



TOWN OF IPSWICH

IPSWICH, MASSACHUSETTS 01938

TOWN HALL
25 GREEN STREET

CONSERVATION COMMISSION
CONSERVATION AGENT

(978) 356-6661 OFFICE
(978) 356-6616 FAX

Name: Terrri Demers

Date: 5/3/19

Address: Ipswich Water Dept
272 High St
Ipswich, MA 01938

ORIGINAL

Re: Determination of Applicability for Project at High Street, Ipswich, MA

Dear Terrri:

Attached is the final decision in the above matter, which is called a Determination of Applicability ("DA"). This is the official decision which the Commission rendered as a result of your Request for Determination of Applicability (RDA) application/filing you submitted with respect to the above referenced project/site. This DA does not get recorded; it is for you to keep in your records. **This decision is only good for three years from the date of issuance. It is not renewable or extendable, and may not be modified or amended.**

In the matter of your project, the Commission voted to issue a **Negative DA**. This means that your project is approved to proceed as proposed, subject to any special conditions specifically listed in the Negative DA. You may therefore proceed with the project without additional Conservation Commission filings for this exact and limited work, in this exact location only. **You must contact the Conservation Office before making any changes, as these changes will require the filing of a new RDA.**

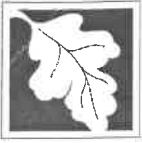
Sincerely,

Alicia Geilen
Ipswich Conservation Agent

cc: DEP-NERO; File, *~~Building~~, *~~BOH~~, *~~Planning~~, *DPW, Others: New England Civil Engineering

Enclosure: Determination of Applicability approval decision

* = Cover letter and Page 1 of DA only



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 2 – Determination of Applicability
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From:

Ipswich
 Conservation Commission

To: Applicant

Town of Ipswich Water Department
 Name
 272 High Street
 Mailing Address
 Ipswich MA 01938
 City/Town State Zip Code

Property Owner (if different from applicant):

Name
 Mailing Address
 City/Town State Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

High Street Water Main Replacement	March 22, 2019
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date
_____	_____

2. Date Request Filed:

April 16, 2019

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

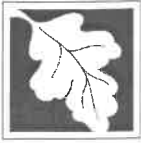
Project Description (if applicable):

Paved shoulder and travel lanes associated with water main replacement. Replacement of water main includes three stream crossing locations.

Project Location:

High Street to Kimball Ave intersection/115 High St.
 Street Address
 NA
 Assessors Map/Plat Number

Ipswich
 City/Town
 NA
 Parcel/Lot Number



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B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

bordering vegetated wetlands, mean annual high water

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Ipswich

Name of Municipality

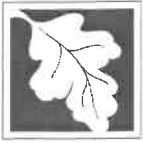
Pursuant to the following municipal wetland ordinance or bylaw:

Ipswich Wetland Protection Bylaw

Name

Chapter 224

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
Contact the Conservation Office for pre- and post-work inspections, remove erosion controls when areas are stable, and submit dewatering plan for approval before commencing construction.
4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



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B. Determination (cont.)

- 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- 6. The area and/or work described in the Request is not subject to review and approval by:

Ipswich

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Ipswich Wetland Protection Bylaw

Name

Chapter 224

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on 5/2/19 Date by certified mail, return receipt requested on

[Signature]
Date 5/2/19 Signature of receiver

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see

<http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>) and the property owner (if different from the applicant).

Signatures:

[Signatures]

May 1, 2019

Date