

Approved: 6/15/2022
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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
June 1, 2022

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, June 1, 2022, at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz (approximate arrival 8:00pm), Commissioners Sissy ffollitt, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present were Associate Commissioner Jack Stone, Agent Brendan Lynch and Recording Secretary Odile Breton.

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

MATTER: 36-1386: Labor In Vain Rd. 79 Labor In Vain Realty Trust (Graham). NOI to repair areas damaged by storms in jurisdictional areas. <i>Cont. from 5/18/2022</i>
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Putnam to continue to June 15, 2022. The motion was seconded by Commissioner Stone and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None.

MATTER: 36-1473: 14 North Ridge Road. Keady (Graham). COC. <i>Cont. from 12/8/2021</i>
DISCUSSION: The matter is being continued without discussion at the applicant's request.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Putnam to continue to July 6, 2022. The motion was seconded by Commissioner Stone and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None.

Small Project Permits

MATTER: 28 Eagle Hill Rd. Mueller (Graham). SPP soil testing. <i>New</i>
DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham was contracted to do a septic system. A site plan was presented. Graham noted the existing cesspool is failing. Graham identified proposed soil test areas. The site is in the 100 ft. river front area, all in ACEC and within flood zone. Hughes suggested temporary erosion controls installed during testing and immediate stabilization afterwards. Graham included a waiver request in the application to complete tests in jurisdictional areas.
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Stone to approve the request of waivers as requested. The motion was seconded by Commissioner Carney-Feldman and passed unanimously. ◆ A motion was made by Commissioner Carney-Feldman to approve the SPP for soil tests with conditions. The motion was seconded by Commissioner Stone and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None <i>Documents: SPP application and plan prepared by Graham Assoc. dated 5-17-22.</i>

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1500: 38A Topsfield Rd. (Wetlands Land Management). NOI to construct a new single-family dwelling. <i>Cont. from 5/18/2022</i>
DISCUSSION: Present was Bill Manuell (Wetland Land Management) and Roger LeBlanc (applicant). Manuell reviewed revised plans noting the 50 ft. NDZ and 65 ft. NBZ lines. Four NDZ granite markers were added on the NDZ line. Manuell said the roof water is collected and runs through sub-surface pipes going to a catch basin. This

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is subject to DPW authorization. Filter boxes to be used for driveway run-off and cartridges will treat water. System longevity is 5 years, and this is a compact way to remove TSS. The entire project is out of the buffer zones. Lynch visited the site but was not able to review wetland flags due to vegetation density. Hughes requested Lynch to revisit the site and review wetland line. Hughes asked about the cost of the filter boxes and the maintenance contract needs to be a condition. Hughes requested documentation from DPW acknowledging permit approval. LeBlanc noted the maintenance contract for the filler boxes is approximately \$2700 for the first 5 years.

No public comment noted. Hughes said the draft OOC can be reviewed at the next meeting and the public hearing can be closed.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to June 15, 2022. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Revised submittal prepared by Wetlands Management dated 5-25-2022

Requests for Certificates of Compliance:

MATTER: 36-1174: 27 Northgate Rd. Borgman. COC. *Cont. from 7/7/2021*

DISCUSSION: Lynch said the OOC was issued in 2012 to relocate a barn. A larger area of vegetation was removed and an EO was issued. Restoration occurred in 2019. Restoration is adjacent to the horse paddock. There have been 2 years of growth and monitoring. A letter of compliance needs to be submitted to DEP.

MOTION:

◆ **A motion was made by Commissioner ffolliott to issue a return to compliance letter to close the EO. The motion was seconded by Commissioner Stone and passed unanimously.**

◆ **A motion was made by Commissioner Carney-Feldman to issue a full and final COC. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to submit return to compliance letter to DEP.*

MATTER: 36-1378: 143 High St. Bank Gloucester. COC. *Cont. from 5/18/2022*

DISCUSSION: Lynch noted the engineer was not available this evening. Lynch informed the engineer that he would need to be present for an ICC meeting to answer questions from the ICC. Comments from Paulitz were forwarded to the engineer.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to June 15, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

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

MATTER: 36-1504: 10 Chebacco Rd. Hoopes (Rimmer). NOI for construction of detached garage. *New*

DISCUSSION: Present were Tom and Molly Hoopes (applicant) and Mary Rimmer (Rimmer Environmental). Rimmer said the property is approximately 6 acres. Photographs of the site were presented, and Rimmer pointed out the location of the new garage that will look like a barn. The garage will be used for equipment and vehicle storage. Rimmer described flooding that occurs during heavy storms because the drainage system is inadequate.

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Part of the project is to correct the drainage system. Rimmer reviewed the wetland flags, existing catch basin and drains. The project will replace the catch basin, and replace a 4 inch pipe with a 6 inch pipe that goes to a manhole across the driveway. Rimmer noted markers do exist and will add them to the plan. A large portion of the maintained lawn will become a wildflower meadow. A waiver is requested for work on drainage and the driveway in the NDZ. Rimmer did not receive comments from DEP regarding the project.

Hughes requested a site visit for the ICC. Hughes requested an alternatives analysis from the applicant because a portion of the project does not need to be in the NDZ. Rimmer noted the driveway exists and there are no new project areas in the NDZ. No public comment noted.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to June 15, 2022. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None. Site visit scheduled for Tuesday, June 14@4pm*

Documents: NOI application prepared by Rimmer Envir. and plan dated 5-10-2022

Enforcement Matters:

MATTER: 3 Willowdale Circle. Unpermitted tree cutting. *Cont. from 11/17/2021*

DISCUSSION: Lynch provided an update. He said 6 trees were cut down. Shrubs were required to be planted. The shrubs planted look healthy and 1 more growing season is needed. Photographs were presented. ffolliott pointed out the shrubs are not native. Hughes said no maintenance should occur behind the markers and the area should look natural. They will need to plant 5 each of the correct Native species for a total of 15 plantings. Lynch will contact the owners.

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to August 17, 2022. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 121 Argilla Road. Gravel driveway. *Cont. from 4/20/2022*

DISCUSSION: Present was Attorney Frank Di Luna representing Ascot Riding Center. Di Luna said the owners retained a contractor (Greg Hocmuth) today who will complete the analysis of vegetation. Di Luna said DEP provided the information on determining agricultural use

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to June 15, 2022. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 62 Jeffreys Neck Road. Fence. *Cont. from 5/4/2022*

DISCUSSION: Present was Robyn Leet, owner. Leet said that 2 (two 8' sections the fence will be removed from the wetlands (approximately 16 feet). Hughes asked about the deck. Leek said the footings of the deck were rotting. The footings were replaced in the same location. The deck was slightly bumped out to accommodate stairs. Hughes suggested an after the fact RDA to memorialize the changes to the site. Lynch can walk the owner through the RDA application process. Leet noted the timeline to move the fence is either August or September 2022. Lynch to revise

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the EO to approve the work.
MOTION: ♦ A motion was made by Commissioner Carney-Feldman to amend the Enforcement Order to move the fence as discussed and documented. The motion was seconded by Vice-Chair Paulitz and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i>

Discussion of Conditions:

MATTER: 36-1253: 27 Water Street. LeBlanc (Graham).
DISCUSSION: Present were Roger LeBlanc (applicant) and Larry Graham (H.L. Graham & Associates). Lynch noted documentation was added for 5-year maintenance contract and stormwater management system. Hughes suggested adding a finding to document the need for the amendment. ICC reviewed draft OOC. Edits were made since the new OOC supersedes the old OOC. Hughes suggested adding a new condition for the updated O & M plan and requirement of 5-year maintenance contract. Lynch to add finding detailing need for the amendment and add new condition (condition #83a) for O & M. It was noted that both O & M plans get recorded with OOC. ffolliott requested “animal waste” be added to condition #90 for consistency with other Orders.
MOTION: ♦ A motion was made by Vice-Chair Paulitz to issue the OOC as drafted/amended. The motion was seconded by Commissioner Stone and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>Lynch to update findings and conditions as discussed.</i>

Adjournment:

♦ **A motion was made by Commissioner Carney-Feldman to adjourn at 8:47 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.