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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
January 6, 2021

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, January 6, 2021 at 7:00 p.m. via Zoom. Members present were Chair Jennifer Hughes, Vice-Chair William Paulitz, and Commissioners Sissy ffollott, Catherine Carney-Feldman, Raymond Putnam and James Stone. Also present were Agent Brendan Lynch and Recording Secretary Andrea Mackinney.

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

CITIZEN’S QUERIES: NONE

MATTERS BEING CONTINUED TO FUTURE SESSIONS AT APPLICANT’S REQUEST:
NONE

COURTESY POSITION FOR TOWN PROJECTS:

- **36-1439: Little Neck Rd Complete Streets Project.** Planning Dept. Update from Peter Ellison of TEC. Formal Amendment to include proposed changes to the drainage system. *Cont. from 12/9/20*

Peter Ellison and Jonathan Rockwell, TEC, Present Rick Clark, DPW Director, Present

This is a Complete Streets project that was in front of the Commission in December to present the plan and give an update. A portion of the project has already been completed. During construction, the contractor and DPW found that there were poor soil conditions where the two rain gardens were proposed. Since that time, they worked on an alternative solution. Two formal test pits were within each rain garden. Soil tests confirmed that clay soils were present in sub-layers, therefore infiltration is not practical. It was decided to add hoods to the manhole covers on Hillside Road. The rain garden areas will remain as green space. A portion of the pipe that daylighted into the marsh will be removed and replaced with a new pipe. The outlet will be raised higher for drainage purposes. It will be positioned between elevation 8 and 9. They are proposing a backflow preventer at the end of the pipe. There are additional drainage connections from Hillside and Bayview Road that flow into the drainage system.

Chair Jennifer Hughes asked what more could be done for additional pre-treatment. Peter said that the size of the rain gardens could be increased but that would sacrifice parking at the beach. Peter will look into some sort of filter system to better treat the stormwater.

Rick Clark will provide a Memo that will include the additional hoods.

Vice-Chair William Paulitz asked about snow storage. The snow would be moved outside of the gravel area and not be near the curbed planting area.

Chair Jennifer Hughes asked if there is a change in the planting. They currently have loam and seed. They should include native beach grasses.

A motion was made by Commissioner Catherine Carney Feldman to close the public hearing. The motion was seconded by Commissioner James Stone and passed unanimously.

A motion was made by Vice-Chair William Paulitz to approve the OOC as drafted and amended. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

Documents: Request for Formal Amendment Letter dated December 16, 2020 and prepared by TEC. Soil Test Log.

- **36-1430: Water Street.** TOI Department of Public Works. (Coneco). NOI construction of headwall at boat launch. *Cont. from 12/9/20*

Kevin McHugh and Mike Toohill, Coneco and Rick Clark, DPW Director, Present

Coneco submitted plans. Improvements were made to the existing headwall/outfall and bank stabilization. The kayak launch has been eliminated.

Chair Jen Hughes suggested that if the town wants to have a kayak launch, a subcommittee might need to be formed to resolve the issues

Rick Clark will speak to Planning Director Ethan Parsons and Agent Brendan Lynch tomorrow to form a committee.

A motion was made by Vice-Chair William Paulitz to continue to February 3, 2021. The motion was seconded by Commissioner Catherine Carney- Feldman and passed unanimously.

- **36-1435: Bowdoin Rd Storm Sewer.** TOI Department of Public Works (Coneco) NOI for reconstruction of storm sewer in existing location on Bowdoin Rd. *Cont. from 12/9/20*

Kevin McHugh and Mike Toohill, Coneco, Rick Clark, DPW Director, Present

Kevin explains that the project involves installing a storm drain system within Bowdoin Road to pick up drainage that runs down Bowdoin Rd from Clark Road. There is a limited drain system there. The new system includes new manholes and hooded catch basins all with sumps.

Mike stated that the permit issues remain the same. Chair Jennifer Hughes asked if Mass DEP had concerns regarding prior permitting. Mike explained that Coneco sent Mass DEP a Memo addressing the issues that were raised. They now have to go through additional permitting such as MEPA, Army Corp of Engineers, Chapter 91 because of the discharge into salt marsh and ACEC.

Chair Jennifer Hughes expressed the same questions about pre-treatment as with the Complete Streets project and would like to hold off with the approval of the OOC due to possible future permitting changes.
Chair Hughes also confirmed that Lee and Elaine Gale at 12 Bowdoin Rd support this project.

Scott Finley, 2 Bowdoin Road comments that his concerns were safety and that the road ices over every winter because of the drainage not working.

Ray Best (representing AGN) compliments and supports the work being done.

Agent Brendan Lynch will have the OOC for next meeting.

A motion was made by Commissioner Catherine Carney-Feldman to continue to January 20, 2021. The motion was seconded by Commissioner Raymond Putnam and passed unanimously.

- **36-1254: Old England Rd Culvert.** TOI Department of Public Works. COC. New.

Agent Brendan Lynch updated that there was a bit of erosion on the shoulder and that the culvert has been installed in and everything is good. Chair Hughes requests that Agent Lynch upload some photos to Drobox before the next meeting.
A motion was made by Vice-Chair William Paulitz to continue to January 20, 2021. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.
Documents: COC request prepared by DPW.

REQUESTS FOR DETERMINATION OF APPLICABILITY (RDA):

- **74 Old Right Rd.** Pynchon. RDA to construct a driveway apron. *Cont. from 12/9/20*

Agent Brendan Lynch received a request for a continuance to 2/3/21.

A motion was made by Commissioner Catherine Carney-Feldman to continue to January 20, 2021. The motion was seconded by Commissioner James Stone. Sissy ffolliott abstained.

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

- **36-1240: 36 Essex Road. Bruni.** Request 3 year extension of ORAD. *Cont. from 11/18/20*

Chair Jennifer Hughes explains to the virtual audience members because of Covid 19 the ORAD remains valid due to the Emergency Order Extension.

Agent Brendan Lynch plans to meet onsite next week to review the delineation. Commissioner Catherine Carney-Feldman would like to be included at the next site visit.

Keri McRae of 31 Heartbreak Road asked if this continuance will keep continuing.

Chair Jennifer Hughes explained that at the end of the emergency order, they will have 45 days to re-file to get the ORAD extended.

Joyce Kipping said that she saw a backhoe being used to bury appliances behind the property many years ago. Chair Jennifer Hughes said that this issue may or may not be in Conservation Commission jurisdiction.

Helen Weatherall questioned whether the wetlands have changed and asked if they already have determined that it has changed?
Chair Jennifer Hughes responded that if a line is changed, it may be 10 or 20 feet.

A motion was made by Commissioner Raymond Putnam to continue to January 20, 2021. The motion was seconded by Commissioner James Stone and passed unanimously
Documents: Comment letters.

- **36-1459: 8 Candlewood Rd.** Quirk (DeRosa) NOI for proposed construction of a new single family home, driveway and septic system. *Cont. from 12/9/20*

Mike DeRosa and John Morin, Present

The representatives had a site walk with Agent Brendan Lynch after the last meeting. A file # has been issued. The last issue was to check on the location of the woods road. Monumentation was added to both wetland area.

Chair Jennifer Hughes asked if the 25' NDZ on other side of the house was vegetated. Mike said that no work is proposed there and it will be a pasture/paddock. Also, the existing fencing will remain.

Chair Jennifer Hughes would like to see one more marker in the between the two at the property lines to designate the no disturb area. Annual mowing in the NDZ to be done in the spring.

Vice-Chair William Paulitz asked if one more monument be added between A6 and A7 near the road to prevent the road from drifting back to its previous location. Mike will add that.

A motion was made by Commissioner Catherine Carney-Feldman to close the public hearing. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

Documents: Revised Plan dated 12-18-20 prepared by Morin Cameron.

REQUESTS FOR CERTIFICATES OF COMPLIANCE (COC):

- **36-1428:** 47 Newmarch St. DeRosa. COC. New.

Mike DeRosa, Present

This COC Request is for a property with a violation that was rolled over into the OOC. The proposed porch was never constructed and a few maples were supposed to be removed. . The property is being sold and the sellers are asking for relief from the typical as-built. Since the restoration area just included herbaceous seed material, they are requesting relief from the 2-year monitoring requirement. The cesspool was properly abandoned. Three monuments were installed according to the plan, but they are timber posts and not granite as required. The OOC specified granite posts. The new buyer would like to file a new Notice of Intent for the house.

Chair Jennifer Hughes stated that the restoration has not had time to get established and she would like to see the granite posts installed. Issuing a COC at this time would set a bad precedent. Chair Hughes recommends that a comfort letter be written and funds be escrowed. The new owner should be bound for what is required there.

A motion was made by Vice-Chair William Paulitz to continue to January 20, 2021. The motion was seconded by Commissioner James Stone and passed unanimously.

Documents: COC request, As-built plan dated 9-17-19 prepared by DeRosa Env, letter of substantial compliance dated 12-28-20.

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

- **36-1458: 30 Old England Rd.** Blessington. (Graham) Raze and rebuild dwelling with attached garage, septic tight tank and buried propane tank. *New.*

Larry Graham, H.L. Graham, Present

The resource areas are on the east side of the property. Mike DeRosa delineated the property in June 2020. Soil testing was done later in June outside of the subzones in hope of establishing a leach field. They have a proposal for a tight tank before the Board of Health. They are proposing to raze the existing house and remove the paved driveway. The house will sit close to Old England Road and will be 15' from the rear lot line. The tight tank will be in the northwest corner of the site. They will bury a propane tank in the no build zone. The tight tank will be in no build subzone. All other aspects will be within 100' buffer. There is an existing well which will be abandoned and a new well will be put in. One tree at the rear of garage will have to come down. They are proposing temporary erosion control and four markers.

Chair Jennifer Hughes says that when looking at Mass GIS, the delineation seems much different. Mike said that it was based on soils. There was a clear break in upland and wetland soils. He was very confident about his delineation. .

Chair Jennifer Hughes stated that the Commission would not allow a propane tank in the no build zone. Larry stated that maybe they can move it to the southwest corner of the site near where the existing well is.

Larry says that the stormwater is covered in the transmittal of December 9th.

Chair Jennifer Hughes mentions that the NOI says that it is not subject to local storm water management but believes it is and needs to be addressed.

Vice-Chair William Paulitz asked if the concrete washout area can be pushed further away from the wetlands. Larry can move it a little to the west of the house.

A motion was made by Commissioner Catherine Carney-Feldman to continue to January 20, 2021. The motion was seconded by Vice-Chair William Paulitz and passed unanimously.

Documents: Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled Permit Plan dated 12-9-20 and prepared by Graham, Assoc, Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.

- **36-____: 58 Mitchell Rd.** Roberts. (Hancock) NOI for land clearing and restoration of contractor's yard. *New.*

David Cowell, Hancock Associates, Present

An NOI was filed and they did a wetland delineation but the application is incomplete the applicant, Carter Roberts, does not own the property yet but has a purchase and sale agreement. A land survey has not been done yet. There are several wetland resource areas including Riverfront. They relied heavily on soils. An existing conditions survey is required and prior plans of record need to be looked at to ascertain what was legally constructed there then develop a restoration plan to bring it back into compliance.

Mr. Roberts wants to put up a new building. He is not sure if the Commission wants the corrective actions done first and then do a separate filing for the new building.

Chair Jennifer Hughes said she is confused by the plan. The building shown is at 56 Mitchell Road not 58 and she questioned if there is enough upland to build. The restoration will be done under the enforcement order.

Mr. Cowell would like to withdraw the NOI and proceed under the enforcement order.

David asks Carter Roberts if he is purchasing only 58 Mitchell Road or both lots. Carter confirmed that he is hoping to purchase #58 Chair Hughes recommends that the applicant begin his process with the Planning Board to see if it is a buildable lot as most of the site is in flood plain.

A motion was made by Commissioner Raymond Putnam to continue to January 20, 2021. The motion was seconded by Commissioner Catherine Carney-Feldman and passed unanimously.

Documents: Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan prepared by Hancock Assoc. dated 12-9-20 Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.

ENFORCEMENT MATTERS:

- **58 Mitchell Rd.** *Cont. from 12/9/20*

The enforcement order will need to be amended. The storage units have been moved out of the no disturb zone.

This will be continued until January 20, 2021.

OTHER BUSINESS:

- Kaman Land Agreement Signage

Agent Brendan Lynch said that the finalized agreement needs to be signed by a quorum of the Commission (and notarized). When the documents are ready to sign, he will let everyone know so they can come in to sign.

Documents: Land Agreement

APPROVAL OF MINUTES: 12/9/20

A motion was made by Commissioner Catherine Carney-Feldman to approve the 12/9/20 minutes as drafted and amended. The motion was seconded by Commissioner Raymond Putnam and passed unanimously.

ADJOURNMENT:

A motion was made by Commissioner Sissy ffollott to adjourn at 9:33 p.m. The motion was seconded by Vice-Chair William Paulitz 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.