

**Approved: September 19, 2018**

**Distributed: October 10, 2018**

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**September 5, 2018**

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, September 5, 2018 at 7:00 p.m. in Room A of the Ipswich Town Hall. Members present were Chairman Jennifer Hughes, Commissioners Brian O'Neill, Catherine Carney-Feldman, William Paulitz, Raymond Putnam, and James Stone. Also present were Conservation Agent Alicia Geilen and Recording Secretary Amy Scicchitani. Absent with prior notice was Vice-Chair Sissy ffolliott.

**DEFINITION INDEX:**

**BOH** – Board of Health

**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

**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

**TEC** – Temporary Erosion Controls

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

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ZBA – Zoning Board of Appeals

**Citizen’s Queries:** *None*

**Matters Being Continued to FUTURE Sessions at the Applicant’s Request:**

<b>MATTER: 36-611: Town of Ipswich for South Main and Union St Riverwalk</b> <i>Request for COC.</i>
<b>DISCUSSION:</b> There was no one present for this matter.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to September 19, 2018</i>
<b>MOTION:</b> <ul style="list-style-type: none"> <li>◆ A motion was made by Acting Vice Chair Carney-Feldman to continue to September 19, 2018. The motion was seconded by Commissioner Stone and passed unanimously.</li> </ul>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <ul style="list-style-type: none"> <li>❖ <i>None.</i></li> </ul>
<b>DOCUMENT LIST:</b> <i>Continuance request.</i>

<b>MATTER: 36-1197: 30 Mitchell Road/1 Brady Lane D&amp;M Realty Trust.</b> <i>Enforcement Matter Update</i>
<b>DISCUSSION:</b> There was no one present for this matter.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to September 19, 2018.</i>
<b>MOTION:</b> <ul style="list-style-type: none"> <li>◆ A motion was made by Acting Vice Chair Carney-Feldman to continue to September 19, 2018. The motion was seconded by Commissioner Stone and passed unanimously.</li> </ul>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <ul style="list-style-type: none"> <li>❖ <i>None.</i></li> </ul>
<b>DOCUMENT LIST:</b> <i>Continuance request.</i>

**Courtesy Position for Town Projects:**

<b>MATTER: 36-1380: Town of Ipswich for work at 272 High Street shown on Tax Map: 20D Lot: 008 for a NOTICE OF INTENT to repair Dow Brook Reservoir Dam in jurisdictional areas.</b> <i>Continued from August 15, 2018</i>
<b>DISCUSSION:</b> Present was Teri Demers, Water Engineer, representing the Town of Ipswich. A revised planted plan was provided from Haley and Aldrich. The plan showed: construction sequence, erosion controls and restoration plan using New England Wetland Mix (or equivalent) in wetland areas, and New England Logging Road Mix (or equivalent) on upland areas. Work is slated to begin in the fall of 2018 and will last 6-8 weeks. A permit expected shortly from the MA Office of Dam Safety. Full oversight of all work will be provided by qualified staff from Haley and Aldrich. Commissioner Hughes asked if work will be completed after growing season. Specifically she was concerned about “live seeding” vs. “dormant seeding”. [Discussion: logistics of live seeding vs. dormant seeding.] Ms. Demers stated that Haley and Aldrich will notify the town when planting is to be done, and will discuss the matter with the Agent.
<b>RECOMMENDATION OF AGENT:</b> <i>Approve the waivers, close the public hearing, and issue a positive OOC with Special Conditions as prepared.</i>

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<p><b>MOTION:</b></p> <ul style="list-style-type: none"> <li>◆ A motion was made by Commissioner Paulitz to approve the waiver requests and close public hearing. The motion was seconded by Acting Vice Chair Carney-Feldman and passed unanimously.</li> <li>◆ A motion was made by Commissioner Paulitz to approve a positive Order of Conditions with special conditions as written. The motion was seconded by Acting Vice Chair Carney-Feldman and passed unanimously.</li> </ul>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <ul style="list-style-type: none"> <li>❖ <i>None.</i></li> </ul>
<p><b>DOCUMENT LIST:</b></p> <p><i>Response to comments submittal dated August 28, 2018.</i></p>

### Small Project Permits

<p><b>MATTER: Richard Stout</b>, for work at <b>58 County Street</b> shown on <b>Tax Map: 42A Lot: 110, Small Project Permit</b> to cut down a tree within jurisdictional areas.</p>
<p><b>DISCUSSION:</b> Present was Richard Stout. Mr. Stout is asking for large tree, on edge of property, to be removed. This large spruce is 80 feet from river, and represents a danger to his and his neighbor's homes. Field Inspector Decie performed a site visit and recommends approving the Small Project Permit. Acting Vice Chair Carney-Feldman wishes homeowner leave stump in ground.</p>
<p><b>RECOMMENDATION OF AGENT:</b> <i>Approve the SPP.</i></p>
<ul style="list-style-type: none"> <li>◆ A motion was made by Acting Vice Chair Carney-Feldman to approve the SPP, with conditions for stump to be cut flush. The motion was seconded by Commissioner Stone and passed unanimously.</li> </ul>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <ul style="list-style-type: none"> <li>❖ <i>None.</i></li> </ul>
<p><b>DOCUMENT LIST:</b></p> <p><i>Mandatory Pre-filing Checklist, Small Project Permit Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Locus Map, Plan.</i></p>

<p><b>MATTER: Elaine Gale</b>, for work at <b>12 Bowdoin Road</b> shown on <b>Tax Map: 15D Lot 029, Small Project Permit</b> to replace front entry stone walkway in jurisdictional areas.</p>
<p><b>DISCUSSION:</b> Present was Elaine Gale, homeowner. Ms. Gale seeks to replace the sandstone entry walk with a blue stone walkway in the same location. Chairman Hughes confirmed with Ms. Gale that the blue stone will be set in sand for drainage purposes.</p>
<p><b>RECOMMENDATION OF AGENT:</b> <i>Approve the SPP.</i></p>
<p><b>MOTION:</b></p> <ul style="list-style-type: none"> <li>◆ A motion was made by Acting Vice Chair Carney-Feldman to approve the SPP. The motion was seconded by Commissioner Paulitz and passed unanimously.</li> </ul>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <ul style="list-style-type: none"> <li>❖ <i>None.</i></li> </ul>

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**DOCUMENT LIST:**

*Mandatory Pre-filing Checklist, Small Project Permit Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Locus Map, Plan.*

**MATTER: William Holton, for work at 21 Upper River Road shown on Tax Map: 53-B Lot: 15, Small Project Permit to removed fallen tree, clean up hanging branches**

**DISCUSSION:** Commissioner O'Neill recused himself as an abutter. Present was Will Holton, homeowner. Mr. Holton would like to remove large oak which has fallen on the abutting property, toward river. Chair Hughes asked if the tree was on his property. Mr. Holton stated that it was on the property line. He noted that this neighbor (LeClair) wishes no involvement in tree removal, but offered his approval for work to occur. Chair Hughes noted that a letter is necessary from abutting neighbor for tree removal. Mr. Holton noted that this permission was in his filing packet which was confirmed by the Commission.

**RECOMMENDATION OF AGENT:** *Approve the SPP with a condition for a post work inspection to be performed.*

**MOTION:**

◆ **A motion was made by Acting Vice Chair Carney-Feldman to approve the positive the SPP with a post inspection. The motion was seconded by Commissioner Putnam and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**DOCUMENT LIST:**

*Mandatory Pre-filing Checklist, Small Project Permit Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Locus Map, Plan.*

**Requests for Certificates of Compliance:**

**MATTER: 036-1096: 28 Turkey Shore, DeAngelis. New**

**DISCUSSION:** No one was present for this matter. Agent Geilen presented the COC request, which was for repairs to a retaining wall and other restoration work in the back yard/coastal bank. [Discussion: Retaining wall.]

**RECOMMENDATION OF AGENT:** *Issue a full and final COC.*

**MOTION:**

◆ **A motion was made by Commission O'Neill to issue a full and final COC for a seasonal dock and float with access steps. The motion was seconded by Commissioner Stone and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Agent Geilen to confirm "new retaining wall" was part of 36-894. If not, this is an Enforcement Issue. **Post Meeting Agent's note:** OOC Special Condition #18 states, "This Order allows the construction of a riverbank protective retaining wall to include the installation of a concrete footing along the toe of slope in order to anchor that wall, and the wall itself on top of that, and allows for backfilling of the new wall to create a stabilized SLOPED area down to the Ipswich River, all within the Riverfront Protection Area, Coastal Bank (to the Ipswich River) and buffer zone to the Coastal Bank..."*

**DOCUMENT LIST:**

*COC request, As-built plan entitled As Built Float Layout dated August 2018, prepared by GZA and letter of substantial compliance dated August 22, 2018, and prepared by GZA.*

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<b>MATTER: 036-1117: 104 Little Neck Road. Gillespie. <i>New</i></b>
<b>DISCUSSION:</b> Present was Larry Graham, of H. L. Graham Associates. Mr. Graham noted septic system, approved by Conservation Commission under this OOC in 2013, was never done.
<b>RECOMMENDATION OF AGENT:</b> <i>Issue a COC for an invalid OOC.</i>
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Commissioner Putnam to issue a COC for an invalid OOC. The motion was seconded by Commissioner Paultiz and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p align="center">❖ <i>None</i></p>
<b>DOCUMENT LIST:</b> <i>COC request, letter of substantial compliance dated August 15, 2018, and prepared by Larry Graham Associates.</i>
<b>MATTER: 36-1176: 149 County Road, Ayre. <i>Continued from May 2, 2018.</i></b>
<b>DISCUSSION:</b> No one was present. Agent Geilen presented stating that the owners had been told by the ICC to add one boulder on front NDZ line (between the two posts) to discourage owners from mowing NDZ, but that the owners were disinclined to do this for aesthetic reasons. Agent Geilen needed to check the minutes to see if this was ordered or not. She noted that the owners did install an additional NDZ post at the rear, as requested. Acting Vice Chair Carney-Feldman stated that she wanted that additional boulder be placed in the front area.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to September 19, 2018.</i>
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Acting Vice Chair Carney-Feldman to continue to September 19, 2018. The motion was seconded by Commissioner Paulitz and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p align="center">❖ <i>Agent Geilen to review meeting minutes to see what was required by the ICC.</i></p>
<b>DOCUMENT LIST:</b> <i>No new documents submitted.</i>
<b>MATTER: 36-942: 82 Topsfield Road. Habitech. <i>Continued from August 15, 2018.</i></b>
<b>DISCUSSION:</b> No one was present for this matter. Agent Geilen noted that this was continued for an integrated planting plan (not received). A continuance was requested and the expectation is for a planting plan to be submitted for the September 19, 2018 meeting.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to September 19, 2018.</i>
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Acting Vice Chair Carney-Feldman to continue to September 19, 2018. The motion was seconded by Commissioner O'Neill and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p align="center">❖ <i>None</i></p>
<b>DOCUMENT LIST:</b> <i>No new documents submitted.</i>

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<b>MATTER: 36-791: 83 Turnpike Road. United Pipe &amp; Steel.</b> <i>Continued from August 15, 2018.</i>
<b>DISCUSSION:</b> Present was Mike DeRosa, of DeRosa Environmental Consulting, Inc., how provided an update. They are still working on items in the back. Mr. DeRosa will be back before the Commission when they are done.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to September 19, 2018.</i>
<b>MOTION:</b> <ul style="list-style-type: none"> <li>◆ <b>A motion was made by Acting Vice Chair Carney-Feldman to continue to September 19, 2018. The motion was seconded by Commissioner Paulitz and passed unanimously.</b></li> </ul>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <ul style="list-style-type: none"> <li>❖ <i>None</i></li> </ul>
<b>DOCUMENT LIST:</b> <i>No new documents submitted.</i>
<b>MATTER: 36-1212: 82 Turnpike Road. Tractor Supply.</b> <i>Continued from June 20, 2018.</i>
<b>DISCUSSION:</b> Present was Tim Donohue of Donohue Lawn Care, the property's maintenance contractor. Mr. Donohue noted that all required work had been done and the area was stable. Chairman Hughes asked how quickly the SWM pond drains. Mr. Donohue stated that it typically drains within 5-7 days. Chairman Hughes noted that an infiltration pond should drain in in 72 hours. Commissioner Paulitz reviewed the approved plans and confirmed that the SWM pond is an infiltration pond. [Discussion: Infiltration vs retention ponds.] Chairman Hughes stated that Mr. Donohue needs to document storm events for one month and mark depths after storms to see how fast the pond drains. The Commissioner also asked Agent Geilen to find and review the test pit data for infiltration rates. Mr. Donohue stated that the majority of basin is dry within 72 hours; it's just the center of the basin which retains water for longer.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to September 19, 2018.</i>
<b>MOTION:</b> <ul style="list-style-type: none"> <li>◆ <b>A motion was made by Commission Paulitz continue to October 3, 2018. The motion was seconded by Acting Vice Chair Carney-Feldman and passed unanimously.</b></li> </ul>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <ul style="list-style-type: none"> <li>❖ <i>Agent Geilen to find soil log/test pit data and post to Dropbox/eDocs it along with approved plan and as-built.</i></li> </ul>
<b>DOCUMENT LIST:</b> <i>No new documents submitted.</i>
<b>MATTER: 36-1327: 240 Linebrook Road. Morris.</b> <i>Continued from August 15, 2018.</i>
<b>DISCUSSION:</b> No one was present for this matter. Agent Geilen presented, noting that homeowner did not submit an as-built plan, but only submitted a new copy the approved plan. She notified the homeowner that they must submit an as-built plan, stamped by an engineer or land surveyor.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to October 3, 2018.</i>

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<p><b>MOTION:</b></p> <p>◆ A motion was made by Acting Vice Chair Carney-Feldman to continue to October 3, 2018. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <p>❖ None</p>
<p><b>DOCUMENT LIST:</b></p> <p><i>No new documents submitted.</i></p>

<p><b>MATTER: 36-1349: 6 Bay Road/30 Kings Way. Donovan. COC request continued from August 15, 2018.</b></p>
<p><b>DISCUSSION:</b> Chairman Hughes recused herself. The COC request was tabled until after the Minor Modification (MM, below) for this file number was decided. The matter was un-tabled after the MM was approved. Present was Larry Graham, H.L. Graham Associates. Mr. Graham requested a full and final COC.</p>
<p><b>RECOMMENDATION OF AGENT:</b> <i>Approve a full and final COC.</i></p>
<p><b>MOTION:</b></p> <p>◆ A motion was made by Commissioner O'Neill to table COC request. The motion was seconded by Commissioner Paulitz and passed unanimously</p> <p>◆ A motion was made by Commissioner Paulitz to un-table COC request. The motion was seconded by Commissioner Putnam and passed unanimously.</p> <p>◆ A motion was made by Commissioner Paulitz to approve COC request. The motion was seconded by Commissioner Stone and passed unanimously.</p>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <p>❖ None</p>
<p><b>DOCUMENT LIST:</b></p> <p><i>No new documents submitted.</i></p>

**New Notices of Intent, Minor Modifications, and Formal Amendments**

<p><b>MATTER: 36-1349: 6 Bay Road/30 Kings Way. Donovan. Request for an after-the-fact Minor Modification. New.</b></p>
<p><b>DISCUSSION:</b> Chairman Hughes recused herself. Acting Vice Chair Carney-Feldman acted as Chair for this matter. Present was Larry Graham, of H. L. Graham Associates. Mr. Graham presented the unapproved project changes, for which this after-the-fact approval was requested, and for which triple fees were paid. Mr. Graham highlighted five areas (propane tanks, ac units, fieldstone wall, patio placed with permeable pavers, short fieldstone wall to change grade, catch basin).</p>
<p><b>RECOMMENDATION OF AGENT:</b> <i>Approve the Minor Modification.</i></p>
<p><b>MOTION:</b></p> <p>◆ A motion was made by Commissioner Paulitz to approve, after the fact, minor modifications to OOC. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b></p> <p>❖ None</p>

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**DOCUMENT LIST:**

*Request for Minor Modification Letter dated August 17, 2018, and prepared by Graham Associates, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Proposed Site Plan Changes prepared by Graham Associates dated July 26, 2018.*

**MATTER: 36-1259: Justin McCarthy** for work at **357 Linebrook Road. MINOR MODIFICATION** to install underground propane storage tank in jurisdictional areas.

**DISCUSSION:** Present was Larry Graham of H.L. Graham Associates. Mr. Graham presented, stating that the homeowner would like to put in buried propane tank next to the garage. He noted that the tank is out of subzones, as is the service line. Acting Vice Chair Carney-Feldman inquired as to why you would bury propane tank. Mr. Graham responded that it was for aesthetic reasons, and was quite safe.

**RECOMMENDATION OF AGENT:** *Approve the Minor Modification.*

**MOTION:**

◆ **A motion was made by Acting Vice Chair Carney-Feldman to approve the minor modification. The motion was seconded by Commissioner Stone and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**DOCUMENT LIST:**

*Request for Minor Modification Letter dated August 17, 2018, and prepared by Graham Associates, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Proposed Site Plan Changes prepared by Graham Associates.*

**MATTER: 036-727: Iacobacci**, for work at **14 Plains Road MINOR MODIFICATION** to front porch and addition of deck and stairs in jurisdictional areas.

**DISCUSSION:** No one was present for this matter. Agent Geilen presented, and noted that the applicant's foundation footprint is smaller than was approved, and farther from the wetlands. She noted that the applicant would like to add farmer's porch in front, and deck and steps in back, as well as a service line from the well (to be also used for geothermal climate control) to the house. [Discussion: location of well, foundation drain outlet location, well used as geothermal well source, location of limit of work and erosion controls.]

**RECOMMENDATION OF AGENT:** *Approve the Minor Modification.*

**MOTION:**

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

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**DOCUMENT LIST:**

*Request for Minor Modification Letter dated August 13, 2018, and Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Proposed Site Plan Changes prepared by William Holt dated July 14, 2018.*

**MATTER: 36-1381: Brain Bilo** for work at **104 Little Neck Road** shown on **Tax Map: 23D Lot: 016 NOTICE OF INTENT** to raze and rebuild existing single-family dwelling within the same footprint with new septic in jurisdictional areas.

**DISCUSSION:** Present was Larry Graham, H. L. Graham Associates, and Mike DeRosa of DeRosa Environmental. Mr. Graham presented, stating that, as discussed in the COC request above (36-1117), the

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Commission had previously issued OOC for replacement septic system at this site. He noted that this NOI was raze and rebuild the house, including several retaining walls and stormwater management. The project also includes a permeable paver patio and parking area, as well as several planting areas. Commissioner Paulitz stated that he was concerned about contaminates going into drywell via the open grate. He said that he preferred a solid cover on the drywell to prevent this from happening. Chairman Hughes asked about the permeable paver underlayment, to ensure that stormwater can actually penetrate the pavers. She noted that the majority of green space around home will be lost. Mr. Graham discussed the erosion controls, which will be installed on site and the street. Mr. Graham noted water from homeowner will use stormwater in the proposed cistern for landscape watering. Mr. DeRosa discussed the proposed native plantings. Acting Vice Chair Carney-Feldman asked about the proposed "living wall". Mr. Bilo stated that the concrete retaining wall will be covered with hanging potted flowers, ferns and edible plants. Commissioner Paulitz asked for a detail to be added to the plan in order for the contractor to know how much stone is to be placed around the drywell and for a baffle to be installed on the outlet of the cistern tank. [Discussion: DPW signoff needed for work in right of way.]

**RECOMMENDATION OF AGENT:** *Continue to September 19, 2018.*

**MOTION:**

◆ **A motion was made by Acting Vice Chair Carney-Feldman to continue to September 19, 2018. The motion was seconded by Commissioner Paulitz 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 dated August 15, 2018, and prepared by Graham Associates, Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.*

**Ongoing Notices of Intent, Minor Modifications and Formal Amendments:**

**MATTER: 36-1383, Danyelle Desjardins** for work at **26 Turkey Shore Road**, shown on **Tax Map: 42A Lot: 51** for a **NOTICE OF INTENT** for repair and reconstruction of existing seawall in jurisdictional areas. *Continued from August 15, 2018*

**DISCUSSION:** No one was present for this matter. Agent Geilen presented, stating that this was continued for a DEP file number (not received).

**RECOMMENDATION OF AGENT:** *Continue to September 19, 2018.*

**MOTION:**

◆ **A motion was made by Acting Vice Chair Carney-Feldman to continue to September 19, 2018. The motion was seconded by Commissioner Putnam and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**DOCUMENT LIST:**

*No new documents submitted.*

**MATTER: 36-1379: Cameron**, for work at **64 Town Farm Road**, shown on **Tax Map: 21 Lot: 090** for a **NOTICE OF INTENT** to raze and rebuild an existing bar in jurisdictional areas. *Continued from August 15, 2018*

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**DISCUSSION:** Present was Mike DeRosa of DeRosa Environmental Consulting, Inc. representing Laura Cameron. Mr. DeRosa presented, stating that a site walk with Agent Geilen was performed and the wetland line reviewed, with two flags changes made. Mr. DeRosa reviewed the revised plans, noting that they are now proposing a 10' NDZ. Mr. DeRosa asked the Commission to allow that barn to be re-built in same location as the old barn. Chairman Hughes noted that the homeowner needed to remove the gravel from full 25' NDZ (even if only 10' was to be monumented). Agent Geilen noted 10' NDZ should be monumented, but still allow homeowner to get around barn. Chairman Hughes reminded Mr. DeRosa that no more cutting will be allowed in BVW areas. Mr. DeRosa discussed his mitigation planting plan, which included clumps of highbush blueberry bushes along the 10' NDZ line. Chairman Hughes asked about adding trees. Mr. DeRosa stated that they could add three red maple trees. Mr. Graham noted that he will make changes to revised plan as discussed.

**RECOMMENDATION OF AGENT:** *Continue to 9/19/2018.*

**MOTION:**

◆ **A motion was made by Commissioner O'Neill to continue to September 19, 2018. . The motion was seconded by Acting Vice Chair Carney-Feldman and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**DOCUMENT LIST:**

*Revised Plan prepared by Graham Associates dated July 18, 2018; site photos.*

**MATTER: 36-1372: Richard Gore** for work at **140 Jeffreys Neck Road**, shown on **Tax Map: 15C Lot: 63A** for a **NOTICE OF INTENT** for stabilization of existing eroded slope and removal of placed stone and concrete to restore coastal beach in jurisdictional areas. *Continued from August 15, 2018.*

**DISCUSSION:** Present was Andrew Bjarngard of GZA Environmental, and Mr. Gore. Mr. Bjarngard presented, reminding the Commission that after the May 2018 meeting, a site visit was performed with the Commission and MA Office of Coastal Zone Management. The Commission had requested additional details related to vegetation, as well as a response to CZM's comments. He noted that they now understand that the erosion is primarily in two locations behind the house, where erosion is continuing. But other areas, he said, here more stable, so they are now only proposing work in those two actively-eroding areas. Mr. Bjarngard presented the revised plans, including a new vegetation buffer at top of slope. Chairman Hughes inquired about erosion control matting. She also recommended deer fencing surrounding blueberry bushes. [Discussion: control of non-native invasive plants.] Chairman Hughes recommended using the cut-and-dab method, which gets a small amount of herbicide into stems, as spraying is not allowed in salt marsh. She stated that this should be added to the Special Conditions. Commissioner Paulitz noted since the salt marsh plantings are not part of a mitigation plan but voluntary, they should not be subject to the same standards as the coastal bank plantings. [Discussion: 2 year monitoring for plants on coastal bank; OOC should state how it will be different with salt marsh.] Agent Geilen reminded the applicant that weekly status reports will be required.

**RECOMMENDATION OF AGENT:** *Approve waivers, close the public hearing and issue a positive OOC with special conditions as drafted and amended.*

**MOTION:**

◆ **A motion was made by Commissioner Stone to approve the waivers as requested. The motion was seconded by Commissioner O'Neill and passed unanimously.**

◆ **A motion was made by Commissioner Stone to close public hearing and issue a positive OOC with special conditions as drafted and amended. The motion was seconded by Commissioner O'Neill and passed unanimously.**

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**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**DOCUMENT LIST:**

*Proposed plan prepared by GZA dated August 18, 2018; Proposed Shoreline Stabilization prepared by GZA dated August 29, 2018.*

**MATTER: 36-1378: Bank Gloucester,** for work at **143 High Street,** shown on **Tax Map: 30A Lot 27 and 42** **NOTICE OF INTENT** for demolition and construction of 2700 sf commercial building for use as a bank in jurisdictional areas. *Continued from August 1, 2018.*

**DISCUSSION:** Present was David Jordan from MGH Design Consultants, and Meghan Kearns from Epsilon Associates. Mr. Jordan presented, noting the changes made to the driveway and parking areas. He stated that the exit drive has been narrowed. He stated that the requested “No snow storage” sign had been added to plan. Ms. Kearns presented the revised planting plan, including revised species. She discussed the site walk performed on August 27, 2018, and noted that they had revised the plans to add native seed mix to the 50 foot NDZ and mow it annually to keep it a meadow. [Discussion: adding native seed mix to the NDZ, but leaving wetland as is; adding native seed mix to BVW too; frequency of mowing (annual vs. biannually); seeded areas to be tilled first.] Chairman Hughes stated that she was in favor of mowing biannually (May & November). Agent Geilen will draft an OOC, and make sure to add the BVW area to be tilled and seeded as additional restoration under approved project impacts. Commissioner Paulitz asked about connecting into the existing SWM drainage system in High Street. Mr. Jordan stated that the SWM system was owned by MassDOT (not Ipswich DPW), so a permit application will be filed with them. Agent Geilen will include in the draft OOC that a Mass DOT approval for the driveway curb cut and SWM utility work must be obtained from Mass DOT as a pre-construction requirement. Mr. Jordan noted that the matter is still before the Planning Board, awaiting SWM peer review approval.

**RECOMMENDATION OF AGENT:** *Continue to October 3, 2018.*

**MOTION:**

◆ **A motion was made by Commissioner Paulitz to continue to October 3, 2018 for revised plan & OOC. The motion was seconded by Acting Vice Chair Carney-Feldman and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**DOCUMENT LIST:**

*Revised Stormwater Management Plan prepared by MHF Design dated August 27, 2018; Revised Plans prepared by MHF Design dated July 10, 2018.*

**MATTER: 36-1362 Kieran McAllen, 30 Town Farm Road. LLC** for work at **30 and 34 Town Farm Road,** and **17 Locust Road. NOTICE OF INTENT** to construct a 32-unit, over 55 affordable housing (40B) and residential development in jurisdictional areas. *Continued from August 15, 2018.*

**DISCUSSION:** No one was present for this matter. Agent Geilen presented, noting that revised plans were not received, and that the SWM peer review is not completed yet.

**RECOMMENDATION OF AGENT:** *Continue to October 3, 2018 at the request of the applicant.*

**MOTION:**

◆ **A motion was made by Acting Vice Chair Carney-Feldman to continue to October 3, 2018. The motion was seconded by Commissioner Putnam and passed unanimously**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

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**DOCUMENT LIST:**

*No new documents submitted.*

**Other Business:**

**MATTER: 251 Topsfield Road, Turner Hill. Site-wide compliance update. Continued from August 15, 2018.**

**DISCUSSION:** No one was present for this matter.

**RECOMMENDATION OF AGENT:** *Continue to September 19, 2018.*

**MOTION:**

◆ **A motion was made by Commissioner Paulitz to continue to September 19, 2018. The motion was seconded by Commissioner O'Neill and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *Agent Geilen to email Geoff Andrews to come to the next meeting.*

**DOCUMENT LIST:**

*No new documents submitted.*

**Enforcement Matters:**

**MATTER: 46 River Road, Cronin.** Unauthorized work in jurisdictional areas. *Continue from August 15, 2018.*

**DISCUSSION:** Present was Mike DeRosa of DeRosa Environmental Consulting, Inc, representing the John and Phyllis Cronin. Mr. DeRosa presented, stating that to remove wall, it will result in too much damage to dune, when compared with leaving he wall in place. He recommends re-establishing the dune area in front of the wall in spring and leave wall in place. He noted that additional dune grass will eventually stabilize area. He continued that in the spring of 2019 this work can be completed. Based on his experience in other coastal towns, the restoration should do well. He confirmed that he would submit annual monitoring reports of the project for two years, and that a final report will be given to the Commission. Agent Geilen recommended that a dune restoration is better for the resource area than removing the wall and just restoring the wall area. She also noted that the Condo Association needs to agree with this project, and approve it. Chairman Hughes noted an Enforcement Order should state that if the wall is ever destroyed, the wall must go back to its original size and configuration; and expanded footprint will not be permitted. Commission Hughes acknowledged that CZM concerns are valid, but the Commission finds that the benefits restoring dune outweigh impacts of leaving stone wall in place. Chairman Hughes stated that all work is to be completed by June 30, 2019.

**RECOMMENDATION OF AGENT:** *Issue a revised EO approving dune restoration.*

**MOTION:**

◆ **A motion was made by Commissioner Carney Feldman to issue a revised Enforcement Order with conditions as discussed, contingent on approval Condo Association. The motion was seconded by Commissioner Paulitz and passed unanimously**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:**

❖ *None.*

**DOCUMENT LIST:**

*Power Point Presentation; site photos; email from DeRosa dated August 29, 2018.*

**MATTER: Little Neck Condo Association.** Boats on wetland resource areas. Update. *Continue from August 15,*

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2018.
<p><b>DISCUSSION:</b> No one was present for this matter. Agent Geilen presented, noting that of the 58 boats originally in vegetated areas, no boats remain, except on washed up on the dune in front of 46 River Road. She noted that she had not sent a letter to the Condo Association about the need for a “Beach Management Plan”, as directed by the Commission. She noted that two kayak racks were installed without permit. Chairman Hughes stated that Agent Geilen should contact the Condo Association about the “Beach Management Plan”, as well as the need to get the kayak racks permitted before they are put back out next spring. She noted that it is ok for them to stay for now (until the end of the 2018 boating season), as she recognized that they needed to move a lot of boats in a short time.</p>
<p><b>RECOMMENDATION OF AGENT:</b> <i>None.</i></p>
<p><b>MOTION:</b>            ♦ <i>None.</i></p>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b>            ❖ <i>Agent Geilen to draft a letter to the Condo Association as directed.</i></p>
<p><b>DOCUMENT LIST:</b>  <i>Site photos.</i></p>
<p><b>MATTER: 36-697: 85 Turnpike Road.</b> Update on Enforcement. Update. <i>Continued from August 15, 2018.</i></p>
<p><b>DISCUSSION:</b> No one was present for the matter. Agent Geilen presented, stating that this OOC has a recorded COC and an open possible Enforcement letter. Site visit is needed.</p>
<p><b>RECOMMENDATION OF AGENT:</b> <i>Continue to October 3, 2018.</i></p>
<p><b>MOTION:</b>            ♦ <b>A motion was made by Acting Vice Chair Carney-Feldman to continue to October 3, 2018. The motion was seconded by Commissioner Paulitz and passed unanimously.</b></p>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b>            ❖ <i>None.</i></p>
<p><b>DOCUMENT LIST:</b>  <i>No new documents submitted.</i></p>
<p><b>MATTER: 36-223: 91 Turnpike Road.</b> Update on Enforcement. Update. <i>Continued from August 15, 2018.</i></p>
<p><b>DISCUSSION:</b> No one was present for this matter. Agent Geilen presented, stating that the owner requested a COC in 1994, but the file shows that it was not yet ready for a COC. She noted that a wetland crossing for a driveway to a rear lot was constructed, but the required wetland replication had not been done. She stated that she is working with the engineer (Meridian), who will tell the owner he needs to either remove the driveway crossing and restore the impacted wetland; or if he wishes to keep the crossing, then he must construct the BVW replication area.</p>
<p><b>RECOMMENDATION OF AGENT:</b> <i>Continue to October 3, 2018.</i></p>
<p><b>MOTION:</b>            ♦ <b>A motion was made by Acting Vice Chair Carney-Feldman to continue to October 3, 2018. The motion was seconded by Commissioner Paulitz and passed unanimously.</b></p>
<p><b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b>            ❖ <i>None.</i></p>
<p><b>DOCUMENT LIST:</b>  <i>No new documents submitted.</i></p>

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<b>MATTER: 4 Merganser Road.</b> Update on restoration status. Update. <i>Continued from April 4, 2018.</i>
<b>DISCUSSION:</b> No one was present for this matter. Agent Geilen presented, noting that a new potential owner may want to perform changes to property, which is different than what was proposed.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to September 19, 2018</i>
<b>MOTION:</b> <ul style="list-style-type: none"> <li>◆ ◆ A motion was made by Commissioner Putnam to continue to October 17, 2018. The motion was seconded by Acting Vice Chair Carney-Feldman and passed unanimously.</li> </ul>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <ul style="list-style-type: none"> <li>❖ <i>None.</i></li> </ul>
<b>DOCUMENT LIST:</b> <i>Email from DeRosa dated August 31 2018.</i>

<b>MATTER: 25 Water Street.</b> Boat stored on Coastal Bank and cutting wetland vegetation. <i>New.</i>
<b>DISCUSSION:</b> No one was present for this matter. Agent Geilen presented, noting that a boat was stored on salt marsh, and that the lawn area had expanded. She stated that she had been delayed in sending the enforcement letter out, so she asked the Commission to continue the matter to September 19, 2018.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to September 19, 2018.</i>
<b>MOTION:</b> <ul style="list-style-type: none"> <li>◆ None</li> </ul>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <ul style="list-style-type: none"> <li>❖ <i>None.</i></li> </ul>
<b>DOCUMENT LIST:</b> <i>Violation letter dated August 27, 2018; site photos.</i>

<b>MATTER: 4 Riverside Drive.</b> Antonelli & Rosenberger. Unauthorized dock in jurisdictional areas. <i>New.</i>
<b>DISCUSSION:</b> No one was present for this matter. Agent Geilen presented, stating that she has documentation that shows the dock was there since 1960's. She noted that a new dock was installed where old dock had been. [Discussion: historic aerials, historic photos of the property (c. 1980's)]. Chairman Hughes noted that the new dock should have been approved under a new filing. She stated that the new dock does not meet current standards. She directed Agent Geilen to send an amended enforcement letter to that effect, to clarify details to the homeowner (i.e., ICC permitting, Ch. 91 seasonal dock permit, sizing of dock, feet on dock to prevent bottoming out).
<b>RECOMMENDATION OF AGENT:</b> <i>None.</i>
<b>MOTION:</b> <ul style="list-style-type: none"> <li>◆ A motion was made by Commissioner Stone to revise and re-issue the violation letter to require permitting before dock is placed back in the water. The motion was seconded by Acting Vice Chair Carney-Feldman and passed unanimously.</li> </ul>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <ul style="list-style-type: none"> <li>❖ <i>None.</i></li> </ul>
<b>DOCUMENT LIST:</b>

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*Violation letter dated August 22, 2018; site photos.*

<b>MATTER: 34, 36, 38 Mitchell Road. McMillian.</b> Unauthorized work n jurisdictional areas. <i>New</i>
<b>DISCUSSION:</b> No one was present for this matter. Agent Geilen presented, stating that she became aware of extensive materials being stored in the BZ without prior approval, while researching an adjacent lot. [Discussion: historic aerial photographs]. Chairman Hughes stated that Agent Geilen should issue an Enforcement Order and tell them to attend October 3, 2018 meeting to discuss work. She noted that the aerial photos should be sent to owner.
<b>RECOMMENDATION OF AGENT:</b> <i>Sign the Enforcement Order and send aerial photos, and continue to October 3, 2018.</i>
<b>MOTION:</b> <p align="center">◆ <b>A motion was made Commissioner Stone issue an Enforcement Order. The motion was seconded by Commissioner Paulitz and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p align="center">❖ <i>None.</i></p>
<b>DOCUMENT LIST:</b> <i>Aerial photos.</i>

**Tabled Matters and Discussion Items:**

None.

**Approval of Minutes:**

◆ **A motion was made by Acting Vice Chair Carney-Feldman to approve the minutes of 8/1/2018 as amended, and 8/15/2018 as drafted. The motion was seconded by Commissioner Paulitz and passed unanimously.**

**Document Signage: (No Vote Required)**

- Larry Graham requested that COC for 36-625 (218 Argilla Road) not be re-signed for recording at this time. He requested that the Commission postpone this action to September 19, 2018. He noted that he may wish to withdraw his COC as-built plan at the September 19, 2018 meeting, and asked if the COC approval could be withdrawn. Chairman Hughes stated that the COC approval cannot be withdrawn (it was duly voted as approved), but she would delay re-signing the COC until September 19, 2018 as a courtesy. She directed Agent Geilen to talk to Town Counsel about the matter.

**Adjournment:**

◆ **A motion was made by Commission Carney-Feldman to adjourn at 10:00 p.m. The motion was seconded by Commissioner Paulitz and passed unanimously.**

Respectfully submitted,



Amy Scicchitani  
Recording Secretary

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**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.**