

Approved: June 3, 2020
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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
May 20, 2020

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, May 20, 2020 at 7:05 p.m. via Zoom. Members present were Chairman Jennifer Hughes, Commissioners Sissy ffollott, Catherine Carney-Feldman and James Stone, Raymond Putnam. Also present was Agent Brendan Lynch and Recording Secretary Andrea Mackinney. Vice-Chair William Paulitz and Commissioner Brian O'Neill were absent with prior notice.

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

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

Cont to 6/3/20:

- **36-1385: Labor in Vain Rd. Right Of Way** at Labor in Vain Creek Bridge. (Coneco)TOI Department of Public Works. Notice of Intent to repair town road and shoulders. *Cont from 5/6/20*
- **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 5/6/20.*
- **36-1430: Water Street.** TOI DPW. (Coneco). NOI construction of headwall at boat launch. *Cont from 5/6/20.*
- **36-1435: Bowdoin Rd Storm Sewer.** TOI Department of Public Works (Coneco) NOI for reconstruction of storm sewer in existing location on Bowdoin Rd from number 12 to the outlet near the end of Bowdoin Rd. *Cont from 5/6/20*

A motion was made by Commissioner Catherine Carney-Feldman to continue to June 3, 2020. The motion was seconded by Commissioner James Stone and passed unanimously.

COURTESY POSITIONS FOR TOWN PROJECTS:

- **17 Linebrook Rd.** Town of Ipswich. Enforcement update. *Cont. from 11/6/19.*

A post and rail fence and planting monumentation are complete. Agent Brendan Lynch recommends lifting the enforcement order.

A motion was made by Commissioner Sissy ffolliott to lift the enforcement order. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

- **Kamon Farm Drinking Water Supply and Conservation Project.** Open Space Department

Chris LaPointe and Hannah, Essex County Greenbelt, Present

This is a 93-acre parcel on both sides of Pine Swamp Road. The property protects a large portion of the town’s water supply. Essex County Greenbelt has the property under contract for 1.15 Million and it is appraised for 1.3 Million. Essex County Greenbelt will own and maintain the land and the town will hold a conservation restriction.

Hannah talked about applying for the state land grant program in the amount of \$400,000. The cost to the town will not exceed \$450,000. They have discussed the project with the Wastewater and Select Board and they are on board. The grant is due on July 15th.

Chairman Jennifer Hughes asked if they can apply for a water protection supply grant. Hannah said that they applied for it and did not get it.

They will come back and speak further at the July 1st meeting.

- **36-_____ : Town Farm Rd Culvert.** DPW (Coneco). NOI for reconstruction of Town Farm Rd over a culvert near 148 Town Farm Rd. *Cont from 5/6/20*

Kevin McHugh and Mike T., Coneco, Present

A DEP file number has issued (13851445). The DEP file number needs to be changed in the OOC.

A motion was made by Commissioner James Stone to close the public hearing. The motion was seconded by Commissioner Sissy ffolliott and passed unanimously.

A motion was made by Commissioner Catherine Carney-Feldman to issue the OOC as drafted. The motion was seconded by Commissioner James Stone and passed unanimously.

SMALL PROJECT PERMITS:

- **51 Linebrook Rd.** Hart House. Lesko. SPP for planting of native trees. *New.*

The owner would like to plant three shrubs and trees which will be 100' from the bank. The bank restoration is not included in this project.

Chairman Jennifer Hughes asked if there can be a follow into areas instead of walling them off.

The owner discussed her concern that if the granite is not laid out continuous that there will be a liability issue that

Commissioner Catherine Carney-Feldman suggested that the maple trees to be planted be native American.

The conditions will be that the maple trees planted will be native American and that there will be a pre and post inspection.

A motion was made by Commissioner Catherine Carney-Feldman to grant a SPP. The motion was seconded by Commissioner Sissy ffolliott and passed unanimously.

REQUESTS FOR CERTIFICATE OF COMPLIANCE (COC):

- **36-1336: 5 Willowdale Circle.** Audette. (Graham) COC *Cont from 5/6/20*

Larry Graham and Jerry MacDonald, Present

The formal amendment has not been recorded yet.

A motion was made by Commissioner Catherine Carney-Feldman to continue to June 3, 2020. The motion was seconded by Commissioner Sissy ffolliott and passed unanimously.

- **36-398: 7 Alderson.** Fionda. COC. *Cont from 5/6/20*

Agent Brendan Lynch said that the monumentation has been installed on the rock wall and on the other side of the fence.

A motion was made by Commissioner Sissy ffolliott to issue the COC. The motion was seconded by Commissioner James Stone and passed unanimously.

- **36-1318: Willowdale Forest Culvert Plan.** ECTA (Derosa) COC. *Cont. from 5/6/20*

Mike Derosa, Derosa Environmental, Present

There were questions at the last meeting as to why there were so many rocks which was in order to stabilize the bank.

Chairman Jennifer Hughes asked why it was filled with rip rap and not vegetation.

Mike said that it is very stable as is and there is no adverse impact. He also said they are willing to vegetate it. They will take out some of the rock that does not need to be there and revisit the matter at the mid-June meeting.

A motion was made by Commissioner Catherine Carney-Feldman to continue to June 17, 2020. The motion was seconded by Commissioner James Stone and passed unanimously.

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

- **36-____: 1 Old England Rd.** Sheilds. (Derosa). NOI for implementation of a suburban garden habitat enhancement plan in jurisdictional areas. *New.*

Mike Derosa, Derosa Environmental, Present

A food orchard is proposed. There is an existing tennis court which they want to convert to raised beds and a growing area. There are beehives and they want to enhance the diversity of the plants.

A site visit needs to be set up.

Chairman Jennifer Hughes is worried about the no disturb zone and mowing of the wetlands.

A motion was made by Commissioner Sissy ffolliott to continue to June 3, 2020. The motion was seconded by Commissioner Raymond Putnam and passed unanimously.

- **36-1354: 30 Mill Rd.** Hilton. (Derosa). FA for addition of stone wall along existing horse path and addition of raised boardwalk in jurisdictional areas. *New.*

Mike Derosa, Derosa Environmental, Present

A stone wall will be added along the existing horse path along the edge of the meadow together with an addition of a raised boardwalk in jurisdictional areas. Trees have been marked out that need to be removed.

The board will do a site walk.

A motion was made by Commissioner James Stone to continue to June 3, 2020. The motion was seconded by Commissioner Sissy ffolliott. Catherine Carney-Feldman abstained.

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

- **36-1334: 64 Paradise Rd.** Miles River Sand and Gravel. (Derosa). Extension Request *New.*

Mike Derosa, Derosa Environmental, Present

He has prepared a management plan for miles river sand and gravel. They have been operating under the OOC for the past three years. They want to keep the management plan in place.

Chairman Jennifer Hughes would like an update to make sure conditions have been complied with over the past three years. She would also like Agent Brendan Lynch to do a site visit.

A motion was made by Commissioner Catherine Catherine-Feldman to continue to June 17, 2020. The motion was seconded by Commissioner Sissy ffolliott and passed unanimously.

- **36-1378: 143 High St Bank** Gloucester. (Wetlands Mgmt.) MM for phragmites treatment. *New.*

Bill Manuell, Wetlands Management

He is the erosion and restoration monitor. The restoration of the back field which is a meadow. Some of it was wetlands.

The project would be better served if only phragmites were dealt with. He suggests doing an individual stem treatment. It would be monitored in two growing seasons.

Chairman Jennifer Hughes visited the site less than a year ago. The field is largely full of native material except for two patches of phragmites.

Chairman Jennifer Hughes asked if it could be excavated out instead of using herbicide.

It would continue to be monitored in accordance with the OOC.

A motion was made by Commissioner Raymond Putnam to issue a minor modification. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

- **36-1440: 10 North Ridge Rd.** McNiff. (Graham) NOI for seawall cap. *Continued from 5/6/20.*

Larry Graham, HL Graham Associates, Present

At the May 6 meeting, discussed with Commission to cap the seawall.

The owners would like to raze and rebuild the house. Another option would be to renovate the house. The top of coastal bank slices right through the top of the house. They put together two other options. One suggests putting a portion of rebuilt house over the existing dwelling but off of the coastal bank. A garage, shed and proposed septic would be done. They would do storm water mitigation. The second option removes everything from the coastal bank.

Chairman Jennifer Hughes said that the commission cannot weigh heavily on the comparison of the options. The NOI is not for this work. She also stated that new construction will not be allowed on a resource area.

Larry Graham mentioned that at the next meeting under Citizen's Queries, he would like to talk about the renovation.

Ken Savoie wants to verify option A and the intent was not new construction on coastal bank; it is reconstruction to work with existing foundation. He wants to clarify it if best to work with what is there.

A motion was made by Commissioner Catherine Carney-Feldman to continue to June 17, 2020. The motion was seconded by Commissioner Sissy ffolliott and passed unanimously.

- **36-1414: 173 Linebrook Rd. Lot 25.** Symes Dev. NOI Open Space cluster development of residential dwelling units within jurisdictional areas. *Cont from 5/6/20*

Rich Harrington and Jeff Rhuda, Present

Rich speaks about the path relocation that was discussed with the Planning Board. An OOC needs to be drafted.

A motion was made by Commissioner Catherine Carney-Feldman to June 3, 2020. The motion was seconded by Commissioner Sissy ffolliott and passed unanimously.

- **36-1417: 173 Linebrook Rd. Road A.** Symes Dev. NOI stormwater management and grading within jurisdictional areas. *Cont from 5/6/20*
- **36-1415: 173 Linebrook Rd. Lot 21.** Symes Dev. NOI to construct a portion of a single-family dwelling and grading within jurisdictional areas. *Cont from 5/6/20*
- **36-1416: 173 Linebrook Rd. Lot 20.** Symes Dev. NOI to construct a portion of a single-family dwelling and grading within jurisdictional areas. *Cont from 5/6/20*

A motion was made by Commissioner Sissy ffolliott to continue to June 3, 2020. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

- **36-727: 14 Plains Rd.** Delisi. Extension Request. *New.* Request one-year extension. *New.*

Agent Brendan Lynch said that looking through the paperwork, the order is expiring the end of this month. He requests a one-year extension be granted.

A motion was made by Commissioner Sissy ffollott to approve a one-year extension. The motion was seconded by Commissioner Raymond Putnam and passed unanimously.

ENFORCEMENT MATTERS:

- **Corliss Brothers.** Review tree removal. *Cont from 5/6/20*

Mike Derosa, Derosa Environmental, Glenn Wood, Craig Calef, Present

They are approved for 11 acres for nursery production and growing fields. It is in agricultural use. They are in the process of prepping 2-1/2 acres of field. There is an irrigation pond and intermittent stream. There are plantings in place since 1980's.

Chairman Jen Hughes said it needed to be established for agricultural use. The second matter is the lack of BNP's in place on the site.

Mike Derosa stated that they will put a management plan in place. There will be a 25' setback on both sides of intermittent stream

Chairman Jen Hughes asked if we get some temporary erosion controls in place now.

Mike Derosa said yes and said that the loam pile can be seeded.

Chairman Jennifer Hughes asked if a proposed management plan can be presented by the next meeting. It should address pesticides in soils, stockpiles near pond/intermittent stream that need to have BMP's, a 25' buffer around the pond/stream and temporary erosion control.

A motion was made by Commissioner Sissy ffollott to continue to July 1, 2020. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

APPROVAL OF MINUTES:

A motion was made by Commissioner Catherine Carney-Feldman to approve the minutes of February 5, February 19, February 19 Executive Session, March 4 and April 1, 2020. The motion was seconded by Commissioner Sissy ffollott and passed unanimously.

ADJOURNMENT:

A motion was made by Commissioner Raymond Poulin to adjourn at 9:56 p.m. The motion was seconded by Commissioner James Stone 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.