

Approved: June 15, 2016
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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
May 18, 2016

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, May 18, 2016 at 7:10 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, William McDavitt and Michele Hunton. Also present was Agent Alicia Geilen and Recording Secretary Cathy Miaskiewicz. David Standley was absent with prior notice.

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

LIAU – Land in Agricultural Use

LSCSF – Land Subject to Coastal Storm Flowage

LSP – Licensed Site Professional

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 – Stormwater Management

TEC – Temporary Erosion Controls

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

Citizen's Queries:

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MATTER: Jennarose Mallett for query regarding use of Strawberry Hill Conservation Area.
DISCUSSION: Jennarose Mallett came before the Commission to ask if she and her fiancé could use Strawberry Hill for their wedding ceremony on September 4 th . The ceremony would only last about 45 minutes. Chairman Hughes stated that they could not have any vehicles and also suggested checking the tides at the time of use because the area getting there can flood. Ms. Mallett agreed that they would not use any vehicles. Commissioner McDavitt asked about head count. Ms. Mallett stated there would be under 130 people, and that they would sit on hay bales. Chairman Hughes stated that the parking would be an issue. Ms. Mallett stated they would shuttle people. Chairman Hughes recommended submitting her request by letter to the Commission and to include how many hay bales they would carry in and out and how they would use the property in the letter Agent Geilen recommended submitting the information a week before an ICC meeting and said to include a sketch of where they would be on the property.
RECOMMENDATION OF AGENT: <i>None</i>
MOTION: ♦ N/A
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>None</i>

Ongoing Matters Being Continued to FUTURE Sessions:

MATTER: Keolis Commuter Services, MBTA Commuter Rail. RDA. <i>Continued to 6/1/16.</i>
DISCUSSION:
RECOMMENDATION OF AGENT: <i>None</i>
MOTION: ♦ A motion was made by Vice-Chair ffollott to continue to June 1, 2016. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>Continuation request</i>

MATTER: 36-809: 15/17 Old Right Rd, Odoardi. COC. <i>Continued to 6/1/16</i>
DISCUSSION:
RECOMMENDATION OF AGENT: <i>None</i>
MOTION: ♦ A motion was made by Vice-Chair ffollott to continue to June 1, 2016. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

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ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>Continuation request</i>
MATTER: 36-1266: 4 Nuthatch Road, Wallis. COC. Continued to 6/1/16.
DISCUSSION:
RECOMMENDATION OF AGENT: <i>None</i>
MOTION: ♦ A motion was made by Vice-Chair ffolliott to continue to June 1, 2016. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>Continuation request</i>
MATTER: 36-1273: EBSCO for work at 6 Estes Street. NOI. Request to continue to 6/15/16.
DISCUSSION:
RECOMMENDATION OF AGENT: <i>None</i>
MOTION: ♦ A motion was made by Vice-Chair ffolliott to continue to June 15, 2016. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>Continuation request</i>

Courtesy Position for Town Projects:

This matter was tabled until the appearance of applicant. This matter was taken out of order:

MATTER: Town of Ipswich Department of Public Works , for work at 128 & 140 Little Neck Road (Pavilion Beach and Playground) shown on Tax Map 24A, Lots 9 & 12 for a REQUEST FOR DETERMINATION OF APPLICABILITY for add four 12' telephone poles sunk 4' underground, add four new signs and replace existing signs, add a 4'x4' concrete pad at Pavilion Playground for a seasonal port-a-potty, and replace Rules and Regulations sign with covered kiosk information sign in jurisdictional areas.
DISCUSSION: Present was Frank Ventimiglia, Operations Manager for the Department of Public Works (DPW). Mr. Ventimiglia stated that they had come up with a plan to add telephone poles and signs to improve parking area of Pavilion Beach. He discussed the plan showing the proposed telephone poles, removal and replacement of existing signs and proposed portable toilet. Agent Geilen reminded him that there was an open OOC for the playground and recommended they get it extended before it expires.

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RECOMMENDATION OF AGENT: <i>To issue a NDA 2 and 6 with no special conditions.</i>
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to issue a NDA 2 and 6 with no special conditions as recommended by the Agent. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled "Pavillion Beach & Playground Improvements", dated 5/5/16, and prepared by the DPW.</i>

Requests for Certificates of Compliance:

MATTER: 36-639: 10 Riverside Drive, Malcolm, Continued from October 21, 2015.
DISCUSSION: There was no one present for this matter. Agent Geilen stated that this was continued from October 21, 2015. It was continued from the fall to ensure that all plants survived. Agent Geilen stated that per her inspection, everything looked great.
RECOMMENDATION OF AGENT: <i>To issue a full and final COC.</i>
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner McDavitt to issue a full and final COC. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>No new documentation submitted.</i>

MATTER: 36-569: 6 Emery Lane (Lot 2A and 3A), McCarthy. Continued from May 4, 2016.
DISCUSSION: Present was Mike DeRosa of DeRosa Environmental Consulting, Inc., representing the McCarthy's. Mr. DeRosa stated they are preparing an after-the-fact NOI. Agent Geilen discussed the enforcement situation, which included mowing wetlands, constructing a retaining wall partially in wetlands, constructing an unauthorized set of front steps and side patio in the NDZ, landscaping in the NDZ, and mowing a required mitigation area (supposed to be natural). Mr. DeRosa noted that the homeowners had misunderstood where the wetland area and mitigation areas were, and they had been mowing it for several years. Agent Geilen noted that there will need to be restoration plan, which may include plants for screening from the adjacent new development. Mr. DeRosa stated that this will be detailed in the restoration plan. Chairman Hughes suggested an EO now for restoration work and stated they could file the ATF and NOI at same time. Mr. DeRosa stated that he would have the restoration plan by the July 20, 2016 meeting (filing by July 6 th). Chairman Hughes recommended that the EO be specific to certain areas.
RECOMMENDATION OF AGENT: <i>None</i>

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<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to issue the EO as discussed. The motion was seconded by Commissioner McDavitt and passed unanimously. ◆ A motion was made by Commissioner Carney-Feldman to continue to July 20, 2016. The motion was seconded by Commissioner McDavitt and passed unanimously.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <ul style="list-style-type: none"> ❖ None
<p>DOCUMENT LIST:</p> <p><i>No new documentation submitted.</i></p>

Requests for Determination of Applicability:

This matter was tabled until the appearance of applicant. This matter was taken out of order:

<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>Continued from 5/4/16.</i></p>
<p>DISCUSSION: Present was John Fiske, who discussed his need to replace in kind the split rail fence on his property. Agent Geilen noted that it was in the NBZ, so he couldn't use the Small Project Permit (SPP) application, and that he needs to request a waiver for work in the NBZ. Chairman Hughes said that the Commission often requires a fence along the NDZ, which does not require a waiver or mitigation. She noted that she believes replacement in kind of a fence is allowable under the SPP application.</p>
<p>RECOMMENDATION OF AGENT:</p> <p><i>To issue a NDA 5 and 6.</i></p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to issue a NDA 5 and 6 as recommended by the agent. The motion was seconded by Commissioner O'Neill and passed unanimously.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <ul style="list-style-type: none"> ❖ None
<p>DOCUMENT LIST:</p> <p><i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled "Sketch Plan for 12 Water St – fence replacement" not dated.</i></p>

<p>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. <i>Continued from 5/4/16.</i></p>
<p>DISCUSSION: Present was Frank Di Luna, Esq. and applicant, Cole Desmond. Mr. Di Luna stated that Mr. Desmond submitted affidavit forms from people who stated the land should be considered Land In Agricultural Use (LIAU), under the Wetlands Protection Act regulations. Mr. Di Luna reminded the Commission that this RDA was submitted only under the WPA, and not the local wetlands bylaw. Chairman Hughes pointed out that land and agricultural use had to be used within 5 consecutive years loses that status, and noted that the "exemption" applies to the activity, not the land itself. Commissioner O'Neill stated that he lived near this property during 1989-2008 and observed the property on a weekly basis year round. In that time period he never saw cattle or sheep on the land. He stated that the sheep in the affidavits were pets, not livestock, as part of an agricultural business. Chairman Hughes stated that the Commission also had aerial photos showing no structures for farm animals and no pastures during the time period in question. Chairman Hughes stated that she has been on the Commission since 2000 and has watched the wetland area in question since that date, as seen from the YMCA, and has never in 16 years seen a cow. However, in the past 2 years she has seen the addition of structures and clearing and machinery. In her recollection there was no production. Mr. Di Luna stated that land does not have to have structure to have activity. He stated that the applicant was not claiming there was pasture, only that animals were maintained on that</p>

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portion of the property. Chairman Hughes stated that the LIAU includes activity and the land on which it occurs. Mr. Di Luna argued that the land was not exempt, but the activity on the wetland that was exempt. Chairman Hughes disagreed. [Discussion: land vs. activity exemption.] Chairman Hughes stated that clearing of land for more production requires an NOI and is different from just continuing activity already there. She still disagreed with the use of the area in discussion because in the past the aerial photos showed fully vegetative land. Commissioner O'Neill added that the affidavits were conflicting and the immediate abutters, the Grahams (direct abutters) had submitted no affidavit. Chairman Hughes asked if there were any comments from the audience. Mr. Jim Berry stated he had been looking at birds for the last 20-30 years in this area and all that time he never saw any sign of activity, any farm animals or structures until last year. He saw chicken coops last year and asked the Commission about the activity. Mr. Bill Cassidy, stated that he knows the owners of the farm and stated they had their horses there. He stated sheep and cows had been out there but that was back when the original owners were there. Agent Geilen stated that the information given from Mr. Desmond was unclear between the years 1994 and 2002. After 2002, Mr. Desmond stated they started using it for agricultural use. Mr. Desmond clarified that the beginning of the time-line was supposed to be 2001, not 2002. Commissioner Hunton asked when the property was purchased. Mr. Desmond thought it was in February of 2001. Chairman Hughes stated that to be afforded the exemptions of LIAU, the owner needs to be making an income. Laura Russell, Chair of the Agricultural Commission spoke saying she could not understand why the Commission would try to stop someone who is just trying to keep food and agricultural activities on-going. She stated that Mr. Desmond was a young person in the community who the Agricultural Commission supports. Chairman Hughes stated that they were not against the activity, only when it affects the wetland resources area. Mr. Ed White, member of the Agricultural Commission stated that the Agricultural Commission wants to help people like Cole Desmond, and stated that he did not understand why the Commission would not talk to them. He thought the Commission did not understand agriculture. He did not understand why the Commission was not supporting young people in agriculture. Commissioner O'Neill stated that they would support agricultural use, depending on where it is in relation to wetlands. He stated there were a lot of factors and that Mr. White was out of line for reprimanding them. Agent Geilen stated that she had been asked to speak to the Agricultural Commission at one of their meetings, and she had agreed, but no one had ever proposed a specific date. She also noted that, when asked, she had given the Agricultural Commission a copy of a PowerPoint presentation she had made to assist Cole and the Commission in review of this matter. Chairman Hughes stated that the Agricultural Commission meets on the same night as the Conservation Commission, so the neither the Agent nor the Commission members could attend a regularly scheduled meeting of the Agricultural Commission. She noted that the Commission supports agricultural and they were not trying to stop the activity, they were just trying to be sure that it is properly permitted. If Mr. Desmond want to farm this area, he needs to submit a Notice of Intent.

RECOMMENDATION OF AGENT:

None

MOTION:

♦ **A motion was made by Vice-Chair ffolliott to issue a Positive Determination 1 and 5 under the Wetlands Act only (not under the Bylaw). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

15 Ward Street-Desmond "Request for Determination of Applicability to Determine Land in Current Agricultural Use" dated 2/16/16 and prepared by Agent Geilen, Agent's Notes for 5/18/16 Conservation Meeting (excerpt from Agent's Report), dated 5/18/16 and prepared by Agent Geilen, Chicken Little Farm Field Aerial Photo, dated 8/24/13, via Google Earth, Town of Ipswich, Conservation Commission, 15 Ward Street, Tax Map 42C, Lot 85A, not dated and prepared by the Applicant, Town of Wayland v. AG of Mass dated 3/6/14 (Decided)/ 3/10/14 (Filed) prepared by Michele Hunton.

New Notices of Intent, Minor Modifications and Formal Amendments:

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MATTER: 36-1293: 79 Labor-in-Vain Road Real Estate Trust for work at **79 Labor-in-Vain Road** shown on **Tax Map: 43A Lot: 005** for a **NOTICE OF INTENT for removal of garage in resource area, raze and rebuild dwelling, replace existing septic and new well** in jurisdictional areas.

DISCUSSION: Present was Larry Graham of Graham Associates, Inc., Mike DeRosa of DeRosa Environmental Consulting, Inc. and Attorney Richard (Chip) Nysten. Mr. Graham presented the matter. He discussed sheet 1 which showed existing conditions. [Discussion: resource areas and delineation lines, location of Coastal Bank, subject to Rivers Protection Act, flood zone elevation 13', ACEC line 9.2'.] Agent Geilen asked about coastal bank determination. Mr. DeRosa said it was complex and what affected it was the flood elevation and slope. [Discussion: wetland line changes from pervious filing.] Mr. Graham discussed sheet 2 showing proposed changes with the existing detached garage removed and the area restored. Commissioner Carney-Feldman asked about flood history from the Mother's Day flood. Mr. Graham did not have the flood history information at this meeting. Chairman Hughes confirmed that the entrance area was not living space, just stairs to a landing. Mr. Graham confirmed that the additional stairs inside were to raise the house above the flood plain. He stated that flood resistant construction was required in the flood zone. Mr. Graham stated that there would be a patio in the back and planters covering the exposed foundation. All utilities will be above the 13' flood zone. [Discussion: Resource area buffer zone coverage comparison table showing the differences between existing and proposed footage.] Commissioner McDavitt asked about the proposed landscaped island between the NDZ and NBZ. Mr. Graham stated it was all gravel with retaining walls and edging. Mr. Graham discussed sheet 3 showing the proposed stormwater management system including a 1500 gallon tank with sump pump. They also plan to use the existing irrigation well which is proposed to tie into the tank. [Discussion: Flowage, pumping options, leach field and septic.] Agent Geilen asked if the BOH approved the plan. Mr. Graham stated they approved the previous plan but they need to go back to them for the proposed plan. [Discussion: Shallow dug wells, proposed stormwater drain field, underground electric, service pole needs to move per Ipswich Utilities.] Vice-Chair ffolliott asked about the soils. Mr. Graham stated that the testing showed good soils. Chairman Hughes mentioned erosion control and asked about additional controls closer to the house site, using filtration sock or silt fence (current TEC is below the mitigation area. Chairman Hughes asked about the water and fluids form the geothermal well development. She asked for a dewatering plan, which included the geothermal well installation, for the next meeting. Agent Geilen stated that she would add a Special Condition for that, as well as for no storage in the flood zone. Mr. DeRosa discussed the Invasive Species Removal Plan and Planting Plan. Agent Geilen asked about grading in the area of the existing garage. Mr. DeRosa stated they would keep the existing grading. He stated where they pull an invasive plant, they will plant a native plant. Chairman Hughes wanted to see more a mix of high and low vegetation, and to add more shrubs. An Alternative analysis was submitted by Atty. Nysten, who spoke on the matter. He noted that the riverfront area and original construction date back to the 1800's. [Discussion: RPA Performance Standards.] Atty. Nysten stated that they are improving the area in several ways, and they were in compliance with stormwater standards as well. Chairman Hughes asked if there was anyone from the audience who would like to comment. Steven Tucker from 100 Labor in Vain Road asked a question about the road. He wanted to know if there would be any improvements to the road as part of the project. Mr. Graham stated that was not part of the filing, however once the construction was complete, if the condition of the road needs attention they will propose to the applicant to consider repair at that point. Chairman Hughes stated the Commission could not compel a roadway improvements. Agent Geilen suggested asking the DPW if it was a public or private road.

RECOMMENDATION OF AGENT:

To continue to June 15, 2016.

MOTION:

- ◆ **A motion was made by Commissioner Carney-Feldman to continue to June 1, 2016. The motion was seconded by Commissioner Hunton and passed unanimously.**

- ◆ **A motion was made by Vice-Chair ffolliott to amend the first motion and continue to June 15, 2016. The motion was seconded by Commissioner O'Neill and passed unanimously.**

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ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ Add second line of erosion control near house.
- ❖ Special condition for no storage in floodplain.
- ❖ Mr. DeRosa to submit dewatering plan. Include as special condition.

DOCUMENT LIST:

Packet dated 5/4/16, and prepared by Graham Associates Inc., 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, Power of Attorney email dated 1/15/16, and prepared by Richard Nysten, Plan entitled "Permit Plan" dated 5/4/16, and prepared by Graham Associates Inc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service, Alternatives Analysis dated 5/4/16, and prepared by Lynch, DeSimone and Nysten LLP, Supplemental Information – Invasive Species Removal and Native Species Plantings, dated 5/4/16, and prepared by DeRosa Environmental Consulting Inc., and Graham Associates, Inc.

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1284: 79 Labor-in-Vain Road Real Estate Trust for work at **79 Labor-in-Vain Road** shown on **Tax Map: 43A Lot: 005** for a **NOTICE OF INTENT** for **septic system repair and replacement dug well** in jurisdictional areas. *Applicant requests withdrawal of NOI without prejudice.*

DISCUSSION: The matter has been requested for withdrawal by the applicant.

RECOMMENDATION OF AGENT:

To accept the withdrawal.

MOTION:

- ◆ **A motion was made by Vice-Chair ffolliott to accept the withdrawal as requested by the applicant. The motion was seconded by Commissioner O'Neill and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None*

DOCUMENT LIST:

Withdrawal Request dated 5/4/16, and prepared by Graham Associates, Inc.

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. *Continued from May 4, 2016.*

DISCUSSION: Present was Larry Graham of Graham Associates, Inc., and Mike DeRosa of DeRosa Environmental Consulting, Inc. Mr. Graham presented the matter. A Stormwater Report was prepared and submitted. Mr. Graham stated that they improved the plan by having an erosion barrier/silt sock near the driveway to be left in place when the work was not going on. He also recommended installation of dry well to improve the project with a catch basin on top of it to improve infiltration. The project now meets DEP's stormwater management standards. Waivers were requested for work in NBZ and NDZ.

RECOMMENDATION OF AGENT:

To close the public hearing and issue a positive OOC with Special Conditions.

MOTION:

- ◆ **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 issue a positive OOC with Special Conditions as drafted. The motion was seconded by Commissioner O'Neill and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None*

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DOCUMENT LIST:

Letter prepared by Graham Associates, Inc. Re: Drainage dated 5/11/16, Checklist for Stormwater Report, Plan entitled "Site Plan Showing Proposed in Ipswich, MA, Property of Martha Sandberg" dated 4/12/16, and prepared by Donohoe Survey Inc., Plan entitled "Mini Dry Well 160 Gallons" dated 1/2/11 and prepared by NPCA.

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.

DISCUSSION: Present was Jill Mann, Esq. of S&K Homes, Gerry McDonald, PE of H. L. Graham Associates and Scott Odette, applicant. The applicant decided to not build in the NDZ area. They propose a cantilevered deck and stairs. The last stair won't touch the ground. Agent Geilen stated she had included a special condition for a fence along the NDZ line, as well as monuments and NDZ signs. Ms. Mann questioned the reason for this. Chairman Hughes explained that fences fall down, and could go into disrepair, so monuments are needed. [Discussion: fence requirement/no lawn area/people cut trees.] Mr. Odette stated that the property was owned by a condominium association. Agent Geilen stated this was the first time they were hearing this was a condominium. She noted that it was listed on the NOI as a single family house. The fees are different for condos. [Discussion: Condo Regulations/Master deed.] The Commission agreed to reference the Master Plan, and not require a fence, but will require 3 monuments, all to be granite. ICC will require signature pages of each property to ensure each single home understands the conditions.

RECOMMENDATION OF AGENT:

To close the public hearing and issue a positive OOC with Special Conditions with the addition of a Special Condition for a permanent fence along the NDZ with NDZ signs.

MOTION:

◆ **A motion was made by Vice-Chair Ffolliott 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 as drafted and discussed. The motion was seconded by Commissioner Hunton and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *No fence, 3 granite NDZ monuments, reference Master Deed*

DOCUMENT LIST:

Revised Plan entitled "Plan to Accompany a Notice of Intent Filing of Lot 8, Willowdale Circle" dated 5/10/16 and prepared by Graham Associates, Inc., Letter Re: Notice of Intent dated 5/10/16, and prepared by Graham Associates, Inc.

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.

DISCUSSION: Present was Larry Graham of Graham Associates, Inc., and Mike DeRosa of DeRosa Environmental Consulting, Inc. Mr. Graham gave a review of the matter. Mr. Graham discussed the stormwater management bylaws were being met. He made a request for waivers for work in the NDZ and NBZ. Mr. Graham discussed the sediment control basin as an addition to the plan during construction. Commissioner McDavitt asked if the proposed sediment basin was where the rain garden was proposed. Mr. Graham explained that it was and that it will be temporary. It will go in during phase 2 and come out in phase 7. Commissioner McDavitt was concerned with the timing of the plantings. Mr. Graham stated if the timing became planting in winter, they will wait until spring. Mr. DeRosa agreed that early spring was preferred. Mr. Graham discussed plan modifications. Chairman Hughes asked for no new impervious surfaces in the subzones. Mr. Graham stated they could pull the patio back so it does not extend past previous deck. Agent Geilen asked them to include NDZ markers on the plan. Mr. Graham asked if they could use a bolder that looked more natural. Commissioner Carney-Feldman stated to make sure the bolder is marked. Chairman Hughes suggested 2 boulders at property lines. Mr. DeRosa discussed the planting plan. [Discussion: Sod will be removed, plant types discussed -try American cranberry.] Chairman Hughes reiterated that the plantings were not to be weeded and mulched, that it was a non-maintained area in the NDZ.

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<p>RECOMMENDATION OF AGENT: <i>To close the public hearing and issue a positive OOC with Special Conditions.</i></p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to approve the waivers in the NDZ and NBZ with appropriate mitigation as discussed. The motion was seconded by Commissioner McDavitt and passed unanimously. ◆ A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Commissioner McDavitt and passed unanimously. ◆ A motion was made by Vice-Chair ffolliott to issue a Positive OOC as amended and drafted with monumentation added. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <ul style="list-style-type: none"> ❖ <i>Pull patio back</i> ❖ <i>Include NDZ markers</i>
<p>DOCUMENT LIST: <i>Letter Re: Revised NOI Plans and Documentation dated 5/11/16, and prepared by Graham Associates, Inc., Stormwater Management Report dated 5/11/16, and prepared by Graham Associates, Inc., Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan dated 5/11/16, and prepared by Graham Associates, Inc., Temporary Sediment Control Basin Plan dated 5/11/16, and prepared by Graham Associates, Inc., Operation and Maintenance Stormwater Management Plan dated 5/11/16, and prepared by Graham Associates, Inc., Fig 2 Restoration Planting Plan dated 5/7/16, and prepared by DeRosa Environmental Consulting Inc., Revised Plan entitled "Permit Plan" dated 5/11/16, and prepared by Graham Associates, Inc.</i></p>
<p>MATTER: 36-1277: J & K Realty Trust for work at 195, 197 & 199 High Street shown on Tax Map: 21 Lots: 7A, None & 93 for a NOTICE OF INTENT to construct an apartment building addition in jurisdictional areas. <i>Continued from April 20, 2016.</i></p>
<p>DISCUSSION: Present was Bill Manuell from Wetlands & Land Management, Inc. and James MacDowell of Morin Engineering. Mr. Manuell presented the matter and discussed the plan revisions. He stated that the NOI reflected changes in the wetland alterations. They submitted a planting and monitoring schedule. They plan to take out the phragmites and have a planting plan to restore with shrubs and seed mix. Mr. Manuell stated that they also plan to excavate the knotweed, bag it, and bury it deep, under the proposed structure. The Commission was concerned with the invasive plants still coming back. The Commission recommended contacting the neighbors to take out the small percentage of knotweed on their property as well. Mr. McDowell discussed the stormwater plan. They re-designed the system. They are still outside of the 65' NDZ, and the revised plans were reviewed by Cammett. The O&M plan was updated with a pump chamber and generator changes. Agent Geilen stated that mitigation areas should be natural and not landscaped. Chairman Hughes suggested they increase the density of the plantings in the OOC. She said to beef up the planting plan and add NDZ monumentation.</p>
<p>RECOMMENDATION OF AGENT: <i>To continue to June 1, 2016 for revised plans showing additional TEC and the location of the permanent NDZ and revised Enhancement Plan.</i></p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to continue to June 1, 2016. The motion was seconded by Vice-Chair ffolliott and passed unanimously.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <ul style="list-style-type: none"> ❖ <i>None</i>
<p>DOCUMENT LIST: <i>Stormwater Management Report dated 5/2/16, and prepared by Clayton A. Morin, P.E., Email Re: Second Peer Review dated 5/2/16, and prepared by Ethan Parsons; Senior Planner, Town of Ipswich, Letter Re: Second Peer Review dated 4/28/16, prepared by Cammett Engineering, Inc., Plan entitled, "Site Development Permit Plan Proposed Building Addition, 199 High Street, Ipswich, Massachusetts Index Plan" dated 5/2/16, and prepared by Clayton A. Morin, P.E., and Letter Re: Revised</i></p>

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Notice of Intent and Waiver Request dated 3/24/16, and prepared by Wetlands Land Management Inc.

Other Business:

MATTER: Update of impending NOI: 36-81: Site Management Plan: Miles River Sand and Gravel; 64 Paradise Road.
DISCUSSION: There was no one present for this matter. Agent Geilen stated that this was an update and that Mike DeRosa of DeRosa Environmental will be submitting a plan.
RECOMMENDATION OF AGENT: <i>To continue to July 6, 2016.</i>
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner O’Neill to continue to July 6, 2016. The motion was seconded by Commissioner Hunton and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None
DOCUMENT LIST: <i>None</i>

This matter was taken out of order:

MATTER: 36-1253: 27 Water Street, Riverine, LLC. Review of Peer review report for MGL Ch. 21E investigation.
DISCUSSION: There was no one present for this matter. Agent Geilen gave an update. The peer reviewer found the 21E sampling plan was substandard. The peer reviewer Licensed Site Professional (LSP), Andy Irwin, suggested some significant changes. Agent Geilen recommended accepting the Peer reviewer’s report. ICC agreed with the Agent’s recommendation.
RECOMMENDATION OF AGENT: <i>That the Commission support the peer reviewer’s findings and require the applicant’s LSP to revise the work plan accordingly.</i>
MOTION: <ul style="list-style-type: none"> ◆ N/A
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None
DOCUMENT LIST: <i>Letter Re: DEP File #36-1253 Review of Draft QAPP, 27 Water Street, Ipswich, MA dated 5/5/16, and prepared by IRWIN Engineers.</i>

Enforcement Matters:

MATTER: 1232: 22 North Ridge Road, Mootafian. Enforcement Update <i>Continued from 10/7/15.</i>
DISCUSSION: Present was Larry Graham of Graham Associates, Inc., and Denise Mootafian. Agent Geilen stated they were here for an update and that pictures were sent in. Mr. Graham gave an update stating that stairs had been constructed. He said that the plants did not come back the way they hoped they would. It was recommended that the applicant put seed down, which she did. They plan to come back with further updates. Agent Geilen was concerned about storage of kayaks under the steps. Chairman Hughes agreed they need to be cautious and not drag the kayaks across Coastal Bank. Agent Geilen suggested they give the disturbed area (subject of the

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EO) it the rest of the growing season and come back in September.
RECOMMENDATION OF AGENT: <i>To continue to September 7, 2016.</i>
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to continue to September 7, 2016. The motion was seconded by Commissioner Hunton and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>Photos</i>

MATTER: Ipswich Country Club: fill in wetlands and No-Disturbance Zone; activities in the Conservation Restriction area.
<p>DISCUSSION: Present was Bill Manuell from Wetlands & Land Management, Inc. representing the Ipswich Country Club. The first matter discussed was in regards to Agent note #3, in her Agent's Report for 5/18/16. Mr. Manuel stated that monumenting the 25' NDZ would require monuments in the street which did not seem reasonable to him. Agent Geilen said she never asked for that, but had proposed monuments about half way back into the landscaping area. Mr. manuell said the purpose of the project was beautification of the entrance to the Ipswich Country Club. He thought the comfort letter approved the landscape beds. Agent Geilen disagreed. She said the letter only addressed engineered structures (stormwater management units, landscaping walls, parking areas, etc.) Mr. manuell showed a diagram showing erosion control locations. Chairman Hughes stated she did not recall the filing to be to the edge of wetland for landscaping, she thought it was presented as mitigation. Chairman Hughes stated the Commission does not allow mulch up to wetland and did not anticipate this. [Discussion: mulch/limit of work/site visit needed.] Mr. Manuell did not mean to mislead the Commission. He thought they were very clear that it was landscaping. Agent Geilen will schedule a site visit.</p> <p>The next matter discussed was in regards to Agent note #1 and #2 in her Agent's Report for 5/18/16. Present was Dick Jacobson of the Homeowners Association and Travis Ball from Ipswich Country Club. Mr. Jacobson discussed the EO. Agent Geilen presented CR (conservation restriction) activities, to be discussed first, and then filling in wetlands behind the tennis court. Mr. Ball apologized for the dumping in CR area. Beth O'Connor, Open Space Administrator in the audience stated that this project was permitted in 1987 and as part of the development an easement was put on part of the land. The town holds the easement. In 2010, an intern worked on creating am Baseline Monitoring Report, which generally is competed as part of acceptance of the easement. At that time (2010) the intern noticed possible activity in easement area. From the perspective of the Country Club, they did not know what they were doing was a problem for many years. Ms. O'Connor stated when she went out to conduct monitoring she noticed dumping and stockpiling within the CR area. She talked with Ipswich Country Club about ways to manage the areas. They can develop a working plan to manage these areas that will protect the ecological areas under the CR. She recommended the Commission oversee this along with herself. Agent Geilen said they should deal with what was there and use best management practices going forward. Karl Kastorf was suggested as a Conservation Commission delegate to work with the group.</p> <p>The Agent Geilen stated the fill placed in the wetlands behind the tennis court needs to come out and they need a restoration plan from a wetland scientist that will show how it will be removed and restored. Mr. Ball asked if the former contractor who had likely been the person who dumped the materials in the wetlands, could be included on the EO. The Commission agreed. Mr. Ball will send the contact information to the Agent. The Commission agreed that the restoration plan should be submitted by 6/28/16 for the 7/6/16 meeting, as part of an EO.</p>
RECOMMENDATION OF AGENT: <i>None</i>

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<p>MOTION:</p> <p>◆ A motion was made by Commissioner Carney-Feldman to issue and Enforcement Order requiring submittal of a restoration plan for wetlands fill by June 28, 2016. The motion was seconded by Commissioner Hunton and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ <i>None</i></p>
<p>DOCUMENT LIST:</p> <p><i>“Photos Ipswich Country Club” dated 3/24/16, and prepared by Agent Geilen, “Baseline Documentation Report, Ipswich Country Club Conservation Restriction 148 Country Club Way, Ipswich, MA”, dated 12/2015, and prepared by the Town of Ipswich, Open Space Program, “Conservation Restriction” dated 4/18/89 (Notarized), 4/19/89 (Approval and Acceptance by Conservation Commission), 4/18/89 (Approval by Selectmen) and 8/13/90 (Approved by Secretary of Environmental Affairs), “Letter Re: Baseline Documentation Report Ipswich Country Club Conservation Restriction” dated 4/27/16, and prepared by Beth O’Connor, Open Space Administrator, Town of Ipswich, “Ipswich Country Club CR Baseline Documentation Report, Photo Key” dated 2013, and prepared by the Department of Planning and Development, Open Space Program, “Ipswich Country Club CR Baseline Documentation Report, Route Map” dated 2013 and prepared by the Department of Planning and Development, Open Space Program, and “Ipswich Country Club, CR Monitoring Report, Photo Report” dated 12/8/15 and prepared by Margaret Brown, Planning and Development.</i></p>
<p>MATTER: 2 Bowdoin Road, Finlay. Enforcement Matter; unauthorized construction in a resource area.</p>
<p>DISCUSSION: There was no one present for this matter. The Agent had not heard from the owners.</p>
<p>RECOMMENDATION OF AGENT:</p>
<p>MOTION:</p> <p>◆ N/A</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ <i>None</i></p>
<p>DOCUMENT LIST:</p> <p><i>None</i></p>

Tabled Matters and Discussion Items:

Interim Reports of Special Project Subcommittees

Approval of Minutes: 4/20/16

◆ **A motion was made by Commissioner Carney-Feldman to approve the minutes from April 20, 2016. The motion was seconded by Vice-Chair ffolliott and passed unanimously.**

Document Signage: (No Vote Required)

Adjournment:

◆ **A motion was made by Commissioner Hunton to adjourn at 10:45 p.m. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

Respectfully submitted,

Cathy Macchiavini

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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.