

Approved: June 5, 2019
Distributed: June 17, 2019

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
May 1, 2019

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, May 1, 2019 at 7:00 p.m. in Room A of the Ipswich Town Hall. Members present were Chairman Jennifer Hughes, Vice-Chair William Paulitz, Commissioners Sissy ffolliott, Brian O'Neill, Catherine Carney-Feldman, Raymond Putnam, and James Stone. Also present were Agent Alicia Geilen and Recording Secretary Amy Scicchitani.

DEFINITION INDEX:

ACEC – Area of Critical Environmental Concern
ANRAD - Abbreviated Notice of Resource Area Delineation (WPA Form 4A)
BOH – Board of Health
BVW - Bordering Vegetated Wetland
Bylaw – Ipswich Wetlands Protection Bylaw (Ch. 224)
COC – Certificate of Compliance (Request for COC = WPA Form 8A; COC = WPA Form 8B)
CR – Conservation Restriction
CZM – MA Office of Coastal Zone Management
DCR - Department of Conservation and Recreation
DEP – MA Department of Environmental Protection
DPW- Ipswich Department of Public Works
EC – Emergency Certificate
EO – Enforcement Order (WPA Form 9)
ICC – Ipswich Conservation Commission
LIAU – Land in Agricultural Use
LSCSF – Land Subject to Coastal Storm Flowage
LSP – Licensed Site Professional
NOI – Notice of Intent (WPA Form 3)
NBZ – No-Build Zone, per Ipswich Wetlands Protection Bylaw
NDZ – No-Disturbance Zone, per Ipswich Wetlands Protection Bylaw
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 (WPA Form 5)
ORAD – Order of Resource Area Delineation (WPA Form 4B)
RDA – Request for Determination of Applicability (WPA Form 1) (*below is a list of possible outcomes for RDAs; all issued on WPA Form 2*)
 Negative #2 Determination (NDA) – This is an approval for work in in resource areas
 Negative #3 Determination (NDA) – This is an approval for work in in buffer zones
 Negative #5 Determination (NDA) – This is approval for work that meets the requirements of an exception under the WPA
 Negative #6 Determination– This is an approval for work under the Ipswich Wetland Protection Bylaw
 Positive Determination – This is a denial requiring an NOI to be filed should the applicant wish to pursue
RPA - Riverfront Protection Act
SWM – Storm Water Management
SPP – Small Projects Permit
WPA – Massachusetts Wetlands Protection Act (310 CMR 10.00 *et seq.*)
ZBA – Zoning Board of Appeals

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

MATTER: *Continue to May 15, 2019*

36-1274: 114-116 County Rd. Catamount Mgmt. Request for COC

36-1395: 19 Sagamore Rd. Hollingsworth. NOI for implementation of an ecological restoration plan and proposed raze and rebuild of an existing structure in jurisdiction.

36-1400: 33 Greens Point Rd. Greens Point Investment Trust. NOI to raze and rebuild existing dwelling and install tight tank.

36-1386: Labor In Vain Rd. 79 Labor in Vain Realty Trust. NOI to repair coastal bank damaged by storms.

36-1403: 2 Jay Rd. Shaw. NOI for septic system air in jurisdictional areas.

DISCUSSION: There was no one present for this matter.

RECOMMENDATION OF AGENT: *Continue to May 15, 2019.*

MOTION:

◆ A motion was made by Commissioner Carney-Feldman to continue to May 15, 2019. The motion was seconded by Commissioner ffollott and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

MATTER: 36-1385: Labor in Vain Rd. Right of Way at Labor in Vain Creek Bridge. Ipswich Department of Public Works. Notice of Intent to repair town road and shoulders.

DISCUSSION: There was no one present for this matter.

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

MOTION:

◆ A motion was made by Commissioner ffollott continue to June 5, 2019. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

Courtesy Position for Town Projects:

MATTER: Route 1A/133 (High Street). Ipswich Water Department. RDA water main replacement. *New*

DISCUSSION: Present was Teri Demers, representing the Town of Ipswich Water Department, and Bill Ross, New England Civil Environmental. This project is to replace 1.3 miles of 12" cast iron water main with 12" ductal iron pipe. All work will be in the right of way, with three wetland crossing (above culverts). Project completion will be in phases to minimize impacts. Agent Geilen recommends special condition for post work inspection, stabilization. Discussion: de-watering plan to be submitted for approval if needed.

RECOMMENDATION OF AGENT: *NDA 2 and 3 with special conditions as discussed.*

MOTION:

◆ A motion was made by Commissioner Carney-Feldman to approve NDA 2 and 3 with special conditions as discussed. The motion was seconded by Commissioner Stone and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

MATTER: 36-1392: 17 Linebrook Rd. Bailey Park. Ipswich Recreation Department. Minor Modification to an Order of Conditions. To install sculpture mounts and poles. *New*

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<p>DISCUSSION: Present was Kerri Bates, Ipswich Re-Creation and Culture Department, and TJ Sadowski, The Switch. This matter pertains to a minor modification to install a series of sculpture bases (2' by 2' by 48" deep concrete footings), to be located outside of Subzones, with holes for poles to display a rotating art series sculptures at the back of park. Sculpture mounts pole hole will have a cap at grass level for when not in use.</p>
<p>RECOMMENDATION OF AGENT: <i>Approve minor modification as discussed with no additional special conditions.</i></p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Vice-Chair Paulitz to approve the minor modification as discussed. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>

Small Project Permits

<p>MATTER: 15 Chebacco Rd. Gilbertson. SPP for test pits. <i>New</i></p>
<p>DISCUSSION: Present was Scott Laffey, Laffey Construction, and Christine Gilbertson, owner. Mr. Laffey is seeking a SPP for test pits outside of sub zones, as part of the stormwater management design for a paddock improvement plan that will be submitted under an NOI. Vice Chair Paulitz asked if ACEC continues under roadway. Agent Geilen said, yes, but only a very small area beyond Chebacco Road, which is greater than 150' from the developed portion of the property. They propose to test an area that is as small as possible. No clearing is required. Discussion: special condition for stabilization upon completion.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue SPP with special conditions as discussed.</i></p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Commissioner Carney-Feldman to approve the SPP with special conditions as discussed. The motion was seconded by Commissioner Stone and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>

<p>MATTER: 25 River Rd. Gillette. SPP for generator and propane tank. <i>New</i></p>
<p>DISCUSSION: Present was Jim Gillette, homeowner. Mr. Gillette is seeking approval for a generator to be installed on 50" x 30" concrete pad to store two 220-gallon propane tanks behind the house, as well as digging a 30' long trench for underground electric. Excavation will be in gravel and replaced with gravel. Discussion: special condition for post-work inspection. Discussion: erosion control not needed.</p>
<p>RECOMMENDATION OF AGENT: <i>Issue SPP as proposed with the conditions described</i></p>
<p>MOTION:</p> <p align="center">◆ A motion was made by Commissioner ffolliott to approve the SPP as discussed. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i></p>

Requests for Determination of Applicability:

<p>MATTER: 116 Little Neck Road. Siminoe. RDA for new patio under existing deck, walkways, stepping stone path and landscaping with native plants with jurisdictional areas. <i>New</i></p>
<p>DISCUSSION: Present was Matt Aldrich, landscape architect, representing the Siminoe's for a native landscaping plan. Agent Geilen noted that there is a recorded COC for this site. Mr. Aldrich stated that all work</p>

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will be performed outside of the Subzones, and that the 4000 square feet of lawn will be reduced to 2000 square feet, with the balance a native planting area. Mr. Aldrich also discussed a proposed 80 square feet blue stone walkway, and patio under an existing deck. Discussion: erosion control on top of wall, as well as at edge of work by Little Neck Road. Discussion: mini-excavator will be onsite, stock piling will be on top near Chattanooga Road. Commission Carney-Feldman praised the plan for including so many native plants, and asked about the few non-native plants outside of jurisdiction. Mr. Aldrich stated that he had moved all non-native plants outside of jurisdiction, and wished to keep the design as is.

RECOMMENDATION OF AGENT: *NDA 3 with special conditions for pre- and post-work inspections.*

MOTION:

◆ **A motion was made by Commissioner O’Neill to issue an NDA #3 with special conditions as recommended. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1405: 56 Fellows Rd. Knowlton. NOI for construction of a single-family home with associated accessory building, septic, driveway and grading in jurisdictional areas. *Continued from April 17, 2019.*

DISCUSSION: There was no one present for this matter.

RECOMMENDATION OF AGENT: *Continue to May 15, 2019.*

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to May 15, 2019. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

MATTER: 36-1387: 44 River Rd. Aiello. NOI to replace an existing masonry wall in jurisdictional areas. *Continued from April 17, 2019.*

DISCUSSION: Present was Larry Graham, H.L. Graham Associates, Mr. Aiello and Mr. Aiello’s son-in-law Josh. Mr. Aiello discussed in detail the history of the wall, and how it had deteriorated. He went on at length about how his home was in danger from storm damage, and that the pour concrete wall he was requesting was necessary to protect his home. Discussion: RDA for block wall repair approved, work completed, NOI for wall replacement, hired coastal geologist. Chairman Hughes noted the NOI will not be approved without condo association approval (property owner). Mr. Aiello stated that believed he has an approval of the condo association. Agent Geilen corrected Mr. Aiello, in that he received permission to repair the cinder block wall under the RDA (although that approval was not what he actually had approval for), but did not have condo association approval to build a reinforced concrete wall. Commissioner Stone reiterated regulations limiting work near a coastal dune, and the need to allow the dune to migrate landward. Chairman Hughes noted the wall will not protect the home from storm damage, the dune should be allowed to move as required by the regulations, the wall is not a flood control structure and the Commission cannot approve flood control structures on a dune. Commissioner Carney-Feldman noted the Epsilon report’s discussion of the performance standards. Mr. Graham noted that two technical reports had been prepared for the applicant at great cost. He inquired if the Commission members had read both reports. It was confirmed that all Conservation Commission members had read the both LEC reports.

RECOMMENDATION OF AGENT: *Deny waiver requests, close the public hearing, and issue a negative Order of Conditions (denial of the project), to be signed within 21 days.*

MOTION:

◆ **A motion was made by Commissioner Stone to deny the request of waivers of the NBZ/NDZ. The motion was seconded by Commissioner Carney-Feldman. The motion was passed by a vote of 5 to 0, with one abstention (O’Neil).**

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◆ A motion was made by Commissioner ffolliott to close the public hearing and issue a negative Order of Conditions (denial). The motion was seconded by Commissioner Paulitz and passed with a vote of 4 to 0, with two abstentions (Putnam and O'Neil).

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

Requests for Certificates of Compliance:

MATTER: 36-0823: 51 Linebrook Rd. Lesko. *Continued from April 3, 2019.*

DISCUSSION: Present was Mike DeRosa, DeRosa Environmental Inc. representing Mr. Lesko. Mr. DeRosa noted that they are still waiting for as-built plan from Meridian.

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

MOTION:

◆ A motion was made by Vice-Chair Paulitz to continue to June 5, 2019. The motion was seconded by Commissioner ffolliott and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

MATTER: 36-1351: 1 Hodges Way. Taggart. COC Request. *Continued from April 17, 2019.*

DISCUSSION: There was no one present for this matter. Applicant requested a continuance.

RECOMMENDATION OF AGENT: *Continue to May 15, 2019.*

MOTION:

◆ A motion was made by Commissioner Carney-Feldman to continue to May 15, 2019. The motion was seconded by Commissioner O'Neill and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None*

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

MATTER: 36-1308: 24 Dartmouth Rd. Bartlett. MM to add LP tank location. *New.*

DISCUSSION: Present was Tudy Bartlett and Terry Anderson, homeowners. This matter pertains to a minor modification for propane tank as far from jurisdiction as possible, while meeting building code. They will also need a trench 10-foot long, 2-foot deep, 1-foot wide.

RECOMMENDATION OF AGENT: *Approve minor modification as requested with no additional special conditions.*

MOTION:

◆ A motion was made by Commissioner O'Neill to approve the minor modification as requested. The motion was seconded by Vice-Chair Paulitz and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

MATTER: 36-1357: 29 Middle Rd. Neipp. MM 2 for propane tank and retaining walls. *New.*

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DISCUSSION: Present was John Sarni, Project Manager. This matter is for three changes to the approved plans. The first is for installing a propane tank location, to be located near stone wall. The Commission agreed to this change. The second change is for the water quality swale, to remove check dams, and just use plantings to stabilize the soil. Chairman Hughes asked about losing check dams in the swale. Agent Geilen is concerned by swale changes, since it's a stormwater treatment device, so they should redo calculations, and submit a detailed plan. Discussion: Stormwater report, water infiltrating into plantings, keeping check dams in place, proposing for plantings as shown, size of stone in check dams. The Commission determined erosion mats and large stone should be used in the swale. Finally, the owners want to replace a vegetated slope with a series of retaining walls for a tiered slope, proposed to be lawn. Discussion: is it better to have a sloped vegetation or tiered area? Chairman Hughes noted that Condo Association must be approved these changes prior to Conservation Commission approval. The Commission wished to do a site visit to see the area, before making a decision.

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

MOTION:

♦ **A motion was made by Commissioner Carney-Feldman to continue to June 5, 2019. The motion was seconded by Commissioner O'Neill and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *Schedule site-visit.*

MATTER: 36-1407: 188 High St. Bolles. NOI for vestibule entry and exterior improvements in jurisdictional areas. *New.*

DISCUSSION: Present was Bill Manuell, Wetlands & Land Management, Inc. There is an Enforcement Order in place for this matter to install stormwater improvements. This NOI for entry/exterior improvements, with most work outside of jurisdiction. The renovation inside and outside for new vestibule) new planting strip, re-clad exterior, windows, new roof. Parking will be re-formalized. Wetlands were re-flagged by Bill Manuell. Water level is higher than in years past. Carpentry work is in riverfront. There will be a 250 square feet reduction of impervious area. Filter sock erosion control to be installed. Discussion: Special conditions for annual sweeping of parking lot, in accordance with O&M plan that is part of the EO; O&M plan to be recorded with the new OOC. Discussion: dumpster location.

RECOMMENDATION OF AGENT: *Continue to May 15, 2019.*

MOTION:

♦ **A motion was made by Commissioner Ffolliott to continue to May 15, 2019. The motion was seconded by Vice-Chair Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *Agent to check out dumpster location.*

MATTER: 36-1408: 20 St Main St. Skillman. NOI addition to auto repair shop. *New.*

DISCUSSION: Present was Larry Graham, H.L. Graham Associates, Bill Mitchell, Clean Soils Environmental and Andrew Skillman, property owner. This matter is for proposed improvements for an addition, and adding a 2nd story at an existing car repair business. The resource area is only the River front area to the Ipswich River. SWM is being proposed as that does not exist today. Mr. Graham is proposing to do improvement to capture all roof runoff for discharge via new treatment, to the town's storm sewer system. Also, being proposed is a catch basin so surface flow will be toward catch basin. Discussion: no applications submitted to Sewer Department of floor drain connection, or to DPW for stormwater tie-in (2 permits needed). Mr. Graham noted that Planning is not requiring a SWM peer review. Discussion: need to pay additional fees (1 Category 2 fee paid); determination of 200 ft riverfront area (Mr. Graham to produce another plan with storm drain, resource areas). Agent Geilen noted that DEP SWM Standard 5 applies even if there is no vehicle fueling (auto repair shop). Mr. Graham noted that Standard #2 does not apply; Agent Geilen to confirm. Agent Geilen noted that Standard 6 applies for discharge to

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Outstanding Resource Waters (shellfish growing area). Mr. Graham noted that pavement will be replaced by the building addition, presently there are no provisions on site that address SWM, catch basins will be the required improvement. Discussion: dropping catch basin rim elevation, no infiltration/recharge on site due to past soil contamination, peer review not required, fees are Category 3B. Vice-Chair Paulitz stated that the proposed SWM BMPs need to achieve a minimum of 44% TTS removal and asked that the O&M Plan be revised to list the property owner's name and address. In addition the O&M shall clarify street sweeping, salt/sand usage in parking lot.

RECOMMENDATION OF AGENT: *Continue to May 15, 2019.*

MOTION:

◆ **A motion was made by Commissioner ffolliott to continue to May 15, 2019. The motion was seconded by Commissioner Paulitz and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *None.*

MATTER: 36-1409: 8 Mill Rd. Essex County Trails Assoc. NOI for culvert and shed in jurisdictional areas. *New.*

DISCUSSION: Present was Mike DeRosa, DeRosa Environmental Inc. Carol Lloyd, Essex County Trails Association. This matter pertains to a culvert/wetland crossing at 8 Mill Rd, where the trail parallels Ipswich River. The trail is used by equestrians and pedestrians. The river has flooded the trail so its impassable. Mr. DeRosa is proposing to move the trail, add the culvert with natural substrate, and restore the degraded trail in wetlands. Discussion: no existing culvert; is it a "stream"? Is it connected to the Ipswich River? If it's backwater flooding of Ipswich River would be a stream. A shed on the property is in pieces (10' x 12') and homeowner wishes it re-built. Chairman Hughes was concerned with shed placement (in the Subzones). Mr. DeRosa noted they are proposing 486 square feet of trail and the restoration is 315 square feet of the old trail. Discussion: fees. Joe Newly, an abutter who lives on other side of Ipswich River, stated that he and many other neighbors support the project, and are helping to fund it. A suite visit is needed.

RECOMMENDATION OF AGENT: *Continue to May 15, 2019.*

MOTION:

◆ **A motion was made by Commissioner Carney-Feldman to continue to May 15, 2019. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS: *Schedule site walk.*

MATTER: 36- : 14-16 Mitchell Rd. Soucy. NOI for 18,600 sf commercial building addition. *New.*

DISCUSSION: Present was April Ferraro, Meridian Associates and Deine Koch, Architect. Ms. Ferraro showed an aerial view of lot (industrial zoning). BVW delineation line is shown, as well as the buffer zone. Site contains two catch basins in front into municipal system, rear parking lot has catch basin Applicant will be building an 1800 square foot addition, along with the removal of pavement in Subzones. Agent Geilen inquired about snow storage (which should be identified on the plan). Ms. Ferraro noted dumpsters will be moved closer to the building. Discussion: project is in front of the Planning Board, site enhancements proposed. Vice-Chair Paulitz noted increase in runoff, volume pre/post should be in report, runoff goes to back, removal of back parking lot, storm water management, O&M should address the trench drains. Abutter Margaret McDermott is concerned about the wildlife in her yard and the effects the project will have on wildlife. Chairman Hughes noted that abutter should also visit the Planning Board. Agent Geilen needs to review the wetland line. Chairman Hughes asked her to look for opportunities for habitat improvements when on site. Back parking lot may not be needed, per Planning Board. If so, there might be better SWM options.

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RECOMMENDATION OF AGENT: <i>Continue to June 5, 2019.</i>
MOTION: <p align="center">◆ A motion was made by Commissioner Carney-Feldman to continue to June 5, 2019. The motion was seconded by Commissioner ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>Review wetland delineation.</i>

Enforcement Matters:

MATTER: 47 Newmarch St. Souter. Unauthorized cutting of vegetation. <i>New.</i>
DISCUSSION: Present was Michael Souter. Agent Geilen noted that the Harbormaster's Office shared that unauthorized cutting had taken place by the Ipswich River. Mr. Souter took over home from a relative, and cleared brush and wishing to replant grass. He did not realize an NOI was necessary. Aerial photo shows elevation 10 (ACEC). Agent Geilen noted that there is no OOC for this property. Agent Geilen noted 10 mature trees were removed. Agent Geilen noted wetlands should be delineated and more hay bales should be installed. Discussion: Delineation of wetlands, professional needs to be hired. EO for restoration for NDZ, and after-the-fact RDA work outside the subzones.
RECOMMENDATION OF AGENT: <i>Issue EO</i>
MOTION: <p align="center">◆ A motion was made by Commissioner ffolliott to issue the Enforcement Order. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>

MATTER: 134 Town Farm Rd. Rousseau. Enforcement Update. <i>Continued from January 16, 2019.</i>
DISCUSSION: There was no on present for this matter. Agent Geilen stated cars have removed and owner has intention to remove every car.
RECOMMENDATION OF AGENT: <i>Continue to September 18, 2019.</i>
MOTION: <p align="center">◆ A motion was made by Commissioner O'Neill to continue to September 18, 2019. The motion was seconded by Commissioner ffolliott and passed unanimously</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None.</i>

Approval of Minutes: 6/5/2019

- ◆ A motion was made by Commissioner SF to approve the minutes as drafted and amended. The motion was seconded by Vice-Chair Paulitz and passed unanimously.

Document Signage: (No Vote Required)

- 36-1406: Old England Rd. OOC approved April 17, 2019.

Adjournment:

A motion was made by Commissioner Paulitz to adjourn at 10:45PM. The motion was seconded by Commissioner ffolliott and passed unanimously.

Respectfully submitted,

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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.