

Approved: 9-2-2020
Distributed: 10-23-20

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
August 5, 2020

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, August 5, 2020 at 7:00 p.m. via Zoom. Members present were Chairman Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy Ffolliott, Catherine Carney-Feldman, Raymond Putnam and James Stone. Also present were Agent Brendan Lynch and Recording Secretary Andrea Mackinney.

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

CITIZEN'S QUERIES: NONE.

MATTERS BEING CONTINUED TO FUTURE SESSIONS AT APPLICANT'S REQUEST:

Cont to August 19, 2020:

- **36-1430: Water Street.** TOI DPW. (Coneco). NOI construction of headwall at boat launch. *Cont from 7/15/20.*
- **36-1435: Bowdoin Rd Storm Sewer.** TOI Department of Public Works (Coneco) NOI for reconstruction of storm sewer in existing location on Bowdoin Rd from number 12 to the outlet near the end of Bowdoin Rd. *Cont from 7/15/20*
- **36-1451: Father Ryc Playground,** 29 Kimball St. DPW. NOI for installation of a new half basketball court. *New.*
- **36-1385: Labor in Vain Rd. Right of Way** at Labor in Vain Creek Bridge. (Coneco)TOI Department of Public Works. Notice of Intent to repair town road and shoulders. *Cont from 7/15/20*

A motion was made by Vice-Chair William Paulitz to continue to August 19. The motion was seconded by Commissioner Sissy ffolliott and passed unanimously.

REQUESTS FOR DETERMINATION OF APPLICABILITY (RDA):

- **MBTA right of way.** Keolis Commuter Services). RDA for review of resource areas along the railroad right-of-way (ROW) as part of the renewal for the five-year Vegetation Management Plan within a jurisdictional area.

Matt Donovan, FDC Engineers, Present

Matt explains that there is a 5-year management plan for vegetation. The RDA is for wetland boundary confirmation. It will only be sprayed when no surface water is visible.

Chair Jennifer Hughes suggested reaching out to the Board of Health to see if private wells are updated by them. The Town's GIS does not map them. Maps are updated yearly.

Larry Graham asks about maintenance crews and if they know how to stop/start spraying, The crews have an environmental monitor.

A motion was made by Commissioner Catherine Carney-Feldman to issue a negative 2/3 determination. The motion was seconded by Commissioner James Stone and passed unanimously.

ON-GOING NOTICES OF INTENT (NOI), MINOR MODIFICATIONS (MM) AND FORMAL AMENDMENTS (FA):

- **36-1446: 1 Old England Rd.** Shields. (DeRosa). NOI for implementation of a suburban garden habitat enhancement plan in jurisdictional areas. *Cont from 7/15/20*

Mike DeRosa, DeRosa Associates, Present

Mike discusses the project elements that were removed and the structures outside of the subzones. All other mitigation was kept. The meadow management will include mowing in the late winter. Monitoring will be on a monthly basis. If less than 75% survive during the growing period, they will be replaced by the end of the project.

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

A motion was made by Commissioner Catherine Carney-Feldman to issue the OOC. The motion was seconded by Commissioner James Stone and passed unanimously.

- **36-1450: 2 Jay Rd.** Godin (Graham). NOI for addition to dwelling. *Cont from 7/15/20*

Larry Graham, H.L. Graham Associates, Present

Larry discussed monumentation and using granite versus wood. He proposes three wood monuments. The Godin's would like propane tanks. Larry will submit a revised plan. Conditions will be to monument existing vegetation line which will go from 50 to 35 feet. The 25' no disturb zone will be taken out. Condition 50 will use what is proposed (2 wood, 1 granite) which will be set 3' into the ground (6'x6'x8').

A motion was made by Vice-Chair William Paulitz to close the public hearing. The motion was seconded by Commissioner Sissy ffollott and passed unanimously.

A motion was made by Commissioner Sissy ffollott to issue the OOC. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

- **36-1448: 28 North Ridge Rd.** Lynch. (Graham). NOI for stair replacement on coastal bank. *Cont from 7/15/20*

Larry Graham, H.L. Graham Associates, Present

Larry revised the plan since the last meeting. Vice-Chair William Paulitz would like Condition 35 (the same as 2 Jay Road).

A motion was made by Commissioner James Stone to close the public hearing. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

A motion was made by Commissioner Catherine Carney-Feldman to issue the OOC as drafted and amended. The motion was seconded by Commissioner James Stone and passed unanimously.

- **36-1449: 3 Bay View Rd.** Stringer. (Graham). NOI for repair to corner of concrete retaining wall. *Cont from 7/15/20*

Larry Graham, H.L. Graham Associates, Present

Larry discussed construction access, temporary disturbances to coastal bank, coastal beach and LCSCF. A question was asked as to whether CZM/Con Com acknowledge CES as a coastal bank? The coastal bank delineation needs to be determined. The machine work will occur on the beach and above the wall. The concrete truck washout method will need to be provided and will be a condition. The DEP file # was also added. Vice-Chair William Paulitz would like condition 48 revised/deleted.

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

A motion was made by Commissioner Catherine Carney-Feldman to issue a positive OOC as discussed and amended. The motion was seconded by Commissioner James Stone and passed unanimously.

- **36-1444: 158 Linebrook Rd.** LeBlanc (Wetlands Mgmt). ANRAD. *Cont from 7/15/20*

Bill Manuell, Wetlands Management, Present

Bill discussed the initial site visit. The wetland vegetation is in a problem area. There are non-hydric soils but wetland vegetation. There is a small layer of organic material on top of the clay. Chair Jennifer Hughes confirms Bill Manuell's description of hydrology, deeper soils did not show evidence of hydrology. Bill will revise the plan to reference area of confirmation excluding the property to the west to be outlined on the plan. Bobbi and Michael Allison wanted to know how the process proceeds and feel abutter's voices need to be heard as well as be a part of the process. Chair Hughes said that the Planning Board was a good place to start.

A motion was made by Commissioner Catherine Carney-Feldman to issue the ANRAD. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

- **36-1414: 173 Linebrook Rd. Lot 25.** Symes Dev. NOI Open Space cluster development of residential dwelling units within jurisdictional areas. *Cont from 7/15/20*

Rich Harrington and Jeff Rhuda, Present

There needs to be a condition which requires supplemental soil testing to confirm calculations at infiltration systems A, B, C, D and E.

Vice Chair William Paulitz had several comments regarding the Special Conditions. Condition #40, requires there will be 100 minimum feet of fiber rolls. Condition #47 requires there will be staking of foundations prior to excavation. Condition #58 requires that the distance to the wetlands will be on the as-builts. Condition #66 requires that the dumpster should be 75'-100' away from the wetlands. Condition #65 requires that the location of the washout of the concrete trucks be specified.

A motion was made by Commissioner Catherine Carney-Feldman to close 36-1414. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

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

- **36-1417: 173 Linebrook Rd. Road A.** Symes Dev. NOI stormwater management and grading within jurisdictional areas. *Cont from 7/15/20*

There needs to be a condition for inspection and that the dumpster be 75' – 100' away from the wetlands. Condition #47 needs to be deleted (staking for house). The maintenance of the SWM is the responsibility of the homeowner's association. Also, there will be a condition for the SWM reports at end of fiscal year.

A motion was made by Commissioner Catherine Carney-Feldman to close 36-1417. The motion as seconded by Vice-Chair William Paulitz and passed unanimously.

A motion was made by Commissioner Catherine Carney-Feldman to issue a positive OOC as drafted and amended. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

- **36-1415: 173 Linebrook Rd. Lot 21.** Symes Dev. NOI to construct a portion of a single-family dwelling and grading within jurisdictional areas. *Cont from 7/15/20*

A motion was made by Commissioner Catherine Carney to close 36-1415. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

A motion was made by Commissioner Catherine Carney-Feldman to issue a positive OOC as drafted and amended. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

- **36-1416: 173 Linebrook Rd. Lot 20.** Symes Dev. NOI to construct a portion of a single-family dwelling and grading within jurisdictional areas. *Cont from 7/15/20*

A motion was made by Commissioner Catherine Carney-Feldman to close 36-1416. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

A motion was made by Vice-Chair William Paulitz to issue a positive OOC as drafted and amended. The motion was seconded by Commissioner Sissy ffolliott and passed unanimously.

REQUESTS FOR CERTIFICATES OF COMPLIANCE (COC):

- **36-1336: 5 Willowdale Circle.** Audette. (Graham) COC *Cont from 7/1/20*

Agent Brendan Lynch recommends issuing the COC.

A motion was made by Commissioner Sissy ffollott to issue the COC. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

- **36-1388: 439 Linebrook Rd.** (Graham). COC. *New*

Larry Graham, H.L. Graham Associates, Present

There was an order issued to the prior owner of the property. Bill Decie did a site visit and there was no work performed. He recommends issuing a COC for work not performed.

A motion was made by Commissioner Sissy ffollott to issue a COC for work not performed. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

NEW NOTICES OF INTENT (NOI), MINOR MODIFICATIONS (MM), FORMAL AMENDMENTS (FA):

- **36-1452: 439 Linebrook Rd.** (Graham). NOI for stormwater infiltration. *New.*

Larry Graham, H.L. Graham Associates, Present

The DEP file # is 036 1352. The last plan was done in November of 2018. The property has been sold and there has been no change in the septic, grading or drainage.

A condition will be verifying storm water system and soils.

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

- **36-1442: Essex County Trails Assoc.** (DeRosa) NOI for trail management.

Mike DeRosa, DeRosa Associates and Carol Green, Essex County Trails Assoc., Present

Beaver deceivers, raised boardwalks and culverts have been removed. He requests an OOC in perpetuity. Chair Jennifer Hughes has a concern with the trail resurfacing. There will be no dumping of gravel in wet areas. Mike explains direct connection between Conservation Agent and ECTA.

A motion was made by Commissioner Catherine Carney-Feldman to continue to August 19. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

ENFORCEMENT MATTERS: NONE.

APPROVAL OF MINUTES: 7/1/2020, 7/15/2020

A motion was made by Commissioner Catherine Carney-Feldman to approve the minutes as edited. The motion was seconded by Commissioner Sissy ffolliott and passed unanimously.

ADJOURNMENT:

A motion was made by Commissioner Catherine Carney-Feldman to adjourn at 9:50 p.m. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

Respectfully submitted,

Andrea Mackinney
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.