



Information for Homeowners and Contractors regarding the Massachusetts Wetland Protection Act and Ipswich Wetland Protection Bylaw

Under the **Massachusetts Wetland Protection Act**, the town-appointed, 7-member Ipswich Conservation Commission has jurisdiction over all work within **100' of a wetland, 150' of an Area of Critical Environmental Concern (ACEC**, defined as elevation 10' in certain coastal areas), and **200' of a river or perennial stream**. Any work that impacts the water, soils or vegetation (other than pruning landscaped areas, routine maintenance of lawns and structures, and a few other minor activities) requires prior approval by the Conservation Commission. "Work" includes the removal of vegetation, including dead trees and shrubs; grading soil; and erecting structures, including sheds, decks, patios, pools, driveways, etc. Approval is obtained by submitting to the Commission a **Notice of Intent** or **Request for Determination of Applicability** with detailed plans, attending one or more public hearings, and receiving Commission approval in the form of an **Order of Conditions (OOC)** or **Negative Determination of Applicability (NDA)**. OOCs must be recorded at the registry of deeds, and later "closed out" with a **Certificate of Compliance** from the Commission, which is also recorded at the registry of deeds.

In addition to the requirements under the Wetland Protection Act, the **Ipswich Wetland Protection Bylaw** requires **mandatory setbacks** from wetlands. These setbacks include a **50' No-Disturbance Zone (NDZ)** and a **15' No-Build Zone (NBZ, 65' from wetlands)**. If the property is currently developed, and there is no change in use, the NDZ is reduced to 25', with the NBZ still an additional 15' (40' from wetlands). Although an applicant may request a waiver of these setbacks, the Commission generally does not grant a waiver unless there are compelling circumstances, and mitigation is provided.

It is also important to point out that **contractors can be held liable for unauthorized work they conduct in jurisdictional areas**. For example, in May 2014 a homeowner and a local tree service were jointly issued an Enforcement Order for unauthorized cutting of trees in Riverfront. Unless a homeowner has Conservation Commission approval in the form of a valid OOC or NDA, and the work to be conducted is clearly shown on the approved plan, **contractors should be very cautious about working in jurisdictional areas**. You can always contact the Conservation Agent to discuss what is allowed, and whether the work you are contracted to perform has been approved by the Commission.

If you have any questions, please call the Conservation Office at 978-356-6661 for an appointment with the Conservation Agent, or visit our website at www.ipswichma.gov.

Alicia Geilen, Conservation Agent