

## Ipswich Conservation Commission Mandatory Pre-Filing Checklist for an NOI, ANOI and ANRAD

Filings must be complete, in compliance with the following checklist, or your project filing will not be accepted. Every blank below must be either initialed, indicating compliance, or designated as “N/A,” if not applicable. *Ipswich Wetlands Protection Bylaw and Regulations and Ipswich Stormwater Bylaw and Regulations* are available at the Town Clerk’s Office or online at <http://www.town.ipswich.ma.us>

### **GENERAL REQUIREMENTS**

\_\_\_ Applicable sections of all forms are completed. We understand that incomplete or deficient information may cause delays in the hearing.

\_\_\_ All forms are dated and contain contact names, addresses and telephone numbers, in addition to the proper project address. For the applicant, we understand that this must include having a **valid telephone number** for the legal advertisement bill. All information must be legible.

\_\_\_ We understand that this filing requires the issuance of a Department of Environmental Protection (DEP) file number before any decision may be finalized by the Commission. Failure to file the project materials with DEP will result in no number issuing, which will cause delays.

\_\_\_ If this matter is not decided for any reason in the first session it is heard, and if any new information is required, or revisions to project plans required, the deadline for submission of any and all subsequent materials in this matter is 2:00pm on the Wednesday before the meeting date to which this matter was continued. All supplemental materials must comply with the Required Number of Copies section below, including one additional complete set of same submitted to DEP-Northeast Regional Office (NERO) on or before that date of submittal to the Commission.

### **MANDATORY SETBACKS**

\_\_\_ If proposing **any activity in the No-Disturbance Zone**, we have submitted a separate written request for a variance of sufficient scope and content to establish a hardship. We have also submitted a proposed mitigation plan. The proposed impact and the mitigation areas are both shown on the plan. The mitigation area ratio is a *minimum* of 1.5 (new) to 1.0 for areas disturbed, if approved.

\_\_\_ If proposing **any structural activity (any impervious surface, gravel, rip-rap, paving, etc. is considered a structure) in the No-Build Zone**, we have submitted a separate written request for variance of sufficient scope to establish a hardship in full compliance with the requirements of the Bylaw. We have also submitted a proposed mitigation plan. The proposed impact and the mitigation areas are both shown on the plan. The mitigation area ratio is a *minimum* of 1.5 (new) to 1.0 for areas disturbed, if approved.

### **STORMWATER MANAGEMENT:**

\_\_\_ If the project is subject to Massachusetts Stormwater Management requirements, a “Checklist for Stormwater Report”, stamped by a professional engineer, has been submitted with this filing.

\_\_\_ If this project proposes land disturbances greater than 10,000 sq.ft. or 50% of the lot, whichever is less, the project is subject to Section VI.F of the Ipswich Wetland Protection Bylaw regulations, which requires compliance with state Stormwater Management requirements. “Land Disturbance” includes soil removal, grading and filling, deforestation and clearance of other existing vegetation.

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### **REQUIRED PLANS:**

\_\_\_ We have included a Locus map showing the location of the project site, with the site circled or otherwise identified.

\_\_\_ We have included engineered plans are included which show all proposed work, two-foot contours, all resources delineated, all applicable State and Bylaw buffer zones shown, and restrictive Bylaw subzones for No Disturb and No Build Zones. *Per 310 CMR 10.05(4)(h), "The issuing authority (ICC) may require that supporting plans and calculations be prepared and stamped by a registered professional engineer (PE) when, in its judgment, the complexity of the proposed work warrants this professional certification. The issuing authority may also require the preparation of supporting materials by other professionals including, but not limited to, registered landscape architect, registered land surveyor, environmental scientist, geologist or hydrologist when in its judgment the complexity of the proposed work warrants the relevant specialized expertise."*

\_\_\_ If there is no large or deep excavation, and no mitigation requirement, we have included a sketch showing proposed work, and distances to wetland area(s), and requested a waiver of the requirements for engineered plans.

### **ABUTTER NOTIFICATION:**

\_\_\_ We have created an list of **all abutters for all properties within 100 feet** in any direction of the project property lines (including across paper or real streets, easements, adjoining waterbodies, etc.) and had that list certified by the Ipswich Assessor's Office.

\_\_\_ We have notified all the abutters by certified mail on or before the date of filing this project with the Commission. **Proof of this notification must be submitted at the first public hearing.** Failure to notify abutters in advance will constitute valid cause for the Commission to continue this matter to a future session.

\_\_\_ In lieu of the above, this project proposes work solely within Land under Water Bodies or Waterways, or solely within a Lot with an area greater than 50 acres, and the applicant has provided notification to Abutters whose Lot is within one hundred feet from the Project Site; OR

\_\_\_ the project is a Linear-shaped project greater than 1,000 feet in length, and notification is provided to Abutters whose Lot is within 1,000 feet from the Project Site.

### **FEES AND OTHER COSTS:**

\_\_\_ All fees required under **both state and local law** are enclosed. **If a delineation of resources is part of the project for an NOI or ANOI, we have included payment under the local law for review of the resource boundaries.** Fees are not refundable, including for voluntary project withdrawal. Miscalculation of fees or failure to pay fees will result in the filing being deemed incomplete.

\_\_\_ We understand that this filing requires published public advertisement/legal notices which the Commission will prepare and submit to the newspaper, but which are billed directly to the applicant based upon their telephone number and that **we agree to pay that fee.** Failure or refusal to pay that fee will constitute an incomplete filing and the matter will not advance until the fees are paid in full.

**AUTHORIZATION:**

\_\_\_\_\_ **If this document is not filled out by the applicant**, then any consultant or contractor or other representative so completing and submitting it hereby state(s) that they have full and complete knowledge and authority to make all the representations herein, that they agree to immediately notify the applicant of all aspects of this matter not decided by the applicant, and that the applicant has so authorized them to make those decisions on the applicant's behalf.

**MEETING DATE**

\_\_\_\_\_ We understand that this matter, if submitted in complete form, will normally be agendaed for the first meeting following our submittal of materials. The applicant or their duly-authorized representative **agrees to appear at the meeting in person.**

\_\_\_\_\_ If, due to early deadlines related to the required legal advertisement, the matter cannot be heard within the required 21-day period, we agree to sign a waiver of the 21-day requirement for a hearing, and be present at the next regularly-scheduled public hearing.

**REQUIRED NUMBER OF COPIES:**

- \_\_\_\_\_ We have signed and dated the original of this form, and submitted to the Conservation Office:
- **An original plus 2 copies of all 8½” by 11” documents** (e.g., NOI, etc.) **AND**
  - **An original plus 4 copies of documents larger than 8½” by 11”** at actual scale (e.g. plans).

\_\_\_\_\_ **In addition**, we have submitted via email to [Brendan@ipswichma.gov](mailto:Brendan@ipswichma.gov) and [Janetr@ipswichma.gov](mailto:Janetr@ipswichma.gov) **an electronic set of all documents and plans**, as required by the Ipswich Wetland Protection Bylaw. NOTE: *A DVD may be submitted to the Conservation Office to meet this requirement.* If you require assistance with creating an electronic copy, contact the Conservation Office.

\_\_\_\_\_ We have sent a copy of the **state Fee Form** and **state's portion of the state fee** to **Department of Environmental Protection at P.O. Box 4062, Boston, MA 02211.**

\_\_\_\_\_ We have submitted **one full set of all documents and plans except this checklist** to the **DEP-Northeast Regional Office (NERO) at 205B Lowell Street, Wilmington, MA 01887** on or before this submission to the Commission.

We have reviewed and completed this form on \_\_\_\_\_ day of \_\_\_\_\_, 20

. We are the (circle all that apply): applicant // site owner // consultant

**Sign here:** \_\_\_\_\_

**Print here:** \_\_\_\_\_

## Ipswich Conservation Commission – NOI Filing Procedure

√	Item	Notes
	1. "Mandatory Pre-Filing Checklist for an NOI, ANOI and ANRAD"	MANDATORY - Initial or note "NA" on each item, as applicable. Sign and date the last page. <b>Submit original only.</b>
	2. Notice of Intent (NOI) form	MANDATORY - WPA Form 3 – Notice of Intent. The NOI must also list the Ipswich Wetlands Protection Bylaw, which may be hand written on the 1 <sup>st</sup> page. Owner and applicant must sign last page. <b>Submit original plus 2 copies</b>
	3. Project Locus	MANDATORY – A map showing the location of the project site, preferably a copy of the U.S. Geological Survey (USGS) map, with the site circled. The Ipswich Quadrangle of the USGS map is available in the Conservation Office. Alternatively use a Google map, with site circled. <b>Submit original plus 2 copies</b>
	4. Certified Abutters List, completed Abutter Notification Form, and completed Affidavit of Service form.	MANDATORY – All abutters (owners of all properties) within 100' of the project site must be notified in accordance with state law. See "Ipswich Abutter Notification Procedure_12-2-2014" on our website. Proof of notification must be submitted at the 1 <sup>st</sup> public hearing. <b>Submit original plus 2 copies</b>
	5. Project Narrative.	<i>If needed</i> – Include a separate written description of the proposed work if there is insufficient room on the NOI form. <b>Submit original plus 2 copies</b>
	6. DEP Stormwater Checklist.	<i>If required</i> – Submit form prepared and signed by a professional engineer (not required for single-family house projects). <b>Submit original only.</b>
	7. Engineered plan	MANDATORY – submit showing the proposed work and distance to resource area. If a sketch is to be submitted, you must request a waiver of the requirement for engineered plans. <b>Submit original plus 2 copies of plan/sketch if 8½ x 11"; Submit original plus 4 copies if plan is larger than 8½ x 11".</b>
	8. State Fee Form with check for Town share of state fee.	MANDATORY – Make check out to "Town of Ipswich". Please note project address in the memo space. NOI instructions note required fees for each category of work. <b>Submit original plus 2 copies, including a copy of check.</b>
	9. Local Fee Form with check for local fee.	MANDATORY - Make check out to "Town of Ipswich". Please note project address in the memo space. Use the same fee category as on state fee form. <b>Submit original plus 2 copies, including a copy of check.</b>
	10. Written waiver request.	<i>If required</i> – submit for work in the Mandatory Subzones (No-Disturbance Zone, No-Build Zone), with required 1.5 : 1 mitigation. <b>Submit original plus 2 copies.</b>
	Submit NOI filing packets with all of the above documents (1-10), with required number of copies as noted to the Conservation Office.	MANDATORY - NOI packets are due in accordance with the published schedule, (see Conservation website), generally 2-3 weeks before a scheduled meeting.
	Submit an electronic copy of all the above documents (1-10) to the Conservation Office.	MANDATORY – Send a scan of all documents via email to <a href="mailto:Brendanl@ipswichma.gov">Brendanl@ipswichma.gov</a> and <a href="mailto:Janetr@ipswichma.gov">Janetr@ipswichma.gov</a> . If you are unable to scan the documents, ask for assistance from the Conservation Office.
	Submit 1 copy of items 2-8, including copies of state and local filing fee checks, to the regional DEP office.	MANDATORY – mail to: <b>DEP-NERO, 205B Lowell St, Wilmington, MA 01887</b>
	Submit a copy of the state fee form with a check for the state's share of the state fee to DEP in Boston.	MANDATORY – Make check out to "Commonwealth of Massachusetts", and mail to: <b>DEP, P.O. Box 4062, Boston, MA 02211.</b>
	Applicant must attend the public hearing(s).	MANDATORY – Someone knowledgeable about the project must attend the Conservation Commission hearing to answer questions.
	Other important notes:	The Conservation Office will submit a legal ad, to be paid for by the applicant.  The Conservation Agent and/or Field Inspector will visit the site prior to the hearing. In addition, Conservation Commission members may also visit the site. Submittal of the NOI grants access to the project site for these individuals.

**Insufficient information, incomplete forms, the failure to submit all required documents to the Conservation Office, or failure to pay required fees will result in a delay.**

**The Commission cannot close the public hearing until the DEP issues a file number. DEP will not issue a file number until they receive the complete NOI packet, and the check for the state share of the state fee has cleared their bank. For questions about the DEP file number contact James Freeley at [James.Freeley@state.ma.us](mailto:James.Freeley@state.ma.us) or 978-694-3254.**

## **Ipswich Conservation Commission Abutter Notification Requirements and Procedure**

When submitting a Notice of Intent (NOI), Abbreviated Notice of Intent (ANOI), or an Abbreviated Notice of Resource Area Delineation (ANRAD) certain abutters to the subject property must be notified in accordance with the Massachusetts Wetlands Protection Act and Ipswich Wetlands Protection Bylaw. This notification is at the applicant's expense. The notification must meet the following requirements:

1. Notify all abutters within 100' of the subject property, including properties across roadways, unless your project meets the MA Department of Environmental Protection's Abutter Notification protocol for large or linear project. This protocol states that:
  - an applicant who proposes work only in Land Under Water Bodies or Waterways, or only on a lot larger than 50 acres, is required to provide notification only to abutters whose lot is within 100' of the "Project Site", which is the specific area where work is occurring that is within the Commission's jurisdiction.
  - an applicant proposing a Linear-shaped project (such as a within utility easement) greater than 1,000 feet in length is required to provide notification only to Abutters whose lot is within 1,000 feet of the "Project Site", which is the specific area where work is occurring that is within the Commission's jurisdiction.
2. Notify abutters at least seven (7) days prior to the public hearing;
3. The notification must be in writing, using the required local form (entitled "Notification Of Abutters Under The Massachusetts Wetlands Protection Act And The Town Of Ipswich Wetlands Protection Bylaw"). The notification must be either delivered by hand (with a confirmatory signature of the abutter); by certified mail, return receipt requested; or by certificates of mailing.
4. The applicant must present proof of notification (signature of hand delivery, certified mail receipts, or certificate of mailing receipts) for all abutters at the beginning of the first public hearing.

The abutters list (the list of those who must be notified) must be certified by the Ipswich Assessor's Office. The process is as follows: the applicant/representative gets a blank abutter form from the Assessor's Office or the Conservation Office. Then the applicant/representative fills it in using the maps and computer in the Public Research Room at Town Hall (across from the Assessor's Office – 1st floor). After the list is created, it is brought to the Assessor's office for certification. If it is a short list and they have the time, they'll review/certify it on the spot. If it is long or they are very busy, you leave it and they review and certify it. They then let the applicant/representative know when the form is ready for pickup. A copy of the certified abutter list must be submitted with the NOI/ANOI/ANRAD filing packet.

**NOTIFICATION OF ABUTTERS UNDER THE  
MASSACHUSETTS WETLANDS PROTECTION ACT AND  
THE TOWN OF IPSWICH WETLANDS PROTECTION BYLAW**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Ipswich Wetlands Protection Bylaw, as an abutter within 100 feet of any property line, you are hereby notified of the following: \_\_\_\_\_ has filed a

(Applicant)

Notice of Intent \_\_\_\_\_; Abbreviated Notice of Intent \_\_\_\_\_;  
Abbreviated Notice of Resource Area Delineation \_\_\_\_\_; Request for Amendment \_\_\_\_\_

with the Ipswich Conservation Commission, for review of the following activity:

\_\_\_\_\_  
\_\_\_\_\_

at \_\_\_\_\_, Tax Map \_\_\_\_\_ Tax Lot \_\_\_\_\_.  
(project address)

Existing IPS/DEP File Number, if assigned, is DEP # 036-\_\_\_\_\_. The Applicant's target hearing date is:\_\_\_\_\_. Information regarding the date, time, and place of the public hearing may be obtained from the Ipswich Conservation Office by calling (978) 356-6661.

**The filing materials may be examined at the Conservation Office, Room 101, at 25 Green St, Ipswich, MA, by appointment, during regular office hours.** Office hours are Monday 9:00am – 12:00pm and 2:00pm to 7:00pm; and Tuesday through Thursday 9:00am to 2:00pm.

Copies of 8½” by 11” documents may be purchased for \$0.20/page. Full size plans (24” by 36”) may be purchased for \$7.00 per sheet. **Copies may not be available immediately**, but will be prepared within a reasonable time of the request. **No file materials may be borrowed under any circumstances.** Other than a brief summary of the matter at issue, the Conservation Office will not be able to discuss projects in depth over the telephone. If you have specific questions about a filing, contact the Conservation Office to review the file and/or speak with the Conservation Agent.

Notice of the public hearing, including the date, time and place, will be published at least five (5) days in advance of the first hearing only, in the Ipswich Chronicle, and in the Conservation Commission's Agenda as posted outside the Town Clerk's Office in Town Hall not less than forty-eight (48) hours in advance of sessions, and on the Town's Conservation website at [www.Ipswichma.gov](http://www.Ipswichma.gov).

For more information regarding this matter or the Massachusetts Wetlands Protection Act, you may also contact the Mass. Department of Environmental Protection, Northeast Regional Office (DEP-NERO) at 978-694-3200, or at 205B Lowell Street, Wilmington, MA 01887; or at its website at: <http://mass.gov/dep/water/resources/wetlands.htm>.

**AFFIDAVIT OF SERVICE**

**Under the Massachusetts Wetlands Protection Act**

I, \_\_\_\_\_, of \_\_\_\_\_, hereby give notice under pains and penalties of perjury that on \_\_\_\_\_ I gave notice to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification, in connection with the following matter:

A \_\_\_\_\_ was filed under the Massachusetts Wetlands Protection Act by \_\_\_\_\_ with the Town of Ipswich Conservation Commission on \_\_\_\_\_ for the property located at \_\_\_\_\_. The form of the notification. The list of abutters to whom it was given, and their addresses, are attached to this Affidavit of Service. Proof of notification will be submitted at or before the first public hearing.

\_\_\_\_\_  
signature

\_\_\_\_\_  
date

\_\_\_\_\_  
printed name