

**CITY OF AMESBURY, MASSACHUSETTS
CONSERVATION COMMISSION
RULES of PROCEDURE**

Common Procedures & Applicants' Guide

The Amesbury Conservation Commission in accordance with the Massachusetts Wetlands Protection Act (MGL Ch. 40 §131), the Conservation Commission Act (MGL Ch. 40 §8C) and the City of Amesbury Wetlands Ordinance (General Legislation Ch. 460) hereby adopts the following Rules of Procedure, governing the organization and conduct of the Commission and also governing review and action on wetlands applications under state and local authority. Unless otherwise noted, each Section applies to the aforementioned state and local laws.

Article 1 - ORGANIZATION

Section 1.1: Membership

Per Massachusetts General Law, a conservation commission consists of three to seven appointed members (<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40/Section8C>). The Mayor of Amesbury may nominate members or candidates to any vacancies that may occur before the expiry of the term of a member. The member or candidate is then appointed by the Amesbury City Council.

Section 1.2: Appointments & Roles

The members shall elect, on a yearly basis, a Chair and Vice-Chair of the Commission. The Chair shall be eligible to vote on all matters and shall decide points of order, unless overruled by a majority of the Commission. The Chair shall appoint such standing subcommittees as may be advantageous to discussion and decision making. The Chair may participate in all discussions and votes of the Commission without limitation.

The Vice-Chair shall act as Chair when the Chair is absent or is unable to perform his/ her duties. In the absence of both the Chair and Vice-Chair, either the Chair shall appoint an acting Chair prior to the meeting, or the Commission members at a meeting shall elect an acting Chair for the remainder of the meeting. The Vice-Chair may participate in all discussions and votes of the Commission without limitation.

The Chair, with a positive vote of a majority of the Commission during any public meeting, shall make appointments in response to requests from other boards, committees, and task forces as the Commission deems necessary or helpful.

Article 2 - MEETINGS

Section 2.1: Meeting Schedules

Regular meetings of the Commission are normally scheduled for the first Monday of each month, in the auditorium of the Amesbury City Hall or as otherwise posted. The Chair may cancel or postpone a regular meeting whenever, in his or her opinion, no meeting is required by business then pending. Other meetings, including special or emergency meetings, may be scheduled as necessary either by the Chair or by a majority of Commissioners. Meetings typically start at 6:30 p.m. The Commission reserves the authority to continue any hearing or other agenda items after the length of a regular meeting exceeds two hours.

Quarterly administrative meetings shall also typically be scheduled by the Commission. These meetings shall be limited to administrative items—no hearings will take place at administrative meetings. The administrative meetings are posted in accordance with the Open Meeting Law (MGL Ch. 30A §§ 18-25) and the implementing regulations (CMR Ch. 940 §29.00). Although no hearings will take place, quarterly administrative meetings are public.

Section 2.2: Meeting Procedures

A majority of the sitting Commission shall constitute a quorum for any meeting. For voting purposes, a majority shall be 50% plus one of those present. The Agenda shall be determined by the Chair and may be amended by a majority vote of the Commissioners present at a meeting. The typical agenda shall include a review of previous meetings' minutes, administrative items determined relevant by the Chair, and public hearings. The Chair shall generally use Roberts Rules of Order except in matters where the Rules are unnecessarily cumbersome in the opinion of the Chair. A majority of the quorum present in a meeting may overrule the Chair's parliamentary decisions.

Section 2.3: Meeting Agendas

Agendas for the Commission meetings are posted with the City Clerk in accordance with the Open Meeting Law. The Commission will typically schedule the review and action on minutes during the administrative portion of each monthly meeting. Other administrative business may be scheduled before or after public hearings if warranted. Enforcement Orders will typically be heard prior to hearings on new or continued applications.

Applicants take note:

- A. New applications with all supporting documents and information shall be submitted to the Office of Community and Economic Development three (3) weeks prior to the meeting date. Incomplete applications will not be placed on the agenda.

Please Note: an application that does not have a DEP file number is incomplete and **will not** be placed on a meeting agenda.

- B. Continued hearings will be placed on the agenda for the date to which they are continued by vote of the Commission. Any applicant may request that a continued hearing be heard at an earlier meeting, and the Chair will decide whether to grant the request (and may be overruled by a vote of the Commission after a public meeting has been called to order). For all

continued hearings, any materials including but not limited to drawings, ongoing technical reviews by independent or Commission consultants as well as departmental reviews, and supporting documents must be received in the Office of Community and Economic Development five (5) business days prior to the meeting date. Materials submitted after that date can not be guaranteed to be distributed to all commissioners for review and properly posted for public inspection.

Section 2.4: Open Meeting Law

All meetings will be posted and conducted in accordance with the Open Meeting Law (MGL Ch. 30A §§ 18-25) and the implementing regulations (CMR Ch. 940 §29.00). Open meeting law complaints may be filed with the Chair or Vice Chair of the Commission within 30 days of an alleged violation. If the violation was not reasonably discoverable at the time it occurred, the complaint may be filed within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting. Open meeting complaints must be made using the two-page form provided by the Attorney General (<https://www.mass.gov/files/documents/2019/07/15/OML%20Complaint%20Form%202019.pdf>).

Article 3 - APPLICATIONS

Section 3.1: Permitting Forms

Applications to the Conservation Commission shall be made only on the Massachusetts Wetlands Act permitting forms available at <https://www.mass.gov/lists/wetlands-permitting-forms> and on the City of Amesbury website. Forms can also be obtained by contacting the Commission's Agent in the City Office of Community and Economic Development. Payment of fees shall be considered a part of the application and no application shall be deemed complete unless all fees are included.

Please note: for other than limited projects (i.e. stream crossings, MEPA, Endangered Species etc) additional applications and fees may be required (see Section 5.6).

Section 3.2: Filing

Applications to the Conservation Commission must be filed with the Amesbury Conservation Commission and the Massachusetts Department of Environmental Protection. The date of receipt of a complete application by the Conservation Commission shall be considered the date on which the application has been filed. Upon initial submission of an application, the Commission's Agent will determine if the said application is complete in all respects and that all necessary documents have been submitted. If it is determined that the application is incomplete, the applicant will be notified, and no further action will be taken on it until the application is considered complete.

Please Note: an application that does not have a DEP file number is incomplete.

Section 3.3: Application Requirements

Please Note: Nothing in this Section shall be interpreted to limit or replace any permit application requirements specified by the Massachusetts Wetlands Protection Act or Amesbury Wetlands

Ordinance. In every case, federal or state law and local ordinances supersede these Rules of Procedure.

A. Notice of Intent NOI)

Any person who proposes to do work that will alter or affect any Resource Area under the Wetlands Protection Act and/or the Amesbury Wetlands Ordinance shall file a Notice of Intent (WPA Form 3) on forms provided by the Massachusetts Department of Environmental Protection and other application materials in accordance with the submittal requirements by the Department of Environmental Protection and the City of Amesbury Conservation Commission. Two copies of the completed form with supporting plans and documents shall be sent by certified mail or hand delivery to the Commission. One electronic copy shall be submitted using the city's electronic submission online permitting process. All NOI submittals must be signed by the owner of the area subject to the request, even if the person making the request is not the owner.

The Department of Environmental Protection File Number for the NOI submitted under 310 CMR 10.00 may serve as the File Number for the Notice of Intent submitted under the Ordinance. The designation of a file number shall not imply that the plans and supporting documents have been judged adequate or complete for the issuance of an Order, but only those copies of the minimum submittal requirements contained in the General Instructions have been filed.

The Commission may require that supporting plans and calculations be prepared and stamped by a registered professional engineer (P.E.) when, in its judgment, the proposed work warrants this professional certification. The Commission may also require preparation and submission of supporting materials by other professionals including, but not limited to, registered landscape architect, registered land surveyor, environmental scientist, geologist or hydrologist when in its judgment the complexity of the proposed work and/or the wetland values of the Resource Areas warrants the relevant specialized expertise. Submitted materials may be used by the Commission to evaluate the effects of the proposed project on resource areas and their wetland value. Submission of requested materials does not imply approval of the project.

If any waiver of the Amesbury Wetlands Ordinance is required for the proposed project, a separate waiver request must be submitted for each prohibited activity or structure. The Commission shall act on waiver requests prior to approval of any NOI; if a waiver request is required but not submitted, such oversight may prevent or delay the approval of a project.

Please Note: *While an application may be approved by a majority vote of the Commission, waivers of the Amesbury Wetlands Ordinance require a unanimous vote. Applicants should bear this in mind when applying to perform activities prohibited by the Ordinance.*

B. Request for Determination of Applicability (RDA)

Any person who desires a determination as to whether the Wetland Protection Ordinance applies to land, or to work being proposed that may affect a Resource Area protected under the Ordinance, may submit to the Commission by certified mail or hand delivery a Request for Determination of Applicability (WPA Form 1) using forms provided by the Department of Environmental Protection and according to instructions provided by the City of Amesbury. For work within Riverfront Areas, an applicant may submit to the Commission by certified mail or hand delivery an RDA to identify the scope of alternatives to be evaluated under AWR 19.1, including sufficient information to enable the Commission to determine the applicable scope of alternatives. An RDA shall include certification that the owner of the area subject to the request, if the person making the request is not the owner, has been notified that a determination is being requested under the Ordinance.

C. Abbreviated Notice of Resource Area Delineation (ANRAD)

To establish the extent of Bordering Vegetated Wetland and other Resource Areas on land subject to protection under the Ordinance, applicants may use the Abbreviated Notice of Resource Area Delineation (WPA Form 4A) for the confirmation of a delineated boundary of bordering vegetated wetlands and other Resource Areas on the site, prior to filing a Notice of Intent for proposed work. Alternatively, the boundary of a Bordering Vegetated Wetland (or other Resource Area) may be determined through the filing of a Notice of Intent.

The ANRAD shall be submitted on the form and according to instructions provided by the City of Amesbury Conservation Commission. A public hearing shall be held as described under AWR 7.6. Procedures for an ANRAD filing, hearing, and issuance of a decision follow those outlined for the Notice of Intent as described in AWR 7.4. When the Commission determines that the Resource Areas has been accurately delineated to its satisfaction, an approved Order of Resource Area Delineation (ORAD) will be issued.

The Department of Environmental Protection (DEP) File Number for the ANRAD submitted under 310CMR 10.00 may serve as the File Number for the ANRAD submitted under the Ordinance. The designation of a file number shall not imply that the plans and supporting documents have been judged adequate for the issuance of an ORAD, but only that copies of the minimum submittal requirements contained in the General Instructions have been filed.

D. Request for Certificate of Compliance (RCoC)

Upon completion of a project for which the Commission has issued an Order of Conditions, the applicant may request a Certificate of Compliance, which certifies that all work has been completed in compliance with the performance standards under 10CMR 10.00 and the Amesbury Wetland Regulations plus any special conditions required by the Commission. The burden of proof is on the applicant to demonstrate compliance to the Commission's satisfaction. In the event a properly permitted project has not been completed, an applicant may request a Certificate of Compliance. The applicant bears the burden of proof to demonstrate that any work performed has not created any non-compliance with the Order of Conditions and all the performance standards under 10CMR 10.00 and the Amesbury Wetland Regulations.

Section 3.4: Fees

At the time of a filing a Notice of Intent (NOI), Request for Determination of Applicability (RDA), Abbreviated Notice of Resource Area Delineation (ANRAD), or a Request for Certificate of Compliance, the applicant shall pay a filing fee specified in filing fee schedule accompanying the Amesbury Wetlands Regulations. The fee is in addition to that required by the Wetlands Protection Act (G.L. Ch. 131 § 40) and Regulations (310 CMR 10.00).

The Commission is authorized by Massachusetts General Law to require an applicant (for an ANRAD, RDA or NOI or other filing) to pay a fee to cover the reasonable costs and expenses borne by the Commission in processing and evaluating the permit application. The fee schedule will be set by the Commission following public notice and a public hearing. The Commission may, at its discretion, waive the application fee, costs and expenses for a permit application.

Section 3.5: File Numbers

Each wetlands application shall be assigned a DEP file number in accordance with the Massachusetts Notification of Wetlands Protection Act file number process. Permits relevant only to the local ordinance shall be assigned a permit number relevant to the Conservation Commission file issuance system.

***Please Note:** An application will not be placed on a meeting agenda or proceed to a public hearing without an assigned DEP file number.*

Section 3.6: Incomplete or Non-Compliant Applications

After preliminary review by the Conservation Commission's Agent, if the Chair of the Commission deems an application, appeal or petition inadequate to give the Commission a proper understanding of the matter or otherwise incomplete or not properly filed, the applicant, appellant or petitioner may be so notified in writing and given the opportunity before a specified date, not later than five (5) business days before the date of the hearing, to bring the application into compliance. An application, appeal or petition, which is subject of such notice but is not brought into compliance before the date specified in such notice, shall be removed from the meeting agenda and may be denied for failure to comply with the Commission's Rules of Procedure.

***Please Note:** Commissioners make good faith efforts to prepare for efficient hearings by reviewing applicant's materials in advance. In no event will the Commission review and consider new materials submitted by the applicant on the day of or during a hearing.*

Section 3.7: Distribution of Plans

The Commission may, when deemed appropriate by the Commission's Agent or Chair, send transmittal forms, and copies of plans to appropriate City boards, commissions, and/or departments including, but not limited to, the City Engineer, Building Commissioner, Planning Board, Historic Commission, Fire Chief, DPW, and the like. These boards shall have fifteen (15) business days to submit their comments to the Conservation Commission. The Commission will review and evaluate comments submitted within the timeline when making their decision(s).

***Please Note:** In some cases, these timelines may prevent approval of a project at the Commission meeting immediately following submission of a complete application.*

Section 3.8: Withdrawal

An application may be withdrawn without prejudice by notice in writing to the Chair of the Conservation Commission, with a copy submitted to MA DEP Northeast Regional Office, Wetlands Division, at any time during the public hearing.

Article 4 - PUBLIC HEARINGS

Section 4.1: Notice

The applicant shall be responsible for all notice and advertising requirements under MGL Ch. 131 §30 and the Amesbury Wetlands Ordinance, including all costs and/or fees associated with those requirements.

Section 4.2: Site Visits

The Commission at its discretion may make a site visit to the property that is the subject of the application. Site visits in which a quorum of Commissioners may be present (per the definition of a quorum for any meeting of the Commission in Section 2.2 of this document) will be posted in accordance with the Open Meeting Law.

Section 4.3: Public Hearing Procedure

All public hearings shall be held simultaneously under M.G.L. c.131, § 40 and the Amesbury Wetlands Ordinance, unless the project is located in only one of the two jurisdictions.

Public hearings shall be open to the public. No person shall be excluded unless he or she is ruled out of order and is disrupting the meeting or hearing or is determined by the Chair to be a "serious hindrance" to the Commission's work. An applicant may appear on his or her own behalf or may be represented by an agent or attorney-in-fact who may (but need not) be an attorney-at-law. If the applicant or representative is not present without due cause, the Commission, in its discretion, may act based on the information before it, may continue the hearing, or may declare the petition incomplete or withdrawn without prejudice.

The primary purpose and intent of a Conservation Commission public hearing is to gather information that will be used to make a decision on the matter before Commissioners. The hearing is a fact-finding exercise; it is not a discussion between the applicant and Commissioners. The Board shall allow a limited time for each public hearing. Applicants should be prepared, be brief, and be non-repetitive.

The Chair, Vice Chair, or Acting Chair presiding over each hearing shall determine the order of the proceedings, but hearings will generally follow this format:

- A. The Chair opens the hearing
- B. Presentation by the applicant or applicant's representative
- C. Questions from Conservation Commissioners.
- D. Statements by the Commission's agent.
- E. Statements by other City officials if warranted.
- F. Public comments.
- G. Applicant's response; and
- H. Deliberations by the Commission.

All parties to the hearing may address the Commission only when recognized by the Chair. Once the Commission begins its deliberation, it is inappropriate for any other party to participate in the hearing unless specifically asked to do so by the Chair.

Each person, before commenting, shall state his or her name, address, and representative capacity, if any. Members of the Commission may ask questions at any time during the hearing.

All statements at the hearing will be addressed to the Chair and all questions must be posed through the Chair. No dialogue between persons attending the hearing will be permitted. Except to answer a specific question at the request of the Commission, no person will be recognized more than once. Every speaker is encouraged to be concise and to avoid repetition and will generally be allotted three (3) minutes to present except at the discretion of the Chair. All materials exhibited to the Commission, or true copies thereof, shall be retained as part of the public record. Public comment will generally be limited to three (3) minutes per person, with no person recognized more than once except at the discretion of the Chair.

Section 4.4: Written Statements

In the event any person interested in a hearing is unable to attend, written statements regarding an application may be submitted to the Commission prior to the public hearing. Such statements will be provided to all Commissioners and incorporated into the public record of the hearing. They will not necessarily be "read into the record" during the hearing. Once a hearing is closed, no further comments will be entered into the public record.

Section 4.5: Continued Hearings

Whenever the Commission deems postponement or continuation to be desirable for orderly administration of the Wetlands Protection Act and the Amesbury Wetlands Ordinance, the Commission may continue the hearing to a date and time certain. If the date and time of continuation is announced during the originally scheduled hearing, such continued hearing may be held without further application or notice or advertisement.

Article 5 - PEER REVIEW

Section 5.1: Authority

The 2003 amendments to MGL c.46 §36 of the Acts of 2003 grants Conservation Commissions the authority to require applicants to cover the cost of consultants that are needed to review the wetland resource impacts of projects and other related responsibilities. A peer review may be ordered by a majority vote of the quorum present at any time during a public meeting of the Commission or a public hearing on any application. The law does not restrict a Conservation Commission's discretionary authority to require peer review, and no other local authority may restrict the Commission's authority in this regard..

Section 5.2: Purpose

Commissions may hire consultants relative to carrying out any of their legal responsibilities (regulatory, management, or otherwise). For example, consultants may be needed to review certain elements of Requests for Determinations of Applicability, Abbreviated Notices of Resource Area Delineation, Notices of Intent, Requests for Certificates of Compliance, requests to extend or amend permits, and any other submissions. Services needed might include checking wetland delineations; reviewing field work or literature on an issue; advising whether the requirements of the laws and regulations are or can be met by the project; drafting a permit including special conditions; attending site visits, meetings and hearings; checking compliance for a permit amendment or extension; and/or advising the Commission relative to an appeal. Consultants may be needed to, for example, review resource area boundaries, check stormwater runoff or other calculations, determine the presence of rare species, or review wildlife habitat evaluations required of projects exceeding the regulatory thresholds for such evaluations. The Commission, at its sole discretion, may determine that a peer review is necessary in its review of any application at any time.

Section 5.3: Payment

In the event the Commission requires a peer review, the applicant is responsible for the reasonable costs of said review. Money paid by applicants will be placed in a dedicated (revolving) fund, set up by the municipal treasurer. Interest accumulated by the fund remains with the fund. The Commission needs no other authorization to engage and pay its consultants, however, this money is project-specific. Upon completion of the project any excess will be returned to the applicant.

The Commission's agent shall provide an estimate of costs to the applicant, and the full estimated cost of peer review must be deposited with the city prior to any work beginning. If, at any time, funds on deposit are exhausted, the applicant will be notified and peer review work will cease until additional payment is received.

Section 5.4: Peer Review Process

The Commission will typically give the peer review consultant specific instructions (e.g., confirm wetland delineations, or advise the commission on performance standards under the Wetland Protection Act). Upon receipt of funds, the peer review consultant will typically review the application within two weeks. In most cases, the consultant will issue written comments, addressed

to the applicant. The applicant may incorporate changes to the project that accommodate any issues raised during peer review; the applicant may respond in writing to the peer review consultant seeking greater clarification; or, the applicant may ask the Commission to reopen the hearing to discuss the peer review comments with the applicant and the peer review consultant.

***Please Note:** How and when the applicant chooses to respond to peer review comments may affect the cost of peer review as well as the length of time the project is in review.*

Section 5.5: Dispute

When a project falls under the Wetlands Protection Act, under M.G.L. Chapter 44, Section 53G, an applicant may appeal the Commission's selection of a peer review consultant to the City Council if the applicant believes the selected consultant either a) lacks the qualifications to perform the work required or b) has a conflict of interest. No other grounds for appeal may be heard.

Article 6 - DECISIONS

Section 6.1: Criteria

The Commission shall use the regulations and performance standards as promulgated in 310 CMR 10.00 and the Amesbury Wetlands Regulations as review criteria.

Section 6.2: Voting

Voting is per 310CMR 10.00 and the Amesbury Wetland Regulations and Ordinance. The Commission shall use a simple majority to make a determination on any application. For a waiver of any section of the Amesbury Wetlands Ordinance, a unanimous vote is required.

Section 6.3: Decision and Findings

A. Notice of Intent (NOI)

Within 21 days of the close of the public hearing, the Commission will either make a determination pursuant to an NOI that the area on which the work is proposed to be done, or which the proposed work will remove, fill dredge or alter, is not significant to any of the wetland values identified in 310CMR 10.00 and the Amesbury Wetland Regulations and shall so notify the applicant; or the Commission will make a determination that the area on which the work is proposed to be done, or which the proposed work will remove, fill, dredge or alter, is significant to one or more of the wetland values identified in 310CMR 10.00 and the Amesbury Wetland Regulations and will issue an Order of Conditions for the protection of said values.

The standards and presumptions to be used by the Commission in determining whether an area is significant to the wetland values in the Ordinance are found in AWR 17.0 through 20.0. The Order of Conditions shall impose such conditions as are necessary to meet the performance standards set forth in AWR 17.0 through 20.0 for the protection of those areas found to be significant to one or more of the wetland values identified in the Ordinance. The Order shall prohibit any work or any portion thereof that cannot be conditioned to meet said standards.

B. Determination of Applicability

The Commissions' decision shall be filed with the Department of Environmental Protection within twenty-one (21) days of the issuance of the permit. The Commission's decision shall be effective and the three (3) years to exercise the rights authorized by the grant of the permit shall begin as of the date of the signed issuance. Notice of the decision shall be made in accordance with Chapter 40A, Section 11.

C. Abbreviated Notice of Resource Area Delineation (ANRAD)

If the Commission determines that the Resource Areas are correctly delineated, an approval Order of Resource Area Delineation (ORAD) will be issued within 21 calendar days of approval.

If the Commission determines that the Resource Areas are incorrectly or incompletely delineated, they shall request that the applicant provide the correct delineation or missing information. If the correct delineation or missing information is not provided, the Commission shall close the ANRAD hearing and issue a denial Order of Resource Area Delineation within 21 calendar days, specifying each Resource Area that is incorrectly or incompletely delineated. The Commission shall have the authority to deny any proposed Resource Area delineation when: 1) the application is incomplete; 2) the delineation is incorrect, or 3) the Commission requires additional information that is not provided by the applicant.

Procedures for the issuance of a decision follow those outlined for the Notice of Intent as described in 310CMR 10.00, the Amesbury Wetlands Ordinance, and AWR 7.4.

D. Certificate of Compliance

If an applicant demonstrates to the Commission's satisfaction that a project has been completed meeting all the conditions in the Order of Conditions and all the performance standards under 10CMR 10.00 and the Amesbury Wetland Regulations, then the Commission will issue a Certificate of Compliance.

In the event a properly permitted project has not been completed, the Commission may issue a Certificate of Compliance provided that any work performed has not created any non-compliance with the Order of Conditions and all the performance standards under 10CMR 10.00 and the Amesbury Wetland Regulations.

Section 6.4: Appeals

Any applicant, owner or abutter, any person aggrieved or any ten (10) residents of the City of Amesbury may appeal an order of the Conservation Commission under the Ordinance to the Superior Court of Essex County within sixty (60) days following the date of issuance of the order, in accordance with G.L. Ch. 249 § 4.

If an appeal under the Wetlands Protection Act is made to DEP within ten (10) days of the issuance of the Order, the 60-day appeal period under the Ordinance will be suspended during this period of appeal to DEP. Said appeal period under the Ordinance shall commence upon the date of issuance of a superseding order from DEP and shall continue for no more than sixty (60) days from that date, even if a further appeal has been made for a final order of conditions before a DEP adjudicatory hearing.

Section 6.5: Errors

Any decision to correct typographical or other clerical errors may be modified by the Commission without reapplication or public hearing.

Article 7 - GENERAL

Section 7.1: Home Rule Authority

These implementing regulations under the City of Amesbury Wetlands Protection Ordinance are adopted under the Home Rule Amendments of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act G.L. Ch. 131 § 40 and implementing regulations, and other federal, state and local environmental statutes. Activities that may not require review or permitting under the Massachusetts Wetlands Protection Act, the Rivers Protection Act, the federal or state Clean Water Act, or other federal, tribal, state or local statutes are not assumed to be exempt from these implementing regulations.

Section 7.2: Coordination of Permitting

To ensure that various permit granting authorities review the impacts upon resources protected by these implementing regulations in a coordinated manner, and where the provisions of these implementing regulations are applicable, applicants for permits under federal, state or local statute or regulation shall comply with the requirements for filing under these regulations within forty-five (45) days of said application made under federal, state or local statute or regulation. Resource Area definitions and performance standards for work proposed in Resource Areas protected under the City of Amesbury Wetland Ordinance (Ordinance) are described in this section of the Amesbury Wetland Regulations (AWR).

Section 7.3: Effective Date

The Amesbury Conservation Commission Rules of Procedure shall take effect on the date adopted by the Commission. No amendment to their rules shall be applicable with respect to any application, appeal or petition filed with the Massachusetts Department of Environmental Protection or the Massachusetts Supreme Judicial Court before such amendment is adopted by the Commission. The rules in effect at the time an application, appeal or petition is filed shall, despite any amendment, govern all proceedings with respect to that application, appeal or petition.

Section 7.4: Amendment

These rules may be amended at any time by the affirmative votes of a majority of the Commission

Section 7.5: Waiver

The Commission may, by unanimous vote, waive any provision of these Rules in a particular case for good cause shown, provided that such waiver shall not be inconsistent with the Massachusetts Wetlands Regulations (310 CMR 10.00), the Amesbury Wetlands Regulations, or the General Laws.

Section 7.6: Records

Records of the Commission shall be kept current and posted in a well-bound book containing the number of the application, the name of the applicant, appellant or petitioner a short description by street number or otherwise of the premises and the final disposition. All continuances, postponements, dates of sending notices, dates of advertisements, date of hearing, decision, filing and notice of sending of decision, other steps taken, and acts done shall be noted in the records. As a matter of course, the Commission shall endeavor via all reasonable efforts to make records available to the public by electronic means such as on the City website or similar service.

Section 7.7: Minutes

The minutes of the Commission shall include the record of all meetings and hearings, the decisions relating to each case, the vote of each member, those absent being so marked, and all other official actions of the Commission.