

Approved: February 6, 2019
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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
January 16, 2019

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, January 16, 2019 at 7:00 p.m. in Room A of the Ipswich Town Hall. Members present were Chairman Jennifer Hughes, Vice-Chair Sissy ffolliot, Commissioners Brian O'Neill, William Paulitz, Raymond Putnam, and James Stone. Also present were Agent Alicia Geilen and Recording Secretary Amy Scicchitani. Absent with prior notice was Commissioner Carney-Feldman.

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
WPA – Massachusetts Wetlands Protection Act (310 CMR 10.00 *et seq.*)
ZBA – Zoning Board of Appeals

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

Citizen's Queries:

MATTER: Citizen's Query by Curt Young.
DISCUSSION: Present was Curt Young, Wetland Preservation Inc., representing Turner Hill Golf course. Turner Hill's annual reports are in final review. They wish to amend the COC for the main golf course development (36-728). This CQ is about how that amendment process would be handled. Mr. Young has contacted the DEP, who noted the Commission could agree to modify the COC or could deny the modification request in a public meeting, and that no legal ad or public notice – other than the agenda posting – was required. Mr. Young wanted to confirm that this was acceptable to the Commission. Chairman Hughes stated that if DEP says that this is allowable, then he should feel free to proceed with the request to modify the COC. Mr. Young stated that the appropriate documents will be filed soon.
RECOMMENDATION OF AGENT: <i>None</i>
MOTION: ♦ None.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: <i>None.</i>

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

The following matters were continued to February 6, 2019:
<ul style="list-style-type: none"> • 36-1384: 86 North Ridge Rd. Clapp. Notice of Intent to repair toe of Coastal Bank damaged by March 2018 storms in jurisdictional areas. • 36-1385: Labor In Vain Rd. Right of way east and west of the Labor in Vain Creek Bridge. Town of Ipswich, Department of Public Works. Notice of Intent to repair town road and shoulders damaged by storms in jurisdictional areas. • 36-1392: 17 Linebrook Rd. Town of Ipswich, Recreation Department. Notice of Intent to construct a concrete skateboard park in a previously disturbed location in jurisdictional areas. • 251 Topsfield Rd. Turner Hill. Site-wide compliance update. • 29 Labor In Vain Rd. Griswold. Enforcement Order Confirmation.
DISCUSSION: There was no one present for these matters.
RECOMMENDATION OF AGENT: <i>Continue to February 6, 2019.</i>
MOTION: ♦ A motion was made by Vice Chair ffolliott to continue these matters to February 6, 2019. The motion was seconded by Commissioner Paulitz and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: <i>Continuance requests.</i>

The following matters were continued to February 6, 2019:
<ul style="list-style-type: none"> • 36-1197: 30 Mitchell Rd/1 Brady Ln. D&M Realty Trust. Enforcement Update.
DISCUSSION: There was no one present for this matter.
RECOMMENDATION OF AGENT: <i>Continue to February 20, 2019.</i>
MOTION: ♦ A motion was made by Vice Chair ffolliott to continue to February 20, 2019. The motion was seconded by Commissioner Paulitz and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

DOCUMENT LIST: *Continuance request.*

Courtesy Positions for Town Projects:

MATTER: 17 Linebrook Rd. Town of Ipswich Department of Public Works. Enforcement matter. *New.*

DISCUSSION: Present was Jeff Putur, Superintendent for Cemetery and Parks Town of Ipswich, and Frank Ventimiglia, DPW Town of Ipswich. Mr. Putur presented a restoration plan to address unauthorized vegetation cutting in the Buffer Zone and dumping in BVW. Mr. Putur noted that unauthorized dumping and cutting took place behind the little league field (Bowen Field). They did not know that the cutting was not allowed, and were trying to maintain visibility between the former playground and the two ball fields. The area had become overgrown with staghorn sumac, but they had been mowing much of this area for several years. The dumping was apparently done by the little league volunteers. The restoration plan includes removing all dumped materials and seeding the area with native wetland seed, constructing a split rail fence to serve as a permanent NDZ, and planting a line of native shrubs behind the fence. They will install conservation signs on the fence. The remainder of the new NDZ will be allowed to revegetate naturally. A letter will be sent to park users sharing details for the new plan for the area, and the need to respect the NDZ. Chairman Hughes noted wet mix would not do well in the disturbed BVW, and that shrub enhancements would be beneficial to the area. Commissioner Paulitz inquired about two drainage pipes, one of which will be tied into skateboard park, and asked if they are visible. Mr. Putur said yes. Agent Geilen concurred. An EO is needed to allow this restoration work to occur.

RECOMMENDATION OF AGENT: *Approve EO as discussed.*

MOTION:

- ◆ **A motion was made by Commissioner O’Neill to approve the EO as discussed (to be amended). The motion was seconded by Commissioner Stone and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

Meeting Minutes October 7, 2009, Aerial photos, Bailek Park Restoration Plan Jan. 9, 2019, Site visit violations and photos.

MATTER: Topsfield Rd at Gravely Brook. Town of Ipswich Department of Public Works. Small Project Permit to perform borings. *New.*

DISCUSSION: Present was Frank Ventimiglia, DPW, Town of Ipswich. Mr. Ventimiglia is seeking a SPP for borings proposed on Topsfield Road and Jeffreys Neck Road. A grant was received from DCR to replace the culvert on Topsfield Road. He noted that the 30% conception design are being developed to see if a bottomless culvert is feasible. The borings will be installed on each side of the road. The Topsfield Road borings will be done off the pavement.

RECOMMENDATION OF AGENT: *Issue SPP with a special condition for stabilization of disturbed areas.*

MOTION:

- ◆ **A motion was made by Commissioner Stone to issue SPP with stabilization. The motion was seconded by Commissioner Paulitz 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 dated January 8, 2019, prepared by Coneco Engineers.

MATTER: 36- : Argilla Rd. Right of Way. Town of Ipswich Department of Public Works. Abbreviated Notice of Resource Area Delineation request to confirm wetland delineation. *New.*

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

DISCUSSION: Present was Frank Ventimiglia, DPW Town of Ipswich. Mr. Ventimiglia presented, stating that this was regarding a CZM Coastal Resiliency grant to investigate raising Argilla Road, from entrance to the Crane Estate to the beach parking lot. They are considering soft solutions on the side slopes when they design the project to raise the road. The ANRAD is filed so they can establish limits of salt marsh. Agent Geilen stated that road cannot be raised without knowing where salt marsh is, because the fill for the side slope cannot result in fill of salt marsh. Agent Geilen stated that the consultant provided two delineations: one based on vegetation (which she did not agree with) and one based on the elevation of the Spring Tide (highest high tide of the year) which was calculated by the consultants based on the tidal gauge installed under an SPP. She stated that the salt marsh delineation based on elevation was appropriate. The consultants agreed with this based on their delineation report. Agent Geilen stated that this matter cannot be closed without DEP number. Discussion: revised plans are need that show only the salt marsh line based on elevation. Larry Graham, H.L. Graham Associates, inquired about what the elevation was for the Spring Tide. Agent Geilen said that it was elevation 6.2 below the culvert and 6.5 above the culvert at this location. Discussion: Phragmites, berms of soil present.

RECOMMENDATION OF AGENT: *Continue to February 6, 2019.*

MOTION:

♦ **A motion was made by Vice Chair ffolliott to continue to February 6, 2019. The motion was seconded by Commissioner O’Neill and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

Abbreviated Notice of Resource Area Delineation (ANRAD):

Mandatory Pre-filing Checklist, WPA Form 4A – Abbreviated Notice of Resource Area Delineation, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled “Existing Conditions” dated December 27, 2018, prepared by Meridian Assoc., Legal Ad, Locus Map, Notification of Abutters, Abutters List and Affidavit of Service. Site photos.

Small Project Permits

MATTER: 16 Mitchell Rd. Soucy. Request to perform test pits in jurisdictional areas. *New.*

DISCUSSION: Present was April Ferraro, Meridian Association. Ms. Ferraro is requesting an SPP for soil testing within jurisdictional areas. She is working on a proposed design for a potential building addition on the property, which will include improved SWM. Agent Geilen noted that the wetlands were delineated, but she did not review them in detail, as wetland lines aren’t approved under SPPs. She said the line looked reasonable. Chairman Hughes asked about old orders. Agent Geilen notes that there was just an RDA in 2000 for wetland approval. Discussion: picnic area, monuments, trash and debris in NDZ, dumpster location close to wetlands, when work will start, how many test pits will be done.

RECOMMENDATION OF AGENT: *Issue SPP with special condition for post work inspection and stabilization of disturbed areas.*

MOTION:

♦ **A motion was made by Vice Chair ffolliott to approve the SPP with special conditions as recommended. The motion was seconded by Commissioner Paulitz 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 dated December 17, 2018, prepared by Meridian Assoc., site photos.

MATTER: 65 Linebrook Rd. Johnson. Request to perform test pits in jurisdictional areas. *New.*

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

<p>DISCUSSION: Present was Larry Graham, H.L.Graham Associates requesting an SPP. Mr. Graham noted that the septic system for the dwelling had failed and property is changing hands. The new owner requested soil testing and stated septic area will be replaced. DeRosa Environmental flagged wetland area. The proposed work will be 100 feet from bank of the brook. Agent Geilen noted that it appears that some work was done in jurisdiction before it was listed (new grave on driveway, cutting brush). She also noted that the wetland line needs to be extended to the north, along the perennial stream.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue SPP with special condition for post work inspection and stabilization of disturbed areas.</i></p>
<p>MOTION:</p> <p align="center">♦ A motion was made by Commissioner Stone to approve the SPP with special conditions. The motion was seconded by Commissioner Paulitz and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST: <i>Mandatory Pre-filing Checklist, Small Project Permit Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Locus Map, Plan entitled "Permit Plan" dated January 2, 2019 prepared by Graham Assoc., site photos.</i></p>

Requests for Determination of Applicability:

<p>MATTER: 121 Linebrook Rd. Bailot. Request to install a septic system within a jurisdictional area. <i>New.</i></p>
<p>DISCUSSION: Present was Bill Perkins, engineer for project, and Diane Bailot, homeowner. Mr. Perkins noted the project will remove the septic tank and install a new 2000 gallon tank and leeching field. The only construction in the buffer zone will be the removal of the old septic tank and installation of new tank and some piping to the leach field. Excavation is 50 feet away from flagged wetland, and erosion control material will be installed. Chairman Hughes inquired about flags on the survey of property and grading of leech field.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue a NDA 3 with special conditions for temporary erosion controls and pre- and post-work inspections.</i></p>
<p>MOTION:</p> <p align="center">♦ A motion was made by Commissioner Paulitz to issue an NDA #3 with special conditions for erosion control and pre/post work inspection. 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>Mandatory Pre-filing Checklist, WPA Form 1 Request for Determination of Applicability Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Legal Ad, Locus Map, Plan entitled "Site Development Plan" dated October 22, 2018, prepared by Saneco; site photos.</i></p>

<p>MATTER: 78 Clark Rd. Christoforo. Request to construct addition on existing dwelling and add a storage shed in jurisdictional areas. <i>New.</i></p>
<p>DISCUSSION: Present was Larry Graham, H.L. Graham Associates. Mr. Graham noted that this is an RDA for an addition to the southeast corner of dwelling. The roof line will be maintained, the 8½' by 9' addition will be on top of concrete patio, and temporary erosion controls will be in place. In addition, an 8' by 12' shed will be placed on concrete blocks, 6 feet above NBZ line. Agent Geilen noted that since there is no work in the sub-zones, and no excavation is required, and RDA is appropriate. Chairman Hughes noted that the top of coastal bank has not yet been confirmed. Discussion: temporary erosion controls (bark mulch, not straw) and pre-post work inspections.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue a NDA 3 with special conditions for temporary erosion controls and pre- and post-work inspections.</i></p>
<p>MOTION:</p> <p align="center">♦ A motion was made by Commissioner Paulitz to issue an NDA # 3 with special conditions as recommended. The motion was seconded by Commissioner Putnam and passed unanimously.</p>

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

Mandatory Pre-filing Checklist, WPA Form 1 Request for Determination of Applicability Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Legal Ad, Locus Map, Plan dated December 28, 2018, prepared by Graham Assoc.

Requests for Certificates of Compliance:

MATTER: 36-463: 5 Abbott Ln. Whooley. COC. New.

DISCUSSION: Present was Ann McMenemy, Hancock Associates, and Kevin Whooley, homeowner. Ms. McMenemy noted that the property had an as-built survey that found a deck had been added to the home prior to when the home was purchased. She also discussed the Agent's Report which noted there was cutting of lawn on town land (~240 square feet). She stated that the homeowner was unaware that he was beyond the property line. Chairman Hughes noted granite posts for permanent NDZ markers should be installed, which will be incorporated into the ATF RDA that is needed for the deck.

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

MOTION:

♦ **A motion was made by Vice Chair ffolliott to continue to March 20, 2019. The motion was seconded by Commissioner Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

WPA Form 8A-Request for Certificate of Compliance, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, As-Built plan entitled "As Built Plan" dated December 3, 2018, prepared by Hancock Assoc., Letter of Substantial Compliance dated December 10, 2018, prepared by Hancock Assoc., Approved Plan prepared by Hancock Assoc. dated June 26, 1996.

MATTER: 36-467: 12 Abbott Ln. Calvani. COC. New.

DISCUSSION: Present was Ann McMenemy and William Calvani, property owner. Ms. McMenemy noted that the town line between Boxford and Ipswich runs through center of this property. Some of the unauthorized work in jurisdiction is on the Boxford side of the line. The homeowner's deck, a portion of the shed, and some cutting are in Ipswich, all other items are in Boxford side. She stated that a COC was issued by Boxford and recorded at Registry of Deeds. Chairman Hughes noted that historic aerials show that in 2001 that same area cleared as in 2018. Ms. McMenemy said there is 584 square feet of vegetation cutting in Ipswich's jurisdiction. Chairman Hughes said that a restoration report is needed. Agent Geilen noted she will reach out to the Boxford Agent. The Commission agreed that the RDA is due March 6, 2019. Discussion: monumentation of NDZ.

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

MOTION:

♦ **A motion was made by Vice Chair ffolliott to continue to March 20, 2019. The motion was seconded by Commissioner Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

WPA Form 8A-Request for Certificate of Compliance, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, As-Built plan entitled "As Built Plan" dated December 3, 2018, prepared by Hancock Assoc., Letter of Substantial Compliance dated December 10, 2018, prepared by Hancock Assoc., Approved Plan prepared by Hancock Assoc. dated June 26, 1996. Site photos.

MATTER: 36-1305: 43 River Rd. Dioli. COC. New

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

DISCUSSION: Present was Larry Graham, H.L. Graham Associates, and Art Dioli, homeowner. A survey was performed in December 2018 and COC was filed with an as-built plan. There are differences between the as-built and approved plans. The OOC was issued in September 2016 and there is a hand-written revision, approved in June 2017 for foundation placement. The substantive differences between the as-built and approved plans were: retaining wall on back of dwelling built with granite blocks, and walls extended northerly and westerly; on east side of house a brick patio was constructed; stairs and landing were expanded; and a granite column was placed as safety item. Mr. Dioli noted easterly retaining wall was on original plan and was extended on westerly side to retain grades and land connects stone wall to stairway. Agent Geilen noted OOC is still valid, so the OOC can be amended ATF. The Commission decided a Formal Amendment is required, and triple fees must be paid.

RECOMMENDATION OF AGENT: *Continue to February 6, 2019.*

MOTION:

◆ **A motion was made by Commissioner Paulitz to continue to February 6, 2019. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

WPA Form 8A-Request for Certificate of Compliance, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, As-Built plan dated December 28, 2018, prepared by Graham Assoc., Letter of Substantial Compliance dated December 28, 2018, prepared by Graham Assoc., site photos.

MATTER: 36-1219: 9 Upland Rd. Gregory. COC. New.

DISCUSSION: Present was Tom and Caroline Gregory, homeowners. The changes between the as-built and approved conditions were discussed. A run out area for horses was expanded, the paddock fence is partially located in the NBZ, and there was dumping in the BZ. In addition, the required water quality swale was not installed along the edge of the paddock. The homeowners would rather use a berm, as suggested by the Agent. Chairman Hughes noted that a swale will treat stormwater, but a berm will not; the Commission wants a swale. Discussion: do not disturb sign needed, native grasses are fine in the swale plant (plant plugs had been specified in the Plating Plan). The homeowners stated that they keep the paddock thickly vegetated with grass, so a swale is not needed. Commissioner Paulitz stated that the concern is also with future home owners care of property, so the swale should be constructed. Agent Geilen noted that since the OOC has expired, an EO is needed for the work to be done (swale, NDZ markers), which should be done by spring 2019. The EO can always be revised to give homeowners more time. Discussion: dumping of manure and horse bedding in jurisdiction, was from snow plowing in 2017/2018, will be removed.

RECOMMENDATION OF AGENT: *Issue Enforcement Order. Continue to June 5, 2019.*

MOTION:

◆ **A motion was made by Commissioner Putnam to issue EO as discussed and continue to June 5, 2019. The motion was seconded by Vice Chair ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

WPA Form 8A-Request for Certificate of Compliance, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, As-Built plan dated December 13, 2018, prepared by Donohoe Survey, Letter of Substantial Compliance dated December 31, 2018, prepared by Donohoe Survey, Approved plan prepared by Donohoe Survey dated May 20, 2014, site photos 2014, site photos, site revisions dated May 20, 2014.

MATTER: 36-1018/A: 187 County Rd. Eddy. COC. New

DISCUSSION: Present was Mike DeRosa of DeRosa Environmental, and April Ferraro of Meridian Associates. Mr. DeRosa noted that there are three OOCs to be closed out. This OOC was for a raze and rebuild of a house and

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

associated out buildings and horse paddocks. It was amended when a new owner purchased the property, which reconfigured the house and driveway, as well as the pool and landscaping. The changes between the as-built and approved conditions were discussed, including a horse trail location. Agent Geilen asked about vernal pools, which were mentioned in the original OOC. Mr. DeRosa said that this was resolved in amended OOC. A site-visit needed.

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

MOTION:

◆ **A motion was made by Commissioner O’Neill to continue to February 20, 2019. The motion was seconded by Vice Chair ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

COC request, As-built plan entitled “Records Condition” dated December 13, 2011, prepared by Meridian Associates and letter of substantial compliance dated January 2, 2019, and prepared by DeRosa. Environmental. Approved Plan entitled “Permit Plan” prepared by Eastern Land Survey dated January 25, 2009.

MATTER: 36-1105: 187 County Rd. Eddy. COC. New

DISCUSSION: Present was Mike DeRosa of DeRosa Environmental, and April Ferraro of Meridian Associates. This OOC was for replacement of a bridge across a perennial stream. Agent Geilen noted that a geotechnical report for the bridge was to be submitted. Agent Geilen noted bridge is 3’ wider than noted on plan, and it appears that there were stone retaining walls added. A site visit needed.

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

MOTION:

◆ **A motion was made by Commissioner O’Neill to continue to February 20, 2019. The motion was seconded by Vice Chair ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

COC request, As-built plan entitled “Records Condition” dated December 13, 2011, prepared by Meridian Associates and letter of substantial compliance dated January 2, 2019, and prepared by DeRosa. Environmental. Approved Plan entitled “Permit Plan” prepared by Eastern Land Survey dated March 25, 2010.

MATTER: 36-1159: 187 County Rd. Eddy. COC. New.

DISCUSSION: Present was Mike DeRosa of DeRosa Environmental and April Ferraro of Meridian Properties. This OOC was for a major habitat restoration project to remove non-native invasive plants and replace them with native plants. Mr. DeRosa noted re-plantings in Areas A, B, C were done as part of building of home, then Areas D and E & F were in the last two areas. Area G was not completed. An approved pond next to the brook was not built. Discussion: cutting by river and stream part of restoration. A site walk is necessary.

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

MOTION:

◆ **A motion was made by Commissioner O’Neill to continue to February 20, 2019. The motion was seconded by Vice Chair ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

<p>DOCUMENT LIST: <i>COC request, As-built plan entitled "Records Condition" dated December 13, 2011, prepared by Meridian Associates and letter of substantial compliance dated January 2, 2019, and prepared by DeRosa. Environmental. Approved Plan entitled "Record Conditions" prepared by Meridian Assoc. dated December 13, 2011.</i></p>
<p>MATTER: 36-791: 83 Turnpike Rd. United Pipe & Steel. COC. <i>Continued from December 5, 2018.</i></p>
<p>DISCUSSION: Present was Mike DeRosa of DeRosa Environmental and April Ferraro of Meridian Associates. The COC was continued and EO issued to allow required maintenance of the SWM pond and installation of a guard rail in place of a fence. Commissioner Paulitz noted that storm water drain requires regular maintenance, and that they must dig out cat tails from the forebay of the SWM basin (it's supposed to be grass). Agent Geilen noted as-built plan bottom elevation should be at 78'. Ms. Ferraro stated that the SWM pond is at correct depth. Mr. DeRosa will email pictures to Agent Geilen when the work in the forebay is done. Discussion EO versus O&M under OOC; no EO needed.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to February 6, 2019.</i></p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Commissioner Paulitz to continue to February 6, 2019. The motion was seconded by Commissioner Stone 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" dated July 2, 2018, prepared by Meridian Assoc. and letter of substantial compliance dated December 24, 2018, and prepared by Meridian Assoc. Approved plan entitled "Permit Site Plan" prepared by Meridian Assoc. dated January 27, 2003. Power point presentation; Maintenance Inspection dated June 28, 2002; site photos.</i></p>
<p>MATTER: 36-1204: 53 Lakemans Ln. Mackey. COC. <i>Continued from December 5, 2018.</i></p>
<p>DISCUSSION: Present was Dennis Mackey, property owner. Mr. Mackey said that the Letter of Substantial Compliance was submitted as required.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue a full and final COC.</i></p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Commissioner O'Neill to issue a full and final COC. The motion was seconded by Commissioner Stone and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST: <i>Letter of compliance dated January 7, 2019 prepared by Domestic Septic Systems; as built plan entitled "As Built" prepared by Domestic Septic Systems dated June 14, 2013.</i></p>
<p>MATTER: 36-1365: 15 Quay Rd. Russell. COC. <i>Continued from December 5, 2018.</i></p>
<p>DISCUSSION: Present was Larry Graham, H.L. Graham Associates. Mr. Graham noted at prior meeting everything was in order, with the exception of the placement of the shed, and constructing the fence. The shed is now on its base and fence is in place. Mr. Graham confirmed the fence is the appropriate length, as shown on the approved plan and as-built. Fence around AC units were put back on and stepping stones are on record.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue full and final COC.</i></p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Commissioner Paulitz 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>

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

DOCUMENT LIST:

Plan entitled "Certificate of Compliance Rev 1" prepared by Graham Assoc. dated November 19, 2018.

MATTER: 36-1188: 100 Labor in Vain Rd. Stephen Tucker. COC. *Continued from December 5, 2018.*

DISCUSSION: Present was Stephen Tucker, homeowner. Agent Geilen noted that the approved plan was three-season porch but instead an addition was constructed. Initial drawing was made six years ago. Homeowner had demolished a cottage. Homeowner noted a graphic error on plan, in 2013. Building permit has since expired. Building Department noted that three-season porch was agreed upon. Chairman Hughes noted that the as-built and proposed plan show discrepancies and work done near wetlands must be approved by Conservation Commission. Chairman Hughes said the Commission needs to know the difference on what was constructed versus what was proposed. Discussion: clearing vegetation, area of disturbance in riverfront, and other changes. Mr. Tucker will submit additional details/information.

RECOMMENDATION OF AGENT: *Continue to February 6, 2019.*

MOTION:

◆ **A motion was made by Vice Chair ffolliott to continue to February 6, 2019. The motion was seconded by Commissioner Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

Email from Stephen Tucker dated January 8, 2019; site photos.

Abbreviated Notice of Resource Area Delineation

MATTER: 36-1393: 56 Fellows Rd. Knowlton. ANRAD request to confirm wetland delineation. *Continued from December 5, 2018.*

DISCUSSION: No one was present for this matter. This was continued for a file number, which was received. Changes of the plan have been made and submitted.

RECOMMENDATION OF AGENT: *Issue an ORAD for accurate delineation of BVW.*

MOTION:

◆ **A motion was made by Commissioner O'Neill to issue an ORAD for accurate delineation of BVW. The motion was seconded by Commissioner Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

DOCUMENT LIST:

No new documents submitted.

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

MATTER: 36-1346: 8 Riverside Dr. Lampropoulas. Minor modification request for change in stair design in jurisdiction areas.

DISCUSSION: Present was Larry Graham, H.L. Graham Associates. Mr. Graham had done the NOI for tree removal and stair reconstruction. The applicant's builder is proposing to turn stair to a right angle (versus straight) and have one less step. The stairs proposed were 3' wide, and now Building Department requires stair width be 3' 6". Commission Paulitz inquired if additional posts are proposed. Chairman Hughes noted that no vegetation should be removed per Conservation Commission, but pruning is fine. A breakaway section at the bottom had been approved by Conservation Commission and must construct as approved.

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

<p>RECOMMENDATION OF AGENT: <i>Approve minor modification with additional special condition for no tree removal and a second pre-construction meeting.</i></p>
<p>MOTION:</p> <p style="text-align: center;">♦ A motion was made by Commissioner Stone to approve minor modification with special conditions as recommended. The motion was seconded by Commissioner Paulitz and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST: <i>Request for Minor Modification Letter dated December 31, 2018, and prepared by Weatherall Design, Plan prepared by Weatherall Design dated September 25, 2018.</i></p>
<p>MATTER: 36-1381: 104 Little Neck Rd. Bilo. Formal amendment request for storage shed and generator in jurisdictional areas.</p>
<p>DISCUSSION: Present was Larry Graham of H.L. Graham Associates, and Brian Bilo, homeowner. This formal amendment is for two changes to plan: locate a 8' by 9' storage shed on property and add a generator. The shed and generator are in foot print of what was previously proposed as patio (no new impervious surface). Drainage exists on both sides of property.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue an amended OOC.</i></p>
<p>MOTION:</p> <p style="text-align: center;">♦ A motion was made by Commissioner O'Neill to amend the OOC and close public hearing. 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>Request for Formal Amendment Letter dated December 28, 2018 and prepared by Graham Assoc., Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Proposed Site Plan Changes entitled "Permit Plan" dated August 15, 2018, and prepared by Graham Assoc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service.</i></p>
<p>MATTER: 36-1394: 66 Town Farm Rd. Steenhaut. NOI for accessory apartment with septic system and garage in jurisdictional areas.</p>
<p>DISCUSSION: Present was Larry Graham, H.L. Graham Associates and Nick Steenhaut, homeowner. This is for an accessory apartment and new detached garage. There will be a separate septic system for the accessory apartment. The reserve area is for both the house and apartment. Discussion: grading around septic and accessory apartment. Discussion: wetland line from previous NOI for pig pasture; wetland line not confirmed; work is far enough away that the work is well out of the sub-zones; no formal delineation required for this NOI. Agent Geilen noted that the OOC for the pig pasture allowed annual mowing of NDZ in fall, so there is no violations. Mr. Graham stated that the Board of Health has approved the septic system. The Agent did not have time to prepare the OOC or special conditions, and the next meeting is 21 days away, so the matter needs to be continued.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to February 6, 2019.</i></p>
<p>MOTION:</p> <p style="text-align: center;">♦ A motion was made by Vice Chair ffolliott to continue to February 6, 2019. The motion was seconded by Commissioner Paulitz and passed unanimously.</p>
<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 "Subsurface Sewage Disposal System" dated October 11, 2018, and prepared by Graham Assoc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit</i></p>

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

of Service. Delineation waiver request dated January 14, 2019, site photos.

MATTER: 36- : 19 Sagamore Rd. Hollingsworth. NOI for implementation of an ecological restoration plan and proposed raze and rebuild of an existing structure in jurisdictional areas.

DISCUSSION: Present was Mike DeRosa of DeRosa Environmental, representing the Hollingsworths. Mr. DeRosa submitted an abutter notices but there is no file number. Two items to be discussed were restoration of pond and construction of a cabin in an area that currently has a barn/shed. Agent Geilen said the pond was constructed in 1990's under DEP file 36-7, for which there is no COC. But she noted that the file was archived without further action because there is no plan in the file to determine if it was built properly, and the OOC does not specifically require a COC. There is another OOC (36-600) that has a recorded COC, but it looks like additional work was done the previous owner beyond the OOC. The Agent discussed findings in her memo dated January 15, 2019. Mr. DeRosa said that aerators will increase air exchange in water. Phragmites around the pond will be removed.

The planting plan was discussed, which does not specify what will be planted on the island. Barn will be converted to residential cabin with water, septic, electric, a raised deck and outdoor grill. Foundation plan is for pilings. Erosion control will exist on entire site. Discussion: previous owners made changes without approval: deck was doubled in size, rhododendron behind pool were removed (in NDZ), fenced garden added, garage is larger to the rear than the as-built plan. Agent Geilen noted that the proposed plans show a portion of the deck in NBZ, and water and electric lines in NDZ. It was agreed that a site visit is necessary. Discussion: access to the cabin for construction and septic servicing, compensatory flood storage. Mr. Bob Bondzinski, an abutter, from 17 Sagamore Road, inquired about size of dwelling, which is approximately 12' by 46', Mr. Bondzinski noted pond was put in an elevated flooded area.

RECOMMENDATION OF AGENT: *Continue to February 6, 2019.*

MOTION:

◆ A motion was made by Vice Chair ffolliott to continue to February 6, 2019. 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 entitled "Site Plan" dated December 20, 2018 ,and prepared by Griffin Eng., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service. Marked up plan of same; power point presentation; meeting minutes September 16, 1998; memo from Alicia Geilen January 15, 2019; site photos.

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1362: 30 and 34 Town Farm Rd. 17 Locust Rd. McAllen, 30 Town Farm Rd LLC. NOI to construct an over 55, affordable housing (40B) development in jurisdictional areas. *Continued from December 5, 2018. .*

DISCUSSION: Commissioner Paulitz recused himself. Present was Rich Kirby of LEC Environmental. Mr. Kirby discussed plan changes: a post and rail fence along the NDZ and pervious paver patios or each house were added to site plan; landscape plans show all native plants. The building setback from the NDZ was increased as requested. Stormwater peer review has been sent to Cammett Engineering for review, and is not back yet. The ZBA hearing is January 17, 2019. Discussion: invasive species management to be included as a special condition as long as a plan is reviewed and approved by Agent Geilen.

RECOMMENDATION OF AGENT: *Continue to February 6, 2019.*

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

<p>MOTION:</p> <p>◆ A motion was made by Commissioner Putnam to continue to February 6, 2019. The motion was seconded by Commissioner Stone and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST:</p> <p><i>Revised landscaping plans prepared by Cole Landscaping dated June 13, 2018.</i></p>

<p>MATTER: 36-1387: 44 River Rd. Aiello. NOI to replace an existing masonry wall in jurisdictional areas. <i>Continued from December 5, 2018.</i></p>
<p>DISCUSSION: Present was Larry Graham of H.L. Graham Associates. Mr. Graham stated that Mr. Aiello has requested a continuance. Agent Geilen noted that Mr. Aiello had re-constructed the damaged wall under his NDA approval, but had not contacted the Conservation Office for a pre-construction meeting as required.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to February 6, 2019.</i></p>
<p>MOTION:</p> <p>◆ A motion was made by Vice Chair ffollott to continue to February 6, 2019. The motion was seconded by Commissioner Paulitz and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST:</p> <p><i>Compliance letter from Epsilon dated January 7, 2019; email from Alicia Geilen dated December 17, 2018; site photo.</i></p>

<p>MATTER: 36-1386: Labor in Vain Rd. 79 Labor In Vain Realty Trust. NOI to repair areas damaged by storms in jurisdictional areas. <i>Continued from December 5, 2018.</i></p>
<p>DISCUSSION: Present was Larry Graham of H.L. Graham Associates. Mr. Graham emailed Agent Geilen about using a backhoe to cut trenches to observe sections of road. Chair Hughes said that this is not a good idea this time of the year, due to potential erosion from winter storms, but if he can hand auger, that's fine. Discussion: which form to use for exploratory work, ACEC cannot be altered. Mr. Graham noted that he needs to determine where the road was built.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to April 3, 2019.</i></p>
<p>MOTION:</p> <p>◆ A motion was made by Vice Chair ffollott to continue to April 3, 2019. The motion was seconded by Commissioner Paulitz and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST:</p> <p><i>No new documents submitted.</i></p>

Enforcement Matters:

<p>MATTER: 36-223: 91 Turnpike Rd. 89 Turnpike Realty Trust. Enforcement update. <i>Continued from December 5, 2018.</i></p>
<p>DISCUSSION: There was no one present for this matter.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to February 6, 2019.</i></p>

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

<p>MOTION:</p> <p>◆ A motion was made by Commissioner Paulitz to continue to February 6, 2019. The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST: <i>No new documents submitted.</i></p>
<p>MATTER: 34, 36, 38 Mitchell Rd. McMillan. Enforcement Update. <i>Continued from December 5, 2018.</i></p>
<p>DISCUSSION: There was no one present for this matter. Agent Geilen stated that she and Field Inspector Bill Deice believe the owner has worked in buffer zone to BVW without a permit. The owner has retained Mike DeRosa of DeRosa Environmental, but they need more time to determine the extent of the unauthorized work.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to March 6, 2019.</i></p>
<p>MOTION:</p> <p>◆ A motion was made by Vice Chair ffolliott to continue to March 6, 2019. The motion was seconded by Commissioner Stone and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST:</p> <p><i>No new documents submitted.</i></p>
<p>MATTER: 134 Town Farm Rd. Rousseau. Enforcement Update. <i>Continued from December 5, 2018.</i></p>
<p>DISCUSSION: There was no one present for this matter. Agent Geilen gave an update, saying that many cars have been removed but owner needs more time to continue the work. She said that the EO needs to be revised to provide that additional time.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to May 1, 2019.</i></p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner O’Neill to continue to May 1, 2019. The motion was seconded by Commissioner Stone and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST:</p> <p><i>No new documents submitted.</i></p>
<p>MATTER: 33 Eagle Hill. Ward. Enforcement Order Confirmation. <i>New.</i></p>
<p>DISCUSSION: There was no one present for this matter. Agent Geilen, tipped off by the Shellfish Constable, found that a waterfront property owner has put up no trespassing signs and placed boulders and cement blocks in intertidal zone to keep out clambers. She issued an EO to make them remove the signs and impediments from the intertidal zone. Discussion: Public Trust Doctrine not the Commission’s purview.</p>
<p>RECOMMENDATION OF AGENT: <i>Approve the Enforcement Order.</i></p>
<p>MOTION:</p> <p>◆ A motion was made by Vice Chair ffolliott to approve Enforcement Order. The motion was seconded by Commissioner Paulitz and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>
<p>DOCUMENT LIST:</p> <p><i>No new documents submitted.</i></p>

Other Business:

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

January 16, 2019

MATTER: Annual Election of Officers
DISCUSSION: Chairman Hughes agreed to continue as Chair. Vice Chair ffolliott said that she would like to step down as Vice Chair and nominated Commissioner Paulitz for that position.
RECOMMENDATION OF AGENT: <i>None.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Vice Chair ffolliott to approve the nominations. The motion was seconded by Commissioner Stone and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>
DOCUMENT LIST: <i>None.</i>

Approval of Minutes: *11/17/2018 + 12/5/2018*

♦ A motion was made by Commissioner O'Neill to approve the minutes as drafted/amended. The motion was seconded by Commissioner Stone and passed unanimously.

Document Signage: (No Vote Required)

- *None.*

Adjournment:

♦ A motion was made by Vice Chair ffolliott to adjourn at 10:50 p.m. The motion was seconded by Commissioner O'Neill and passed unanimously.

Respectfully submitted,



Amy Scicchitani
Recording Secretary

These minutes are the summary of a taped or video-recorded meeting and of secretarial notes. As such, the Ipswich Conservation Commission reserves the right to supplement these minutes with tapes and vice versa, to reflect the proceedings. The Ipswich Conservation Commission does not guarantee the quality of the tapes or video-recording, nor does it exclusively rely upon them.