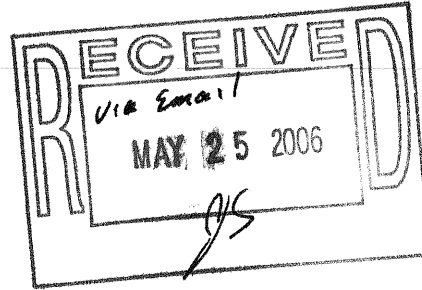


*Uplands Advisory Committee
Town of Belmont*

May 22, 2006



Jay Szklut
Planning and Economic Development Manager
Home Municipal Building
Belmont, MA 02478-0900

Dear Jay,

In our Uplands Advisory Committee meeting on Thursday, 11 May, a general issue came up regarding the necessity to investigate assumptions and agreed-upon facts to track their effects on critical issues affecting the town and the town. In this case, it's the relationship between traffic data and public safety. In that context, we wish to advise on the following traffic matters which we feel were incompletely addressed at the last ZBA meeting. We request that you bring this letter to the attention of the ZBA, the applicant, and the consultants for further discussion at the next ZBA meeting on May 31.

The applicant's traffic consultant (Vanasse) presented his data on anticipated traffic at the project site and environs, and in response to questions, indicated that his data incorporated data on traffic expected to be generated by the adjoining Bullfinch project in 2010. The Town's traffic consultant then indicated that he agreed with the data.

In the discussion which followed, the applicant's attorney asserted that a major section of Acorn Park Drive, running from Frontage Road by the proposed access/egress roads for the applicant's project down to an area near the Bulfinch site was owned by the applicant. In other words, the attorney asserted that that portion of Acorn Park Drive was privately owned by O'Neill. This claim should be examined thoroughly by the Town. If valid, it has several implications for the Town:

1. O'Neill would be entitled to grant easements to other developers in the area, such as Martignetti, to enable them to use AC Drive and run driveways from AC Drive to their properties. Additional easements would generate additional traffic and safety issues on Acorn Park Drive which were not discussed by Vanasse and the Town's consultant. Thus, the Town needs traffic estimates from Vanasse and the Town consultant which, as applicable, include the likelihood of such easements.
2. The Town plows and sands private roads in the winter to assure their use by fire trucks and other emergency vehicles. It also has responsibilities to clean up oil and chemical spills on all roads in the Town, both private and public. And the Town pays for liability insurance coverage which includes road-related liabilities. Therefore, the Town needs to estimate the costs involved in these activities and assure that the applicant bears a fair share of the costs. (The applicant could then pass some of his costs on to the adjoining property owners who use his part of AC Drive, so he can reduce his cost burden).

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3. Alternatively, the Town may want to prevent or restrict such easements. If so, it should consult the Town attorney on how to proceed.

Another issue relating to traffic was raised and needs to be fully addressed.

Once there is agreement on the traffic data, the issue becomes "what does it mean" in terms of safety and congestion. For example, should there be 2 or 3 access/egress roads and how far apart should they be to ensure safety during peak traffic times? In addition, should there be reconfiguration of traffic signal lights, signage and traffic patterns in the area to mitigate congestion? The higher volume of cars through this area from all new and potentially new sources on town roads and intersections needs to be thoroughly examined.

Agreement on the baseline data alone does not answer these questions, and the questions are too important and too long lasting to be left to the summary agreement of consultants. The Town needs to be fully informed about any federal, state and local standards regarding these safety and congestion issues, and then determine if they are acceptable to the Town. Determining what level of safety and congestion is acceptable to the Town is ultimately a matter for Town discretion. This means that the ZBA and Town Planner should proactively seek public opinion on these issues and then make reasonable determinations. To do this, there should be notice to the public and an opportunity for the public to be heard so that the ZBA and Planner can be fully informed for their subsequent decision-making. The key in this is in tracing the implications through so that the town may anticipate more presciently the direct and indirect consequences on safety, traffic and their ultimate costs.

We hope you and the ZBA will act on these cautions and recommendations, and are available to meet to discuss them further as you see fit.

Yours truly,

Martin Duffy, Chair
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