



MASSACHUSETTS ASSOCIATION of
CONSERVATION COMMISSIONS, Inc.

MACC Newsletter

Vol. XV, No. 5

August 1986

"The Department notes also that the loss of up to 5,000 square feet of Bordering Vegetated Wetlands with replication is discretionary, not an entitlement. The issuing authority need not allow the loss of any Bordering Vegetated Wetland if, in its opinion, the project can be redesigned without such loss."

Deputy Regional Environmental Engineer, DEQE Southeast Region, February 1986

WILDLIFE HABITAT AMENDMENT BECOMES LAW

At long last and with great fanfare the wildlife habitat value of wetlands will be protected under the Wetlands Protection Act. On July 16, 1986, Governor Michael Dukakis signed Chapter 262 of the Acts of 1986. It amends GL ch. 131 s. 40 by adding that conservation commissions (and DEQE upon appeal) may regulate work in resource areas subject to the Act if the "area on which the proposed work is to be done is significant...to the protection of wildlife habitat." It does this by adding an eighth wetland value to the seven listed in the Act, giving the issuing authority the ability to impose conditions that "will contribute to the protection of the interests described herein, and all work shall be done in accordance therewith."

MACC has worked on this amendment for many years. We were joined by Mass. Audubon Society, Environmental Lobby of Mass., Sierra Club of New England, and many others in urging that protection of the wildlife habitat value of wetlands and other resource areas is a logical extension of the Wetlands Protection Act. Most other states with wetland protection statutes cover wildlife value, and the same is true of the Corps of Engineers' jurisdiction under section 404 of the federal Clean Water Act.

This amendment to the Wetlands Protection Act defines "wildlife habitat" as "those
(continued on page 8)

VICTORY IN PARKINSON CASE CONSERVATION RESTRICTIONS UPHeld

Conservation restrictions (CR's) are legal in Massachusetts and they entitle landowners to tax abatements.

This is the effect of the Supreme Judicial Court's (SJC) decision in Parkinson v. Board of Assessors of Medfield, in which MACC filed briefs as a "friend-of-the-court."

Local assessors had refused to abate the real estate taxes on an 82-acre parcel which Mrs. Parkinson had restricted from development by gift of a conservation restriction to The Trustees of Reservations, all in accordance with the Mass. Conservation Restriction Act, GL ch. 184, s. 31 et seq. The Assessors claimed that they did not have to accept a lower valuation because Mrs. Parkinson retained
(continued on page 7)

CELEBRATE...CELEBRATE...CELEBRATE...

BRING THE WHOLE FAMILY!

PICNIC, GAMES, CONTESTS,
ACTIVITIES FOR ALL AGES.

SUNDAY, SEPTEMBER 28, 12 - 5 p.m.
BUCK HILL CONSERVATION AREA, SPENCER
(see page 5 for details)

OPEN SPACE DEFERRAL PROGRAMS: BENEFIT OR BURDEN TO THE COMMUNITY?

MACC has long supported the three tax-relief programs for forest, farm, and open space uses found in GL ch. 61, 61A and 61B respectively. In the era of Proposition 2 1/2, however, it is worth investigating once again the policy issues related to these programs. Note that all three statutes discussed are in your Handbook!

The theory behind all of the tax-relief programs is that some landowners hold land, not for development but for other purposes. Farmland and silvicultural forests, in particular, are the "factories" in which the owners produce the products which they sell. To tax these large holdings as though held by real estate companies is widely felt as unfair, and every state in the union has some kind of method of keeping the land taxes for these owners below the level which would encourage their liquidation. The Massachusetts statutes are called "tax deferral" and not "tax abatement" laws because some of the lost taxes are recovered. However, if land remains in any program over a decade, much tax revenue is lost forever to the community.

Ideally, such a program should take form in a unified law, under which landowners may classify and reclassify land into different categories, with different levels of tax relief. The New Hampshire law works this way. In Massachusetts, however, we are historically stuck with three very different laws passed at different times. It is even tricky to switch from one to the other. Therefore, most participants will pick their tax program and stay with it.

Chapter 61, the forest tax law, was most recently recodified and is the most modern in concept. It allows for a ten-year program for qualifying land, at least ten contiguous acres, certified by the state forester to be in a forest plan. At the end of the certification period, the landowner may drop out of the program and pay the deferred taxes, plus interest. If he converts the land to other use or sells it for conversion while under the plan, he must pay up to ten years' (a minimum of five years') deferred taxes (i.e. the difference between the taxes actually paid, including stumpage taxes, if any, on timber sold and the tax he would have paid if not in the program). He must also offer the town a 60-day first refusal option to buy the land at the offering price or at appraised fair market value (FMV). While in the program, the owner pays on the land only a real estate tax based on 5% of the full market value assessment (at the "commercial" rate if the town practices differential classification, which very few do) with a minimum valuation of \$10 an acre. This means, in effect, a 95% reduction on ordinary tax assessment; and only a maximum of ten years of the lost taxes can ever be recovered by the community.

The ch. 61A farm valuation program is even more complex. Only five acres of land are required, but some income must be generated. An early sale can cause a punishing tax based on a percent of the actual sale price; but after five years, the maximum town recovery on conversion is five years' worth of deferred taxes without interest. Taxation of land under ch. 61A is governed by annual guidelines issued by the state farmland valuation advisory committee, relating to the productive value of various types of farmland. Here, too, a 60-day first refusal option must be offered to the community on conversion.

The ch. 61B program is the least used. It applies to qualified open space, even if not producing farm or forest products, and generally yields a 75% reduction in tax assessment. Tax recovery is limited to ten years, with interest and a 90-day option given to the town.

The option provisions are now giving a lot of towns trouble. Sixty days seems unrealistically short a period to get a town meeting vote to purchase, let alone a commitment from Conservation Services or Food and Agriculture for some funding for purchase of land or development rights. Chapter 61 and 61A should be amended to provide for at least a 90-day option. The true problem is that few towns these days have a "green plan", with targeted land acquisition programs and some assurance of steady local funding. This is the direct result of Prop. 2 1/2, which most towns seem to have accepted as a mandate against raising taxes over 2.5% a year; although an override is technically an option, it is amazingly hard to come by!

What can a town do to make positive use of the option provision? In the first place, some advance planning is obviously a must. A plan of land priorities for acquisition, and an open space plan qualifying under the Self-Help regulations are clearly a minimum. Then the community may have to vote the acquisition and risk not getting the 80 to 90% reimbursement which the Self-Help fund program can provide, or the 100% repayment for development rights possible under the Food & Agriculture program for acquiring agricultural preservation restrictions. At least advance discussion with the landowner, with Joel Lerner of the Division of Conservation Services and with the agricultural preservation restriction people will help. No way can all this be done in 60 days.

Second, the laws should be changed to allow the option to be picked up by some brave land trust, acting on its own or as a conduit to the town. Remember that what the laws require is that the

option be exercised, by written notice to the landowner, within the notice period; not that the actual closing take place in that period. No community, or land trust, is going to exercise an option without proper authorization to spend the money, but the closing date may be set for a reasonable date beyond that time.

What advantages accrue to the landowner in selling to the community? Well, the "biggie" is that conversion penalties on the deferred land taxes will not be due and payable and could amount to a lot of money. Second, the 6% or more payable to a real estate broker should not be applicable. Beyond that, a sale below FMV might yield a tax deduction. But remember that the price the town offers must be the full amount of a bona fide offer. When you come down to it, most landowners who will deal with the community will do so just as they did before the option; mostly because they like the idea of land preservation and maybe also if the town has a simple and hassle-free purchase program. Over many years, in the community in which I used to live, landowners turned first to the town when selling back land, even without any requirement of first refusal, for these two reasons. The first refusal option merely adds an extra reason why the landowner should deal with the town (she has to!).

This brings us back to the original idea: To make use of these acquisition options requires a land trust or a conservation commission willing to do its homework in advance and talk to the landowners in the program before they come to the time of sale!

Alexandra Dawson, Esq.

MACC HIRES NEW EXECUTIVE DIRECTOR

The MACC Board of Directors is pleased to announce that Pamela P. Resor has been hired as Executive Director.

Pam comes to MACC with a strong background in local environmental issues. She has been an Acton selectman since 1981, serving as chairman in 1983, and has always worked closely with the conservation commission. Pam coordinates the town's groundwater protection program, and is a member of the conservation land management committee. She has also been a member of the Acton board of health, and served the Acton League of Women Voters for 11 years (including a two-year term as president).

In addition to her local efforts, Pam has been actively involved at the state and regional levels. As a Water Resource Specialist for the Mass. League of Women Voters, Pam monitored and testified on water supply issues statewide. She is an active member of the Mass. Selectman's Association, and served on their Right-to-Know advisory committee. Currently she is vice-president of an advisory board for a regional solid waste recovery facility.

On top of all this, Pam is an amateur naturalist and leads walks through Acton conservation lands. (She knows her wetlands plants!)

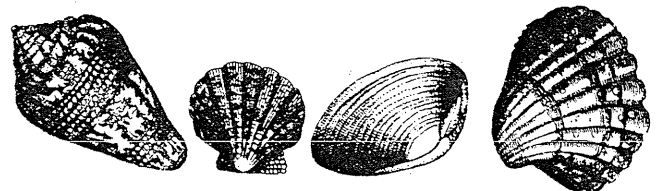
MACC is delighted to welcome Pam and knows that she is a tremendous resource for conservation commissioners; we hope that many of you will call her to say hello.

QUESTIONNAIRE: WETLANDS UPDATE

The Massachusetts Audubon Society and MACC are in the process of updating the 1977 publication, A Guide to Understanding and Administering the Massachusetts Wetlands Protection Act. To better focus our education efforts, we are surveying all conservation commissions in Massachusetts to find out what kinds of problems commissioners are having with the 1983 regulations. We ask that you help us by taking the time to complete the questionnaire when you receive it.

As soon as the results of the survey are tabulated, a summary report, along with additional information about publication dates for the updated Guide will be sent to all respondents.

We know that you have been asked to respond to many questionnaires since the new regulations were promulgated. These questionnaires have been reviewed and used to craft this survey. The usefulness of past questionnaires, however, has been limited because of their general nature and the lack of adequate time in which to observe how the new regulations are working. We have designed this survey so that you will not need to research your files -- we simply need your opinions.



UPCOMING EVENTS:

ENVIRONMENTAL LAW AND ENFORCEMENT

An intensive one-day seminar dealing with federal, state, and local legal requirements; permits, licenses, hearings, and appeals; enforcement, lawsuits, and prosecutions; and the new DEQE Administrative Penalties regulations. Covers substantive and procedural law, and who's who in the agencies.

Wednesday, September 10, 1986
\$175 Course Fee
Sheraton-Boxborough Inn
Rt. I-495 and Rt. 111
Contact: Resource Education Institute
(617) 393-8542

MUNICIPAL GROUNDWATER SUPPLY SEMINAR

This comprehensive one-day seminar covers all aspects of hydro-geology and ground water supply analysis; aquifer and well analysis; groundwater monitor well installation; impacts of petroleum and underground storage tanks on groundwater; current technology for cleanup of contaminated groundwater; and municipal-level aquifer protection strategies. Limited to municipal officials.

Wednesday, September 17, 1986
\$30 Course Fee
Westborough Plaza Hotel
Rt. I-495 and Rt. 9
Contact: Research Education Institute
(617) 393-8542

LAND USE LAW FOR THE LAYMAN

The ultimate course in land use law is being offered in two different locations on Wednesday evenings. A broad mix of backgrounds are sought to enrich the three-hour per week discussion of the complex legal framework of land use development law.

Starting Wednesday, September 17
Tuition: \$ 50 for local officials
\$100 for general public
Contact: Middlesex Community College
(617) 275-8910 (x297)
Massasoit Community College
(617) 821-2222 (x140)

WATER: PLANNING FOR THE FUTURE

How much drinkable water exists? How do we get, protect, and distribute it? These and other issues will be surveyed in this interdisciplinary seminar/workshop offered by the Mass. Bay Marine Studies Consortium.

14 Wednesday evenings, Sept. 17 - Dec. 17
\$200 course fee (credit extra)
Contact: Mass. Bay Marine Studies
(617) 253-7090

LEGAL BRIEFS

Well, the Army Corps may be hard to wind up, but they certainly pack a wallop when they get going! They seem, finally, to have got the attention of Cumberland Farms, Inc., which has been draining and filling the once-huge cedar swamp in Middleborough and Halifax since 1972. Fifteen years ago, the Great Cedar Swamp was one of the largest wetlands in Massachusetts, totalling almost 2,000 acres. Citizens attempted to prevent early work there, but the state wetlands act then exempted conversion for agricultural purposes. However, much of the draining and filling has been done since the wetland act was amended to include conversion of swamp land for farming, but no Order of Conditions was ever obtained. After the state appeals court decided that the local conservation commission had jurisdiction, the two commissions issued negative determinations of applicability, now on appeal.

Comes the Corps into federal court, where U.S. District Court Judge Wm. Young issued an injunction barring Cumberland Farms from further draining and filling of the Great Cedar Swamp and ruled that the work required an Army Corps permit under s. 404 of the Clean Water Act. On July 2, Judge Young imposed a \$540,000 civil penalty on the firm for illegal conversion, probably the largest assessed in any federal wetlands case. He also ordered restoration of much of the 674 acres converted since 1977, when 404 took legal effect. If the required construction of basins and removal of dikes is done by the end of the year, the court will forgive all but \$150,000 of the fine. Cumberland is expected to appeal, but must post a substantial bond.

Alexandra D. Dawson, Esq.

CELEBRATE . . . CELEBRATE . . . CELEBRATE . . . CELEBRATE . . . CELEBRATE

BRING THE WHOLE FAMILY, HELP CELEBRATE 25 YEARS OF MACC

PICNIC, GAMES, CONTESTS, ACTIVITIES FOR ALL AGES.

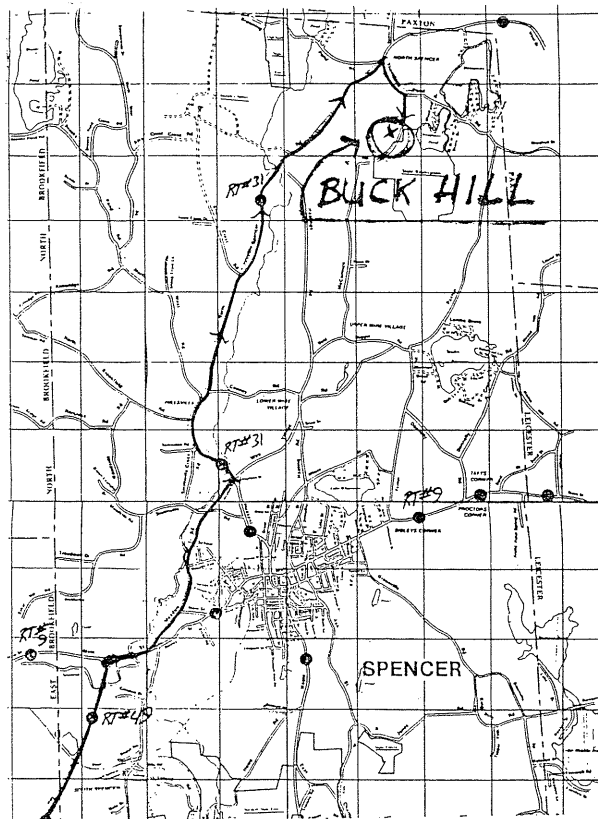
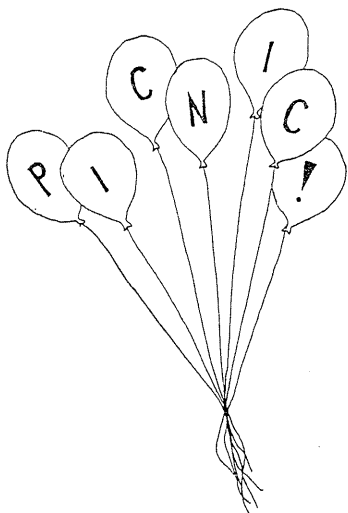
★ SUNDAY, SEPTEMBER 28, 1986 ★
12 noon to 5:00 p.m.

Barbecued Chicken, Potato Salad, Garden Salad, Ear of Corn, Watermelon

Adults \$7.00

Children \$3.50

Buck Hill Conservation Center, Worcester County 4-H Camp, Spencer, MA



Take Mass. Turnpike to Sturbridge Exit, go East on Route 20 to Route 49 North to Route 9 East to Route 31 North. Follow signs to Worcester County 4-H camps and Buck Hill Conservation Center.

MACC GALA FAMILY PICNIC AND FUN DAY — SEPTEMBER 28

Name _____ Commission _____

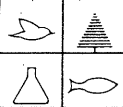
Address _____ Phone _____

Number of adults ____ (\$7.00 each) Number of children ____ (\$3.50 each)

Enclosed is \$_____, payable to MACC.

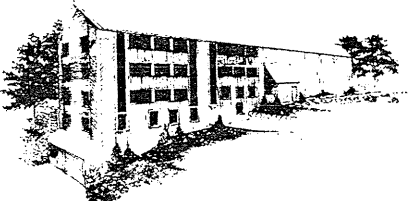
Please return before September 17, 1986 to:
MACC, Lincoln Filene Center, Tufts University, Medford, MA 02155

PROFESSIONAL DIRECTORY



LYCOTT

ENVIRONMENTAL RESEARCH INC.

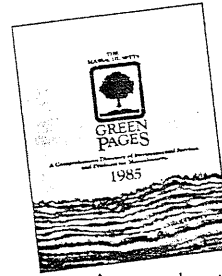


600 CHARLTON ST. SOUTHBRIDGE
765-0101

- WATER ANALYSIS
DRINKING WATER
WASTE WATER
STREAM SURVEYS
- POND and LAKE MANAGEMENT
VEGETATION MANAGEMENT
LAKE SURVEYS
- ENVIRONMENTAL STUDIES
WETLANDS MAPPING
WATER SUPPLIES
GEOHYDROLOGY

* STATE CERTIFIED

KEEPING BUSINESS AND THE ENVIRONMENT GROWING TOGETHER




THE MASSACHUSETTS GREEN PAGES

A comprehensive directory of environmental services and products, from aerial photography through zoning/subdivision review.

For your copy, or to list in the 1987 edition call (617) 381-3454

Massachusetts Association of Conservation Commissions, Inc.
Lincoln Filene Center, Tufts University
Medford, MA 02155



The BSC Group

Engineers
Surveyors
Scientists
Architects
Landscape Architects
Planners

Boston
Barnstable
Bedford
Halifax
Norwell
Springfield
Worcester

450 Summer Street
Boston MA 02210

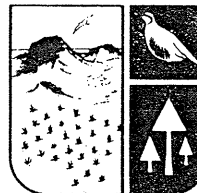
617 350 4090

holmes and mcgrath, inc.
civil engineers and land surveyors
200 main street, room 201
falmouth, ma. 02540
548 · 3564



CIVIL ENGINEERING
ENVIRONMENTAL ASSESSMENT
LAB ANALYSIS
SURVEYING

75 Tarkenton Hill Rd., New Bedford, MA 02745 617/995-5136 1-800/642-7532



SPRINGER ENVIRONMENTAL SERVICES

TEL. (617) 763-2152

EDWIN A. SPRINGER

245 KEENE ROAD
ACUSHNET, MASSACHUSETTS 02743

McGREGOR, SHEA & DOLINER
ATTORNEYS AT LAW, P.C.

Environmental Law
Wetlands Proceedings
Real Estate Law
Municipal Law
Litigation

27 School Street
Suite 603

Boston, MA 02108
617-227-7289

FORESTRY
BEACH GRASS PLANTS
COASTAL PLANTING
AESTHETIC DEVELOPMENT
NATURE STUDY AREAS
CARVED SIGNS



CONSULTING ENVIRONMENTAL SCIENTISTS
Hydrology
Wetland Mapping and Evaluation
Terrestrial and Aquatic Biology
Environmental Planning and Engineering
Geology and Groundwater Science

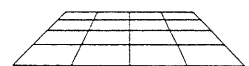
NORTHBOROUGH: 617-890-2130, 617-393-8558 • BARNSTABLE: 617-362-6262

AERIAL PHOTOGRAPHY AND MAPPING



JAMES W. SEWALL COMPANY

P.O. Box 433
Old Town, ME 04468



Tel. (207) 827 4456

PARKINSON (continued from page 1)

the right to maintain a dwelling on her property. The Appellate Tax Board of Massachusetts agreed, and Mrs. Parkinson took the matter to the SJC which hears appeals from the Board.

In its initial decision in 1985 the SJC had ruled that the Appellate Tax Board was correct and added that conservation restrictions were invalid if they permit structures on restricted land. The newest decision, July 17, 1986, reverses that 1985 ruling after a rehearing requested by the taxpayer with help from The Trustees of Reservations. The Trustees, leading a coalition of 15 other national, regional, and state conservation organizations, pointed out to the Court the public policy implications of this case. The Environmental Protection Division of the Massachusetts Attorney General also filed an amicus curiae brief and was invited by the Court to speak at the rehearing.

Joining The Trustees and MACC to support the validity and importance of the conservation restriction as an open space and resource protection tool were the Mass. Farm and Conservation Lands Trust, Environmental Lobby of Mass., Conservation Law Foundation of New England, Land Trust Exchange, Nature Conservancy, Berkshire County Land Trust and Conservation Fund, Maine Coast Heritage Trust, Conn. River Watershed Council, Mass. Audubon Society, Essex County Greenbelt Assoc., American Farmland Trust, Appalachian Mountain Club, Boston Natural Areas Fund, and the Society for the Protection of New Hampshire Forests.

Gregor McGregor, member of the MACC Board of Directors and attorney for the coalition, argued in two briefs that structures on restricted property, while not always desirable, can be consistent with conservation purposes. This is important for Agricultural Preservation Restrictions under which farmers are allowed to maintain housing and to build new housing for themselves, their families and their workers, and Historic Preservation Restrictions, which often pertain to structures. The briefs brought to the attention of the SJC that hundreds of CR's have been created under the Conservation Restriction Act and should be regarded as valid, even if limited structures may be built on restricted land,

since their primary purpose is retention of land predominantly in its natural condition as required by the Act.

A conservation restriction (in some states known as a conservation easement or a conservation deed) is a binding legal promise, negotiated like a contract, amounting to a "promise not to develop." It is recorded in the Registry of Deeds so it binds future owners. It may be "in perpetuity" or for a term of years. It usually is donated to a government agency or a qualified charitable organization so that the value of the CR (measured by the value of the property before and after the restriction) is deductible as a gift on federal and state income tax returns. Conservation restrictions also can be sold by landowners and they can be taken by eminent domain. If donated, CR's can result in substantial income tax, estate tax, and real estate tax savings while also fulfilling both the desires of grantors to save land and the purposes of grantees to protect open space and critical natural resources.

The briefs pointed out to the Court that The Trustees of Reservations alone has 19 CR's in Massachusetts totalling more than 4,000 acres which were jeopardized by the Court's initial decision. Research by the Land Trust Exchange in Maine brought to the attention of the Court that many CR's nationwide allow limited construction, because the hallmark of the CR is to tailor the restriction to the property being protected and the situation of the property owner. A majority of grantee agencies and organizations will allow residential and sometimes even commercial or industrial structures as part of the flexible negotiations to save what needs to be saved. By far the greatest number of CR's have been created in Massachusetts, probably because the Commonwealth enacted the first Conservation Restriction Act, in 1969, streamlining approval of these instruments and making them effective and enforceable.

If you would like more information, or would like to read the briefs, please contact the MACC office.

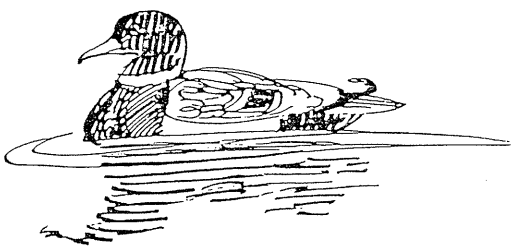


WILDLIFE (continued from page 1)
areas subject to this section which, due to their plant community composition and structure, hydrologic regime or other characteristics, provide important food, shelter, migratory or overwintering areas, or breeding areas for wildlife."

The amendment does not take effect until November 1, 1987, and it will apply to all Notices of Intent filed on or after that date. Some grandfather protection is given to Mass. DPW projects.

In the meantime, Chapter 262 directs DEQE to "adopt any regulations needed to implement the provisions of this Act." This is to be done with the advice of an 11-member technical advisory committee comprised of representatives from MACC, other environmental organizations, academia, state agencies, and various building and contracting associations.

Sixty days prior to the effective date of new regulations, DEQE is to file them with the Joint Committee on Natural Resources and Agriculture for its review. Public hearings will also be held prior to adoption of the regulations.



1985 © Donna J. Barr

The amendment improves the Act in several ways. The definition of "wildlife habitat" invites a broad definition of the plant community composition or structure that makes a resource area "important" to wildlife habitat. The resource areas can be any under the Act, such as dunes, flats, banks, beaches, and floodplains, not just bordering vegetated wetlands. Hydrologic regime characteristics can make a resource area "important." This could be both the presence and absence of water through the year or at key times of the year. "Other characteristics" may make a resource area "important." This series of terms is in the alternative so that any one (plant community, hydrologic, etc.) can meet the test.

It is essential to make clear what it will not mean to have added wildlife habitat as an eighth interest in the Wetlands Protection Act. It will not mean that geographic jurisdiction of the conservation commission or DEQE is increased. Resource areas that are protectable under the statute will stay the same, only the reasons for their protection are different by adding this interest. In other words, this amendment does not make the Act a wildlife habitat protection statute; it still will be a wetlands protection statute.

The addition of wildlife habitat interest likewise will not change the work or activities that are regulatable under the statute. There still will have to be dredging, filling, removing or altering of a resource area to trigger jurisdiction of the conservation commission or DEQE. In other words, the amendment will not increase the scope of activities regulatable, but rather will add another reason for the conservation commission or DEQE to ask for information about the work and to set conditions.

Addition of the wildlife habitat interest also will not change the role or authority of the conservation commission or DEQE in regard to work in the buffer zone. The applicant still has an option to file either a Request for Determination or a full application (Notice of Intent) and the issuing authority still has the task of deciding if the proposed work "will alter" a resource area. Commissions still may issue negative determinations if satisfied that precautions in the project have been taken so that there will be no alteration of resource areas. In other words, work in a wildlife habitat found in the buffer zone (not altering resource areas) will not trigger jurisdiction to require a full Notice of Intent.

Addition of the wildlife habitat interest will not mean that the mere presence of wildlife in a resource area is enough to establish habitat value. Something else will be necessary, namely the presence of "plant community composition and structure, hydrologic regime, or other characteristics" providing significant features for wildlife. In other words, the amendment does not mean that there is a

(continued next page)

(continued from previous page)

wildlife habitat value to the resource area just because some creatures have been seen there. Instead it is the presence of plant community, hydrologic or other characteristics that will be determinative. The statute protects habitat value, not wildlife per se.

Furthermore, presence of these characteristics establishing wildlife habitat will not mean that every resource area is automatically significant to wildlife habitat. The features present must be enough to "provide important food, shelter, migratory or overwintering areas, or breeding areas for wildlife." In other words, the definition of wildlife habitat sets a threshold for a resource area to be significant for wildlife habitat.



MACC will work as a member of the Technical Advisory Committee to try to define "important" in some objective way which is easily administered in the field using presently available technical guidance. We also will work to set data requirements to be added to the DEQE regulations and to the Notice of Intent application form to secure wildlife habitat information from applications; set design specifications whereby resource areas with wildlife habitat value will be protected in every case where work is allowed by an Order of Conditions; determine acceptable methodologies, if any, for replication of wetlands with wildlife habitat values in the event a project is approved diminishing them; create presumptions of "importance" based on particular food, shelter, migratory, overwintering or breeding area characteristics; and urge adoption of language in a preamble to the new regulations stressing the special importance of protecting the value of wildlife habitat.

We urge commissions to watch these developments and to realize that wildlife habitat value is not automatically protected even when an Order of Conditions addresses all other interests in the Act. After the amendment takes effect, MACC will be encouraging special conditions and circulating model suggestions.

FROM THE COMMISSIONS

Wetland Bylaws & Regulations

Since the last edition of the MACC Newsletter we've heard from the Arlington Conservation Commission, who passed a nonzoning wetlands bylaw this spring, and from Brewster, who developed a comprehensive set of regulations to administer their bylaw.

We thought Brewster was the first community to enact comprehensive regulations (not just guidelines), but found a note in our files from Weymouth - they passed regulations last November.

MACC is revising its package of rules and submission guidelines to include these regulations (see back page).

Land Banks

We've also heard from a number of communities who'd like help getting a land bank rolling before fall (or next spring's) town meetings. MACC, Mass. Audubon, and in particular the Environmental Lobby of Mass. are willing to meet with interested communities. Call the MACC office for details.

In addition MACC has compiled a packet of information containing sample language and outlining the procedures for establishing a land bank in your community. (See back page.)

Orders of Conditions

In response to numerous requests MACC is collecting sample Orders of Conditions, plus lists of "boilerplate" conditions, from commissions. Please forward any good Orders and/or individual conditions your commission has written so that we may include them in a packet for distribution. There's no reason why each conservation commission has to reinvent the wheel!



FALL PROGRAMS — MARK YOUR CALENDAR!

MACC will hold six fall programs throughout the state. There is one within easy travelling distance for you to attend, so plan on it now. The September Newsletter will have more information about workshop topics and speakers. Each session includes workshops of interest to new and experienced commissioners. The registration fee is \$6 per person or \$20 per commission. Bring a bag lunch for an "ideas and experience" exchange following the workshops.

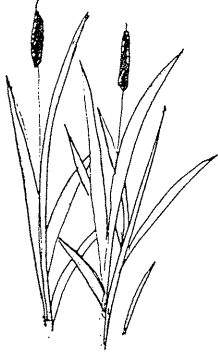
CAPE COD

Saturday, October 4, 8:30 a.m. - 1:00 p.m.
Cape Cod Museum of Natural History, Brewster

- 8:30 - 9:00 Registration and Coffee
9:00 - 10:30 Concurrent Workshops (pick one)
I. Hey, What Am I Supposed To Be Doing?
An introductory session for new commissioners - roles, responsibilities, and resources.
II. Bylaw Implementation and Regulations
How to administer your nonzoning wetlands bylaw.
10:45 - 12:15 Concurrent Workshops (pick one)
I. Effective Wetlands Protection
Administration of Chap. 131 s. 40, including basic wetlands identification, for new and not-so-new commissioners.
II. Chapter 91, Tidelands Program
The ins and outs of the new Chap. 91 regulations.
12:15 - 1:00 Brown bag lunch and discussion.

495 WEST

Saturday, October 18, 8:30 a.m. - 1:00 p.m.
Town Hall, Holliston



- 8:30 - 9:00 Registration and Coffee
9:00 - 10:30 Concurrent Workshops (pick one)
I. Hey, What Am I Supposed To Be Doing?
An introductory session for new commissioners - roles, responsibilities and resources.
II. Can't We Make These Meetings Shorter?
Management training for efficient, effective commissions.
10:45 - 12:15 Concurrent Workshops (pick one)
I. Effective Wetlands Protection
Administration of Chap. 131 s. 40, including basic wetlands identification, for new and not-so-new commissioners.
II. Applied Hydrology
Reviewing drainage calculations; detention and retention structures; cumulative impact of successive projects.
12:15 - 1:00 Brown bag lunch and discussion.

CENTRAL MASS.

Saturday, October 25, 8:30 a.m. - 1:00 p.m.
Harvard Forest, Petersham

- 8:30 - 9:00 Registration and Coffee
9:00 - 10:30 Concurrent Workshops (pick one)
I. Hey, What Am I Supposed To Be Doing?
An introductory session for new commissioners - roles, responsibilities, and resources.
II. Forest Management
Chapter 61 tax program, sound cutting practices, & wetlands protection.
10:45 - 12:15 Concurrent Workshops (pick one)
I. Effective Wetlands Protection
Administration of Chap. 131 s. 40, including basic wetlands identification, for new and not-so-new commissioners.
II. Writing Good Orders of Conditions
Preventing loopholes and avoiding headaches resulting from your commission's orders.
12:15 - 1:00 Brown bag lunch and discussion.

SOUTHEASTERN MASS.

Saturday, November 1, 8:30 a.m. - 1:00 p.m.
Middleboro, exact location to be announced.

- 8:30 - 9:00 Registration and Coffee
- 9:00 - 10:30 Concurrent Workshops (pick one)
 - I. Hey, What Am I Supposed To Be Doing?
An introductory session for new commissioners - roles, responsibilities, and resources.
 - II. Writing Good Orders of Conditions
Preventing loopholes and avoiding headaches resulting from your commission's orders.
- 10:45 - 12:15 Concurrent Workshops (pick one)
 - I. Effective Wetlands Protection
Administration of Chap. 131 s. 40, including basic wetlands identification, for new and not-so-new commissioners.
 - II. Solving Enforcement Problems
What it all comes down to!
- 12:15 - 1:00 Brown bag lunch and discussion.



WESTERN MASS.

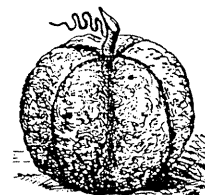
Saturday, November 8, 8:30 a.m. - 1:00 p.m.
Arcadia Wildlife Sanctuary, Easthampton

- 8:30 - 9:00 Registration and Coffee
- 9:00 - 10:30 Concurrent Workshops (pick one)
 - I. Hey, What Am I Supposed To Be Doing?
An introductory session for new commissioners - roles, responsibilities and resources.
 - II. Can't We Make These Meetings Shorter?
Management training for efficient, effective commissions.
- 10:45 - 12:15 Concurrent Workshops (pick one)
 - I. Effective Wetlands Protection
Administration of Chap. 131 s. 40, including basic wetlands identification, for new and not-so-new commissioners.
 - II. Forest Management
Chapter 61 tax program, sound cutting practices, & wetlands protection.
- 12:15 - 1:00 Brown bag lunch and discussion.

NORTHEASTERN MASS.

Saturday, November 8, 8:30 a.m. - 1:00 p.m.
Reading Town Library

- 8:30 - 9:00 Registration and Coffee
- 9:00 - 10:30 Concurrent Workshops (pick one)
 - I. Hey, What Am I Supposed To Be Doing?
An introductory session for new commissioners - roles, responsibilities, and resources.
 - II. Writing Good Orders of Conditions
Preventing loopholes and avoiding headaches resulting from your commission's orders.
- 10:45 - 12:15 Concurrent Workshops (pick one)
 - I. Effective Wetlands Protection
Administration of Chap. 131 s. 40, including basic wetlands identification, for new and not-so-new commissioners.
 - II. Solving Enforcement Problems
What it all comes down to!
- 12:15 - 1:00 Brown bag lunch and discussion.



FROM THE MACC RESOURCE CENTER

WETLAND BOUNDARY DELINEATION VIDEO. MACC and Mass. Audubon, produced in cooperation with the USFWS, 1986. Explaining some basic techniques, three experts guide you through the delineation of three different wetland boundaries during both the spring and the fall. Excellent technical aide. 50 minutes in length. VHS. Available for loan. \$5.00 pre-paid (covers postage and insurance one way; you pay same to return).

MACC REVISED PACKAGE OF RULES, REGULATIONS, AND SUBMISSION GUIDELINES. This updated package includes the new rules and regulations passed by Brewster and Weymouth. A must for communities considering writing rules and regs. \$7.00 includes postage.

GUIDE TO THE OPEN MEETING LAW. Prepared by the Middlesex County District Attorneys Office, this guide includes: requirements, procedures, executive sessions, enforcement, coordination with other laws, and filing complaints. \$5.00 includes postage.

LANDBANK PACKAGE. This package includes examples of some of the local bylaws that have been successfully passed (including one that has been written by a Conservation Law Foundation attorney), as well as a model bylaw prepared by Mass. Audubon. \$6.00 includes postage.

TEE SHIRTS - JOIN THE CELEBRATION! MACC's special Silver Anniversary Celebration tee shirts designed exclusively for MACC. Available in kelly green, silver gray, and royal blue, sizes from small through extra-large. Limited quantity. \$7.00 includes postage.

AND MORE TEE SHIRTS! "Love Thy Wetlands" and "Open Space - Our Common Wealth" designs. Wetland T's available in burgundy, navy, light blue, and silver gray; Open Space T's available in tan and light green. Sizes from small through extra-large. \$7.00 includes postage.

	<p>SOLUTIONS TO SUBSURFACE CONTAMINATION</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Hydrogeologic Assessments & Hydrocarbon Spill Response <input type="checkbox"/> Complete Aquifer Restoration Services <input type="checkbox"/> Risk Management/Leak Detection <input type="checkbox"/> Permitting & Expert Testimony
<p>GROUNDWATER TECHNOLOGY</p>		
<p>1420 Providence Hwy. Norwood, MA 02062 (617) 769-7600 Offices worldwide</p>		
		<p>Norwood Environmental Services Co. A Division of Norwood Engineering Co., Inc.</p>
<p>1410 Route One Norwood, MA 02062 (617) 762-0143</p>		<ul style="list-style-type: none"> • Groundwater Contaminant Studies • Hazardous Materials Investigations (M.G.L. Chapter 21E) • Environmental Impact Reports (M.E.P.A.) • Aquifer Delineations • Underground Tank Storage Laws
<p>3229 Cranberry Highway Buzzards Bay, MA 02532 (617) 759-6791</p>		
<p>AMORY ENGINEERS, P.C.</p>		
<p>P.O. BOX 1768 15 DEPOT STREET, DUXBURY, MASS. 02332</p>		
<p>TELEPHONE (617) 934-0178</p>		

MACC is a private non-profit service corporation whose members are the conservation commissions of Massachusetts. Non-voting memberships are also available and include receipt of this newsletter. The MACC Newsletter is published eight times a year.

MASSACHUSETTS ASSOCIATION OF
CONSERVATION COMMISSIONS, INC.
Lincoln Filene Center
Tufts University
Medford, Massachusetts 02155

Nonprofit Organ.
U. S. POSTAGE PAID
Permit No. 56583
Boston, MA 02205