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IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 6, 2016

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, January 6, 2016 at 7:06 p.m. in Room A of the Ipswich Town Hall. Members present were Chairman Jennifer Hughes, Vice-Chair Sissy ffolliott, Commissioners David Standley, Brian O'Neill, Catherine Carney-Feldman, William McDavitt and Michele Hunton. Also present was Agent Alicia Geilen and Recording Secretary Cathy Miaskiewicz.

DEFINITION INDEX:

BVW - Bordering Vegetative Wetland

COC – Certificate of Compliance

CR – Conservation Restriction

DEP - Department of Environmental Protection

EO – Enforcement Order

ICC – Ipswich Conservation Commission

IRWA – Ipswich River Watershed Association

NOI – Notice of Intent

NDZ – No-Disturbance Zone

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

ORAD – Order of Resource Area Delineation

RDA – Request for Determination of Applicability (*below is a list of possible outcomes for RDAs*)

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

WPA – Massachusetts Wetlands Protection Act (310 CMR 10.00 *et seq.*)

Citizen's Queries:

None

Ongoing Matters Being Continued to FUTURE Sessions:

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None

Courtesy Position for Town Projects:

<p>MATTER: 36-1073: Department of Public Works for a project at 128 Little Neck Road (Pavillion Playground) shown on Tax Map 24A, Lot 009 for a FORMAL AMENDMENT to an existing Order-of-Conditions, DEP File #36-1073 to request a change from crushed stone to paved bituminous concrete for the 1,963 square foot parking area.</p>
<p>DISCUSSION: Present was Frank Ventimiglia, Operations Manager for the Department of Public Works (DPW). Chairman Hughes asked if they had considered putting in a new sump pump. Mr. Ventimiglia stated that the DPW Director was apprehensive about an upgrade to deep sump catch basin with hood because of the cost. Commissioner Standley recommended approving the Formal Amendment, but requiring that should the project move forward, that the catch basin be upgraded.</p>
<p>RECOMMENDATION OF AGENT: <i>None</i></p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner Standley for a Positive OOC as amended. The motion was seconded by Commissioner O’Neill and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 40px;">❖ <i>None</i></p>
<p>DOCUMENT LIST: <i>No new documents submitted</i></p>

Requests for Certificates of Compliance:

<p>MATTER: 36-1236: 372 Linebrook Rd, Rosato, New</p>
<p>DISCUSSION: There was no one was present for this matter. Agent Geilen did a site visit and stated that the grass had not grown in well enough and that two of the NDZ markers were too close to the wetlands and needed to be moved.</p>
<p>RECOMMENDATION OF AGENT: <i>To continue to April 20, 2016.</i></p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner Carney-Feldman to continue to April 20, 2016. The motion was seconded by Vice-Chair ffollott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 40px;">❖ <i>None</i></p>
<p>DOCUMENT LIST: <i>COC request, As-built plan entitled “As-Built Plan of Land” dated 10/15/15, prepared by The Morin-Cameron Group, Inc. and letter of substantial compliance dated 12/18/15, also prepared by The Morin-Cameron Group, Inc.</i></p>

<p>MATTER: 36-809: 15/17 Old Right Rd, Odoardi, New</p>
<p>DISCUSSION: Present was owner, Jim Odoardi of Jara Corporation representing 15/17 Old Right Road. He had contacted the architect, but no formal as-built was submitted. A waiver of this requirement was requested. Commissioner Standley stated that the as-built plan needs to show if the conditions of the OOC have been met, as</p>

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well as wetland line. Chairman Hughes added that information on the proper functioning of the stormwater management system was also needed.

RECOMMENDATION OF AGENT:

To deny the waiver request and continue to April 20, 2016 for receipt of an engineered as-built plan and SWM system O&M.

MOTION:

◆ **A motion was made by Vice-Chair ffollott to deny the waiver request. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

◆ **A motion was made by Vice-Chair ffollott to continue to April 20, 2016. The motion was seconded by Commissioner McDavitt and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

COC request, Plan entitled "As-built and Rough Grading and Drainage" dated 7/18/16, prepared by J.M. Grenier Associates, Plan entitled "As-Built Drawings - Basement Floor Plan" dated 6/18/07, and prepared by B. Goba and Associates, Plan entitled "As-Built Drawings - First Floor Plan" dated 6/18/07, and prepared by B. Goba and Associates, Order of Conditions letter dated 4/21/08, and prepared by J.M. Grenier Associates, Compliance email dated 4/21/08, and prepared by John Grenier, Waiver request for As-Built Plan email dated 12/16/15, and prepared by Jim Odoardi.

MATTER: 36-1242: 7 Old Essex Rd, DeStefano, New

DISCUSSION: Present was Dan DeStefano. Agent Geilen did a site visit and stated that all was done in accordance with the OOC. The only problem was a NDZ marker in the center of the side yard by the tight tank manhole. She stated that there was no requirement for a NDZ marker, and its location was confusing. She recommend that it be removed. Mr. DeStefano stated that the property was changing ownership in the coming week. Commissioner Hughes stated they should remove it. Mr. DeStefano offered to relocate the post to the edge of law at the rear of the house. This was deemed acceptable. The applicant had requested a waiver for a "letter of substantial compliance" by a P.E. (Professional Engineer) or P.L.S. (Professional Land Surveyor), although Bill Manuell certified all was in accordance with the plans. Agent Geilen recommended approval of the waiver request.

RECOMMENDATION OF AGENT:

To issue a full and final COC.

MOTION:

◆ **A motion was made by Commissioner Standley to approve the waiver for a letter of substantial compliance by a PE or PLS. The motion was seconded by Commissioner O'Neill and passed unanimously.**

◆ **A motion was made by Commissioner Carney-Feldman to issue a full and final COC. The motion was seconded by Commissioner McDavitt and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

COC request, As-built plan entitled "As-Built Plan" dated 11/19/15, prepared by Eastern Land Survey Associates and letter of substantial compliance dated 12/28/15, and prepared by Wetlands and Land Management, Inc.

The following matter was tabled.

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◆ A motion was made by Commissioner Standley to table the matter. The motion was seconded by Vice-Chair ffollott and passed unanimously.

◆ A motion was made by Commissioner McDavitt to un-table the matter. The motion was seconded by Commissioner Standley and passed unanimously.

This matter was taken out of order.

MATTER: 36-1266: 4 Nuthatch Road, Wallis, New
DISCUSSION: Present was Larry Graham of H.L. Graham Associates. Agent Geilen had drafted an EO to remove waste, replant with native shrubs and a restoration plan with a specified time frame. Mr. Graham asked if the ICC could not issue the COC until the work is done and avoid the EO. ICC agreed. Mr. Graham stated that he would submit an as-built plan. He will remove 2 more feet of the gator track and re-sod. He will remove waste and submit a planting plan before January 27, 2016. They will continue monitoring of existing shrubs until May of 2016. Mr. Graham stated that he will try and get an approval from the DPW for work at the end of Nuthatch Road. A mitigation plan is needed for the dump area. [Discussion: ICC plant suggestions/Arrowwood/Silky Dogwood/Gray Dogwood/add more shrubs in mitigation area.]
RECOMMENDATION OF AGENT: <i>To continue to May 18, 2016 for restoration plan to be submitted.</i>
MOTION: ◆ A motion was made by Vice-Chair ffollott to continue to May 18, 2016. The motion was seconded by Commissioner O'Neill and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>Photos of 12/22/15 Site Visit</i>

MATTER: 36-419 and 36-484: 4 Nuthatch Road, Wallis, Continued from a prior meeting
DISCUSSION: Present was Larry Graham of H.L. Graham Associates. Agent Geilen stated that #36-419 was for steps and a dock float system. This was not issued previously because of an enforcement matter, which has been largely resolved by an after-the-fact filing. Agent Geilen stated that Inspector Decie did not see any erosion during a site visit. Agent Geilen stated that in the COC for #36-419 there was a special condition that if erosion is caused by the dock that the Commission can require its removal. She stated that this was added as an on-going condition. Agent Geilen stated that she saw no problem with issuing a full and final COC for 36-419 (steps to the beach and dock) or 36-484 (tear down/re-build house).
RECOMMENDATION OF AGENT: <i>To issue two full and final COC's.</i>
MOTION: ◆ A motion was made by Commissioner Standley to issue a full and final COC for matter #36-419. The motion was seconded by Commissioner O'Neill and passed unanimously. ◆ A motion was made by Commissioner Standley to issue a full and final COC for matter #36-484. The motion was seconded by Commissioner McDavitt and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>

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DOCUMENT LIST:

No new documents submitted

MATTER: 36-1229: Lowes Lane Culvert., National Grid/Boston Gas, *Continued from 12/9/15*

DISCUSSION: There was no one present for this matter. Agent Geilen stated a certified letter was sent seeking proof of property owner notification that headwall is on their property. ICC received the certified mail receipt on January 6, 2016 but have not heard anything in response. Commissioner Standley stated that a lack of response could be seen as constructive approval. Agent Geilen stated that it is within the right-of-way. Chairman Hughes wanted to seek advice from Town Council before signing off to make sure the ICC does not need approval from another property owner.

RECOMMENDATION OF AGENT:

To continue to January 20, 2016

MOTION:

◆ **A motion was made by Vice-Chair ffollriott to continue to January 20, 2016. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Seek advice from Town Council*

DOCUMENT LIST:

None

Requests for Determination of Applicability:

MATTER: Andrew Connor for work at **2 Riverside Drive** shown on **Tax Map 42B, Lot 036** for a **REQUEST FOR DETERMINATION OF APPLICABILITY** to perform soils testing in jurisdictional areas.

DISCUSSION: Present was Dan Johnson from Domestic Septic Design Inc., representing 2 Riverside Drive. Mr. Johnson spoke of the soil testing procedure. Agent Geilen asked if the test pits had already been dug, as she noted disturbance at the site. Mr. Johnson stated that the Title V inspection was done but not test pits. Agent Geilen stated that an additional \$75 was needed for work in Riverfront and mentioned that the lawn waste dumping area needs to be removed by hand. Determination will be given once fees are paid.

RECOMMENDATION OF AGENT:

To issue a negative DA #5 and #6 upon receipt of an additional \$75.00 in filing fees. Inspector Decie to follow up on the lawn waste removal.

MOTION:

◆ **A motion was made by Commissioner Standley to approve the Negative DA #5 and #6 pending receipt of the \$75 fee. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Sketch Plan entitled "Soil Test Location Plan"

Abbreviated Notices of Resource Area Delineation:

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MATTER: 36-1275: Ken Linseman , for a property located at 143, 145 and 154 High Street; Tax Map 30A; Lots 4, 26A and 004 ; for an Abbreviated Notice of Resource Area Delineation to confirm the boundary of the wetland resources.
DISCUSSION: Present was Tom Peragallo from LEC Environmental Consultants, Inc. Mr. Peragallo gave a history of the number of delineations done on the property. [Discussion: past soil review under previous filings/additional wetland areas added.] Mike Howard from Epsilon Associates Inc. was also present. Agent Geilen spoke of the lawn waste in the wetland and stated that it needed to be removed by hand. Abutter: David Warner was concerned because he did not have time to review the file. Agent Geilen told him that he did not agree with the delineation he can appeal it. Chairman Hughes stated that with all delineations, there no decision about property lines and assured him that nothing was being decided about wetlands on his property.
RECOMMENDATION OF AGENT: <i>To issue an "Accurate" ORAD.</i>
MOTION: ♦ A motion was made by Commissioner O'Neill to issue an Accurate ORAD based on the plan dated December 9, 2015. The motion was seconded by Commissioner McDavitt and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>Packet prepared by LEC Environmental Consultants, Inc., dated 12/16/15, including Mandatory Pre-filing Checklist, WPA Form 4A – Abbreviated Notice of Resource Area Delineation, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled "Map 30A Lots 4,26A, 27, 42 – 143, 145 & 154 High Street" dated 12/9/15, prepared by MHF Design Consultants, Inc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.</i>

Mike Howard from Epsilon Associates, Inc. asked if he could present a Citizen's Query for the above matter:

MATTER: Citizen's Query for a property located at 143, 145 and 154 High Street; Tax Map 30A; Lots 4, 26A and 004, for a citizen's query.
DISCUSSION: Present was Mike Howard from Epsilon Associates. Mr. Howard stated that there was a proposed pharmacy (Rite-Aid) for this property and he was seeking feedback on an initial design. He stated they would not be able to stay out of the NDZ and NBZ and wanted to get a sense from the Commission regarding work in the subzones and possible mitigation via restoration of the on-site wetland. [Discussion: type of work/grading and earth work/proposed analysis/minimizing footprint/reducing parking.] Mr. Peragallo stated that if ICC approved, mitigation would include enhancing wetland area out back. They would plant shrubs and make it better and restore its function as a shrub wetland. Chairman Hughes asked if it was within the well protection district. [Discussion: Municipal well concern. Chairman Hughes stated that she personally was uncomfortable with that amount of disturbance in NDZ and that they should consider smaller building.
RECOMMENDATION OF AGENT: <i>N/A</i>
MOTION: ♦ <i>N/A</i>
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>None</i>

New Notices of Intent, Minor Modifications and Formal Amendments:

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MATTER: 36-1276: John D. Davis for work at **62 North Ridge Road** shown on **Tax Map: 15A Lot: 009** for a **NOTICE OF INTENT to raze and reconstruct a single-family home, driveway, garage, site work, grading and drainage** in jurisdictional areas.

DISCUSSION: Present was Larry Graham of H.L. Graham Associates and applicant, Mrs. Sam Davis. Mr. Graham spoke about the matter and gave a review. The septic system had already been permitted so Mr. Graham would like the Commission to consider how to go forward. Agent Geilen discussed an outstanding OOC. Commissioner Standley stated that they usually need a COC on the first project, but this first one had not been commenced and recommended an amendment. [Discussion of fees.] Chairman Hughes stated that if they keep two orders, one would have to reference the other. Mr. Graham would like to keep them separate. Mr. Graham stated they did submit additional fees. Condition #20 on the new OOC affects the old OOC. Agent Geilen read clause #20:

The ICC finds that the intensive use of the upland areas and buffer zone (existing and proposed) on this site will cause further alteration of the wetland resource areas. In order to prevent any alteration of resource areas, the Commission orders the following perpetual conditions:

- *should the existing concrete shed, located on Coastal Bank fall into disrepair, it shall not be allowed to be rebuilt, but shall be removed. Removal of said shed shall be approved as part of a Notice of Intent, and shall include restoration of the area with densely planted native shrubs. After shed removal and successful Coastal Bank restoration, this area shall be left permanently undisturbed.*
- *a permanent twenty-five foot (25') No-Disturbance Zone shall be established from the edge of the adjacent wetland resource except for areas shown as previously developed on the herein referenced plan. No disturbance of existing grade, soils or vegetation, including mowing, is permitted in the No-Disturbance zone. See also Special Condition #47 for additional details.*

Mr. Graham stated that their proposal was within stated conditions. [Discussion: buffer zone lines/wood stairs/parking area/concrete retaining wall/property lines/septic system/retaining wall/grading/only difference in proposed plan is an outlet trench.] [Discussion: Resource Area Buffer Zone Coverage Comparison Table/reduced hard surface coverage.] [Discussion: Mitigation/trench drains/proposed grass paver drive/cantilevered deck/tank with overflow/catch basins.] Chairman Hughes noted that one catch basin within NDZ, and it should be moved outside of NDZ. She also noted that if they keep the trench drain there a waiver request was needed. [Discussion: infiltration trench is a "structure". Agent Geilen read the definition from the Bylaw regulations.] Mr. Graham stated they could pull it in towards the side of the house or make them all leaching catch basins. [Discussion: alternative plan needed to pull wall back as much as possible. Mr. Graham to check with Board of Health (BOH) on this.] Mr. Graham will apply for an amendment from the BOH. Commissioner Standley asked about old foundation. Mr. Graham stated it will be removed. [Discussion: excavation work/pavers not mentioned in comparisons/stepping stones not included in impervious surface calculations.] Chairman Hughes asked about the SWM tanks and piping; the plant should be revised to remove the bottom valve so SWM system can't be bypassed. In addition, the plan should show an overlay of the 2 footprints of building (existing and proposed).

RECOMMENDATION OF AGENT:

To continue to February 3, 2016 for revised plans, DEP file # and comments.

MOTION:

- ◆ **A motion was made by Commissioner Standley to continue to February 3, 2016 for revised plans, DEP file # and comments. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled "Permit Plan" dated 12/16/15 ,and prepared by Graham Associates, Inc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.

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<p>MATTER: 36-1274: Ipswich Junction LLC for work at 114 & 116 County Road shown on Tax Map: 54A Lot: 8 for a NOTICE OF INTENT for site improvements including the construction of two (2) new buildings and the installation of a new stormwater management system in jurisdictional areas.</p>
<p>DISCUSSION: Present was Peter Pommersheim from Meridian Associates and Mike DeRosa of DeRosa eEnvironmental. Mr. Pommersheim gave a review of the matter. Mr. Pommersheim stated that this was not a change in use, but a previously developed site. There is existing drainage on the site. He stated his purpose was to just present the project. Impervious area will be reduced and they are working on a mitigation plan. They are proposing a new buildings for a brewery and distillery, as well as a medical building outside of jurisdiction. They also wished to retain a portion of an existing building. The parking lot will be regraded and major stormwater management upgrades provided. [Discussion: Subzones, propane pad/stormwater peer review/pervious areas/snow management/DEP comments/infiltration system.] Agent Geilen noted that a mitigation plan needed. Commissioner Standley requested an alternatives analysis to consider moving propane filling station out of NDZ/NBZ. [Discussion: possibility of a green roof/ green parking islands as rain gardens.] Agent Geilen noted that there was no snow storage on the plan. [Discussion: snow storage prohibited in NDZ/NBZ.].Waiver request needed for work in the NBZ/NDZ.</p>
<p>RECOMMENDATION OF AGENT: <i>To continue to January 20, 2016 for Cammett peer review report, information requested by DEP and the mitigation plan.</i></p>
<p>MOTION:</p> <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to January 20, 2016. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="text-align: center;">❖ <i>None</i></p>
<p>DOCUMENT LIST: <i>Packet prepared by Meridian Associates, Inc. dated 12/15/15 including Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled "Permit Site Development Plan" dated 12/3/15, and prepared by Meridian Associates, Inc., Stormwater Management Report dated 12/15/15, prepared by Meridian Associates, Inc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.</i></p>

<p>MATTER: 36-1019: 12 North Ridge Road, Wen. Extension Request for 3 years;</p>
<p>DISCUSSION: There was no one present for this matter. Agent Geilen stated that the NDZ markers were in per a site visit by Inspector Decie.</p>
<p>RECOMMENDATION OF AGENT: <i>To issue a 1 year extension, not 3 years, to get this project completed.</i></p>
<p>MOTION:</p> <p style="text-align: center;">♦ A motion was made by Vice-Chair ffolliott to approve a 1 year extension. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="text-align: center;">❖ <i>None</i></p>
<p>DOCUMENT LIST: <i>No new documents submitted</i></p>

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

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MATTER: 36-1273: EBSO for work at 6 Estes Street shown on Tax Map: 42A Lot: 186 for an after-the-fact NOTICE OF INTENT for parking lot maintenance in jurisdictional areas. <i>Continued from 11/18/15</i>
DISCUSSION: No one present for this matter. The applicant thought it was continued to January 20, 2016.
RECOMMENDATION OF AGENT: <i>To continue to January 20, 2016.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Vice-Chair ffollott to continue to January 20, 2016. The motion was seconded by Commissioner McDavitt and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>None</i>

MATTER: 36-1253: Riverine, LLC for work at 27 Water Street shown on Tax Map: 31D Lot: 91A for a NOTICE OF INTENT to reconstruct multi-family home, gangway/ramp and floats and construction of public access deck in jurisdictional areas. <i>Continued from 12/9/15</i>
DISCUSSION: Present was Larry Graham of H.L. Graham Associates and Curt Young of Wetlands Preservation Inc. Mr. Young spoke regarding the comments from the Commission on the Punch List.
Item 2: Mr. Graham discussed the Dewatering Plan. 1.) The applicant’s representatives agreed to revise and stated that as 21E work is done they can pull water samples at that time. Chairman Hughes asked them to put that on the engineer plan. Mr. Graham will include it in the plan. 2.) Not needed.
Items 4-7, 9 and 10: O&M Plan revised. ICC has accepted. Resolved.
Item 8: Erosion Controls. [Discussion regarding concrete dock removal: Netting to catch falling debris, if needed; daily construction debris sweep as a Special Condition; all work done 2 hours before/after low tide at low tide.]
Item 12: Jurisdictional areas. LSTA limit not shown on the plan across the site. Mr. Graham will revise to add it.
Item 17: Performance Standards are met or not met, contingent upon mitigation being provided under the Bylaw.
Item 22: Zone of natural vegetation. Chairman Hughes stated that this may be counted as part of the mitigation proposal. Planted area needs to be dense. Mr. Young stated that it will depend on what will grow and stay. Commissioner Standley stated that it will be hard to decide what will be appropriate and what will be affected by the flooding. Mr. Young stated they have been doing some research of plantings. [Discussion: types of plants/ink-berry/beach plumb/not perennials/other options/ mortality of shrubs replaced with a different species.] Resolved.
Item 20: Mitigation. Agent Geilen referred to a meeting held on January 4, 2016 at Ipswich River Watershed Association (IRWA) with Wayne Castonguay, Curt Young, Dave Standley, Brian O’Neill and Agent Geilen. Mr. Young stated that there was no positive outcome from meeting. He stated that they had taken into account what was said and were trying to do all ICC wants them to do. Mr. Young handed out a “Final Mitigation Proposal”. The amount offered for mitigation was raised from \$10,000 to \$17,000 to be donated to IRWA. The proposal stated: <i>“A sum of \$17,000 is to be donated to the Ipswich River Watershed Association to be used to promote and support their activities to effect improvements to stormwater management, water quality and invasive plant species control in the lower Ipswich River estuary. Such funds would be provided to the Association prior to</i>

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initiation of construction at the subject parcel, and this contribution will be considered as fulfillment of the mitigation requirements imposed by the ICC under the Ipswich Wetlands Protection Bylaw.”

Mr. Young spoke of the mitigation problem, and his continued belief that the WPA and bylaw regulations do not apply to the project. Commissioner Standley stated that he did not agree and that DEP agrees with ICC on the Wetland Protection Act.

Mr. Young stated that they were authorized to increase the amount to \$17,000. IRWA would help with adjacent projects. IRWA has a number of programs and monitoring projects ongoing. Commissioner Carney-Feldman asked how it changed things by adding more money. Commissioner Standley reiterated that this new proposal does not meet the requirements of mitigation. Commissioner Standley does not personally have a problem with applicant's wanting to fund an activity, but stated the problem is that the money is not specific with a measurable project and assurance of outcome the way it is being offered. Commissioner Standley made suggestions and were not accepted. He is still against mitigation by funding an outside agency. Chairman Hughes stated the ICC would have to have specifics and a time frame so that certain things are accomplished in a certain time period. Mr. Young gave examples of projects (i.e. control of phragmites in river). [Discussion: two options to complete specific mitigation projects including phragmites removal at the Town land on Tansey Lane and at Nichols Field.] [Discussion: Framework for accepting money/timeframe, end time of monitoring for OOC, when applicant's responsibility ends.]

Abutter: Michael McGarty was concerned with the large footprint of the building and with the extensive pervious areas and planted area along the river. He stated if the building was smaller mitigation would be more manageable.

Abutter: Bill Kraft of East Street agreed with Mr. McGarty. He stated that it was too much on too little property and was concerned with setting new standards. He felt they should have more mitigation on site, not off-site. He stated that the shellfish subcommittee had a good amount this year because work had been done to keep the river clean. Regarding Punch List he stated that the project did not make sense. Commissioner McDavitt stated that if ICC denies the project the applicant can appeal the decision. Chairman Hughes responded to Mr. Kraft by informing him that the ICC always tries to do what is best for the river.

Chairman Hughes stated she was not 100% in favor of the proposal, but that money could help protect the river. Vice-Chair ffollott stated that she was supportive of IRWA, but they are not an extension of ICC. Chairman Hughes stated that when they ask for mitigation, they look for measurable improvement. Mr. Young stated that at the present time SWM is part of project which will support the river. Hazardous waste is part of plan for clean-up. Debris clean-up is part of plan along with a proposal of re-vegetation. So the project in of itself does provide benefits to the river. The Commission pointed out that all of these activities are required by the regulations and so can't count as mitigation.

RECOMMENDATION OF AGENT:

To continue to January 20, 2016 to consider the new proposal of an increased contribution of \$17,000 to IRWA.

MOTION:

◆ **A motion was made by Vice-Chair ffollott to continue to January 20, 2016. The motion was seconded by Commissioner Standley and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Mr. Young to check with IRWA on accepting specific projects and to provide a mitigation project at Tansey Lane and Nichols Field, with proposed costs for these off-site project.*

DOCUMENT LIST:

Email entitled "Questions on Cons Com meet Dec 9" prepared by Phil Mirvis with 2 attachments (Mitigation Checklist Oregon.pdf and Copy of 2014-2015 DSL payment calculator for mitigation for web1.xls), Letter re: summary of final or "near" final plans dated 12/9/15 and prepared by Graham Associates, Inc., Plan entitled, "Permit Plan, Rev 6" dated 12/9/15 (sheets 1-7 and S1) prepared by Graham Associates, Inc. and Donohoe Survey Inc., Summary of Rev 6 Plans Revisions, not dated, Stormwater Report dated 12/9/15 and prepared by Graham Associates Inc., Preliminary Dewatering Plan dated 12/9/15 and prepared by Graham Associates, Inc.

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Other Business:

MATTER: Landowner Permission for non-native plant control at 54 County Road (<i>continued from 12/9/15</i>)
DISCUSSION: There was no one present for this matter. Agent Geilen stated that this matter was County "Street" not County "Road" and that it was all set, approved and signed.
RECOMMENDATION OF AGENT: <i>None</i>
MOTION: ♦ N/A
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>None</i>

Enforcement Matters:

MATTER: 36-678: 10 Olde Ipswich Way. Possible enforcement matter: stormwater pond maintenance.
DISCUSSION: There was no one present for this matter. Commissioner Standley looked at this site and he had taken some pictures. He stated that the site was overgrown with cattails and was a cattail swamp at this point with no evidence to maintain it. Chairman Hughes questioned if the applicant was following the O&M Plan. Agent Geilen stated that the homeowners association said they were following the O&M Plan. Commissioner Standley could not see the evidence of this. He stated there was also brush dump on the bank in the wetland. Commissioner Standley stated that he needed to do more research and will follow up.
RECOMMENDATION OF AGENT: <i>None</i>
MOTION: ♦ N/A
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>photos</i>

Tabled Matters and Discussion Items:

Interim Reports of Special Project Subcommittees – None

Commissioner Standley gave an update on the Strawberry Hill project. He stated that he would not have given approval of the project had he known the condition of the ground. Chairman Hughes stated she will respond to this matter.

Approval of Minutes: 12/9/15

- ♦ A motion was made by Commissioner Carney-Feldman to approve the minutes from the December 9, 2015 meeting. The motion was seconded by Commissioner Hunton and passed unanimously.

Document Signage: (No Vote Required)

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
January 6, 2016

Adjournment:

♦ A motion was made by Vice-Chair ffolliott to adjourn at 11:00 p.m. The motion was seconded by Commissioner O'Neill and passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cathy Miaskiewicz".

Cathy Miaskiewicz
Recording Secretary

These minutes are the summary of a taped 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, nor does it exclusively rely upon them.