

Approved: 5/18/2022
Distributed: 6/28/2022

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
May 4, 2022

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, May 4, 2022, at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffollott, 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: 36-1477: 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. <i>Cont. from 4/20/2022</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 Stone to continue to June 15, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None.</i></p>

MATTER: 36-1500: 38A Topsfield Road (Wetlands Land Mgmt.) NOI to construct a new single-family dwelling. <i>Cont. from 4/20/22</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 Stone to continue to May 18, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None.</i></p>

Small Project Permits

MATTER: 51 Linebrook Road. Lesko. SPP install granite islands in parking lot; remove and add plantings. <i>New</i>
DISCUSSION: Present was Kim Lesko, owner/applicant. Lesko noted the SPP was approved 2 years ago as COVID-19 pandemic broke out. Hughes noted that there is an enforcement order is outstanding on the site. Lesko stated that the river restoration is not in the budget as the restaurant is down \$3.5 million due to the Pandemic. The request is to extend the SPP. The project includes removing rotting bushes in the parking lot. Five granite beds with native plantings will be in the parking lot and lighting will be added. Carney-Feldman asked if the parking lot will be paved. Lesko said no as it is approximately \$250k cost.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to approve the SPP. The motion was seconded by Vice-Chair Paulitz and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>. Ms. Lesko and Agent Lynch to meet to address the Enforcement Order.</i> <i>Documents: SPP application dated 4-6-2022</i></p>

Requests for Determination of Applicability:

MATTER: 8 Old Essex Road. Rainville. RDA to install privacy screen; replace atrium; replace existing deck; extend garage onto existing driveway. <i>New</i>
DISCUSSION: Present was Bradford Rainville, owner/applicant. Rainville explained the proposed renovations to the home and installation of a privacy fence. A land survey was presented for the site. The garage is proposed to be extend by 3ft. onto the existing driveway. There is no new disturbance with the garage extension. He noted the existing deck needs to be replaced as the footings are rotting. The proposed deck is the same footprint as the existing deck. He proposes to remove the glass atrium and replace it with a 4 season porch on the same footings.

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He is also proposing to clear out invasive plants that are killing trees and proposes to add trees.

Hughes said the ICC would not want the fence to encroach on the wetlands. Carney-Feldman suggested a rock wall. Ffolliott suggested using Native holly plants.

Hughes suggested adding pre and post construction visits and erosion controls as determined by the Conservation Agent. No public comment noted.

MOTION:

◆ A motion was made by Commissioner Ffolliott to issue an NDA with conditions discussed. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: RDA application package dated 4-4-2022

MATTER: 6-10 Riverbank Lane; Snow (Graham). RDA for extension of sanitary sewer system. *New*

DISCUSSION: Present were Larry Graham and Gerry McDonald (H.L. Graham & Associates). The project is to extend the Town sewer to serve 6-10 Riverbank Lane. The existing septic system at 10 Riverbank Lane will be abandoned and install a pump chamber to the Town sewer. Temporary erosion control proposes using silt sock. McDonald pointed out erosion control on the plan. The full extension is approximately 320 ft. Graham worked on the plan with the Town Utilities Department and the Select Board approved the extension. Some trees (approx. 7) need to be removed for the project.

Hughes suggested adding a condition to not stockpile materials or store vehicles/equipment on site. Pre and post construction site visits should be a condition. No public comment noted.

MOTION:

◆ A motion was made by Commissioner Stone to issue an NDA with Special Conditions as discussed. The motion was seconded by Vice-Chair Paulitz and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: RDA application package date 4-6-2022

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

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 4/20/2022*

DISCUSSION: Present were Barry Harrigan (owner/applicant), Mike DeRosa (DeRosa Environmental), Attorney Chip Nylen, and Mark Georgian, (First Water Engineering). DeRosa reviewed a power point presentation for the boardwalk, groin, ramp and float. The presentation provided history of existing pier. Resource areas were identified. Coastal Bank resource area drives the project design. Piles impact Land Under the Ocean, Rocky I Intertidal Shore and Land Containing Shellfish. Proposed piles are approximately 14 sq. ft. of impact. Existing piles are 12.sq. ft. of impact.

DeRosa reviewed required permits: OOC from ICC, Chapter 91 license, U. S. Army Corps of Engineers (“Army Corps”) approval, Harbor Master and Coast Guard approval. OOC from ICC is needed for Army Corps of Engineers filing. He noted that once the project is filed with Army Corp, it will solicit comments from multiple concerned agencies (EPA, CZM, DMF, DEP, NOAA). DeRosa noted a design constraint that the float needs to be in the water and not resting on the shellfish habitat at low tide.

DeRosa reviewed comparison of sq. footage of interim license to proposed dimensions. DeRosa said the gangway and float are seasonal and not included in comparison calculation. Without the gangway and float, the proposed project is 51 sq. ft. less than the interim license. DeRosa presented communication from the Harbor Master Paul A. Nikas approving the project. Hughes disagreed with DeRosa on structure dimensions presented on Figure 1 (graphic illustration of interim license plan vs. proposed plan). She said there was no actual structure over the groin

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is how it was originally. The proposed plan covers the area.

DeRosa reviewed how the project will be built. Demolition of existing structure, preparation of groin area, piles, concrete pad on groin, pier, and installation of ramp and float. He noted 2 wave dissipation piles need to be removed to allow public access.

ffolliott asked how the OOC functions as a 401 permit. DeRosa and Attorney Nylen clarified how a 401 permit process worked. ffolliott requested the plan be updated to show public access.

Hughes expressed issues with concrete pad on the groin and said she is not willing to approve it. She said other groins in the area are constructed without a concrete pad and it appears to be a want rather than a need. DeRosa said the concrete pad serves multiple purposes. It is structural to keep the groin together. He said the concrete slab will be poured. A prefabricated slab would not work. Hughes said groins are not constructed with poured concrete. It is an additional impact and Hughes urges the ICC members to not approve this portion of the project.

Jack Enos, (contractor/engineer), noted the existing groin has concrete. The longevity of the groin is due to the concrete. He added the top of the groin is irregular and the concrete pad serves as a structural cap. Hughes said the DMC letter state there were concrete footings and the concrete pad does not hold the groin together.

Hughes is concerned about a permanent wood structure that is 6 ft. wide on a resource area (coastal bank). DeRosa said it is at elevation 13 and above the flood plain. Hughes said it alters coastal bank. DeRosa said the impact is minimal. Hughes noted there is no reason to have a permanent impact. Nylen said there need for access to the pier. Hughes requested options for the walkway and expressed interest in options that are seasonal. No public comment noted.

MOTION:

◆ A motion was made by Commissioner ffolliott to continue to May 18, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Applicant to present options for walkway and concrete pad at next meeting.*

MATTER: 36-1386: Labor In Vain Rd. 79 Labor In Vain Realty Trust (Graham). NOI to repair areas damaged by storms in jurisdictional areas. *Cont. from 4/20/2022*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental) and Larry Graham (H.L. Graham & Associates). DeRosa described the site walk with Brendan Lynch. He said CZM has not responded to inquiries. He suggested the ICC visit the site. Hughes said a solution needs to be proposed and the fill needs to come out. Carney-Feldman would like to visit the site.

MOTION:

◆ A motion was made by Commissioner Carney-Feldman to continue to May 18, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *ICC site visit.*

MATTER: 36-1502; 263 Argilla Rd. (Graham). NOI for septic repair. *Cont. from 4/20/2022*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). He requested the matter be tabled (8:52 pm). See vote below. Gerry McDonald (H.L. Graham & Associates) joined the ZOOM meeting, and the matter was untabled (10:04 pm). See vote below.

The draft OOC was reviewed. No public comment noted.

MOTION:

◆ A motion was made by Commissioner ffolliott to table the matter. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

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◆ **A motion was made by Commissioner ffolliott to untable the matter. The motion was seconded by Commissioner Carney-Feldman 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.**

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Revised plan prepared by Graham Assoc. dated 4-21-22

MATTER: 36-1501: 5-7 Turkey Shore Rd. Gardner. NOI to construct a 20'x 25' accessory dwelling unit, and expansion of gravel driveway. *Cont. from 4/20/2022*

DISCUSSION: Present was Carl Gardner, owner/applicant. Gardner said an O & M plan was prepared and Rick Clarke, Director of Ipswich DPW, was contacted about work on Town property. The Planning Board requested a peer review on drainage, but Gardner has not received comments from the peer review. Hughes said if the plans change, the applicant must come before the ICC with the changes.

Lynch to draft an OOC for the next scheduled meeting. Hughes noted a requested condition from an abutter at 9 Turkey Shore Road relating to further flooding. Hughes said the condition requested is not enforceable. ICC can only approve what is presented and cannot condition future proposals from the applicant.

Public Comment: Kitty Bartholomew, 16 Turkey Shore Road, asked about the O & M plan. Hughes said it is recorded with the OOC. Bartholomew asked about impervious surface calculations. Hughes said calculations are documented on the plan under resource area impacts.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to draft OOC.*

Documents: O&M Plan dated 5-2-22, letters from abutters; DPW response to curb opening permit

Requests for Certificates of Compliance:

MATTER: 36-1395: 19 Sagamore Rd. Hollingsworth (DeRosa). COC. *Cont. from 1/5/2022*

DISCUSSION: Present was Mike DeRosa (DeRosa Environmental). Lynch walked the site on April 27, 2022. DeRosa presented several photographs of the site. DeRosa said everything is stabilized. No questions from ICC.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 36-1378: 143 High St. Bank Gloucester. COC. *Cont. from 4/20/2022*

DISCUSSION: Lynch received a certification letter for the "as built" plan. He noted no disturb placards are on the posts or fences. Monitoring reports were submitted. Paulitz requested stormwater reports and other documents be placed in DropBox for ICC review.

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MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to May 18, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

MATTER: 36-382: 146 High Street Ipswich Crossing Shopping Center (RJ O'Connell). COC. *New*

DISCUSSION: Present was Brian McCarthy (civil engineer with RJ O'Connell & Associates) and Linda Meiggs (property manager). McCarthy explained the two outstanding orders. One is from 1993. A plan was displayed describing the work done. Megs said the shopping center was worked on again in 2007 and at that time all the work from 1993 was completed. Lynch noted a change in ownership and there are two COCs being requested. Hughes said there is a lot of trash near the fence and erosion controls were still on site. Lynch said the 2007-2008 work has a COC. McCarthy said significant improvements were made to stormwater management. Hughes requested Lynch to visit the site.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

MATTER: 36-686: 146 High Street Ipswich Crossing Shopping Center (RJ O'Connell). COC. *New*

DISCUSSION: Present was Brian McCarthy (civil engineer with RJ O'Connell & Associates) and Linda Meiggs (property manager). McCarthy explained the two outstanding orders. One is from 1993. A plan was displayed describing the work done. Meiggs said the shopping center was worked on again in 2007 and at that time all the work from 1993 was completed. Lynch noted a change in ownership and there are two COCs being requested. Hughes said there is a lot of trash near the fence and erosion controls were still on site. Lynch said the 2007-2008 work has a COC. McCarthy said significant improvements were made to stormwater management. Hughes requested Lynch to visit the site.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

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

MATTER: 36-1288: 20 Turkey Shore Rd. (DeRosa) Extension request. *New*

DISCUSSION: Present was Mike DeRosa (DeRosa Environmental). The applicant is requesting a six-month extension. ICC usually approves one-year extensions.

MOTION:

◆ **A motion was made by Commissioner Putnam to grant the one-year extension. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Extension request dated 4-27-22

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<p>MATTER: 36- : 14-16 Fellows Rd. Calareso (Graham). NOI to construct greenhouse, access drive and drainage facilities. <i>New</i></p>
<p>DISCUSSION: Present were Joe Calareso (owner/applicant) and Larry Graham (H.L. Graham & Associates). Graham reviewed the project and noted proposed work is within 100 ft. of the un-named stream running through the property. The property is approximately 9.5 acres with an existing single-family home. The proposed greenhouse is for business purposes in Reading, MA. The site is serviced by natural gas. There is a well on site. A cistern system is designed to use captured water for greenhouse plants. The system includes two 200-gallon cistern tanks with room for two more if needed. Soil tests were done outside ICC jurisdiction. Proposed improvements are outside of the river front (stream). Graham reviewed calculations included on submitted plans. Drainage under the greenhouse will be piping.</p> <p>Hughes asked if operation is allowed in the zone. Graham said yes. Calareso explained the use of trucks to the site. ffolliott noted that additional access will need Planning Board approval to break through the stone wall as Fellows Road is a scenic road. Graham said the request for additional access will go before the Planning Board.</p> <p>Public Comment: Jaime Fay, received plans from Graham and thinks the project is great. He is concerned about openings/curb cuts that are 45 to 50 ft. wide on a scenic road. He hopes the curb cuts can be reduced.</p> <p>Hughes suggested a site visit.</p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Commissioner Carney-Feldman to continue to May 18, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p align="center">❖ <i>ICC site visit scheduled for Thursday, May 12 @4PM</i></p> <p><i>Documents: NOI application package and plan prepared by Graham Assoc. dated 4-20-2022</i></p>

Enforcement Matters:

<p>MATTER: 62 Jeffreys Neck Road Fence. <i>Cont. from 4/20/2022</i></p>
<p>DISCUSSION: Present was Robyn Leet (property owner). Leet said the fence will be moved. She spoke with contractor and the time frame is August or September 2022 to move the fence at a cost of approximately \$4,000. Hughes requested a sketch plan showing the proposed location of the fence. She added the fence must be out of the wetlands. ffolliott requested the plan include dimensions. Hughes noted there is also an issue with the deck. There is an EO to the prior owner about the deck and the ICC needs to understand what was approved for the original deck. She also said the rebuild of the deck had no approved building permit. Lynch to assist Leet with fence re-location sketch. Hughes said there is an "as built" for the deck.</p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Vice-Chair Paulitz to continue to June 1, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p align="center">❖ <i>None.</i></p>

Other Business:

<p>MATTER: 36-1499: 114 Essex Road. Wolf Hollow. NOI for removal and construction of foot bridge. <i>Cont. from 4/20/2022</i></p>
<p>DISCUSSION: Lynch noted the matter is to review the draft OOC. The public hearing was closed on April 20, 2022. ICC reviewed conditions and amended condition #49 for restoration seed mix and areas on the site to re-seed.</p>

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None.*

Approval of Minutes: April 20, 2022

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

Adjournment:

- ◆ A motion was made by Commissioner Carney-Feldman to adjourn at 10:13 p.m. The motion was seconded by Vice-Chair Paulitz 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.