



Belmont Citizens Forum

Vol. 8, No. 5

A Newsletter for Belmont Residents

September 2007

Towns Seek to Control Local Surplus Land

By Meg Muckenhoupt

Lot 1, a 54-acre portion of the former Middlesex County Hospital site, is an unspoiled wilderness of cool forests, wildflower meadows, and seven vernal pools, a surprisingly quiet refuge in the midst of some of the most built-up communities in the state. It is almost hidden in Lexington and Waltham, in the middle of the block bounded by Concord Avenue, Lexington Street, Trapelo Road and Walnut Street. It's the green space you see behind the Brookhaven retirement community at 1010 Waltham Street. It's an important part of the Western Greenway, a ring of open space that runs through Belmont, Lexington, and Waltham.

Lot 1 is legally "surplus land," a property owned by the state of Massachusetts yet not claimed by any particular state agency. Sooner or later, Lot 1 will be owned by some town, agency, or real estate developer. The fact that it is still in state hands is a testament to the protests that erupted in 2004 and 2005, when the state proposed to sell it for development. This fall, a similar fight may be brewing.

Should the state sell surplus land? The land has been bought and paid for by Massachusetts taxpayers and is owned by the citizens of Massachusetts. When the state auctions off surplus land, it says that adding money to state coffers is more important than any other use of the land. Especially for open space like Lot 1 or for old buildings that could be renovated as community centers or affordable housing, that may not be the message the state should send.

Surplus Land Is Everywhere

Any state-owned land can be deemed "surplus," even parks and forests. Designated conservation land requires a two-thirds vote of the legislature to be reclassified as surplus or transferred to some other use—such as parking lots or runways—but in 2005–2006 the legislature voted to do so 58 times, according to the Environmental League of Massachusetts. Undeveloped sites like Lot 1 that have not been formally protected as conservation land are at even greater risk.

The land distribution process established by Chapter 7 of the Massachusetts General Laws is not complicated. The state Division of Capital Asset Management and Maintenance (DCAM) oversees the process. When the DCAM commissioner believes that public property may be surplus, he polls other state

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Environmental Events Calendar

Introduction to the Kingsley Park Bioswale.

Saturday, September 15, 1-3 p.m. The Friends of the Fresh Pond Reservation has adopted this natural area. Help inventory the plants and animals in this beautiful place. Meet at Kingsley Park Information Board, 250 Fresh Pond Parkway, Cambridge. To register, contact Elizabeth Wylde at friendsoffreshpond@yahoo.com or (617) 349-4793.

Annual Life-Friendly Gardens (Naturally Green!) Tour.

Sunday, September 16, 2-5 p.m. This tour will demonstrate that attractive green spaces (perhaps no more than a small yard) and gardens can thrive without using toxins that compromise our health and degrade the planet. Sponsored by the Watertown Citizens for Environmental Safety's Chemical Use Reduction and Education task force. For starting location, contact cherrylaura@hotmail.com or call Henrietta Light, (617) 926-2545.

Habitat Intergenerational Program Pulling

Partners. Wednesdays September 19-December 12, 2:30-4:30p.m. Do you like to work outside? Do you enjoy being with people older and younger than you...AND do you want to make Habitat a better place? Join us as we remove invasives, chip trails, learn about native plants and have fun! Meet at the Habitat Visitor Center, 10 Juniper Road, Belmont. Habitat will supply all tools and refreshments. Registration not required. Appropriate for ages 9 and up. Does not meet 11/21. Sponsored by Habitat. To register for this free program, contact Habitat at (617) 489-5050 or habitat@massaudubon.org.

Sustainable Belmont Monthly Meetings.

Wednesday, September 19, Wednesday, October 3, and Wednesday, November 7, 7-9 p.m. Located in the Flett Room of the Belmont Public Library, 336 Concord Avenue, these meetings are open to the public. Topics will include anti-idling initiatives, the Safe Routes to School program, and climate change. Contact sustainablebelmont@gmail.com for more information.

Muddy River Environmental Film Festival.

Sunday, September 23-Tuesday, September 25, times vary. Enjoy seven different films about food, climate, and the ocean, and a musical performance by Yo La Tengo. Sponsored by the Charles River Watershed Association. For details, see <http://www.crwa.org/index.html?events/events.html&2>.

Tour of the Water Purification Facility. Monday, September 17, 6-7:30 p.m. Learn how water from Fresh Pond is purified into drinking water. Tim MacDonald, Manager of Water Operations for the Cambridge Water Department, will describe the process, answer your questions, and give a tour of the building. Meet at the front door of the Walter J. Sullivan Water Purification Facility, 250 Fresh Pond Parkway, Cambridge. Sponsored by Friends of Fresh Pond Reservation. To register, contact Elizabeth Wylde at friendsoffreshpond@yahoo.com or call (617) 349-4793.

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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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State Tried to Limit Wetlands Challenges

By Sue Bass

It's a long tradition in Massachusetts that environmental laws can be enforced at the grass roots by ordinary residents of the Commonwealth, not just by officials who have the formal responsibility. Groups of 10 or more residents have been allowed for more than 35 years to intervene legally to prevent damage to the environment. But a proposed change in the regulations implementing the Massachusetts Wetlands Protection Act would have eliminated citizen watchdogs; they could no longer appeal a decision by a state environmental analyst to an independent magistrate.

That set off an uproar from environmentalists. On Deval Patrick's own issues website – <http://devalpatrick.com/issues.php> – the topic quickly shot to #3 of more than 750 proposed. “I oppose measures that will make destruction of wetlands quicker and easier,” said one recent comment. “I do not understand how the Governor can espouse ‘greening’ this state by promoting alternative power sources yet simultaneously support, condone, even initiate de-greening by eliminating wetland protections.”

A letter decrying the proposed change in regulations was sent to the governor by 37 environmental organizations – alphabetically from the Appalachian Mountain Club to the Westport River Watershed Alliance. The list included several groups that often stay out of political controversies. The letter also noted that even if groups of residents were restored to the list of those with legal “standing” to appeal a wetlands decision, the proposed regulations change would make it much harder for them. “[T]he aggressive timeframes and procedural requirements

being proposed for wetland appeals will pose significant hurdles for residents, who are already outgunned by the legal and financial resources of developers,” the groups said. “Citizens will have to expend substantial resources at the outset for consultants and experts because production of full proof – all testimony and exhibits – to support the appeal will be required soon after the appeal is filed. In our experience, citizens do not lightly exercise their right to administrative appeals, which are both time-consuming and costly.”

The Patrick administration responded late last month with a letter promising, “The final regulations, which will be issued by late September, will maintain the ability of ten residents to request an adjudication process.” It is not yet clear how the administration

will respond to the concerns raised about the aggressive timetables and procedural requirements.

As the process works now, decisions on whether and how the Wetlands Protection Act applies to a particular property are made initially by the local Conservation Commission. Those decisions may be appealed to the state Department of Environmental Protection (DEP), which assigns an individual analyst to review the case. If the ConCom, the property owner, abutters, or a group of residents believes the DEP analyst is wrong on the facts or the law, they may appeal for an

independent hearing through the state's Division of Administrative Law Appeals (DALA). The administrative magistrates who hear cases through DALA are lawyers with some degree of independence from the political winds. In wetlands cases, they issue a recommended final decision, with findings of fact and law. The decision can be overturned by the DEP



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commissioner, but the commissioner has to specify which errors of fact and law are being reversed. Then, the whole dispute can go to Superior Court.

As you can imagine, the few cases that go through this whole process take a while, though the process was designed to handle cases faster than a court would. In recent years, however, developers have used the motto "Streamline Permitting" to attack the right of residents and Conservation Commissions (ConComs) to participate. This is despite evidence in case after case that delays are not caused by the residents or the ConComs. Most appeals to DALA are brought by the property owner or developer, and an examination of individual cases shows it's mostly the property owner or developer who asks for repeated delays or files extensive motions (usually to throw out the appellants, their witnesses, or their evidence.) In fact, it appears that "Streamline Permitting" is only a slogan. The true goal is "Eliminate Protests."

A version of the proposed regulations that circulated in draft last winter would have eliminated both Conservation Commissions and groups of residents from the lists of those who have legal stand-

ing to appeal. Conservation Commissions were restored after protests by the Massachusetts Association of Conservation Commissions and others. But as issued by DEP this spring, the regulations would still eliminate groups of residents. (See <http://www.mass.gov/dep/service/regulations/newregs.htm#wpa>, Proposed revisions to 310 CMR 10.00, especially 10.05, subsection 7.)

The Patrick administration's letter pledging to retain appeals by groups of residents was signed by Ian A. Bowles, secretary of Energy and Environmental Affairs on August 30. Despite the pledge to retain the right of groups of residents to seek adjudicatory review of a DEP wetlands decision, Bowles defended the proposal to eliminate that right as "a provision to address the potential misuse of the adjudicatory process by parties who are not directly impacted by the given project" - apparently missing the point that citizens seeking to protect the environment believe they are directly affected by a project even if they don't happen to live next door.

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

Capture the sun!

Buy a Multi-Farm Winter Community Supported Agriculture Share!

Three farms have come together to share their fall and winter harvests with you through this three month Winter CSA. Produce for the Winter Share will be grown on the one-acre Belmont Farm in Belmont, MA, Vanguarden CSA in Dover, MA, and Picadilly Farm in Winchester, NH.

These shares will contain many storage vegetables including beets, carrots, parsnips, potatoes, sweet potatoes, winter squash and onions. Cabbage and kale will also appear, as may locally grown cracked wheat, dried beans, and popcorn.



Winter shares cost \$200. The CSA plans to distribute 40 pounds of produce in each of the three winter distributions.

Winter shares will be distributed at the Belmont Farm, 34 Glenn Road, Belmont, MA from 10:00 a.m. to 3:00 p.a. on November 11, December 9, and January 13. For more information, contact Gretta Anderson at GrettaAnderson@earthlink.net.

ConCom Begins Study of Uplands Development

By Darrell King

The Chapter 40B housing project proposed for the Belmont Uplands is one step closer to becoming a reality, though it still faces opposition and critical review. In February 2007, the Zoning Board of Appeals (ZBA) completed months of public hearings and deliberations. Over time, the attendance swelled, eventually overflowing the meeting room in Town Hall, a situation that led to heated exchanges between the team of the applicant, O'Neill Properties; the public; and the ZBA itself.

In the end, the ZBA granted O'Neill Properties nearly everything it desired. Some conditions were imposed on the permit, including several that seek to limit damage to the Winn Brook neighborhood during a major storm, when sewer connectors surcharge and back up into homeowners' yards and basements. One required mitigation is a 50,000-gallon holding tank—upped from O'Neill's offer of 25,000—which will be filled during surcharges and then either pumped out or allowed to drain back into the system after the storm event. However, no one really knows whether this tank will actually prevent sewer surcharges.

Several groups have joined forces to fight the ZBA's decision to grant the permit. The Coalition to Preserve the Belmont Uplands and Winn Brook Neighborhood, led by area resident Stanley Dzierzeski, has filed a lawsuit claiming that the ZBA failed in its duty to protect public health and safety and to prevent irreparable damage to the environment. See www.friendsofalewifereservation.org/2007_03_07_civilactionlawsuit.htm for more information. The Belmont Citizens Forum is supporting the litigation with a small pool of funds earmarked by donors for the Belmont Uplands.

O'Neill's next hurdle is the Belmont Conservation Commission, which will review the application and impose conditions pursuant to the Massachusetts Rivers Protection and Wetlands Protection acts.

The Uplands is surrounded by wetlands and other environmentally sensitive land, and the Commission will study how best to protect the remaining land both during and after construction. A retired architect and site contractor who opposes the project believes that the project will be virtually impossible to build, because there is insufficient space for required staging and storage during construction. This "spillover"

effect will result in serious environmental damage beyond that caused by the clear-cutting of trees and the creation of the impervious surfaces of the buildings and parking lots.

But the final chapter to the Uplands saga may yet end with the silver maple forest remaining intact after all. State Representative Will Brownsberger has followed through on promises to purchase the



Uplands for annexation to the state's Alewife Reservation. House Bill 21 petitions the Commonwealth to appropriate \$6 million toward the purchase; that could supplement monies from Belmont and Cambridge to buy it outright. The Belmont Board of Selectmen unanimously supports this effort. A public hearing at the State House in June was well attended, garnering favorable remarks from the co-chair of the Committee on Bonding, Capital Expenditures and State Assets.

Darrell J. King is a Precinct 1 Town Meeting member and an associate member of Belmont's Conservation Commission.

Events *continued from page 3*

Healthy Waltham Walks in the Woods. Sunday, September 23, noon-4 p.m. Join the Third Annual Waltham Walks event sponsored by Healthy Waltham. Guided walks on the path that starts at Elsie Turner Field will leave at 1 and 2:30 p.m., or you can follow the marked trail on your own. Bring a picnic lunch and water and enjoy the day! Transportation between Waltham Common and Elsie Turner Field will be available on a regular schedule. Parking and bathroom facilities will also be available. Please visit www.healthy-waltham.org for details closer to the date. For more information, contact Judy Fallows at jfallows@healthy-waltham.org or call (781) 314-3031.

Northeast Sector Walkabout. Monday, September 24, 6-7:30 p.m. Chip Norton, Watershed Manager for the Cambridge Water Department, will give a tour of Fresh Pond Reservation's Northeast Sector. Much work has been done this summer. This two-mile walk will be on paved roads and unpaved paths. Meet at the front door of the Walter J. Sullivan Water Purification Facility, 250 Fresh Pond Parkway, Cambridge. Sponsored by Friends of Fresh Pond

Reservation. To register, contact Elizabeth Wyld at friendsoffreshpond@yahoo.com or call (617) 349-4793.



Fall Planting and Landscape Preparation. Saturday, October 6, 8:30-10:30 a.m. From asters to daffodils, potting to pulling, in this hands-on workshop you'll learn current methods for landscape preparation and planting, including tool maintenance and tips for protecting bulbs and tender perennials from hungry critters. And when we say "hands-on" we mean come prepared to be outside and dig in the dirt! Meet at Habitat, 10 Juniper Road, Belmont. Sponsored by Habitat. Cost \$15 for Mass Audubon members, \$19 for non-members. To register for this program, contact Habitat at (617) 489-5050 or habitat@massaudubon.org.

West Lexington Greenway Hike. Saturday October 13, 2007 8:30 a.m.-2 p.m. Why go to New Hampshire for fall color when you can spend a Saturday hiking the length (5 miles) of the West Lexington Greenway corridor from Paint Mine to Cranberry Hill? Explore the setting for the proposed connector trail between the Minuteman Bikeway and



the Minuteman National Historical Park. Bring sturdy shoes, lunch, and plenty of water. Meet at the Minuteman National Historical Park parking lot (right on Wood Street off Mass Ave, left on Old Mass Ave, immediate right into the parking lot). Sponsored by Citizens for Lexington Conservation. For more information, contact Keith Ohmart at (781) 862-6216.

Explore the Western Greenway. Saturday, October 20, 8-11 a.m. Did you know there are over 1,000 acres of undeveloped interconnected land in Belmont, Lexington, and Waltham? Fall is a wonderful season to experience the local nature of New England, so join



us for a 2.5 mile hike though part of the Western Greenway starting at Habitat and ending at the new Beaver Brook North Reservation. The terrain is gently rolling. Long pants are recommended. Bring water and a snack. Meet at Habitat, 10 Juniper Road, Belmont; return transportation provided. Program fee \$15 for Mass Audubon members, \$19 for non-members. Sponsored by Habitat. To register for this program contact Habitat at (617) 489-5050 or habitat@massaudubon.org.

Arlington's Great Meadows. Saturday, October 20, 9-11 a.m. Naturalist Boot Boutwell will lead a walk to see the nature of Arlington's Great Meadows in autumn. Adults and accompanied children are welcome. Two hours plus. Meet in the rear of the parking lot of the nursing home (take a right off

Maple St. onto Emerson Gardens Road), now called "Golden Living Center — Lexington." Sponsored by Friends of Arlington's Great Meadows. For more information, contact Andrea Golden at andgold@com-cast.net or (781) 646-3941.

Climate Change in the Northeast. Sunday, October 28, 7 p.m. Dr. Peter Frumhoff from the Union of Concerned Scientists will present the findings of the Northeast Climate Impacts Assessment, a scientific analysis of the impact global warming will have on the health, environment, and economy of the Northeast United States. This free program will take place at Belmont High School, 221 Concord Ave. Sponsored by Sustainable Belmont, the Lexington Global Warming Action Coalition, and the Belmont Vision 21 Implementation Committee. For more information contact sustainablebelmont@gmail.com.

Jeny's IBA Bird Walks. Saturday, November 3, 8-10:30 a.m. Important Bird Areas (IBAs) are being established across the country to bring attention to places of special concern for birds. Join naturalist Jeny Randall as we explore our local IBAs. This month we will visit the expansive Middlesex Fells. Birders of all levels are welcome. Bring binoculars if you have them, a few will be available to borrow. Meet at the Bellevue Pond parking lot on South Border Road, Medford. Sponsored by Habitat. Cost is \$12 for Mass Audubon members, \$15 for non-members. To register for this program contact Habitat at (617) 489-5050 or habitat@massaudubon.org.

10th Annual Fall HIP Trails Day/Birthday Party. Sunday, November 4, noon- 3 p.m. Join Habitat's Intergenerational Program (HIP) for an afternoon of birthday festivities and environmental stewardship. Help us create special gathering places in the sanctuary to mark this day. Sample HIP's unique 10-foot birthday cake presented by 10 HIPsters and help blow out the candles. Guess how many volunteer hours HIP has given in the past 10 years and win a prize! Bring your friends and family and be ready for fun. There will be special activities for younger children. Meet at Habitat, 10 Juniper Road, Belmont. Sponsored by Habitat. To register for this free program, contact Habitat at (617) 489-5050 or habitat@massaudubon.org.

Letters

Traffic Woes

To the Editor:

I write with a concern regarding a comment at the end of the article in your most recent newsletter titled, "Bakery Could Bring New Life to Concord Ave." [*Belmont Citizens Forum* Vol. 8, No. 4, July 07, p. 7] At the end of the article about planning for the eastern stretch of Concord Avenue, Bill Ellet expresses concerns about pedestrian safety in that area. He is then quoted as follows: "Why do these kids get hit?"

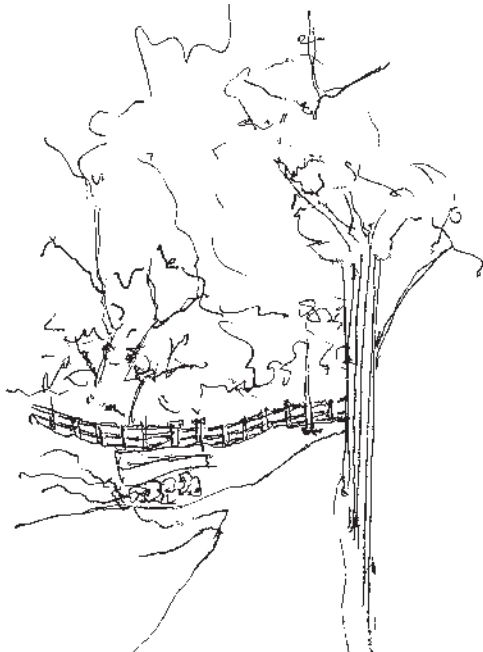
This question leaves the reader with the impression that there are children being struck by cars on Concord Avenue and the Town is not addressing the issue. In fact, this is not the case. Police records indicate only two collisions involving pedestrians in that section of Concord Avenue in the last fifteen years, neither of which involved a minor pedestrian.

Thank you for the opportunity to clarify the fact.

Jeff Conti

Assistant Town Administrator, Town of Belmont

According to Sergeant James MacIsaac of the Belmont Police Department's Traffic Division, there have been two collisions with pedestrians on the eastern stretch of Concord Avenue in recent memory. One occurred four years ago near the Underwood pool; the other took place within the past year at the high school. Neither accident involved children or resulted in a pedestrian fatality. The Belmont Citizens Forum

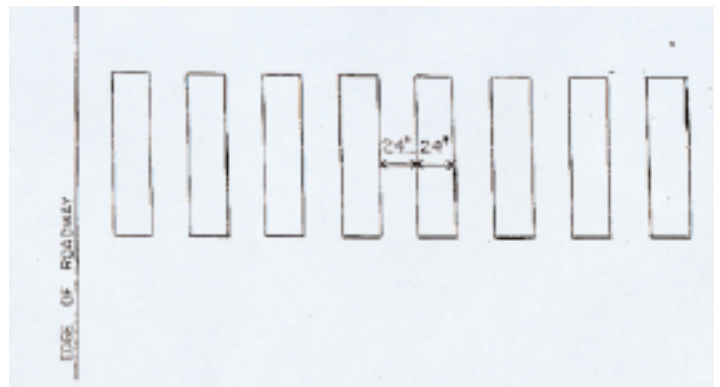


regrets its error. —Editor

To the Editor:

In the July 2007 issue of the Belmont Citizens Forum newsletter, I was misquoted in the story "Bakery Could Bring New Life to Concord Ave." The end of the story was discussing some general neighborhood issues. I was quoted as saying about the dangers of crossing Concord, "Why do these kids get hit?"

In a previous issue of the newsletter, I wrote a story on pedestrian safety in Belmont. I included the local pedestrian accident numbers for the last few



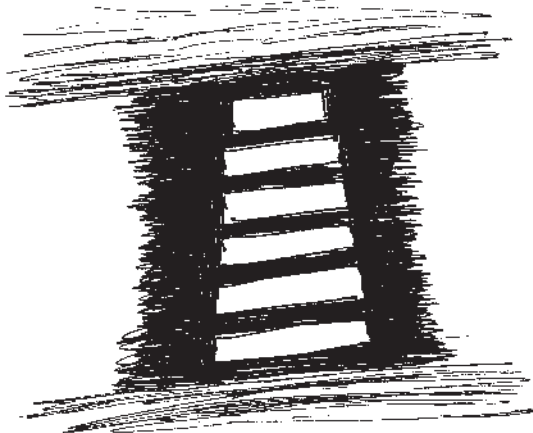
years, furnished by the Belmont Police Department. I was aware that kids aren't being hit on Concord or anywhere else in town. What I did say was why should school kids dodging traffic on Concord have to worry about being hit.

Jeff Conti, assistant town manager, sent an e-mail to the newsletter editor that was forwarded to me. That was the first I knew about the misquote, and I was surprised by the aggressive wording and tone of Mr. Conti's message. He said I had said something that was "false and inflammatory." I told him I didn't say it and was concerned as he was about readers being misinformed.

Three things disappointed me about how this situation has played out. First, in an e-mail to me, Mr. Conti said I was responsible for the misquote. Second, his letter to the editor published in this issue was written after he knew about the misquotation, yet it makes no acknowledgment of that and attributes the comment to me. Third, he hasn't expressed any interest or concern about our neighborhood.

Last year, a group of us asked for and received a

commitment from the town to help residents with a planning process for the Concord Avenue corridor between the library and the town line. That commitment was withdrawn without explanation or any information about when we could expect help. A planning process would have been an opportunity for residents to address, among other things such as



zoning, how Concord Avenue could be tamed to make it safer for pedestrians and less of a barrier for people living on each side of it.

I am not alone in regretting that we don't have a forum to define and solve problems that affect a lot of people in our part of Belmont. I also am puzzled about the adversarial tone of dealings with Mr. Conti.

Bill Ellet

The Belmont Citizens Forum newsletter regrets its misquote of Mr. Ellet. —Editor

To the Editor:

I just finished reading your article about traffic in Belmont. As regards jaywalking, I not too long ago, received a ticket in Belmont Center for not stopping for a pedestrian as he stepped off the curb not in a crosswalk. I asked the officer if that was not considered jaywalking. He informed me that there is no such thing as jaywalking in Belmont. He informed me that pedestrians have the right of way anywhere at all according to Belmont traffic regulations. Perhaps there is a misunderstanding, but this regulation would not draw pedestrians to crosswalks. I would cross anywhere and assume that I have the right of way.

Hildy Dvorak
Goden St.

Asked whether pedestrians always have the right of way in Belmont, Sergeant James G. McIsaac, Belmont Police Department Traffic Division, stated, "That is not necessarily true. That sounds like a crosswalk violation to me." Vehicles are required by state law to yield to pedestrians in crosswalks according to Massachusetts General Laws Chapter 89 Section 11.

Though it may be hard to believe, jaywalking is a crime in Massachusetts - punishable by a fine of \$1 for the first offense, \$2 after three or more violations. See Massachusetts General Laws Chapter 90 Section 18A. —Editor

Winn Brook Woes

Call me a Concerned Citizen of Belmont. Someone who's in the Noah's Ark neighborhood, eight feet above sea level. So I've got what they call some "skin in the game."

I read in the *Boston Globe* (August 4) that Governor Patrick has said he plans to spend \$50 million for conservation-related projects: "We need to leave for future generations a legacy of nature's beauty and serenity," according to the *Globe* piece. That amount to far exceed the \$30 million earmarked by the Commonwealth's former Governor Romney.

Correct me if I've got my facts wrong, but doesn't the preservation of Alewife wetlands fall under that noble rubric—nature's beauty, etc., for future generations, etc.? And isn't this the same governor who was apparently less than concerned about the looming negative impact of the O'Neill housing development project under 40B, which seems poised to overwhelm the town's sewerage and drainage capacity and is thus likely to flood a whole lot of

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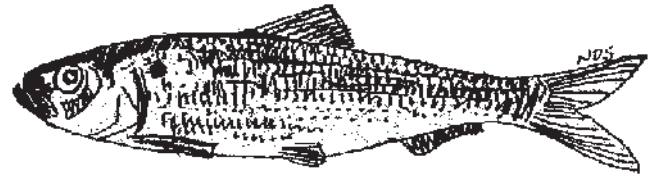
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basements in the Winn Brook area. (I'm a Channing Road homeowner, across the street from the rail line and a rowboat away from the scary gray sewer-backup line mapped out in the July 2007 *Forum Newsletter*.) [See "McLean Decision OKs More Belmont Sewage," Belmont Citizens Forum Newsletter, July 2007, p.12 — Editor]

My home is worth upwards of half a million dollars—and I'll bet if you drew a big circle around the affected homes, you'd be roping in a considerable pile of real-estate capital. Now, wouldn't that make very unpleasant news in the *Herald* and the *Globe* and on local TV—that is, the potential damage to homes collectively worth in the tens of millions of dollars? But that's exactly what worries me and my neighbors: that the complacency (or complicity?) of the Commonwealth (and perhaps our sweet town itself) has put an entire neighborhood at risk. Millions of property dollars soaked right through "In God We Trust."

It must not be allowed to happen. (And I haven't mentioned the impact of all the traffic from the O'Neill adventure over on already clogged Blanchard Road and abutting streets.)

I've lived in Belmont for almost 20 years, 4 over here on Channing Road. It's a lovely, neighborly,



Blueback Herring

civil, sweet and pleasant neighborhood. I don't like hearing panicky neighbors talking about cratering property values: it's not good for the blood pressure.

Robert E. Brown

The Belmont Citizens Forum is considering an appeal to Superior Court of an administrative magistrate's decision to recommend allowing more sewage from the developments at McLean to flow through Winn Brook until residents can be confident that sewage backups won't get worse. — Editor

To the Editor:

I would like to say "no, no, no" to any addition to the already inadequate sewer system to be added in the Belmont Hill area! For years, the people living in the Winn Brook area have suffered back-ups of sewage in their basements with no answer to their problems. How long must they continue to suffer this indignity? If more and new pipes are added, where will this sewage go? How can this problem be solved by adding more fuel to it?

I am only a senior citizen living in a two-family home in Cushing Square, so I am not affected by this problem. Yet, my heart goes out to the citizens in Winn Brook for being forced to live with sewage back-ups all these years. I so wish I could afford to send a donation to help but am living on a limited income. Even so, I just wanted to voice my opinion and hope you can go forward with finding a solution for all.

Dorothy Delandis

The Citizens Forum is considering an appeal to Superior Court of an administrative magistrate's decision to recommend allowing more sewage from the developments at McLean to flow through Winn Brook until residents can be confident that sewage backups won't get worse. — Editor

Compact Fluorescent Lifespan

To the Editor:

I have a comment to make about your article about the compact fluorescent lamps in the May issue of the Forum.

Before I retired I ran the sensitometry (film speed measurement) lab at Polaroid. As such, I was on the receiving end of quite a lot of technical literature from



companies that made light sources, and in professional journals such as that of the Illuminating Engineering Society. One of the facts that kept turning up was that fluorescent lamps are most beneficial when they are not turned on and off very often. In industrial and commercial situations where they are left on continuously for hours at a time, they are great. In home use, where they are maybe on for less than perhaps half an hour at a time, the lifetime of each lamp is not very long, so that, because they are expensive, they are less practical.

I don't happen to remember now where the switching frequency breakpoint is in terms of relative advantage of fluorescent vs. tungsten, but this aspect is worth considering when giving advice.

Another point: a few years ago there was a big campaign to persuade home-owners to change to these lamps, with some price cuts. I bought a few that looked about like those in the picture in the Forum. When I got them home I found that the shape of the connection plug, with its large-diameter band close to

the screw base, would not let me fit them into most of the light sockets in my home.

George Ehrenfried

P.S. Where is the best place to park when visiting the new Waverley Trail? I used to walk a lot in this general region, on both sides of Mill Street, when my legs worked better.

First, the easy question. Jim Levitt, chair of the Waverley Trail Advisory Committee, writes:

"Perhaps the easiest place to park is in the town parking lot at the corner of Trapelo Road and Church Street (the entrance is across the street from Brine's Sporting Goods). Also, good parking is usually available along the length of the Trail on Trapelo Road, from White Street all the way to Mill Street."

As for the lighting, the quick answer is that you should leave compact fluorescent lightbulbs (CFLs) on for at least 15 minutes to avoid damaging the bulb. For a simple explanation, see www.eere.energy.gov/consumer/your_home/lighting_daylighting/index.cfm/mytopic=12280.

The long answer comes from the Lighting Design Lab's web page on CFL switching—see lightingdesignlab.com/articles/switching/switching_fluorescent.htm.

According to the lab, "Every time a fluorescent light is turned on, a tiny amount of the coating on the electrodes is burned off. Eventually, enough coating is burned off, and the lamp fails to start." Similarly, a little bit of tungsten burns off the filament of an incandescent bulb each time you turn it on, and bit by bit as it burns.

The lifetime of a CFL bulb is usually tested by leaving the bulb on for three hours, turning it off for 15 minutes, then turning it on again. Divide the lifetime by three, and you'll have the number of times you can turn the lightbulb off and on before it breaks.

One of the cheapest CFL in the Energy Star on-line catalog (www.energyfederation.org/estarlights/)—which carries bulbs in a wide variety of sizes—is the Feit 13-watt bulb, equivalent to a 60-watt incandescent. It costs \$1.15 and is rated for 8,000 hours, or about 2,667 on/off cycles, for a cost of \$.00043 per cycle. If you leave it on for only five minutes at a time, you'll only get 222 hours out of the

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Surplus Land *continued from page 1*

agencies to see if they need the property. If yes, DCAM asks the legislature to transfer the land to that agency. If no, DCAM checks with the city or town where the property is located.

If no public agency wants it, DCAM declares the property available and may create an advisory committee. After a public hearing in the community where the land is located, DCAM sends a report to the legislature. All land transfers must be approved by the legislature. Proceeds from sales go into the state's general fund.

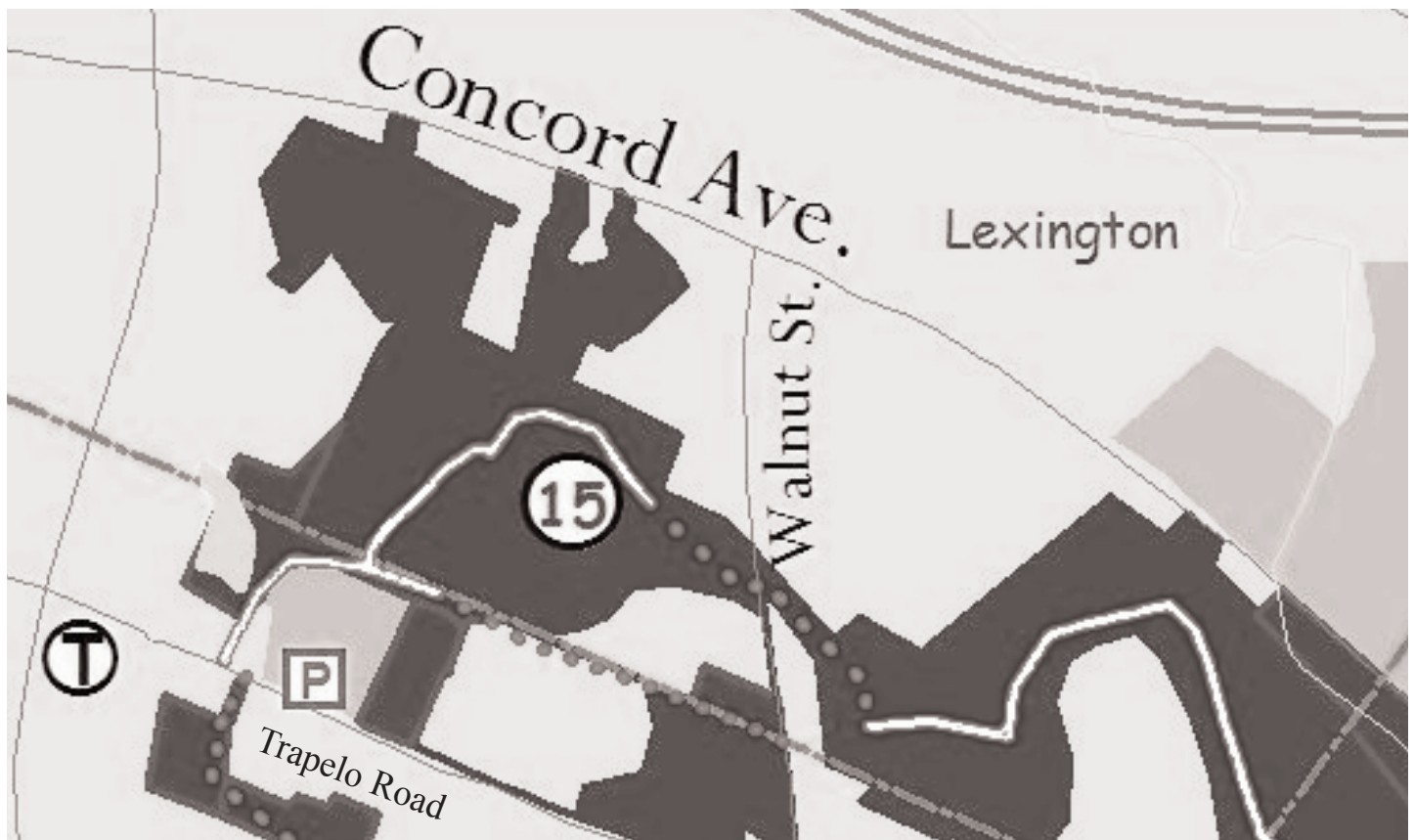
The need for legislative approval generally guarantees local control. If the local legislator doesn't support the transfer, his colleagues are unlikely to vote to approve it. "It's in the hands of the legislature what has to be paid," said H. Peter Norstrand, deputy commissioner of DCAM's Office of Real Estate Management. Historically, some state-owned property was transferred to municipalities for a nominal sum. Several armories were transferred to towns for \$1, according to Norstrand. "The reasoning was that the

towns originally donated the land for an armory, and the legislature thought they should get it back," Norstrand said.

Normally, communities are charged the fair market value for the intended use of the land, according to Norstrand. "If they're going to use it for open space, the community pays the value for the land as open space," Norstrand said. However, a town does have to have a plan for the property. "Chapter 7 says there must be a direct municipal use. Towns can't just buy property and make land banks," Norstrand said.

State Land Sold for Ready Cash

In tough times a few years ago, the state sold off 208 acres for almost \$30 million in ready cash: a pending sale of a Beacon Hill property will bring that figure up to "the high 30s," according to Norstrand. In 2003, during a budget crunch, Massachusetts temporarily amended the law to fast-track state surplus-land sales. The two-year fast-track legislation removed many of Chapter 7's safeguards. It allowed DCAM to give local governments just 30 days notice



A schematic map of Lot 1 (labelled "15"). Black areas are open space. The white line shows existing trails for the Western Greenway; the dotted gray line shows proposed links on the trail. For more information about the Western Greenway, see "First Trails Blazed on Western Greenway," BCF Newsletter January 2007 p.8. Map courtesy of Roger Wrubel.

Belmont has over 90 acres of state-owned land

Location	State Agency	Acres
Alewife Brook Reservation	DCR*	0.36
Beaver Brook Reservation	DCR	15.82
Conservation Land	DCR	32.65
Electric Substation, Alexander Ave	DCR	0.19
Little Spy Pond, a.k.a. Little Pond	DCR	34
Skating Rink (demolished) land	DCR	4.39
Frontage Road/ Concord Turnpike (Rte 2)	Mass Highway	0.09
R.O.W. Parcel Route 2	Mass Highway	2.84
TOTAL		90.34

*Department of Conservation and Recreation

Source: Report on the Real Property Owned and Leased by the Commonwealth of Massachusetts, September 2006
www.mass.gov/cam/dlforms/RE/2006_RPR.pdf, pp. 155–156

that surplus land was to be auctioned to the highest bidder. Instead of paying the state \$1, the town of Southbridge coughed up \$737,000 to buy its armory in 2004. Governor Deval Patrick filed a supplemental budget item this past July to repay the town for the purchase.

Six acres of former Middlesex County Hospital property adjoining Lot 1 was sold in 2004, for \$6 million. The sale of Lot 1 was also proposed, over the objections of many residents of Lexington, Waltham, Belmont, and other nearby communities. Though the staff of the Massachusetts Department of Conservation and Recreation (DCR) unanimously recommended that Lot 1 be transferred to DCR to conserve as open space, DCAM resisted giving up the revenue from a sale. When Steven Pritchard, the DCR commissioner at the time, relayed his staff's recommendation, he was informed that the cost would be \$12 million. Since DCR did not have the money to spare, Lot 1 was neither transferred nor protected.

Although the fast-track amendment expired in 2005, efforts to resume such sales have continued. They failed in 2005 and 2006 but are back again this year: eight surplus land bills are now before the legislature.

The temptation to tinker with the current surplus-land system is strong; the sale of these parcels could

still make people very, very rich. Lot 1 (see map) is a tempting piece of property, conveniently located near Route 2, as is the Fernald site in Waltham. If Hanscom Air Force Base is ever decommissioned, the federal government could well turn over to the state this vast reservation spanning Lexington, Lincoln, and Bedford—an idea that should strike terror in the heart of any commuter who travels Route 128 or Route 2.

The bills being considered this year to change how the state disposes of surplus land are “90 percent the same,” said Benjamin Meshoulam, assistant project director for services at the Metropolitan Area Planning Council (MAPC), a regional-planning and economic-development

district serving 101 towns in the greater Boston area. According to Meshoulam and testimony filed with the state legislature in June by the Massachusetts Smart Growth Alliance, the bills share several features that the MAPC supports—and that many community groups oppose:

- Communities would be offered the right of first refusal to purchase the land at a discount—bringing the price to 50 to 80 percent of market value. As a practical matter, communities now often pay nothing.

But most towns in Eastern Massachusetts could not pay even a fraction of these purchase prices. Market value for Lexington's 47.5-acre share of Lot 1 might be as high as \$40 million, the equivalent of the town's entire municipal services and capital sewer, water, and recreation budgets combined. Is \$20 million any more affordable?



Surplus Land *continued from page 13*

Under the current Chapter 7 laws, towns pay fair market value for the intended use of the property, Norstrand said; if a town plans to use a site as open space, the price would be much, much lower than for a residential site. Wilson Farm's 16 acres of farmland in Lexington are assessed by the town at \$1,464,000, or just under \$92,000 an acre. That land, like Lot 1, is in a residential zone—but the low assessment is likely due to the land's inclusion in the state's Chapter 61A agriculture program, which legally limits land use to farming or open space in exchange for tax breaks. Assessed at that rate, Lot 1 would only cost \$4.4 million.

- A new Surplus Land Coordination Committee (SLCC) would oversee the process, with representatives from various state agencies (such as housing and economic development) as well as municipal authorities from neighboring communities. This committee would examine land, water, and transport issues and make recommendations about the best use for the land. "For example, they might recommend one corner of the land have a cluster [housing] development, and the rest open space," said Meshoulam.

But instead of actively participating in a planning process, a community would simply be notified that it

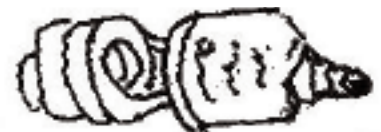
had a certain number of days to buy the land. If it did not, the SLCC would make all decisions about that property. DCAM's historic definition of "highest and best use" of a property has been the proposal that gives the state the most cash. Would the SLCC's criteria be any different?

- Legislative approval would not be required for every parcel. Meshoulam commented, "We think that adding more layers to it [the process] just complicates it." However, those "layers" being removed are the voices of community stakeholders. As Waltham representative Tom Stanley put it, "My feeling is without a roll-call vote, legislative and local governments lose any kind of leverage at all for disposition and planning for state land."

Will Massachusetts resume the sell-off of state lands and buildings? Will municipalities retain any right at all to control what happens to public lands within their borders?

Locally, Lexington and Waltham have a strong interest in maintaining Lot 1 as open space. Two of the bills being considered this year would simply transfer the land to those municipalities. Stay tuned; 54 acres of wilderness near you may be at stake.

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



Letters *continued from page 11*

bulb. Leave it on for nine hours at a time, and you'll get up to 24,000 hours out of the bulb. That's not bad, considering that incandescents typically have a lifetime of 1,000 hours (calculated from the amount of time you can leave a large sample of bulbs burning continuously before half of them burn out).

What if your CFL does break after 222 hours? You've still used one-fifth as much electricity as you would have using an incandescent: the CFL would consume 2.86 kilowatt-hours (kWh), while the incandescent would use 13.32 kWh. Belmont's electric rate is \$0.1138 per kWh, so the cost of electricity for the 13-watt CFL would be \$0.32 vs. \$1.51 for a 60-watt incandescent bulb. Add in the purchase cost of the bulb, and you get \$1.47 for the lifetime cost for

the CFL vs. \$1.81 for the incandescent (assuming a purchase price of \$0.30—as available on amazon.com). Comparing 1,000 hours of 5-minute lighting, you'd spend \$5.75 buying five 13-watt CFLs and \$1.48 running them, for a total of \$7.23, vs. \$0.30 to buy an incandescent and \$6.83 running it, for a total of \$7.13—if your bulb is in the half that doesn't break by 1,000 hours. Keep your lights on for 10 minutes at a time for 1,000 hours, and the cost of the CFLs goes down to \$5.93—while the incandescent cost remains the same.

Of course, these figures don't include the environmental benefits of using less energy (and generating fewer greenhouse gases) or the concerns about disposing of CFLs safely. But they do mean that switching off the CFL won't break the bank. — Editor

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Belmont Center. Only some streets in some urban settings get this treatment. Apparently intersections where there have been multiple pedestrian deaths are good candidates for redesigning with second-generation traffic calming. The deaths stop when uncertainty forces drivers and pedestrians to think.

Watch traffic go through the Belmont Center underpass and you will see second-generation traffic calming in action. It makes drivers uncomfortable, but it works, mostly. If Belmont eliminated the sidewalks, a few signs, a lane stripe on the south side, and traffic islands at the Belmont Center underpass, we would have the full treatment. I am not advocating this.

The Center underpass does not have a great safety record. As described in the September, 2004 *Belmont Citizens Forum Newsletter*, this intersection has a large number of minor accidents, about 19 per year for the period 1999 to 2004. Other Belmont intersections have more serious, injury-causing accidents. Past experience with this intersection strongly indicates that attempts to improve the safety or throughput of this intersection with conventional traffic engineering solutions will be futile. If we believe the European enthusiasm for second-generation traffic calming, perhaps we could improve the underpass intersection by making it even more

chaotic.

So how bad is the underpass? It is so bad it is almost good. Maybe a few trees planted in the intersection would make it better.

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

Further Reading

- "Why Doesn't Belmont Fix the Concord/Common/Leonard Intersection?" (*Belmont Citizens Forum Newsletter* September 2004, p. 16) describes efforts to improve the intersection
 - Read about second-generation traffic calming at dir.salon.com/story/tech/feature/04/05/20/traffic_design/index1.html
 - See illustrations of second-generation traffic calming at [dylanpassmore.com/Passmore_\(2005\)_EvolvingStreets.pdf](http://dylanpassmore.com/Passmore_(2005)_EvolvingStreets.pdf)

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People Are Asking

How Bad is the Belmont Center Underpass?

By Sumner Brown

The first time drivers from out-of-town approaches the intersection where Concord Avenue, Common Street, Leonard Street, and Channing Road cross, merge, and go beneath the railroad tracks, they panic. "What do I do?"

I have had occasion to explain to first-time Belmont Center drivers that this intersection works better than you think. Slow down, make eye contact, and take turns. Most people learned the skills needed

in kindergarten. Considering the chaotic shortage of signs, signals, and lane markings, first-timers are surprised that it works.

Some traffic engineers and city planners in Europe have embraced traffic chaos as good design. They call it "second-generation traffic calming." In these European traffic patterns, pedestrians, and vehicles mingle. Second-generation traffic calming works because drivers are forced to slow down, think, make eye contact, and negotiate on a human scale and at human speed.

In Holland, Denmark, Belgium, France, Germany, and the United Kingdom, cars, pedestrians, bicycles, and playing children share some streets. These streets, with no rules and no right-of-ways, are created deliberately, not for lack of a better alternative as in

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