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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
July 6, 2022

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, July 6, 2022, at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffolliot, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present were Associate Commissioner Jack Stone, 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
NRCS – Natural Resources Conservation Service (USDA)
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.

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

MATTER: 36- : 26-40 Market Street. Cutter (DeRosa). NOI to raze and rebuild accessory structure. <i>Cont. from 6/15/2022</i>
DISCUSSION: The matter is being continued without discussion.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to July 20, 2022. The motion was seconded by Commissioner Stone and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None.</i></p>

Courtesy Positions

MATTER: Kamon Property Farm Plan. Essex County Greenbelt. <i>New</i>
DISCUSSION: Present was David Rimmer (Essex County Greenbelt). Rimmer reviewed the farm plan for cultivating hay. The plan was also submitted to NRCS for review and Greenbelt did not receive any significant comments. Hughes asked if the use of fertilizers, herbicides and pesticides just needs Greenbelt approval. She thinks the Town would want to approve of such items given the site is in a water supply protection area. She suggested putting fertilizers in a separate category. The use of herbicides and pesticides should be in consultation with the CR holder. Carney-Feldman noted the plan is a draft and the ICC should take time to review it and add items if necessary. Paulitz inquired about the approval process. Rimmer said it is not formal. A farmer can make a verbal or written request and Rimmer makes the decision to approve. Rimmer to review the CR for any specific language for herbicide or pesticide use. Public Comment: Rick Covino, 65 Pineswamp Rd, is an abutter. He asked why the abutters were not notified of the hearing. Covino opposes the use of herbicides and pesticides as they will affect his Apiary. He is concerned about Greenbelt's activities and how they impact his property. Helen Weatherall, 44 Fellows Rd, is a member of the Planning Board and said Covino raises important points. Seth Perry, 29 Linebrook Rd, is also concerned about the use of pesticides. Hughes suggested continuing the matter and reviewing the CR for restrictions and/or language about the use of herbicides and pesticides. The language in the plan needs to be clear on which entities can approve use of herbicides and pesticides. She will check in with Water & Wastewater Director, Vicky Halmen but suggested language "in consultation with the Town". The matter is not a public hearing. No action required by ICC.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>Rimmer to review restrictions within the CR.</i></p> <i>Documents: Draft Conservation Farm Plan dated 6-21-22</i>

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

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 6/15/2022</i>
DISCUSSION: Present were Mike DeRosa (DeRosa Environmental) and Larry Graham (H.L. Graham & Associates). The plans were updated and dated June 19, 2022. DeRosa reviewed changes and plantings. At the edge of pavement, there will be a stone filled trench securing the Flexamat. DeRosa explained the Flexamat product contains concrete. Hughes is concerned about the use of concrete in the salt marsh and asked if the product is salt tolerant. DeRosa noted alternatives include the use of plastics which is not ideal. Hughes requested more information on Flexamat.

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Hughes noted DEP and CZM had comments on the plan related to resource area. Everything below the geo-grid is salt marsh. The plan refers to the area generically as wetland and needs to be specific.

No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to July 20, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Plan to be updated for correct resource area designation. More information on Flexamat to be provided.*

Documents: Road Stabilization Plan prepared by DeRosa Env. Dated 6-29-22

MATTER: 36-1504: 10 Chebacco Rd. Hoopes (Rimmer). NOI for construction of detached garage. *Cont. from 6/15/2022*

DISCUSSION: Present was Mary Rimmer (Rimmer Environmental Consulting, LLC). Rimmer noted changes to the O & M plan for the catch basin and trenches, and monumentation was added to the plan. Rimmer noted the driveway is in the NBZ and a waiver is requested to do the work on the catch basin. Rimmer pointed out the location of the monuments on the plan. Paulitz suggested adding an additional monument.

No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Stone to approve the request of waiver. The motion was seconded by Commissioner Putnam and passed unanimously.**

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

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Plan prepared by DC MacRitchie dated 6-26-22

MATTER: 36 - : 40 North Ridge Rd. Radcliffe-Walk (DeRosa). NOI to raze and rebuild existing single-family home. *Cont. from 6/15/2022*

DISCUSSION: Present were Mike DeRosa, Evin Guvendiren (DeRosa Environmental) and Chuck Johnson, septic engineer. Johnson discussed the development of the design for the team. He said the project needs Board of Health approval, then ICC approval and finally the Building Department approval. Johnson reviewed the septic design and existing conditions. Hughes noted the septic design is an improvement of existing conditions.

DeRosa noted they are waiting for a DEP file number. DeRosa reviewed comments from the prior week site visit.

Hughes highlighted issues. The project proposes to redevelop in the NDZ. The project needs to provide an alternatives analysis and the proposed project does not meet performance standards. Hughes said keeping the existing foundation is the limit of redevelopment and everything else is considered new development. The project adds a significant amount of impervious surface. No public comment noted.

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.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Alternative analysis to be provided by the applicant.*

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Requests for Certificates of Compliance:

MATTER: 36-1473: 14 North Ridge Road Keady (Graham). COC. <i>Cont. from 6/1/2022</i>
DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham presented the completed second monitoring report and three are required. The third monitoring report is due in Fall 2022. Graham said the second monitoring report indicates very little change to the salt marsh line. No public comment noted.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Putnam to continue to October 5, 2022. The motion was seconded by Commissioner ffollott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None.</i></p>
MATTER: 36-1157: 19 Hayward St. Meridian. COC. <i>Cont. from 6/15/2022</i>
DISCUSSION: Present was David Kelley (Meridian Associates). Kelley provided a status update. He explained to the property owner the maintenance requirement to avoid overgrown vegetation. ICC reviewed photographs of the site from a recent visit from the Conservation Agent. ICC is concerned about maintenance of the rain garden. No public comment noted.
MOTION: <p style="text-align: center;">♦ A motion was made by Vice-Chair Paulitz to continue to July 20, 2022. The motion was seconded by Commissioner ffollott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None.</i></p>
MATTER: 36-1378: 143 High St. Bank Gloucester. COC. <i>Cont. from 6/15/2022</i>
DISCUSSION: Lynch did not have an update. No one representing Bank Gloucester was present. Hughes recommended denying the COC. The ICC has requested specific information for months and that has not been provided. No public comment noted.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner ffollott to deny a full and final COC. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
MATTER: 36-1464: 61 River Rd. Harris. COC. <i>New</i>
DISCUSSION: Present was John Dick, representing the property owner. He provided an “as-built” plan and surveyor certification. He noted there was no engineering for the trenches. Hughes noted a COC requires a letter stating compliance and identifying any deviations from the approved plan as well as a Waiver Request for engineered plans. John Dick said he will provide the required letter. No public comment noted.

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MOTION:

◆ **A motion was made by Vice-Chair Paulitz to continue to July 20, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

Documents: COC filing application and As Built Plan prepared by Donohoe Survey dated 5-18-22

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

MATTER: 36-1505: 26-44 Essex Street. Bruni (Epsilon). ARAD. *New*

DISCUSSION: Present were Mike Howard (Epsilon Associates), Tom Peragallo (LEC) and John Bruni (owner/applicant). Arthur Allen (Eco Tech Inc.) is the peer reviewer and also was present.

Howard reviewed aerial views of the site. The site is 5 parcels and is approximately 13 acres in total. Howard reviewed existing conditions plan and identified wetland flags. Allen visited the site on June 30, 2022 and reviewed his comments.

Public Comment: Keri MacRae, 31 Heartbreak Rd, asked about a “title block”. Hughes explained it is a set of information that clearly identifies common information to do with the project site. MacRae asked how long is an ANRAD valid. Hughes said 3 years.

Hughes noted the plans need updates.

MOTION:

◆ **A motion was made by Vice-Chair Paulitz to continue to July 20, 2022. The motion was seconded by Commissioner Jim Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: ANRAD filing application prepared by Epsilon dated 6-15-22

Enforcement Matters:

MATTER: 62 Jeffreys Neck Road. Fence. *Cont. from 6/15/2022*

DISCUSSION: Lynch reviewed the site for wetlands around the property. He pointed out the wetland area. Hughes noted the review for wetlands around the property relates to concerns the ICC had related to the deck expansion. Lynch verified the deck “bump out” was not in the jurisdictional area. Hughes suggested issuing a new EO for work to move the fence away from the wetland area (approximately 15 ft.).

MOTION:

◆ **A motion was made by Commissioner Putnam to issue a new Enforcement Order relating to moving the fence 15 feet away from the wetland. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to issue new EO.*

MATTER: 26 Turkey Shore Rd. *Cont. from 6/15/2022*

DISCUSSION: Lynch said the site was stabilized with seed mix. The owner will file an “after the fact NOI”. No action needed by ICC.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Other Business:

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MATTER: Discussion of Advertisement Fees
DISCUSSION: Lynch said the local newspaper will not reach out to collect applicant's fees for legal notice advertisements. Lynch noted the newspaper fee is based on the size of the advertisement. Hughes suggested adding the advertisement fee to the application fee.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i>
Discussion of Orders of Conditions
MATTER: 36-1500: 38A Topsfield Rd. (Wetlands Land Mgmt.) NOI to construct a new single-family dwelling
DISCUSSION: There were no questions on the draft OOC. The public hearing was closed at the previous meeting.
MOTION: ♦ A motion was made by Vice-Chair Paulitz to issue a positive OOC as drafted. The motion was seconded by Commissioner Stone and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i>
MATTER: 36-1491: 34 North Ridge Rd. Valcour (Graham). FA to include subsurface sewage disposal system repair. Cont. from 6/15/2022
DISCUSSION: Paulitz noted the public hearing was not closed on June 15, 2022. Lynch to update findings.
MOTION: ♦ A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Commissioner ffolliott and passed unanimously. ♦ A motion was made by Commissioner Carney-Feldman to issue a positive OOC as drafted/amended. The motion was seconded by Vice-Chair Paulitz and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i>
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 6/15/2022
DISCUSSION: Hughes noted MEPA review is required for the project. For full disclosure - Hughes also stated she works for MEPA but would not be reviewing this project. Lynch spoke with Mike DeRosa, and he is scheduling a pre-application meeting with MEPA. Hughes made revisions on the draft OOC that do not appear in the copy circulated to ICC for this evening. Lynch to revise the OOC to include the comments. Paulitz requested edits for restrictions on work. He said there should be no work on the beach. Work from the barge should not be a low tide. No storage should be on the beach. Additional Edits discussed: Condition 40 – erosion controls should reference erosion controls proposed in the plan. Condition 43 – monitoring written reports should be sent to the ICC Chair and Conservation Agent. Condition 46 – Lynch to delete “monthly reporting of work”. It is not needed. Condition 55 – bold and underline the last 2 sentences (no construction vehicle storage). Condition 56 – Hughes suggested deleting as project does not occur in the “maintained yard”. Condition 60 – should note the current property owner, not new owner. Hughes suggested the barge be anchored or moored at the approval of the Harbor Master.

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MOTION:

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

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Lynch to update OOC. This meeting was Agent Lynch's last meeting.*

Approval of Minutes: June 15, 2022

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

Adjournment:

- ◆ A motion was made by Vice-Chair Paulitz to adjourn at 10:01 p.m. The motion was seconded by Commissioner ffolliott 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.