

# Belmont Citizens Forum

Vol. 4, No. 1

A Newsletter for Belmont Residents

January 2003

## *Town, McLean Developer Debate Housing Cost*

*By Sharon Vanderslice*

One of the benefits of the McLean Hospital rezoning, touted by both town and hospital officials, was the provision that 30 of the 603 new residential units to be built on the property would be affordable. As recently as October 2002, McLean Hospital ran an ad in the *Belmont Citizen Herald* stating that the rezoning would provide "Affordable Housing Opportunities in the Senior Community."

Housing advocates hoped that the hotly-debated agreement, approved by Belmont Town Meeting and the town's voters in 1999, would bring the town closer to the state's goal of having 10 percent of all residential properties be affordable. (Currently, only 2.6 percent are.)

Now, authorities say, that promise may never become a reality.

The wording of a clause in the McLean bylaw could allow the developer of the senior living complex to sell all 30 of these "affordable" units to people whose annual income is 119.9% of the median for the Greater Boston area. Such units would be too expensive to qualify as affordable under the state's Anti-Snob Zoning Law, Chapter 40B of the Massachusetts General Laws, and thus would do little to deter additional development on Belmont's open spaces or address the need for reasonably priced housing for Belmont's senior citizens.

Market-rate apartments in senior living communities like the one that American Retirement Corporation, of Nashville, Tennessee, has contracted to build on the McLean land typically sell for between \$240,000 and \$560,000. ARC announced

three years ago that the average cost of an independent living apartment at the McLean site, where it plans to build 482 independent living, assisted living, and nursing care units, would be about \$350,000. Purchasers of these apartments are not buying homes in the traditional sense, i.e., real estate that could serve as collateral in the eyes of a mortgage lender. Instead, they are buying "life estate condominiums," which must be paid for up front in a lump sum and which revert to the developer upon the death of the occupant. In addition to

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## Environmental Events Calendar

**Pioneer Naturalists.** Join Mike Hansen of the Massachusetts Audubon Society for a discussion of the early environmentalists (Emerson, Thoreau, Tilden, Leopold, Muir, and others) and what they have to say to us today. In our technology-based, multi-cultural society, are the thoughts and opinions of the past relevant? Have our increasing knowledge and our staggering ability to modify our surroundings changed our relationship to the natural world? **Tuesday, January 28, 7:30 – 9 p.m.** Habitat Wildlife Sanctuary, 10 Juniper Road, Belmont. \$12 for Mass Audubon members, \$15 for non-members. For registration information, call (617) 489-5050.

**Wildlife at Alewife Reservation.** Lifelong naturalist David Brown will give a slide presentation describing the results of the wildlife assessments he conducted for the Friends of Alewife Reservation. He will show the tracks and other signs of some of

### 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 or [editor@belmontcitizensforum.org](mailto:editor@belmontcitizensforum.org)

the more surprising animals that were found there. **Wednesday, January 29 at 7 p.m.** in the Robbins Library Community Room, Arlington Center. Sponsored by the Mystic River Watershed Association.

**Slide Tour of the Western Greenway.** The greenway comprises over 1000 acres of interconnected open land and cultural resources in Lexington, Waltham, and Belmont—just seven miles from downtown Boston. On **Wednesday, January 29 at 7:30 p.m.** in Belmont (see page 12) and on **Thursday, January 30, at 8 p.m.** in the Selectmen's Room at 1625 Massachusetts Avenue in Lexington, Roger Wrubel, director of the Habitat, will give a virtual tour of the greenway, discuss historical legacies, and suggest ways to preserve this suburban wilderness. The January 30th talk, sponsored by Citizens for Lexington Conservation, will be preceded by a brief annual meeting to elect officers for the year. The public is invited. Call Eileen Entin at (781) 862-6418 or Keith Ohmart at (781) 862-6216 with questions.

**Winter Night Walk for Families with Children.** Learn about nocturnal animals on a walk with Fran Hutchinson and Jane Higgins at Habitat Wildlife Sanctuary, 10 Juniper Road, Belmont. Whoooo is awake and how do they find their way? Find out how animals use their senses to survive in the dark. **Thursday, January 30, 7:00 — 8:30 p.m.** Families with children aged five and older are welcome. Wear warm, dark clothing. \$6 per person for Mass Audubon members, \$8 for non-members. Call (617) 489-5050 for registration information.

**Snow Picnic.** Families with children aged five or older are invited to a midwinter celebration at Habitat Wildlife Sanctuary on **Sunday, February 9, 11 a.m. to 1 p.m.** Sing and make snowflakes indoors, then head outside for a picnic lunch. The program will end with cocoa and cookies. Each family will receive a spring bulb to take home for indoor blooming. Dress warmly. Bring a lunch and something to sit on in the snow. Led by Hilary Hopkins. 10 Juniper Road, Belmont. \$6 for Mass Audubon members, \$8 for non-members. Call (617) 480-5050 for registration information.

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# Local Rail Trail Could Extend to Northampton

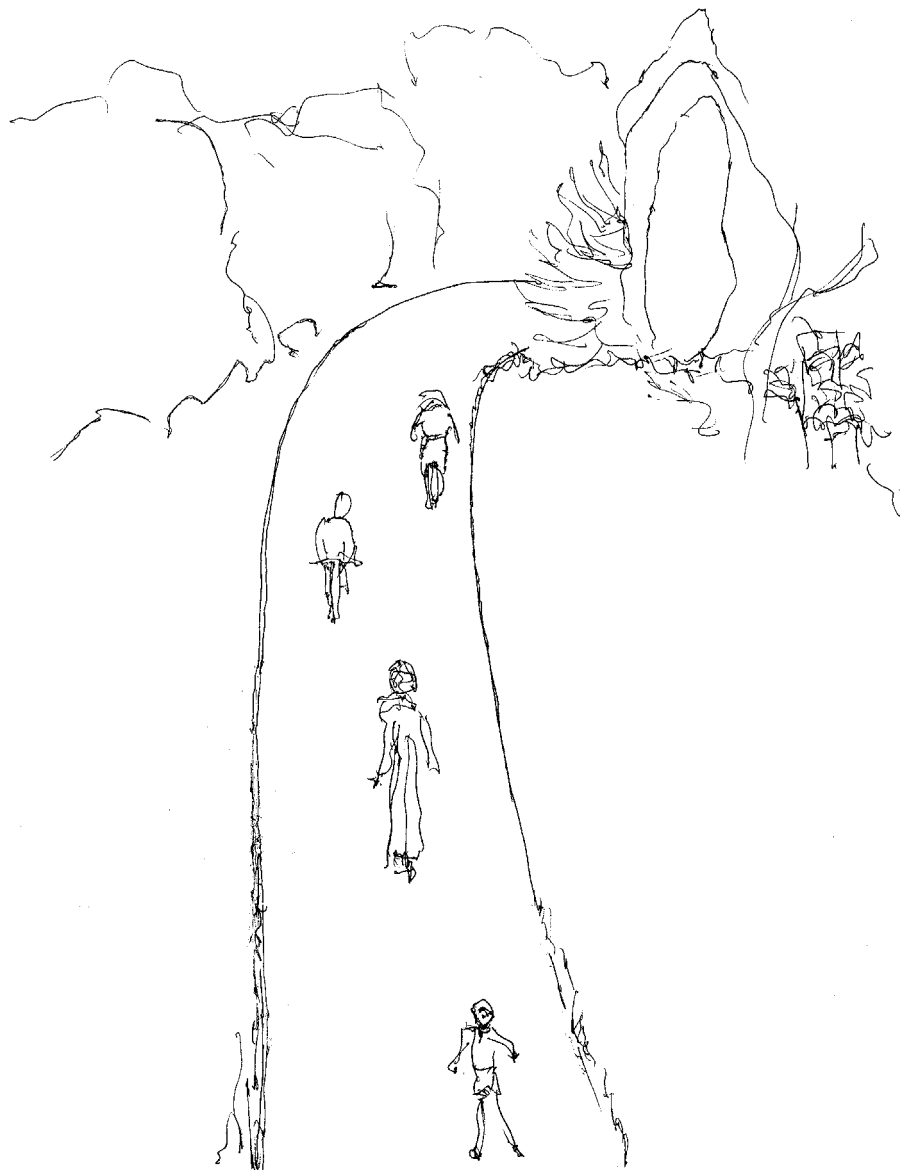
By John Dieckmann

Rail trail enthusiasts, who hope to see a community path built through Belmont that parallels the commuter railroad, can point to several encouraging signs of progress made during the past year. Such a trail would benefit not only recreational cyclists, they say, but walkers, joggers, roller skaters, and stroller pushers as well.

At a rail trail conference in Waltham last June, the acting commissioner of the Massachusetts Highway Department, John Cogliano, said that his

department is committed to funding what he termed the Somerville and Belmont extensions of the Minuteman Bikeway. The so-called Belmont extension is now a dirt path beside the Alewife Reservation, connecting the Alewife T station in Cambridge to Brighton Street in Belmont. Once this stretch is upgraded by the state's highway department, it will be the first mile of the Central Massachusetts Rail Trail, a 104-mile path that advocates hope will someday extend from here all the way to Northampton.

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## Rail Trail, *continued from page 3*

State Representative Anne Paulsen announced at the same conference that she is organizing a working group of state legislators and town officials from all the municipalities along the route to accelerate planning and funding for this trail, a portion of which was formerly known as the Wayside Rail Trail. A ten-mile stretch at the western end of the trail has already been completed. It is called the Norwottuck Rail Trail and crosses the Connecticut River. Near the middle of the route, Wachusett Greenways has constructed about 30 more miles of the trail, generally following the track bed of the old Massachusetts Central Railroad.

The Rails-to-Trails Conservancy, a national organization that recently opened a New England office, has made this Central Massachusetts Trail one of its priorities. Completion of the first mile out of Cambridge would encourage extension of the trail through Belmont Center, Waverley Square, and other communities at the eastern end of the route. Already the trail is shown on the Alewife Master Plan, presented by the state at public hearings last fall. This plan also shows an extensive network of recreational paths through the Alewife Reservation and along Alewife Brook.

The Belmont Friends of Community Paths,

organized by a group of local residents last summer, is now working with town officials to plan upgrades to the mile-long path mentioned above. A clearly visible gateway at Brighton Street, with appropriate signage and crosswalks, would invite more people to use the trail to walk or bike to the T. New signs could also direct cyclists exiting the path to marked bike lanes on Underwood Street (near the high school) and Concord Avenue. With the blessing of the Board of Selectmen, the Friends group worked with the town's planning coordinator, Jeffrey Wheeler, to write a grant proposal for submission to the Department of Environmental Management to secure funding for these improvements.

However, the McLean Land Management Committee, composed of hospital officials and representatives of several town committees, applied for a grant at the same time from the same source to upgrade the trails through the McLean open space. The Selectmen decided to pursue only the McLean trails grant and shelve the Alewife path improvement project.

In the wake of this decision, the Friends group and the town's Bikeway Planning Committee have developed a plan for a trail upgrade and cleanup to be conducted this spring by volunteers. The selectmen voted on December 16 to support this effort and help obtain the necessary approvals from the MBTA and the MDC. While not as grand in scope as the project that might have been funded by the recreation trails grant, this volunteer project will result in a significant increase in the visibility of the trail entrance on Brighton Street and a meaningful improvement of the trail surface. The resulting increase in usage should provide additional impetus for Mass Highway to complete the promised "Belmont extension of the Minuteman Trail," a.k.a., the first mile of the Massachusetts Central Rail Trail.

If you can contribute time and talent to the improvement of this trail, please call John Dieckmann at (617) 489-1423 or send e-mail to [dieckmannj@aol.com](mailto:dieckmannj@aol.com). Volunteers are needed to create signage, to pick up litter and construction debris, and to do pick and shovel work to widen and landscape the 600 feet of the path that lies in Belmont.

*John Dieckmann is a Town Meeting Member representing Precinct 3 and a member of Belmont Friends of Community Paths.*



# White Street to Become Safer for Pedestrians

By Mark D'Andrea

For residents of the Waverley area, the upcoming reconstruction of White Street is the most important road improvement project in town. Without curbing, residents say, this cut-through street is extremely hazardous for pedestrians. Town officials were reminded of this fact in January 2002, when a retired bishop of the Armenian Church was struck and killed by a car at the corner of White and Beech Streets. Since then, parents of students at the Butler Elementary School, located at White and Sycamore, have been vocal about the need to improve pedestrian safety in the area. Two dozen of them showed up at a Board of Selectmen's meeting last February to request that

White Street be moved to the top of the town's priority list of streets in need of rebuilding—and, as a result, it has been. An overflow crowd appeared again in October at a public meeting of the town's Traffic Advisory Committee (TAC) to request that specific changes be made to the design plans for this street.

Two of the biggest concerns, said Cara Noferi of Alma Avenue, were the lack of a designated drop-off area for students in front of the school and the lack of a four-way stop at the intersection of Beech and White Streets.

The final design presented by Tom Gatzunis, Director of Community Development, at a TAC

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## **White Street, continued from page 5**

meeting on December 3, incorporates a variety of traffic-calming features requested by area residents and TAC members. These include granite curbing and concrete sidewalks for the entire length of White Street; a raised intersection (sometimes called a speed table) with four crosswalks at the intersection of White and Sycamore; new 10-foot wide crosswalks with “bump-outs” (extensions of the curbing further out into the street) at Walnut Street, Chestnut Street, and Bartlett Avenue; vertical markers to alert drivers at each of these crosswalks; a posted 20 mph speed limit between Trapelo and Beech; and a pole-mounted speed indicator device. Gatzunis said that a four-way stop at Beech Street would not be installed because the traffic counts at that corner are not high enough to meet state highway requirements. A designated student drop-off zone with space for five or six cars on the school side of Sycamore Street is under consideration by the School Committee, he said. Such an improvement would require the relocation of the sidewalk on that side and may require the

removal of some trees.

Parking is to be restricted to the east side of White Street, except for the block between Trapelo and Sycamore, where vehicles will be allowed to park on both sides as an aid to area merchants.

According to Gatzunis, all of the town’s road reconstruction projects from now on will incorporate some traffic-calming design features. This was not standard policy several years ago when nearby Lexington Street was rebuilt. Residents there have complained ever since that the repaving of that road resulted in a dramatic increase in vehicle speeds, making the street less safe instead of more. A pedestrian was seriously injured there last June when a car traveling at approximately 35 miles per hour left the roadway and struck a person on the sidewalk.

The reconstruction of White Street is due to begin this spring.

*Mark D’Andrea is a Town Meeting Member from Precinct 3 and the chair of the Belmont Citizens Forum Traffic and Transportation Committee.*

## **Read this newsletter on the web.**

The Belmont Citizens Forum web site is open for business.

There you will find back issues of our newsletter plus other information about the organization and opportunities for comment.

Many thanks to Dick Mardirossian and John Beaty for creating the site and getting it up and running.

We still need people to keep it up-to-date by posting news, newsletters, and events. If you can help with this work, please call (617) 484-1844 and leave a message for John Beaty or e-mail [bcfwmaster@belmontcitizensforum.org](mailto:bcfwmaster@belmontcitizensforum.org)

**[www.belmontcitizensforum.org](http://www.belmontcitizensforum.org)**

# Architecture Students Take On Trapelo Road

By Sue Bass

The Community Design Studio of the Boston Architectural Center (BAC) has accepted Belmont's main street as a design challenge. Students in the program will take on such tasks as designing new uses for the Waverley fire station, considering improvements to street design and landscaping, proposing ways to control traffic, and suggesting places for additional business parking.

The BAC was recruited by the Belmont Citizens Forum's Planning/Zoning Committee, which has been working since last May on ways to improve the Trapelo Road/Belmont Street corridor. The goal of the Trapelo Road/Belmont Street project is to help local residents and businesses create a vision of the town's main thoroughfare as a more pleasant place to live and work.

The Planning/Zoning Committee believes its efforts will complement those of town committees working on related issues, like the Vision 21 Implementation Committee and its offshoot, the Business and Economic Development Planning Group, which is also focused on the Trapelo Road corridor.

The BAC Community Design Studio enrolls third-, fourth-, and fifth-year architecture students to give them a chance to work on a real-world problem. In the studio's 26 years, it has produced more than 240 design projects. Trapelo Road is one of three projects students will work on this spring.

The Planning/Zoning Committee envisions (i) a street designed so traffic will move smoothly but more slowly, one where pedestrians can cross safely and residents can get out of their driveways; (ii) a street lined with trees and with public amenities such as benches, bus shelters, and public artworks;

(iii) a lively mix of housing and well-planned retail areas with enough public parking; (iv) provision for bicycles and other alternatives to driving; and (v) retention of landmark buildings and other good features of the street, like generous setbacks and landscaped front yards.

The goal is to articulate a vision of the street that expresses the spirit of our entire community. The Citizens Forum will sponsor public presentations of the issues and will create opportunities for public discussion of potential improvements.

The Planning/Zoning Committee is already working on a slide show using historical and contemporary photographs of Trapelo Road and Belmont Street from Waverley Oaks to the Cambridge line in order to illustrate the charms and challenges of Belmont's busiest thoroughfare. A public presentation of the slide show and a panel discussion will take place this spring.

*Sue Bass is a Town Meeting Member representing Precinct 3 and chairs the Belmont Citizens Forum's Planning/Zoning Committee.*



# *Apartments at McLean Will Be Too Expensive*

*Continued from page 1*

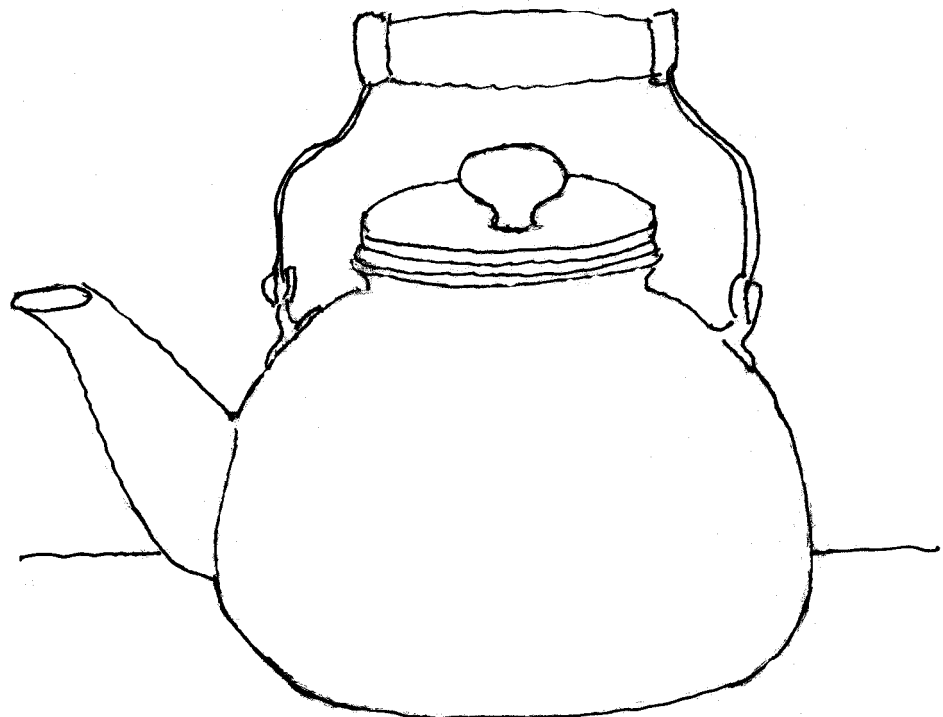
the cost of entry, residents of such condominiums also pay monthly fees to cover property maintenance, utilities, some meals, housekeeping, and transportation. These fees range from \$2600 to \$5200 per month for a two-person household at comparable facilities in the area.

State housing rules say, however, that a two-person household earning 120 percent of the median income, or \$67,200, can afford to pay no more than \$1,680 a month for housing, or 30 percent of its income. To count as affordable under Chapter 40B, housing must be affordable to those earning 80 percent or less of the median income. A two-person household earning 80 percent of the median, or \$44,800, can pay only \$1,120 a month. An entry fee of several hundred thousand dollars on top of this would put an apartment at Mclean out of reach of most Belmont seniors. "I don't see how you can do that and meet the affordability requirements of the zoning bylaw," one official said recently.

The Belmont Housing Authority and the town's Fair Housing Committee have argued that in order for the developer to comply with the intent of the McLean rezoning bylaw, all 30 of the units would need to be rented rather than sold and accommodate people with a range of incomes from 50 to 120 percent of the area median. They also say that additional support services such as meals and medical care should be available to these 30 tenants at discounted rates. The Belmont Planning Board adopted all of these conditions when it approved a site plan for the property in 2001.

American Retirement Corporation balked at these demands, saying that the purchase price it agreed to pay McLean for the land took into account the "plain meaning" of the affordable housing clause. This purchase price was a "crucial factor in all of the design, marketing, and financial decisions that followed," wrote ARC's lawyer, Peter Alpert of Ropes & Gray.

The clause in the zoning reads: "Affordable units shall mean units which are rented or sold to,





# for Most Belmont Seniors, Housing Officials Say

and occupied by, households with annual incomes of up to 120% of the median area household income, as such median is defined by the United States Department of Housing and Urban Development.”

In December 2001, ARC filed a complaint in Massachusetts Land Court that the Planning Board had exceeded its authority by imposing affordable housing conditions that would cost the company \$8 million. (In March 2000, ARC said that it planned to spend a total of \$125 million to develop the property.) Alpert subsequently concluded that his client’s case would be stronger if ARC formally applied for a building permit and, if denied, appealed that denial to the Belmont Zoning Board of Appeals (ZBA).

Last August, therefore, ARC applied for a building permit for a “construction access driveway” into the Pleasant Street property, explicitly stating that it had “no intention of complying with those aspects of the approval decision that relate to affordable housing.” That building permit was denied by Belmont’s Office of Community Development. ARC appealed to the ZBA on October 1, arguing that it should be able to sell all 30 units, at its sole discretion, to anyone who meets its requirements as long as the applicant’s income is no more than 120 percent of the local median. “If it had been the Town’s intent that the affordable units . . . be available to income levels ranging to some specific level below 120% of the median, then the By-law easily could and should have said so explicitly,” Alpert wrote. He also maintained that ARC should not be required to subsidize support services within the complex, saying: “The Affordable Unit Requirement is written as an affordable *housing* provision, not an affordable *living* provision.”

Belmont’s Fair Housing Committee responded in a letter to the ZBA on November 11 objecting to ARC’s interpretation of the by-law. The committee’s chair, Roger Colton, said that the words “up to 120%” do not mean that most or all of the units may be at or near the maximum. “If in enacting the Bylaw, the Town had intended to allow the developer of the senior housing to make available affordable units limited to households with incomes *at* 120% of area median income, the Town could have said so,”

Colton wrote. He added that 75 percent of Belmont’s senior citizens have incomes at or below 100 percent of the area median.

Colton urged the ZBA to reject ARC’s argument that it will suffer financial distress if it is made to comply with the Planning Board’s affordable housing conditions. During negotiations with McLean in 1998 and 1999, Colton said, the hospital was granted permission to build 30 additional senior apartments plus additional square footage in exchange for agreeing to make 30 units affordable. “It would be the grossest miscarriage of justice,” Colton wrote, for Belmont to allow the developer to build these extra units and then not get the affordable housing benefits that were part of the bargain. McLean was explicitly compensated for these affordable units, he said, and if the hospital did not pass along these financial benefits to ARC, then that is “an issue between ARC and McLean, not an issue between ARC and the Town of Belmont.”

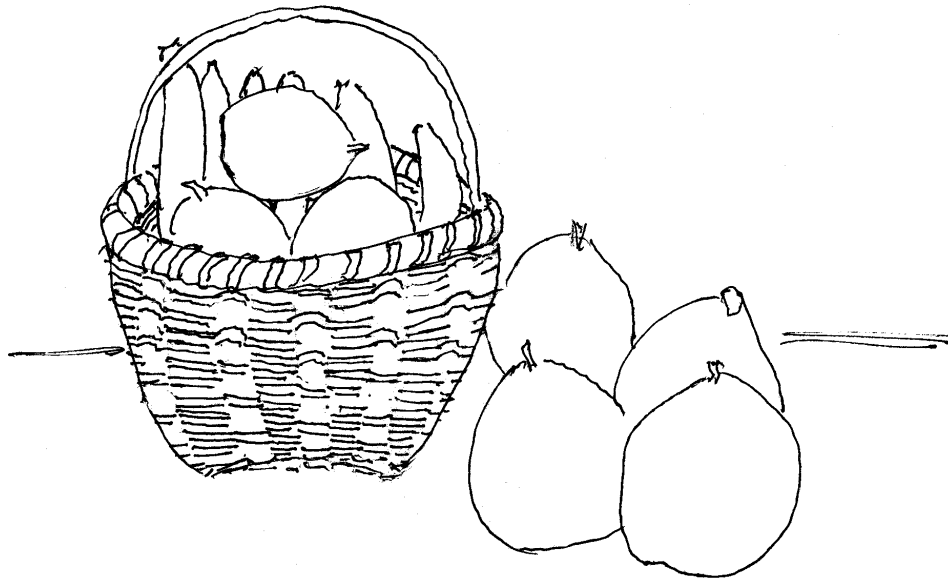
As for the Planning Board’s condition that services as well as housing be subsidized for these 30 units, Colton said that there is legal precedent for this in that essential services are commonly included in the description of affordable housing used by federal housing programs. Without such a rule, he said, property owners and managers could get around affordable housing requirements by allocating excess costs to the “non-housing component” of the rent.

Colton further reminded the ZBA that in March 1999, Greg Bialecki, Special Counsel to the Town, told skeptical Town Meeting Members that under site plan review “the Town and the Planning Board have reserved the right to impose all the conditions they need to make sure that the development happens in a way that protects the interests of the Town.”

The wording of the zoning bylaw is: “The Planning Board may impose such reasonable conditions on its approval as it shall deem appropriate to assure the continuing consistency of the development with the objectives set forth herein.”

Both the Belmont Housing Authority and the Council on Aging also filed letters urging the ZBA

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### **Affordable Housing**, *continued from page 9*

to support a reading of the bylaw that would require the ARC housing to be available to people within a range of incomes below the 120 percent maximum.

Joan Langsam, counsel to the Belmont Planning Board, offered the opinion that under Massachusetts law the ZBA has no right to review a decision made by the Planning Board. The ZBA may only decide whether or not the building inspector was correct in denying ARC a building permit, she wrote. "It would not only be inefficient and a waste of resources, but nonsensical" to allow people to appeal the decisions of one town board to another town board.

During ZBA deliberations on January 6, Chair John Gahan rebutted that by citing a recent case in which the Bourne Zoning Board apparently overruled a decision of that town's Planning Board. He characterized the ARC appeal, however, as an "artificial" one, designed only to advance ARC's case in Massachusetts Land Court. "We're just a stop on the train line," he said.

Following the deliberations, three ZBA members voted to uphold the building inspector's decision to deny ARC a building permit and two members voted to overturn that decision.

One dissenter, William Chin, said he did not believe that the Planning Board had the authority to "redefine what affordable housing means" at this

stage in the process.

"I think you have to read the bylaw the way it was drafted," Chin said. "There may have been an intent that there be a range of income levels, but the bylaw doesn't say that."

John Gahan concurred with Chin, saying that the Planning Board could have written the zoning bylaw in 1999 to specify that the *average* price not be higher than a certain amount, but it didn't. "The very people who drafted it [the bylaw] and presented it to Town

Meeting are now saying 'that's not what I meant.' Maybe if you told them what you really meant, you wouldn't have gotten 2/3 of the vote [to approve the rezoning in 1999]," he speculated.

Those supporting the building inspector took a different view. "I think the developer's definition of affordability is incorrect," said Anthony Leccese. If 30 units must be affordable on a continuing basis, the Planning Board legally has the right to require that the starting price for some of the units be within reach of those making less than 120 percent of the median. There has to be some expansion possibility, Leccese argued, because the residents' incomes may vary from year to year.

Rebecca Vose said she interpreted the words "up to 120%" to mean a range of incomes up to that amount. Carlo Tagariello also supported the building inspector's decision, saying that if the developer didn't like the conditions set by the Planning Board, it could choose not to go forward with the deal.

Planning Coordinator Jeffrey Wheeler said that an ARC appeal to the courts could take a year or more, given the backlog of cases. As a result, he said, "there is a lot of pressure in town to come to a negotiated solution."

The Board of Selectmen has discussed the case recently in executive session.

*Sharon Vanderslice is a Town Meeting Member from Precinct 2.*

# McLean Contract Zoning Appeal Denied

The Massachusetts Appeals Court ruled in November that the 1999 rezoning of the McLean Hospital land for commercial development is not illegal contract zoning.

In a decision written by Associate Justice William Cowin, the Appeals Court said, “We apply the standard that a party attacking a zoning amendment has a heavy burden, one requiring that he ‘prove by a preponderance of the evidence that the zoning regulation is arbitrary and unreasonable, or substantially unrelated to the public health, safety, morals, or general welfare.’ . . . He must demonstrate that the validity of the enactment ‘is not even fairly debatable.’ . . . If the validity of the zoning action is fairly debatable, local judgment on the subject should be sustained.”

The Belmont Citizens Forum board, which had supported the citizens who intervened in the case and brought the appeal, issued a statement expressing its disappointment but decided against asking the state’s Supreme Judicial Court to review the matter. “The permanent negative impacts of McLean’s plan include: thousands of daily car trips, the destruction of historic buildings, the elimination of many acres of natural habitat, and a \$2.2 million payment to McLean by the town,” the board said.

The Citizens Forum statement mentioned a seri-

ous legal issue that arose during the rezoning process. “The Middlesex District Attorney ruled that the town repeatedly violated the state’s Open Meeting law by negotiating the development deal with McLean in private. After the McLean agreement was signed, it was discovered that Belmont’s selectmen had kept secret an alternative plan that could have preserved much more of the McLean land as open space. . .

“Partners Healthcare, McLean’s multi-billion dollar corporate parent, is now likely to prevail in its effort to get special zoning treatment from this relatively small municipality. McLean may soon gain the right to build about one million square feet of development on one of the few unprotected parcels of natural open space inside Route 128.”

Meanwhile, an administrative law judge in the Massachusetts Department of Environmental Protection is still considering two motions that are part of an appeal to protect Junction Brook, a small stream that is threatened by the development. His decision on those motions could effectively determine whether the Junction Brook appeal can continue. The motions were argued last fall, and the decision has taken longer than expected.

—Sue Bass



*RHODODENDRONS IN SNOW*



## Slide Tour of the Western Greenway

Wednesday, January 29, 7:30 p.m.  
Bramhall Room at All Saints' Church  
Corner of Clark & Common Streets

Roger Wrubel, director of the Massachusetts Audubon Society's Habitat Education Center and Wildlife Sanctuary, will give a virtual tour of 1000 acres of interconnected open space in Belmont, Lexington, and Waltham.

Why has this greenway remained so untouched in the midst of a densely developed area? What is the cultural history of this landscape? How can it be preserved?

Among other parcels, the greenway comprises Habitat, the Met State Hospital tract, the Lyman estate, the Warren estate, the Paine estate, and the ruins of old mills, barns, and abandoned houses. Wrubel will show a map of a proposed loop trail through the properties and discuss ways to improve public access.

Refreshments will be served.

This talk will be repeated on Thursday, January 30, at 8 p.m.  
at the Lexington Town Office Building (details on page 2).

Friends of the Belmont Citizens Forum

# Citizens Debate Pros and Cons of Dog Park

By *Evanthia Malliris*

A recent proposal to install a dog park in Rock Meadow, a 70-acre conservation area west of Mill Street, has revealed just how passionate people can be about the town's canine residents, who now number over 1000.

On January 7, the Belmont Conservation Commission held a public hearing on its Rock Meadow Use and Management Plan, which could provide for a two-acre fenced dog exercise area. Advocates on both sides of the issue made presentations at the hearing. The dog park proposal was also debated at a well-attended meeting of the Friends of the Belmont Citizens Forum in November.

Right now, dogs must be leashed and, of course, picked up after, in the town's open spaces; they are banned outright from playing fields and parks. The only exception is the high school playing fields, where some dogs are licensed as "Goose Busters" in an effort to rid the area of bird droppings. Despite the rules, however, there are many dog owners who allow their dogs to run free and do not pick up after them. Dog owners say that their animals must have space to run and have beseeched the town to consider a designated dog park.

At the BCF Friends Meeting in November, Michael Flamang, chair of the Belmont

Conservation Commission, noted that the Con Com cannot take a proponent role for a dog park, but is considering a park as part of the overall management plan for Rock Meadow. He explained that the Belmont Recreation Commission had asked for help in finding a suitable site for dogs to play in town. The Rock Meadow plan proposes a two-acre area where they would be allowed to run off-leash. Funds would be needed for maintenance and mowing.

Those concerned about the plan said that with little or no enforcement (after all, the town only has one animal control officer) the proposed dog area might be a magnet for even more unleashed dogs. Some felt that the fence would be unsightly, and they worried about the impact on wildlife and picnickers. Others suggested that owners be required to obtain permits for the dog park, which could be revoked if their dogs were not well-behaved. Such a permitting process could also raise funds for a fence, waste container, and pick-up bag dispenser.

Since November, the issue of a dog park, whether in Rock Meadow or anywhere else in town, has been a hot topic. Articles have appeared in the *Belmont Citizen-Herald* and the *Boston Globe NorthWest*, debating the need to provide a recreational space for dogs versus the need to preserve

*continued on page 14*



**Dog Park, continued from page 13**

open space for wildlife. A new citizens' group has formed to advocate for the dogs: Belmont Dog Owners Group, or B-DOG ([www.belmontdogowners.org](http://www.belmontdogowners.org)).

The Conservation Commission is currently accepting comments on its Rock Meadow plan, which can be viewed at <http://town.belmont.ma.us/committees/conservation/RockMeadPlan12-10-02.pdf>. Written remarks may be submitted to Michael Flamang ([flamangm@aol.com](mailto:flamangm@aol.com)) on or before February 4. The Con Com will meet that evening to discuss

the plan further before submitting it to Belmont's Board of Selectmen. The selectmen must approve a plan by April, when a new set of rules for the use of Rock Meadow will be considered by Belmont Town Meeting. The rules would forbid hunting; camping; horseback riding; digging or damage to plants or animals; consumption of alcoholic beverages; use of explosive devices, paintball guns, or fireworks; and nighttime activity of any sort on the property. Bicycle riding would be permitted only on designated trails.

*Evanthia Malliris is a dog owner in Belmont.*



In the three years that the *Belmont Citizens Forum* has been published, one contributor has never been acknowledged in these pages. Frances Apt, known to everyone as Pixie because of her diminutive size, served as our copy editor until last November. She died on the day before Thanksgiving after suffering for many years from emphysema.

Characteristically, she refused to die in bed. She was seated in her favorite Windsor chair at the kitchen table, a place where she had spent many hours with me (and surely with others) reviewing pieces for publication, telling stories of her early days in Belmont, and gossiping about the writers and editors she worked with during her more than 45 years in publishing. I considered her the last word on the printed word, and so, apparently, did nearly everyone else she worked with. Her client list reads like a who's who of contemporary English letters: Natalie Angier, Louis Auchincloss, Olive Ann Burns, Archibald Cox, James Fallows, John Kenneth Galbraith, Joel Garreau, Elizabeth Gilbert, Mary Gordon, Ward Just, Thomas Keneally, Robin McNeil, David Payne, Tom Robbins, and over a hundred more. With her famous purple pencil, she rooted out unnecessary words, overwrought sentences, misattributed quotes, excessive explanations, roundabout descriptions, and untruths of every sort. Whole pages, whole chapters even, were eliminated by that razor-sharp writing instrument.

Some of her authors were taken aback. Many came back for more, bringing second or third books for her ministrations and starting e-mail correspondences that went on for years. In their acknowledgments, they described her as "unimpeachable" (Nancy Schoenberger), "extraordinary" (Leona Rostenberg and Madeleine Stern), "incredible" (Liz Gilbert), "merciless but sensitive" (Alex Kotlowitz), and "the copy editor of [my] dreams" (David

Huddle). David Payne, who has been called the most gifted American novelist of his generation, described her as "my editorial conscience and nemesis, Frances (Pixie) Apt, who is to copy editors as Tenzing is to sherpas, Everest to peaks."

Why she ever agreed to do the yeoman work of editing a community newsletter put together by volunteer writers, I will never know. I do know that she cared deeply about her town. One of the causes close to her heart was fair housing. As a member of the Fair Housing Committee in the early 1960s, she worked to integrate Belmont's all-white neighbor-

hoods by filing complaints against landlords and realtors who refused to rent or sell to African-American families but were willing to rent and sell to her. She was also devoted to Belmont's public schools, from which both of her sons, Adam and Ben, graduated. The boys went on to study at

Amherst College, Oxford University, Harvard Divinity School, Boston University Law School, and the University of Chicago, and their academic success remained a constant source of pride. She read the *New York Times* daily and was delighted to note, in one recent edition, that two former Belmont High valedictorians had had letters to the editor published on the same day.

The former Frances Lattman grew up in New York City, the daughter of a Russian immigrant, Dr. Jacob Lattman, and Yetta (Schwartz) Lattman. Pixie attended Hunter College High School, Barnard College, and Columbia University, where, as she loved to relate, she wrote her dissertation on the fifteenth and sixteenth century Scots poet William Dunbar. After graduation, she worked at the William Morris agency and at Harper's magazine before moving to Massachusetts with her husband, the chemist Charlie Apt, in 1954. The family moved to Belmont in 1955 and to their home at 80 Washington Street in 1959. There, in a cluttered dining room and later in a

## Frances "Pixie" Apt 1928 - 2002

*By Sharon Vanderslice*

modest office upstairs, surrounded by shelves sagging with books and marmalade jars stuffed with sharpened pencils, she worked as a free-lance manuscript editor for Houghton Mifflin and Doubleday.

Her love of the English language was nurtured from an early age by her parents at the dinner table, where her Russian father took pleasure in pointing out the idiosyncrasies of his adopted tongue.

This was a tradition Pixie carried on with her own children and with other people's children, who were always welcome in her house. She kept a cache of toys for young visitors: tops that flipped over, pens that changed color, miniature cars powered by rubber bands. These she distributed with juice and cookies when a guest would tire of her first battery of play-things, the talking magnets on the front of her oven: a toilet that flushed, a pay phone that rang, and a mystery mirror that screamed when you looked into it. She had a wicked sense of humor. And like a child,

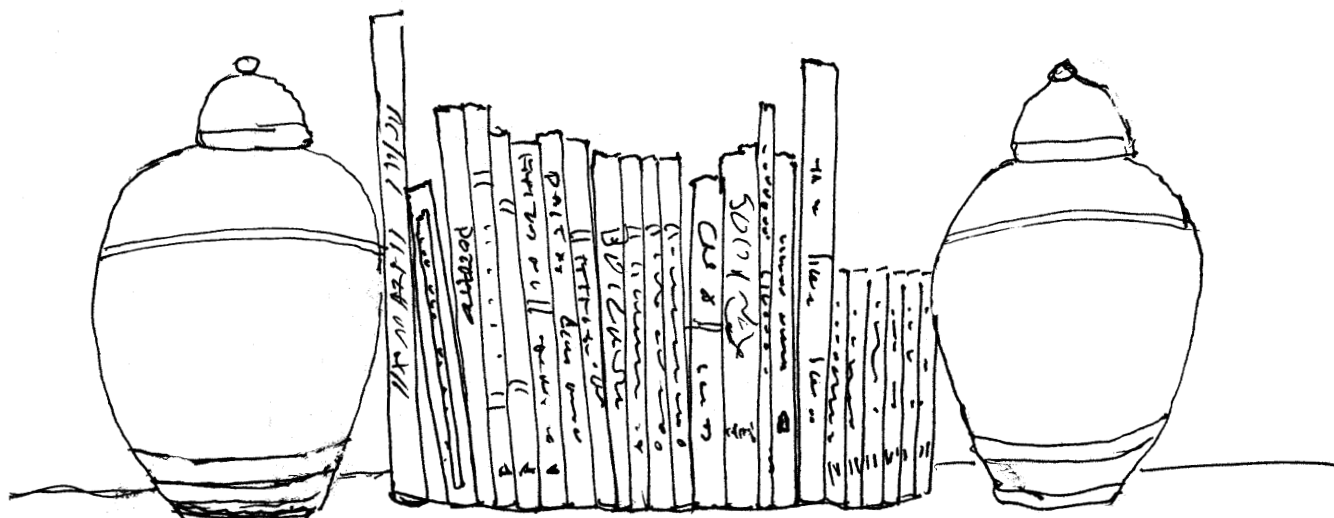
she delighted in details. On November 11, 2001, she phoned to tell me that a palindromic moment was approaching: 11/11/01 at 10:11:11.

Precision is what she expected from the writers who came to her for assistance. Certainly, she never left anyone in doubt about her own opinion on a given subject. As I type these words she is looking over my shoulder—nudging and cajoling and exclaiming, and correcting—and scribbling salty remarks in the margins.

Thirteen years ago, the journalist James Traub said of her: "I was . . . fortunate to have fallen into the stern hands of a truly gifted copy editor, Pixie Apt. She has become a fixed portion of my superego."

The same could be said by a generation of American writers.

*A memorial service will be held on March 2 from 2 - 4 p.m. at the MIT Faculty Club.*







## HOLLY IN SNOW

### **Tax Relief**, *continued from page 20*

most assistance, they tend to be least able to pay for it. Their tax bills become a high percentage of their expenses.

Barbara Miranda, who chairs Belmont's Council on Aging, said these data confirm what she and others who work with senior citizens already know. Though some state and local programs are available to help seniors, says Miranda, not everyone is aware of them. Furthermore, many of our elderly citizens grew up during the Great Depression and are wary of state tax relief programs. While it is possible for them to take on a reverse mortgage or have a tax lien placed on their home, they are often reluctant to do so, preferring to keep the value of their homes intact. Even though the state's tax lien program cannot result in their houses being sold out from under them, people are nonetheless fearful.

### **Financial Advisors Needed**

According to Miranda, many senior citizens do not have access to professional financial advice. She wishes that a volunteer corps of professionals were available to help them understand the implications of these tax-relief tools. Lacking knowledge of their financial choices, seniors may become more

isolated as their discretionary income diminishes. If they continue to live in homes that they can barely afford, they may neglect to maintain them and, unwittingly, diminish the value of this asset.

State law provides for both tax deferrals and tax exemptions for qualifying senior citizens. There are also tax-relief programs for veterans, widows and widowers, surviving minor children, and the blind. The assessor's office in the Town Hall Annex has information on these programs. Each program has different eligibility requirements.

**A tax deferral** permits a homeowner to defer payment on property taxes. Clause 41A of Section 5 of Chapter 59 of the Massachusetts General Laws allows a property owner aged 65 or over to enter into an agreement with the local assessor to defer payment of all or part of the taxes. Homeowners may pay no tax at all, though they'll incur a debt against the house that must be settled when the house is sold or the estate is settled. The unpaid taxes, plus simple interest at 8 percent, accrue until the debt reaches 50 percent of the property value. Further taxes could not be deferred, but no one has ever gotten close to that cap, said Robert Reardon, Belmont's assessing administrator. By law, the house cannot be sold while the homeowner is living there, Reardon said. *continued on page 18*

A **tax exemption** releases people from the requirement to pay all or a fraction of the taxes assessed on their personal or real property. A half dozen programs with varying requirements are on the books. The two programs for low-income seniors who are not disabled veterans or blind are authorized by M.G.L. 59, Section 5, clauses 17D and 41C. Clause 41C allows a qualifying homeowner age 70 or older to reduce payment of a tax bill by \$500. A program authorized by the state legislature and accepted in 2001 by Town Meeting allows the Board of Assessors to increase that and other exemptions by up to 100 percent, providing that the taxpayer does not pay less than was paid in the previous year, permitting an exemption of up to \$1,000. Clause 17D has less restrictive eligibility requirements – a \$40,000 limit on assets and none on income – but it offers a smaller tax exemption, a maximum after doubling of \$350.

Approximately 300 households in Belmont now take advantage of tax deferral or one of the tax exemption programs – about 11 percent of the 2,646 households headed by seniors. The 2000 census data make it clear, however, that other households fall outside current guidelines but are financially

strained by rising property taxes.

To address this problem, the state Legislature has authorized local communities to adjust the eligibility requirements that seniors must meet to qualify for a property tax exemption under M.G.L. Ch. 59, Sect. 5 (41C). In Belmont, this adjustment must be made by a vote of Town Meeting, likely to be debated this spring. The provision allows towns to reduce the age of eligibility and increase the gross receipts and whole estate limits, within specified parameters. They may also increase the exemption amount by up to 100 percent. The basic changes are represented in the table below.

**Tax Work-Off Program**

In addition to these state programs, the town offers a Property Tax Work-Off Program, which permits residents aged 60 or older to reduce property taxes by up to \$500 per year by volunteering for the town. The state has authorized an increase to \$750, but Nava Niv-Vogel, director of the Council on Aging, which administers the program, said the town may not be able to afford the increase. The program is budgeted at \$8,750 for this year, and is full. The same amount is proposed for next year. As with the tax-relief programs, there are eligibility

*continued on page 19*

| <b>Proposed Changes to Tax Exemption Law</b> |         |   |   |
|--|---------|---|---|
| M.G.L. 59, Sect.5 (41C)                      |         | Current Law   | Proposed adjustment                                       |
| Eligible age                                 |         | 70  | 65  |
| Income Limits:                               | Single  | \$16,361 (\$13,000 + the minimum Social Security benefit) | \$23,361 (\$20,000 + the minimum Social Security benefit) |
|  | Married | \$20,042 (\$15,000 + the minimum Social Security benefit) | \$35,042 (\$30,000 + the minimum Social Security benefit) |
| Asset Limits:                                | Single  | \$28,000 (excluding value of home)                        | \$40,000 (excluding value of home)                        |
|  | Married | \$30,000 (excluding value of home)                        | \$55,000 (excluding value of home)                        |

# We need you.

If you can volunteer even a few hours a month, you can make a difference. You do not need to be an expert—just a person who cares about our town.

## I can devote time to:

- Archaeology & Historic Preservation
- Environmental Protection
- Planning & Zoning
- Traffic & Transportation
- Mailings
- Newsletter

## I can help pay for this newsletter:

It costs about \$3500 to publish each issue of our newsletter. Please donate for this purpose:

\$25     \$50     \$100     \$250

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The Belmont Citizens Forum is a nonprofit 501(c)(3) organization. Your donation is deductible from federal taxes to the full extent provided by law. If you have questions, please call (617) 484-1844.

**Make checks payable to Belmont Citizens Forum and mail to Belmont Citizens Forum, P.O. Box 609, Belmont MA 02478. Thank you!**

## Tax Relief, continued from page 18

requirements, which include income and skills assessments. For more information, call the Council on Aging, (617) 484-5501. One of the program's goals is to get more senior citizens involved in municipal government. This both affirms the skills of Belmont's older residents and makes clear the community's continuing need for those skills.

Senior citizens generally require few town services, and so, from a purely economic standpoint, they give more to the town than they take. Advocates for the elderly say that the community should be more aware of the value of its senior citizens. The institutional knowledge they bring to town governance, the diversity they bring to our neighborhoods, and the stories they have to share are a gift to us all. As a community, we should ease their financial burdens and encourage them to remain active in town affairs.

*Lynne Cook Polcari is a Town Meeting Member from Precinct 5.*

## More Environmental Events

*continued from page 2*

**Mystic River Fish.** Somerville Geenspace Coordinator Anne Phelps will give a talk on freshwater and anadromous fish found in the Mystic and describe how pollution and dams affect fish populations. **Tuesday, February 25 at 7 p.m.** at the Somerville Public Library, 79 Highland Avenue. Sponsored by the Mystic River Watershed Association.

**Mammal Tracking & Bird Sighting at Alewife Reservation.** The professional wildlife inventory specialist David Brown will offer three docent training sessions for teachers and others interested in leading groups through the reservation. Instruction in mammal tracking and bird sighting. **March 15, March 22, and April 5 at 10 a.m.** Each session will last three hours and cost \$15. Sponsored by the Friends of Alewife Reservation. Call Gloria Korsman at (617) 945-1339 for more information. A complete inventory of species sighted on the reservation is available at [www.friendsofalewifereservation.org](http://www.friendsofalewifereservation.org)

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**"Slide Tour of  
the Western Greenway"  
Wednesday, January 29, 7:30  
See Page 12.**

*People Are Asking*

## **Can I Afford to Stay in Belmont?**

*By Lynne Cook Polcari*

Recent increases in Belmont's property taxes have many residents wondering whether any end is in sight. The tax bill for an average single-family house has risen 22.5 percent in the last two years. Meanwhile, faced with cuts in state aid and the need to make capital improvements, town leaders are struggling to pay ever-higher bills for employees' health care costs and other essential services without putting more pressure on homeowners.

Senior citizens feel this pressure more acutely than most. The current low interest rates, while great for people who refinance their mortgages, are disastrous for citizens who rely on interest earnings to supplement their Social Security benefits.

Belmont is an affluent community, but not everybody is financially comfortable. More than

five percent of Belmont seniors live below the poverty level, and others are not far above it. To try to understand how widespread the problem is, Will Brownsberger, Chairman of Belmont's Board of Selectmen, has studied income levels in the 27 census block groups in Belmont. Some results were predictable. Seniors on Belmont Hill have, on average, comfortable incomes. Seniors in census block groups that include the Waverley Oaks and Sherman Gardens apartments have much lower incomes. But there are also many seniors not living in senior housing who survive on very low incomes.

Data from the 2000 census show that the oldest senior citizens often have the smallest incomes. In two of Belmont's 27 census block groups, the median income of people 65 to 75 years old is \$25,000 or less. In eight of the block groups, people aged 75 and up have median incomes of \$25,000 or less, and in three of those eight block groups, the median income of people 75 years old and older is under \$15,000. Thus, at an age when seniors need the

*continued on page 17*