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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
May 4, 2016

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, May 4, 2016 at 7:05 p.m. in Room A of the Ipswich Town Hall. Members present were Chairman Jennifer Hughes, Vice-Chair Sissy ffollott, Commissioners Brian O'Neill, Catherine Carney-Feldman and William McDavitt. Also present was Agent Alicia Geilen and Recording Secretary Cathy Miaskiewicz. Absent with prior notice was Commissioners David Standley and Michele Hunton

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

LSCSF – Land Subject to Coastal Storm Flowage

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

OOB – 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 – Stormwater Management

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

Citizen's Queries:

MATTER: Deborah Gonzales of 101 Jeffrey's Neck Road.

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<p>DISCUSSION: Ms. Gonzales stated that some trees need to come down on her property that are on the edge of the salt marsh that are impacting her septic system. She wanted to know what form to use. Chairman Hughes wanted to know if they could cut the roots. Ms. Gonzales thought the cost to do it over and over again would add up and it would be better to completely remove the trees. Chairman Hughes recommended a site visit by Agent Geilen and that it might not be necessary to file because it would be considered 'emergency' tree removal. Agent Geilen will plan to visit and if approved, will recommend replacement of trees with shrubs, 3 per tree.</p>
<p>RECOMMENDATION OF AGENT: None</p>
<p>MOTION: ♦ N/A</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None</p>
<p>DOCUMENT LIST: None.</p>

Ongoing Matters Being Continued to FUTURE Sessions:

<p>MATTER: 36-1289: Martha Sandberg for work at 53 River Road shown on Tax Map: 24C Block: 69 Lot: 6 for a NOTICE OF INTENT to renovate an existing single family home in jurisdictional areas.</p>
<p>DISCUSSION: Applicant requested continuation to May 18, 2016.</p>
<p>RECOMMENDATION OF AGENT: None</p>
<p>MOTION: ♦ A motion was made by Commissioner O'Neill to continue to May 18, 2016. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None</p>
<p>DOCUMENT LIST: Continuation request.</p>

<p>MATTER: 36-809: 15/17 Old Right Rd, Odoardi.</p>
<p>DISCUSSION: Applicant requested continuation to May 18, 2016.</p>
<p>RECOMMENDATION OF AGENT: None</p>
<p>MOTION: ♦ A motion was made by Commissioner O'Neill to continue to May 18, 2016. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None</p>
<p>DOCUMENT LIST: Continuation request.</p>

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Requests for Certificates of Compliance:

MATTER: 36-979: 30 South Main St, Holloran Companies New.
DISCUSSION: Agent Geilen stated that this was for a project that was never done, as discussed as part of the RDA for redevelopment.
RECOMMENDATION OF AGENT: <i>To issue a COC for an invalid OOC.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Vice-Chair ffollott to issue a COC for an invalid OOC. 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>
DOCUMENT LIST: <i>COC request, As-built plan entitled "Existing Conditions Plan" dated 3/17/16, prepared by Oak Consulting Group and letter of invalid request dated 4/11/16, and prepared by Oak Consulting Group.</i>

MATTER: 36-569: 6 Emery Lane (Lot 2A and 3A), McCarthy. Continued from 1/20/16.
DISCUSSION: Present was Mike DeRosa of DeRosa Environmental Consulting, Inc. and Michelle McCarthy. Mr. DeRosa recommended a site visit. He discussed the as-built plan and presented the matter. [Discussion: 2,000 sf of BVW is now lawn; 4,400 sf of NDZ is now lawn; NDZ Mitigation area is now lawn; extra retaining walls, walkways, patios, decks.] A site visit was needed to discuss a restoration plan. Agent Geilen suggested an enforcement order was not needed if they were moving forward, but a friendly one might be needed to allow for the restoration work to be completed prior to ATF OOC issuance. Agent Geilen will send out a doodle poll for a site-visit.
RECOMMENDATION OF AGENT: <i>To continue to May 18, 2016 for time to schedule a site visit.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Vice-Chair ffollott to continue to May 18, 2016 with a site visit before. 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>COC request, As-built plan entitled "Record Conditions Plan of Land" dated 4/25/16, prepared by Meridian Associates, Inc. and letter of substantial compliance dated 4/25/16, and prepared by Meridian Associates, Inc.</i>

Requests for Determination of Applicability:

MATTER: 100 North Ridge Road shown on Tax Map 15B, Lot 18 for a REQUEST FOR DETERMINATION OF APPLICABILITY for soils testing in jurisdictional areas. New.
DISCUSSION: Present was Chuck Johnson of CJ Johnson Engineering and applicants Lisa and Paul Slack. Mr. Johnson stated they need an upgraded septic system. To do soil testing, they may have to go into the BZ. Agent Geilen stated the whole area is lawn and they should not impact any resource area.
RECOMMENDATION OF AGENT: <i>To issue a NDA 5 & 6 as it's exempt under the WPA regulations.</i>

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<p>MOTION:</p> <p>◆ A motion was made by Vice-Chair ffolliott to issue a NDA 5 & 6. The motion was seconded by Commissioner McDavitt and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ None</p>
<p>DOCUMENT LIST:</p> <p>Packet prepared by C.G. Johnson Engineering, Inc. dated 4/19/16, including: Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map entitled "Exhibit B" dated 4/19/16, and prepared by C.G. Johnson Engineering, Inc., "Ipswich Tax Map 15B, Exhibit C" dated 4/19/16, and prepared by C.G. Johnson Engineering, Inc. and "Soil Testing Site Sketch, Exhibit D" dated 4/19/16, and prepared by C.G. Johnson Engineering, Inc.</p>

<p>MATTER: S.H. John Fiske, for work at 12 Water Street shown on Tax Map 42A, Lot 081 for a REQUEST FOR DETERMINATION OF APPLICABILITY to replace existing fence in jurisdictional areas. <i>New</i></p>
<p>DISCUSSION: Applicant requested continuation to May 18, 2016.</p>
<p>RECOMMENDATION OF AGENT:</p> <p><i>To continue to May 18, 2016 as requested by the applicant.</i></p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner Carney-Feldman to continue to May 18, 2016. The motion was seconded by Commissioner McDavitt and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ None</p>
<p>DOCUMENT LIST:</p> <p><i>Continuation request.</i></p>

<p>MATTER: John J. Bruni for work at 48 County Street shown on Tax Map 42A, Lot 106 for a REQUEST FOR DETERMINATION OF APPLICABILITY for deck repair and removal of 2 trees within jurisdictional areas. <i>New.</i></p>
<p>DISCUSSION: Present was John Bruni. Mr. Bruni was requesting deck repair and removal of 2 trees. He thought one tree could be trimmed but one that was growing into the deck needed to be removed. Vice-Chair ffolliott stated she agreed with the recommendation from the agent. Chairman Hughes recommended tarping vs. netting. Agent Geilen would inspect the area during the process. [Discussion: plantings/pepperbush instead of blueberry/chokeberry or <i>Clethra alnifolia</i>.] Agent Geilen stated that this was from a previous filing in 1995 for a raze and rebuild. She stated that because the deck hangs over the river, it would be critical that no debris falls in the river during demo or construction and recommended the following special conditions: 1) pre-construction and post-construction meetings; 2) a tarp or similar to catch falling debris; 3) mitigation for NDZ tree cutting via planting 3 shade tolerant native shrubs in the side yard south of the house. The Commission agreed with the Agents recommendations.</p>
<p>RECOMMENDATION OF AGENT:</p> <p><i>To issue an NDA 3 & 6 with special conditions as stated above.</i></p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner Carney-Feldman to issue an NDA 3 & 6 with the Special Conditions as stated by the Agent. The motion was seconded by Commissioner McDavitt and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ none</p>

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DOCUMENT LIST:

Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Marked-up Plan entitled "Site Plan" dated 4/1/16, and prepared by Koch Architects, previously issued "Determination of Applicability, Exhibit 1" dated 8/10/95, for 48 County Street, "Building Permit #95371" dated 8/30/95, issued by the Building Department and Legal ad dated 7/28/95 prepared by Ipswich Conservation Commission.

MATTER: Keolis Commuter Services for work shown on **Tax Maps 6, 13, 21, 30B, 30D, 41B, 41D, 53B, 53D, 62B, 62 and 67 Lots N/A, (no lot #'s for rail line)** for a **REQUEST FOR DETERMINATION OF APPLICABILITY** for **confirmation of wetland locations as part of a routine 5 year vegetation management control plan** within jurisdictional areas. *New*

DISCUSSION: There was no one present for this matter. The applicant requested continuation to May 18, 2016. Commissioner O'Neill asked a procedural question about whether this is for routine spraying. Chairman Hughes stated that they must submit their plan under and RDA every 5 years, and that the wetland areas need to be checked as part of that filing. Ms. Hughes noted that there are "limited spray zones" and "no spray zones" based on state regulations. Agent Geilen stated she cannot approve a wetland line at the scale of the plan submitted unless she walks the entire track. She said the Commission can discuss how to review the line when they come to the meeting. Commissioner Carney-Feldman asked about information to read ahead of time. Chairman Hughes stated that the applicant had submitted all they have and that the spray maps are on file for the Commission to look at. Agent Geilen would like to do a site visit. Commissioner Carney-Feldman and Commissioner O'Neill wanted to come too, if possible.

RECOMMENDATION OF AGENT:

To continue to May 18, 2016 as requested by the applicant.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to May 18, 2016. The motion was seconded by Vice-Chair ffollott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

Continuation request.

MATTER: 15 Ward Street, Desmond. After-the-fact RDA to determine Land in Agricultural Use; and enforcement update for cutting vegetation and erection of structures. *Continued from 2/17/16.*

DISCUSSION: There was no one present for this matter. Agent Geilen stated that Mr. Desmond had submitted information on May 4, 2016 and asked to continue to May 18th. More time was needed to review the new material.

RECOMMENDATION OF AGENT:

To continue to May 18, 2016 to review newly submitted material.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to May 18, 2016. The motion was seconded by Vice-Chair ffollott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

Continuation request.

Abbreviated Notices of Resource Area Delineation:

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<p>MATTER: 36-1292: Curtis Jones, for property located at 96 Town Farm Road; Tax Map 21, Lots 055A for an Abbreviated Notice of Resource Area Delineation to confirm the boundary of the wetland resources areas within jurisdictional areas.</p>
<p>DISCUSSION: Present was Mary Rimmer from Rimmer Environmental Consulting, LLC, representing Curtis Jones. Ms. Rimmer presented the matter. She showed a map of the wetland resource areas that she flagged. Minor adjustments were made. Agent Geilen stated that there was thick honeysuckle and other non-native invasive species, so it looked different in the spring than it had in the fall. The revised plan showed Agent Geilen’s flag change requests. Chairman Hughes stated that, as the modified plan before them was correct, they could find that the ORAD was “arcuate as shown on the plans” not “modified”.</p>
<p>RECOMMENDATION OF AGENT: <i>To approve as accurate the ORAD as shown on plan before the Commission.</i></p>
<p>MOTION: ◆ A motion was made by Commissioner Carney-Feldman to approve as accurate the ORAD as revised. The motion was seconded by Commissioner O’Neill and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i></p>
<p>DOCUMENT LIST: <i>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 “Existing Site Condition Plan for 96 Town Farm Road” dated 5/2/16, prepared by Mill River Consulting, Wetland Delineation Report prepared by Rimmer Environmental Consulting, LLC., DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Form dated 10/1/15 and prepared by Rimmer Environmental Consulting, LLC., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.</i></p>

New Notices of Intent, Minor Modifications and Formal Amendments:

<p>MATTER: 36-1215: Trustees of Reservation for work at 301 Argilla Road, Tax Map 34, Lot 2 for a Minor Modification to an Order of Conditions to replace existing boardwalk at concessions stand to make is accessible, and remove existing gazebo as mitigation for expanded footprint of boardwalk.</p>
<p>DISCUSSION: Present was Chuck Johnson of CJ Johnson Engineering and Peter Pinciario from the Trustees of Reservation. Mr. Johnson presented the matter. He showed the concession stand at Cranes Beach that was not currently handicapped accessible. They would like to replace that and make it handicapped accessible. This requires a minor expansion of the footprint, but they are making up for all but a tiny bit (1.75 sf) by removing the existing gazebo. [Discussion: no new structures in ACEC/Chairman Hughes clarified the language said “no new fill”.] Mr. Pinciario stated they are okay with removing the gazebo. After the vote, Mr. Pinciario stated that they need to demolish the “office” because the studs are rotten and not safe. They cannot secure it from the public as it is now. Chairman Hughes stated if the Building Inspector says that it is dangerous, the Agent can approve the demolition.</p>
<p>RECOMMENDATION OF AGENT: <i>To approve the Minor Modification with removal of gazebo and no new conditions -</i></p>
<p>MOTION: ◆ A motion was made by Vice-Chair ffollott to approve the Minor Modification to replace the board walk at the concession stand, and removal of the gazebo and no new conditions. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i></p>

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DOCUMENT LIST:

Request for Minor Modification Letter dated 4/25/16, and prepared by C.G. Johnson Engineering Inc., Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Proposed Site Plan Changes entitled, "Crane Concession Room" dated 4/22/16, and prepared by Allsopp Design Inc.

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

◆ **A motion was made by Commissioner Carney-Feldman to table the matter below. The motion was seconded by Vice-Chair ffolliott and passed unanimously.**

MATTER: 36-1285: S&K Homes, LLC for work at **18 Willowdale Circle** shown on **Tax Map: 26 Lot: 044** for a **NOTICE OF INTENT to construct a single family home** in jurisdictional areas. *Continued from April 6, 2016.*

MATTER: 36-1290: Marylou Fierro for work at **16 North Ridge Road** shown on **Tax Map: 15C Lot: 031** for a **NOTICE OF INTENT to raze and rebuild a single family dwelling with attached garage, driveway, drainage and grading** in jurisdictional areas. *Continued from April 20, 2016.*

DISCUSSION: Present was Larry Graham of H.L. Graham Associates. Mr. Graham gave a review of the matter and discussed the Agent's observations (see below). Mr. Graham discussed the addition of a propane tank, and stated that the steps were rearranged 90 degrees. He stated that they added a planting strip, which cut down on the patio coverage and added stepping stones on the south side of house. That changed the BZ coverage. They added a planting bed, and moved the catch basin out. They measured the holes in the retaining wall. They are all 4" drains, save one (6"). They are all operating. They added 2 planting beds along the retaining wall. The plantings are the same as in the rain gardens. They revised the drain coming out of the rain garden. Mr. Graham thought a better way to overflow would be to bring a drain line under and into the planting beds. [Discussed: drainage/planting beds/planting soil/stones.] Mr. Graham requested a waiver in the NDZ for construction of planting beds. Chairman Hughes stated that there was more than 50% disturbance on the lot so the local SWM bylaw applies. Agent Geilen presented her findings:

(1) SWM is required under the bylaw; (2) the direct discharge to the river was replaced with an infiltration pipe under the mitigation area; (3) some relocated structures are slightly closer to the resource area than previously proposed, and new stone steps in the NDZ/NBZ were added; (4) the rain gardens are "structures" in the NDZ/NBZ that are not mitigated for; (5) increasing the zone of natural vegetation/mitigation area along the entire seawall on both sides of the steps to the beach would allow for 1.5 to 1 mitigation; (6) the mitigation planting areas shown are too sparsely vegetated, and bearberry or similar should be required for ground cover (no bark mulch); (7) the project asks for >1,200 sf of increased impervious in the BZ.

Agent Geilen believed that Chairman Hughes had said previously that the footprint expansion in NDZ needed to be removed. Chairman Hughes confirmed this, and stated the planting beds should be densely planted. Agent Geilen stated that the number of plants was too sparse and recommended bearberry or bayberry in addition to other plantings. Chairman Hughes suggested the plantings be natural and the planting beds be deeper than 4 feet because this was a 25 foot NDZ. Chairman Hughes stated that the stormwater needs to be looked at and the mitigation needs to be increased. For the record, Chairman Hughes read a portion of an email sent in by Commissioner Standley (see motion below).

RECOMMENDATION OF AGENT:

To continue to May 18, 2016 for revised plans to show increased mitigation area, and more dense plantings in those areas.

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MOTION:

- ◆ A motion was made by Vice-Chair ffolliott to accept into public record an email from Commissioner Standley. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
- ◆ A motion was made by Vice-Chair ffolliott to continue to May 18, 2016 for revised plans as discussed. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Send Commissioner Stanley's email to Mr. Graham*

DOCUMENT LIST:

Recording information for OOC 36-68, COC 36-68 and COC 434, Revised plan entitled "Permit Plan" dated 4/27/16, and prepared by Graham Associates, Inc., email submitted from Commissioner Standley dated 5/4/16, to Commission.

- ◆ A motion was made by Vice-Chair ffolliott to un-table the matter below. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

MATTER: 36-1285: S&K Homes, LLC for work at **18 Willowdale Circle** (Lot 8) shown on **Tax Map: 26 Lot: 044** for a **NOTICE OF INTENT** to **construct a single family home** in jurisdictional areas. *Continued from April 6, 2016.*

DISCUSSION: Present was Jill Mann, Esq. of S&K Homes, Gerry McDonald, PE of H.L. Graham Associates and Scott Odette. Ms. Mann presented the matter stating that at the last meeting the stairs from the deck were not on plan, and showed an amended plan which now had the stairs. On-site mitigation and off-site mitigation discussed. Ms. Mann stated she did not want to try for a variance from ZBA. Chairman Hughes and Commissioner Carney-Feldman stated ICC should not allow work in the subzones. ICC recommended steps from deck to lawn be straight and that a smaller deck was needed (proposed deck size is 10' x 12'). Agent Geilen stated a fence was needed along the NDZ. Agent Geilen read comments from the email submitted from Commissioner Standley. Agent Geilen stated that the lot next door did not show a deck. If mitigation for this lot was moved to the adjacent lot, then the adjacent lot would have nowhere for mitigation when they wanted a deck too. Agent Geilen stated that if the Commission grants the waiver they would need it to be pending receipt of mitigation plan at 1.5:1 mitigation to impact. Commissioner Carney-Feldman was not in favor of granting the waiver. Chairman Hughes suggested a cantilevered deck as an option where nothing touches the ground and there are no stairs. Agent Geilen suggested they continue to next meeting and have a conceptual plan for Lot 7 and options "a" - for a cantilever deck, no mitigation and option "b" - a smaller deck with mitigation on Lot 8.

RECOMMENDATION OF AGENT:

To continue to May 18, 2016 for a conceptual plan for Lot 7 and two plan options for Lot 8 that show a smaller deck with mitigation or a cantilever deck requiring no mitigation.

MOTION:

- ◆ A motion was made by Vice-Chair ffolliott to continue to May 18, 2016 for a conceptual plan for Lot 7 and two plan options for Lot 8 that show a smaller deck with mitigation or a cantilever deck requiring no mitigation. The motion was seconded by Commissioner O'Neill and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None*

DOCUMENT LIST:

Letter regarding revised plans dated 4/27/16, and prepared by Graham Associates, Inc. Plan entitled "Plan to Accompany a Notice of Intent of Lot 8, Willowdale Circle" dated 4/27/16, and prepared by Graham Associates, Inc., email submitted from Commissioner Standley dated 5/4/16, to Commission.

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MATTER: 36-1288: William Skelton for work at **20 Turkey Shore Road** shown on **Tax Map: 42A Lot: 49** for a **NOTICE OF INTENT** for **improvements to a single family home and yard** in jurisdictional areas. *Continued from April 20, 2016.*

DISCUSSION: Present was Mike DeRosa of DeRosa Environmental, Inc. and applicant Bill Skelton. Mr. DeRosa presented the matter. He discussed the proposed stepping stone (impervious) and stepables (very low growing plants meant to be walked on) walkway. They added gravel around the stones. Riverfront Restoration plan discussed. Native planting plan discussed. One tree that was broken and will be cut to ground level. They will prune the spruce tree. The former COC was recorded. (Book 34882, Page 190). Chairman Hughes discussed no new impervious materials, now just stepping stones. Chairman Hughes stated that given the improvements to the existing site they would need a perpetual condition that impervious areas need to remain impervious. All areas designed to be pervious must stay that way. Commissioner McDavitt asked about the existing gravel path. Mr. DeRosa stated it would just stay that way. Waivers were requested for NBZ/NDZ.

RECOMMENDATION OF AGENT:

To close the public hearing and approve the OOC with Special Conditions as discussed with an additional condition that all areas designed to be pervious must stay that way.

MOTION:

◆ **A motion was made by Vice-Chair ffollott to approve the waivers for NDZ/NBZ as requested with mitigation. The motion was seconded by Commissioner McDavitt and passed unanimously.**

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

◆ **A motion was made by Commissioner O’Neill to issue a Positive OOC with Special Conditions as discussed and amended. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Special Condition that all areas designed to be pervious must stay that way.*

DOCUMENT LIST:

Plan entitled “Site Plan” dated 4/26/16, and prepared by Donohoe Survey Inc., Plan entitled “Fig 2b Project Elements Plan” dated 4/26/16, and prepared by DeRosa Environmental Consulting Inc. (Donohoe Survey Inc. original plan, Pathway Options dated 4/26/16, and prepared by DeRosa Environmental Consulting Inc., email submitted from Commissioner Standley dated 5/4/16, to Commission.

MATTER: 36-1282: Field of Diamonds, LLC for work at **vacant land north of 78 Turnpike Road** shown on **Tax Map: 27C Lot: 20 (based on current tax map-property has been sub-divided) ANR Lot C** for a **NOTICE OF INTENT** for a **proposed O’Reilly Auto Parts retail store, associated site work, drainage facilities and utility infrastructure** in jurisdictional areas. *Continued from April 20, 2016.*

DISCUSSION: Present was Michael Dryden, who presented the matter and reviewed the plan changes discussed at the last meeting. He stated that the wetland flags were gone, but they had been refreshed. Mr. Dryden showed where he added the NDZ markers on the plan. Snow storage had also been added to the plan. He added language to the swale area to accommodate snow storage. They will replace the drainage pipe that crosses the site. [Discussed: Erosion control plan around pipe and around former platform/parking area to be removed/expansion of the basin because of this removal.] Mr. Dryden asked for a waiver in the NDZ/NBZ for pipe replacement and concrete removal. Chairman Hughes suggested they use replacement in-kind, so that no mitigation would be needed. As requested by the Commission, Agent Geilen will add a special condition about no use of chemically-dyed mulch in jurisdiction. Chairman Hughes stated to reference SWM in the Special Conditions and O&M plan.

RECOMMENDATION OF AGENT:

To close the public hearing and approve the OOC with Special Conditions as revised.

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- ◆ A motion was made by Commissioner Carney-Feldman to approve the waivers as requested. The motion was seconded by Commissioner McDavitt and passed unanimously.
- ◆ A motion was made by Commissioner McDavitt to close the public hearing. The motion was seconded by Vice-Chair ffolliott and passed unanimously.
- ◆ A motion was made by Commissioner Carney-Feldman to issue a Positive OOC as drafted and amended. The motion was seconded by Commissioner McDavitt and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ None

DOCUMENT LIST:

Letter regarding revised materials dated 4/27/16, and prepared by Bohler Engineering, Plan entitled "Stormwater Operations and Maintenance Plan" dated 4/27/16, and prepared for Field of Diamonds, LLC, Plan entitled "Site Development Plans" dated 4/27/16, and prepared by Bohler Engineering and Letter regarding Site Plan Review/Special Permit Final Peer Review dated 4/26/16, and prepared by Cammett Engineering.

Enforcement Matters:

MATTER: 198 Argilla Road: Possible Enforcement Matter: fire damage to Buffer Zone and wetlands.

DISCUSSION: The Commission's decision on this matter was to take no action. Chairman Hughes suggested that they do not clean up the debris. Agent Geilen stated that the fire department had cut down trees after the fire. She stated that if the trees are outside of the BZ, the owner can do what they want, but inside the BZ they should just leave them there. Commissioner Carney-Feldman stated this could be an educational moment because dead and dying trees are important to nature. Agent Geilen reiterated that standing dead trees have very important life habitat. A lot of critters nest there and downed dead trees are habitat for ground crawling critters.

RECOMMENDATION OF AGENT:

None

MOTION:

◆ N/A

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ None

DOCUMENT LIST:

None

MATTER: 36-1174: 27 Northgate Road – Borgman. Enforcement Update.

DISCUSSION: There was no one present for this matter. Agent Geilen stated that this was an EO for significant tree removal in and near wetlands and building a barn outside the BZ. There was an ATF NOI from 2012. Agent Geilen read from her notes which stated:

As >10,000ft was disturbed, the local SWM bylaw applied. They were to: install a split rail fence at the 50' NDZ and monument with 2 granite posts and signs at regular intervals; plant 100 native trees and shrubs in BVW; plant 175 native trees and shrubs in the NDZ; be allowed to plant no-till agricultural crops (e.g. high and low bush blueberry, and kiwi) in the outer 50' of the BZ); and infiltrate stormwater roof runoff from the barn into the ground where they had broken up ledge, to comply with the SWM bylaw. The Stormwater O&M plan says no mowing of the 50' NDZ, but periodic mowing (1-2 times/year) in the outer BZ. The OOC was approved (pending receipt of revised plans to show the Farm Gate and the SWM infiltration area), but never drafted or issued. I came across it in 2015 and, seeing revised plans in the file, I thought the required plans had been submitted. At my recommendation, the

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OOC was signed and issued in April 2015, and expires in 2018. I now realize the plans were supposed to be revised again (per above) but were not. I believe there is some confusion on the owners' part over what is required. They very much want to be in compliance and to date they have recorded the OOC, and started the work, installing the fence last year. But no pre-construction meeting was requested or held, and I fear the split rail fence was installed at the 25' mark (as originally requested) not at the 50' mark (as approved), and they are mowing the NDZ area (1-2x/year). Mrs. Borgman said it was her understanding that mowing to maintain access was allowed. The restoration planting has not been done, but they plan on doing it in the next 1-2 years

Commissioner Carney-Feldman stated they spent a lot of time on the property. Commissioner O'Neill stated that the applicant was very cooperative. Agent Geilen stated owner may be confused as to what can be mowed. Commissioner O'Neill added if confusion on mowing was the problem, that can be corrected, but he would like to see again the area of the fence. Chairman Hughes suggested getting it re-flagged. She stated that there was no need for the EO because they are cooperating.

RECOMMENDATION OF AGENT:

To have the applicant hire Mary Rimmer to reestablish the wetland line (required by the OOC) and determine if the fence is in the correct location. Ask them for a construction sequence (timeline) for completion of all outstanding items in the OOC, including relocation of the fence if required.

MOTION:

◆ N/A

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ None

DOCUMENT LIST:

None

Other Business:

MATTER: 36-1291: Christopher Sklarz for work at **6 River Court** shown on **Tax Map: 42C Lot: 007** for a **NOTICE OF INTENT to remove existing deck and construct two new decks** in jurisdictional areas. *Public hearing closed on 4/20/16.*

DISCUSSION: There was no one present for this matter. Agent Geilen stated that the waivers needed to be approved.

RECOMMENDATION OF AGENT:

To approve the project and issue a positive OOC with Special Conditions.

MOTION:

◆ **A motion was made by Vice-Chair ffolliott to approve the NDZ/NBZ waivers as requested. The motion was seconded by Commissioner McDavitt and passed unanimously.**

◆ **A motion was made by Commissioner Carney-Feldman to issue a Positive OOC with Special Conditions. The motion was seconded by Commissioner McDavitt and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ None

DOCUMENT LIST:

Letter regarding revised plans dated 4/21/16, and prepared by Williams and Sparages, LLC, Plan entitled "Plan to Accompany a Notice of Intent, #6 River Court, Ipswich, MA 01938" dated 4/21/16, and prepared by Williams and Sparages, LLC.

MATTER: 36-1287: Miles River Sand and Gravel for work at **56 Paradise Road** shown on **Tax Map: 21 Lot: 28** for a **NOTICE OF INTENT to restore wetlands and remove non-native invasive plants** in jurisdictional

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areas. <i>Public hearing closed on 4/20/16.</i>
DISCUSSION: There was no one present for this matter.
RECOMMENDATION OF AGENT: <i>To approve the project and issue a positive OOC with Special Conditions.</i>
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to approve the NDZ waiver as requested. The motion was seconded by Commissioner McDavitt and passed unanimously. ◆ A motion was made by Commissioner Carney-Feldman to issue a Positive OOC with Special Conditions. The motion was seconded by Vice-Chair ffolliott and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None</i>
DOCUMENT LIST: <i>No new documents submitted</i>

MATTER: Draft Policy For Substantial Non-Compliance With Regulations Or Approved Plans
DISCUSSION: Chairman Hughes stated that there was no need for this policy. She stated that noncompliance was noncompliance. She suggested having the Agent get a light table and look at plans one on top of the other.
RECOMMENDATION OF AGENT:
MOTION: <ul style="list-style-type: none"> ◆ N/A
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None</i>
DOCUMENT LIST: <i>None</i>

MATTER: Draft Policy for New Filings.
DISCUSSION: Chairman Hughes suggested amending to separate out active, ongoing OOCs as acceptable. She stated that there needs to be something stated that some COC's have been issued but work is not done. Open OOC's could have work done, but ongoing, so she recommended adding this exception.
RECOMMENDATION OF AGENT:
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to approve the policy for new filings as drafted and amended. The motion was seconded by Commissioner McDavitt and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None</i>
DOCUMENT LIST: <i>None</i>

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Tabled Matters and Discussion Items:

Interim Reports of Special Project Subcommittees

Approval of Minutes: 3/20/16 and 4/6/16

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

Document Signage: (No Vote Required)

Adjournment:

◆ A motion was made by Commissioner Carney-Feldman to adjourn at 9:34 p.m. The motion was seconded by Commissioner McDavitt and passed unanimously.

Respectfully submitted,



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.