

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

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**April 17, 2019**

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, April 17, 2019 at 7:00 p.m. in Room A of the Ipswich Town Hall. Members present were Chairman Jennifer Hughes, Acting-Vice Chair Sissy ffolliott, Brian O'Neill, and Catherine Carney-Feldman. Also present were Agent Alicia Geilen and Recording Secretary Amy Scicchitani. Absent with prior notice was Vice-Chair William Paulitz and Commissioner Ray Putnam. Arriving late, with prior notice, was Commissioner Jim Stone (7:45PM).

**DEFINITION INDEX:**

**ACEC** – Area of Critical Environmental Concern  
**ANRAD** - Abbreviated Notice of Resource Area Delineation (WPA Form 4A)  
**ATF** - after-the-fact (i.e., permit application submitted after work done)  
**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

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

April 17, 2019

**Citizen's Queries:**

<b>MATTER: Citizen's Query for Willowdale bog bridge replacement by Dan Streeter</b>
<b>DISCUSSION:</b> Present was Dan Streeter, New England Mountain Bike Association. This query pertains to an existing trail bridge (pedestrians and bikes) which has failed near Route 1, on West Street in Ipswich, near the Topsfield line. A beaver pond has expanded and this bridge is underwater. The concern is the trail users are going around the bridge, creating a wider trail. Mr. Streeter wishes to put the bridge on posts which needs to be permitted. Chairman Hughes noted that this is an RDA. Acting Vice-Chair ffolliott recommended closing the trail.
<b>RECOMMENDATION OF AGENT:</b> <i>None</i>
<b>MOTION:</b> ♦ <i>No voting required.</i>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> ❖ <i>None.</i>
<b>DOCUMENT LIST:</b> <i>Bridge upgrade plan dated April 1, 2019; emails dated April 10 and April 12, 2019.</i>

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

<b>MATTER:</b> <i>Continue to May 1, 2019.</i> <b>36-728: 251 Topsfield Rd.</b> Turner Hill. Request to amend COC. <b>36-395: 19 Sagamore Rd.</b> Hollingsworth. NOI for accessory structure and habitat restoration. <b>36-1387: 44 River Rd.</b> Aiello. NOI for concrete wall. <b>36-1351: 1 Hodges Way.</b> Taggart. COC request. <b>36-1405: 56 Fellows Rd.</b> Knowlton. NOI for new single-family home.
<b>DISCUSSION:</b> There was no one present for this matter.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to May 1, 2019.</i>
<b>MOTION:</b> ♦ <b>A motion was made by Commissioner Carney-Feldman to continue to May 1, 2019. The motion was seconded by Acting Vice-Chair ffolliott and passed unanimously.</b>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>None.</i>
<b>DOCUMENT LIST:</b> <i>Continuance requests.</i>

<b>MATTER:</b> <i>Continue to May 15, 2019.</i> <b>36-1362: 30 &amp; 34 Town Farm Rd. and 17 Locust Rd.</b> 30 Town Farm Rd. LLC. NOI to construct an over 55 affordable house (40B) development. <b>36-1384: 86 North Ridge Rd.</b> Clapp. NOI for coastal bank repairs.
<b>DISCUSSION:</b> There was no one present for this matter.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to May 15, 2019.</i>
<b>MOTION:</b> ♦ <b>A motion was made by Acting Vice-Chair ffolliott to continue to May 15, 2019. The motion was seconded by Commissioner O'Neill and passed unanimously.</b>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>None.</i>

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

April 17, 2019

**DOCUMENT LIST:** *Continuance request.*

**Courtesy Position for Town Projects:**

**MATTER: 36-1406: Old England Road.** Town of Ipswich DPW, NOI to replace failing culvert. *New.*

**DISCUSSION:** Present was Kevin McHugh, from Coneco Engineers & Scientist, representing the DPW to replace a drainage culvert. The existing culvert is in poor shape and the downstream side of the culvert had failed. There is a temporary repair in place, but DPW is looking to replace the culvert. The intention is to increase the 8” diameter to 12” inch diameter. The road over culvert is low, so the goal will be to raise culvert up 6 inches and increase road elevation and buffer over top of pipe. Straw waddles proposed as erosion control, but must be replaced with compose or bark mulch siltation socks. No need to cut woody vegetation for this work. Chairman Hughes inquired about wetlands up and downstream, and if there was a stream here. No wetlands upstream, just downstream; no impact to wetlands from the project. Ed Marsh, an owner of land on upgradient side, was concerned the project would impact his ability to farm. Chair Hughes said it would not impact his farming.

**RECOMMENDATION OF AGENT:** *Approve waiver of NDZ/NBZ. Close public hearing and issue positive OOC.*

**MOTION:**

- ◆ **A motion was made by Commissioner Carney-Feldman to approve the waivers NDZ/NBZ. The motion was seconded by Acting Vice-Chair ffolliott and passed unanimously.**
- ◆ **A motion was made by Acting Vice-Chair ffolliott to close the public hearing and issue positive OOC in 21 days. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

**ACTION ITEMS / SPECIAL INSTRUCTIONS:** *None.*

**DOCUMENT LIST:** *Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled “Culvert” dated March 28, 2019, prepared by Coneco Engineers; Legal Ad, Locus Map, Notification of Abutters, Abutters List and Affidavit of Service.*

**Small Project Permits**

**MATTER: 36 North Ridge Rd. O’Connell.** SPP for soil testing for septic repair. *New.*

**DISCUSSION:** Present was Larry Graham, H.L. Graham Associates representing the O’Connell’s. This is a SPP for soil testing which is within jurisdiction of Conservation Commission. Agent Geilen noted there were changes made to the property without authorization, though the file is missing, and there is a new homeowner. Mr. Graham suggests that he will re-approach the Conservation Commission for septic repair and will discover what has / has not been done. Chairman Hughes noted they will issue EO with a plan submitted by 7/3/19 for the 7/17/19 meeting.

**RECOMMENDATION OF AGENT:** *Continue to July 17, 2019. Issue EO and approve SPP.*

**MOTION:**

- ◆ **A motion was made by Commissioner Carney-Feldman to issue EO. The motion was seconded by Acting Vice-Chair ffolliott and passed unanimously.**
- ◆ **A motion was made by Acting Vice-Chair ffolliott to continue to July 17, 2019. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**
- ◆ **A motion was made by Acting Vice-Chair ffolliott to approve the SPP. The motion was seconded by Commissioner Carney-Feldman as proposed and passed unanimously.**

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

April 17, 2019

<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>None.</i>
<b>DOCUMENT LIST:</b> <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 April 10, 2019, prepared by Graham Assoc.</i>
<b>MATTER: 79 Labor in Vain Realty Trust.</b> SPP to determine extent of road bed. <i>New.</i>
<b>DISCUSSION:</b> Present was Larry Graham, H.L. Graham Associates. This SPP application was related to an application for test pits to determine the location of the historic roadbed. Mike DeRosa had viewed salt marsh line and it was flagged. Mr. Graham has reservations about doing test pits; that it would weaken the slope. Mr. Graham inquired if he could determine the limit of work (which is the historic roadbed) without doing test pits. Chair Hughes said she did not think so.
<b>RECOMMENDATION OF AGENT:</b> <i>Approve SPP as discussed.</i>
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Commissioner Carney-Feldman to approve the SPP as discussed. The motion was seconded by Acting Vice-Chair ffolliot and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>None.</i>
<b>DOCUMENT LIST:</b> <i>Mandatory Pre-filing Checklist, Small Project Permit Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Locus Map, Plan entitled "Proposed Test Hole Location" dated April 10, 2019.</i>

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

<b>MATTER: 36-1404: Hood Pond.</b> MA Dept of Conservation and Recreation. NOI for aquatic management program to control nuisance and non-native plant growth utilizing treatment with State registered aquatic herbicides, algaecides and other BMPS's in jurisdictional areas. <i>Continued from April 3, 2019.</i>
<b>DISCUSSION:</b> Present was Anne Carroll, DCR Office of Water Resources. This matter was continued for more information (DEP and DMF comments). Ms. Carroll noted that DMF state, in a revised letter, that they would not object the entire treatment of the pond in 2019, and that monitoring should be 48 hours prior /before/after treatment (7 visits). DCR will visit site to finalize locations. Discussion: posting of treatment should be at Ipswich town beach and boat launch, as well as Topsfield beach, at least 48 hours prior. Written notification must be given to abutters and posted in Ipswich / Topsfield. Phragmites removal, if it will occur, must be approved by private property owners, with proof emailed to Agent. Discussion: special conditions, monitoring pre/post of water qualify, submit report to ICC.  This approval is for five years, but proof must be submitted after two years that all is fine. If so, they may continue; if not, they must amend the OOC. Ms. Carroll noted that MA Dept. of Inland Fisheries have no concerns about the treatment and its effects on fish. Discussion: another herbicide is under review in Massachusetts, which could be available, and has favorable approval for spot treatments in two years.
<b>RECOMMENDATION OF AGENT:</b> <i>Approve waivers, close public hearing and issue positive OOC with special conditions as amended.</i>
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Commissioner Carney-Feldman to close the public hearing and issue a positive OOC with special conditions as amended. The motion was seconded by Commissioner O'Neill and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>None.</i>
<b>DOCUMENT LIST:</b> <i>Letters from MA Division of Marine Fisheries dated April 16, 2019 and April 8, 2019; Special Conditions.</i>

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

April 17, 2019

<b>MATTER: 36-1403. 2 Jay Rd. Shaw.</b> NOI for septic system air in jurisdictional areas. <i>Continued from April 3, 2019.</i>
<b>DISCUSSION:</b> There was no one present for this matter.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to May 1, 2019.</i>
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Commissioner Carney-Feldman to continue to May 1, 2019. The motion was seconded by Acting Vice-Chair ffollriott and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>None.</i>
<b>DOCUMENT LIST:</b> <i>No new documents submitted.</i>

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

<b>MATTER: 36-1288: 20 Turkey Shore Rd. Skelton.</b> Request for an extension for an Order of Conditions.
<b>DISCUSSION:</b> Present was Mike DeRosa, DeRosa Environmental, Inc. representing the Skelton's are requesting 2-year extension to finish existing project (stairways). Discussion: was request made in a timely manner? Agent Geilen suggested that, after speaking with DEP, the Commission can not count holidays and weekends when calculating the 30 days. If the Commission agrees, that would make the submittal timely. The Commission agreed. Mr. DeRosa noted that the homeowner is proposing some changes that will require a MM or FA, including stairways to be moved, storage sheds near driveway, stepping stones, small patio at lower section of the yard and additional work. Chair Hughes said this would require an FA. Discussion: disturbance to soil within NBZ.
<b>RECOMMENDATION OF AGENT:</b> <i>Approve 2-year extension</i>
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Commissioner O'Neill to approve the request a 2-year extension. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>None.</i>
<b>DOCUMENT LIST:</b> <i>Extension request letter dated April 9, 2019.</i>

**Requests for Determination of Applicability:**

<b>MATTER: 30 Plains Rd. Disler.</b> RDA for an after-the-fact approval for construction of porch, gravel, parking and two utility poles. <i>New.</i>
<b>DISCUSSION:</b> Present was Mike DeRosa, DeRosa Environmental, Inc. and Richard Disler, homeowner/applicant. This is an ATF RDA for additional work, which occurred prior to when homeowner purchased home. Specifically, the work was: addition of a wrap-around porch, gravel parking area and utility post. Mr. DeRosa noted that the NDZ markers are in place.
<b>RECOMMENDATION OF AGENT:</b> <i>Approve NDA 3 with special conditions</i>
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Commissioner Stone to issue an NDA 3 with no Special Conditions. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>None.</i>
<b>DOCUMENT LIST:</b> <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 "As Built" dated January 14, 2005, prepared by Griffin Eng.</i>

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

April 17, 2019

**Requests for Certificates of Compliance:**

<b>MATTER: 36-578: 30 Plains Road. Disler.</b> <i>Continued from March 20, 2019.</i>
<b>DISCUSSION:</b> Present was Mike DeRosa, DeRosa Environmental, Inc and Richard Disler, homeowner/applicant. Now that the ATF RDA was approved, the project is ready for a full and final COC.
<b>RECOMMENDATION OF AGENT:</b> <i>Issue full and final COC.</i>
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Commissioner Carney-Feldman to issue a full and final COC. The motion was seconded by Acting Vice-Chair ffolliott and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>None.</i>
<b>DOCUMENT LIST:</b> <i>No new documents submitted.</i>

<b>MATTER: 36-943: 82 Topsfield Road. Habitech.</b> COC Request. <i>Continued from March 20, 2019.</i>
<b>DISCUSSION:</b> Present was George Gallagher, Habitech Communities. Habitech was instructed to clean out stormwater wet pond. Engineer's letter of substantial compliance was submitted to Conservation Commission. Landscapers could not clean pond by hand. Cattails survived over winter. Agent Geilen noted that Meridian submitted letter on April 1, 2019 and are happy with the cattail removal. Agent Geilen asked Conservation Commission if they need a report from Meridian. Chairman Hughes stated there should be a pre/post inspection. Mr. Sophocles Carinos, (representing the Condo Association) from 71 River Point Dr, asked if Conservation Commission could perform a site-visit to confirm pictures taken by Mr. Gallagher. The association's 2019 budget has contracted for SWM cleanout. Discussion: resident concerns over mosquito-borne illnesses and wildlife in yard areas (coyotes, otters); bat boxes as a solution for mosquitos; submit seasonal growing report; SWM updates. There is a bond held with ZBA.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to May 15, 2019.</i>
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Acting Vice-Chair ffolliott to continue to May 15, 2019. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>Agent Geilen will perform site-visit.</i>
<b>DOCUMENT LIST:</b> <i>Site photos; email from Ann Waisnor 4-1-19; email from George Gallagher 4-17-19; Meridian inspection report 4-1-19.</i>

**Enforcement Matters:**

<b>MATTER: 34, 36, 38 Mitchell Rd. McMillan.</b> Enforcement update. <i>Continued from April 3, 2019.</i>
<b>DISCUSSION:</b> There was no one present for this matter.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to June 5, 2019.</i>
<b>MOTION:</b> <p align="center">◆ <b>A motion was made by Commissioner Carney-Feldman to continue to June 5, 2019. The motion was seconded by Commissioner Stone and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>None.</i>
<b>DOCUMENT LIST:</b> <i>No new documents submitted.</i>

**IPSWICH CONSERVATION COMMISSION**

**Meeting Minutes**

April 17, 2019

<b>MATTER: 46 Labor In Vain Rd. Sears.</b> Enforcement Update. <i>Continued from April 3, 2019.</i>
<b>DISCUSSION:</b> There was no one present for this matter. Agent Geilen noted the deadline for applicant was June 1, 2019 to get three dead trees replaced. Agent Geilen will send a letter to the attorney noting daily fines will be assessed if trees are not replaced.
<b>RECOMMENDATION OF AGENT:</b> <i>Continue to June 5, 2019.</i>
<b>MOTION:</b> <p align="center">◆ A motion was made by Commissioner Stone to continue to June 5, 2019. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>Enforcement letter to be sent.</i>
<b>DOCUMENT LIST:</b> <i>No new documents submitted.</i>
<b>MATTER: 36-223: 91 Turnpike Rd. 89 Turnpike Realty Trust.</b> Enforcement Update. <i>Continued from April 3, 2019.</i>
<b>DISCUSSION:</b> There was no one present for this matter. Agent Geilen recommends revised EO. Alicia met with homeowner in October 2018. Wetland fill was done but replication was not performed. Agent Geilen will issue to EO for failure to complete restoration. Agent Geilen needs restoration plan by May 29 <sup>th</sup> , and attend June 5, 2019 to address the violation
<b>RECOMMENDATION OF AGENT:</b> <i>Revised enforcement letter.</i>
<b>MOTION:</b> <p align="center">◆ A motion was made by Acting Vice-Chair ffolliott to approve a revised Enforcement Order. The motion was seconded by Commissioner Stone and passed unanimously.</p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>None.</i>
<b>DOCUMENT LIST:</b> <i>No new documents submitted.</i>

**Tabled Matters and Discussion Items:**

**Approval of Minutes:** *March 6, 2019 and March 20, 2019*

◆ A motion was made by Commissioner Carney-Feldman to approve the minutes as drafted/amended. The motion was seconded by Commissioner Stone and passed unanimously.

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

**Adjournment:**

◆ A motion was made by Commissioner Carney-Feldman to adjourn at 8:25 p.m. The motion was seconded by Acting Vice-Chair ffolliott 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.**