

Approved: 2-17-2021
Distributed: 3/10/2021

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
January 20, 2021

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, January 20, 2021 at 7:15 p.m. via Zoom. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffollott, Catherine Carney-Feldman, Raymond Putnam and James Stone. Also present were Agent Brendan Lynch and Recording Secretary Andrea Mackinney.

DEFINITION INDEX:

ACEC – Area of Critical Environmental Concern
ANRAD - Abbreviated Notice of Resource Area Delineation (WPA Form 4A)
BOH – Board of Health
BVW - Bordering Vegetated Wetland
Bylaw – Ipswich Wetlands Protection Bylaw (Ch. 224)
COC – Certificate of Compliance (Request for COC = WPA Form 8A; COC = WPA Form 8B)
CR – Conservation Restriction
CZM – MA Office of Coastal Zone Management
DCR - Department of Conservation and Recreation
DEP – MA Department of Environmental Protection
DPW- Ipswich Department of Public Works
EC – Emergency Certificate
EO – Enforcement Order (WPA Form 9)
ICC – Ipswich Conservation Commission
LIAU – Land in Agricultural Use
LSCSF – Land Subject to Coastal Storm Flowage
LSP – Licensed Site Professional
NOI – Notice of Intent (WPA Form 3)
NBZ – No-Build Zone, per Ipswich Wetlands Protection Bylaw
NDZ – No-Disturbance Zone, per Ipswich Wetlands Protection Bylaw
O & M Plan – Operations and Maintenance Plan: An O&M plan is an indication that a facility is in continued compliance with applicable regulations and permit conditions
OOC – Order of Conditions (WPA Form 5)
ORAD – Order of Resource Area Delineation (WPA Form 4B)
RDA – Request for Determination of Applicability (WPA Form 1) (*below is a list of possible outcomes for RDAs; all issued on WPA Form 2*)
Negative #2 Determination (NDA) – This is an approval for work in in resource areas
Negative #3 Determination (NDA) – This is an approval for work in in buffer zones
Negative #5 Determination (NDA) – This is approval for work that meets the requirements of an exception under the WPA
Negative #6 Determination– This is an approval for work under the Ipswich Wetland Protection Bylaw
Positive Determination – This is a denial requiring an NOI to be filed should the applicant wish to pursue
RPA - Riverfront Protection Act
SWM – Storm Water Management
SPP – Small Projects Permit
WPA – Massachusetts Wetlands Protection Act (310 CMR 10.00 *et seq.*)
ZBA – Zoning Board of Appeals

CITIZEN’S QUERIES: NONE

MATTERS BEING CONTINUED TO FUTURE SESSIONS AT APPLICANT’S REQUEST:

- **74 Old Right Rd.** Pynchon. RDA to construct a driveway apron. *Cont to 2/3/21*

A motion was made by Commissioner Catherine Carney-Feldman to continue to February 3, 2021. The motion was seconded by Commissioner Raymond Putnam. Commissioner Sissy ffollriott recused herself.

COURTESY POSITION FOR TOWN PROJECTS:

- **SPP.** TOI Department of Public Works to perform Hand-dug test pits along Argilla Road.

Agent Brendan Lynch reported there was a small project permit in 2018, but it has expired..

There will be 6 test pits near the culvert and 2 (two) more by the entrance of the Crane Estate. Agent Lynch recommended issuance of the mall project permit. They have approval from DEP and the Army Corp of Engineers.

At 7:18pm a motion was made by Vice-Chair William Paulitz to table this project. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

At 9:31pm a motion was made by Vice-Chair William Paulitz to un-table this project. The motion was seconded by Commissioner Sissy ffollriott and passed unanimously.

Agent Brendan Lynch explained that there will be 6 exploratory borings and tide gauges. They will be collecting 8 sample borings.. There are no special conditions required

A motion was made by Commissioner Catherine Carney-Feldman to grant the SPP as proposed. The motion was seconded by Commissioner Raymond Putnam and passed unanimously.

Documents: Mandatory Pre-filing Checklist, Small Project Permit Form

- **36-1435: Bowdoin Rd Storm Sewer.** TOI Department of Public Works (Coneco) NOI for reconstruction of storm sewer in existing location on Bowdoin Rd. *Cont from 1/6/21*

Kevin McHugh, Coneco, Present

Kevin explained that the project is to resurface a portion of Bowdoin Road and replace a new storm sewer .

Vice-Chair William Paulitz mentioned condition 51 regarding no stockpiling within 100' of the resource area. Will asks what methods will be used? Kevin explained that the road probably needs to be reconstructed and he is not sure where it would take place. Will asks if provisions can be included in the special conditions for covering stock piles and hay bales? Kevin thinks it would be gravel that would be stock piled.

Chair Jennifer Hughes said that a stockpile location will be determined before work starts and it should not be at the bottom of the cul-de-sac.

Scott Finlay, an abutter suggested that stockpiling be close to Sky Top Rd.

Vice-Chair William Paulitz asked where construction vehicles will park? A spot will be identified with the DPW Director.

There are three waiver requests for work in the NDZ and NBZ as well as the requirement to delineate the resource areas need to be listed and the NOI needs to be a separate document.

A motion was made by Commissioner Catherine Carney-Feldman to close the public hearing. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

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

A motion was made by Vice-Chair William Paulitz to issue a positive OOC as drafted and amended. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

- **36-1254: Old England Rd Culvert.** TOI Department of Public Works. COC. . *Cont from 1/6/21*

Agent Brendan Lynch asked the DPW to use larger stone. He included pictures of the work as completed and it needs to be cleaned up and some stone removed.

A motion was made by Commissioner Catherine Carney-Feldman to continue to February 3, 2021. The motion was seconded by Commissioner Raymond Putnam and passed unanimously.

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

- **36-1459: 8 Candlewood Rd.** Quirk (DeRosa) NOI for proposed construction of a single family home, driveway and septic system. *Cont from 1/6/21*

Mike DeRosa, DeRosa Environmental, Present

The wetland line on the plan has been updated to add new markers between A6 and A7 and one between E4 and E8.

Chair Jennifer Hughes asked if the area behind the no disturb marker is to be mowed annually? Mike said that it will not be mowed at all.

Chair Jennifer Hughes asked if there is O&M plan? Agent Brendan Lynch said yes, there is an O&M and stormwater plan. Chair Jen Hughes would like them attached to the NOI for recording.

Commissioner Sissy ffollott would like “animal waste” be added to perpetual condition #66.

Condition 32 needs to be re-worded to include “except for areas previously disturbed”.

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

A motion was made by Vice-Chair William Paulitz to issue positive OOC as drafted. The motion was seconded by Commissioner Raymond Putnam and passed unanimously.

- **36-1458: 30 Old England Rd.** Blessington. (Graham) Raze and rebuild dwelling with attached garage, septic tight tank and buried propane tank. *Cont from 1/6/21*

Larry Graham, H.L. Graham Associates, Present

Larry submitted a revised plan that included the addition of the DEP file number, moving the proposed concrete truck washout area, moving the proposed underground propane tank to the west side of the house and the grading was modified. He removed the rain barrels and added downspouts and roof drains to an infiltration trench to the front of the house.

Chair Jennifer Hughes asked Larry if he had soils information? Larry said they did soil tests on the right side of property and they were sandy loam.

Chair Jennifer Hughes asked if the existing cesspool had been abandoned and filled? Larry said it was pumped and will be crushed and filled with sand.

Vice-Chair William Paulitz asks if an O&M was done for the dry well? Larry said no.

Chair Jennifer Hughes asks if a stormwater report was submitted? Larry said no. Chair Hughes thought that one was going to be submitted.

Larry stated that he has looked at alteration as defined in the bylaw and sent copies to Agent Lynch. Chair Hughes said that it exceeds 50% of the lot. Larry said that the net is 33%.

Chair Hughes said that the area of disturbance is anything within the erosion control line.

Agent Lynch asks if the project will need a stormwater report per the bylaw or the stormwater requirements?

Larry believed he has met the requirements of the bylaw to the best that is possible on this site.

Larry will provide a stormwater maintenance plan and give the Commission a breakdown.

A motion was made by Commissioner Catherine Carney-Feldman to continue to February 3, 2021. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

Documents: Plan prepared by Graham Assoc. dated 12-9-20 titled Permit Plan. Letter dated 1-13-21 prepared by Graham Assoc.

- **36-___: 58 Mitchell Rd.** Roberts. (Hancock) NOI for land clearing and restoration of contractor’s yard. *Cont from 1/6/21*

Agent Brendan Lynch had not heard from the applicant as to whether or not they are withdrawing the Notice of Intent. Mike DeRosa believes they are and that one of the outstanding issues is the fees. The fees can be applied to the new NOI submittal or the applicant reimbursed. A formal withdrawal can be approved at the next meeting.

A motion was made Commissioner Catherine Carney-Feldman to continue to February 3, 2021. The motion was seconded by Commissioner James Stone and passed unanimously.

REQUESTS FOR CERTIFICATES OF COMPLIANCE (COC):

- **36-1428: 47 Newmarch St.** DeRosa. COC. *Cont from 1/6/21.*

Mike DeRosa, DeRosa Environmental, Present

The applicant would like to continue to the June 16th meeting to allow enough growing season for the mitigation area to be successful.

A motion was made by Vice-Chair William Paulitz to continue to June 16, 2021. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

- **36-1412: 33 Upper River Rd.** Petrie (Graham). COC. *New.*

Larry Graham, H.L. Graham Associates, Present

This is a COC request. The septic tank is out of the NDZ but is in the buffer zone of the BVW. The work has been completed and the site is stable. Monumentation consisting of two wooden posts with a disc and one granite bound have been installed. .

Agent Brendan Lynch inspected the site a few months ago. The site is stable and looks good.

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

Documents: COC request, As-built plan entitled Certificate of Compliance dated 12-30-20, prepared by Graham Assoc. and letter of substantial compliance dated 12-30-20.

- **36-1408: 20 South Main St.** Skillman (Graham). COC. *New.*

Larry Graham, H.L. Graham Associates, Present

The proposed project was to build an addition on the north side of the existing auto repair shop. It has been completed including the floor drains and an additional bathroom tied into the town sewer. The roof drains were cleaned and also tied into the town's storm sewer. All 3 town departments reviewed and approved the plan.

There was one change regarding the sewer that was instead of going out into the street, a manhole pump chamber was used. The drainage remains as was approved through the OOC. The catch basin goes into the manhole.

Chair Jennifer Hughes asked if a no illicit connections statement would be submitted? Larry said that he had at the start of the project but will assure that is the case and will provide it.

Chair Jennifer Hughes asked if stockpiles are cleaned up and erosion controls are removed ? Larry said everything in the front of the site is cleaned up.

Agent Brendan Lynch will reach out to DPW to make sure they approve.

Chair Jennifer Hughes asks if the OOC was recorded with the O&M? Larry believes it is. Brendan will check the Registry of Deeds

A motion was made by Vice-Chair William Paulitz to continue to February 3, 2021. The motion was seconded by Commissioner Sissy Ffolliott and passed unanimously.

Documents: COC request, As-built plan entitled Record As-Built dated 12-30-20, prepared by Graham Assoc. and letter of substantial compliance dated 12-30-20.

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

- **36-1460: 66 Labor in Vain Road.** Miranda Updike (Graham) NOI for septic system replacement for house and cottage. *New.*

Larry Graham, H.L. Graham Associates, Present

This is a Notice of Intent for the replacement of a septic system. The existing system comes out of the east end of the house toward the Ipswich River. Soil testing has been done. They are proposing that the new septic system come out of back of the house. The septic tank will be located northwest of the house and the pump chamber to the northeasterly corner.

The leach field will be in northwesterly corner. A portion of the new system (?) is in the NBZ. The septic tank will have a pump chamber.

The plan is under review with the Board of Health.

Vice-Chair William Paulitz asks how equipment will get to the site? Larry replied that they will go to the right of the cottage.

Chair Jennifer Hughes asks if all 3 structures were built before 1996? Larry said yes.

Larry has a DEP file #1460 and there is a slight change in the elevation by approx. one foot. Only trees in the footprint of the system will be removed. Brendan will make note of this in the OOC.

A motion was made by Commissioner Catherine Carney-Feldman to continue to February 17, 2021. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

Documents: Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled Subsurface Sewage Disposal System Repair dated 12-14-21, and prepared by Graham Assoc. Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.

- **36-xxxx: 66 Labor in Vain Road.** David Updike (Graham) NOI for septic system replacement and well for barn. *New*
Larry Graham, H.L. Graham, Associates, Present

This filing is for a new septic system for the barn. Soil tests were done to the north of the tennis court. In replacing the system, the cesspool will be abandoned, pumped clean, broken in place and filled with clean sand. The leach field is out of jurisdiction. . There is a new well proposed that Larry isn't sure is going to happen. They did dig to the west of the barn to see if there was a possibility for a dug well.

Chair Jennifer Hughes asked if it is drinking water well ? Larry answered yes. Jen asked how it would handle inundation ? Larry replied that he will remove the well from of the NOI application.

Chair Jennifer Hughes asked if a waiver is required for the ACEC? Larry said not for new construction.

Larry does not have a DEP file # yet.

A motion was made by Commissioner Raymond Putnam to continue to February 17, 2021. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

Documents: Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled Subsurface Sewage Disposal System Repair dated 12-14-21, and prepared by Graham Assoc. Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.

- **36-1455: 10 North Ridge Rd.** McNiff (Graham). MM to add additional 30' to a crushed stone driveway. *New.*

Larry Graham, H.L. Graham Associates, Present

This is a request for a MM to the existing OOC to extend the driveway shown on the original plan by about 30' with crushed stone. There is an existing curb cut.

There was no stormwater management proposed for the driveway.

A motion was made by Commissioner Catherine Carney-Feldman to grant the MM as proposed. The motion was seconded by Commissioner James Stone and passed unanimously.

Documents: Request for Minor Modification Letter dated 12-30-20, and prepared by Graham Assoc., Proposed Site Plan Changes prepared by Graham Assoc. dated 8-19-20.

- **36-1461: 20 North Ridge Rd.** Jaquez (DeRosa). NOI for coastal bank restoration and planting of native plants to improve habitat value. *New.*

Mike DeRosa, DeRosa Environmental, present

Mike described the proposed tree removal and planting plan for the restoration on the coastal bank. . The boxelder and silver poplar trees will be removed but not their roots. The trees will be cut at grade. All plant removal on the site will be by hand and all plant material will be removed from the site. . The work will be done during the winter months and any soils that are disturbed will be stabilized with a Native seed mix and salt marsh hay.

They hope to begin work this winter and cut the stand of phrag . In the spring, multiple cuts will be done during the growing season. Some supplemental plantings will be installed dependent on the success of the phrag removal. .

The top of the coastal bank will be planted with shrubs. There will be red cedar on the edges. The marsh elder will be used at the bottom up against the bank. The middle part will be a mix with big and little blue stem.

A 5-year monitoring plan is being proposed for invasive management.

Chair Jennifer Hughes recommends a site visit and the Commission will coordinate it with Mike.

Commissioner Sissy Ffolliott advocates to keep the boxelder as it supports more insects than red cedar. . Mike does not totally disagree and they will take a look at it during the site visit.

A motion was made by Vice-Chair William Paulitz to continue to February 3, 2021. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

Documents: Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled Existing Conditions dated 12-16-20, and prepared by Graham Assoc. Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.

ENFORCEMENT MATTERS:

- **58 Mitchell Rd.** *Cont from 12/9/20*

Mike DeRosa, DeRosa Environmental, Present

Mike DeRosa met on site with Agent Brendan Lynch, Chair Jen Hughes and Commissioners Catherine Carney-Feldman and James Stone. Mike talked to his client Carter Roberts and they would like to do some test pits to determine the extent of fill in the gravel area from the wetland up. Mike would like to do as soon as possible. . After the test pits are done, they will return to the Commission with a mitigation/restoration plan. Mike will also have a proposed planting plan for the spring.

Chair Jennifer Hughes stated that a true restoration would be to remove everything from the site and return it to its natural state.

Mike said he will return on February 3rd with a plan.

Mike asked permission to do the test pits between now and February 3rd? Chair Jen Hughes gives her approval. .

A motion was made by Commissioner Raymond Putnam to continue to February 17, 2021. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

OTHER BUSINESS:

One more signature is needed for the Kamon Land Agreement. Commissioner Raymond Putnam will sign tomorrow.

APPROVAL OF MINUTES:

NONE.

ADJOURNMENT:

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

Respectfully submitted,

Andrea Mackinney
Recording Secretary

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