Minutes: None.

Document Signage: (No Vote Required)

- None.

Adjournment:

♦ A motion was made by Commissioner Carney-Feldman to adjourn at 11:10 p.m. The motion was seconded by Commissioner Stone and passed unanimously.

Respectfully submitted,



Amy Scicchitani
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.