

## Town of Newbury – Conservation Commission Submittal, Meeting & Hearing Guidance

The [Newbury Conservation Commission](#) (hereafter “the Commission” or “NCC”) strives to make the required local, state, and federal submittal processes as efficient and simple as possible, to the full extent it can, for all proponents. These submittal processes include participation in public meetings and hearings held by the Commission. In order to efficiently conduct these processes, the NCC has developed this guidance document.

### **Submittals and Schedules:**

1. Conservation Commission meetings will generally be held on the [first and third Tuesdays of each month and will begin at 6:00 p.m., EST](#). Meeting schedules and times are subject to change at the discretion of the Commission Chair and the Conservation Agent.
2. Only administratively complete submittals will receive hearing dates. If a submittal is deemed to be incomplete for any reason, it will not be added to an agenda until all requested information is provided. All applicants are encouraged to discuss submittal requirements for individual projects with the Conservation Agent prior to submitting a package.
3. A schedule outlining meeting dates and submittal deadlines shall be developed and updated regularly. This schedule shall be posted on the [Commission website](#), as well as in the Conservation Office.
4. All [new submittals](#) requiring legal ads (RDA, NOI, ANRAD) shall be provided to the Conservation Office a minimum of fourteen (14) calendar days prior to a hearing date. When a state-listed holiday (actual or observed) falls within fourteen (14) calendar days prior to a hearing date and results in Town office closure, these submittals shall be provided to the Conservation Office a minimum of twenty-one (21) calendar days prior to a hearing date.
5. All supplemental information for new and continued hearings, as well as [new submittals](#) that DO NOT require legal ads (Extension Permit, CoC, Complaint, administrative requests), shall be submitted to the Conservation Office a minimum of seven (7) calendar days prior to the scheduled continued hearing date. When a state-listed holiday (actual or observed) falls within seven (7) calendar days prior to the scheduled continued hearing date and results in Town office closure, supplemental information shall be submitted to the Conservation Office a minimum of twelve (12) calendar days prior to the scheduled hearing date.
6. For submittals requiring responses from outside agencies (including, but not limited to; MassDEP, NHESP, and USACE), responses must be received before the Commission can take final action.

### **Meeting Conduct:**

During a meeting, the Commission Chair will announce each agenda item. When their project is announced and the floor is yielded to them, proponents will be afforded ten (10) minutes to present their proposal (more time may be afforded at the discretion of the Chair). The floor will then turn over to the Commission members and staff for discussion, and proponents will be allowed to respond as needed. Finally, during public hearings, the floor will be yielded to public comment – members of the public will be afforded three (3) minutes to provide comments and ask questions (more time may be allowed at the discretion of the Chair). Proponents, Commission members, and staff will be allowed to respond as needed.

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The following guidance is reflected from the [Massachusetts Wetlands Protection Act Regulations \(310 CMR 10.00\)](#):

1. Upon conclusion of the hearing, Commission members will hold a vote to either continue the hearing to a specific date (at the request or with the consent of the proponent only), or they may vote to close the public hearing.
  - a. Once a hearing is continued there shall be no further discussion until the continuance date.
  - b. Once a hearing is closed, no new information may be accepted, and the Commission will have twenty-one (21) calendar days to vote on a final decision. Within that time frame, the Conservation Agent shall also issue the final signed Order or Determination, following an NCC vote.
2. After an Order or Determination has been issued, there will be a ten (10) business day appeal period (with the issuance date listed being “day zero”). During this time the proponent, any single (or more) certified abutter, any group of ten (10) or more residents, or MassDEP may file a written appeal of the official NCC decision. All appeals must be postmarked or hand-delivered no later than 5:00 p.m. EST on day ten of the appeals period. Appeals coming from the proponent, abutters, or residents must be provided to both MassDEP and the Conservation Office. Appeals coming from MassDEP will be provided to the proponent and the Conservation Office. An appeal DOES NOT constitute or trigger the re-opening of the public hearing, rather it triggers a *de novo* review to be completed by MassDEP.