

# IPSWICH WETLANDS PROTECTION BY-LAW

## RULES AND REGULATIONS

Adopted April 29, 1992 and Amended July 9, 1997

**INTRODUCTION:** These regulations are hereby adopted by the Ipswich Conservation Commission to set performance standards for work which will take place within wetland resource areas established under Section 2 of the By-Law. These regulations also set the guidelines for submission of applications and the Commission's review of proposed activities within wetland resource areas. Wetland resource areas under Section 2 of the By-Law include the 100 foot buffer zone to inland or coastal wetlands and the 150 foot buffer zone of the Essex Bay/Parker River ACEC. As of August 7, 1996, Mass. General Laws Chapter 131, §40 includes the Riverfront Area (the area within 200 feet of the mean annual high water mark of all perennial streams and rivers) as a wetlands resource area under the jurisdiction and review by the Conservation Commission. As set forth in Section 3 of the By-Law, review of activities within the Riverfront Area by the Commission shall be in accordance with the requirements set forth in the Wetlands Protection Act, Chapter 131, §40 and in 310 CMR 10.00, as amended.

The intent of the Wetlands Protection By-Law and these regulations is to supplement the state review and provide review of additional resource areas not covered under the Wetlands Protection Act. It is not the intention of these regulations to duplicate review that is already taking place under the Commission's jurisdiction pursuant to Chapter 131, §40.

Additional activities within Wetland Resource Areas and their associated Buffer Zones, not specifically listed under Section 2 of the By-Law, but which require review and a permit from the Commission shall include, but are not limited, to the following:

1. Crossing of wetland resource areas and buffer zones with machinery for the purpose of percolation testing for septic systems.
2. Performing soil exploration by auguring or with excavators.
3. Clearing of trees or vegetation for the purpose of landscaping or creating vistas.
4. Well drilling.
5. Construction or placement of accessory structures.
6. Harvesting of saltmarsh hay.

Anyone wishing to perform an activity within a wetlands resource area that is not listed herein should consult with the Commission or its Agent for clarification if such activity requires a permit from the Commission.

Fees for processing applications have been established by the Commission and are outlined in Section 8 of these regulations. Fees for technical review are in addition to application fees and are limited to one thousand (\$1,000) Dollars in accordance with Section 4 of the By-Law.

The regulations adopted below represent the terms and requirements for complying with the By-Law.

### SECTION 1. AUTHORITY

These rules and regulations (hereinafter "regulations") have been adopted by the Ipswich Conservation Commission, hereinafter called the Commission, pursuant to Section 14 of Chapter XVIII of the General By-Laws of the Town of Ipswich known as the Wetlands Protection By-Law, hereafter called the By-law.

### SECTION 2. SUBMISSION STANDARDS AND STANDARD OF REVIEW

The Notice of Intent forms (Long or Abbreviated Form) required by Section 4 of the By-law and the Request for a Determination of Applicability form required by Section 6 of the By-law shall be the same as those required by Massachusetts General Laws Chapter 131, §40 and 310 CMR 10.00, as amended, so that no separate submission is necessary to comply with the By-Law. The words “*and Ipswich Wetlands Protection By-Law*” shall be added to the above referenced forms at the bottom of the heading on these forms. Some projects which are proposed in or near isolated wetlands, the 100 foot buffer zone of an isolated wetland, or areas outside the wetlands buffer zone but within 150 feet of the ACEC may be subject only to the provisions of the By-Law and not Chapter 131, §40.

The following submission guidelines are intended to minimize redesign and are intended to maximize efficiency in project review and reduce delay in the permitting process by providing applicants and their consultants with the information necessary to address the concerns of the By-Law.

In addition to and in conformance with the requirements of 310 CMR 10.00, the following shall be submitted:

## **I. Request for a Determination of Applicability**

- A. An 8 ½ x 11 section of a USGS quadrangle sheet or locus map sufficient to show the location of the affected area, including streets and abutters as shown on the most recent town assessor's map.
- B. The Commission may require a drawing showing boundaries of all inland and coastal wetlands, ponds, and streams, as defined in the Ipswich Wetlands By-law. The drawing shall also contain the name(s) of all person(s) who prepared the drawing. The Commission strongly encourages and may require that all such drawings be prepared by a registered professional engineer, land surveyor, architect or landscape architect.
- C. When the Request for the Determination of Applicability encompasses any work within an area under the jurisdiction of the By-law, the drawing shall show the exact locus of that work.
- D. When the Request for the Determination of Applicability is for the verification of the delineation of a wetland resource area(s), the Request shall be prepared by a professional botanist and accompanied by a field surveyed plan prepared by a registered land surveyor of the Commonwealth of Massachusetts, containing the following information:
  1. Property boundaries and existing topographic features and elevations of the project site.
  2. The delineated boundary of the resource area(s) with flag numbers and elevations extending off the project site.
  3. Location(s) of transects and soil sample sites.
  4. Location(s) of sample plot sites referenced on the field data sheets.
  5. The name of the botanist and date of delineation.
  6. The location of soil sample sites and vegetation plot sites shall be staked or flagged in the field.

The Request shall also include the botanist's report of the delineation together with the field data sheets in accordance with 310 CMR 10.55 (DEP Bordering Vegetated Wetland Delineation Form).

## **II. Notice of Intent (Long and Abbreviated form)**

In addition to the information in (A) above, the following material shall be submitted with the Notice of Intent. It may be denoted on the plan or submitted separately.

1. A site plan to the scale of 1" = 20' delineating wetland resource areas including the buffer zone and the 150 foot set back from the ACEC zone and all proposed activities within wetland resource areas. Existing and proposed contours of the site and existing contours within 50' around its perimeter shall be shown. The contour interval shall be one foot except in those areas that exceed a 20% grade. Spot elevations shall be included in areas with grades of 2% or less. Elevations shall be based on the Mean Sea Level Datum of 1929 (NGVD) with a permanent bench mark for all projects; an assumed datum may be used for small renovation type projects not within an ACEC or the 100 year FEMA flood zone.
2. Existing and proposed locations of all drainage structures, including foundation and roof drains, with rim and invert elevations; cross-sections and profiles of all proposed drain lines and culverts.
3. Lowest elevations for cellars, foundations, septic systems, leaching galleries and groundwater recharge systems (if within the jurisdiction of the Commission pursuant to the By-Law).
4. Location of water retention areas, swales and french drains with elevations for the bottom, inlet and outlet, spillway and 100 year flood level.
5. Observed and estimated maximum ground water elevations shall be obtained at the location of each proposed retention/detention basin, stormwater infiltration structure, and proposed wetland replication area(s). The dates at which the observations were made for detention ponds or retention ponds and the locations of observation pits or wells shall be indicated on the plans. **NOTE: No excavation of test pits may take place within an area under the jurisdiction of the Commission, as defined in the By-Law, unless the Commission has issued a Determination of Applicability or an Order of Conditions.**
6. General soil characteristics of the area as provided by the U.S. Natural Resource Conservation Service and by hand dug soil observation pits at specified sites if there is a dispute as to the existing or former wetland line, or in enforcement cases when there is an attempt to determine the former wetlands line.
7. The location of all easements, including but not limited, to underground utilities, drainage or trail easements on the site.
8. A runoff plan and calculations showing the pre and post development runoff conditions for comparative purposes. Runoff calculations shall be prepared for the 1,10, and 100 year storm frequencies for all activities which impact wetland resource areas and land subject to flooding. Drainage calculations shall be prepared by utilizing the U.S. Soil Conservation Service TR55 or TR20 Method, or other method approved by the Commission. The Rational Method may be used for watersheds under five (5) acres.
9. Stormwater control designs shall conform to the stormwater management standards established by the Department of Environmental Protection's Stormwater Management Policy dated November 1996, or as amended.
10. Location(s) of any proposed construction debris burial site(s).
11. Location and detail of all proposed erosion and sedimentation controls.
12. In the event of a proposed alteration of a water course, cross-sections showing slope, bank and stabilization treatment shall be shown at specified intervals along the affected water course.

13. The location of any wells or sources of potable water on the site or within 500 feet of any property line.
14. A list of pesticides, herbicides, non-aqueous dust controls, or other chemical products to be applied to areas covered by the Notice of Intent. If the chemical products have MSDS sheets, copies shall be supplied to the Commission.
15. The location of the Essex Bay/Parker River Area of Critical Environmental Concern (ACEC), if applicable (note that the ACEC boundary is found up to approximately elevation 10 feet, NGVD Datum)
16. The Commission may require water quality classifications of rivers and streams that are adjacent to, or have the potential to be impacted by the project.
17. Profile drawings shall be provided for all proposed drainage systems, including retention/detention basins, and for sewer systems if located within the buffer or resource area. Profiles shall be drawn at a horizontal scale of 1" = 20' and a vertical scale of 1" = 4'.
18. Typical and actual cross sections shall be provided for proposed wetlands driveway crossings, retention/detention basins, proposed drainage ditches or swales, and for proposed alterations to existing watercourses. Cross sections shall be drawn at a horizontal and vertical scale of 1" = 5' and shall show existing and proposed slopes, banks, fill material, and surface treatment. Cross section intervals shall not exceed 50'.
19. Abutters list, Notification to Abutters, and Affidavit of Service forms pursuant to MGL Chapter 131, §40 and the DEP Guide to Abutter Notification dated April 8, 1994 together with copies of "Receipt for Certified Mail" or "Return Receipt Cards".

If the Commission determines that a Notice of Intent is incomplete or improper it may return the entire filing, in which case the time periods for processing the Notice of Intent shall no longer be valid; or it may require additional information be submitted within a specific time period by the applicant; or it may continue the public hearing with the applicant's assent for a period to be determined by the Commission and the applicant.

### **III. Waiver of Submission Standards**

The Commission may waive any of the submission standards if, in its opinion, these standards do not apply or are not needed to reach a decision.

The Commission may issue such a waiver either upon its own cognizance or in response to a written petition by the applicant, if the Ipswich Conservation Commission finds that such waiver is in the public interest, and is consistent with the intent and purpose of the By-Law.

Any request for a waiver must be submitted to the Commission in writing and the Commission shall act on the request within 21 days of receipt of all the information necessary to make the waiver decision.

### **IV. Performance Standards and Standard of Review**

When the work which is the subject of the Notice of Intent involves the altering of any area subject to the By-law, the adverse effects on said area shall be minimized by complying with the performance standards as set forth in 310 CMR 10.00 as may be amended and these regulations.

Projects proposing to alter any wetland resource areas under the jurisdiction of the By-Law and suitable for

important wildlife habitat may be required to submit a wildlife habitat evaluation describing the alternatives and remediation for any loss of wildlife habitat values. Wildlife habitat evaluation may be required by the Commission for proposed alterations less than the thresholds adopted pursuant to 310 CMR 10.00. et seq.

The Ipswich Conservation Commission hereby adopts a standard of avoiding wetland alteration and filling whenever feasible. In those instances in which wetland filling cannot be avoided, the Commission requires that such filling should be minimized to the greatest possible extent feasible by adopting reasonable measures on the site. The Commission also hereby adopts a standard of mitigation in the event that filling or alteration of vegetated wetland must take place. If a project proposes the filling or altering of bordering vegetated wetlands or non-bordering vegetated wetlands, the Commission shall require a replication of at least 1.5 square feet of replication for every 1 square foot of vegetated wetlands altered. The 1.5 to 1 formula for replicating bordering and non-bordering vegetated wetlands is based upon the Commission's desire to achieve a "no net loss" of wetlands in the Town of Ipswich. The Commission reserves the right to waive or increase this requirement depending upon the circumstances of the individual permit application.

To minimize the potential design revisions of a project, the Commission strongly recommends that applicants file an Application for a Determination of Applicability in order for the Commission to confirm and establish the delineation of the wetlands resource area prior to the filing of a Notice of Intent for the following categories of projects:

1. All commercial subdivisions or developments.
2. All residential subdivisions.
3. Development of single family house lots when there is an alteration or disturbance of 50% or more of the Buffer Zone.
4. Development of single family house lots when 50% or more of the work is in the Buffer Zone.
5. Projects involving wetland crossings and wetland filling.

### **A. Essex Bay/Parker River ACEC**

The Essex Bay/Parker River ACEC is an important resource area for fishing, shellfishing, environmental and economic reasons. Activities proposed within 150 feet of this ACEC may impact the resource areas as a result of construction or operation. As a result, certain activities within 150 feet of the ACEC are regulated. This scope of regulations is in addition to the regulations adopted pursuant to General Laws, Chapter 131, §40.

The ACEC is shown on the map at the Town Clerk's Office and is further identified as up to elevation 10 NGVD datum as defined in the By-Law. Any work proposed within 150 feet of the ACEC requires the filing of a Notice of Intent (long form or abbreviated) or a Request for Determination of Applicability.

Projects proposed in the area within 150 feet of the ACEC shall be required to demonstrate that potential impacts on the ACEC or on the interests protected by the By-Law by the proposed project are mitigated. The applicant shall include erosion control measures and other mitigation measures to document how potential impacts will be minimized.

### **B. Vegetated Wetlands**

These regulations also establish the Commission's jurisdiction over projects proposed for non-bordering vegetated wetlands in which the non-bordering vegetated wetlands are in excess of 5,000 square feet in area. This requirement is in addition to the state-regulated resource area of bordering vegetated wetlands. Performance standards for proposed activities for this wetland resource area shall be those found at 310 CMR 10.55, as amended and as further adopted by the Commission. The so-called "limited project" exceptions found at 310 CMR 10.53 shall also

apply to non-bordering vegetated wetlands regulated pursuant to this section.

### **C. Buffer Zone**

Section 2 of the By-Law also establishes the Commission's jurisdiction over projects in the buffer zone (which is defined as the 100 foot area horizontally landward of wetland resource areas and the 150 foot area horizontally landward of the Area of Critical Environmental Concern). Land subject to flooding does not have a buffer zone. As defined in Section 2 of the By-Law, these Buffer Zones are protectable resource areas and are significant to the protection of the Interests specified in Section 1 of the By-Law.

When a proposed activity involves clearing, filling, excavating, building upon or otherwise altering the Buffer Zone, the Conservation Commission shall presume that such activity shall have an impact on the adjacent wetland resource area or ACEC. The presumption is rebuttable and may be overcome upon a clear showing that such activity will not impact the adjacent resource area and that the activity can be conditioned to meet the performance standards for the protection of the Interests of the By-Law.

In evaluating the effect of activities which are proposed in the buffer zone, the Commission shall review the short-term, long-term, and cumulative effects of the activity on the adjacent resource areas. The Commission is concerned with future encroachments on resource areas and therefore requires that a permanent 25 foot No-Disturbance Zone and a permanent 15 foot No-Build Zone be established on all projects in the buffer zone. The No-Disturbance Zone is defined as the 25 foot area horizontally landward of a wetlands resource area or an ACEC in which there shall be no alteration. The No-Build Zone is defined as the 15 foot area landward of the No-Disturbance Zone in which there shall be no structures. The No-Disturbance Zone shall be marked with permanent monuments and shown on a plan, at the applicant's expense, as defined in Paragraph D. These Zones shall not apply to activities which are exempt or are specifically permitted to occur adjacent to resource areas as defined in 310 CMR 10.00. The Commission, at its discretion, may approve activities in these Zones which will have no impact on the adjacent resource area and serve to protect the Interests of the By-Law. Variances to the dimensional requirements of these Zones may be granted by the Commission in situations where the applicant can demonstrate that a substantial hardship, owing to the shape or topography of the applicant's property, would be imposed on the applicant. In cases when a variance is considered, the Commission shall require that an additional No-Disturbance Zone of 1.5 times in area be provided at another location on the applicant's property.

The Commission also reserves the right to regulate the application of pesticides, herbicides, fertilizers and other materials in the buffer zone because of their potential impact upon the resource areas, including nutrient loading and other forms of pollution.

The Commission presumes that the following activities, occurring in the 100 foot wetlands or the 150 foot ACEC Buffer Zone, shall have an impact on the adjacent wetlands resource area or ACEC and shall not permit such activity:

1. Subsurface sewage disposal systems for new construction
2. Enlargement of design flow of subsurface sewage disposal systems for existing structures.
3. Replacement of subsurface sewage disposal systems if a suitable area is available outside the Buffer Zone.
4. Fueling or storage of construction equipment.
5. Storage of chemicals, herbicides, pesticides, and fertilizers.
6. Storage of manure.
7. Burial of any construction debris including slash and stumps.

The presumption is rebuttable and may be overcome upon a clear showing that such activity will not impact

the adjacent resource area and that the activity can be conditioned to meet the performance standards for protection of the interests of the By-Law. In cases involving subsurface sewage disposal systems, the Commission may grant a variance in situations were the applicant can demonstrate the following:

1. A substantial hardship, owing to the shape or topography of the applicant's property, would be imposed on the applicant if the Commission fails to grant the variance;
2. The applicant has received a variance and permit from the Ipswich Board of Health or the Department of Environmental Protection.

#### D. Monumenting the No Disturbance Zone

To maintain the perpetual integrity of the No-Disturbance Zone and to ensure that there will be no encroachments into the No Disturbance Zone by the applicant or future owners of the applicant's land, the Commission may require the No Disturbance Zone to be marked on the ground, at the applicant's expense, with permanent surveyors markers, such as iron rods. In addition, one or more engraved granite monuments, for the purpose of informing the applicant and future owners of the applicant's land of the existence of the No Disturbance Zone, shall also be set at a location(s) approved by the Commission on the line of the No Disturbance Zone. The monument shall measure 6" x 6" x 6' and be set 4 feet into the ground. The engraving shall be on the upland side of the monument and shall read: **"NO DISTURBANCE BEYOND THIS POINT PER ORDER OF THE IPSWICH CONSERVATION COMMISSION"**.

If required, the No-Disturbance Zone shall be defined by metes and bounds on a plan prepared by a Registered Land Surveyor of the Commonwealth of Massachusetts. The permanent survey markers and the engraved granite monument(s) shall be shown and identified on this plan. The plan shall be recorded together with the Order of Conditions, within 30 days of issuance, at the Essex County Registry of Deeds or, if the land is registered, at the Land Court. Proof of recording shall be submitted to the Conservation Commission within 21 days of recording of the Order of Conditions and plan.

No work shall be performed until the Order of Conditions with the required plan is recorded and the No Disturbance Zone is marked on the ground, as described above, and approved by the Commission or its agent.

#### E. Wetland Resource Alteration and Replication

If wetland alteration and replication is proposed, a wetland replication narrative and detail plan shall be submitted with the Notice of Intent application.

The narrative shall include, but not be limited to the following:

1. A description of the existing wetland resource area(s) proposed to be altered including plant species composition and distribution, hydrologic characteristics, and soil characteristics.
2. A description of existing conditions within the proposed wetland replication area(s) including soil characteristics and depth to observed and estimated seasonal high ground water.
3. A wetland replication methodology detailing construction sequencing for preparation of the replication area(s); proposed subsurface and finished grades; transfer and supplement of wetland (hydric) soils and vegetation; seeding/planting species list and prescribed seeding rates/planting densities; stabilization and erosion control methods; and a

monitoring, maintenance and contingency plan.

The wetland replication detail plan shall be prepared at a scale of 1" = 20' and shall indicate the following:

1. Limits of the wetland alteration and replication areas with the calculated square footage of each area.
2. All existing and proposed grades at one foot contour intervals and spot elevations; access routes; stockpile areas; and erosion controls.
3. Proposed planting layout and species distribution.
4. Profile of the replication area(s) at a horizontal scale of 1" = 20' and a vertical scale of 1" = 4' showing existing and proposed ground surfaces, estimated seasonal ground water elevation, and proposed subsurface grade.
5. A summary of the construction sequencing and wetland replication methodology shall be provided on the detail plan.

Wetland replication areas shall be constructed at the same time as existing wetland areas are filled/alterd and prior to all other components of the project.

Subsurface and finished grades within the replication area(s) shall be verified by a field survey and an elevation certificate shall be submitted to the Commission signed and stamped by a registered land surveyor of the Commonwealth of Massachusetts prior to proceeding with work on any other components of the project.

## **V. Monitoring Permitted Work**

In order to ensure that the permitted work is being performed in accordance with the approved plans and Order of Conditions, the Commission, as a condition of approval, may require applicants, at their own expense, to retain a consultant to monitor the progress of the work and submit periodic reports to the Commission for the following types of projects:

1. Residential and commercial subdivisions.
2. Projects in close proximity of wetland resource areas.
3. Projects involving the disturbance of 50% or more of the Buffer Zone.
4. Projects when 50% or more of the work is in the Buffer Zone.
5. Projects within wetland resource areas or the ACEC.

The consultant shall be a qualified environmental professional acceptable to the Commission. The consultant shall prepare and submit certified reports on a bi-weekly basis to the Commission. If, during construction, unexpected site conditions require modifications to the approved plans, the consultant shall immediately notify the Commission and request the Commission to review and approve the necessary changes. No work shall be performed without the prior approval of the Commission.

## **SECTION 3. PUBLIC HEARING REQUIREMENTS**

The public hearing required by 310 CMR 10.00 to be held following receipt of a Notice of Intent or a Request for Determination of Applicability shall be sufficient to meet the public hearing requirements set forth in Section 7 of the By-law.

## **SECTION 4. CHANGES IN WORK DESCRIBED IN THE NOTICE OF INTENT**

The applicant shall notify the Commission of any proposed changes to the work contained in the Notice of Intent. If, in the opinion of the Commission, the proposed changes significantly alter the nature or scope of the intended work, the Commission shall notify the applicant whether the filing of a Request for a Determination of Applicability or an amended Notice of Intent is required to accommodate the proposed changes.

No work related to the proposed changes shall commence until the Commission has reviewed and approved the proposed changes.

## **SECTION 5. ORDERS OF CONDITIONS, CERTIFICATES OF COMPLIANCE**

The Order of Conditions form issued pursuant to MGL Chapter 131, §40 shall constitute a permit under the provisions of Section 9 of the By-law in addition to any conditions that may be added to protect interests identified under the By-Law. A copy shall be provided by the Commission to the applicant within twenty-one (21) calendar days of the date of the Commission meeting at which the Order of Conditions was approved. The applicant shall file the Order of Conditions with the Essex County Register of Deeds within 30 days of issuance. A certification of said filing with the Registry shall be returned to the Commission within 21 days of recording and prior to the commencement of any activities subject to the Order of Conditions, including construction. The Commission reserves the right to revoke any Orders of Conditions which have not been recorded within 30 days of issuance.

In the event of a denial of an application, a copy containing the detailed reasons for the denial shall be provided to the applicant within twenty-one (21) calendar days of the date of the Commission's denial, and also shall be filed with the Town Clerk.

The Order of Conditions issued by the Conservation Commission shall be valid for a period of three (3) years from the date of issuance.

The applicant may request a Certificate of Compliance from the Commission upon completion of the proposed work inclusive of any approved changes therein.

Upon receipt of said request, accompanied by appropriate certification and As-Built plans, if required, that the activities have been conducted in substantial compliance with the plans and Order of Conditions, the Commission shall conduct a site inspection. If the Commission agrees that the proposed activity has been conducted substantially in accordance with the Order of Conditions, it shall issue a Certificate of Compliance. A copy of the Certificate of Compliance shall be filed with the Commission and by the Applicant with the Essex County Registry of Deeds within 30 days of issuance.

If the Commission determines that the activity has not been conducted in accordance with the Order of Conditions, it may deny the request. Said denial shall list detailed reasons wherein the activity has been or is at variance with the Order of Conditions.

## **SECTION 6. EXTENSION OF ORDER OF CONDITIONS**

A request for an extension of the Order of Conditions shall be filed with the Commission at least thirty (30) days prior to its expiration date. The Commission may deny the request for an extension and require a new Notice of Intent for reasons contained in CMR 310. 10.00 Sec. 10.05 para. (b), as may be amended, or it may issue an Extension Permit for a period of up to three years to the Applicant.

## **SECTION 7. CERTIFICATE OF EMERGENCY CONDITION**

A Certificate of Emergency Condition shall be filed with the Commission by the issuing board, commission

or agency within fourteen (14) days of the initiation of the emergency work.

The certificate shall set forth clearly what conditions constitute a clear and present danger to the health and welfare of the inhabitants of Ipswich. Additionally, the certificate shall be signed by the chairman or agent of the board, commission, or agency initiating the emergency work.

## **SECTION 8. FILING FEE SCHEDULE (Revised May 13, 1998, Effective 6/1/98)**

In addition to the fees charged under MGL Chapter 131, §40, These regulations establish the fees listed below. The fees, which apply to all non-municipal projects, are deposited in the General Fund. Costs associated with the publication of legal notices are not included in the schedule of filing fees and shall be paid by the applicant either directly to the newspaper publisher, upon receipt of their invoice, or in advance of publication depending on the current policy of the publisher.

1. A flat fee of \$50.00/ea. for the following applications:

- Request for Determination of Applicability (RDA)
- Request for Certificate of Compliance
- Request for Extension of Orders

2. A categorized fee schedule for Notices of Intent (NOI) [categories are the same as in DEP regulations 310 CMR 10.3(7)(c)] as follows:

- Category 1: \$ 50.00 per activity
- Category 2: \$150.00 per activity
- Category 3: \$500.00 per activity
- Category 4: \$700.00 per activity
- Category 5: \$ 1.50/L.F. (not less than \$ 50.00 or more than \$1000.00)

3. Amendment to or Modification of Existing Orders that requiring a public hearing:

- Equal to original filing fee

4. Request for Amendment or Modification of Existing Orders that does not require a public hearing:

- \$ 50.00/First Request
- \$ 75.00/Second Request
- \$ 100.00/Third Request
- \$ 125.00/ Fourth Request and each request thereafter

5. Application for review of resource area delineation: \$ 0.80/L.F. (not less than \$50.00 or more than \$200.00 for single family house projects and not less than \$50.00 or more than \$1000.00 for any other activity) This fee will be in addition to the fee for an RDA or NOI listed above.

6. Fees for projects within the Riverfront Area and another resource area shall be 150% of the above.

## **SECTION 9. REQUIREMENTS FOR PUBLIC HEARINGS AND SITE VISITS**

For the **PUBLIC HEARING**: Eight (8) copies of the following information must be completed and delivered to the Office of the Commission in person or mailed to the Conservation Commission Office at the Ipswich

Town Hall and received a minimum of 9 days prior to the date of the Public Hearing: Properly prepared and signed documents required by the Commonwealth of Massachusetts and the Town of Ipswich under the Wetlands Protection By-Law, plans showing all the items specified in the General Instructions for Completing the Notice of Intent (Form 3) or the Abbreviated Notice of Intent (Form 4) of the Massachusetts Wetlands Protection Act, MGL Chapter 131, §40, and the requirements of Section 2 of the Ipswich Wetlands Protection By-Law Rules and Regulations. Site plans shall be stamped and signed by a registered professional engineer of the Commonwealth of Massachusetts. Two (2) sets of plans shall have the original signature and seal of the engineer. Applications for a Determination of Applicability, other than for the delineation of a wetlands boundary, need not have the signature or stamp of a professional engineer or land surveyor. If permission to waive a specific time or items has been granted in writing by the Commission, then those items waived may be omitted.

For the **SITE VISIT**: The Commission requires the Applicant to complete the following tasks prior to the site inspection for a thorough and efficient inspection:

1. The location of all proposed structures must be staked and labeled and shall include: corners of the lot, corners of all buildings, corners of the septic system and expansion area, wells, driveways, roads, and drainage systems to the extent that such structures or proposed activities are within the jurisdiction of the Commission.
2. The boundaries of ALL WETLANDS RESOURCE AREAS on the property, and those within 100 or 150 feet, as applicable, of any proposed work, must be flagged, including elevation 10 (NGVD) of the ACEC.
3. The location of any FLOODPLAIN boundaries on the property must be tagged.
4. A representative of the owner or developer well versed in the plans should be present at the site inspection.

If the above requirements are not met, the hearing may be continued to the next scheduled Commission meeting following compliance with these requirements, or the Commission may deny the project due to a lack of information.

## **SECTION 10. DISPOSITION OF FINES COLLECTED UNDER SECTION 16 OF THE IPSWICH GENERAL WETLANDS BY-LAW (adopted 4/22/90)**

Any fines received under Section 16 of the Ipswich General Wetlands By-Law shall be deposited in the General Fund.

## **SECTION 11. PROJECTS SUBJECT TO CHAPTER 91**

Projects subject to Massachusetts General Laws Chapter 91, and 310 CMR 9.00, which include but are not limited to piers, wharves, floats, retaining walls, revetments, fill, groins, dredging, beach nourishment, dams, and buildings within the tidelands as defined by said Chapter 91 also require a permit by the Commission and shall be subject to the following:

- a. Work on new structures (work on projects applied for after the effective date of these regulations):

Applicants shall be asked either to withdraw their applications or to request a continuance until after the MEPA process has been completed. The purpose of this procedure is to allow the Commission to participate in the MEPA review and more effectively to coordinate with the state agencies. As there are also permits for the project at the state level, this coordination will assist the Commission in dealing with what usually are difficult and complex reviews.

- b. Work on existing structures (work on previously existing structures or projects for which applications were filed prior to the effective date of these regulations):

Any project proponents wishing to perform any maintenance or repair work on an applicable structure within the existing footprint shall be informed as to the required permit. Any project proponent wishing to perform any work beyond basic maintenance or repair of an existing structure shall be dealt with in the same manner as if it were a new structure or project.

## **SECTION 12. MOSQUITO CONTROL PROJECTS**

Massachusetts General Laws Chapter 131, §40 exempts certain mosquito control projects from review by the Commission. The Wetlands By-Law has adopted this exemption. In order for the exemption to apply, the owner or contractor must present the required written evidence to the Commission that it has complied with the requirements of Massachusetts General Laws Chapter 131, §40, and Chapter 252, §5 clause 36, as may be amended.

## **SECTION 13. APPEAL**

Appeals of Orders of Conditions issued under the By-Law shall be in accordance with the provisions of Massachusetts General Laws.

## **SECTION 14. SEVERABILITY**

If any section of these regulations is deemed invalid or unconstitutional, the remaining sections shall remain in full force and effect.

## **SECTION 15. EFFECTIVE DATE**

These regulations shall take effect for all filings on or after August 4, 1997.