



## ENFORCEMENT EXAMINED

### CONSERVATION COMMISSIONS and the TOWN COUNSEL

The now notorious "Grant Decision" leaves us with feelings akin to discovering the fox approaching the unlocked chicken house. It sends out a message that the times call for a close working relationship between local Conservation Commissions and their municipal counsel. While Grant may be the immediate motive, that close relationship is one which ought to be strongly encouraged on numerous independent grounds.

If your Commission has not in the past enjoyed ready access to the services of Town Counsel, Grant should be cited as a basis on which their services should be made immediately available to you.

First, be sure that your Town Counsel is provided with copies of the Act and the Regulations, the local Wetlands By-Law and Regulations (if any), and such other documents and materials as will fully acquaint them with your Commission's functions. You must be certain that the laws and regulations you are working with are current, and reflect all recent amendments.

Your Town Counsel should be asked to work with the Commission in fashioning a workable local Wetlands By-Law, with particular focus on its enforcement by every avenue remaining after Grant. If the Town already has a local Wetlands By-Law, Town Counsel should be called in to review its provisions in light of Grant, and to assist in amendments which may be needed to equip local Commissions with a fast track method of linking up with lawful enforcement mechanisms remaining after Grant.

(con't on page 4)

### FISHERIES AND WILDLIFE OFFICERS ABLE TO ASSIST WITH ENFORCEMENT

The recent Supreme Court Case Commonwealth vs. Grant has created concern and confusion over enforcement of wetland violations. Of most concern is the clarification of the enforcement function of Conservation Commissions. Grant basically mandates the rules of criminal evidence collection apply to wetland violations and enforcement must be done by persons having police authority.

The rules of evidence particularly pertaining to search warrants are long and complex. A good deal of training is necessary to be successful in obtaining a warrant that will be upheld in a court proceeding. The Environmental Police of the Dept. of Fisheries, Wildlife and Environmental Law Enforcement have the authority and knowledge necessary to obtain search warrants. These officers have also attended training sessions on wetlands protection.

Environmental Police have been instructed in the issuance of Enforcement Orders and are currently operating under a memorandum of understanding between the Division of Law Enforcement and the DEQE that describes their role in the scheme of wetlands enforcement prior to the Grant Decision. Their primary function is to halt gross violations of the wetlands act when these are observed or reported to them on weekends, nights and holidays when DEQE and Conservation Commission members may not be available. Once the potentially damaging act is halted the matter is turned over to the Conservation Commissions or DEQE for action.

(con't on page 5)

A MESSAGE FROM YOUR BOARD

### GOOD NEWS & BAD NEWS ON COMMISSION ENFORCEMENT

Which do you want first, the good news or bad news? The good news is that the Wetlands Protection Act was amended in 1987 (effective September 23) to impose on violators the stiffest criminal penalties on the books in Massachusetts for pollution violations. The new penalty for violating Chapter 131, S 40 is up to \$25,000 per violation, or 2 years in jail, or both. The civil money penalty is up to \$25,000 per violation.

The bad news is that in a recent case the Supreme Judicial Court of Massachusetts ruled that Conservation Commissions do not have legal authority to conduct inspections of private property for violations of the Act. This surprising ruling was in Commonwealth v. John G. Grant & Sons Co., Inc. (N-4634) decided by the SJC unanimously on August 3, 1988.

The defendant was a corporation prosecuted by the District Attorney for Norfolk County, on complaint of the Town of Braintree, for filling or altering a fresh water wetland illegally. The trial judge imposed a fine of \$87,500 for the violations of the Act. You recall that the Mass Appeals Court in 1987 had thrown out the sentence for this conviction on the grounds that the penalty for violations of the Act (prior to the amendments mentioned above) was unconstitutionally vague, because the penalty in C 131, S40 conflicted with another penalty in S90 for the same illegal behavior. The SJC reversed the Appeals Court on this point, upholding the sentence. This was a Pyrrhic Victory because the SJC then annulled the conviction on several grounds with drastic implications for Conservation Commissions.

The SJC interpreted the Act as making it illegal to fill or alter a wetland without permission, but not to leave fill on such a wetland! The presence of the unauthorized fill, the Court ruled, "is a continuing wrong warranting injunctive relief, but the presence of unauthorized fill is not a criminal act, continuing or otherwise".

The SJC determined that the trial judge had improperly admitted evidence of violations occurring more than two years prior to the commencement of the prosecution. The Court interpreted the two-year statute of limitations (the deadline for starting civil or criminal court enforcement) as covering "only an offense occurring within two years prior to the date the prosecution was commenced..."

Thirdly, the SJC questioned the use of evidence obtained as a result of warrantless searches or inspections of the premises by the Braintree Conservation Commission and its agents conducted without the defendant's permission. The Court ruled that the Act "does not authorize a conservation commission or its agents to enter on private land to inspect for violations of law." This is so even though Section 40 states that "the Conservation Commission and its agents, officers, and employees...may enter upon privately owned land for the purpose of performing their duties under this section." Since the Act mentions enforcement by natural resource officers and any officer with police powers (but mentions nobody else), the Court concluded that the Commission does not enjoy this right of entry.

The SJC vacated the judgement, set aside the jury verdict, and remanded the case in the event the Commonwealth wants to proceed with a new trial.

The Court did give the Conservation Commission something, however, saying it was easy to see on the record that at least some of the credible evidence concerning the nature of the site was not subject to any evidentiary taint and warranted a finding

that the area allegedly filled had been a freshwater wetland. The Court added that the evidence also warranted a finding that the filling was done by the defendant.

There are several lessons here. We need to foster criminal prosecution of violations, to make a crime out of illegal wetlands work, making use of the stiff penalties now in the law. We ought to investigate violators, however, only in conformity with the SJC decision. The Legislature should amend the Wetlands Protection Act by explicitly providing that enforcement is one of the duties of Conservation Commissions; that inspections are authorized for violations on private property; that the Act's reference to natural resource officers etc. is not an exclusive list of those entitled to enforce the law (for instance, citizens can use the Citizen Suit Statute); that the presence of unauthorized fill (and each day it remains) is a violation of the Act; and that a Commission needs no warrant to conduct an inspection if there is landowner consent; if there is an emergency or if there is a violation observable from land areas from which the public is not excluded (adopting the "open fields" doctrine).

Meanwhile, here are some practical suggestions for Commission enforcement:

1. Obtain landowner permission (explicit or implied) for inspections of private property for violations.
2. If landowners object, get off their property.
3. Contact a municipal police officer or DEQE Environmental Police Officer for them to obtain search warrants and conduct inspections on private property of landowners who refuse permission.
4. Observe violations, where possible, from public property, from private property where you have permission to be, or from private property of the violator from which the public is not excluded (for instance parking lots where the public is allowed), and keep notes of which observations and photographs are made from such locations.
5. Contact your town counsel or city solicitor, the DEQE Regional Office, or the District Attorney for your county as soon as enforcement gets sticky.
6. Watch the calendar and file any civil lawsuit for injunctive relief and civil money penalties or commence criminal prosecution, no later than two years from the filling or other alteration that constitutes the violation.
7. Collect evidence of each individual date of filling or other altering taking place illegally.
8. Continue to utilize violation notices and enforcement orders as usual to obtain compliance with the Act.
9. Remember to enforce your Home Rule wetlands protection bylaw as well as the Act.
10. Insist that the Assistant District Attorney assigned to your criminal prosecutions (or local police officer) coordinate and communicate with the DEQE Regional Office and the Attorney General's Division of Environmental Protection.
12. Alert MACC of any important points of policy or procedure in your case, so that MACC may have a chance to be a "friend of the court".
12. See if your Home Rule Bylaw includes the Enforcement section in the October 1986 model MACC bylaw, which specifies authority to make examinations, surveys and sampling, authority to enforce the bylaw by violation notices, administrative orders, and civil and criminal court actions; coordination with other local officials; the maximum criminal fine allowed by state statute (\$300); and authority (as an alternative to criminal prosecution) to utilize Section 21D. In any event, watch for MACC suggested changes in this bylaw text so that you can improve your bylaw.

Our final suggestion is to "keep the faith!"

Gregor I. McGregor  
Chair, Govt. Affairs

## COMPLIANCE WITH COOPERATION

Although enforcement of the Massachusetts Wetlands Protection Act has become an increasingly controversial issue, Conservation Commissions and their administrators may be able to rectify wetland violations without costly and lengthy litigation. The following suggestions have been used to achieve compliance with the "Act" and protect the public interests associated with wetland resources.

Once a violation has been discovered, the Commission or its agent should thoroughly document all of the information that is available in order to provide sufficient evidence that a violation has occurred. (Note: see the "Reporting a Wetland Violation..." in this issue). I have found that scheduling an on-site meeting with the property owner, engineer and all contractors involved is a very useful preliminary step. A brief explanation of the "Act" and the associated regulations is usually very enlightening to all parties present. It is very helpful to bring along copies of the "Act", the regulations and other appropriate information about local and federal laws for interested parties to review. At this point many violators will become aware that the Massachusetts Wetlands Protection Act is in fact a "real law" and take the necessary steps to rectify the violation.

In addition to an on-site meeting an Enforcement Order is often necessary to force action by the violator. An Enforcement Order should specifically reference the types of wetland resource areas involved, the specific regulations that apply (ie. Procedures 310 CMR 10.05, BVW 310 CMR 10.55) and a "reasonable" time frame for specific actions to take place. Failure of the responsible parties to complete the tasks identified in an Enforcement Order will provide the Commission with the necessary tools to take to the courts in order to force compliance with the "Act".

Robert W. Golledge, Jr.  
Dartmouth Conservation Officer

## NEW WETLAND FILING FEES

A new sliding scale fee for wetland filings will be implemented throughout the Commonwealth. Authorized by the Legislature in Chapter 202 of the Acts of 1988, the new fee scale will replace the current \$25 flat rate for a filing under the Mass. Wetlands Protection Act. Intended to help defray both "state and local administrative costs" for wetland filings, the new fee schedule will allocate 50% "of amounts collected in excess of twenty-five dollars" to the state treasurer (credited to the General Fund) while continuing to pay the balance to a Conservation Commission's city or town. New fee amounts will be determined by the Commissioner of Administration "after consultation with the Secretary of Environmental Affairs". Reports indicate that a timetable for setting new rates is currently being prepared.

MACC applauds these first legislated steps toward funding good Wetlands Protection in the Commonwealth. As MACC continues to monitor these fee-setting efforts, MACC will join others to seek sliding scale fees which better reflect the 'price' that development is exacting on valuable wetland resource areas. MACC hopes to see actual new fees in place prior to the end of 1988. Cities and Towns with wetland and/or zoning bylaws which include sliding fee scales are asked to call or write MACC with this information. Questions on this schedule may also be referred to the MACC office.



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The following Editorial of 8/26/88 adds additional perspective on Wetlands Protection enforcement. It is reprinted in full courtesy of the Boston Globe

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### **ENFORCING THE WETLANDS LAW**

For 16 years, with the blessing of the Massachusetts Attorney General's office and the Executive Office of Environmental Affairs, local Conservation Commissions have faithfully enforced the State's Wetlands-Protection Law.

Typically, a Conservation Commission is a volunteer (which means "unpaid") group appointed by the mayor or selectmen. Many have but one or two full-time employees. In addition to ruling on various permit applications, they have tracked down illegal dumpers of trash and illegal fillers of wetlands.

They have been the State's first line of defense in its efforts to protect the environment and preserve it for future generations. Those efforts have now been dealt a serious setback by an over-ambitious decision of the Supreme Judicial Court.

Revised guidelines are going out to Conservation Commissions, and corrective legislation is being drafted. But the court should also take a look at the decision's unintended effects and consider clarifying it.

Ruling earlier this month in a case involving a Braintree company, the court said that Conservation Commissions and their employees do not have the right to enter on private land to gather evidence of possible violations of the Wetlands-Protection Law.

John G. Grant and Sons Inc., a salvage company, had been found guilty of dumping auto parts and other debris into the Great Cedar Swamp and was fined \$87,500. At the trial, the Braintree Conservation Commission produced photographs of a bulldozer pushing piles of debris into the swamp. Grant sought to suppress the evidence, arguing that it was illegally gathered; that position was upheld by the SJC.

In an effort to ensure that wetlands do not now become havens for dumping and filling, Conservation Commissions are being advised on ways to enforce the law without violating the court's ruling. Meanwhile, the Environmental Affairs office is preparing legislation stipulating that enforcement is one of the legal duties of Conservation Commissions. Environmentalists, hoping to limit the scope of the ruling, are asking the court to clarify it.

None of the remedies address an underlying problem. The Conservation Commissions have been enforcing-at no cost to the state-a State law because the State has been unwilling to appropriate money to enforce the law.

In addition to the administrative, legislative and judicial remedies, consideration should be given to providing the Department of Environmental Quality Engineering the manpower required to enforce the Wetlands-Protection Law-and the funds to pay for it.

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### **SOIL EROSION LEGISLATION**

H5641, the Erosion Bill provides Mass. citizens an unique opportunity to protect limited soil and water resources. This pending legislation would require sound erosion-control plans from those who disturb very large areas of soil (10,000 sq. ft.) or who do site work on steep slopes (greater than 8%). H5641 recognizes that 3.1 million tons of eroded soil per year in Massachusetts alone result in large negative impacts on streams, ponds, reservoirs, ditches and storm drains. H5641 also recognizes that Massachusetts cities and towns can no longer afford clean-up costs for erosion. It's estimated that in the next seven years that such clean-up costs will equal, at minimum, almost \$75 million. H5641 is important environmental protection legislation that needs and deserves attention and support. For more information on this bill write or call MACC. Letters or calls of support to your representatives and to bill sponsor, Representative Robert Durand, are highly encouraged by MACC.

### REPORTING A WETLANDS VIOLATION USING THE NEW REPORTS

Where a Conservation Commissioner or agent observes a Wetlands violation, it becomes critical to quickly and accurately document as much detail as possible about the event. Following the violation, good documentation serves to back up subsequent enforcement action, whether through Enforcement Orders, warrants or full litigation. One useful model for Enforcement documentation is the recently revised WETLANDS VIOLATION REPORT available from the District Attorney's Office, Middlesex County (ref. "Handbook on Criminal Enforcement of the Wetlands Protection" from the MACC Publications List) and shown (reduced) below. Carefully completed, this form provides detailed, organized, information to a Violator, a land-owner, the Conservation Commission, other Town Boards, a Town Counsel, DEQE Personnel, a judge. It is such level of detail that is required for effective civil or criminal litigation. Questions about the WETLANDS VIOLATION REPORT may be forwarded to James Howard, Assistant District Attorney, (617) 494-4823 or to MACC.

Written reports are of course, greatly enhanced by photographs of the violation. It's important to photograph the extent and type of violation and to have the date, time, location and the photographer's name, address and telephone number written legibly on the back of the photo. More than one or two photos showing a violation help erase doubts of "trick photography". Attempt to include a gauge of scale in the photograph (ex. a person standing in the area, a yardstick, even a motor vehicle). Also try to include some constant reference points throughout the photo series, i.e. landmarks such as a particular tree, a large rock or building. Show areas of transition, from still unaltered wetland (if any remains) to altered wetland. Show any lingering remains of wetland in the altered area (ex. a cat-tail or alder sticking up through sandy fill). Last, be certain to fill the frame of some photos with closer-up views of the violations while using other photos to show the placement of this close-up site in a larger context.

WETLAND VIOLATION REPORT		MIDDLESEX COUNTY DISTRICT ATTORNEY'S OFFICE	
DATE / TIME 1)	BOOK & PAGE	DEQE FILE #	
LOCATION (CITY OR TOWN) 2)			
PROPERTY OWNER (LAST, FIRST, MIDDLE) 3)	ADDRESS	TELEPHONE NO.:	
BUSINESS/TRUST NAME 4)	ADDRESS	TELEPHONE NO.:	
BRIEF DESCRIPTION OF VIOLATION:(SPECIFIC ACTS OR OMISSIONS)			
5) PERSONS RESPONSIBLE: 1)		ADDRESS:	
PARTICIPATION:			
2)		ADDRESS:	
PARTICIPATION:			
3)		ADDRESS:	
PARTICIPATION:			
6) ACTIVITY: REMOVE:	TO WHERE:		
FILL:	TYPE:		
DREDGE:	AMOUNT:		
ALTER:	HOW:		
7) VEHICLES OR EQUIPMENT (DESCRIBE) USED:		LICENSE NUMBER:/OTHER DESCRIPTION:	
1)			
2)			
3)			
8) POLICE ACTION : (ATTACH COPY OF POLICE REPORTS)			

9) TYPE OF WETLAND (CHECK AS APPROPRIATE): IDENTIFIED BY:			
(A)	ANY BANK.	THE OCEAN	
	ANY FRESH WATER WETLAND.	ANY ESTUARY	
	ANY COASTAL WETLAND.	ANY CREEK	
	ANY BEACH.	ANY RIVER	
	ANY DUNE.	BORDERING ON ANY STREAM (BROOK, CREEK)	
	ANY FLAT.	ANY POND	
	ANY MEADOW	OR ANY LAKES	
	ANY MARSH.		
	OR ANY SWAMP	NAME OF WATER BODY:	
B)	LAND UNDER ANY OF THE WATER BODIES LISTED ABOVE		
C)	LAND SUBJECT TO TIDAL ACTION.		
D)	LAND SUBJECT TO COASTAL STORM FLOWAGE.		
E)	LAND SUBJECT TO FLOODING (W/IN 100 YEAR FLOOD PLAIN).		
10) NOTICE OF INTENT FILED:		DATE:	
11) ORDER OF CONDITIONS ISSUED:		DATE:	FILED BOOK/PAGE:
12) SUPERSEDING ORDER OF CONDITIONS:		DATE:	FILED BOOK/PAGE:
13) ENFORCEMENT ORDER(S):		DATE(S):	
CORRESPONDENCE/ADMISSIONS:			
14) WITNESSES:			
NAME:	ADDRESS:	TELEPHONE NO.:	
1)			
2)			
3)			
15) OTHER ACTION TAKEN OR PERTINENT INFORMATION: (DESCRIBE AND ATTACH ADDITIONAL SHEETS AS NECESSARY)			
16) CONSERVATION COMMISSION CONTACT			
NAME:	ADDRESS:	TELEPHONE NO.:	
ENVIRONMENTAL CRIME UNIT MIDDLESEX COUNTY DISTRICT ATTORNEY 40 THORNDIKE STREET CAMBRIDGE, MA 02141 (617) 494-4823			
RETURN TO:			
ATTACH COPIES OF ALL DOCUMENTS IDENTIFIED IN REPORT			

## CREATING AN INSPECTIONS DEPARTMENT

Chapter 756 of the Acts of 1987 gives towns (and small cities) the option of voting at town (city) elections to adopt certain forms of municipal administration other than by first adopting a charter. Initiated directly by the selectmen (council) or by petition to the selectmen (city council) of at least 10% of the town's registered voters, the vote would essentially create a new "agency" within the town which would consolidate, and presumably streamline, functions which are scattered among departments. The Act provides for consolidation of staffing, record-keeping, applications, and the like in one or more of the following areas: municipal finance, community development and municipal inspections.

Like everything else in the arena of local government, this opportunity to consolidate inspections could be beneficial to Conservation Commissions or could mean a loss of control, depending on the calibre of the agency director and the level of support given to Commissions by the town administrators. It might well be a boon to Commissions with no staff but objectionable to Boards of Health with independent agents. In any event, it may be worth getting a copy of the text from the State House Bookstore to see if the Commission wants to take the initiative in getting the Selectmen and other town boards to discuss such consolidation. As you will see from the following excerpt, it is important to read the act in its entirety in considering the ramifications for your town or city.

In respect to inspection, the Act states: "any ordinance or by-law adopted pursuant to this section may include..the following: 1) coordination of all inspection functions carried out by any municipal officer or agent, 2) maintenance of all records relating to inspections in a central place through a common index, 3) a single application process which would include all inspections which might be necessary, including, but need (sic) not be limited to, any inspections under the zoning and other local... by-law, building code,...state sanitary code, board of

health rules and regulations, fire code, Conservation Commission, historic districts Commission...Any...by-law adopted pursuant to this section may provide that any agency performing an inspection function shall be continued but that for administrative purposes all personnel performing inspection functions for the existing agency shall, when performing inspection services, be subject to the administrative control and direction of the director of municipal inspections, but not otherwise. ...Unless some other provision is made in the...charter for the appointment of officers and employees the director of municipal inspections shall appoint all personnel under his direction and control subject to the approval of the appointing authority as provided for his office."

Sally Newbury  
Conservation Law Foundation

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## "GROWING SMART"

The Center for Rural Massachusetts (CRM) received funding from the Island Foundation and the Jessie B. Cox Charitable Trust to begin a public awareness campaign on the issue of growth management in Massachusetts. CRM hopes to build an awareness that it is possible to preserve the rural character and quality of life while at the same time providing for necessary economic growth. To do this CRM is planning to present a multi-media slide show along with discussions on possible solutions to "grass-roots" groups. Presently CRM is identifying local sponsors such as Conservation Commissions in each region to host these meetings.

This effort represents the second phase of the Massachusetts Growth Management Project. The first phase resulted in a series of reports on demographic trends, on planning in smaller communities and on how some other states and regions were coping with similar growth management problems.

For information contact: CRM, College of Food and Natural Resources, Hills North, UMASS, Amherst, MA 01003 (413) 545-2255.

## **MASS. SOCIETY OF MUNICIPAL CONSERVATION PROFESSIONALS**

The MSMCP is a non-profit organization dedicated to serving and supporting the staff of local Conservation Commissions throughout the Commonwealth. The Society provides a forum for conservation professionals to exchange information and increase their knowledge of technical and legal issues.

Now three years old, MSMCP holds monthly "brown bag" lunch meetings at various locations around the state. Each meeting is followed by an informational program such as site visits to locations of interest. An annual conference is held in April. Information is disseminated to members through distribution of minutes, occasional newsletters and bulletins, and a directory of municipal conservation staff.

In 1986, MSMCP was awarded a \$20,000 grant by the Executive Office of Communities and Development. The grant is funding production for a guidebook for conservation staff, an inventory of municipal conservation lands in Mass. and a series of workshops for staff and for Commissions contemplating new staff positions.

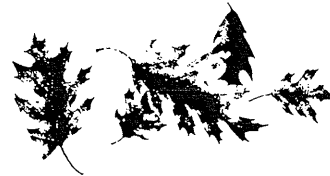
For more info, contact Rachel Freed (508) 358-7701 or write c/o MACC, Lincoln Filene Ctr, Tufts U., Medford, MA 02155. Membership is \$20.00, payable to MSMCP.

### **WET1/WET2 — IS IT FOR YOU?**

The Conservation Commission meeting is underway. The project presentation has started. Discussion focuses on a wetland's boundary delineation and a proposed roadway crossing. The Commission hears that the value of the wetland is "low", that the crossing should be allowed. The Commission remembers that the entire area had been previously evaluated as one of special environmental significance. The Commission requests more explanation. They are told, a low wetland rating is based on a WET1 and WET2 analysis method, more current than methods being used by the Commission. The

Commission is urged to accept the WET1 and WET2 evaluation technique and permit the wetland alteration.

Does it sound familiar? Recently, such stories have been reported to MACC along with many questions about this wetland analysis method. The terms WET1 and WET2 are usually recognized as part of the "Adamus" assessment method. This method is used by some DPW highway projects. However, this method is not highly regarded by MACC and other area wetland biologists as appropriate to any and all wetland sites. If you have doubts or questions about a particular wetland assessment methodology, please contact MACC.



### **ANNUAL REPORTS**


MACC would like to thank those Conservation Commissions that sent copies of their annual reports. Here are more examples of what some Conservation Commissions have done this past year:

- \*The Braintree C.C. undertook two innovative projects; an aerial photographic survey in infra-red color and a call for the design of a Land Stewardship Plan.
- \*The Brimfield C.C. established a Town Conservation Fund and they have gained Town Hall office space.
- \*The Harwich C.C. raised money by leasing gardens at \$10 a piece. They also gave out 500 seedlings at their annual spring planting.
- \*The Wakefield C.C. went to weekly meetings to handle the workload. They have several working subcommittees such as the Trails Committee which fosters clean ups and trail maintenance of conservation areas.
- \*Wilmington C.C. completed their Open Space and Recreation Plan. They are also involved in natural resource curriculum development for 4th and 5th graders.

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### EXPERT ADVICE

As soon as the MACC Rent-An-Expert program began, Gene Canty, chair of the Nahant Conservation Commission called to request a session on basic administration of the Wetlands Protection Act and enforcement. Nahant's request resulted in an in-depth presentation, including materials, by Gregor I. McGregor, Esq. noted environmental attorney and member of MACC's Board of Directors. Within the next three years the Conservation Commission 'rented' Attorney McGregor three additional, three hour sessions.

The purpose of the Rent-An-Expert program is to reach Conservation Commissions and other groups with high quality consulting advice on relevant topics. Presentations have ranged from the nuts and bolts of the Wetlands Protection Act to management of growth.

The bureau of speakers is now larger than ever. The cost of a session, which is paid directly to MACC, remains at \$100 per hour. This could be the best investment a Commission ever makes for advice from reliable sources backed by years of practical experience. For some Commissions co-sponsoring a Rent-An-Expert event and thus sharing expenses, not only proves more cost effective but also informs a wider audience. The Rent-an-Expert program is available to other local boards, environmental organizations, and environmental-minded groups including businesses.

To arrange for a Rent-An-Expert speaker or for more information about the program call the MACC office.



### A MACC HOTLINE TIP

Have a important question for MACC but feel hindered by the long distance phone charges? MACC suggests that you call after 7:00 pm or even after 11:00 pm to get the lowest rate and leave a message on the answering machine. MACC can then return your call promptly. Please leave your name, date of call, next day telephone number and a brief message.



### MORE NEWSLETTERS!

The MACC Board of Directors voted September 13 to increase the number of issues of the newsletter to 10 per year, starting in 1989. Increased publication will provide increased outreach opportunities and timelier news coverage.



### LAST CALL FOR BUMPER STICKERS

Tired of reading those "I ♡ Something" Bumper Stickers while stalled in traffic? Want to help make the topic of wetlands protection as visible as those tail-gate advertisements for local political candidates? You don't have to be an artist, just jot down your ideas and send in by Oct. 30. MACC will put the final art work together.



### COMING NEXT ISSUE

Limited Projects:	Forestry
	Road Access
	Agriculture
	And More

### MACC ANNUAL MEETING INFORMATION

Mark the date:  
Saturday, March 4, 1989  
Holy Cross College, Worcester, MA.

The **NOMINATING COMMITTEE IS SEEKING CANDIDATES** for the 1989 BOARD of DIRECTORS. If you are a Conservation Commissioner or former Commissioner who would like to serve, or if you know a Commissioner whom you consider well-qualified, please submit name, address, telephone number, and background materials (including a resume if available) before November 20, 1988 to: MACC Nominating Committee, Lincoln Filene Ctr., Tufts U. Medford, MA 02155. A letter of support from the Commission is helpful. Permission must be obtained from nominee before name is submitted.

The **AWARDS COMMITTEE IS SEEKING NOMINEES** for the 1989 MACC ENVIRONMENTAL SERVICE AWARDS to be presented at the Annual Meeting. Here is your opportunity to honor those who have devoted a life-time to Commission work, or those who have done 110% for environmental awareness and protection. Please submit the name and all pertinent information (including a resume if available) before December 15, 1988 to: MACC Awards Committee, Lincoln Filene Ctr., Tufts U. Medford, MA 02155.

#### **JOBS WITH CONSERVATION COMMISSIONS AND ENVIRONMENTAL NONPROFITS**

MACC will print job announcements for Conservation Commissions free-of-charge! Please send us job description for Administrators and any other paid positions which involve working with a Cons. Comm. Job announcements for other environmental nonprofits will be printed depending on space available.

#### TOWN OF WESTON STAFF ASSISTANT


Full-time position under supervision of Town Engineer to assist with the work of the Conservation Commission, Planning Board and Board of Appeals. Some evening work. Skill in operation of typewriter and/or word processor required. Must be a high school graduate. Resume and references required. For info and job description call: (617) 893-7320. EOE

#### TOWN OF CARLISLE CONSERVATION ADMINISTRATOR

Duties involve admin of state Wetlands Protection Act and other conservation programs, coordination with other town boards and staff, development of land management programs. Requires degree in env. science, planning or related fields, or related experience. 2 years WPA experience preferred. Full-time position although part-time professional will be considered. Send resume and cover letter with salary history to: Carlisle Conservation Commission, Box N, Carlisle, MA 01741.

#### **CELEBRATE 30 YEARS OF CONSERVATION COMMISSIONS: CONTRIBUTE TO MACC!**

Conservation Commissions have been working on local environmental protection 30 years! For the past 15 years MACC has provided this newsletter to commissioners and other concerned citizens. Please contribute \$30, \$15, or whatever you can to MACC. Contributions specified for the computer fund will be used to purchase sorely needed computer equipment. MACC needs your HELP to continue to meet commission needs, increase services, and improve the quality of life in Massachusetts.

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Name \_\_\_\_\_ Phone(s) \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Commission \_\_\_\_\_ Dates of membership \_\_\_\_\_

\_\_\_\_ Enclosed is my tax-deductible contribution of \_\_\_\_\_ \$30, \_\_\_\_\_ \$15, or \$ \_\_\_\_\_.  
\_\_\_\_ I want to HELP! Enclosed is \$ \_\_\_\_\_ for the COMPUTER FUND (also tax-deductible).  
\_\_\_\_ I have enclosed \$15 for a one year membership. \_\_\_\_\_ \$25 for non-commission members.

Return to: MACC, Lincoln Filene Center, Tufts Univ., Medford, MA 02155

## UPCOMING EVENTS

### FOURTH ANNUAL MUNICIPAL FORUM

OCT. 6 1988 - Forum features experts on range of issues that concern local officials such as significant new interpretations of the Public Records Law, recent developments in Municipal Liability, Waste Management and Planning & Zoning Process Liability. Sponsored by: Middlesex County D.A. Scott Harshbarger, Mass Municipal Assoc. and City Solicitors & Town Counsel Assoc. Location: Western Royal Plaza Hotel, Marlborough. Time: 8:30-3:00. Fee: \$30 includes lunch and reference materials. Info & reservations: Carrie Smotrich (617) 494-4060.

### SOILS/HYDROLOGY WORKSHOPS

Oct 7 & 22 (Soil Issues) and Oct 8 & 22 (Hydrology) - Workshops for Conservation Commissions and agents, town planners and state and town officials. Given by the Middlesex Conservation District. Location: Bentley College, Rt 128 Graduate Studies Bldg, Waltham, MA. Registration limited; Reservation by prepayment: \$50/day or \$75/2 days (includes lunch/breaks/parking & workshop manual). Contact: Middlesex Conserv. District, 40 Nagog Park, Acton 01720; (508) 263-2291.

### MASS LAND TRUST CONFERENCE

Sat. Oct 15. - A conference to provide land trust activists with the knowledge and skills needed to be effective practitioners of land conservation, to provide a discussion forum for current topics and explore ways to improve communication and cooperation among land trusts. Time: 9-4:30. Location: Mass 4-H Ctr, Ashland. Fee: \$15. For info: Charles Wyman, The Trustees of Reservations, 572 Essex St. Beverly 01915.

### THE FUNDAMENTALS OF THE WETLANDS PROTECTION ACT REGULATIONS

Mon. Oct 24 - Northeast: DEQE NE Regional Conference Office, Woburn

Tue. Oct 25 - Southeast: DEQE SE Regional Office, Lakeville Hospital

Wed. Oct 26 - West: Holyoke Community College, Holyoke

Thr. Oct 27 - Central: DEQE training Center, Millbury

DEQE sponsored workshop is intended for Conservation Commissioners and their staff that need a review of the basics. Time: 7-9:30 pm. No registration required and no charge. For info: Look for the mailed brochure to arrive shortly or if necessary call (617) 292-5695.

### HOUSING DEVELOPMENT & OPEN SPACE: ROOM ENOUGH FOR BOTH

Nov. 16, 1988 - Citizen's Housing and Planning Association (CHAPA) is sponsoring a New England conference to bring together housing advocates and developers, conservationists and government officials to discuss orderly development which takes into account both the conservation of open space and our need to produce more affordable housing. The conference will study working models of cooperation from throughout the New England area on all project levels. Former U.S. Senator Paul Tsongas will deliver keynote address. Location: Royal Sonesta Hotel, Cambridge. Fee: \$100 (standard), \$60 (govt), \$30 (nonprofit), \$20 (students). For info and to register: Anne Kahn (617) 742-0820

### FROM THE PUBLICATIONS LIST

The MACC Publications List has been updated to correctly show two prices; one for members and one for non-members. Be sure to indicate when ordering whether you are a member or not. All prices include postage unless otherwise specified. Orders over \$50.00 should include postal insurance. Send request for publications with check made payable to MACC.

**NEW! CLEARWATER ESTATES. DEQE 1987.**  
Designed to accompany the workshops, this guide is also a reference that will enable Commissions to assess development projects from Request for Determination to the issuance of the Order. \$11.00 mem, \$13.00 non-mem.

**HANDBOOK ON CRIMINAL ENFORCEMENT OF THE WETLANDS PROTECTION ACT MGL Ch131, S40.**  
Prepared by James Howard, Assistant District Attorney, Middlesex County, 1987. This book considers site inspections, search warrants, the criminal process and wetland violation inspections. Includes a new Wetland Violation Report. \$4.00 mem, \$4.50 non-mem.

**ENFORCEMENT PACKET.** Basic strategies and tools for enforcing wetland law in your community. Includes enforcement 'script' by Gregor McGregor. \$3.00 mem, \$3.50 non-mem.

**PRICE CHANGE ENVIRONMENTAL LITIGATION.**  
Gregor I. McGregor, Esq., 1984. The ins and outs of environmental litigation, including alternatives, adjudicatory proceedings, using expert witnesses, injunctions, standing, and so forth. \$7.00 mem, \$8.00 non-mem.

**ADMINISTRATIVE PENALTY REGULATIONS. 310 CMR 5.01-.37. 1986.** Includes the text of the law, an explanatory article by Gregor McGregor and answers to basic questions on the who, what and how of admin. penalties. \$3.00 mem, \$3.50 non-mem.

**GREEN PAGES. MACC 2nd Edition.** A comprehensive directory of Environmental Services and Products for Massachusetts. \$5.00.

**REGULATIONS OF WORK IN MASS WETLANDS AND FLOODPLAINS (and the New Wildlife Amendments). MCLE 1988.** Updated version of Wetlands, Tideland, Floodplain and Groundwater Regulation. A comprehensive manual that includes DEQE policies, recent noteworthy court cases, tips for dealing with DEQE, enforcement policies and guideline and much more. \$10.00 picked up at MACC, \$12.50 mailed.

**NEW GIFTS! KINGFISHER STATIONARY.** Lined white stationary with 3 kingfishers perched on a tree limb. On recycled paper. 12 sheets, 12 blanks, 12 envelopes. \$3.50 mem, \$4.50 non-mem.



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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.

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MASSACHUSETTS ASSOCIATION OF  
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