

Regulation Development Outline

This document is intended to provide an outline of the regulation development process associated with the Town of Newbury's wetlands bylaw amendments. For more information about the wetlands bylaw amendments, [visit this page!](#)

If you have any questions, comments, or concerns, please contact the Conservation Agent:
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To join the Conservation Commission in discussing the bylaw amendments, please attend one of our Bylaw Amendment Public Workshops! The next workshop is scheduled for June 21, 2022 at 7pm. Please join us to share your comments and concerns! The more you participate, the better we can serve you!

Why are we creating these regulations? What are they for?

The Conservation Commission is currently working to amend the Town of Newbury wetlands bylaw to include inland wetlands (currently, the bylaw only applies to Plum Island). Just like the Massachusetts Wetlands Protection Act (WPA) has regulations associated with it, the Conservation Commission is seeking to develop a set of regulations to accompany the new bylaw.

So, what is the difference? Well, the bylaw is what gives the Commission authority to regulate certain wetland areas and resources. This is similar to the WPA, which is part of Massachusetts General Law. The regulations are what actually outlines what can and can't be done in the jurisdictional area.

For instance, the bylaw may give the Commission jurisdiction over activities in the Buffer Zone (the area within 100 linear feet of a wetland resource). The regulations help explain to a homeowner exactly what types of activities may or may not be allowable within the Buffer Zone.

Why do we need new regulations and a new bylaw?

Currently, the Commission's only jurisdiction over inland wetland resources comes from the state WPA, and the only regulations are those associated with it. The state regulations are often vague and difficult to understand, as well as being open to many different interpretations in some cases. There are also several wetland resources that have little to no regulations at all. For these reasons, the Conservation Commission is seeking to create a set of regulations that helps to better outline what property owners can do in and around

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wetlands, and provide more adequate protection for valuable wetlands that aren't covered in the WPA.

What will Newbury's regulations be?

*PLEASE NOTE: The following information regarding potential regulations are not official. This document is only intended to outline possible regulations in the interest of full transparency of the bylaw amendment/regulation development process.

The Town is seeking to develop local regulations in several major categories. The main categories, as well as possible regulations, are outlined below:

Additional Interests:

Currently, the WPA covers 8 protection interests...

- Protection of groundwater quality and supply
- Protection of public and private water supply
- Flood control
- Storm damage prevention
- Prevention of pollution
- Protection of land containing shellfish
- Protection of fisheries
- Protection of wildlife habitat

The Commission is looking to add three more interests...

- Erosion and sedimentation control
- Protection of ecological functions of wetland resources
- Protection of the ability of wetlands to mitigate effects of climate change and increase community resiliency

Additional Jurisdictions:

The Commission is looking to include isolated land subject to flooding, areas presumed to be vernal pool (whether certified by the state or not) based on sufficient proof and evidence, and added buffer zone jurisdictions to isolated wetlands.

Altered/Additional Fee Schedule:

The Commission is looking to add fees for construction of different structures, after-the-fact filings, local violation fees, and continuance fees applicable only when an applicant fails to appear at a hearing without prior notice. The Commission is also looking to change language for administrative review fees to

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be applicable if an applicant requests to be heard/receive preliminary review from the Commission in a meeting.

Buffer Zones:

The Commission is looking to add the following regulations to the 100-foot Buffer Zone...

- 25-foot no-disturb zone
- 50-foot no-build zone
- Limited activity types within buffer zones

Docks:

The Commission currently has in place a policy concerning docks in the Great Marsh Area of Critical Environmental Concern. We are looking to include this policy in the regulations.

Can I read the regulations?

Not yet, but soon! While we are working on developing the bylaw and regulations concurrently, the Commission first needs to finalize the proposed amendments for the new bylaw. The bylaw is what needs to be voted on at Town Meeting by you, the people! Once the amendment draft is finalized, the Commission will be able to share more appropriate and complete drafts of the regulations that coincide with the bylaw. As soon as a regulation draft is ready, it will be posted to the Conservation Commission webpage on the Town website and an announcement will be made!