

IPWICH CONSERVATION COMMISSION
Meeting Minutes
Wednesday January 8, 2020

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, January 8, 2020 at 7:05 p.m. in Room A of the Ipswich Town Hall. Members present were Chair Jennifer Hughes, Vice Chair William Paulitz, Commissioners Catherine Carney-Feldman, Sissy ffolliott, Brian O'Neill, Raymond Putnam, and James Stone. Also present was Agent Brendan Lynch and Recording Secretary Cheryl Fowler.

DEFINITION INDEX:

ACEC – Area of Critical Environmental Concern

ANRAD - Abbreviated Notice of Resource Area Delineation (WPA Form 4A)

BOH – Board of Health

BVW - Bordering Vegetated Wetland

Bylaw – Ipswich Wetlands Protection Bylaw (Ch. 224)

COC – Certificate of Compliance (Request for COC = WPA Form 8A; COC = WPA Form 8B)

CR – Conservation Restriction

CZM – MA Office of Coastal Zone Management

DCR - Department of Conservation and Recreation

DEP – MA Department of Environmental Protection

DPW- Ipswich Department of Public Works

EC – Emergency Certificate

EO – Enforcement Order (WPA Form 9)

ICC – Ipswich Conservation Commission

LIAU – Land in Agricultural Use

LSCSF – Land Subject to Coastal Storm Flowage

LSP – Licensed Site Professional

NOI – Notice of Intent (WPA Form 3)

NBZ – No-Build Zone, per Ipswich Wetlands Protection Bylaw

NDZ – No-Disturbance Zone, per Ipswich Wetlands Protection Bylaw

O & M Plan – Operations and Maintenance Plan: An O&M plan is an indication that a facility is in continued compliance with applicable regulations and permit conditions

OOC – Order of Conditions (WPA Form 5)

ORAD – Order of Resource Area Delineation (WPA Form 4B)

RDA – Request for Determination of Applicability (WPA Form 1) (below is a list of possible outcomes for RDAs; all issued on WPA Form 2)

Negative #2 Determination (NDA) – This is an approval for work in in resource areas

Negative #3 Determination (NDA) – This is an approval for work in in buffer zones

Negative #5 Determination (NDA) – This is approval for work that meets the requirements of an exception under the WPA

Negative #6 Determination– This is an approval for work under the Ipswich Wetland Protection Bylaw

Positive Determination – This is a denial requiring an NOI to be filed should the applicant wish to pursue

RPA - Riverfront Protection Act

SWM – Storm Water Management

SPP – Small Projects Permit

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

ZBA – Zoning Board of Appeals

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CITIZEN'S QUERIES: NONE

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

Continued to January 22, 2020, requested by the applicant:

- **36-1225:** 38 North Ridge. O'Leary. (Graham) COC. Cont. from 11/20/2019
- **36-508:** 26 North Ridge. McCarthy. (Graham) COC. Cont. from 11/20/2019
- **36-823:** 51 Linebrook Rd. Hart House. Lesko. (DeRosa) COC. Cont. from 11/20/2019
- **36-1414:** 173 Linebrook Rd. Lot 25. Symes Dev. NOI Open Space Cluster development of residential dwelling units within jurisdictional areas. Cont from 12/4/2019
- **36-1417:** 173 Linebrook Rd. Road A. Symes Dev. NOI stormwater management and grading within jurisdictional areas. Cont. from 12/4/2019
- **36-1415:** 173 Linebrook Rd. Lot 21. Symes Dev. NOI to construct a portion of a single-family dwelling and grading within jurisdictional areas. Cont from 12/4/2019
- **36-1416:** 173 Linebrook Rd. Road A. Symes Dev. NOI to construct a portion of a single-family dwelling and grading within jurisdictional areas. Cont from 12/4/2019

A motion was made by Commissioner Catherine Carney-Feldman to continue to January 22, 2020. The motion was seconded by Commissioner Sissy ffollott and passed unanimously.

Continued to February 5, 2020:

- **Heartbreak Culvert Update (Coneco) Cont. from 12/4/2019**
- **5 Emery Lane. Hamel. RDA for gunite pool, retaining wall and patio. Cont from 12/4/19**
- **36-1385:** Labor In Vain Rd. Right of Way at Labor in Vain Creek Bridge. TOI Department of Public Works. NOI to repair town road and shoulders. Cont. from 11/20/19.
- **36-1430:** Water Street. TOI DPW. (Coneco). NOI construction of headwall at boat launch. Cont from 12/4/19
- **36-1426:** Jeffreys Neck Rd. Toi Department of Public Works (Coneco). NOI for reconstruction of Jeffreys Neck Rd. Cont. from 12/4/19
- **36-1386:** Labor In Vain Rd. 79 Labor In Vain Realty Trust. (Graham) NOI to repair areas damaged by storms in the jurisdictional areas. Cont. from 11/20/19.
- **36-1274:** 114-116 County Rd. Ipswich Junction Catamount Mgmt. (DeRosa). COC.

A motion was made by Commissioner Sissy ffollott to continue to 02/05/2020. The motion was seconded by Commissioner James Stone and passed unanimously.

Continued to March 18, 2020:

- **36-1435:** Bowdoin Rd Storm Sewer. TIO Department of Public Works (Coneco) NOI for reconstruction of storm sewer in existing location. Per Agent Lynch current status is that this update will take some time as quotes are needed from engineering firms, DEP discussing pipe which may or may not have been moved previously.

A motion was made by Commissioner Catherine Carney-Feldman to continue to 03/18/2020. The motion was seconded by Commissioner James Stone and passed unanimously.

COURTESY POSITIONS FOR TOWN PROJECTS:

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- 36-1433: Sewer Interceptor Rehabilitation and Siphon Replacement. TOI Wastewater Dept. (Tighe & Bond) NOI project location: 4 and 15 South Main St; 10; 12, 16 Market St; 25 Green St. New Present Water waste Water Director, Vicki Halmen and Amanda Houle of Tighe & Bond Ms. Halmen reviewed items from previous meeting and site visit. There are over 40 Norway Maples which are impacting and compromising the piping and infrastructure that are below, these will need to be removed. Norway Maples will be replaced with native plantings. The current root structure will be left to degrade on its own with the plan that the native plantings and shrubs will promote erosion control as the roots degrade. Chair Hughes stated that the Conservation Commission would like large shrubs used, and Commissioner Catherine Carney-Feldman recommended the use of plugs versus seed mixture. Amanda Houle will look into the recommended number of plugs that will need to be used for the size of the lot. The planting plan is currently in the working stage as there need to be meetings with the property abutters.

Ms. Houle reviewed questions from prior meetings: plan for coffer dame is to be above high tide level and machine will not enter that area, sediment stock piling will be live loaded in the wet and taken to a disposal facility or an offsite dewatering facility, location has yet to be identified but normally the contractor will manage this process, areas will be outside of the jurisdiction, and the plan is to be sure that the trucks that are taking the soil to be dewatered will be in a water tight truck. The order of conditions will be included in the bid package for contractors. Ms. Houle also went on to review the requirements for bids that rip rap be cleaned prior to installation and work to be done at low tide. She also explained that site preparation be done and work within river can be done in the shortest amount of time, this will also be a requirement in the bid documentation. Chair Hughes is looking for a written construction sequence with refinements required by the construction bidders. The intent is to mimic and maintain the existing contours of the bank as closely as possible; an updated survey will be completed.

The Town of Ipswich and Tighe & Bond, will review the planting plan with abutters the last week in January. The decision for the access road had been to use a geogrid vs. a gravel road. The geogrid will have an enhanced look as well as being a better are for wildlife. The geogrid is a honeycomb type plastic grid which is then filled with native plantings or grass which will add structure to the access road.

The bypass pump has been discussed with the Electric Dept, they are looking to determine if electric or diesel will be used. The preference is to use town Electric with a diesel back up. The options are currently being reviewed with the Electric Dept Foreman.

The current plan is to raise manhole covers 3 feet, this is being looked into to make sure that the height is above the 500 year flood plan so that this will not need to be addressed in the future it will be taken care of preemptively during the current project.

Audience member Joshua Massey, 19 North Main Street, brought up concerns of density and diversity of the plantings and would like the plantings to be considered as to whether they are in a shady or sunny area. Mr. Massey submitted a letter from a landscape architect which recommended specific types of plantings.

Gail Anderson, 37 County Street, wanted the commission to know that the Norway Maples have significant root systems and advanced site work will be needed to be sure of survival of new plantings. Ms. Anderson also stated that beavers on the south bank have eaten many of the plants and trees. Chair Hughes stated that the commission also wants the plantings to survive and the issue of site work and the beavers will be addressed.

A motion was made to continue to the February 19, 2020 was made by Vice Chair William Paulitz. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

SMALL PROJECT PERMITS:

- 124 North Ridge Rd. Ipswich Bay Yacht Club. Paul Conboy. SPP relocate flagpole. New Present Paul Conboy of the Ipswich Bay Yacht Club, presented that the Club would like to replace the current 30' flag pole with a 35' flag pole. They would like to install underground utility line from the club to the flag pole to have it illuminated at night. Agent Lynch will make a post installation site visit.

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A motion to issue the SPP for the work as described with a post construction site visit once the work is stabilized was made by Commissioner Catherine Carney-Feldman. The motion was seconded by Commissioner James Stone and passed unanimously.

ONGOING NOTICE OF INTENT (NOI), MINOR MODIFICATIONS (MM), AND FORMAL AMENDMENTS (FA):

- **36-1314:** 24 Greenspoint Rd. Schofield (CG Johnson). Extension request to OOC. New Present, Chuck Johnson from CG Johnson Engineering, requesting extension for bottomless sand filter. Need extension to acquire funding for this project and they would like to complete the work in the summer or the fall after seasonal high water table has dropped.

A motion to issue a one year extension was made by Vice Chair William Paulitz. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

- **36-1362:** 30 and 34 Town Farm Rd, 17 Locust Rd. Primrose Farm. McAllen, 30 Town Farm Rd. LLC. (LEC) NOI to construct an over 55, affordable housing (40B) development. Cont. From 12/4/19. Vice Chair William Paulitz recused himself.

A review of the OOC as drafted:

ZBA has not issued its decision (there is a ZBA meeting on 1/23/2020). The 40B Project requested a waiver of the entire bylaw; Chair Hughes explained that waivers needed to be requested individually. Agent Lynch explained that there is a section for the bylaws in the request but the section was blank. The commission discussed the need for conditions such as no brush to be thrown over the fence, mitigation for invasives would need to be brought before the committee for approval (part of restoration condition 31), stock pile of hay bales and silt fence along with silt fence and compost or mulch for condition 40, and monitor weekly. There should be annual maintenance logs submitted to the Conservation Committee for storm water on the site. Dewatering activities have not been proposed.

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

A motion to issue a positive order of conditions within 21 days as drafted (waiting for additional reporting) was made by Commissioner Sissy ffollott. The motion was seconded by Commissioner James Stone and passed unanimously.

REQUESTS FOR CERTIFICATES OF COMPLIANCE (COC):

- **36-564:** 18 Spillers Lane. Markos. (Morin Cameron). COC. New.

Per Agent Lynch a request for a continuance by applicant due to a scheduling conflict.

A motion to continue to January 22, 2020 was made by Commissioner Catherine Carney-Feldman. The motion was seconded by Commissioner Sissy ffollott and passed unanimously.

- **36-673:** 180-190 High St. Russell Bolles, Ipswich Bottle Shop (Will Manuell). COC. New. Present Bill Manuell of Wetlands and Land Management. A friendly enforcement order was issued a year ago to implement approved storm water management plan. Features included creating stone filter strips along the lot and the back of the property, install additional shrubbery, remove area of pavement (due to maximum of pavement allowed), an established grass filter strip, installed a root barrier, a sign for mowing only 2X per year, no disturb markers have been installed. The request of Mr. Manuell is to receive a return to compliance finding and a COC to close out 36-673. Chair Hughes questioned why mowing would be done in the NDZ? The NDZ markings have only recently been installed and Mr. Manuell will pass on the information that there should be no mowing. Agent Lynch has done a site visit and recommends the return to compliance but the plantings would still need monitoring. There is currently a dumpster on the site which is in current use; Chair Hughes requested that the dumpster be included on the plan for the COC to be issued.

Approved: 2/5/20
Published: 2/10/20

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A motion to issue a return to compliance from the enforcement order was made by Commissioner Catherine Carney-Feldman. The motion was seconded by Commissioner James Stone and passed unanimously. A motion to continue to the first meeting in June for plant survival was made by Commissioner Sissy ffolliott. The motion was seconded by Vice Chair William Paulitz and passed unanimously.

ENFORCEMENT MATTERS: NONE

OTHER BUSINESS:

Forest Cutting Plans for Mill Road and Topsfield Road

Agent Lynch reviewed receipt of two preliminary forest cutting plans which have also been submitted to the Division of Forestry. The plan is to harvest dead wood from Mill Road and Topsfield Road (Winthrop Property), the wood has been dead for several years due to gypsy moths. Best management practices will be used and Agent Lynch will be required to submit a report to DCR for their review process. Chair Hughes requested more details to be in the narrative, such as will only dead trees be taken, is this being done for safety, is this being done due to access to roads and trails. The concerns of the commission should only be based on the effect that it has on the wetlands, carbon sequestration of trees, and the potential of lost habitat for woodland animals.

MINUTES: 11/06/2019

A motion to approve the November 6, 2020 minutes as edited was made by Commissioner Catherine Carney-Feldman. The motion was seconded by Commissioner Sissy ffolliott and passed unanimously.

ADJOURNMENT:

A motion was to adjourn was made by Commissioner Sissy ffolliott to close the public hearing at 8:36 p.m. The motion was seconded by Vice Chair William Paulitz and passed unanimously.

Respectfully submitted,



Cheryl Fowler
Recording Secretary

These minutes are the summary of a taped or video-recorded meeting and of secretarial notes. As such, the Ipswich Conservation Commission reserves the right to supplement these minutes with tapes and vice versa, to reflect the proceedings. The Ipswich Conservation Commission does not guarantee the quality of the tapes or video-recording, nor does it exclusively rely upon them.