



Belmont Citizens Forum

Vol. 8, No. 1

A Newsletter for Belmont Residents

January 2007

Belmont Center Future Drawing Closer

By Bill Ellett

The future of Belmont Center is about to get a little clearer. According to Vickie Alani, chair of the Belmont Center Planning Group (BCPG), a draft report with recommendations will go to the Board of Selectmen and select town committees in February 2007. The recommendations fall into five categories: historic preservation and urban design, urban life and public safety, parking and transportation, business and economic, and land use and housing. The report also offers ideas for the disposition of the vacant electric light building.

The draft is the product of a long and complicated process. The group has met weekly for the last year and a half. It has waded through a small mountain of reports, studies, and documents on or relevant to the Center. On April 1, 2006, a charrette on the Center drew about 75 people, who provided ideas and concerns on each of the major issues.

After the submitting the draft to the Board and the committees, the BCPG will begin a public outreach effort to elicit feedback on their recommendations from residents. "We need to re-engage with the public," said Thayer Donham, a BCPG member. The other members of the BCPG are Sami S. Baghdady, Evelyn Haralampu, Roy Papalia, and Mary Power.

BCPG Plans Thriving, "Small-Town" Center

From 2001 to 2005, the major planning focus of the town was the Trapelo Corridor. With the looming vacancy of the fire station and the electric light building, the Selectmen recognized the need for a Belmont Center planning process. In 2005, they

charged the BCPG to develop a plan compatible with the town's Vision, particularly two statements:

- Thriving business centers contribute economic stability while offering places for residents to dine, shop and socialize.
- We will preserve our small-town community atmosphere.

The group was asked to study means and methods for meeting these two goals. It was also asked to define Belmont Center geographically and consider best uses for the fire station and the electric light building.

Even before finishing a draft report, the group has had a material impact on the Center. As the fire department prepared to leave the old Leonard Street station, the group turned its full attention to advising the Selectmen on its sale. The Board chose Burke

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Environmental Events Calendar

By Michael Stratford

Sustainable Belmont Meetings. Saturday, January 27, 1-4 pm at Belmont Hill School. All are welcome to help plan a special global warming action community event in April. Regular monthly meetings are Wednesday, February 7 and March 7, 7-9 pm in the Assembly Room of the Belmont Public Library. For more information, contact sustainablebelmont@gmail.com.

Walden Passage Feasibility Study. Saturday, January 27, 2-5 pm. The Walden Passage is a proposed wildlife-passage bridge over Route 2 in Concord. A team from University of Massachusetts Amherst will present location options and alternate design ideas. Meet at Lincoln Town Hall, 16 Lincoln Road, Lincoln, MA. For more information see <http://www.umass.edu/waldenpassage/faq.html>.

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Belmont Citizens Forum Inc.

is a not-for-profit organization that strives to maintain the small-town atmosphere of Belmont, Massachusetts, by preserving its natural and historical resources, limiting traffic growth, and enhancing pedestrian safety. We do this by keeping residents informed about planning and zoning issues, by participating actively in public hearings, and by organizing forums on key subjects.

Our newsletter is published six times a year (January, March, May, July, September, and November).

Published material represents the views of the authors and not necessarily those of the Belmont Citizens Forum.

Letters to the editor may be sent to
P. O. Box 609, Belmont MA 02478
or to editor@belmontcitizensforum.org

Insects in Winter. Saturday, January 28, 1-3 pm. Join the Friends of Fresh Pond Reservation for this family program exploring insects and other small creatures that are living under bark, logs, leaves, and in water in the middle of winter. Dress warmly and wear boots for walking off-path. For more information or to register for this free event, contact Elizabeth Wylde at friendsoffreshpond@yahoo.com or 617-349-4793.

Uplands ZBA Meeting. Tuesday, January 30, 7:30pm. Belmont's Zoning Board of Appeals will discuss the O'Neill Properties proposal to develop a 299-unit rental development on the Belmont Uplands, a 15-acre forested property. The meeting will be held at the Board of Selectmen's Meeting Room, Town Hall. For more information see Belmont's web site, http://www.town.belmont.ma.us/Public_Documents/BelmontMA_BComm/Uplands40B/index.

"An Inconvenient Truth." Thursday, February 1, 7 pm. See the acclaimed film on global warming and climate change. This free screening is ponsored by the Watertown Environment and Energy Efficiency Committee (WE3C) and Watertown Citizens for Environmental Safety (WCES). Doors open at 6:30 p.m. at the Watertown Free Public Library, 123 Main Street, Watertown. Contact Lisa Alexander at lalexaim@aol.com or see <http://watertowncitizens.org>.

Judith K. Record Memorial Conservation Fund Concert. Saturday, February 3, 7:30 pm. This free, public concert will feature Belmont's resident string and wind ensemble, The Record Players, performing the works by Cannabich, Wuorinen, Foote, Mendelssohn, and Brahms. Tax-deductible donations are welcome at the door. The fund assists the town in rehabilitation and maintenance of public open space. Located at the First Church in Belmont Unitarian Universalist, 404 Concord Ave., Belmont. Contact Kit Dreier for more information at 617-489-4727.

Will's Woods in Winter. Sunday, February 4, 10 am-2 pm. Join Habitat and the New England Wild Flower Society for an exploration of Framingham's Garden in the Woods. Bring a bag lunch and hand lens, if

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Paulsen Reflects on Environmental Challenges

Anne Paulsen retired this month from the Massachusetts Legislature after 14 years, having previously served as Selectman for 6 years and School Committee Member for 9 years. Her legislative record on environmental affairs was especially distinguished. She won many honors for her work promoting bicycle access and other environmental causes, including the first Herbert Meyer Environmental Achievement Award, presented last fall by the Mystic River Watershed Association at its 35th birthday celebration. This interview was conducted by Sue Bass.

Q. What are the biggest environmental problems facing us?

Anne Paulsen: I think the biggest one is climate change. That's local and state, national, international. I think everybody – almost everybody, except the President – understands that we have had a shift in our climate. And if we continue down this way we will have cataclysmic effects. You know, the John Hancock Building could be out at the water's edge, or you and I might have waterfront property...

Q. What should we do about it? Is there anything local we can do?

Paulsen: There are a lot of things that you can do locally. People ought to be conserving fuel, we ought

to be using bicycles and walking as much as possible to do errands, if you're within a mile or so.

It is the emissions from our cars that are causing a lot of the global warming, so to the extent to which we could reduce the use of the automobile, especially on short trips, that would be very helpful. We need to encourage people when they buy their next car to perhaps buy a hybrid, although I think that's difficult for families because they're just not big enough...

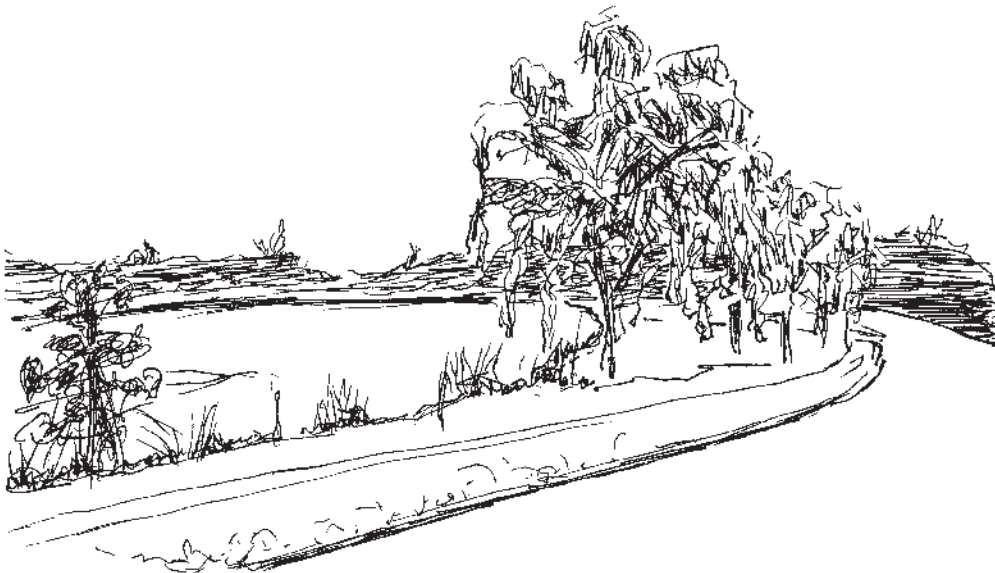
Having Sustainable Belmont is a great step forward. And we could join Sustainable Belmont with Sustainable Cambridge, Sustainable Watertown, and moving on from there, the new group, Livable Cities, which has started in Cambridge. Every other Friday Cambridge has a walk and bike Friday. There are a number of things that we can do locally that really could have an effect.

Q. What other issues?

Paulsen: There is the question of treating our stormwater, making sure that the water that goes into Boston Harbor is well treated. I served on the Massachusetts Water Resources Authority [MWRA] advisory board all the time that I was a Selectman.

We learned that treating the sewage was only one part of the problem. If we want to have a clean harbor, we must make sure that the stormwater is clean. It is important that the water coming through the soil into streams and rivers that flow into the harbor is clean.

One of the bills that I sponsored that became law allows communities or groups of communities to establish stormwater utility districts. These districts would charge small fees to homeowners and businesses – either a flat fee or one based on the amount of impervious surface on the property. The fees would be used to clean up stormwater. Every city and town is required by federal law to plan for cleaning up stormwater.



Clay Pit Pond

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These fees would allow cities and towns to not only plan but to take action.

Q. We've learned that the sewage from Belmont's broken pipes has been getting into the stormwater, and that's not just in Belmont, that's a problem in other places. Belmont is doing something about it, but it's a big, big job, and we're just starting.

Paulsen: What's happening in Cambridge is an example of what all older cities must do. Cambridge is being assisted financially by the MWRA and by all of us who pay the MWRA bills. What they are doing is important. Presently their stormwater runs through the sewer system and overflows in wet weather, fouling Alewife Brook and people's back yards. The separation of sewage and stormwater will help, but two combined sewer overflows will remain. That will not help my former constituents in Arlington who receive the polluted water.

I stood with them to encourage the courts to keep the goal of the water in Alewife Brook as "fishable swimmable" as opposed to what had been suggested. Maintaining the Alewife Brook as a class B_{CSO}[with continued Combined Sewer Overflows allowed] would have reduced the effort to clean up the stormwater in the future.

All of this is local but it is repeated across the state and the country. A lot of it has to do with best practices, that is people making sure that the pipes in their houses are OK, that nobody hooks up their washing machine into the storm drain. That is a problem in our town and in other towns. People should be sure that they're not letting any oil go out of their cars onto the driveways.

One of the really, really bad things that happens is that people put fertilizer on their lawns, and the minute you put fertilizer on your lawn, unless you are extremely careful about the way it's applied and the amount, there will be a runoff of phosphorus down into the storm drains. And of course that's what causes the algae to grow and really creates problems in the streams. I worked with some people at Spy Pond in Arlington to think of ways you could get people to reduce the phosphorus that they use. We got some garden centers to put out that slow-release phosphorus. You don't have to put very much on your lawn, and it's a slow release so it doesn't run off.

Q. Is that a problem with Clay Pit Pond where the town maintains the lawn?



APPLE

Paulsen: The town does not pollute Clay Pit Pond but the phosphates and other contaminants that flow into the Pond do.

Q. And Little Pond where some residents landscape down to the water's edge?

Paulsen: Anyone who fertilizes or uses pesticides close to Little Pond adds to the pollution... The MWRA had an education program of going into people's houses with low-flow shower heads and low-flow toilets, and they did that for free for a number of years, and then they began to talk to communities about sealing their pipes. In a short period of time we went from using I think about 330 million gallons a day down to 220 [million gallons of water a day.] A lot of it was reduction in usage. And last year we passed legislation, it passed the House at any rate, to allow landlords to meter water, because up till now you couldn't have your tenant pay for the water.

Q. It was forbidden.

Paulsen: We put strict controls so landlords had to certify that there were no leaking pipes and all plumbing was up to code. Although I am supportive of tenant issues, I feel it is important to conserve water. If you pay your own water bill, you think about how much water you are using. Conserving and protecting our water is very important to the future of our region.

Appellants Win Round in McLean Sewer Challenge

The 12 Belmont residents who appealed the state's issuance of a sewer connection permit to McLean Hospital have standing to bring that challenge, according to a recent ruling by an administrative magistrate. The sewer connection at issue will serve the 600,000-square-foot American Retirement Corp. development Freedom Commons a planned 150,000-square-foot research and development building to be built by Belmont ValueRealty Partners, and McLean Hospital.

Magistrate Bonnie Cashin noted that a similar challenge was filed in 2003 to the standing of a group of citizens who appealed the sewer connection permit for the town house complex

being built by Northland Residential Corp., the Woodlands at Belmont Hill. The citizens group's standing was also upheld in that case, which was settled by agreement between the parties. Both cases were brought with the support of the Belmont Citizens Forum, which argues that the town's broken sewer system should be fixed before more sewage is added. Witnesses will appear before Cashin for cross-examination at the end of January.

To support this litigation, you can send a donation to the Belmont Citizens Forum, PO Box 609, Belmont, MA 02478. Thanks for your help!

— Sue Bass



Events *continued from page 2*

possible. Meet at the Garden in the Woods in North Framingham. The cost is \$28 for members \$35 for non-members. Call Habitat at 617-489-5050 for more information and to register.

Winter Tracking Walk. Saturday, February 10, 1-4pm. Join the Friends of Arlington's Great Meadows for a winter walk. Winter is the best time for tracking especially in fresh snow. Dress warmly and meet in the parking lot behind the East Village Nursing Home off Bryant Street, Lexington. For more information, contact Andrea Golden at andgold@comcast.net or 781-646-3941.

Star Light, Star Bright. Saturday, February 10, 6-8 pm, rain/snow date February 17. Join Habitat for an

evening of stargazing. Some constellations are at their brightest during winter. Learn how to use a telescope and enjoy some hot chocolate and tea. Dress warmly to go outside. Children ages 5 and up are welcome with an adult partner. The cost is \$8 for members, \$10 for non-members. Call 617-489-5050 for more information and to register.

Waltham Land Trust Duck Watching Event.

March 11, 11 am. Come see what ducks live on the Charles River during the winter. Participants must be able to be stealthy and quiet. For more information and to register for this free event, contact Karen Patterson at 781-893-3355 or kpatters@walthamlandtrust.org.

CPA Helps Towns Control Their Future

By Meg Muckenhoupt

The Community Preservation Act (CPA) is a complex tool with a simple job: raising money for a few categories that always seem to be low priorities in local budgets. As the Community Preservation Coalition explains on its website, “Property taxes traditionally fund the day-to-day operating needs of safety, health, schools, roads, maintenance—and more. But until the CPA, there was no steady funding source for preserving and improving a community’s infrastructure. The Community Preservation Act can give a community the funds needed to control its future.”

Communities that pass the CPA agree to do three things:

- Levy a surcharge of up to 3 percent on local property taxes. The state matches all CPA funds raised by the community and will likely do so for the foreseeable future.
- Spend 10 percent of the funds [so gathered] in

each of the following categories: open space, historic preservation, and affordable housing—for a total of 30 percent of the monies.

- Spend the remaining 70 percent of the funds in the three areas above or on recreation.

The CPA has been adopted by 119 Massachusetts communities. To ease the financial burden for residents, many towns have passed lower property-tax surcharges than the 3 percent allowed: commonly 1.5 percent. Another widespread approach is to offer exemptions for low-income residents or for the first \$100,000 of a home’s value.

Nearby Towns Gain CPA Funds

Locally, Waltham, Lexington, and Cambridge have already passed the CPA, and Winchester will be voting on the legislation in March 2007. Waltham passed the Community Preservation Act in 2005, but because of a vote recount the city did not organize a

Community Preservation Committee until September 2006. The committee expects to hold hearings in the spring to begin to allocate the \$3.6 million in CPA funds collected by Waltham in 2005.

Lexington passed the Community Preservation Act in March 2006. Since then, the town has collected \$2.3 million in CPA funds. So far, the town has restored an archival vault to house the town’s historical papers, upgraded a police dispatch center in a historic building, and renovated a historic fire station.

Cambridge passed the CPA in 2001 and collected \$12.5 million in CPA funds for 2006. The city spends 80 percent of its money on affordable housing and 10 percent each on open space and historic preservation.

Using the CPA Funds

The CPA is surprisingly flexible, though there are a few limitations on how the money can be spent. Funds may be used to acquire, preserve, rehabilitate, or



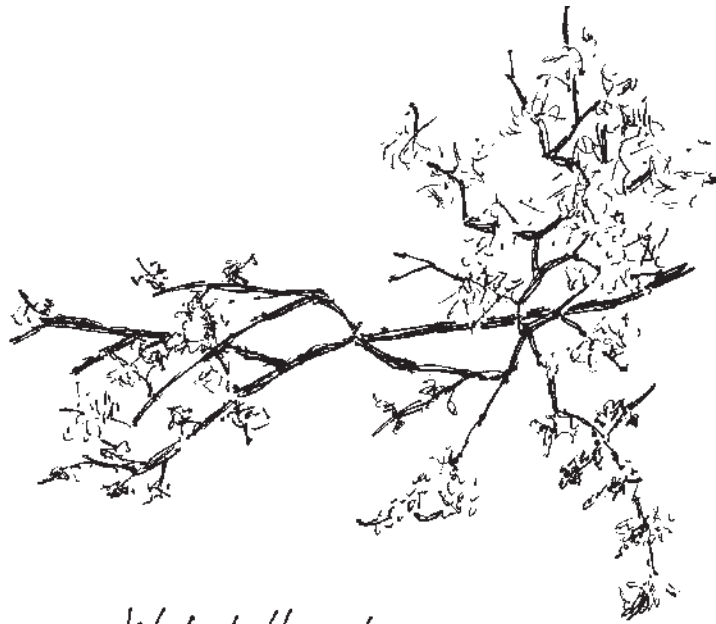
restore open space or historic resources. That means that towns can buy new parks and historic buildings or fix up existing facilities—for example, by upgrading heating systems or removing invasive plants. Deed restrictions are also an accepted use of the money: towns can pay landowners to permanently protect properties from development.

CPA funds can also be spent on related costs such as site surveys and legal fees for land or housing purchases. Recreational funds can be spent for either passive or active recreation: playgrounds, sports, parks, community gardens, and trails. CPA funds can also be used for multipurpose projects such as buying a site with both open space and historic buildings or adapting a historic building to be used for affordable-housing.

One of the most intriguing aspects of the CPA is that the money does not have to be spent in town. Any CPA community can use its CPA funds anywhere in Massachusetts. What this means is that towns can cooperate across borders. The Community Preservation Coalition gives examples of a city purchasing land in a neighboring town to protect the city's water supply, or two communities building affordable housing on a shared border. Locally, Cambridge could use its CPA funds to help purchase the O'Neill Uplands site, which straddles Belmont and Cambridge's border.

The CPA does have its limits. Funds cannot be used for routine maintenance or to replace existing funding for a project.

However, CPA funds can be used to get more money. Communities can use CPA funds to provide the local matching funds required by various state and federal grants—such as the Massachusetts Urban Self-



Witch Hazel

Help program, which gives towns money to buy open space. CPA communities can also borrow against their future CPA revenue, allowing towns to pursue more costly projects than year-to-year funding would allow.

CPA Case Study: The Bruce Freeman Rail Trail

The CPA has enabled seven Massachusetts towns to collaborate on a project that will benefit all of their communities. The Bruce Freeman Rail Trail is a multi-use path being created along the abandoned Penn Central railroad line. The trail will pass through eight Massachusetts communities: Lowell, Chelmsford, Westford, Carlisle, Acton, Concord, Framingham, and Sudbury.

The Phase 1 segment of the trail runs from Lowell to Westford. Both the design and construction of that part of the trail are being paid for with state and federal funds. Phase 2 runs from Westford to Sudbury.

The towns on the Freeman Rail Trail are using CPA money for many purposes. Acton spent \$95,000 of CPA funds on feasibility studies for the trail, with special attention to difficult road crossings; Sudbury, with an easier route, spent just \$25,000 on a feasibility study. Acton, Carlisle, Concord, and Westford approved CPA funds for the preliminary design, and Sudbury intends to spend \$140,000 on a title review, a survey of the rail-trail site, wetlands delineation, and a wildlife study for the trail.

All these towns are well on their way to winning grants to finish the project. "CPA funds provide

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First Trails Blazed on Western Greenway

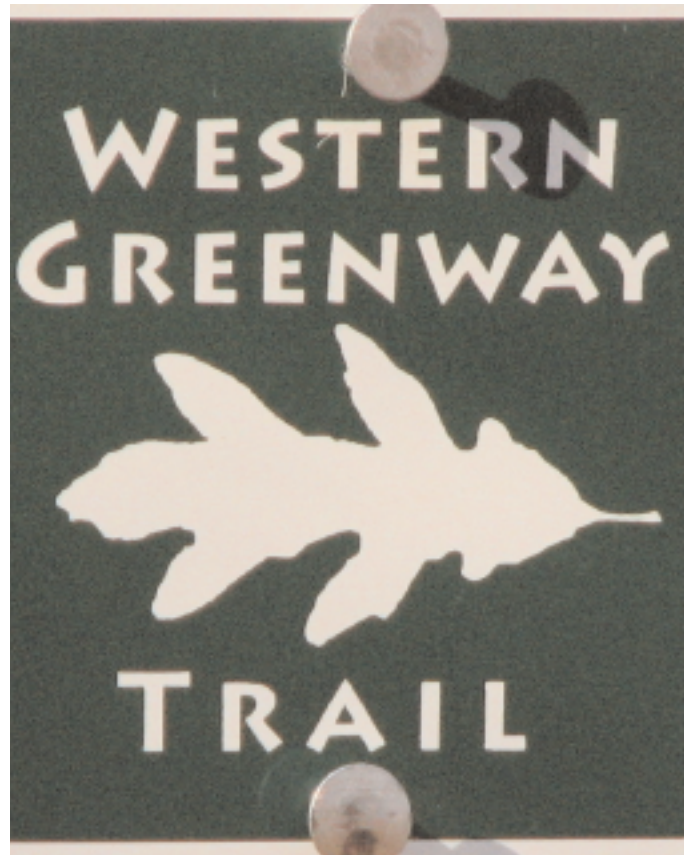
On December 3, 2006, the Western Greenway trail gets its first blazes. Attached to trees at chest-level, the metal blazes show the way through four miles of the Greenway, which is open from dawn to dusk daily. The trail was blazed at Habitat, McLean Open Space, Rock Meadow, Beaver Brook North reservation as far as the DCR Parkway.

The blazing was done by the Friends of the Western Greenway (FOWG) and their member

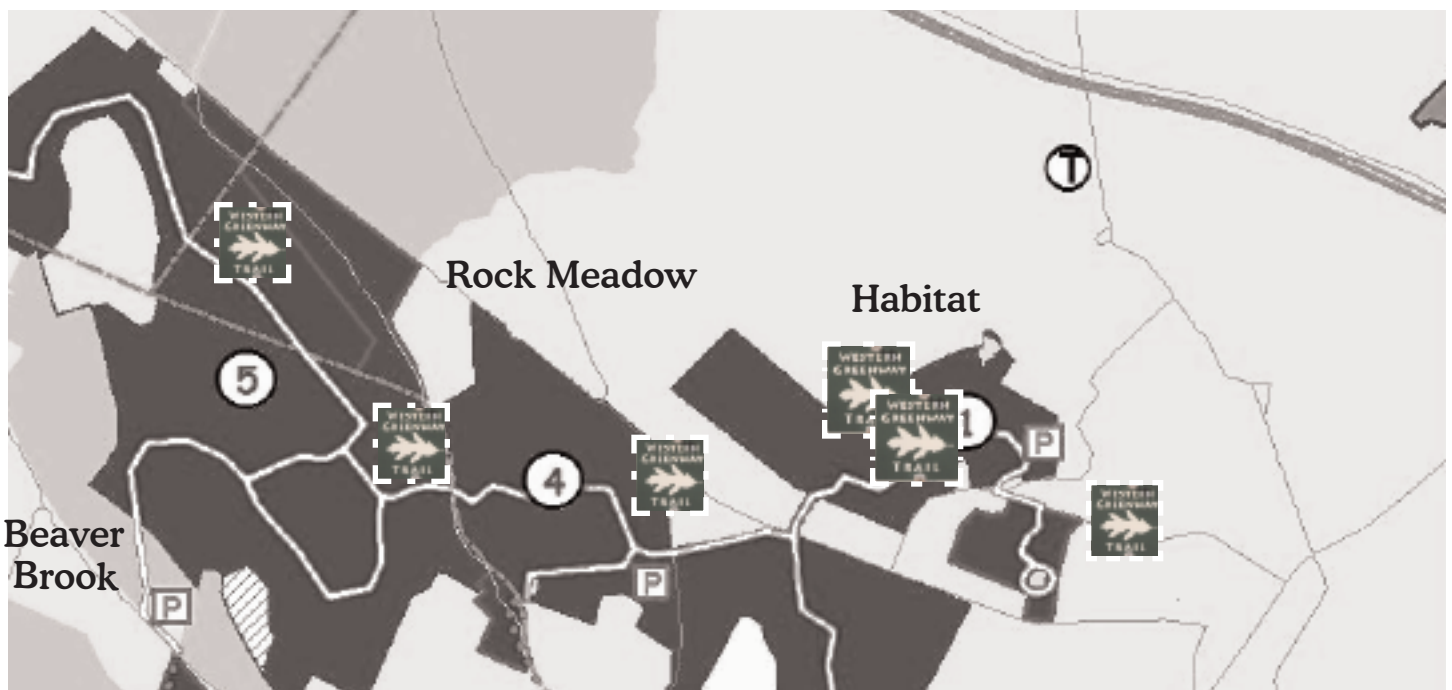
organizations: Waltham Land Trust, Belmont Citizen Forum, Citizens of Lexington for Conservation, Mass Audubon. There are plans to blaze more of the Greenway in the spring. For more information, contact Karen Patterson at the Waltham Land Trust office, which is serving as the headquarters of the Friends of the Western Greenway: the phone number is 781-893-3355.



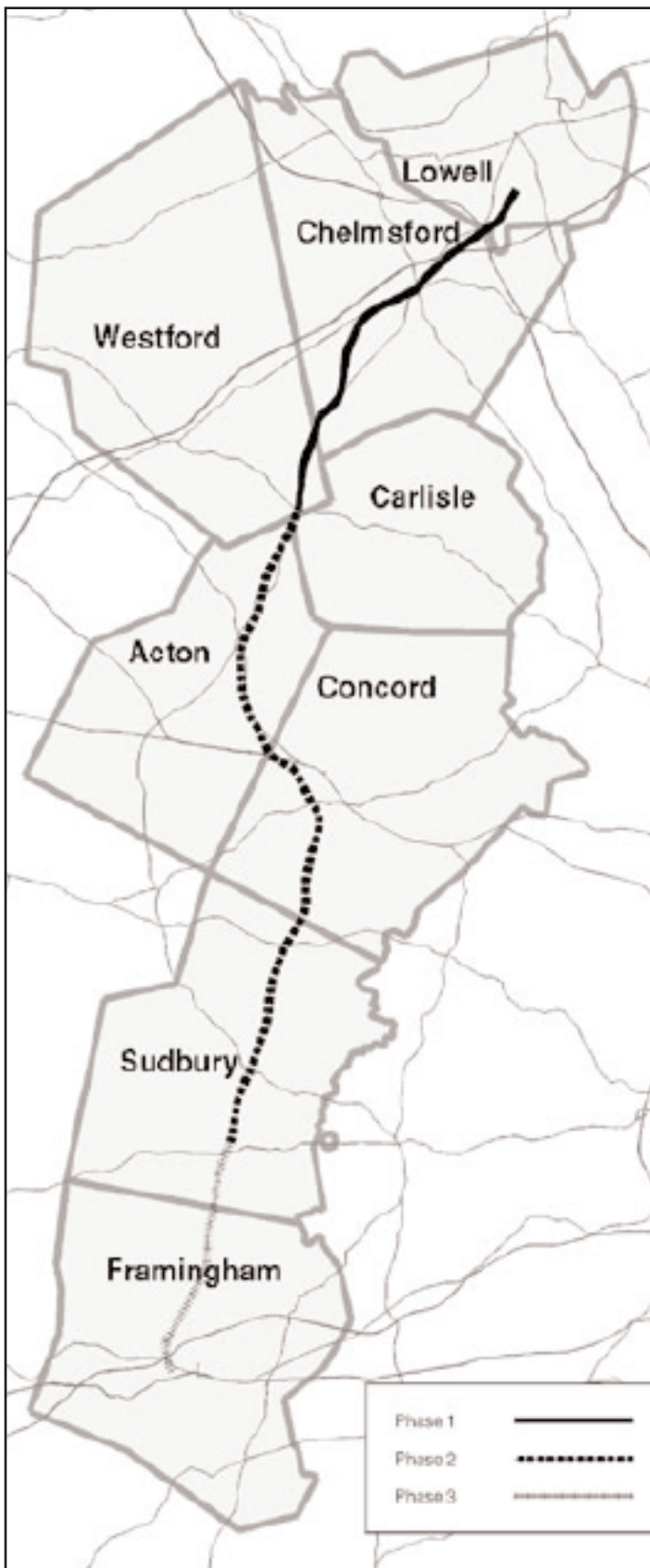
The first Western Greenway blaze is installed at Habitat Education Center and Wildlife Sanctuary, Belmont. Trailblazers from left to right are Jenny Tabaczynski and Mike Tabaczynski, members of Citizens for Lexington for Conservation and the New England Mountain Biking Association; Bower Himes and Marc Rudnick (kneeling), and Lesy Struz of the Waltham Land Trust; and Keith Ohmart of Citizens for Lexington Conservation. Photo courtesy of Roger Wrubel.



*Above: The new trail blaze.
Left: Marc Rudnick attaches a blaze. Photos
courtesy of Roger Wrubel.*



A map of the newly-blazed portion of the Western Greenway, extending from Habitat west to Beaver Brook, following the oak-leaf signs. Map courtesy of Roger Wrubel.



A map of the Bruce Freeman Rail Trail, showing Phase 1, Phase 2, and Phase 3. Map created by Friends of the Bruce Freeman Rail Trail.

CPA *continued from page 7*

tremendous leverage,” wrote Dick Williamson, the Sudbury representative of Friends of the Bruce Freeman Rail Trail. To win federal and state funding for its section of the trail, Sudbury had to put up at least 10 percent of the total. CPA funds supplied the town’s 10 percent match, paying for the design and bid specifications.

What Belmont Could Do with the CPA

Many, many projects in Belmont could benefit from CPA funds. They include:

- establishing new bike trails
- purchasing the Belmont Uplands
- creating affordable housing in small-scale developments that would blend into the neighborhoods
- protecting historic buildings.
- adding or improving town recreation facilities

A CPA campaign can be launched in a town in one of two ways: it can be approved by a simple majority at Town Meeting, or 5 percent of registered voters can sign a petition to place it on the ballot for a town election. In either case, the CPA must be approved by a simple majority of voters in a major election—either a regular municipal election like Belmont’s on the first Monday in April or a state election in November of even-numbered years.

Finding projects is easy. Passing the CPA is the hard part.

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

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

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

Belmont Center *continued from page 1*

Land Company, which is planning a 130-seat restaurant for the ground floor and commercial space on the second and newly built third floors—an outcome consistent with the thinking of the BCPG.

The lengthy process of selling the fire station delayed the completion of the draft report. In the meantime, however, Town Meeting approved the Cushing Square overlay district, setting an encouraging precedent for the Center initiative.

What is Belmont Center's Character?

Preservation of Belmont Center's historic character is a top priority. Possible measures include cataloging buildings that are at least 50 years old, identifying buildings that are major contributors to the current character, and consideration of a historic conservation district. Thayer Donham has also asked whether everyone shares one view of the Center's identity: "What is the character of Belmont Center?"

Change is just as important as preservation. Broadly speaking, the goal is to make the Center a focal point of town life, with more reasons for people to go there and a far more vibrant street life, especially at night. To make the Center more attractive to more people, new development will be

necessary. The BCPG favors "a mix of residences, offices, and retail."

The draft plan proposes a greater variety of retail. Papalia believes that a packaged-food store—presumably upscale, like Savenor's Market in Boston—could be an important addition. The group will suggest that Town Meeting consider dropping the 130-seat requirement for restaurant liquor licenses to encourage smaller establishments. They also think more licenses should be available; without a license, the economic incentives for opening a restaurant are greatly diminished. The BCPG would also like to see restaurants with outside dining areas, such as tables with umbrellas.

New development isn't the only way to attract people to the center, however. The BCPG believes there are creative ways to attract children and adults that don't involve shopping. They include ice cream socials and library book or garden club sales and more evening activities such as outdoor movies and small-scale concerts.

For a vibrant street life, foot traffic is needed. There is a consensus in the group that the Center should be far more hospitable to pedestrians and less automobile oriented. A wide range of actions will be necessary to make that happen. A wider sidewalk on at least one side of Leonard Street will be proposed,

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along with more seating areas, with benches perpendicular to the street to encourage conversation, as well as planters.

Open spaces also have a role in a more pedestrian-



friendly environment. Currently, green spaces are isolated, none more so than the town green, the island in a sea of pavement in front of the Belmont Savings Bank. Linking them, including land adjacent to the railroad tracks that runs down to the pedestrian tunnel, would help change perceptions about the area.

Parking, Height Limits Debated

Several issues are particularly complicated, some are also controversial, and none are settled.

Parking: The issue that seems to provoke the greatest difference of opinion within the BCPG (and probably mirrors a similar divergence in the community) is parking. More people in the Center means more parking capacity—at least in the view of some group members. One way to increase parking is a parking structure on part of the existing municipal lot behind Macy's. The structure could also accommodate retail and residential space.

Others feel, in the words of a group member, that

"there is enough pavement already." More capacity could be realized through, for example, community use of the Belmont Savings parking garage and other private lots, although the town might need to provide incentives for the bank and lot owners. The Town Hall parking lot could be available for Center parking after business hours. Encouraging commuters to park next to the high school and on the north side of Concord Avenue would free up spaces in the Center during the day. Better parking enforcement would drive more turnover and thus increase capacity.

Height and Density: To avoid expanding the Center into the surrounding neighborhoods, new development will need to be primarily vertical instead of horizontal. The BCPG has not yet reached a consensus on maximum building height or if the maximum will vary depending on the location of a property.

Railroad Bridge and Concord Avenue: The BCPG considers Concord Avenue up to the library to be part of Belmont Center, but most residents don't because of the railroad bridge and the Concord-Leonard intersection. The group wants the Town to explore ways to link the Concord avenue section and the Center proper, especially for pedestrians (e.g., installing lights under the bridge and looking for ways to mitigate the noise). On the high school side of Concord Avenue, there is the potential for multi-story mixed use development without the constraints that exist elsewhere in the Center.

Electric light building and Police Station: The electric light building parcel could have several different uses, from parking to housing. Given the town's revenue problems, there could be pressure to sell the property quickly. But the town could realize more money in the long run and have a greater impact on the Center if the building were packaged with the police station. That would require buying another site for the police station and constructing the station as well as moving the substation currently located between the electric building and the police station.

— *Bill Ellet is an editor and writer. He lives on Watson Road.*

Environmental Rules *continued from page 16*

close to stream beds.” A more global question was tormenting our sleep, though: Were developers working behind the scenes to change the rules that we were innocently trying to follow? Who was making the rules for the environment, anyhow?

The stream-flow regulations that produced such nightmares were adopted in 2002. They did not affect the Junction Brook case, as it had been filed under the previous regulations. Fortunately, in 2005, the regulations were amended yet again. It is no longer impossible to prove that Wellington Brook is perennial.

But the same question continues to arise: Who writes the environmental rules? The regulations interpreting the Wetlands Protection Act, the Rivers Protection Act, and other state environmental laws are revised often, and each time outsiders wonder who and what are influencing the changes.

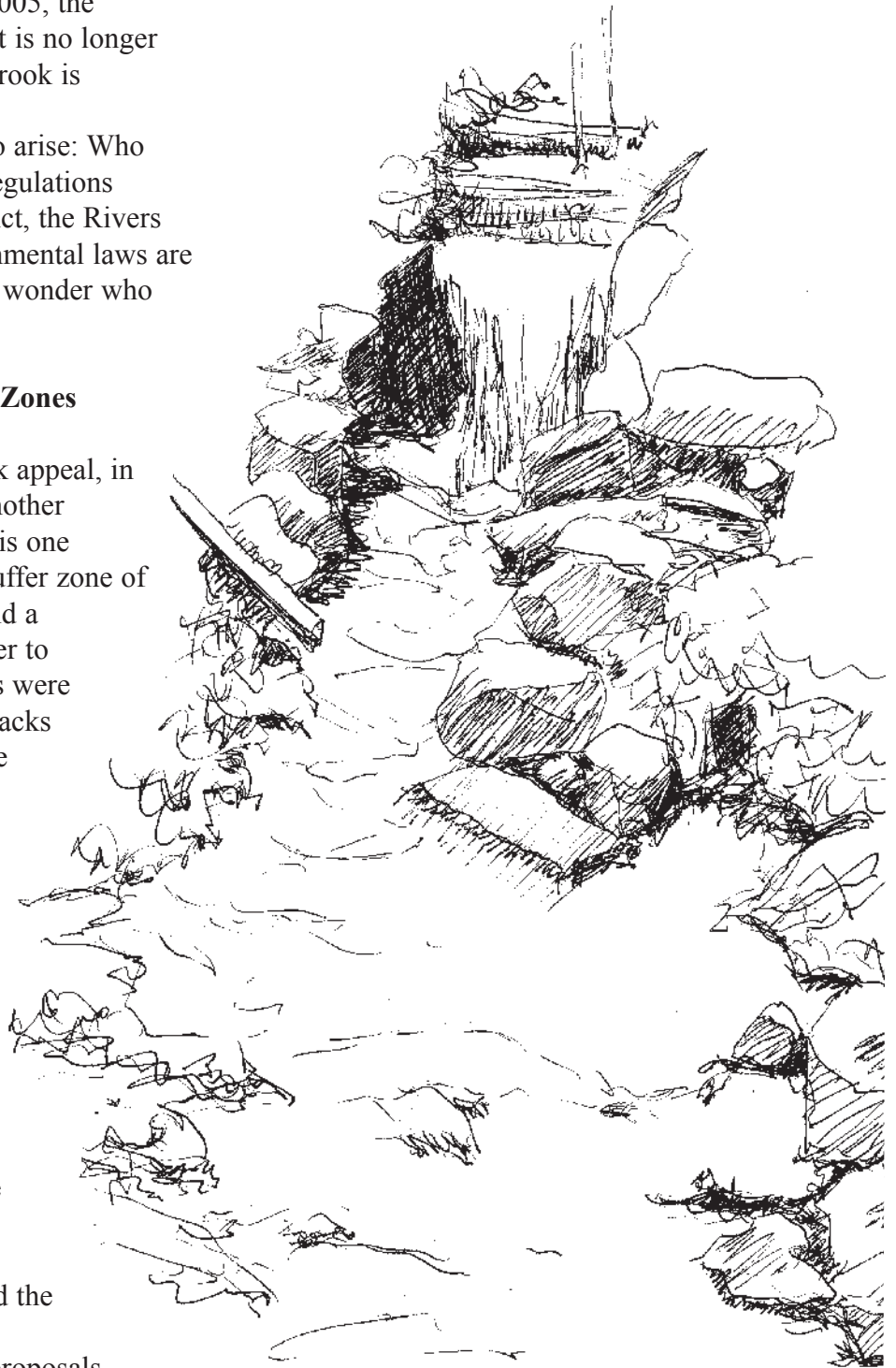
Proposed Changes Threaten Buffer Zones

Two years after the Junction Brook appeal, in the late spring of 2004, I learned of another proposed change to the regulations, this one concerning activities allowed in the buffer zone of a wetland—the 100-foot margin around a wetland whose use is regulated in order to protect the wetland itself. The changes were billed as a way to cope with staff cutbacks at DEP by simplifying the rules for the buffer zone. The department also simultaneously proposed changes to reduce the opportunity for what it called “frivolous appeals”—although members of DEP’s Wetlands Advisory Committee repeatedly asked for examples of such appeals and were never given any.

The environmental community was outraged by the changes. The protection to the buffer zone would be substantially reduced, rather than increased as was clearly warranted by science, and environmental groups and the public would often be deprived of the opportunity to challenge developers’ proposals. Impressed by the impassioned testimony I had

heard at a public hearing on the proposed changes, I visited the DEP office in downtown Boston to read some of the comments. I was stunned. Approximately 200 letters had been filed, with the overwhelming majority opposing the changes. Mass Audubon, the Massachusetts Association of Conservation Commissions, the Sierra Club, many watershed

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Environmental Rules *continued from page 13*

associations, and other environmental groups and individual environmentalists had filed detailed criticism of the proposals.

As I read, I figured that the new regulations must be dead. With all this serious, thoughtful, knowledgeable criticism, DEP couldn't possibly be planning to still go ahead. I was wrong. A few minutes' conversation with a DEP staffer persuaded me that those regulations would soon have the force of law—unless environmentalists did more than write letters.

Environmental Groups Fight Back

Armed with a list of those who had made exceptionally good comments, I got on the phone. Was there anything we could still do? Many hoped so. A dozen advocates met in August 2004 in the office of the Mystic River Watershed Association and came up with a plan:

- We would ask for a meeting with the DEP commissioner to repeat our concerns.
- We would try to get an op-ed article in the Boston Globe.
- A number of us would attend the next meeting of the DEP Wetlands Advisory Subcommittee to show our support for the handful of environmental representatives.
- If necessary, we would assemble a group of citizens to sue DEP for failure to file an Environmental Notification Form under the Massachusetts Environmental Policy Act before taking action that risked damaging the environment by reducing both environmental standards and opportunities for public participation.

It helped. A delegation met with then commissioner Robert Gollidge. When additional environmental representatives appeared at the next Advisory Subcommittee meeting, they were not only allowed in—we had feared resistance—but were allowed to speak. Gollidge announced that he'd accept modifications to the proposed regulations. After a Globe edito-

rial criticized the proposal, still more changes were made. Since then, the lines of communication between environmental groups and DEP have remained open, with periodic meetings to discuss a variety of topics.

Advocates for Wetlands and Watersheds Emerges

The informal coalition that fought the proposed wetlands regulations has been meeting monthly since January 2005 and has developed a statement of purpose and a name—Advocates for Wetlands and Watersheds (AWW). The group is beginning to have significant influence on writing the rules for the environment. Though DEP and other agencies had appointed environmental representatives to advisory committees in the past, AWW has been able to help suggest candidates for those committees.

Member organizations alert one another to important issues, draft and submit group letters on topics of mutual concern, and meet regularly with environmental officials.

Recently, AWW mobilized to challenge revisions to the regulations governing industrial- and sanitary-sewer connections. As noted in the November 2006 Belmont

Citizens Forum newsletter, the proposed changes were denounced by a former longtime DEP employee as the most “ill-advised regulatory proposal” he had ever seen. “It is truly

extraordinary for DEP to propose the virtual elimination of meaningful state oversight of industrial sewer dischargers, regardless of the level of toxic pollutants in their wastewater,” added Steve Pearlman, now advocacy director for the Neponset River Watershed Association.

Pearlman led the opposition to the regulations. With advice from other AWW members, he drafted a detailed nine-page comment letter that 12 organizations signed onto: the Berkshire Environmental Action Team, the Charles River Watershed Association, Clean Water Action, the Connecticut River Watershed Council, the Jones River Watershed Association, the Massachusetts Sierra Club, the Mystic River Watershed Association, the Neponset River Watershed Association, New England



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Public Employees for Environmental Responsibility, the Organization for the Assabet River, the Taunton River Watershed Alliance, and the Water Supply Citizens Advisory Committee to MWRA (Massachusetts Water Resources Authority). Pearlman also asked DEP to withdraw the revised regulations in a shorter letter, which was signed by an additional five organizations: the Belmont Citizens Forum, the Eel River Watershed Association, Friends of the Blue Hills, the Massachusetts Association of Conservation Commissions, and Mass Audubon.

DEP Negotiation Yields Mixed Results

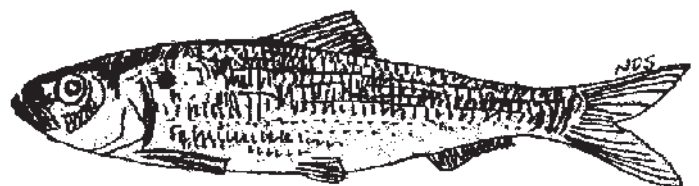
Faced with so much opposition, DEP agreed to negotiate. The settlement restores a public participation process for permits—a major concern for the Citizens Forum, which feared decisions would be made entirely behind closed doors—and ends the presumptive approval of permits. Under the original proposal, permits were automatically granted if DEP did not act on them within 45 days. The revisions also require industrial sewer users to report the toxic materials they discharge to DEP and to the sewer treatment plant they use.

The negotiations were not a complete success,

however. The threshold for a non-industrial sewer permit—like the sanitary-sewer connection McLean is now seeking for the American Retirement Corp. and Belmont ValueRealty Partners developments—has been raised from 15,000 gallons per day to 50,000 gallons per day. Moreover, the new regulations provide no protection against the common practice of segmenting a development: dividing it into chunks so that each segment is lower than the threshold, even though the overall project exceeds it.

On this issue and on many others, the Advocates for Wetlands and Watersheds have plenty of work still to do.

— Sue Bass is a director of the Belmont Citizens Forum and represents it at meetings of AWW.



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People Are Asking

Who Makes the Rules for the Environment?

By Sue Bass

Five years ago, while the Belmont Citizens Forum was appealing to the Massachusetts Department of Environmental Protection to find that Junction Brook was a perennial stream, DEP proposed a change in the rules. These new rules would have made it impossible to declare Junction a perennial stream even if hundreds of people watched the stream day and night for decades and swore that the flow never stopped.

Under the regulations proposed in 2002, a stream

could not be ruled perennial if it was not shown on a United States Geological Survey map, even if the stream was accidentally omitted. Since USGS maps are based largely on aerial surveys, it is easy to miss wooded streams, especially streams that are largely concealed in culverts—like several in Belmont. The USGS map for this area omits not only Junction Brook, which runs down to Pleasant Street from the McLean campus and is shown on early maps as a major Belmont stream, but also Wellington Brook, long recognized as perennial by the Belmont Conservation Commission.

“Does the DEP really want to say that brooks in the woods are virtually all intermittent?” the Citizens Forum asked in a letter opposing the change. “That will open many forests to damaging development very

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