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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
April 7, 2021

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, April 7, 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 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
Citizen’s Queries:

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MATTER: Citizen's Query for Labor in Vain Causeway by Mike DeRosa, Mike Ryan and Steve Tucker.

DISCUSSION: Mike DeRosa presented a Power Point presentation for a proposed solution to an eroded bank. He stated during storm surges, water is over topping a section of the road. It causes issues for the west side of the causeway road and is eroding that section of the bank. They want to discuss the solution concept with the ICC before the NOI. He reviewed the proposed solution and materials to be used to give structure to the bank. Chair Hughes said there is an open NOI on this section of the road and asked if it has been withdrawn. Ryan said it has not been withdrawn. Chair Hughes said the ICC cannot comment on it. The time for ICC comment is when the NOI is presented before the ICC. Commissioner Carney-Feldman asked if the solution has been used before by DeRosa. He responded that he has not used the particular product presented. Ryan said they understand the resource limitations and the presentation is to see if the ICC would entertain this solution. Chair Hughes suggested looking at the Town project that is permitted to restore another section in the salt marsh. Ryan said collectively they feel that solution will not work. Chair Hughes said that if a structural solution is approved, there is no guarantee it will not be appealed. She suggested having a preliminary discussion with CZM.

MATTER: Citizen's Query for presentation by Chair Hughes at ZBA meeting on 3/25/21 by Dan O'Leary.

DISCUSSION: Thanked Chair Hughes for the presentation. He asked if the ZBA responded to concerns brought up by Chair Hughes relating to waivers requested by Essex Pastures (40B) for Wetlands Protection bylaw and the Storm Water bylaw. Chair Hughes said ICC has not received any comment back from the ZBA. She said the ZBA will have the ICC formal comments before the ZBA meeting on April 15, 2021.

Chair Hughes announced the following matters are continued to April 21, 2021: Rosewood Drive, Old England Rd Culvert, Water Street (DPW), 16 Spillers Lane and 61 River Road.

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

MATTER: 36-1467: Rosewood Drive, Units 60 and 61. Hubert LeBlanc Tr. (Wetlands Land Mgmt). NOI to construct a duplex housing building. *Cont from 3/17/21*

DISCUSSION: No discussion.

MOTION:

◆ **A motion was made by Vice – Chair Paulitz to continue to April 21, 2021. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

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

DISCUSSION: No discussion.

MOTION:

◆ **A motion was made by Vice-Chair Paulitz to continue to April 21, 2021. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

MATTER: 36-1430: Water Street. TOI Department of Public Works. (Coneco). NOI reconstruction of headwall and bank restoration at end of Summer Street. *Cont from 3/17/21*

DISCUSSION: No discussion.

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◆ **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.**

Small Project Permits

MATTER: 66 Labor in Vain Rd. Hertz. SPP to replace existing porch with mudroom. *New*

DISCUSSION: Present were Frank and Katie Hertz and designer Bob Weatherall. Weatherall explained the project and pointed out the existing porch on the diagram presented. The existing porch is 8 ft. wide and 17 ft. long with two sets of stairs. The plans are to make the porch 2 ft. wider (an addition of 34 sq ft. of floor area). A 4 ft. frost wall will hold up the new structure. Chair Hughes noted the project does not fit within the small project categories and is probably an RDA. Commissioner ffolliott agreed that the project is an RDA. Chair Hughes explained it is a different filing and notification. Hertz said they would coordinate with Agent Lynch and get the correct filing completed.

Documents: SPP dated 3-19-21

MATTER: 58 Essex Rd. Smith. SPP for shed replacement. *New*

DISCUSSION: Present were Janet and Tim Smith. Photographs of a barn structure were displayed. Lynch added that it is a burned out small garage/storage structure. The applicant would like to tear down the structure and replace it with a smaller shed. Chair Hughes said the removal is not an issue and asked about the location (above or below retaining wall) of the replacement shed. T. Smith said that if the shed is placed above the retaining wall it will be within 10 ft. to 15 ft. of Rt. 133. J. Smith said when she spoke to the Building Department she was told the shed should be farther back from the street. Chairs Hughes would like more information: size of shed, how much fill material is needed to level area, and what the shed foundation will be.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Plan for shed to include more details: the shed foundation, if fill is needed how much and what materials, and not to exceed dimension. Applicant to work with Agent Lynch.*

Documents: SPP dated 3-18-21

Requests for Determination of Applicability (RDA):

MATTER: 74 Old Right Rd. Pynchon. RDA to construct a driveway apron. *Cont from 3/17/21*

DISCUSSION: Agent Lynch said the applicant is not moving forward with project and would like to withdraw the filing. Chair Hughes said as no work has been done a withdrawal is appropriate

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to accept the request for withdrawal for the RDA for 74 Old Right Road. The motion was seconded by Commissioner Stone and passed with 4 votes (Commissioner ffolliott abstained).**

MATTER: 16 Spillers Lane. Spillers Lane Dock Association. RDA for local approval to apply for a Chapter 91 license. *Cont from 3/17/21*

DISCUSSION: No discussion.

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MOTION:

♦ **A motion was made by Vice-Chair Paulitz to continue to April 21, 2021. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1464: 61 River Rd. Harris (John Dick). NOI for demolition and reconstruction of a single family dwelling in river front area and buffer to coastal bank. *Cont from 3/17/21*

DISCUSSION: No discussion.

MOTION:

♦ **A motion was made by Vice – Chair Paulitz to continue to April 21, 2021. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

MATTER: 36-1466: 240 County Rd and Fellows Rd. New England Biolabs. (Meridian). NOI for new child care center to include vegetated areas, surface parking and entry drive. *Cont from 3/17/21*

DISCUSSION: Present was April Ferraro (Meridian Associates). She reviewed changes made since the last meeting. A diagram of the site was displayed. She noted a site visit with members of the ICC. Greenbelt requested the proposed driveway be moved out of the restricted area and the plan is updated for the driveway outside the restricted area. The loop was removed and the driveway is a T shape. Meridian received the peer review from Bob Puff PE Consulting Civil Engineer and is working through comments. Kate Keenen, landscape architect at Offshoots, reviewed updates to the landscape plan. Commissioner Carney-Feldman commented on the number of plant cultivars and suggested using native plants that have not been cultivated. Commissioner Carney-Feldman noted the current voluntary water restriction is Ipswich and suggested the applicant develop alternatives to water all the new plantings including bringing in water trucks if needed to water new plantings in case of a water ban.

Chair Hughes asked if the Planning Board is asking for specific information on this project. Keenan said the Planning Board asked about snow storage, location of dumpster, EV stations and location of bike racks. The items will be on the updated site plans. Ferraro said there is no plan for a dumpster at the day care location.

Public Comment: Jim McCarthy, 35 Fellows Rd, said at the Planning Board hearing there was mention of ground leveling on the Fellows side. He asked if there is any impact to the wetlands from the leveling. Ferraro explained the play areas will have a 2% slope. By the fence there will be a 3:1 slope to meet up with an existing grade. Ferraro pointed out the areas on the site plan.

MOTION:

♦ **A motion was made by Commissioner Putnam to continue to April 21, 2021. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to send ICC a copy of the peer review comments. Meridian to update plan for removal of silt layer by Catch Basin.*

Documents: Plans prepared by Meridian dated 2-18-21; Planting plan dated 4-1-21; withdrawal letter dated 4-2-21

MATTER: 36-1466: 240 County Rd. New England Biolabs. (Meridian). MM for change in storm water management to the temporary access road. *Cont from 3/17/21*

DISCUSSION: Present was April Ferraro (Meridian Associates). Agent Lynch said the applicant requested a withdrawal. Ferraro said New England Biolabs is not planning to do the work at this time.

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MOTION:

◆ **A motion was made by Vice-Chair Paulitz to accept the withdrawal of the amendment. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

MATTER: 36-1462: 66 Labor in Vain Road. David Updike (Graham). NOI for septic system replacement and well for barn. *Cont from 2/17/21*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). On March 8, 2021, the Board of Health approved the septic system repair with a condition for ICC approval. He submitted a plan to Agent Lynch earlier today noting it is revision four which the Planning Board approved at its last meeting. Chair Hughes and Vice-Chair Paulitz had edits for some conditions.
No public comment noted.

MOTION:

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

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ Graham to send a hard copy of final plan to Agent Lynch.
Documents: Revised Plan prepared by Graham dated 1-27-21

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

MATTER: 36-1468: 25 Jeffreys Neck Rd. Ganley (Graham). NOI to construct a carport, garage and pool. *New*

DISCUSSION: Present was Larry Graham (H.L. Graham and Associates). The site plan was displayed and Graham explained the proposed work is to the left side of the house. The existing wood frame garage is to be re-located so that a pool and lanai (deck) can be put installed. The property is approximately 4.5 acres. Several resource areas are involved which Graham identified on the site plan. He said the proposal does not trigger Stormwater Management.

Chair Hughes said the ICC could not accept wetland line or the associated buffer because the plan was 8 years old. Graham said the lines were re-surveyed in March and they applied for the delineation to be reviewed. Agent Lynch conducted the review on April 6, 2021. He noted the area was reflagged.

Chair Hughes said there is a proposal for another house on the lot and asked Graham to confirm. Graham said there is no proposal before the ZBA at this time. The lot is being divided.

Chair Hughes inquired about some tree clearing that occurred last year. Graham said he is aware of tree stumps removed out of jurisdiction. Ganley stated trees came down last February. Some pruning was done on other trees. This was done prior to developing this plan. No trees were taken down in the wetlands or 100 ft. buffer zone. Ganley said a notification was received from the ICC about the tree clearing. He responded immediately and invited the ICC to visit the site and did not receive a response.

Commissioner Putnam asked about the dimensions for the pool and carport. Graham said the pool is 16ft by 33 ft. Graham said the Ganley's have an architect for the project and the dimensions will be on the architect's plan. Chair Hughes requested Graham to include the dimensions on the site plan in the legend.

Public Comment: Carolyn Britt, an abutter, said the nearby salt marsh is the most damaged in the community largely from the waste treatment plant. She suggested restricting how the pool is emptied so that there is no additional chlorine added to the salt marsh. Chair Hughes said this was discussed and will be conditioned as the applicant described.

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MOTION:

◆ **A motion was made by Vice-Chair Paulitz to continue to April 21, 2021. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Ganley's/Graham to install no disturb markers on property line and in grass area. Graham to add de-watering detail and pool filtration. Monumentation needs to be added to the plan. Lynch to prepare a draft decision for the next meeting. Filing fee needs adjustment as this is a 2 category project and only one fee was paid.*

Documents: NOI and plans prepared by Graham dated 3-24-21

MATTER: 36-1469. 134 Argilla Rd. Waterman/Carson (Rimmer Env.). NOI to construct a 10x24 addition and septic system replacement. *New*

DISCUSSION: Present were Ryan McShera, Red Barn Architecture, owners Waterman and Carson, and Mary Rimmer of Rimmer Environmental LLC. The proposal is to reconstruct a barn on the property. Ryan presented a Power Point slideshow of the site and barn. The existing barn has outlived its useful life and I has structural failures. The project was discussed with the Town Building Inspector and has gone before the Zoning Board of Appeals and the Board of Health for review. The existing septic system is for 3 bedrooms. The house on the site has 2 bedrooms and the barn will have 1 bedroom. The new septic system will be documented on the new plans. In addition to the site plan Mr. McShera pointed out the barn, home, septic system, marsh and buffer zones. The ACEC and 25ft. No Disturb Zone were identified. Rimmer described the existing leach field and septic system which are very close to the wetlands. The new septic system will be located on the other side of the site, away from the wetlands. The applicant is requesting two waivers for work in the NoBbuild Zone and within the ACEC. Chair Hughes asked how the No Disturb Zone will be monumented. Rimmer said monuments would be placed behind the home, the garage and in the mulch bed by the driveway. Chair Hughes inquired about the soils since the project is within the flood plain. Rimmer said the soils were fairly tight.

Chair Hughes asked about the first floor elevation which will need to be above the FEMA flood elevation. McShere said the first floor is garage and storage space. There is no living area on the first floor. This is allowed per building code. Vice-Chair Paulitz noted DEP had a comment and read it to the meeting record. Rimmer said there is no response required.

Chair Hughes suggested salt tolerant plantings. Commissioner Carney – Feldman suggested pulling the gazebo out of the resource area. Chair Hughes said the ICC would prefer not to see the gazebo out there and asked if the owners were not opposed to moving it. McShera said that is something that could be accommodated for the ICC.

Public Comment: Larry Graham, said the ACEC elevation 10 is based on 1929 data and the base flood elevation 13 is based on 1988 data therefore they both cannot be the same. Chair Hughes noted FEMA has the entire site in the AE flood plain. Rimmer will ask the surveyor for more information.

The project will before the Board of Health on April 15, 2021.

MOTION:

◆ **A motion was made by Vice-Chair Paulitz to continue to April 21, 2021. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Applicant to revise plans to show relocation of gazebo, corrected subzones, monumentation, additional information from surveyor and a planting plan.*

Documents: NOI dated 3-23-21; plan prepared by Waypoint dated 3-2-21; plan prepared by Dan Johnson dated 1-27-21

MATTER: 36- . Argilla Rd. The Trustees of the Reservations/Russell Hopping and Mary Rimmer (Rimmer Environmental LLC.). NOI for Great Marsh Restoration Project. *New*

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DISCUSSION: Present were Russell Hopping, lead Coastal Ecologist for the Trustees and Mary Rimmer. Hopping said the project is to help the marsh be more resilient to rising sea levels. Area beaches and salt marshes are the most vulnerable habitat in the area. PowerPoint slides included aerial views to explain the project. Rimmer said they have filed with NEPA and have an environmental report. They worked extensively with coastal zone management and DEP on developing the environmental impact report (EIR). The project is filed as an Ecological Restoration NOI. It is a complicated project because it covers 3 different sites with 3 different restoration techniques. The project tries to address hydrological impact from past agricultural activities that occurred in the marsh. Ditches left by farmers are not being maintained and the ditches are getting clogged. Mega pools are forming. Rimmer explained the proposed solutions and ditch remediation process including details of each restoration technique.

There will also be Time of Year Restrictions in place. Rimmer also discussed restoring habitat for bird species in the marsh specifically the Saltmarsh Sparrow.

No public comment noted.

MOTION:

- ◆ **A motion was made by Commissioner Carney-Feldman to continue to April 21, 2021. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *NOI must be signed by the applicant. Rimmer to share OCC from Newbury. No DEP file number yet.*
- Documents: NOI prepared by Rimmer Env dated 3-23-21

Enforcement Matters:

MATTER: 134 Town Farm Rd. Rousseau. EO update. *Cont from 12/9/2020*

DISCUSSION: Lynch provided an update. He said cars and debris have been removed from the marsh. The goal is to have all items out of the wetlands and off Town property.

MATTER: 58 Mitchell Rd. *Cont from 3/3/2021*

DISCUSSION: Agent Lynch said a continuance was requested to finish the restoration plan. Chair Hughes note the matter will be continued to April 21, 2021.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Lynch to put something in writing so that there is no appearance of not complying with the enforcement order.*

Discuss and Vote on Conditions:

MATTER: 36-1465: 7 Old Essex Rd. Orlando. NOI for two additions and replacement of side entry deck. *Cont from 3/17/2021*

DISCUSSION: There was a discussion on condition 47 related to monuments. Lynch to update the condition. Chair Hughes said the ICC requested 3 monuments. Chair Hughes suggested referencing the NOI documents.

MOTION:

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

Adjournment:

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♦ **A motion was made by Vice-Chair Paulitz to adjourn at 10:09 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.