TOWN OF WELLESLEY *MASSACHUSETTS*

NATURAL RESOURCES COMMISSION
Town Hall, 525 Washington Street, Wellesley, Massachusetts 02482-5992

Neal Seaborn, Chairman
Ursula King, Vice Chairman
Heidi K. Gross, Secretary
Joan E. Gaughan
Stephen Murphy

Telephone: (781) 431-1019, Ext. 2290
Facsimile: (781) 237-6495
Janet Hartke Bowser, Director
(781) 431-1019 Ext. 2290
Website: www.wellesleyma.gov/NRC

Natural Resources Commission

Law, Policy & Regulations

Handbook 2012

Janet Hartke Bowser, Esq.
Executive Director

WELLESLEY NAUTRAL RESOURCES COMMISSION

POLICY, LAWS AND REGULATIONS HANDBOOK

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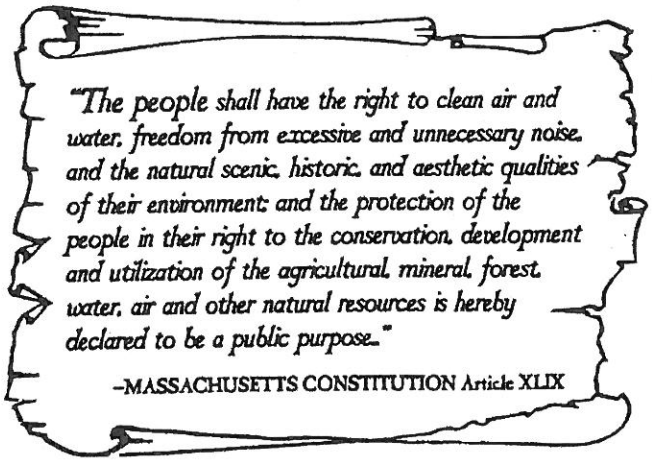
Mission Statement

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.

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.

NATURAL RESOURCES COMMISSION

Statutory Authority, Acts of 1978,
Chapter 555 Section 4

Chapter 555 of the Acts of 1978 authorized the Town of Wellesley to adopt bylaws modifying Wellesley's governmental structure and procedures. One such change, embodied in Section 4, authorized the establishment of the Natural Resources Commission. The Commission was established by vote of Town Meeting under Article 43 of the town bylaws.

SUMMARY OF MAJOR PROVISIONS

Section 4, Chapter 555 of the Acts of 1978
This authorizes the establishment of a natural resources commission consisting of five members elected for a term of three years with the powers and duties of conservation com missions, town forest committees, park commissioners, tree wardens, moth superintendents and superintendents of insect pest control under the General Laws. It authorizes the appoint- ment of a director of natural resources, a wetlands protection committee to administer and enforce the Wetlands Protection Act (MGL Chapter 131 §40), a landscape advisory commit tee, a long range planning committee, and necessary staff.

The Commission is granted authority over:

- the use, acquisition, management, preservation and protection of conservation land, park land, and such other land as may be transferred to or acquired by the commission
- forest and tree nursery management
- insect pest and moth control
- administration of the conservation fund under MGL Chapter 40 §§5(51) and 8C.

The Commission is charged with:

- establishing general policies to be implemented by the Department of Public Works for the carrying out of work affecting natural resources
- proposing for acquisition those natural resources that the Commission deems useful or important to the town
- studying and making recommendations regarding the use, maintenance, management, preservation and protection of the natural resources of the town which are under the jurisdiction of other boards
- carrying out other related responsibilities.

Section 4 of Chapter 555 of the Acts of 1978 also specifies the terms of office, the initial organization of the Natural Resources Commission, and the termination of existing boards and committees.

NATURAL RESOURCES COMMISSION
Table of Consolidated Functions

OFFICES CONSOLIDATED UNDER NRC STATUTORY AUTHORITIES	FUNCTIONS
CONSERVATION COMMISSION *MGL Ch. 40§5(51)&8C* *MGL Ch. 131 §40*	*Protect, promote & develop natural resources* *Prepare Comprehensive Open Space Plan* *Manage Conservation Fund* *Manage conservation land* *Appoint Wetlands Protection Committee*
PARK COMMISSION *MGL Ch. 45 §1-11*	*Manage parkland for public benefit* *Exercise authority of Selectmen, Road Commissioners & Tree Wardens in parkland*
TREE WARDEN *MGL Ch. 87*	*Manage and control public shade trees* *Conduct public shade tree hearings* *Enforce laws for protection of trees*
FORESTRY & PEST CONTROL *MGL Ch. 132*	*Set policy for pest control & pesticide use* *Research & approve methods of pest control*
TOWN FOREST COMMITTEE *MGL Ch. 45*	*Protect watershed of Town Forest* *Manage the timber resource*

NATURAL RESOURCES COMMISSION
Town of Wellesley Bylaw Article 43

43.1 **Natural Resources.** For the purposes of this article, "natural resources" includes without limitation *lakes, ponds, streams, parks, athletic and playing fields, conservation lands, reservations, forests, watersheds, wetlands, wildlife, plantings, and shade and ornamental trees and shrubs, and other outstanding natural features.*

43.2 **Membership.** The Town shall have an elected Natural Resources Commission consisting of five residents.

43.3 **Term.** The term of office shall be three years.

43.4 **General Duties.** The Commission shall:

a. Have overall authority and responsibility with respect to:
   (i) the use, acquisition, management, preservation and protection of conservation land;
   (ii) the use, management, preservation and protection of park land and such other land as may be transferred to or acquired by the Commission;
   (iii) forest and tree nursery management;
   (iv) insect pest and moth control; and
   (v) administration of the Conservation Fund under Sections 5(51) and 8C of Chapter 40 of the General Laws.

b. Study and make recommendations regarding the use, maintenance, manage ment, preservation and protection of the natural resources of the Town which are under the jurisdiction of other boards.

c. Establish general policies to be implemented by the Department of Public Works as provided in Section 29.3.d. for the carrying out of maintenance, tasks and work affecting natural resources as authorized by Section 43.4.a.

d. Propose for acquisition by the Town those natural resources that the Commission deems useful or important to the Town.

e. Carry out such other responsibilities as the Town may assign to it or as may be permitted or required by law.

43.5 **Statutory Powers and Duties.** The Commission shall have all the powers and duties *of conservation commissions, forest committees, park commissioners,*

tree wardens, moth superintendents and superintendents of insect pest control under the General Laws, particularly under Section 8C of Chapter 40, and under Chapters 45, 87 and 132.

43.6 **Director of Natural Resources.** The Commission shall appoint a Director of Natural Resources who shall hold office at the will of the Commission and can be removed only with the consent of at least three members of the Commission. The Commission may delegate to the Director such duties as they deem appropriate. The delegation of major responsibilities shall be in writing. The Commission shall appoint such staff as it deems necessary.

43.7 **Wetlands Protection Committee.** The Commission shall appoint a Wetlands Protection Committee consisting of five residents. The term of office shall be three years commencing on July 1. The Commission shall delegate to the Wetlands Protection Committee the power and authority to administer and enforce the provisions of the Wetlands Protection Act, Chapter 131, Section 40 of the General Laws.

43.8 **Landscape Advisory Committee.*** The Commission shall appoint a Landscape Advisory committee consisting of three residents. The term of office shall be three years commencing on July 1. This Committee shall assist, advise and submit plans and recommendations to the Commission for preserving, improving and enhancing Town-owned natural resources and the beauty of the Town.

43.9 **Long Range Planning Committee.*** The Commission shall appoint a Long Range Planning Committee consisting of five residents. The term of office shall be three years commencing on July 1. This Committee shall assist, advise and submit plans and recommendations to the Commission pertaining to the long range use, acquisition, maintenance, protection and development of open space in, and natural resources of, the Town.

43.10 **Plans.** The Commission shall take into consideration all town and regional plans affecting the natural resources of the Town.

43.11 **General Provisions.** The Commission shall also be governed by Articles 2-7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

** The Natural Resources Commission is currently handling these duties and appointing ad hoc committees as required (Pesticide Applications Study Committee, Bike Trails and Walkways Study Committee, etc.)*

NATURAL RESOURCES COMMISSION

M. G.L. Chapter 40 §8C: the Conservation Commission Act
Duties of Conservation Commissioners

Chapter 40 §8C of the Massachusetts General Laws, known as the Conservation Commission Act, is the statute under which the Natural Resources Commission manages conservation land and administers the town's Conservation Fund.

SUMMARY OF MAJOR PROVISIONS

Chapter 40 §8C

A town may establish a conservation commission for the promotion and development of natural resources and for protection of watershed resources. Conservation commissions conduct research into local land areas and coordinate the activities of unofficial bodies organized for similar purposes. Commissions prepare and distribute books, maps, plans and pamphlets necessary for its work, including a conservation and passive outdoor recreation plan consistent with the town master plan and with regional plans relating to the area. The commission may appoint staff and consultants and contract for materials and services.

Section 8C specifies the establishment of conservation commissions, the terms of commissioners, and operational requirements, then continues as follows:

Conservation commissions may receive gifts of personal property or interests in real property, subject to the approval of the selectmen. They may acquire land in fee, water rights, easements or restrictions by option, purchase or lease. At their written request Town Meeting may exercise eminent domain to acquire such land or water rights.

Conservation Commissions manage and control conservation lands. They may adopt rules and regulations governing the use of conservation lands and waters and assess penalties of up to $100 for violations.

Towns may appropriate money to a conservation fund to be expended by the conservation commission for the purposes authorized by Section 8C. The establishment of a conservation fund is further spelled out in the Conservation Fund Act, MGL Chapter 40 §5(51).

Some of the Massachusetts environmental laws administered or locally enforced by conservation commissions are listed on the next page:

Statutes Relevant to NRC's Duties as Conservation Commission	
MGL C. 21 A §16	Administrative Penalties Law
MGL C.260 §31, Acts of 1987; C. 564 §46	Adverse Possession
MGL C. 61A	Agricultural Land Assessment Act
MGL C. 132A §§11A-D	Agricultural Preservation Restriction Act
MGL C.214 §7A; C. 30A§10A	Citizen's Right of Action Laws
MGL C.40 §8C	Conservation Commission Act
MGL C. 40 §5(51)	Conservation Fund Act
MGL C. 184 §§31-33; MGL C.40 §5(70); MGL C. 44 §7(3)	Conservation Restriction Laws
MGL C. 44 §8C	Debt for Land Acquisition
Acts of 1990, C. 408	Endangered Species Act
MGL C. 61	Forest Land Assessment Act
MGL C.132 §§40-46	Forest Cutting Practices Act
MGL C.131 §40A	Inland Wetlands Restriction Act
MGL C. 30 §§61-62H	Massachusetts Environmental Policy Act
MGL C.266 §121A	Motorized Trespass Law
MGL C. 39 §§23A-C	Open Meeting Law
MGL C. 21 §17C	Private Landowner's Liability
Massachusetts Constitution Article 97; Opinion of the Attorney General	Protection of Public Land
MGL C. 66	Public Records Act
MGL C. 87	Public Shade Tree Act
MGL C. 61B	Recreational Land Assessment Act
MGL C. 21 §17B	Scenic Rivers Act
MGL C. 40 §C	Scenic Roads Act
MGL C.132A §§2B & 11	Self-Help Act
MGL C. 48 §16	Timber Slash Law
MGL C. 131 §40	Wetlands Protection Act

NATURAL RESOURCES COMMISSION

M.G.L. Chapter 45: Parks and the Public Domain

Duties of Park Commissioners and Town Forest Committees

Chapter 45 of the Massachusetts General Laws is the statute under which the Natural Resources Commission as Park Commission acquires land and establishes policy and regulations for town parks. It is also the source of statutory authority for Natural Resources management of Town Forest.

SUMMARY OF MAJOR PROVISIONS RELEVANT TO WELLESLEY

Section 1. Definitions
"Park" includes a town common used by the public without interruption for 20 years.

Section 2. Park Commissioners
This section states how boards of park commissioners are established and how commissioners may be removed.

Section 3. Taking or Purchase of Land for Parks
Park Commissions may exercise eminent domain to acquire land for parks by purchase, gift or otherwise.

Section 4. Connection of Parks with Other Sections of Town
Park Commissions may establish parkways between parks and have the same authority over parkways as over parks.

Section 5. Powers of Park Commissioners
Park Commissions may:

- Lay out and improve public parks
- Make rules for park use and government
- Appoint engineers, surveyors, clerks, police officers, etc
- Conduct park programs and recreation activities
- Exercise the authority of boards of selectmen, road commissioners and tree wardens in places under their jurisdiction.

Section 7. Erection of Buildings in Parks
Land taken for parks must be forever kept open and maintained as a public park. Specific limits are placed on the kinds and sizes of buildings that may be erected by park commissioners in public parks.

Section 19. Laying Out and Use of Public Domain Town Forest
Towns may take or purchase land within town limits as a *public domain.* The public domain *must* be devoted to the culture of forest trees or to the preservation of the water supply. Towns may acquire land within the territorial limits of other towns for water supply purposes (such as the Wellesley water impoundment in Needham).

Section 21. Management and Care of Town Forests
A special town forest committee or the conservation commission manages the portion of the public domain known as town forest.

Section 24. Penalty for Violation
A fine of $200 is authorized for violation of any regulation made under this chapter or under any special act for similar purposes.

NATURAL RESOURCES COMMISSION

M.G.L Chapter 87: Public Shade Trees

Duties of Tree Wardens

Chapter 87 of the Massachusetts General Laws is the statute under which the Natural Resources Commission as Tree Warden establishes Public Shade Tree policy for the town. The Commission has appointed the Board of Public Works as Deputy Tree Warden and has charged them with the responsibility of assuring departmental implementation of Natural Resources tree policies.

SUMMARY OF PROVISIONS

Section 1. Public Shade Trees Defined
All trees within or on the boundaries of a public way are public shade trees. When the ownership of a tree is in doubt, it is deemed to be a public shade tree until proven otherwise.

Section 2. Powers of Tree Wardens
The Tree Warden may appoint and remove deputy tree wardens. The Warden has care and control of all public trees and shrubs in the town except for those within a state highway or in public parks, and he also has care and control of trees in parks if so requested by the park commissioners. He enforces all the provisions of law for preserving public shade trees and expends all money appropriated for planting and maintenance of them. No tree may be planted within a public way without the approval of the Tree Warden.

The Tree Warden may make regulations for the care and preservation of public shade trees and establish fines and forfeitures for violations.

Section 3. Cutting of Public Shade Trees; Public Hearing
Except as provided by Section 5, public shade trees may not be cut, trimmed or removed by anyone, not even the owner of the land on which the tree is situated, except by the Tree Warden or his deputy or with a permit in writing from the Tree Warden after a public hearing. The notice of the public hearing must identify the size, type and location of the trees to be cut down; it must be posted in two or more public places and on the trees at least seven days before the hearing; and it must be published in a newspaper for two successive weeks not less than seven days before the hearing.

Section 4. Appeal
If, at or before the public hearing, objection is made in writing, Tree Wardens may not remove a public shade tree without approval by the Selectmen.

Section 5. Cutting Bushes and Trimming Trees that Obstruct Travel
Tree Wardens and their deputies may, without a hearing, trim or remove trees in the public way less than 1½ inches in diameter one foot from the ground; and, if ordered by the

Selectmen must trim or cut down trees and bushes if they obstruct, endanger, hinder or incommode travelers or obstruct buildings being moved. Nothing in this chapter prevents road widening or pest suppression.

Section 6. Penalty
Violations shall be punished by fines established by law.

Section 7. Planting of Shade Trees
Towns may appropriate money to be expended by the Tree Warden for planting shade trees in the public ways or, with the consent of the owner, on adjoining land up to 20 feet from the public way.

Section 8. Trees on State Highways
The State Department of Highways has care and control of trees and shrubs within state highways. No such tree shall be trimmed or removed by anyone else, even if he is the owner of the land, except with a written permit from the State Department of Highways. Any person injured by action of the department may recover damages.

Section 9. Signs and Marks Forbidden
Tree Wardens are mandated to fine anyone who fixes a sign, notice, advertisement or anything else to a public shade tree or anyone who cuts, paints or marks a public shade tree except with a permit from the Tree Warden for the purpose of protecting the tree or the public. Town Tree Wardens enforce this section on State highways as well as town streets.

Section 10. Injury to Trees on State Highways
Anyone who without authority trims or removes a tree or shrub within a state highway or who maliciously injures, defaces or destroys any such tree is punished by imprisonment or by a fine.

Section 11. Injury to Trees of Another Person
Whoever willfully, maliciously or wantonly cuts, destroys or injures a tree which is not his own shall be punished by imprisonment or by a fine.

Section 12. Injury to Shrubs, Trees and Fixtures
Whoever wantonly injures defaces or destroys a shrub, plant, tree, fixture, ornament or utility in a public way or place shall be punished by a fine and shall be liable for all damages.

NATURAL RESOURCES COMMISSION

M,G.L Chapter 132; Forestry and Pest Control

Duties of Pest Control Officers

Chapter 132 of the Massachusetts General Laws is the statute under which the Natural Resources Commission as Town Forest Committee and Shade Tree Management & Pest Control Superintendent establishes policy for Town Forest, shade tree management and pest control within the town.

SUMMARY OF MAJOR PROVISIONS

Section 11,

The State Superintendent of Shade Tree Management and Pest Control annually recommends to the Commissioner of Environmental Management the financial liability of cities and towns to be appropriated by the town for use of the local pest control superintendent.

Section 13.

This section requires the appointment of a local Shade Tree Management and Pest Control Superintendent to control pests such as gypsy and brown tail moths, tent caterpillars, cankerworms, oriental hag moths, fall webworm, Japanese beetles, other leaf-eating and sucking insects, woodticks and poison ivy.

Section 14.

The financial liability of cities and towns for pest control is determined each year by the Commissioner of Environmental Management in an amount not to exceed l/15th of 1% of the town's valuation.

Section 16.

Any town which has:

- a public shade tree inventory not more than five-years-old
- a public shade tree management plan approved by the state forester

and is in compliance with the law and requirements of the state superintendent may apply to the Bureau of Shade Tree Management and Pest Control for 50% reimbursement of total expenditures made during the calendar year for the care, control and management of the town's public shade trees.

Any city or town which expends the amount of its liability during a calendar year is eligible for assistance from the Bureau for up to 50% of its expenditures in excess of the liability.

Section 25.
The local superintendent has jurisdiction over the suppression of all foliage-destroying pests within town limits.

Section 26.
Local superintendents may remove trees infested with Dutch Elm disease beetles or fungus.

Section 26D.
Counties may grant money, subject to appropriation, to aid in the suppression of pests declared to be public nuisances.

Section 26E-G.
These sections specify diagnosis and procedures to follow with Dutch Elm disease.

Section 35.
Towns may acquire, reclaim and plant lands for forestation. The state forester may supply towns with seedlings for the purpose.

Section 40.
The public welfare requires the rehabilitation, maintenance and protection of forest lands for the purpose of conserving water, preventing floods and soil erosion, improving the conditions for wildlife and recreation, protecting and improving air and water quality, and providing a continuing and increasing supply of forest products for public consumption, farm use, and for the wood-using industries of the Commonwealth.

It is the policy of the Commonwealth that all lands devoted to forest growth be kept in a condition which will not jeopardize public interests. Cooperation with landowners and agencies interested in profitable management of forest lands is state policy.

NATURAL RESOURCES COMMISSION

Operating Bylaws (Internal)

I. ORGANIZATION

The Natural Resources Commission shall organize annually at their first meeting in September. Every member shall be notified of the organizational meeting. The meeting shall be called to order by the Director, who shall preside during and until the election of a Chairman.

II. OFFICERS

The officers of the Commission shall be a Chairman, Vice-Chairman, and a Secretary. These officers shall be elected at the annual organizational meeting. Vacancies in any office may be filled at any meeting of the Commission. All members of the Commission must be notified prior to the meeting that a vacancy will be filled at that meeting.

A. Chairman

The Chairman shall preside at all meetings and shall have the right to vote on all matters before the Commission, the Chairman shall determine with the Director the agenda for each meeting, shall have authority to sign contracts and other documents approved by the Commission in its name and behalf, and shall have such other powers and duties as the Commission may from time to time determine.

B. Vice-Chairman

The Vice-Chairman shall have the power and duties of the Chairman in his/her absence or during a period of disability, and such additional powers and duties as the Commission may from time to time determine.

C. Secretary

The Secretary shall keep such records for the Commission as the Commission may require and shall preside at meetings of the Commission in case of absence of both Chairman and Vice-Chairman.

III. LIAISONS

At the annual organizational meeting, individual members of the Commission shall be appointed as liaisons to the Wetlands Protection Committee, the Board of Public Works, and other boards and committees as necessary. Liaisons shall serve as ex-officio members of their respective committees until the next organizational meeting of the Commission.

IV. MEETINGS

Meetings shall be scheduled monthly and shall normally start at 7:30 PM and end not later than 10:15 PM so far as is practicable.

Special meetings shall be called by the Director at the request of the Chairman or two members of the Commission.

So far as is practicable, a quarterly meeting shall be reserved for discussion of policy and long-range planning issues.

V. QUORUM

A majority of the entire Commission shall constitute a quorum for the transaction of business. No action may be taken except to set another meeting or to adjourn unless a quorum is present.

VI. CONDUCT OF BUSINESS

The order of business shall be as set forth in the agenda for the meeting, but it may be suspended by the Chairman or by majority vote of the members present. Business shall be conducted in accordance with Roberts' "Rules of Order, Revised."

VII. PUBLIC COMMENT

Members of the public may comment on matters within the jurisdiction of the Commission at the beginning of each meeting for a total period not to exceed 15 minutes. Public comment on matters under consideration during the meeting shall be at the discretion of the Chairman.

VIII. CONSULTANTS

The Commission may, by vote at any meeting, appoint consultants to the Commission. Consultants shall pursue those tasks given to them by the Commission but shall not have a vote or official responsibilities. They shall participate in Commission meetings or activities according to the nature of their charge or interests, as the Commission may designate.

IX. AD HOC COMMITTEES

Ad hoc committees may be created by vote of the Commission as needed. These committees shall be responsible for planning within their specific charge and shall report their activities regularly to the Commission. When an *ad hoc committee* is appointed, the Commission shall so notify the Town Clerk in writing, providing also

the names and addresses of the *ad hoc* committee members. Termination of such committees shall be in accordance with Section 6.6 of the Town Bylaws: *Section 6.6. Committee Life. Any committee established [by the Advisory Committee or by Town Meeting] shall terminate one year from the date on which it was established unless the creating body annually continues it or fixes a definite termination date no more than three years from the date of its establishment.*

X. DUTIES OF COMMISSION MEMBERS

Members shall perform the duties and responsibilities set forth in these Bylaws and Town Bylaws.

Members shall not individually represent Commission positions unless authorized to do so by majority vote of the Commission.

Members who may have a conflict of interest on any matter before the Commission shall disqualify themselves from voting on such matters.

Members who will be unable to attend a meeting shall notify the Director in advance so that a quorum is ensured.

Commission press releases shall be developed only by the NRC office. They shall be approved by the Commission before being issued.

XI. AMENDMENT OF BYLAWS

These Bylaws may be amended by vote of a majority of the entire Commission provided that a written statement of the intended amendment is sent to each member of the Commission at least seven (7) days prior to the meeting at which action is to be taken.

NATURAL RESOURCES COMMISSION
Policies Affecting Appointed Committees

To promote productive committee meetings and to coordinate action with the Natural Resources Commission and other town agencies, the following policies affecting appointed committees are hereby adopted:

1. Appointed committees shall reorganize once a year *between Annual Town Meeting and June 30.* Timely notice of the new officers shall be given to the Chairman of the Natural Resources Commission and to Town Clerk.

2. Committees are encouraged to rotate the chairmanship annually.

3. Absence from three (3) consecutive committee meetings without a substantial reason communicated in advance to the committee chairman shall constitute a resignation from the committee.

4. Committee chairmen shall notify the Natural Resources Commission of prolonged or frequent absences which impede committee work, and in all instances when three (3) consecutive meetings have been missed.

5. Committee chairmen shall receive a copy of the NRC Master Calendar and shall schedule at least one meeting per year with the Commission to discuss items of mutual interest, to resolve any problems, and to propose joint action.

6. Committees shall recommend to the Natural Resources Commission policies and policy revisions which they deem to be useful.

NATURAL RESOURCES COMMISSION
Affirmative Action Policy

The Natural Resources Commission approves and adopts the Town of Wellesley's Affirmative Action Plan as updated.

NATURAL RESOURCES COMMISSION

Working with the Private Sector

The Natural Resources Commission shall make every effort to work cooperatively with the private sector to the benefit of the environment of the town. The Commission shall encourage the formation and perpetuation of Friends of Parks groups and shall work closely with these groups and with other volunteers, including the town's garden clubs, students at all levels, and the business sector.

The Commission shall reach out to the aging and disabled sectors of the community, facilitating their access to the town's recreational lands, encouraging their full participation in community events, and supporting their special needs.

In particular, the Commission shall continue and encourage its close relationship with the Wellesley Conservation Council, Inc., the town's private land trust. The Commission shall work towards increasing the Council's endowment for the purpose of enhancing both privately and publicly owned passive recreation and open space.

OPEN SPACE MANAGEMENT
The Planning Process

Long Range Planning
Conservation of the town's natural resources requires a long range viewpoint and long range planning. The Natural Resources Commission is guided by the goals embodied in the five-year *Comprehensive Open Space Plan for Conservation and Recreation* and its periodic updates. This *Plan* forms part of the town's *Comprehensive (Master) Plan,* which is produced by the Planning Board roughly on a 10-year cycle.

Written Policies
To ensure consistency over time and to provide guidance to Commissioners, staff, other boards and the general public, the Commission prepares this *Policy Handbook,* which is periodically updated and distributed. From time to time new or revised polices are promulgated in the press and distributed to *NRC Policy Handbook* holders.

Before adoption and promulgation, these policies are discussed in detail with the Board and Department of Public Works, for whom under Town Bylaw Article 43.4c the Natural Resources Commission sets policy for maintenance, tasks and work affecting the town's natural resources.

The *Policy Handbook* contains the guidelines used by the Commission in accomplishing its goals together with a summary of the important statutes on which the Commission's authority is based. New or revised policies are discussed with interested parties before they are first voted. Potentially controversial policies are brought to a public hearing. A second vote is then taken before the policy or policy change is adopted.

Annual Planning
Each year the Commission develops an action plan for the coming year within the framework of the *Comprehensive Open Space Plan,* townwide issues, state and regional developments and available funding. These objectives are recorded in the Commission's *Priorities* and *Master Calendar* documents, which are distributed to boards with whom the Commission works closely.

OPEN SPACE MANAGEMENT
Criteria for Open Space Land Acquisition

The Natural Resources Commission evaluates potential open space acquisitions according to the following criteria:

I. RELATIONSHIP TO OPEN SPACE GOALS

A. Is the parcel identified in the *Comprehensive Open Space Plan For Conservation or Recreation* or does it meet a specific public open space need in terms of location, type of land or resource protection relating to one or more of the following:

1. Protection of wetlands
2. Protection or improvement of water quality
3. Active recreational uses (potential for playing fields, access to recreational resources such as the Charles River, regional resources, etc.)
4. Passive open space uses (conservation, wildlife habitat, nature study areas)
5. Urban parks in or near shopping and commercial areas
6. Neighborhood or pocket parks and buffer areas
7. Trail system and open space linkages

B. Would acquisition of the parcel contribute to Town land use goals expressed in:
   1. Town zoning regulations
   2. The town's *Comprehensive (Master) Plan* as updated by the Planning Board?

II. EVALUATION OF THE SITE

A. To what degree does the parcel fulfill the need or needs identified above?

B. Is the parcel essential in terms of type or location or is there another parcel owned by the Town or available for future acquisition or public use which would do the job equally well or better?

C. Can the parcel serve several purposes in relation to Town goals or needs?

D. Can the parcel be linked to adjacent lands to enhance the usefulness of the open space system beyond the parcel's own boundaries?

E. Is there adequate public access to the parcel?

III. EVALUATION OF COST/BENEFIT EQUATION

A. Does the cost of acquiring the parcel bear a favorable relationship to the parcel's public value as open space?

B. Are there indirect costs which acquisition would incur, such as unusual maintenance needs, insurance costs, etc.?

C. Are there alternatives to outright acquisition in fee, such as acquiring development rights, conservation easements or restrictions, zoning, wetlands regulation, cooperative use arrangements, etc.?

D. What are the possible sources of funding for the acquisition (state or federal grants, public fundraising, neighborhood contributions, etc.)?

OPEN SPACE MANAGEMENT
Tax Title Properties

Properties which lapse into public ownership due to non-payment of taxes are known as **tax title** lands. Disposal of tax title lands by sale or otherwise falls under the jurisdiction of the Board of Selectmen.

Tax title lands adjacent to town parks and reservations, or which link trails or open space, or which contribute to protection of town wetlands, flood storage areas or other natural resources, should become a permanent part of Wellesley's open space inventory.

The Natural Resources Commission urges that the current town inventory of tax title properties be evaluated for open space and other municipal uses. We request that no tax title properties be disposed of prior to such evaluation.

We strongly recommend that, when town title is cleared, the tax title properties lying below the 100-year flood line in the Dearborn Street area be designated by Town Meeting as conservation land.

OPEN SPACE MANAGEMENT
Release or Exchange of Land

From time to time the Natural Resources Commission is asked to release or exchange constitutionally-protected public open space for other purposes, municipal or private.

Under the Constitution and laws of Massachusetts, such disposal or exchange requires:
1) a majority vote of the Natural Resources Commission
2) a two-thirds vote of Town Meeting
3) a two-thirds roll-call vote of the Massachusetts legislature.

Because open space in Wellesley of equivalent value and usefulness to the town's present holdings is virtually unobtainable, proposals to release or exchange constitutionally-protected town-owned open space will be considered only on the basis of a 2 : 1 exchange ratio favoring open space.

Background
As used in this policy statement the term "Encroachments" involve a wide variety of intrusions by landowners, including building of retaining walls and/or structures, landscaping and dumping on Town land.

Several Town bodies hold land under their jurisdiction, including the Natural Resources Commission, Board of Selectmen, Board of Public Works, School Committee, Board of Library Trustees and the Municipal Light Plant Board.

In order to ensure that there is one policy on encroachments governing all Town land, a working group comprised of representatives of all Boards with jurisdiction over Town land and the Trails Committee studied the issues relating to encroachments and have relied heavily on the work undertaken by the Natural Resources Commission with its adoption in 2006 of an "Encroachment Correction Policy." The working group recommended that each Board with land under its jurisdiction adopt this Policy Statement along with the encroachment correction process. The working group also recommended that each Board, in its assessment of encroachments on land under its jurisdiction, classify the encroachments based on the criteria set forth below.

Policy Statement
It is the policy of the Town to protect and preserve Town land. Accordingly, as a general rule, the Town will seek to correct encroachments on Town land, to be carried out by the Board under whose jurisdiction the land is located. The encroaching party will be required to restore the land to its original condition. The encroaching party will be required to pay for all expenses related to correcting the encroachment, including, but not limited to, having the land surveyed and marked and for developing and implementing a restoration plan subject to the review and approval of such Board. In the absence of the cooperation by the encroaching party, such Board, as land owner, may develop and implement such restoration plan or seek further legal remedies, including the imposition of a municipal lien with the approval of the Board of Selectmen.

Classification
Given the variety of encroachments on Town land, the potentially significant use of staff resources and the cost of enforcing this policy and correcting encroachments, the Town recognizes the need to determine priorities for enforcement. To this end, the Town has categorized encroachments on Town land into the following three levels:

Level III: Encroachments that pose potential or immediate safety, health or other hazardous condition

Level II: Encroachments which impose significant intrusions on Town land by, including but not limited to, structures, landscaping, or significant dumping, that impede the public's ability to use and enjoy Town land; or impede the public awareness of where the Town land ends and privately owned land begins

Level I: Other encroachments on Town property not falling within Level II or Level III.

1. a. Document alleged encroachment in Board or department log. A log template is attached.

   b. Enter information regarding encroachment into Town's encroachment log on the Town's H Drive

2. Research: Contact Wellesley GIS office at 781-431-1019 x2289 and request creation of a GIS orthophoto printout for address of potential encroachment location and to determine approximate property boundaries. With GIS orthophoto, visit site and take photographs.

3. Classification of Level of Encroachment: Using the Levels set out in the Policy, classify the Level of Encroachment within 45 days of notice of encroachment.

NOTE: The following steps of the correction process should **only** be used if a Board confirms the encroachment and determines that correction enforcement should be taken. LEVEL III encroachments must be pursued for correction.

A Board shall pursue correction in the following way:

4. Notice Letter: Send certified letter to property owner signed by enforcing department head or designee, including the following information:

   - Inform property owner of encroachment, including description of the encroachment and specific location
   - Request property owner to call the signer of the Notice Letter to schedule a site visit within 10 days to review site for purposes of discussing development of a site plan to correct encroachment.
   - Request that property owner hire a MA Licensed Registered Land Surveyor or MA Professional Engineer to survey his/her property boundaries, if needed.
   - Advise owner that they will be required to pay for all expenses related to correction of the encroachment, including any costs incurred by the Town.

5. **If a wetland is suspected**, the NRC's Wetlands Protection Committee **must** be notified and make determination of a wetland designation

6. DPW Assistance: If property owner refuses to perform survey, make a written request to the DPW/Engineering Department to perform a survey of the area in question and document all related costs to Town.

7. Site Visit to Determine Restoration Plan: Visit site and request that owner (or Town if owner refuses) develop a restoration plan.

   - Department of Public Works must review all restoration plans
   - If wetlands are involved, Wetlands Protection Committee must review as well.
   - Determine Bounds Markers to be placed by owner, to include:
     i. permanent (stone or concrete) bounds
     ii. installation of bounds at intervals along "shared" property line, at intervals as determined by the Town
     iii. depth of bounds' installation: approximately 2 feet
     iv. bounds' height: one foot (or more) above ground level or as appropriate for location as determined by the Town
     v. install permanent metal "mushroom" caps or other notation in bounds, as supplied by the Town

8. Restoration Request: Send certified letter to property owner requiring restoration/correction of encroachment; in the event owner refuses to correct the encroachment, advise owner that Town will undertake the restoration and will require costs to be borne by owner and, if warranted, require property owner to sign consent agreement.

   In cases of financial hardship or refusal to restore or pay expenses, the Town may proceed with restoration and place a municipal lien on property for costs incurred. Municipal liens require the approval of the Selectmen.

9. Approval Letter: Issue Board's and/or Wetlands Protection Committee's formal approval of restoration plan to property owner.

10. Follow-Up Site Visit: Review/confirm that encroachment has been corrected, including review of permanent boundary installation/location. Take photographs of site.

11. Closing Out the File: Enter information into the Town's encroachment log closing out the incident.

OPEN SPACE MANAGEMENT

Policy and Criteria for Evaluating Changes to Resources under NRC Jurisdiction

The NRC's statutory authority as Park and Conservation Commissioners under MGL c.45 and c.40 and Town Bylaw Sec. 43 grant the NRC sole authority to set policy and promulgate regulations for all parks, playgrounds, playing fields and conservation land under its jurisdiction. The NRC created the following policy in January 2005 with regard to changes in the use of parkland and playing fields:

"To insure that all current and future usage of the Town's parklands and playing fields preserves the character of Wellesley's neighborhoods and surrounding areas.
Any change in use of any parkland or playing field shall be compatible with the existing natural and man-made features of the site and the characteristics of the surrounding area and neighborhood. Specials consideration will be given to the protection of trees and other natural features. Any increase in the intensity of the use of the site shall not substantially affect the character of the site and the surrounding area and neighborhood."

CRITERIA FOR EVALUATING LAND USE CHANGES

Based on the policy outlined above, the NRC evaluates any proposed change in use of open space or parkland on a case-by-case basis using, but not limited to, the following criteria as guidance in its decision-making process, which are not listed in any type of prioritized ranking:

IMPACT ON NATURAL RESOURCES

- Trees and other vegetation
- Wetland Resource Areas
- Floodplain Areas
- Stormwater and Drainage
- Water Quality (includes drinking water, surface water and groundwater)
- Wildlife and wildlife habitat
- Air Quality, Carbon and Greenhouse Gas Emissions

IMPACT ON LAND USER GROUPS

- School Users
- Town Sports Organizations (youth & adult)
- Public Users

IMPACT ON THE NEIGHBORHOOD

- Traffic
- Noise
- Lighting
- Increased Intensity of Use Impact
- Pedestrian Safety
- Visual/ Aesthetic Impact

COSTS

- Impact on Town Budget
- Impact on NRC Budget
- Private Fundraising Opportunities

TEMPORARY CHANGE

- Ability to Restore and Rehabilitate Land to Original Condition

PARK AND CONSERVATION LANDS
Policy on Use of Parkland and Playing Fields

IT IS THE POLICY OF THE NATURAL RESOURCES COMMISSION:

To encourage the maximum feasible use of Wellesley's open space that is compatible with protection of the Town's considerable investment in playing fields, park landscaping, grass, trees, flowers and shrubs.

1. To keep the Town's playing fields in the best possible condition for athletic use, which is their primary function.

2. To ensure that funds realized from fund-raising events held without fee on public lands under NRC jurisdiction shall be used for charitable or civic purposes in Wellesley.

3. To charge a substantial fee for any fund-raising event held on park or conservation lands, the proceeds of which will not accrue exclusively to charitable or civic purposes in Wellesley.

4. To weigh the public benefits of proposed uses of lands under its jurisdiction against the additional exposure of the Town to liability.

5. To discourage unfair competition to local business firms.

6. To deny permits for uses which interfere with normal and customary uses of an area.

PARK AND CONSERVATION LANDS
General Regulations

THESE REGULATIONS ARE ADOPTED by the Natural Resources Commission pursuant to the authority of MGL Chapter 45 §5 to protect Wellesley's park and conservation lands and to enhance public enjoyment of open space, recreational, and educational opportunities.

Wellesley's parks and conservation lands are Town property administered by the Natural Resources Commission for the benefit of all. Visitors are required to abide by these regulations so that the rights of all are respected. Persons who violate any of these regulations shall be required to leave and shall be subject to all penalties prescribed by law.

1. **Hours**
   Parks and conservation lands are open to the public from sunup to sundown throughout the year. Nighttime use is prohibited except for scheduled use on lighted playing fields.

2. **Motor Vehicles Prohibited**
   Motor vehicles are prohibited except on paved roads and in designated parking areas between sunup and sundown. No overnight parking is permitted. Motorcycles, motor scooters, motor campers, trail bikes, snowmobiles, and any other motor-powered vehicles, except for those used for public maintenance, are prohibited from unpaved areas.

3. **Firearms and Traps**
   Firearms, hunting and trapping are prohibited. Molesting, harassing or injuring wildlife in any way is prohibited. Fishing is permitted in accordance with the laws of the Commonwealth.

4. **Drugs and Alcoholic Beverages**
   Possession of alcoholic beverages or controlled substances is prohibited.

5. **Dumping and Littering Prohibited**
   Littering or dumping of grass clippings, leaves, brush, debris or any other material is prohibited. When leaving park or conservation lands, visitors are requested to remove any materials they brought in with them. Voluntary clean-ups are encouraged and appreciated.

6. **Pets**
   Pets must at all times be under the immediate control of the owner or on a leash in order to protect plants, wildlife, and the enjoyment of other visitors.

7. **Trees and Plants Protected**
   Cutting or removing trees or other vegetation is prohibited because trees, shrubs, flowers and groundcovers are essential to wildlife and to the beauty and enjoyment of parks and conservation lands.

8. **Firewood**
   On penalty of law, no wood may be removed for firewood or other purposes from park or conservation lands except with written permission from the Natural Resources office. Stacked firewood from trees taken down by the Department of Public Works may be removed by residents for personal use.

9. **Vandalism**
   Disturbing, removing, defacing, cutting or otherwise damaging a natural feature, sign, barrier, building or other property in park and conservation land is prohibited.

10. **Noise**
    Conduct which disturbs the tranquility of park or conservation lands or which interferes with the enjoyment of others is prohibited. Disturbing conduct includes, but is not limited to, making loud noise audible beyond the immediate area of the source.

11. **Camping**
    Camping is permitted only by permit from the Natural Resources Commission.

12. **Open Fires**
    Open fires are allowed only by permit from the Wellesley Fire Department and from the Natural Resources Commission.

13. **Violations**
    Violations of these regulations shall be punished by a fine of not less than $25 or more than $200, as provided by MGL Chapter 45 Section 24. Damages for tree cutting or removal are additional.

USE OF PLAYING FIELDS

1. Since compaction and "skinning" are severe problems on semi-frozen ground or wet turf, there shall be no active use of playing fields or turfed areas in the spring prior to April 15 or in the fall after Thanksgiving except with the express consent of the Public Works Park & Tree Superintendent.

2. Playing fields shall be posted with signs prohibiting use at times when the fields are too wet to be suitable for play.

3. Activities or events that compact soil shall be avoided on playing fields and areas of good turf. Such activities shall be limited to paved or unturfed areas.

4. Activities or events which may destroy grass, trees or shrubs by skinning, shading, smothering, burning or otherwise shall not be permitted.

5. Activities or events which pose a threat to health or safety during normal use of playing fields or parklands shall be stringently controlled or forbidden.

6. Requests to conduct activities or events which may destroy turf in parks or on playing fields require a written application to the Natural Resources Commission. Such activities or events will be permitted or denied according to the following guidelines:

   A. The applicant must establish that no other suitable site in Town is available.

   B. No event may be held during periods of sustained precipitation or when groundwater is high.

   C. To guarantee prompt restoration of the grounds, the applicant shall present specific plans for cleanup and repair and a performance bond or cash deposit in an amount specified by the Department of Public Works.

   D. The applicant shall submit satisfactory plans regarding signs, lighting, parking, traffic control, food service, sanitary facilities, and liability insurance.

   E. Applications must be accompanied by a signed statement that:

   - The Town will be held harmless in case of accident or injury;
   - The applicant will pay all costs of cleanup and repair, secured by a performance bond or cash deposit;
   - That proceeds of the event will benefit local civic or charitable organizations.

7. Copies of permits issued by the Natural Resources Commission shall be provided to appropriate town agencies and officials.

8. Non-compliance with terms of a permit may result in forfeiture of the bond or deposit.

9. The privilege of using public land for organizational purposes may be revoked or withheld in the future if all regulations are not strictly complied with.

Permits for the use of town parkland for special events may be issued by the Natural Resources Director or the Natural Resources Commission under the policy guidance stated at the beginning of this chapter. Organizations or individuals wishing to reserve town parkland should request an application form from the Natural Resources office.

Permits are discretionary and take into consideration such elements as impact on land and staff resources, conflicting schedules, hours, traffic and parking management, safety, potential town liability, compatibility with normal and customary uses of an area, etc. Under some circumstances posting of a bond and/or providing a police detail may be required. Some activities may require licensing by the Board of Selectmen or the Department of Health. Some taking place in residentially-zoned districts may require a special permit from the Zoning Board of Appeals. Applicants should allocate sufficient time to meet such requirements.

PARK AND CONSERVATION LANDS
Provision for the Disabled

It is the intent of the Natural Resources Commission to comply with Title III Section 2 of the *Americans with Disabilities Act of 1989* with regard to all lands and facilities under the jurisdiction of the Commission.

In furtherance of this policy, the Natural Resources Commission directs that all municipal plans and proposals for work on park or conservation lands address the issue of access for the disabled, for the elderly, and for families with young children.

Implementation of this policy will be in consultation with the Town ADA Coordinator and is subject to Advisory Committee recommendation and Town Meeting funding.

PARK AND CONSERVATION LANDS
Memorial Policy

Families and town organizations frequently wish to donate a tree, a bench, or some other form of memorial commemorating a person or event. Such gifts are very welcome. The guidelines for accepting memorial gifts are as follows:

1. Memorials should be distributed throughout town except where a strong association with a particular location exists. Memorial gifts will be recorded in the Town of Wellesley Memorial Ledger on display in the Town Hall foyer.

2. So that the town's parks do not take on the appearance of cemeteries, memorial plaques may no longer be used except in exceptional circumstances and with the written consent of the Natural Resources Commission.

3. Monuments or ornaments in honor of living persons cannot be accepted. Trees may be accepted and the donor or honoree listed in the Town of Wellesley Memorial Ledger. Benches may be accepted with a small plaque identifying the donor.

4. Naming of parks, conservation lands or natural features after citizens who have contributed in an exceptional way to the town, state or country may be considered by the Natural Resources Commission provided there exists a strong association between the location and the individual.

5. For gifts to Hunnewell (Town Hall) Park, see that section of this handbook.

6. Town Bylaw Article 46.3 provides that the Design Review Board shall review the design, placement and artistic appropriateness of any structure, work of art, ornament or decoration to be placed on any public way, on town lands, or on or in town buildings. This requirement is binding on town departments as well as on private donors. The Natural Resources Commission will not approve such gifts without a recommendation from the Design Review Board.

   Plans and designs for structures or ornaments on town park or conservation land must be approved by vote of the Commission and the plans signed by a majority of the members prior to construction or installation. Any alteration of a signed plan must be approved and signed by a majority of the Commission members.

PARK AND CONSERVATION LANDS
Basic Annual Maintenance Standard for Conservation Lands

The Natural Resources Commission sets policy for improving the maintenance and accessibility of conservation lands so that residents may enjoy them for passive recreation, photography and educational purposes. This requires opening and marking entrances to the properties, clearing and marking trails and paths, discouraging catbrier and poison ivy, removing debris and litter, and placement of stepping stones or logs or simple footbridges at strategic locations. NRC standards for Public Works maintenance of conservation land are:

1. **Entrance Maintenance**
   Pedestrian entrances shall be cleared of overgrowth and poison ivy. Litter and dumped material shall be removed. Trash barrels and signage shall be discussed with Natural Resources staff prior to installation.

2. **Path and Trail Maintenance**
   Footpaths shall be kept open but not widened. Chipped brush may be used to suppress regrowth. Special views shall be kept open but not enlarged except in consultation with the Natural Resources office.

3. **Brush and Debris Removal**
   Effort is to be concentrated at entrances, along paths, and where hazards (fire, flood, safety) may occur.

4. **Selective Poison Ivy Control**
   Poison ivy control is to be used at entrances and along paths where human contact may occur. Massachusetts-approved herbicides may be used in minimal quantities.

5. **Removal of Dangerous Limbs or Trees**
   Dead or fallen trees or branches shall be removed *only* where they threaten safety or property or block paths or streams.

6. **Litter Control**
   Litter and dumping shall be removed. Trash barrels and signs may be utilized in consultation with Natural Resources staff to discourage litter. If used, trash barrels must be emptied regularly.

7. **Slash Disposal**
   In remote areas clean large limbs may be stacked as wildlife shelter. Slash may not be left where it would create a fire hazard. Slash may not be piled within 25 feet of any pond or stream.

CONSERVATION LAND MAINTENANCE IS DIFFERENT FROM PARK MAINTENANCE

Wellesley's *parks* and *conservation* lands are managed under different Massachusetts laws. The Natural Resources Commission sets policy for both. Under Town bylaw the Department of Public Works Park & Tree Division carries out NRC policy for maintenance of park and conservation lands.

Generally speaking, parks have different purposes from conservation lands. Parks tend to be more open, "manicured," and suitable for active sports and group activities. Conservation lands are more natural and informal, intended to protect water quality and recharge, plantlife and wildlife. Conservation lands are used for passive recreation, nature study, and other educational purposes. In Wellesley, large conservation areas are called *Reservations.*

Conservation land is less expensive to maintain than park land because less work is needed. There are no ornamental plants to care for and mowing of turf is not required. But "low care" is not "no care."

Why Conservation Land is Maintained

If no work is done on conservation land, brooks become clogged, footpaths are blocked, and hazardous conditions may develop. Littering and dumping become problems.

The Right Kind of Maintenance

All maintenance work is to be done according to the Natural Resources policy called "Basic Maintenance of Conservation Lands" included in this handbook.

Natural Resources policies guide the maintenance of all conservation lands in Wellesley. If there is any question as to what is wanted, the NRC office should be consulted before work is started.

Policy Guidelines

In conservation lands, narrow, winding footpaths are wanted, not wide, smooth, level paths. These paths may be bumpy, steep or damp in places, so long as they are passable by one or two people. Conservation footpaths are only for walking, not for bicycles or vehicles.

Although in parkland wide vistas are enjoyable, in conservation areas most vistas are small and close-up, such as a patch of spring flowers or a quick glimpse around a bend in the trail. Special vistas from a lookout point or across a pond should be identified and maintained. Man-made structures such as bridges and signs should blend with their surroundings. Natural materials such as logs or stones should be used as much as possible.

Litter and Dumping

Grass clippings, leaves and branches are often dumped on public land. Small amounts soon turn into mulch, but large piles become eyesores, which block trails and streams and attract more dumping. Litter is a problem wherever people congregate.

High priority should be given to cleanup of dumping and litter on conservation land. If dumpers can be identified, the Natural Resources office should be notified so that action can be taken. Trash cans and "No Dumping" signs should be requested. When trashcans are used, they must be emptied regularly. When possible, composting procedures should be explained to abutters.

Three Mistakes to Avoid

The three mistakes listed below create most problems but they can usually be avoided:

1. **Clearing of roads in conservation areas**
   Wide, straight access roads spoil the natural look of conservation lands and invite vehicle trespass, which is destructive. Essential roads should be no wider than the equipment and should curve around trees or boulders. Entrances should be inconspicuous. Conservation roads should *never* be paved without consulting the Natural Resources office. If necessary, entry by unauthorized vehicles should be blocked.

2. **Turning brooks into ditches**
   If heavy equipment is used to clear a brook of fallen branches or sediment, *the natural banks must not be changed.* In conservation lands it is good for the brooks to spread out and for water to sink into the ground. This supplies groundwater and reduces fire hazard and flooding. Natural brooks must not be changed into drainage ditches or canals. Brook maintenance is done under a permit from the Wetlands Protection Committee called "Brook Maintenance Standards."

3. **Tree removals**
   On conservation land, trees should be removed only where necessary to keep paths open and safe. Dead trees which are not dangerous should be left in place for their nesting and denning value. Undergrowth should not be cleared but catbrier and poison ivy should be removed at entrances and along trails. Viewpoints should be cleared just enough to restore the view.

Use of Clean Wood Chips

Branches and twigs should be chipped and spread along footpaths to give a springy walking surface and to slow down regrowth. Mulch contaminated with litter and weeds should not be used.

LIST OF CONSERVATION LANDS AND OTHER LANDS MAINTAINED FOR CONSERVATION PURPOSES*

Abbott's Pond
Baird Marsh (Guiney Swamp)
Beebe Meadow
Bird Island (in Morses Pond)
Bogle Brook Park and Reeds Pond
Carisbrooke Reservation (Glen Brook Road at the Weston line)
Centennial Reservation
Colburn Road Reservation
Coowate Meadow (field mowing; Hillside Road and Springdale Avenue)
Devil's Slide (off Greenwood behind 44 Bradford)
Hardy Land (0.5A at #5 Great Plain Avenue)
Indian Springs Park and the Brookway/Waterway (scenic road, vernal pool), including conservation lands off Squirrel Road (scenic road)
"Ollie Turner" Park (field mowing; adjacent to Town Forest)
Overbrook Reservation (Weston Road off Route 9)
Pine Point (Morses Pond off Cochituate Aqueduct)
Problem Rock (puddingstone at Dover Road and Grove Street)
Sawyer Park

The following three properties form a unit with Kelly Field and Bates School:

Annanian Land (south of Elmwood Road across from Kelly Pond)
Boulder Brook Reservation (includes Lilly Rich Meadow)
Rocky Ledges (north of Boulder Brook Reservation)

Town Forest is also maintained as conservation land.

*Planting on conservation lands and on lands maintained as conservation land is restricted to native plant species of value to wildlife for food and cover (see Chapter 9, *Wildlife Management).*

APPROVAL OF PLANS AND DESIGNS REQUIRED

Plans and designs for structures or landscaping on park or conservation lands must be *approved and signed* by a majority of the Natural Resources Commission prior to construction or installation. Any alteration of an approved and signed plan must also be voted and signed by a majority of the Commission. Preliminary plans should first be submitted to the Design Review Board for advice and comment.

Design Review

Under Town bylaw, the Design Review Board must "review the design, placement and artistic appropriateness of any structure, work of art, ornament or decoration to be placed on any public way, on town lands other than cemeteries, or on or in town buildings."

Procedures

1. Obtain preliminary approval from the Natural Resources Director
2. Submit design to Design Review Board
3. Transmit Design Review recommendations to NRC
4. Natural Resources votes and signs the final plan.

1. All structures and installations shall be designed and located to be inconspicuous and in harmony with their respective sites.

2. If maintenance structures must be constructed within sight of visitors, they shall be appropriately screened or designed and constructed in keeping with the nature of the site and its surroundings.

3. Historic structures shall be preserved and re-used wherever possible. Evidence of historic structures, historic events, grave sites, landscape designs, trail systems, etc. shall be carefully preserved.

4. Signs shall be held to the minimum number, size and wording required to serve their intended function. Entrance signs shall be of the single style approved by the Design Review Board.

5. Logos available in the Natural Resources office shall be installed at locations where the distinction between private and public land is not clear. Access routes which are not clearly evident shall be similarly marked.

6. Recommendations for improving accessibility to disabled users and/or employees shall be directed to the Natural Resources Commission.

SUMMARY OF MASSACHUSETTS LITTER LAW
M.G.L. C 270 S. 16
Disposal of Refuse or Rubbish on Any Public Land

Whoever places, throws, deposits, discharges or causes to be placed or discharged, any trash, refuse, rubbish, garbage, debris, scrap, waste or any other material on a public highway or within twenty yards thereof, or on any other public land, or in or upon coastal or inland waters or within twenty yards of any such water, or on property of another, shall be punished by a fine of not more than $1,000 and not less than $200, and the court may require, in addition thereto, that such person remove at his own expense such trash, refuse, rubbish, etc.

If a motor vehicle is used in committing such an offense, a conviction under this section shall forthwith be reported by the court to the Registrar of Motor Vehicles, and the Registrar may suspend the license of the operator for not more than 30 days, and if the person so convicted is the owner of the motor vehicle, the Registrar may suspend the certificate of registration of said vehicle for 30 days.

This section shall be enforced by natural resources officers by members of the state police and by city, town and Metropolitan District Commission police officers. A city may enforce this section by designating its public health agents as enforcing officers.

PARK AND CONSERVATION LANDS
Citizens' Right of Action Law

THE CITIZENS' RIGHT OF ACTION LAW, MGL C.124 s.7A, allows any ten persons living in the Commonwealth to bring suit to stop the violation of any Massachusetts law or regulation the major purpose of which is to prevent damage to the environment. (Zoning is not such a law.)

Before beginning the suit, the plaintiffs must give 21-days' notice by certified mail to the violator, the Attorney General, and the governmental agency which is supposed to be enforcing the particular law.

Any action brought under this law must be scheduled for speedy action by the county Superior Court.

The remedy provided is an injunction and/or restoration and costs. The law does not provide for payment of attorney's fees or damages.

Ten residents may also intervene in certain types of adjudicatory proceedings before state agencies in which damage to the environment ought to be an issue.

PARK AND CONSERVATION LANDS

Naming Of Public Assets Policy
(Town Bylaw Section 6.21)

Naming of Public Assets. It is the policy of the Town of Wellesley to reserve the naming or renaming of public assets for circumstances that will best serve the interests of the town and ensure a worthy and enduring legacy for the town's physical spaces.

(a) No Town assets shall be named or renamed except in accordance with this bylaw.
(b) Assets that are considered to be major physical assets of the Town of Wellesley, such as buildings, recreational facilities, parks, water bodies, and conservation land shall be named only after the board with jurisdiction over the asset shall approve a name; and Town Meeting, by majority vote, shall concur in such naming.
(c) All other Town assets that are portions of a larger whole, such as: interior spaces of buildings; features within parks, conservation land, and recreational areas; driveways or parking lots; or furniture or other small fixtures of any description shall be named by the Board having jurisdiction over the asset pursuant to a policy adopted under section (g) herein.
(d) The naming of Town assets shall be considered with the following categories in mind:
    i. Historic Events, People, and Places. The Town may preserve and honor the history of the Town, State, or Country; prominent historical figures; and local landmarks, neighborhoods, or prominent geographical locations.
    ii. Outstanding Individuals. The Town may acknowledge individuals who have contributed in a significant way to the public life and well-being of the Town.
    iii. Major Gifts. The Town may acknowledge certain major gifts (as defined in each Board's policy) to the Town by individuals, organizations or corporations by naming a public asset in connection with such a gift.

(e) The board with jurisdiction over an asset to be named shall consider whether a naming agreement or other documentation, is appropriate in each situation.

(f) In situations where no naming agreement or documentation exists names shall not be changed without consideration of the historical significance of the name, impact on the individual or organization previously named and the costs associated with such renaming.
(g) No board shall name any public asset unless the board shall have adopted a naming policy. All policies on the naming of public assets shall be consistent with the intent of this bylaw. Any such policy or amendment thereto shall be adopted only after at least one public hearing. All such policies shall be on file with the Town Clerk and posted on the town website.

Acceptance of Gifts

The purpose of this section is to authorize the acceptance of Gifts for any public purpose, and to specify policies and procedures for doing so.

Town Boards authorized to accept Gifts (money, tangible property, real estate)

It is the Town's policy to respect the authority in Town boards and committees to accept gifts as provided by statute. This includes, but may not necessarily be limited to the following Town boards which are authorized to accept gifts of money, tangible property and/or real estate to the extent hereinafter set forth.

i. The Board of Selectmen is authorized to accept gifts of money and tangible property on behalf of the Town (G.L. c.44 §§53A, 53A1/2).

ii. The School Committee is authorized to accept gifts of money for educational purposes. (G.L. c. 44, §53A, and c.71, Section 37A), and of tangible property as a matter of town policy.

iii. The Board of Trustees of the Wellesley Free Library is authorized to accept gifts of money for library purposes (G.L. c.78 § 7, 11) and for purposes of library construction or renovations (G.L. c.78 §19K), and of tangible property as a matter of town policy.

iv. The Natural Resources Commission is authorized to accept gifts of money and tangible property for conservation and parkland purposes, subject to the approval of the Board of Selectmen (G.L. c.40, §8C)

v. Gifts of real estate, or interests in real estate, may only be accepted by Town Meeting on the recommendation of the Board of Selectmen.

Protocol for accepting gifts

Any Town board accepting, recommending the acceptance of, or declining a gift shall adopt a written policy consistent with this bylaw. Any such policy or amendment thereto shall be adopted only after at least one public hearing. All such policies shall be on file with the Town Clerk and posted on the Town website.

All Town boards and officers not specifically authorized hereinabove to accept a gift on behalf of the Town shall refer the proffered gift to the Board of Selectmen if it recommends that the gift be accepted. (The Town recognizes that G.L. c.44, §53A provides that a Town officer or department may accept a gift of money, but the statute also stipulates any expenditure of such a gift must be approved by the Board of Selectmen. Therefore, it is Town policy to require the acceptance be voted by the Board of Selectmen at the outset of the gift). Any Town board not hereinabove provided for, believing it is authorized to accept gifts, may ask the advice of the Board of Selectmen and/or Town Counsel.

The donee board shall have the discretion to approve or decline any proposed gift, whether restricted or not, subject to the provisions of this section. In the event a board declines a gift that decision shall be dispositive of the matter.

In considering a gift, boards should make the following determinations:

1. Whether the gift is appropriate to the mission and needs of the Town and the particular board;
2. Whether the gift is unrestricted or, if restricted, given in reasonably broad and flexible terms to maximize usefulness;
3. Whether the gift is irrevocable;
4. Whether the gift imposes undue financial burden on the Town;
5. Whether the the long-term impacts of the gift, particularly where there could be significant future or ongoing operations and maintenance or capital costs associated with the gift have been accounted for;
6. Whether the terms of the gift permit the Town to apply the gift to related purposes in the event the designated purpose is fully funded or is no longer practical, necessary or able to be performed.

In the event a board has reason to believe a gift could cause or result in an appearance of impropriety, the board shall consult with the Town Counsel prior to accepting the gift.

Restricted gifts shall be assigned to a project or existing account consistent with the donor's desired use, as long as such restriction(s) do not conflict with Town by-laws or state or federal law, in which case the Town shall ask that the restriction(s) be removed or decline the gift.

Grants

Any Town department is authorized to apply for grants, and to accept grant funds, provided the board or committee of such Town department has authorized the filing of grant application, or in the case of no application having been required, has authorized acceptance of the grant funds.

Accounting

All funds received by any board shall be deposited with the Treasurer.
The Town of Wellesley Financial Services Department is responsible for providing for the financial administration of any gift to the town. If necessary, Financial Services shall track the proposed use of any such gift and shall maintain separate records of accounts showing receipts and disbursements.
Interest, if any, generated by a gift shall accrue to the Town's general fund unless expressly provided otherwise by the terms of the gift.
The donee board shall be responsible for acknowledgement of gifts and shall provide receipts as needed for IRS purposes.

Reporting

All donee boards shall prepare an annual report of such gifts including amounts, purposes and such other details as required by the Finance Director. These reports shall include both restricted and unrestricted funds. Reports on gifts shall be filed with the Finance Director, and included in the Town's Annual Report. The report shall cover gifts received in the prior fiscal year and shall be submitted in time to be included in the annual report.

CENTENNIAL RESERVATION
Policy Guidelines

IT IS THE POLICY OF THE NATURAL RESOURCES COMMISSION:

To maintain Centennial Reservation as conservation land and to enhance it as a natural area featuring flora and fauna native to New England, with emphasis on native plants which provide food and/or shelter to meadow and forest life.

OBJECTIVES

> To be consistent with the *Basic Standards for Park and Conservation Lands*
> To be consistent with the *1984 Land Use Plan for Centennial Reservation*
> To emphasize field monitoring by the Friends of Centennial Reservation
> To be reviewed jointly by the Friends of Centennial Reservation and the NRC

A. The Entrance (includes driveway, gate, sign, knoll and parking area)

Make entrance and turnoff from Oakland Street more visible
Repair drive, parking area, memorial bench and sign as needed
Repaint letters of sign for greater visibility
Paint gate as needed
Keep park sign and driveway shoulders clear of overgrowth and poison ivy
Mow knoll as often as needed to keep entrance open and inviting
Remove litter and debris

B. Footpaths and Trails

Keep open by mowing, especially to control poison ivy
Restore Nature Trail markers, woodchips and *Trail Guides* as necessary
Keep views open but not enlarged
Maintain passage along the Windsor Road boundary

C. Brush and Debris

Remove brush and debris at entrance, along paths and trails, and from brook and pond
Remove where fallen trees or branches present a danger to life, limb or property
Remind abutters in the fall to remove non-composted garden refuse

D. Vegetation Control

Control by mowing whenever possible; minimize use of herbicides
Poison ivy to be controlled, preferably by mowing, at the park entrance, along trails, and where it invades the meadows
Control brush only where essential, by manual means if possible
Control crown vetch as necessary; discuss herbicide with NRC
Herbicides may not be used within 100 feet of water

E. Broken Limbs and Trees

To be removed only where blocking footpaths or streams or threatening life, limb or property

F. Litter Control

No trash barrels
Encourage visitors to remove everything they bring

G. Boundary Planting

Monitor and report to NRC annually on crown vetch invasiveness

H. Brook and Pond

Keep channel free-flowing

I. Meadow Mowing

Meadows to be mowed every other year in rotation
Meadows to be mowed after August 1 to avoid ground-nesting birds
Paths and poison ivy to be mowed at any time
Blackberry tangles to be preserved except where interfering with passage

Meadow #1 (off Oakland St.): Mow back half alternately with front
Meadow #2 (next to golf course):
Meadow #3 (gardens): Clear passage around gardens
Meadow *#4* (wildflowers):
Meadow #5 (Mass. Bay): Mow vigorously and thoroughly to remove woody material

J. Evaluation of Maintenance and Amendments to Maintenance Plan

Friends of Centennial Reservation to monitor maintenance throughout summer
Friends to report problems to the Natural Resources Commission
Friends to make recommendations by September 15 for capital improvements
Friends to meet with the NRC in October to evaluate results and to plan for maintenance improvements.

HUNNEWELL (TOWN HALL) PARK
Planting Policy

THIS POLICY AFFECTS ALL PLANTING AT HUNNEWELL PARK, often called Town Hall Park to avoid confusion with Hunnewell Field. This policy is designed to preserve the historic setting of Wellesley's signature building, the Town Hall, which is on the National Register.

H. H. Hunnewell, the donor of the building and its grounds, designed the park himself between the years 1881-1899. An 1899 Town Hall Landscape Plan has been developed to show what is known of his original design, which was based on 19th-century English landscape design principles as interpreted in America by A. J, Downing.

PLANTING POLICY

1. Surviving trees and shrubs planted between 1881 and 1899 shall be carefully maintained. When necessary, they are to be replaced with young trees of the same species. Hybrids or similar species may be used if the originals are unobtainable. The location and species of trees existing in 1899 are shown on the Planting Plan.
2. With the exception of the row of maple trees along the abandoned portion of Everett Street, trees that existed in 1899 shall be replaced in accordance with the Plan.
3. Historic massed plantings shall be restored wherever possible.
4. The stone foundation of the building should not be covered up. Hunnewell rhododendrons should be focal plantings. Utilities should be screened with plantings compatible with the Plan.
5. Bedding plants around the foundation were not used historically but are important to modern residents. Bedding plants may be used around the foundation.
6. Large trees dating after 1899 should not be removed but are not to be replaced when they die.
7. Small trees and shrubs which did not exist in 1899 may be transplanted to other locations when the maintenance budget permits.
8. New memorial trees or shrubs replacing 1899 trees or shrubs must comply with the Historic Planting Plan and with this replacement policy.
9. The vistas from Washington Street and from Grove Street are to be preserved. Trees which will obscure the vistas may not be planted.

MAINTENANCE

1. Special attention shall be given to the needs of champion trees, memorial trees, and trees of historical importance.

2. Groundcovers and mulches should be used around tree trunks to protect them from mowers, to suppress weed growth, and to protect the soil.

3. The Hunnewell rhododendrons should be propagated as funds become available or by request to the Hunnewell family.

4. An inspection and report should be made annually by the Natural Resources Commission and a representative of the Department of Public Works Park & Tree Division. Photographs for the historic record are highly desirable.

HUNNEWELL (TOWN HALL) PARK

Policy on Memorial Gifts in Town Hall Park
(And see Memorial Policy)

1. **Contact Natural Resources Commission**
   Persons or organizations wishing to donate memorials on the Town Hall grounds should contact the Natural Resources office or the DPW Park &Tree Division.

2. **Compatibility with Historic Planting Plan**
   Approval of memorials by the Natural Resources Commission shall be in keeping with the 1899 landscape plan.

3. **Kinds of Memorials**
   Memorials may include trees, shrubs, historic light standards, and other additions to the grounds in keeping with the scenic and historic values of the site.

4. **Design Review**
   If required by Town Bylaw Article 46.3, design review shall be requested and a copy of the Design Review Board recommendation shall be submitted to the Natural Resources Commission prior to a Natural Resources decision.

5. **Tree Species**
   Memorial trees planted at Hunnewell (Town Hall) Park shall be in keeping with the 1899 landscape plan as to species and location.

6. **Written NRC Approval**
   No memorial may be planted or installed at Hunnewell (Town Hall) Park without approval in writing by the Natural Resources Commission.

7. **Arboretum Tags**
   The date, species, variety, and tree number shall be recorded on each tree by means of a standard spring tag and also in a written record.

8. **Memorial Ledger**
   Memorials shall be recorded in the Town of Wellesley Memorial Ledger on display in the Town Hall foyer.

9. **Arbor Day**
   If possible, memorial trees, shrubs and horticultural gifts shall be planted as part of the annual Arbor Day observances (last Friday in April).

1. **Historic Lamp Standards**
   The Commission would like to replace the current driveway lamp standards with commercially available standards similar to those originally used at Town Hall. Spring City's Hancock Luminares virtually duplicate the Best Boston lamps installed in 1899. Individual gifts and memorials are needed for this purpose. Recognition can be given on each lamp standard.

2. **Trash Receptacles**
   Victorian-style or woodframe receptacles with lids should be used to replace barrels or drums.

HUNNEWELL (TOWN HALL) PARK
Traffic Regulations

1. The Natural Resources Commission, having jurisdiction over parkland pursuant to Town Bylaw Section 43.4 (ii), and under the authority conferred by MGL C.45 §5 and confirmed in Commonwealth v. Crowinshield. 187 Mass. 221, 72 N. E. 963 (1905), hereby establishes a speed limit of 75 *miles per hour* on the parkways leading to and from Town Hall.

2. The Natural Resources Commission, having jurisdiction over parkland pursuant to Town Bylaw Section 43.4 (ii), hereby authorizes and directs the installation of a Stop sign on the driveway at the southwest corner of the Town Hall building, together with a Stop line.

3. Subject to funding, the Natural Resources Commission supports and encourages the use of speed bumps at Town Hall to discourage cut-throughs, to enforce the speed limit, and to protect the health and safety of park and Town Hall visitors.

4. The Wellesley Chief of Police is hereby authorized and requested to enforce regulations on parkland as Chief of Park Police on behalf of the Natural Resources Commission.

5. Lawful traffic fines shall be assessed for violation of these regulations.

TOWN FOREST
Town Forest Policies

TOWN FOREST, the stretch of woods and historic trails extending from Wellesley's waterland in Needham northward to the Charles River, protects the town wells along Rosemary Brook. Under town bylaw the Natural Resources Commission establishes policy for the management of Town Forest subject to a veto by the Board of Public Works as Water Commission on any plans which could threaten the water supply. The Department of Public Works implements the Natural Resources Commission's Town Forest management policies.

To protect the water resource, it is the Natural Resources Commission's general policy that the Town Forest remain in its natural state. The following policies apply:

1. In Town Forest, protection of the water resource is the primary consideration.
2. To protect the water resource while providing appropriate public use, Town Forest is to be maintained as conservation land (see *Basic Annual Maintenance Standards for Conservation Lands).*
3. No paved bike trails or roads may be constructed in Town Forest.
4. Except for basic conservation maintenance, all projects in Town Forest and at Longfellow Pond require advance notice to, and the written approval of, the Natural Resources Commission.

Regulations implementing these policies are included in this handbook.

TOWN FOREST

Town Forest Regulations

These regulations are adopted by the Natural Resources Commission under Chapter 555 §4 of the Acts of 1978 and under Town Bylaw Article 43.4(a) in order to protect Town Forest and the town's water resource and also to enhance public enjoyment of the forest, its trails, and its recreational, historic and educational values. Visitors are required to abide by these regulations so that the rights of all are respected. Persons who violate any regulation may be required to leave. Violators are subject to all penalties prescribed by law. Town Forest and the Longfellow Pond area are open from 5:00 AM to 9:00 PM. Night-time use is prohibited. No permits for use of Town Forest after sundown may be issued.

1. Open fires are prohibited. No permits for open fires may be issued.
2. Open fires are prohibited. No permits for open fires may be issued
3. Alcoholic beverages and controlled substances are prohibited.
4. No swimming is permitted in Longfellow Pond.
5. Motorized vehicles except for town service vehicles are prohibited from unpaved areas. Motorcycles, motor scooters, motor campers, trail bikes, snowmobiles, and all other motor-powered vehicles except for those used for public maintenance are prohibited from unpaved areas.
6. Internal combustion motorized boats are prohibited from Longfellow Pond except for maintenance and health and safety activities.
7. No hunting or trapping are permitted in Town Forest or in its pond and streams. Firearms are prohibited. Harassing or injuring wildlife in any way is prohibited.
8. Feeding of wildlife in Town Forest or at Longfellow Pond is prohibited.
9. Fishing is permitted in accordance with the laws of the Commonwealth.
10. Cutting or removing trees or other vegetation in Town Forest is prohibited. No firewood may be removed except wood cut and stacked for removal by the Department of Public Works pursuant to a valid permit from the Natural Resources Commission.
11. Dumping or littering of any kind is prohibited. Dumping includes, but is not limited to, grass clippings, leaves, brush and debris or refuse of any kind. Visitors are requested to remove any materials they brought in with them. Volunteer clean-ups are encouraged and greatly appreciated.
12. Pets must be under the immediate control of the owner or on a leash in order to protect plants, wildlife, and the enjoyment of other visitors.

13. Disturbing, removing, defacing, cutting or otherwise damaging a natural feature, sign, barrier, building or other property in Town Forest is prohibited.
14. Conduct which disturbs the tranquility of Town Forest or which interferes with the enjoyment of others is prohibited. Disturbing conduct includes, but is not limited to, making loud noise audible beyond the immediate area of the source.
15. Camping is prohibited.
16. Violators of these regulations may be required to make restitution and be punished by imprisonment for not more than six months or by a fine of not more than $200 under MGL Chapter 266 §94; by a fine of not less than $25 or more than $200 under MGL Chapter 45 Section 24; by triple damages under MGL Chapter 242 §7; by imprisonment for not more than five years and by a fine of not more than $3,000 under MGL Chapter 272 §73; and by a fine of $300 under MGL Chapter 40 §21.

PUBLIC TREES && PUBLIC SHADE TREES
General Tree Policies

As Tree Warden acting under Chapter 87 of the Massachusetts General Laws, the Natural Resources Commission has adopted a series of policies to enhance the beauty of the community, to improve the health and welfare of the general public, and to maintain the town's population of public shade trees (street trees) and other public trees.

DEFINITIONS

Public Tree: Any tree on public land, including public shade trees.

Public Shade Tree: A tree growing within or on the boundary of the public right-of-way and subject to the provisions of MGL Chapter 87. In Wellesley, a tree will be deemed to be a public shade tree if any part of its trunk one foot above the ground lies within a public way laid out by the Selectmen, the Board of Public Works or the Planning Board, and within a private way if such laid-out private way has been and will remain open to the public.

Tree Warden: The Natural Resources Commission.

Deputy Tree Warden: The Board of Public Works as appointed by the Natural Resources Commission. As Deputy Tree Warden, the Board of Public Works ensures that the Department of Public Works carries out Natural Resources Commission policies as specified in Town Bylaw Sections 43.4 a and c.

Town Arborist: A certified professional arborist in the Department of Public Works Park & Tree Division.

GENERAL TREE POLICIES

1. **Signs and Markings**
   No signs may be attached to public trees, nor may public trees be carved, nailed, defaced, painted or marked.

2. **Attachment of Utility Wires**
   No electric, cable or telephone wires may be attached to public shade trees by any person or agency without the written consent of the Tree Warden.

   To reduce pruning for electric wires, the use of cable spacers is recommended.

   When highway or utility projects require the removal of public shade trees, the cost of tree replacement shall be included in the cost of the project.

3. **Construction Activities Affecting Public Shade Trees**
   No person may prune roots or branches of a public shade tree without supervision by the Department of Public Works Park & Tree Division. No person may cut or remove a

living public shade tree without a public hearing and a written permit from the Natural Resources Commission.

No person may prune or remove a *dead or endangering* public shade tree without a vote of the Board of Public Works acting as Deputy Tree Warden.

No person may excavate ditches, tunnels or perform potentially damaging work within 10 feet of a public shade tree without first obtaining written consent from the Public Works Park and Tree Division.

Permits to do work affecting public shade trees shall be kept on site during the work and must be shown upon request to the Tree Warden, the Deputy Tree Warden, DPW Park and Tree Division representatives, and Town of Wellesley police officers.

The Board of Public Works as Deputy Tree Warden is responsible for protecting public trees from construction damage.

4. **Disposal of Wood**
   When a public shade tree is pruned or removed, wood larger than 3" in diameter shall be cut into 4-foot lengths and left near the tree for taking by residents. Wood larger than 8" in diameter shall be split or cut into shorter lengths to facilitate removal by residents.

5. **Enforcement**
   The Natural Resources Commission as Tree Warden will enforce all laws protecting public shade trees and will seek complaints in court for violations of such laws.

6. **Penalties**
   Any person who removes a public shade tree without a permit or hearing as required by law shall be subject to cumulative fines as follows:
   >up to $500 as provided by MGL Chapter 87 Section 6
   >a fine of $20 under provisions of MGL Chapter 87 Section 2
   >the value of the wood
   >triple damages under MGL Chapter 242 Section 7.

7. **Severability**
   If any provision of these policies or regulations is declared invalid, the remaining portions shall remain valid.

PUBLIC TREES & PUBLIC SHADE TREES
Tree Planting Policy

Public funding for tree planting and replacement is limited. To utilize tax dollars to produce the greatest benefit, the following tree planting priorities are established by the Natural Resources Commission:

1. **Priority for Planting of Street Trees**
   Planting of public shade trees along the major streets of Wellesley takes precedence over planting trees on residential streets or public land.

   Before a public shade tree is removed from a location where a void will be created, a replacement tree should first be planted.

   To the extent that the budget permits, *at least* one public shade tree shall be planted for each public shade tree that is removed or dies. It is desirable to plant more public shade trees than are removed to compensate for tree losses and the length of time to maturity.

3. **Expenditures from Tree Funds**
   Priorities for tree planting are major streets, urbanizing areas, and buffer areas between incompatible uses. Public shade trees may only be planted according to location plans approved and signed by the Natural Resources C0mmission.

   In accordance with state law, public funds may be expended to plant public shade trees up to 20 feet from a public way or from a duly laid-out and publicly-available private way according to the priorities and limitations specified here.

3. **Canopy Goal**
   Perpetuation of a canopy effect over residential streets is a major goal.

4. **Planting Location**
   Whenever possible, public shade trees shall be planted between 8-20 feet from the travelled way rather than in the tree lawn. When this is not possible, public shade trees may be planted:
   - in the tree lawn
   - in a sidewalk
   - in a pot.

5. **Planting Plans**
   Planting voids on major streets and in commercial areas shall be identified and proposed for planting on an on-going basis.

6. **Choice of Tree Species**
   When selecting tree species for planting, the following factors shall be considered:
   >Creation of canopy
   >Pest resistance
   >Diversification of species to provide disease resistance within the tree population
   >Low maintenance (spraying, pruning, sweeping)
   >Tolerance of urban conditions (salt, compaction, root space, fumes).

7. **Tree Planting Requests from Homeowners**
   Requests for planting in residential areas will be filled first on major streets, in urbanizing areas, and in buffer areas. Trees which provide canopy are preferred.

   Gifts of trees are welcomed. Tree gifts are generally tax-deductible. Arrangements for planting gift trees may be made with the DPW Park & Tree Division in locations approved by the Natural Resources Commission.

8. **Memorial Trees**
   To the extent possible, memorial trees will be distributed throughout Wellesley. Gifts and memorials will be recognized in the Town of Wellesley Memorial Ledger on display in the Town Hall foyer.

PUBLIC TREES & PUBLIC SHADE TREES
Authorization Procedures for Tree Removals

Public shade tree removal procedures have been established by the Natural Resources Commission acting as Tree Warden 1) to assure compliance with state and federal law and 2) to prevent hasty or ill-considered destruction of valuable town assets. Decisions to remove *living* public shade trees must be made by the Natural Resources Commission after a duly advertised public hearing. Decisions to remove *dead or endangering public* shade trees may be made by the Board of Public Works acting as Deputy Tree Warden in compliance with the definitions and procedures specified below. The two tables summarize procedures agreed upon by the Commission and the Board of Public Works.

Tree removal policy affecting public trees other than public shade trees is included,

DEFINITIONS

Public Shade Trees

All trees within or on the boundaries of a public way are public shade trees. If ownership is doubtful, the tree shall be deemed a public shade tree until the contrary is shown (MGLc,S7s.l).

Living

Bearing or renewing *any* leaves or needles in season,

Dead

Not bearing or renewing any leaves or needles in season. If a tree within the public way or on the boundaries thereof bears *no* leaves or needles during the year, it may be removed at any time by the Department of Public Works without a hearing. A report of its removal shall be made to the Natural Resources Commission.

Endangering

Posing a threat to life, limb or property such that, in the judgment of the Town Arborist, ***removal must be accomplished within two weeks.***

Recommended for Removal

Not requiring removal within two weeks. Upon recommendation by the Town Arborist, the Natural Resources Commission will place the tree on the regular tree removal hearing schedule or advertise a special hearing.

Emergency

During and for two weeks following an event which causes trees or branches to interfere with life, limb or property, including utilities and public ways. Subsequent to the emergency two-week period, public shade tree removals shall be authorized in advance according to the procedures summarized in the tables on the next two pages.

PUBLIC SHADE TREE REMOVAL PROCEDURES

Type of Tree	Requires Advance Authorization from:
Living Public Shade Tree 1" or more in diameter 1 foot above ground	NRC as Tree Warden Public hearing
Living Public Shade Tree less than 1" in diameter 1 foot above ground	Deputy Tree Warden No public hearing
Dead Public Shade Trees, any size See definition of "dead."	Deputy Tree Warden Written certification by Arborist to NRC No public hearing
Endangering Public Shade Trees, any size See definition of "endangering."	Deputy Tree Warden Written certification by Arborist to NRC No public hearing
Public Shade Trees which obstruct, hinder or incommode travel on the public way	Order of Road Commissioners NRC as Tree Warden Public Hearing
Emergency removals of Public Shade Trees, any size See definition of "emergency."	Deputy Tree Warden/Dept. of Public Works. Written report to BPW/NRC immediately following emergency period
Public Shade Trees, any size, for work on roads or utilities	NRC as Tree Warden Public hearing
Public Shade Trees, any size, for work on Scenic Roads	Planning Board in joint hearing with NRC as Tree Warden
Public Shade Trees, any size, for pest infestation	NRC as Tree Warden and Pest Control Officer Public hearing

TREE REMOVALS FROM PARKS, CONSERVATION LANDS, WETLANDS & TOWN FOREST

Type of Tree	Advance Authorization Required From:
All trees 12" or more in diameter at breast height (dbh) except those which endanger life, limb or property	NRC at public meeting Possible public hearing
All trees which endanger life, limb or property	Written certification by Arborist to NRC NRC consent, no meeting or hearing Deputy Tree Warden
All trees smaller than 12" dbh except those on stream banks or in wetlands	Town Arborist, no hearing Written report to NRC
All trees on stream banks or in wetlands	Wetlands Protection Committee under provisions of Wetlands Protection Act and Brook Maintenance Procedures
All trees during an emergency	Deputy Tree Warden, no hearing Written report to NRC immediately following emergency period

M.G.L. Chapter 87
THE MASSACHUSETTS SHADE TREE LAW

§2. Powers of Tree **Wardens.** The Tree Warden shall have the care and control of all public shade trees, shrubs and growths in the town ... and shall enforce all the provisions of law for the preservation of such trees, shrubs and growths ... He may make regulations for the care and preservation of public shade trees and establish fines and forfeitures of not more than $20 in anyone case for the violation thereof; which, when posted in one or more public places, and, in towns, when approved by the selectmen, shall have the effect of town by-laws.

§6. Penalty. Violations of any provision of the three preceding sections shall be punished by forfeiture of not more than five hundred dollars ($500) to the use of the city or town.

§11. Injury to Trees of Another Person. Whoever willfully, maliciously or wantonly cuts, destroys or injures a tree, shrub or growth which is not his own, standing for any useful purpose, shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars.

§12. Injury to Shrubs, Trees and Fixtures. Whoever wantonly injures, defaces or destroys a shrub, plant, tree [or fixture] .. .in a public way or place or in any public enclosure, or negligently or willfully suffers an animal ...belonging to him to injure, deface or destroy such shrub, plant, tree or fixture, shall be punished by a fine of not more than five hundred dollars, and shall in addition thereto be liable to the town or any person for all damages to its or his interest in said shrub, plant, tree or fixture caused by such act. Whoever by any other means negligently or willfully injures, defaces or destroys such a shrub, plant, tree or fixture shall likewise be liable to the town or any person for all damages to its or his interest in said shrub, plant, tree or fixture caused by such act.

M.G.L. Chapter 242
WASTE AND TRESPASS

§7. Liability for Wilfully Cutting Trees, Etc. A person who without license willfully cuts down, carries away, girdles or otherwise destroys trees, timber, wood or underwood on the land of another shall be liable to the owner in tort for three times the amount of the damages assessed therefore; but if it is found that the defendant had good reason to believe that the land on which the trespass was committed was his own or that he was otherwise lawfully authorized to do the acts complained of, he shall be liable for single damages only.

Town of Wellesley Bylaw Article 49.
POLICE REGULATIONS

49.8A Mutilation of Plants. No person shall, without lawful authority, remove, cut, deface, mutilate or apply paint to any tree, bush or flower or plant growing on land held under the jurisdiction of any Town board.

49.32 Penalty for Violation. Whoever violates any provision of this article shall, in cases not otherwise provided for, forfeit and pay for each offense a fine not exceeding fifty dollars.

49.8B Replacement of Public Shade Trees (The Inch-for Inch Bylaw). Any person, firm, corporation or agency that in the course of construction or subdivision development wishes to remove any living Public Shade Tree with caliper 2 ~" or greater at 5 feet above grade level shall, in accordance with Chapter 87 Section 3 of the Massachusetts General Laws, obtain a permit from the Natural Resources Commission as Tree Warden; and, if removal is permitted, shall at no cost to the Town, within the spring or fall months following completion of construction, replace in locations specified by the Tree Warden a number of smaller trees determined to be equivalent on the following basis:

The total caliper of all replacement trees shall equal or exceed the total caliper of all trees to be removed. Replacement trees shall be balled and burlapped and of caliper not less than 2 ~" in diameter at 5' above grade level. Species, caliper and location of replacement trees shall be determined by the Tree Warden at the time of issuance of the permit.

The Tree Warden may require a bond, escrow account, irrevocable letter of credit, or other surety to ensure Public Shade Tree replacement. Such surety may be held for one year from the date of planting to ensure survival of the replacement trees. At the option of the applicant, the Town may, upon payment of an agreed-upon sum, replace said trees according to the standards herein set forth.

Town of Wellesley Bylaw Article 52.
BYLAW VIOLATION: NON-CRIMINAL DISPOSITION

§52.1 Non-criminal Disposition. Noncriminal disposition of violations of any Town Bylaw, or any Rule or Regulation of any Town Officer, Board or Department, the violation of which is subject to a specific penalty, may be had by compliance with this Article.

§52.2 Procedure. Any person taking cognizance of a violation of a specific Bylaw, Rule or Regulation which he is empowered to enforce, as an alternative to initiating criminal

proceedings may give to the offender the written notice provided for in MGL C. 40 §21D, which notice shall require his appearance before the District Court having jurisdiction of the violation ... The person may ... confess the offense charged ... by mailing to the Clerk of Court such specific sum of money not exceeding $200 as the Bylaw, [etc.] shall provide. Such payment shall operate as a final disposition of the case and an appearance before the Court shall not be deemed to be a criminal proceeding.

PARK AND CONSERVATION LAND
INTEGRATED PEST MANAGEMENT POLICY

STATEMENT ON PESTICIDES

The Town of Wellesley Natural Resources Commission agrees with the U.S. Environmental Protection Agency that all pesticides are toxic to some degree, and that even at low levels, may cause serious adverse health and. environmental effects.

The Town of Wellesley Natural Resources Commission recognizes that all its citizens, particularly children, have a right to protection from exposure to hazardous chemicals and pesticides in particular.

Furthermore, the Town of Wellesley Natural Resources Commission recognizes that it is in the best interest of public health to take precautionary action to protect our citizens and their drinking water supply by reducing the use of toxic pesticides in Wellesley.

Therefore, the Town of Wellesley Natural Resources Commission adopts the following policy:

INTEGRATED PEST MANAGEMENT POLICY

- The use and application of toxic chemical pesticides, either by Town of Wellesley employees or by private contractors, is prohibited on all Natural Resources Commission lands, including school fields which shall comply with the School Children and Families Protection Act; except for certain exemptions and emergency waivers as described below.
- Pre-emptive turf, landscape and grounds cultural, biological and physical maintenance practices shall be undertaken to understand, prevent, and control potential pest problems.
- All control products used under the terms of this policy shall be in keeping with, but not limited to, those products on the preferred list of Northeast Organic Farmers' Association as stated in their Standards for Organic Land Care, and/or the Organic Materials Review Institute of Eugene, Oregon.
- An IPM Advisory Committee shall be formed.

EXEMPTIONS

All outdoor pest management activities taking place on Town of Wellesley land shall be subject to this IPM policy, except as follows:

1. Pesticides otherwise lawfully used for the purpose of maintaining a safe drinking water supply at drinking water treatment plants and at wastewater treatment plants and related collection, distribution, and treatment facilities.
2. Pesticides in contained baits or traps for the purpose of rodent control.
3. Pesticides classified by the United States Environmental Protection Agency as exempt materials under 40CRF 152.25, or those pesticides of a character not requiring FIFRA regulation.

EMERGENCY WAIVERS

If an emergency public health situation warrants the use of pesticides which would otherwise not be permitted under this policy, the Town of Wellesley Board of Health shall have the authority to grant a temporary, one-time waiver if:

1) The pest situation poses an immediate threat to human health AND
2) Viable alternatives consistent with this IPM policy do not exist.

If pesticides are used under the emergency waiver clause, then the area treated shall be conspicuously sign posted as soon as possible after application and for a period of at least 48 hours. Furthermore, the IPM committee shall be notified as soon as practical, and a specific IPM plan developed to prevent further such emergencies.

IPM ADVISORY COMMITTEE

An IPM Advisory Committee shall be created to oversee and assist in the implementation of the IPM policy, to develop an IPM program consistent with this policy, and to assist the Town of Wellesley Departments to achieve the full and successful implementation of this policy. In addition, their duties will include:

- Creating a 5 year turf management plan for athletic fields consistent with this policy.
- Compiling a registry of all pesticides currently stored on Town owned premises, with a goal of proper disposal through a Hazardous Wastes Collection program
- Ensuring that the Town compost be tested on a yearly basis for contaminants, including, but not limited to, heavy metals and pesticides.
- Ensuring that Town water be tested for pesticides at least every three years based upon recommendations by the IPM Advisory Committee.
- Ensuring that Town of Wellesley employees who work with turf, landscape, or grounds receive yearly education and training in natural, organic turf, landscape, and grounds management.

The Advisory Committee will seek broad community participation on a non-voting basis. Membership on the IPM Advisory Committee shall be comprised of a representative from each of the following:

- Town of Wellesley, Board of Health
- Town of Wellesley, Natural Resources Commission
- Town of Wellesley, School Department
- Town of Wellesley, Recreation Department
- Town of Wellesley, Department of Public Works
- Town of Wellesley, Selectmen
- Town of Wellesley, Playing Fields Task Force
- Up to three Citizen Representatives, knowledgeable about environmental toxins and/or Integrated Pest Management techniques.

Mosquito control policy in Wellesley has a long history. In 1972 a citizens' committee developed a study which, amplified with up-to-date information on toxicology and Integrated Pest Management, is the basis of this policy.

Mosquito control in Wellesley is conducted by the *East Middlesex Mosquito Control District (EMMCP),* a state agency under the Massachusetts Reclamation and Mosquito Control Board.

Wellesley contracts with EMMCP through the Board of Health in accordance with a policy agreement worked out between the Natural Resources Commission, the Board of Public Works, and the Board of Health at the direction of the 1979 Town Meeting. Any changes in mosquito control policy must be agreed upon by the three boards. Budget funds may not be expended without such agreement.

Only the EMMCP, with notification to NRC and Public Works, may carry out water management activities such as ditching or draining that are exempt from the provisions of the Wetlands Protection Act. EMMCP is expected to report plugged culverts and litter which create mosquito breeding areas to the Department of Public Works for normal maintenance under the Wetland Protection Committee's "Brook Maintenance Standards."

WELLESLEY JOINT MOSQUITO CONTROL POLICY

1. Town funds shall be expended on a balanced program of larvaciding, education and water management.
2. Larvaciding shall utilize Bti *(Bacillus thuringiensis israelensis),* a biologic control agent.
3. Aerial applications require advance notice to the public and the consent of the three Boards (Health, Public Works, Natural Resources).
4. The EMMCP shall notify the three Boards annually of the areas where water management will take place and where larvacides will be applied.
5. Adulticiding at public expense is not authorized.
6. EMMCP shall make annual reports to the Board of Health on the work accomplished in Wellesley.

INTRODUCTION

In 1979-80 Massachusetts experienced a major gypsy moth caterpillar outbreak. The Natural Resources Commission conducted an intensive study of control strategies in consultation with experts on trees and insect pest control. The conclusions of the study were:

1. Gypsy moth outbreaks are cyclical. Outbreaks normally collapse within a year or two if nothing whatever is done.
2. If nothing is done, tree loss in reasonably healthy trees is not great.
3. Defoliation of deciduous trees is temporary unless more than 50% of leaves are lost for several successive years. Deciduous trees denuded in the spring regain their leaves by mid-summer due to release of suppressed buds. Evergreens lack this capacity but are not preferred foods for gypsy caterpillars.
4. Adequate fertilizer and water are universally recommended as the best treatment for trees stressed by caterpillar attack.
5. The intensity of outbreaks is related to the over-abundance of preferred food sources. Single-stand crops, including trees, are prone to insect epidemics and blights. Diversity of tree species is the long-term remedy and is a goal of the Natural Resources Commission's tree planting policy.
6. Most experts regard gypsy caterpillars less as a tree problem and more as a "people problem" related to use of recreational areas and suburban sidewalks during spring weather.
7. Manual control practices, such as burlap traps, and direct extermination can help to protect small trees and limited areas. Manual control is of very limited effectiveness during a full-scale outbreak but should not be neglected for isolated susceptible trees.

GYPSY MOTH CATERPILLAR CONTROL POLICY

Gypsy moth caterpillars are a cyclic nuisance and do not pose a threat to human health, safety or welfare. Governments should not spray their citizens with toxic materials without a showing of overriding need. At the same time the distress and frustration of its citizens should be minimized and the public investment in valuable tre.es should be protected in a fiscally conservative and environmentally sound way.

THEREFORE, IT IS TIIE POLICY of the Wellesley Natural Resources Commission that valuable public trees endangered by a cyclic outbreak of gypsy moth caterpillars may be sprayed with *Bacillus thuringiensis (Bf)* at the appropriate time and using approved application procedures. These valuable and endangered trees, to be designated by the Department of Public Works on the basis of size, rarity, shade and aesthetic value, shall also be fertilized and watered. Further, it is the policy of the Natural Resources Commission to encourage and assist citizens to work together to obtain private spraying with *Bt.*

Protection of wildlife is a Natural Resources Commission responsibility under Town Bylaw No. 43 Section 1. NRC's responsibility for wildlife management intersects from time to time with the responsibilities of the Police Department for animal control and the responsibilities of the Health Department for sanitation and public health.

WILDLIFE MANAGEMENT POLICIES

THE FOLLOWING POLICIES HAVE BEEN ADOPTED to protect and encourage the survival and propagation of native and rare and endangered species:

1. Planting on conservation lands and on lands maintained as conservation lands is restricted to native plant species of value to wildlife for food and cover.
2. Dead trees (cavity trees useful for nesting and denning) shall be preserved in conservation lands except where they pose a threat to human safety.
3. Land acquisition, management and maintenance shall emphasize enhancement of habitat and the provision of wildlife corridors.
4. Feeding of wildlife is strongly discouraged except at designated feeding areas.
5. Opportunities for school children and others to enjoy and to learn about wildlife shall be encouraged.
6. Inventories of wildlife shall be encouraged and updated from time to time.
7. The construction and on-going maintenance of bluebird trails, osprey platforms, butterfly gardens, and similar wildlife projects is encouraged.
8. Maintenance of the Charles River fishways shall be encouraged in cooperation with the Metropolitan District Commission and volunteers.
9. The public shall be kept informed of unusual wildlife living in the town, and be alerted to possible dangers, if any.

RESOURCE MANAGEMENT
General Policies

The conservation and prudent use of Wellesley's abundant natural resources for the enjoyment and protection of present and future residents is a primary goal of the Natural Resources Commission.

To preserve and protect the quantity and quality of Wellesley's resources in the long term, the Natural Resources Commission has adopted the following policies:

1. To support and encourage the *3R's-Reduce, Reuse, Recycle-at* every opportunity.
2. To support and encourage the use of *xeriscaping* (low water/no water gardening) in public and private landscaping at every opportunity.
3. To support and encourage the use of public and private *buffer plantings* along Wellesley's ponds and streams to reduce the flow of fertilizers and pesticides into the waters upon which municipal wells and water contact recreation depend.
4. To advocate the use of *non-toxic alternatives* for pest control.
5. To *encourage tree planting* to moderate energy needs, provide oxygen, reduce noise and pollution, and enhance the quality of life in Wellesley.
6. To protect and *encourage the awareness, enjoyment and educational value of Wellesley's natural resources,* including champion trees, ponds and streams, outstanding geologic features, special vistas, and wildlife.
7. To conduct *educational programs* to encourage residents to help implement these policies.
8. *To cooperate with* boards, agencies, organizations, businesses and individuals in achieving these goals and implementing these policies.