



Belmont Citizens Forum

Vol. 8, No. 2

A Newsletter for Belmont Residents

March 2007

Woods, Wildlife Lose a Round at the Uplands

By Sue Bass

Belmont’s lack of affordable housing collided with the fragile environment of the Alewife area last month, and the environment lost.

Although all five voting members of the town’s Zoning Board of Appeals expressed regret at the impending damage to the wetlands, woods, and wildlife of the Belmont Uplands, four of them voted on February 16 to allow construction of a 299-unit apartment complex in the heart of the silver maple forest. The vote followed unanimous ZBA findings that the development would inevitably “degrade the quality of the ecosystems on the site,” which adjoins the state’s Alewife Reservation, and that “the Project is larger and more dense than appropriate for the site.”

The ZBA acted under a state law known as Chapter 40B, which affects communities with less than 10 percent of their housing rated affordable by state guidelines. Chapter 40B allows developers to override local zoning if their projects will contain at least 20 percent affordable housing. Belmont now has 321 affordable units out of 9,936 housing units, or 3.2 percent of the total.

The ZBA’s voting members expressed frustration at the conflict between environmental issues and the law’s requirement for affordable housing during 12 months of public hearings on the Uplands project and six weeks of deliberation. For example, a 200-foot buffer zone along Little River is protected from development by the state Wetlands Protection Act. This project would skirt that buffer zone, with one building just 220 feet from the river. During deliberations, ZBA member Art Kreiger, an environmental lawyer, said that scientists now know a

wider buffer is necessary to protect the riverfront zone. But, he remarked, “The law hasn’t kept up with the science.”

The fifth voting member of the ZBA, Anthony Leccese, dissented from two approved provisions; for a total project size of 337,884 square feet, and to extend the development onto land that had been earmarked for a conservation restriction under a Memorandum of Agreement signed with the town in May 2002. Both the 2002 proposal for a research and development complex and the current housing proposal include conservation restrictions on almost eight acres, most of it unbuildable. However, the location of the land is slightly different.

Leccese, a real estate lawyer, said that though the additional land was only about three-tenths of an acre, it was important because it was on the south and west of the development, nearer the river and more valuable to wildlife. Besides, O’Neill had signed a

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Environmental Events Calendar

By Michael Stratford

Brown Bag Lunch Series. Tuesday, March 13, 12:30 p.m. Join the Charles River Watershed Association and guest speaker Mark Smith of The Nature Conservancy for a presentation highlighting state efforts to develop stream-flow protection policies and programs. Bring your lunch to CRWA's office at 190 Park Road, Weston (at the DCR Leo J. Martin Golf Course). Please RSVP to Rebecca Scibek at rscibek@crwa.org or 781-788-0007 x200.

Simple Ways You Can Save on Your Utility Bills. Wednesday, March 14, 7:30 p.m. Join the Watertown Environment and Energy Efficiency Committee for this presentation in its WE3C speaker series, featuring John Clarke of the Sierra Club. For more information, contact Lisa Alexander at lalexaim@aol.com.

Wearing of the Green at Fresh Pond. Saturday,

March 17, 1 p.m.-3 p.m. Discover Fresh Pond's evergreens: learn about their winter-coping skills and compare their different leaf styles before exploring the area around the Water Department and Kingsley Park. This free event is sponsored by the Friends of Fresh Pond Reservation. Meet at the Ranger Station, Water Purification Facility, 250 Fresh Pond Parkway, Cambridge. To register, contact Elizabeth Wylde at friendsoffreshpond@yahoo.com or 617-349-4793.

Then and Now Belmont. Monday, March 19, 7 p.m.-9 p.m. Join Victoria Haase, author of *Then and Now Belmont*, as she presents a visual timeline of Belmont's history with a slide presentation of photographs from the Belmont Historical Society's collection. Participants are encouraged to share their memories of Belmont. Come to Room 138 of Belmont High School to see the show. The cost for the Belmont Historical Society talk is \$6, payable through Belmont Community Education; registration is required. Call 617-993-5427 to register.

The Biocontrol of Purple Loosestrife. Wednesday, March 21, 7 p.m.-8:30 p.m. Learn how Friends of Fresh Pond Reservation and the Cambridge Water Department plan to control the spread of this invasive plant using a carefully tested species of beetle. This talk is free and open to the public. Meet at the Water Purification Facility, 250 Fresh Pond Parkway, Cambridge. To register, contact Elizabeth Wylde at friendsoffreshpond@yahoo.com or 617-349-4793.

Concert to Benefit the Charles River Watershed Association. Saturday, March 24, 7 p.m.-9 p.m. Enjoy a performance by bluegrass band Jaded Mandolin at a benefit concert for the Charles River Watershed Association. First Parish of Watertown, 35 Church Street. Tickets are \$15 for adults, \$19 for students, and \$32 for a family. Call 781-788-0007 for more information.

32nd Annual Gardeners Gathering. Saturday, March 31, 11 am-5pm. Come to free community gardening workshops for beginning and experienced gardeners at Curry Student Center, Northeastern

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

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Selectman Candidate Answers Ten Questions

Every year, Belmont voters elect one member of the town's three-person Board of Selectmen. This year, Dan Leclerc will be running unopposed. The Belmont Citizens Forum asked Leclerc to respond to the following questions.

1. What reawakened your interest in Belmont government?

A friend of mine was lamenting that no one was "stepping up to the plate" regarding the open seat created by Will Brownsberger's election to the Massachusetts House of Representatives. I thought about this for several days, during which time I got calls from other friends, asking if I would consider running. I then had several more conversations with my wife and other folks in town and decided that I might be able to make a contribution if I ran. I watched several Board of Selectman meetings on the local cable channel, and thought the issues under discussion were quite interesting and intellectually challenging.

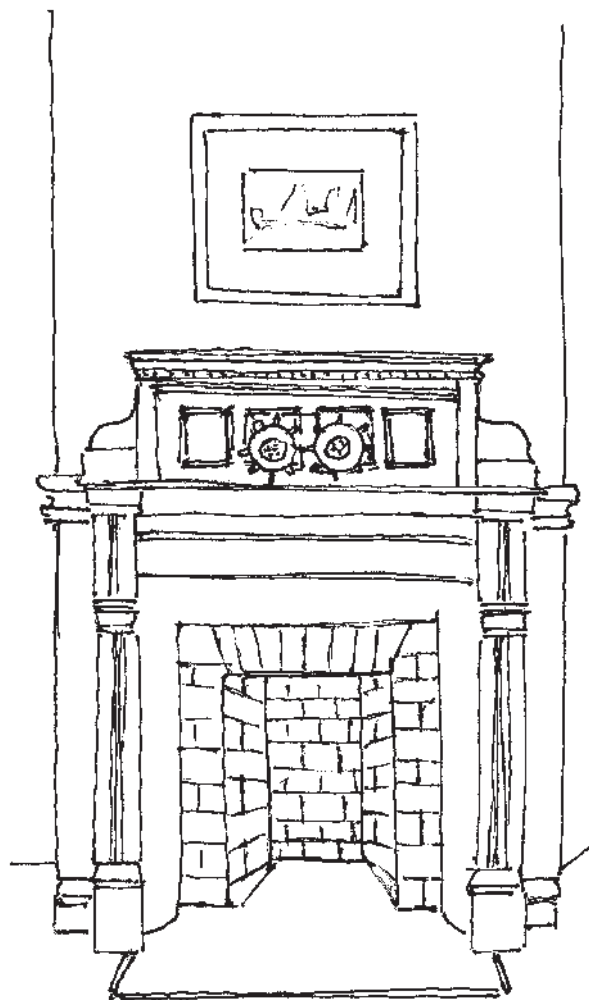
I decided that I have an obligation, both to the town and to myself, to give this a try. I am very glad that I did. So far the campaign has been most stimulating. I have met many wonderful new people, and have reconnected with a lot of old friends whom I knew from my school committee days in the early nineties. The public policy issues we face are vital, complex and very challenging. If elected, I look forward to engaging with the various constituencies in town and developing solutions.

2. How can Belmont pay for our backlog of postponed infrastructure work?

I am very impressed with the long-term building plan that has been developed by the Board of Selectmen and the Permanent Building Committee. By setting up a reasonable sequence of building programs to include the Wellington School, High School renovation, and the Town Library, it appears that we can finance these projects over a long period of time with manageable debt service schedules which will require modest debt exclusion overrides. Such a plan will ward off "delay and decay" policies which tend to create unanticipated and often unmanageable

capital budget burdens.

I am willing to do the hard work of developing these plans and making the case to the voters of Belmont that spending tax dollars for renovating and replacing some of our tired and outmoded buildings is a sound investment. I am also impressed that by virtue of the sound fiscal management of our town



administrators we have an extraordinarily high bond rating which allows us to borrow at comparatively favorable interest rates.

3. Do you see any prospect for preventing the construction of housing at the Belmont Uplands?

After having spoken to several people who seem to understand the intricacies of Chapter 40B, it appears that we may not be able to prevent the

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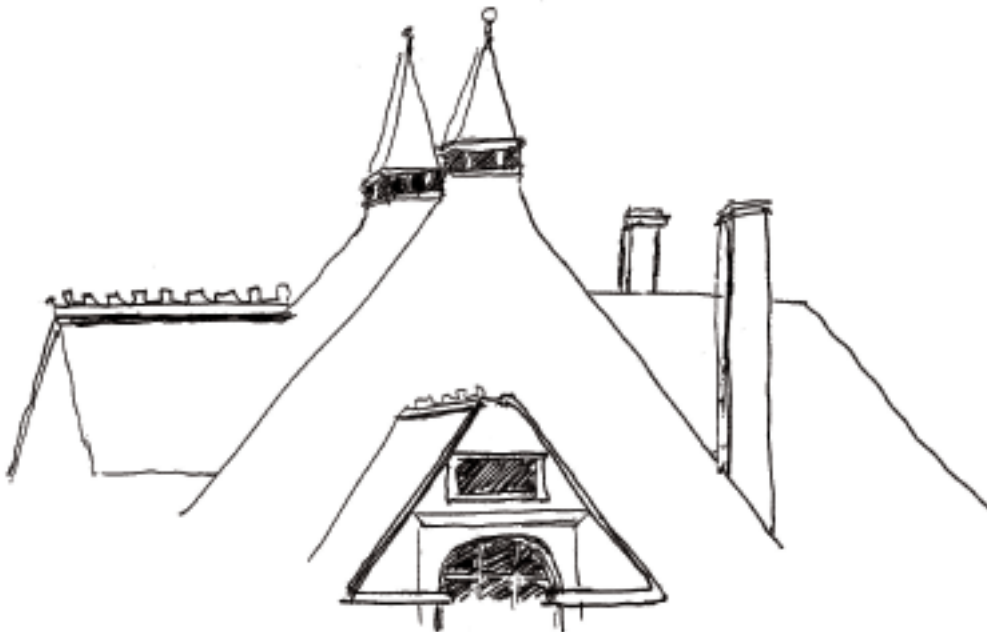
Selectman *continued from page 3*

construction of housing at the Belmont Uplands. At one of the hearings I attended, it was very sad and frustrating to watch the very hard-working, unpaid volunteer members of the Board of Zoning Appeals beset by justifiably angry and frustrated neighbors in the Winn Brook neighborhood. Neither the ZBA nor the neighbors are villains here. The villains, it seems to me, were the indifferent representatives of the developer and the blunt instrument of 40B legislation.

The option of purchasing the land for five or six million dollars is hard to imagine, given the demands that will be placed on Belmont taxpayers with the infrastructure needs mentioned in my answer to question no. 2. I know that some folks who are active in the effort to block the Uplands believe that the 40B law allows for meaningful legal challenges. I will meet with them to see if I can develop an understanding as to how this can be accomplished without incurring any onerous and unrecoverable legal fees on the part of the town.

4. What might the Community Preservation Act mean to Belmont, and do you support it?

The Community Preservation Act could provide a



means for the town of Belmont to finance historic preservation, develop more units of affordable housing, and acquire open space. Such an approach might have been used to finance Town Hall preservation, place a bid on the Uplands and support Cushing Square redevelopment.

On the face of it this seems like a reasonable approach to helping the community fund desirable projects. Surrounding towns have passed it. It allows the town to access the funds held by the state which are inaccessible without the CPA and the town would have a variety of choices in the per cent levy. The looming possibility of another 40B type of project in future years should act as a stimulant for finding creative, de-centralized and sensitively designed affordable housing projects.

I cannot say at this time that I unequivocally support CPA. I will need to carefully examine the details of this program and talk to leaders in other communities who have availed themselves of this opportunity before I would take a firm position.

5. Do you support a wetlands bylaw?

I support a wetlands bylaw to enhance the power of the Conservation Commission to protect wetlands. I will need more time and study to acquire a detailed understanding of the various elements of what a bylaw should look like. I would want to be sure to strike the right balance between appropriate protection and private property rights.

6. Belmont's sanitary sewers leak sewage into Little



Pond. What can Belmont do to make Little Pond cleaner?

The town is required by law to eliminate sanitary sewer leakage and has already made great progress in doing so at considerable expense. I fully support these efforts and will work to assure that this effort is completed.

7. What would you do to increase pedestrian safety in Belmont?

One of the key themes in my campaign has been the creation of a more livable and walkable community. Belmont is very fortunate in that virtually every citizen lives within 1-1/2 miles of one of our three centers. Many of our town facilities, such as fire stations, post offices, parks, schools and public transportation lines are within walking distance.

I'm pleased that the town has already created some traffic calming projects along Trapelo Road. The new "roundabout" at the intersection of Grove, Washington, and Bright Road has made that traffic free-for-all much tamer and approachable for pedestrians. Even the simple "raised-platform" in the crosswalks on Bright Road at the intersection of Gale and Glenn Roads creates a heightened pedestrian visibility.

I will support the creation of more such traffic calming projects. We are, for the most part, a "sidewalk community." The maintenance of our sidewalks and the creation of new ones where there are none should be one of the objectives of our infrastructure planning.

8. Do you think shuttle buses would benefit Belmont? On what routes? How do you suggest that we get them?

I do believe that town leaders should investigate the feasibility of crosstown buses to connect our three centers and perhaps some of

the outlying shopping malls. These would be particularly useful for our seniors and our school-age children who do not yet have driver's licenses.

We should approach both public and private transportation authorities and companies, conduct town-wide surveys as to the attractiveness of potential routes and fare structures. We do have the Belderbus which supports the needs of seniors in getting around town. A simple triangular route around town might be enough.

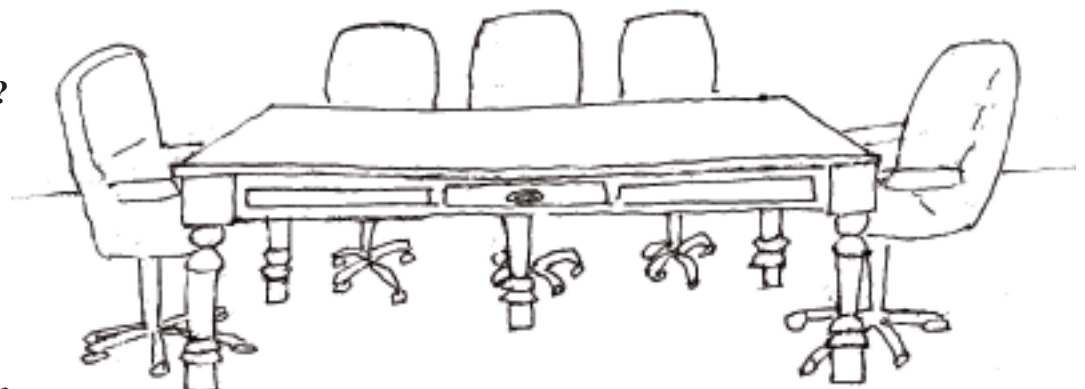
I am a supporter of increasing environmental sustainability and would support any way that we can decrease our dependence on individual vehicles as a means of transportation.



9. Do you support a bike path from Alewife Station through Belmont following the railroad right-of-way? If so, there does not appear to be enough room on the right-of-way west of Belmont Center for a bike path beside the existing tracks. Where can it go?

I will work to complete the segment from Alewife to Brighton Street. Beyond that I need to evaluate the alternatives of running the extension behind the homes on Channing Road or a route along the High School on Concord Avenue. I am sensitive to the impact any such amenity would have on neighborhoods. I would have to listen to the voices of the folks on Channing Road. Once the route gets to Belmont Center we might consider going up Royal Road to Pleasant Street with adequate signage along

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that stretch.

10. Should Belmont allow or encourage increased density in business and residential areas? Where and how much?

I am in favor of increasing density in business and residential areas if such schemes will support revitalization and more diverse forms of residential opportunities which can support folks staying in Belmont for their entire life cycle. As a former leader in the effort to prevent the building of 90 Concord Avenue I am very sensitive to how easy it is for a building, if improperly sited or overly large, to have a very negative effect on both the aesthetics and the value of nearby residential housing. For example, housing schemes which allow for attached town house plans with compensating common open land can be attractive and practical.

The possibility of increasing density for the purpose of adding residential apartments and condominiums as a second floor to a small business has the potential of creating positive pedestrian traffic which enhances safety and commercial activity. Care should be taken to ensure that such schemes do not overshadow adjacent residences.

A number of communities across the nation have been doing some creative development around these concepts. I would support the exploration of successful models across the nation and seeing if they might work in Belmont. But, I should add, I am very much in support of the vigor in which the Board of Zoning Appeals has enforced Belmont zoning regulations in regards to overbuilding in our neighborhoods.

I will do everything in my power to prevent the “mansionization” of Belmont by tearing down existing homes to be replaced by oversized houses



which overwhelm the prevailing density of a neighborhood. Stiff and vigorously regulated zoning regulations in regards to density, height, signage, noise ordinances, and vehicle parking rules are a hallmark of a well regulated, peaceful, and people-centered community.

The Belmont Historical Society is seeking nominations for its 2006/2007 Awards Program for the preservation of buildings and natural open spaces.

Nominations are open to all residents of Belmont. Nominations must be received no later than 5 p.m. on Monday, April 30, 2007

For more information, contact the Society at 617-993-2878 or see www.belmonthistoricalsociety.org.



Simple Steps Can Cut Stormwater Pollution

By Sumner Brown

As Belmont has become more developed, stormwater runoff has increased—and so have problems of flooding, silting and water pollution. The goal of twenty-first century stormwater management is simple: use low-impact development practices so that stormwater runoff from development will be no greater, no faster, and no dirtier than it was before.

Belmont's zoning bylaw includes some stormwater regulations, but these focus only on the new McLean development and the Uplands. A proposed stormwater bylaw, which may appear on the April 2007 Town Meeting Warrant, would apply to any new construction that substantially affects stormwater runoff.

Development Creates Stormwater Problems

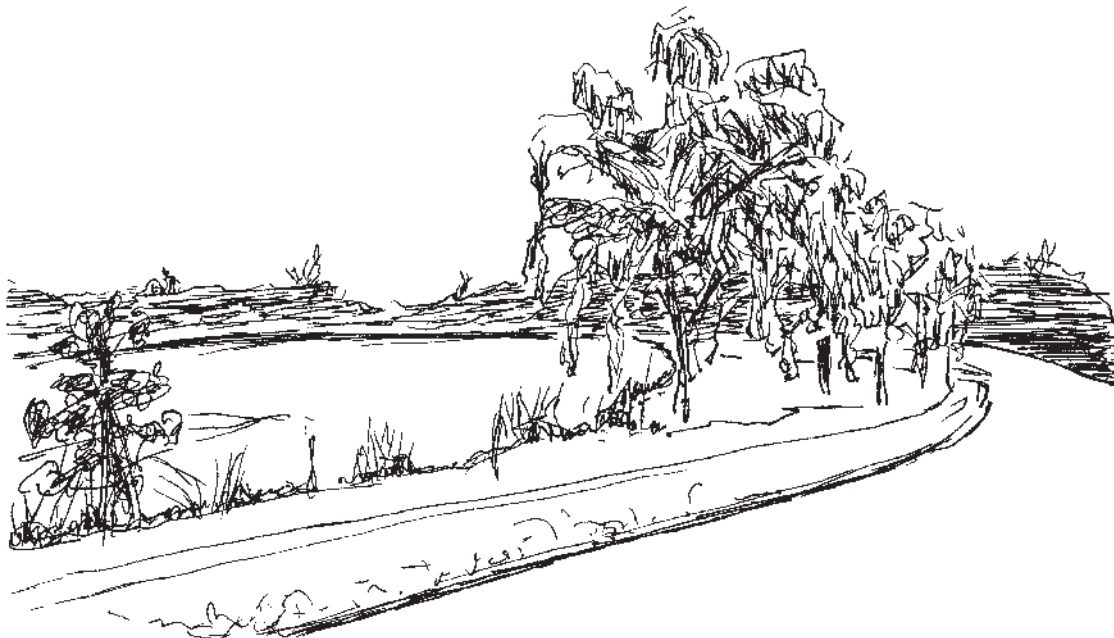
Before Belmont was developed, much of it was covered with forest. When rain falls on a forest, the water is soaked up by the trees and by the forest floor, which is covered with dead leaves and other organic litter. This rainwater is released slowly and drains into rivers and ponds very gradually, recharging them with water between storms. A slow soak through the ground also filters the water, leaving purer water to flow into streams.

In the twentieth century, Belmont's developers and residents drained swamps, developed over drained swamps, built stormwater collection sewers, put streams in culverts, built houses over most of the developable land, and paved roads, sidewalks, driveways, and parking lots. When Belmont's forests were cut down and made into lawns, houses, and roads, much of the rain stopped soaking into the ground. Instead, it now washes over the surface of the land. Belmont's rain now becomes stormwater that runs off very quickly and carries with it dirt including sand, oil drips from cars, and animal waste found on the pavement.

All this fast-traveling water gets into streams in one big surge instead of gradually soaking through the soil. Streams under these stressful conditions flood much more often than in Belmont's forest days, and the water that reaches them as stormwater isn't filtered. When water flows into a storm drain, it rapidly runs into streams and pollutes them.

Flooding is the most dramatic result of these stormwater problems. We seem to be having hundred-year storms every 10 years, and when they come, residents of Oliver Road have encounters with Little Pond that are unpleasant and expensive. The town places sandbags in front of the high-school doors to

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Clay Pit Pond

Stormwater *continued from page 7*

keep Clay Pit Pond out. Some roads become impassable.

Less dramatic but still important are issues of silting and pollution. Blair Pond was once a deep pit from clay extraction. Now it is almost a mud flat. Mill Pond is nearly filled with silt from the McLean parking lots. And stormwater runoff from impervious surfaces is a major source of water pollution.

Low-Impact Development Slows Water Down

Low-impact development allows rainwater to soak into the soil and recharge groundwater so it does not become stormwater. There are several examples of low-impact development in Belmont.

- The new parking lot at the Belmont Hill School has water storage tanks beneath it. These catch water running off the parking lot and release it into the ground below as fast as the ground can absorb the water.
- The new building at Habitat Wildlife Sanctuary captures roof runoff water in cisterns, which are large rain barrels buried in the ground. The captured water is then available for irrigation.
- The expansion at the Belmont Hill Club has water retention tanks that capture roof and parking lot water, then release it slowly to the ground below. The club hopes that this will dry up a wet basement problem, and neighboring Habitat Wildlife Sanctuary hopes that the tanks will stop runoff that damages a trail in the Highland Farm meadow.

Salem Bylaw is a Model for Belmont

Belmont's bylaw will be based on work done by and for Salem, Massachusetts. A guidebook describing goals, requirements, and techniques for stormwater management proposed for Salem can be found at http://www.woodardcurran.com/resource/Guidebook_Final.pdf.

The *Salem Urban Stormwater Management Guidebook* describes many low-impact development techniques, such as vegetated swales, vegetated filter strips, constructed wetlands, infiltration trenches and dry wells, infiltration drainfields, pervious paving sur-

faces, roof gardens, retention basins, and detention basins. My favorite is bioretention areas, also called rain gardens. Rather than sending your downspout water through a pipe in the ground to who-knows-where, you send it to a rain garden, a flower bed in a hollow where carefully selected plants and sandy soil filter out pollutants. They are beautiful. More details and a picture of a rain garden of native plants are featured on page 28 of the Salem guidebook.

This proposed stormwater bylaw is part of the business of how people interact with their environment. As we developed sanitary sewers and automobiles, that new technology allowed more of us to live comfortably in Belmont. We packed people, houses, and roads into Belmont until we developed flooding and water pollution problems. We thought we had our little paradise until we found that Nature bats last. Now we need to correct some mistakes of the last century.

— *Sumner Brown is a Director of the Belmont Citizens Forum.*



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University. For more information, contact Jo Ann Whitehead, BNAN Education Manager, at 617-542-7696 ext. 15 or joann@bostonnatural.org. Sponsored by the Boston Natural Areas Network.

Sustainable Belmont Monthly Meetings.

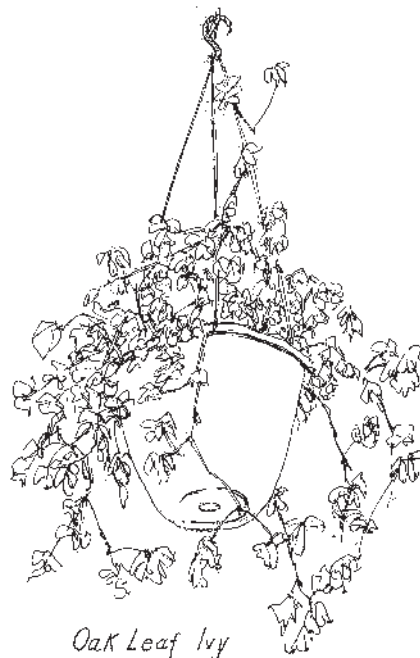
Wednesday, April 4, and Wednesday, May 2, 7 p.m.-9 p.m. Located in the Assembly Room of the Belmont Public Library, 336 Concord Avenue, these meetings are open to the public.

Certifying Vernal Pools. Saturday, April 7, 9 a.m.-1 p.m. Learn about certifying and protecting these wetlands. Participants will meet at the Habitat visitor center, 10 Juniper Road, Belmont, then drive to potential pool locations to search for organisms that live in a true vernal pool. Wear footwear appropriate for very muddy woodlands. Children 8 and up are welcome with an adult partner. The cost is \$12 for Mass Audubon members, \$15 for non-members. Call 617-489-5050 for more information and to register.

The Food Project's 4th Conference on Agriculture in the City. Friday & Saturday, April 13-14. This conference, titled, "Farming the City: Changing the Way We Think about Food, Hunger and Health," will highlight research and grassroots programs using urban farms and other food lots in cities. Friday features tours of urban agriculture; Saturday's sessions take place at Roxbury Community College, 1234 Columbus Ave, Boston. See <http://thefoodproject.org/agriculture/Internal1.asp?ID=551>.



Step It Up. Saturday, April 14, 11:30 a.m. Join Sustainable Belmont in carpooling or cycling to a Lexington Step It Up rally to urge Congress to act on climate change. This fun family event will feature live bluegrass music and speakers, including State Representative Will Brownsberger. Meet at the Belmont Public Library, 336 Concord Avenue. For more information, contact Sustainable Belmont at sustainablebelmont@gmail.com.



8th Annual Earth Day Charles River Cleanup.

Saturday, April 21, 9 a.m.-noon. Volunteer to help clean up at sites along the Charles River. Cleanup supplies, refreshments, and instructions will be provided. For more information call 781-788-0007 x303 or visit www.charlesriver.org/cleanup.html.

Waltham Earth Day Celebration. Sunday, April 22, 10 a.m.-4 p.m. Join the Waltham Land Trust and 11 other organizations for Earth Day events at the UMass Waltham field station (240 Beaver Street) and the Cedar Hill Girl Scouts campus (265 Beaver Street). Learn about local projects to help sustain a healthful environment. There will be hands-on activities for both children and adults. For more information, contact Karen Patterson at kpatters@walthamlandtrust.org.

25th Annual "Run of the Charles" Canoe and Kayak Race. Sunday, April 29, all day. Paddle, volunteer, or watch as over 1,800 participants canoe and kayak along the Charles. There will be a finish-line festival and exhibits at Herter Park all day showcasing the science work of the Charles River Watershed Association. For more information, visit www.crwa.org/rotc/rotc.html or call 508-698-6811. Sponsored by CRWA and the Cambridge Science Festival.

Donors Protect Belmont Link of Greenway

By Roger Wrubel

When I became the director of Mass Audubon's Habitat Wildlife Sanctuary, I noticed with concern that our only connection to the Western Greenway was via unprotected open land owned by the Belmont Hill Club. This strip of land lies west of the club buildings along Concord Avenue. There is a trail through the club parcel that has been used for many years and joins Habitat's Highland Farm meadow to the Pine Allee in the McLean Open Space.

When the club decided to sell a portion of their land to pay for renovations, a group of club members proposed a "conservation solution" to the club's board of directors. The board stated it would support the proposal if the fair market value of the property could be raised. With great speed and determination, the conservation group secured pledges from more than 100 donors. On December 13, 2006, Mass Audubon

took title to the one-plus acre parcel joining it permanently to Habitat. A conservation restriction was conveyed to the Belmont Land Trust, making Mass Audubon and Belmont Land Trust partners in ensuring the land's conservation future.

The protected land is a mix of grassland, shrubs, and trees, including a large stand of Eastern red cedar. The variety and types of vegetation provide excellent bird habitat, and the location ensures the connection between Habitat and the rest of the Western Greenway. Thanks to the vision and effort of the Belmont Hill Club's conservation solution group and the support of the Belmont Land Trust and Mass Audubon, this land will remain forever intact as a natural area for the benefit of wildlife and people.

— Roger Wrubel is Sanctuary Director of Habitat Wildlife Sanctuary.



A map of the newly-protected land connecting Habitat to the rest of the Western Greenway via McLean Open Space. Map courtesy of Roger Wrubel.

DEP Criticized for Lax Review of Sewer Permits

By Sue Bass

State regulations forbid adding sewage to systems that overflow or back up. Belmont's sewers do both, but neither the town nor the state checked to see whether adding 83,000 gallons a day from two developments at McLean would worsen the town's problems.

That is the substance of the Belmont Citizens Forum's challenge to a sewer connection permit for the two developments. The challenge is now being reviewed by Magistrate Bonnie Cashin of the state Division of Administrative Law Appeals, following a hearing on January 29. The developments being challenged are a 600,000-square-foot senior housing complex to be built by the American Retirement Corp. subsidiary of Brookdale Senior Living Inc. and a 150,000-square-foot research and development complex to be built by Belmont ValueRealty Partners.

If the Citizens Forum succeeds in this case, future sewer applicants all over Massachusetts could be held to a higher standard, and water pollution and the health risks from sewer backups and overflows should be reduced everywhere.

Evidence in the current case showed that instead of carefully reviewing Belmont's sewer problems and capacity and requiring targeted mitigation, Belmont's town engineer and the Massachusetts Department of Environmental Protection (DEP) accepted and approved a sewer connection application from McLean Hospital that included no substantive analysis of Belmont's broken sewers.

"It is uncontroverted that the Belmont sewer system currently surcharges and overflows on a routine basis. This constitutes improper sewage disposal and damage to the environment," said Adam Brodsky, attorney for the Citizens Forum, in a post-hearing brief filed this month on behalf of the 12 citizens who are petitioners in the challenge. "Moreover, the existing surcharges and overflows also cause water pollution in nearby surface waters."

Engineers representing both the Citizens Forum and McLean Hospital agreed that sewage regularly backs up into houses and overflows at manholes during rainstorms — routinely, not just in extreme cases. The Massachusetts Water Resources Authority confirmed 2005 and 2006 "surcharge events" in Belmont, when the pipes were overloaded and

backing up, according to documents submitted by the Citizens Forum's engineer. Surcharges during the May 2006 Mothers Day storm prompted 22 households to call the Belmont Department of Public Works for help. Belmont's surcharges resulted in fecal coliform



and *E. coli* found in Wellington Brook and Winn's Brook by water quality monitors for the Mystic River Watershed Association.

Yet McLean's application for a state sewer connection permit contained no engineering assessment or calculations of the capacity of the existing system to accept additional flows. Despite repeated requests from the town for such calculations, McLean never generated any sewer monitoring data, its engineer conceded on cross-examination. Nevertheless, Belmont ultimately signed off on the sewer permit application — and the state's review was effectively limited to seeing that Belmont had signed.

DEP's determination that an application is complete "must include substantive review of the proposed project for regulatory compliance and not merely some form of administrative review to ensure that the forms are filled out correctly," Brodsky argued. "In particular, with respect to a sewer connection permit application, the Department must independently determine whether the new connection will result

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in surcharges or overflows.”

At the end of the January 29th hearing, Jeffrey Storer of Ropes and Gray, an attorney for American Retirement Corp., renewed a motion he had lost in December — to dismiss the petitioners for lack of “standing,” a legal concept meaning that they have the right to bring the case. Storer argued that petitioner Audrey Lenk does not have standing as an individual because she has not had sewage back up into her house since 1998. He suggested that the citizens’ group — of which Lenk is also a part — lacked standing because they could only intervene in a matter brought by another petitioner with standing.

Magistrate Cashin agreed that Lenk is not aggrieved and therefore lacks standing as an individual; but she ruled that the group of Belmont

residents has the independent right to appeal the case as a case of potential damage to the environment. No timetable has been established for Cashin’s decision on the basic issue of what care the state must exercise before approving a sewer connection permit.

“McLean and ARC have their spending priorities reversed,” said Grant Monahan, president of the Citizens Forum. “They are spending little on the engineering necessary to protect Belmont’s environment and are paying Ropes and Gray, the largest law firm in Boston, enormous legal fees in order to stop the Belmont Citizens Forum and residents from defending the town’s environment.”

— Sue Bass is a Director of the Belmont Citizens Forum.

Donating Securities To the Forum Gives Double Bonus

Uncle Sam offers a double benefit to charitable donors — a benefit that’s particularly useful when the stock market is high. You can give stocks, bonds, or mutual funds that you have owned for a long time to a nonprofit. The amount of your tax-deductible donation is the current value of those securities, but you do not have to pay capital gains tax on the amount they have appreciated in value since you bought them. If your stock has doubled, tripled, quadrupled or more over several decades, that is a big bonus.

However, this transaction must be done carefully. To avoid capital gains tax, do not sell the securities yourself; transfer them directly to the Citizens Forum’s brokerage account and let us sell them. In your instructions to your broker, be sure to specify which shares you want to transfer; normally, you would give shares that you have held for a long time. For more details, please call the Citizens Forum’s treasurer, Mark D’Andrea, at 617-484-1844. We are grateful for your support.



Uplands continued from page 1

contract nearly five years ago promising to grant that conservation restriction. Leccese was supported on that issue by one other ZBA member, Art Kreiger.

ZBA Asks for Sewage Mitigation

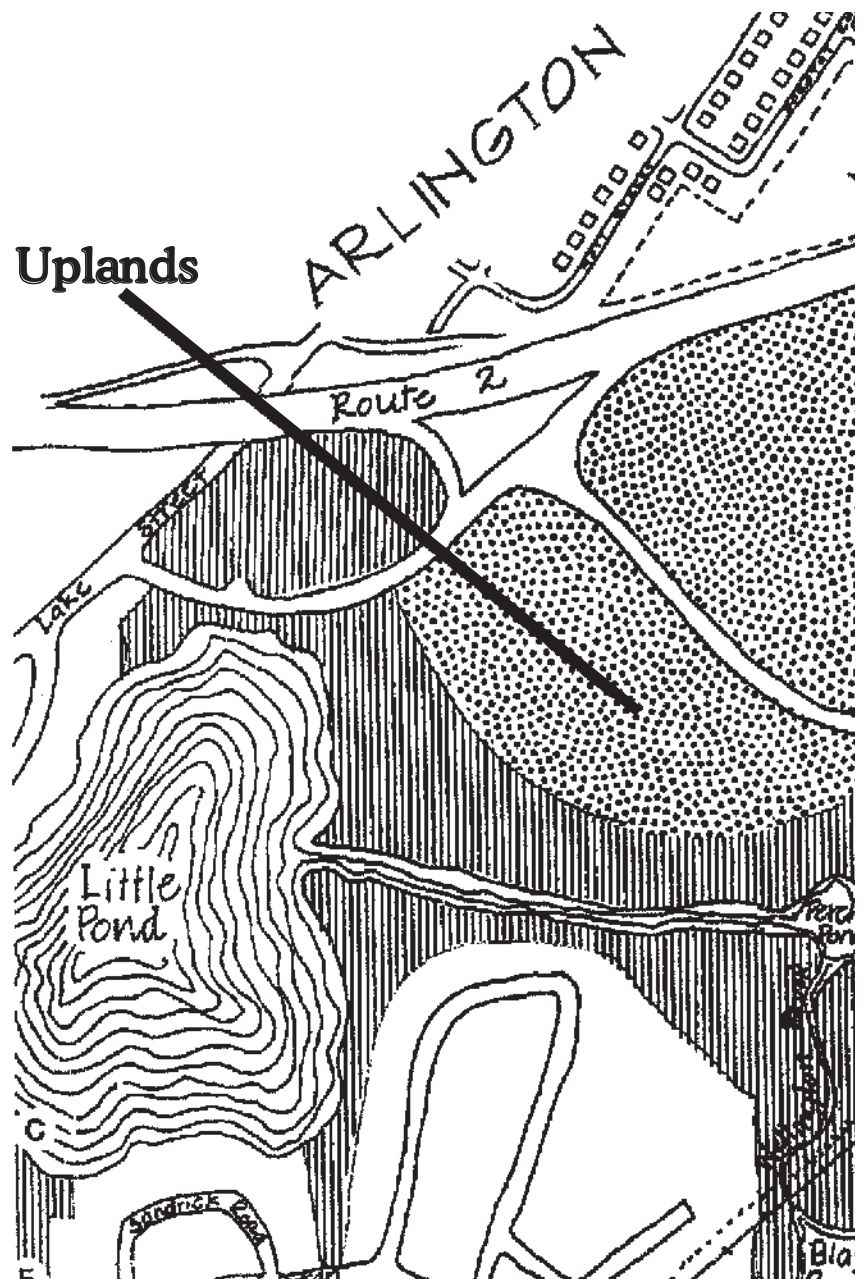
Forty-two conditions are attached to the ZBA decision. Two are designed to reduce the chances of more sewage overflows in the Winn Brook neighborhood, where sewage backs up into many residents' basements during rainstorms. Pipes carrying sewage from the Uplands development were proposed to go through Winn Brook, as 80 percent of Belmont's sewage already does.

The ZBA gave the developer, O'Neill Properties of Pennsylvania, a couple of options. The preferred option is for O'Neill to get permission to send its sewage through Cambridge. If that is not possible, during storms O'Neill must store sewage in underground tanks with a total capacity of 50,000 gallons and not release it into the Belmont system until the flow in that system has abated. Those tanks should hold about two days' sewage according to the ZBA's consultant, Fay Spofford Thorndike. If a storm lasts for more than two days, O'Neill would be required to have trucks come to pump out the tanks. In addition, the developer would have to pay at least \$300,000 to the town for sewer mitigation.

Uplands May Still Be Preserved

Several factors could still delay or stop the development. The trees will not be cut immediately: A ZBA condition prohibits clearing any land until the developer has obtained all local, state, and federal approvals needed for a building permit. Another ZBA condition requires approval of a plan to mitigate problems during construction. Ernest Kirwan, a Cambridge architect, believes it is impossible for O'Neill to build the apartment complex without encroaching on the protected land that surrounds it on all sides.

The project also has to pass three environmental reviews before the building starts. The Belmont Conservation Commission needs to determine compliance with the state Wetlands Protection Act and to set conditions to avoid damage to the adjacent



wetlands, the Massachusetts Secretary of Environmental Affairs needs to review the project under the Massachusetts Environmental Policy Act (MEPA), and the state Department of Environmental Protection will review the development for a state sewer connection permit. Each review is open to public comment, and appeals are possible.

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In addition, a group of Winn Brook residents working with the Friends of Alewife Reservation is likely to file a legal challenge to the ZBA's approval of the development. Stanley Dzierzeski, chairman of the Coalition to Preserve the Belmont Uplands and Winn Brook Neighborhood, said the group has hired Boston attorney Thomas Bracken, a former member of the Cambridge Conservation Commission who is familiar with the Alewife area.

The Belmont Housing Trust is criticizing the ZBA's decision from a different perspective — the shortage of family units. Only 16 of the 299 apartments in the complex would have three bedrooms. That amounts to intentional discrimination against families with children, the Housing Trust said in a petition filed February 28 with the Massachusetts Commission Against Discrimination.

Would O'Neill Sell?

Steve Corridan, a partner in O'Neill Properties, was not surprised. "My expectation was that there would more than likely be appeals by a variety of groups at different stages of the process," he said.

Meanwhile, an effort is being made to buy the property. The Trust for Public Land, a conservation organization that facilitates the purchase and

protection of land by public agencies, has been asked by the Belmont Selectmen to try to negotiate an option for the land and to help the town assemble a funding package to buy the land. This funding would likely include town money, grants, private donations, and state funding. This will not be the first time O'Neill Properties has been approached about a sale, Corridan said. "From day one — more than five years ago — people constantly have been calling us. It's a unique property." Would O'Neill consider selling? "Our plan is to develop the property," Corridan said. "It's not on the market for a sale. But we're pragmatic, so we'll look at something that comes along."

Corridan said O'Neill had not yet decided whether to appeal any of the ZBA's conditions. If the firm does not appeal, he said, it will apply for all of the permits "posthaste."

Housing, Open Space at Odds

Does Belmont face more conflicts between affordable housing and open space?

Jay Szklut, the town's planning and economic development manager, said that Belmont has looked carefully at two exemptions from the 40B regulations. One exempts towns that already have affordable hous-



ing on more than 1½ percent of land zoned for residential, commercial, or industrial use, excluding protected open space; the other exempts towns that have adopted plans for a steady increase in the amount of affordable housing.

The town assessor's office checked on the percentage of land, Szklut said, "and we're not even close." The formula for a steady increase in affordable housing, called "Planned Production," would require creating about 75 new units of affordable housing in Belmont every year. "Belmont is developed," Szklut

said. "We're just not going to build that many units."

Still, Szklut said, not too many possible sites remain for unfriendly 40Bs. Many of Belmont's development sites — like the corner of Bright Road and Concord Avenue, formerly occupied by the Murray Sandler Skate Shop and a gasoline station — are too small for an unfriendly 40B to be economically feasible, Szklut said.

— Sue Bass is a Director of the Belmont Citizens Forum.

Local Residents Show Off in Spring

Some of our neighbors will soon respond to the change in the weather. In late March, two of the most dramatic courtship rituals in New England will take place right in Belmont.

The local blue spotted salamanders (*Ambystoma laterale*) who live at Habitat would be easy to see if they came out in the open, but they spend most of the year under logs or rocks... until spring. One night around the vernal equinox, the salamanders rush out of their hiding places and scurry into Habitat's vernal pool to mate, in what is called a "salamander congress." Afterwards, the salamanders lay their eggs and linger in the pools for few weeks. By the summer, they're gone.

Over in Rock Meadow, another yearly ritual takes place at twilight for a few weeks in the spring. Woodcocks are small brown birds, who imitate piles of old leaves. They're quiet and nearly invisible... until spring. Then, male woodcocks make a spectacle of themselves. They call a nasal "peent" until they think they have a female's attention, then launch themselves on a courtship flight — flying in a series of higher and high spirals, wings whirring and whistling, until they almost disappear in the night — then they plummet back to earth while making "come hither" chirps. If they're in luck, a female has come to join them; if not, they start all over again.

These neighbors can be hard to find. If you'd like to meet them, Habitat Wildlife Sanctuary offers several programs to introduce them to you.

Timberdoodle Trek. Tuesday and Thursday, March 27 & 29, 5:15 p.m.-7:15 p.m. Rain/snow dates 3/28, 3/30. Witness as the male woodcock or "timberdoodle" sings and dances for a prospective mate. Bob Stymeist will guide this Habitat-sponsored event. The cost is \$8 for Massachusetts Audubon members, \$10 for non-members. Call 617-489-5050 for more information and to register.



Slippery Salamanders and The Disappearing Pool: Salamanders on the Move. Thursday, March 29, 1 p.m.-2:30 p.m. and 3:30 p.m.-5 p.m. These children's programs will

discuss salamanders and vernal pools, then take children exploring for some of the strange creatures that live in these ponds. The earlier "Slippery Salamanders" program is for ages 3-5 with adult: "The Disappearing Pool" is for ages 5-8. For cost information and to register, call 617-489-5050.

Certifying Vernal Pools, Saturday, April 7, is for adults and children ages 8-16: see the Calendar listing on page 9 of this issue.

Builder Kick-Starts Rail Trail in Waltham

By Meg Muckenhoupt

The eastern portion of the Wayside Rail Trail is no longer merely a dream. Watch City Development (WCD) announced that it “will construct an initial segment of the Wayside Rail Trail, a long-planned project that will generally follow [the] former rail right-of-way from Belmont to as far west as Berlin,” in the February 20 issue of the *Environmental Monitor*, a state publication which details projects under review by the Massachusetts Environmental Policy Act (MEPA).

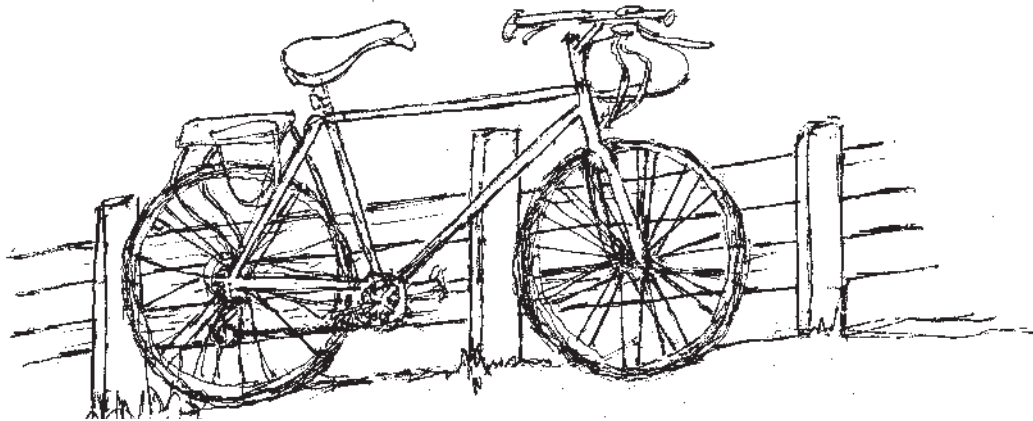
WCD is building an office park on property abutting Waltham's Prospect Hill Park, Route 128, and Hillside Road, which is the only entrance to the site and is accessed via Route 117. The office park will reuse some structures from the old Polaroid chemical manufacturing and office headquarters on

might have been dumped on the railroad bed.

Waltham was reluctant to take on the responsibility for claims that could reach enormous sums. In July 2006, Massachusetts adopted an economic stimulus bill that provides environmental liability insurance to communities developing rail trails.

Now, WCD promises that it “will work with the City of Waltham, cycling advocates, and others during the EIR [Environmental Impact Report] process to formulate the ultimate plan.” About 1,850 feet of the rail trail passes through the site, or just over a third of a mile.

Some problems remain. The Mass Central Rail Trail Coalition noted in a comment letter that adding 30,000 new vehicle trips on Route 117 each day will make it a challenge for bicyclists to cross Route 117 safely. The Coalition suggests building a pedestrian bridge or a tunnel to keep people out of traffic.



the site, but almost 40 percent of the structures will be new. This new “Prospect Point” office park will total 1.575 million square feet, and cover 62 acres of Waltham with buildings and pavement. WCD estimates that the project will generate more than 30,000 new vehicle trips a day.

Enter the Wayside Rail Trail, part of the Massachusetts Central Rail Trail, which should ultimately run from Belmont to Berlin. According to the Mass Central Rail Trail Coalition, Waltham's city planners have been trying to build Waltham's three-mile stretch of the Wayside Rail Trail since 1996, but have faced political and financial problems.

One of the biggest problems was insurance. Before Waltham could start building the trail, the MBTA required Waltham to accept all liability for claims resulting from any hazardous chemicals that

More important, WCD may not be ambitious enough. The Coalition also wrote that simply supplying 10 percent of funding from local sources, WCD could enable Waltham to raise the rest of the money to build the entire three-mile trail, not just 1,850 feet. Recent rail trail projects have been funded with 80 percent federal money, 10 percent state funds, and 10 percent local matching funds, according to the Coalition.

No matter what happens, some portion of the Wayside Rail Trail will be built in Waltham in the near future. Bicyclists will be one step closer to riding from Belmont to Berlin. When will Belmont build its portion?

— Meg Muckenhoupt is Editor of the *Belmont Citizens Forum Newsletter*.

How to Recycle Compact Fluorescent Light Bulbs



Compact fluorescent light (CFL) bulbs save energy compared to incandescent light bulbs. They're up to 75 percent more energy efficient, last up to ten times longer than conventional bulbs, and cost as little as \$1.10 through the Energy Star light catalog (<http://www.energyfederation.org/estarlights/default.php>). However, they do contain small amounts of mercury, which needs to be disposed of safely — just as mercury thermometers need to be.

Last year, Belmont started a program to recycle CFL bulbs. You can drop off your burnt-out CFL bulbs at the Department of Public Works office in the Homer Building, 19 Moore St., 8 a.m.-4p.m. M-F; the Belmont Municipal Light Department, 40 Prince St., 7:30a.m.-4p.m. M-F; and at Hillside Gardens, 280 Blanchard Rd., 8a.m.-6p.m. M-Sa.

Despite the mercury, the CFLs still benefit the environment. The coal-fired power plants which produce half of the U.S.'s electricity emit mercury directly into the atmosphere. By using a CFL in place of an incandescent bulb, and disposing of those bulbs properly, you are not only saving energy, but reducing the amount of mercury that is released into the environment.

Traffic *continued from page 20*

limits further growth.”

However, there are ways to make travel easier. An entire field of urban planning that focuses on increasing consumers' choices for travel. The basic idea behind transportation demand management (TDM), as it is known, is that market distortions result in excessive automobile use. TDM planners focus on everything from tax subsidies to zoning laws that encourage low-density car-dependent development to encouraging telecommuting. There are also incentives and disincentives for individual drivers—or carrots and sticks, if you're choosing mule-centered transport.

Encouraging Transportation Alternatives

Some strategies for managing traffic are very obvious. It's easier for people to walk to work if they

have sidewalks. More people will use public transportation if it is efficient, available, and inexpensive and if there is a marketing program to tell them about it. Multimodal access guides that list maps, schedules, and contact information for all different types of transit to a destination encourage a variety of travel choices. Park-and-ride facilities can make it easier for people to get on trains and buses, as can shuttle buses from stations to businesses. Allowing cyclists to take their bikes onto public transportation helps, too. Ride-sharing programs and high-occupancy-vehicle lanes on highways can reduce congestion. Employers can encourage alternative work hours and telecommuting, as well as providing a “guaranteed ride home” to workers who sometimes need to stay late enough to miss their trains.

Still, there isn't much point in building more sidewalks or bus stops if people are, say, afraid to use

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them at night. So TDM planners also address security concerns by designing landscapes and buildings for safety. People are much more likely to use paths that are open with good sight lines than tiny lanes bounded by walls or large shrubs that can conceal attackers. Bus stops and waiting rooms need “good natural surveillance” by residents and passersby who can watch what goes on. Bicyclists need secure bike-parking facilities so their rides won’t be stolen while they work or shop. In some communities, local police help by conducting safety audits that spot ways to reduce the risk of crime and help walkers and riders feel more secure.

Changing Driving Incentives

The easiest—and least popular—way to reduce driving is to make it more expensive by increasing taxes on gasoline. A more nuanced option than raising prices for everyone is reducing charges for people who drive less. Communities can prorate insurance and license and registration fees on the basis of mileage, lowering costs for less driving, or they can charge for using certain roads at certain times. Governments and employers can also encourage car rental instead of car ownership; in Boston, businesses can sponsor employees’ memberships in Zipcar.

Changing parking pricing can also change how people use their cars. Spots in the center of town or near a corporate entrance can have higher charges or be reserved for ride-share cars. Garages can eliminate unlimited or monthly parking passes and replace them with daily tickets, allowing commuters to save money every time they leave their cars at home. Instead of free parking spaces that cost the employer \$50–\$100 a



month, businesses can give employees travel allowances to be used for any sort of transportation. A 1995 study found that in urban areas, when a monthly travel allowance increases from \$0 to \$160, the percentage of employees traveling alone in a car decreases from almost 80 percent to 20 percent.

Changing Institutions

The most effective way to stop traffic congestion is to prevent it in the first place. Two planning schemes that promote travel options are smart growth and new urbanism. Smart growth is a general term for planning that considers both land use and transportation, while new urbanism concentrates on creating more attractive, livable communities. Having housing, stores, businesses, and transit in close proximity—what is known as “mixed use” communities—is key. Both systems promote building a variety of houses and apartments within a five-minute walk (a quarter mile) of a town center with a transit stop, stores, and businesses—and then building enough sidewalks and paths so that people actually can walk there.

Existing streets can be retrofitted with improvements that make them more accessible to people who are not in cars. Traffic calming can reduce cars’ speed or the number of cars traveling on a residential street, making it easier to talk and safer to cross the street. For example, “speed humps”—raised pavement strips about 6 inches high and 12 feet long—can be placed at intersections to slow cars and make pedestrians easier to see. Many of these improvements have been suggested for the Trapelo Corridor by students in MIT’s Urban Studies and Planning department, in a study



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commissioned by the Belmont Citizens Forum (see web.mit.edu/11.360/www/index_files/belmont.htm for the complete report).

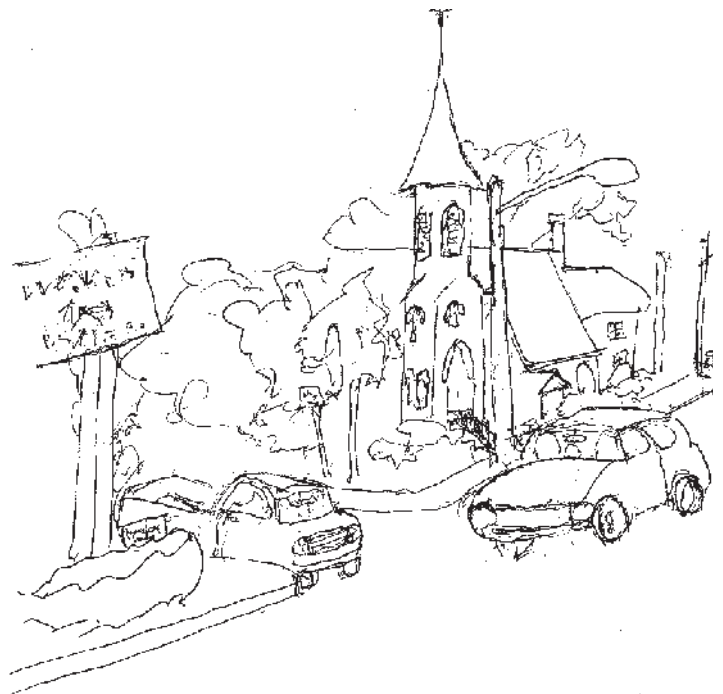
It may seem counterintuitive, but these street improvements don't reduce the street's capacity for traffic. A road carrying traffic at 30 mph can handle at least as many cars as a road with a 45-mph speed limit: because cars going 30 mph can travel much closer together, you can fit more of them on the road. A car traveling 30 mph can also stop more quickly to avoid hitting pedestrians and bicyclists—unlike the car going 45 mph, as some of us remember from gruesome high-school Driver's Ed films.

Europeans have pursued more radical means of reducing traffic. On some streets in the Netherlands, Germany, and Great Britain, cars can't go any faster than a person can walk—10 mph or less. The idea behind these "home zones" or "woonerfs" is that pedestrians have the highest priority. The street becomes a social space. Pedestrians can walk on the entire street, and children can play there.

Paradoxically, people in crowded, congested cities on average spend less time in traffic jams than suburbs with more open roads. The average is low because most people simply aren't driving cars in the

first place. They're riding the subway, taking buses, or walking or biking to their destinations. Only a few foolhardy drivers take to the streets. As Thoreau wrote, "The swiftest traveller is he that goes afoot."

— Meg Muckenhoupt is Editor of the Belmont Citizens Forum Newsletter.



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People Are Asking

How Can We Reduce Traffic Congestion?

By Meg Muckenhoupt

If you own a car in Boston, you know what happens when there are too many cars on the road. Gallons of fuel burn into pollution while you sit in your car, wasting time and resenting being trapped in a motionless metal box. There's a cost to every minute a car idles on a road when it should be moving—time and tempers are lost, car engines are slowly worn into powder, and greenhouse gases fill the air while oil and other filth drips onto the street,

waiting to be washed into storm drains en route to ponds and streams. Clearly, there are benefits to reducing traffic congestion. The question is, how do we do it?

One technique that clearly doesn't work in the long term is expanding roads. When a new lane is added to an urban street or highway, more people drive on the expanded road—either because they shift their driving from their old routes to the new road, or they decide to make extra trips in their cars because the new road is so convenient. Within three years, this added traffic fills 50 to 90 percent of the road's new capacity. As the Victoria Transport Policy Institute puts it, "Urban traffic congestion tends to maintain a self-limiting equilibrium: vehicle traffic volumes increase to fill available capacity until congestion

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