



**Annual Environmental Conference 2017
Workshop Descriptions
and
Fundamentals for Conservation Commissioners Units Content**

**Workshop Series A
10:00 a.m.—11:30 a.m.**

1. Cold Water Fisheries: Protecting, Enhancing, and Regulating a Critical Resource Area

In 2016, the Massachusetts Division of Fisheries and Wildlife published a data layer that allows users to determine the presence of cold water resources (i.e., habitat for trout and other cold water species). This workshop will provide an overview on: 1) what are cold water resources; 2) how to use the data layer when reviewing projects (e.g., storm water options and project design considerations); 3) how to use the data as a Wetlands Protection Act regulator; and, 4) innovative stormwater, connectivity, and stabilization techniques for cold water fisheries.

Speakers: Adam Kautza, Coldwater Fisheries Project Leader, Fisheries Program, Massachusetts Division of Fisheries and Wildlife
Misty-Anne Marold, Senior Endangered Species Review Biologist, Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries and Wildlife
Timothy Dexter, Wetlands & Wildlife Biologist, Massachusetts Department of Transportation: Highway Division Environmental Section
Annie Bastoni, Stormwater Program Coordinator, Massachusetts Department of Transportation: Highway Division

Moderator: Matt Schweisberg, PWS, Wetlands Strategies and Solutions, LLC; MACC Director

2. Proposed Wetlands Protection Act Regulation Amendment for Land Subject to Coastal Storm Flowage

MassDEP is working on regulatory amendments for performance standards for Land Subject to Coastal Storm Flowage, including a Limited Project that would allow adaptations of existing projects to address sea level rise. This workshop will explain regulatory changes and performance standard under consideration.

Speakers: Rebecca Haney, Coastal Geologist and Certified Floodplain Manager, MA Office of Coastal Zone Management
Lealdon Langley, Director of the Wetlands and Waterways Program, MA Department of Environmental Protection

Moderator: Margaret (Peg) Stolfa, Esq., Gordon and Rees; MACC Director

3. Greening Your Community with LID: Saving Land, Water, and Money

Back by popular demand, this workshop gives practical information on low-impact development (LID) and green infrastructure (GI) for conservation commissioners and agents. We will discuss community and water quality benefits and how to collaborate with non-conservation town officials, including reducing infrastructure and maintenance costs for DPW's, and how to work with planners to encourage these practices through local bylaw changes.

Speakers: Amanda Loomis, AICP, Planning Board Administrator, Town of Framingham
Stefanie Covino, Project Coordinator, Shaping the Future of Your Community Program, Mass Audubon
Scott Horsley, Principal, Horsley Witten Group, Inc.
Moderator: E. Heidi Ricci, Senior Policy Analyst, Mass Audubon; MACC Director

4. Protecting Massachusetts Vernal Pools

Vernal pools are an important component of healthy ecosystems across the state, and they receive a host of legal protection under federal, state, and local wetland regulations. Their ecological functional values are at the root of why we protect them; and their variety, temporary nature, and fluctuations are at the root of much confusion over how we protect them. We will explore and explain both their function and best practices for their protection, and consider some of the implications of the extended drought we've been experiencing. This workshop will be geared to an audience already familiar with vernal pool certification methodology.

Speakers: Matthew R. Burne, Walden Woods Project
Leo P. Kenney, Vernal Pool Association
Moderator: Marc Bergeron, PWS, CWS, Senior Project Manager/Wetland Scientist, VHB, Inc.; MACC Director

5. The Habits of Highly Effective Conservation Commissions

An effective conservation commission gets its business done, works collegially to engage the strengths of each member, and is respected within its community. This interactive workshop is designed to help you identify and prioritize ways in which you can strengthen the work of your commission. We will address perennially challenging topics such as effective group decision-making, working with dominant and disengaged board members, setting expectations and engaging new members, rotating roles, and developing a proactive annual work plan. We will also talk about what to do when a commission member (or staff) is behaving badly. Depending on the topics brought by participants we may also touch on developing effective relationships between board and staff, strengthening relationships with other boards and departments (including appointing authorities), and managing agendas to shorten meetings. Participants will come away with practical suggestions for improving the effectiveness of their commission's work.

Speakers: Kathy Sferra, Conservation Coordinator, Town of Stow
Kathleen (Kate) Connolly, Esq., Louison, Costello, Condon & Pfaff LLP; MACC Director

6. Hands-on Plant ID: Common Woody Plants of MA Freshwater Wetlands

This workshop will present a basic hands-on wetland plant identification session using a brief PowerPoint presentation of the most commonly encountered wetland trees, shrubs, and woody vines of swamps, marshes, and other freshwater wetlands of Massachusetts. The classroom set-up will include both herbarium specimens and winter specimens (given the time of year) for attendees to use in identifying the most prominent features of each plant to help them recognize common freshwater woody wetland plants in the field. This workshop is intended for beginners and may also serve as a refresher on basic wetland plant identification for others.

Speakers: Amy Ball, PWS, CWS, Senior Ecologist, Horsley Witten Group, Inc.; MACC Officer
Sally Zielinski, PhD, Botanist/Environmental Journalist; MACC Education Committee Member
Moderator: Nick Nelson, Fluvial Geomorphologist, Regional Director, Inter-Fluve, Inc.; MACC Director

7. Wetlands Enforcement Basics

Addressing wetlands violations can be a confusing and frustrating task for conservation commissions and staff. It is not easy to sort out what the enforcement options are under the Wetlands Protection Act and local bylaws/ordinances, what procedures are required for each option, and which option will be most effective in achieving compliance. This workshop will explain the options and procedures in a practical way.

Speakers: Rebekah Lacey, Esq., Miyares and Harrington, LLP, MACC Director
Cynthia O'Connell, Conservation Agent, Town of Canton, MACC Officer
Moderator: Brandon Faneuf, PWS, Principal, Ecosystem Solutions, Inc.; MACC Director

8. Massachusetts Wildlife Climate Action Tool: Inspiring Local Adaptation on the Ground

The Massachusetts Wildlife Climate Action Tool is designed to inform and inspire local land conservation and management decisions to protect the Commonwealth's natural resources in a changing climate. With this tool, conservation commissioners can: 1) access information on climate change impacts and vulnerabilities of fish and wildlife species and associated habitats; and 2) explore adaptation strategies to maintain resilient natural communities, such as replacing culverts, amending local ordinances/bylaws, and adapting forestry practices and land protection strategies based on location and interest. Along with Improved design and functionality, the tool was recently updated to include information specific to coastal communities' issues and ecosystems, as well as how to address climate change adaptation in municipal planning. This workshop will provide an overview of the Climate Action Tool, discuss on the ground uses, and seek input on additional content to include as work continues to improve the Tool.

Speakers: Scott Jackson, Extension Associate Professor, UMass Amherst; Conservation Commissioner, Town of Whately; MACC Officer
Melissa Ocana, Research and Extension Project Manager, Department of Environmental Conservation, UMass Amherst
Moderator: Allan C. Greenberg, MACC Education Committee Member

Workshop Series B 1:15 p.m.—2:45 p.m.

9. Making Mapping Simple: Three Clicks to Identify Priority Parcels for Conservation

This workshop will explore an easy-to-use web-based tool called MAPPR (Mapping and Prioritizing Parcels for Resilience) to identify conservation priorities at the parcel level and identify ownership. The tool was successfully showcased at AEC 2016 and will now allow users to easily identify parcels for conservation, with updated data sets based on biodiversity (BioMap2), climate change resilience (based on The Nature Conservancy's modeling), and wildlife connectivity. New features will be shown and demonstrated, including agricultural land value, drinking water protection value, and enhanced ability to identify large forested blocks to serve as wildlands. MAPPR also allows users to analyze parcel values within a town, county, watershed, or the service areas of regional interests or regional planning agencies.

Speaker: Stefanie Covino, Project Coordinator, Shaping the Future of Your Community Program, Mass Audubon
Moderator: E. Heidi Ricci, Senior Policy Analyst, Mass Audubon, MACC Director

10. US Army Corps of Engineers Regulatory Program Updates: Jurisdiction, Mitigation Guidance, and the MA In-Lieu Fee Program

This workshop will provide: a) a refresher on the regulatory jurisdiction of the Corps of Engineers under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, including a review the differences between state and federal regulatory jurisdictional boundaries; b) an overview of the Corps' recently issued update to its New England District Compensatory Mitigation Guidance, including more resource-specific mitigation guidance for streams and vernal pools; and c) an overview and update on the Massachusetts In-Lieu-Fee (ILF) compensatory mitigation program, including the use of ILF funds disbursed to the MA Department of Fish and Game, sponsor of the state ILF program, for mitigation projects.

Speakers: Barbara Newman, Chief of Permits and Enforcement Branch A, Regulatory Division, Army Corps of Engineers
Paul Minkin, Senior Wetland Scientist, Army Corps of Engineers
Joshua Helms, Project Manager, Biologist, Army Corps of Engineers

Moderator: John Goldrosen, Esq., MACC Officer

11. Assessing Deer Impacts at the Town Level

Each year, the Massachusetts Division of Fisheries and Wildlife (Mass Wildlife) receives questions from municipal officials concerning deer population numbers in their town and how might they determine whether deer are having a negative impact on the community's forests and wetlands. In this workshop, conservation commissioners and other volunteers will learn how their community can work with Mass Wildlife to answer questions about deer impacts and what data can be collected to assist with management efforts. The speakers will provide examples of deer impacts and cover some quick and easy vegetation assessments and deer browse and impact surveys that conservation commissioners can complete to help the state better understand the level of impacts deer have on the forest and herbaceous layers of their communities.

Speakers: David Stainbrook, State Deer Biologist, Massachusetts Division of Fisheries and Wildlife
Karro Frost, Conservation Planning Botanist, Natural Heritage and Endangered Species Program, Massachusetts Division of Fisheries and Wildlife

Moderator Paul J. McManus, LSP, PWS, President, EcoTec, Inc.

12. Solar Arrays: Permitting Issues for Commissions

Many proposals for solar arrays within wetland resource areas and buffer zones are being presented to conservation commissions and MassDEP. This workshop will provide an overview of the potential impacts on wetlands, regulatory analysis and the MassDEP Wetlands Regulatory Program Policy about this emerging topic. The presentation will include: 1) a general discussion of the components of a solar array project, including installation of related ancillary facilities (e.g., electrical interconnection, temporary and permanent access roads, security fencing, etc.); 2) the avoidance and minimization of impacts to wetland resource areas; 3) quantifying and assessing impacts to wetland resource areas from tree removal that is often necessary to minimize the effects of shading and the resultant loss of energy production generated by the solar arrays; 4) stormwater Best Management Practices; 5) potential mitigation measures for unavoidable impacts to wetland resource areas and 6) an overview of comments on the draft policy that MassDEP received from its stakeholder group.

Speakers: Lealdon Langley, Director, Wetlands and Waterways Program, MA Department of Environmental Protection
Michael Howard, PWS, CWS, Principal & Manager, Ecological Sciences Group, Epsilon Associates, Inc.; MACC Officer; AMWS President

Moderator: Matt Schweisberg, PWS, Wetlands Strategies and Solutions, LLC; MACC Director

13. How to Run an Efficient Conservation Office: Getting More from Your Limited Time

Learn about administrative systems, forms, and techniques to simplify the myriad responsibilities that can eat up your time. Discussion will focus on establishing efficient timelines, filing systems, agendas, minutes, and regulatory correspondences. New technologies for information management and sharing will be presented. Come away with a compendium of useful templates and forms to simplify your life in the conservation office.

Speaker: Jennifer Steel, Senior Environmental Planner, City of Newton; MACC Director
Moderator: Sandra A. Brock, P.E., LEED AP BC + C, Chief Engineer, Nitsch Engineering;
Conservation Commissioner, Town of Grafton

14. Supporting River Smart Communities in Massachusetts: Science, Policy, and Practice for Flood Resilience in Ecological Restoration

This workshop will provide: 1) scientific background on fluvial geomorphology, dynamic River processes, and fluvial hazards; 2) take-home lessons for communities on fluvial hazards; 3) specific recommendations for policy change that will help Massachusetts communities improve their flood resilience; and 4) key aspects of culvert replacement design for aquatic organism passage and available technical assistance for communities to improve flood resilience, with a focus on assessments and culvert replacement.

Speakers: Nick Nelson, Fluvial Geomorphologist, Regional Director, Inter-Fluve, Inc.; MACC Director
Eve Vogel, Associate Professor in Geography, UMass Amherst
Tim Chorey, Stream Continuity Specialist, Division of Ecological Restoration, MA Department of Fish and Game
Moderator: Nick Nelson, Fluvial Geomorphologist, Regional Director, Inter-Fluve, Inc.; MACC Director

15. Commissions Behaving Badly: Lessons in Legal Liability

You're worried and confused about possible civil rights violations, jurisdiction limits, legal violations, conflicts of interest, illegal public meetings, unfair board procedure, trespass on private property, and maybe even risky business by certain members of your commission. This workshop will confirm your worst fears as well as eliminate your unjustified worries by looking at actual cases which commissions have lost in court. Learn some painful lessons from mistakes made by others. When is your enforcement of laws too aggressive? When is your application of regulations too strict? When do your permit conditions go over the line? How much discretion does the law give you to make decisions? What if you rely on motherhood and apple pie instead of science? What if you injure or damage someone by being careless? What if you deprive someone of due process of law? What if a denial constitutes an unconstitutional taking without compensation? How should your commission comport itself to avoid or minimize such liabilities?

Speaker: Gregor I. McGregor, Esq., McGregor & Legere, PC; MACC Director
Moderator: Pamela D. Harvey, Esq., Conservation Commissioner, Town of Brookline; MACC Director

16. Reviewing Wetland Mitigation Plans

Constructing successful mitigation sites, especially small sites, can be tricky; there have been reports that constructed or replicated wetlands are often unsuccessful. However, we've also seen replication sites flourish. The goal of this workshop is to provide guidance to conservation commissions on reading wetland mitigation plans, both specifications and drawings, and in writing effective and enforceable conditions to yield successful replication areas.

Speakers: Dwight R. Dunk, LP.D., PWS, BCES, Principal, Epsilon Associates, Inc.
Michael Toohill, PWS, CE, Associate and Senior Project Manager, BSC Group, Inc.

Moderator: Delia Kaye, Director, Division of Natural Resources, Town of Concord
Allan C. Greenberg, MACC Education Committee Member

Workshop Series C
3:00 p.m.—4:30 p.

17. Protecting the Storm Damage Prevention and Flood Control Interests of Coastal Resource Areas

The Massachusetts Office of Coastal Zone Management and the Massachusetts Department of Environmental Protection will present an overview of how conservation commissions can protect the storm damage prevention and flood control interests of coastal resource areas during project review. The workshop will focus on specific technical, regulatory, and policy guidance, including coastal resource delineation methodologies (such as for primary dunes and coastal floodplains), as well as provide important adjudicatory decisions and policy direction to help ensure projects comply with performance standards.

Speakers: Rebecca Haney, Coastal Geologist and Certified Floodplain Manager, MA Office of Coastal Zone Management
Betsy Rickards, Technical Writer, MA Office of Coastal Zone Management
Lealdon Langley, Director, Wetlands Program, MA Department of Environmental Protection
Moderator: Gregor I. McGregor, Esq., McGregor & Legere, PC; MACC Director

18. Floodplain Basics for New Commissioners

This workshop is geared to new commissioners and commission staff. Topics will include a definition and description of floodplains, both National Flood Insurance Program (NFIP) and local; the use of various online mapping tools to find and examine the floodplain; an understanding of the complete NFIP definition of “development” and resulting community responsibilities; and the non-construction requirements of the NFIP.

Speakers: Joy Duperault, Director, Flood Hazard Management Program, State NFIP Coordinator & Hazard Mitigation Officer, MA Department of Conservation & Recreation, Office of Water Resources
Moderator: Margaret (Peg) Stolfa, Esq., Gordon and Rees; MACC Director

19. Interactive Q & Q for all Conservation Commission Issues

Bring your difficult questions to a round table discussion with colleagues from across the state for a peer-moderated exploration of issues commissions are facing. This will be a lightly moderated, informal, open discussion for sharing ideas, questions, and answers on all topics conservation commission. This “roundtable discussion” could include such diverse topics as basic roles and responsibilities, finances, interpersonal relations, record keeping, divisions of labor, and balancing the big picture. Participants are encouraged to suggest a topic or question on the message board at the conference, or simply come to the session with a question or example to discuss. Experienced agents and assistants will help guide the discussion.

Speakers: Jennifer Carlino, Conservation Director, Town of Norton; President, Massachusetts Society of Municipal Conservation Professionals; MACC Officer
Jennifer Steel, Senior Environmental Planner, City of Newton; MACC Director
Jacquie Goring, Conservation Assistant, Town of Stow

20. New Public Records Law in Effect – Are You Compliant – and Updates on the Open Meeting Law

On January 1, 2017, a major overhaul of the state Public Records Law went into effect. It imposes many new requirements on municipalities (and state government agencies), including appointment of Records Access Officers, posting of information on how to obtain public records, very tight time periods to fulfill requests,

restrictions on what can be charged for search and redaction time, penalties for non-compliance, and much more. This workshop will review the intricacies of the new law, how to comply, and what can happen if you do not. It will also review hot topics under the Open Meeting Law, including important administrative decisions issued by the Attorney General's Office. This workshop will bring you up to speed on best practices for these two laws that conservation commissions must know, understand, and implement.

Speakers: Kathleen Connolly, Esq., Principal, Louison, Costello, Condon & Pfaff LLP; MACC Director
James B. Lampke, Esq., Principal, Law Offices of Lampke & Lampke
Moderator: Pamela D. Harvey, Esq., Conservation Commissioner, Town of Brookline; MACC Director

21. Wildlife Habitat Assessments: How Commissions can Evaluate Potential Impacts to Wildlife

Protecting valuable wildlife habitat is critical to maintaining biodiversity, sustainable ecosystems, and rare species recovery. Under the Wetlands Protection Act, conservation commissions have been tasked with evaluating potential impacts of proposed projects on wildlife habitat within resource areas that are of regional or statewide importance. This workshop will provide commissions with the tools necessary to effectively evaluate wildlife habitat assessments, how to mitigate potential impacts to wildlife, and mechanisms to further protect valuable habitat. It will also discuss opportunities commissions may have to protect wildlife habitat located adjacent to Estimated or Priority Habitat, as regulated by the Massachusetts Natural Heritage and Endangered Species Program.

Speakers: P. Chase Bernier, CWB, Project Manager, BSC Group, Inc.
Tara Martin, Conservation Agent, City of Attleboro
Moderator: Lee Curtis, Senior Associate and Manager of Ecological & GIS Services, BSC Group; MACC Director

22. Urban Ecology and the Challenges of the Built Environment

Urban communities are now home to over 90% of Massachusetts' residents, yet the built environment is rarely discussed in conservation circles. Over the last two decades, the field of urban ecology has come to view cities as a distinct habitat worthy of study and protection. Recognizing the resource areas and protecting the public values identified in the Wetlands Protection Act can be a challenge for conservation commissions in urban communities. This workshop will explore the field of urban ecology, the unique challenges commissions face in cities, and strategies for effective operations, outreach, and advocacy.

Speakers: Tennis Lilly, Conservation Commission Chairperson, City of Lawrence
Rebecca Vielleux, Biology and Urban Ecology Teacher, Lawrence High School
Moderator: Amy Ball, PWS, CWS, Senior Ecologist, Horsley Witten Group, Inc.; MACC Officer

23. Construction Impacts: What Applicants Won't Tell You about Their Redevelopment Site

Thousands of properties proposed for redevelopment across Massachusetts are state-listed disposal sites with documented releases of oil or hazardous materials. When asked, applicants often state the truth: that their site has achieved Regulatory Closure under the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000, and is clean. However, "clean" has a regulatory definition which doesn't necessarily mean the site no longer contains contaminated soil or groundwater, or both. This workshop will show participants where to quickly find the information on the MassDEP website to determine if proposed site activities will generate contaminated soil and groundwater and discuss what to ask applicants to get the sufficient information needed to issue an Order of Conditions that will fully protect wetland resource areas and avoid the pitfalls of construction in contaminated areas.

Speakers: Marta Nover, Principal, Nover-Armstrong Associates, Inc.

Marylou Armstrong, LSP, Principal, Nover-Armstrong Associates, Inc.
Moderator: Janice S. Stone, Conservation Agent, Town of South Hadley; MACC Director

24. Creating and Implementing a Private Stormwater Maintenance Inspection Program

The Town of Westborough Conservation Commission has developed and implemented a comprehensive private stormwater maintenance inspection program that includes over 260 commercial, industrial, and high-density residential properties. This workshop will demonstrate how to: 1) collect and assess relevant stormwater data for each property; 2) develop a stormwater inspection worksheet; 3) develop and maintain a database for each property; 4) utilize the Registry of Deeds as a valuable tool in determining ownership and maintenance responsibility; and 5) interact with property owners, property managers, and tenants. Attendees will obtain a detailed understanding of how to develop a similar program in their communities.

Speakers: Derek Saari, Conservation Officer, Town of Westborough
Sheri Rullie, Conservation Administrative Assistant, Town of Westborough
Moderator: Rebekah Lacey, Esq., Miyares and Harrington, LLP, MACC Director

Fundamentals for Conservation Commissioners

10:00 a.m. – 12:30 p.m.

Unit 105: *Writing Effective Orders of Conditions*

Content: Protecting interests of the Act; boilerplate and special conditions; denials and appeals; amendments and extensions; certificates of compliance.

Instructor: Michele Grzenda, Conservation Agent, Town of Weston; Massachusetts Society of Municipal Conservation Professionals Officer

Assistant: Jennifer Carlino, Conservation Director, Town of Norton; President, Massachusetts Society of Municipal Conservation Professionals; MACC Officer

Unit 201: *Getting Home Before Midnight: How to Run an Effective Meeting*

Content: Meeting preparation; participants and their interests; group dynamics; recordkeeping; Public Records Law; communication techniques

Instructor: Nathaniel Stevens, Esq., Senior Associate, McGregor & Legere, P.C.; Conservation Commissioner, Town of Arlington

Assistant: John Goldrosen, Esq.; MACC Director

2:00 p.m. - 4:30 p.m.

Unit 202: *Protecting Wildlife Habitat*

Content: Presumption of significance for wildlife habitat; protecting habitat for rare wetlands wildlife; protections for vernal pool habitat; wildlife habitat evaluations; determining if a project will have significant adverse impacts on wildlife habitat

Instructor: Scott Jackson, Extension Associate Professor, University of Massachusetts Amherst; Conservation Commissioner, Town of Whately; MACC Officer

Assistant: Marc Bergeron, PWS, CWS, Senior Project Manager/Wetland Scientist, VHB, Inc.; MACC Director

Unit 204: *Managing Conservation Land: Inventories, Goals and Conflicts--Suite A*

Content: Resource evaluations; developing management plans; land management case studies

Instructor: Laura Mattei, Director of Stewardship, Sudbury Valley Trustees

Assistant: Brandon Faneuf, PWS, Principal, Ecosystem Solutions, Inc.; MACC Director