

Natural Resources Commission
Presentation to
Advisory Committee

September 16, 2015



*Bezanson Pond
Centennial Reservation*

**Remarks to Advisory Committee on Behalf of the Natural Resources Commission
September 16, 2015**

My name is Lise Olney and I am the vice-chair of the Natural Resources Commission. Thank you very much for allowing us to come today to discuss the recommendations of the Town Government Study Committee concerning the restructuring of our town government. The study committee has set in motion a valuable process of discussion and self-examination for the Natural Resources Commission—as I'm sure it has for the many other elected boards in our town.

The members of the NRC have spent many hours in discussion with the study committee, and we have conducted our own interviews and research in considering how the proposed restructuring would affect the NRC and its ability to carry out its mission. This process has been extremely productive for our board and has led us to some important conclusions, which we would like to share with you today.

First, the members of the NRC support the recommendation that the town adopt a strategic plan through a process led by the Board of Selectmen, and the NRC looks forward to participating in such a process.

Second, the members of the NRC support the establishment of a town manager position in order to standardize day-to-day procedures and human resource practices, to bring more accountability to the administration of town government, and to improve services to Wellesley residents.

However, we cannot support the specific responsibilities of the town manager as the study committee currently describes them. We have concluded that in order for the NRC to continue to effectively execute its mission, the NRC must retain supervisory authority over the Natural Resources Director. We propose that the NRC and town manager work in partnership. The NRC would hire (and fire) the director in consultation with the town manager, and the town manager would participate in evaluating the director. In other words, the town manager would have a “dotted line” relationship to the Natural Resources Director. A similar reporting structure works very successfully in other towns (see handout, page 1) such as Weston, Winchester, Dover, Marshfield, and Brookline, where town managers and town administrators work in collaboration with elected boards, and the elected boards retain authority over hiring and firing of their departmental directors.

It is worth noting that our research (and that of the study committee) shows that there is no “one-size fits all” structure – each “benchmark town” has worked out its own particular structure in seeking to balance the need for effective town management and the need to maintain the authority and independence of democratically elected boards (see handout, page 2).

We believe the solution for Wellesley should reflect our town’s long-held priorities – including the priority we have always placed on a highly participatory,

democratically elected government and on the preservation of the character and environmental health of our town.

It is for this reason that although the members of the NRC do not object to the proposal to create of a division for Planning and Land Management, we *do* object to the inclusion of the NRC in such a division.

As the members of the study committee have described in their final recommendations, the proposed Planning and Land Management Division would include, in their words: *“not only residential and commercial development, but the stewardship of the Town’s natural and cultural resources.”* The proposal would put the Natural Resources Commission and its staff in a consolidated division with the Planning Board, Building Department, Zoning Board of Appeals, Historical Commission, Historic District Commission, Design Review Board, Housing Development Corporation, and Neighborhood Conservation District.

In considering this proposal, the members of the NRC have sought to answer the question, “what kind of stewardship of the Town’s natural and cultural resources will this proposed structure provide for our town?”

Since the establishment of the NRC by Town Meeting in 1977 (see handout, page 3), our town has chosen to place the authority for stewardship of the environment largely in the hands of this independent, elected board, with a small staff under the board’s authority. The NRC was created after several years of study by appointed

committees in response to public dissatisfaction about how open space was being managed in Wellesley.

A three-year Open Space Management Committee study found that:

1. Wellesley's land management problems stemmed from **control of land by boards whose priorities lie in areas** other than open space
2. A Conservation Commission appointed by the Board of Selectmen was **unable to exercise its statutory authority freely**
3. The Park & Tree Board, Town Forest Committee, and Tree Warden were **not effective under the Board of Public Works.**

The ultimate result of this study was the creation of the NRC as an independent, elected board by Town Meeting.

It is probably not a coincidence that just as the Town of Wellesley was deciding to give environmental concerns a strong and independent voice in the development of town policy and affairs, the state of Massachusetts was creating the Department of Environmental Protection, and the United States Congress was creating the EPA. These decisions came along with a dawning awareness that environmental concerns and protections need the back-up of a dedicated administrative body in order to be effective.

Of course, not all towns have placed such a high priority on conservation, park management, and the protection of natural resources. Conservation commissions in

other towns are appointed, and they are primarily permitting boards that administer wetlands regulations. Wellesley's independent elected NRC is uniquely charged with a much broader mission of stewardship over conservation land, parks, and natural resources, and includes public education and advocacy (see handout, page 4). The NRC is also vested with the statutory authority of a conservation commission and delegates that authority to the Wetlands Protection Committee, which the NRC appoints. This unique structure has given our town's critically important natural resources the protection and conservation they deserve and require, for the preservation of the character, natural beauty, and quality of life that we all treasure. Before we undertake to reverse this structure of almost forty years standing, let's consider the risks – what do we stand to lose?

First and foremost, we will lose an independent voice for the environment. In its decades of existence, the NRC has worked to protect and expand open space, to reduce pesticide use on public lands, to maintain the tree canopy and green character of our town, and to advocate for and safeguard the town's natural resources. Most of the NRC's achievements (see handout, page 5) are accomplished through successful collaboration with other town boards, departments, and residents. And on occasion, open spaces and environmental concerns have needed strong representation and advocacy in the face of increasing pressures. In the coming years, that pressure is very likely to continue to grow, as it has during the many years of the NRC's existence. In a

division concerned largely with commercial and residential development and permitting, the voice of the NRC is likely to be significantly weakened and diluted. And despite assurances to the contrary, the authority and independence of the NRC *will* certainly be diminished.

As you know, under the current structure (see handout, page 6), the NRC is responsible for the NRC staff, including the director, the Wetlands Administrator, the Environmental Education and Outreach Coordinator, and two part-time administrative assistants. Under the proposed Planning and Land Management Division (see handout, page 7), the NRC and its staff would be under the authority of the deputy town manager, who would report to the Town Manager, who would report to the Board of Selectmen.

We have been assured that these proposed changes relate solely to administration, and that the consolidation would not affect the statutory authority of the NRC or its ability to create policy and initiatives. But the NRC would no longer have authority over the NRC director or the NRC budget; the director would report to the deputy town manager; and our part-time administrative staff would be moved to an administrative pool to serve the entire division.

Under the study committee's proposal, the NRC might retain its ability to *create* policy, but it would no longer have any means of ensuring that those policies are executed. The director – who is responsible for executing the board's policies and

initiatives – would not report to the board, but to the town manager (or the deputy town manager). If a difference in priorities arose between the NRC and the town manager over conservation land, for example, the director would – by necessity – follow the priorities of the town manager.

It is hard to see this proposed structure as a simple administrative change. To the members of the NRC, it appears to be the removal of the ability to accomplish our mission beyond making decisions such as whether to take down a diseased tree or to allow dogs off-leash in a park.

We whole-heartedly support the calls for greater collaboration across town government – and we believe the NRC and the Natural Resources Director will establish a productive collaboration with the town manager in the “dotted line” relationship we propose (see handout, page 8).

The NRC has enthusiastically participated in the collaborations that brought about the restoration of Fuller Brook Park, the acquisition of 900 Worcester Street, and the purchase of the North 40. We would like to underscore that true collaboration does not come about through administrative consolidation or through an attempt to draw it into an org chart. True collaboration comes from consensus building, working together with concerned stakeholders to make plans, find solutions, and execute good public policy. That is what democratic government is all about.

The members of the NRC look forward to a collaborative public process over the next two months and hope to take part in a lively public conversation about these ideas and proposals as the members of the Advisory Committee and Town Meeting Members consider what is best for our town.

Thank you.

Additional handout attached:

Page 9 – Alternative proposal discussed by NRC, proposed by Ellen Korpi, Chair,
Sustainable Energy Committee

Table adapted from TGSC, included to show towns in which elected boards have hiring/firing authority over department heads.

TOWN	TOWN MANAGER / TOWN ADMINISTRATOR CHARACTERISTICS								
	WELLESLEY	DOVER	MARSHFIELD	BELMONT	WAYLAND	WESTWOOD	WESTON	ACTON	NEEDHAM
TOWN MANAGER (TM) OR TOWN ADMINISTRATOR (TA)	Director of GG	Town Administrator	Town Administrator	Town Administrator	Town Administrator	Town Administrator	Town Manager	Town Manager	Town Manager
HIRE/FIRE POLICE FIRECHIEFS	BoS	BoS	BoS	BoS	TA with ratification of BoS	BoS	TM recommends to BoS for their approval	TM, BoS approval not reqd	TM subject to veto of BoS
HIRE/FIRE TOWN CLERK	TC is elected	TC is elected	TC is elected	TC is elected	TC is elected	TC is elected	BoS appoints	BoS appoint	TC is Elected
HIRE/FIRE DEPARTMENT HEADS	Hires Finance Dir, Facilities Maintenance Direct and NIS Director subject to approval of BoS	BoS for boards under its jurisdiction; otherwise by elected boards	BoS for boards under its jurisdiction; otherwise by elected boards	TA, with advise and consent of dept heads of elected boards. TA appts all others with exceptions (Police, Fire etc)	TA appts Town Accltant and HR Director with ratification of BoS and appts on his own the Treasurer/Collector and Conservation Dir. And Bldg Comr. And a few others	TA BoS given 15 days to reject recommendation. BoS appts Police and Fire Chiefs and DPW Director	Apptd by elected or apptd boards with concurrence of Town Manager	TM hires all except Town Counsel, Town Clerk, Town Accltant and Schools	TM hires all dept heads subject to veto power of either BoS (personnel head and director of DPW) or elected board
REORGANIZE, CONSOLIDATE DEPARTMENTS	no power in ED	no power in T a/or	no power in T a/or	none, although does it without authority	None	None	TM, with approval of BoS, can reorg, etc those depts under TMgr's direction or supervision	TM, with approval of 3 Selectmen, establish, combine, reorganize or discontinue depts. with approval of BoS and FinCom, TM may transfer the appropriation of a discontinued dept to any other dept.	TM with approval of affected elected boards and approval of BoS may reorg etc.
APPOINTMENT OF COMMITTEES	None	None	None	none	None	None	none	none	none

TOWN	TOWN MANAGER / TOWN ADMINISTRATOR CHARACTERISTICS					
	WINCHESTER	SUDBURY	READING	LEXINGTON	ANDOVER	CONCORD
TOWN MANAGER (TM) OR TOWN ADMINISTRATOR (TA)	Town Manager	Town Manager	Town Manager	Town Manager	Town Manager	Town Manager
HIRE/FIRE POLICE FIRECHIEFS	TM subject to veto of BoS	TM	TM. BoS confirms apptm	TM	TM	TM
HIRE/FIRE TOWN CLERK	TM subject to vote of BoS	TM appoints	TM appoints	TM	TM	TM
HIRE/FIRE DEPARTMENT HEADS	TM appts all dept heads for whom no other selection provided for subject to veto of BoS. All elected boards hire, supervise their own staff	TM appoints all key staff but Town Accltant, Town Counsel and employees of BoH and School depts.	TM appoints: BoAssessors confirms apptm of dept head. Schools, Library and MLP are exempt. School supt hires maintenance head	TM appoints all but schools, secretarial assts to BoS, housing atr and certain library e/ees; planning director apptm is with approval of PB	TM appoints all but the Town Accountant.	TM appts all and may remove with "cause" except approval needed of BoS for Town Clerk, Town Treas/collector
REORGANIZE, CONSOLIDATE DEPARTMENTS	BoS can re-organize depts with consultation of TM. after hearing and vote of Town Meeting. Town Meeting votes change up or down. Can not amend or alter it.	TM may reorganize depts under TM jurisdiction; BoS can reorganize depts under its jurisdiction	yes "in consultation" with BoS	TM can re-organize, consolidate etc with approval of BoS and transfer funds from one dept to another	TM can re-organize etc without approval of BoS and can transfer funds from one dept to another	TM may reorganize etc. of depts with approval of BoS. May transfer funds from one dept to another with approval of BoS and FinCom
APPOINTMENT OF COMMITTEES	Conservation Com and Historical Com with approval of BoS	Appoints many committees; ConCom; Historical Com, nd many others	none	BoHealth, Conservation Com, Rec Com with approval of BoS, PBC and BoAssessors	TM appoints ALL committees except ZBA	Appoints all but Library, Planning board, BoAppeals, Personnel Board

Chart from TGSC illustrating many different configurations of "Land Use Divisions"

Land Use Divisions in Peer Communities – TGSC Document

Town	Wellesley	Belmont	Wayland	Westwood	Weston	Acton	Needham	Winchester	Sudbury	Reading	Lexington	Andover	Concord
TM or TA	ED	TA	TA	TA	TM	TM	TM	TM	TM	TM	TM	TM	TM
Name of Dept	none	Comm Dev Dept	none	Dept of Comm & Econ Dev	none	Land Use Dept.	Planning & Comm Dev	none	Planning & Comm Dev Dept	Comm Services Dept	Comm Dev Dept	Comm Dev & Plng Dept	Plng & Land Use Mgmt
Planning Board		x		x		x	x		x	x	x	x	x
Elected				x			x		x		x		
Appointed		x				x				x		x	x
Conservation Comm.				x		x	x		x	x	x	x	x ¹
Board of Health				x		x				x	x	x	x
Elected				x									
Appointed						x				x	x	x	x
Inspections only						x					x		
Building Dept		x		x						x	x	x	x
Historical Entities				x					x	x	x		
Engineering		x										x	
Zoning Bd of Appeals				x		x	x		x		x		
Design Review Board				x					x				
Housing				x					x				
Other									x CPC	x Rec, Vets Human Svcs			
Date established				2014		2014	2010			around 1988	around 1992	around 1985	

NOTE: "X" means "yes"

¹Concord is the only other town with a Natural Resources Commission. Wetlands is a part of it.

ESTABLISHMENT OF THE NATURAL RESOURCES COMMISSION

1971 An Open Space Coordinating Committee study failed to quiet **public dissatisfaction** with open space management in Wellesley.

1976 A three-year Open Space Management Committee study found that:

1. Wellesley's land management problems stemmed from **control of land by boards whose priorities lie in areas** other than open space
2. A Conservation Commission appointed by the Board of Selectmen was **unable to exercise its statutory authority freely**
3. The Park & Tree Board, Town Forest Committee, and Tree Warden were **not effective under the Board of Public Works.**

1977 Town Meeting decided to consolidate open space management in an elected Natural Resources Commission bearing the statutory authority and responsibility of Park Commissions, Conservation Commissions, Tree Wardens, Town Forest Committees, and Forestry and Pest Control Officers under Massachusetts law.

1978 Special legislation authorizing the establishment of the Natural Resources Commission was passed by the Massachusetts legislature. Town Meeting passed the Natural Resources Commission Bylaw, Article 43.

1979 The right of Town Meeting to establish a Natural Resources Commission was affirmed by the Massachusetts Supreme Judicial Court. Members of the first Natural Resources Commission were elected.

Mission Statement

IT IS THE MISSION OF THE NATURAL RESOURCES COMMISSION to provide stewardship, education and advocacy of the Town of Wellesley park, conservation, and open space system.

The STEWARDSHIP imperative is reflected in Commission policies and regulations. Management decisions are structured with long term stewardship in mind, as are the levels of maintenance and development specified for active or passive recreational uses.

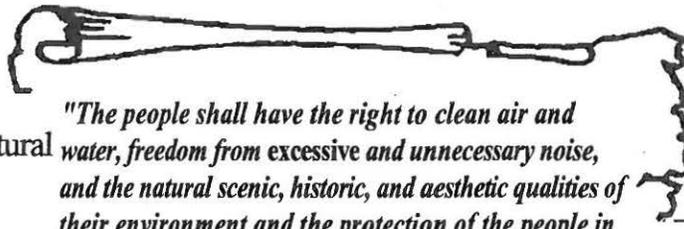
EDUCATION is a fundamental component of the NRC mission. Stewardship can only be achieved by building long term public understanding, support and enjoyment of open space as an integral part of Wellesley's quality of life. The high level of public demand for information on Wellesley's park and conservation lands, recreational opportunities, and natural and historical resources is a hopeful indication for the future.

Providing access to open space for suitable recreational opportunities for all members of the public is an important part of NRC's mission. Prudence in planning new or expanded active recreation programs or facilities is needed in order to assure preservation of Wellesley's natural and cultural resources, native wildlife, and the healthful and aesthetic qualities essential to an outstanding residential community.

ADVOCACY of environmentally-sensitive management practices by public and private agencies and individuals alike is fundamental to the stewardship mission. Emphasis on the 3Rs—Reduce, Reuse, Recycle—is basic. Reducing pesticide, fertilizer and sediment-loading of Wellesley's waters is crucial to Wellesley's water supply and water-contact sports. Planting trees is critical to Wellesley's aesthetics and real estate values but even more to fresh air, climate control, noise reduction, and pollution abatement.

Cooperation and coordination with the private sector—neighborhood groups, private land trusts, watershed associations, horticultural interests and the business sector—are integral to accomplishing this mission. Volunteer efforts and contributions have been and will continue to be vital to maintaining and improving Wellesley's quality of life.

The policies, regulations and directives which follow are intended to provide guidance to public and private agencies, to promote efficient and effective management, and to encourage and support broad participation by neighborhood and other volunteer groups.



"The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural scenic, historic, and aesthetic qualities of their environment and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose."

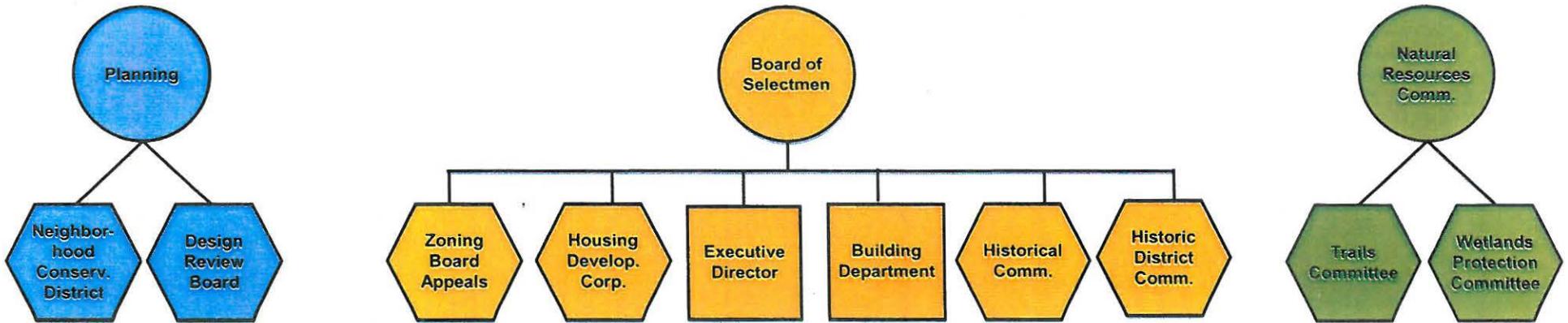
-MASSACHUSETTS CONSTITUTION Article XLIX

NRC ACCOMPLISHMENTS AND ON GOING PROJECTS

- Led campaign to purchase and preserve **Centennial Reservation**
- Promoted the **Integrated Pesticide Management program**, making Wellesley among the first in MA to have strong organic management practices
- Initiated and supports on-going restoration of the historic **Fuller Brook Park**, a recreational resource and storm water management system
- Safeguards **parks and conservation lands** from development, encroachment, and paving
- Protects and enhances **town tree canopy** through the Tree Planting Program and oversight of public shade trees, making Wellesley the recipient of the **Tree City USA Award for 32 consecutive years**
- Coordinates on-going restoration of **Morses Pond**, resulting in excellent water quality and improved swimming conditions
- Surveying and planning for restoration and protection of **8 public ponds**
- Oversees care and maintenance of 26 miles of trails through **Trails Committee**, and secures conservation easements for public use of private lands
- Promotes **recreation, education, and community gardening** on parks and conservation lands
- Protects delicate wetlands resource areas through the appointed **Wetlands Protection Committee** and the Wetlands Administrator

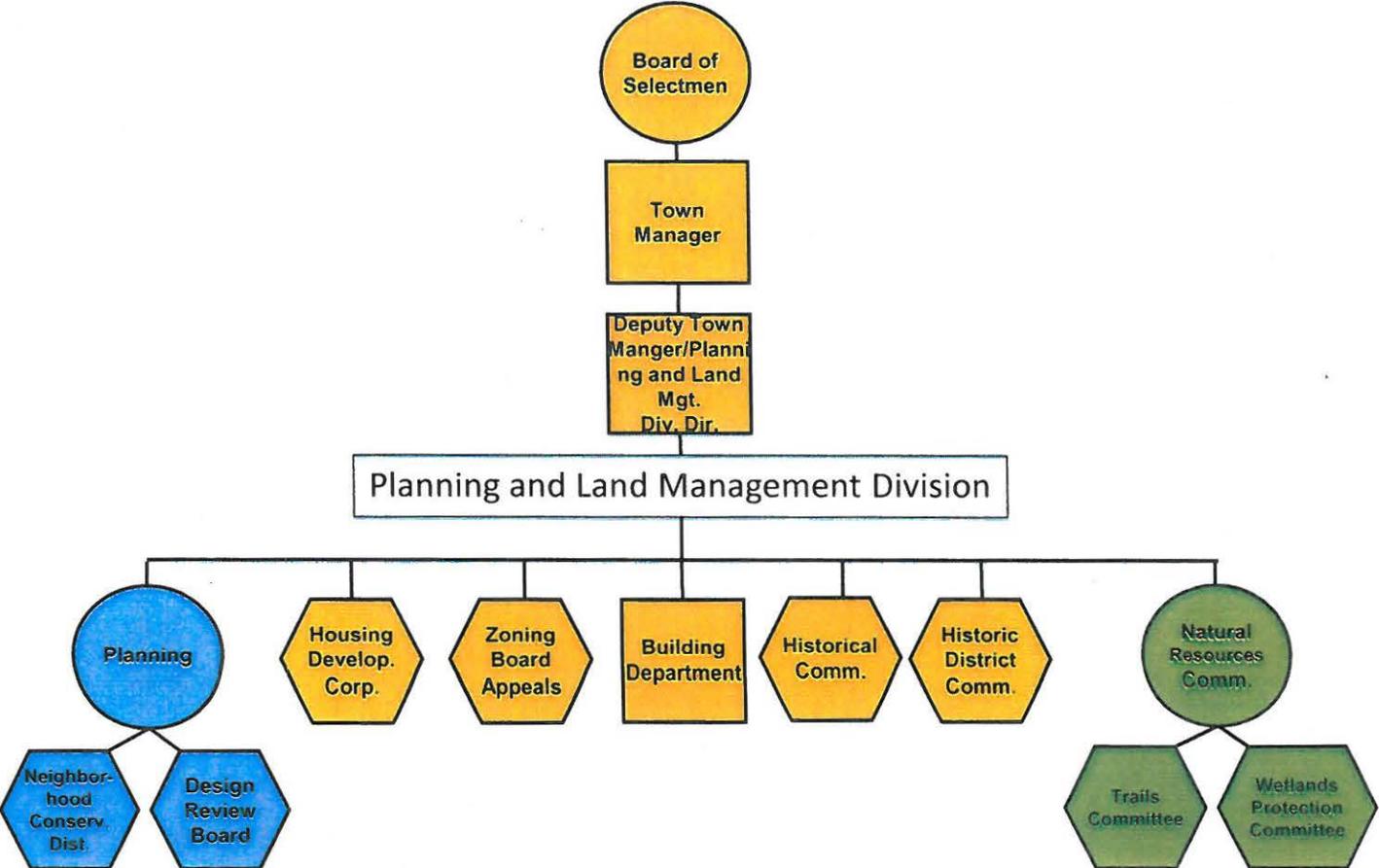
Current Organizational Structure of
Boards, Committees, and Departments Affected by the TGSC Proposal for
Planning and Land Management Division

- Elected
- ⬡ Appointed
- Employee



Organizational Structure Proposed by TGSC for Planning and Land Management Division*

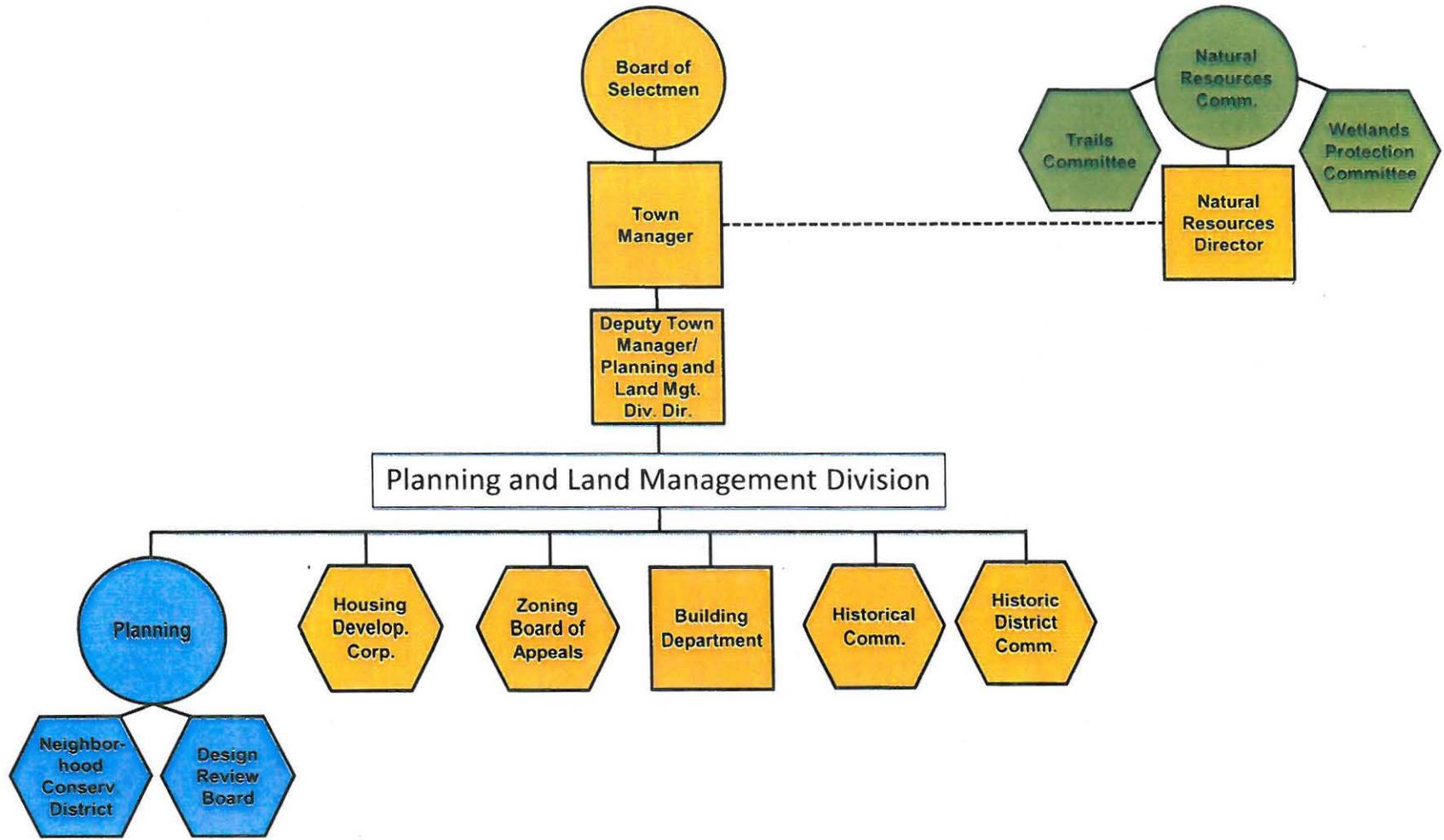
- Elected
- ⬡ Appointed
- Employee



*Based on NRC understanding of TGSC Proposal

Organizational Structure Proposed by the Natural Resources Commission

- Elected
- ⬡ Appointed
- Employee

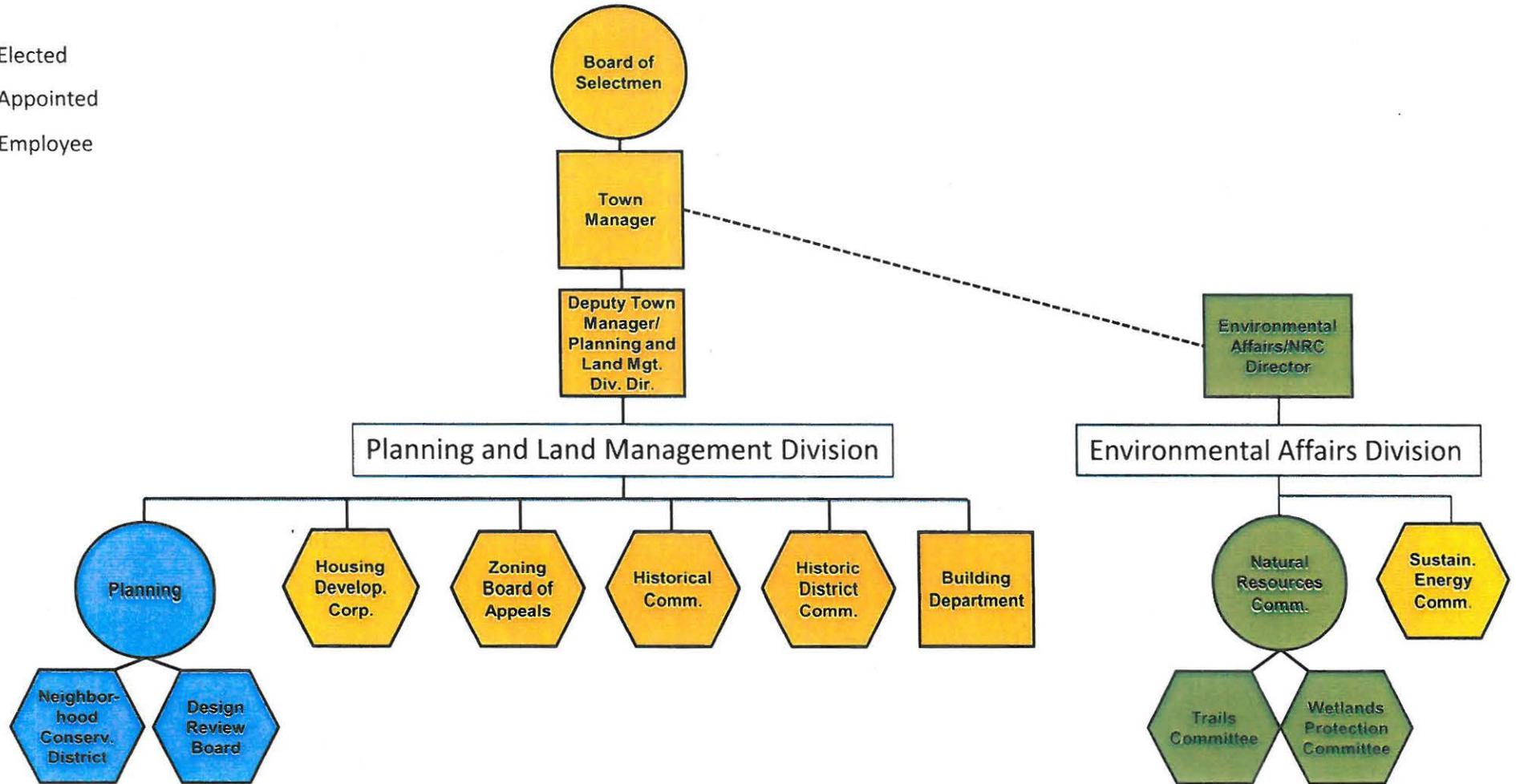


Alternative proposal discussed by NRC

Organizational Structure

Proposed by: Ellen Korpi, Chair, Sustainable Energy Committee

- Elected
- ⬡ Appointed
- Employee



“Preserving our rich heritage of unspoiled natural beauty will be a constant challenge for Wellesley in the next hundred years.”

Elizabeth Hinchcliffe, *Wellesley’s Centennial Story*, 1981

