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IPSWICH CONSERVATION COMMISSION

Meeting Minutes

August 4, 2021

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, August at 7:00 p.m. via ZOOM. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffolliott, Catherine Carney-Feldman, and James Stone. Also present were new Associate Commissioner John Stone, Agent Brendan Lynch and Recording Secretary Odile Breton. Absent with prior notice were Commissioners Putnam and Frier.

Chair Hughes welcomed new members Commissioner Jill Frier and Associate Commissioner John (Jack) Stone and noted Commissioner Frier was not present for this evenings meeting.

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

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Citizen's Queries: None Noted.

Courtesy Positions for Town Projects

<p>MATTER: 36-1433: Sewer Interceptor and siphon replacement. Town of Ipswich Water Dept. FA to revise bank stabilization. <i>Cont. from 7/21/2021</i></p>
<p>DISCUSSION: Lynch said there was a request from the Water Dept. to continue.</p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Vice-Chair Paulitz to continue the matter to August 18, 2021. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.</p> <p>Documents: revised plan prepared by Tighe and Bond dated 5-22-20</p>
<p>MATTER: 36-1364: 24 Candlewood-Pony Express. Town of Ipswich. FA and Ext Request to OOC. <i>Cont. from 7/21/2021</i></p>
<p>DISCUSSION: Present were Beth O'Connor, Open Space Steward for Ipswich and Jeff Putor, Superintendent Cemeteries and Parks for Ipswich. Putor noted a site visit earlier in the week with three Commissioners and Lynch. O'Connor noted the site conditions reviewed on the site visit and she summarized the progress of the plantings. O'Connor said the request is to amend the OOC to continue with the maintenance and clearing of evasive species. Hughes suggested not amending the OOC at this time and to wait and see how the plantings and clearing progress. Hughes suggested withdrawing the formal amendment. Putor said an extension is needed and additional work activities can be requested at a later date.</p> <p>Carney-Feldman requested documenting that the meadows be cut at the end of winter or early spring. O'Connor and Putor agreed to withdraw the formal amendment.</p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Commissioner Carney-Feldman to accept the withdrawal of the formal amendment. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes.</p> <p align="center">◆ A motion was made by Vice-Chair Paulitz to extend the OOC for three years. The motion was seconded by Commissioner Jim Stone and passed with 5 votes.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p align="center">❖ <i>O'Connor to write a formal withdrawal of the requested amendment and submit to Conservation Agent.</i></p>

<p>MATTER: Conservation Restriction 106 Essex Road. <i>Cont. from 7/21/2021</i></p>
<p>DISCUSSION: Present was Beth O'Connor, Open Space Steward for Ipswich. O'Connor provided an updated based on information from DCR. She reminded the ICC that there is a request from the land owner to relocate two acres of unrestricted land. DCR legal determined the request is an amendment to the CR. DCR has a formal amendment process. O'Connor requested the ICC concur with DCR's determination and sign a letter prepared by O'Connor documenting the ICC concurring with DCR.</p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Vice-Chair Paulitz to authorize Chair Hughes to sign the letter concurring with DCR determination the request is an amendment to the CR. The motion was seconded by Commissioner ffolliott and passed with 5 votes.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p align="center">❖ <i>Chair Hughes to sign the letter.</i></p>

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Ongoing Notices of Intent(NOI), Minor Modifications(MM) and Formal Amendments (FA):

MATTER: 36-1477: 214 High Street. 214 High St LLC (DeRosa) NOI for implementation of an ecological restoration plan, removal of an existing single family home and construction of a multi-family dwelling. *Cont. from 7/7/2021*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental), Larry Graham (H.L. Graham & Associates) and Mike Becker, applicant. DeRosa said the building has been redesigned since the last meeting and is smaller. The site plans were displayed to compare the original version to the revised version. DeRosa pointed out the reduction in pavement.

Hughes reminded the applicant of the State law that requires the applicant to file for all necessary permits. She noted the project has not submitted an application with the Planning Department. Hughes said the pavement has to stay out of the NDZ and NBZ. Hughes suggested the applicant meet with Planning Department and Conservation Department staff.

Becker stated that zoning requirements for parking conflicts with conservation requirements. Hughes said conservation requires that you not be in the NBZ and NDZ with pavement. The site plan has pavement in a sensitive resource area. Becker inquired about offsets for removing existing items in NDZ. Hughes responded that mitigation is at a 2 to 1 ratio.

No public comment noted.

MOTION:

◆ **A motion was made by Vice-Chair Paulitz to continue to September 1, 2021. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Applicant to complete all permit filling requirements including special permit application to the Planning Department prior to September 1, 2021 ICC hearing.*

Documents: Revised plans prepared by Graham Assoc. dated 7-14-21

MATTER: 36-1476: 108 Central St. Becker (DeRosa) ANRAD. *Cont. from 7/21/2021*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental) and Mike Becker, applicant. DeRosa provided an update on the delineation line. DeRosa noted he walked the site with Hughes and Lynch reviewed the stream and soils. Site plans were presented and the stream and two drainage pipes were pointed out. DeRosa explained the actual location of the stream may change stream bank line on the plan if it is determined the actual stream bank depicted on the plan is accurate. Hughes noted DeRosa consulted with Wayne Castonguay (Ipswich River Water Association "IRWA") and IWRA's study of Farley Brook. Hughes said the ICC would be interested in IRWA sharing information or a letter saying that IRWA agrees with the location of the stream. Hughes noted the area in the back of the lot is very difficult because of all the vegetation and wetland soils.

Hughes said a second opinion is appropriate given it is a controversial location with a lot of abutter input. The applicant agrees to a third party review at the applicant's expense.

Public Comment: David Mooradd, 106 Central St., inquired about DEP Wetlands Map. Hughes explained DEP identifies changes in red on the maps. The map of the Central Street area was displayed and Hughes noted there is no red on the map for the 108 Central Street site. She noted the pipes in the back of the site factor into the hydrology of the site. Hughes noted the area in green on the map is a wetland area and the blue lines on the map indicate hydraulic connections.

Hughes noted it will take time for the third party review opinion.

MOTION:

- ◆ **A motion was made by Commissioner ffolliott to continue to September 1, 2021. The motion was seconded by Commissioner Stone and passed with 5 votes.**

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ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Lynch to reach out entities to schedule the third party review.*

REQUESTS FOR CERTIFICATES OF COMPLIANCE

MATTER: 36-895: 101 Jeffreys Neck Rd. Gonzales. (Wetlands Mgmt.). COC. Cont. from 6/2/2021

DISCUSSION: Lynch provided an update. He said there is mitigation for an enlarged deck and trees were added. He said 2 or 3 monuments need to be installed. Lynch recommended continuing for monumentation installation.

MOTION:

- ◆ **A motion was made by Vice-Chair Paulitz to continue to September 1, 2021. The motion was seconded by Commissioner ffolliott and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None*

New Notices of Intent(NOI), Minor Modifications(MM), Formal Amendments(FA), and Extensions (Ext):

MATTER: 36-1410: 14-16 Mitchell Rd. (Meridian) MM. New

DISCUSSION: Present was Chris Rokos (Meridian Associates) representing the applicant. Rokos said it is a request for a minor modification as the project is being scaled back. Site plans were displayed (original approved and revised) and Rokos pointed out the addition to the back of the existing building. The addition is proposed to be reduced. He noted the infiltration is the same. He also noted the disturbance is the same in the 100 ft. buffer zones. The existing building has a metal roof and the revision proposes replacing it with a membrane roof.

Hughes asked if additional pavement was added. Rokos said yes. He said storm water management standards are met for the new portion of the development. Rokos noted the project is before the Planning Board and the revised storm water management plan is being peer reviewed (see Planning Board 7/15/2021 minutes). Hughes said the ICC would like to see the peer review.

Hughes asked if Low Impact Development (LID) techniques were considered. Rokos said the soils are not great and there is shallow ground water. Paulitz asked if a rain garden could be added in the north west corner of the site. Rokos will look into feasibility of a rain garden for the area.

No public comment noted.

MOTION:

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *None.*

Documents: Minor Modification filing dated 7-21-21; revised plan and stormwater report prepared by Meridian Assoc. dated 6-29-21

MATTER: 36-1265: 1 Jay Road. Soffron. Ext. Request. New

DISCUSSION: Lynch said the applicant requested a nine month extension to complete the driveway and garage. Lynch recommended a one year extension.

MOTION:

- ◆ **A motion was made by Commissioner Carney-Feldman to grant a one year extension. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes.**

Documents: Extension Request dated 7-20-21

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MATTER: 36-1469: 134 Argilla Rd. Waterman (Rimmer) MM. *New*

DISCUSSION: Lynch noted Mary Rimmer (Rimmer Environmental) was not on the ZOOM call and suggested tabling the matter for later in the meeting (see vote below).

Rimmer joined the ZOOM meeting at approximately 8:50 pm. The matter was untabled (see vote below).

Rimmer said the request is minor modification to move the mitigation area. She presented the site plan and pointed out the current mitigation area and the proposed new location. Rimmer also presented photographs of the site.

MOTION:

◆ **A motion was made by Commissioner ffolloitt to table the matter. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes.**

◆ **A motion was made by Commissioner Carney-Feldman to untable the matter. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes.**

◆ **A motion was made by Commissioner Carney-Feldman to accept the minor modification to move the mitigation area. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: Minor Modification filing prepared by REC dated 7-27-21; Revised plan prepared by Waypoint Survey date 4-13-21

MATTER: 36- : 171 Town Farm Rd. Greenspoint Inv. (DeRosa) NOI to raze and rebuild single family house, installation of septic system and construction of a studio. *New*

DISCUSSION: Present were Mike DeRosa (DeRosa Environmental), Mike Lord and Fred Ebinger, owners. DeRosa provided an overview of the project and noted there is no DEP file yet. DeRosa displayed aerial views and site plans. The project proposes adding a one bedroom dwelling unit and a 15x15 studio. DeRosa pointed out infiltration units for roof run off and gravel driveway.

Hughes thinks there may have been unpermitted work done on the site. Lord said the property was purchased in 1987 and permits were acquired for work done.

DeRosa reviewed current site conditions. Hughes is concerned with adding a building with rising waters. She suggested reviewing the CZM site for what is forecasted for the area. She noted the site will be under water.

Hughes said a site visit is needed as well as a conversation with the Building Inspector.

Paulitz noted the site plans reviewed this evening did not include distances from resource areas. DeRosa will discuss with the engineer and have the plans revised to include the distances.

No public comment noted.

MOTION:

◆ **A motion was made by Vice-Chair Paulitz to continue to September 1, 2021. The motion was seconded by Commissioner Carney-Feldman and passed with 5 votes.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Lynch to schedule a site visit.*

Documents: NOI filing packet prepared by DeRosa Env. Dated 7-21-21

MATTER: 36-1287: 56 Paradise Rd. Miles River Sand and Gravel. (DeRosa) Ext Request. *New*

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DISCUSSION: Present was Mike DeRosa (DeRosa Environmental). He said the request is for a one year extension of the OOC for mitigation of phragmites. The plan was for five years.

Lynch visited the site and he said it looked good.

RECOMMENDATION OF AGENT: Extend for 1 year

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to grant a one year extension. The motion was seconded by Vice-Chair Paulitz and passed with 5 votes.**

Documents: Extension request dated 7-13-21

MATTER: 36- : 7 Fifth St. Martineau. NOI for addition. *New*

DISCUSSION: Present was Vincent Martineau, the applicant. Site plans were displayed. Martineau said the house is being renovated. There is a proposed front porch extension with an overhang above the exterior stairs. He noted the drywell is located in the rear left corner of the site. There was a discussion of plantings and Martineau noted areas are heavily shaded.

Hughes asked Lynch to add the revised application for documentation purposes. It was noted the project has not yet received a DEP number.

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:

❖ *None*

Documents: ANOI filing dated 7-19-21

MATTER: 36- :301 Argilla Rd. Trustees of Reservations (Woods Hole Group). NOI for installation of Coastal Education Center at Crane Beach. *New*

DISCUSSION: Present were Elise Leduc (Coastal Scientist with Woods Hole Group), Sam Batchelor, (architect with Design Lab Architects), Cheri Ruane (Weston & Samson) and Peter Pinciario (Trustees of Reservations).

Leduc provided an overview of the proposed project to construct a new Coastal Education Center at Crane Beach. Site plans were displayed and Leduc pointed out existing conditions and resource areas. She noted the picnic area will be removed. She identified a small overlap with Natural Heritage. An existing building will be removed from the NDZ. The proposed new building will be elevated. The new building will have 36 ft. of overlap in the NBZ due to the building being elevated and requiring a large ADA access ramp. The project proposes a 700 sq. ft. mitigation area. Leduc described adding native plantings near the building to ground the building and for educational purposes. The plant listing was reviewed.

Paulitz asked if there are alternatives for higher ground water levels. Ruane will check ground water levels and have a back-up plan.

Hughes asked how the project meets performance standards of the ACEC. Leduc said this is a redevelopment site and the building footprint is being reduced.

Pinciario said he reviewed the site with Ethan Parsons (Planning Director for Ipswich) and stated the application does not require filing with the Planning Board. Hughes requested Lynch to confirm in writing with the Planning Department.

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

ACTION ITEMS / SPECIAL INSTRUCTIONS:

- ❖ *Lynch to confirm in writing no requirement for the project to file an application with the Planning Board.*

Documents: NOI filing packed prepared by Woods Hole Group dated 7-19-21

Approval of Minutes: July 21, 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 with 5 votes.

Adjournment:

- ◆ A motion was made by Commissioner Carney-Feldman to adjourn at 9:30 p.m. The motion was seconded by Vice-Chair Paulitz 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.