



# **Town of Wellesley Natural Resources Commission Policy Manual**

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# **SECTION 1**

## **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**

#### **CHAPTER 555 OF THE ACTS OF 1978, SECTION 4**

- 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 commissions, town forest committees, park commissioners, tree wardens, moth superintendents and superintendents of insect pest control under the General Laws. It authorizes the appointment 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 committee, 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.



## **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

### **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, park and street tree 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, management, 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 and may appoint up to two residents as associate members. 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.

**43.7b Future Appointed Committee.**

**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.



### **Trails Committee**

While the Trails Committee is not formally included in the Bylaw, it is an integral part of the NRC, and may become a formal committee in the future. The Trails Committee per its charter is an appointed committee under the Natural Resources Commission and is responsible for developing new trails and enhancing the trails network. They explore ideas for interconnecting Wellesley's open spaces, work with the NRC and DPW on new trail development, and negotiate trail access with organizations, state government agencies, and adjacent towns. They evaluate trail routes, consider safety issues, address parking and access, mark new trails, decide on new map house locations, and revise the trails map to reflect additions and changes. The Committee shall consist of Wellesley residents, with the number of members voted by the NRC Board. One member shall be a Commissioner of the NRC serving as liaison. The Committee shall elect from its body a Chair and a Secretary (who may be the same person) and other positions as the Committee may deem necessary, all serving a one-year term, starting on July 1st and ending on June 30th. Election results shall be reported to the NRC promptly. Terms of office for all Committee members will be renewed annually. Resignations will be submitted in writing unless they coincide with the end of a term.

*\* Since the creation of the bylaw, the Natural Resources Commission has created, appointed, disbanded and assumed the role of designated and other ad hoc committees. Committees will be evaluated upon bylaw changes.*

## **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**

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:



## **SOME RELEVANT STATUES**

Statutes Relevant to NRC's Duties as Conservation Commission

**MGL C. 21 A §16**

Administrative Penalties Law

**MGL C. 30 §§61-62H**

Massachusetts Environmental Policy Act

**MGL C.260 §31, Acts of 1987;**

**C. 564 §46**

Adverse Possession

**MGL C.266 §121A**

Motorized Trespass Law

**MGL C. 61A**

Agricultural Land Assessment Act

**MGL C. 39 §§23A-C**

Open Meeting Law

**MGL C. 132A §§11A-D**

Agricultural Preservation Restriction Act

**MGL C. 21 §17C**

Private Landowner's Liability

**MGL C.214 §7A; C. 30A§10A**

Citizen's Right of Action Laws

**Massachusetts Constitution Article 97;**

Opinion of the Attorney General

Protection of Public Land

**MGL C.40 §8C**

Conservation Commission Act

**MGL C. 66**

Public Records Act

**MGL C. 40 §5(51)**

Conservation Fund Act

**MGL C. 87**

Public Shade Tree Act

**MGL C. 184 §§31-33; MGL C.40**

**§5(70);**

**MGL C. 44 §7(3)**

Conservation Restriction Laws

**MGL C. 61B**

Recreational Land Assessment Act

**MGL C. 44 §8C**

Debt for Land Acquisition

**MGL C. 21 §17B**

Scenic Rivers Act

**Acts of 1990, C. 408**

Endangered Species Act

**MGL C. 40 §C**

Scenic Roads Act

**MGL C. 61**

Forest Land Assessment Act

**MGL C. 48 §16**

Timber Slash Law

**MGL C.132 §§40-46**

Forest Cutting Practices Act

**MGL C. 131 §40**

Wetlands Protection Act

**MGL C.131 §40A**

Inland Wetlands Restriction Act



## **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 in accordance with the Town Forest Management Plan.

#### **Section 24. Penalty for Violation**

A fine of up to \$200 is authorized for violation of any regulation made under this chapter or under any special act for similar purposes.



## **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 the “tree warden” also has care and control of trees in parks if so requested by the park commissioners. The “tree warden” 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 the 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 Select (Board) must trim or cut down trees and bushes if they obstruct, endanger, hinder or inconvenience 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 (they are) 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.

For Wellesley's regulations, see Chapter-7, Public Trees and Public Shade Trees

## **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 chief superintendent may, subject to the approval of the commissioner, make rules and regulations governing all operations by cities and towns or persons for the purpose of suppressing gypsy and brown tail moths, tent caterpillars, cankerworms, oriental hag moths, fall webworm, Japanese beetle, saddled prominent, pine looper, and elm leaf beetles, which destroy forest and shade tree foliage, diseases and leaf eating and sucking insects which damage forests and shade trees, the Dutch elm disease and the beetles which spread said disease, wood ticks, and poison ivy growing within one hundred feet of any public way, and any invasive plant or animal species, diseases and insects which damage the health, safety or quality of forest, shade or other trees including, but not limited to, the Asian long-horned beetle or oak wilt, all of which are hereby declared to be public nuisances for the purposes of this chapter.

**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, wood ticks 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 1/15th 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 POLICIES ORGANIZATION**

The Natural Resources Commission shall organize annually at a meeting in June with effective dates of July 1.

### **OFFICERS**

The officers of the Commission shall be a Chair, Vice-Chair, 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.

#### **Chair**

The Chair shall preside at all meetings and shall have the right to vote on all matters before the Commission, the Chair 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.

#### **Vice-Chair**

The Vice-Chair shall have the power and duties of the Chair 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.

#### **Secretary**

The Secretary shall review and ensure timely posting of minutes and other records for the Commission as the Commission may require and shall preside at meetings of the Commission in case of absence of both Chair and Vice-Chair.

### **LIAISONS**

At the annual organizational meeting, individual members of the Commission shall be appointed as liaisons to other boards and committees as necessary.

### **MEETINGS**

- Meetings shall be scheduled bi-monthly and shall normally start at 7 PM and end not later than 10 PM so far as is practicable.
- Special meetings shall be called by the Director at the request of the Chair or two members of the Commission.
- An annual meeting shall be reserved for discussion of policy and long-range and strategic planning issues.

### **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.

### **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 Chair or by majority vote of the members present. Business shall be conducted in accordance with Roberts' "Rules of Order, Revised."



### **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 Chair.

### **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.

### **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.*

### **DUTIES OF COMMISSION MEMBERS**

- Members shall perform the duties and responsibilities set forth in these Bylaws and Town Bylaws.
- Members shall represent the committee to the public in a way that promotes interest and support and shall accept the will of the majority vote in all cases, and when applicable, clarify when their individual opinion or position is the board's or their own.
- Members who may have a conflict of interest on any matter before the Commission shall adhere to the State's Conflict of Interest Law.
- Members who will be unable to attend a meeting shall notify the Director in advance so that a quorum is ensured.
- All official position statements or policy endorsements in any communication format from the Commission shall be developed only by the NRC office and shall be approved by the Commission before being issued on policy matters and matters outside of the discretion of departmental staff.

### **AMENDMENT OF THE HANDBOOK**

The Handbook, in part or whole, may be amended by vote of a majority of the entire Commission, using the approach for Handbook review, listed here:

### **POLICY DEVELOPMENT**

- The Natural Resources Commission will develop policies and put them in writing so that they may serve as guides.
- Adoption of new policies or changing existing policies is solely the responsibility of the NRC. Policies will be adopted and/or amended only by the affirmative vote of a majority of the members of the NRC. when such action has been scheduled on the agenda of a meeting. Except in an emergency where the situation requires immediate action, policies should not be adopted at the meeting at which they are initially introduced.
- Policies will be effective upon the date set by the Committee. This date will ensure that affected persons have an opportunity to become familiar with the requirements of the new policy prior to its implementation.



## **POLICY REVISION AND REVIEW**

To keep its written policies up to date so that they can be used consistently as a basis for NRC action and decision-making, the Committee will review its policies on a regular basis.

The Executive Director may also alert the NRC to any policies that are out-of-date or for other reason appear to need revision.

The policy review process may use to review any or all sections of the NRC's policies. Prior to initiating the review process, the Executive Director will ask Committee members to identify sections to be reviewed or will present a list of sections for review at an upcoming meeting.

To permit time for study of all policies or amendments to policies and to provide an opportunity for interested parties to react, proposed policies or amendments will be presented as an agenda item to the Committee in the following sequence:

- **Information item (notification of intent to review)** – The policy section or document will be identified on agenda as up for review and posted as part of meeting agenda. Where specific sections have been identified, the public is encouraged to send comments so they might be considered in the discussion.
  - Ahead of the next meeting where the discussion will take place, all members will review assigned section(s) that will be discussed. Any proposed changes should be sent to the Executive Director no later than one week prior to review meeting. The Executive Director (or designated staff) will create Master Document with changes inserted and attributed to board member.
- **Discussion item (formal review/discussion of proposed changes)** – The Master Document (with revisions proposed) is posted on the agenda as a discussion item and will be provided to the public at the same time. The Board will debate initial changes. Public Comment will be accepted as usual.
  - Positive intent will be assumed with respect to changes submitted. If disagreement between members cannot be solve through normal debate, chair will ask for a motion from proposing board member and solved through majority vote. After committee discussion, the Chair will provide directions for any redrafting.
  - At conclusion of Master Document discussion, changes agreed to will be accepted and a final version produced for final vote at next meeting (to allow for board and public to fully absorb).
- **Action item** – discussion, adoption, or rejection. At this meeting, the public may also provide comment. The Board will debate any final changes. The Board may vote to accept changes in whole or part. Amendments to the policy at the action item stage will not require repetition of the sequence unless the Committee so directs.

This process may be repeated as frequently as necessary to review or update the policies as needed.

## **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 in June or July. Timely notice of the new officers shall be given to the Chair of the Natural Resources Commission and to Town Clerk.
2. Committees are encouraged to rotate the chair annually.
3. Committee chairs 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.
4. Committees shall recommend to the Natural Resources Commission policies and policy revisions which they deem to be useful.



## **PERSONNEL POLICY**

The Natural Resources Commission approves and adopts the Town of Wellesley's Personnel Policies as updated.

- Disability Accommodation
- Discrimination, Harassment and Retaliation
- EEO Policy
- Family Medical Leave (FMLA)
- Military Leave Policy
- Parental Leave
- Pregnancy and Lactation Accommodation

## **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, grassroots environmental and sustainability organizations and the business sector.

The Commission shall reach out to the aging, disabled and otherwise underserved 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 Land Trust, Inc., the town's private land trust.

## **CLIMATE ACTION**

On December 19, 2019, the Wellesley NRC declared a Climate Emergency, and RESOLVED to educate the public and Town Government about the environmental impacts of climate change, to include the climate emergency as an agenda item at every Commission meeting, and to explicitly consider the climate emergency in all its decision making.

The Wellesley Climate Action Plan was developed in 2022 as a roadmap for town-wide efforts to address climate change. The plan builds on more than a decade of sustainability initiatives and outlines specific actions Wellesley must take to reduce greenhouse gas (GHG) emissions to meet the goals adopted by Town Meeting and to build resilience to climate change impacts.

The NRC supports and will continue to implement actions in the Plan.



## **SECTION 2**

### **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 seven-year [Open Space and Recreation Plan](#) 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.

Before adoption and promulgation of any of the policies established here, they 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.

#### **ANNUAL PLANNING**

Each year the Commission develops an action plan for the coming year within the framework of the *Open Space and Recreation and Comprehensive Plans, Climate Action Plan*, town wide issues, state and regional developments and available funding (either through town budget, CPC, or private grants/donations).

### **CONSIDERATIONS FOR OPEN SPACE LAND ACQUISITION**

The Natural Resources Commission evaluates potential open space acquisitions by considering, but not limited to the following:

#### **RELATIONSHIP TO OPEN SPACE GOALS**

Is the parcel identified in the *Open Space and Recreation Plan* 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:

Protection of wetlands, woodlands and tree canopy

Protection or improvement of water quality and surface waters

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



- 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
  3. [The Climate Action Plan](#) as it relates to natural resource protection

## **EVALUATION OF THE SITE**

1. To what degree does the parcel fulfill the need or needs identified above?
2. 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?
3. Can the parcel serve multiple purposes in relation to Town goals or needs?
4. Can the parcel be linked to adjacent lands to enhance the open space system beyond the parcel's own boundaries?
5. Is there public access to the parcel?

## **EVALUATION OF COST/BENEFIT EQUATION**

1. Does the cost of acquiring the parcel bear a favorable relationship to the parcel's public [value](#) as open space?
2. Are there indirect costs which acquisition would incur, such as maintenance needs, insurance costs, etc.?
3. Are there alternatives to outright acquisition in fee, such as acquiring development rights, conservation easements or restrictions, zoning, wetlands regulation, cooperative use arrangements, etc.?
4. What are the possible sources of funding for the acquisition (state or federal grants, public fundraising, neighborhood contributions, etc.)?
5. Regional Opportunities (for improvement in flooding, water quantity, water quality, wildlife corridor, trails, etc.)

## **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 Select Board.

**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.

## **RELEASE OR EXCHANGE OF LAND**

The NRC adopts a no-net loss policy.

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.

The release or exchange of any Article 97-protected open space must comply with the requirements of Article 97 of the Amendments to the Constitution of the Commonwealth and the Public Lands Preservation Act, G.L. c.3, §5A.



Proposals to release or exchange Article 97-protected open space will be considered only on the basis of a greater than 1:1 exchange ratio favoring open space in each of the following categories:

1. Natural resource value,
2. Acreage, and
3. Monetary value.

Proposals to transfer Article 97-protected open space among Town Entities shall only be considered on the basis of a greater than 1:1 exchange ratio favoring open space.

## **ENCROACHMENT CORRECTION POLICY**

### **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 landowner, may develop and implement such restoration plan or seek further legal remedies, including the imposition of a municipal lien with the approval of the Select Board.

### **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, cutting, clearing, 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.



## **ENCROACHMENT CORRECTION PROCESS**

1. a. **Document** alleged encroachment in Board or department log.  
b. **Enter information** regarding encroachment into Town's encroachment log on the Town's Network
2. **Research:** Contact Wellesley GIS office at [gis@wellesleyma.gov](mailto:gis@wellesleyma.gov) 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 impacted,** 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 Board.
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.

## **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.

To ensure 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. Special 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. Should the board agree that the suggested change constitute a change in use, then the change must be voted on at a public hearing after a proposal is submitted to the board.



## **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:

<b>IMPACT ON NATURAL RESOURCES</b>	
Trees and other vegetation Wetland Resource Areas Floodplain Areas Stormwater and Drainage Climate/Environmental Resilience	Water Quality (includes drinking water, surface water and groundwater) Wildlife and wildlife habitat, pollinators Air Quality, Carbon and Greenhouse Gas Emissions
<b>IMPACT ON LAND USER GROUPS</b>	
School Users Town Sports Organizations (youth & adult) General Public	Public Users
<b>IMPACT ON THE NEIGHBORHOOD</b>	
Traffic, parking Noise, sound Lighting Odors Trash	Increased Intensity of Use Impact Pedestrian Safety Visual/ Aesthetic Impact Historical Significance
<b>COSTS</b>	
Impact on Town Budget Impact on NRC Budget	Fundraising Opportunities
<b>TEMPORARY CHANGE</b>	
Ability to Restore and Rehabilitate Land to Original Condition	



## **Section 3**

### **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 market-based 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. Any event should have appropriate liability coverage that eliminates exposure to the town for its use.
5. To discourage unfair competition among local business firms by limiting the use by for-profit organizations.
6. To deny permits for uses which interfere with normal and customary uses of an area.

#### **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.

#### **HOURS**

Parks and conservation lands are open to the public from sunup to sundown throughout the year unless noted by signage to the contrary or on an illuminated field.

#### **MOTOR VEHICLES PROHIBITED**

Motor vehicles are prohibited except:

- On paved roads
- In designated parking areas between sunup and sundown, or
- As authorized by the NRC (for event preparation, maintenance, etc.).

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 unless otherwise approved by the NRC.



## **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.

## **DRUGS AND ALCOHOLIC BEVERAGES**

Possession of alcoholic beverages or controlled substances is prohibited.

## **DUMPING AND LITTERING PROHIBITED**

Spectators and users are strongly encouraged to bring reusable drinking containers or use public drinking fountains, and to adhere to a "carry in/carry out" policy for all trash. Litter, especially plastic litter, is harmful to our environment and to our wildlife.

- Littering or dumping of grass clippings, leaves, brush, debris, or any other material is prohibited.
- When leaving park or conservation lands, visitors are required to remove any materials they brought in with them if no trash receptacle is present.
- Voluntary clean-up of open spaces is encouraged and appreciated.

## **PETS**

Unless in a designated area, pets must always be under the immediate control of the owner or on a leash in order to protect plants, wildlife, and the enjoyment of other visitors. In conservation areas, owners should encourage pets to keep to the immediate area of the trail, and not run wildly through the woodlands disturbing wildlife and vegetation. In all cases, owners are responsible for cleaning up and properly dispose of pet waste. See Animal Control Regulations [here](#).

## **TREES AND PLANTS, WILDLIFE 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. Nothing should be hung on public trees and plants.

## **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.

## **VANDALISM**

Disturbing, removing, defacing (including graffiti), cutting or otherwise damaging a natural feature, sign, barrier, building or other property in park and conservation land is prohibited. This includes the clearing, digging and/or alteration of land for unauthorized bike trails, ramps, and structures.

## **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.



## **CAMPING**

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

## **OPEN FIRES**

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

## **ENFORCEMENT**

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. In addition to fines, violations of these regulations may be denied future permit requests.

## **BOATS**

Non-motorized boats are permitted on all Town Ponds. The operation or use of any internal combustion engine in or upon that portion of Morse's Pond situated in the Town is prohibited. Boats stored on Town property shall be subject to removal.

## **SMOKING**

The NRC discourages the use of smoking materials on NRC property.

## **STORAGE**

Users of fields are expected to clear portable equipment at the end of every event. Larger, less mobile equipment (goals, cages, etc.) are expected to be cleared at the end of every season.

Temporary storage containers are only allowed with advance approval of the NRC.

## **SOUND**

Unless as noted below, the use of amplified sound is not allowed on any active field unless permissioned in advance through a permit to the NRC. There shall be no use of speakers or any amplification of any kind unless authorized by the Natural Resources Committee.

### **NRC AMPLIFIED SOUND POLICY (\*Excluding Hunnewell Track & Field – see below for specific Hunnewell Track & Field Policy)**

1.1. Amplified sound is defined as voice, music or any sound extended above and beyond its normal range by an electronic device or secondary means such as a radio or non-electric equipment.

1.2. The use of amplified sound is not permitted without a permit to be granted by the NRC or its Director. All NRC field permit request forms expressly require amplified sound requests.

1.3. When permitted, the use of amplified sound shall be controlled by the permit holder such that the volume, direction, and duration of the sound is the minimum needed to meet the purpose of the use of the sound, and which will minimize the impact of the sound on other users of the park, playground, or other public property and its abutters. The volume shall not exceed 70 dBA at any property line unless granted by the NRC or its Director, but not to exceed 85 dBA at anytime. In addition, a “common sense” consideration is the responsibility of the permit holder to keep amplified sound limited to the field/park location for which it’s been granted. In other words, if you can hear it across the street, it’s probably too loud.



1.4. The intent of this policy is to allow, with a permit from the NRC, reasonable playing of music or use of amplified sound while considering location, time, duration and frequency. The NRC should consider the frequency of amplified permits per park or recreation site and afford significant consideration to the neighbors abutting the permitted areas. Amplified sound may or may not be permitted at all NRC sites.

1.5. Amplified sound permit requests are required at least 60 days prior to the permit start date. Notice less than 60 days in advance will be considered at the NRC's discretion.

1.6. Amplified sound should be considered by the same user group prioritization as used by the Playing Fields Task Force with the following prioritization: (1) Town-Wide Special Events; (2) Wellesley Public Schools; (3) Wellesley Resident Youth Leagues; (4) Wellesley Recreation Department Programs; (5) Wellesley Resident Adult Groups; (6) Wellesley Resident – One-Time Use; (7) Charitable Groups; (8) Non-Resident Groups

1.7. In addition to considering location, time, duration and frequency, the NRC should also consider the following when determining if approval will be granted:

1.7.1. The total number of approved permit requests with amplified sound at a given time or period of time in a specific location or adjacent location

1.7.2. Equity and parity considerations (e.g. gender across youth sports)

1.8. Permit request examples (for illustrative purposes): Non-profit one-off or fundraising events; Seasonal youth sports; Summer camps/programming; Town-sponsored events (e.g. Wellesley Wonderful Weekend); For-profit (e.g. movie production)

## 2. NRC AMPLIFIED SOUND POLICY FOR HUNNEWELL TRACK & FIELD

2.1. The Permanent PA system is allowed without permitting the following Wellesley Public School usage:

2.1.1. WPS Football Games: The PA System may be used for competitive play during WPS football games for the following:

- Emergency Information• National Anthem
- Key game facts including, but not limited to, naming a player who scores a touchdown, makes a significant play or players involved in a completed pass
- Announcements for raffles, concessions and school announcements should be made prior to or at halftime
- Senior game day presentations
- Cheerleading/Dance Team/Other WPS Performances during the game event

2.1.2. WPS non-football teams may use the PA system for the National Anthem, safety announcements and senior presentations (on Senior Day games only). It should be noted that the MIAA may require high schools that are hosting playoff games in tournament rounds of 32-, 16- or 8-teams to make announcements.

2.1.3. Testing the permanent system shall not start more than 60 minutes before the competitive event and music shall begin no sooner than 60 minutes before the competitive event and use of the permanent PA system shall end no later than 15 minutes after the competitive event.

2.1.4. The PA system may not be used for any sports practice, unless specified



2.1.5. The PA system may not be used for any amplified music after 7:30 p.m. except where explicitly defined (e.g. cheer/dance/other WHS)

2.1.6. The PA system may not be used for play-by-play game calling

2.1.7. The PA system may not be used for commentator discussion between announcers about a previous play

2.1.8. WHS Graduation: The PA system can be used for events related to WHS graduation prior to 7:30 p.m. An NRC Permit is required for any graduation extended beyond 7:30 p.m.

2.1.9. Sound levels are not to exceed 70dBA during testing and 85dBA during allowed activities as those noted above. Max sound levels will be monitored and limited via PA system's "sound governor" built-in mechanism

2.1.10. Accountability for Compliance – Wellesley Public Schools Use

- Accountability for all WPS athletic events resides with the Athletic Director.
- Accountability for WHS Graduation events resides with the WHS Principal.
- Accountability resides with the permit requester for any ad-hoc requests for WPS.

2.2. The Permanent PA system conditions for Non-Wellesley Public School usage:

2.2.1. The Permanent PA System is only allowed with NRC permitting.

2.2.2. When permitted, the use of the permanent PA system shall be controlled by the permit holder such that the volume, direction, and duration of the sound is the minimum needed to meet the purpose of the use of the sound, and which will minimize the impact of the sound on other users of the Hunnewell Track & Field and its abutters. The volume shall not exceed 70 dBA at any property line unless granted by the NRC or its Director, but not to exceed 85 dBA at any time.

2.2.3. Amplified sound permit requests are required at least 60 days prior to the permit start date. Notice less than 60 days in advance will be considered at the NRC's discretion.

2.2.4. Amplified sound should be considered by the same user group prioritization as used by the Playing Fields Task Force with the following prioritization: (1) Town-Wide Special Events; (2) Wellesley Public Schools; (3) Wellesley Resident Youth Leagues; (4) Wellesley Recreation Department Programs; (5) Wellesley Resident Adult Groups; (6) Wellesley Resident – One-Time Use; (7) Charitable Groups; (8) Non-Resident Groups

2.2.5. Permit request examples (for illustrative purposes): Non-profit one-off or fundraising events; Seasonal youth sports; Summer camps/programming; Town-sponsored events (e.g. Wellesley Wonderful Weekend); or-profit (e.g. movie production)

2.2.6. In addition to considering location, time, duration and frequency, the NRC should also consider the following when determining if approval will be granted: (1) Total number of approved permit requests with amplified sound at a given time or period of time in specific location or adjacent location; and (2) Equity and parity considerations (e.g. gender across youth sports)



2.2.7. Accountability for Compliance for Non-WPS Permits resides with the permit requester consistent with other NRC permitted activities.

2.3. A portable sound system shall only be used at the Hunnewell Track and Field by youth lacrosse for 10-minute warm-ups before games during their spring season, and by youth football for announcing games during their fall season. Speakers must be aimed away from State/Smith Street and Rice Street. Any other use of a portable sound system will require the express permission of the NRC Director.

2.4. Any sound system shall only be used from the earliest fall practice date to the conclusion of the academic year or final athletic event (whichever is latest) as defined in the Massachusetts Interscholastic Athletic Association Rules and Regulations Governing Athletics handbook, unless permitted by the NRC.

2.5. At no time may a secondary sound system be used in conjunction with the permanent sound system, unless permitted by the NRC.

2.6. The school athletics department will test the permanent sound system annually to ensure proper functioning.

2.7. Violation of this sound system policy may result in the denial of future permits by the NRC and the PFTF.

**2.8. Accountability, Policy Review and Points of Contact ADDED FROM MAY 2023 LIGHTS POLICY**

2.8.1. For all other issues related to WHS practices and games held on the Track & Field, the community should contact the WPS Athletic Director.

2.8.2. Representatives of WHS, NRC, and the neighborhood endeavor to meet two times per year (at the end of the Fall and Spring seasons) to maintain communications and review policies and guidelines pertaining to Wellesley High School's use of the Track & Field under lights. Comments / concerns relating to non-school use of the fields can be directed to NRC.

2.8.3. Current contacts are listed below:

- WPD: Chief Scott Whittemore (main: 781-235-1212)
- WHS: John Brown, Athletic Director (brownj@wellesleyps.org)
- NRC Director: Brandon Schmitt (nrc@wellesleyma.gov)

**LIGHTING**

**Hunnewell Track and Field Use Policy**

**Purpose:** The purpose of this policy is to create a framework for coordinating on the amount, type, and purpose of use of lights on the Hunnewell Track and Field. As the land owner, the Natural Resources Commission is responsible for setting policy on use of the fields, including light and sound, and ensuring its enforcement. The School Committee represents a priority user group and is responsible for planning, managing, budgeting, and operating the lights on the field with support from the Department of Public Works on maintenance and operations as well as Wellesley Police for parking and public safety at major Wellesley High School events (as defined below).

The NRC recognizes that the Hunnewell Track and Field lights enable the Wellesley Public Schools and the Town to enhance opportunities for WHS athletes; however, the use of the Track and Field lights can have a negative impact on surrounding neighborhoods. The following regulations shall guide the use of the Track and Field lights. This policy is intended to define use parameters as an addendum to the policy outlined in the Natural Resources Commission Law, Policy, & Regulations Handbook 2017, §3 on Park and Conservation Lands.



Visitors to the field are expected to be respectful of the neighborhood surrounding Hunnewell Track and Field, including WHS and its facilities, by strictly adhering to the Policy, including posted traffic and field signage, and taking special care to minimize noise, trash, and other impacts to the neighborhood. Schools and Town users are expected to communicate this policy regularly to student athletes, visiting teams, and game attendees.

### 1. Night Games

WHS athletic games draw a number of families and friends to participate in the athletic experience of their students. While there is significant school and community value to these well-attended evening sports events, football games have the greatest impact on the surrounding neighborhood. Therefore, the following outlines the use of the Track and Field after daylight hours for all school sports, including football games:

#### A. Number of WHS Games and Additional Use

- Every effort will be made by WHS to schedule half of their games as away games.
- Night games are defined as games scheduled to begin on or after 6:00 pm.
- WHS may schedule up to 15 night games under lights in any given academic year, exclusive of home playoff games requested by MIAA/Bay State Conference and WHS where WHS is one of the participating teams.
- The Town may ask the NRC to allow a 1 evening town-sponsored event per fiscal year.

#### B. Use of Lights

- Competition level lighting shall be dimmed no later than 10 minutes after completion of any game.
- Lights may remain on after completion of any game solely to allow for Track and Field cleanup and safe crowd egress.
- For night games, lights shall be off no later than 9:30pm. If game delays, safety, or other exigent circumstances require later lighting use, this must be communicated in real time to the NRC at [nrcmembers@wellesleyma.gov](mailto:nrcmembers@wellesleyma.gov).

### 2. Day Games and Practices

- For day games, lights shall be off no later than 7:00pm. If game delays, safety, or other exigent circumstances require later lighting use, this must be communicated in real time to the NRC at [nrcmembers@wellesleyma.gov](mailto:nrcmembers@wellesleyma.gov).

### 3. Night Practices

- WHS may schedule up to 6 night practices during a school year.
- The lights must be off no later than 9:00pm. Practices should end before 9:00pm to allow time for safe egress.

### 4. WHS Graduation

- Lights may be used on the first Friday in June until 9:00pm for WHS graduation exercises.

### 5. Feedback and operational improvement:

In addition to the established mechanisms for receiving community feedback, the NRC and School Committee shall host at least 2 community forums a year for the first two academic years that the lights are in operation. Representatives from DPW and the Wellesley Police will be invited to attend. In addition to standard agenda postings, the NRC will notify abutters of the meetings directly. The public forum will offer an opportunity to reviewing existing lighting policies and lighting usage reports as well as neighborhood impact from usage of the lights.

### 6. Miscellaneous



- WHS' use of the Track and Field shall adhere to the general use of playing fields guidelines in the NRC's Policy Handbook §3, especially the NRC's Special Regulations for the Use of Playing Fields in §3-4.
- The following are the proper contacts in the event of a violation of this Policy:
  - For urgent police and public safety matters or traffic-related issues: Chief Scott Whittemore ((781) 235-1212) and Lt. Scott Showstead (sshowstead@wellesleyma.gov)
  - For all other issues related to WHS practices and games held on the Track & Field: John Brown, Athletic Director (brownj@wellesleyps.org)
  - Comments / concerns relating to non-school use of the fields or any other matter: Brandon Schmitt, NRC Director (bschmitt@wellesleyma.gov)

The NRC is not bound by any limitations herein in the event of an emergency. Policy adopted: September 16, 2024  
**PLAYING FIELD/ PARKLAND PERMITTING PROCESS**

### **PLAYING FIELDS**

1. Organized activity held at Wellesley's [athletic fields and active recreation areas](#) and related facilities shall require a permit. The Natural Resources Commission coordinates with the Playing Fields Task Force, which represents the major field user groups and has the responsibility for organizing and managing permits for organized user groups in Wellesley.
2. Athletic field users must adhere to the Playing Fields Task Force Playing Fields Policy, shown in [Appendix A](#). This policy is intended to be the framework for managing the priority and usage of active playing fields in the Town of Wellesley. This policy has been approved by the Select Board, Board of Public Works, Natural Resources Commission, School Committee, and the Recreation Commission. The policy is administered by the Recreation Department.
3. All organized users of athletic fields must hold a permit for use.
4. All permit holders agree to abide by the current set of regulations for use as indicated by their permit.

### **OTHER PARKLAND**

Permits for the use of town parkland for special and non-athletic 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 from the Natural Resources Commission 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 Select Board or the Department of Health. Some permits for activities 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.

Permit Applications are located here:

- Field permit
- [Special event](#)

### **GENERAL FIELD USE AND MAINTENANCE**

1. Compaction and are severe problems on semi-frozen ground or wet turf, there shall be no active use of playing fields or Natural Grass fields during early spring or late fall on dates determined by or except with the express consent of the Public Works Park & Tree Superintendent.



2. Status of Playing fields shall be communicated via email to user groups, posted at <http://www.wellesleyma.gov/1049/Playing-Fields-OpenClosed-Status> or available by phone (781) 235-2370.
3. Non-sports related 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 which will result in damage to the playing surfaces 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. The privilege of using public land for organizational purposes may be revoked or withheld in the future if all which? regulations are not strictly followed or if damage to infrastructure or field assets is a result of organization action or lack of action. Organizations that have permits revoked may appeal the decision in writing within five days. Non-compliance with terms of a permit may result in forfeiture of the bond or deposit. Non-compliance with terms of a permit may result in forfeiture of the bond or deposit.

## **USE OF HUNNEWELL FIELD AT NIGHT**

Content under construction.

## **PROVISION FOR THE DISABLED**

The Natural Resources Commission will comply with 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.

### **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.
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. Benches may be accepted (if an appropriate space or location can be found) with a small plaque identifying the honoree.
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, and only in accordance with other applicable Town bylaws and policies.
5. For gifts to Hunnewell (Town Hall) Park, see section 5 of this handbook.
6. Town Bylaw Article 46.3 outlines the process for Design Review Board to 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 input from the Design Review Board.
7. 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.

### **MAINTENANCE OF 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 invasive and nuisance species, 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 if feasible but not enlarged except in consultation with the Natural Resources Commission 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 Plant Control**



Poison ivy and other plant control is to be used at entrances and along paths (not natural trails) where human contact may occur. Any control method must conform with the Town's [Organic IPM policy](#) and should emphasize the effort to eliminate the use of pesticides whenever possible.

### **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. Downed trees, stumps and snags may be left when possible.

### **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, plant life 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."

### **1. Why Conservation Land is Maintained**

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

### **2. The Right Kind of Maintenance**

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.

### **3. 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 or bicycles, not motorized 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 when feasible. 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.

### **4. 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 Commission 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 Commission 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 or through the Mosquito control board in consultation with the Board of Health.



### **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 may be cleared just enough to restore the view if practicable. The Town Also has a Town Forest Management plan, located [here](#).

### **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)
- The Town Forest is also maintained as conservation land according to the [Town Forest Stewardship and Bird Habitat Plan](#).

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

## **APPROVAL PROCESS FOR PLANS AND DESIGNS**

### **APPROVAL OF PLANS AND DESIGNS REQUIRED**

Plans and designs for structures or landscaping on park or conservation lands must be *approved* by a majority of the Natural Resources Commission prior to construction or installation. Any alteration of an approved plan must also be approved by a majority of the Commission.



## **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 approves the final plan.
5. Final approved stamped plans must be submitted to the NRC office and referenced in the meeting minutes.

## **MISCELLANEOUS MANAGEMENT GUIDELINES**

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 and be reviewed by the DRB as needed. Entrance signs shall be of the single style approved by the Design Review Board.
5. Recommendations for improving accessibility to disabled users and/or employees shall be directed to the Natural Resources Commission.

## **MASSACHUSETTS LITTER LAW**

It is illegal to dispose of litter, refuse or rubbish on any public land per MGL Chapter 270, Section 16.

[Read more here](#)

## **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.



## **NAMING OF PUBLIC ASSETS POLICY (TOWN BYLAW SECTION 5.5)**

### **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.

[The Town Bylaw 5.5 outlines the process for naming of public assets.](#)

## **ACCEPTANCE OF GIFTS TO THE TOWN OF WELLESLEY (BYLAW ARTICLE 5.6)**

### **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. The NRC expects to review/accept/reject gifts for anything approved on land under their jurisdiction. Difference is gift vs. use on NRC property.

The Town bylaw Section 5.6 outlines the process for acceptance of gifts.



## **SECTION 4**

### **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 current Land Use Plan for Centennial Reservation
- To emphasize field monitoring by engaged members of the public
- To be reviewed jointly by park advocates DPW, Trails Committee, and the NRC (if applicable)

#### **THE ENTRANCE (INCLUDES DRIVEWAY, GATE, SIGN, KNOll AND PARKING AREA)**

- 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

#### **FOOTPATHS AND TRAILS**

- Keep open by mowing, especially to control poison ivy
- Close/open trails to mitigate for erosion with NRC approval
- Restore Nature Trail markers, woodchips and Trail Guides as necessary
- Keep views open but not enlarged when feasible, and where reasonable. Healthy tree removal is discouraged.

#### **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

#### **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. Use of herbicides must follow approved IPM policy.

#### **BROKEN LIMBS AND TREES**

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



**LITTER CONTROL**

Encourage visitors to remove everything they bring

**BOUNDARY PLANTING**

Monitor and report to NRC annually on invasives

**BROOK AND POND**

Keep channel free-flowing

**MEADOW MOWING**

- Meadows will be mowed to preserve wildlife habitat and manage woody species including poison ivy on a schedule and according to best practices agreed upon by the NRC Director and DPW.
- Mowing includes front flail of open meadows and boom flail for woodland edges. Boundaries must be mowed annually to prevent forest encroachment and to manage bittersweet. Mow paths in Spring and in June to keep open.

**EVALUATION OF MAINTENANCE AND AMENDMENTS TO MAINTENANCE PLAN**

Trails Committee to monitor maintenance throughout all seasons and make recommendations to NRC as needed.



## **SECTION 5**

### **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. Historic mass plantings shall be restored wherever possible.
3. 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.
4. Bedding plants around the foundation were not used historically but are important to modern residents. Bedding plants may be used around the foundation.
5. Large trees dating after 1899 should not be removed but are not to be replaced when they die.
6. Small trees and shrubs which did not exist in 1899 may be transplanted to other locations when the maintenance budget permits.
7. New memorial trees or shrubs replacing 1899 trees or shrubs must comply with the Historic Planting Plan and with this replacement policy.
8. 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. Regular inspections to ensure plant success and 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. Memorial Ledger**

Substantial Memorial gifts for potential inclusion in the Town of Wellesley Memorial Ledger on display in the Town Hall foyer.

### **8. 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).



## **HUNNEWELL (TOWN HALL) PARK — HISTORIC LAMP STANDARDS AND PARK FURNISHINGS**

### **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 Luminaires 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. Future lighting improvements or replacements should be energy efficient and Dark Sky compliant.

### **2. Trash Receptacles**

Victorian-style or wood frame 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. Crownshield. 187 Mass. 221, 72 N. E. 963 (1905), hereby establishes a speed limit of 15 miles per hour on the parkways leading to and from Town Hall.
2. 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.
3. Lawful traffic fines shall be assessed for violation of these regulations.



## **SECTION 6**

### **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 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. Smoking in the Town forest is prohibited.
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.



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. Pet owners must adhere to Town Animal control and leash laws where applicable.
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 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 \$5,000 under MGL Chapter 272 §73; and by a fine of \$300 under MGL Chapter 40 §21.



## **SECTION 7**

### **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 Select Board, the Board of Public Works or the Planning Board.

**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 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.



- Work around Trees should utilize the best management practices outlined in the ISA Trees and Construction [manual](#).

#### **4. 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.

#### **5. 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
- Up to \$500 as provided by MGL Chapter 87 Section 12
- The value of the wood
- Triple damages under MGL Chapter 242 Section 7.

#### **6. Severability**

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

## **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**

Trees should be planted where their growth potential and ability to increase the canopy is maximized.

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

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.

#### **2. Expenditures from Tree Funds**

Priorities for tree planting:

- Replacements and resident requests
- Major streets
- Commercial areas and buffer areas that separate properties that are being used incompatibly.

Public shade trees may only be planted according to location plans approved and signed by the Natural Resources Commission.

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 utility lawn strip, maximizing root growth area. 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. When possible, the NRC will devise street-scaping opportunities that are favorable for tree planting.

**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)
- Native Species.

**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. 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 can be recognized per the Town's gift acceptance policy. Plaques will not be included with memorial 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 Deputy Tree Warden (DPW) 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 (MGL chapter 87 §1).

#### **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 office.

#### **ENDANGERING**

Posing a threat to life, limb or property such that, in the judgment of the Town Arborist, *removal must be accomplished as soon as possible*.

#### **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**

<b>TYPE OF TREE</b>	<b>REQUIRES ADVANCE AUTHORIZATION FORM</b>
Living Public Shade Tree 1" or more in diameter 1 foot above ground	NRC as Tree Warden. 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. 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 AND TOWN FOREST**

TYPE OF TREE	REQUIRES ADVANCE AUTHORIZATION FORM
All parkland trees including trees that endanger life, limb or property and except those trees on streambanks or in wetlands.	Written certification by Arborist to NRC Director consent, Possible public hearing at the discretion of the NRC Director.
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

## **STATE STATUTES GOVERNING UNAUTHORIZED TREE CUTTING**

### **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 ... S/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 Willfully 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 BYLAWS GOVERNING TREE CUTTING**

### **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.

**49.29. Scenic Roads.** Whoever violates the provisions of Section 15C of Chapter 40 of the Massachusetts General Laws, governing Scenic Road designations, or the Town of Wellesley Scenic Road Regulations, shall forfeit and pay for each offense a fine not exceeding three hundred (\$300) dollars.

**49.8B. Replacement of Public Shade Trees.** 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 1/2" or greater in diameter at 5' 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 1/2" 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**

Violation of Chapter 87 is punishable by fines and damages to the Town.



## **SECTION 8**

### **PARK AND CONSERVATION LAND — ORGANIC INTEGRATED PEST MANAGEMENT POLICY**

#### **SECTION I STATEMENT ON PESTICIDES**

##### **FINDINGS AND PURPOSE**

That Town of Wellesley Natural Resources Commission believes that all pesticides are toxic to some degree and the commonplace, widespread use of pesticides is both a major environmental problem and a public health issue; and

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

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 by reducing the use of toxic pesticides in Wellesley; and

A balanced and healthy ecosystem is vital to the health of the town and its citizens: and as such it is also in need of protection from exposure to hazardous chemicals and pesticides; and

When an activity raises threats of harm to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not yet fully established; and

It is in the best interest of public health to eliminate the use of toxic pesticides on town owned land, ponds and waterways; to encourage the reduction and elimination of the use of toxic pesticides on private property; and to introduce and promote natural organic cultural and management practices to prevent, and when necessary, control pest problems on town owned land.

Accordingly, the Town of Wellesley Natural Resources Commission finds and declares that the purposes of this Organic Integrated Pest Management policy are:

1. To protect the public health by restricting the use of hazardous chemicals and pesticides on town owned land.
2. To guarantee the rights of the residents of the Town of Wellesley the safe use of public land.
3. To encourage the reduction and elimination of the use of toxic pesticides on private property.

#### **SECTION II DEFINITIONS**

Pests are and may be known as undesirable plants, insects, fungi, bacteria, rodents, birds, and other animals. Common examples in turfgrass and the landscape can be, but are not limited to, crabgrass, knotweed, poison ivy, chinch bugs, grubs, and a variety of plant pathogens.

Pesticides are defined by the Massachusetts Department Agriculture Pesticide Bureau as substances or mixtures of substances that prevent, destroy, repel, or mitigate pests, or defoliate, desiccate, or regulate plants.”

**Pesticides** are poisonous substances that can have an adverse effect on the environment or have the potential to impair human health. Pesticides is the umbrella term. Herbicides, fungicides, insecticides, miticides, and avicides, and rodenticides are all considered pesticides.

**Organic IPM** is a problem-solving strategy that prioritizes a natural, organic approach to turfgrass and landscape management without the use of toxic pesticides. It mandates the use of natural, organic cultural practices that promote healthy soil and plant life as a preventative measure against the onset of turf and landscape pest problems.



The US EPA and CDC recommend the use of an Integrated Pest Management (IPM) program by local governments. IPM promotes the use of nonchemical methods for pest prevention and management, such as physical, mechanical, cultural, and biological controls. Least toxic pesticides maybe selected for pest control only after all other reasonable nonchemical methods have been exhausted. The use of even allowed pest control products should be used on a rescue basis as opposed to incorporation into routine management programs.

This approach will eliminate or significantly reduce the use of, and exposure to, pesticides in the management of lawn areas, playing fields, and landscapes.

Furthermore, it will mitigate the potentially negative impact of landscape management on local waterways, air quality, and ecosystems.

This protocol will rely on a systems approach that integrates soil health and plant vigor with proper cultural practices. The goal is to put a series of preventative steps in place that can naturally attenuate pest issues before they become a significant concern. Careful monitoring for pests and the development of the threshold levels with in this system will allow for easier control of pest problems, if and when they do arise. This protocol is knowledge-based utilizing an intimate understanding of soil dynamics, grass biology, and pest/disease morphology to establish the proper procedures for maximizing the health of the landscape. This protocol should mitigate most serious pest pressures.

When a pest has not been satisfactorily controlled by the above strategies, the rescue approach follows the path to the use of the least toxic pesticides. Recommendations are for the use of Federal Insecticide Fungicide and Rodenticide Act (FIFRA) Section 25 (b) Minimum Risk Pesticides listed by the US Environmental Protection Agency. We can also use materials that are bio-rational in nature. These bio-rational pesticides are EPA registered, but they are approved for organic production. They have been approved by the Organic Materials Review Institute (OMRI) or an equivalent certifying body.

**ESSENTIAL ORGANIC INTEGRATED PEST MANAGEMENT PRACTICES INCLUDE, BUT ARE NOT LIMITED TO:**

- Regular soil testing.
- The addition of approved materials for soil fertility and amendment as necessitated by soil test results.
- Selection of plantings using criteria of hardiness; suitability to native conditions; draft, disease and pest resistance; and ease of maintenance.
- Modification of outdoor management practices to comply with organic horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing, and mulching.
- The use of physical controls, including hand weeding and over seeding;
- The use of biological controls, including the introduction of natural predators, and the enhancement of the environment of a pest's natural enemy.
- Through observation, determining the most effective treatment time, based on pest biology and other variables, such as weather and local conditions; and eliminating pest habitats and conditions supportive of pest population increases.

**PRECAUTIONARY PRINCIPLE**

The precautionary principle (or precautionary approach) to risk management states that if an action or policy has a suspected risk of causing harm to the public, or to the environment, in the absence of scientific consensus (that the action or policy is not harmful), the burden of proof that it is not harmful falls on those taking an action that may or may not be a risk.

The principle is used by policy makers to justify discretionary decisions in situations where there is the possibility of harm from making a certain decision (e.g. taking a particular course of action) when extensive scientific knowledge on the matter is lacking. The principle implies that there is a social responsibility to protect the public from exposure



to harm, when scientific investigation has found a plausible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result.

### **SECTION III PROHIBITIONS**

- The use and application of toxic chemical pesticides, either by the Town of Wellesley employees or by private contractors is prohibited on all Town of Wellesley lands, including school fields which shall comply with the School Children and Families Protection Act
- Preemptive 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 term of this policy shall be in keeping with, but not limited to, those products on the preferred list of the Northeast Organic Farmers Association Organic Landcare Program (NOFA OLC) as stated in their Standards for Organic Landcare, and or the Organic Materials Review Institute (OMRI) of Eugene, Oregon, or an equivalent certifying agency.
- Any pesticides shall be applied only by a certified applicator.

### **SECTION IV EXEMPTIONS**

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

1. Pesticides otherwise lawfully used for the purpose of maintaining a safe drinking water supply at a drinking water treatment plant and at wastewater treatment plants and related collections, 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 40 CFR 152.25, Section 25 (b) or those pesticides of a character not requiring FIFRA regulation.
4. Pesticides that are EPA registered but are considered bio-rational in nature and are on the approved list.

### **SECTION V 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 Organic IPM policy do not exist.

If an emergency and environmental health situation warrants the use of pesticides which would otherwise not be permitted under this policy, the Town of Wellesley Natural Resources Commission shall have the authority to grant a temporary one-time waiver if

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

If pesticides are used under the emergency waiver clause, the area treated shall be conspicuously sign posted as soon as possible after application and remain so for a period of at least forty-eight hours. Furthermore, the Organic IPM Advisory Committee shall be notified as soon as possible, and a specific Organic IPM plan shall be developed to prevent further such emergencies.



## **SECTION VI NON-EMERGENCY WAIVER**

This section applies only to those properties where children do not congregate and play. All athletic fields and general play turf is subjected to this policy and cannot make use of this waiver.

The landscapes under the jurisdiction of the following Town Departments can be considered for waiver.

- Select Board
- Library Trustees

The above are turf and landscape areas where children do not generally congregate and play.

On those properties, if a condition presents itself that might realize an end result of economic injury or a significant loss of aesthetic characteristics, a waiver process may be initiated.

It should be understood that a definition of aesthetic quality is not 100% weed free turf, 100% of the time, but rather an appropriate determination that establishes an Organic IPM threshold of 5% weed pressures or less as being acceptable. This threshold is realistic and appropriate for the managed landscape.

## **SECTION VII ADVISORY COMMITTEE**

When necessary, an Organic IPM Advisory Committee shall be created to oversee and assist in the implementation of the Organic IPM Policy, to maintain an organic IPM program consistent with this policy, and to assist the Town of Wellesley departments in achieving the full and successful implementation of this policy.

In addition, their duties should include:

- Maintain the existing Natural Turf Management plan for athletic fields consistent with this policy
- Continue to maintain a registry of all pesticides currently stored on Town owned premises, with a goal of proper disposal to a hazardous waste collection program.
- Ensure that the Town compost be tested on a yearly basis for contaminants, including, but not limited to, heavy metals and pesticides.
- Ensure that the Town water be tested for pesticides at least every three years based upon recommendations by the Organic IPM Advisory Committee.
- Ensure that the 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 nonvoting basis. Membership on the Organic IPM Advisory Committee should 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, Select Board
- Town of Wellesley, Playing fields task force
- Up to three citizen representatives, knowledgeable about environmental toxins and or Organic Integrated Pest Management techniques and protocols



## **SECTION 9**

### **PESTICIDES AND PEST CONTROL — MOSQUITO CONTROL**

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 Project (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 unless authorized by the Public Health Department.
6. EMMCP shall make annual reports to the Board of Health on the work accomplished in Wellesley.

### **PESTICIDES AND PEST CONTROL: Gypsy Moth Caterpillar Control**

#### **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 trees should be protected in a fiscally conservative and environmentally sound way.

THEREFORE, IT IS THE 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 (Bt)* 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*.



## **SECTION 10**

### **WILDLIFE MANAGEMENT — WILDLIFE POLICIES**

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 boxes, osprey platforms, butterfly gardens, and similar wildlife projects is encouraged. The construction and Maintenance of structures and plantings that support wildlife habitat.
8. Maintenance of the Charles River fishways shall be encouraged in cooperation with the DCR, Charles River Watershed Association 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, including collaborative efforts with other Town committees and other groups.
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 and organic alternatives* for pest control and promote eco-friendly landscaping practices.
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.

