

# Belmont Citizens Forum

Vol. 3, No. 3

A Newsletter for Belmont Residents

May 2002

## *Is Belmont's Commercial Tax Rate Too Low?*

*By Tom Shapiro*

The tax rate for commercial properties in Belmont is about half that of some neighboring communities. In fiscal year 2001, for instance, our rate was \$11.86 per thousand dollars of assessed value, compared with \$23.39 in Cambridge and \$23.06 in Watertown. Given the urgent need for tax revenues to pay for town services and the continuing pressure to limit homeowners' tax burdens, some Belmont residents are wondering whether the town should reshape its tax structure, especially as several large commercial buildings are now on the drawing board. But the issue is complicated, and evaluating all its aspects requires knowledge of two important statutory provisions governing municipal taxes: Proposition 2 ½ and tax classification.

The purpose of this article is not to state a position on Belmont's tax policy, but to outline those elements of municipal tax law that will affect some of the policy issues facing Belmont.

### **Proposition 2 ½**

Almost everyone is familiar with the term Proposition 2 ½, but how many people know what it is? Prop 2 ½, as it is called, limits the amount of property taxes that a Massachusetts municipality may assess, in two ways. First, the total amount of these taxes may not exceed 2 ½ percent of the full and fair valuation of all the real and personal property in the municipality. Second, an increase in the town-wide assessment in any one year may not be greater than 2 ½ percent of the previous year's

assessment, with certain exceptions.

Belmont's total tax assessment is less than 2 ½ percent of the value of all the property in Belmont, because the current year's assessment is at the maximum permitted 2 ½ percent growth over last year. In other words, taxes may not be increased by more than 2 ½ percent over the previous year even if the total levy is less than 2 ½ percent of the assessed value of the property.

According to town figures, the total assessed value of all taxable real property in Belmont in fiscal year 2002 is approximately 16 percent higher than it was in fiscal year 2001. If the tax rate remained constant, tax revenue would increase by

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## Environmental Events Calendar

**Spring Bird Walk at Alewife.** One of the state's foremost naturalists, Peter Alden, will lead a two-hour walk through the Alewife Reservation. He will be discussing threats to native plants, and how they affect wildlife in the area. Meet at the Alewife Reservation kiosk behind the passenger pickup area on **Sunday, May 19 at 9 a.m.** Bring binoculars and a book for Spring birds. Sponsored by the Friends of Alewife Reservation. Call (617) 290-4864.

**Traffic & Transportation Committee Meeting.** This subcommittee of the Belmont Citizens Forum will meet on **Tuesday, May 21 at 7:30 p.m.** If you are concerned about pedestrian safety in Belmont, please join us to discuss ways we can influence the town's crosswalk improvement plans, which will be presented to the selectmen in June. For information, contact Mark D'Andrea at (617) 484-1844.

### Belmont Citizens Forum Officers and Trustees

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Belmont Citizens Forum, Inc.  
is a not-for-profit organization that strives to maintain the small-town atmosphere of Belmont, Massachusetts, by preserving its natural and historical resources, limiting traffic growth, and enhancing pedestrian safety. We do this by keeping residents informed about planning and zoning issues, by participating actively in public hearings, and by organizing forums on key subjects. Our newsletter is published six times a year (January, March, May, July, September, and November). Published material represents the views of the authors and not necessarily those of the Belmont Citizens Forum.

Letters to the editor may be sent to  
P. O. Box 609, Belmont MA 02478.

**Tour of Belmont Uplands.** Naturalist Ralph Yoder will lead a two-hour walk on **Saturday, May 25 beginning at 1 p.m.** The tour will include the Route 2 marsh across Acorn Park Drive from the O'Neill construction site and a glimpse of the Alewife Brook Reservation from the other side of the Little River. From Lake Street, turn onto Acorn Park Drive and park in the A. D. Little parking lot, the first one you come to on the left. Walkers will gather there. Sponsored by the Belmont Citizens Forum. For more information, call (617) 484-1844.

**Western Greenway Walk.** Join Roger Wrubel, director of the Habitat wildlife sanctuary, for a 3.25-mile trek through the wetlands, meadows, and forests of this thousand-acre greenway. **Monday, May 27 from 8 a.m. to 11:30 a.m.** Walkers will depart from the Habitat visitors' center at 10 Juniper Road in Belmont and proceed through the McLean Hospital open space, the Rock Meadow conservation area, the Metropolitan State Hospital land, and the Olympus Hospital grounds. The walk will end on the historic 18th century Bow Road in Waltham. Cars will bring participants back to Habitat at 11:30. Please bring water and wear long pants. The walk is free, but you must call (617) 484-1844 in advance to register, as space is limited. Sponsored by the Belmont Citizens Forum and the Citizens for Lexington Conservation.

**Biodiversity Days.** Help to inventory native species of plants and wildlife around the Alewife area, at Fresh Pond, or in your own backyard during this annual event, sponsored by the Massachusetts Executive Office of Environmental Affairs, which takes place **May 31 through June 3.** You can download detailed checklists of flora and fauna in your area by visiting <http://mass.gov/envir> This is a great opportunity for children as well as adults to learn about the wealth of wildlife in the community and how to protect it. The state EOEA is trying to identify at least 200 species in every town.

*Right, Belmont's first free-standing library, now the School Administration Building, was given to the town in 1902 by Henry O. Underwood, in memory of his parents.*

# Voters Approve Town Hall Complex Renovation

By Sharon Vanderslice

In a townwide referendum on April 1, Belmont residents approved a debt exclusion for the purpose of rehabilitating the Town Hall complex and making it accessible to the disabled. Belmont has been under court order to make its town offices accessible since 1996, as required by the Americans With Disabilities Act.

On April 22, Town Meeting voted by a wide margin (217 in favor, 57 opposed) to appropriate funds for the design phase of the project. Construction is scheduled to begin by May 2003 and be completed by September 2004. Both the Town Hall Annex, on Moore Street, and the School Administration Building, on Pleasant Street, will be completely renovated. The third floor of the original Town Hall, which was left unfinished during the renovation of that building in 1999, will be converted into office space.

The total project cost is currently estimated at \$11.95 million, which will be financed through long-term borrowing. Town Treasurer Susan Kendall Freiner said recently that the Town Hall

Complex and the high school track and field may be financed as one project, in order to minimize the fixed costs associated with negotiating bonds. Long-term interest rates on Triple A bonds are currently about 4.75%. Short-term rates are considerably lower, but capital projects of this kind can be funded through such bond anticipation notes (called BANs) for only three years, said Freiner. The financing rate for this particular project will not be determined until the money is actually borrowed.

At Town Meeting in April, the project's architect, Tadhg Sweeney, explained that 60 percent of the cost is for deferred maintenance on these historically significant structures, each of which is over a hundred years old. The slate roofs will be repaired, the brick facades repointed, the heating and ventilating systems updated, the buildings rewired, and the windows replaced for energy efficiency.

Fifteen percent of the cost is for improvements that make it possible for disabled employees and visitors to use the buildings. There will be new entries at grade level; new elevators, stairs, and toilet rooms; wider doors with accessible hardware;

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## Town Hall Complex, *continued from page 3*

wheelchair-accessible counters; appropriate parking spaces; and sidewalks with the proper slope.

Another 14 percent of the project cost is for upgrades required by current building codes. This includes sprinkler systems, fire alarm systems, structural upgrades to meet seismic requirements, and removal of asbestos and other hazardous material.

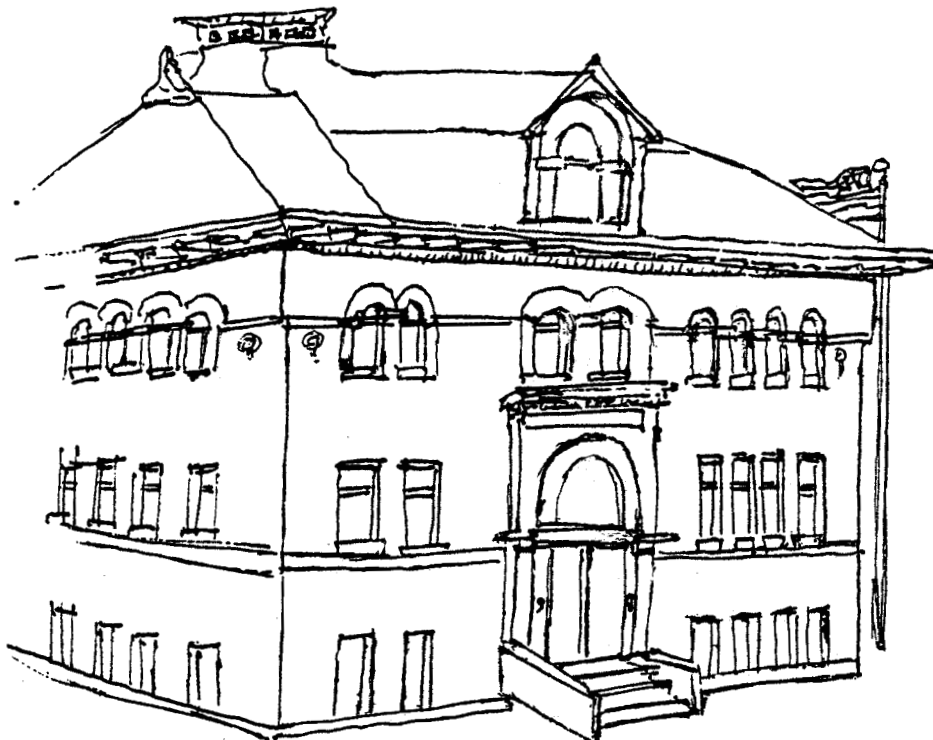
The remaining 11 percent of the budget will pay for renovations that improve levels of service. For example, a new Public Service office will be located on the first floor of the Annex to provide general information and direct visitors to the right departments. Individual town departments will be relocated for maximum efficiency. Conference space will be available on each floor. And the third floor of the Annex, currently unused, will be renovated to house the Youth Services department as well as three training and activity rooms. There will also be more parking spaces available for visitors, because some employee spaces will be moved off-site.

Taken together, these improvements should make the buildings available for a wider range of activities. Youth Services, for instance, may have room to offer programs for young people after school or in the evenings.

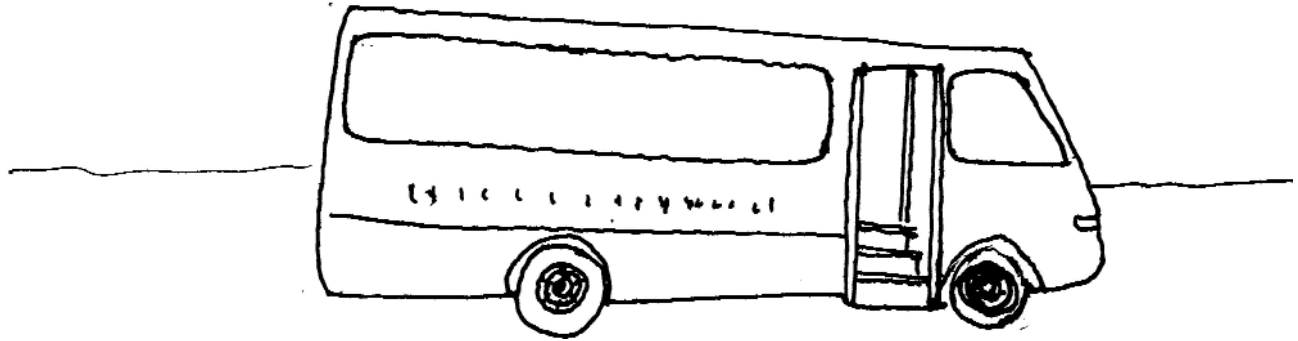
While the exteriors of the rehabilitated Town Hall Annex and School Administration Building will remain fairly intact, the interiors will change substantially. The Town Hall Complex Building Committee, headed by Joel Mooney, a town resident and a professional engineer, is working with the Disability Access Commission to ensure that the project complies with all federal requirements. The committee is also working with the Historic District Commission to ensure that the public faces of the buildings are properly preserved. All three buildings are within the Pleasant Street Historic District, and the Town Hall Annex was recently declared one of the ten most endangered historic resources in the state by Historic Massachusetts, Inc. The Annex, once the town's high school, was designed by a renowned local architect, Eleazar B. Homer, the grandson of one of Belmont's founding fathers, J. Oliver Wellington.

The planned rehabilitation will make the grounds more accessible too by reducing vehicular traffic and improving pedestrian flow throughout the complex. The Memorial Park facing Concord Avenue will be integrated into the overall design.

*For more information on the history of these buildings, see the July 2001 issue of this newsletter.*



TOWN HALL ANNEX



## *Improving Public Transportation in Belmont*

Tired of traffic tie-ups driving cross-town? Frustrated by the perennial lack of parking near town businesses? Want to know more about traffic mitigation options? Traffic congestion in and around Belmont has become a hot issue, and interest will continue to mount as the Town debates the use of the Belmont Uplands and watches the McLean Land development unfold.

You are invited to hear two experts present their thoughts on public transportation in Belmont. **Caroline Connor, Executive Director of the 128 Business Council**, will discuss transportation alternatives, including bus service to the Alewife T Station, that could connect to existing MBTA services; the positive impact such services could have on town traffic; and possible funding sources. One example of such alternative public transit is the Waltham CitiBus that runs between Waltham and Waverley Square.

**David Carney, MBTA Manager of Service Planning**, will describe the MBTA's current services in Belmont, recent adjustments to these services, and some of the service changes that have been suggested in the past.

Join us for an interesting presentation and lively discussion – there will be plenty of time for questions and answers – in the informal atmosphere of Bramhall Hall at All Saints' Episcopal Church. Refreshments will be served.

**Tuesday, June 4, 7:30 p.m.**

**All Saints' Parish Hall, Corner of Clark and Common Streets**

**Sponsored by Friends of the Belmont Citizens Forum**



ROCK MEADOW

# New Crosswalks For Concord & Lexington Sts.

In order to test the effectiveness of a new international-style crosswalk, the Belmont Citizens Forum offered, and the Board of Selectmen accepted, a \$2500 donation to be used for demonstration crosswalks in several locations. Belmont's Traffic Advisory Committee, after reviewing a long list of candidates, recommended that the crosswalks be installed on Concord Avenue at Watson Road, at Orchard Street, and at the Post Office, and on Lexington Street at both Burnham and Sycamore. Linda Nickens, Vice Chair of the town's Traffic Advisory Committee, said that these five were chosen because they are near schools and located on major approaches to the town, roads that are heavily traveled by both motorists and pedestrians.

"We wanted the first ones to be in highly visible locations to put drivers on notice that this is a town where we have lots of people who walk and cross the street," Nickens said. On May 6, the selectmen approved these five sites and work is expected to begin shortly.

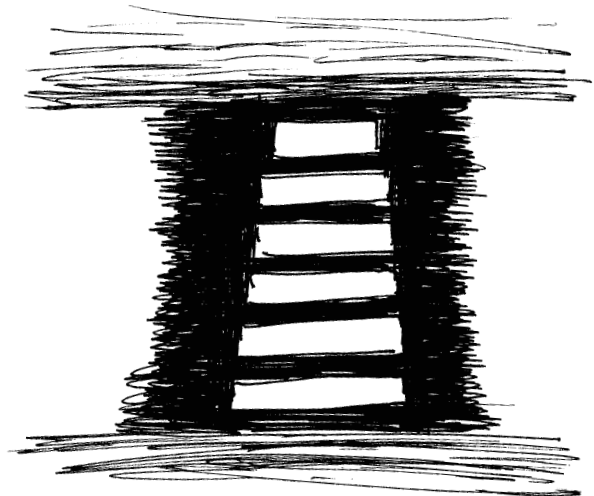
There have been one pedestrian fatality and at least two serious injuries in the past year and a half, and partly because of these incidents, pedestrian safety has moved higher on the town's agenda. In

February, the selectmen voted to set aside \$150,000 in pavement management funds for crosswalk enhancements and related traffic safety measures. Belmont's Traffic Advisory Committee has since drawn up a prioritized list of intersections on which this money should be spent.

The five demonstration crosswalks funded by the Belmont Citizens Forum will have wide, thick stripes applied with either thermoplastic or epoxy. The two materials will then be evaluated to see how visible they are and how long they last.

"These intersections are the beginning of a comprehensive pedestrian safety plan being formulated by the TAC," the committee said in its report. The TAC is to present the remainder of its plan to the selectmen by June 24. It will include enhancements to many more crosswalks, and in some locations, a recommendation that lights be embedded in the pavement and/or breakaway cones installed to make the crosswalks easier to see from a distance. If there are sufficient funds, said Nickens, the town may be able to bump out the curbing in some places in order to shorten the crossing distance.

—Sharon Vanderslice



# *Business Properties Here Are Taxed at Same Rate*

*Continued from page 1*

that same 16 percent, resulting in an increase of \$6.2 million over the \$39 million assessed in 2001. In fact, due to the second of the Prop 2 ½ restrictions, the tax levy instead increased by approximately \$3.8 million. This was approximately a 10 percent increase, resulting primarily from a \$3 million override approved in the spring of 2001.

There is an important exception to the restriction limiting taxes to 2 ½ percent more than the prior year. The total collected may increase beyond 2 ½ percent if the assessed value of any property rises, unless that increase is a result of the revaluation of the entire city or town. This is the so-called “new growth” exception. It means that the town can collect more in property taxes if you expand your house, build on vacant land, or replace a low-value building with one of higher value. In fiscal 2002, the town

realized \$400,000 in taxes from increases in assessed values independent of any townwide revaluation.

## **Overrides and Debt Exclusions**

A municipality may override either of the Prop 2 ½ restrictions (the total levy size or the annual rate of increase) by the vote of its Board of Selectmen and of the residents. In each case, the Board of Selectmen must first decide to submit an override to the voters. An override of the first restriction, the total levy limit, requires a two-thirds vote of the selectmen before it can be submitted to the residents. Then, depending on the amount of the proposed override, either a majority or a two-thirds vote of those casting ballots is required for approval.

The second Prop 2 ½ restriction—that taxes should not increase by more than 2 ½ percent over the prior year—may also be overridden in any given





# *as Residential Ones, But That Could Be Changed*

year. The Board of Selectmen, by a majority vote, may seek voter approval to assess additional taxes by a specified amount. A majority of the persons voting is required for approval.

Finally, the Prop 2 ½ restrictions may be exceeded if a town vote approves additional taxes for specified capital outlay expenditures or to pay principal and interest on debts incurred for a specific purpose. This requires a two-thirds vote of the Board of Selectmen and a majority of the voters. Examples of exceptions to the Prop 2 ½ restrictions are the recent voter-approved debt exclusions for the high school track and field improvements and the Town Hall Complex renovation.

## **Tax Classification**

State law authorizes municipalities to classify real property for the purpose of assessing taxes. The four permitted categories are residential, open space, commercial, and industrial. Commercial and industrial property can be taxed at a higher rate than the residential one, subject to certain limits. State law also authorizes an exemption from the higher rates for small businesses. However, because Prop 2 ½ limits the total amount of taxes the town can assess, classification cannot be used to increase the town's revenue; it can only shift the tax burden between classes of property. This means that tax classification is not a way to increase the amount of revenue the town can raise, but it could lead to a small reduction in the residential tax rate while maintaining the total amount of tax revenue.

Each year, the Belmont Board of Selectmen considers whether to adopt classification. The selectmen have not done so, probably because the small amount of commercial and industrial property in Belmont has meant that even the largest permitted hike in the commercial tax rate would produce only a marginal decline in the residential rate. Over 94 percent of the assessed value of real property in Belmont is residential, with commercial and industrial yielding less than 5 percent. The maximum permitted differential between commercial and residential rates is 50 percent. If this differential in tax rates had been adopted, it would have increased the

commercial/industrial tax rate by \$5.60 in fiscal year 2002, but reduced the residential rate by \$0.33, or 2.8 percent. Such a rate reduction would result in a decrease of \$184 in taxes on a home with an assessed value of \$560,000, which is the average value of homes in Belmont.

The City of Cambridge has relied on classification since 1984. Even though approximately 40 percent of the assessed value of all real property in Cambridge is commercial and industrial, those property owners pay about 66 percent of the total property taxes. Arlington and Winchester do not have tax classification; Watertown, Waltham, and Lexington do.

In fiscal year 2001, the Belmont tax rate for all classes of property was \$11.86 per \$1000 of assessed value. By comparison, the residential rate in Cambridge was \$9.21, and the commercial/industrial rate was \$23.39, about twice the rate in Belmont. The rate for commercial/industrial property in Watertown in fiscal year 2001 was \$23.06, comparable to the Cambridge rate.

The commercial properties in Belmont with the 10 largest property tax bills were assessed a total of \$1,041,763 in property taxes for fiscal year 2002, ranging from tax levies of \$521,000 to \$97,000. Adopting tax classification with a 50% higher rate for commercial/industrial properties than for residential properties would raise an additional \$500,000 from the 10 largest commercial taxpayers. The largest commercial tax bill in Belmont would be increased by approximately \$52,000. Figures were not readily available as to the total amount of increased taxes that would be assessed on all commercial/industrial properties in Belmont if tax classification were adopted with the maximum permitted differential between commercial/industrial and residential properties.

## **Policy Implications**

Clearly, the tax laws raise a number of important policy issues. Does Belmont want to adopt tax classification as a way of discouraging commercial development or in order to put the town on a par

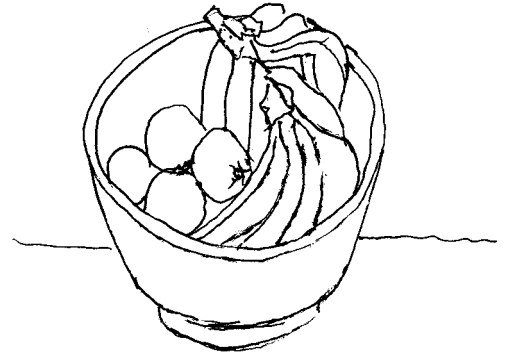
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## Commercial Tax Rate, *continued from page 9*

with Cambridge and Watertown in terms of commercial/industrial tax rates? Or does Belmont prefer to encourage commercial development by maintaining a relatively low property tax rate for commercial developers? New commercial development that increases the value of the developed property generates additional tax revenue that is not subject to the Prop 2 ½ restriction. If the town were to approve a new commercial development to obtain additional tax revenue, should it adopt tax classification in order to maximize the added tax revenue? On the other hand, would the higher commercial tax rate drive some existing businesses out of Belmont, resulting in a loss of revenue? Would the increased costs of municipal services necessitated by commercial development offset any additional taxes? These

and other issues deserve careful consideration by the residents of Belmont.

*Tom Shapiro practices law in Boston. He lives in Belmont with his wife and three children and is a member of the board of the Belmont Citizens Forum.*



## Updates

**New Noise By-Law Approved.** In April, Belmont Town Meeting approved a new noise by-law that proponents say will be easier for the town's police officers to enforce. Three significant amendments to the by-law also passed. One, proposed by Belmont resident Bill Trabilcy, allows enforcement officers to measure home maintenance noise less than 50 feet from the source, if the placement of nearby buildings makes it difficult to take a reading at the standard 50-foot setback. This would be helpful in neighborhoods where the houses are very close together, Trabilcy explained. Another amendment, suggested by Belmont's state representative, Anne Paulsen, would make it possible for the town to draft construction noise agreements for individual projects that contain stricter noise limitations than those set forth in the new by-law. Paulsen presented the amendment after a few Town Meeting members

stated their concerns about jackhammer noise from the proposed McLean development near Waverley Square. A third amendment, advocated by Cemetery Superintendent Bob Gardiner, would permit earth-moving equipment at the cemetery to operate at a higher noise level than would otherwise have been allowed.

**Selectmen Approve Fire Station Site.** The Board of Selectmen has approved the idea of locating a new Fire Department Headquarters on a Trapelo Road parcel that is the site of a former Volkswagen dealership. Before the headquarters can be built, however, the town must agree on a purchase price with the owner of the property and meet with neighbors and abutters to the site. The exact location of a second new fire station, which the Fire Station Consolidation Committee recommends putting somewhere in Belmont Center, has yet to be determined. Business owners there remain concerned about a possible loss of parking spaces in the vicinity.

# McLean: Junction Brook Appeal to Continue

The board of the Belmont Citizens Forum has decided to continue its appeal within the state Department of Environmental Protection for protection of Junction Brook as a perennial stream. More than 80 Belmont families have donated or pledged the funds needed to proceed with the appeal.

Junction Brook, which tumbles down a hill on the McLean Hospital property to Pleasant Street, is only about 900 feet long from culvert to culvert, but it is important both hydrologically and in its impact on the proposed McLean development. It supplies more than a third of the water for Wellington Brook, which feeds Clay Pit Pond.

Although it is just a remnant of the brook that used to bubble up through Waverley Spring, seep through wetlands now buried under a McLean parking lot, and flow down the side of the hill, the Forum board believes that this short natural stream is still worth the effort to protect it from further degradation.

Protecting the stream is also likely to reduce the amount of development on the McLean land.

Getting Junction Brook declared intermittent was a top priority for McLean, according to records of a closed Task Force meeting that were made public late in 1999.

American Retirement Corporation, developer of the 600,000-square-foot senior complex, which represents about 60 percent of the new development proposed for the McLean land, told the Conservation Commission that the project could not go ahead as planned if Junction Brook was declared perennial.

The Citizens Forum and twelve other appellants filed on January 30, 2002, for a DEP adjudicatory hearing before an administrative law judge, because the filing had to be

made within ten business days of the DEP regional office's ruling that the brook was intermittent.

Before deciding this spring to proceed with the appeal, the board again reviewed the legal issues.

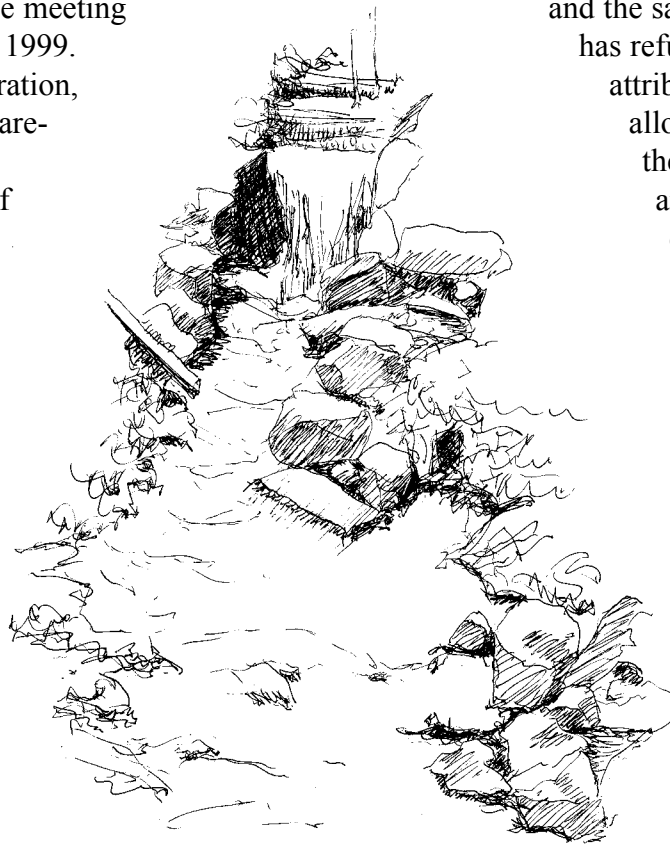
The question is why Junction Brook now sometimes goes dry, when those who've observed it over many years had never seen it dry before. The regulations provide that streams are legally perennial if they would be perennial but for "drawdown." No legal precedents, however, define the exact meaning of "drawdown."

Some groundwater that should flow into Junction Brook appears to run into a sanitary sewer that lies parallel to the brook. McLean's own tests found 10 to 20 gallons of water per minute in that sewer in the predawn hours, when no laundry or dishwashing could explain it. If just 20 percent of that water was restored to the brook, said a hydrologist hired by the Citizens Forum, Junction Brook would once again be perennial.

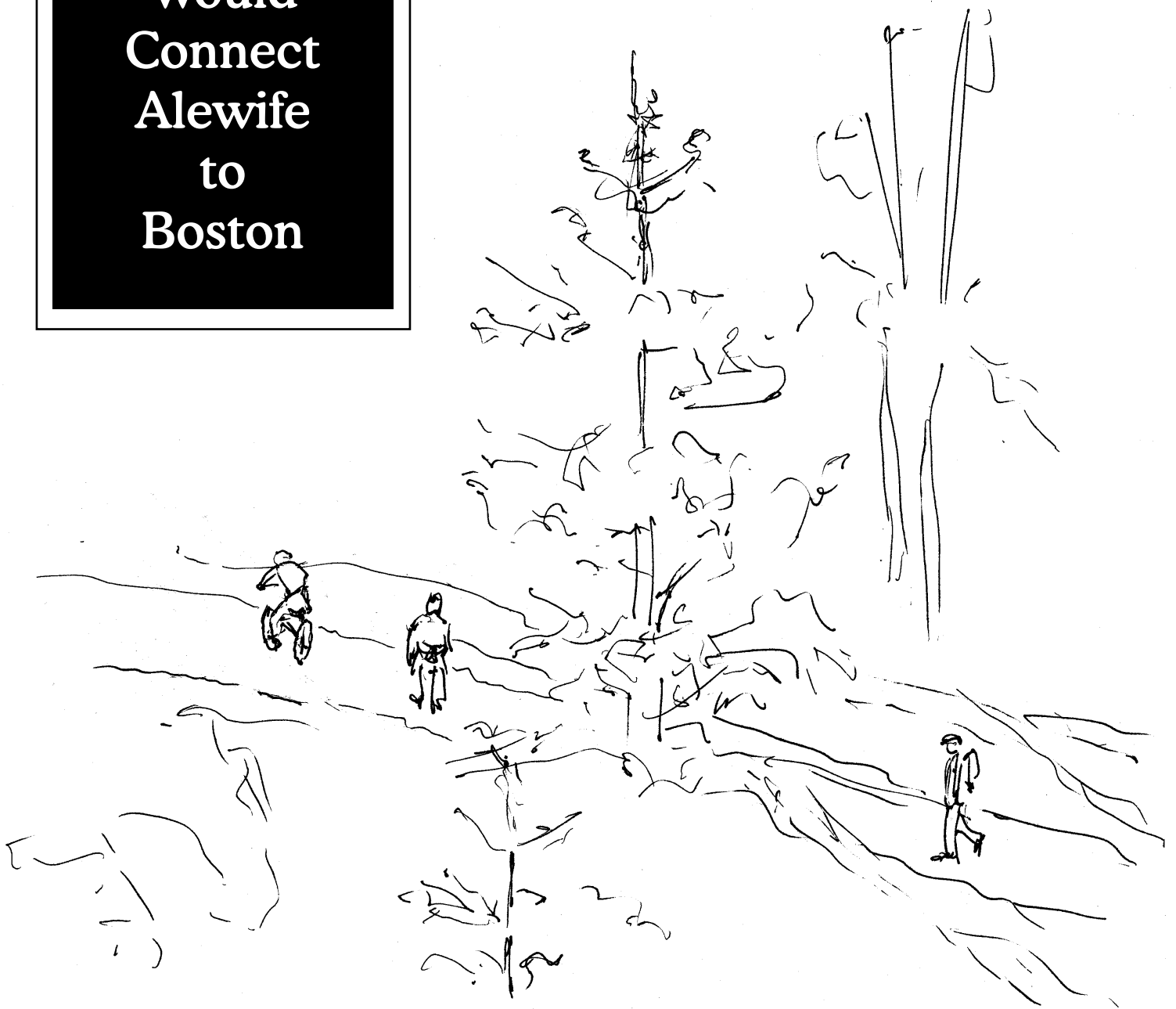
How does the water get into the sewer? The appellants have long asked that dye tests be performed to see whether there are underground connections between stormwater pipes and the sanitary sewer, but McLean has refused permission. McLean attributes the flow to leaks that allow groundwater to seep into the century-old sewer. It argues (without citing precedent) that such infiltration is not legally "drawdown." These legal and factual issues will be seriously examined during the appeal process.

The appellants believe that, at this level of the proceedings, the administrative law judge will require McLean to produce the information they are seeking.

— Sue Bass



**Somerville  
Community  
Path  
Would  
Connect  
Alewife  
to  
Boston**



*By John Dieckmann*

Although the proposed Wayside Rail Trail through Belmont is still far from a reality, plans for other community paths in our region are moving forward. The term “community path” refers to rail trails (such as the Minuteman Commuter Bikeway in Cambridge, Arlington, Lexington, and Bedford) and similar multi-use recreational trails that exclude motor vehicles. They are used for walking, jogging, in-line skating, bicycling, and other forms of self-powered transportation. One such trail, currently in the design phase, is the Somerville Community Path.

This path is a proposed 2 1/2 mile-extension of a narrow, half-mile-long park that begins at Davis Square and now ends at Cedar Street. The completed path will continue eastward from Cedar Street along an abandoned rail bed for about a quarter of a mile, and just beyond Lowell Street, it will merge with the rail bed used by the commuter trains to Winchester and the North Shore. Plans call for the path to follow this wider rail bed to the Cambridge City line, via Lechmere Square, and continue on to the Charles River. Since the Davis Square Extension of the Minuteman Bikeway connects the east end of the Minuteman (at the Alewife T station) to Davis Square, the Somerville Community Path will be part of a continuous route from Bedford all the way to the Charles River, near the Museum of Science.

A few weeks ago, on a sunny Saturday afternoon, I rode my bicycle from the Alewife T station, along the Davis Square Extension of the Minuteman, and through the linear park to its present end point at Cedar Street, and then rode back. I wasn't counting, but I estimate that I passed several hundred people during this short ride. (Note that the Minuteman is the most heavily used recreational path in the United States.) Bicyclists were outnumbered by skaters, who were in turn vastly outnumbered by those on foot. Most of them were walking, some with baby carriages; the rest were joggers. The linear park varies in width from 50 to 70 feet, and is nicely landscaped with grass, shrubs, and trees. A block or so from Davis Square, there are a few dozen community garden plots; several people were hard at work as I passed by.

The Community Path has the enthusiastic sup-

port of Somerville Mayor Dorothy Kelley Gay and a neighborhood group called the Friends of the Community Path. The project is now in the early design stage, and the Friends Group is working to obtain the necessary design funds, a right-of-way from the MBTA, and wider community support for the proposed extension. To ensure that the concerns of abutters are heard and addressed, neighborhood meetings are being held along the proposed route. The City of Somerville has allocated \$80,000 for the design, which is between one-third and one-half of the funds required. The Friends have raised an additional \$3500 and are helping the city to apply for a Mass Pike tourism grant.

The project can affect Belmont's Wayside Rail Trail in two ways. First, because it deals with the challenges of locating a path next to an active rail line, it could provide a model for the Belmont Bikeway Planning Committee, which faces similar issues. Second, all extensions from the Alewife rail trail “hub” increase the value of other potential extensions, of which the Wayside is one. Extensions are also proposed along Alewife Brook and the Mystic River.

*John Dieckmann is a Town Meeting Member from Precinct 3.*

## **Wayside Rail Trail Update**

The Rails-to-Trails Conservancy hopes to get the entire rail bed of the former Central Massachusetts Railroad developed into a continuous 100-mile rail trail, beginning at Alewife and heading west to Northampton. A workshop to build political support in towns along the route will be held on May 31 in Clinton, Massachusetts. For more information, please contact John Dieckmann at [dieckmannj@aol.com](mailto:dieckmannj@aol.com) or (617) 489-1423.

## **Where Dogs Can Run**, *continued from page 16*

Massachusetts. Indeed, it may have inadvertently opened up the Belmont wildlife sanctuary to those from neighboring communities who found it to be a dog park with superbly maintained woodlands of wide paths and tall evergreens, a year-round setting that many mistakenly assumed was open to the public, with no charge.

For years, the people who managed Habitat seemed to look the other way when dogs were let off the leash to run free. This no doubt led the dog owners to believe the staff was dog-friendly, although this was not exactly so. Audubon employees feared, with justification, that dogs running free in the woods would frighten nesting birds and drive them away and also disrupt other wildlife, including foxes and coyotes, that live on Audubon land. Habitat employees took this up with the dog owners they encountered, but lacked a systematic way to enforce their rules. McLean still allows Belmont residents to walk dogs freely in its open space off Concord Avenue across from Highland Farm, although signs say that dogs must be leashed. If and when that land is turned over to the town as part of the McLean-Belmont rezoning agreement, the town leash law will be enforced there.

### **Animal Control Officer Issues Tickets**

Meanwhile, at Rock Meadow, on land deeded to Belmont in the late sixties, people come from all over to walk their dogs, usually unleashed. In the last decade, this property, beloved of bird-watchers, picnickers, gardeners, and bikers, became less hospitable to the free-spirited dog. The animal control officer frequently issued tickets to people who never before had considered leashing their dogs there.

This happened elsewhere in Belmont, too, as unleashed dogs bothered residents in the parks and playgrounds. A bylaw requiring owners to keep their dogs leashed on public property has been on the books for many years, but in a town where roughly ten percent of the families own dogs, complying with this law was, until a few years ago, left largely up to the owners. Until 1992, the Belmont Police Department handled complaints about loose dogs or barking dogs, and in rare instances, issued tickets, but the matter never seemed to be one of its

primary concerns.

Yet it was in that decade that dog owners began to feel pressure from changes that had actually begun decades earlier. The environmental movement had awakened residents to the need to protect valuable open space for people and wild creatures. The guardians of this land, which was attracting more visitors every year, began to curtail the freedom of unleashed dogs. The rising number of young children growing up in Belmont in the last ten years tipped the balance against dog play in parks and school fields, which now seem inadequate for the school population.

### **Dog Waste Can Be a Problem**

There is no doubt that dogs present a problem for wild creatures, as Roger Wrubel, director of Habitat, can verify. The effects of unleashed dogs on visitors to Belmont's open spaces may, however, be easier to assess. Wrubel, and John Margulanis, the full-time pet control officer hired in November, say that they continue to receive complaints from residents and visitors that unleashed dogs bother them at Habitat and at Rock Meadow and frighten their children. Both men insist that there are no plans to ban dogs from Habitat or from those open spaces where they are currently allowed on leashes. They are, however, banned from the parks and playgrounds, and this law is now strictly enforced. Margulanis visits all parks and playgrounds at least twice a day.

This practice has lessened, but not eliminated, complaints about dog waste, never a pleasant subject, even for dog owners, who often refuse to pick it up after their dogs have satisfied their urges, even though the law requires that they do so on public land. Habitat has tried to enforce its own rules. There is a substantial trash container there and a supply of "mutt mitts," plastic bags with which visitors may pick up their pet waste and deposit it in the container. According to Wrubel, Habitat employees collect sixteen pounds of the stuff twice a week and still find it on the paths. At Rock Meadow, according to Margulanis, dog refuse is a downer. Dog litter was one reason that soccer moms and dads objected to dogs on playing fields, although their primary concern was safety.

Dog owners are often the last people in any

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community to recognize the problems that dogs present to an expanding population in a shrinking landscape. The owners are fiercely loyal to their dogs, whose needs cannot be ignored. After all, dogs are no less deserving of our care than the wild creatures we seek to nurture in our midst. Big dogs have to run free for exercise and it seems almost unkind not to let dogs wander off-leash in a pastoral setting. As one dog owner, a responsible citizen of the town, recently declared, "Dogs aren't hamsters, for God's sake!"

## **Designated Dog Park Discussed**

Belmont, as it tries to address the needs of dog owners, conservationists, ball players and weekend strollers, will soon designate a piece of land where dogs will be able to romp freely. The Conservation Commission has not yet decided on the site, but it may be a plot in the vicinity of Rock Meadow. It won't be as appealing, perhaps, as Habitat or Rock Meadow or Beaver Brook, but thanks to the open space still available in Belmont, it will be larger than, say, the spaces available in Newton. Meanwhile, people can still walk dogs on a leash at Rock Meadow and at Habitat, which seems more than fair.

Belmont is not Paris, where dogs dine in restaurants with their owners. It is not Beijing, either, where until recently dogs were banned, and where, even now, a stray dog may end up as someone's dinner. We seem to have maintained, for now, a certain equilibrium of our own.

*Peter Rand is a dog owner who lives in Belmont.*

## **Folk Music CD Available**

*"Thank You for the Music: A Collection of Memories from the Belmont Folk Festival," assembled by local musician Peter Johnson, has been offered as a gift to anyone who makes a donation of \$50 or more to the Belmont Citizens Forum. Please let us know if you would like to receive a copy by checking the appropriate box on the coupon above.*

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*People Are Asking*

## **Where Can A Dog Run in this Town?**

*By Peter Rand*

There may be, as my Uncle Jake said around twenty years ago, less and less room in this world for dogs. He was not lamenting the matter, as I recall, but simply stating a fact. The world’s population is expanding, open space is diminishing, and we all want our needs and those of our children to be met. In a suburban setting, dogs are a pleasure, sometimes even a necessity, but they can also be a threat to the equilibrium of our ever-increasing confinement.

In many ways, Belmont, until the last decade of the twentieth century, was the ideal community for

the suburban dog fancier. Not that the town was unaware of the problems that dogs can present; the law was clear about that. But, because of the open space on its outer reaches, Belmont was seen as a partly rural setting. That view encouraged dog owners not to worry too much about leash or trespassing laws, even, alas, litter laws.

Twenty years ago, Belmont dog owners let their pets run free on the grounds of Highland Farm and McLean Hospital, which, while not public land, were “dog-friendly.” Belmont Hill residents allowed their animals to roam unleashed, on land that now belongs to Audubon Society, but was privately owned until the late 1960s. Many of these residents were friends and neighbors of the owners, who evidently saw no reason to curtail trespassers.

The Audubon Society apparently recognized this when it acquired Highland Farm and, in a concession, made the area an exception to the rule that bans dogs on other Audubon properties in

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