

Approved: 6/2/21
Distributed: 6/30/21

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
May 5, 2021

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, May 5, 2021 at 7:00 p.m. in Room A of the Ipswich Town Hall. Members present were Vice-Chair William Paulitz, Commissioners Sissy ffolliott, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present was Agent Brendan Lynch. Chair Jennifer Hughes was absent. Paulitz will act as chair for tonight and Putnam will act as vice-chair.

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

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

May 5, 2021

Citizen's Queries:

MATTER: Citizen's Query for 27 Water Street by Larry Graham

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates) on behalf of Riverine LLC. He sent a 2 page letter on April 22, 2021 to the ICC. Also included were site plans for Water Street. Permitted drainage plans for 27 Water Street were displayed. He pointed out trench drains and described the flow of water. He noted a test pit was done and pointed it out on the plan. Some ledge was encountered and the drainage design was pulled as far from it. Graham said it was discovered that they did not go far enough as more ledge has been encountered. He said the issue bears consideration for redesigning the drainage system in the front. The proposed drainage system was displayed and Graham explained the new system. He believes the water quality is protected with the new system.

Paulitz said he is not in favor of changing an approved plan at such a late date. He suggested excavation to get the ledge out. Graham will advise Riverine LLC.

Documents: Plans and letter prepared by Graham dated 4-22-21

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

MATTER: 36-1464: 61 River Road Harris (John Dick). NOI for demolition and reconstruction of a single family dwelling in riverfront area and buffer to coastal bank. *Cont from 4/21/2021*

DISCUSSION: No discussion.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to May 19, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.**

MATTER: 36-1467: Rosewood Drive, units 60 and 61. Hubert LeBlanc Tr (Wetlands Land Mgmt). NOI to construct a duplex housing building. *Cont from 4/21/21*

DISCUSSION: No discussion.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to May 19, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.**

MATTER: 36- : 40 North Ridge Rd. Phillips (Dan Johnson). NOI for replacement of septic system. *Cont from 4/21/21*

DISCUSSION: No discussion.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to May 19, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.**

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

May 5, 2021

Courtesy Positions for Town Projects

MATTER: Union St. EBSCO Lot. TOI Department of Public Works. Test Pits. SPP. <i>New</i>
DISCUSSION: Wayne Castonguay, Ipswich River Watershed Association, was present and representing the Town of Ipswich DPW on Ipswich Mills feasibility study. The request is for a permit for a temporary test pit. There is no proposed erosion control. The test pit is about 40 ft. from the river bank. The project will take up to a day and a half. Carney-Feldman asked if this was the last test pit for the site. Castonguay said this should be the last confirmatory information. He said the work needs to be completed by June 30, 2021.
RECOMMENDATION OF AGENT: Lynch recommends approval.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to approve the small project permit as described with a post construction inspection by the Agent. The motion was seconded by Commissioner Stone and passed with 5 votes.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>Lynch to do post construction inspection</i></p> Documents: SPP dated 4-27-21

Requests for Determination of Applicability:

MATTER: 66 Labor In Vain Rd. Hertz. RDA to replace existing porch with mudroom. <i>New</i>
DISCUSSION: Present were Frank Hertz and Bob Weatherall, designer. Weatherall explained the project. An existing screened porch is being replaced with a new mudroom. Approximately 34 sq. ft. is being added to make a slightly larger addition. Lynch said erosion controls are set up. Lynch identified buffer and no build zones on the site plan.
RECOMMENDATION OF AGENT: Lynch recommends a negative 2 and negative 3 for work in the buffer zone.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Ffolliot to issue an NDA with negative 2 and negative 3 as recommended by the Agent with a pre and post site visit by the Agent. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>Pre and post construction site visit by the Agent.</i></p> Documents: RDA dated 4-8-21

Requests for Certificates of Compliance:

MATTER: 36-1354: 30 Mill Rd. (DeRosa). COC. <i>Cont from 3/17/21</i>
DISCUSSION: Carney-Feldman is recused as she is an abutter. Present were Tyler Ferrick and Mike DeRosa, DeRosa Environmental. They are requesting a certificate of compliance for restoration work. Ferrick noted the 2 year growing period is complete. Photos taken in 2019 and 2020 of the site were presented. DeRosa noted the area is densely vegetated. Lynch was on site in the fall and commented positively on the conditions of the site and vegetation. Putnam also visited the site and had a question on the erosion control wall. Ferrick said it was for the trail work and can be taken down. Putnam said the site was growing very well. No public comment noted.

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

May 5, 2021

MOTION:

◆ **A motion was made by Commissioner ffolliot to continue to June 16, 2021. The motion was seconded by Commissioner Putnam and passed with 4 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to visit site by June 16, 2021.*

MATTER: 36-1355: 28 Mill Rd. (DeRosa). COC. *Cont from 3/17/21*

DISCUSSION: Carney-Feldman is recused as she is an abutter. Present were Tyler Ferrick and Mike DeRosa, DeRosa Environmental. They are requesting a certificate of compliance for restoration work. Ferrick noted the 2 year growing period is complete. Photos taken in 2019 and 2020 of the site were presented. DeRosa noted the area is densely vegetated. Lynch was on site in the fall and commented positively on the conditions of the site and vegetation. Putnam also visited the site and had a question on the erosion control wall. Ferrick said it was for the trail work and can be taken down. Putnam said the site was growing very well.

No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliot to continue to June 16, 2021. The motion was seconded by Commissioner Putnam and passed with 4 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to site visit by June 16, 2021.*

MATTER: 36-727: 14 Plains Rd. Iacobacci. (Holt). COC. *Cont from 10/7/2020*

DISCUSSION: Paulitz said the applicant requested this be moved to September 1, 2021.

MOTION:

◆ **A motion was made by Commissioner ffolliot to continue to September 1, 2021. The motion was seconded by Commissioner Putnam and passed with 5 votes.**

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

MATTER: 36-1471: 20 Lakemans Lane. Bernard. NOI for replacement of existing garage with family room. *New*

DISCUSSION: Present were Dan Bernard and contractor Bill Perry. Bernard is proposing to take down the existing garage and rebuild in the same footprint and make it into a family room. There will be a new foundation. A site plan was displayed. Lynch pointed out the no disturbance zone and monumentation. Erosion control lines were identified. Lynch noted several waivers were requested for the delineation and work in the no disturb and no build zone. No trees need to be removed. Paulitz suggested additional monumentation along the tree line at the edge of the property for no disturbance areas. ffolliot asked that the plans include any propane tanks or air conditioning units.

No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to May 19, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to inquire of Building Inspector what is required after the foundation is poured. Lynch to draft*

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

May 5, 2021

order,

MATTER: 36- : 14 North Ridge Rd. Keady. (Graham). NOI to repair existing seawall. *New*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). The matter was tabled temporarily for additional presenters to join the ZOOM meeting.

Larry Graham and Jerry McDonald (H.L. Graham & Associates) were present. A site plan was displayed. The seawall is 8 ft. in height. The dwelling on the site is approximately 10 ft. away from the seawall. The proposal is for the application of 6 inches of shotcrete to the wall. Photographs of the existing deteriorating seawall were displayed. The wall height will not be increased. The ICC will need to review comments from DEP and CZM.

No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliot to table the matter. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.**

◆ **A motion was made by Commissioner ffolliot to untable the matter. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.**

◆ **A motion was made by Commissioner ffolliot to continue the matter to May 19, 2021. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *ICC to do a site visit (at low tide). Lynch to coordinate site visit with contractor, engineers and ICC.*

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1470: Argilla Rd. The Trustees of Reservations, Russell Hopping (Rimmer Env). NOI for Great Marsh Integrated Restoration Project. *Cont 4/21/21*

DISCUSSION: Present was Mary Rimmer, Rimmer Environmental and Russell Hopping, representing the Trustees. Rimmer noted a DEP file number was received. She said comments were received from the Division of Marine Fisheries and the Natural Heritage Program. Rimmer provided a brief recap of the restoration, funding and monitoring. The goal is to restore the natural function of the marsh. She noted similar techniques were used in a pilot area of Newbury, MA.

Paulitz noted comments from State agencies and requested clarification that the comments were addressed.

Rimmer said the project has an extensive monitoring program. The filing provides the necessary information.

Paulitz suggested the OCC be drafted and the hearing be continued.

MOTION:

◆ **A motion was made by Commissioner Stone to continue to May 19, 2021. The motion was seconded by Commissioner Putnam and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to draft OCC.*

MATTER: 36-1466: 240 County Rd and Fellows Rd. New England Biolabs. (Meridian). NOI for new child care center to include vegetated areas, surface parking and entry drive. *Cont 4/21/21*

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

May 5, 2021

DISCUSSION: Present was April Ferraro, Meridian and Pat Norton, New England Biolabs. Ferraro noted receiving a letter from the peer reviewer (Bob Puff). Peer review comments have been addressed and re-submitted plans to the Town. An additional soil test was completed last week as requested by Puff. Paulitz noted the ICC received revised plans today. He said the public hearing will need to be continued so that the ICC has time to review. Pat Norton said the project will be before the Planning Board on May 13, 2021 and it is expected to have a draft decision. He said the changes made are minor. Ferraro pointed out the changes on the site plan.
No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to May 19, 2021. The motion was seconded by Commissioner Ffolliot and passed with 5 votes.**

DOCUMENTS: Revised Plan Set, revised planting plan, dated 4-14-21; Revised Civil set, Revised Stormwater management analysis and calculations dated 5-4-21; Robert Puff second review dated 4-26-21.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Final Report from Peer Reviewer. Draft OCC to be prepared for May 19, 2021.*

MATTER: 36-1170: Turner Hill Golf Course. Extension request. *New*

DISCUSSION: Representatives for Turner Hill Golf Course, Solitude Lake Management (SLM) sent a letter to the ICC. The letter was displayed. SLM has managed the pond and aquatic species in the pond. SLM is looking for a 3 year extension of the aquatic management program. The current extension expires on May 26, 2021.

Ffolliot commented that the ICC has not handed out 3 year extensions. She requested Putnam to review the treatments in case anything changed.

No public comments noted.

RECOMMENDATION OF AGENT: Lynch recommends approval of extension.

MOTION:

◆ **A motion was made by Commissioner Ffolliot to continue to May 19, 2021. The motion was seconded by Commissioner Putnam and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Putnam to review treatments. Lynch to provide additional documents from the applicant. Lynch to recommend applicant attend next meeting to discuss.*

DOCUMENTS: Extension request letter dated 4-22-21.

Enforcement Matters:

MATTER: 58 Mitchell Rd. *Cont from 4/21/21*

DISCUSSION: Present was Mike DeRosa. An aerial view of site was displayed. The extent of fill has been determined. DeRosa pointed out the area of wetlands that have been filled. DeRosa would like to get started on pulling the fill out of the wetland, no build zone and portion of no disturb zone. He can start as soon as next week. DeRosa reviewed the planting list. DeRosa will be back with a more extensive plan for the entire property. Paulitz said the property owner should receive the enforcement order. DeRosa said the work can be done by June 15, 2021 (phase 1).

No public comment.

RECOMMENDATION OF AGENT:

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to move this matter to June 16, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.**

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
May 5, 2021

ACTION ITEMS / SPECIAL INSTRUCTIONS:

<ul style="list-style-type: none"> ◆ <i>Lynch to visit the site on June 15, 2021. DeRosa to provide a post construction report.</i>

MATTER: 62 Jeffreys Neck Rd. New, unpermitted fence. <i>Cont from 4/21/21</i>

DISCUSSION: Continued without discussion at applicant's request.

MOTION:

<ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to continue to May 19, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.

Other Business:

MATTER: 36-1430: Water Street. TOI Department of Public Works (CONECO). NOI reconstruction of headwall and bank restoration at end of Summer Street. <i>Cont from 4/21/21</i>

DISCUSSION: Continued without discussion at applicant's request.

MOTION:

<ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to continue to May 19, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.

Approval of Minutes: 2/3/2021

- ◆ **A motion was made by Commissioner Carney-Feldman to approve the minutes as amended. The motion was seconded by Commissioner Putnam and passed with 5 votes.**

Adjournment:

- ◆ **A motion was made by Commissioner Stone to adjourn at 9:16 p.m. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.**

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.