

## **2/15/2022 By-Law Workshop Live Notes**

These notes are NOT the official minutes, but will be shared with the Commission members and the public following this meeting as reference to the discussions, questions, and suggestions of the public. Official meeting minutes can be found [here](#) and the recorded meeting can be found [here](#).

Conservation Agent Contact Info:

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### ***7:00 pm – 7:30 pm – Commission Discussion – member motivations for amending the by-law to include local jurisdiction and regulations for inland wetlands***

- **Brian:** reduction of gray area, more clarity, provide guidance to speed up process, protecting resources less nor not protected by the WPA
- **Ben:** clarification, streamline hearings, WPA is minimum protection in many cases, by-laws can strengthen protections, increased protection of resources not restriction of development, less “legal” issues - more ecology
- **Dan:** reduction of gray areas, buffer zone protection/regulations, addition of setbacks, regulations to specify administrative actions for minor projects
- **Pete:** clarity, defined regulations, protect resources, additional/more clear guidance
- **Sam:** outline of regulation developments and drafting
- **Mary:** buffer zone rules, none currently from the state, fairness across town, establishing minimum buffer zones, limiting impacts of work in buffer zones, mitigating loss of cover/vegetation/water quality, rules that take into account both existing construction and new construction

### ***7:30 pm – 8:30 pm – Public Comment***

- **Rochelle Joseph, Southern Blvd:** effect on Plum Island? How will it affect building/rebuilding on existing footprints? Do we need funding for this?
- **Dan Linden, Pearson Dr:** support for by-law, resiliency in the face of climate change – need for robust wetland resources, value to residents for protection of resources
- **Mario Carnovale, Coleman Rd:** important to define limitations of work and permissible activities

### ***8:30 pm – 9:00 pm – Commission Responses to Public Comment***

- Responses to comments from **Steve Mangion (14<sup>th</sup> St)**, October 18, 2021 email (comments & responses listed below)
  - *Comment:* “inland areas” needs defining

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- *Response:* we will be developing a list of definitions for a number of terms, including this one, to include in the by-law/regulations
- *Comment:* need more explanation for “wetlands as carbon sinks”
  - *Response:* we may possibly change carbon-sinks to something more generally encompassing climate change resiliency, or include carbon-sinks in the definitions section
- *Comment:* Great Marsh ACEC jurisdiction and issues with deposition of gravel into the marsh (specifically from Sunset Club on Old Point Rd)
  - *Response:* cannot make any comments on the Sunset Club project as it has been approved and completed already, however deposition of materials into the marsh area is likely something that would be considered in the development of the regulations
- *Comment:* Are variances an existing regulation? If not, I do not support the regulation – variances should be kept under the control of the ZBA
  - *Response:* we are legally required to have the option for variances to accommodate instances in which work necessary for things such as public health or safety can not conform with the regulations but must be completed, variances are an existing regulation and must remain but will be reserved for special circumstances and issued sparingly following extensive review and burden of proof met by the applicant
- *Comment:* the Commission should consider new laws and regulations when an extension request comes in and if things have changed further conditions should be required as necessary
  - *Response:* this is something we take into consideration, although in some cases if a project was approved prior to new laws being adopted and has been started they are grandfathered and we may not be able to be changed, however the Commission does consider new laws/regulations/requirements to a certain extent
- *Comment:* modify 95-8 to make the Town responsible for abutter notifications
  - *Response:* under the WPA regulations (state law) abutter notifications and legal ads are the responsibility of the applicant, we can't change that
- *Comment:* Certificates of Compliance should be completed as a routine activity of the Agent and should not wait to be issued until requested – especially after the three-year period expires for the OOC

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- Response: the Agent already inspects work sites regularly (usually a few hours a week spent in the field checking up on active/open worksites), we cannot issue a CoC until requested by the Applicant as that is what tells us that they believe they are done with work and ready for inspection, the Agent is working on a master database of filings that will allow her to keep track of when OOCs are about to expire and reach out to applicants to determine whether they will need to file for extension or request a CoC
- Comment: the Commission should be responsible for consultant fees if consultant services are requested, not the applicant
  - Response: similar to the abutters notices, consultant service fees are the responsibility of the applicant as outlined in the WPA regs (consultants are a part of the burden of proof which is the responsibility of the applicant to satisfy)
- We will not be changing anything for Plum Island – see ConsCom meeting with Town Counsel Atty Lisa Mead from January 20, 2022 for an outline of reasoning for not engaging with the Plum Island by-law
- Explanation of modification/amendment process – include in regulations (see regulation development notes for references to similar things in other towns regs)
- Mario: existing non-conformance, will it be taken into consideration? YES!!
- Update existing document to incorporate comments from Town Counsel/public before April – create draft of regulations
- Add a cover page to the amendment draft – include dates/contact info for future workshops