

Approved: 6/15/2022
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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
May 18, 2022

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, May 18, 2022, at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz (arrived approx. 7:30 pm), Commissioners Sissy ffolliott, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present were Agent Brendan Lynch and Recording Secretary Odile Breton.

DEFINITION INDEX:

ACEC – Area of Critical Environmental Concern
ANRAD - Abbreviated Notice of Resource Area Delineation (WPA Form 4A)
BOH – Board of Health
BVW - Bordering Vegetated Wetland
Bylaw – Ipswich Wetlands Protection Bylaw (Ch. 224)
COC – Certificate of Compliance (Request for COC = WPA Form 8A; COC = WPA Form 8B)
CR – Conservation Restriction
CZM – MA Office of Coastal Zone Management
DCR - Department of Conservation and Recreation
DEP – MA Department of Environmental Protection
DPW- Ipswich Department of Public Works
EC – Emergency Certificate
EO – Enforcement Order (WPA Form 9)
ICC – Ipswich Conservation Commission
LIAU – Land in Agricultural Use
LSCSF – Land Subject to Coastal Storm Flowage
LSP – Licensed Site Professional
NOI – Notice of Intent (WPA Form 3)
NBZ – No-Build Zone, per Ipswich Wetlands Protection Bylaw
NDZ – No-Disturbance Zone, per Ipswich Wetlands Protection Bylaw
O & M Plan – Operations and Maintenance Plan: An O&M plan is an indication that a facility is in continued compliance with applicable regulations and permit conditions
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

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Citizen's Queries: None noted.

TOWN PROJECTS:

MATTER: Waiver request. Water tank replacement project. Utilities Department.
<p>DISCUSSION: Emily Sadoway, Ipswich Utilities Department was present for this matter. Sadoway explained the project is to replace a 3-million-gallon water tank off Spring Street. The existing tank will be demolished. Approximately 1.36 acres needs to be cleared for the project and the Utilities Department is requesting a waiver for the clearing. Commissioner ffolliott remarked that it is peak Bird Migration time and the property abuts Daniel Boone Park – very important for migrant birds. ffolliott later followed up by asking if there was a plan to replace the 1.36 acres of trees after the new water was constructed. There is no planting plan for the project at this time. Hughes suggested starting a file for the project. The Utilities Department should submit documentation for erosion control and stormwater management plan. Lynch to do a pre-construction inspection. The ICC will have more say in the project when it is before the ICC for a permit. No public comment noted.</p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Commissioner Putnam to authorize Lynch to issue a memo. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p align="center">❖ <i>Lynch to perform pre-construction inspection.</i></p>

Requests for Determination of Applicability:

MATTER: 21 Nabbys Point Road. Ostberg. RDA connect to Town sewer. <i>New</i>
<p>DISCUSSION: Present was Karol Ostberg, applicant. The project is to connect to the Town sewer. Plans were presented and it was noted that the plans do not document resource areas. Lynch said GIS was used to identify coastal bank. The project is an improvement to the site and is not in NBZ or NDZ. Proposed erosion controls were pointed out on the plans and no trees will be removed. Hughes said plans need to document the closest resource areas and the box on the NOI form stating “no delineation will be approved on the plan.” should be checked She suggested pre- and post-construction inspections as a condition. No public comment.</p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Commissioner ffolliott to issue an NDA, #2, with pre and post-construction conditions discussed. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p align="center">❖ <i>Update plans for resource areas. Add pre- and post-construction condition.</i></p> <p><i>Documents: RDA Application package dated 5-4-2022</i></p>

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1386: Labor In Vain Road. 79 Labor In Vain Realty Trust. (Graham). NOI to repair areas damaged by storms in jurisdictional areas. <i>Cont. from 5/4/2022</i>
<p>DISCUSSION: Present were Mike DeRosa (DeRosa Environmental) and Larry Graham (H.L. Graham & Associates). DeRosa and Lynch walked the site and looked at vegetation and soils. DeRosa described existing conditions. DeRosa reviewed the Roadway Stabilization Plan. The plan includes using coir logs and Flexamat. Vegetation (Marsh elder, switch grass, red fescue, salt cordgrass) will act as a buffer. Hughes noted the plan will be reviewed by MA DEP. No public comment noted.</p>

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MOTION:

◆ **A motion was made by Commissioner Stone to continue to June 1, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 36-1503: 14-16 Fellows Rd. Calareso (Graham). NOI to construct greenhouse, access drive and drainage facilities. *Cont. from 5/4/2022*

DISCUSSION: Present were Joe Calareso, owner/applicant, and Larry Graham (H.L. Graham & Associates). Graham commented on the ICC site visit. Graham said the scenic road application must go before the Planning Board for driveway cuts on a scenic road. Graham will revise the plan to remove one driveway. Lynch walked the site and noted Mary Rimmer completed the delineation on the site for a previous owner. Lynch would like to discuss the delineation line with Rimmer. Graham requested to meet with Paulitz to review stormwater management plan and calculations. Hughes said if Paulitz has questions or concerns a peer review may be needed. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to June 15, 2022. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 36-1500: 38A Topsfield Rd. (Wetlands Land Mgmt.). NOI to construct a new single-family dwelling. *Cont. from 5/4/2022*

DISCUSSION: Lynch spoke with Bill Manuell (Wetlands Land Mgmt.) and he is finalizing the plan. He requested to continue the matter to June 1, 2022.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to June 1, 2022. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

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 5/4/2022*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental), Mark Georgian (First Water Engineering) and Jack Enos (contractor). DeRosa reviewed a memo sent to ICC dated May 11, 2022. The memo describes changes to the plan. DeRosa noted the concrete pad on the groin is removed. He stated the groin still needs to be stabilized with appropriately sized rocks. Hughes requested details on the rocks (type of rocks, where they are from). A seasonal 20 ft. ramp is used to access the aluminum walkway going to the groin. Timber supports will be used. Enos discussed the use of rocks to stabilize the groin. Lynch noted that it will not be a public dock but there will be public access to the water. DeRosa will update forms and plans. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to June 15, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

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Requests for Certificates of Compliance:

MATTER: 36-1396: 10 Bowdoin Rd. Halloran (DeRosa). COC. <i>New</i>
DISCUSSION: Present was Mike DeRosa (DeRosa Environmental). DeRosa described the site as dense vegetation and noted the site is stabilized. He said more sumacs will be planted. Lynch described site conditions from his site visit. Hughes suggested keeping the matter open for new plantings. No public comment noted.
MOTION: <p align="center">◆ A motion was made by Commissioner Ffolliott to continue to October 19, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p align="center">❖ <i>None.</i></p> <p><i>Documents: COC application package prepared by DeRosa Env. Dated 5-4-2022</i></p>
MATTER: 36-1397: 10 Bowdoin Rd. Halloran (DeRosa). COC. <i>New</i>
DISCUSSION: Present was Mike DeRosa (DeRosa Environmental). DeRosa reviewed the “as-built” noting differences from approved plan. The concrete pad with generator is larger and moved out of the 100 ft. buffer zone. The grass swale was changed to a crushed stone swale. The purpose of the swale is to prevent water from entering neighbor’s property. DeRosa reviewed the letter from the Morin-Cameron Group (Engineers) noting the changes and reasons for changes. Hughes requested more information about the swale was requested and thought the stormwater feature should be what was approved. DeRosa to discuss with John Morin and confirm the swale depth. No public comment noted.
MOTION: <p align="center">◆ A motion was made by Vice-Chair Paulitz to continue to June 15, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p align="center">❖ <i>None</i></p> <p><i>Documents: COC application package prepared by DeRosa Env. Dated 5-4-2022</i></p>
MATTER: 36-1378: 143 High St. Bank Gloucester. COC. <i>Cont. from 5/4/2022</i>
DISCUSSION: Lynch said the placards were installed on the fence. The engineer letter was submitted. Paulitz noted the diameter of the pipes underground should be verified. Hughes said a representative for Bank Gloucester should be present for the matter. No public comment noted.
MOTION: <p align="center">◆ A motion was made by Vice-Chair Paulitz to continue to June 1, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p align="center">❖ <i>Lynch to follow up with engineer and Bank Gloucester.</i></p>
MATTER: 36-233: 91 Turnpike Rd. Karrass (DeRosa) COC. <i>New</i>

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<p>DISCUSSION: Present was Mike DeRosa (DeRosa Environmental). The OOC was issued in 1988. DeRosa noted the project developed but the mitigation plan was not completed. An EO was issued. The mitigation plan was completed in 2019 and 2 years of growth has occurred. Photographs of the site were presented as DeRosa described site conditions. No public comment noted.</p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner ffolliott to issue a return to compliance letter. The motion was seconded by Commissioner Carney-Feldman and passed unanimously. ◆ A motion was made by Commissioner Putnam to issue a full and final COC. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <ul style="list-style-type: none"> ❖ <i>None.</i> <p><i>Documents: COC application package prepared by DeRosa Env. Dated 5-4-2022</i></p>

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

<p>MATTER: 36-1421: 36 North Ridge Rd. Healy. Extension request. <i>New</i></p>
<p>DISCUSSION: Present were Fran and Brian Healy. They are requesting a 3-year extension for OOC issued June 2019. They noted delays with the pandemic and need more time to make decisions and hire professionals. Hughes asked if they will be coming back with a MM of the OOC. Healy said that is possible. Hughes said the ICC does not like to issue 3-year extensions. It's a long time with no check ins. If there are modifications, it may make sense for a 1 year extension. If you are proceeding with OOC, then a 2-year extension makes sense.</p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner ffolliott to grant a 2-year extension on the OOC. The motion was seconded by Commissioner Putnam and passed unanimously.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <ul style="list-style-type: none"> ❖ <i>None.</i> <p><i>Documents: Extension Request dated 5-9-2022</i></p>

<p>MATTER: 36-1253: 27 Water Street. LeBlanc (Graham) FA to redesign stormwater management. <i>New</i></p>
<p>DISCUSSION: Present were Larry Graham (H.L. Graham & Associates) and Roger LeBlanc, applicant. Graham reviewed the site plan. He said the structure was built and is occupied. The original plan called for trench drains along Water Street in front of the structure. Water would collect to a water quality tank and then to a manhole and eventually to a six-chamber infiltration chamber. An alternative was developed using a storm filter. The trench drains and infiltration system will remain the same. TSS removal is 80%. Graham said it is a reasonable alternative. Instead of pavers in the front (from Water Street to front of building), the owner would like to do crushed or river stone. Hughes said pavers would be better for directing water. Graham confirmed the change is for pre-treatment of water. LeBlanc discussed the O & M plan. LeBlanc said maintenance costs an owner approximately \$350/year and the filters would be changed every 3 years. A filter cost approximately \$500. Hughes would like to see a pre-paid maintenance contract. Lynch to amend the stormwater conditions. No public comment noted.</p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Vice-Chair Paulitz to close the public hearing. The motion was seconded by Commissioner Stone and passed unanimously.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <ul style="list-style-type: none"> ❖ <i>Lynch to amend stormwater conditions maintenance reports and findings.</i> <p><i>Documents: Formal Amendment prepared by Graham Assoc. dated 5-4-2022</i></p>

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MATTER: 36-1455: 10 North Ridge Rd. (Graham). MM placement of concrete pad. <i>New</i>
DISCUSSION: Present was Larry Graham (H. L. Graham & Associates). Graham reviewed the site plan and pointed out locations of sub zones. He noted the modification includes the addition of a propane tank and AC condenser which need to be 10 ft. apart. Graham said this is a minor modification and items should have been on plans. The heating and cooling were recently developed. Graham requested the ICC not consider this be MM given the change is not significant. There is no environmental impact from modification. Hughes suggested waiving the \$450 modification fee and paying a lower fee. Graham to email a waiver request for the \$450 fee.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to approve the request of waiver for \$450 fee and pay lower fee and approve the MM. The motion was seconded by Commissioner Stone and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>Graham to email waiver request.</i></p> <i>Documents: Minor Modification prepared by Graham Assoc. dated 5-17-2022</i>
<u>Other Business:</u>
MATTER: 36-1501: 5-7 Turkey Shore Road. Gardner. NOI to construct a 20' x 25' accessory dwelling unit, and expansion of gravel driveway. <i>Cont. from 5/4/2022</i>
DISCUSSION: Present was Carl Gardner, owner/applicant. Hughes noted this is to review and vote on OOC as the public hearing was closed at the previous meeting. Monitoring reports should be submitted by someone on-site. Conservation Agent to visit the site during construction.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Stone to approve/issue OOC as drafted/amended. 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>

Approval of Minutes: May 4, 2022

Edits were made for 51 Linebrook Road, Hart House and EO.

♦ **A motion was made by Commissioner Carney-Feldman to approve the minutes as drafted/amended. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

Adjournment:

♦ **A motion was made by Commissioner Putnam to adjourn at 9:29 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,

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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.