

Daniel W. Linden, Ph.D.
68 Pearson Drive
Byfield, MA 01922

29 September 2021

Newbury Conservation Commission
12 Kent Way
Byfield, MA 01922

Re: Village at Cricket Lane

Members of the Conservation Commission:

The potential vernal pool located at 55R Pearson Drive has sufficient evidence of vernal pool function, per the guidelines documented and presented by the Natural Heritage & Endangered Species Program (NHESP). This includes evidence of inundation for >2 months in the spring, no flowing inlets/outlets, and no fish. Importantly, obligate species breeding by wood frogs and spotted salamanders has also been documented, including >10 egg masses and hundreds of larvae in multiple years. This evidence is available in reports V1687 and VP-3808 as submitted to the NHESP.

The Massachusetts Wetland Protections Act (WPA) affords local conservation commissions the ability to presume that wetland resource areas are significant, even in the absence of official vernal pool certification by NHESP. As stated in 310 CMR 10.53(1):

If the Issuing Authority determines that a Resource Area is significant to an interest identified in M.G.L. c. 131, § 40 for which no presumption is stated in the Preamble to the applicable section, the Issuing Authority shall impose such conditions as are necessary to contribute to the protection of such interests.

As the issuing authority in the notice of intent by Cricket Lane, LLC (DEP File#: 050-1355), the Newbury Conservation Commission can and should protect the resource area (A-series wetland) currently designated as an Isolated Land Subject to Flooding but also identified as a potential vernal pool. This pool provides significant functions as vernal pool habitat and warrants conditions imposed to protect such functions.

Sincerely,

