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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
March 17, 2021

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, March 17, 2021 at 7:00 p.m. in Room A of the Ipswich Town Hall. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy Ffolliott, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present was Conservation Agent Brendan Lynch.

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

<p>MATTER: 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 3/3/2021)</p>
<p>DISCUSSION: Agent Lynch stated the discussion is to be continued to the first meeting in April 7, 2021.</p>
<p>MOTION: ◆ A motion was made by Vice-Chair Paulitz to continue to April 7, 2021. The motion was seconded by Commissioner Putnam and passed unanimously.</p>

Requests for Determination of Applicability:

<p>MATTER: 74 Old Right Road. Pynchon. RDA to construct driveway apron. Cont. from 3/3/21</p>
<p>DISCUSSION: Agent Lynch said confirmation was received and the applicant will put together a stormwater report and a Notice of Intent. Lynch has not received any update regarding the RDA. Lynch said with the stormwater report the Commission can issue a positive determination for the RDA. Chair Hughes asked about crediting filing fees. Agent Lynch said it has to be determined and is best done when the Notice of Intent is submitted.</p> <p>Commissioner Carney-Feldman noted a number of trees have been taken down and asked if Agent Lynch had done a site visit. Commissioner Ffolliott interjected that there has been no tree cutting and most of the trees on this parcel were planted in the 1930's by the CCC (Civilian Conservation Corps) and are almost all red pines. Chair Hughes said the Commission will receive a notice of intent.</p>
<p>MOTION: ◆ A motion was made by Commissioner Carney-Feldman to continue to April 7, 2021. The motion was seconded by Vice-Chair Paulitz and passed with 4 votes yes (Commissioner Ffolliott recused herself).</p>
<p>MATTER: 16 Spillers Lane. Spillers Lane Dock Association. RDA for local approval to apply for Chapter 91 License. New</p>
<p>DISCUSSION: Present was Caitlin Shoreman, representing the Spillers Lane Dock Association. Shoreman provided an explanation for the neighborhood dock. There are 14 houses with deeded water rights. Currently 6 families use the dock. The dock has been in existence since 1969 according to neighbors. The current dock has a concrete bulkhead. The dock is used for dingy's to get to boats in the river. She anticipates the possibility of repairs or replacement of the concrete bulkhead. She is requesting approval for repairs or replacement from the ICC. Shoreman said the Chapter 91 license is being looked into but a complete removal of the bulkhead is also being explored. The removal of the bulkhead would only need local approval. Agent Lynch said the bulkhead is within tide lands and that is where Chapter 91 comes into play. Shoreman said another possibility would be a new structure that does not use the bulkhead and stays above the high tide line. Chair Hughes said new docks or piers are not allowed in the ACEC. Shoreman then asked for verification that the only option would be to replace what is existing. Chair Hughes stated that doing anything to that permanent structure requires a Chapter 91 license. Lynch said a negative determination from the ICC begins the process for the Chapter 91 license. Chair Hughes said the ICC does not need to approve if the structure has been in existence since 1969. It would pre-date protection regulations. Agent Lynch said that Chapter 91 needs a determination or an order of conditions from the ICC. Chair Hughes asked for clarification for what the ICC would determine. Public Comment: Kerrie Macrae, 31 Heartbreak Road, asked for clarification for "beyond our means". Chair Hughes explained ACEC and the ICC is not allowed to permit new docks and piers in the ACEC. Lynch will complete additional research and reach out to Waterways and DEP.</p>

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MOTION:

◆ A motion was made by Vice-Chair Paulitz to continue the matter for two weeks for more information to be obtained by the Agent. The motion was seconded by Commissioner Putnam and passed unanimously.
Documents: RDA dated 3/3/2021

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1465: 7 Old Essex Road. Orlando. NOI for two additions and replacement of side entry deck. *Cont from 3/3/21.*

DISCUSSION: Present was Robert Gulla , architect, representing Andrew and Amanda Orlando. The plans were updated to correct delineations for the 40 ft. and 25 ft. No Build and No Disturb Zones. Site plans were presented and changes were identified. There is a waiver request for the no build 40 ft.

Chair Hughes remarked that it was a great job getting everything requested on the site plan. Chair Hughes requested detail about the sub-base for the pervious area before the pavers are installed. Chair Hughes requested the information be provided as a condition. No additional comments/questions from the ICC. No public comment noted. Chair Hughes noted for the next meeting the order will be issued and the public hearing will be closed.

MOTION:

◆ A motion was made by Commissioner ffolliott to approve request of waiver for work in the no build zone with the required mitigation at 1.5 to 1. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

◆ A motion was made by Commissioner Carney-Feldman to continue to April 5, 2021. The motion was seconded by Vice – Chair Paulitz and passed unanimously.

Documents: Revised plan prepared by Robert Gulla dated 3/10/2021

MATTER: 36 -1464: 61 River Road. Harris (John Dick). NOI for demolition and reconstruction of a single family dwelling in riverfront area and buffer to coastal bank. *Cont from 3/3/21*

DISCUSSION: Lynch said there was no update from the Association or Mr. John Dick. No public comment noted.

RECOMMENDATION OF AGENT: Lynch recommended continuing to April 7, 2021.

MOTION:

◆ A motion was made by Vice-Chair Paulitz to continue to April 7, 2021. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

MATTER: 36-1306: 35 River Road. Veno. Extension to OOC request. *New*

DISCUSSION: Agent Lynch did not observe the applicant present on ZOOM. Lynch said the request is for a 1 year extension.

RECOMMENDATION OF AGENT: Lynch recommended the 1 year extension.

MOTION:

◆ A motion was made by Commissioner Putnam to issue a one year extension to 35 River Road. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

Documents: Extension Request

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Requests for Certificates of Compliance:

<p>MATTER: 36-1354: 30 Mill Rd. (DeRosa). COC. <i>New</i> 36-1355: 28 Mill Rd. (DeRosa). COC. <i>New</i></p>
<p>DISCUSSION: Commissioner Carney-Feldman recused herself as she is an abutter. Present was Tyler Ferrick with DeRosa Environmental representing the applicant, Tim Holton. Ferrick provided a summary and presented a site plan. He reviewed the phases. He noted an old horse trail that was relocated and plantings were added to deter people from using the old trail. Chair Hughes said the concern is to see the changes in person. She noted photographs were provided but said the area should be inspected. She asked the Agent to do an inspection when the plants have leafed out. Vice Chair Paulitz complimented the packet presentation.</p>
<p>MOTION: ◆ A motion was made by Vice-Chair Paulitz to continue to May 5, 2021. The motion was seconded by Commissioner Ffolliot and passed with 4 votes.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ Agent Lynch to review all documentation to ensure complete (monitoring reports) and to inspect the site. Documents: COC prepared by DeRosa Env. Dated 2/17/2021</p>

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

<p>MATTER: 36-1395: 19 Sagamore Rd. (DeRosa). MM for proposed construction of drainage swale and dry well. <i>New</i></p>
<p>DISCUSSION: Present was Tyler Ferrick of DeRosa Environmental, represent Ann and Nate Hollingsworth. Tyler reminded the ICC that an invasive species removal was done around the existing pond. He pointed out an area that is eroded by water coming down the driveway. The plan for the drainage swale and dry well will help prevent erosion. There were no questions or concerns about the proposal. Chair Hughes said it seems reasonable as a minor modification given its location in the outer buffer zone. No public comment noted.</p>
<p>MOTION: ◆ A motion was made by Commissioner Carney-Feldman to issue the minor modification as requested. The motion was seconded by Vice-Chair Paulitz and passed unanimously. Documents: MM prepared by DeRosa Env. Dated 3-5-2021</p>

<p>MATTER: 36-1466: 240 County Rd and Fellows Rd. New England Biolabs. (Meridian). NOI for new Child Care Center to include vegetated area, parking and entry drive. <i>New</i></p>
<p>DISCUSSION: Present was Charlie Wear from Meridian. Site plans were presented pointing out buildings and the area under construction. Wear provided site history and identified the location of the new day care facility. He said the new day care facility has frontage on Fellows Rd. There is no intention by New England Biolabs to access the facility by Fellows Rd. Access will be from the main campus roadway. He pointed out the Conservation Restriction area near the facility. He described the facility as 8000 sq. ft. with a capacity for 72 children. Approximately 2000 sq. ft. is in the buffer zone. There is no new pavement proposed for the buffer zone. He described the drainage flow to the wetlands and proposed a rain garden and an infiltration basin. A Stormwater treatment report was provided with all MA DEP stormwater management standards are met. Chair Hughes asked about the soils. Wear said the soils vary. Soils in the wetlands are like clay. Soils away from the wetlands are very sandy. It's an abrupt change. Chair Hughes suggested the applicant discuss with Greenbelt if there is any grassland</p>

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bird habitat or if mowing would be beneficial from a habitat standpoint.

Joanne Hiromura, landscape architect, reviewed the landscaping plan including the play areas of the day care facility that overlook the meadows and wetlands. Play areas will use natural elements such as logs, stumps and sand. Kate Kennan, landscape architect with Offshoots, Inc., discussed the ecological planting strategy. She described the native plantings to be used. Irrigation for the plants has not yet been determined. Commissioner Carney-Feldman suggested cisterns.

Wear said there is a peer review report coming from Bob Puff PE Consulting Civil Engineer. Chair Hughes brought up the delineation review fee was not paid. Wear said it is open for review and said Lynch visited the site.

Public Comment:

Kerri Macrae, 31 Heartbreak Rd, noted that future development may occur on this site and asked the ICC to take that into consideration. She is concerned about future increase in usage and the impact on water. Wear responded and said the Barroway area may be developed in the future. There is a portion of the area that is unrestricted. Under zoning regulations, there is an opportunity to continue expansion on the site. There are no current plans to expand in the Barroway area. The site is under special permit issued by the Planning Board and NE BioLabs would need their approval for any expansion on the site.

Chris Florio, 44 Fellows Rd, said he agrees with Macrae's concerns. He requested the ICC to consider long-term plans. Wear responded that the Great Estates bylaw restricts development on the site. Future expansion is limited.

Helen Weatherall, 44 Fellows Rd, said the recent substantial expansion was alarming. Weatherall is not confident the information provided by Wear is accurate. Chair Hughes explained that the ICC only regulates what is within its jurisdiction.

Chair Hughes suggested Lynch set up a site visit for the ICC.

MOTION:

◆ **A motion was made by Vice – Chair Paulitz to continue to April 7, 2021. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

Documents: NOI prepared by Meridian dated 3-3-21; Plans preped by Meridian dated 2-18-2-21; stormwater report dated 2-18-2-21

ACTION ITEMS / SPECIAL INSTRUCTIONS:

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

MATTER: 36-1466: 240 County Rd. New England Biolabs. (Meridian). MM for a change in stormwater management to the temporary access road. *New*

DISCUSSION: Present was Charlie Wear from Meridian. The site plan was displayed. The reason for the modification is that the temporary access road has started to fail. Wear explained that a temporary pipe will be installed to help with the water gathering underneath the roadway in 2 locations outside the No Disturb and No Build Zones. Wear stated that the underlying soil in the 2 areas is clay. Chair Hughes and Wear discussed other options. Wear said more investigation can be done since the freeze – thaw cycle is almost over.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to April 7, 2021. The motion was seconded by Commissioner ffolliott and passed unanimously.**

Documents: MM prepared by Meridian dated 3-5-2021, Garden expansion plan dated 3-3-2021

MATTER: 36-1467: Rosewood Drive, units 60 and 61. Hubert LeBlanc Tr. (Wetlands Land Management). NOI to construct a duplex housing building. *New*

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DISCUSSION: Present was Bill Manuell from Wetlands & Land Management. Roger LeBlanc was also present. A site plan was displayed. Manuell explained the NOI is related to the terms of the recent settlement. He stated there was an area originally slated for development as outlined on the site plan. He pointed out an area on the site plan that can be developed with a duplex. He included in the package language from the settlement which he said should be included in the OCC. Manuell noted that South Side Realty Trust is working toward the settlement agreement with the Town and began by installing granite markers on the edge of the restricted area. Detention basins have been cleared of debris. Chair Hughes clarified that the area behind the granite markers is a no disturb area. Manuell confirmed. The proposal is for the construction of a duplex unit. Access is from Rosewood Drive. He pointed out an area for roof water infiltration. Development of the area was considered in the original storm water management plan. Chair Hughes noted the site plan presented is at a different scale than the overall site plan and is concerned about meeting all the requirements for the Certificate of Compliance. She noted items missing from the presented plan such as stormwater infrastructure. The overall site plan was displayed and LeBlanc identified catch basins and explained the stormwater management. Vice-Chair Paulitz said the ICC will need to see topography which is not included on the site plan presented. Additional information on soil testing is needed. Chair Hughes said it would be nice to know what vegetation exists and if any trees can be saved. Chair Hughes asked about the status of the conservation restriction. LeBlanc responded that Attorney George Hall is working with the State on it. Chair Hughes said the ICC needs to roll all perpetual conditions into the new OOC.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to April 7, 2021. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

Documents: NOI prepared by Wetlands Land Mgmt dated 3-2021; plan revised date 10-20-2020

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to secure final language and plan for conservation restriction. Lynch will reach out to Attorney Hall. Manuel to add topography to the site plan and storm water infrastructure.*

Other Business:

MATTER: Discuss waiver list for 40B application at 36 Essex Road

DISCUSSION: Chair Hughes said the ICC received the waiver list for 36 Essex Road and were asked to comment by tomorrow which will not happen because of the short notice. She also noted the Planning Director Ethan Parsons drafted an email stating time is needed to review adequately. It will not be discussed this evening since no one had time to review it. The Waiver List is a concern since there is a blanket waiver request for the stormwater bylaw which is Federal requirement. There are several other requested waivers. Lynch said the revised waiver list was submitted this morning.

Public Comment:

Kerri Macrae, 31 Heartbreak Road, asked the ICC to not allow the ZBA to bypass ICC controls. She sent an email to Lynch. Chair Hughes said the MASS Wetlands Protection act will apply.

Chris Florio, 44 Fellow Rd, thinks all the waivers should be reviewed and agreed the ICC needs time to do that. He thinks the Town and ZBA support the ICC to review the waivers.

Documents: Revised list of waivers date 3-17-21

Approval of Minutes: March 3, 2021

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

Adjournment:

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♦ A motion was made by Commissioner ffollott to adjourn at 9:45 p.m. The motion was seconded by Vice-Chair Paulitz 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.