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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
March 2, 2022

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, March 2, 2022, at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes (late arrival, approx. 7:12pm), Vice-Chair William Paulitz, Commissioners Sissy ffolliott, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present were Associate Commissioner Jack Stone, Agent Brendan Lynch and Recording Secretary Odile Breton.

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
OOB – 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 noted.

Matters Being Continued to FUTURE Sessions at the Applicant's Request:

MATTER: 36-1488: 4 Pineswamp Rd. TOI DPW (Coneco) ANRAD. <i>Cont. from 2/16/2022</i>
DISCUSSION: Lynch said the surveyor is scheduled to be on site next week and recommended continuing the matter.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Stone to continue to March 16, 2022. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p>

Courtesy Positions for Town Projects

MATTER: 36-1402: 173 Linebrook Rd. Open Space, Beth O'Connor. Extension Request. <i>New</i>
DISCUSSION: Present was Beth O'Connor, Open Space Steward for the Town of Ipswich. The project has a dual access, recreational and farm road. O'Connor noted the order expires next month and she is requesting an extension. O'Connor described the status of the project. She noted the developer is responsible for removing vegetation and stabilization which occurred last fall. The remaining construction will be completed by DPW and contractors. Carney-Feldman and ffolliott noticed significant water at the site. O'Connor said the area will be raised (specified on engineered plans). Vehicular use is only for agricultural activities. Lynch recommended a 2-year extension.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner ffolliott to approve a two-year extension of 173 Linebrook Road. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p> <p><i>Documents: Extension Request dated 2-24-22</i></p>

MATTER: 36-1430: Water Street. TOI Department of Public Works (Coneco). NOI reconstruction of headwall and bank restoration at end of Summer Street. <i>Cont. from 2/16/2022</i>
DISCUSSION: Lynch said DPW requested to withdraw and will re-submit in the future with a funding source.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Carney-Feldman to accept DPW withdrawal of the NOI. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None.</p> <p><i>Documents: Withdrawal letter dated 2-17-22</i></p>

MATTER: Crane Beach Management Plan Trail relocations
DISCUSSION: Present was Jeff Denoncour, coastal ecologist (The Trustees). Denoncour said the trail plans were submitted to Natural Heritage. Aerial views were presented, and existing trails and proposed relocations were highlighted. Denoncour said three trails are being relocated for safety purposes and to preserve dunes. He described existing conditions for each trail and described safer conditions in relocation areas. He said trails through

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forest areas are more stable. Signs will be posted to notify trail is closed and direct people to new trails. The old trails will re-vegetate naturally. Tim O’Riordan, Stewardship Manager at Crane Estate, explained that some clearing is needed to create the trails no large trees will be removed. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to approve the work proposed under the Trail Management/Maintenance Plan. The motion was seconded by Commissioner Ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: Proposed revisions to Stormwater Bylaw Regulations

DISCUSSION: Hughes and Paulitz reviewed changes since the last hearing. Hughes said the proposed bylaw adopts Mass DEP NOAA 14+ rainfall standards. Paulitz explained Section 8 relating to stormwater runoff. He said it requires reviewing rate and volume of runoff. It requires additional infiltration for 25-, 50- and 100-year storm events.

The Planning Board must use these standards for its permitting (special permit, site plan review and subdivisions). The Planning Board has its peer reviewer reviewing the proposed revisions. Paulitz suggested sending a copy of the proposed Stormwater Bylaw Regulations to Coneco Engineering since it does work for the Town.

Public Comment: Larry Graham, 12 Labor In Vain, asked for clarification on Section 6 administrative review. He asked to clarify that Section 8 does not apply to projects under 10,000 sq. ft. He asked for clarification on NOAA 14+.

Paulitz noted the calculations for 24-hour rainfall are included in Section 8 (10).

Hughes noted the ICC will wait for peer review comments before voting to approve the revision.

MOTION:

◆ **A motion was made by Vice-Chair Paulitz to continue to March 16, 2022. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Requests for Determination of Applicability(RDA):

MATTER: 5-7 Turkey Shore Rd. Gardner. RDA to construct a new 20 x 25 detached accessory dwelling. *New*

DISCUSSION: Present was the applicant, Carl Gardner. The site plan was displayed. Gardner noted the location of a proposed 2-story accessory dwelling unit (1,000 sq. ft.). He pointed out the expansion of the gravel driveway. An existing shed will be replaced with a larger shed. Hughes said this is not an RDA. This project is an NOI. This is new construction in the riverfront area. Gardner said it is a limited project and falls below standards in the river front protection act. Hughes said the project must be recorded against the deed. Hughes suggested the applicant withdraw the RDA and resubmit as an NOI.

Gardner requested withdrawing the RDA and requested filing fees paid go toward filing the NOI.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to accept the applicant withdrawal request and filing fees paid go toward a NOI application. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: RDA dated 2-16-22; Revised Plan 2-14-22; abutter letters

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Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1492: 48 Turkey Shore Rd. Von Oehsen (Rimmer). NOI for renovations to existing single-family home. *Cont. from 2/16/2022*

DISCUSSION: Present were Helen and Bill Von Oehsen, Mary Rimmer (Rimmer Environmental), John Morin (Morin Cameron Group), and Rue Sherwood (Rue Sherwood Landscape Design). Morin reviewed the revised plan and pointed out the changes. The three-season porch was removed from the 100 ft. river front. The landscape plan was revised to document lawn areas to be maintained and mowed. Monuments were relocated as requested by the ICC. A checklist was added to the O & M Plan. Limited mowing will continue in the 25 ft. NDZ except for restoration area. The restoration area will have edging to prevent mowing.

Hughes said the conditions need to be specific for the NDZ. There is no additional clearing. The ICC is only allowing for current activity to be maintained. Paulitz asked about the edging. Sherwood said it is a metal landscape edge and is visible enough for someone maintaining the area to see. No public comment noted.

ICC reviewed draft OOC. Hughes made suggestions for erosion controls and added details for what is expected to be used. Hughes suggested adding “monuments as shown on the approved plan” for condition 47. Details for mowing were also added.

MOTION:

◆ **A motion was made by Commissioner Putnam to close the public hearing. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

◆ **A motion was made by Vice-Chair Paulitz to issue a positive OOC as drafted/amended. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Revised site plan dated 2-25-22; revised planting plan and O&M; abutter letters

MATTER: 36-1490: 32 North Ridge Rd. Bonsignore (Hancock). NOI for reconstruction of a single-family home. *Cont. from 2/16/2022*

DISCUSSION: Present were Deb Colbert and Devon Morse (Hancock Associates). Colbert reviewed the revised plans. She said coastal bank monumentation was added. Hughes noted the monuments need to go in front of the plantings and not behind. Colbert to make the change on the plan. Colbert noted two drainage outlets were pulled back. Green grass pavers to be used for the patio and details about the pavers were added to the plan. No public comment noted. ICC reviewed conditions and suggested edits. Condition 40 edited for project manager to submit bi-weekly reports that all site work is in compliance with OOC and approved plan.

Preconstruction condition to be added for the Conservation Agent to approve on site wash out area for concrete truck. Erosion control condition to be updated.

MOTION:

◆ **A motion was made by Commissioner Putnam to approve the request of waivers for work in the NBZ. The motion was seconded by Commissioner ffolliott and passed with 5 votes (Jim Stone not present for vote).**

◆ **A motion was made by Vice-Chair Paulitz to close the public hearing. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes (Jim Stone not present for vote).**

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

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ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Revised Plans dated 2-22-22

MATTER: 36-1496: 4 Kingfisher Rd. Provost (Hancock). NOI for new septic system and staircase replacement.

Cont. from 2/2/2022

DISCUSSION: Present were Devon Morse (Hancock Associates), Larry Graham and Gerry MacDonald (H.L. Graham & Associates). Morse reviewed changes and coastal bank delineation for three sections. Graham responded to questions about the retractable stairs and noted the stairs are not on the coastal bank. Morse reviewed the use of coir logs to reduce coastal bank erosion. The coir logs are coconut fiber logs. MacDonald reviewed septic system changes and access. The installation will use the upland side of the house. There will not be access on the coastal side. Notes were added to the plan to care for trees (specifically cut tree roots) during construction.

Hughes is concerned about stairs on an eroding coastal bank. She suggested developing a plan to document the coir log installation, anchoring and maintenance.

No public comment noted. Lynch to draft OOC for the next meeting.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to March 16, 2022. The motion was seconded by Commissioner ffoliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to draft OOC. Applicant to develop plan for installation and maintenance of coir logs*

Documents: Revised Plan dated 2-23-22.

MATTER: 36-1497: 55 Waldingfield Rd. Ora, Inc. (DeRosa, Hancock). NOI for proposed construction of wetland crossing and patio. *Cont. from 2/16/2022*

DISCUSSION: Lynch noted the site visit did not occur due to snow. Lynch to work with applicant to reschedule site visit.

MOTION:

◆ **A motion was made by Vice-Chair Paulitz to continue to March 16, 2022. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to schedule a site visit for ICC.*

MATTER: 36-1386: Labor In Vain Rd. 79 Labor In Vain Realty Trust (Graham). NOI to repair areas damaged by storms in jurisdictional areas. *Cont. from 2/16/2022*

DISCUSSION: Lynch said the applicant is working on a plan to address the NOI and enforcement order.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to March 16, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 36-1494: 124 North Ridge Rd. IBYC (Graham). NOI for boat ramp repair and paving of gravel access road to ramp. *Cont. from 2/16/2022*

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DISCUSSION: Present were J Gerry MacDonald (H.L. Graham & Associates) and Tom Burgess (IBYC). MacDonald discussed the site visit. There is concern with erosion between the planks. He said 2-minus inch river stone is proposed to go between the planks. MacDonald discussed paving the access road to replace the gravel. He said during storms, the gravel washes down the access road to the bottom of the boat ramp. MacDonald reviewed the Rip-Rap drainage swale and proposed adding boulders to slow and direct the water runoff.

Hughes suggested the swale be edged as it may need to be maintained. Hughes is concerned that the pavement will erode. It was noted that the delineation did not change. Hughes said the coastal bank should be noted on the plans. Hughes noted that stormwater management standards cannot be waived. She said the applicant must document to the maximum extent practicable that the applicant met the standards. An O & M plan and checklist is needed for the applicant. Lynch to draft an OOC for the next meeting.

MOTION:

♦ **A motion was made by Commissioner ffolliott to continue to March 16, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to draft OOC.*

Documents: Revised plan dated 2-11-22

Requests for Certificates of Compliance:

MATTER: 36-1249: 32 North Ridge Rd. Bonsignore (Hancock) COC. *Cont. from 2/16/2022*

DISCUSSION: Present was Devon Morse (Hancock Associates). Hughes noted a new OOC was issued for 36-1490 and the ICC can issue an invalid COC for 36-1249.

MOTION:

♦ **A motion was made by Commissioner Carney-Feldman to issue an invalid COC. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

New Notices of Intent, Minor Modifications, Formal Amendments, and Extensions:

MATTER: 36- : 71 Pineswamp Rd, Kamon Farm. Essex County Greenbelt. NOI for improvement to a portion of existing farm road to provide access to proposed 12 vehicle gravel parking area including an all-access gravel trail to create public access to the Essex County Greenbelt Assoc. Kamon Farm conservation lane. *New*

DISCUSSION: Present was David Rimmer (Essex County Greenbelt) and Mary Rimmer (Rimmer Environmental). D. Rimmer provided history on the property that was acquired by Greenbelt in 2021. Greenbelt owns the property and the Town of Ipswich holds the CR. He discussed the plan for proposed public access. He pointed out the location of proposed parking and access on the displayed site plan. There is an existing farm road off Pineswamp Road, and the project proposes a gravel parking lot for 12 cars. The area was delineated by Rimmer Environmental. The drainage was discussed, and the swale in the parking area was identified. The grade on the site is away from the wetland. Some trees do need to be removed to create the parking area and the trees are outside of the buffer zone. A large oak tree near the entrance will be preserved. Paulitz suggested an O & M plan for the infiltration trench.

Public Comment: Rick Covino, 65 Pineswamp Rd, is concerned with the size of the parking lot. He asked if there is room for horse trailers. He is concerned about tree clearing and said Pineswamp Rd. is a designated scenic road and there are rules for tree clearing. D. Rimmer responded and said trees along Pineswamp Rd. are not being removed. He said the parking lot is not providing space for horse trailers. He noted portions of Kamon Farm are in the drinking water supply zone, but the proposed parking lot is not.

Larry Graham, 12 Labor In Vain Rd, suggested making the parking spaces smaller.

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Carney-Feldman said 12 parking spaces are not needed. D. Rimmer is not opposed to scaling back the parking lot. Lynch to schedule a site visit for ICC.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to March 16, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to schedule a site visit.*

Documents: NOI application package dated 2-16-22

Enforcement Matters:

MATTER: Enforcement Order listing.

DISCUSSION: ICC reviewed the listing of outstanding enforcement orders. Lynch noted that several need to be revisited for a growing season.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Approval of Minutes: February 16, 2022

◆ **A motion was made by Commissioner Putnam to approve the minutes as drafted/amended. The motion was seconded by Commissioner Stone and passed unanimously.**

Adjournment:

◆ **A motion was made by Vice-Chair Paulitz to adjourn at 10:42 p.m. The motion was seconded by Commissioner Putnam and passed unanimously.**

Respectfully submitted,

Odile Breton
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.