

# Belmont Citizens Forum

Vol. 6, No. 3

A Newsletter for Belmont Residents

May 2005

## *Junction Brook Decision May Be Appealed*

*By Sue Bass*

The Belmont Citizens Forum may appeal an administrative finding that an 800-foot long brook on the McLean Hospital land is intermittent. The Junction Brook appeal would focus on two issues: whether the administrative finding correctly interpreted the phrase “direct withdrawals” in the state regulations, and whether the Citizens Forum’s request for smoke testing of the sewer and storm-drain system on the McLean campus was properly denied.

Junction Brook flows down a steep slope to a culvert under Pleasant Street opposite the former Belmont Springs warehouse. It has been a factor in the development of McLean since 1997, when the hospital first asked the Belmont Conservation Commission to rule the stream intermittent. The reason is that the state’s Rivers Protection Act limits development within 200 feet of a perennial river or stream. Several wings of the proposed American Retirement Corp. complex and a planned roadway to the proposed ValueRealty research and development building were designed to come within 200 feet of Junction Brook.

A final decision on an appeal to Superior Court will be made after the recommendation of the administrative magistrate, James P. Rooney, is confirmed by the commissioner of the state Department of Environmental Protection (DEP), Robert Gollodge.

Since 2001, a major issue has been why Junction Brook runs dry. The bottom 150 to 200 feet ran dry in August 2001, when rainfall was not so sparse as to create an official drought. That month, however, those concerned with the brook also learned that a sanitary

sewer pipe running parallel to the brook contained what seemed like a large quantity of clean water. Had water that should be in the brook flowed into the sewer pipe instead? That was the issue brought before Rooney in 2002. Looking for an answer, the petitioners’ hydrologist, Denis D’Amore, performed field testing in 2002, installing a monitoring well, measuring groundwater inflow into the sewer, conducting a dye test in the sewer, and measuring stream flow in the brook.

However, the testing McLean allowed was limited. McLean also successfully opposed D’Amore’s request to test for possible connections between the storm drains and sanitary sewers by putting white smoke into stormwater manholes to see if the smoke emerged from sanitary sewer pipes.

In May 2003, Rooney ruled that infiltration into

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# Environmental Events Calendar

By Michael Stratford

**Trail Building with Members of People Making a Difference.** Saturday, May 21, 9:30 a.m.–2:30 p.m. Mulch paths and install water-bars to prevent erosion with the Friends of Fresh Pond and People Making a Difference Through Community Service. Meet at the gatehouse at the intersection of Huron Avenue and Park Avenue in Cambridge. Please register by contacting Elizabeth Wylde at (617) 349-6391 or [friendsoffreshpond@yahoo.com](mailto:friendsoffreshpond@yahoo.com).

**Annual Spring Celebration.** Sunday, May 22, 2 p.m. Spiritual rituals, religious presentations, singing, dancing, and music will be featured at this event, sponsored by the Friends of Alewife Reservation, the Environmental Group at First Parish in Cambridge, the Covenant of Unitarian Universalist Pagans, and others. Families with children are invited to attend the celebration, to be held on the open field behind the

Alewife T. For more information, please contact [Melody.lee.whalen@comcast.net](mailto:Melody.lee.whalen@comcast.net) or [elnmass@comcast.net](mailto:elnmass@comcast.net).

**Courtyard Celebration of the Arts.** Wednesday, June 1, 5 p.m.–7 p.m. Come listen to music from Belmont's middle-school music department and learn about the Native Courtyard Garden Project, which is sponsored by the Habitat Intergenerational Program and the Chenery Middle School. For information, contact program coordinator Phyl Solomon at (617) 484-0117 or [PHYL87@bellatlantic.net](mailto:PHYL87@bellatlantic.net).

**Sustainable Belmont Meeting.** Wednesday, June 1, 7 p.m.–9 p.m. Faculty Dining Room, Chenery Middle School. Sustainable Belmont, a sub-group of the Belmont Vision 21 Implementation Committee, is investigating ways to help our town become environmentally responsible. All residents are welcome to attend. See "Sustainable Belmont Promotes Environment," page 10.

**Biodiversity Days Wild Edibles Walk.** Wednesday, June 8, 6 p.m.–8:30 p.m. There are over 40 species of edible wild plants growing at DCR's Alewife Reservation, many of which are more nutritious and/or flavorful than their cultivated counterparts. Some wild edibles are invasive (like Japanese Knotweed) or otherwise weedy species (like Stinging Nettle) that the ecologists would be thrilled if everyone picked and ate as many of them as possible. Sponsored by Friends of Alewife Reservation. Call (617) 489-3120 to register.

**Urban Wilds.** Tuesday, June 14, 7:30 p.m. See "Urban Wilds," page 9.

**Meadow Butterflies Walk.** Sunday, June 19, 2 p.m.–4 p.m. (confirm date and time at [www.lexingtonma.org/clc/HomePage.htm](http://www.lexingtonma.org/clc/HomePage.htm)). Join Citizens for Lexington Conservation at Dunback Meadow, where you will learn how to spot and identify seasonal butterflies. Meet at the entrance to the conservation area near the corner of Allen Street (off Waltham Street) and Pitcairn Place. For more information, contact Maryanne King at (781) 860-0229.

## Belmont Citizens Forum Officers and Directors

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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 to [editor@belmontcitizensforum.org](mailto:editor@belmontcitizensforum.org)

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# Historic Modern Homes Are Hidden in Belmont

By Susan Marsh

Many of us are familiar with Belmont's twentieth-century single-family, two-family, and three-family homes from the 1920s and 1930s built in the craftsman and bungalow styles. Belmont's modernist homes, though, are less familiar—in part because so few exist, in part because they are often hidden away.

Modernist style flourished from the 1920s to the 1970s. It began as a reaction to economic conditions, but several defining practices soon emerged: an interest in abstraction and geometry; a fascination with “machine-made” products; a shift in focus from the individual to the masses; a striving for utopian ideals; a return to spiritualism; an interest in mass-produced, inexpensive materials; and a de-emphasis on color.

In the 1920s, European designers who had embraced these modernist ideals founded the Bauhaus movement. Gradually, the group developed the principles of modernist, or “international style,” architecture: an emphasis on function, an absence of ornament, and a flexible approach to space.

Bauhaus architects used new mass-produced materials, such as glass, concrete, and steel, to create a palette of spaces that could be grouped, stacked, layered, and enlarged in an endless array of patterns. Imagine building blocks with interiors. Features included layers of horizontal architectural lines, asymmetrical planes, steel banding around windows instead of wood, pared-down details, and flexible interior spaces that could be partitioned to suit the occupant.

The site and the arrangement of buildings on the site were also important elements. Architects strove to preserve natural beauty and to integrate the house with the landscape. Often, buildings were positioned to look out onto trees and sky. Enclosed courtyards were embraced, and each apartment might have its own.

## Eleanor Raymond's homes

One local example of modernist architecture is the work of architect Eleanor Raymond. In 1931, inspired by the work of Bauhaus architects, she designed what may be the first international-style home in New England, on Belmont's Park Avenue.

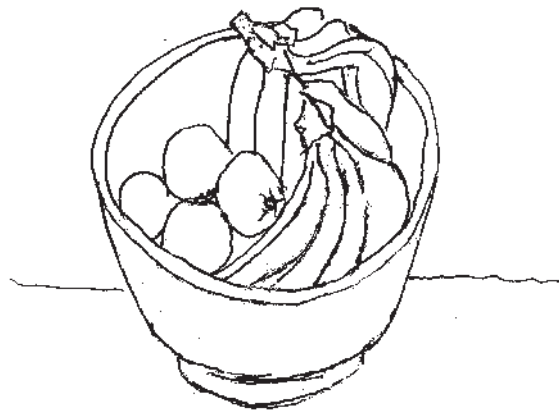
Raymond's client, her sister Rachel Raymond, described the home she sought in an article: “with all possible beauty, comfort, and convenience for simple living, but as little as might be walling us in from the out-of-doors.” The views from the site's Belmont Hill perch determined the building's location and layout. Nature was disturbed as little as possible. The cedar exterior was chosen to reflect the surrounding landscape; the home lies hidden from Park Avenue.

The asymmetrical house features horizontal lines, flat roofs, banded windows, a roof garden, exterior awnings, built-in storage, and a simple unadorned style that is apparent in every detail, from windows to fireplaces to bookshelves. The modular house was small, reflecting the economy of the time. However, it included designs for an expansion should the family grow. The family did grow, and the expansion was built as Raymond planned.

While much of the house is still faithful to Raymond's design, its views have been compromised over time. One

owner added a basement-level ell that juts eastward, and Boston is no longer visible due to the growth a neighbor's trees. Fortunately, much of the landscape remains untouched, and the home's surroundings are peaceful, tranquil, and natural.

Eleanor Raymond built two more homes in Belmont. The first is on Juniper Road near the Habitat sanctuary; the second, also on Belmont Hill, lies hidden from view on Kenmore Road.



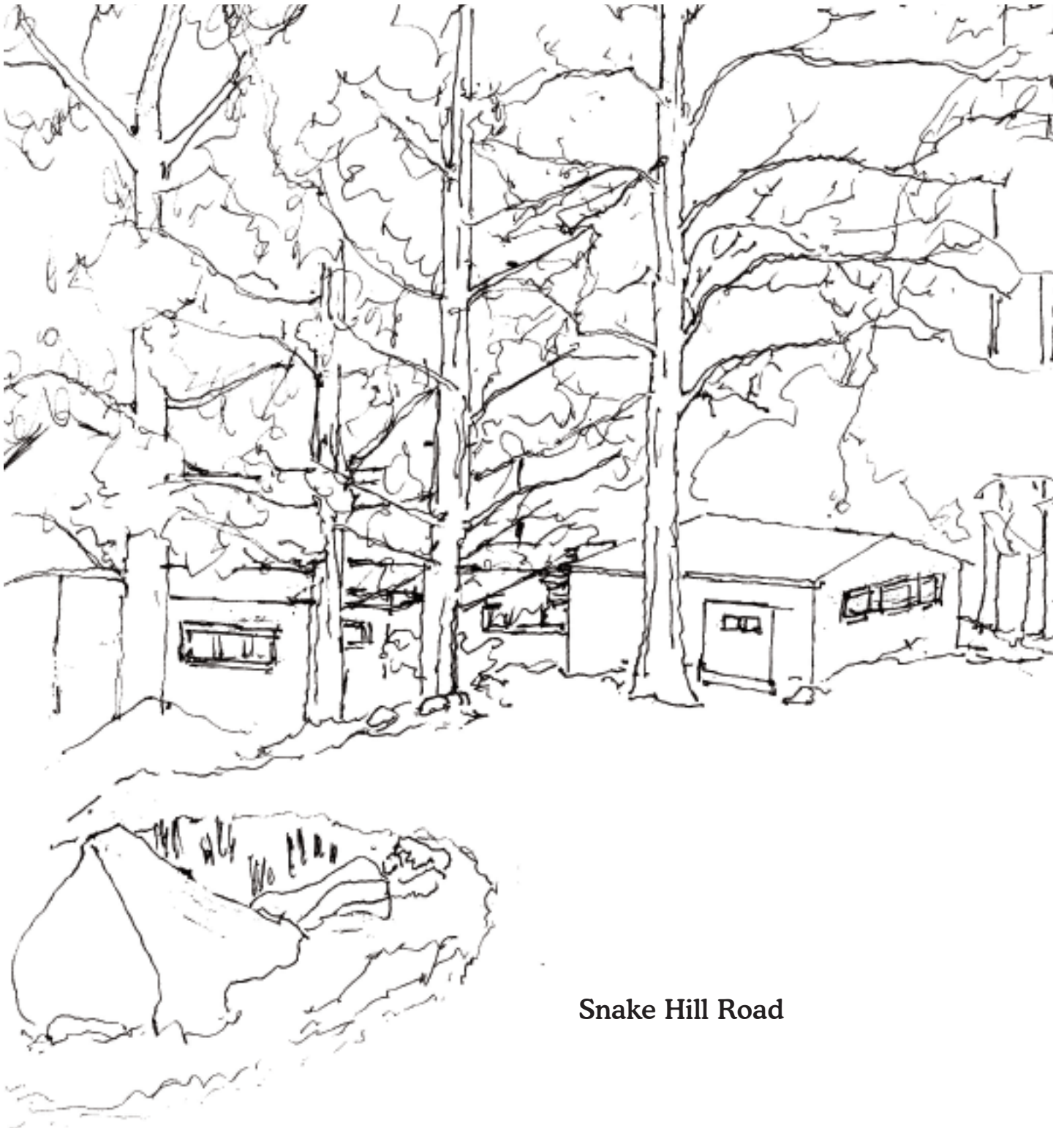
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**Snake Hill Road**

Perhaps the most fascinating international-style homes in Belmont are a group of homes designed and built by Carl Koch in 1940. Koch, an architect and MIT faculty member, sought to live amid nature in a

community of like-minded people. He theorized that land developed by a private and imaginative organization could yield more creative results than conventional development.

The May 31, 1940, edition of the *Belmont Citizen* explains the origins of Koch's development as follows: "Two Harvard instructors and three graduates have purchased 'Snake Hill' as a joint venture for a



**Snake Hill Road**

planned community.” The group changed the name of the street from Witsend Road to Snake Hill Road in honor of the many snakes that once inhabited the hillside. Today, Snake Hill Road is still a private way, and the street and other common land are jointly maintained by the owners.

The hillside site and modernist style presented Koch with a number of obstacles. Belmont thought the project might be a liability, and he had to convince the town otherwise. Financial institutions felt the project was risky. Getting water to the homes was difficult. In the end, a neighbor generously allowed the group to run pipes across his property. Prefabricated materials and identical house plans were not feasible. In winter, the steep road was slick and dangerous. Koch solved this problem by laying pipes under the street to heat it, thus keeping it clear of ice and snow.

Koch sought a synthesis of “the good, the beautiful, and the inexpensive” in his architecture. His design for Snake Hill Road was guided by the need for extreme economy and flexibility, by the view of Boston to the southeast, and by the rocky wooded site. Each house is positioned to take maximum advantage of the site. The exteriors of the homes contrast sharply with the architecture prevalent in Belmont. They are characterized by their absence of ornament, flat roofs, smooth wall surfaces, horizontal emphasis, and simple windows. The feel of

the homes is woodsy, brown, 1950s-ish—almost rural.

It seems odd that so few international-style houses were built in Belmont. One possible explanation is that the land here was already well developed, and so modernist designers went further out, to towns like Lexington and Lincoln, to design and build their architectural visions.

Belmont’s international-style homes may be largely invisible to the passerby, but they are familiar to scholars of modernism in New England. Indeed, several years ago, Historic New England (formerly the Society for the Preservation of New England Antiquities) offered a tour of the Snake Hill Road development. If you are interested in learning more about the international-style homes in the Boston area consider signing up for one of the tours offered by Historic New England (for more information, see [www.historicnewengland.org](http://www.historicnewengland.org)). They offer an opportunity to explore these little-known gems in our midst.

*- Susan Marsh is a landscape designer and Belmont resident.*



## **Letter: Narrow Roads Work Better Than Speed Bumps**

Dear Editor:

Regarding your article about traffic calming, I disagree strongly with the notion that speed bumps in various forms are a good method for slowing traffic. By forcing vehicles to slow down, and then allowing them to speed up, speed bumps waste gasoline, and contribute to noise pollution, especially on a bus route. They also slowly damage vehicles, further consuming resources. They don't necessarily even slow traffic down, except in the immediate vicinity of the bump. Chicanes are certainly superior to speed bumps.

But real narrowing of roads would be the most natural way to slow traffic. Narrowing of roads

would also reduce the heat island effect in metropolitan areas by reducing the amount of dark, heat absorbing asphalt surface while increasing the area of available to absorb rainfall. But road narrowing on busy streets should leave space for bicyclists.

Meanwhile, those who are truly concerned about the safety of pedestrians and bicyclists should refrain from using their cell phones while driving. Studies at the University of Utah have clearly linked cell phone use to driver inattention.

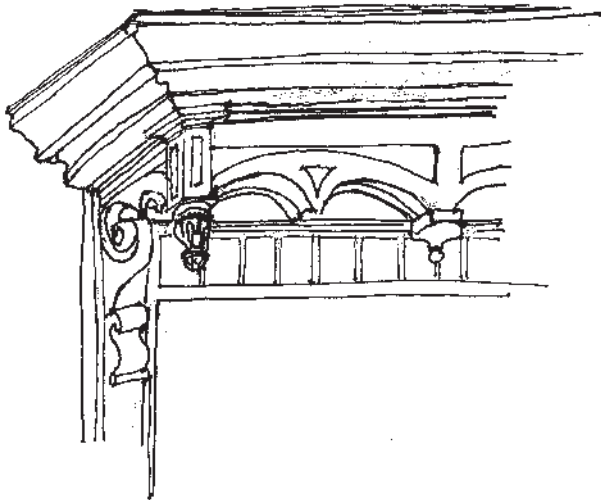
David C. Holzman, Lexington MA

# Towns Have Many Options For Controlling

By Katharine MacPhail

Throughout the United States, older houses in established suburban areas are being demolished and replaced by new, larger construction. New houses can be more desirable than older homes because of their increased energy efficiency, modern amenities, architectural style, and potential for customization, but neighbors often regret the loss of old houses. This is not a new phenomenon; since the first human community, the physical fabric of our built environment has been constantly changing and growing. What seems different now is the demand for bigger and bigger homes without regard to context or compatibility with existing neighborhoods. This practice of building large, lavish homes that are inappropriate in scale and bulk to their surroundings has been informally termed “mansionization.”

In response to mansionization, Massachusetts



towns are revising their zoning bylaws. In Belmont, the intensity section of the zoning bylaws specifies how close to the lot lines a building can be placed, how much lot coverage is allowed, how much open space is required on a lot, and how tall a building may be.

Compared to nearby communities, Belmont has yet to fall prey to mansionization—as is clear from a June 2004 memo from Belmont’s Office of Community Development contrasting Belmont and Wellesley. From 2001 to 2003, Wellesley, a community with approximately 7,500 residential buildings,

experienced 92 teardowns. In the same time period, Belmont, which has almost 10,000 residential buildings, saw only 14 of those buildings demolished.

The biggest controversy in Belmont is over the replacement of single-family homes with inappropriately scaled two-family homes. Area residents feel that the new buildings are too large, extending over as much of their lot as possible. They loom over their neighbors, and their front yards are covered in asphalt to allow for impossibly steep driveways leading to basement garages. Since driveways must be a minimum length, the buildings are set farther back than other houses in the neighborhood, breaking up the continuity of the streetscape.

## Moratorium Proposed

In response to this trend, residents proposed a moratorium on demolition in the general residence district, and Town Meeting adopted the measure in April 2004. For the past year, it has been illegal to demolish a single-family house in the general residence district and replace it with a two-family structure. The moratorium gave the Office of Community Development and the Planning Board time to study the subject and hold public hearings. Last month, Town Meeting adopted a zoning bylaw change that reduces the maximum height in the district from 36 to 33 feet and restricts the incidence of basement parking garages by allowing them by special permit only.

Other zoning restrictions were considered and rejected, such as reducing the allowable lot size and increasing required building setbacks. Implementing these restrictions would decrease the size and bulk of new construction, but would create too many non-conforming structures, unfairly restricting the building rights of existing property owners. Owners of non-conforming structures must apply to the Zoning Board of Appeals for permission to build an addition or a dormer, and in most cases they must prove a hardship in order to deviate from the zoning ordinance.

Dissatisfied with the Planning Board’s solution, some sponsors of last year’s moratorium brought another citizens’ petition proposing that teardowns in the General Residence district must be replaced by a building of the same type and size. In other words, a

# Teardowns, “Mansionization,” and Overbuilding

small single-family house could not be replaced by a larger two-family house. The Planning Board is reviewing this petition and will make recommendations to Town Meeting in June.

Another tool available to municipalities in Massachusetts is the demolition delay bylaw, which has been adopted by 84 communities. The delay allows the town time to determine if a building slated for demolition is significant—either historically, architecturally, or culturally—and to document or salvage the building and its parts. While this tool does not stop mansionization, it can help to retain architectural elements that contribute to the character of the town.

A third tool besides zoning and demolition delays is a design review board. While zoning can set allowable building envelopes, a design review allows a community to regulate what the building might look like. (See “What is A Design Review Board?” March

2005,

[www.belmontcitizensforum.org/newsletters/2005](http://www.belmontcitizensforum.org/newsletters/2005))

Design review boards typically function as advisers to a zoning board of appeals or planning board.

However, residential buildings outside historic districts are seldom subject to a design review board because of enforceability issues.

Established communities do not lie stagnant. They continue to evolve, driven by economic and regional pressures that are often beyond their control.

Comprehensive planning, including reviews of zoning bylaws, can help communities to shape their future.

But even if architects are encouraged to design new construction that is sensitive to the existing built environment and heritage, unfortunately, there is no legislating taste.

*-Katharine MacPhail is an architect and Precinct 3 Town Meeting Member.*



# Uplands Appeal Dropped by Belmont, Forum

By Sue Bass

Both the town of Belmont and the Belmont Citizens Forum have dropped their appeals of a decision by the Massachusetts Department of Environmental Protection (DEP) favoring O'Neill Properties, owner of the Belmont Uplands. Those dropped appeals remove one obstacle to O'Neill's proposal for a 245,000-square-foot research-and-development building on the Uplands site.

At issue in the now-abandoned appeal was the decision by the Belmont Conservation Commission to reject O'Neill's spring 2003 application for an Order of Conditions (instructions governing the construction of its proposed office complex under the state Wetlands Protection Act). After several hearings, the ConCom ruled that O'Neill's application was incomplete since the developer had not applied for site plan review, contrary to state law requiring developers to apply for all obtainable permits before requesting an Order of Conditions. Had an application for site plan review been filed, the ConCom noted, considerably more information would have been available for the commission to use in its evaluation.

O'Neill then appealed to the DEP for a Superseding Order of Conditions, which was granted last September 30. The ruling was puzzling on several grounds. First, it said that the town had not provided inadequate documentation that site plan review was an obtainable permit. However, an opinion by town counsel that was supplied to the DEP did state that site plan review was obtainable. Second, the DEP decision referred to site plan review as a "building permit" and

noted that such a permit is "specifically exempted from the requirement" that it be applied for before an Order of Conditions. But site plan review—an extensive examination of a proposed project by the Planning Board—is quite different from the building permit issued by the town's engineer.

Finally, echoing an argument made repeatedly by O'Neill's attorney, the DEP noted that the ConCom had provided the McLean developers with Orders of

Condition before they filed for site plan review.

The ConCom and the Citizens Forum had appealed to an administrative magistrate for a review of the ConCom's rejection of O'Neill's application and the DEP's reversal of that decision. For the Citizens Forum, the decision to withdraw wasn't difficult. We entered the case when the town failed to provide legal counsel to help the ConCom defend against O'Neill's appeal and withdrew in early April after the town supplied counsel.

## Floodplain Data A Major Concern

For the ConCom, the decision was much harder. In late April, the commission voted unanimously to recommend withdrawal from the appeal, citing in its resolution "the expense of continuing with the appeal process." But before recommending that the appeal be dropped, the ConCom asked the Board of Selectmen to encourage the Planning Board to work with the commission to ensure that new floodplain data from the Federal Emergency Management Agency (FEMA) will be included in the site plan review of any project on the Uplands parcel. The new FEMA floodplain map, which is still being revised and is not yet official, substantially reduces the amount of buildable land at the Uplands.

This "expectation of future coordination with the Planning Board on floodplain data" was another reason for the ConCom's withdrawal from the appeal. In its letter to the selectmen, the ConCom wrote, "The Town will have an opportunity to open the discussion of changes to floodplain elevation when and if a site plan is submitted for approval of the Planning Board."

Still uncertain, though, is whether O'Neill Properties actually intends to build a 245,000-square-foot R&D structure on the Uplands site. In 2003, a year after the land was rezoned for offices, O'Neill asked the town for another rezoning—this time for condominiums—but was rebuffed by the Planning Board. Last year, O'Neill applied for a permit to build an affordable-housing complex on the site, but the application for that project has not yet been filed.

- Sue Bass is a Precinct 3 Town Meeting Member and a board member of the Belmont Citizens Forum.





# Urban Wilds

## Past - Present - Future: The Alewife Reservation's Wildlife, Wetlands, Meadows, and Woodlands

**Speaker: Mike Arnott**

This presentation is a look at the past, present, and future of the Alewife Reservation, including the privately owned Belmont Uplands.

The Belmont Uplands is not an isolated treasure, but rather an integral part of an important ecosystem with recreation, conservation, education, and flood control value to the surrounding communities.

**Mike Arnott** leads workshops to demystify wildlife. He is a Board Member of the Friends of Alewife Reservation, and has an MA in Urban and Environmental Policy.

**Tuesday, June 14**

**7:30 p.m**

**Library Assembly Room,  
Belmont Memorial Library  
lower level**

Sponsored by the Belmont Citizens Forum.  
For more information, call  
(617) 484-1844



the sewer pipes did not constitute the sort of “direct withdrawal” meant by the regulation, which provided that a stream that is “perennial under natural conditions but affected by drawdown from water supply wells or direct withdrawals shall be considered perennial.” He therefore denied the motion for smoke testing, whose goal was to determine how much storm

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**It is illegal to put clean water into the sanitary sewers. Stormwater overburdens the sewer pipes... It increases everyone’s sewer bill, because all sewer ratepayers are charged for a share of the total sewage that leaves Belmont.**

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water was going into the sewers.

Instead, Rooney ruled that the top 600 feet or so of Junction Brook could be perennial even if the bottom 200 feet ran dry. A couple of months earlier, he had asked the parties to stipulate that the top 600 feet did not run dry, and McLean signed a stipulation that there were “no recorded observations” of that portion of the stream being dry. However, after Rooney’s ruling, McLean produced three witnesses who said they had seen the upper portion dry in the summers of 1998, 1999, and 2000 (plus one who said she had seen it dry in 1997, when a drought was argued.) Rooney chose to believe all the witnesses, both those for the petitioners who said they had never seen it dry and those for McLean. He noted that none of them had been there every day for every one of the years in question. As he saw it, a single observation that Junction Brook ran dry at the top countered hundreds of observations that it was wet.

Until now, it has been procedurally impossible to appeal Rooney’s May 2003 ruling that clean water

entering the sanitary sewer pipes does not constitute direct withdrawal. Yet that is an important issue, with statewide implications. It is illegal to put clean water into the sanitary sewers. Stormwater overburdens the sewer pipes. Sometimes it makes sewage flow backward and into basement toilets and showers. It increases everyone’s sewer bill, because all sewer ratepayers are charged for a share of the total sewage that leaves Belmont. The state and its citizens have an interest in preventing cross-connections between sewer pipes and stormwater drains and in requiring sewers not to leak sewage out into the ground or to soak up ground water.

Because of that issue, the Conservation Law Foundation (CLF) asked to participate in the Junction Brook case, though unfortunately not until after Rooney’s 2003 ruling. CLF argued that Rooney was



incorrect in excluding the impact of McLean's sewer system. "McLean has admitted that, when it upgrades its sewer system, Junction Brook will have greater flow," the memorandum says. "Under the [Rivers Protection] Act, whether Junction Brook receives protection should be based on whether its 'natural condition' is perennial or intermittent – and not on whether McLean drew its level down deliberately or unintentionally. The Act is not concerned with the intentions of landowners."

Before making a final decision on the appeal, the Citizens Forum and CLF will review the final decision, which should be rendered by the DEP commissioner within the next several weeks.

*- Sue Bass is a Precinct 3 Town Meeting Member and a board member of the Belmont Citizens Forum.*



## Sustainable Belmont Promotes Environment

*By Jan Kruse*

The Belmont Vision 21 Implementation Committee asked Jan Kruse and Heather Tuttle to organize a new Vision 21 subcommittee: Sustainable Belmont. Launched in February, Sustainable Belmont is committed to bringing together town officials, committees, and residents to promote positive environmental change and to support the town's goal of becoming an environmentally responsible community.

Sustainable Belmont is pursuing three projects:

- (1) Researching, drafting, and adopting a bylaw requiring sustainable design and construction practices for Belmont town buildings;
- (2) Researching, drafting, and implementing a climate action plan for Belmont;
- (3) Ensuring passage of a wetlands bylaw.

The group also plans to sponsor a series of educational forums on environmental topics.

So far, guest speakers at meetings have included members of the Belmont Conservation Commission and Timothy McCarthy, general manager of the Belmont Municipal Light Department. A staff member from the Massachusetts Climate Action Network is scheduled to speak at the June meeting.

If you'd like to help shape Belmont's ecological footprint, join Sustainable Belmont. Meetings are held the first Wednesday of every month from 7 p.m. to 9 p.m.; the next meeting is June 1 in the Faculty Dining Room at Chenery Middle School.

For more information or to be added to Sustainable Belmont's e-mail list, contact either Jan Kruse at (617) 489-4786 or [jan\\_kruse1@yahoo.com](mailto:jan_kruse1@yahoo.com) or Heather Tuttle at (617) 395-8213 or [hat@deardorff.com](mailto:hat@deardorff.com).

*- Jan Kruse is co-chair of Sustainable Belmont.*

# Western Greenway's Lot 1 Still Threatened

By Sue Bass

A 54-acre parcel of woods and wetlands on the border between Waltham and Lexington is off the auction block, at least for the moment. The land, known as Lot 1, part of the former Middlesex County Hospital site, and is a key piece of the Western Greenway, a thousand-acre ring of linked open space in Belmont, Lexington, and Waltham. As reported in the January 2005 issue of the Belmont Citizens Forum newsletter, the Division of Capital Asset Management (DCAM) had planned to declare the parcel surplus

property and to auction it off this spring for development.

In April, however, responding to numerous protests, DCAM canceled the auction. What happens next depends on how the rules for disposing of state land change this summer. Two years ago, the state legislature granted DCAM the authority to sell state land to help balance the budget, but that authority is due to expire June 30. At that time, the surplus-property law in effect before July 2003 will go back into effect—unless one of the numerous new proposals is adopted. The old law had its defects, but it gave so much power to municipalities that open space was generally protected. The new proposals



# *by Changing State Land Sale Regulations*

would mostly require cities and towns to buy any open space that they'd like to protect. Since virtually all cities and towns are strapped for cash, that would likely happen in only a few cases.

It is still unknown exactly which set of rules will determine Lot 1's fate. "We're going to wait to see what the legislature produces," said Jeanne Krieger, chair of the Lexington Board of Selectmen, who has been negotiating with DCAM on behalf of her town. A public hearing on surplus land proposals was scheduled for May 11 before the Legislature's Joint Committee on Bonding, Capital Expenditures, and State Assets.

One possibility is that the land will actually be declared not to be surplus. A staff committee of the state Department of Conservation and Recreation (DCR) recommended unanimously that the land should be transferred to DCR as parkland, most likely to be added to the adjacent Metropolitan State Hospital conservation land to form part of an expanded Beaver Brook Reservation. When acting DCR commissioner Stephen Pritchard relayed that recommendation, however, he was told that it would cost DCR \$12 million funds to acquire the land.

"Meanwhile, we're in the process of certifying additional vernal pools on the property," said Roger Wrubel, director of the Massachusetts Audubon Society's Habitat sanctuary in Belmont. Certified vernal pools are protected from development under the state's Wetlands Protection Act. Two vernal pools have already been certified by submitting scientific filings to the Natural Heritage & Endangered Species Program, a state agency responsible for protecting rare species and habitat. Evidence is now being compiled to certify three more, Wrubel said. (Vernal pools are seasonal water bodies that dry up in summer. As a result, amphibians can reproduce there without having fish gobble up their eggs.)

However, another link in the Western Greenway is



also threatened, this time in Belmont. To finance some renovations, the Belmont Hill Club is considering the sale of about two acres of undeveloped land along Concord Avenue—land that links the Habitat sanctuary to the McLean Hospital open space.

- Sue Bass is a Precinct 3 Town Meeting Member and a board member of the Belmont Citizens Forum.

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## **Events *continued from page 2***

**Summer Solstice Celebration.** Monday, June 20, 6 p.m.–8 p.m. Make rattles and sun sticks to use in a ceremony to welcome the summer season. Learn about solstice traditions of long ago. Visit the birch grove and discover why the birch tree was part of solstice celebrations. Habitat Sanctuary, 10 Juniper Road, Belmont. The cost is \$8 for Massachusetts Audubon members and \$10 for non-members. Call (617) 489-5050 for more information.

- Michael Stratford is a sophomore at Belmont High School. This summer, he will be serving as an intern in State Senator Warren Tolman's office.

homeowners.

A small coalition of local groups and individuals set out to persuade Waltham voters to approve this local surtax in order to reap matching state funds. Few people questioned the need to protect historical and natural features and to provide more affordable housing in the city, but with only four months before the November election, there was very little time to educate the electorate about the act's benefits and the opportunities it would create.

By the end of the summer, the public dialogue had begun in earnest. Pro and con articles bubbled up in the local newspaper. Some were misinformed about the size of the added tax, believing it would be an additional three percent of their property valuation, instead of just a three percent increase in the tax bill. The actual increased payment when all exemptions were considered was about \$32 for an owner-occupied home valued at \$250,000. Others misunderstood the role of the Community Preservation Committee (CPC), a locally appointed group that would make recommendations to the City Council about CPA-eligible projects. Upon learning that the budget for the CPC was set at five percent of the funds available, some critics labeled the group a slush fund. In fact, five percent is the maximum allowed, and the CPC's expenditures are limited to identifying and estimating costs for worthy projects.

On the day of the local preliminary elections—September 11, 2001—the world changed. Near-term

safety and survival took precedence over the long-term needs of the community. State and federal resources were diverted to homeland security, an item never before included in government budgets.

In November, the Waltham Daily News Tribune urged voters to reject the adoption of the Community Preservation Act. The final tally was 41 percent in favor and 59 percent opposed.

### **How the CPA Benefits Communities**

That same November day, the CPA was also rejected in Boston, following a massive, business-funded media campaign. In neighboring Newton and Cambridge, however, residents voted to approve the adoption of the CPA. Newton, which decided to make the surtax just one percent with no exemptions, has since received a total of \$5,174,725 in matching state funds. In Cambridge, the surtax was set at three percent with generous exemptions and was strongly supported by the mayor, city council, and business leaders. In three years, the city has taken in \$15,873,061 to match its surtax. The town of Bedford accepted the CPA with similar provisions in March 2001 and has received \$2,441,453 over three years.

Statewide, \$75,837,980 has been distributed to 54 cities and towns, matching local surtaxes dedicated to CPA purposes. Twenty-one other communities have also approved the act on ballot questions but were too late for the earlier distributions; they will be eligible to share in this year's match. To date, the state has matched 100 percent of local funds for every eligible



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local project. Overall, 36 percent of CPA state matching funds have gone to affordable housing projects, 38 percent to open space protection or preservation, 19 percent for historic preservation, and six percent for recreation. There are many nearby examples of CPA projects. Wayland bought land with CPA funds that will be used for both open space and affordable housing. Stow has appropriated \$100,000 of CPA funds for "affordability restrictions" to keep some existing homes affordable on resale. This spring, Weston Town Meeting will vote on spending CPA funds to refurbish the town-owned 1805 Isaac Fiske Law Office on the Boston Post Road.

## **Common Misperceptions About the CPA**

*State taxes will go up to pay for the state match.*

No, the funding comes from a \$20 charge on each filing in a Registry of Deeds or a Land Court

*The people least able to pay will have higher real-estate taxes.*

No, exemptions for homeowners, for the elderly, and for low-income residents make the surtax very

progressive.

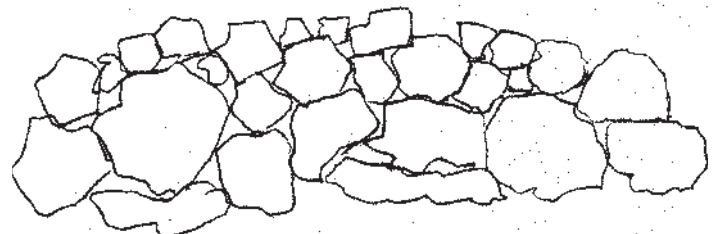
*A non-elected committee is authorized to make decisions about spending.*

No, the appointed Community Preservation Committee only researches and recommends possible projects. The usual appropriating body (usually town meeting or city council) makes the decisions.

*The state money will run out.*

Estimates have given assurance of 100 percent funding through 2009. Thereafter, at least 80 percent of the cost of local projects is guaranteed.

*- Inge Uhlir is a founding director of the Waltham Land Trust.*



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***People Are Asking***

## **What is the Community Preservation Act?**

*By Inge Uhler*

Over the years, the state government has given financial aid to cities and towns for many different purposes: education, road repair, water and sewer projects, open-land acquisition. But in September 2000, a new, innovative state-funding program was created. The Community Preservation Act (CPA) offers matching state funds to cities and towns that agree to add a small surtax to their property-tax bills. The amount raised by that surtax is matched by state funds so long as at least 10 percent of the funds go to open-space preservation, 10 percent to affordable housing, and 10 percent to historic preservation. The

remainder of the funds can be spent on any or all of these three purposes, as decided by the local legislative body.

### **Implementing the CPA: Waltham's Experience**

Before the CPA can take effect in a community, it must be placed on the ballot by the city council, town meeting, or popular petition and then approved by a majority of the town's residents. In Waltham, this process began in June 2001, when the City Council passed a ballot initiative. The council decided that the surtax would be 3 percent—the maximum allowed—with generous exemptions for all homeowners as well as special exemptions for low-income homeowners and for elderly moderate-income or low-income

*continued on page 14*