

Approved: 3/17/21
Distributed: 4/21/21

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
March 3, 2021

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, March 3, 2021 at 7:00 p.m. via Zoom. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffolliott, 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:

Mike DeRosa, DeRosa Environmental Consulting, Present

214 High Street

Mike presented a new draft of the plan to show where the applicant would like to put a building at the front of the property and not at the rear. Area B would have a Conservation Restriction placed on it as compensation for allowing the construction of a multi-use building with retail on the bottom and residential on the second floor and associated parking spaces.

Chair Jennifer Hughes stated that the Commission has granted waivers of the 50' no build/no disturb zone because of the change of use. The applicant would need to convince the Commission that it is a worth-while project in this heavily built up area and that the resource area would get some added enhancement or improved function...

Commissioner Catherine Carney-Feldman asked what the small building is. Mike said that the brown buildings are the existing buildings. She also asked what is the quality of the land that is not wetlands. Mike stated that the lighter green area is hydric soil and the lighter tan area is buffer zone and a field.

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

Continue to 4/7/21:

- **36-1254: Old England Rd Culvert.** TOI Department of Public Works. COC. . *Cont from 2/3/21*

A motion was made by Vice-Chair William Paulitz to continue to April 7, 2021. The motion was seconded by Commissioner Raymond Putnam and passed unanimously.

COURTESY POSITION FOR TOWN PROJECTS:

- **36-1430: Water Street.** TOI Department of Public Works. (Coneco). NOI reconstruction of headwall and bank restoration at end of Summer Street. *Cont from 2/17/21*

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

REQUESTS FOR DETERMINATION OF APPLICABILITY (RDA):

- **74 Old Right Rd.** Pynchon. RDA to construct a driveway apron. *Cont from 2/17/21*

Agent Brendan Lynch explained that this needs to be continued. Brendan needs to go over the next steps for the Notice of Intent with Hancock.

A motion was made by Vice-Chair William Paulitz to continue to March 17, 2021. The motion was seconded by Commissioner James Stone. Commissioner Sissy ffolliott recued herself.

- **165 Argilla Rd.** Phillips. (DeRosa). RDA for addition and gravel parking. *New.*

Mike DeRosa, DeRosa Environmental Consulting, Present

The project is an RDA for an addition to an existing building. It is within 150' to the ACEC. There will be a full basement that will tie into the existing basement of the cottage. The wetlands have been flagged and there will be erosion control.

Chair Jennifer Hughes stated that she would like more detail on the plan including dimensions for the new construction and the erosion control line. The addition will be 9'x12' and there will be no dumpster because there will be no demolition.

Chair Jennifer Hughes stated that the conditions will include no stockpiling or storage within the Conservation Commission's jurisdiction and a pre and post construction meeting and erosion control.

A motion was made by Vice-Chair William Paulitz to issue a negative determination with conditions as described. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

Documents: Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled Phillips Residence dated 1/6/2021, and prepared by Cummings Architects.

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

- **36-1461: 20 North Ridge Rd.** Jaquez (DeRosa). NOI for coastal bank restoration and planting of native plants to improve habitat value. *Cont from 2/17/21*

Mike DeRosa, DeRosa Environmental Consulting, Present

Changes to the plan were made after a site walk. A granite bound was added on the other side (north or south??) of the property. A large boulder with an ICC disc is proposed within the planting bed. They also propose a 6' berm which will slope back into the lot to help with the plantings. The multileader boxelder tree will be kept and evaluated by arborist Ben Staples.

Vice-Chair William Paulitz asked about erosion control at the slope. Mike said it will be covered in coir matting and will be stapled. Commissioner Raymond Putnam suggested that the success rate of the seeded area be at least 80% on the Coastal Bank with twice annual monitoring.

Chair Jennifer Hughes stated that she saw the draft OOC, but she thinks that only a No Disturb Zone waiver is needed.

A motion was made by Commissioner Catherine Carney-Feldman to grant the waiver of the No Disturbance Zone. The motion was seconded by Commissioner Raymond Putnam and passed unanimously.

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

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

- **36-1463: 80 Labor in Vain Rd.** Brown/Casey (DeRosa). NOI for ecological restoration project, new hardscape and landscape and installation of underground propane tank. *Cont from 2/17/2*

Mike DeRosa, DeRosa Environmental Consulting, Present

Mike stated that no trees will be taken down.

A motion was made by Commissioner Catherine Carney-Feldman to issue a waiver of work in the no disturb zone. The motion was seconded by Commissioner Sissy ffollott and passed unanimously.

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 issue a positive OOC as drafted and amended. The motion was seconded by Commissioner Raymond Putnam and passed unanimously.

- **36-1464: 61 River Rd.** Harris (John Dick). NOI for demolition and reconstruction of a single family dwelling in riverfront area and buffer to coastal bank. *Cont from 2/17/21*

John Dick, PWS Present

John explained that the possibility of digging a foundation would disturb the coastal bank across the road.

Chair Jennifer Hughes stated that the larger issue is the Stormwater Management plan for the site. Agent Brendan Lynch did not receive an update from the Condo Association.

Chair Jennifer Hughes stated that the land owner (the Condo Association) needs to approve the plan before an OOC can be issued.

Condition 54 needs to state that the concrete washout area needs to be identified in the field and shown on the plan.

Vice-Chair William Paulitz understands the potential timeframe crunch that the applicant is under but the Condo Association owns the property and should sign off on the project before the Conservation Commission does.

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

REQUESTS FOR CERTIFICATES OF COMPLIANCE (COC):

- **39-501: 198 Country Club Way.** COC. *New.*

Agent Brendan Lynch explained that this project was from 1997 and it fell through the cracks after construction. He made a site visit yesterday and the house has not changed since it was built and the bounds were installed correctly post project. The vegetation has pretty much remained unchanged. He recommends issuing a COC and an As Built Plan was not required.

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

Documents: COC request prepared by Daniel Gallagher.

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

- **36-___: 7 Old Essex Rd.** Orlando. NOI for two additions and replacement of side entry deck. *New.*

Robert Gulla, Architect Present

This is a very small ranch house built in 1963. It is as far away from the resource area as possible. For mitigation, they are proposing to convert the asphalt driveway to pervious pavers. Stock piling will be away from resource areas. The proposed deck will be on pilings (sonotubes). The concrete patio under the proposed deck will be removed. .

Chair Jennifer Hughes expressed confusion by the delineation and said there is not a No Build Zone from ACEC.

Agent Brendan Lynch has not reviewed the delineation. Field Agent Bill Decie made a site visit and said that everything looked good.

Chair Jennifer Hughes said that a wetland scientist needs to re-delineate the wetlands as they are not right. She has concerns about the structure on the side of the house and what zone it is in.

Agent Brendan Lynch will go to the site to investigate and get clarification.

Chair Jennifer Hughes asked if there is a way to extend the deck outside of the No Build Zone. Monumentation will be necessary (?) for the granting of waivers.

A site visit will be scheduled.

A motion was made by Commissioner Catherine Carney-Feldman to continue to March 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 Proposed Addition dated 2-10-21, and prepared by Robert Gulla, Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.

ENFORCEMENT MATTERS:

- **58 Mitchell Rd.** *Cont from 2/17/21*

Mike DeRosa, DeRosa Environmental Consulting, Present

Tyler Ferrick of DeRosa Environmental Consulting performed multiple test pits to determine the extent of fill on this site. He flagged the wetlands based on the fill which was easy to see because it was asphalt and brick. All the fill will be removed from the No Disturb Zone.

Chair Jennifer Hughes stated that all fill needs to be removed from both properties, period, and not just the test pit area.

Mike DeRosa's thought was not to remove everything if some things are going to be put back.

Chair Jennifer Hughes stated that the enforcement order will also need to be issued to the other property (56 Mitchell Rd).

Agent Brendan Lynch will re-write and update the enforcement order.

A motion was made by Commissioner Raymond Putnam to issue an enforcement order as described with one month to do the work. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

OTHER BUSINESS: None.

APPROVAL OF MINUTES: 2/17/21

A motion was made by Commissioner Catherine Carney-Feldman to approve the 2/17/21 minutes as drafted and amended. The motion was seconded by Vice-Chair William Paulitz and passed unanimously. Commissioner Raymond Putnam abstained as he was not present at the 2/17/21 meeting.

ADJOURNMENT:

A motion was made by Commissioner Sissy ffollott to adjourn at 8:53 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.