

Conservation Restriction Program Doyle Community Park and Center 464 Abbott Avenue Leominster, MA 01453

tel 978.840.4446 fax 978.537.5835 web <u>www.thetrustees.org/ontheland</u> blog <u>walkontheland.blogspot.com</u>

September 6, 2013

McLean Land Management Committee Attn: Ellen Cushman O'Brien c/o Belmont Board of Selectmen 455 Concord Ave Belmont, MA 02478

Re: McLean Conservation Restrictions - unauthorized trail building & maintenance; invasives

Dear Ms. O'Brien:

Andrew Bentley and I visited the McLean Hospital, Open Space, and Cemetery properties owned by McLean Hospital and the Town of Belmont under conservation restrictions (CR) with The Trustees of Reservations (TTOR) on May 28, 2013, to conduct our annual monitoring visit. Enclosed, please find a copy of our annual monitoring reports, map, and photographs, documenting our visit.

We wish to address two primary observations we made on the properties: first, the observation of spreading black swallowwort on the cemetery parcel, and in several locations in the great meadow on the town-owned land; and, second, the observation of a trail that appeared newly cut for use by mountain bikers, also on the town-owned parcel, near the eastern woods. This second observation in particular is of concern because it appears to be in non-compliance with the CR terms.

The spread of black swallowwort in the meadow is a substantial ecological concern. This invasive plant outcompetes native vegetation, and is proven to be harmful to monarch butterflies, which lay their eggs on the plant, mistaking it for native milkweeds, a plant to which swallowwort is related. The eggs then become unviable due to poisoning by the swallowwort. It is one of the most damaging invasive plants we encounter in our CR monitoring duties, and we have seen it rendering hay fields unproductive and growing over native wildflowers and vegetation on properties we monitor.. We understand that management of invasives has been a priority of the Land Management Committee (LMC) in the past, and our files show that Chris Polatin, of Polatin Ecological Services, created a management proposal in 2007 which included use of herbicide and mowing to mitigate invasives on the property. However, it is unclear to us whether such treatment has continued since then for black swallowwort, particularly since 2010. If it has not, we wished to make you aware of our observation and to voice our support for continued control of this plant specifically, and invasive plants in general.

Our more pressing observation is the apparent construction of a new trail, presumably by mountain bikers, on the town-owned area of the Eastern Woods. This trail's approximate location is circled on the enclosed monitoring map. It has further come to our attention that unauthorized trail maintenance, likely carried out by mountain bikers, may be occurring in the Eastern Woods, as well as unauthorized use of mountain bikes on trails designated for hiking and walking only. The CR document B-I addresses trail maintenance, construction, and use by non-motorized bikers in Paragraph B, addressing 'Exceptions to Otherwise Prohibited Acts & Uses,' (i.e. Reserved Rights), in subsections B(2) & B(3),:

- B(2) "The maintenance, construction, relocation and closure of trails (including maintaining the fire roads to Belmont Fire Department standards) as determined by the Land Management Committee and approved by Grantor and Grantee. Such trails shall be illustrated on a plan reviewed, approved and posted from time to time by the Land Management Committee.
- B(3) "Non-motorized biking, provided that such use is approved by the Land Management Committee, the Grantee and the Grantor and is conducted on trail(s) designated for such use and under such conditions as are set by the Land Management Committee and approved by the Grantee and Grantor."

The construction of this new trail was not determined by the Land Management Committee, nor approved by the grantor (i.e. fee owner) and grantee (The Trustees of Reservations) of the CR, and so indicates non-compliance with section B(2) of the CR. The trail maintenance by mountain biker users would also be in non-compliance with section B(2). Continuing unauthorized use of Trail C (a hiking only trail) by mountain bikers also appears to be occurring, which would indicate a use in non-compliance with CR section B(3). It would be good to document the approval by The Trustees of the trail plan which has been formally adopted by the LMC with support by Wesley Ward, TTOR's Vice President for Land Conservation, when he was a member of the LMC. While the CR document is unclear about the need to document such approvals in writing, we believe that it should be documented in that way. To that end, if you will forward a copy of the approved trail plan, we will be glad to approve it in writing as part of our CR documentation file.

In addition to non-compliance with parts of Paragraph B, these uses constitute Prohibited Acts and Uses as defined in Paragraph A, specifically subsections A(4), A(6), and possibly A(10):

- A(4) "Cutting, removing, or otherwise destroying trees, grasses, or other vegetation;"
- A(6) "Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation;"
- A(10) "Any other use of the Premises or activity which would materially impair significant conservation interests unless necessary for the protection of the conservation values that are the subject of this Conservation Restriction."

We understand that such non-compliant uses are difficult to prevent when illegally carried out by third parties. However, these activities have potential to cause unsafe conditions for

members of the public engaged in passive recreation on the property, and to cause substantial damage to the property's conservation values through continued trail and slope erosion, and vegetation cutting and removal, in areas of sensitive habitat and ecological value. Given this, we request that LMC discuss and prioritize measures to prevent further unauthorized trail construction and maintenance, to repair the damage that has been caused already, as well as to prevent mountain bike use on trails not designated for such uses. We understand that the TTOR representative on the LMC is now our Northeast and Greater Boston Regional Director, Steve Sloan, a resident of Belmont. We understand that Mr. Sloan will continue to attend Land Management Committee meetings to the extent he can or to provide a substitute whenever possible. He will represent TTOR in requesting that the LMC address these concerns in a timely and effective manner.

We would appreciate the chance to discuss your plan to address these incompatible uses in order to abide by the terms of the conservation restrictions. Please do not hesitate to contact me by telephone at (978) 840-4446 x1917, or by email, <a href="mailto:snaser@ttor.org">snaser@ttor.org</a> with any questions or concerns about these observations, this letter, or anything pertaining to the conservation restrictions that protect the McLean land. Thank you for your attention to these matters and for your partnership in the careful management of the McLean Hospital land, a truly special place for the public to enjoy the natural world in Belmont.

Sincerely,

Sally Naser

Conservation Restriction Program Manager



### Conservation Restriction (CR) FY 2014 Monitoring Inspection Form

	CR Program Use Only
ssue identified;	
Follow up:	

REVIEWED CR BEFORE VISIT	low up:		
CR Number: 233 Inspection Date: May 28, 2013 Arrival Time:	2:10 PM	Departure Time:	2:30 PM
Landowner Name(s): McLean Hospital Corp. CR Address: C	Concord Ave, Be	elmont MA	
Contacted CR Landowner and/or CR Rep. before visit Who was contacted?	Ву	whom?	
Method(s) of Contact: Letter Email Phone Left Voice	email-No reply back	k 🔲 In Person	<b>⊠</b> None
CONTACT INFO changes/updates:			
Did CR landowner or CR	by phone &/or exc	hanged emails 🌘	No Connection
Monitor(s) Andrew Bentley, Sally Naser Others on visit (e.g. Own CR Volunteer, Prop. Mgr.			
CURRENT LAND USE: (check all that apply)  Residential  Agricu  Public Recreation  Horses/Livestock  Other Use/Mgmt. Activity	iltural 🔀 F	labitat/Wetland	Forestry
INSPECTION ACTIVITIES: Method(s) of monitoring:	ot By Ca	r By Boat	Other
Walked exterior CR boundary lines	Г	] All 🔀 Sor	me []None
Checked boundary lines abutting subdivisions at risk of 3rd party encroachments	(e	Yes (No	C N/A
Checked boundary line(s) & interior of ACTIVE building/use area envelope(s)	Yes ( No	<b>(</b> • N/A	
Checked significant interior areas (e.g. trails, woods roads, wetland/river buffers, etc.)		<b>(</b> Yes	( No
Are you able to confidently locate the CR boundary lines & building/use area envelopes *If NOT, PLEASE identify the area(s) on your Route Map that you're uncertain about		<b>(●</b> Yes	C No <sup>∗</sup>
NATURAL CHANGES OBSERVED: (since last year's monitoring visit)  *PLEASE provide brief narrative for any checked boxes		<b>(€</b> Yes	s* C None
Storm Damage Native Exotics Flooding	] Erosion	Brush fire	□ Other
*Explain: Small amount of black swallow-wort in meadow by path (photo 11, v	wpt 8).		
MAN MADE ACTIVITIES/CHANGES OBSERVED: (since last year's monitoring *PLEASE PHOTOGRAPH & provide brief narrative for all checked boxes	visit)	<b>←</b> Ye	s* ( None
•	clearing 🔲 Ac	tivity in wetland ar	ea 🔲 Farming
☐ Dredging/Excavation ☐ Dumping ☐ Stone Wall Alteration ☐ New Road	(s)/Trail(s)	Tree cutting 🔲	ATV 🗌 Other
*Explain: Rock maze (photo 8-9) observed, but was present as of last year's mo	_	h in the	

#### MAN MADE ACTIVITIES/CHANGES OBSERVED (Continued) If you walked and/or spoke with the CR landowner or CR Representative, did you discuss new ∩ Yes\* C No ♠ N/A man made activities and/or changes that were observed? \*Explain: Did you observe or learn of any changes in adjacent land use that may affect the protected property? C Yes\* No \*Explain: **ANYTHING ELSE OF INTEREST OBSERVED:** Plants Wildlife Cultural Resources Other 🔀 N/A \*Explain: \*ANY OTHER CR RELATED QUESTIONS/COMMENTS and/or FUTURE ACTIVITIES DISCUSSED: Did the CR landowner or CR Representative have any questions or concerns RE; the terms of the CR? No Did you observe or learn of any activities or land mgmt, practices in need of further discussion w/ the CR Program? No Reserved Rights Future Activities Building/Use Area Envelope(s) Restricted Activities Forest Mgmt ☐ Other \*Explain: SITE VISIT NARRATIVE: Please provide a brief summary describing your visit including what portions of the property you walked, what you observed & the overall property conditions. You may also include any pertinent info RE: future visits, accessing the CR, etc. We entered this parcel from the trail at its southern end running along eastern boundary, which is located partially on the cemetery parcel and partially on the abutting Day School property, as verified by recent survey markers. Found a rock sculpture maze at southern boundary, which was seen last year as well, then a couple survey markers along eastern boundary line. Walked the meadow path next to cemetery road, seeing a few black swallow-wort plants near its north/ western end next to the trail (photo 11, wpt 8), then observed communications tower in excluded parcel, and trail map and kiosk at Concord Ave trail entry. We did not observe any uses that appeared to be in violation of the CR. **DATA COLLECTED during monitoring inspection:** | Photos GPS Track GPS Waypoint(s) ☐ None Have the photos you took been placed in your Public TRANSFER folder on the Doyle Common Drive? ♠ N/A Is the landowner agreeable to posting CR boundary signs? ♠ N/A Is the landowner agreeable to the CR Program posting a "PROTECTED FOREVER" CR sign? ♠ N/A REMINDER: Please note location on Route Map of track walked, photos taken (include photo # & orientation arrow) and if applicable, natural &

REMINDER: Please note location on Route Map of track walked, photos taken (include photo # & orientation arrow) and if applicable, natural & man made changes and/or 3rd party encroachments observed. Be sure notations are legible and that you have SIGNED & DATED all of your paperwork (Route Map, Monitoring Form, & Photo Sheets) before mailing it to Sandy Lower.

Signature: Title: CR Stewardship Specialist Date Jun 3, 2013

Andrew Bentley



## Conservation Restriction (CR) FY 2014 Monitoring Inspection Form

CR Program Use Only						
Issue Identified:						
Follow up;						

REVIEWED CR BEFORE VISIT	Follow up:		
CR Number: 237.00 Inspection Date: May 28, 2013	Arrival Time: 1:40 PM	Departure Time:	2:00 PM
Landowner Name(s): McLean Hospital Corp.	CR Address: adj. to Pleasan	t St, Belmont MA	
Contacted CR Landowner and/or CR Rep. before visit Who was contacted? No contact	[	By whom?	
Method(s) of Contact: Letter Email Phone	Left Voicemail-No reply ba	ock [] In Person	⊠ None
CONTACT INFO changes/updates:			
Did CR landowner or CR	C Spoke w/ by phone &/or e	xchanged emails (	No Connection
	visit (e.g. Owner, er, Prop. Mgr.)		
CURRENT LAND USE: (check all that apply)  Residential  Public Recreation  Horses/Livestock  Other Use/Mgr		Habitat/Wetland	Forestry
INSPECTION ACTIVITIES: Method(s) of monitoring:	☐ By C	ar By Boat	Other
Walked exterior CR boundary lines	· 	☐ All ☐ Som	e 🔀 None
Checked boundary lines abutting subdivisions at risk of 3rd party encroach		Yes © No	C N/A
Checked boundary line(s) & interior of <b>ACTIVE</b> building/use area envelope	!(s) (	Yes (No	€N/A
Checked significant interior areas (e.g. trails, woods roads, wetland/river bi	uffers, etc.)	<b>(</b> Yes	( No
Are you able to confidently locate the CR boundary lines & building/use ar *If NOT, PLEASE identify the area(s) on your Route Map that you're un		(• Yes	€ No*
NATURAL CHANGES OBSERVED: (since last year's monitoring visi *PLEASE provide brief narrative for any checked boxes	t)	← Yes*	♠ None
Storm Damage Invasive Exotics Flooding	Erosion	☐ Brush fire	Other
*Explain: No substantial natural changes observed.			
MAN MADE ACTIVITIES/CHANGES OBSERVED: (since last year's a *PLEASE PHOTOGRAPH & provide brief narrative for all checked boxe	<del>-</del>	← Yes*	
Abutter Encroachment New structure(s) Building expansion	· <u>_</u>	activity in wetland area	Farming
☐ Dredging/Excavation ☐ Dumping ☐ Stone Wall Alteration ☐	New Road(s)/Trail(s)	Tree cutting 🔲 A	TV 🔲 Other
		***************************************	
*Explain: No man-made changes observed.			
	•		
	(*	4,1 1,1	

# MAN MADE ACTIVITIES/CHANGES OBSERVED (Continued) If you walked and/or spoke with the CR landowner or CR Representative, did you discuss new ← Yes\* ○ No ♠ N/A man made activities and/or changes that were observed? ga, \*Explain: Did you observe or learn of any changes in adjacent land use that may affect the protected property? C Yes\* ♠ No \*Explain: **ANYTHING ELSE OF INTEREST OBSERVED:** Plants Wildlife Cultural Resources Other N/A \*Explain: \*ANY OTHER CR RELATED QUESTIONS/COMMENTS and/or FUTURE ACTIVITIES DISCUSSED: Did the CR landowner or CR Representative have any questions or concerns RE: the terms of the CR?

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# Conservation Restriction (CR) FY 2014 Monitoring Inspection Form

CR Program Use Only					
Issue identified:					
Follow up:					

MALES LOS MALOS	□ REVIEV	VED CR BEFORE	VISIT		up.			
CR Number	237.02	Inspection Date:	May 28, 2013	Arrival Time:	1:00 pm	Departui	re Time:	3:00 pm
Landowner Name(s): Town of Belmont CR Address: Mill St & Concord Ave, Belmont MA								
	d CR Landowner R Rep. before visit	Vho was contacted?	No contact		8	ly whom?	-	
Method(s)	of Contact:	Letter Ema	il Phone	Left Voice	email-No reply ba	ck 🔲 In	Person	<b>⊠</b> None
CONTACT II	NFO changes/upda	ates:			No			
Did CR landor Representativ	1 1410	eet w/monitor ( A	ccompany monito	r 🦰 Spoke w/	by phone &/or e	xchanged ema	ails 🌀 N	lo Connection
Monitor(s)	Andrew Bentley,	Sally Naser		on visit (e.g. Owr Inteer, Prop. Mgr				-
CURRENT	LAND USE: (che	eck all that apply)	Residentia	I Agrico	ultural 🔀	Habitat/We	tland	Forestry
X Public F	ecreation [	Horses/Livestock	Other Use/	Mgmt. Activity				
INSPECTIO	ON ACTIVITIES:	Method(s) of	monitoring:	<b>⊠</b> On Fo	oot By C	ar 🔲 By	/ Boat	Other
Walked exte	erior CR boundary	lines			[	All	Some	None
Checked bo	undary lines abutt	ing subdivisions at ri	sk of 3rd party encr	oachments	(		C No	C N/A
Checked boundary line(s) & interior of <u>ACTIVE</u> building/use area envelope(s)					? Yes	C No	♠ N/A	
Checked significant interior areas (e.g. trails, woods roads, wetland/river buffers, etc.)					Yes	( No		
Are you able to confidently locate the CR boundary lines & building/use area envelopes (if applicable)?  *If NOT, PLEASE identify the area(s) on your Route Map that you're uncertain about							€ No*	
		ERVED: (since last y	_	visit)			Yes <sup>∗</sup>	○ None
Storm I	Damage	Invasive Exotics	Flood	ling [	] Erosion	Brus	sh fire	☐ Other
*Explain: Black swallow-wort observed in meadow, especially at wpts 10 & 11 (photos 14-16). Glossy buckthorn in northwestern woods along trail.								
MAN MADE ACTIVITIES/CHANGES OBSERVED: (since last year's monitoring visit)  *PLEASE PHOTOGRAPH & provide brief narrative for all checked boxes								
☐ Abutte	r Encroachment	New structure(s)	Building expan	sion 🔲 Land	clearing A	ctivity in we	tland area	Farming
Dredgi	ng/Excavation	Dumping []	Stone Wall Alteratio	on 🔀 New Road	(s)/Trail(s)	Tree cuttin	g 🔲 A1	V 🔀 Other
1) New trail may have been cut (circled on route map; not photographed) for use by mountain bikers. Another trail that appears well-established, but minor, exits property onto abutter's land (wpt 3; photos 4-5).								
		phone structure bui rty (wpt 2; photos 2		observed in las	t year's monit	oring visit, i		er located

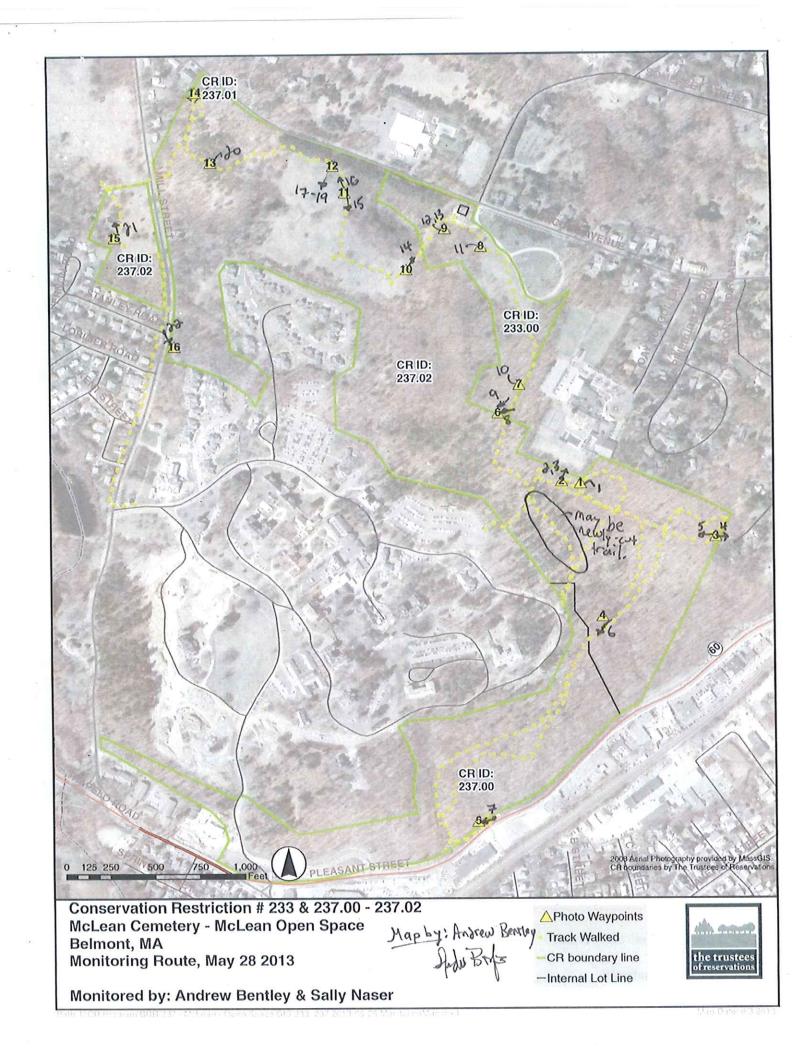
#### MAN MADE ACTIVITIES/CHANGES OBSERVED (Continued) If you walked and/or spoke with the CR landowner or CR Representative, did you discuss new C No ♠ N/A man made activities and/or changes that were observed? \*Explain: Did you observe or learn of any changes in adjacent land use that may affect the protected property? C Yes\* (♠ No \*Explain: **ANYTHING ELSE OF INTEREST OBSERVED:** Plants | Wildlife | Cultural Resources Other N/A \*Explain: Tom turkey pursuing a hen in the meadow (photos 17-19). \*ANY OTHER CR RELATED QUESTIONS/COMMENTS and/or FUTURE ACTIVITIES DISCUSSED: Did the CR landowner or CR Representative have any questions or concerns RE: the terms of the CR? Did you observe or learn of any activities or land mgmt, practices in need of further discussion w/ the CR Program? No Reserved Rights Future Activities Building/Use Area Envelope(s) Restricted Activities Forest Mgmt Other "Explain: SITE VISIT NARRATIVE: Please provide a brief summary describing your visit including what portions of the property you walked, what you observed & the overall property conditions. You may also include any pertinent info RE: future visits, accessing the CR, etc. Entered from Hosptial parking lot and bushwhacked onto trail system. First checked Day School boundary and found that the xylophone structure observed last year had been removed. Walked east to E boundary, seeing trail leading onto abutter's land, then circled back to continue on Coal Road to monitor Hospital-owned land (237.00). Use by mountain bikers apparent (wpt 4; photo 6) on property, including a possible newly cut trail (circled on map; no photo). Re-entered into meadow from Cemetery parcel, observing black swallow-wort and turkeys in meadow. Found lady-slippers on trail in NW woods (wpt 13; photo 20). Barn parcel on west side of Mill St is covered in invasive plants, and barn abandoned. Thick invasive growth along abutters' boundaries on barn parcel dissuaded us from checking for encroachments this time. DATA COLLECTED during monitoring inspection: GPS Track ▼ GPS Waypoint(s) None Have the photos you took been placed in your Public TRANSFER folder on the Doyle Common Drive? ♠ N/A Is the landowner agreeable to posting CR boundary signs? (♠ N/A Is the landowner agreeable to the CR Program posting a "PROTECTED FOREVER" CR sign? N/A

REMINDER: Please note location on Route Map of track walked, photos taken (include photo # & orientation arrow) and if applicable, natural & man made changes and/or 3rd party encroachments observed. Be sure notations are legible and that you have SIGNED & DATED all of your paperwork (Route Map, Monitoring Form, & Photo Sheets) before mailing it to Sandy Lower.

Signature: Signature:

Title: CR Stewardship Specialist

Date Jun 3, 2013



CR Name: McLean Open Space & Cemetery

CR #: 233.00, 237.00, 237.02



Photo I, Wpt I. CR 237.02. Rebar found at lot corner shared with Belmont Day School.



Photo 2, Wpt 2. View NE. CR 237.02. Location of wooden xylophone structure seen in 2012 monitoring visit. The structure has been removed.



Photo 3, Wpt 2. View NE. Wider view of structure location. Imprint in vegetation visible in foreground.



Photo 4, Wpt 3. View E/SE. CR 237.02. Trail where it leaves McLean Open Space CR, and enters an abutter's yard along the eastern boundary.

Photographer: Sally Naser

Date Taken: May 28, 2013

Signature:

CR Name: McLean Open Space & Cemetery

CR #: 233.00, 237.00, 237.02



Photo 5, Wpt 3. CR 237.02. View W. Trail view looking into conservation land from boundary with abutter.



Photo 6, Wpt 4. View SW. CR 237.02. Trail view with evidence of mountain bike usage in the mud on the McLean / Town of Belmont conservation area.



Photo 7, Wpt 5. CR 237.00. View SW. Belmont Conservation Land sign and gate at trail entrance along Pleasant Street.



Photo 8, Wpt 6. CR 233.00. View W. Stone walkway sculpture in forest floor near boundary of Cemetery (#233) & Open Space (#237.02) parcels.

Photographer: Sally Naser

Date Taken: May 28, 2013

Signature:\_

CR Name: McLean Open Space & Cemetery

CR #: 233.00, 237.00, 237.02



Photo 9, Wpt 6. CR 233.00. View W/SW. Another view of stone walkway.



Photo 10, Wpt 7. Capped rebar evidence of recent survey between Day School and Cemetery parcel, found at a mid-point on E Bdy of Cemetery parcel.



Photo 11, Wpt 8. CR 233.00. Black swallow-wort seen in field on Cemetery Parcel.



Photo 12, Wpt 9. CR 233.00. Trail map on kiosk located at Concord Avenue entrance to conservation land.

Photographer: Sally Naser

Date Taken: May 28, 2013

Signature:\_

CR Name: McLean Open Space & Cemetery

CR #: 233.00, 237.00, 237.02



Photo 13, Wpt 9. View of entire kiosk on Cemetery Parcel, located at Concord Avenue entrance.



Photo 14, Wpt 10. CR 237.02. View NE. Eastern edge of meadow showing an abundance of invasive black swallow-wort growth.



Photo 15, Wpt 11. CR 237.02. View S/SE. Black swallow-wort growth observed in northern portion of the meadow.



Photo 16, Wpt 11. View N/NW. Black swallowwort in northern edge of meadow.

Photographer: Sally Naser

Date Taken: May 28, 2013

Signature:\_\_\_\_

CR Name: McLean Open Space & Cemetery

CR #: 233.00, 237.00, 237.02



Photo 17, Wpt 12. CR 237.02. View S/SW. Tom turkey in meadow. He was in pursuit of a hen.



Photo 18, Wpt 12. Another view of tom turkey in meadow.



Photo 19, Wpt 12. View S/SW. Context view of tom turkey in meadow. Head of hen is just visible toward right side of photo (circled).



Photo 20, Wpt 13. CR 237.02. Lady-slippers in bloom in northeastern woodlands on the townowned land.

Photographer: Sally Naser

Signature:\_\_

Date Taken: May 28, 2013

CR Name: McLean Open Space & Cemetery

CR #: 233.00, 237.00, 237.02



Photo 21, Wpt 15. View NE. East and southern faces of the abandoned McLean Barn.



Photo 22, Wpt 16. CR 237.02. View SE. Looking across Mill Street toward edge of CR woodland edges covered in invasive bittersweet vines.

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Photographer: Sally Naser

Date Taken: May 28, 2013

Signature:\_\_

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