

## LAND MANAGEMENT COMMITTEE MEETING

**April 28, 2003 Minutes**

@ Room 110, Belmont High School

### Members Present:

Ellen O'Brien	Cushman Chairman, Cemetery Commission Representative
Stephen Kidder	McLean Hospital Appointee
Frank Keefe	McLean Hospital Appointee
Lauren Meier	Belmont Citizen Appointee
Andy Healy	McLean Hospital Appointee
Richard Pichette	Historic District Appointee
Mike Flamang	Conservation Commission Appointee

Also Present: Tim Higgins

Office of Community Development

### Member Absent:

Michele Gougeon

McLean Hospital Appointee

**6:35 p.m.** Ellen O'Brien Cushman opened the meeting.

Ellen described the position of Mr. Joel Lerner Director of Conservation Services within the Executive Office of Environmental Affairs (EOEA) concerning the cemetery Conservation Restriction (CR B2). Mr. Lerner opposes the existing language that provides for a release of the CR by a majority vote of Town Meeting. He wants language added that provides this authority to the Secretary of EOEA as well as the Town. Steve Kidder noted that he met with Mr. Lerner along with Wes Ward and T. Higgins. He followed Mr. Lerner's request and worked with council from EOEA on revising the language concerning the release of the CR. Mr. Lerner, notwithstanding this effort, rejected the resulting language. Steve Kidder spoke with him again today and he will not change his position.

Ellen O'Brien Cushman said the intent of this meeting is formulating an opinion to forward to the Board of Selectmen on this issue. She first spoke on the need to comment on the position of Mr. Joel Lerner. Tim Higgins read Mr. Joel Lerner's correspondence concerning his proposed changes into the record.

Ellen O'Brien Cushman noted that the cemetery commissioners voted unanimously to keep the original language and not to provide EOEA with the authority to release the CR. The option of having no Conservation Restriction on the cemetery property was not considered viable. The concept of having the Secretary of EOEA have the authority to sign off on the release of the CR was discussed. The creation of a private Conservation Restriction, to be held by McLean and/or TTOR was considered acceptable. The Cemetery Commissioners believe that the EOEA poses a significant risk to the eventual use of the land of a cemetery.

Steve Kidder noted that McLean has not taken a formal position on this issue. The two Conservation Restrictions can stand-alone and one is not dependent on the other.

Wes Ward noted that this is not the first time that Joel Lerner might be over-ruled by the Secretary of EOEa should the Town request that the CR's be signed as currently written. He recommends that municipal officials meet with her and discuss this.

Walter McLaughlin spoke and provided a history of the Conservation Restrictions and the difficulty with a private CR. He noted McLean would have to be the holder with TTOR as a co-holder. Wes Ward stated that TTOR has experience with private CR's. TTOR would be willing to be a holder or a co-holder of a private CR on the cemetery property.

Mike Flamang suggested the Land Management Committee recommend that the Selectmen go to EOEa and request they accept it regardless of Mr. Joel Lerner's position. A so-called "Plan B" would be the creation of a private restriction as noted above. The concept is good (same protection, but maybe different drafting) but will require further work and general discussion. Town Meeting action will also be necessary for a private CR to put in place.

The timing of the CR being in place was discussed. It must be in place prior to the land being conveyed. The Land Management Committee then voted unanimously 7:0, (one member absent) to support the proposal by Mike Flamang.

Andy Healy then provided brief update of the water line installation. All went well Friday evening and the installation is going smoothly. Tim Higgins and Glenn Clancy will continue to perform site inspections.

**7:15 p.m.** meeting adjourned.