

Approved: 8-4-21
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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
July 21, 2021

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, July 21, 2021 at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffollott, Catherine Carney-Feldman, and James Stone. Also present were Agent Brendan Lynch and Recording Secretary Odile Breton. Absent with prior notice was Commissioner Raymond Putnam. ICC votes this evening will be from five members present.

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:

MATTER: Ipswich Bay Yacht Club (IBYC) – Fireworks at Clark Beach scheduled August 20, 2021
DISCUSSION: Present was David DeGrappo for IBYC. DeGrappo explained the clean-up plan after the fireworks at Clark Beach on August 20th. The fireworks are planned to go off one hour before high tide. DeGrappo noted it is a private event for members of the IBYC and the Association of Great Neck (AGN).
MOTION: No ICC action required

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

MATTER: 36-1430: Water Street. TOI Department of Public Works (Coneco). NOI reconstruction of headwall and bank restoration at end of Summer Street. <i>Cont. from 5/19/2021</i>
DISCUSSION: No discussion. Matter to be continued.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to August 18, 2021. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes.</p>

MATTER: 36-1386: Labor in Vain Road. 79 Labor In Vain Realty Trust (Graham). NOI to repair areas damaged by storms in jurisdictional areas. <i>Cont. from 6/16/2021</i>
DISCUSSION: No discussion. Matter to be continued.
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner ffolliott to continue to September 15, 2021. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes.</p>

Courtesy Positions for Town Projects

MATTER: 36-1433: Sewer Interceptor and siphon replacement. Town of Ipswich Water Department. FA to revise bank stabilization. <i>New</i>
DISCUSSION: Present was Emily Sadoway (Ipswich Utilities and Waste Water Management), Troy Barry and Dan Roop (Tighe & Bond – Engineering and Environmental Consultants). Sadoway said the request is an amendment. Amendment includes changing bio-engineered solutions for more natural base solutions to enhance bank stabilization. Barry provided technical details of the amendment and said it is an opportunity for natural mimicry for bank stabilization, natural habitat and is a more resilient approach. Aerial views and site plans were presented. Barry described current conditions and reviewed plantings and materials for the project. Roop noted there is an application for grant funding for this section of the project. Carney-Feldman requested that straight natives be used for plantings not cultivars. Barry noted the proposal is a draft for the funding request. Hughes suggested Barry review the plantings for the nearby County Street bridge restoration project. Lynch to send Barry the information. Lynch noted the OOC is for 3 years. Hughes asked if the OOC can be extended to five years if amended and asked Lynch to investigate. As soon as funding is received and if river conditions permit, the Town would like to start the project. Sadoway added the Town would like the amendment approved for the OOC. Roop noted the project was reviewed by MEPA (Massachusetts Environmental Policy Act Office).

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Public Comments:

Gail Anderson, 37 County Street, said it is a great idea to review plan between County Street bridge and Choate Bridge. She is concerned about plantings in shaded areas.

Larry Graham, 12 Labor In Vain Road, said environmental conditions differ on projects in the area. He suggested Tighe & Bond look upstream and downstream to look at the diversity of the projects.

Hughes inquired about a monitoring plan for the project and said at a minimum the plan should meet State monitoring requirements for two years. She suggested the monitoring plan be extended to three years.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to August 4, 2021. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Tighe & Bond to revise plantings plan and draft a monitoring plan for 8/4/2021. Lynch to provide plantings plan from nearby projects. Lynch to inquire with DEP for extension to 5 years for OOC.*

Documents: Formal Amendment request dated 7-6-21; DEP letter dated 5-10-21

MATTER: 36-1364: 24 Candlewood – Pony Express. FA and Ext request to OOC. *New*

DISCUSSION: Present were Beth O'Connor, Open Space Steward for Ipswich and Jeff Putor, Superintendent Cemeteries and Parks for Ipswich. O'Connor provided the status of the project. She noted the project will be scaled back to due funding. The request is to extend and amend the OOC for items that will not be completed. The extension request is for three years. Putor discussed maintenance of the area and timing of maintenance.

Carney-Feldman requested to cut upland meadow in March instead of autumn for wildlife purposes. Hughes suggested a site visit within the next two weeks.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to August 4, 2021. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to schedule a site visit.*

Documents: Formal Amendment and Extension Request dated 7-7-21

On-going Notices of Intent (NOI), Minor Modifications (MM), and Formal Amendments (FA)

MATTER: 36-1476: 108 Central Street. Becker (DeRosa) ANRAD. *Cont. from 7/7/2021*

DISCUSSION: Lynch noted the applicant requested a continuance. Hughes noted a peer review is needed for soils.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to issue continue to August 4, 2021. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Planning Board Special Permit denial letter dated 6-24-21

MATTER: 36-1467: Rosewood Drive, units 60 and 61. Hubert LeBlanc Tr. (Wetlands Land Mgmt.). NOI to construct a duplex housing building. *Cont. from 7/7/2021*

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DISCUSSION: Present was Bill Manuell from Wetland Land Management. Manuell noted George Hall, Town Counsel, reviewed and noted application is in compliance with the settlement agreement.

MOTION:

♦ **A motion was made by Vice-Chair Paulitz to accept the new OOC. The motion was seconded by Commissioner Stone and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Requests for Certificates of Compliance:

MATTER: 36-1447:88 Little Neck Road. Cheever (Graham). COC. *New*

DISCUSSION: Present were Larry Graham (H.L. Graham & Associates) and Peter Cheever, the applicant. Graham noted the project is complete and displayed a site diagram. Graham pointed out changes as the plans presented were updated for asbuilt conditions. Graham reviewed non-compliance items that were included in the COC application (exhibit A).

Hughes stated that a COC cannot be issued without a Formal Amendment because of the alterations to the river front numbers to the site and those need to be recorded. The changes affect what can be done on the site in the future. Cheever did not believe the changes were in the sensitive area. The driveway was extended 10 ft. for safety. Parking was on a slope and awkward for the elderly. The patio is a small area and he did not realize paving would be an issue.

Hughes noted that the OOC states any changes to the plan have to be presented to the Conservation Agent and potentially to the ICC. State law requires in River Front Area that you memorialize the amount that has been disturbed. There are limitations as to how much river front can be disturbed and how much impervious area you can have. The numbers have changed from the original plan submitted.

MOTION:

♦ **A motion was made by Commissioner Carney-Feldman to continue to August 18, 2021. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Graham to submit a formal amendment and include analysis of changes. Boulders/large stones to add to front of lot to discourage parking. Triple filing fees apply.*

Documents: COC and Plan prepared by Graham Assoc. dated 7-7-21

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

MATTER: 36-1374: 21 River Road. Torrisi (Graham). FA and Ext. *New*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham said the OOC was issued 7/24/2018 and expires in a week. Graham reviewed the revised site plan and noted the project is slightly smaller than originally planned. The request is a formal amendment to rebuild the home and pour a new foundation. The same waiver request is being made for grading in the NBZ. Graham noted the revised project needs to get approval from the Little Neck Association. The extension request is for two years. The current OOC expires next week.

MOTION:

♦ **A motion was made by Commissioner Carney-Feldman to grant an extension for two years. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes.**

♦ **A motion was made by Commissioner ffolliott to continue to August 18, 2021. The motion was**

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seconded by Vice-Chair Paulitz and passed with 5 votes.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Graham to request approval from the Little Neck Association. Graham to highlight all changes from the original plan and update numbers on the NOI.*

Documents: Formal Amendment and Extension Request dated 7-7-21; Revised plans prepared by Graham Assoc dated 6-24-21

MATTER: 36- : 45 Pine Swamp Road. DosSantos. NOI for single family dwelling. *New*

DISCUSSION: Present was Chris York (Millennium Engineering). York reviewed the site plan for Lot 6 which is 44.3 acres and proposes a single family dwelling. Hughes is concerned with the driveway design and potential issues for the future. York will look into adding a swale to the driveway design. Hughes said the construction needs to be sequenced and erosion control tiered. York will update construction sequence.

Lynch noted a DEP number has not yet been issued and pointed out the CR. Lynch to schedule a site visit.

Hughes stated the applicant needs to file for all local permits related to the project. York to file for septic system permit with Board of Health.

MOTION:

- ◆ **A motion was made by Commissioner ffolliott to continue to August 18, 2021. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Lynch to schedule a site visit. York to update construction sequence and complete filling for all permits.*

Documents: NOI filing; Plans prepared by Millenium Eng. And Stormwater Management Plan all dated 7-6-21

MATTER: 36 - : 58 North Ridge Rd. Napolitano (Graham). NOI for stair replacement on coastal bank. *New*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Carney-Feldman excused herself from this matter to attend to a barn issue.

Graham explained the project is to replace existing wooden stairs and landing and add retractable stairs for shore access. He said the existing stairs are dangerously high and the proposal is to lower the stairs and add two landings. There will be erosion control between supports.

Hughes is not in favor of extending the stairs into the ACEC and suggested a site visit. Lynch will reach out to CZM about retractable stairs in the ACEC.

MOTION:

- ◆ **A motion was made by Vice-Chair Paulitz to continue to August 18, 2021. The motion was seconded by Commissioner ffolliott and passed with 4 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Lynch to schedule a site visit.*

Documents: NOI and Plans prepared by Graham Assoc. dated 7/7/21

MATTER: 36 - : 38 North Ridge Rd. Smith (Graham). NOI for stair replacement on coastal bank. *New*

DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham explained the access is on the ground by way of stepping blocks. There is an existing retractable stair case at the end and an existing wood landing. Hughes is concerned if the stairs were permitted.

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MOTION:

◆ A motion was made by Vice-Chair Paulitz to continue to August 18, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to schedule a site visit.*

Documents: NOI and Plan prepared by Graham Assoc. dated 7/7/21

Enforcement Matters:

MATTER: 62 Jeffreys Neck Rd. Unpermitted fence within jurisdictional areas. *Cont. from 6/16/2021*

DISCUSSION: Lynch provided an update and said Mike DeRosa (DeRosa Environmental) is assisting the owner. The delineation will be completed. Lynch recommended continuing to September 15, 2021.

MOTION:

◆ A motion was made by Vice-Chair Paulitz to continue to September 15, 2021. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 121 Argilla Rd. Unpermitted work within jurisdictional areas. *Cont. from 6/16/2021*

DISCUSSION: Lynch provided an update and said Mike DeRosa (DeRosa Environmental) is assisting the owner. The delineation will be completed. Lynch recommended continuing to September 15, 2021.

MOTION:

◆ A motion was made by Vice-Chair Paulitz to continue to September 15, 2021. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Other Business:

MATTER: Conservation restriction (CR) 106 Essex Road

DISCUSSION: Present was Beth O'Connor, Open Space Steward for Ipswich. O'Connor said the CR is with the Town and DCR. The discussion was Lot 3 which is approximately 59 acres with 2 acres on Lot 3 not included in the CR. The unrestricted 2 acres is to be used to build a house. There is a formal request by the owners to move the 2 acre location 166 feet within Lot 3. DCR is reviewing the request to amend the CR. O'Connor said there will be more information from DCR for the August 4, 2021 ICC meeting.

MOTION: No formal ICC action needed.

Documents: Letter from Buttonwood Nominee Trust dated 6-24-21

MATTER: 36-1473: 14 North Ridge Rd. Keady (Graham). NOI to repair existing seawall. *Cont. from 7/7/2021*

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DISCUSSION: No questions or comments noted.

MOTION:

◆ A motion was made by Vice-Chair Paulitz to issue positive OOC as drafted. The motion was seconded by Commissioner ffolliott and passed with 5 votes.

Approval of Minutes: July 7, 2021

◆ A motion was made by Commissioner Carney-Feldman to approve the minutes of July 7, 2021 as drafted/amended. The motion was seconded by Commissioner Stone and passed with 4 votes (Paulitz abstained).

Adjournment:

◆ A motion was made by Vice-Chair Paulitz to adjourn at 10:09 p.m. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.

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.