

Approved: 7-6-2022
Distributed: 9-1-2022

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
June 15, 2022

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, June 15, 2022, at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes (late arrival approximately 8:00 pm and left meeting approximately 9:00 pm), Vice-Chair William Paulitz, Commissioners Sissy ffolliott, Catherine Carney-Feldman, and James Stone. Also present were Agent Brendan Lynch, Associate Commissioner Jack Stone and Recording Secretary Odile Breton. Absent with prior notice was Commissioner Raymond Putnam. Vice-Chair Paulitz chaired the meeting this evening. Jen Hughes was able to join the meeting for 10 Chebacco Rd through 20 – 40 Market Street.

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.*)

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ZBA – Zoning Board of Appeals

Citizen’s Queries: None noted.

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

MATTER: 36-1157: 19 Hayward St. (Meridian) COC. <i>Cont. from 4/6/2022</i>
DISCUSSION: The matter is being continued without discussion at the applicant’s request.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to July 6, 2022. The motion was seconded by Commissioner Stone and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>

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 6/1/2022</i>
DISCUSSION: The matter is being continued without discussion at the applicant’s request.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to July 6, 2022. The motion was seconded by Commissioner Stone and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>

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 5/4/2022</i>
DISCUSSION: The matter is being continued without discussion at the applicant’s request.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Stone to continue to September 21, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>

Courtesy Positions for Town Projects

MATTER: 36-1310: 56 Jeffreys Neck Rd. TOI Open Space. Beth O’Connor. COC. <i>New</i>
DISCUSSION: Present was Beth O’Connor, Open Space Steward for the Town of Ipswich. The request is for a COC for Strawberry Hill. She explained an area for an experimental native edible garden near the parking lot planted by Russ Cohen. Evasive species were removed. Photographs of the area were presented, and O’Connor described existing conditions. Carney-Feldman asked if Cohen returned to the site and made notes of conditions. O’Connor said no. Stone noted the purpose of the hearing is to determine if the project is in compliance with the OOC. Lynch noted the invasive species that were removed have not returned.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to issue a full and final COC. The motion was seconded by Commissioner ffolliott and passed unanimously.</p>

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ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: COC filing application submitted by Beth OConnor

MATTER: 36-1475: 21 Peatfield St. TOI Open Space. Beth O'Connor. COC. *New*

DISCUSSION: Present was Beth O'Connor, Open Space Steward for the Town of Ipswich. The project was for a season dock at Peatfield Landing. Photographs were presented and O'Connor described existing conditions. She said the dock serves its purpose for river kayaking. The dock is stored in off season by the Town. There is a boat rack for public use. ffolliott asked if pea stone has migrated into the river. Lynch said the pea stone is approximately 6 to 8 feet away from the river and has not migrated into the river. Lynch recommends issuing the COC.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: COC filing application submitted by Beth OConnor

Requests for Determination of Applicability:

MATTER: 26 Turkey Shore Road. Cannon (Red Barn Arch). RDA for renovation within existing footprint of single-family home. *New*

DISCUSSION: Lynch suggested tabling the matter as there is a violation that needs to be addressed before the RDA. See vote below.

The matter was untabled after the EO was discussed. See vote below.

Present were Ryan McShera (Red Barn Architecture) and Josh Cummings (owner/applicant). McShera explained the project proposes to add a second floor to the single-family home. There is no new foundation proposed. McShera said 95% of construction will be accessed from the street. Lynch said there is no impact to the resource area and no increase to the existing footprint. The applicant will have 3 years to complete the project. McShera noted there is no requirement for additional stairs for the deck. He said the siding of the existing home will be replaced. Lynch recommended approving the RDA. 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.**

◆ **A motion was made by Commissioner ffolliott to untable the matter. The motion was seconded by Commissioner Stone and passed unanimously.**

◆ **A motion was made by Commissioner ffolliott to issue an NDA (#2, #3). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Applicant to follow EO for stabilization of the site.*

Documents: RDA filing application dated 5-18-2022; plans prepared by Red Barn Arch. Dated 6-18-2022

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1503: 14-16 Fellows Rd. Calareso (Graham). NOI to construct greenhouse, access drive and drainage facilities. *Cont. from 5/18/2022*

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DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham thanked Paulitz for his comments related to stormwater management and drainage. Graham said the updated stormwater bylaws are restrictive for most projects in Ipswich. For this project, compliance with the updated bylaws may result in a 6,000 sq. ft. loss of the greenhouse. At this time, the applicant is requesting a withdrawal of the application for an NOI without prejudice.

Public Comment: Jaime Fay, 9 Fellows Road, said it is unfortunate that the project is being withdrawn. He hopes the project will come back in the future.

MOTION:

◆ **A motion was made by Commissioner ffolliott to accept the application withdrawal without prejudice. The motion was seconded by Commissioner Carney-Feldman 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 6/1/2022*

DISCUSSION: Present was Bill Manuell (Wetlands Land Mgmt.). Manuell met Lynch at the site for wetlands flag review. There are no changes to the wetland's flags. The draft OOC was sent to ICC today. Some commissioners have not had time to review the draft OOC. Paulitz suggested closing the public hearing this evening and voting on the OOC at the next meeting. No public comment noted.

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:

❖ *None.*

Documents: Revised plan dated 5-16-2022

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 5/18/2022*

DISCUSSION: Present were Mike DeRosa, Evin Guvendiren (DeRosa Environmental), Mark Georgian (design engineer – First Water Engineering) and Jack Enos (construction engineer). DeRosa reviewed changes made to the plans documented on an email/memo sent June 8, 2022, to the Conservation Department. The stairs were removed. A portion of the wave fence will be removed to provide public access. Stones will be used to support the existing groin. All the work will be done from a barge. Carney-Feldman thanked the application team for all the work for the changes. Lynch to prepare a draft OOC for July 6, 2022. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to July 6, 2022. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Prepare draft OOC for July 6, 2022.*

Documents: Revised NOI prepared by DeRosa Env and Plan date June 2022

MATTER: 36-1504: 10 Chebacco Rd. Hoopes (Rimmer). NOI for construction of detached garage. *Cont. from 6/1/2022*

DISCUSSION: Present were Mary Rimmer (Rimmer Environmental) and project engineer Dan MacRitchie (D.C. MacRitchie LLC). Rimmer presented the site plan and pointed out 3 trees near the barn that will need to be removed. Rimmer said a native wildflower seed mix will be used for the meadow and she described the maintenance. Carney-Feldman suggested the meadow be mowed in late winter or early spring.

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MacRitchie reviewed the drainage plan. Currently, there is a 4-inch pipe leading into a catch basin. A 6-inch pipe will replace the 4-inch pipe and a new catch basin will be installed. The design minimizes clogging in the pipe. Rimmer identified the location of 3 monuments. Jen Hughes joined the meeting around 8pm and stated that the trees that are being removed need to be on the plan No public comment noted. Lynch suggested continuing the hearing for updates to the plans (documenting monumentation and tree removal).

MOTION:

◆ **A motion was made by Commissioner Stone to continue to July 6, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Requests for Certificates of Compliance:

MATTER: 36-1422: 101 Jeffreys Neck Road. Gonzales (Wetlands Land Mgmt.) COC. *New*

DISCUSSION: Present was Bill Manuell (Wetlands Land Mgmt.). He said this is closing out an OOC from 2004. The “as-built” plan was presented. There were some items on the “as-built” that were not acceptable, and mitigation was required. A new NOI was filed. The plan presented documents showing what was allowed to remain, items that needed to be removed and mitigation areas. The gravel walkway was removed, trees were planted and 3 monuments were added. Lynch visited the site and recommended issuing the COC.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: COC filing application dated 6-4-2022; Plan prepared by Hancock Assoc. dated 9-21-18

MATTER: 36-1378: 143 High St. Bank Gloucester. COC. *Cont. from 6/1/2022*

DISCUSSION: Lynch said had some calls with the engineer. Paulitz provided the questions related to the outlet control device that need to be answered by the engineer. Lynch to follow up with the engineer.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to July 6, 2022. The motion was seconded by Chair Hughes and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to contact engineer with ICC questions.*

MATTER: 36-1397: 10 Bowdoin Rd. Halloran (DeRosa). COC. *Cont. from 5/18/2022*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental) and John Morin (Morin Cameron Group). The request is for a COC for construction of a single-family house. The “as-built” plan was presented. DeRosa reviewed a May 24, 2022, email from John Morin regarding the swale (change from grass to compost with crushed stone top) and how the swale is functioning. DeRosa said the swale is 6 to 10 inches deep. The swale is slowing the velocity of water and is functioning properly. Hughes is concerned about the future effectiveness of the swale. The compost with crushed stone will not function as the grass swale over time. Hughes requested documentation that if the “as-built” swale does not work, then the applicant will have to replace it with the approved plan grass swale.

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MOTION:

◆ **A motion was made by Chair Hughes to issue a full and final COC with condition related to swale as discussed. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to update COC with condition.*

Documents: Email dated 5-24-22 from John Morin

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

MATTER: 36- : 40 North Ridge Rd. Radcliffe-Walsh (DeRosa). NOI to raze and rebuild existing single-family home. *New*

DISCUSSION: Present were Mike DeRosa, Evin Guvendiren (DeRosa Environmental), and John Morin (Morin Cameron Group). DeRosa reviewed existing conditions plan and identified resource areas (50 ft. NBZ, 25 ft. NDZ, 150 ft. ACEC buffer). The existing home is in buffer zones. The existing home will be removed, and new home will be built using the existing footprint. There is a proposed addition on the street side of the house which is away from the coastal bank. The existing stairs for coastal access will be reconstructed. Morin reviewed the drainage plan and noted 2,393 sq. ft. total impervious surface on the site. The drainage plan proposes 3 stormwater chambers under the driveway with an outlet control structure. Storage volume is 201 cubic ft. and a crushed stone drip edge trench behind the patio provides an additional 16 cubic ft. of storage volume. The regulations require 200 cubic ft. of storage volume, and the plan meets the standard. The existing driveway is gravel. The plan proposes a grass paver driveway to improve sustainability. The plan proposes 336 sq. ft. increase to impervious surface. Currently, there is no stormwater management for the site.

Hughes said the project is a non-starter. In past applications, requests to stay in the same footprint have been responded with yes when there is no expansion of the footprint. ICC should be looking at improvements to the resource areas if the application includes building from the ground up. This includes moving this project away from the top of coastal bank. DeRosa said the project has disturbance reductions in all the restrictive zones which is a benefit. There is improvement to drainage and the plan meets new stormwater management requirements. Hughes said the plan doubles the impervious surface on the site. Alternatives need to be considered. There is a lot of space on the site and no reason to be building a few feet away from coastal bank. DeRosa said the plan meets all requirements. There is nothing in the Town bylaws or State regulations that require moving back from existing conditions.

ICC to do a site visit. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to July 6, 2022. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to double check prior orders for the site and coordinate a site visit.*

Documents: NOI filing application and Plan prepared by Morin Cameron dated 6-1-2022

MATTER: 36- : 20-40 Market Street. Cutter (DeRosa). NOI to raze and rebuild accessory structure. *New*

DISCUSSION: Present were Dave Cutter (owner/applicant) and Mike DeRosa (DeRosa Environmental). Photographs of the site were presented. DeRosa noted the existing garage/barn structure and the gravel parking lot. The project is for a new barn to be constructed in the same footprint. The ZBA issued a special permit to rebuild the structure which will be used as a workshop and for storage. The structure is within the flood plain and flood gates were designed for it. Water will pass through flood gates in a 100-year event.

Carney-Feldman is familiar with the area and noted in special conditions, the area is flooded. She asked why rebuild in area known for flooding. Hughes said the discussion is about the wrong resource area. The project is not bordering land subject to flooding but land subject to coastal storm flowage. This changes performance standards

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and building requirements. A solid structure is a non-starter for the resource area. The project is in the river front, NBZ and NDZ. The property has additional space. To build in the NBZ and NDZ requires an alternatives analysis and mitigation. Hughes noted the project is a change in use. There currently is no running water or sewer to the structure. The project proposes utilities.

DeRosa said the project does not propose changes to site conditions and the proposed structure is the same footprint as the existing structure. There is a travel lane which must remain to access parking. The structure is not for residential use. ICC to do a site visit. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to July 6, 2022. The motion was seconded by Chair Hughes and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to coordinate a site visit.*

Documents: NOI filing application dated 6-1-2022; Revised Plan preped by American Land Survey dated 5-13-2022

MATTER: 36-1491: 34 North Ridge Road. Valcour (Graham). FA to include subsurface sewage disposal system repair. *New*

DISCUSSION: Present was Gerry McDonald (H.L. Graham & Associates). He said the OOC was issued in March 2022. A formal amendment is for the septic system. The new system will add a 2000-gallon septic tank. McDonald explained the septic system design and its location away from the coastal bank. The project proposes 600 sq. ft. of mitigation as a portion of the project, 298 sq. ft., is in the NBZ. He noted monumentation will be relocated. It's a tight site and a crane may be used to get the septic tank to the proposed location. He said the original plan incorrectly placed the 25 ft. NDZ at 20 ft. This is corrected as part of the FA. Lynch does not anticipate DEP will have an issue with the FA. Lynch to note in findings the correction of the NDZ line. Lynch to draft OOC for July 6, 2022. Paulitz requested adding pre- and post-construction site visits by the Conservation Agent. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to July 6, 2022. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to draft OOC for 7/6/2022.*

Documents: FA filing application and Revision 2 Plan prepared by HL Graham dated 6-1-2022

Enforcement Matters:

MATTER: 121 Argilla Road. Gravel driveway. *Cont. from 6/1/2022*

DISCUSSION: Lynch said DEP agricultural use and exemptions materials were sent to the owners and their representatives. Owner contracted Greg Hochmuth to complete the delineation . Lynch to keep in touch with property owner. Paulitz suggested a specific date for the owners to appear before the ICC with an update.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to July 20, 2022. The motion was seconded by Commissioner Stone and passed unanimously.**

◆ **A motion was made by Commissioner Carney-Feldman to authorize Conservation Agent to request owners to appear before ICC with a status update on July 20, 2022, on the Enforcement Order. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to notify owner to appear on July 20, 2022 with a status update.*

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MATTER: 62 Jeffreys Neck Road. Fence. Cont. from 6/1/2022
DISCUSSION: Lynch said there is no update on the fence. It will be moved. There may be another wetland on the west side of the property. Lynch to visit the site to verify wetland.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner ffolliott to continue to July 6, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ◆ <i>None.</i>

MATTER: 26 Turkey Shore Road.
DISCUSSION: Present were Josh Cummings (owner), Brian Murphy (landscaper) and Ryan McShera (Red Barn Architecture). Lynch provided background on the site and EO. No permit was issued for the work on the patio and the removal of a shed. Murphy added the Town Building Department told him that no permit was needed for landscaping. This is a river front and buffer zone project. Lynch recommended the owner file an “after the fact” NOI. The shed will not be replaced, and the patio will be in the same footprint. Paulitz suggested issuing an EO to stabilize the area. ICC discussed options for erosion control and stabilization. ICC concerned if planting occurs during summer months, they may not be able to water the plants adequately. Lynch asked if the landscaper could truck in 200 gallons of water for the plants and seed mix. Suggestions for repurposing the straw hay bales were discussed and rejected due to weed seed. Cummings said the ICC and Conservation Department have been very helpful throughout this process. He said the ICC is worth its weight in gold.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to continue to July 6, 2022. The motion was seconded by Commissioner Stone and passed unanimously. ◆ A motion was made by Commissioner ffolliott to issue a revised Enforcement Order for work to stabilize the site. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ◆ <i>None.</i>

Approval of Minutes: May 18, 2022, and June 1, 2022

- ◆ **A motion was made by Commissioner Carney-Feldman to approve the minutes of May 18 and June 1, 2022, as drafted/amended. The motion was seconded by Commissioner Stone and passed unanimously.**

Adjournment:

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

Respectfully submitted,

Odile Breton
Recording Secretary

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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.