



LAND CONSERVATION & STEWARDSHIP

Seeking, protecting, and caring for Massachusetts' most special places

Reserved Right Approval

Evaluation

Conservation Restriction: McLean-Open Space (#237.00)

Prepared by:

Tom Dodd

Action Requested for Approval:

Digging ditch to prevent erosion of Coal Road.

Placing gravel along Coal Road to fill in eroded areas and make useable by local fire department.

Location of Activity:

Start of Coal Road (near 1010 Pleasant St) to northern end of parcel where it abuts McLean hospital property.

Relevant Reserved Rights and other Provisions:

The following information is taken from the recorded Conservation Restriction document.

IV. Prohibited Acts and Uses, Exceptions Thereto, and Permitted Uses:

A. Prohibited Acts and Uses. Subject to the exceptions set forth in Paragraph B below, the Premises (including, without limitation, any body of water thereon) shall be continued in their present undeveloped and natural condition and shall not be used for residential, industrial, institutional, or commercial use. The following acts and uses are prohibited on the Premises:

2. Mining, excavating, dredging or removing from the Premises of soil, loam, peal, gravel, sand, rock or other mineral resource or natural deposit; unless such excavating, dredging or removing from the Premises of soil, loam, peal, gravel, sand, rock or other mineral resource or natural deposit is a temporary activity directly associated with any use or activity permitted herein;
3. Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material or the installation of underground storage tanks; unless such placing, filling, or storing of soil or other non-toxic, nonhazardous substance or material is a temporary activity directly associated with any use or activity permitted herein;

B. Exceptions to Otherwise Prohibited Acts and Uses. The following acts and uses otherwise prohibited in paragraph A are permitted, but only if such acts or uses do not materially impair significant conservation interests as determined by the Grantee, and only in accordance with the Plan (as defined in Section C.13):

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;

E. Notice and Approval. Whenever notice to or approval is required under the provisions of paragraphs A or B, such notice shall be provided in writing not less than sixty (60) days prior to the date the activity in question is to be undertaken. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where approval is required, such approval shall be granted or withheld in writing within sixty (60) days of receipt of the written request therefor. Approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction. Failure to respond in writing within such 60 days shall be deemed to constitute approval of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after the passage of time.

Are any federal, state or local permits required?

☐ YES ☒ NO

Site Visit Conducted by TTOR Staff Member:

☐ Sally Naser ☐ Sandy Lower ☒ Tom Dodd ☐ Corey Wrinn

Others on Visit:

None - I spoke with Andy Healy by phone while at the project location and got a good description of their plans.

Findings after Document Review & Site Visit:

- Prior to my Annual Site visit, McLean Hospital had stockpiled the gravel material (off the CR at photopoint 9) to be used to maintain the Coal Road/Fire Lane. Andy stated that they would be spreading about 100 yds of gravel material along the road and planning to use a roller to compact it within the next week.
 - I told Andy that they should have notified The Trustees CR Stewardship team about this and he agreed. He stated that this was being done to maintain the Fire Road to the Belmont Fire departments requirements. The hospital donated the materials (and labor I believe).
 - Prior to the Annual Site visit and spreading of the gravel, a ditch was dug within the CR to shunt the water coming off the paved area outside the CR from going down the road and causing erosion (See photopoints 6,7,8). The Trustees CR Stewardship team should have been notified of this plan as well. The ditch was hand dug by very hardy volunteers. The ditch is about 50-75' long.
 - I discussed this project with Sally Naser within a few days of the visit while it was at this stage:
 - 1) The ditch had already been dug
 - 2) Prior to the gravel being spread (material already stockpiled off CR)
 - 3) Grantor plan was to spread the gravel within a week
- We made a quick look at the CR document (Section IV-B-2), which showed that the Grantor had the right to maintain the Coal Road /Fire Lane, with Grantee approval. Approvals require a minimum 60 day notice (CR document Section IV-E). Given that they had the right to maintain the coal road and these actions would prevent further erosion of the Coal Road and preserve the conservation values, it was decided that this would be approved and to allow the project to proceed.
- We advise that when undertaking any projects of this magnitude, that we be notified at least 60 days prior to the start (an email or phone call would be enough to get things started).
 - I asked for photos after the spreading of gravel was completed. Andy said that he could provide some. Andy also stated that they cleaned up some of the downed trees along the Coal Road as well.

Reserved Right Determination:

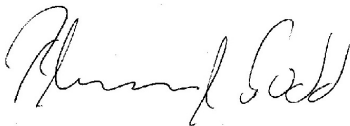
- ☐ As Of Right ☐ Notice Only Required ☐ Discretionary Approval - APPROVED ☒ Reserved Right - APPROVED
- ☐ DENIED

Approval Conditions:

- 1) Please send any representative Before, During or After photos of the project (ditch digging and gravel spreading) so that we can archive them.
- 2) If you could send along Land Management Committee meeting minutes associated with this project that would be great as well.

Date of Site Visit: 6/7/2022

The Trustees - Signature



Thomas Dodd, Conservation Restriction Stewardship & Data Specialist

June 29th, 2022 at 10:14:43 AM GMT-4 by user: tdodd@thetrustees.org

Landowner - Signature

Corporation, Landowner

McLean Hospital Corporation
115 Mill Street
Belmont, MA 02478-9106
617-855-2623

Property Manager, Primary

Andrew Healy, Director of Facilities
115 Mill Street
Belmont, MA 02478
617-855-3450
ahealy5@partners.org

I have read and understand the terms of the approval of my proposal by The Trustees of Reservations and I agree to observe and abide by all terms and condition thereof.

Authorized by the Land Management Committee for Lone Tree Hill through an approved motion on 7/6/2022.

Thomas E Grimbale

Date: 7/8/2022

Signature

Thomas E Grimbale, Co-Chair Land
management Committee for Lone Tree Hill

Printed Name

Radha Iyengar

Date: 7/8/2022

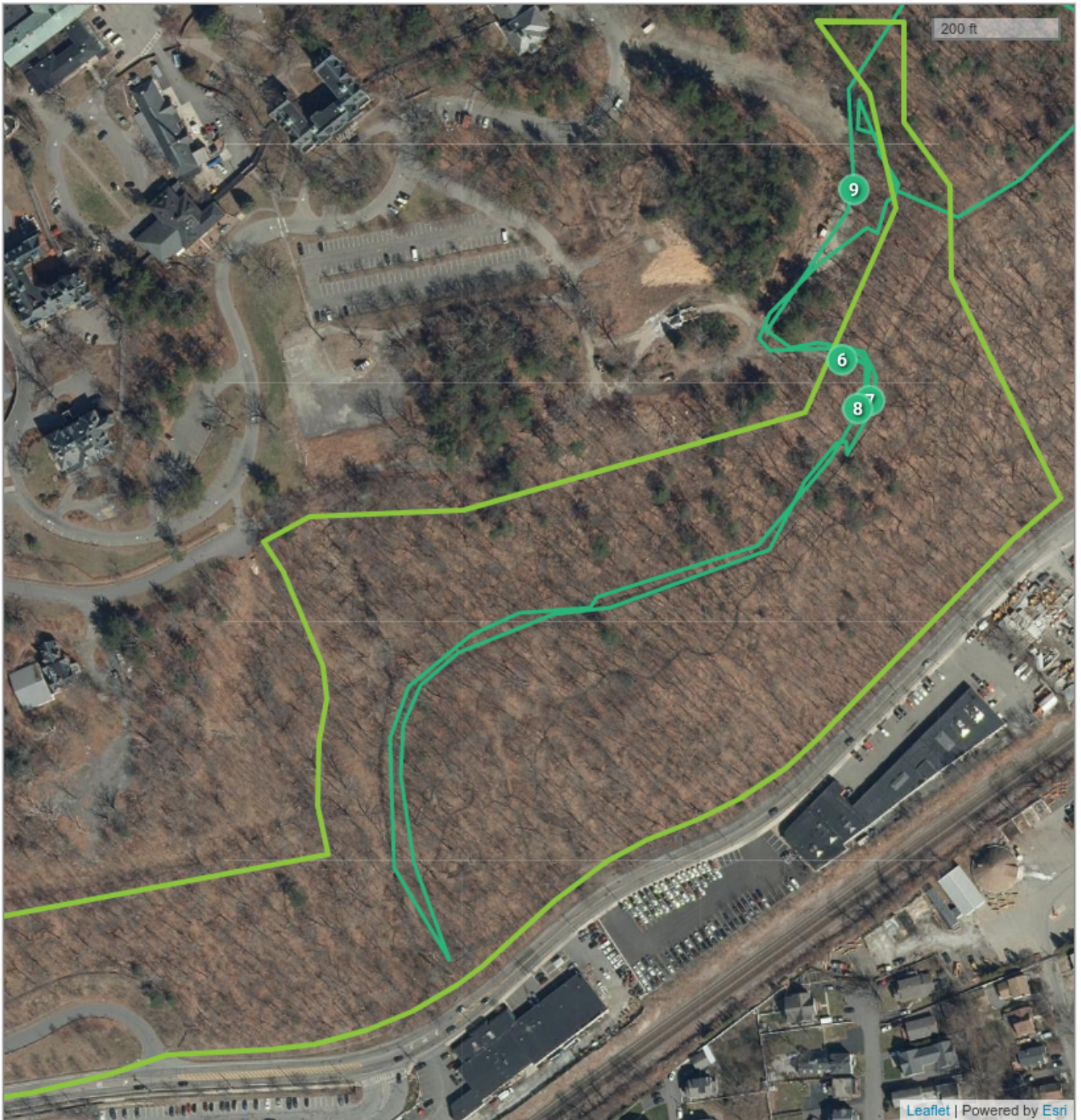
Signature

RADHA IYENGAR

Printed Name

CO-CHAIR LAND
MANAGEMENT COMMITTEE
FOR LONE TREE HILL

Supporting Information



- Site Visit Points
- McLean-Open Space (#237.00) Boundary
- Site Visit Lines

Photos:



Photopoint 06: 42.39212, -71.18648

New ditch created to keep water off coal road and prevent erosion (upper end). Facing SSW. Taken by Tom Dodd.



Photopoint 07: 42.39194, -71.18632

Erosion along coal road (gully filled with leaves). Facing SW. Taken by Tom Dodd.



Photopoint 08: 42.39191, -71.18639

New ditch to divert water off the coal road and prevent erosion (lower end). Facing N. Taken by Tom Dodd.



Photopoint 09: 42.39284, -71.18641

Stone material being used to prevent future erosion on the Coal Road. Facing N. Taken by Tom Dodd.



Photopoint 09: 42.39284, -71.18641

Stone material being used to prevent future erosion on the Coal Road (close-up). Facing NNE. Taken by Tom Dodd.