

Newbury Conservation Commission - Public Meeting Minutes
August 30, 2022

Members Present:

- Bob Connors (Chair)
- Mary Rimmer (Vice Chair)
- Peter Paicos (Planning Board Liaison)
- Brad Duffin
- Dan Streeter
- Dianne O'Brien
- TJ Conte
- Samantha Holt (Agent)

7:03 p.m. Meeting Called to Order

- Opening remarks from Conservation Agent Samantha Holt

PUBLIC MEETING

- Exhibits: Proposed amended Town of Newbury Wetlands By-Law Chapter 95

Samantha Holt outlined the history of the public workshop sessions as well as the history of the different versions of the proposed amended bylaw. Ms. Holt also noted that draft regulations are under development and a regulation outline document is available.

Several questions and comments were brought up, including:

- Requests for a demonstration of need citing examples of resources being damaged or destroyed to an extent that it warrants a more restrictive bylaw separate from the WPA and the current Plum Island Bylaw
 - Examples provided in discussion: Cricket Lane and the debate regarding the potential impact to an isolated wetland that contained evidence of an uncertified vernal pool, establishment of minimum setbacks within the Buffer Zone for new construction (e.g., no-build and no-disturb zones), and to provide clarity on the rules for applicants and land owners/developers, provides an additional layer of appeal that keeps the Commission involved in the process
 - There was a brief discussion on how the bylaw and regulations will provide clarity for the public
- Relationship between the Master Plan and the bylaw amendment
 - The 2006 Master Plan had a section dedicated to protecting wetlands throughout the town, there is currently a committee working on updating the Master Plan
- Need for disclosure of impacts to property owners (e.g., potential costs of permitting, how many new properties may now fall under Commission jurisdiction, etc)
 - Costs would include any filing fees associated with submittals (would be outlined in the regulations) and consultant/surveyor/engineer fees (difficult to estimate due to widely differing costs among firms and individuals) – costs would also vary depending on the type/scope of proposed work. There was also some discussion on the impact/cost of the “burden of proof” requirements as well as where agricultural exemptions may fall into the bylaw.
 - Number of properties with potential to be brought under Commission jurisdiction is also difficult to estimate as not all wetlands are mapped (especially smaller/isolated wetland areas), this is something we may need to bring a consultant onboard to assist with
 - There was brief discussion regarding the need and desire of the Commission to look into hiring a consultant to assist with the bylaw process – would likely require applying for grants to fund a consultant
- Need for better clarification with a number of processes/requirements/rules

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- Brad Duffin shared comments from a member of the public who is concerned about combined sewer overflow discharges into the Merrimack River that ultimately lands in the Plum Island area – Bob Connors suggested tabling the conversation of how the Commission can get involved in CSO discussions until the 9/20/2022 meeting
- Mr. Connors made a suggestion that, in order to ensure the best backing from residents, we include a complete set of regulations to accompany the bylaw amendment when it is ready to go to a Town Meeting warrant – the Commission wants to see overwhelming support and this may help to obtain that by ensuring we are being fully transparent throughout the process
- Mr. Connors requested that Ms. Holt provide an update on the amendment process and consultant research during the 10/18/2022 meeting. There will be no additional public workshops scheduled at this time.

Meeting adjourned at 8:24 p.m.

Respectfully submitted,

Samantha Holt, Conservation Agent