

Waltham Land Trust

is a non-profit corporation dedicated to preserving our community's natural resources for the future through education, open space acquisition and protection.

WALTHAM



JOURNAL SPRING 2005

THE MIDDLESEX COUNTY HOSPITAL PROPERTY

David Kehs

In 1929, Middlesex County acquired farmland along the Lexington-Waltham border for the purpose of constructing a tuberculosis hospital. The hospital opened in the 1930s and remained in operation until the mid-1990s. As of that time, the hospital property comprised 110 acres. Approximately one fourth of the property was used for buildings and the remainder was undeveloped open space. This article describes what has happened to those 110 acres. The story is by no means complete, since the future of the undeveloped portions of the property is still to be determined.

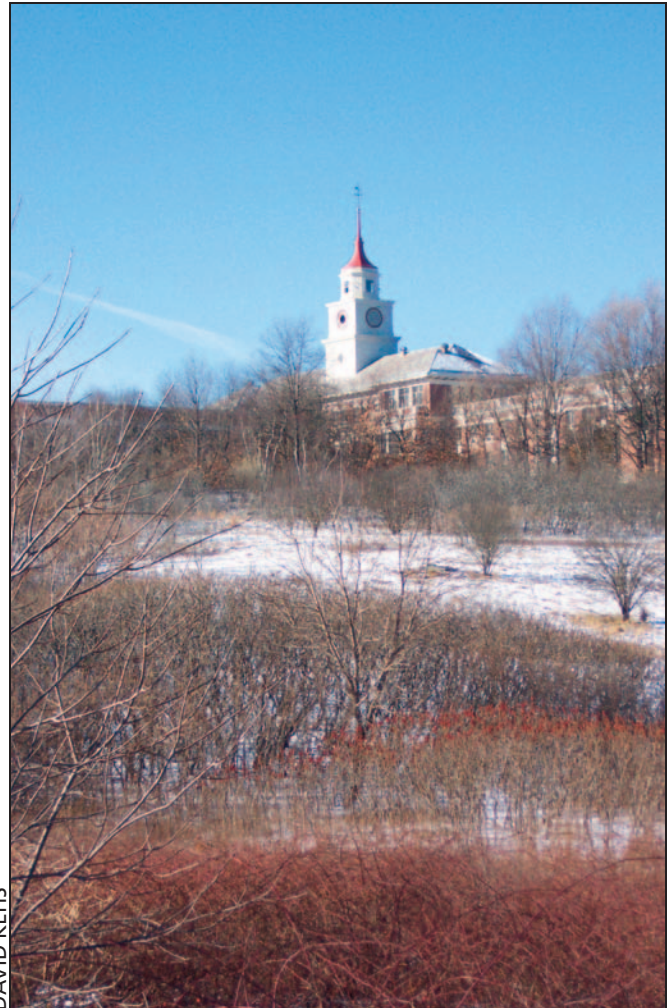
County governments in Massachusetts, particularly Middlesex County, came under fire during the 1980s (and earlier) for being mismanaged, inefficient, fraught with political patronage, possibly corrupt, and generally irrelevant. County budgets and responsibilities were cut and there were many calls for dissolving the counties altogether.

By 1996, Middlesex County was facing default on some of its bonds, partly because of deficits associated with the operation of the hospital. The County Commissioners looked to their one major asset, the 110 acres of hospital property, as a means of getting out of debt. In May, the commissioners released a Request For Proposal (RFP), inviting developers and others to make offers for using the land.

Waltham officials were taken aback by this move and they complained of being left out of the disposition process. In previous discussions, the city had expressed interest in a five-and-a-half-acre portion of land behind the fire station on Trapelo Road at Woburn Street. The city hoped to use this land to build much-needed soccer fields. But in July, the county commissioners approved a plan to sell the hospital to Olympus Health Care Group and to sell the rest of the property to a development company, which planned to build a large housing, assisted living, and nursing home complex.

This proposal met with heavy local opposition, so the county scaled back its plans, but the county still faced a deadline of December 31, when it would run

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DAVID KEHS

The Middlesex County Hospital as seen from the city-owned property on Woburn Street

FROM THE BOARD: DIRECTORS EMERITUS ANNOUNCED

The Fifth Annual Meeting of the Waltham Land Trust WLT honored those directors who joined the Board of Directors in 1999, the year of our incorporation, but who are no longer serving on the board. Faith Boudreau, Laura Cannon, Lela Chiavaras, Gloria Champion and Eileen Zubrowski were designated Directors Emeritus.

Each one of the five Emeriti Directors brought a special ingredient to the board. Faith was a strong voice

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Middlesex Hospital *continued from page 1*

out of money. Therefore, in December of 1996, the commissioners announced the sale of 42.5 acres of hospital land in Waltham and Lexington, as well as all of the hospital buildings, to Olympus Hospital for approximately four million dollars.

This action prompted several legal battles between the City of Waltham and the County. The City claimed that zoning regulations did not allow a private entity to operate the hospital without a special permit from the City Council. The city also claimed that Massachusetts public bidding laws were not followed and that the City was not given a chance to bid on the property. Eventually, the legal challenges reached the Court of Appeals. An Appeals Court judge ruled that the County did indeed violate public bidding laws, but he allowed the sale to proceed anyway for the benefit of the hospital patients. As a concession to the City of Waltham, the judge ordered Olympus Hospital to turn over approximately 5.5 acres of its newly-acquired land to the City.

This decision paved the way for the formal subdivision of the 110-acre property in a plan approved by Waltham's Board of Survey and Planning on April 22, 1997. At that time, the hospital property was divided into 6 parcels, known as Lots 1 through 6, which can be seen on the accompanying map.

Lots 4 and 5, which totaled 42.585 acres (31.554 acres in Waltham, 11.031 acres in Lexington) and contained all the hospital buildings, were then transferred to Olympus Hospital. Lots 4 and 5 were later subdivided even further and are shown as "JPI Development", "Roseland Development", Woburn-Trapelo Lot", and "Wellington House" on the accompanying map.

Lot 6 (6.932 acres: 1.667 acres in Waltham, 5.265 acres in Lexington) has frontage on Walnut Street in Lexington, and is the site of a privately-owned communications tower. A lease arrangement provided the County with some revenue.

Lot 3 (4.91 acres in Waltham) is a wetlands parcel with frontage on Trapelo Road. It is sandwiched between Waltham's Falzone Field on the west and Lot 5 on the east.

Lot 2 (1.426 acres in Waltham) contains the rectory building for Our Lady's Catholic Church on the opposite side of Trapelo Road. The Catholic Church has a long-term lease to use the property for that purpose.

Lot 1 (53.927 acres: 6.454 acres in Waltham, 47.473 acres in Lexington) contains the remaining undeveloped land.

When lots 4 and 5 were transferred to Olympus Hospital in April of 1997, the City of Waltham expected to receive 5.5 acres of Lot 5, to be used for soccer fields,

according to the Appeals Court decision. However, that property was held back by Olympus, pending resolution of the zoning dispute.

On July 11, 1997, the state formally dissolved Middlesex County, assuming its debts as well as its assets. Therefore, the remaining parcels (Lots 1, 2, 3, and 6) became state property as of that date.

In mid-1998, the City of Waltham and Olympus Hospital finally reached agreement on their zoning dispute, and the City finally acquired the "soccer land" parcel. This parcel (the "Woburn-Trapelo Lot" on the map) turned out to be 5.96 acres rather than the previously-estimated 5.5 acres, but the terrain makes it unsuitable for athletic fields. Still, it has excellent value as conservation land. The transfer of the 5.96 acres to the City of Waltham left Olympus Hospital with the land containing all of the hospital buildings, namely 25.68 acres in Waltham and 11.03 acres in Lexington.

The operation of Olympus Hospital was not a financial success. In order to raise additional capital, the hospital owners mortgaged the property for \$13 million in June of 1998. But the hospital soon faced bankruptcy and the property was turned over to the lender (HCRI Holdings) in April of 2000. The Waltham City Council discussed the possibility of purchasing the property around that time, but the Council concluded that the price was too high. Therefore, HCRI Holdings searched for other buyers.

In March of 2001, HCRI entered into a contract with Texas-based developer JPI to purchase the Waltham portion of the Olympus property (25.68 acres). At the same time, HCRI contracted with developer Walnut Roseland to purchase the Lexington portion of the property (11.03 acres). The two developers then proceeded to work towards obtaining approval for their proposed developments.

JPI proposed building approximately 300 housing units on the Waltham property. Such a development would not have been allowed under the existing zoning, so JPI requested that the City Council rezone the parcel to Residence D, a zoning designation that had been added to the zoning code previously, but was not used for any other properties in the city. After much discussion, the Council revised the definition of the Residence D zone and approved the zone change in late 2002. As part of a pre-arranged deal, HCRI (still the property owner) placed a development restriction on approximately 8.3 acres out of the 25.68. This development restriction is intended to preserve a wooded buffer on the southern and eastern borders of the property. From Trapelo Road and the adjoining neighborhood, one should see only the trees, and not the buildings. The development restriction is effective for a period of 30 years and may be extended in

increments of 20 years for a maximum of 100 years. Since the development restriction was granted by HCRI, the actual owner of the property, it will remain in effect even if the property is transferred to someone other than JPI.

The new zoning designation for the JPI property allowed JPI to build 150 housing units “by right.” But since JPI planned a larger project, they applied for a special permit from the Waltham City Council. This special permit was granted in December of 2003, in exchange for a number of concessions from JPI. Under the special permit agreement, JPI will be allowed to build 268 housing units, with 118 units designated as “age restricted” for occupancy by people of age 55 and older. For its part, JPI agreed to enlarge the conservation set-aside area to approximately 8.8 acres and to restrict development on that acreage permanently. JPI also agreed to transfer the historic Wellington House along with its half-acre lot to the City of Waltham.

While JPI was pursuing approvals for its project in Waltham, Walnut Roseland LLC was engaged in a similar process in Lexington. Walnut Roseland proposed building 27 townhouses on the 11-acre portion of Lot 5 that lies in Lexington. While the zoning of the Lexington parcel would allow such a development, there was a problem involving access. The Lexington parcel is “landlocked” except for 150 feet of frontage along Walnut Street. This would be sufficient for one entrance driveway. However, Lexington bylaws require a development of the size proposed by Walnut Roseland to have two access points. Their plan for a second access point was to construct an emergency road to connect with the driveway of the JPI development in Waltham. But this plan ran into fierce opposition from the Waltham City Council, which rejected the idea several times.

In June of 2004, HCRI sold its interest in the property to JPI and Walnut Roseland. The Waltham property was sold for \$11,220,000 and the Lexington property was sold for \$3,000,000. Around the same

Middlesex County Hospital Site Status: Spring 2005



Proposed for auction by DCAM in 2005

Sold; development pending

Auctionable

City of Waltham

Prepared from Mass GIS and Waltham Land Trust data. Property lines are approximate. Lesya Struz, 13 March 2005.

time, the state's Division of Capital Asset Management announced its plan to use the controversial "fast track auction law", outside section 548, to dispose Lot 6, the 6.93 acre parcel that contains the communications tower and a few other decaying buildings. The auction was held in August of 2004 and the property was sold for \$5.61 million. One of the unsuccessful bidders was Walnut Roseland, which would have been able to use the property and its frontage on Walnut Street to solve its secondary access problem.

As of April 2005, the sale of Lot 6 had not been finalized, so it is unclear what type of development will take place on that portion of the property. In the meantime, the JPI property in Waltham was sold to Pulte Homes, Inc for \$19.5 million.

These high real estate prices prompted the Division of Capital Asset Management to begin preparations for the sale of Lot 1, the 54-acre undeveloped parcel in Lexington and Waltham. This action has sparked a huge

controversy over both the future of Lot 1, in particular, and the surplus land disposition process in general. As a result of this outcry, the plan to auction the land has been placed "on hold", and the disposition process is under active consideration by the state legislature.

In January 2005, the WLT Board of Directors voted to endorse the legislation filed by Representative Thomas Stanley to repeal the so-called "fast track auction" law. WLT also endorses the efforts of a coalition of several organizations lead by Citizens for Lexington Conservation and Massachusetts Coalition for Healthy Communities to move to a disposition process that is based on community input. For further information on this volatile situation, see the WLT website, www.walthamlandtrust.org, and the MCHC website, www.masschc.org.

It has now been more than 8 years since Middlesex County privatized hospital operations at the Middlesex County Hospital. The property has been subdivided several times and partially sold to private interests. The privately-held property is slated for development, though demolition of the old buildings has yet to take place. A small fraction of the undeveloped land can be considered somewhat protected from development. But the fate of the largest tract of undeveloped land (Lot 1, which is a crucial link in the Western Greenway) is still very much in doubt. The assistance of all members and residents is needed to encourage the preservation of the remaining open space portions of the hospital property.



From the Board continued from page 1

for the preservation and acquisition of Chester Brook Woods by the city. Laura toiled to shape our bylaws and also secured our 501 (c) (3) status as a tax-exempt organization. Lela took up the cause of Cram's Cove and helped found the Island Neighborhood Association. Gloria was our link to the work of the Conservation Commission and is a founder of the Prospect Hill Park Advocacy Group. Eileen imbued us all with the recycling ethic that works toward a sustainable environment.

These five people were pioneers who joined with six others to found the Waltham Land Trust. We are grateful for their hard work and their love for natural open spaces that are a legacy to future generations.

MULTI-YEAR MEMBERSHIPS

In response to member suggestions, WLT initiated multi-year membership categories in October 2003. They have been offered for about a year and have proven to be very popular with our membership. As of the end of 2004, we have 20 members who are Contributing (two year) Members. Another seven are Sustaining (four-year) Members and three are Lifetime Members. They are listed here:

Ruth Babineau
Suzanne & Henry Bass
Nancy & Mark Brown
Louise Butler
Reva Dolobowsky
Gail Drakos
Debra Guttorsmen
Alynn & Andrew Harvey
Suzanne Hodes
Fred Hughes
Lloyd & Susan Kannenberg
Priscilla My Lee
Marianne & Larry
Lynnworth
Joseph Maguire
Robert Marcou
Laura Megeath

Frank Musinsky
Douglas & Elizabeth
Prentiss
Shelly Reimer
Katherine Riester
Katherine B. Ford
Sue Genser
Lou Nocera
Roland and Lois
Peterson
Michael & Lynda
Squillante
Elaine Tierney
Jenny White
Elisabeth Carter
Robert Stanton
Inge Uhlir

TELEPHONE CALL VOLUNTEERS THANKED

Since January 2004 some WLT members have received phone calls that announce events or walks or meetings of our organization. The callers are our crew of six Telephone Call Volunteers (TCVs) who have played a role in contacting those members who do not use email.

The TCVs have made a difference in the number of participants in our activities. They also have helped to gather updated contact information for the members they called. We are grateful to them all: Ida Mae DeBuono, Marci Diamond, Fred Hughes, Carole Melone, Charles Rogers and Bertha Simpson. Thank you very much.

Anyone who is interested in participating in this project during 2005 please contact Inge Uhlir at 781-899-2844.

*Climbing Bear Hill during last November's
WLT-sponsored walk*



INGE UHLIR

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An electronic file (pdf) of this newsletter is available on our web site, <www.walthamlandtrust.org>.

Officers: Stephen Rourke (President), David Kehs (Vice Pres.), Marie Daly (Clerk), Diana Young (Treasurer)

Directors: Katherine Buttolph, George Darcy III, Lynn Harvey, Daniel Melnechuk, Joris Naiman, Marc Rudnick, Scott Sideman, Robert Stanton, Lesya Struz, Inge Uhler.

Waltham Land Trust's Mission

We are a group of Waltham citizens who want to save open space in our city. Our mission is to acquire, preserve or restore land in a way that

- ♦ balances conservation and access,
- ♦ maximizes the natural value of land,
- ♦ reduces habitat fragmentation, and
- ♦ permanently protects and conserves natural resources;

So that

- ♦ public appreciation of natural resources grows,
- ♦ native habitat is preserved and restored, environmental quality of life is improved (air, water, noise and light pollution are reduced),
- ♦ biodiversity is increased, and
- ♦ a legacy of conservation is perpetuated in Waltham.

Please send any comments to the return address below, or email to <memberlink@walthamlandtrust.org>.

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Time to renew? Your membership renewal date is on the label. If there is no date, please consider joining today!

UPCOMING EVENTS

Lot 1 Exploration

Sunday, May 15, 2:00 to 4:00 PM. Meet at the Brookhaven employee parking lot, 1010 Waltham Street, Lexington. Walk sponsored by the Citizens for Lexington Conservation

Cornelia Warren and Cedar Hill

Wednesday, June 1, 7:00 to 8:00 PM. Stonehurst, Robert Treat Paine Estate. Illustrated talk by WLT Board member Lesya Struz.

Waltham Historic Days

September 17–24. WLT will sponsor an event, date and time to be announced.

Annual Meeting

Wednesday, October 26, 2005. Time and location to be announced.

TIME TO RENEW?

Please check the date on the mailing label of this issue of the Journal. This is the date that your membership expires. To renew your membership, please use the enclosed membership application and return to:

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