

**WELLESLEY BOARD OF PUBLIC WORKS RECORDS  
APRIL 1, 2013**

The Wellesley Board of Public Works held a duly posted open meeting in Room 216 in the Wellesley High School, 50 Rice Street, Wellesley, MA convening at 7:00 p.m.

**PRESENT**

Those presented included Chairman David A.T. Donohue and Commissioners Paul L. Criswell and Owen H. Dugan; Director Michael P. Pakstis; Assistant Director Judith A. Curby; and Town Engineer David J. Hickey.

**CITIZEN SPEAK**

The Chairman presented those in attendance with the opportunity to speak. No one chose to speak.

**DIRECTOR'S ITEMS**

**Brookside Community Garden Rules and Regulations.** The Director referred to the rules and regulations recently revised by Natural Resources Commission. The Board noted that a good rewriting would make these regulations more understandable.

Upon motion duly made by Mr. Dugan and seconded by Mr. Criswell, it was unanimously,

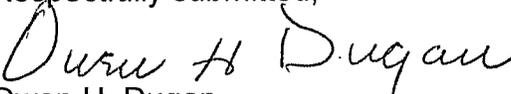
**VOTED:** That the Board of Public Works approves the revised Brookside Community Garden Rules and Regulations prepared by the Natural Resources Commission dated October 22, 2012. (Copy attached.)

**Annual Town Meeting Preparation.** The Board and Staff discussed items that may come up at the Annual Town Meeting session that evening.

**ADJOURNMENT**

The meeting adjourned at 7:20 p.m.

Respectfully submitted,

  
Owen H. Dugan  
Secretary

**TOWN OF WELLESLEY**  
**DEPARTMENT OF PUBLIC WORKS**

---



MICHAEL P. PAKSTIS, DIRECTOR

A handwritten signature in black ink, appearing to be "M. Pakstis", written over a horizontal line.

TO: Board of Public Works

DATE: March 25, 2013

RE: **BROOKSIDE COMMUNITY GARDEN RULES AND REGULATIONS**

Attached for your review and approval is a copy of the recently revised Brookside Community Garden Rules and Regulations prepared by the Natural Resources Commission. A copy of the most recent version of the Rules and Regulations dated April 1, 2010 which this would be replacing is also attached.

The Brookside Community Gardeners Agreement, itself, which covers the time period April 1, 2010 to March 31, 2015, does not require any revision (copy attached).

Attachments (3)

FNM/DIR

bpw3252013

# Brookside Community Garden Rules and Regulations

October 22, 2012

## GARDENERS

1. Gardeners must follow all local, state and federal laws and regulations including the noted Rules and Regulations.
2. Gardeners must be residents of the Town of Wellesley.
3. Gardeners must ensure that their contact information is current. Contact information should include name, address, phone number and email address.
4. Gardeners must park in the designated parking area at the main entrance on Brookside Road or at the Longfellow Pond parking lot. Parking is not permitted along Oakland Street and along Brookside Road for safety reasons.
5. Gardeners may not "give", "promise" or "assign" their plot for cultivation to another person.
6. Gardeners may not remove anything from another plot unless the request is approved by the Resident Board.
7. Gardeners may not play music at high volume.
8. Gardeners may not barbeque, grill, or light a fire unless a permit is obtained from the town of Wellesley.
9. Gardeners may not invite others to actively garden on their plot, i.e., for the other gardener to use part of the plot to grow for themselves. All plot use is distributed by the NRC per application of resident.

## PLANTING RESTRICTIONS

1. To protect the Town's water supply and the health of fellow Gardeners the use of any non-organic chemicals including fertilizers, weed killers (herbicides), pesticides, and fungicides is prohibited.
2. No invasive plants are permitted in the Garden. A list of invasive plants can be found at the web site: <http://www.mass.gov/agr/farmproducts/prohibitedplantlist.htm>
3. Dumping or "storing" of any material in or outside the Garden plots is prohibited. Violators will be fined under Town By-law 49.2, Use of Public Ways and Places.
4. Brambles such as raspberries, blackberries, or similar plants may not occupy more than 25% of the space, since planting a bramble patch does not constitute active gardening.
5. Although the garden is primarily intended for annual fruits and vegetables, perennials may also be planted at your own risk, realizing that individual plots are not owned, but are lent to each Gardener for a finite period of time.
6. Trees or tall plants that shade or encroach on neighboring plots are not allowed.

## MAINTENANCE

1. Each Gardener is responsible for installing a fence around his/her garden.
2. Gardeners should tend their plantings throughout the season by trimming, thinning, and harvesting as needed to keep the garden productive.
3. Gardeners are required to clear weeds or trees growing within their plot and on their fence, keep the aisles and paths surrounding their plot free and clean of weeds, trash and other materials to ensure that the common paths are passable by others.
4. Gardeners must ensure that the garden area is neatly maintained out of respect for neighbors. Tools and other garden related items may be stored within the plot, if they are arranged neatly. At the end of the season, Gardeners must clear their plots of dead plants and other decorations.

5. Diseased plants should be placed in a plastic bag and disposed as trash in the towns Recycling and Disposal Trash Facility (RDF).
6. Plant material generated from active gardening at Brookside Gardens may be disposed at the designated compost sites of the Garden.
7. Non-organic material used in the Garden must be carried off site and disposed at the Town's Recycling and Trash Facility (RDF).
8. Municipal water will be provided and subject to any water restrictions or bans as required by the DPW.
9. Water in uncovered containers or any standing water is not permitted for health reasons. The water in bird baths should be changed or flushed out using a garden hose at least once a week.
10. Any environmental public health issues relating to poison ivy, stinging insects or other similar issues will be addressed by the Natural Resources Commission (NRC) in cooperation with the Board of Health and Department of Public Works (DPW).

### **STRUCTURES/FURNISHINGS**

1. No permanent fixtures may be installed in a plot. No indoor style furnishings (except as permitted for ADA accessible lots which have been approved by the NRC/DPW).
2. Gardeners may use the wood chips that DPW provides to cover paths to control weed growth and cover muddy walkways. Newspaper or cardboard beneath wood chips is the recommended method for additional weed suppression.
3. Items NOT permitted in the plots and surrounding paths:
  - a. Neither carpets nor non-organic, non-biodegradable weed control fabrics as a weed control measure.
  - b. Neither concrete nor asphalt foundations nor pavement.
  - c. Introduction of rock or gravel materials within plots or walkways.
4. Plot gates may be locked at the individual Gardeners discretion.

### **PLOT ASSIGNMENT, REVOCATION AND APPEAL PROCESS**

1. Plots are reviewed each January and notifications are sent out by the end of the January.
2. Only one plot will be issued per household. A non-refundable fee is assessed to cover water and maintenance expenses. The annual fee is due March 15<sup>th</sup>, and any plot with an unpaid fee will become available.
3. If a plot becomes available, existing Gardeners in good standing will have the option to switch plots prior to plots being assigned to the general waiting list. If more than one existing gardener would like plot, plot will be assigned by lottery.
4. At the start of the season, if there is no clear evidence of active gardening by June 1st, the Gardener will be contacted and given two weeks to respond. If no response is received, the plot will be considered abandoned.
5. A Gardener will be notified by Email and regular mail of non-compliance with the Garden Rules and Regulations and will be given a two weeks' notice to respond to the the situation. If no improvement occurs, then the Resident Board may revoke the garden.
6. If a Garden is revoked, a Gardener may appeal the determination to the NRC. The appeal request must be received by the Resident Board within one week of the revocation. The decision of the NRC is final.
7. If a Garden is revoked, the Gardener will have one week to remove any personal items from the plot.
8. In case of a hardship that may prevent a Gardener to address non-compliance issues temporarily, such as an extended vacation, illness or other unplanned emergency, the Gardener needs to relay the situation to the Resident Board and consideration will be given. The maximum accommodation period is one growing season.

## Brookside Community Garden Rules and Regulations

1. Parking is off Brookside Road, near the tool shed. For safety reasons, there is no parking on Oakland Street.
2. To protect the Town's water supply and the health of fellow gardeners the use of any chemicals including weed killers (herbicides), pesticides, and fungicides is prohibited. Any environmental public health issues relating to poison ivy or stinging insects will be addressed by the Natural Resources Commission (NRC) in cooperation with the Board of Health and Department of Public Works (DPW).
3. No permanent fixtures (except for fencing) may be installed in a plot. Perennial plants such as asparagus and strawberries may be planted at the gardener's own risk. The Board of Public Works is not responsible for preserving plants, fencing, or any other materials in the Brookside Gardens, should it need to use or change the land for any purpose.
4. Gardeners must keep all tools and gardening supplies within their assigned garden plots. Each gardener is responsible for installing a fence around his/her garden plot and keeping the aisle and area surrounding the plot free and clean of weeds, trash and tools.
5. Dumping of any non-organic material in the Brookside Gardens is prohibited. Violators will be fined under Town By-law 49.2, Use of Public Ways and Places. Non-organic materials must be carried off site and can be disposed of at the Town's Recycling and Trash Facility.
6. Organic material generated from active gardening at Brookside Gardens may be disposed at posted compost sites on the grounds. Dumping of organic material from outside the Gardens is prohibited.
7. All tools and other in-organic items and materials (metal posts, plastics etc.) must be neatly stored in assigned garden plots at the end of each season.
8. By June 1, if a plot is not substantially cleared of weeds and there is not clear evidence of active gardening, the plot will be assigned to someone else.
9. Municipal water will be provided and subject to any water restrictions or bans as required by the DPW.
10. Gardeners must follow all local, state and federal laws and regulations.
11. Garden plots are issued to Wellesley residents through the NRC. A fee of \$35.00 is assessed to cover water and maintenance expenses. This fee is not refundable. Plots are re-issued every March with payment due April 15<sup>th</sup>. After April 15<sup>th</sup> any plot with an unpaid fee will become available. Available plots will be issued to residents based upon a waiting list established through the NRC. **No more than one garden plot per family is allowed.**
12. All persons assigned a plot are subject to the noted rules and regulations. Failure to comply may result in the loss of the assigned gardening plot and gardening privileges.

**TOWN OF WELLESLEY/BROOKSIDE COMMUNITY GARDENERS  
AGREEMENT #10S-430-1417**

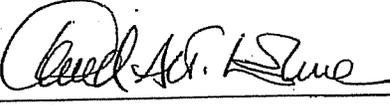
Agreement between the Town of Wellesley, acting through its Board of Public Works and Natural Resources Commission, and the Brookside Community Gardeners for the use of Departmental land at Brookside Road and Oakland Street for a community garden:

1. This Agreement is from April 1, 2010 to March 31, 2015.
2. The conduct of the community garden shall be carried out in compliance with the Laws and Regulations of the Town of Wellesley including the Rules and Regulations specified on the attached sheet.
3. The Brookside Community Garden will be financially self-sustaining, and the Brookside Community Gardeners will reimburse the Town of Wellesley's Department of Public Works for any agreed upon costs or expenses.
4. If municipal water is used, it may only be used on odd days and will be provided subject to any water restrictions, bans or BPW regulations on use of municipal water for lawns and gardens, and paid for at the prevailing rate by the gardeners.
5. Use of weed killers (herbicides), pesticides, fungicides, or any other chemical that may be detrimental to the Town's water supply or the environment is not permitted. The use of chemical fertilizers are prohibited, however, minimum amounts of organic fertilizer may be used.
6. The west 150 feet end of the area is reserved for Department of Public Works use at all times.
7. No permanent fixtures may be installed in the area. If perennial plants, such as rhubarb, asparagus, strawberries, etc., are planted, it is at the individual gardener's own risk. The Board of Public Works is not responsible for plants or other private property should it need to use the land during the period of the agreement for other purposes.
8. The Town of Wellesley, its departments, employees, and agents are hereby held harmless and not liable for accidents, injuries or damages to persons, property or plants that might occur as a consequence of gardening activity on Town land. The Town of Wellesley, its departments, employees and agents are not responsible for the security of the garden or its plots, buildings or structures, *used*, or contents, and are not liable for any vandalism or loss of produce or belongings.

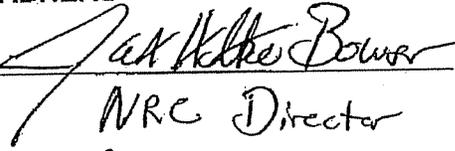
- 9. This agreement may be terminated if the area is required for emergency purposes as determined by the BPW, and on two weeks' notice if needed for other purposes as determined by the BPW. Maximum possible notification, but not less than 24 hours notice, will be given to the Brookside Community Gardeners prior to emergency termination.

This agreement is entered into 4/5/2010 for the period from April 1, 2010 through March 31, 2015.

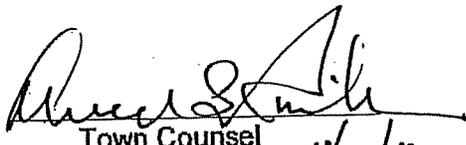
BOARD OF PUBLIC WORKS

By   
Chairman

BROOKSIDE COMMUNITY GARDNERS

By   
NRC Director  
Administrator of the Garden

Approved as to Form:

  
Town Counsel  
4/2/10.