

Town of Ipswich Zoning Board of Appeals (ZBA)

Waiver Request for the *Ipswich Wetlands Protection Bylaw* (Chapter 224, the *Bylaw*) and its *Ipswich Wetlands Protection Bylaw Rules and Regulations* (adopted April 29, 1992, Amended through January 17, 2018, the *Bylaw Regulations*)

For Primrose Farm - Over 55, Affordable Housing Development, Town Farm Road and Locust Street, Ipswich, MA per M.G.L. c. 40B

The following sections of the *Bylaw* and *Bylaw Regulations* are more restrictive than the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40, the *Act*) and its implementing Regulations (310 CMR 10.00, the *Act Regulations*) and should be waived in order for the Primrose Farm development to proceed per the Comprehensive Permit process as administered by the ZBA.

*Ipswich Wetlands Protection Bylaw* (Chapter 224)

1) Section 224-2 (A) 4.

“Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall remove soil or vegetation from, fill, dredge, build upon, discharge into, or alter the following Resource Areas:

4: Land within 100 feet of these resource areas.”

Unlike the *Act* and *Act Regulations*, which regulate land within 100 feet of certain resource areas as Buffer Zones, Section 224-2(A) includes “Land within 100 feet of these resource areas” as a resource area itself.

2) Section 224-2 (B).

“In any case where (i) a project or activity exceeds the review threshold contained in § 193-5 of Chapter 193, Stormwater Management, of the General Bylaws as may be amended, (ii) the project or activity does not require Site Plan Review, Definitive Subdivision or Special Permit Approval from the Planning Board, and (iii) only a portion of that project or activity occurs within the above Resource Areas, the entire project or activity shall be subject to the requirements of Section 2. V. E, "Stormwater Management" of the Rules and Regulations adopted pursuant to this bylaw as they may be amended from time to time. When acting thereunder, the Conservation Commission shall consult with the Department of Public Works regarding any proposed action. Otherwise any activity proposed or undertaken outside the above areas is not subject to regulation under this bylaw and does not require the filing of a permit application unless and until that activity actually alters any of the said resource areas.”

Ipswich Wetlands Protection Bylaw Rules and Regulations

- 1) Section 2, III, A. 3: Stormwater Requirements re: run-off calculations using the “Extreme Precipitation in New York & New England” [<http://www.precip.net>], developed by Northeast Climate Research Center at Cornell University.

“For all projects subject to state or local stormwater management standards, a runoff plan and calculations showing the pre- and post-development runoff conditions for comparative purposes. Runoff calculations shall be prepared for the 1 year, 2 year, 10 year, 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 “Extreme Precipitation in New York & New England” [<http://www.precip.net>], developed by Northeast Climate Research Center at Cornell University or other method approved by the Commission. Stormwater control designs shall conform to the stormwater management standards 5 | Page established by the Mass. Department of Environmental Protection (“MADEP”).” See 310 CMR 10.02-10.05, 314 CMR 9.00 as well as Section V.E of these regulations.

- 2) Section VI D: Mandatory Subzones.

Intent.

The Commission is concerned with future encroachments on resource areas and therefore requires that a permanent 50-foot No- Disturbance Zone and a permanent, additional 15-foot No-Build Zone be established on all projects in the buffer zone not otherwise exempt from this provision.

The Applicant seeks relief from these requirements to allow site grading, stormwater infrastructure and structures within these zones.