



# Belmont Citizens Forum

Neighborhood Fears Water Displacement

## Mugar Wetlands Project Stalled—For Now

by John DiCocco

The Mugar Wetlands in East Arlington is a triangular parcel that borders Route 2 westbound, adjacent to the Thorndike Park playing fields, and just across Route 2 from the Vox on Two apartments and Lanes & Games Bowling. The Mugar family, owners for more than 50 years, wants to develop it with townhouses and an apartment building. Residents in the town of Arlington, led by the Coalition to Save the Mugar Wetlands (CSMW) are opposed.

In dispute is whether the land can handle the water displacement, whether the neighborhood can handle more people, and what will happen to the wildlife currently living therein.

Currently the proposal is in the hands of the state, considering an appeal by Arlington.

### State Versus Town Needs

In July/August 2016 and September/October 2016, the *Belmont Citizens Forum Newsletter* ran articles about the state's desire for communities to build more housing, particularly affordable housing. High housing costs and high occupancy hurt the ability of Massachusetts employers to compete for talented young employees in important sectors. Yet some cities and towns inside Route 128, including Belmont and Arlington, face particular challenges because of the scarcity of buildable space.



The triangular plot along Route 2 where the Mugar family wants to build Thorndike Place.

This state goal, together with Chapter 40B (requiring cities and towns to provide more affordable housing), puts some local communities in conflict with the state. The Mugar Wetlands is one such property in contention. (See page 5 for explanation of Chapter 40B.)

The Mugar project, to be named Thorndike Place, would include a 50-foot building with 207 rental units, six two-family townhouses, and indoor and outdoor paved parking for about 300 vehicles. The buildings together occupy about 6.7 acres of the 17.7-acre property, most of which is in the FEMA floodplain. The property abuts Dorothy, Edith, and Burch Streets in East Arlington.

## Belmont Citizens Forum

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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. Our **Newsletter** is published six times a year, in 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  
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## Chapter 40B: The “Affordable” Gambit

The development manager is Oaktree/Greenline LLC on behalf of Arlington Land Realty LLC, a company managed by Peter Mugar. SEB LLC, a representative of Oaktree, applied for 40B eligibility in June. The application was submitted to Arlington on August 31, 2016, and town and development officials have been wrangling about the submitted documents ever since. (The application is on the town website, [arlingtonma.gov](http://arlingtonma.gov).)

The proposal has drawn persistent opposition from nearly all town officials as well as Arlington’s legislative delegation.

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Chapter 40B requires that at least 1.5% of a municipality’s buildable land be devoted to affordable housing. Arlington calculates 1.53%. Mugar says 1.39%.

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Chapter 40B requires that at least 1.5% of a municipality’s buildable land be devoted to affordable housing, in order to claim “safe harbor” from 40B. In opposing Thorndike Place in late September, the town calculated 1.53% usage already, but Oaktree calculated 1.39%, allowing room to claim 40B.

On November 18, 2016, the state Department of Housing and Community Development (DHCD) reviewed the town’s and the developer’s numbers, and found in favor of the developer’s 1.39% calculation. On November 29, Arlington appealed the state judgment to the state Housing Appeals Committee (HAC), a forum within the DHCD. The expected timeframe for their decision is four to eight months.

(See the flow chart online of the entire process on the CSMW Facebook page, [saveourwetlands](https://www.facebook.com/saveourwetlands).)

## The numbers don’t compute

According to CSMW member Clarissa Rowe, a landscape architect and former Arlington selectman, the process for calculating buildable land in a wetlands is complex, and some of the state language contains contradictions. “We have an outstanding [geographic information system] specialist in town who has calculated





Local residents refer to Magnolia Park as “Lake Magnolia” during periods of flooding. This area is just two blocks northeast of the Thorndike Place site.

the usable land on that parcel at only 1.5 acres.\* The site cannot sustain the proposed buildings on 6.7 acres without substantial water table displacement, which would go right into our neighborhood. Essentially about 5.5 of the 6.7 acres where they want to build is in the flood zone.”

The Coalition’s website says: “Flood plains act as a sponge for nearby groundwater and storm water. If the ‘sponge’ is paved over, the flood plain will no longer serve this essential purpose and the water will flood into East Arlington neighborhoods.”

Rowe says that “groundwater flow and absorption is already a big problem. However, Oaktree Development people have stated, ‘groundwater is not our purview.’”

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“Since 2002, I’ve seen neighbors in a canoe—on their street—because of local flooding.”

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Erin Freeburger, a CSMW member and nearby resident says, “Since 2002, I’ve seen neighbors in a canoe—on their street—because of local flooding.” The neighborhood has added homes over the last decade, she said, “and there’s really

\*Not to be confused with the 1.5% of buildable land in the whole town, mentioned earlier in this article.

nowhere else for the water to go. Any large-scale building will affect the soccer field where hundreds of kids and adults play, as well as the bike path. All of this will be negatively affected by any more development.”

According to Freeburger, “the developer is using Chapter 40B as a loophole to avoid Arlington’s wetland and other regulations.” The developer proposes that three of the townhouses and 55 of the apartment units be designated permanently affordable (only those earning 80% or less of area median income would be eligible to purchase or rent). Everyone we interviewed for this article agreed that affordable housing was desirable, but that this piece of land could not accommodate as big a development as Mugar proposes.

### **What’s Next?**

Should the HAC decide Arlington’s calculation is correct, the developer can nevertheless submit their application directly to the Town of Arlington where it would follow the normal review process by the various boards under local bylaws and regulations.

Should HAC confirm Oaktree’s calculation and the town lose, the developer is still expected to submit their application for local review, a process led by the Zoning Board of Appeals (ZBA) with a recommendation by the town’s





KIM CARNEY

Varnum Street, above, dead-ends at the MinuteMan Bikeway (seen at the center of the photo) which itself abuts the proposed site of Thorndike Place.

Conservation Commission. However, the application would be reviewed based on adherence to state regulations instead of local regulations. CSMW says, "It is here that one can see how Oaktree is using the 40B statute to walk around Arlington's bylaws, since the developer has applied for an exemption, including 13 waivers to local regulations, including Arlington's wetland protection bylaw."

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**". . . Oaktree is using the 40B statute to walk around Arlington's bylaws since the developer has applied for . . . 13 waivers to local regulations."**

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### **Zoning Board's Three Choices**

The ZBA has three choices at that point: deny the application outright, accept the application as is, or accept the applications with conditions.

If HAC approves Oaktree's appeal as is or with mediated conditions, then the abutters

would take legal action. They would have to show that specific damage, such as erosion and light or noise impacts on their property, would result from the developers bypassing the applicable zoning laws. These damages would be in addition to the flooding that will result from the development that would have been mitigated had the local wetland bylaw been followed.

Based on similar processes in other towns, a denial of the application would most likely provoke Oaktree to escalate the decision back to the HAC which has the right and has, more often than not, granted permission to the developer to build as proposed.

On the other hand, if the town accepts the application with conditions, Oaktree can accept them or show the state that the project becomes uneconomical within those conditions. Again, the HAC would be called upon to assure a plan that is economically viable for Oaktree.

At this level of appeal, HAC, more often than not, has granted the building permit, under looser conditions to the developer.

### **Where Will the Water Go?**

Since all but 1.5 acres lie in the FEMA flood-plain, local residents and officials believe almost any new building in that site will deflect flood-water into existing homes. “Many of us in the immediate vicinity already get water in our basements during a heavy rain,” says Griffith.

In addition, the wetlands are home to a variety of birds, foxes, and even deer. Building on this site and adding the activity of 500 humans would eliminate one of the town’s few remaining natural areas.

The CSMW’s website further states that the development is inconsistent with Arlington’s 2015 Master Plan. In 2000, 2001, and 2015, Arlington Town Meeting voted to support conservation of this site.

### **Traffic and Safety Concerns**

There are other concerns as well, including schools and traffic. Freeburger and others feel the developer has projected lower numbers of expected residents than may actually occupy the space. “The last 20 people who have moved into our neighborhood are all families with kids moving out of cramped Boston spaces. We think that trend will continue,” Freeburger adds. The developer is projecting only about 30 school-age children, “but in the three homes on my shared driveway we have eight children alone.”

Griffith says “A lot families going to soccer practice and games park throughout the neighborhood and walk along and across the streets to get to the fields—adding all the cars going in and out of the development is a huge safety concern. It’s the same with kids walking to the Hardy School each morning. We can barely park on our own streets when the soccer field is in use, and the commute is already painful since the only outlet is Lake Street. At peak commute times, it can take 35 minutes to exit Route 2 and arrive at Mass Avenue. Adding several hundred residents will multiply those problems.”

A further objection by neighbors is that the town will have expenses related to infrastructure (electrical, water, sewage).

Belmont Citizens Forum will continue to follow the story.

John DiCocco is editor of the Belmont Citizens Forum *Newsletter*.

## **Chapter 40B and Safe Harbor Status**

A safe harbor status proves that a town meets the criteria for affordable housing and any developers must go through the normal process.

The 40B program has been controversial, because a developer—a public agency, nonprofit organization, or limited-dividend company—has the right to appeal an adverse local decision to the state in communities with little affordable housing (less than 10% of its year-round housing or 1.5% of its land area).

Communities that have not yet met one of these thresholds can also receive one- or two-year exemptions from state appeals by adopting a housing production plan and meeting short-term production goals.

In July, 2011, 47 cities and towns were appeal-proof: 39 because they met the 10% goal, at least three more because they met the land area standard, and another five with two-year exemptions. Communities above the 10% housing or 1.5% buildable land threshold can still accept 40B development proposals at their choice.

The state statute often referred to as “40B” was put in place as an economic incentive for developers in the late 1960s to build housing that includes at least 20% affordable units. A permit granted by the state under 40B allows the developer to bypass local zoning, such as local wetland restoration requirements or height restrictions. State regulations are less restrictive than Arlington’s local regulations but would still be required.

At the same time, the law gives towns four different ways to show that they are providing or creating sufficient affordable housing by other means. Most commonly, towns with large areas of buildable land seek this so-called Safe Harbor status based on 10% of their total housing units earmarked as affordable.

More densely populated towns, such as Arlington, with little or no ability to build



new housing can show that 1.5% of their buildable land is already dedicated to affordable housing. Arlington is one of the densest municipalities in the state.

Jennifer Griffith, a member of CSMW, says "We pay our tax dollars to developers under 40B—so we are paying to enable them to do these huge inappropriate developments. The benefits of avoiding local regulations are not enough—the state actually gives them our tax money because they are including the affordable units."

She continues: "There are two levels of affordability: units for those making 60% of median income and those making 80%. Oaktree's project is going to charge the higher 80% rents—not the truly more affordable 60%."

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"There are two levels of affordability: units for those making 60% of median income and those making 80%. . ."

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#### **Stoneham and Newton Examples**

The ability to claim safe harbor by showing that 1.5% of land area is dedicated to affordable housing has not been extensively used by towns in the 45+ year history of the 40B law.

Only recently, the ZBA of Stoneham appealed to the HAC for safe harbor from one application and in a similar timeframe, the ZBA of Newton appealed to the HAC against two 40B applicants.

Both towns claimed 1.5%, however, all three cases were denied by the HAC on grounds that the included land area was underestimated while the area for affordable housing was over-counted. Stoneham has already taken its appeal into the courts, and Newton's decision on next steps is still outstanding, according to Doug Heim, Arlington's Town Counsel.

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Towns are breaking new ground by challenging the interpretation of "buildable land."

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Towns are breaking new ground by challenging the interpretation of "buildable land." For example, developers in Newton have included public golf courses as "buildable land." Some developers even count cemeteries. Arlington claims to follow the legal definition. The developer is interpreting the law differently, but does not show their calculations. The guidelines for determining the calculations are confusing and, at times, contradictory.

#### **Thorndike Place, in Their Own Words**

*The summary below is taken from Oaktree's application to the ZBA. The full public document, with many illustrations and detailed documents, is available at [arlingtonma.gov](http://arlingtonma.gov)*

"Thorndike Place is a land conservation and housing development which, as currently proposed, will provide the Town of Arlington with 219 units of housing (25% of which will be affordable) while preserving approximately 11 acres of open conservation land in perpetuity. Owned by the Mugar family for over 50 years, the 17.7-acre site sits adjacent to Thorndike Field, near Spy Pond, and is an eight-minute walk to Alewife Station in Cambridge. The transit-oriented, energy-efficient project will be comprised of 12 ownership units housed in six duplex townhouses, and 207 one-, two-, and three-bedroom rental apartments. Three of the townhouses and 55 of the apartment units will be designated as permanently affordable (only those earning 80% or less of area median income will be eligible to purchase or rent). The four-story apartment buildings would be located behind a buffer of trees and the townhouses on Dorothy Road in East Arlington."

Election for Belmont Selectman and Others: Tuesday, April 4

## Belmont Citizens Forum's Questions to Candidates for Selectman

Compiled by John DiCocco

CARBONE FAMILY PHOTO



Guy A. Carbone

Each year we ask candidates for selectman about issues they will likely face in the next three years. This year Guy Carbone and Adam Dash are running for the seat of Sami Baghdady, who retired after three terms as selectman. They were allotted 1,000 words each to distribute as they saw fit.

***Belmont Citizens Forum: Now that development pressure is growing again, how can Belmont improve its planning process?***

**Guy Carbone:** Belmont is a neighborhood of residences. Town committees should consider the opinions of Belmont residents concerning decisions that affect their particular neighborhood, most importantly zoning. Those affected by proposed development should be given timely and sufficient information to discuss and share common issues with the Planning Board prior to final decisions being made. We must also allow for the fact that Belmont residents have changing lifestyles and demands. There must be coordination between and among boards/committees. Development's effect on the school system, traffic, public safety,

DASH FAMILY PHOTO



Adam Dash

and balancing cost/benefit ratios to Belmont, taxpayers, and tenants, are all important. I remain very concerned for the owners' real property rights versus eminent domain exercised by government.

**Adam Dash:** We need to make sure that any growth is strategic, appropriate, and desired, so I recommend engaging residents in a public conversation about our shared goals for development. We want new businesses, with the services and tax revenue they bring, but we also want to protect the character of our neighborhoods and reduce our impact on the environment. Together, we must decide what type of development we want, what we do not want, where that development should go and to what extent. The result can be a set of focused and actionable goals to guide the planning process—not a study to sit on the shelf. For example, let's discuss what kinds of uses would be appropriate for Belmont's many underutilized properties, like defunct gas stations and abandoned buildings. As an attorney specializing in zoning matters, I was involved in a similar

visioning process for the city of Somerville as a member of the mayor's Zoning Advisory Committee that successfully aligned residents and businesses behind a shared development vision for the community. This is an important step we can take to improve Belmont's planning process.



**BCF:** *What recommendations do you have for the re-use of the former Belmont Light building and the town incinerator?*

**Dash:** The former Belmont Light building will be decommissioned around 2021, after the new electrical substation comes online. Between now and then, we will explore the possibilities for the building's re-use, whether for expansion of the police station, creation of private commercial or mixed-use development, or other uses. As part of a larger town-owned tract of land, we should look at the entire site, including the police station, and the opportunities that result from being adjacent to the train station, the planned route of the community path, and the Belmont Center commercial district.

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Dash: Possible uses [for the incinerator site] include a new police station, athletic fields, or solar farm. . .

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The former incinerator site is part of a larger discussion of our aging infrastructure needs. Based on the terms of the land transfer from the state, the incinerator site is restricted to municipal uses. Possible uses currently under discussion include a new police station, athletic fields, or a solar farm (either by itself or as part of one of the other possible uses). Each possible use requires a different type of cap to contain the site's contamination, and each cap has a different cost which needs to be taken into account.

For both sites, these decisions must result from a community discussion about how they fit into the long-range plans of the town. The reuse of these sites is up to all of us.

**Carbone:** I spent my entire professional life in the design and construction of buildings and so-called linear construction, and built a very

successful law practice involving legal aspects of architecture, engineering, and construction. My vision for the incinerator site is to use this site for parks and play areas. The interest of both boys and girls in Little League and soccer necessitates access to more play space. Further, this area has adequate space for parking and managing environmental impacts. Before the site can be used, it must be remediated.

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Carbone: My vision for the incinerator site is to use this site for parks and play areas.

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Regarding the Municipal Light Building, I reserve my recommendation until the Town Meeting deliberates upon the design options for both the high school and the public library. I also defer my opinion because I've been involved in similar buildings and recognize that the town faces costly environmental concerns irrespective of whether there is renovation and/or demolition (i.e., lead and asbestos abatement). In addition to decommissioning this substation, we're looking at many millions of dollars and several years to accomplish that end.



**BCF:** *What is your position on the proposed community path through Belmont, including its route?*

**Carbone:** Public safety and security in our neighborhoods must be our first priority. Having attended presentations and being intimately familiar with the proposed courses, I appreciate the details and intricacies of locating and designing the community path. Without the benefit of the upcoming March 8 meeting\* that will address the options and challenges of the easterly proposed route, it is premature for me to state a position on the final routes. As a registered professional engineer, I find the information and presentation by K3 Landscape Architecture and Pare Corporation to be cogent and thorough. I'm concerned about drainage issues from the paved surfaces, which I have expressed at public meetings. I support

\*The deadline for candidate answers was several days prior to March 8.



community paths, especially for recreation and reducing air pollution from motor vehicles.

**Dash:** I support the community path. The path provides multiple benefits to Belmont residents—relieving traffic, reducing carbon emissions, providing recreation opportunities and promoting physical fitness. I have seen the positive impact of community paths in neighboring communities, where thousands of bicycles replace thousands of cars. These paths create economic growth by bringing new customers to business districts who would otherwise drive through without stopping. The path route must be safe and convenient, otherwise it will not be used. While the feasibility study has explored multiple routes, I believe a path adjacent to the railroad tracks is best for achieving these goals.

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**Dash:** The [community] path provides multiple benefits to Belmont residents—relieving traffic, reducing carbon emissions, providing recreation opportunities, and promoting physical fitness.

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The community path is eligible for federal/state funding that has covered 100% of the construction costs in other towns—after the feasibility study (underway) and preliminary design (potentially a CPA project).



**BCF:** *Belmont is under orders to stop polluting local streams with sewage. What will you do as selectman to comply?*

**Dash:** Remedying Belmont's stormwater pollution is not just desired, it is mandated, and failure to do so puts the town at risk of legal action. In my role on the Warrant Committee, and with my background as an attorney handling development projects, I worked with our community development department to strengthen the language of the town's stormwater bylaw before it went to Town Meeting. We must crack down on illegal hookups to the

sewer system, continue the ongoing sewer line replacement project, and ensure that any development in town handles its own runoff.

**Carbone:** The issue of polluting local streams with sewage fundamentally involves combined sewer overflows (CSO). Belmont has nobly identified and separated storm drainage from sewers. If there remain CSOs in Belmont, I will cooperate with the Public Works Department and the town engineer to remediate those overflows. Stormwater pollution issues also occur as a result of runoff from fertilized lawns, gardens, landscape, illegal sewer connections, etc., any one of which or any combination of which can cause backup and leak into stormwater systems, causing downstream contamination. In conjunction with the Planning and Zoning Boards and other boards and committees, I will extend my best efforts to limit contamination and educate residents about downstream impacts to our own neighborhoods as well as surrounding communities.



## SEEKING CONTRIBUTORS

Would you like to write articles?

Shoot photos?

Illustrate objects or ideas?

**BCF Newsletter** is seeking  
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**We can't offer payment  
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gratitude for your artistic  
support of the BCF mission.**

**Contact:**

**[info@belmontcitizensforum.org](mailto:info@belmontcitizensforum.org)**

**BCF:** *The Historic District Commission plans to ask Town Meeting to revise the demolition delay bylaw and make it permanent. Do you favor that?*

**Carbone:** The present demolition bylaw will expire on June 30, 2017. Because I am a champion of property rights, nevertheless with sincere respect for the reasons we should preserve historic buildings, I do not foresee any reason why the temporary moratorium should not be extended for an additional three-year term. The present bylaw has been in operation since 2013; we need to assess its efficacy. Any and all known shortcomings should be presented to the 2017 annual Town Meeting. Nevertheless, I do not favor implementing a permanent demolition bylaw without further findings.

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Carbone: I do not favor implementing a permanent demolition bylaw without further findings.

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**Dash:** I support making the demolition bylaw permanent. In my role on the Warrant Committee, I worked with the Historic District Commission to revise the original proposed demolition delay bylaw to cover buildings of historical significance, rather than all buildings of a certain age. By working collaboratively, we were able to write language that represented a broad consensus and was supported by Town Meeting. The bylaw is working well and should remain in place so we can balance our need for responsible development while preserving our history and town character.



**BCF:** *Will you propose any innovative ways to add to Belmont's status as a Green Community?*

**Dash:** I am proud of the commitment our community made to reduce greenhouse gas emissions through the 2008 ballot question that was approved by 70% of Belmont voters, and I am grateful for the work done by committed Belmont residents and town departments and officials to achieve our designation as a Green Community. There are many grant opportunities available to Green Communities—but we need to be more proactive in applying for

grants and more aggressive about using grant funds. For example, in the short term, we can get quick payback through a Department of Energy grant we just received to retrofit our streetlights with LEDs. We should explore the use of idle-reduction technology for town utility vehicles, which could provide quick payback at low cost.

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Dash: We should find ways to incorporate solar panels in development projects and increase the rate of recycling.

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We should find ways to incorporate solar panels in development projects and increase the rate of recycling. And let's not forget, Belmont has many experts living in town whose innovative ideas and skills we can tap. As a selectman, I want to provide strong leadership to leverage our Green Community designation and apply for grants uniquely available to Green Communities for programs that will benefit residents and help us achieve our climate action goals.

**Carbone:** Recognizing that an eco-friendly community is only as strong as its residents and that neighborhoods are adopting more efficient ways of living, I believe in preserving our undeveloped land and increasing recreational space for all generations. I will help to set policies that encourage more homeowners to adopt so-called "green technology" such as solar energy and electric cars. Presently, the net-metering provisions in effect in Belmont do not offset the investment into solar panels as compared to rates adopted by other Massachusetts communities.

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Carbone: I believe in preserving our undeveloped land and increasing recreational space for all generations.

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To encourage adoption of solar energy, we must make the conversion, to whatever extent, from fossil fuel to solar energy as financially rewarding as programs in other communities. I advocate the adoption of solar energy



either as a supplement or a total conversion, depending upon the individual property owner. I will encourage and work with the Office of Community Development, Belmont businesses, and population centers (Cushing Village) to encourage all parking garages and parking lots in Belmont be made to include facilities for charging batteries in electric cars (more so than what is presently planned in Belmont Center today). As Belmont enters a period of construction on several other capital projects, plans must include Leadership in Energy and Environmental Design (LEED) [standards]. Finally, I will work to remediate air pollution caused by motor vehicles during commuter hours, especially in Belmont Center.

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**Carbone:** As Belmont enters a period of construction on several other capital projects, plans must include LEED standards.

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**BCF:** *How should Belmont prepare for the risk of flooding at the new housing in the Uplands (now the Royal)?*

**Carbone:** Improper management of stormwater and drainage are two of my concerns. I have reviewed the design of the subsurface stormwater storage and disposal system in the Royal Complex in the Uplands. The system in the main is comprised of large, subsurface interconnected cisterns which store and when surcharged dispose of excess water into the surrounding wetlands. In my professional opinion, that design appears to be more than adequate for its intended purpose, except for extreme conditions where flooding may reach the adjacent pond during storms exceeding the so-called 100-year storm. Nevertheless, I do believe that the design by the engineers to control stormwater, if faithfully followed in construction, will provide for the concerns of the surrounding residences and buildings.

**Dash:** The Uplands project is required to implement measures to avoid worsening

flooding in the surrounding area. We have to hold the Uplands developers responsible if their flood control measures do not work.

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**Dash:** We have to hold the Uplands developers responsible if their flood control measures do not work.

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The town must be vigilant and monitor the situation to ensure they comply. We can encourage nearby residents to report flooding changes, and if increased flooding is detected, it must be mitigated right away.



### **Belmont Historical Society Call for Nominations 2017 David R. Johnson Preservation Award**

*Submission deadline: April 15*

The Belmont Historical Society invites you to nominate projects that have furthered preservation efforts in Belmont for the David R. Johnson Preservation Award. Awards for projects will be presented at the Belmont Historical Society's Annual Meeting, May 17.

Properties throughout the town, not just in the historic districts, are eligible. The categories for nomination:

- Private residences
- Commercial properties
- Publicly owned properties
- Properties owned by nonprofit institutions
- Landscape projects
- Preservation of Open Space & Land

Conservation

• Nominations for individuals, companies, or institutions that have made significant contributions to historic preservation in Belmont will also be considered.

We encourage you to look around your neighborhood and our town for projects worthy of such recognition. Nomination forms are available online at [www.belmonthistorical-society.org](http://www.belmonthistorical-society.org) or by calling (617) 993-2878. Please submit your nominations by April 15, to:

Belmont Historical Society  
P.O. Box 125  
Belmont, MA 02478

Hoping The Cleanup Is Clean

# Cushing Village Makeover Begins

by Virginia Jordan and John DiCocco

"The CVS has come down."

Or for Belmont residents of a certain age, "Highland Farms," or even "the A&P" has come down. Each of these businesses once occupied the building at 527 Common Street (at the corner of Belmont Street). But that 6,200 square foot space in Cushing Square has been left vacant for years.

Acton resident and developer Chris Starr, operating as Smith Legacy Partners LLC, owned that parcel, and with it and other parcels he acquired, created the initial proposal for the Cushing Village development in 2012. Eventually he decided against pursuing the project and in September 2016, sold the properties to Toll Brothers Apartment Living, operating as Belmont Residential, LLC. Starr has retained rights to manage the commercial space once it opens.

On February 1, 2017, Toll Brothers began tearing down the existing buildings to make way for new construction, which will consist of three residential buildings and a parking garage. The first floor of each building will include retail or office space.

Demolition of the above-ground structures at the Cushing Village site is almost complete as of this writing, except for the Starbucks building which will come down later. Removal of foundations, however, will disturb contaminated soil on the site, and therefore is

scheduled for mid-to-late March, after the state Department of Environmental Protection (DEP) approves a technical abatement plan.

## Concerns About Contamination

There are considerable neighborhood concerns about environmental remediation and potential air and groundwater contamination from the site, which has been polluted by various businesses, such as a dry cleaner, over the years.

It is not clear when the site will be deemed fully clean, or at least safe to build upon. Each phase of demolition, excavation, and construction requires approval from DEP.

On February 27, the town and the Cushing Square Neighborhood Association (CSNA) met with Sage Environmental, Inc., the firm monitoring the air, soil, and water quality at the site on behalf of Toll Brothers. Sage, represented by Molly Cote and licensed site professional (LSP) Jacob Butterworth, shared the head table with representatives from Toll Brothers and Glenn Clancy, Belmont's community development director. In January, Sage released the draft Release Abatement Measure (RAM) Plan, a complex document running more than 700 pages, for public and town responses.

## The More Eyes, The Better

CSNA's primary focus is ensuring that contamination and exposure for nearby properties and the people who live or work in them has been adequately measured and described. It will also



JOHN DICOCO

By early March, the demolition of the above ground structures was complete. This was shot from Belmont Street, looking down the hill toward Cushing Square. Starbucks, in the middle left of the photo, will come down later.



report on progress and problems to affected residents.

Not one but two professionals have reviewed the plan at this stage. To further protect the interests of residents, the town hired an independent LSP, John Thompson of Waypoint Environmental LLP, to provide a detailed analysis of Sage's findings. Doug Koplow, one of the leaders of the CSNA, noted, "John flagged an array of significant issues regarding testing methods, data, delineation of the boundaries of the contaminated area, protection of residents during removal of contaminated soil, etc. The town is well served by having this level of oversight at this stage in the process." Clancy says the town has funds to continue to engage Thompson if needed.

Additionally, Jim Decoulos, a Belmont resident and an LSP himself, examined the proposed remedial process. Koplow says, "On his own time, he carefully reviewed the draft RAM plan and submitted comments to Sage Environmental. Among the most important of his findings was that the indoor air testing done to see if migrating plumes of volatile chemicals were entering stores along Trapelo Road was insufficient to determine hazard levels. Testing needs to be done during winter months as well; he recommended immediate retesting. He also noticed the problems with delineating the boundaries of the contamination, and with the process of soil remediation."

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Particularly important to local residents was the potential dust inhalation risk, given the pollutants still in the ground.

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### **Sage Meets with Public**

Both Thompson and Decoulos attended the February 27 meeting, along with about two dozen residents. At the meeting, Cote and Butterworth discussed how Sage will address items of concern during the comment period, before issuing the final RAM. The conversations were informal, informative, and friendly. Particularly important to local residents was



A partial view of the site from Common Street. The side of the Starbucks building, formerly Friendly's, is at right.

JOHN DICOCCO

the potential dust inhalation risk, given the pollutants still in the ground.

Koplow wrote in a summary letter to CSNA the following morning, "As we have been informed by people who saw the buildings come down that dust control during the demolition of the above-ground structures was not particularly robust, the importance of getting these things right now is all the more important. Sage Environmental will respond to key issues in writing during the comment period. We expect in some places this will result in changes to their plans that are more protective of residents."

### **Building Gone, Hazard Remains**

A major concern at the site is the pollution left behind by Tops Cleaners at 495 Common Street, which years ago was declared a hazardous waste site and torn down.

The DEP database on the Tops Cleaners site (Release Tracking Number 3-0023300) dates back to September 14, 2006, and has a troubling 55 occasions of filings (many of them multiple documents). The filings include a finding that "soil and groundwater within the former Tops Cleaners parcel . . . was impacted by spills of dry cleaning-related solvents and is impacted with trichloroethylene (TCE) and tetrachloroethylene (PCE)." The building was demolished, and the soil pile of hazardous waste was treated in 2010, but it still requires more remediation.

Sage has indicated that a liquid neutralizing agent will be poured in, and the entire process will take at least six weeks. If the DEP declares



Artist rendering of the Cushing Village's Hyland Building, to be situated on Common Street.

the neutralization successful, Toll can ship and dispose of it less expensively as nonhazardous waste.

Throughout the demolition and construction, Sage is operating air monitors, and states they will alert the town health department of any rise in unacceptable air quality. Citizens at the meeting continued to express concern about the placement and accuracy of these monitors. Toll Brothers is also keeping a water truck on site for dust abatement.

### More Trouble Across the Street

Recent site assessments found elevated contamination samples in some places on the north side of Trapelo Road. This may be migration from the plume on the Cushing Village site or possibly from other businesses that used to operate on Trapelo Road. According to town photos there were two cleaners on the north side of Trapelo for periods between 1949 and 2007.

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"The data on where the perimeter of the Cushing Village site contamination ends remains murky."

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"The data on where the perimeter of the Cushing Village site contamination ends remains murky," Koplow wrote in an email to the CSNA group, "and is one of the main critiques we have of the draft RAM plan. There has been very little offsite testing for contamination, even though at least parts of this site have been on DEP's lists since 2001 or 2002."

### Once, It Was Clean

At the turn of the 20th century, the building on the corner of Trapelo Road and Common Street was an SS Pierce building. The February 23, 2017, *Belmont Citizen-Herald*, reporting on the history of SS Pierce, noted that the previous Country Store on that site (the Cushing Village site) was called the Spring House, because it sold water from a nearby spring. Thus, as late as 1905, water in that area was apparently clean enough to drink. No one is drinking from that water source today.

Belmont Citizens Forum will provide updates as this project moves forward.

Virginia Jordan and John DiCocco are editors of the Belmont Citizens Forum.

Late April or Early May

### Lone Tree Hill Annual Spring Cleanup Day—Come Join Us

Lone Tree Hill is a parcel of Belmont's conservation land that spans close to 100 acres. It's bounded by Concord Avenue, Pleasant Street, and Mill Street. This land is open to all and is stewarded through a public/private partnership by the town, the Land Management Committee, and the Judith K. Record Memorial Conservation Fund. The Belmont Citizens Forum holds an annual cleanup and trail maintenance day on Lone Tree Hill.

The late April/early May date will be announced on [belmontcitizensforum.org](http://belmontcitizensforum.org).



Every Month for 16+ Years

# MyRWA Measures Belmont's Water Quality

by Anne-Marie Lambert

Almost every month for more than 16 years, Mystic River Watershed Association (MyRWA) volunteers have been monitoring water quality at the location where the Winn's Brook culvert flows into Little Pond.

In the early morning of August 17, 2016, I walked to the end of a public path off Brighton Street, near the intersection with Hoitt Road. I watched as Roger Wrubel and Doug Matson took out their MyRWA sampling gear and carefully scooped water samples into test tubes. They were measuring dissolved oxygen, turbidity (a measure of suspended particles), nutrients (phosphorous and nitrogen), and coliform bacteria. While they waited for chemical reactions to trigger precipitates for the dissolved oxygen test, Wrubel and Matson recorded environmental conditions such as the lake water level (very low), the water and air temperature (both 26°C, 78°F), the flow rate from the culvert (zero), and the last 24 hours of precipitation (none).

Rain can affect sample results in two ways: it washes street pollution into the conduit, and it creates flow so that bacteria can enter the conduit from leaky sewer pipes. Even on dry days, though, the monthly sample can sometimes show high levels of coliform bacteria, as if there had been a recent contribution from the sewer system into the storm drain system. The samples are sent to a lab for analysis, which takes about a month to complete and is funded by grants and charitable contributions.

MyRWA staff post the data on [mysticriver.org](http://mysticriver.org) and make it available on request for further analysis to towns and researchers.

It is very unusual to have such a long term data



Roger Wrubel, left, and Doug Matson.

set available using a consistent and systematic technique for one site. Despite significant infrastructure investments by the town, the results have been discouraging for most of the last 16 years, especially for the bacteria indicating sewer leaks. The detective work to find all the contributing sources is time-consuming and expensive. The town pays contractors to take separate water

quality samples, and the EPA takes its own samples as well. I was impressed with the diligence of MyRWA's work at this site, named "WIB001."

I hope that our town makes use of all data to diagnose pollution sources and determine what sewer and stormwater repairs are needed to improve water quality downstream in Little Pond, Little River, Alewife Brook, and, eventually, the Mystic River and Boston Harbor.

Anne-Marie Lambert is a Belmont resident and board member of Belmont Citizens Forum.



Doug Matson fills a sample jar from the center of Winn's Brook.



## The Impact of Drought on the Mystic Watershed

# Boston's Driest Summer and Hottest Year

by Andy Hrycyna

People living in the Mystic River watershed have been relatively unaffected by the recent historic drought. Cities and towns have not demanded use restrictions, like bans on watering lawns, for instance.

But don't let that fool you. The absence of mandates to conserve is an accident of where our towns' water supply happens to originate. It does not mean that our area is immune to the drought.

First, some background.

### **An Historic Drought**

*2016 was the driest summer ever recorded in Boston*, with 3.92 inches of rain in June, July, and August. The long-term average for that period is more than 10.5 inches.

The state declared a "drought warning" in the eastern two-thirds of the state. Only a "drought emergency"—which needs the governor's declaration—results in stricter responses. Most municipalities in the drought area were urged to

ban all outdoor water use, although local policies varied widely. A drought "warning" or drought "watch" remains in effect in March 2017, despite some relief from fall and winter precipitation.

The cities and towns of the Mystic River watershed happen to get their water not locally, but mainly from the Quabbin and Wachusett Reservoirs in central Massachusetts through the system run by the Massachusetts Water Resources Authority (MWRA).

In 2016, the Quabbin reached levels considered "below normal" for the first time in 15 years, although its huge size means there is plenty of supply. The reservoir lost 10 billion gallons in August alone. But even if rain were to stop completely, the reservoir could still supply water for several years.

Thus no restrictions on water use have been imposed on MWRA-serviced municipalities throughout this period. What happens in 2017 depends upon the level of precipitation we get this winter, spring, and early summer.



PIXABAY STOCK

When a streambed gets this low, it opens the door to all kinds of negative impacts.



## **Effects of Drought in the Watershed**

But that's not the whole story. The pipes carrying water from the center of the state to our faucets do not replenish our local ground and surface water. Those water resources have certainly been affected, with broad consequences.

### **Low Flow**

The Mystic River and its major tributaries all experienced low flow conditions last summer. Some small streams, like Horn Pond Brook, which usually run freely, had dry stream beds.

When you see a river in dry weather, you are seeing the intersection of the water table with the surface. In dry weather, a river is being fed by underground water, and when it doesn't rain, these flows can be reduced. In areas where people withdraw ground water on a large scale through wells, the level of rivers can be severely compromised in droughts. Sections of the nearby Ipswich River were dry in the summer, resulting in the deaths of thousands of fish, among other effects.

When flow is reduced, several other things change. Water temperature goes up and nutrients can become concentrated (or depleted depending on the circumstances). With low water levels, more light reaches areas that are normally dimly lit. Some plants love these conditions, including invasive plants, and we think the drought conditions contributed to the heavy growth of invasive milfoil in the Mystic.

### **Cyanobacteria**

Nutrients, low flow, high temperatures, and sun are also a perfect recipe for blooms of cyanobacteria—blue-green algae that can produce toxins that endanger public health. The Mystic River Watershed Association (MyRWA) detected cyanobacteria last summer in the Mystic basin, and reported it to the Department of Public Health (DPH). Based on further testing, DPH issued health advisories in August—now lifted—urging people to avoid contact with the green water of the Mystic for more than two weeks. Experts tell us that the drought almost certainly contributed to this bloom.

### **Wildlife and Ecosystems**

The drought also affects the ecosystems that surround our rivers, streams, and lakes. Insect

populations can crash, with widespread effects. The reproductive success of land birds, which relies on insects, can be reduced. Some insect populations can increase: gypsy moths had a banner year, devastating trees, because the fungus that usually controls their population was inhibited. Warm water and low oxygen levels can stress fish. Fish passage can be blocked. Plants produce less nectar, and butterflies die. Avian botulism, which thrives in drought, kills ducks.

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. . . 2016 was the hottest year yet on record (surpassing 2014 and 2015, the previous hottest years . . .

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### **The Climate Context**

The fact that 2016 was the hottest year yet on record (surpassing 2014 and 2015, the previous hottest years) is probably not unrelated to this year's drought. Whether the reality of climate change means a dramatically higher frequency of droughts in the Mystic watershed in the future is not clear.

We can only hope for more rain in 2017.

Andy Hrycyna is a watershed scientist with the Mystic River Watershed Association.

## **Thank You To This Issue's Valued Contributors**

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## DCR Pays for Paving

### Update: The MCRT Rail Trail

According to Larry Kiernan of the Friends of the MCRT (Mass Central Rail Trail), the state Department of Conservation and Recreation (DCR) plans to pave the rail trail for the entire length of the Eversource access road, from the Wayland Library to the bridge at the far end of Weston, with a plan for completion in 2017.

Including the town center piece (completed already in stone dust) there will be almost five miles of a bike and pedestrian-friendly path between Wayland and Weston. DCR, Eversource, and the towns are still discussing amenities, additional landscaping, and more, and are jointly applying for permits with the Conservation Commission.

Paving at a later date would require new engineering, new permit, two construction

efforts, and the removal of the top of the stone dust. With the new funds and paving immediately on top of the access road base, there will be significant savings and less risk to the wetlands.

Some of the benefits to DCR paving the trail:

- Lower cost to Wayland on both construction and maintenance.
- Trail easily accessed by more people.
- The trail in Weston will be paved, otherwise, their section would be a rough access road.
- Pavement provides a better capping of residual contaminants.
- No negative impact to equestrians, as the plan was for them to use the shoulder and parallel path.
- This builds momentum for the remaining towns (Sudbury, Waltham, Hudson, Berlin) to move forward.

**Thank you for your continued support.**  
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☐ Event organizing

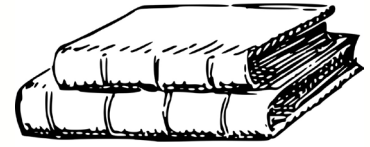


## Poetry Walk at Rock Meadow

**Saturday April 29 2-3:30 PM**

Anne-Marie Lambert will be joined by Kevin Gallagher, local poet and author of the recently published book *Loom*, about the Massachusetts textile industry and its relation to the surge in demand for slave labor in the South in the 19th century.

"Through poetry," says Lambert, "we will explore the landscape and history of this part of Belmont and Waltham." Meet at the small Rock Meadow parking lot on Mill Street. Bike racks are available and there is more parking across the street.



## Environmental Events

### Woolapalooza at Drumlin Farm

**Saturday, March 25, 10 AM-4 PM**

Celebrate the coming of spring at our annual festival. Highlights include: new spring babies, sheep shearing demonstration, a "Sheep-to-Sweater Interpretive Trail," hands-on activities for all ages, lunch made fresh from Drumlin Farm vegetables and meat (for purchase), local fiber artisans who will offer demonstrations and sell their handmade products. Mass Audubon members: \$14/person, nonmembers: \$16, children under age 2: Free. *Drumlin Farm Wildlife Sanctuary, Lincoln, MA*

### Boston Area Sustainability Group

**Tuesdays, April 4, and May 2, 5-7:30 PM**

The Boston Area Sustainability Group's mission is to break down the silos of knowledge within sustainability, to assist the perpetual education of ourselves and our peers, and to grow a robust community of subject matter experts equipped to collectively drive sustainability forward.

*Cambridge Innovation Center, Venture Cafe, One Broadway, Cambridge*

### Sustainable Belmont Meetings

**Weds, April 5, May 3, June 7, 7-8:30 PM**

Sustainable Belmont's regular monthly meeting. *Assembly Room, Belmont Public Library, Concord Avenue, Belmont*

### Belmont's Big Recycling Day

**Saturday, May 13**

The semiannual Big Recycling Day includes paper shredding, electronics, rigid plastics, eyeglasses, books, CDs, DVDs, propane tanks, and bicycles (no cardboard or styrofoam). Details will follow as the date approaches: [belmont-ma.gov/recycling-trash-information](http://belmont-ma.gov/recycling-trash-information). *Town Yard, C Street, Belmont*

### Fresh Pond Day

**Saturday, May 20, 5-7 PM**

This is the Cambridge Water Department's annual tribute to this unique natural resource, invaluable sanctuary for wildlife, and beloved recreational escape. Live wildlife presentations, a wildlife and bike parade, live music, facepainting, truck climb-boards, tours, and more. Free and open to all. For more information, contact Martine at (617) 349-6489, [mwong@cambridgema.gov](mailto:mwong@cambridgema.gov). *The Water Purification Facility at Fresh Pond Reservation, 250 Fresh Pond Parkway, Cambridge.*

### Lone Tree Hill Volunteer Day

**Late April/Early May**

Please join the Belmont Citizens Forum in this annual cleanup and trail maintenance day. Students and families welcome. Watch for the late April or early May date on [belmontcitizensforum.org](http://belmontcitizensforum.org)

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March/April 2017	
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