

Approved: 10/21/20  
Distributed: 10-23-20

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**September 16, 2020**

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, September 16, 2020 at 7:00 p.m. via Zoom. Members present were Chairman Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffolliott, Catherine Carney-Feldman and James Stone. Also present were Agent Brendan Lynch and Recording Secretary Andrea Mackinney. Absent: Commissioner Raymond Putnam with prior notice.

**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 10/7/20:

- **36-1259: 357 Linebrook.** Justin McCarthy. (Graham) COC. *Cont from 8/19/20*
- **36-727: 14 Plains Rd.** Iacobacci. (Holt). COC. *Cont from 9/2/20*

A motion was made by Commissioner Sissy ffollott to continue to October 7. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

Cont to 10/21/20:

- **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 8/19/20*

A motion was made by Commissioner Catherine Carney-Feldman to continue to October 21. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

**COURTESY POSITION FOR TOWN PROJECTS:**

- **Ipswich Riverwalk Ext.** – Kristen Grubbs, Town Planner. SPP for sign for Choate Bridge. *New.*

Kristen Grubbs, Planning Department, Present

Kristen sent in a description and picture of the new sign. There will be minimal digging (one to two posts). Agent Brendan Lynch recommends issuing a SPP and will do a post construction visit.

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

- **36-1454: 100 County Road.** DPW NOI to install beaver deceiver or equal device to prevent beavers from building dams that block the inlet of an existing culvert (*cont from Sept 2*)

Agent Brendan Lynch drafted an OOC using a prior beaver deceiver order.

Vice-Chair William Paulitz suggested that the following numbers be removed: 36, 41, 43, 44 and 49 as were irrelevant to the project. On #38, the sign should be at entrance of the DPW yard. There should be a condition added for annual maintenance. Brendan will ask the DPW if they or someone else will do the maintenance.

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

- **36-1451: Father Ryc Playground,** 29 Kimball St. DPW NOI for installation of a new half basketball court. *Cont from 9/2/20*

There have been no changes.

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

## **SMALL PROJECT PERMITS (SPP):**

- **4 Fox Run Rd. Monroe.** SPP to replace existing 225 sf paver walkway at main entrance to house. *Cont from 9/2/20*

Edward Monroe, Homeowner, Present

A revised plan was submitted which consists of a brick walk to be replaced in kind with either brick or pavers. The brush pile will be moved by the end of October. The board recommends planting 3-4 larger shrubs in the back as well as 4-5 low bushes in front or around the monument with native grasses in between.

There will be a post construction site visit.

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

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

- **36-1442; Essex County Trail Assoc. (DeRosa) NOI for trail management.** *Cont from 9/2/20*

Carol Lloyd, Essex County Trail Association, Present

Chair Jennifer Hughes made comments on a prior order and sent it to Agent Brendan Lynch. They are as follows:

Condition 46 should say biodegradable netting with no plastic, even if biodegradable.

Condition 51 should say no work in heavy rains or early spring following snow melting.

Condition 60 should say low-nitrogen and phosphorus free.

Condition 44 should say that work cannot be performed during a time that grass cannot be grown.

Condition 49 all material disposed of properly and not left behind. Any woody debris to be spread out and not dumped in piles.

Condition 58 can be removed.

Condition 69 should say as built sketch and/or plan as determined by the Agent.

Condition 20 to list allowable activities that will continue in perpetuity.

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

- **36-1240: 36 Essex Road. Bruni.** Request 3-year extension of ORAD. *Cont from 9/2/20*

Agent Brendan Lynch reached out to the applicant regarding the wetland flagging and has not heard back. He will touch base with the applicant again.

A motion was made by Commissioner Catherine Carney-Feldman to continue to October 7, 2020. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

- **36-1456: 74 Old Right Rd.** Henry Pynchon (Hancock) ANRAD. *Cont from 9/2/20*

Chair Jennifer Hughes and Agent Brendan Lynch met with the applicant and professional wetland scientist John Dick. Agent Lynch is comfortable with the wetland delineation and recommends approval.

A motion was made by Commissioner Catherine Carney-Feldman to approve an ANRAD. The motion was seconded by Vice-Chair William Paulitz. Commissioner Sissy ffollott recused herself.

**REQUESTS FOR CERTIFICATES OF COMPLIANCE (COC):**

- **36-369: 80 Labor in Vain Rd.** Richard Kallman, Esq. COC. *New.*

Agent Brendan Lynch explained that the COC is for an extension of the existing boardwalk. He went out and everything lines up with the plan. He recommends issuing the COC.

A motion was made by Vice-Chair William Paulitz to issue the COC. The motion was seconded by Commissioner James Stone and passed unanimously.

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

- **36-1457: 49 Newmarch St.** Smith. (Graham) NOI for an addition, reconfigured attached garage, relocate driveway and rebuild existing deck. *New.*

Larry Graham, H.L. Graham Associates, Present

Larry has developed two sets of plans which were submitted with the application and cover letter. The property has several resource area buffer zones starting at the lower side of the lot. Mike DeRosa delineated at the BVW to the salt marsh. The proposed addition is to the east side of the house and a part of the house and garage will be removed. There will be an increased square footage to the house and a new one car garage. The driveway will be reconstructed and the deck will be replaced in-kind. There will be no new footings. The stairs from the deck are within the NBZ. The right rear corner of the garage is within the NBZ. The applicant still needs ZBA approval for a special permit for a side yard setback. The infiltration chamber is at elevation 16 and the front of the garage is at elevation 21. Three trees will be removed in the upper right-hand corner of the property. Chair Jennifer Hughes asked if the drainage system can be in the front. Larry said that the grade difference is 5' lower in the back. The addition in the front has a 4' bump out and the foundation will have a frost wall.

Larry is asking for a SWM system as mitigation. The driveway should have SWM of either rain garden or gravel which will be in the path of the trail. Soil test needs to be conducted. Soil testing is going to show groundwater and where the infiltration chamber should be. The property is on town sewer. There was discussion of setting monuments at the limit of the ACEC. Delineation needs to be reviewed and a site walk needs to be scheduled.

A motion was made by Commissioner Catherine Carney-Feldman to continue to October 7, 2020. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

**ENFORCEMENT MATTERS:**

- **134 Town Farm Rd.** Rousseau. EO Update. *Cont from 6/17/20*

Agent Brendan Lynch updates that field agent Bill Decie met with the owner last week. More than 50 cars have been removed and the area is re-vegetating itself. Agent Lynch will reach out to the owner and provide a further update at the October 21, 2020 meeting.

A motion was made by Commissioner Sissy ffollott to continue to October 21. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

**OTHER BUSINESS:**

- **12 Fowlers Road**

Agent Brendan Lynch received a call from a neighbor. He went out and found evidence of an isolated BVW. The homeowner is within the buffer zone. He did speak with the homeowner and he is willing to restore it. Agent Lynch will assist the homeowner with the restoration plan and check back in September 2021.

A motion was made by Commissioner Sissy ffollott to continue to September 2021. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

**APPROVAL OF MINUTES:** 8/19/2020, 8/19/2020 Executive Session

A motion was made by Commissioner Catherine Carney-Feldman to approve the 8/19 minutes as amended. The motion was seconded by Commissioner James Stone and passed unanimously.

**ADJOURNMENT:**

A motion was made by Vice-Chair William Paulitz to adjourn at 8:32 p.m. The motion was seconded by Commissioner Sissy ffollott 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.**