

McLean Land Management Committee
Meeting March 23, 2009

Present: Cushman, Kidder, Gougeon, Healy, Carere, Moore
also Roger Wrubel, Nancy Dunham, Thomas Grimbale, Kit Dreier, Rosalie Kerr, Dix Campbell, Joseph Hibbard, Anne Paulsen

Conservation Restriction Correction:~ At the time of land transfer from McLean Hospital to the Town, a triangular piece of land 2,400 square feet in size,~located between the stonewall to the east of the Cosman house and the house itself (an area owned by McLean Hospital but used under agreement with McLean for many years by the Cosmans as part of their lawn and garden), was incorporated unintentionally into the CR for the open space. ~CR#1 of the MOA currently covers this piece of land~and the abutting lot, purchased by the Cosman family between the house ~and the open space after the CR was imposed. ~An amendment to correct the error has been drafted. ~ Wes reported that he had been in touch with attorneys Carmine Tomas from Goulston & Storrs, Kathleen O'Donnell~from Kopelman and Paige, and with Irene Del Bono from the Executive Office of Environmental Affairs about the need for this correction.~ The state's position is that an attorney affidavit will be sufficient for making the correction to the CR.~ The affidavit should be signed by the Town, Mclean Hospital, and the Trustees of Reservations, and then sent to the Secretary of Environmental Affairs for a signature.~ K. O'Donnell for the Town advised that it would not be necessary to take the amendment to Town Meeting for a vote, since all parties agree that this is a correction and not a change to the CR.~

~

Roger Wrubel stated that per the McLean Zoning Bylaw the triangular property had been sold to the Cosmans with the understanding that it would not be used for the purpose of extending their home, and further stated that for that he thought the land should continue to serve as a natural buffer between the house and the open space.~~~Wes stated that, had this effect been clear to The Trustees, it would have requested a change in the wording of the CR, because the wording of the CR created an anomaly that was not reflected in the reserved rights of the CR.~ Ellen recalled that the intent had been to create a buffer beyond the existing yard on the east side of the house.~~Wes stated that unfortunately the CR had been drafted erroneously; that the triangular piece was not intended to be restricted under the CR. ~In response to Roger, Wes then consulted the appropriate clause IV A 5 in attachment B1 of the Memorandum of Agreement indicating that the Town

was to have transferred a “buffer parcel of less than one acre” that would be purchased from McLean and transferred to the Cosmans.~ The clause in the CR says that no portion of its land is~to be used as a setback for use on the abutting Cosman property. We agreed with Roger that an amendment to the CR must retain that provision.~ That will mean that the Cosmans may need a variance under the Belmont Zoning Bylaw in order to build an addition to their house.

~

Motion passed unanimously:~~ That the Conservation Restriction was not intended to cover the 2,400square feet shown on the map from the property line to the stone wall; and that we affirm the language for this parcel as it appears in clause IV A 5 in CR#1, including this parenthetical clause ,”... a buffer parcel of less than one-half acre to the owners of the abutting Cosman parcel (provided that the land so conveyed shall be subject to the further restriction that no portion thereof may be used in calculating lot area, frontage or other zoning dimensional requirements with respect to the abutting Cosman parcel)”.

~

251 Mill Street: Joe Hibbard, who had been a member of the McLean Implementation Subcommittee (no longer in existence) , was introduced. He was designer of the tree buffer between the meadow and Northland zone 1A. Joe passed out a concept plan showing parking on disturbed area at the site of the to-be- removed building at 251 Mill Street. The new driveway would be 18’ wide, and is a steeper than ideal but keeping the driveway in the current location creates less disturbance on the land. Pavement and a drain would minimize erosion and flow onto Mill Street. Town permission would be needed. The parking area, which is relatively level, would be pervious material such as crushed stone, with generous parking lanes. Meadow grass mix could be used to grow grass in disturbed area not used for parking. Exotic species and Norway maples could be thinned to allow a clear view from Mill Street into the lot for safety reasons. A 280’ trail would connect the lot to the existing trail near the Mill Street crosswalk.

Next steps: Ellen plans to meet with Donna Moulthrop (Health Dept.), Andy Healey, the water and fire departments, and Glenn Clancy (Community Development) to plan for the demo and the work to construct the lot. An investigation is needed to deal with an old oil tank on the site. The RFP would include removal of the garage, rubbish, fencing and rubble from current parking area, and disposal of debris on an off site location. It may be

possible to dump rubble into the foundation of the house. Rough grading and paving can be part of the demo contract. Creating a bike rack pad was suggested as part of the contract. A very rough cost estimate for demo and construction is \$25,000. In addition there is a need to confirm the topography of the parking and driveway site and to with Glenn about handling the driveway storm runoff, in addition to preparing the RFP.

Ensuing discussion included comments that the parking area might be too far from the road for a safe view in from Mill Street (for police). Wes suggested posting a sign at the lot entrance "open from dawn until dusk". Another concern expressed was the distance to the trail system from the lot. Tom Grimble offered help with building/relocating trails.

Vote: A vote was taken unanimously approving the removal of the work of relocation of the Mill trail connector from the Pollatin contract, and instead to endorsing a plan for the volunteer Friends of Rock Meadow to do this work on the June 6th workday planned at Rock Meadow with Tom in charge.

Concord Avenue - - Dix pointed out that there are still dead trees in the Pine Allee, and that some other tree removal is in order to remove a safety hazard. Could Polatin take care of this work? Also, a gate and sign have been ordered and will be installed shortly with the agreed upon wording for the sign: "Town of Belmont Conservation Land, No Vehicle Access". The gate will be located across from the Belmont Hill Club and space will be allowed next to the gate for pedestrian passage.

Snow dumping: Ellen has alerted the police and Community Development that several businesses on Pleasant Street have illegally dumped snow on the open space by pushing it across the roadway.

Encroachment - Jeanne Mooney was asked to find out the address of the individual homes with lawn/garden encroaching into the town's property below Mill Street. A notice to abutters should be sent to all abutters. The Trustees of Reservations offices can advise about the notice and any actions to take. The encroaching parties would be asked to stop mowing these lawn/garden areas rather than to tear them up.

Survey: Ellen requested an informal survey be done by anyone of those present or involved on their visits to the property during April. She will resend the survey form to take along on their walks.

Trails: Nancy Dunham spoke about erosion problems on Trail 1 and parking lot runoff nearby. Jeanne was concerned about a water tank that had been sitting on the lot, but Andy reported that has been removed. Bike jumps have reappeared by the knolls near Trail 1. All agreed that there are erosion problems and repairs of some sort are in order.

Ellen will write to Fire Chief Frizzell to convince him that Trail 1 should not be considered a viable fire access road due to slope and severe erosion. It was suggested that the fire department had many other points of access and might not need the use of the coal road Trail 1. Tom suggested that he could work with Mary Trudeau to get grant funding for work once the committee makes a recommendation for repair, and Glenn is supportive.

Cash flow: Harlan handed out a spreadsheet showing cash needs and expenditures, including such expense items as trash collection, mowing, tree removals, consultants, signage, herbicide applications on invasive plants, and costs of special projects. The open space gift fund has some funds available for use. There is \$55 000 left from the Cosman money (after the endowment), and rental income from the cell tower accrues each year. The total of the cell tower rental is at about \$35,000 at present which the LMC considers as a source of funds for the 251 demolition/reconstruction. Various other sources of funds, in addition to the JKR Fund, can be tapped. Harlan pointed out that the needs identified would use up all that money and more.

Naming the property: Town attorney Kathleen O'Donnell provided a verbal opinion that the LMC has the authority to decide the name. Steve stated that an amendment of the MOA would be required if the name is changed. Steve, Kathleen and Wes and TTOR will confer and report back.

Possible Barn Restoration – The CR allows uses for cemetery storage or open space related use. The Historic Preservation Appendix to the MOA states that the Town is responsible for rehabilitation of the building. Ellen reported that four years ago, she had Glen Clancy engage a consultant to conduct a structural evaluation (as agreed by Tom Gatzunis several years earlier when he was town engineer) of the barn. The evaluation casts doubt on its structural integrity for storage or use and would require significant capital to reinforce to Town, structural standard. Ellen will look for that

document and circulate it or referred folks to the Community Development office as the source.

The next meeting will be Wednesday April 8th.
Submitted by Martha Moore