



CITY OF NEWBURYPORT CONSERVATION COMMISSION

Policy on Certification of Conservation Restrictions

Adopted January 6, 2009

As part of its approval process for conservation restrictions, the Massachusetts Division of Conservation Services requests the conservation commission of the municipality where the restricted property is located to certify that the proposed restriction is “in the public interest” and to describe the “public benefit” resulting from the restriction.

It is the responsibility of the applicant to provide the Commission with sufficient information about the property and the proposed restriction for the Commission to (1) make a determination that the proposed restriction is in the public interest and (2) describe the public benefit resulting from the restriction. Conclusory statements in the restriction document about the conservation values of the property will generally **not** be sufficient for this purpose, without substantiation.

The following are examples of the type of information which may be helpful to the Commission in making its required determinations:

- A description of the conservation values claimed for the property and how the restriction is expected to protect those values;
- baseline documentation which has been developed for the property, including plans, maps, sketches, photographs, inventories of plant and animal species;
- The relationship of the property to any other adjoining or nearby protected property;
- An explanation of how the restriction furthers federal, state or local governmental policies relating to such things as protection of wetland resources and water quality, open space protection, passive recreation, public education potential, historic significance, protection of plant and wildlife habitat, protection of scenic vistas, etc.
- Information about public access to the property, if any will be provided.

In order to afford sufficient time for the Commission to review submitted materials, all required information must be submitted to the Conservation Administrator **at least ten (10) business days in advance of the meeting at which the proposed restriction is to be considered**. The Commission may continue the matter if the information is not submitted within that time frame. Before making its determinations, the Commission may wish to schedule a site visit.