

Approved: 8-17-2022

Distributed: 9-1-2022

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

August 3, 2022

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, August 3, 2022, at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes, Commissioners Sissy ffollott, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present was Recording Secretary Odile Breton. Absent with prior notice was Vice-Chair 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

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

August 3, 2022

Citizen's Queries: None noted.

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

| |
|--|
| MATTER: 36-1511: 26-40 Market Street. Cutter (DeRosa). NOI to raze and rebuild accessory structure. <i>Cont. from 7/20/2022</i> |
| DISCUSSION: The matter is being continued without discussion. |
| MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Stone to continue to August 17, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.</p> |
| ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p> |

| |
|--|
| MATTER: 36-1465: 7 Old Essex Rd. Orlando (Seaside Legal) COC. <i>Cont. from 7/20/2022</i> |
| DISCUSSION: The matter is being continued without discussion. |
| MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Stone to continue to August 17, 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: Kamon Property Farm Plan. Essex County Greenbelt. <i>Cont. from 7/20/2022</i> |
| DISCUSSION: The farm plan was reviewed at the previous meeting. Greenbelt made edits based on ICC comments. Use of pesticides and/or herbicides will be discussed with the Town prior to use. |
| MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to accept Kamon Property Farm Plan. The motion was seconded by Commissioner Stone and passed unanimously.</p> |
| ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p> <p><i>Documents: Abutter emails</i></p> |

| |
|--|
| MATTER: 0 Fowlers Lane – Town Hill Water Tower. TOI Utilities Department. Stormwater Management Plan. <i>Cont. from 7/20/2022</i> |
| DISCUSSION: Present were Emily Sadoway (Ipswich Utilities Department) and Amanda Keyes (Tighe & Bond). The project is to replace the Town Hill water storage tank. Keyes reviewed changes to the stormwater management plan based on ICC comments made at the prior meeting. An additional infiltration basin was added on the south side for treatment of stormwater running off of the new water tank.. Peak discharge rates were updated. Rainfall depths, 50-year storm events and run-off volume comparison chart were updated. No soils testing was performed in areas of infiltration basins, and a waiver was submitted on August 2, 2022. Basin 1 was made larger to address over topping in 100-year storm event. Hughes reviewed the permit and noted standard conditions will be attached to the permit. Hughes reviewed the standard conditions. No public comment noted. |

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

August 3, 2022

MOTION:

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

◆ **A motion was made by Commissioner ffolliott to issue the stormwater management permit for the project as presented this evening in the stormwater management plan. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Conservation Department to prepare permit and ICC to sign.*

Documents: Stormwater Management Plan dated August 2022; waiver request dated 8-2-22;

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1510: 24 Lakeman's Lane. Haynie (Meridian). NOI to construct a garage and driveway. *Cont. from 7/20/2022*

DISCUSSION: Present was David Kelley (Meridian Associates). Kelley noted the project was scaled back and reviewed changes. The addition and the driveway was shifted left. Approximately 25 sq ft. of gravel will be removed, and the overall disturbance is reduced. An 18-inch drip edge will go along the garage. The existing fence will be extended to further protect NDZ. There are waiver requests to work in the NBZ and NDZ. No public comment noted. A draft OOC to be prepared for the August 17, 2022, meeting.

MOTION:

◆ **A motion was made by Commissioner ffolliott to approve the request of waivers for work in NDZ and NBZ with mitigation. The motion was seconded by Commissioner Stone and passed unanimously.**

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Conservation Department to prepare draft OOC for August 17, 2022.*

Documents: Revised plan prepared by Meridian Assoc. dated 6-30-2022; waiver and variance request dated 7-25-2022

MATTER: 36-1509: 28 Eagle Hill Rd. Mueller (Graham). NOI for septic system repair. *Cont. from 7/20/2022*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). A 3000-gallon tight tank is proposed. Graham outlined additional details that were added to the plan based on ICC comments made at the July 20, 2022, meeting. The 100 ft. Riverfront was added and the 25 ft. NDZ and 15 ft. NBZ (off Coastal Bank) were added. The entire site is within the ACEC and River front Area. The Board of Health approved the project. 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.**

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Revision 2 plan dated 7-12-22;supplemental letter dated 7-26-22 prepared by HL Graham

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

August 3, 2022

MATTER: 36-1508: 110 and 113 Little Neck Rd. Chace (Hancock). NOI for demolition and reconstruction of single-family home. *Cont. from 7/20/2022*

DISCUSSION: Present were Devon Morse and Jacob Lemieux (Hancock Associates). Morse reviewed the plan with color coding added to identify multiple resource areas. Transects were added to the plan. Erosion controls along the eastern portion of the lot were added. Mitigation proposed offsite because the site is constrained. The entire site is within Riverfront Area. Hughes said the plan needs to identify what is new development and what is re-development. New development requires an alternatives analysis. Lemieux said the entire site is in resource areas and the alternative is not to build. Hughes suggested alternatives that reduce impervious surfaces. Jonathan Chace (architect) said alternatives will be looked into for the lot. The location of the septic system is a driver for the project. This matter will go before the Zoning Board of Appeals on August 18, 2022.

Public Comment: Hamdi Kozlu, 16 Chattanooga Road, asked about the development sq. ft. increase on such a small lot. Hughes said the ICC is concerned with impacts to resource areas not necessarily the size of the development.

MOTION:

◆ **A motion was made by Commissioner Ffolliott to continue to August 17, 2022. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Revised stormwater plan and report dated 7-26-2022 prepared by Hancock Assoc.

MATTER: 36-1386: Labor In Vain Rd. 79 Labor In Vain Realty Trust (Graham). NOI to repair areas damaged by storms in jurisdictional areas. *Cont. from 7/20/2022*

DISCUSSION: Hughes noted the draft OOC was prepared, and the ICC reviewed it. The public hearing was closed on 7/20/2022.

MOTION:

◆ **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 unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 36-1507: 40 North Ridge Rd Radcliffe-Walsh (DeRosa). NOI to raze and rebuild existing single-family home. *Cont. from 7/20/2022*

DISCUSSION: Present were Mike DeRosa and Evin Guvendiren (DeRosa Environmental) and John Morin (Morin-Cameron Group) Ken Savoie (Savoie-Nolan Architects). DeRosa reviewed proposed changes to the plan. Impervious surface below the deck will be removed and vegetation will be added. A gutter will be added above the upper deck to divert run-off to a dry well. One set of stairs will be removed, and concrete walkway will go away. Hughes noted there are alternatives that do not have to be in the NDZ and NBZ. Hughes does not think any building should be farther out from the foundation. Savoie said the project is not increasing in area. The deck posts exist today, and the deck is being reduced from the existing deck. The lot is approximately 12,000 sq. ft. Hughes noted 6,000 sq. ft. of the lot is Coastal Bank said the project increases impervious surface with no effort to move away from the Coastal Bank.

DeRosa provided aerial views and noted the stairs appear in 2007-2008. He said there was no maintenance are in poor condition. DeRosa said CZM prefers elevated walkways, boardwalks and stairways. Hughes said the ICC has not granted new boardwalks or stairs without significant (2:1) mitigation. The existing stairs are a violation as it was never permitted. Putnam said this is new construction and alternatives need to be reviewed. Hughes said not every home needs a stairway to the coast. Hughes noted there is public access just a few houses away.

No public comment noted. ICC to schedule a 2nd site visit to look at the stairs and coastal bank.

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

August 3, 2022

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to August 17, 2022. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *ICC to do a site visit to review stairs and coastal bank. Scheduled for Thursday, August 11 at 5:30pm*
Documents: Alternative analysis dated 7-27-2022 prepared by DeRosa Env.

MATTER: 36-1265: 1 Jay Road. Soffron. Extension request for OOC. *New*

DISCUSSION: A one year extension is requested.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to grant a one-year extension on the OOC. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*
Documents: Extension filing application

Requests for Certificates of Compliance:

MATTER: 36-1328: 121 Little Neck Rd. Lochtefeld (Graham) COC. *New*

DISCUSSION: Present was Gerry McDonald (H.L. Graham & Associates). The OOC was issued in May 2017 to repair a retaining wall. The wall is stable, and the unpermitted patio area was removed and restored to grass. The OOC requires 2 years of monitoring for plantings. The plantings were completed recently. The COC cannot be issued because of the 2-year monitoring requirement. Shrubs need to be added. Twelve shrubs were required. No Disturb Markers were required and have not been installed. McDonald to submit proposed locations for the markers.

MOTION:

◆ **A motion was made by Commissioner Ffolliott to continue to June 21, 2023. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*
Documents: COC filing application and plan dated 7-20-22 prepared by HL Graham Assoc.

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

MATTER: 36- : 2 Riverside Dr. Hockenberry (*). NOI to construct an addition to single-family dwelling. *New*
**(Applicant clarified that they were using the 2017 plan prepared by LH Graham but were not being represented by him for this project.)*

DISCUSSION: Present were Nate and Lisa Hockenberry (owner/applicant). Hughes noted the application file is deficient and comments were sent to the Acting Conservation Agent. Hockenberry said he met with the Conservation Agent and Building Inspector. Hockenberry requested relief for the right setback from the Zoning Board of Appeals.

Hughes said the site needs a new delineation. She noted the waiver request is for work in the NDZ and NBZ. The narrative needs to address standards of the River Protection Act. An alternatives analysis must be presented. Grading work for the foundation needs to be included on the plan. A waiver request is needed for non-engineered plans. Hockenberry said there will be engineered plans. Hockenberry said the delineation was from 2017. Hughes

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

August 3, 2022

said the delineation needs to be confirmed or re-done. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to August 17, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: NOI filing application and alternative plan; permit plan prepared by HL Graham 2-2-22 marked 3/22

MATTER: 36 - : 26 Turkey Shore Rd. Cummings. NOI for landscaping, patio and deck board replacement

DISCUSSION: Present were Josh Cummings (owner/applicant) and Brian Murphy (contractor). The project is to remove and replace a patio and rotting decking. There is no expansion proposed behind the home. Repairs will be made to the retaining wall. ICC will do a site visit. Applicant and contractor are concerned about the lengthy process for approval. Hughes noted that there is no DEP file number and cannot approve the project without one. Cummings said a payment was sent. Hughes said the decking & railing work can move forward with Building Inspector approval. Hughes will let Bill Decie (Acting Conservation Agent) know about decking & railing work. No public comment.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to August 17, 2022. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: NOI filing application; site plan prepared by Donohoe date 9-28-2010 and marked, stamped received by Conservation 7-20-22

Enforcement Matters:

MATTER: 81 Old Right Rd. Wright. *New*

DISCUSSION: Present was Nathan Wright. Wright said he received a notice to appear before the ICC this evening. He said 4 large branches fell and noted the trees were rotting. Iron Tree Service (who have been in front of the Commission for an earlier violation at a different location) removed 4 dead trees in the yard. The trees were in the NDZ. Wright would like to replace the trees. Hughes will request Bill Decie (Acting Conservation Agent) to meet with Wright. The Conservation Department has a native tree list. Hughes requested Wright provide a site plan or sketch of the site to document the location of the trees.

MOTION:

◆ **A motion was made by Commissioner Stone to continue to September 7, 2022. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Other Business:

MATTER: Zoning Bylaw Amendment

DISCUSSION: Planning Board is proposing zoning amendments and requested the ICC review an amendment proposing to increase required upland area to determine buildable area of a lot. ICC recommends that the upland be

IPSWICH CONSERVATION COMMISSION**Meeting Minutes****August 3, 2022**

contiguous. Hughes noted that other towns include NBZ and NDZ as non-buildable area. ICC also recommends referencing Wetlands Protection Act and local bylaws.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Approval of Minutes: July 20, 2022

◆ A motion was made by Commissioner Carney-Feldman to approve the minutes as drafted/amended. The motion was seconded by Commissioner Putnam and passed unanimously.

Adjournment:

◆ A motion was made by Commissioner Putnam to adjourn at 10:22 p.m. The motion was seconded by Commissioner ffollott 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.