

Approved: September 7, 2016
Distributed: September 8, 2016

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
July 20, 2016

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, July 20, 2016 at 7:00 p.m. in Room A of the Ipswich Town Hall. Members present were Acting Chairman Sissy ffolliot, Acting Vice-Chair David Standley, Commissioners Brian O'Neill, Catherine Carney-Feldman, Michele Hunton and William Paulitz. Also present was Recording Secretary Cathy Miaskiewicz.

Absent with prior notice was Jennifer Hughes and Alicia Geilen.

DEFINITION INDEX:

BVW - Bordering Vegetative Wetland

COC – Certificate of Compliance

CR – Conservation Restriction

CZM - Coastal Zone Management

DCR - Department of Conservation and Recreation

DEP - Department of Environmental Protection

EO – Enforcement Order

ICC – Ipswich Conservation Commission

IRWA – Ipswich River Watershed Association

LIAU – Land in Agricultural Use

LSCSF – Land Subject to Coastal Storm Flowage

LSP – Licensed Site Professional

NOI – Notice of Intent

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

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

TEC – Temporary Erosion Controls

WPA – Massachusetts Wetlands Protection Act (310 CMR 10.00 *et seq.*)

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Citizen's Queries:

Present was Peter Wadsworth, homeowner on 78 Little Neck Road regarding work on a septic system. The system is out of the buffer zone and is not near the coastal bank. The septic pump chamber is further than 100' to the wetland area. Mr. Wadsworth asked which form he should file. Acting Vice-Chair Standley recommended filing an RDA.

Ongoing Matters Being Continued to FUTURE Sessions:

MATTER: Keolis Commuter Services for work shown on Tax Maps 6, 13, 21, 30B, 30D, 41B, 41D, 53B, 53D, 62B, 62 and 67 Lots N/A, (no lot #'s for rail line) for a REQUEST FOR DETERMINATION OF APPLICABILITY for confirmation of wetland locations as part of a routine 5 year vegetation management control plan within jurisdictional areas.
DISCUSSION: There was no one present for this matter. Applicant requests continuation to August 17, 2016.
RECOMMENDATION OF AGENT: <i>None</i>
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Acting Vice-Chair Standley to continue to August 17, 2016. The motion was seconded by Commissioner O'Neill and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None</i>
DOCUMENT LIST: <i>Continuation Request.</i>

Courtesy Position for Town Projects:

MATTER: Department of Public Works, for work at Butternut Road shown on Tax Map: 29D, Lot: between 7 and 8 for a REQUEST FOR DETERMINATION OF APPLICABILITY to stabilize eroded channel off Linebrook Road in jurisdictional areas. <i>Continued from July 6, 2016.</i>
DISCUSSION: Present was Frank Ventimiglia, Operations Manager for the DPW (Department of Public Works). Mr. Ventimiglia gave a review of the matter. Agent Geilen's Agent's Report stated that the person who owns the abutting property, where the wetlands might be, would not allow access to his property. As such, the Agent was not able to definitively determine if the area on 158 Linebrook Road. As such the Agent had not proof that the ditch in the project area is jurisdictional. Discussion after the motion: Abutter Dana Andrews, on Linebrook Road spoke and asked what was going to be done with the drainage off Turkey Hill. Mr. Andrews was concerned that work will not get done. The Commission did approve work in this area. Mr. Ventimiglia said they will get it done as soon as possible.
RECOMMENDATION OF AGENT per Agent's Report: <i>To issue a Negative DA #3 and 6.</i>
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to issue a Negative DA #3 and #6. The motion was seconded by Commissioner Hunton and was passed by majority vote. Acting Vice-Chair Standley abstained stating he was not comfortable with the motion. Commissioner Paulitz abstained because he was not present at the first meeting this was originally discussed at.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None</i>

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DOCUMENT LIST:

Agent's Report for 7/20/16.

MATTER: 36- : Department of Public Works for work town-wide in public rights-of-way (Tax Maps: various Lots: n/a) under a **NOTICE OF INTENT** for routine removal of winter sand, routine repair of road shoulder erosion rills, routine clearing of roadside vegetation, annual paving and sidewalk repair operations, routine maintenance of roadside drainage systems, and vegetation management for culverts, bridges and guardrails in jurisdictional areas.

DISCUSSION: Present was Frank Ventimiglia, Operations Manager for the DPW. Mr. Ventimiglia stated the Ipswich Chronicle will be doing an article about the project, in lieu of notifying all abutters on town. DPW will also be posting the Abutter Notification at town hall and the post office, and posting a notification on the Town's website. Acting Vice-Chair Standley thought this was acceptable, but was not sure how it would stand up under an appeal. Acting Chairman ffolliott recommended posting on Ipswich Public television also. Mr. Ventimiglia stated that he could request that. Acting Vice-Chair Standley questioned a provision to linear projects exceeding 1,000 feet in length. Acting Chairman ffolliott stated that they could vote without a DEP #. Acting Vice-Chair Standley stated that the applicant did not check box 4a on the NOI. [Discussion: Routine removal of brush/propose mow and replace/address knotweed with a different approach.] Acting Vice-Chair Standley recommended they amend the program to include care for certain invasive species. [Discussion: use of herbicides/try not to use them/mostly cutting/only if cutting is not working.] Commissioner Carney-Feldman suggested hiring someone who knows how to do it. Mr. Ventimiglia stated, regarding knotweed, overgrown swales, drainage problems, they were open to removal suggestions and that they would be willing to bring in a licensed professional to get rid of the knotweed. Acting Vice-Chair Standley recommended they incorporate this into the plan. Acting Vice-Chair Standley stated that the annual pavement for the sidewalks had no limits of area and suggested that they be more specific as to amounts. (i.e. 1,000 feet) Acting Vice-Chair Standley asked if for the roadside drainage under this NOI, if they intend to deal with beaver issues. Mr. Ventimiglia stated they would not be dealing with any beaver issues, only to swales currently not working. Acting Vice-Chair Standley questioned the Vegetation Management Plan only having 3 items and that he would like to see more detail on the plan. Should include management of invasive species. Mr. Ventimiglia asked for waivers in the NBZ and NDZ.

RECOMMENDATION OF AGENT per Agent's Report:

Continue to August 3, 2016.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to August 3, 2016. The motion was seconded by Acting Vice-Chair Standley and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

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, Letter dated 7/6/16, and prepared by DPW, Photos, Waiver Request dated 7/6/16, and prepared by DPW, Legal Ad and Locus Map, Agent's Report for 7/20/16.

Requests for Certificates of Compliance:

MATTER: 36-569: 6 Emery Lane (Lot 2A and 3A), McCarthy. *Continued from May 18, 2016.*

DISCUSSION: Present was Mike DeRosa of DeRosa Environmental Consulting, Inc. Mr. DeRosa stated that he filed an After-the-fact NOI the day before this meeting and that this matter would be on the next agenda.

RECOMMENDATION OF AGENT per Agent's Report:

Continue to August 3, 2016.

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<p>MOTION:</p> <p>◆ A motion was made by Commissioner Carney-Feldman to continue to August 3, 2016. The motion was seconded by Acting Vice-Chair Standley and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ None</p>
<p>DOCUMENT LIST:</p> <p>No new documentation submitted.</p>

<p>MATTER: 36-1237: 240 County Road, New England Biolabs.</p>
<p>DISCUSSION: Present was Mike DeRosa of DeRosa Environmental Consulting, Inc. Mr. DeRosa presented with a PowerPoint presentation showing the athletic fields at New England Biolabs, which showed the trail realignment. He stated the gravel path was in great shape and that the signage was up. He stated there were no signs of erosion and that everything was draining. Mr. DeRosa stated the trail was holding up well to horses.</p>
<p>RECOMMENDATION OF AGENT per Agent's Report:</p> <p>Issue a full and final COC.</p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner Carney-Feldman to issue a full and final COC. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ None</p>
<p>DOCUMENT LIST:</p> <p>COC Request Packet entitled "Trail Realignment Project" dated 7/6/16, prepared by DeRosa Environmental Inc. and Powerpoint presentation entitled "ECTA Trail at New England Biolabs" dated 7/20/16, and prepared by DeRosa Environmental Inc.</p>

<p>MATTER: 36-1185: 21 Greens Point Rd, Beaudet.</p>
<p>DISCUSSION: There was no one present for this matter. Agent Geilen stated in her Agent's Report that a site visit had been completed.</p>
<p>RECOMMENDATION OF AGENT per Agent's Report:</p> <p>Issue a full and final COC.</p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner O'Neill to issue a full and final COC. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ None</p>
<p>DOCUMENT LIST:</p> <p>COC request, As-built plan entitled "Record Conditions Plan of Land" dated 7/13/16, prepared by Meridian Associates, Inc. and letter of substantial compliance dated 7/13/16, and prepared by Meridian Associates, Inc. and Agent's Report for 7/20/16.</p>

Small Project Permit Applications:

◆ A motion was made by Acting Vice-Chair Standley to table the matter. The motion was seconded by Commissioner O'Neill and passed unanimously.

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◆ **A motion was made by Acting Vice-Chair Standley to take the matter off the table. The motion was seconded by Commissioner Hunton and passed unanimously.**

This matter was taken out of order:

MATTER: 14 North Ridge Road, Keady.
DISCUSSION: Present was Larry Graham of H.L. Graham Associates, representing Ms. Keady for a small project permit application to remove two trees. Mr. Graham stated that the two property owners had come together in agreement to remove them. Mr. Graham stated that there were low branches over 6 feet in length protruding into the abutters property below the level of the wall. The Commission was not happy with removing trees and Mr. Graham stated that he appreciated that they want to save trees but felt this was the best decision. Ms. Keady will replace in-kind. [Discussion: replacement type.] Acting Chairman ffolliott discussed the COC issues. Agent Geilen stated in her Agent's Report that there are 4 old OOCs for this property. Two have recorded COCs (36-1030 and 36-480); one was issued a COC that she can't find was recorded (36-449); and the final one the file is missing and there is no information (36-423). She noted that she will prepare a new COC for recording purposes for 36-423. I recommend you vote to void 36-423 (not her fault we lost the file) and issue a Small Project Permit, to be held until proof of recording of 36-449 COC is submitted. Agent Geilen will prepare the small projects permit to be held until proof of recording is submitted.
RECOMMENDATION OF AGENT per Agent's Report: <i>To vote to void 36-423 and issue a Small Project Permit for removal of trees to be held until proof of recording of 36-449 COC is submitted.</i>
MOTION: <p>◆ A motion was made by Commissioner Carney-Feldman to void #36-423 (lost file). The motion was seconded by Commissioner Hunton and passed unanimously.</p> <p>◆ A motion was made by Commissioner Hunton to issue a Small Project Permit for removal of trees to be held until proof of recording of #36-449 COC is submitted. The motion was seconded by Acting Vice-Chair Standley and passed with a 5:1 vote. There was one opposition by Commissioner O'Neill.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>Small Permit Project Application and Plan entitled "Proposed Tree Removal Plan" dated 7/13/16, and prepared by Graham Associates Inc.</i>

Requests for Determination of Applicability:

MATTER: John Wolfrum, for work at 14 Abbott Lane shown on Tax Map: 36, Lot: 33 for a REQUEST FOR DETERMINATION OF APPLICABILITY to install a sliding door, add platform and steps in jurisdictional areas.
DISCUSSION: Present were applicants John and Nancy Wolfrum. Commissioner Carney-Feldman stated that there were discrepancies on the width of the steps area showing 42' x 72" on the RDA but on the plan showed 5 feet by 6.5 feet. Mrs. Wolfrum thought one of the numbers was with and added step. Acting Chairman ffolliott did not have a problem with it. Agent Geilen can assist them with planting. Mr. Wolfrum was agreeable to mitigation and stated he would put shrubs anywhere the Commission would like. He was happy to comply. [Discussion: number of steps/no more than two down to the platform/platform elevation/2.5 maybe 3 feet off grade.]

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Commissioner Paulitz mentioned the problem with the requested waiver. The applicant requested a waiver for the NBZ.

RECOMMENDATION OF AGENT per Agent's Report:

Issue a Negative DA #3 and 6.

MOTION:

- ◆ **A motion was made by Commissioner Carney-Feldman to accept the modified amended waiver of the NBZ. The motion was seconded by Commissioner Hunton and passed unanimously.**

- ◆ **A motion was made by Acting Vice-Chair Standley to issue a Negative DA #3 and #6 conditioned on mitigation as proposed by the Agent. The motion was seconded by Commissioner Hunton and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled "Wolf/Bart" dated 7/6/16, Photos and Waiver Request.

MATTER: Robert Aiello for work at **44 River Road** shown on **Tax Map: 24C, Lot: 69-009** for a **REQUEST FOR DETERMINATION OF APPLICABILITY** to repair existing retaining wall in jurisdictional areas.

DISCUSSION: Present was Mr. Cronin regarding the matter below for 46 River Road, as well as this matter. Mr. Aiello could not be present for this matter, and Mr. Cronin was authorized to speak for the owner. Cronin wanted to discuss them both together as it is a common project. Acting Vice-Chair Standley asked if the concrete steps would be replaced. Mr. Cronin was unsure if they were to be replaced. Acting Vice-Chair Standley stated that, if so, it would have to be a new filing. Acting Vice-Chair Standley stated that they still did not have approval from the condo association for 44 River Road. He stated that the Agent recommended pre and post-construction meetings for both filings, with which he agreed. Acting Vice-Chair Standley stated it was best to treat these matters separately, as there are two different property owners, as recommended by the Agent. Requested waivers were not discussed.

RECOMMENDATION OF AGENT per Agent's Report:

Issue a Negative DA #2 and 6 with requirement for a pre and post-construction meeting, NDA to be held until Condo Association approval is received for 44.

MOTION:

- ◆ **A motion was made by Acting Vice-Chair Standley to issue a Negative DA #2 and #6 for both 44 and 46 River Road, with requirement for a pre and post-construction meeting. The NDA for 44 River Road to be held until Condo Association approval is received. The motion was seconded by Commissioner O'Neill and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Sketch Plan entitled "46 River Road Sketch" dated 6/13/16.

MATTER: Joe Cronin for work at **46 River Road** shown on **Tax Map: 24C, Lot: 69-10** for a **REQUEST FOR DETERMINATION OF APPLICABILITY** to repair existing retaining wall in jurisdictional areas.

DISCUSSION: See above discussion for 44 River Road. The NDA for 44 River Road to be held until Condo Association approval is received.

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RECOMMENDATION OF AGENT per Agent's Report: <i>Issue a Negative DA #2 and 6 with requirement for a pre and post-construction meeting.</i>
MOTION: <ul style="list-style-type: none"> ◆ See above motion
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None
DOCUMENT LIST: <i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Sketch Plan entitled "46 River Road Sketch" dated 6/13/16, Photos and Trustees approval email dated 10/15/15.</i>

New Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36--___: Tim Lattrell for work at 6 Fox Creek Road & 198 Argilla Road shown on Tax Map: 44 Lots: 8A & 7 respectively for a NOTICE OF INTENT to remove damaged trees in jurisdictional areas.
DISCUSSION: Present was Larry Graham of H.L. Graham Associates. Mr. Graham presented the matter. There was a brush fire on the property. The fire burned a number of trees that were damaged to the point that they would not survive. Ben Staples is the arborist. He flagged 30 trees: 17 of those 30 are outside of jurisdiction, leaving 13 for this matter. No trees are in the NDZ. Five trees are in the NBZ and eight trees are in the Buffer Zone. Acting Vice-Chair Standley asked about the removal of downed timber. Mr. Graham believed they use a crane that picks them up. [Discussion: means of removal/replanting/some will be replanted some will not.] Acting Chairman ffolliott recommended a site visit because they were not planning to replace trees in jurisdiction. ICC needs to determine if some debris needs to remain and why they would not replant. No DEP number. Site visit time to be determined.
RECOMMENDATION OF AGENT per Agent's Report: <i>Continue to August 3, 2016 for DEP file number.</i>
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Acting Vice-Chair Standley to continue to August 3, 2016 for DEP file number and for a site visit. The motion was seconded by Commissioner O'Neill and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ None
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, Letter dated 7/6/16 and prepared by Graham Associates, Inc., Plan entitled "Plan of Fire Damaged Trees (To Be Removed)" dated 7/6/16, and prepared by Graham Associates, Inc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.</i>

MATTER: 36--___: John T. Riley for work at 29 Pineswamp Road shown on Tax Map: 41A Lot: 42 for a NOTICE OF INTENT to install underground electric and communication lines and clear trees for route and construct gravel drive in jurisdictional areas.
DISCUSSION: Present was Larry Graham of H.L. Graham Associates. John Riley, applicant was also present. Mr. Graham presented the matter. Mr. Graham discussed the gravel driveway stating it was a common driveway shared by the potential buyer and John Riley. There is an easement on the side of lot that the town holds for access to Town open space land. This application is for the installation of underground utilities. The wetland and 50' NDZ are on the adjacent property. The wetland line flagging was refreshed. The plan is to have the power come underground through the spruce trees and into the house. Also proposing a second access for construction that falls in 100' BZ. SWM discussed. [Discussion: leaching chambers, roof run-off, catch basins overflow for chambers,

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soil type (sand).] In response to the Agent's Report on the matter, comments Mr. Graham did not see a need for an O&M plan. He stated the homeowner would check the catch basin and gutters on an annual basis, and clean them out a couple of times of year. Mr. Graham did not propose any mitigation plantings or re-vegetation for work in the subzones. No DEP file number yet. Acting Chairman ffolliott stated that the Agent did a site visit and the wetland line was accurate. Commissioner Paulitz asked about fill port to SWM and using filter fabric. Mr. Graham stated they could do that. Adding that if the owner saw greater than 6" sediment they could get in touch with Mr. Graham. Commissioner O'Neill asked why there was not any plan for mitigation. Mr. Graham did not think it was needed. Acting Chairman ffolliott mentioned that the delineation fee was not paid. Mr. Graham stated that delineation was done by Mr. DeRosa a number of years ago (December 2003). Acting Vice-Chair Standley stated that because this was a new project, they need a new fee. Mr. Graham will contact the Agent to pay the fee. ICC recommended bayberry or gray twig dogwood, and arrowroot for mitigation. Mr. Riley stated that there was red pine there now. Mr. Graham suggested planting near the town's easement parking area. Commissioner O'Neill thought that was a good idea. Mr. Graham stated he would talk with Agent Geilen and include a sketch.

RECOMMENDATION OF AGENT per Agent's Report:

Continue to August 3, 2016 for a DEP file number, an O&M plan, a simple mitigation plan, and payment of the delineation fee.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to August 3, 2016 for a DEP file number, an O&M plan as discussed, a simple mitigation plan and payment of the delineation fee. The motion was seconded by Acting Vice-Chair Standley and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Research if delineation fee was paid*

DOCUMENT LIST:

Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Letter dated 7/6/16, and prepared by Graham Associates, Inc., Checklist for Stormwater Report, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled "Permit Plan" dated 7/6/16, and prepared by Graham Associates, Inc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service and Agent's Report for 7/20/16.

MATTER: 36--___: Brian Hoesly for work at 88 North Ridge Road shown on Tax Map: 15B Lot: 008B for a NOTICE OF INTENT to replace existing stairs on coastal bank.

DISCUSSION: Present was Larry Graham of H.L. Graham Associates. Mr. Graham presented the matter raising the question of above elevated steps vs. dug in steps. Mr. Graham discussed sheet one, showing that the stairs start out with elevated stairs and then a mixture of granite and concrete. (Discussed Russell stairs - construction of stairs on coastal bank presentation.) Sheet 2 showed elevated stairs. Currently there is grass in-between the pavement in the stairs. Agent Geilen did not want stairs cut into the bank. Mr. Graham thought even though above grade steps are required by WPA, it would be better for the environment to have dug in steps. Mr. Graham recommended a site visit. Commissioner O'Neill asked about CZM. Agent Geilen's notes in her Agent's Report were discussed, where she stated that, based on a recent filings for replacement steps on Coastal Bank, the steps must be above bank, not cut into it as proposed. The Agent also believes the 8' platform is excessive, and the project extends the footprint into ACEC, which is not allowed. Mr. Graham explained that the existing stairs were already in ACEC. Mr. Graham stated that the steps needed to come off at grade, so he had to go that far for alignment. He said he could cut it back a little. [Discussion: dug in stairs vs. elevated/elevated allows vegetation to grow underneath/currently more growth on steps that are in bank than the elevated ones/stepping stone option.] Commissioner Hunton read from the State Regulations 310 CMR 10.00 (Section 10.30) regarding the Coastal Bank which stated: "*Bank vegetation tends to stabilize the bank and reduce the rate of erosion due to wind and rain runoff. Pedestrian and vehicular traffic damages the protective vegetation and frequently leads to gully erosion or deep "blowouts" on unconsolidated banks. Therefore, any project permitted by 310 CMR 10.30 should incorporate, when appropriate, elevated walkways.*" She pointed out that it said "when appropriate". Mr. Graham submitted a 1971 aerial photo showing the stairs in place at that time.

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RECOMMENDATION OF AGENT per Agent's Report:

Continue to August 3, 2016 for a DEP file number and site visit.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to August 3, 2016. The motion was seconded by Commissioner Hunton and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Abutter notification information not submitted.*

DOCUMENT LIST:

Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Letter dated 7/6/16, and prepared by Graham Associates, Inc., Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled "Permit Plan" dated 7/6/16, and prepared by Graham Associates, Inc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service and Agent's Report for 7/20/16.

Other Business:

MATTER: Request for Emergency Certificate: 48 County Road – Bruni.

DISCUSSION: Present was John Bruni. Mr. Bruni gave a review of the matter. Pictures were shown of the collapsed wall. The building inspector had asked for immediate reconstruction of the stone masonry wall. Mr. Bruni's concern was that any bad weather event could cause a complete wall collapse. He was also concerned for the nearby bridge. Mr. Bruni spoke with DEP about the seawall, and they discussed the Ch. 91 issues. Mr. Bruni stated that DEP said that he could file for a Ch. 91 license after-the-fact (within 30 days of completion). Acting Vice-Chair Standley stated the Commission does not usually issue Emergency Certificates (ECs) for a private project unless there was a threat to public health and safety. There is a problem, and it is critical. It needs a NOI, and an engineered plan. The Commission should move this decision forward as rapidly as possible to get a plan and action schedule addressing his desires and engineering support that can be approved as an OOC. He suggests that the Agent do whatever possible to shorten time frames, including a holding a special meeting if necessary. A 10-day appeal period follows OOC normally precludes the work and they can't waive that period, but can caution him if he goes ahead with the work, which would not have a problem unless someone appeals. The matter that concerns him the most is making sure that what is proposed is properly seated into the bedrock. Mr. Bruni stated that he has a competent contractor that has done work on seawalls, which includes anchoring to ledge and building up wall with supervised by engineer. Mr. Bruni stated that he believed it was a threat to public safety because it borders a public channel. If someone was in the river in a kayak, and the wall collapsed they could get hurt. Acting Vice-Chair Standley believed his argument had some merit. If Mr. Bruni had the EC, he could mobilize the contractor and he would be able to stabilize in the 30 days and work closely with the engineer. In the meantime, a survey can be done and engineered plans. Commissioner O'Neill asked what the EC would cover. Mr. Bruni stated that they would rebuild the collapsed area of seawall to create a stable condition. Work would be done with input from both Bob Griffin, civil engineer, and wetland scientist, Bill Manual. Acting Vice-Chair Standley was concerned with anchoring the wall back into the ledge, drainage and the fill behind the wall. He was concerned for water pressure build up behind the wall. Acting Vice-Chair Standley recommended to the Commission that an EC be given for this portion of the seawall subject to restrictions by DEP. Mr. Bruni stated he would contact the engineer and discuss Commissioner Standley's concerns. Acting Chairman ffolliott agreed with this decision and supported issuing the EC. Larry Graham spoke stating this was a big job. He mentioned that Bob Griffin worked on the foundation for other properties in Ipswich and was also involved in the shop that burned, and did all the foundation engineering for that property. He was confident the work would be done well because he has background with the town and work on the river with the Commission. Mr. Graham asked where the tide was on the wall and stating work would have to be done at low tide. Mr. Bruni stated the contractor would be doing hand work, mixing above and lowering by hand to wall area. Mr. Graham was concerned with how they would get machinery in and out of the area. Acting Vice-Chair Standley appreciated the question and stated the manner of work should be part of the EC. Mr. Bruni was confident that the contractor could do the by hand. Acting Vice-Chair Standley stated that they need to know more specifics. [Discussion: how it will be anchored at bottom so it doesn't move; how thick the wall will be; what will fill the

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voided area; concrete specifications; how will it drain.]
RECOMMENDATION OF AGENT per Agent's Report: <i>Deny the request for an EC.</i>
MOTION: <p style="text-align: center;">◆ A motion was made by Acting Vice-Chair Standley to issue a limited EC for stabilization and repair of existing seawall as shown on the photograph, but require submittal in advance of any work commencing to ICC with a detailed plan of the work, how it's going to be accomplished and how it will be tied together and made a foundation and wall and the dimensions of the final product, so that the Commission knows how it's going to be tied into existing portions of the wall. The Commission would have the opportunity to review and approve or deny the work based on details submitted. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>Powerpoint presentation for 48 County Street Request for Emergency Certification.</i>

MATTER: Update of impending NOI: 36-81: Site Management Plan: Miles River Sand and Gravel; 64 Paradise Road.
DISCUSSION: There was no one present for this matter.
RECOMMENDATION OF AGENT per Agent's Report: <i>Continue to August 3, 2016.</i>
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Hunton to continue to August 3, 2016. The motion was seconded by Acting Vice-Chair Standley and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>None</i>

Enforcement Matters:

MATTER: 36-569: 6 Emery Lane (Lot 2A and 3A), McCarthy. Continued from 5/4/16.
DISCUSSION: There was no one present for this matter.
RECOMMENDATION OF AGENT per Agent's Report: <i>Continue to August 3, 2016.</i>
MOTION: <p style="text-align: center;">◆ A motion was made by Commissioner Hunton to continue to August 3, 2016. The motion was seconded by Commissioner Carney-Feldman and passed continuously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>None</i>

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MATTER: 208 Topsfield Road, Winthrop. Possible enforcement matter
<p>DISCUSSION: Present was Michael Marini and Fred Winthrop from 208 Topsfield road. Acting Vice-Chair Standley gave a review of the matter. He noted that this was not an EO, but a letter of possible enforcement. The two general matters to address were: 1) whether this activity was entitled under agricultural exemption of DEP regulations (DEP opinions and court rulings require that the agricultural activity for exemptions must be initiated with the intention of making a profit and realizing that intention; and that the usage criteria cannot be suspended for more than 5 years); and 2) whether that exemption was to the <i>land owner</i> or <i>agricultural operator</i>. Failure to qualify doesn't mean you can't farm that property. It means that you must file an NOI and obtain an OOC first. Acting Vice-Chair Standley gave the history of the matter stating that agricultural activity was started on the corner of Topsfield Road and Winthrop Street. He said it was a field that had been used as a pasture for horses, which was not a commercial agricultural. Mr. Winthrop stated that they did make money from selling hay and charging horse owners to ride there. Acting Vice-Chair Standley continued by saying someone had called the Commission to report that they were irrigating from the Ipswich River, and that some brush had been cut in jurisdiction to facilitate the pumping, so the enforcement letter was issued. Acting Vice-Chair Standley stated that if this property is deemed to qualify for the agricultural exemption than they would review the project under an RDA. If not then an after-the-fact NOI would need to be issued. Mr. Marini stated that he would be happy to file a NOI for that property. He said it is currently used for strawberries and has been previously farmed. He stated the drip irrigation installed uses very little water. Mr. Winthrop spoke highly of the Marini family and their contribution to farming stating the Marini family has been very progressive in their agricultural methods and he has a good relationship with them. Acting Vice-Chair Standley stated that they could continue farming on this plot at this time in anticipation of information being submitted. They need to submit "intent to make a profit" and "making a profit" within the past 5 years. Mr. Marini can't break out a particular field and show a profit, it's a little more complicated.</p>
<p>RECOMMENDATION OF AGENT per Agent's Report: <i>None</i></p>
<p>MOTION: ♦ N/A</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>Submit documents proving commercial agricultural use. Farming can continue until eligibility is established or NOI is submitted.</i></p>
<p>DOCUMENT LIST: <i>None</i></p>

Tabled Matters and Discussion Items:

Interim Reports of Special Project Subcommittees – None.

Approval of Minutes: 5/4/16, 6/15/16, Bylaw Regulation Subcommittee minutes of 2/1/16.

♦ A motion was made by Commissioner Carney-Feldman to approve the minutes at the next scheduled meeting when everyone has had a chance to read them. The motion was seconded by Commissioner O'Neill and passed unanimously.

Document Signage: (No Vote Required)

Adjournment:

♦ A motion was made by Acting Vice-Chair Standley to adjourn at 10:00 p.m. The motion was seconded by Commissioner O'Neill and passed unanimously.

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Respectfully submitted,

A handwritten signature in black ink that reads "Cathy Miaskiewicz". The signature is written in a cursive, flowing style.

Cathy Miaskiewicz
Recording Secretary

These minutes are the summary of a taped 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, nor does it exclusively rely upon them.