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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
June 16, 2021

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, June 16, 2021 at 7:00 p.m. in Room A of the Ipswich Town Hall. Members present were Chairman Jennifer Hughes, Commissioners Sissy ffolliot (via telephone), Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present were Agent Brendan Lynch and Recording Secretary Odile Breton. Absent with prior notice was Vice-Chair William Paulitz.

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:

MATTER: Citizen's Query for Sadie Woodward, Ipswich River Watershed Association (IRWA)
DISCUSSION: An announcement was made by Brendan Lynch on behalf of Sadie Woodward from the IRWA. There is a bylaw review training program with IRWA and Mass Audubon. The training is free to Greenscapes municipal members. Please reach out to Sadie Woodward at IRWA for any questions.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>Lynch to post announcement to Town Conservation website and email the ICC.</i>

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

MATTER: 36-1467; Rosewood Drive, units 60 and 61. Hubert LeBlanc Tr. (Wetlands Land Mgmt). NOI to construct a duplex housing building. <i>Cont from 6/2/2021</i>
DISCUSSION: No discussion.
RECOMMENDATION OF AGENT: <i>Continue to July 7, 2021.</i>
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to continue to July 7, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes (Paulitz absent).

MATTER: 36-1386; Labor In Vain Rd. 79 Labor In Vain Realty Trust (Graham) NOI to repair areas damaged by storms in jurisdictional areas. <i>Cont from 4/21/2021</i>
DISCUSSION: No discussion.
RECOMMENDATION OF AGENT: <i>Continue to July 21, 2021.</i>
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to continue to July 21, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes (Paulitz absent).

Courtesy Position for Town Projects

MATTER: 36-1475; Peatfield Street right of way, Peatfield Landing. TOI Planning Department, Open Space Program, Beth O'Connor. NOI for a seasonal dock. <i>Cont from 6/2/2021</i>
DISCUSSION: No discussion. ICC to vote on OOC.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Putnam to issue positive OOC as drafted for the dock. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes. Documents: Letter from DEP dated 6/8/21

MATTER: Kamon Property – Approve purchase and sale agreement with Greenbelt for Conservation Restriction (Ethan Parsons for Beth O'Connor – Open Space)
DISCUSSION: Present was Ethan Parsons, Director Planning Department. The ICC received revised documents. Parsons explained the Town is purchasing a Conservation Restriction and Greenbelt is purchasing the property from the current owner. The Town is receiving a \$400,000 grant from the Executive Office of Energy and Environmental Affairs (EEA). The request this evening is for the ICC to sign and approve the purchase and sale agreement (P&S). EEA currently has the Conservation Restriction for review. The draft Conservation Restriction is included in the package. A vote by the ICC for the Conservation Restriction will be required in July 2021.

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Parsons is not anticipating substantive changes to the Conservation Restriction. Both the P&S and Conservation Restriction have been reviewed by Town Counsel.

MOTION:

- ◆ **A motion was made by Commissioner Stone to sign the submitted Purchase and Sale agreement. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.**

Documents: Letter to Select Board dated 6/7/21; Purchase and Sale Agreement; CR Progress Plot one and two; Pineswamp Rd survey

Small Project Permits

MATTER: 18 Lakemans Lane. Sullivan (Graham) SPP for soil testing. *New*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates) representing the owner, Nancy Sullivan. Graham explained the soil test is for the replacement of a failed septic system. A site diagram was presented and Graham pointed out the location of the failed septic system. The replacement septic system will be in the rear of the site where the existing system is located. He said the resource area delineation was completed by Rimmer Environmental. The proposal for a replacement septic system will be as far as possible from the resource area. The request is to approve the small project permit.

MOTION:

- ◆ **A motion was made by Commissioner Carney-Feldman to issue the SPP. The motion was seconded by Commissioner Putnam and passed with 5 votes.**

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1473; 14 North Ridge Rd. Keady (Graham). NOI to repair existing seawall. *Cont from 6/2/2021*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). No discussion. Continued at the applicant's request.

MOTION:

- ◆ **A motion was made by Commissioner Carney-Feldman to continue to July 7, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.**

Documents: Plan prepared by Graham and Assoc. Revision 1 dated 6/1/21; Revised seawall drawings dated 6/2/21

MATTER: 36-1425; 4 Merganser Rd. Robitaille (Graham). FA to construct a set of steps from the drive level to the lower level of the dwelling. *Cont from 5/19/2021*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates and Dennis Robitaille (owner). Graham explained the modification to the plan noted as Revision 1 dated 5/26/2021. Graham reviewed modifications requested. He said the detail of the retaining wall is included on the plan and the maximum height of the wall is 4 feet. There was a discussion on materials to be used for the wall as the owner wants flexibility on which contractor is hired for the project and whether to use unit blocks or field stone. Chair Hughes expressed concern regarding materials and engineering as the wall is in a sensitive area. The force of water behind a field stone wall and the potential pressure could undermine the wall. Graham said the wall will be mortar in the back and the base is 12 inches of crushed stone. Chair Hughes said the order will need to be amended to allow either unit block or field stone for the wall. Chair Hughes noted the soil in the area is not great and suggested road side seed stabilization mix.. Chair Hughes requested the reference to the plan in the order be the "amended plan" and not revised. ffollriott requested condition #49 have added language regarding pet waste.

No further comments from ICC, applicant or public comments.

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MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Commissioner Stone and passed with 5 votes.**

◆ **A motion was made by Commissioner Stone to issue a positive OOC as drafted/amended. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.**

Documents: Plan prepared by Graham and Assoc Revision 1 dated 5/26/21

MATTER: 36-1474; 47 Newmarch Street. George (DeRosa). NOI to raze and rebuild an existing single family home. *Cont from 5/19/2021*

DISCUSSION: Present was Mike DeRosa (DeRosa Environmental) and Emery George (owner/applicant). The site plan was displayed. DeRosa noted a site walk with ICC occurred since the last presentation. DeRosa noted a lack of canopy concern from the ICC. DeRosa pointed out six trees being added in the front for canopy. Black locust was noted on the site and will be removed. Chair Hughes suggested adding one tree in the back as trees were removed from the back. The trees serve a purpose by absorbing runoff water. DeRosa requested adding a tree behind the house as a condition and to select the location with the Conservation Agent.

DeRosa said the infiltration changed and they re-ran numbers using Cornell numbers. They are using a riser for emergency water over flow. Carney-Feldman asked if they considered using cisterns for roof run-off. DeRosa said there are none proposed and for storm water management purposes they have to infiltrate storm water.

There was a discussion on how water up-flows to wetlands. There was a discussion on the shape of the driveway. Chair Hughes suggested the driveway be less impervious area. DeRosa said the driveway was a gravel base and the grass has grown because the area has not been maintained. He suggested leaving it as is. Hughes said any changes to configuration must come back before the ICC. DeRosa said the engineer for storm water management maybe available shortly and asked to table the matter until the engineer is available. The matter was tabled temporarily (see vote below).

Later in the meeting, the matter was untabled (see vote below). There was a discussion on surcharging. DeRosa noted the engineer was not going to be available for the discussion. DeRosa showed the flow of surcharging water. Hughes would like questions resolved for storm water management and location of utilities on site and to update the plans. The matter was agreed to be continued.

MOTION:

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

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

◆ **A motion was made by Commissioner Carney-Feldman to continue to July 7, 2021. The motion was seconded by Commissioner Putnam and passed with 5 votes.**

Documents: Revised site development plan, revised planting plan, addendum to stormwater report dated 6/8/21; prepared by Morin Cameron

Requests for Certificates of Compliance:

MATTER: 36-1474; 47 Newmarch Street. George (DeRosa).

DISCUSSION: No discussion. The matter was continued.

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MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to July 7, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.**

Documents: COC prepared by DeRosa Env. dated 12/28/20

MATTER: 36-1354 & 36-1355; 30 & 28 Mill Rd. (DeRosa). COC. *Cont from 5/5/2021*

DISCUSSION: Carney-Feldman is recused from the matter. Mike DeRosa (DeRosa Environmental) was present. He said the flowers are coming up. Agent Lynch did a site visit on 6/15/2021 and noted the area looks good and plantings are successful.

MOTION:

◆ **A motion was made by Commissioner Putnam to issue a full and final COC. The motion was seconded by Commissioner Stone and passed with 5 votes.**

MATTER: 36-1259; 357 Linebrook. Justin McCarthy (Graham). COC. *Cont from 5/19/2021*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham said the last time he presented this matter before the ICC was October 2020. He reminded the ICC a no disturbance area was mowed. Activity ceased to all area to re-grow. He said round fence posts were removed and replaced with 4x4 posts. Lynch noted Field Inspector Bill Decie did a site visit and noted posts and placards in place and the plantings re-growth. Chair Hughes suggested that Field Inspector Decie document with a few photos when he is checking on plantings so that Commissioner's who cannot get to the site can see the results.

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 with 5 votes.**

MATTER: 36-508; 26 Northridge. McCarthy (Graham). COC. *Cont from 5/19/2021*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham said there was a request from the ICC to move shrubs to the top of the slope. Graham said that was completed.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to issue a full and final COC. The motion was seconded by Commissioner Putnam and passed with 5 votes.**

MATTER: 36-943; 82 Topsfield Rd. COC. *Cont from 5/19/2021*

DISCUSSION: Lynch noted a site visit was done by ICC. Chair Hughes noted that no one from Iron Tree Service was present at the site visit to discuss restoration. She noted Trudeau from Habitech was present at the site visit and did walk through the restoration. Hughes said the enforcement order was still in effect. Lynch to reach out to Iron Tree and Habitech to coordinate enforcement order for Iron Tree and the Condominium Association. Hughes would like all parties to be on the same page.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to July 7, 2021. The motion was seconded by Commissioner ffolliott and passed with 5 votes.**

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

MATTER: 36-1328; 121 Little Neck Rd. Baugh (Graham). MM for fence replacement. <i>New</i>
DISCUSSION: Carney-Feldman is recused. Present was Larry Graham (H.L. Graham & Associates). Graham explained the request is for a minor modification for a fence replacement. The site plan was displayed and Graham pointed out the location of the fence. He said the original order was for a retaining wall and the owner would like to include a fence replacement. A portion of the existing fence is a 4 ft. chain link fence. This will be replaced with a 6 ft. wood fence.
RECOMMENDATION OF AGENT: Lynch recommends approval.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Putnam to approve the minor modification request. The motion was seconded by Commissioner Stone and passed with 4 votes.</p> Documents: Minor Modification Plan prepared by Graham and Assoc. dated 5/26/21

MATTER: 36 - ; 108 Central St. Becker (DeRosa). ANRAD. <i>New</i>
DISCUSSION: No discussion. Lynch explained the matter was advertised in the newspaper to be on ZOOM and not an in person hearing. Lynch advised continuing the matter to July 7, 2021 as no one from the applicant was present for the in person hearing.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to continue to July 7, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.</p> Documents: ANRAD prepared by DeRosa Env. Dated 3/3/21

Enforcement Matters:

MATTER: 62 Jeffreys Neck Rd. Unpermitted fence within jurisdictional areas. <i>Cont from 6/2/2021</i>
DISCUSSION: Lynch said the property owner hired a consultant to assist with the enforcement order. It was noted that the owner rebuilt a deck in the same footprint. Lynch recommended to continue to July 7, 2021.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to continue to July 7, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.</p>

MATTER: 121 Argilla Rd. Unpermitted work within jurisdictional areas. <i>Cont from 6/2/2021</i>
DISCUSSION: Present was Mike DeRosa. DeRosa explained the delineation and that the restoration plan needs to be completed. DeRosa reminded the ICC that cutting is by the stone wall and tress were removed.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to continue to July 21, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.</p>

Approval of Minutes: May 19, 2021 and June 2, 2021

May 19, 2021 minutes edits: Correction to the size of Willowdale and the ability to maintain mountain bike trails.

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

Adjournment:

◆ A motion was made by Commissioner Putnam to adjourn at 8:28 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.