THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Agricultural Resources
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MDAR
MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

CHARLES D. BAKER
Governor

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Lt. Governor

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Commissioner

NOTICE

Pursuant to the provisions of the **Rights of Way Management Regulations, 333 CMR 11:00,** in order to apply herbicides to control vegetation along rights of way, a 5 year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) must be approved by the Massachusetts Department of Agricultural Resources (MDAR). Therefore, notice of receipt of a YOP and procedures for public review is hereby given as required by Section 11.06 (3).

A Yearly Operational Plan (YOP) has been submitted for: The Town of Wellesley

This plan has been prepared by and submitted to the Department by: Mr. Paul V. DePhillips, Assistant Superintendent, Wellesley Dept. Public Works.

Areas identified in the YOP as locations where treatment of Rights of Way with herbicides will be carried out in calendar year 2020 are: Streets and Roads in the Town of Wellesley

Public Review

The YOP may view at the MDAR's website at https://www.mass.gov/service-details/rights-of-way-vegetation-management-vmps-yops-and-notices

MDAR in particular seeks the verification of sensitive area locations reported in the Yearly Operational Plan (YOP). The Department itself has a limited ability to survey the geography, land use, and the water supplies in all the communities through which the rights of way are located. Municipalities, however, have most of this information readily available, and the particular knowledge with which to better certify the sensitive areas in their communities. Therefore, the Department requests, and urges, the assistance of the "affected" municipality in reviewing the completeness and accuracy of the maps contained in the submitted document. MDAR has established the following procedures for this review.

Yearly Operational Plans (YOP) and a copy of this notice will be sent by the applicant to the Conservation Commission, Board of Health (or designated health agent), and to the head of government (Mayor, City Manager, Chair of the Board of Selectmen) of the municipality where herbicides are to be applied along the rights of way during the calendar year 2020. Municipal agencies and officials will have forty-five (45) days following receipt of the YOP to review the maps contained in the document that indicate the location of "sensitive areas not readily identifiable in the field" for inaccuracies and omissions. "Sensitive areas" will be defined as in Section 11.02.

Municipal agencies and officials are requested to forward the YOP to other appropriate official(s) in their municipality qualified to certify the accuracy of sensitive area locations as indicated on the maps. The maps should be "corrected" and returned to the applicant, also a copy of the maps with these corrections indicated should be sent to MDAR to the address listed below, within the forty-five day review period. If the city or town needs more time to carry out this review, it should send a written request for an extension to MDAR and cite why there is a "good cause" for requesting additional time.

All corrections will be required to be made by the applicant, and corrected maps sent back to the city/town before the YOP can be considered "approved" by the Department for vegetation maintenance in that municipality. Any dispute on the part of the applicant regarding corrections made by municipal authorities should be indicated in writing to the Department and to the city/town which requested the disputed changes within (15) fifteen days of receipt of the request. The Department will decide whether or not YOP should be approved with or without the requested changes. MDAR will consider the "final approval" of a YOP individually for the municipality.

The final (21) twenty-one days of the public review period can serve concurrently to provide public notification as required by section 11.07 of the Rights of Way Management regulations, if the applicant has an approved VMP and if all the requisite city/town offices which have received copies of the YOP have completed their review and corrections have been duly made by the applicant and approved by the Department.

A failure by the city/town to respond to the applicant's submission of the YOP within the forty-five day public review period will be considered by MDAR to indicate agreement by municipal officials with the sensitive area demarcations as provided by the applicant in their YOP.

Any questions or comments on the information provided in this Notice and the procedures established for the municipal review as outlined above, should be addressed to:

Clayton Edwards
Right of Way Program
Massachusetts Department of Agricultural Resources
Pesticide Bureau
251 Causeway Street, Suite 500
Boston, Massachusetts 02114

Any additional questions or comments on any information provided as part of the proposed YOP should be addressed in writing to:

Mr. Paul V. DePhillips
Assistant Superintendent
Wellesley Department of Public Works
30 Municipal Way
Wellesley, Massachusetts 02481

A copy should be sent to the Right of Way program at the above address.

COMMENT PERIOD ENDS AT THE CLOSE OF BUSINESS, 5 p.m., Friday June 19, 2020