



Belmont Citizens Forum

Vol. 7, No. 2

A Newsletter for Belmont Residents

March 2006

Town Committees Comment on Uplands 40B

By Meg Muckenhoupt

Twelve town boards and commissions have filed comments on a plan by O'Neill Properties to build a 299-unit apartment complex on the Belmont Uplands, as have the Mystic River Watershed Association and the Friends of the Alewife Reservation.

O'Neill has applied to Belmont's Zoning Board of Appeals (ZBA) for a Comprehensive Permit for the development. Under Chapter 40B of the Massachusetts General Laws, the Comprehensive Permit would exempt O'Neill from Belmont's local zoning regulations: it would be able to build a bigger, denser development, in exchange for designating 20 % of the apartments affordable by state standards.

Comments to the ZBA fall into several broad areas. Many observations about the planned development's effects on nearby wetlands and flooding, town sewers, and the site's isolated location were repeated by several committees. Below are selected excerpts from the comment letters, with portions of O'Neil's responses.

Application Lacks Critical Information

The Uplands Advisory Committee wrote that the ZBA lacks two important documents as it considers O'Neill's application: the Conservation Commission's assessment of impacts on wetlands and a Massachusetts Environmental Policy Act (MEPA) review. O'Neill avoided a Conservation Commission review by delaying the filing of a formal notice of its plans to build near wetland. At the ZBA's first public hearing on the application, O'Neill stated that it will postpone a MEPA review until it receives a

Comprehensive Permit to build.

The MEPA statute mandates a study of the environmental consequences of any building project over a certain size that involves state agencies (as 40B developments do.) The MEPA review is not a permit: the intent is to provide important information to agencies that do grant permits. MEPA topics include air and water pollution; sewage disposal; impairment of rivers, flood plains, and ponds; destruction of wetlands; and protection of open space. O'Neill did submit a MEPA report on its previous plan for an R&D building on the site, but housing has different patterns of traffic and sewer use than businesses.

In short, commented the Uplands Advisory Committee, O'Neill has not studied what effects this development will have on "adjacent wetlands ... water bodies, parkland within the Alewife Reservation, and

continued on page 9

Table of Contents

Environmental Events	2
Selectman Candidate Answers Questions . . .	3
Belmont Center Charrette Invites Input . . .	5
Lexington Charrette Leads to Changes . . .	6
Forum Considers Sewer Evaluation . . .	8
Wetlands Bylaw Would Protect Waterways .	12
Residents Object to Path on Public Land . . .	14
Barn Bylaw Pro & Con	16
What Is Smart Growth?	20

Environmental Events Calendar

By Michael Stratford

Thursday, March 16, 7 pm. **Gardening in a Warmer World.** Teri Dunn, author of the "Can't Miss" gardening book series, will talk about gardening in the face of global warming. This free talk is sponsored by the Lexington Global Warming Action Coalition at the Cary Memorial Library, 1874 Mass Ave., Lexington. For more information, see www.lexgwac.org.

Sunday, April 2, noon-3 pm. **9th Annual HIP Spring Trails Day.** Join Habitat for an afternoon of fun and environmental community service. Tools, refreshments, and children's activities will be provided. This event is free and located at Habitat Wildlife Sanctuary, 10 Juniper Road, Belmont. Registration is encouraged; contact (617) 489-5050.

Wednesday, April 5, 7 pm-9 pm. **Sustainable Belmont Meeting.** Receive an update on Belmont's climate action plan through a Q&A session with Tufts

University graduate students. Located in the Assembly Room of the Belmont Memorial Library. Contact sustainablebelmont@gmail.com for details.

Saturday, April 8, 9 am-1 pm. **Certifying Vernal Pools.** Learn what a vernal pool is, why these important wetlands need protection, and what is involved in the process. Adults with or without children are welcome. This event costs \$12 for members (\$15 for non-members). To register call Habitat Wildlife Sanctuary at (617) 489-5050.

Wednesday, April 12, 7:30 pm. **Urban Forestry: The Broader Benefits.** Clarissa Rowe, landscape architect, and Jane Calvin of the Lowell Parks & Conservation Trust will reveal new research on trees and discuss Lexington's tree program. This free lecture is sponsored by the Lexington Tree Committee at the Cary Memorial Library, 1874 Mass Ave., Lexington. For more information, contact John Frey at (781) 862-2104 or JWFrey2@aol.com

Friday, April 21, 7:30 pm-11 pm. **Waltham Land Trust Third Annual Green Space Blues Jam!** Held at the historic Robert Treat Paine Estate, this exciting event will feature music by Mike Williams and the Greenspace Jam Allstars. Proceeds will benefit the work of the Waltham Land Trust. Contact Karen Patterson at (781) 893-3355 or kpatters@walthamlandtrust.org for more information.

Tuesday, April 25, 7 pm-9 pm. **The End of Suburbia.** As energy prices skyrocket in the coming years, how will the populations of suburbia react to the collapse of their dream? This free film is sponsored by the Lexington Global Warming Action Coalition at the Cary Memorial Library, 1874 Mass Ave., Lexington. For more information, see www.lexgwac.org.

Saturday, April 29, 2:30 pm. **Judith K. Record Memorial Conservation Fund Concert VI.** Enjoy the works of Beethoven, Mozart and Brahms performed by The Record Players at this free, event at Payson Park Church, 365 Belmont Street, Belmont. Voluntary contributions may be made at the door to the Mass Audubon Society/JKR Fund. For more information, call (617) 489-4727 or (617) 484-5064.

Belmont Citizens Forum Officers and Directors

Grant Monahan, President
John Dieckmann, Vice President
Mark D'Andrea, Treasurer
Evanthia Malliris, Secretary
Sue Bass Sumner Brown

Newsletter Editor: Meg Muckenhaupt

Copy Editor: Gillian Webster

Artwork: Ann Coit Sifneos

Intern: Michael Stratford

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

Selectman Candidate Answers 7 Questions

Every year, Belmont voters elect one member of the town's three-person Board of Selectmen. This year, Angelo Firenze will be running unopposed. The Belmont Citizens Forum asked Firenze to respond to the following questions. He was limited to eight hundred words.

1. What has been the most interesting part of your tenure as selectman? What is the most difficult part of being a selectman?

I have enjoyed the variety of issues with which I am dealing, from budgets and personnel to planning and problem solving. I have been impressed with the quality of people we have working for the town, from town employees to the many volunteers. I am overwhelmed by the number of hours being put in by people trying to keep our town running and to improve on how things are done. I take pleasure in having the opportunity of interacting with so many Belmont people, to hear their ideas, to hear about their likes and dislikes, and to try to find solutions to the problems they bring to my attention.

Town government is inefficient by design. There are three members of the Board of Selectmen, each with their own perspectives. We have independently elected boards, each responsible only to the voters. Among them are the School Committee, Board of Assessors, Board of Library Trustees, and Treasurer. The independently elected Town Moderator appoints the Warrant Committee, the Capital Budget Committee, and the Permanent Building Committee. Overseeing and funding all of these activities are the Town Meeting members. Getting anything accomplished requires building consensus among these various constituencies. It takes time and requires compromise. For someone who is used to quick action and making decisions independently, it can be frustrating.

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

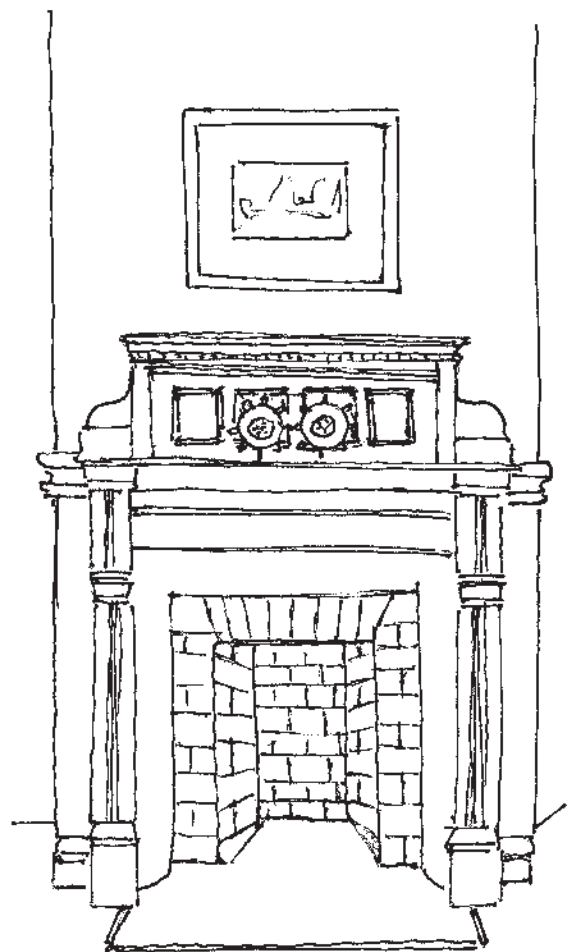
I believe there are still three possibilities for the Uplands. It would be nice if there was a fourth and no construction were a viable option, but I don't believe it is. I firmly believe that the construction of an office

building is still the best remaining outcome for both the town and the developer, and I have not given up on trying to make it happen. It is a question of timing. I am convinced that O'Neill Properties will pursue the 40B application to completion. I believe they currently see this as a route to a residential development with the fewest hurdles and a reasonable economic return. However, if the market for office space continues to improve, I believe an office development is still a possibility.

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

Yes, but limited to specific areas only. I believe it is a great option for Waverley Square, Central Square, Cushing Square, and lower Pleasant Street. I am in favor of mixed-use zoning in these areas with up to

continued on page 4



three-story buildings that are architecturally interesting and consistent with traditional Belmont style. However, reasonable provisions for parking must also be made.



4. What are you and the Board of Selectmen doing to protect Belmont's remaining open space? For example, can we prevent or discourage development at the Belmont Country Club? Should we?

The remaining open space in Belmont is all too precious, and must receive full consideration in any town planning effort. I fully support encouraging its preservation, but it must be balanced with full consideration for landowners' rights.

5. Can the town discourage the demolition of privately owned historic buildings? The former S.S. Pierce building is a Cushing Square landmark, yet the owner could tear it down tomorrow—and might if we rezone the area for greater density. You lament the loss of the Olive Block in Belmont Center. How can we protect other landmark buildings from the same fate?

This is a complicated issue in that what is considered a "historic building" to some has no significance to others. Leaving the designation "a building of historical interest" up for debate will be problematic. I don't believe that simply listing the building on the national register is a sufficient discriminator, so something needs to be worked out to

address owners' rights. I could support a review process that allows the town to weigh the historical significance of a building against alternatives that would be of interest to the building owner and others. Requiring a reasonable waiting period before

demolition can begin is a way to force this process. Other communities are facing the same issues, and we can learn from them as to what is and what is not working. As is the case with most other situations, we must find the right balance for maintaining the character of Belmont with the need for new development.

With specific regard to the S.S. Pierce building in Cushing Square, and I am assuming you are referring to the one on the corner of Trapelo Road and Common Street, I have no special attachment to this particular building and believe I would be willing to sacrifice it in the interest of appropriate development for the site.

6. What traffic-calming and pedestrian-safety improvements do you recommend for the Trapelo Road/Belmont Street corridor and elsewhere in town?

Clear, unambiguous vehicle, pedestrian, and bike routes combined with continuous enforcement of all traffic laws including speed limits, crosswalks, signal lights, and parking.

7. Do you favor continuation of the Wayside Rail/Trail through Belmont to Alewife? Along what routes?

Generally yes, adjacent to the rail beds where possible. Having said this, the needs and concerns of abutters, where affected, must also be addressed.

Belmont Center Charrette Invites Input

By the Belmont Center Planning Group

Belmont residents will soon have a chance to consider what Belmont Center is like now and to talk about what it could be like in the future. On April 1, the Belmont Center Planning Group will be holding a charrette— not an intense effort by a group of professionals to solve a design problem, but a means to get public input. Participants will have a chance to discuss displays of maps, charts, and drawings of the center's current state and of possible changes. Participants will have a chance to discuss the displays in small groups. The goal of the charrette is to learn what the town wants to see in the center and how we as a community want to help the center survive.

The Belmont Center Planning Group (BCPG) was appointed by the Board of Selectmen in spring 2005 to develop a plan for Belmont Center. By fall 2006, the BCPG expects to have produced a plan identifying the people and organizations who will carry out the community's vision for Belmont Center.

The BCPG has met with committees and organizations ranging from the Belmont Library to the Garden Club to the town's Traffic Advisory Committee to the Municipal Light Department, as well as with Belmont Center businesses and property owners. The BCPG has also studied reports by town committees detailing planning work that has already

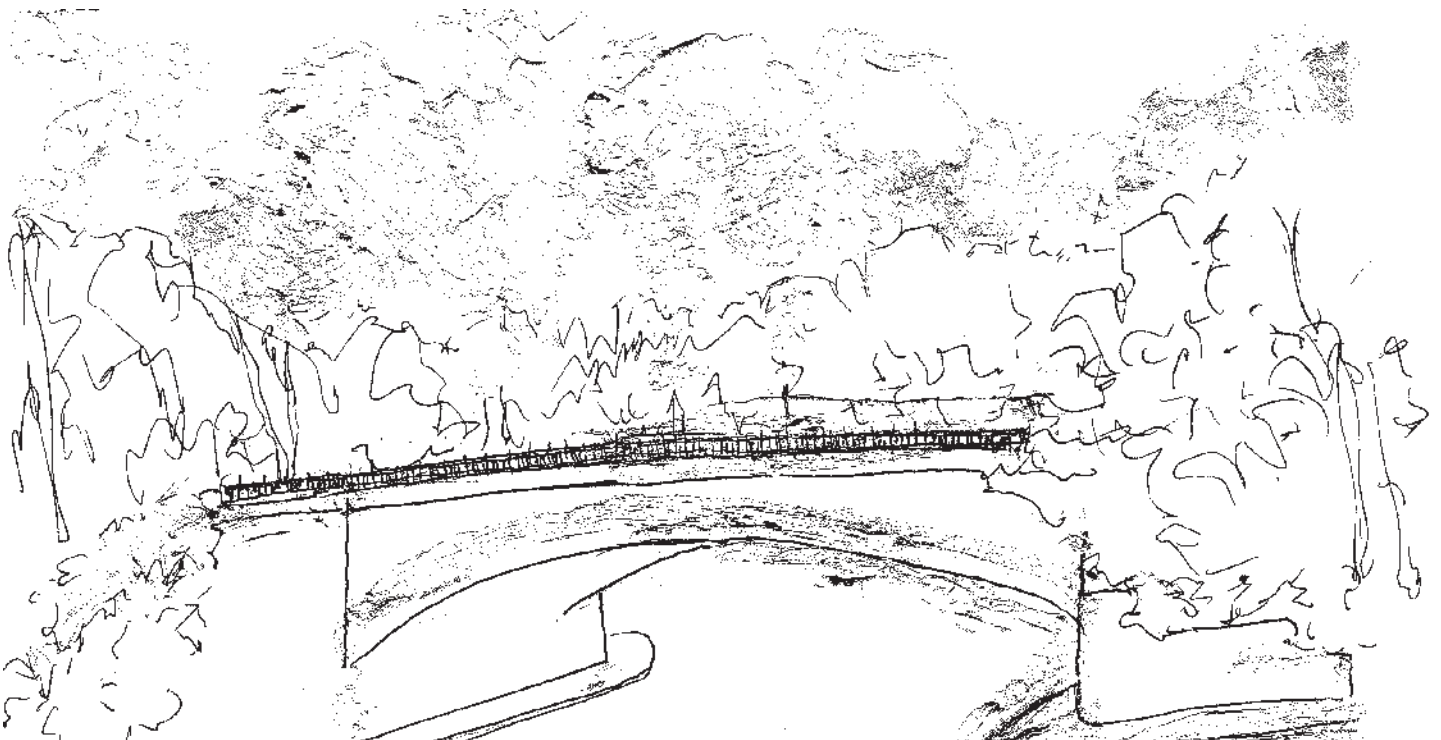
been done.

The BCPG Charrette will focus on many questions concerning the future of Belmont Center, such as:

- What is the best use for the fire station when it is vacated next fall?
- What is the best use for the Municipal Light Department building?
- Could we change the zoning to allow property owners to add a level of housing or offices?
- How can we reconfigure traffic and pedestrian crossings to make the center safer for all pedestrians while still letting traffic move?
- Is there enough parking in Belmont Center? Can more parking be created? Do the parking restrictions on the edge of the center make it seem as though there isn't enough parking?
- What type of business mix would we like to see in Belmont Center? How do we create a better connection from one side of the railroad bridge to the other?
- What types of events, businesses, and activities will bring people of all ages to the center?

The town has hired planning consultant Daphne Politis of Community Circle to facilitate the charrette. Politis has organized and facilitated a similar charrette

continued on page 7



Lexington Charrette Leads to Town Changes

By Wendy Manz

During discussions last June on how to improve Lexington Center, local residents called for a better mix of housing, restaurants, and retail space, more pedestrian-friendly paths, better signs, and better-looking buildings. Intended to pull together fragmented efforts to improve the center's business district, the Lexington Center charrette was planned by the Lexington Center Collaborative, a subgroup of two town committees. All the relevant municipal boards and committees were represented at the charrette, as were merchants, landlords, and area residents.

The charrette included presentations and small group discussions spurred by prepared questions. The small groups' conclusions, presented at the closing session, focused on the following recommendations:

- A better mix of uses, including housing, restaurants, and more retail space;
- More interesting and aesthetically pleasing buildings, with amenities such as awnings, signs, and flowers;
- Better signs to direct visitors to historic sites, parking, etc.;
- Additional pedestrian-friendly walking paths, particularly to connect available parking with visitor

destinations.

The groups also discussed ways to support small town centers like Lexington's that compete with nearby malls and shopping districts. While some participants deplored high rents for the center's business spaces, others felt that specialized retail businesses can prosper if the area is attractive and it is easy to park and get to the stores.

Currently, Lexington Center's parking is barely adequate. Finding ways to increase supply and manage the existing spaces is a perennial concern. Some participants felt that the town should build a parking structure, while others doubted that such a structure could be viable without high fees. Others, fearing that "if you build it they will come," hesitated to encourage more vehicle trips and congestion.

With the input from the charrette in hand, the Lexington Center Committee is pursuing several projects to create more accessible and attractive walkways to parking areas. After the charrette, the town, a local bank, and the Lexington Historical Society collaborated to pave and landscape a pathway beside Lexington's restored Depot Building that leads to the center's largest parking area. The town and the Center Committee are currently working with another bank and the owners of an office building to turn the

driveway between the two buildings into a pocket park with landscaping, benches, and a paved walkway to the parking lot and the Minuteman bike path.

The Planning Board continues to discuss how to change parking regulations to support restaurants and businesses without creating congestion or worsening the parking shortage. The selectmen are studying the possibility of a parking structure. The National Heritage Museum, the Chamber of Commerce, and the





Belmont Charrette *continued from page 5*

in Lexington Center and has worked on town-center plans for the Massachusetts towns of Medfield, Somerset, Tyngsborough, and Canton.

We know that creating a plan, instead of merely reacting to problems, will benefit the town. We hope to have as much community input as possible while generating a vision and plan for Belmont Center. Join the Belmont Center Planning Group at the charrette on April 1 from 2 pm to 5 pm in the Belmont High School cafeteria. For more information, contact Jeffrey Wheeler, Planning Coordinator, Office of Community Development, at (617) 993-2666 or at jwheeler@town.belmont.ma.us.

—*The Belmont Center Planning Group consists of Vickie Alani, chair; Alison Palmer, vice chair; Sami Baghdady, Belmont Planning Board representative; Thayer Donham; Evelyn Haralampu; Sara Oaklander; Roy Papalia; and Mary Power.*

Center Committee are working with the town to create a uniform system of signs to direct visitors to Lexington's historical sites and to identify parking areas.

Last fall, at a special Town Meeting, Lexington approved the renovation of an existing motel—the Battle Green Inn—to create 30 condominium units as well as additional retail space in the center. The condos are expected to attract empty nesters and residents commuting to jobs outside of town. And more residents in the center should increase pedestrian traffic and patronage of local businesses. It is not clear what effect the charrette had on the Town Meeting vote, but both forums brought up similar issues.

The charrette was such a success that the selectmen and the Planning Board have discussed organizing another charrette for outlying commercial areas in Lexington and, eventually, a follow-up charrette on the center.

The charrette materials are on display on the lower level of Cary Library in the center and will be rotated to other locations in town for maximum exposure. Additional information on the charrette can be found at www.lexcollab.org.

— *Wendy Manz chairs the Lexington Planning Board.*

New Home Energy Efficiency Tax Credit

Recent legislation gives Massachusetts homeowners a credit for energy efficient heating items purchased between November 1, 2005 and March 31, 2006. Qualifying purchases include home insulation, new windows, programmable thermostats, solar hot water systems, fuel-efficient furnaces, boilers, heating systems, and weather sealing. The credit is 30 percent of the cost, up to \$600 for a home or \$1,000 for a multi-unit building.

For more information, see http://www.massdor.com/help/guides/abate_amend/Personal/Issues/HomeHeatingCredit.htm

Forum Considers Expert Evaluation of Sewers

By Sue Bass

The Belmont Citizens Forum is considering hiring a sewer expert to evaluate the town's capacity for additional development. The expert would be asked to comment both on the proposal by O'Neill Properties to build a 299-unit mixed-income housing development on the Belmont Uplands—undeveloped land adjacent to the Alewife Reservation—and on a state sewer-connection permit just granted to McLean Hospital. A major issue for the evaluation is that Belmont sewers “surcharge”: the pipes sometimes have so much excess water or other material that the flow goes backward, and as a result raw sewage is forced into Belmont basements. Sewer surcharges are a serious public-health issue.

\$5 million to be Spent Lining Pipes

Last spring, Belmont Town Meeting authorized a \$5 million project to line the town's broken sewer pipes in order to comply with state and federal law. This project is intended to eliminate the discharge of raw sewage into the area's streams.

However, lining the pipes alone is not likely to

solve the backup problem. The surcharges that send sewage backing up into a basement toilet, shower, or laundry tub result mainly from stormwater that gets into the sewer line. This stormwater usually comes from sump pumps or roof drains that are hooked up to the sewer pipes under the street instead of to the storm drains. When it rains, the sewer pipes can fill with so much stormwater that they are overfilled—surcharged—and the sewage flows backward into basement bathrooms.

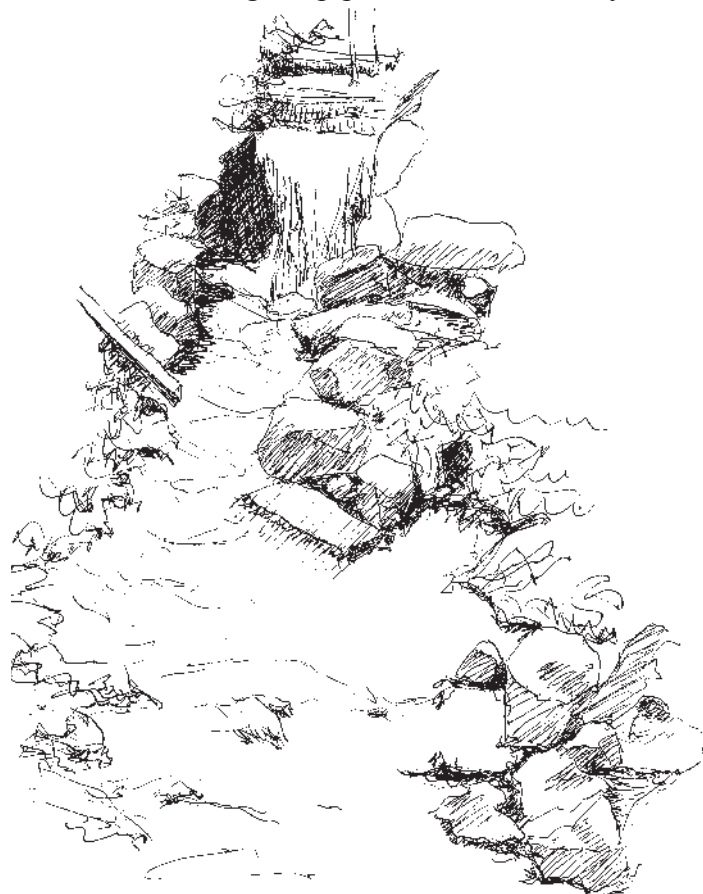
Because of those surcharges, the Citizens Forum requested that the Massachusetts Department of Environmental Protection (DEP) hold a public hearing before issuing a sewer-connection permit for the pipes McLean is planning to install under Olmsted Drive, the new road from the hospital to Pleasant Street. DEP declined, however, and the permit was issued February 23. There is a 30-day appeal period.

Outlining the scope of the sewer consultant's work, the Citizens Forum noted that both the McLean and the Belmont Uplands developments would send sewage through pipes in Belmont's Winn Brook neighborhood, a flat area with stormwater and sewer pipes close both to the surface and to one another. Almost all Belmont sewage travels through Winn Brook en route to the Flanders Road connection with the Massachusetts Water Resources Authority sewer system. Winn Brook is an area where sewer backups have been particularly common. As with other such expert reviews, the Citizens Forum will raise the necessary funds from concerned residents. (See coupon page 19.)

McLean Withholds Money Promised to Town

McLean agreed in October 2000 to pay the town \$500,000 relating to the issuance of the sewer permits but is now refusing to do so, on the grounds that no sewage will flow into the pipes it will place under Olmsted Drive until the developments are built. Yet according to the agreement signed with the town, McLean and its developers agreed to pay the money at the time the town approved the sewer-connection permits. The town approved McLean's sewer permit application last November.

— Sue Bass is a director of the Belmont Citizens Forum



public health issues because of prevalent flooding within the Alewife watershed area and the continued discharge from combined sewer overflows (CSOs) at Alewife Brook.” The ZBA can request this information – but it would have been easier if O’Neill had provided it in the first place.

Flooding, Stormwater, and Wastewater

These topics garnered extensive comments from the Office of Community Development, the Mystic River Watershed Association (MyRWA), the Conservation Commission, and the Uplands Advisory Committee. The discussions are lengthy and technical, but they boil down to a few issues:

Can Belmont sewers handle the additional waste?

The odds are not good. As the Conservation Commission put it, “The town is involved in extensive and expensive identification of the sources of infiltration and inflow into the sewer system... An additional 300 residences at the Uplands will further strain the aging sanitary sewer infrastructure causing additional backups. Backups of raw sewage into basements and sanitary sewer overflows are a hazard to the health and safety of residents of the town.”

MyRWA noted that the US Environmental Protection Agency is already requiring

Belmont to undertake expensive work to locate and

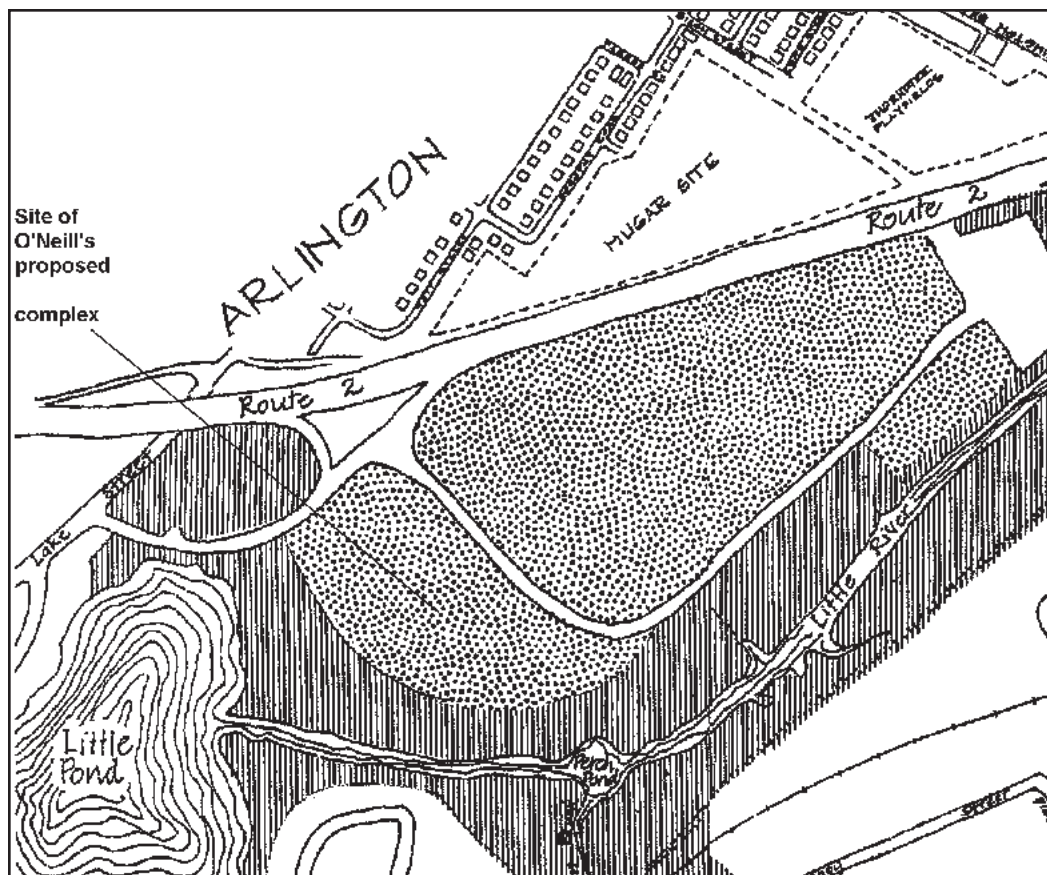
correct problems with sewers and stormwater runoff that are causing high bacteria levels in water bodies like the Little River.

O’Neill’s consultants responded, “To the extent that there are capacity issues due to I/I [infiltration and inflow] along the project’s sewer route that are attributable to the project, the developer understands that an I/I contribution may be a condition of Approval.”

Will it increase flooding?

The entire Alewife area – including portions of Belmont, Cambridge, and Arlington – floods frequently. New development will increase the paved area and thus increase the amount of polluted runoff and reduce the land area that could absorb stormwater. The Planning Board said, “The Uplands area is an environmentally sensitive area due to the proximity of the [Little] river, [Little] pond, and wetlands. Both adding to the overloading of the hydrology and drainage system in the area and pollution from sewage and storm water runoff are real concerns at

continued on page 10



Clover

this site.”

The Conservation Commission observed that O’Neill’s stormwater plans may be optimistic: “The proponent assumes that retention and detention basins will adequately hold stormwater. However, the nearby Bulfinch/Smithsonian building was built assuming that during flood periods the under-building parking would flood.” O’Neill’s plans call for more than 200 parking places under buildings.

O’Neill’s consultants responded, “The project’s stormwater management system will comply with DEP’s Stormwater Management Policy and will not allow an increase in either the rate or volume of stormwater runoff... The project proposes to alter a small, permissible percentage of floodplain and to provide compensatory flood storage measures that exceed the requirements of the Massachusetts Wetland Protection Act Regulations.”

How will this development affect the surrounding wetlands?

At a recent talk, naturalist Peter Alden referred to the O’Neill plan as “building an apartment building in the middle of a flood plain.” The Conservation Commission’s letter explains that the state has declared the Little River/Alewife Brook an “impaired water body” with pollutants including metals, oil, grease, and pathogens. The town is required to reduce the discharge of pollutants from the storm sewer system to protect the Little River’s water quality.

O’Neill proposes to remove vegetation in the buffer zone (the area surrounding a wetland; by state definition, generally the first 100 feet of land) and replace it with grass. The Conservation Commission

commented, “Healthy wetlands and buffer zones can remove pollutants from runoff: a 25 ft vegetated buffer zone removes 50% of pollutants, a 100 ft buffer zone removes 70%... [T]he proposed grass swale may help mitigate some sediment runoff, but grass does not store pollutants... [T]he storm water storage system does not address this pollutant removal and does not adequately mitigate for loss of functions of undeveloped land.”

The wetlands are not independent of the uplands. The Conservation Commission wrote, “It is the only site in the area that can sustain certain of its species, such as beavers and mink, which need uplands and floodplain to survive... The ‘grassland’ proposed next to the building will undoubtedly be a lawn providing no wildlife habitat...”

In response, O’Neill’s consultants wrote “No animal or plant species identified by the state as threatened or endangered have been observed on the project site... Silver maple trees exist in fair numbers beyond the proposed development area and will continue to provide food and cover for wildlife. Many of the species identified as occurring on or near the site (including gray squirrel, chipmunk, white-footed mouse, deer, coyote, skunk, and raccoon) are well adapted for an urbanized environment.” However, 19 species on site have been cited by the Conservation Commission as requiring both uplands and wetlands to survive.

Traffic, Transportation and Safety

The site is isolated and inaccessible. As the UAC put it, “The project can not be described as being in a ‘neighborhood.’... [T]he site is inaccessible rather like an island on the edge of the community, especially for the handicapped or for transportation to the schools,



the library and Belmont Center, the nearest commercial center.” The buildings are even isolated from each other. “Three out of the five buildings are surrounded by parking lots,” said the UAC.

As planned, the O’Neill complex will have a sidewalk on Acorn Park Drive that will link to Frontage Road – but it will still be difficult for residents to leave without using a car. The UAC noted that there are plenty of bus routes from Alewife – for residents willing to walk three-quarters of a mile on isolated, unplowed, unlit sidewalks in February, with groceries and children in tow. The UAC also wrote, “An increase of 1800 auto trips a day is predicted. This is not an improvement over auto access to the site, which is currently zero.” O’Neill plans to run a shuttle bus to Alewife but has not yet proposed a schedule.

O’Neill’s consultants also responded. “...the UAC letter is inconsistent because it states that the property is not suitable for housing because it is ‘too far away’ from any neighborhoods and residents would have to be bused or driven into Town. Somehow, however, the UAC letter suggests it is available and accessible enough for use as undisturbed open space by all of Belmont, Alewife, [and] Cambridge should it remain that way...”

Open Space and Density

The UAC wrote, “[A]s time has passed, the importance of the Uplands – an area that as part of the whole watershed helps to maintain natural infiltration and decreased flooding – has grown. For this reason, the UAC continues to believe that the highest and best use of the Uplands is open space.” O’Neill’s attorneys responded, “However, from 2000 to date, no entity has come forward to ‘take’ or purchase the Property at fair market value for undisturbed open space... The project before your Board will substantially meet the environmental and open space design criteria established by

the Town for the development of the Property.” O’Neill did not mention the Uplands Advisory Committee’s recommendations for a “land swap.”

O’Neill plans to build a very crowded space. The Mystic River Watershed Association (MyRWA) wrote, “The development simply consists of buildings, parking lots, and stormwater management devices, surrounded by wetlands on three sides. There is virtually no usable open space to enhance the quality of life for the residents.” O’Neill’s consultants responded, “The most significant difference between the affordable housing project and the office development is the affordable housing project will have four percent (4%) less open space but seven percent (7%) less lot coverage.” The exact lot coverage is not specified.

O’Neill Agreed to More Open Space

One topic not stressed in the comment letters is the Memorandum of Agreement (MoA) with the town that O’Neill signed in 2002 when Town Meeting rezoned the land to allow a research and development complex at the Uplands. In that MoA, O’Neill promised a conservation restriction giving permanent protection to 7.8 acres. O’Neill’s current plan would replace that with a 7-acre conservation restriction, mostly on unbuildable wetlands.

The Selectmen have told O’Neill he is obligated to follow the 2002 Memorandum of Agreement; nothing has happened to break the contract. Both the comment letters and O’Neill’s responses can be found at [http://town.belmont.ma.us/](http://town.belmont.ma.us/Public_Documents/BelmontMA_BComm/Uplands40B/index)

[Public_Documents/BelmontMA_BComm/Uplands40B/index](http://town.belmont.ma.us/Public_Documents/BelmontMA_BComm/Uplands40B/index).

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



Wetlands Bylaw Could Protect Waterways

By Martha Moore

Belmont's ponds, streams, and wetlands are in trouble. Although most of our waterways originate right here in town, by the time the streams flow into Claypit Pond and Little Pond the water is so polluted that the two ponds have been designated "impaired" by the Environmental Protection Agency, and the town has been ordered to clean them up. The town Sewer/ Stormwater Committee has been overseeing a program to address leaky sewer pipes, but more needs to be done.

Anecdotal evidence suggests that flooding in Belmont has also increased in recent years. During storm events, polluted waters spread across local properties, creating health risks and property damage. In fact, concern about flooding in the Alewife watershed has caused the Federal Emergency Management Agency (FEMA) to sponsor a new study to determine flooding levels there. Our pond beds are filling with silt from eroded stream banks, soil runoff from construction, and sand and salt washed into our storm drains. The cumulative impact of minor damage to water bodies on individual town properties, has been gradual widespread damage to the whole water system.

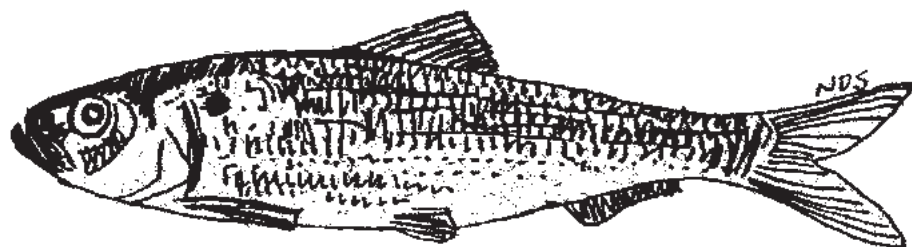
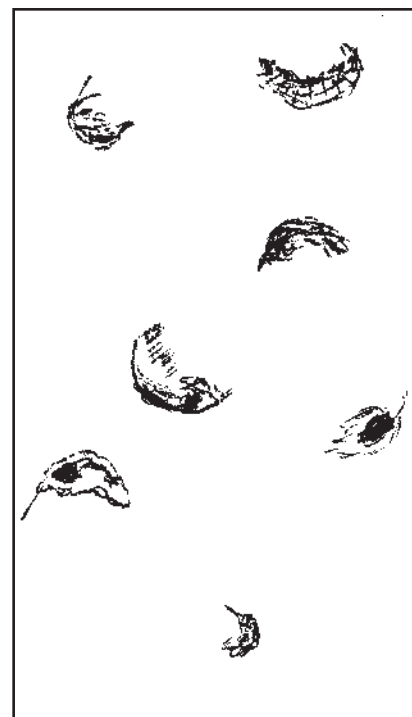
What can be done to protect our waterways? Help from the state is quite limited. At the Massachusetts Department of Environmental Protection new policies leave more and more of the work of preventing environmental damage to local communities. Staff has been greatly reduced due to funding cutbacks, and the focus has shifted from overseeing protection of local wetlands and waterways to limited enforcement of the state laws protecting wetlands.

The local Conservation Commission, a regulatory body appointed by the Board of Selectmen and authorized by the Wetlands Protection Act and the Rivers Act, is currently fighting an uphill battle to

protect and improve the quality of Belmont's streams, wetlands, ponds, vernal pools, springs, and marshes. The Commission is unable to protect some of these valuable resources because they are not covered under the existing state laws. However, more than half of Massachusetts' communities have found a way to provide additional protections for local resources; 192 towns and municipalities have passed local wetland bylaws that complement existing state laws.

Members of the Belmont Conservation Commission have observed the effects of wetlands bylaws in other communities and considered new protections for Belmont. A subcommittee of the Commission has drafted a local bylaw. The bylaw will appear as an article on the warrant at this year's annual Town Meeting.

Regulations under the state acts already protect rivers, both perennial and intermittent streams. State regulations also cover banks, freshwater wetlands, marshes, swamps, ponds larger than 10,000 square feet, and certified vernal pools, collectively known as "resource areas." The area within 100 feet of a wetland is known as the buffer and has a lesser degree of protection.



Blueback Herring

The proposed bylaw would offer new protections for smaller ponds, springs, and uncertified vernal pools outside existing landscaped areas. It would also require additional protections in two areas already covered by the state act,

continued on page 13

the buffer and intermittent streams.

Wetland buffers are valuable because they store water, and because they contain soil and vegetation that filter, hold, and break down toxic pollutants in runoff before it reaches the wetlands. Research shows that the first 25 feet of the buffer filters out 50% of pollutants in runoff. The bylaw would designate buffers as “resource areas,” and would not allow building in the twenty-five feet closest to the wetland or the building of permanent structures in the next 25 feet. Temporary structures such as a tool shed, jungle gym or sandbox would be permitted.

Intermittent streams are sources of water for perennial streams. Water flowing from wetlands between rainstorms keeps many of our intermittent streams flowing during most days of the year, contributing significantly to the healthy condition of water bodies downstream. The bylaw would give intermittent streams the same protection as perennial streams.

Property owners with water resources on their properties will be affected by passage of a bylaw. Roughly 5% of the 7,880 properties in town contain wetlands, streams or ponds. Owners of property within Belmont’s Floodplain District are limited in what they can build by Section 6.6 of the town’s zoning bylaws and by state regulations. (The Floodplain District is the low-lying area where flooding has occurred during significant rainstorm events, and is determined by FEMA.) Under state regulations the owners of lots currently regulated are already required to come to the Conservation Commission to review their projects. With a bylaw, some of these property owners would need to follow stricter criteria to build. The bylaw also covers about 35 properties not covered by state law. These are lots located in the second hundred feet from intermittent streams, plus a handful of properties with springs or vernal pools.

Under the bylaw, a dissatisfied owner may decide to file an appeal in Superior Court. However, the Conservation Commission has worked successfully with homeowners over the years to find mutually acceptable building plans, and not one homeowner has filed an appeal of a Conservation Commission ruling during the past decade.

The filing process is similar under the bylaw to filing under state law but requires an additional form and an additional administrative fee, scaled to the size and type of project. The fee would be deposited in a



dedicated account and could only be used for wetland protection activities. Consistent with recent state legislation, the bylaw allows the Commission to charge fees for consultant work such as wetlands delineation or studies of environmental conditions for large projects like McLean or the Uplands. The town will not have to pay for these studies.

Passing a bylaw will improve the health of Belmont’s streams and ponds. The benefits, a cleaner and better functioning system of waterways, will accrue to all residents. The Commission asks citizens across town to support protection of our community’s precious water resources.

Additional information is available on the town website or by contacting Martha Moore ((617) 489-2129) or Nancy Davis ((617) 484-0180). Informational meetings will be held at the Belmont Public Library on March 29 and April 10 from 7:30 to 9 pm.

— *Martha Moore is a member of the Wetlands Bylaw Subcommittee of the Belmont Conservation Commission.*

Residents Object to Path on Public Land

By Carolyn Mieth

A group of 13 Cambridge residents is appealing construction of a large pathway across public land in the Alewife area. The land was slated to be returned to wetland after decades as a paved parking lot used by private companies.

The site runs along the Little River from the Alewife T Station access road to Acorn Park Drive, next to Route 2. It is owned by the state Department of Conservation and Recreation (DCR), formerly the Metropolitan District Commission (MDC). It abuts

land once owned by the Arthur D. Little (ADL) company. ADL leased the disputed parcel from the MDC/DCR as a parking lot beginning in the 1950s, a practice that continued under succeeding owners of the ADL property until last year. The site was originally a wetland which one ADL senior vice president described as taking “truckload after truckload after truckload” of soil to fill before it could be paved over as a parking lot.

The Coalition for Alewife twice successfully fought Article 97 legislation at the Statehouse (needed to sell public land to a private owner) when ADL



The view from the path in February. The edge of the path is in the lower right corner; next to the path are hay bales, plastic, standing water/ ice, tussock grass, Phragmites reeds, and Route 2. Photo by Meg Muckenhoupt.

Designated Wetlands by Alewife Master Plan

wanted to buy the land outright, and won rezoning of the parcel to open space — all the while making the case for returning this five-acre parcel to its original condition as a full wetland. That was codified in the Alewife Master Plan of June 23, 2003. The last agreement to use the site for parking ended December 31, 2005.

Many groups believe restoring the parking lot as a wetland would help ease the flooding situation in Alewife. Homes in the Little Pond area of Belmont, East Arlington, and North Cambridge are frequently flooded and were particularly hard hit in the storms of 1996, 1998, and 2001.

Bulfinch Changes Plans Mid-Stream

As part of its plans to develop its abutting site on Acorn Park Drive, The Bulfinch Companies filed notice with the Cambridge Conservation Commission in February 2005 that it intended to remove the lot's pavement, seed grass, and install a five-foot wide soft path or boardwalk, in accordance with the state DCR master plan for the area, preliminary to the parcel's return to wetland.

During the Massachusetts Environmental Policy Act (MEPA) review process, however, plans grew. The Cambridge Conservation Commission approved a 10-foot wide path, with additional four-foot sub-base and inappropriate plantings directly across the middle of the site at its November 14 meeting.

Bulfinch had sought a paved path with lighting, additional spur paths and a boat ramp as part of its overall site and traffic mitigation plans for the development. Bulfinch requested that these modifications be deemed “insignificant changes” to the original filing – changes that would not trigger any further review. The commission allowed the larger path as an “insignificant” change, but ruled against paving it and said the other matters would have to be considered separately. The commission did not formally issue its decision until January 9. However, the path and plantings had already been installed before the appeals period expired.

The group of 13 residents, many of whom worked for years with the Coalition for Alewife and other local groups to return the parcel to the public domain, opposes the doubling of the path's size. Reasons for

the appeal include:

- These changes are not insignificant. The doubling of the 5-foot wide pedestrian path through a predominantly wetland area within 90 feet of the Little River has significant impacts as identified in Massachusetts environmental laws.
- The applicant's revised plan incorrectly showed the 25-foot riverfront area in Cambridge as extending from the low-water elevation and not the elevation of the mean annual high water line. With proper identification of the high-water line, almost the entire pathway section east of the parking lot would be within the riverfront area and subject to protections under the Wetlands Protection Act.
- The 5-foot wide path serves no essential function. There is an existing walkway from Bulfinch properties to the T station: the inbound ramp, which is two lanes wide and has a sidewalk.



The appeal has been filed with the state Department of Environmental Protection (DEP), which has not yet taken action on it. The appellants have asked that work stop on the Cambridge portion of the site and that the DEP determine “that the project changes are significant, that the changes will have a significant impact on interests identified according the Massachusetts regulations, that the Commission's finding of non-significance was improper and... that the Commission may issue an Order of Conditions thereon only after a public hearing that has been properly noticed.”

The Cambridge-Arlington boundary had not been marked on the drawings and Arlington had not even been informed of the new plans. The Arlington Conservation Commission issued a cease-and-desist order for work on the path within its jurisdiction and requested a new Notice of Intent. It was submitted and discussed, but no decision had been made as of press time. The matter was scheduled for discussion and possible decision at the Arlington commission's March 9 meeting.

— *Carolyn Mieth is a Co-Facilitator of The Coalition for Alewife.*

Bylaw Would Preserve Historic Barns and More

By Kit Dreier and Sally Alcorn

Belmont has a long history of farming. The remaining barns, carriage houses, and greenhouses in Belmont are part of the special character of our town; but the small number of these historic structures that remain are at risk of disappearing altogether unless something is done to save them.

After Roger Wellington settled here in 1636, a community of small-scale, self-sufficient farms grew up and flourished on the rocky uplands and the fertile plain. By the twentieth century, Belmont became a renowned center of market-gardening for the Boston produce market. Hundreds of commercial-sized greenhouses supplemented the outdoor crops. Agriculture in all its forms was the economic base of the community.

However, after World War II, Belmont's fields became more valuable for housing than for agriculture, and eventually it became the "Town of Homes" we know today. Only a few barns, carriage houses, and greenhouses remain to remind us of that

of Massachusetts towns and cities have already passed bylaws creating a special permit process to allow adaptive reuse, including Lexington, Carlisle, Brookline, and Concord.

In Belmont, a new bylaw titled "Historic Accessory Building Preservation" would allow owners of Historic Accessory Buildings built before 1921 to apply to the Planning Board for a Special Permit. The year 1921 was chosen as the approximate dividing line between the era when carriage-houses were built to house horse-drawn vehicles, and when garages were built for automobiles. Under the new bylaw the owners could apply to convert the building into either a small residential unit or for a "home occupation" — a space for a small, non-retail business, such as a consulting business, conducted by the property owner and no more than one non-family employee.

The Planning Board would refer special permit applications to the Historic District Commission to consider whether the building meets one of the following criteria for an historic accessory building:

- Listed on the Massachusetts Historical Commission's Inventory of the Historic and Archaeological Assets of the Commonwealth, or
- Listed on the National Register or State Register of Historic Places, or
- Designated as a "Historic Accessory Building" by the Belmont Historic District Commission, using the criteria for evaluation established for determining eligibility for the National Register of Historic Places

If a building meets one of those criteria, the Planning Board would consider issuing a special permit, using the procedures specified in Section 7.4 of the Belmont Zoning Bylaw — but only if the application also meets several more planning and zoning requirements. A few of those additional criteria are that the plans:

- be generally in harmony with the neighborhood;
- not generate excessive traffic, noise, density, or other detrimental effects on the neighborhood;
- preserve and/or restore the original architectural features of the building to the maximum extent practicable;
- not adversely affect the historic landscape, or the



earlier way of life, and it has become increasingly difficult for the owners of these historic structures to maintain them in their original form or for their original purposes.

In order to save such buildings, the Massachusetts Historical Commission encourages "adaptive reuse" of historic accessory structures. The buildings are converted to new, practical uses while retaining the original historic features of their exteriors. A number

Barn Bylaw Would Disrupt Neighborhoods

By James C. Heigham

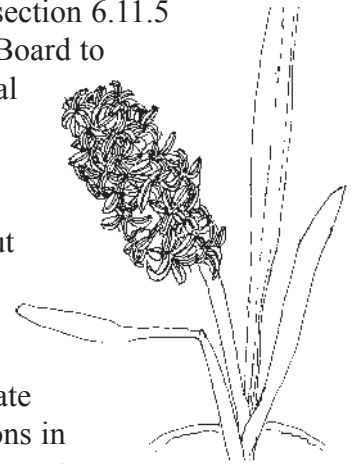
The proposed Historic Accessory Building bylaw could give a few lucky homeowners the right to overbuild in some of Belmont's most dense neighborhoods. If such a building is converted to housing, a substantial profit is likely.

The bylaw would increase density by allowing two housing units or the equivalent in areas where current zoning allows only one. The importance of this factor is increased by the fact that a majority of the eligible properties (the sponsors of the amendment originally identified 50 such properties but now suggest there are fewer) are located off Belmont Hill in the more densely populated areas of town where many lots are less than 10,000 square feet and from which the Planning Board received most of its overcrowding complaints.

It would also be a financial windfall for owners of eligible properties to the almost certain detriment of their immediate neighbors. They could construct a second dwelling unit, make it a separate condominium and sell it for well into six figures. Single-family zoning cannot prevent condominiumizing.

The prior version of this bylaw was overwhelmingly opposed by the Warrant committee as disruptive of the values of adjacent properties and of neighborhoods. For example, a second residence on a fairly small lot and close to the boundary line would decrease the value of a neighboring lot as would even the prospect of such a development.

The bylaw's proposed section 6.11.5 would allow the Planning Board to impose clauses in its special permit preventing any "change in ownership" of premises with a Historic Accessory Building without Planning Board permission. The validity of such a condition is very doubtful. Massachusetts state law prohibits such conditions in variance decisions. In any event, such a provision can be evaded by use of a long-term lease which is legally not a transfer of ownership.



— James C. Heigham is a Warrant Committee member and a former member of the Planning Board

integrity of the principal building or the historic accessory building itself

- not result in any enlargement or relocation of the Historic Accessory Building.

To draft the new bylaw, the Planning Board appointed a working group consisting of Planning Coordinator Jeffrey Wheeler; Planning Board member Deborah Emello; the original Initiators; and Town Counsel Judith Cutler, the author of the revised bylaw. The Planning board will hold a public hearing on the proposed "Barn Bylaw" on March 15. (See the Meeting Calendar on the town web site for time and place.) After accepting public comments, the Planning Board will vote on whether to send the bylaw to April Town Meeting.

Some residents are concerned that the bylaw might allow too high a density in town. However, the bylaw does not allow new construction; it only affects buildings that already exist. Only 18 historic accessory

structures might fit the application criteria, and each application for a conversion will be considered by the Planning Board on a case-by-case basis under the special permit process.

Some residents have expressed fears that adapting these structures might lower property values. However, the restoration of such a building to a higher standard, for a carefully restricted new use, would, we believe, increase the value of the property as well as the entire neighborhood.

The complete text of the Historic Accessory Buildings Preservation bylaw will be posted on the town's website. The Barn Bylaw Committee invites you to review it and to attend the public hearing on March 15.

— Sally Alcorn and Kit Dreier are co-chairs of the Barn Bylaw Committee and Precinct 2 Town Meeting Members.

balance with demand.

From 1980 to 2003, the Boston area led the nation in the rate of housing price increases; it is now the third most expensive housing market in the country. As further evidence of sprawl, in the decade from 1990 to 2000, the number of registered vehicles in the outer ring of Boston suburbs increased by 34.5% and in the inner suburbs by 19.8%. Meanwhile, MBTA ridership had small yearly increases until going into decline after 2001.

The recent history of eastern Massachusetts can be summed up as the triumph of sprawl. It was inevitable because suburban zoning laws mandated larger lot sizes and favored low-density housing over higher-density alternatives. The antidote, smart growth, began to emerge in the mid-1990s and has been strongly pushed by Governor Mitt Romney's administration.

Smart Growth Measures

Smart growth doesn't mean no growth. The state defines it as "well-planned development that protects

open space and farmland, revitalizes communities, keeps housing affordable, and provides more transportation choices." Massachusetts has put forward a set of 12 techniques to encourage smart growth that range from Traditional Neighborhood Development (TND) and Transit-Oriented Development (TOD) to Inclusionary Zoning and Chapter 40R. (For more information, see the excellent Smart Growth Toolkit at <http://www.mass.gov/envir/sgtk.htm>.)

The techniques address different problems and vary in complexity. TOD, for instance, encourages development around a transit station or along a transit route. This type of development typically has a mix of uses; moderate to high density; an emphasis on pedestrians; and reduced parking. TOD occurs within one-quarter mile or up to a seven-minute walk of a transit station. Inclusionary Zoning means stipulating an affordable housing requirement (or an in-lieu-of payment) in zoning bylaws. The affordable housing provision of Inclusionary Zoning is often packaged with a density bonus that allows a developer to build at a higher density than usually permitted for a particular type of development.

Szkut provided a closer look at Chapter 40R, a new law offering an alternative to 40B developments. Chapter 40B mandates that a minimum of 25% of a residential development be offered at an affordable price or rent for at least 30 years and caps the developer's profit. In return, the developer enjoys a streamlined permitting process and exemption from some local zoning provisions. Communities are often hostile to 40Bs because they have little control over them. Chapter 40R gives communities more control over the design of the development. On the other hand, developers have additional incentives. They are freed from a cap on profits, don't have to obtain financing from the state, and don't have to set aside as many affordable units as they must under 40B.

A companion measure, 40S, sweetens the deal by providing communities with a one-time incentive payment and annual



An example of auto-dependent development. Photo from Massachusetts Smart-Growth Toolkit site, <http://www.mass.gov/envir/sgtk.htm>

We need you.

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

I can devote time to:

☐ Archaeology & Historic Preservation
☐ Environmental Protection
☐ Planning & Zoning
☐ Traffic & Transportation
☐ Mailings
☐ Newsletter
☐ Web site

I can help pay for this newsletter:

It costs over \$4000 to publish each issue of our newsletter. Please donate for this purpose:

☐ \$25 ☐ \$50 ☐ \$100 ☐ \$250

I can help pay for hiring a sewer consultant

☐ \$100 ☐ \$500 ☐ \$1000 ☐ other

Name

Address

Phone/E-mail

The Belmont Citizens Forum is a nonprofit 501(c)(3) organization. Your donation is deductible from federal taxes to the full extent provided by law.

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

If you have questions, please call (617) 484-1844.

reimbursements for the costs of educating children living in a 40R development. Towns often resist 40B projects because of increased school costs; 40S can potentially knock down that obstacle. Because only the largest 40R developments trigger significant financial subsidies, Belmont is not likely to benefit greatly from 40R.

Szklut objected to the way some communities are implementing 40R because, he said, it amounts to “spot zoning.” The law says communities are supposed to define districts within which 40R projects can be developed. Some towns have created districts consisting of a single lot. When asked about how 40R might apply to the Sandler skate shop on Concord Avenue, Szklut demurred, saying he wasn’t familiar with the neighborhood. In general, he seemed skeptical about smart growth.

Uplands and the Cambridge Quadrangle

The Belmont Citizens Forum session on smart growth touched on the Uplands 40B development, which would remove open space, potentially damage the environment, and intensify the congestion around Fresh Pond. But there is another land use issue in the

same area that could have a large negative impact on Belmont. Cambridge may rezone the Fresh Pond shopping center and the Quadrangle area, bounded by Concord Avenue, the Cambridge Highlands neighborhood, and the commuter rail tracks, to encourage more housing and commercial development.

The growth could produce gridlock on Route 2, adding to the volume of drivers seeking the path of least resistance on streets such as Concord Avenue and Blanchard Road. If the new development does not pay careful attention to stormwater management, the flood risk in Belmont’s Winn Brook neighborhood and low-lying streets in Arlington could increase sharply.

Yet, Belmont and Arlington representatives have no official role in the decision-making process concerning the Quadrangle and Fresh Pond. They must depend on the goodwill of Cambridge officials to give them a place at the table. The absence of regional planning means that the interest of one community can thwart smart growth in surrounding communities.

— *Bill Ellet is owner and editor of Training Media Review.*

Belmont Citizens Forum
P. O. Box 609
Belmont, MA 02478

Address Service Requested

Nonprofit Org.
U. S. Postage Paid
Boston MA
Permit No. 56393

People Are Asking

What Is Smart Growth?

By Bill Ellet

What is smart growth? Does Belmont want any? Karl Haglund, chairman of the Belmont Planning Board and an urban designer, and Jay Szklut, Belmont's new Planning and Economic Development Manager, talked about new smart growth initiatives to encourage affordable housing and whether they're relevant to Belmont at a February 8 discussion sponsored by the Belmont Citizens Forum.

Haglund's overview of smart growth began with the problem it is supposed to solve: sprawl. Sprawl is

low-density, single-use development that creates dependence on automobile transportation. It is characterized by isolated big-box retail stores that tend to kill off smaller competitors and entire downtowns; residential neighborhoods with large lot requirements; and complex, congested highway systems.

According to a Brookings Institution report, between 1982 and 1997, the population of the Boston metropolitan area grew 6.7%, but the amount of land developed grew 46.9%. In that period, Boston had a worse sprawl problem than Los Angeles or Atlanta. Suburban growth consisting of single family homes on comparatively large lots consumed more and more land. Population density has declined precipitously, and the supply of housing has been thrown out of

continued on page 18