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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
August 17, 2016

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, August 17, 2016 at 7:07 p.m. in Room A of the Ipswich Town Hall. Members present were Chairman Jennifer Hughes, Vice-Chair Sissy ffolliott, Commissioners David Standley, Brian O'Neill, Catherine Carney-Feldman and William Paulitz. Also present was Agent Alicia Geilen and Recording Secretary Cathy Miaskiewicz. Absent with prior notice was Michele Hunton.

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 – Stormwater 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:

None

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. <i>Request continuance to September 7, 2016.</i>
DISCUSSION: There was no one present for this matter. Agent Geilen stated that she was still trying to do a site visit.
RECOMMENDATION OF AGENT: <i>Continue to September 7, 2016</i>
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to continue to September 7, 2016. The motion was seconded by Vice-Chair ffolliott and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None</i>
DOCUMENT LIST: <i>Continuation Request.</i>

Requests for Certificates of Compliance:

MATTER: 36-482: 29 Heartbreak Road. Cordima. <i>New.</i>
DISCUSSION: Present was Larry Graham of H.L. Graham Associates, Inc., representing the applicant. Agent Geilen stated she did a site visit and everything looked fine.
RECOMMENDATION OF AGENT: <i>Issue a full and final COC.</i>
MOTION: <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Standley to issue a full and final COC. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None</i>
DOCUMENT LIST: <i>COC request, As-built plan entitled "Plan to Accompany COC Request" dated 8/10/16 , prepared by Graham Associates, Inc.</i>

MATTER: 36-788: Fellows Road. New England Biolabs. <i>New.</i>
DISCUSSION: Peter Pommersheim from Meridian Associates was present. Agent Geilen stated that this was for a water main under Fellows Road. There was nothing to see because the line was under the road, but the as-built showed that all was in accordance with the approved plan, and no problems were noted.

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<p>RECOMMENDATION OF AGENT: <i>Issue a full and final COC.</i></p>
<p>MOTION: ◆ A motion was made by Commissioner Standley to issue a full and final COC. The motion was seconded by Commissioner O’Neill and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i></p>
<p>DOCUMENT LIST: <i>COC request, As-built plan entitled “Record Conditions Plan of Land” dated 8/9/16, prepared by Meridian Associates and letter of substantial compliance dated 8/10/16, and prepared by Meridian Associates, Inc.</i></p>
<p>MATTER: 36-647: 240 County Road. New England Biolabs. <i>New.</i></p>
<p>DISCUSSION: Peter Pommersheim from Meridian Associates was present. Mr. Pommersheim stated that they adjusted the driveway, added a parking area for soccer fields (it’s gravel, not grass), removed the pool and sports court, and planted trees as required. They also added a gravel walkway and handicap parking spots, which are on the as-built plan. All was done as proposed, except as noted. Agent Geilen added that the trees at the soccer field parking area were not all there, as they were out-competed by crabapple trees. However, she believed the general goals of the requirements were met. Of note: the trees that were to be planted at the removed sport court were not, because the Water Waste Treatment Plant (WWTP) was subsequently constructed there. Agent Geilen stated that any issues with the WWTP could be handled when the COC for that project is applied for.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue a full and final COC.</i></p>
<p>MOTION: ◆ A motion was made by Commissioner Standley to issue a full and final COC. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i></p>
<p>DOCUMENT LIST: <i>COC request, As-built plan entitled “Record Conditions Plan of Land” dated 4/29/05, prepared by Meridian Associates, letter of substantial compliance dated 8/10/16, and prepared by Meridian Associates and Photos.</i></p>
<p>MATTER: 36-1103: 240 County Road. New England Biolabs. <i>New.</i></p>
<p>DISCUSSION: Peter Pommersheim from Meridian Associates was present. Mr. Pommersheim stated that the back-up generator by the daycare facility was constructed as proposed. However, there was an incident with “Goats to Go”. Agent Geilen presented some pictures showing that the rented goats ate the poison ivy, but also stripped bark off the crabapple trees; all of which was in the No-Disturbance Zone. Agent Geilen recommended a maintenance plan be prepared by Biolabs that includes replacing two girdled crabapple trees with two native trees and to reseed with winter rye in the fall where the poison ivy was. Commissioner Standley was concerned that this was not the first time that a problem with “Goats to Go” has come up. Agent Geilen suggested they inform them of filing needs. If they graze near trees, they need to protect the trees. Commissioner Standley stated that the goats are not a permanent solution. They need to be cognizant of what they are doing in jurisdiction areas.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to June 7, 2017.</i></p>
<p>MOTION: ◆ A motion was made by Commissioner Carney-Feldman to continue to June 7, 2017 for re-vegetation. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i></p>

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DOCUMENT LIST:

COC request, As-built plan entitled "Record Conditions Plan of Land" dated 8/9/16 , prepared by Meridian Associates, letter of substantial compliance dated 8/10/16, and prepared by Meridian Associates and Photos.

MATTER: 36-1127: 240 County Road. New England Biolabs. *New.*

DISCUSSION: Peter Pommersheim from Meridian Associates was present. He stated work was completed as proposed. Agent Geilen stated this was for underground utilities along the access roadway.

RECOMMENDATION OF AGENT:

Issue a full and final COC.

MOTION:

◆ **A motion was made by Commissioner Standley to issue a full and final COC. The motion was seconded by Vice-Chair ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

COC request, As-built plan entitled "Record Conditions Plan of Land" dated 8/9/16 , prepared by Meridian Associates and letter of substantial compliance dated 8/10/16 , and prepared by Meridian Associates.

MATTER: 36-538: 4 Union Street. EBSCO Publishing. *Continued from 7/6/16.*

DISCUSSION: Peter Pommersheim from Meridian Associates was present. He stated they were able to get the maintenance records for the Downstream Defender (SWM unit). He stated that the plan now included a statement that the parking lot will be inspected yearly and any dying species should be replaced. Mr. Pommersheim also discussed the Town easement for the Riverwalk in the area along the river that the Commission had wanted to see planted with native shrubs. He noted that the town is considering expanding the Riverwalk through this area, so they have not prepared a planting plan. Agent Geilen suggested shrubs (e.g., inkberry, dogwood) could be planted on either side of the eventual path through the area, thus meeting both goals. Agent Geilen stated she would like to see the dead rhododendrons replaced with shrubs before the COC is issued.

RECOMMENDATION OF AGENT:

Continue to June 7, 2017.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to June 7, 2017 for shrub replanting. The motion was seconded by Vice-Chair ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

COC request, As-built plan entitled "Record Plan of Land" dated 8/10/16, prepared by Meridian Associates, letter of substantial compliance dated 8/10/16 , and prepared by Meridian Associates, Grant of Easement dated 6/21/96 (Book: 13775, Page: 461), Amendment to Grant Easement dated 6/15/07, prepared by the Board of Selectmen, Inspection Maintenance Program dated 8/10/16, prepared by Meridian Associates, Riverwalk Easement Plan entitled "Easement Plan of Land" dated 5/29/07 prepared by Meridian Associates, Service Contract dated 5/4/16, prepared by Service Pumping and Drain Company and Photo.

MATTER: 36-932: 1 Peatfield Street. EBSCO Publishing. *Continued from 7/6/16.*

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<p>DISCUSSION: Peter Pommersheim from Meridian Associates was present. Mr. Pommersheim discussed the matter raised earlier about an area on the property was being used for snow storage. They had discussed a fence, but Mr. Pommersheim thought boulders would be better: 3feet in diameter no more than 6 feet apart. He stated that if ICC agrees, they would install them. Chairman Hughes suggested adding a sign saying: “no snow stockpiling in this area”.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to October 5, 2016.</i></p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Vice-Chair ffolliott to continue to October 5, 2016. The motion was seconded by Commissioner O’Neill and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 40px;">❖ <i>None</i></p>
<p>DOCUMENT LIST: <i>COC request, As-built plan entitled “Record Conditions Plan of Land” dated 8/5/16, prepared by Meridian Associates and letter of substantial compliance dated 8/10/16 , and prepared by Meridian Associates.</i></p>

♦ **A motion was made by Commissioner Standley to take this matter out of order. The motion was seconded by Commissioner Paulitz and passed unanimously.**

<p>MATTER: 36-1273: EBSCO for work at 6 Estes Street shown on Tax Map: 42A Lot: 186 for an after-the-fact NOTICE OF INTENT for parking lot maintenance in jurisdictional areas. <i>Continued from July 6, 2016.</i></p>
<p>DISCUSSION: <i>This matter was taken out of order.</i> Peter Pommersheim from Meridian Associates was present. Chairman Hughes asked about changes in the grade, as part of this project. Mr. Pommersheim stated that the grade was not changed. Mr. Pommersheim stated that they removed the old asphalt, and then leveled and re-graded the parking lot, after which the new asphalt was applied.</p>
<p>RECOMMENDATION OF AGENT: <i>Approve the waivers, close the public hearing and issue a Positive OOC with Special Conditions.</i></p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner Carney-Feldman to approve the waivers as requested. The motion was seconded by Commissioner Standley and passed unanimously.</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner Standley to close the public hearing. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner Carney-Feldman to issue a Positive OOC with Special Conditions. The motion was seconded by Vice-Chair ffolliott and passed with one abstention by Commissioner Paulitz who was not at the original meeting.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 40px;">❖ <i>None</i></p>
<p>DOCUMENT LIST: <i>No new documents submitted for this meeting.</i></p>

MATTER: 36-414: 158 Country Club Way, Ipswich Country Club. *Continued from 7/20/16.*

DISCUSSION: Present was Richard Barthelmes who gave a review of the matter. He stated that the buyer was not going to extend the selling of the property and that the closing was taking place Friday. He stated they would

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install the shrubs/plantings on Friday morning. Commissioner Standley asked how they would be maintained. Mr. Barthelmes said they would be maintained by a watering truck. The installer is guaranteeing the plants and a minimum of two watering's. Commissioner Carney-Feldman stated that when there is a drought, they need to continue during it. Chairman Hughes stated that the Commission does not see what happens after the COC is issued. She suggested they could do partial a COC and condition it. Commissioner Standley stated they could do a COC conditioned on survival of plantings and follow to successor of ownership. Agent Geilen stated they would need money in escrow to replace shrubs if needed. The escrow could be through the attorney and once the plants and signs are in, they can release the money in escrow. Mr. Barthelmes said the sellers' attorney will draft letter stating they will escrow \$567 to be held until work is completed. Chairman Hughes suggested a letter be written stating what is being done and submit a report. Agent Geilen will check on the plantings.

RECOMMENDATION OF AGENT:

Issue a full and final COC with Special Conditions as discussed.

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to issue a full and final COC with Special Conditions as discussed. The motion was seconded by Commissioner Standley and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Agent to check on plants and release escrow if okay in June 2017.*

DOCUMENT LIST:

COC request, As-built plan entitled "Record Conditions Plan" dated 8/8/16, prepared by Lynnfield Engineering Inc., and letter of substantial compliance dated 8/8/16, and prepared by Lynnfield Engineering Inc., Plan entitled "Record Conditions and Restoration Plan" dated 8/10/16, and prepared by Lynnfield Engineering Inc. and Plan entitled "Worksheet" file date 8/8/16, prepared by Lynnfield Engineering Inc.

◆ **A motion was made by Vice-Chair ffollott to table this matter. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

MATTER: 36-569; 6 Emery Lane (Lot 2A and 3A), McCarthy. *See Enforcement and 36-1301 below. Continued from August 3, 2016.*

DISCUSSION: Tabled.

RECOMMENDATION OF AGENT:

Continue until OOC 36-1301 is issued and has been recorded then issue a full and final COC.

MOTION:

◆ **N/A**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

None.

MATTER: 36-1278; 3 Stage Hill Road. Robert Macklin. *Continued from 7/6/16.*

DISCUSSION: There was no one present for this matter. Agent Geilen gave a review of the matter. At her follow-up site visit, she observed that the applicant is now replacing the deck, which was approved by the OOC, but not shown on the as-built plan submitted with the COC request. She recommended waiting for deck to be

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completed, requiring a new as-built that shows the replaced deck and then issuing the COC, if all is in accordance with the approved plan.

RECOMMENDATION OF AGENT:

To continue to October 5, 2016.

MOTION:

◆ **A motion was made by Vice-Chair ffolliott to continue to October 5, 2016. The motion was seconded by Commissioner Standley and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Agent Geilen to contact engineer about revised as-built.*

DOCUMENT LIST:

No new documents submitted for this meeting.

Small Projects Permits

MATTER: 65 South Main Street, Department of Public Works. Soils testing.

DISCUSSION: Present was Wayne Castonguay, Executive Director for Ipswich River Watershed Association (IRWA) representing the applicant. Mr. Castonguay discussed the work that would be done for the dam removal study. He stated that each job for soil testing would be done within the same day. He said it would be dug and refilled the last week of August and should only take a few hours.

RECOMMENDATION OF AGENT:

To approve the SPP.

MOTION:

◆ **A motion was made by Vice-Chair ffolliott to approve the Small Project Permit for activities temporary in nature as proposed. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

Small Permit Project Application and Plan entitled "SGH Subsurface Investigation" dated 8/8/16, by Mass GIS Online and Plan entitled "SGH Subsurface Investigation Soils Boring Locations" dated 12/14/15, by Mass GIS Online.

MATTER: 72 Clark Road, Quinn. Replace shed in-kind.

DISCUSSION: Present was Mr. Joseph Quinn, property owner. He wants to replace the shed on new sonotubes. However he understands there was an open OOC. Agent Geilen explained that the old OOC was for an additional over part of the driveway, and included a mitigation planting plan to install two varieties of shrubs. Only Rosa rugosa was planted, which Mr. Quinn said was approved by the former Agent. At the site visit, Agent Geilen observed a 6' deep cut of Japanese knotweed in the NDZ. Mr. Quinn stated that he needed to get behind there to pull the knotweed to maintain it. Agent Geilen stated there needs to be a management plan for the knotweed. Mr. Quinn stated it is not expanding on the sides, but it goes into the Rugosa rose. Agent Geilen explained that he needs to apply for a COC for the old project, which requires an as-built plan. Then they can compare what was done vs. what was approved. She recommended putting the Small Projects Permit on hold until this can be closed out. Mr. Quinn will get the as-built.

RECOMMENDATION OF AGENT:

Continue to September 7, 2016.

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<p>MOTION:</p> <p>◆ A motion was made by Commissioner Carney-Feldman to continue to September 7, 2016. The motion was seconded by Vice-Chair ffollott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ <i>None</i></p>
<p>DOCUMENT LIST:</p> <p><i>Small Permit Project Application and Plan entitled "Site Plan" dated 9/14/98, and prepared by Donohoe and Parkhurst, Inc. and Sketch Plan for 72 Clark Road undated.</i></p>

Requests for Determination of Applicability:

<p>MATTER: Peter Wadsworth for work at 78 Little Neck Road shown on Tax Map: 23D, Lot: 3 for a REQUEST FOR DETERMINATION OF APPLICABILITY to replace an existing cesspool with a new septic system in jurisdictional areas.</p>
<p>DISCUSSION: Present was Dan Johnson of Domestic Septic Design Inc. Mr. Johnson stated that there was nowhere to put the tank and keep it out of the 150' Buffer to ACEC. He showed that the leeching area was out of the ACEC, and only the pump chamber was in the ACEC Buffer. Commissioner Standley asked if erosion control was needed, as Mr. Johnson had not included any on the plan. Mr. Johnson stated there was only a small slope. Access would be between properties and the neighbors are fine with it. [Discussion: drainage swale/would not crest over/no potential for running off front of driveway.] Chairman Hughes recommended they keep a roll of 12" silk sock out there in case they need it. Mr. Johnson agreed that would be good. Agent Geilen to add as special condition (bylaw only) under #3 on DA form.</p>
<p>RECOMMENDATION OF AGENT:</p> <p><i>Issue a Negative Determination 1 (not in jurisdiction,) 3 (bylaw only) and 6.</i></p>
<p>MOTION:</p> <p>◆ A motion was made by Vice-Chair ffollott to issue a Negative Determination 1, 3 and 6. The motion was seconded by Commissioner Standley and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ <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 "Subsurface Sewage Design, Inc." dated 7/11/16, and prepared by Domestic Septic Design, Inc.</i></p>

New Notices of Intent, Minor Modifications and Formal Amendments:

<p>MATTER: 36-1303: Trustees of Reservations for work at 290 Argilla Road shown on Tax Map: 34 Lot: 2 for a NOTICE OF INTENT to temporarily install props for a movie set, including fake boulders, a sand ramp to water, and a ticket booth in jurisdictional areas.</p>
<p>DISCUSSION: Present was Peter Pinciario, General Manager of the Trustees of Reservations with Kai Quinlan, movie location manager. They stated they will no longer be adding sand and the 4x4 structure will not be there. The car they plan to use will only be on the pier and not on the end of it. They will put up a physical barrier to prevent the car from going in. Agent Geilen asked about borders on coastal bank. Mr. Pinciario stated there will be no work on coastal bank or the salt marsh. Work in BZ's, LUW and LSCSF. They will pull a "frame" vehicle from the river, not a whole car. The project is located in rare species habitat and a fish run, so copies were sent to NHESP (Natural Heritage and Endangered Species Program) and DMF (Department of Marine Fisheries). Agent Geilen stated, per verbal, there were no issues with DMF. The work is temporary, so there should not be any</p>

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issues. Agent Geilen recommended having a preconstruction requirement for a Natural Resource Officer to be assigned to the project and to always be on site when work is being done in resource areas. The Officer could take pre and post photos to compare so everything can be restored properly. Boulders not on salt marsh, at top of slope where fence is now are to be removed then replaced. The working title of the movie is "Chappaquiddick" and filming should take 1-2 weeks prep with 1-2 days of shooting. Mr. Pinciario thanked Agent Geilen stating that she had been very helpful.

RECOMMENDATION OF AGENT:

Approve the waiver requests, close the public hearing and issue a positive OOC with Special Conditions.

MOTION:

- ◆ **A motion was made by Commissioner Standley to approve the waivers as requested. The motion was seconded by Vice-Chair ffolliott and passed unanimously.**

- ◆ **A motion was made by Commissioner Standley to close the public hearing. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

- ◆ **A motion was made by Commissioner Standley to issue the NOI. The motion was seconded by Commissioner Carney-Feldman 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, Plan entitled "Crane's Beach Boat House Movie Set Locations" not dated, Plan entitled "TTOR Props Plan" dated 8/1/16, Plan entitled "Town of Ipswich Map #34" dated 1/1/15, Plan entitled "Town of Ipswich Map #45" dated 1/1/15, Waiver Requests, Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.

MATTER: 36-1268: Cumberland Farms for work at **66 Turnpike Road** shown on **Tax Map: 27C, Lot: 017** for a **FORMAL AMENDMENT** to a Notice of Intent to revise the septic repair design in jurisdictional areas.

DISCUSSION: Present was John Pasquale, Vice President of Facilities Support at Cumberland Farms and Nicole Duquette, project engineer from MHF Design Consultants, Inc. Mr. Pasquale stated that they had a new septic design using a "SoilAir System". [Discussion: Hand dig electric line behind the building/adding a distribution box/adding grease trap/septic system details.] The applicant proposed adding 620 square feet to the existing NDZ behind the building to mitigate for additional work in the subzones. [Discussion: current condition of the NDZ.] Agent Geilen noticed a small oil spill on a concrete pad that needed cleaning. Mr. Pasquale stated they would clean that up. Agent Geilen stated there needs to be two NDZ granite posts to mark the expanded NDZ. The location will be determined by the Agent in the field. Mitigation area needs to be replanted in the spring, as most plants died due to the drought. Waivers were requested for NDZ and NBZ.

RECOMMENDATION OF AGENT:

Approve the waivers as requested, close the public hearing and issue a positive amended OOC with the same Special Conditions as the original.

MOTION:

- ◆ **A motion was made by Vice-Chair ffolliott to approve the waivers as requested. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

- ◆ **A motion was made by Commissioner Standley to close the public hearing. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

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◆ **A motion was made by Commissioner Standley to issue a Positive amended OOC with Special Conditions. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

Request for Formal Amendment Letter dated 8/2/16, and prepared by MHF Design Consultants, Inc., Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Proposed Site Plan Changes entitled "Subsurface Sewage Disposal System Remediation Plan" dated 7/14/16, and prepared by MHF Design Consultants, Inc., Plan entitled, "Septic Repair Plan" dated 9/25/15, and prepared by Merrill Engineers and Land Surveyors dated 9/25/15, Waiver Requests, OOC (DEP File #36-1268), Photos, Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.

MATTER: 36-1252: Ernest and Paula Roberts for work at **76 Clark Road** shown on **Tax Map: 24A Lot: 99** for an after-the-fact **FORMAL AMENDMENT** to a Notice Of Intent to **raze and rebuild a single family house and replace in-kind a pre-existing deck on new footings, as well as approval for new activities including repair stone retaining wall, relocation of septic tank, installation of 3 liquid propane tanks, and other work associated with the house** in jurisdictional areas.

DISCUSSION: Present was Larry Graham of H.L. Graham Associates and applicants Paula and Ernest Roberts. Mr. Graham was covering for the project engineer, Chuck Johnson, because Mr. Johnson was out of town. Mr. Graham gave a review of after-the-fact changes and new work. He stated the problem was a misunderstanding on Mr. Johnson's part as to the meaning of the "renovation". The Commission does not consider a raze-and-rebuild project to be a "renovation", despite what the building code may say. Mr. Johnson apologized for this, noting that he should have used the term "raze and rebuild". The existing decks were to be fully replaced including new footings, but the new house is on the same foundation. The applicant requested for waivers of the 25' NDZ and 15' NBZ. Commissioner Standley inquired of the status of the project. Mr. Graham stated the house was framed, roofed and sided, and studs on the inside. Commissioner Standley stated that he was quite bothered by the unauthorized tear down and rebuild. He stated that if the Commission knew this was a raze-and-rebuild, they would have given the project more scrutiny and just a septic system replacement project. Chairman Hughes stated that if the Commission knew the true nature of the project she would have required they pull the decks back from the Resource area. Commissioner Carney-Feldman asked how this could have happened. Mr. Graham read from a report from Mr. Johnson explaining the error with an apology. Agent Geilen stated that Inspector Decie had performed a pre-construction meeting, but somehow had missed this discrepancy until after it happened. Agent Geilen said that she would look into the matter to be sure that it does not happen again. Mr. Graham presented pictures from Mr. Roberts. Agent Geilen asked about the size of the deck and whether it was expanded more toward Coastal Bank. Mr. Graham stated that he had compared the architect's plan with the approved plan vs. the actual deck and found them to be relatively consistent. However he stated that there were some discrepancies and recommended pulling back on the side deck to compensate. He presented information to show that the net change in the NDZ and the NBZ were the same as approved. Commissioner Standley was in agreement with the proposed changes including the changes to the deck. Agent Geilen asked for a stamped revised plan.

Abutter: Mr. Ken Fuller of 78 Clark Road submitted pictures of the deck, prior to the raise and rebuild. He was concerned that the deck did not meet the side lot setback requirements. Chairman Hughes stated that this issue was a building permit issue. Mr. Fuller was questioning if the deck expansion went further than what was approved. Mr. Graham advised the Roberts to look at that in respect to zoning. Chairman Hughes stated they would resolve between now and the next meeting and thanked Mr. Fuller for the photos.

Abutter: Mr. Stanley Wood of 74 Clark Road stated that the Roberts do a great job and thought it was a good plan. He was hoping for a solid fence vs. a split rail fence.

Mr. Graham asked if the applicants could continue with the inside house construction. Commissioner Standley stated that The Commission did not have jurisdiction over it. Chairman Hughes advised that if they move forward to make sure they check with the building inspector, etc.

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<p>RECOMMENDATION OF AGENT: <i>Continue to September 7, 2016.</i></p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Vice-Chair ffolliott to continue to September 7, 2016. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 40px;">❖ <i>None</i></p>
<p>DOCUMENT LIST: <i>Request for Formal Amendment Letter with attached OOC (DEP File #36-1252) dated 8/3/16, and prepared by C.G. Johnson Engineering, Inc., Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Original Plan entitled "Site Plan" dated 8/3/16, and prepared by C.G. Johnson Engineering, Inc., Proposed Highlighted Site Plan Changes entitled "Site Plan" dated 8/3/16, and prepared by C.G. Johnson Engineering, Inc., Photos, Enforcement Order dated 7/25/16, and prepared by Conservation Agent, Letter Re: EO dated 7/26/16, and prepared by Conservation Agent, Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.</i></p>
<p>MATTER: 36-1302: John Bruni for work at 48 County Street shown on Tax Map: 42A, Lot: 106 for a NOTICE OF INTENT <input type="checkbox"/> rebuild a seawall and other associated activities in jurisdictional areas.</p>
<p>DISCUSSION: Present was applicant John Bruni. Agent Geilen stated that the Commission received the peer review report and gave a review of the matter. The matter before the commission was the NOI, which was a back-up plan if the EC did not work out. Lisa O'Donnell of LJO Engineers, the peer reviewer, made general comments and suggested some minor changes. Agent Geilen drafted the EC and will refer to the narrative from the peer reviewer. Work will occur as shown on the review plan "as amended by LJO Report." Commissioner Standley stated that the NOI plan needed to be revised but his concerns had been addressed with the addition of recommendations from Lisa O'Donnell, and that it would be okay to say "as amended" on the EC. Commissioner Standley believed Mr. Bruni should receive the EC. However, he expressed his concerns with not storing material on the bridge. Mr. Bruni offered the inside of his garage for storing of materials, set up and break down and overnight storage. Commissioner Standley was also concerned with the tiebacks with the new stone face. He stated that Ms. O'Donnell had stated in the peer review that she was satisfied with bonding, so he will rely on her and stated filed plans should reflect Ms. O'Donnell's recommendations.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue the Emergency Certificate.</i></p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Vice-Chair ffolliott to approve the Emergency Certificate. The motion was seconded by Commissioner O'Neill and passed unanimously.</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner O'Neill to continue to September 21, 2016 for the NOI. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 40px;">❖ <i>None</i></p>
<p>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 "Seawall Emergency Repair Plan" dated 8/15/16, and prepared by Griffin Engineering Group, LLC, Marked-up Plan entitled "Seawall Emergency Repair Plan" dated 8/15/16, and prepared by Griffin Engineering Group, LLC, Waiver Request, "Proposed Schedule and Methods/Procedures Related to Emergency Seawall Repair" based on site walk dated 8/12/16, Photos, Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.</i></p>

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Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

<p>MATTER: 36-1298: 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. <i>Continued from August 3, 2016.</i></p>
<p>DISCUSSION: Larry Graham of H.L. Graham Associates was present. Mr. Graham gave a review of the matter indicating all the changes in the revised plan as requested.</p>
<p>RECOMMENDATION OF AGENT: <i>Approve the waivers, close the public hearing and issue a Positive OOC with revised Special Conditions.</i></p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to approve the waivers as requested. The motion was seconded by Commissioner Standley and passed unanimously. ◆ A motion was made by Commissioner Standley to close the public hearing. The motion was seconded by Vice-Chair ffolliott and passed unanimously. ◆ A motion was made by Commissioner Standley to issue a Positive OOC with revised Special Conditions. The motion was seconded by Vice-Chair ffolliott and passed with one abstention by Commissioner Paulitz because he was not present for the original meeting.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i></p>
<p>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 "Permit Plan" dated 8/10/16, and prepared by Graham Associates, Inc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.</i></p>

◆ **A motion was made by Vice-Chair ffolliott to untable the matter 36-569, for the COC at 3 Emery Lane. The motion was seconded by Commissioner Carney-Feldman and passed unanimously. (Discussed with the NOI below.)**

<p>MATTER: 36-1301: Timothy McCarthy for work at 6 Emery Lane shown on Tax Map: 30C Lot: 080 for an after-the-fact NOTICE OF INTENT to construct a brick patio, concrete pad, bluestone walkway, retaining wall, rebuilding of headwalls and the relocation of a buffer zone replication area in jurisdictional areas. <i>Continued from August 3, 2016.</i></p>
<p>DISCUSSION: Tyler Ferrick of DeRosa Environmental Consulting Inc. was present representing the McCarthy's. Mr. Ferrick stated that the planting plan was almost doubled and changes were made to the plan. Agent Geilen stated that normally a narrative with a restoration plan includes density calculations and that they would like to see that. Chairman Hughes stated the density calculation amounts were needed and should be based plantings "on center" and to condition for plant inspection. Mr. Ferrick stated that he would update the plan. [Discussion: planting types/use <i>Viburnum trilobum</i> in Area C.] Agent Geilen stated that they need to replicate the wetland area filled under the retaining wall and need to deal with off-site wetland impact. Mr. Ferrick stated there was not much fill offsite, just mowing. It was recommended to have DeRosa Environmental do a site visit before the next meeting to see what was growing in the offsite wetland line impact area.</p>
<p>RECOMMENDATION OF AGENT: <i>COC: continue the COC to September 7, 2016. NOI: continue to September 7, 2016 for additional information including a revised plant narrative. EO: continue to September 7, 2016.</i></p>
<p>MOTION:</p>

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<p>◆ A motion was made by Commissioner Carney-Feldman to continue the COC to September 7, 2016. The motion was seconded by Vice-Chair ffollott and passed unanimously.</p> <p>◆ A motion was made by Commissioner Carney-Feldman to continue the NOI to September 7, 2016 for additional information including a revised plant narrative. The motion was seconded by Vice-Chair ffollott and passed unanimously.</p> <p>◆ A motion was made by Commissioner Carney-Feldman to continue the EO to September 7, 2016. The motion was seconded by Vice-Chair ffollott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ None</p>
<p>DOCUMENT LIST:</p> <p><i>Letter Re: Planting Plans for ATF NOI and EO dated 8/10/16, and prepared by DeRosa Environmental, Inc., Plan entitled "Fig 2B – Buffer Zone Restoration Plan (ATF NOI)" dated 8/9/16, and prepared by DeRosa Environmental, Inc., Plan entitled, "Fig 2D – Wetland Restoration Planting Plan (EO)" dated 6/20/16, and prepared by DeRosa Environmental, Inc.</i></p>

Other Business:

<p>MATTER: Essex County Greenbelt Association: Conservation Restriction for Plum Property at 53,55,57,71, 75 Candlewood Road and Donovan Reservation Essex/Ipswich Conservation Restriction at 0 Choate Street, 0 Choate Street Rear, 0 Belcher Street, Essex, MA.</p>
<p>DISCUSSION: Present was Chris LaPointe, Director of Land Conservation of Essex County Greenbelt Association. Mr. LaPointe explained that the project expanded into Essex and Hamilton and discussed the restrictions. He stated that the Plum Property that is on Candlewood Road includes 83 acres that will be in restriction. Overall the project is more than 500 acres in size involving six landowners. Mr. LaPointe explained that the CR would be held by others, but ICC and the Board of Selectmen need to sign the municipal certificate to allow the land to be protected. The properties will create a larger corridor for wildlife and water quality protection when added to existing protected land in Ipswich, Essex and Hamilton.</p>
<p>RECOMMENDATION OF AGENT:</p> <p><i>Approve and sign the CR.</i></p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner Standley to approve and sign the municipal certification of the CR. The motion was seconded by Vice-Chair ffollott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ None</p>
<p>DOCUMENT LIST:</p> <p><i>Conservation Plan Orthophotograph – D dated 9/28/15, and prepared by Land Vest, Municipal Certification for Plum CR (53, 55, 57, 71 & 75 Candlewood Road), Municipal Certification for Donovan Reservation Essex/Ipswich CR (0 Choate St, 0 Choate St-Rear, 0 Belcher St, Essex), CR Arabella Plum, (53, 55, 57, 71 & 75 Candlewood Road) and CR ECGA (0 Choate St, 0 Choate St-Rear, 0 Belcher St, Essex).</i></p>
<p>MATTER: 36-1210: 82 Labor-in-Vain Road. Sullivan. Request for a 1-year Extension to an Order of Conditions.</p>
<p>DISCUSSION: There was no one present for this matter. Agent Geilen stated that the applicant needed more time.</p>
<p>RECOMMENDATION OF AGENT:</p> <p><i>To approve the 1-year extension.</i></p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner Standley to approve the 1-year extension. The motion was</p>

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seconded by Vice-Chair ffolliott and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>Extension request.</i>

MATTER: 36-835: 18 Heartbreak Rd. Fagan. Request for a 3-year Extension to an Order of Conditions. Request for a 3-year Extension to an Order of Conditions.
DISCUSSION: Present was Larry Graham of H.L. Graham Associates and applicant, Mr. Ed Fagan to request a three year extension on his OOC. Mr. Fagan stated that this subdivision was tied up for 10 years in litigation, and then further delayed by the housing market collapse, so work could not go forward. He stated he was aware the Commission does not like extensive extensions, but hoped they would approve one more. Mr. Fagan showed blueprint plans of the subdivision to the Commission. Agent Geilen stated that the Bylaw OOCs, as well as the three previous Extension Orders had not been recorded. In order for the documents to be valid they must be recorded. She noted that all of the state permits (Superseding OOC and extensions) had been recorded. Assuming the original paperwork was not readily available, she prepared the replacement documents to sign to record them and then they could add the new extension. She recommended reflagging wetland to ensure it is still accurate. Commissioner Standley asked if the subdivision plans had changed at all from what was initially approved by the Commission. Mr. Graham stated the plans had not changed and stated the recommendation was not appropriate, as it would be too expensive. Chairman Hughes read the Special Conditions that allows ICC to reopen a hearing if the site has changed, and that the wetland line has to be reflagged prior to the start of construction. In that way, the wetland line could be reviewed as part of the pre-construction meeting. The Agent was directed to add a note to file that if the wetland line has changed when the project is ready to begin, the ICC will reopen the hearing.
RECOMMENDATION OF AGENT: <i>Approve the 3-year extension.</i>
MOTION: ♦ A motion was made by Commissioner Carney-Feldman to approve the 3-year extension of the OOC. The motion was seconded by Commissioner O'Neill and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>Extension request.</i>

MATTER: Little Neck Condominium Association, River Road. Boat storage in jurisdiction.
DISCUSSION: There was no one present for this matter. Chairman Hughes suggested that Agent Geilen write a letter to the Condominium Association to open the dialog and make them aware. Agent Geilen will update the Commission as needed.
RECOMMENDATION OF AGENT: <i>None</i>
MOTION: ♦ N/A
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>Write to Condo Association</i>
DOCUMENT LIST: <i>None.</i>

MATTER: DEP Interpretation of "Emergency Certificate" issuance, and "Land in Agricultural Use". <i>Per Dave</i>
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<i>Standley's request.</i>
DISCUSSION: Commissioner Standley presented this matter regarding EC issuance and LIAU. He stated that it was unclear regarding action on public property and if property damage is included in DEP health safety. He felt this information was vital when it comes to issuing Emergency Certificates. [Discussion: Determining public safety/DEP guidelines/agency declaration like BOH/cannot declare your own emergency/LIAU burden of proof.] Commissioner Standley will draft a letter for ICC review to send to DEP for clarification of this matter.
RECOMMENDATION OF AGENT: <i>None</i>
MOTION: ♦ N/A
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>None.</i>

Enforcement Matters:

MATTER: Possible Enforcement at 15 Greens Point Road, Taylor. Unauthorized cutting of vegetation in jurisdictional areas.
DISCUSSION: Present was Larry Graham of H.L. Graham Associates and property owner Margaret Taylor. Agent Geilen gave a history of the enforcement matter, and stated that she had received many phone calls regarding mowing of wetlands on the property with a tractor. This mowing included 7 Greens Point Road, which Ms. Taylor noted was owned by a relative. Ms. Taylor stated it was farm land since she was a young girl and was unaware that they were not supposed to mow. Agent Geilen presented at the aerial photos of the area. Commissioner Standley stated that the pictures were clear and he believed an EO was appropriate. Since portions of the field were farmed, the Commission needs a history of filed use and an after-the-fact NOI if they want to continue farming. If not the restoration plan is enough and can be to just let it grow back. Agent Geilen stated that if Ms. Taylor wanted to sell her property for development, she would likely want to do a septic system percolation test, for which a wetland delineation would be needed. Chairman Hughes recommended the EO require attending the September 21, 2016 meeting, and submitting a restoration plan by September 18, 2016.
Abutter: Mr. Jeff Schriber of 9 Greens Point Road stated that he had not seen mowing in the 10 years he has been there. He had photos of before and after. He said there was tall marsh grass in the area before mowing. (Phragmites prior to mowing.)
Abutter: Mr. Josh Geller of 11 Greens Point Road submitted photos also. ICC accepted the pictures to put in the file. Mr. Geller asked about a perk test. Chairman Hughes explained that would be a small project if within jurisdiction and would have to go through BOH.
RECOMMENDATION OF AGENT: <i>Issue an EO that requires delineation of resource areas so that a filing can be made if the owner wants to continue this activity.</i>
MOTION: ♦ A motion was made by Commissioner O'Neill to issue the EO with a cease and desist of all activity and submit a restoration plan by Sept. 14, 2016. The motion was seconded by Vice-Chair ffollitt and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST:

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Photos.

MATTER: Possible Enforcement at 7 Greens Point Road, Hetnar. Unauthorized cutting of vegetation in jurisdictional areas.

DISCUSSION: There was no one present for this matter. The Agent noted that this is the same as above for mowing ACEC, Buffer Zone to Salt Marsh and BVW, as well as possibly in salt marsh/BVW. Agent Geilen stated that most of this lot had been historically farmed. If they want to continue mowing the northern part they must submit proof of continued Agricultural Use and submit a restoration plan. The plan can be to let it grow back. Ms. Taylor (from above matter) will coordinate with the owner, who is her brother. They need to attend the September 21, 2016 meeting and submit the plan by September 18, 2016, or authorized someone to attend on their behalf, as they live out of town.

RECOMMENDATION OF AGENT:

Issue an EO that requires delineation of resource areas so that a filing can be made if the owner wants to continue this activity.

MOTION:

◆ **A motion was made by Commissioner Standley to issue the EO. The motion was seconded by Commissioner O'Neill and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

Photos.

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

DISCUSSION: (Discussed under the NOI for 6 Emery Lane above.)

RECOMMENDATION OF AGENT:

None

MOTION:

◆ **N/A**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

Letter Re: Planting Plans for ATF NOI and EO dated 8/10/16, and prepared by DeRosa Environmental, Inc., Plan entitled "Fig 2B – Buffer Zone Restoration Plan (ATF NOI)" dated 8/9/16, and prepared by DeRosa Environmental, Inc., Plan entitled, "Fig 2D – Wetland Restoration Planting Plan (EO)" dated 6/20/16, and prepared by DeRosa Environmental, Inc.

Tabled Matters and Discussion Items:

Interim Reports of Special Project Subcommittees

Other: Chairman Hughes gave congratulations to Agent Geilen on receiving the coastal resilience grant in partnership with IRWA.

Approval of Minutes: None

◆ **N/A**

Document Signage: (No Vote Required)

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Adjournment:

◆ A motion was made by Commissioner Carney-Feldman to adjourn at 10:45 p.m. The motion was seconded by Commissioner Standley and passed unanimously.

Respectfully submitted,



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.