

Belmont Citizens Forum

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A Newsletter for Belmont Residents

March 2002

Broken Storm, Sewer Pipes Pollute Alewife Area

By Jim Graves

Flooding and water pollution are problems shared by Arlington, Belmont, and Cambridge. All three communities get major flooding when rainfall is unusually heavy; all three have sewage backing up into residents' basements; all three are under federal orders to stop polluting the region's streams.

The flood waters back up especially where the three communities come together: in the Alewife Brook watershed, which includes all the land that drains into Alewife Brook and Little River, and eventually into the Mystic River and Boston harbor. The Alewife watershed includes most of Belmont, about half of Arlington, a major piece of Cambridge, and smaller sections of Somerville, Medford, and Watertown.

Forum Draws Crowd

The problems drew a standing-room-only crowd of 170 people to the auditorium of Temple Beth El in Belmont on March 6 for a Flood Alert! water forum sponsored by the Mystic River Watershed Association and the Belmont Citizens Forum. The event was also supported by 11 other citizens' groups from Cambridge, Arlington and Belmont. The presenters were Grace Perez, executive director of the Mystic River Watershed Association, and three municipal engineers: Richard Bento, Arlington's director of Public Works; Tom Gatzunis, Belmont's director of Community Development; and Owen O'Riordan, Cambridge's assistant commissioner of Engineering.

All three communities are spending millions of dollars to fix up their aging sewers and storm drain systems, including many pipes that are more than 100 years old. All three have been investigating homes and commercial buildings to identify and shut off illegal connections to the sewerage systems from basement sump pumps. In other cases, sewer pipes have been illegally connected to storm drains, pouring untreated human waste into streams ponds and rivers. The investigative tools include dye tests, television cameras, smoke and basement inspections. Sometimes residents pretend they aren't home to avoid having their basements inspected, said Belmont's Gatzunis. But he vowed to keep at it until all the illegal connections are removed.

Cambridge still has many combined sewer and storm drains: one pipe carries both clean and dirty water. Usually, all the water, even rainwater, is sent to the Deer Island sewage plant. But in heavy rains,

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Environmental Events Calendar

Climate Change, Air Pollution, and Energy

Security. A lecture by Kevin Knobloch, Executive Director of the Union of Concerned Scientists, dealing with practical solutions to global climate change and ways to pursue them over the next five to ten years. Tuesday, March 19, 7 p.m. at the Arlington Street Church, Arlington and Boylston Streets, Boston. For more information, contact Marc Breslow at (781) 643-5911 or mbreslow@neaction.org

Alewife Walk. Author and naturalist Peter Alden will lead a "First Days of Spring" walk through the Alewife Reservation on Sunday, March 24, 2 - 4 p.m. and again on Sunday, April 28, at the same time. Meet behind the Alewife T stop at the passenger pickup. Sponsored by Friends of Alewife Reservation and the Mystic River Watershed Association. For more information, call (617) 547-

1944 or contact David Cowell at cowell@mail.com

Thoreau and the Women of Concord. A walk led by Denise Morrissey of Walden Pond State Reservation. Saturday, March 23, 10 a.m. Space is limited. To reserve a spot, contact the Thoreau Society at (781) 259-4750 or ThoreauSociety@walden.org

Understanding the Community Preservation Act.

A talk by two experts from the Trust for Public Land. Wednesday, April 3, at 7:30 p.m. at the All Saints' Church Parish Hall, corner of Clark and Common Streets in Belmont. The group will discuss how CPA funds can be used for historic preservation, open space conservation, and affordable housing. Could it be used to buy the Uplands property or pay down the bond for the restoration of Belmont's Town Hall Complex? Sponsored by the Belmont Citizens Forum.

Thoreau Lecture Series. Robert Finch will speak at the Concord Museum on Thursday, April 11, at 7:30 p.m. His topic is "Thoreau's List of Worthies." This is one in a monthly series. For more information, call (978) 369-9763.

Highland Farm Fling. Bring your friends and family to the Highland Farm section of the Habitat Sanctuary in Belmont, off Somerset Street. Learn about the history of the farm and help us remove invasive plants. Light refreshments and Scottish music. Sunday, April 14, 12:30 - 3:30 p.m.

Bird Walks at Habitat. A fun, hour-long ramble through various sections of the Habitat Wildlife Sanctuary. Non-birders and birders of all ages are welcome. Sunday, April 28 and Saturday, May 18, 8:30 - 9:30 a.m. No fee or registration required.

Herring Run Road Race. A 10K race along the banks of the Mystic River on Saturday, May 11. The race follows the route of the alewives and herrings, swimming upstream to spawn. Meet in Somerville at the Blessing of the Bay Boathouse at 10 a.m. Ends at the Mystic Lakes dam. Sponsored by the Mystic River Watershed Association. For more information or to reserve a space, contact Janet Kovner at (781) 316-3438 or jskovner@gis.net

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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.

Candidates for Selectman Answer 10 Questions

Every year, Belmont voters elect one member of the three-person Board of Selectmen to a three-year term. On April 1, they will choose between the incumbent, William P. Monahan, and the challenger, Paul Solomon. The Belmont Citizens Forum asked the two candidates to respond to the following questions on planning and zoning issues. Each candidate was limited to a total of one thousand words.

1. How should the town raise money for future infrastructure repairs/improvements and for other major capital investments?

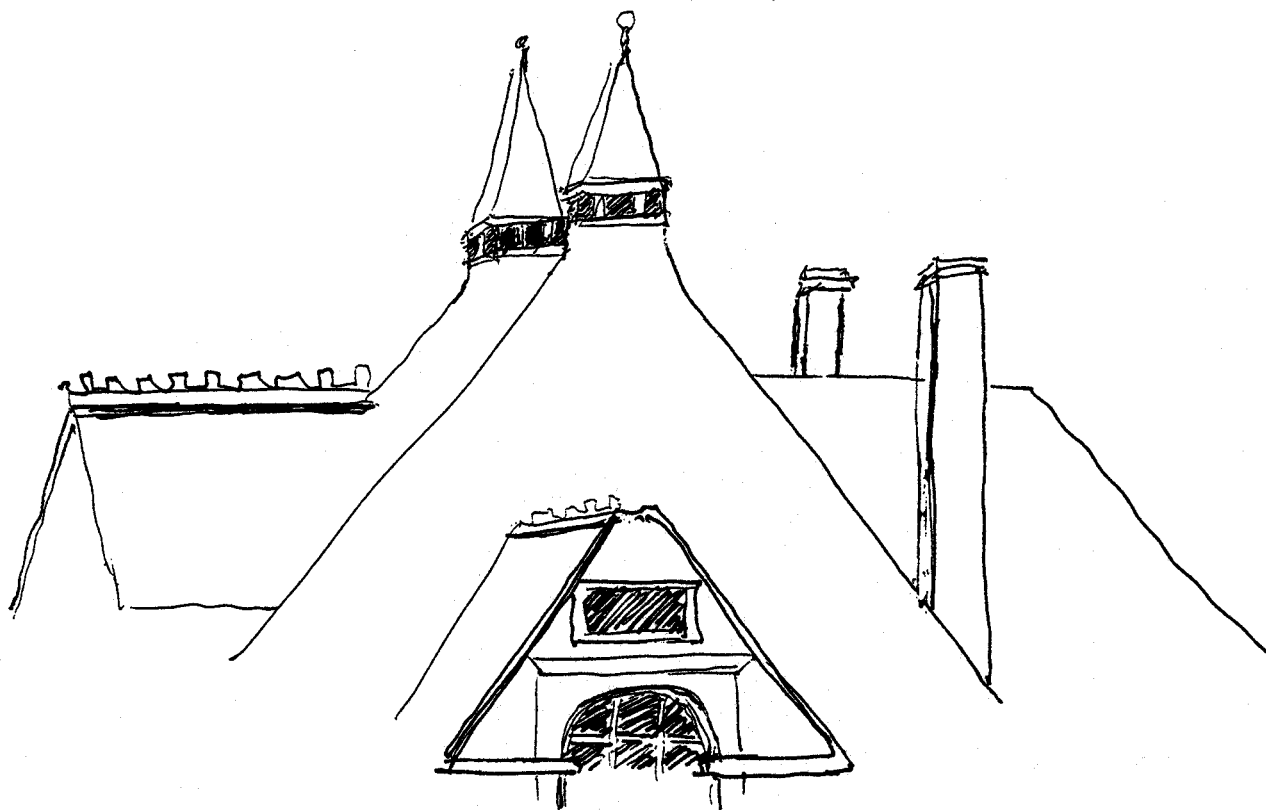
Monahan: Belmont must plan wisely to finance future infrastructure repairs/improvements and other major capital investments. Expansion of our commercial tax base is essential. I have recommended, and the Board of Selectmen has approved, the establishment of a long-range financial planning committee, which has financial, banking and planning experts. Their primary goal is to assist the Selectmen

in developing a long-term plan to finance large capital projects.

Solomon: Smart development can help provide needed revenues. A policy of deferred maintenance, allowing many of our capital assets to decay rather than investing in our future, has brought Belmont to the point where either we begin paying to save or replace what we have, or face sad and sordid decline in our public property, with attendant degradation of private property values.

We must take the backlog of deferred projects - created during years of handwringing but little action - break out the individual projects, set priorities, and make a prudent financial plan to help us meet initial and future costs. We cannot meet all our needs at once. But we must make clear and steady progress. No more years of debate, committee study, court orders, and waffling. Construction and maintenance costs will only increase. We need a phased action plan now.

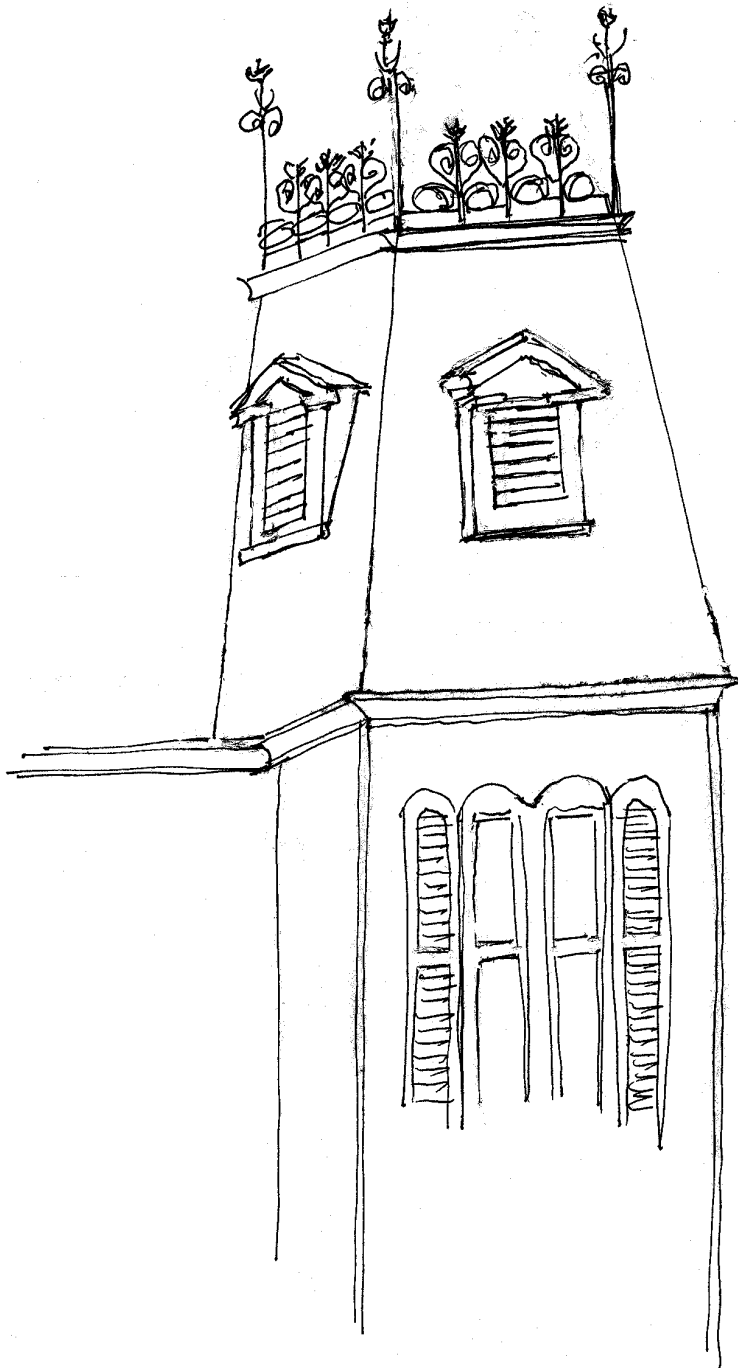
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Candidates Offer Opinions on Town Finances,

Continued from page 3

2. What proposals do you have to improve the commercial vitality of Belmont Center, Cushing Square, and Waverley Square and deal with parking problems, while maintaining the character of each center?



Solomon: We should: (1) identify areas and properties where revitalization would benefit the town, such as the former VW site on Trapelo Road, DeMilia property on Pleasant Street, and the pink building in Belmont Center, (2) consider the extent of the area of revitalization and decide whether master planning, including road improvements, pedestrian-friendly walkways, and landscaping would improve our civic environment, (3) work with owners and local banks to identify uses which enhance value for the town, then help owners find ways to finance redevelopment, (4) encourage development of somewhat higher density structures, including mixed use commercial and residential buildings, near the town centers and along Trapelo Road and South Pleasant Street, (5) attract new developers to invest in the uses we want, (6) insist that developers plan appropriate parking facilities for their buildings, and (7) identify character-defining features in redevelopment areas and work with developers to preserve or restore these in their plans.

Monahan: I have a proposal that not only addresses the need to develop South Pleasant Street, but also provides public transportation linking Waverley and Cushing Squares and Belmont Center. In addition, my plan provides for commuter parking, thereby freeing up more parking for business purposes in Belmont Center and Waverley Square. A few years ago, I proposed that additional parking be created in Belmont Center (at a disused gas station) but I did not prevail at Town Meeting. However, I will continue to advocate for other solutions to provide additional parking in our business centers.

Capital Projects, Uplands, and Zoning Issues

3. If the town's three fire stations are consolidated into two, where do you think these two should be located? Do you favor preserving the current firehouses as historic buildings when they are no longer in use as fire stations?

Monahan: I recommend that a new central fire station be built on the land formerly utilized as an automobile dealership on South Pleasant Street. For the immediate future, I would continue the operation of the Fairview Avenue station. I favor the sale of both the Belmont Center fire headquarters and the Waverley Square fire station, and designating them as historic buildings, if that does not adversely affect their fair market value. However, if the town were to lose significant monies with such a designation, I would not be in favor.

Solomon: I would locate a main fire station on Trapelo Road between Cushing and Waverley Squares and a second firehouse on the north side of the railroad tracks near Belmont Center. I do favor preserving the current fire stations as historic buildings and would work to find developers who would do this while converting the interiors to another use. The firehouses at Waverley and in Belmont Center are distinctive buildings which help define the character of our community. Where else can you find a stick style firehouse with an art deco facade?

4. Do you support building a permanent Senior Center at the Kendall school site? Should such a center be exclusively a senior center, or should other community uses be provided for as well?

Solomon: I favor a center at the Kendall site primarily for senior use, with a small branch library.

Monahan: I do not support building a new senior center on the Kendall School site at this time. Belmont is presently confronted with over \$100 million in capital projects. The present senior center on Oakley Road certainly needs to be upgraded with an elevator, air conditioning, etc., but it is more than

adequate for current needs. Many with whom I have spoken are comfortable there and would prefer to remain there permanently.

5. In the focus groups conducted by the Vision 21 Committee, many residents said that traffic was a major problem in town. What specific suggestions do you have for reducing, managing, or redirecting traffic flow through town and improving pedestrian safety?

Monahan: I have recognized for many years that traffic is a major problem. A chief contributing factor is the town's location. Belmont is just a few miles west of the hub of New England and is situated between two major highways. Strong enforcement of all traffic laws will help to slow vehicles and discourage motorists from cutting through our town. This requires adequate police personnel. I also support the installation of engineered approaches that encourage lower speeds.

Solomon: We need to reconfigure certain existing streets and sidewalks to address pedestrian safety and slow traffic. Trapelo Road's wide, dangerous expanse, created when the streetcar tracks were paved over, is a priority area for calming, as are areas in our centers, near schools, churches, libraries and other public facilities. Traffic enforcement should be strict, with signs warning speeders of the consequences posted in strategic places—at the Town border and along open thoroughfares such as Concord Avenue and Cross Street.

6. Do you favor the design and ultimate construction of the Belmont portion of the Wayside Rail Trail? Would you support a limited expenditure of town funds to begin the design process?

Solomon: Yes, I favor the construction of the Wayside Rail Trail, but the contribution from town funds would be modest. Private funds should also be

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Candidates Q & A

Continued from page 5

solicited. The trail should be open to walkers, runners, and skaters as well as bikers.

Monahan: I do favor the design and construction of Belmont's portion of the Wayside Rail Trail for bicyclists. However, I do not support any expenditure of town funds for that purpose in these financially difficult times. Either it will have to wait or its supporters must find other funding sources.



7. Do you support passage of the Community Preservation Act for Belmont as a means to fund open space preservation, historic preservation, and affordable housing? Why or why not? Will you lead a campaign to secure the necessary approval by the Town Meeting and a majority of the town's voters?

Monahan: I do not support passage of the Community Preservation Act (CPA) at this time. Belmont's real estate taxes are amongst the highest in the Commonwealth. The CPA would create a surcharge of up to 3%, with an exemption on the first \$100,000 in value of a residential property. This surcharge would add an additional \$170 per year in taxes for the average single-family home.

The money raised under the CPA *cannot* be used exclusively for the purchase of open space. The act requires that 30% of all funds generated be set aside, with 10% each for open space, historic preservation and community housing. The remaining 70% can be allocated to any of the three areas, including preservation of recreational lands. This decision is made by a Community Preservation Committee, which must be created by a town ordinance or by-law.

I do not believe that Belmont is ready for the CPA at this time.

Solomon: The CPA is a useful tool for town planning, and I would like to see Belmont use it. However, it has specific parameters that do not fit well with our current capital needs projects. Due to piecemeal policies and lack of master planning by the current administration, Belmont is not in a position to benefit at this time.

8. Last November, a majority of Town Meeting opposed a proposal to rezone the Belmont Uplands property for commercial use. Do you favor a thorough reconsideration of zoning alternatives for this property (including recreational space, residential alternatives, a professional fundraising effort for open space acquisition, or mixed use affordable housing) prior to bringing any proposal back to Town Meeting? If no, why no? If yes, which of these would you focus on?

Solomon: O'Neill properties, owner of the Uplands, clearly intends to create commercial development on the site. If thwarted, he is likely to sell the land to a high-density residential developer, bringing little financial benefit to the Town.

As with the McLean project, our leaders, failing to engage citizens in townwide discussion of land use needs in areas ripe for development, have allowed developers to call the shots.

Belmont needs revenue. I favor working with O'Neill to get a better deal for the Town—one with traffic controls, guaranteed tax income, and other financial benefits.

The study committee recommended that preserving this land would be its best use, but this is no longer realistic, given the lack of funding for this purpose, and our need for revenue.

Monahan: I voted in favor of the Belmont Uplands proposal at last November's town meeting. For well over a year before that, I and several others worked hard to develop a solid plan. During the 18 months' moratorium preceding town meeting, much discussion took place about raising the many millions of dollars to buy the land and leave it undeveloped. Sadly, just as with the McLean issue, no one came forward with any money, nor even a plan by which to raise it. I have fought hard for more than twenty years to protect the Belmont Uplands. However, I recognize today's realities. There is no way \$10 million can be found to purchase this land. That leaves us with a second option—reasonable commercial development. Residential options create too much of a burden on town services and schools. The town coffers desperately need the revenues commercial development would yield.

9. Should Belmont rewrite its zoning by-law to prevent out-of-scale residential renovation or rebuilds (sometimes referred to as McMansions)? Why or why not?

Monahan: Yes, Belmont should rewrite its zoning by-law to prevent out-of-scale rebuilds and renovations. The Planning Board is aware of the problems inherent in this issue. Neighborhood character must be preserved, but the by-law should not excessively

continued on next page

impinge on the property rights of the owner, nor on those abutting the owner. Equal protection under the law should apply.

Solomon: The Vision 21 principles, such as maintaining our small-town community atmosphere and respecting diversity, should guide us as we take a hard look at our current zoning. Tear downs and out-of-scale are likely to become more common as economic pressure on our land increases. Our citizens should come together to work out zoning policies which help us toward the future we want.

10. In the Belmont Vision 21 meetings, many citizens expressed a desire for more open processes in town government. What will you do to respond to this?

Solomon: I will approach important town decisions in as transparent a way as possible, soliciting input within a reasonable period of time from all interested parties by a variety of means. I will allow time

for citizens to familiarize themselves with plans, to ask questions, and for the plans to be adjusted.

We need to appoint citizens with a broader set of skills, experience, and background to our Town committees. I will do this, and will reach out to invite new citizens to participate in Town government.

I chaired the Vision 21 Committee and stand behind the Vision unanimously adopted by Town Meeting: "To preserve and enhance the qualities that we value, we, the Belmont community, make a commitment to: foster and maintain an open and inclusive decision-making process."

Monahan: In all of my experience as a Selectman, one of the most difficult tasks I have faced is how to make the citizenry aware of the important issues confronting local government. The meetings of all elected and appointed boards are, by law, public. They are posted at Town Hall and on the town's web site and often in the Belmont newspaper. The process is very open, yet always seems to be questioned. I would welcome helpful suggestions for consideration.



Wednesday, April 3
7:30 p.m.

All Saints' Parish Hall
Corner of Clark and
Common Streets

Understanding the Community Preservation Act

The Community Preservation Act (CPA) is a way to raise money for open space, historic preservation, and affordable housing, with a state match of up to \$1 for each \$1 raised by the town. Thirty-five Massachusetts communities have already adopted it. How would it work in Belmont? Could it help pay the \$10-12 million Belmont needs for the Town Hall Complex? How much open space could it help preserve at the Uplands or elsewhere — at what cost in taxes?

You are invited to meet with two experts from the Trust for Public Land in the comfortable Bramhall Room of the parish hall at All Saints' Episcopal Church. Elizabeth Adams, TPL's Program Director for Municipal Finance, and Nellie Aikenhead, a TPL project manager, will explain how the law works, give examples of how it has been used, and answer questions. Refreshments will be served.

Sponsored by the Friends of the Belmont Citizens Forum

New Crosswalk Design To Be Studied By Town

Belmont has begun to study the use of international-style crosswalks, after a presentation to the Board of Selectmen on February 25 by the Traffic & Transportation Committee of the Belmont Citizens Forum. At the meeting, Mark D'Andrea, vice president of the Citizens Forum, announced that the group would pay up to \$2,500 for the installation of demonstration international-style crosswalks in various areas of Belmont, including the Butler School area, where a fatal accident occurred recently.

The demonstration project has now been referred to the police chief, highway superintendent, town engineer, and the town's Traffic Advisory Committee for evaluation.

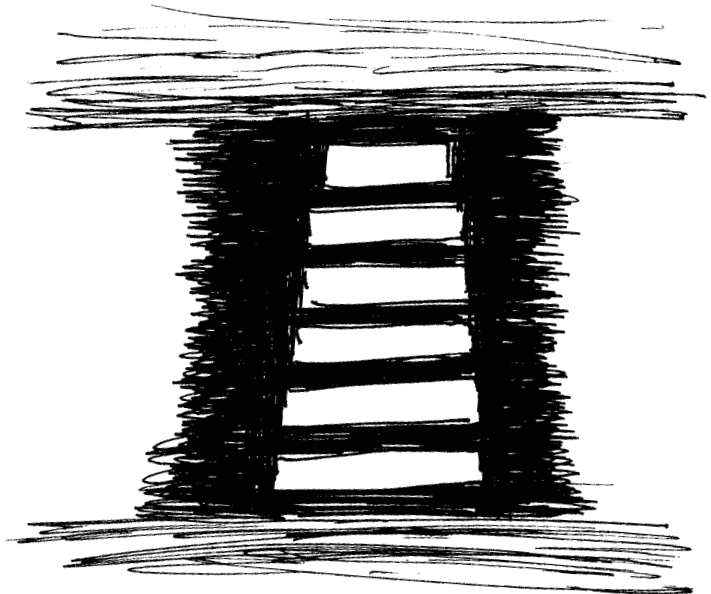
Belmont's Traffic Advisory Committee has scheduled a public meeting to discuss the issue at 8:15 p.m. on Tuesday, March 12, in conference room 4 at the Town Hall.

In the presentation to the Selectmen, D'Andrea showed slides of high-visibility international-style crosswalks used in Cambridge and the not-so-visible crosswalks in many parts of Belmont. Of the

217 pedestrian accidents in Belmont between 1988 and February 2002, 40 percent occurred at a crossroads. And 24 percent of the incidents were on neighborhood streets around the Butler School.

The new crosswalk design is safer, because it is easier for motorists and pedestrians to spot from a distance. Cost estimates for installing the crosswalks range from \$1.50 per square foot using epoxy material to 25 cents per square foot using paint applied by hand. The epoxy material, applied as a two part system, is better on older roads, has about a three-year life, uses glass beads for the best reflectivity, and is not slippery. Such an application can be seen in Brookline at the corner of Winchester and Beacon Streets. An international-style crosswalk made of two-foot by 12-foot stripes, spanning a street that is 60 feet wide, would cost about \$540 to apply in epoxy.

D'Andrea said that his committee believed that, in the long run, pedestrian safety was more important than fixing roads.



Cracked Pipes, Illegal Connections Pollute Ponds,

Continued from page 1

the mixture of sewage and storm water overflows the pipes and is discharged into the Alewife Brook and other streams and ponds. While Arlington and Belmont have theoretically separate systems for storm water and sewage, in practice their systems also mix sewage and storm water because of inflow and infiltration or I/I. The “infiltration” part of I/I is cracked pipes that let clean groundwater leak into the sewer lines; the “inflow” part is illegal connections: sewage dumped into storm water drains and storm water drains connected to sewage pipes.

The federal Environmental Protection Agency has ordered all three communities, and many others in Massachusetts, to clean up their acts – to stop sending human sewage into the Alewife Brook and our local ponds and streams.

Stormwater Billed at Sewage Rates

Failing to fix the inflow and infiltration problems is expensive, too. Two-thirds of the water processed by the Deer Island treatment plant isn't sewage – it is stormwater that should be flowing into streams and rivers. Since residents and businesses pay fees based on the volume sent to Deer Island, our sewer bills are greatly inflated by the storm water that leaks into our ancient sewer pipes or is piped in by the illegal connection of a sump pump. And Belmont pays among the highest rates of any community in the metropolitan area.

What causes the flooding? Much of the Alewife watershed area in Belmont, Arlington, and Cambridge was originally wetland. A large part of it was known, in fact, as the Great Swamp. Now these wetlands and the low-lying areas nearby are mostly developed. Among the few exceptions are the Mugar property near Route 2 in Arlington and the Belmont Uplands beside the MDC's Alewife Reservation. So where there used to be a large natural wetland sponge to absorb water, now there are houses, commercial buildings, and pavement – impervious surfaces with no ability to absorb water.

Floods seem more frequent in recent decades. Many also question whether the federally defined

floodplain maps are still accurate. Why has the flooding increased? Among the reasons suggested are development and climate changes. The stormwater storage systems required for a new building can actually ameliorate the flooding from a site, O'Riordan said. But many in the audience doubted that the correct solution to Alewife flooding is even more construction in the area.

Clogs Expensive to Clear

Storm drains and basins need frequent maintenance to keep them clear of debris and silt that can dramatically reduce their capacity to transport water. Cambridge's O'Riordan said a 6-foot-diameter pipe near the Fresh Pond rotary was found two-thirds full of silt. Tree roots, leaves, and trash can all reduce the carrying capacity of storm drains. It is nearly impossible for community departments to keep all of the drains clear during the peak backup periods in the fall and spring when they're clogged by leaves and other natural debris.

Another cause of flooding is man-made constrictions that prevent water from moving downstream. During a heavy storm, water levels near the Massachusetts Avenue bridge on the Arlington/Cambridge line can be three feet higher on the Belmont side of the bridge than on the Somerville side of the bridge. The Amelia Earhart dam further downstream creates another major constriction that prevents the rapid flow of flood waters. Fixing these would cost many millions of dollars.

Dan Driscoll of the Metropolitan District Commission, who was in the audience, said some constrictions that could be addressed immediately aren't being fixed. He said the MDC had asked for an emergency appropriation to remove large amounts of debris and silt near Craddock dam, but the \$100,000 request was turned down. Driscoll also cited a proposal by the Algonquin gas pipeline company to put new pipes in the river, reducing the flood discharge capacity upstream.

What can we do to promote clean water and prevent flooding? Among the recommendations from the audience was to let local and state elected officials know that you support funding to repair

Streams and Raise Sewer Costs for Residents

aging sewer and storm drain infrastructure. Regional cooperation would also help. There is an Upper Mystic coalition of communities working on these issues. Perhaps a Lower Mystic coalition would help, too. Regional cooperation could also get funding from state, federal and local governments for some of the baseline studies needed to provide a comprehensive understanding of the Alewife watershed.

Richard Vogel, who teaches hydrological engineering at Tufts University, asked what the three communities were doing to create alternatives to sending storm water into the ocean through extensive drainage systems. The answer from all three engineers was, essentially, nothing.

Kathleen Baskin of the Charles River Watershed Association said that CRWA is working on that problem, since the water is needed to nourish the ground where it falls. She said backyard under-

ground basins can capture roof runoff for release in yards and gardens during drier periods. Keeping water where it falls could reduce the need for multi-million dollar municipal projects. And she pointed out that at high tide, no piping system will make storm water flow into Boston Harbor. But Cambridge's O'Riordan said small city house lots simply don't have the ability to absorb much rainfall.

All in all, the forum provided a report on the problems and the work in progress in each community, but much more needs to be done to address flooding in a comprehensive regional way.

The event was videotaped for broadcast on Belmont Community Cable, Channel 8, and tapes were being made available for Arlington, Cambridge, and Somerville cable TV as well.

Jim Graves is president of the Citizens Forum.



Belmont Woman's Club Preserves the Spirit of

By Linda Savarese

If Winslow Homer could see the Belmont Woman's Club today, housed in his uncle's former summer home on Pleasant Street, he would be proud. He was the first well-known American painter to depict women as strong, independent members of society.

A resident of Cambridge, Homer first came to Belmont as a boy in the mid-1800s to spend time with relatives. In his later years, he returned here to paint and some of his best-known works were done in the vicinity of the Woman's Club. "The War-Making Havelocks for the Volunteers," painted in 1861, shows some of his Homer cousins sewing in the parlor, overlooking the sunny expanse of the front lawn.

Homer's mother was also a painter, and her influence can be seen in some of his works, like the one of a woman standing in a field and wielding a mowing tool with one hand. The other hand is poised confidently on her hip.

The founders of the Belmont Woman's Club came together during the First World War to stitch garments for soldiers. During this period, the women's suffrage movement was gaining ground and the image of the American woman was changing. These civic-minded women represented a paradigmatic shift in lifestyle.

After the war, they continued to meet, and found a permanent home at the William Flagg Homer house in 1927.

1853 House Has Had Several Owners

The Italianate mansion with the French mansard roof, at the corner of Concord Avenue and Pleasant Street, has had several owners in its 150-year history. In 1826, when the property was still part of West Cambridge, Jeduthen Wellington conveyed the land, then used for fruit farming, to his son-in-law, Samuel O. Mead, for \$400. Ten years later, Mr. Mead sold the property to William Flagg Homer, who used it as a summer retreat and strawberry



William Flagg Homer's House on Pleasant St.

farm. The current house dates to about 1853.

After William Flagg Homer died, his widow sold the house to her neighbors across the street, the Blakes. Susan Blake etched a letter "B" on the front window to mark this chapter in the house's history.

In subsequent years, the home was owned by Joseph Russell, the president of what later became the Boston Elevated Railroad Company; Judge Arthur Stone, who served as moderator of Belmont Town Meeting; and Martha Frost, a member of one of the founding families of Belmont.

In 1927, the property came into the hands of a real estate developer named Carl Stenston. Belmont residents became outraged when they learned of Stenston's plans to demolish the mansion and build seven smaller houses on the site. They called upon the Woman's Club for help, and before the year was out, Mrs. John Odde, Mrs. Edward Parks, and Mrs. William Hanson had raised enough money to buy the property and rescue the historic house.

Architectural Detail Preserved

Now part of the Pleasant Street Historic District, the fifteen-room home is filled with grand details. Yet the interior has the open, sophisticated ambiance of an Italian villa.

Bright stained glass windows invite warm light into the front foyer and into the rotunda between the first and second floors. The leaded glass is original and has softened and bowed over the years.

The wood-paneled library with its ornate brick fireplace could tell the tales of many a cigar-smoking gentleman. The sunny parlor at the front of the house was frequented mostly by women. Today, the club invites both men and women to become members.

Although the house is remarkably well preserved, it is not free from the threat of deterioration. In 1997, the club emptied its pockets to fix the roof, which was leaking rain onto the third floor. The

first and second floors were completely restored at the time of the club's 75th anniversary, when the house was opened to the public as a decorator's show house. It is now rented for weddings, baby showers, and corporate conferences. Parking is limited, however, because the club is reluctant to pave over any of its expansive front lawn, now graced by two enormous copper beech trees. This ground is said to be the setting of Winslow Homer's painting, "The Croquet Scene," and the trees have been designated as historic landmarks.

A Philanthropic Mission

Over the past 81 years, club members have dedicated themselves to local philanthropic causes. The club contributes to the Belmont Food Pantry, for example, and every year awards a \$1000 scholarship to an "Unsung Hero" at Belmont High School. To honor the property's history as a strawberry farm, the club hosts an annual Strawberry Festival in June. Belmont schoolchildren, and a few lucky adults, are invited. They tour the house and are treated to ice cream and strawberries after learning about the activities and games enjoyed by their peers in the 1850s, when the house was built. None of Homer's original paintings have found their way back here, but the group does sell prints from the gift shop on the second floor.

The third floor remains badly damaged from the earlier leaks in the roof, and the necessary repairs would cost more than the club earns annually. A sign at the foot of the third floor staircase, written by club member Aurora Spatola, reads, "I am sorry I am not dressed." The sign goes on to remind visitors that with their continued generosity they can "come up and see me sometime." For more information about membership or to learn how you can assist in the house's preservation, you may call Sandy Kendall at (617) 484-1060.

Linda Savarese is a local short story writer.

Learn more about it.

*Victoria Haase will present
a program on the William Flagg
Homer House at this month's
Belmont Historical Society meeting.*

**Wednesday, March 20, 7:30 - 9
Library Assembly Room**



This private parcel on the upper part of Concord Avenue was recently placed under a conservation restriction held by the Belmont Land Trust.

Appeals Court To Hear McLean Zoning Case

By Sue Bass

On the morning of March 20, three judges of the Massachusetts Appeals Court will hear oral arguments from attorneys representing McLean Hospital, the Town of Belmont, and ten Belmont taxpayers over the 1999 rezoning of McLean's 238-acre campus. That rezoning allows the addition of more than one million square feet of development, while setting aside part of the land for open space, a town cemetery, and an addition to the Waverley Oaks Apartments.

The question the Appeals Court will consider was raised originally by McLean in 1999: Do the agreements involved in the rezoning constitute illegal contract zoning? Another way to ask this is: When is it legal for a community to trade rezoning profitable to the landowner for benefits attractive to the town?

This issue has been considered by many other states, but in Massachusetts there have been only two appellate cases. The original case, *Sylvania Electric Products v. Newton*, was decided by the Supreme Judicial Court in 1962. The second, *Rando v. Town of North Attleborough*, was decided by the state Appeals Court in 1998. Both decisions ruled that the particular agreements involved were legal. Both courts offered some cautions about rezoning agreements that may not be legal, but they did not spell out all the possibilities.

In the McLean appeal, the Belmont taxpayers, represented by Gregor I. McGregor, a Boston environmental and land use attorney, and supported by the Citizens Forum, argue that the agreement violates the standards suggested by *Sylvania* and *Rando* in several ways. Benefits offered by the landowner are supposed to be voluntary and independent; they are not to be negotiated along with the rezoning. In a New Mexico case cited favorably by the Massachusetts Appeals Court in *Rando*, the court ruled that only one kind of contract was legal - a unilateral contract in which a landowner makes a promise that will be fulfilled if the community rezones. The citizens allege that a bilateral contract with promises in both directions, like the McLean rezoning, is improper and illegal.

A second argument is that Belmont may not get the promised benefits. The Memorandum of Agreement required the town to fulfill its obligations first - paying McLean \$1.5 million, approving the developers' site plans, etc. - before the hospital would execute the conservation restrictions and turn over the deeds to the cemetery, Waverley Oaks expansion, and open space. That fear is more urgent now, when the town has fulfilled all its obligations, but McLean has announced that it will delay the land transfers. Under the Memorandum of Agreement, the transfers were supposed to take place last month.

The usual way to prevent that and other problems in negotiated development, and to preserve the integrity of the Town Meeting's role as a local legislature, is to execute all the operative agreement documents in advance and hold them in escrow pending Town Meeting approval of the warrant articles. That was recommended by the town's advisers but declined by the McLean Task Force and the Selectmen.

The Appeals Court has observed a general guideline of issuing decisions within four months of the oral argument, but there have been cases in which a decision took a year or more.

Sue Bass is a Town Meeting Member from Precinct 3 and an intervener in the McLean litigation.

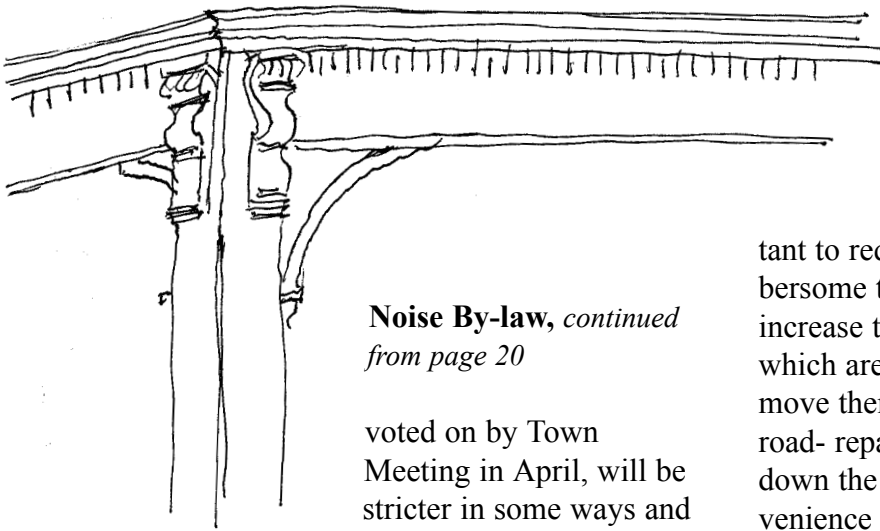
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Noise By-law, continued
from page 20

voted on by Town Meeting in April, will be stricter in some ways and less strict in others. For

example, there will now be one limit for all non-construction-related noise in residential areas regardless of duration. That means that if a noise exceeds the specified limit for even a minute, the property owner may be subject to a fine.

Restrictions cover such things as home-heating and air-conditioning units and amplified music. The new limits on this type of noise, which are lower overall than they were in the past, are 55 dBA during the day and 45 dBA after 10 p.m. on residential properties. Complaints are to be handled by the police department.

Construction Noise Limits Up But Other Restrictions Apply

Construction noise (produced by any activity that requires a building permit) is now generally limited to 65dBA, but is permitted to go as high as 80dBA for brief intervals. The new by-law would set a uniform limit of 70 dBA, but less “evidence” would be required for issuance of a citation. Questionable noise would have to be monitored for only 10 minutes, and any work that exceeds the limit could be suspended by order of the Office of Community Development.

Noise made by impact devices, such as jackhammers and rock drills, could be louder still—up to 90 dBA. This is the level of sound you hear when standing 50 feet away from a jackhammer of recent vintage. Bob Gallant, a member of the Noise By-Law Committee, said that under the existing by-law, it’s actually illegal to operate a jackhammer in Belmont.

It is possible to muffle the sound of these impact devices through the use of portable sound barriers, which lower the perceived noise from 90 dBA to about 80 dBA. But the committee is reluc-

tant to require such barriers, because they are cumbersome to move around on a job site and they increase the costs of doing work. The barriers, which are so heavy that a forklift is required to move them, would admittedly be a headache on a road-repair job where a jackhammer is moved down the street at frequent intervals. But the inconvenience may be worth it on a major construction site where significant rock drilling is expected for days on end at a single location. The senior housing facility planned for the McLean property, for instance, and the drive leading up to it are to be built on rock.

Exempt: Football Games, Snow Blowers, Barking Dogs

There are some types of noise that would not be covered under the new law. Public events like high school football games and summer concerts, for example, would be exempt. Snow blowers and plows would be permitted to operate at any time of the day or night with no limit on noise level.

And there would be no restrictions on barking dogs. Committee member Guy Carbone explained at a recent public hearing that dog noise is addressed in Section 20.10.5 of the town’s by-laws, which reads: “No owner shall keep a barking dog which disturbs the quiet of any neighborhood.” This provision is supposed to be enforced by the Belmont Health Department, but in practice it rarely is, because of the vague wording of the law and the inadequate staffing at the department. An attempt last year to restrict continuous dog barking in town to ten minutes or less was defeated at Town Meeting, but sentiment on that may change, given the continuing complaints about barking heard from the Petcetera kennel on South Pleasant Street. Committee members have said that it would be possible to propose an amendment to the noise by-law on the floor of Town Meeting that would set a decibel limit on dog noise, provided that references to dog noise elsewhere in the town’s by-laws

were removed.

Truck Noise Regulated by Feds

Traffic noise is not mentioned in the new noise by-law either. Not because it isn't loud. It is. A car passing by on Concord Avenue measures about 70 dBA, according to the by-law committee's files. A dump truck on the same street was measured at 80dBA (equivalent to the noise of a muffled jack-hammer). This is far more than the proposed day-time limit of 55 dBA on non-construction noise.

When asked about this, Gladys Unger, chair of the committee, said that truck noise is already regulated by federal statute. "If we added truck noise to the bylaw, then our police could enforce truck noise—at the level of the federal statute," but she says the committee is trying to be realistic about "how much enforcement Belmont has the resources to carry out."

The federal Environmental Protection Agency *has* set a noise level of 80 dBA for medium and heavy trucks manufactured since 1988. But it has no jurisdiction over other kinds of vehicles. State and local authorities must set their own limits. The city of Waltham, for instance, enforces a noise limit of 75 dBA on automobiles and light trucks.

Leaf Blowers vs. Rakes

Residents seeking relief from the army of leaf blowers that seems to descend on the town in the summer and fall may be interested to know that there are cities and towns in America where these devices are banned and landscapers are forced to use an antique tool known as a rake.

The proposed new by-law would allow leaf blowers to operate at 80 dBA as measured from the property line (but no closer than 50 feet). This is the same standard imposed by the city of Waltham.

Making Enforcement Easier

The new noise restrictions are supposed to be simple enough for a police officer to enforce while making regular rounds. But at the moment, there is only one sound meter in town and only one Belmont officer trained to use it. "When he is off duty," said Unger, "there is no one to respond to a noise com-

plaint." The committee hopes to address the issues of training and equipment once the new by-law is passed.

Acknowledging that enforcement has been rather lax in the past, committee members said it would help if the penalties for being in violation were lowered. A first offense is currently subject to a \$200 fine. Under the new by-law, a first-time offender would be given a warning; a second offense would result in a \$25 or \$50 ticket. Fines would quickly escalate for successive violations.

Even so, some residents will not find the relief they are seeking under the new by-law. The 50-foot setback for construction noise, an ANSI standard,

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What is a dBA?

The decibel level (dB) is a measurement of a sound's intensity. The letter "A" refers to the A-scale of a sound meter, which measures only those frequencies that can be heard by the human ear. A decibel is a logarithmic unit. That means that if a machine makes a noise of 50 dBA, then ten such machines would make a noise of 60 dBA.

According to a policy manual published by the U.S. Department of Transportation, "an increase or decrease of 10 dB in the sound pressure level will be perceived by an observer to be a doubling or halving of sound. For example, a sound at 70 dB will sound twice as loud as a sound at 60 dB."



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Noise By-law, continued from page 17

remains a stumbling block for some.

A resident of Edgemoor Road said at the public hearing that she had to listen to a table saw operating within 50 feet of her kitchen for three months straight and was dismayed that the new by-law would still permit such activity. She suggested that any construction project lasting longer than two weeks should require some kind of sound muffling. The table saw in question could have been moved into a garage, she noted.

A Channing Road resident had a similar complaint about noise in his neighborhood. "When something goes on for 10 to 12 hours a day at 50 dBA, it's like being in jail; it's cruel and unusual punishment."

Another property owner complained that high-pitched tonal noises such as those emitted by certain pavement saws and outdoor heaters could be extremely irritating yet still in compliance with the new by-law. Belmont does not have the equipment or the trained staff to measure such noise.

Committee member Bob Berens, a professional noise consultant and former enforcement officer for

the city of Boston, admitted that the proposed by-law is not perfect. "There are holes; there are lots of holes. We've tried to patch as many as we can without completely obstructing people's ability to conduct their lives in a normal fashion."

Sharon Vanderslice is a Town Meeting Member representing Precinct 2.

Correction

An announcement in the January issue of this newsletter incorrectly stated that the new noise by-law would impose higher fines for a first offense. In fact, a first offender would be given only a warning. A second offense would be subject to a fine of \$25 or \$50, and the fines would escalate for successive violations. See page 17.

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Q & A
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People Are Asking

How Noisy Should Belmont Be?

By Sharon Vanderslice

Ever since its incorporation in 1859, Belmont has been known as a “quiet” town.

And many residents like it that way. At a public hearing this past January, Graham Allison, a resident of the Pinehurst area near Belmont Day School, said he thought that peace and quiet ranked right up there with law and order and good schools as a measure of home value.

Perhaps in acknowledgment of that fact, Belmont has had for many years a noise by-law that specifies in great detail what level of noise is allowed in various parts of town. The permissible level (in dBA, a measurement of decibels of sound as they are perceived by the human ear) varies depending on the time of day, the distance from a

major roadway, the minutes of duration per hour, and the zoning district. To judge whether a particular sound is in compliance, a police officer has to monitor the noise for up to an hour at a time to determine whether it is loud enough for long enough to be in violation. The regulations are so complicated, in fact, that Belmont police say they are a “nightmare” to enforce.

Enforcement has been a bone of contention in town since 1997, when abutters to the Mormon Temple property, near Route 2, complained that construction noise there routinely exceeded the town’s noise limits. Three years ago, anticipating the possibility of similar complaints about development proposed for the McLean Hospital property, near Waverley Square, the Board of Selectmen appointed a Noise By-Law Review Committee to study the town’s existing by-law and to recommend changes that would be in line with the best practices of other towns and easier to enforce.

The proposed changes, which will probably be
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