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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
March 6, 2019

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, March 6, 2019 at 7:00 p.m. in Room A of the Ipswich Town Hall. Members present were Acting Chairman William Paulitz, Acting Vice-Chair Sissy ffolliot, Commissioners Brian O'Neill, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present were Agent Alicia Geilen and Recording Secretary Amy Scicchitani. Absent with prior notice was Chairman Hughes.

DEFINITION INDEX:

BOH – Board of Health
BVW - Bordering Vegetated Wetland
COC – Certificate of Compliance
CR – Conservation Restriction
CZM - Coastal Zone Management
DCR - Department of Conservation and Recreation
DEP - Department of Environmental Protection
DPW- Department of Public Works
EC – Emergency Certificate
EO – Enforcement Order
ICC – Ipswich Conservation Commission
LIAU – Land in Agricultural Use
LSCSF – Land Subject to Coastal Storm Flowage
LSP – Licensed Site Professional
NOI – Notice of Intent
NBZ – No-Build Zone
NDZ – No-Disturbance Zone
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
ORAD – Order of Resource Area Delineation
COC – Certificate of Compliance
RDA – Request for Determination of Applicability (*below is a list of possible outcomes for RDAs*)
 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.*

MATTER: Citizen's Query for 4 Merganser Rd by Larry Graham, H.L. Graham Associates
DISCUSSION: Present was Larry Graham, H.L. Graham Associates and Dennis Robitaille, homeowner. Mr. Graham and Mr. Robitaille are proposing additional work on the property and wish to know how to proceed with permitting. This work includes a shed, propane tank, driveway paving, adding a 3' by 12' bump out of the house (no foundation), and moving air conditioning (ac) unit. The last two items (bump out and ac unit) are most important in the short term. Mr. Graham is seeking guidance from Conservation Commission whether to file an RDA application or an NOI. Agent Geilen noted that the septic was approved under an RDA, which cannot be amended or extended. She added that the top of coastal bank had not been confirmed as part of the RDA filing, so the subzones were not known. Mr. Graham noted other past projects where the Conservation Commission determined top of coastal bank occurred between elevation 48' and 52'. Agent Geilen noted that, per the local regulations, complicated delineations need to be approved under an ANDRAD or an NOI, and she believed that coastal bank determinations are complicated. Discussion: bump out to be cantilevered, will need to re-pave driveway after septic work. The Commission agreed that an RDA was appropriate for the cantilevered bump out and ac unit relocation, but an NOI was needed for anything else, including determination of coastal bank.
RECOMMENDATION OF AGENT: <i>None.</i>
MOTION: <i>No voting required.</i>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: Concept sketch plan.

Courtesy Position for Town Projects:

MATTER: 36-1392: 17 Linebrook Rd. Ipswich Recreation Department. Notice of Intent to construct a concrete skateboard park in a previously disturbed location. <i>Continued from February 20, 2019.</i>
DISCUSSION: Present was Larry Graham, H.L. Graham Associates. Mr. Graham presented the minor changes to the stormwater design and calculations which had been submitted. The other issue was the design ¾" to 1½" stones on the infiltration trench, as this material may be an issue for children. Ipswich Cemetery and Parks recommends covering the surface with clam shells. Discussion: Agent Geilen to approve final planting plan for pocket wetland, and add a special condition about finalizing O&M plan prior to starting construction. Agent Geilen asked Mr. Graham to date the final plan with the date of the meeting.
RECOMMENDATION OF AGENT: <i>Close the public and issue positive OOC with special conditions as amended.</i>
MOTION: <p align="center">♦ A motion was made by Commissioner Carney-Feldman to close the public and issue positive OOC with special conditions as amended. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: Storm water sketch, drainage summary.

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<p>MATTER: 47 Mill Rd. TOI. Water Department. Request for Determination of Applicability for water main rehabilitation in Jurisdictional areas. <i>New.</i></p>
<p>DISCUSSION: Present was Teri Demers, Water Engineer, Town of Ipswich. The Ipswich Water Dept is requesting approval for the water main repair project on Mill Road. Ms. Demers noted that this was a 50-year-old cast iron pipe that goes under Ipswich River, which is the town line between Ipswich and Hamilton. The town is trying to minimize impact to the area. She noted that an SPP allowed internal inspections, which found that it is suitable for a cure-in-place pipe repair. The Town of Hamilton, Conservation Commission, will be approached next week for work to be done in that town. A small pit will provide access for minimal excavation, erosion control will be in place, and final stabilization will be done. Agent Geilen inquired about final planting plan from the emergency repairs at this site. Ms. Demers said that this plan will be submitted before all work was done. Acting-Chair Paulitz inquired about 75 feet trenching for new water main. Ms. Demers noted this project will take 3-4 weeks in total, depending on the trenching. Discussion: if de-watering of pits is required, a plan will need to be approved by the Agent; planting plan.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue a NDA 2 and 3 with special conditions for pre and post-work inspections, weekly written reports with photos, and submittal of a dewatering plan for approval by the Conservation Agent, if needed.</i></p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Commissioner Carney-Feldman to issue NDA 2 and 3 with special conditions as amended. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p align="center">❖ <i>None.</i></p>
<p>DOCUMENT LIST:</p> <p><i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled Preliminary Design dated February 2019, and prepared by Tighe and Bond.</i></p>

<p>MATTER: 36-1402: 173 Linebrook Rd. TOI Open Space. NOI for reestablishment of an agricultural road from Mile Lane. <i>New.</i></p>
<p>DISCUSSION: Present was Hannah Wilbur, Open Space Manager, Town of Ipswich; and Mary Rimmer, of Rimmer Environmental Consulting, Inc. Both Ms. Wilbur and Ms. Rimmer are working with developer for an open space development plan, and said that 70% of the property will be conserved (northern portion, with frontage on Mile Lane) and 30% developed for housing (southern portion, with frontage on Linebrook Road). They are proposing wetland crossing off Mile Lane for a 12' wide gravel road with 2' shoulders, which will serve as a pedestrian path and agricultural equipment access road. There is an existing crossing in the same area. Acting-Chair Paulitz inquired if this will cut off hydraulic connectivity between one side of the wetland to the other. Ms. Rimmer said no; this area is a high point, with water flowing either direction. Discussion: alternative access not possible due to planned housing development (developer requires agricultural access from Mile Lane, or won't donate land for conservation); access road will have a gate, and posts should be on the plan; tree removal (red maple, birch); planting plan for wetland replication area; rate of growth on trees; erosion control barrier (12" silt sock, no plastic netting, no hay).</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to March 20, 2019.</i></p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Acting Vice-Chair ffolliott to continue to March 20, 2019. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>Agent to schedule a site visit by Conservation Commission.</i></p>

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DOCUMENT LIST:

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, Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.

Requests for Certificates of Compliance: COC

MATTER: 36-116: 8 Leslie. Warnecke. COC. New.

DISCUSSION: Present was Van and Linda Warnecke, homeowners. They noted that Tom Hughes, the environmental consultant was unable to attend. Agent Geilen reviewed the history of the site, where unauthorized work was done, as well as an EO for wetland restoration, and an after-the-fact NOI. The restoration area has been planted, and Mr. Hughes has been working with Field Inspector Decie. Field Inspector Decie had performed a site visit prior to the snow, and said it look fine. Mrs. Warnecke expressed that they ready for COC. Agent Geilen stated that she would like to do a site visit.

RECOMMENDATION OF AGENT: *Continue to March 20, 2019.*

MOTION:

◆ **A motion was made by Acting Vice-Chair ffolliott to continue to March 20, 2019. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *Agent Geilen to perform a site visit.*

DOCUMENT LIST:

COC request, and letter of substantial compliance dated February 16, 2019 from Hughes Environmental.

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

MATTER: 36-1367: 10 Capeview Rd. Tzortis. Minor modification to reconfigure front entrance. New.

DISCUSSION: Present was Gino Tzortis, owner and general contractor. Agent Geilen noted that most of the work is out of jurisdiction. The work is a minor bump out for the front entrance most of which is outside of jurisdiction.

RECOMMENDATION OF AGENT: *Approve a minor medication with no additional special conditions.*

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to approve the minor modification with no new special conditions. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

Request for Minor Modification Letter dated February 20, 2019, and prepared by Mimi Tzortis, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Proposed Site Plan Changes prepared by Morin Cameron dated February 10, 2019.

MATTER: 36-1401: 65 Linebrook Rd. Johnson. NOI for septic system repair. New.

DISCUSSION: Present was Larry Graham, H.L. Graham Associates. Mr. Graham asked to continue this matter to March 20, 2019, as the current owner had not signed the NOI, and there will be a new owner soon who can sign the form. Agent Geilen stated that in the future, NOI without a property owner's signature will not be placed on the agenda.

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RECOMMENDATION OF AGENT: <i>Continue to March 20, 2019.</i>
MOTION: <p align="center">◆ A motion was made by Commissioner O’Neill to continue to March 20, 2019. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: <i>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 Subsurface Sewerage Disposal System Repair Plan dated January 30, 2018 ,and prepared by Graham Associates, Inc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.</i>

MATTER: 36-1400: 33 Greenspoint Rd. Greens Point Investment Trust. NOI to raze and rebuild existing dwelling and install tight tank in jurisdictional areas. <i>New.</i>
DISCUSSION: Present was Larry Graham, H.L. Graham Associates. Mr. Graham noted that a full and final COC was approved for well installation, but the tight tank has not yet been installed. Mr. Graham noted that this is a raze and rebuild of an existing house. The owner is proposing a Morton building, with storage below and an apartment above. Agent Geilen noted that the previously permitted was tight tank had an incorrect NDZ (based off of the wetlands), but it should be from the ACEC line. This impacts the current design. Mr. Graham noted that plans will be revised. Discussion: first floor will be elevation 14’ per the building code, a foot above the flood zone; new structure in subzones; grading, tight tank cannot be moved out of floodplain. The Commission will visit the site on their own.
RECOMMENDATION OF AGENT: <i>Continue to April 3, 2019.</i>
MOTION: <p align="center">◆ A motion was made by Commissioner Carney-Feldman to continue to April 3, 2019. The motion was seconded by Acting Vice-Chair ffollott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: <i>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 Subsurface Sewage Disposal System Repair (Tight tank) Plan dated February 6, 2019 , and prepared by Graham Associates, Inc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.</i>

MATTER: 36-1403: 2 Jay Rd. Shaw. NOI for septic system repair in jurisdictional areas New.
DISCUSSION: Present was Bob Grasso, Engineering Land Services. Mr. Grasso noted that the homeowner is selling the property but Title 5 had failed on this very tight lot. He distributed photos to the Commission members showing the land, and discussed the location of the top of coastal bank. Mr. Grasso described the project components. Discussion “ridge line” vs. top of coastal bank; erosion control proposed (12” minimum compost or bark mulch silt sock required). Mr. Grasso is proposing that two granite posts along coastal bank and two wood post for a mitigation area. Agent Geilen noted the Commission needs two data transacts to confirm coastal bank, and the delineation review fee needs to be paid. Acting Chair Paulitz said that one-foot contour would be helpful. Agent Geilen noted that definition of coastal blank is dependent on the slope, and asked if the septic system could be reconfigured or relocated to be further from coastal bank. Discussion: 3-bedroom septic design, Department of Health confirmed in writing, documentation to be submitted to the Agent. Agent Geilen noted mitigation should be

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near coastal bank and larger. From the audience, Larry Graham spoke on the subject of the elevation of coastal bank on abutting properties. He stated that DEP Policy 92.1 was too restrictive. Discussion: unclear if deck and retaining wall were approved by the Commission; need feedback from Health Department on septic plans.

RECOMMENDATION OF AGENT: *Continue to April 3, 2019.*

MOTION:

◆ **A motion was made by Acting Vice-Chair ffolliott to continue to April 3, 2019. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Agent to review aerials to see when deck and retaining walls were constructed. Agent Geilen to reach out to the Health Department regarding the location of septic.*

DOCUMENT LIST:

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 Sanitary Disposal System Upgrade Plan (Repair) dated February 15, 2019, and prepared by Engineering Land Services, Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service. Letter of Bedroom Count dated December 3, 2018.

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1395: 19 Sagamore Rd. Hollingsworth. NOI for implementation of an ecological restoration plan and proposed raze and rebuild of an existing structure. *Continued from February 6, 2019.*

DISCUSSION: There was no one present for this matter with the exception of an abutter, Robert Budinski. No information has been submitted as of yet.

RECOMMENDATION OF AGENT: *Continue to March 20, 2019.*

MOTION:

◆ **A motion was made by Commissioner Putnam to continue to March 20, 2019. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

No new documents submitted.

Enforcement Matters:

MATTER: 34, 36, 38 Mitchell Rd. McMillan. Enforcement Update. *Continue to April 3, 2019.*

DISCUSSION: There was no one present for this matter.

RECOMMENDATION OF AGENT: *Continue to April 3, 2019.*

MOTION:

◆ **A motion was made by Acting Vice-Chair ffolliott to continue to April 3, 2019. The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

No new documents submitted

Other Business:

MATTER: Jutland Road. Drainage issues.

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<p>DISCUSSION: There was no one present for this matter. Agent Geilen noted Jutland Rd is a private road on Great Neck, which is gravel. This road erodes and the material goes into a catch basin which gets plugged. Sediment also crosses the road into salt marsh. Agent Geilen noted that the Town of Ipswich does not maintain private roads. Discussion: an enforcement order could be sent to Jutland Road homeowners to pave their road; unknown who actually owns the road. Discussion: Agent Geilen will speak to DPW on how will they handle this in light of new federal stormwater requirements (Municipal Separate Storm Sewer System, or MS4); upper half of Jutland Road is outside of WPA jurisdiction, but can still be regulated by the Commission because it is impacting jurisdictional areas.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to March 20, 2019.</i></p>
<p>MOTION: <i>No vote was required.</i></p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST: <i>No new documents submitted</i></p>

OTHER BUSINESS:


<p>MATTER: Prohibition of Neonicotinoid.</p>
<p>DISCUSSION: Acting Vice-Chair ffolliott suggested that Neonicotinoids (a systematic agricultural insecticide resembling nicotine) be added as a prohibited item to Special Conditions.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to March 20, 2019.</i></p>
<p>MOTION: <i>No vote was required.</i></p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>Add to March 20, 2019 agenda.</i></p>
<p>DOCUMENT LIST: <i>NA</i></p>

Approval of Minutes: None.

Adjournment:

♦ A motion was made by Commissioner Stone to adjourn at 9:30 p.m. The motion was seconded by Commissioner O'Neill and passed unanimously.

Respectfully submitted,



Amy Scicchitani
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.