



**NATURAL RESOURCES
COMMISSION MEETING
MINUTES**

March 2, 2023 7 PM

Warren Building Room 008
90 Washington Street

Approved 4-20-2023

Present: Jay McHale, Chair; Bea Bezmalinovic, Vice-Chair; Lisa Collins, Secretary; Laura Robert; Michael D'Ortenzio; Brandon Schmitt, NRC Director

Guests: Mary Ann Cluggish, Lina Musayev, Je'Lesia Jones, Melinda Arias-Voci, Diversity Equity and Inclusion task force.

Welcome and Meeting Guidelines

Mr. McHale convened the meeting at 7:00 PM

Public Speak (non-agenda item)

Ms. Mary Ann Cluggish spoke to the group during public speak about Article 97 and the work the Town did back in her days on the NRC Board to create the NRC. She spoke about the importance of open space in Wellesley and recommended keeping the 2:1 exchange ratio.

Diversity Equity and Inclusion Task Force Presentation and Discussion on Town Meeting Article

17: Lina Musayev, Je'Lesia Jones and Melinda Aria-Voci - from the Diversity, Equity and Inclusion Task Force provided a presentation for Article 17, and work to date performed by the task force. They outlined the goals and visions, and budget request associated with the Town Meeting Article, and asked for the NRC's formal support.

Ms. Robert suggested adding access to natural resources and environmental justice to the list of goals and objectives.

Mr. McHale told the group that the NRC would take a vote on their support at the March 23 meeting.

Director's Report

Mr. Schmitt reported that the Recreation Commission would be holding a public hearing on Pickleball on March 3rd.

Mr. Schmitt also reported that as discussed last week, he completed a contract addendum for the Pond manager to complete sampling and initial permitting for Reeds and Duck pond.

Mr. Schmitt also reported that the Public Works Department had completed the bid opening for the erosion sites at Morses Pond, completed reference checks on the bidders, and have recommended approving the lowest bid. The NRC agreed with their selection based on the confirmation that all bidders scored similarly on technical ability.

Liaison Reports

Trails & Wetlands – Ms. Robert reported that Trails will meet next week, and Wetlands was meeting tonight (March 2).

Wellesley Land trust – Mr. D’Ortenzio met with WLT and discussed plans for Open Space protection.

CPC/Planning – Mr. McHale reported that there is ongoing discussion about a need for a Housing Coordinator.

Climate Emergency

Mr. Schmitt talked about the Charles River Climate Compact strategic plan, intended to help members of the Watershed to address climate change. Once they release the report, Mr. Schmitt will share with the NRC. He also mentioned that Congressman Jake Auchincloss’ office is asking for projects for a federal earmarked funds.

Ms. Bezmalinovic mentioned a NPR story that discussed the website riskfactor.com, which models properties within flood risk areas.

Approve Minutes

After a motion was made (D’Ortenzio) and seconded (Collins), the NRC voted unanimously to approve the Feb. 21, 2023 minutes as amended.

New and Continuing Business

The board discussed policy revisions to Section 2, including the elimination of some of the requirements for land disposition, including a 2:1 exchange ratio and unanimous vote of the board. The board deliberated on the need for these requirements given the newly passed legislation: [An Act Preserving Open Space in the Commonwealth](#) and held a brain-storming session which is reflected below.

The Commission discussed Chapter 274 (Public Lands Preservation Act) in the context of reviewing NRC policies concerning changing the use or disposing of property subject to Article 97.

Mr. McHale discussed language provided by Ms. Cluggish following her Citizen Speak. Mr. McHale commented about the unanimous vote expected under current NRC policy. There is a question as to whether or not it remains in effect under the policy of the Executive Office of Energy and Environmental Affairs (“EOEEA”) in light of 274. Mr. D’Ortenzio commented that we should check with the Governor’s office to ask if the policy is eliminated with the new statute.

Ms. Collins commented that NRC policy could be stricter even if it is not the requirement of the new statute. Ms. Robert commented that such a change in NRC policy would be worthy of more public input and a public hearing. Ms. Collins commented that it is hard to think about when disposition would come up, she would not change the policy now, there are privately held lands where we might see opportunity, but no lever yet, it’s a policy we could revisit, too hypothetical now, feels like a risk we don’t need to take. Ms. Robert commented that she looked at the Open Space and Rec Plan and couldn’t see anything we would want to dispose of. Ms. Bezmalinovic commented that it’s helpful to have rules established before playing the game and not to adjust the rules to the outcome or create the perception we are changing our policies to get to an outcome.

Mr. McHale turned attention to the requirements of 274 in the context of rewriting NRC policy. Mr. D’Ortenzio recommended we avoid summarizing the law. Mr. Schmitt clarified that we are the owners and our policy can dictate whatever we want in addition to the law.

Ms. Bezmalinovic recommended adding the NRC criteria for change in use to the disposition section of the NRC policy and applying the same criteria to any disposition of land.

Mr. D'Ortenzio commented that an important goal is to create a community value statement. Returning to the discussion concerning the unanimous vote requirement, Ms. Collins commented that we don't want to limit opportunities and perhaps a supermajority is an option. The Commission concluded the unanimous vote expected of current NRC policy would have to be revisited after getting an answer from the State.

Mr. D'Ortenzio commented that the meaning of 274 is to make Article 97 more meaningful with increased requirements and standards that make it more difficult to dispose of open space. Mr. D'Ortenzio reiterated that NRC policy should read "In addition to State requirements NRC will expect"

Discussion pivoted to the current NRC policy that requires a 2:1 ratio for Article 97 land disposition. Ms. Robert commented that to her knowledge we've never identified land we wanted to dispose of, we should keep land and acquire more land, keep the current high bar in our policy, and we don't have to dispose of land to acquire land. Ms. Robert cited the current Sisters of Charity property as an example. Mr. D'Ortenzio agreed we want to grow the pie and cited tennis courts at Schofield and land at Morton Field as underutilized NRC properties. Mr. D'Ortenzio commented that NRC has not acquired substantive land since acquiring Centennial Reservation. Ms. Collins commented that the requirement in any land exchange should be a net gain or value. Ms. Bezmalinovic commented on contextual perspective and the benefits of high ecological value using the example of forested land vs. tennis courts at Bates or Schofield.

Mr. D'Ortenzio commented that there is 33% open space in Wellesley with only 10% protected. Ms. Bezmalinovic commented that we are dependent on other players to preserve their share of open spaces. Mr. D'Ortenzio commented that the NRC was not asked to take over control of the North 40. Ms. Robert commented that we had a plan to turn Bates courts into a wetland and we did not execute, and Schofield tennis courts could be a forest vs. a disposition. Ms. Collins commented that it is helpful to think about real life examples. Mr. D'Ortenzio commented on the importance of getting in the town wide conversation on projects. He used the example of 135 Great Plain Ave. Ms. Robert commented that the 2:1 ratio is not a hurdle in that example.

Mr. McHale commented that the high bars in the statutory requirement make our 2:1 ratio policy unrealistic and he prefers that 2:1 not be required. Ms. Robert commented that she prefers to keep the 2:1 requirement.

Ms. Collins commented that housing will be the biggest shift in our town. Mr. D'Ortenzio commented that we need to partner with the town and there is a perception to not give land to NRC because it will be tied up forever. Ms. Robert commented that residents are thankful that the NRC protects land, look to us to say no, there is no data on perceptions, and we are recipients of past NRC protections. Ms. Bezmalinovic commented that we might be better off seeing opportunities when they come to us. Ms. Bezmalinovic cited BSI on Rt.9 in that it could have been smaller, we could have contracted it out, and conserved the entire periphery as opposed to what happened, or the housing on 135 Great Plain Ave could have gone on Rt.9 at BSI and 135 could have been a recreational facility. Or we could have done something on 5 acres at 135 in order to keep the other half. Mr. D'Ortenzio commented that differing perceptions on the role of NRC is a good thing, there is no right perspective, and the absence of gifts on the record is a data point.

Ms. Collins emphasized that the guiding goal is to grow the pie ecologically or otherwise. Mr. McHale questioned whether current NRC policy makes it impossible. Ms. Robert returned to Sisters of Charity as a real life test and the most logical move the Commission could make because it abuts Centennial on three

sides and includes forest and watershed. Mr. D’Ortenzio commented that it would be disposing of Article 97 land for non-Article 97 land. Ms. Robert commented that the NRC policy of 2:1 does not prohibit land for land. Ms. Collins agreed it would be a real opportunity and a true case study for use in long range planning. Ms. Robert commented that we should address the portion of Centennial under State jurisdiction on a future agenda. Ms. Collins commented on the potential for NRC to have a revenue generating interest. Ms. Robert commented that many conservation commissions have operations and cited the example of an environmental school.

Ms. Collins expressed the desire for more specific language. Ms. Bezmalinovic recommended that we review our acquisition guidelines. Mr. McHale and Mr. D’Ortenzio discussed the option for town counsel to review 274. Mr. D’Ortenzio commented that the unanimous policy question was the only remaining question for the State. Ms. Collins suggested we find out if there are any other precedents for unanimous votes in town. Ms. Robert suggested we find out what some other towns follow. Ms. Bezmalinovic commented that it also depends on the size of the town. Ms. Bezmalinovic reiterated there may be a cost to keeping 2:1 ratio in NRC policy if it takes us out of a position to be in the conversation. Ms. Collins commented that we should be more explicit in the principals by which we make decisions and it should be very clear in the policy. Mr. McHale summarized that we will find out if the unanimous policy of the EOEEA remains, we will look at the disposition policies of a few other towns, and we will find out if there are any other unanimous votes required among other boards in Wellesley.

Urgent Items Not Anticipated Prior to 48-hours of Posting

N/A

Schedule meetings

Meeting locations will be confirmed prior to the meeting dates.

Adjourn

The meeting adjourned at 9:15 PM

Materials Referenced

- DEI Task Force Presentation
- Resolution and Article 17
- Draft Policy Review Section 2
- Draft 2-21-2023 Minutes

Respectfully Submitted,

Brandon Schmitt, Director