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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
March 16, 2022

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, March 16, 2022, at 7:00 p.m. via ZOOM. Members present were Commissioners Sissy ffolliott, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present were Agent Brendan Lynch and Recording Secretary Odile Breton. Absent with prior notice was Chair Jennifer Hughes and Vice-Chair Paulitz. Commissioner Raymond Putnam was Acting Chair for the meeting.

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

Courtesy Positions for Town Projects:

MATTER: 36-1488: 4 Pineswamp Rd. TOI DPW (Coneco). ANRAD. <i>Cont. from 3/2/2022</i>
DISCUSSION: The matter was continued without discussion at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Stone to continue to April 6, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ .

MATTER: Proposed revisions to Stormwater Bylaw Regulations
DISCUSSION: The matter was continued without discussion.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Stone to continue to April 6, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None.</i> <p><i>Documents: Plan prepared by American Land Survey dated 3-4-22</i></p>

Small Project Permits

MATTER: 34 North Ridge Road Valcour (Graham) SPP soil tests. <i>New</i>
DISCUSSION: Present was Larry Graham (H. L. Graham & Associates). Graham said the Health Department will require replacing the septic system. The first step is to complete soil tests. There will be two deep holes for soil tests. Graham pointed out the test area locations on the site plan. A mini excavator will be used and Graham anticipates the project will take a half day to complete. He explained why erosion control is not necessary. Lynch agreed and offered to do a site visit after the project was completed.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to approve the SPP for soil tests. The motion was seconded by Commissioner Stone and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>Lynch to complete a site visit.</i> <p><i>Documents: Small Permit Package dated 3-9-22</i></p>

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1494: 124 North Ridge Rd. IBYC (Graham). NOI for boat ramp repair and paving of gravel access road to ramp. <i>Cont. from 3/2/2022</i>
DISCUSSION: Present were Larry Graham (H. L. Graham & Associates) and Tom Burgess (IBYC). He requested tabling the matter to latter in the meeting as Gerry McDonald was not on the call. The matter was tabled (7:08 pm see vote below). <p>Graham noted Gerry McDonald (H. L. Graham & Associates) was on the ZOOM call and requested the matter be un-tabled (8:15 pm see vote below).</p> <p>McDonald said the area to be paved is approximately 1300 sq. ft. Currently the area is gravel. During storms, the water pushes the gravel to the boat ramp. McDonald pointed out additional RIP-RAP was added near the dumpster</p>

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area. A stormwater management report is required but a waiver was requested. McDonald said the project is not able to meet stormwater management standards. McDonald noted the project tries to mitigate water run-off and velocity. Putnam and Carney-Feldman prefer to continue the hearing to allow Hughes and Paulitz to review the changes. DEP requested topography on the site plans. The coastal bank needs to be confirmed. Lynch said the coastal bank is at the seaward side of the boat ramp. Graham noted that the coastal bank was established for previous projects on the site and was concerned about re-confirming. Putnam said DEP requested the transects. Lynch to reach out to DEP to discuss. Burgess said the IBYC is anxious to move the project forward for safety purposes. No public comment noted.

MOTION:

- ◆ **A motion was made by Commissioner Ffolliott to table the matter. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

- ◆ **A motion was made by Commissioner Ffolliott to un-table the matter. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

- ◆ **A motion was made by Commissioner Carney-Feldman to continue to April 6, 2022. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Lynch to contact DEP.*

Documents: Revised plan and Stormwater Report Checklist dated 3-4-22

MATTER: 36-1483: 38 North Ridge Rd. Smith (Graham). MM for revisions to stair and landings. *New*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham explained the Town of Ipswich Building Department said the plans for the stair and landings lacked compliance with the building code. Graham pointed out the changes on the plan. A landing was added and a 12 ft. vertical rise between the landings. Lynch noted a landing was added and the stairway is split in thirds. Graham noted the railings require an additional 8 inches (4 on each side). Carney-Feldman is concerned about additional shading. Graham noted the Building Department requires the additional 8 inches. Lynch noted the Building Department is signing off on safety for the project.

Graham noted the previous stairs were not elevated and the project is for elevated stairs. The Building Department would like the new stairs to be built to building code. Lynch to reach out to the Building Department. No public comment noted.

MOTION:

- ◆ **A motion was made by Commissioner Carney-Feldman to approve the minor modification and Agent Lynch to sign off on the project after speaking with Building Inspector regarding required changes to the plan. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Lynch to reach out to Building Department.*

Documents: Minor Modification; revised plan prepared by Graham, Assoc. dated 3-9-22

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 3/2/2022*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental) and Larry Graham (H. L. Graham & Associates). DeRosa explained a plan is being developed for a solution for erosion. DeRosa said water surges over the road and eats away at the soil.

DeRosa reviewed a conceptual design. The proposed material is Flexamat which is anchored under 8 inch plus stone. Marsh elder is planted through the Flexamat material and salt grass is planted through the coir blanket. DeRosa reviewed the Flexamat material and noted it comes in rolls and is seeded. The material will take on the

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water surge. It is a product designed for erosion control. Commissioner ffolliott asked if it would be considered a structure given the concrete component and would be in salt marsh. DeRosa noted questions to CZM need to be resubmitted. Carney-Feldman requested that CZM be asked about the use of Flexamat in other projects in the area. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to April 6, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Roadway Stabilization Plan prepared by DeRosa Env. Dated 3-9-22

MATTER: 36-1498: 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 land. *Cont. from 3/2/2022*

DISCUSSION: Present was David Rimmer (Essex County Greenbelt). A site plan was displayed for the proposed parking lot and access trail. Rimmer noted the ICC site visit and comments. Rimmer said the plan was scaled back to 8 parking spaces and 1 parking space is a dedicated handicap space. Each space is 10 ft. wide and 18 ft. in length. No changes were made to the access road. Rimmer noted the areas where trees will be removed (6 on each side of the parking lot). Larger trees will not be disturbed.

Carney-Feldman suggested moving the parking lot further back by 10 ft. She said the excavation will impact roots of trees and some trees will die. Rimmer said there will still be trees removed if the lot is pushed back 10 ft. He is not convinced moving the lot will make a difference in saving trees. Lynch noted the parking area is outside the buffer zone and a parking lot is an allowable use. Putnam appreciates the reduction in size of the parking lot. Stone sympathizes with Carney-Feldman but is not comfortable with enforcing matters outside the ICC jurisdiction. Carney-Feldman suggested moving the stakes now to see what the difference would be in removing trees. A surveyor is not needed.

Public Comment: Rick Covino, Pineswamp Rd., is opposed to the parking lot design. He said when the project was first proposed before the property was purchased, Greenbelt said the parking lot would accommodate horse trailers.

Rimmer agreed to move stakes to see if the number of trees to be removed will change.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to April 6, 2022. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Parking Plan dated 3-8-22

MATTER: 36-1496: 4 Kingfisher Rd. Provost (Hancock). NOI for new septic system and staircase replacement. *Cont. from 3/2/2022*

DISCUSSION: Present were Larry Graham and Gerry McDonald (H. L. Graham & Associates). Graham noted revisions to stairs are like 38 North Ridge Rd. The Town of Ipswich Building Department requires the changes. The landings were adjusted to meet the building code. The width for handrails is increasing to 44 inches from 36 inches. Graham explained the coir logs to be set in the eroded area beneath the landings. The exact location of the coir logs will be determined in the field by the contractor and Conservation Agent. Lynch suggested a condition for through flow material instead of a wood landing. Graham can modify the plan to meet the condition. McDonald said there were no changes to the septic system plan. No public comment noted.

ICC reviewed draft OOC. Putnam asked when monitoring begins. Lynch suggested year end reports with Spring

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2022 being the first growing season.

MOTION:

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

◆ **A motion was made by Commissioner ffolliott to issue a positive OOC as drafted/amended. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: revised Plan prepared by Graham Assoc. dated 3-9-22

MATTER: 36-1497: 55 Waldingfield Rd. Ora, Inc. (DeRosa, Hancock). NOI for proposed construction of wetland crossing and patio. *Cont. from 3/2/2022*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental) and Lolly Gibson (Laura Gibson Landscape Design). Putnam inquired about the alternatives analysis. DeRosa said a draft will be available for the next meeting. DeRosa noted the patio will be reduced and be outside the NBZ. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to April 6, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 36-1477: 214 High Street. 214 High St LLC (DeRosa). NOI for implementation of an ecological restoration plan, removal of an existing single-family home and construction of multi-family dwelling. *Cont. from 2/16/2022*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental) and Larry Graham (H. L. Graham & Associates). DeRosa noted the project will go before the Planning Board on March 31, 2022. Parking is in the front of the building to be as far away from the resource area. Drainage system designed will comply with Stormwater Management bylaw and the new proposed regulations. Graham reviewed the drainage system and said garages will be pitched for water to drain out.

Graham noted at the last meeting it was suggested that the TSS removal credits for a proprietary unit for the catch basins proposed in this project would not be allowed (80% credit). Graham did some research and found inconsistency with Town Departments allowing proposed TSS removal credit or proprietary drainage units. Graham provided examples of different projects noting varying percentages for credit. Graham said there was no guidance in the regulations. He suggested adding guidance for proprietary units in the proposed regulations or have a policy. For this project, Graham can insert between the catch basin and infiltration system a BMP and take 50% credit and still meet the new Stormwater Management Regulations.

No public comment noted.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to April 20, 2022. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

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Requests for Certificates of Compliance:

MATTER: 36-1471: 20 Lakemans Lane. Bernard. COC. <i>New</i>
DISCUSSION: Present was Dan Bernard. Bernard noted the construction is complete. Lynch provided photographs of the site and noted two monuments were installed. ffolliott said the monuments (and anything else that was approved) should be included on the plan. Lynch to work with applicant to revise the plan for monuments.
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner ffolliott to continue to April 6, 2022. The motion was seconded by Commissioner Stone and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>Lynch to work with applicant to update as-built plan.</i></p> <p><i>Documents: COC and As-Built Plan dated 12-1-21</i></p>

Approval of Minutes: March 2, 2022

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

Adjournment:

- ◆ **A motion was made by Commissioner Carney-Feldman to adjourn at 9:25 p.m. The motion was seconded by Commissioner ffolliott 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.