

WALTHAM



Waltham Land Trust, Inc.
P.O. Box 541120
Waltham, MA 02454-1120
www.walthamlandtrust.org
781-893-3355

A non-profit organization dedicated to preserving our community's natural resources through open space advocacy, education, acquisition, and protection.

Board of Directors

Nadene Stein, PhD, *President*
Maureen Bagge Fowler, *Vice-President*
David Kehs, *Clerk*
Marc Rudnick, *Treasurer*
Martha Creedon
Marie Daly
George Darcy, III
John Dieckmann
Natalie Hayes
Brian McCormick
Daniel Melnechuk
Phil Moser
Anna Richardson
Stephen Rourke
Lesya Struz
Jim Walker
Diana Young

Advisory Board

Kate Buttolph
Amanda Cather
Dr. Laura Goldin
Dr. Eric Olson
Chris Rodstrom
Michael Squillante
Mike Tabaczynski
Douglas Waybright
Roger Wrubel

Executive Director

Sonja Wadman

**Protecting
Waltham's land
...forever.**

November 16, 2017

On November 6, 2017, three members of the Waltham City Council sponsored a resolution to request that the Mayor and Conservation Commission explore the possibility of locating the new high school on the 25.5-acre Coleman-Stanton property, also known as Chesterbrook Woods.

The Waltham Land Trust firmly opposes this proposal. While we understand and appreciate the urgent need for a new high school, it should not be built at the expense of honoring the City's commitment to conservation of this land.

The Chesterbrook Woods parcel was acquired in 2001 based on a recommendation by the Committee to Study Land Acquisition for the Preservation of Open Space. This Committee, known informally as the "Open Space Committee," was formed by Mayor David Gately and included two city councilors, two city residents and a member of the City's Planning Department.

The committee recommended acquiring the Chesterbrook Woods parcel because of its outstanding conservation values and because of its proximity to the Storer Conservation Land. Accordingly, the City purchased the property from the Coleman and Stanton families who had recently failed in their attempt to develop the land as a residential subdivision.

From the time of the purchase, the City's stated purpose for the land has always been open space preservation and passive recreation.

- A map released by Mayor David Gately and dated 27 September 2001 shows 113 acres of Storer Conservation Land and 25.5 acres of Chesterbrook Woods to give a **Combined Open Space of 138.5 acres**. The map also states that "The Storer Conservation trails will be extended into Chesterbrook Woods and the existing trail maps will be updated."
- The City's Open Space and Recreation Plan includes the Chesterbrook Woods as one of the City's open space assets.
- In 2010, the Waltham City Council unanimously approved the re-zoning of the Chesterbrook Woods parcel from Residential zoning (RA2) to Conservation/Recreation zoning, thus re-affirming the City Council's intentions that the parcel should remain undeveloped.

Furthermore, members of the public have been using this land as an extension of the Storer Conservation Land since before the purchase by the City. The land is crossed by numerous trails. Most notably, the Western Greenway trail traverses the entire parcel, making Chesterbrook Woods a significant component of the Western Greenway. The development of this parcel for any purpose (residences, school buildings, etc.) would represent a tragic loss for the City's open space assets.

The proposed City Council resolution implies that this land can be easily re-purposed from open space to educational use due the language in the documents used to transfer title to the City. We disagree.

The Waltham Land Trust’s position is that the Chesterbrook Woods is protected by Article 97 of the Massachusetts Constitution. Article 97 states that the people have a right to enjoy their parks and open spaces and that the State and its Municipalities cannot use such lands for other purposes unless the transfer is approved by two-thirds of the State Legislature. An Executive Order issued by Governor William Weld imposes additional requirements for transferring park land to another purpose, most notably the “no net loss” requirement: If 25 acres of protected land is “unprotected” and used for educational purposes (for example), then another 25 acres must be set aside for conservation. The Waltham Land Trust believes all of these requirements apply to the Chesterbrook Woods.

While the question of which publicly-owned lands are protected by Article 97 has been the subject of several court cases, the recent decision of the Massachusetts Supreme Judicial Court in the case of *Virginia Smith and others v. City of Westfield* would appear to apply directly to the Chesterbrook Woods proposal. The Court has consistently held in favor of conservation of land that municipalities have held out to the public as being protected, even if the deed or other documents do not legally formalize this status.

The intrinsic purpose of Land Trusts, and of Article 97, is to prevent property owners and government entities from re-purposing open space when their land use needs change. The Chesterbrook Woods property was purchased with the public understanding that it would be preserved as open space not subject to development. Open space that is safe and available to everyone is also essential to a healthy community. We of the Waltham Land Trust urge the City Council and the Mayor to reject the idea of using Waltham’s precious open space for new buildings and parking lots.

Waltham Land Trust Board of Directors

[Board members George Darcy III and Stephen Rourke, who are also members of the Waltham City Council, board member Philip Moser, who is also a member of the Waltham Conservation Commission, board member Marie Daly, who is also a member of the Waltham Historical Commission, and board President Dr. Nadene Stein, who is also a member of the Waltham School Building Committee, did not participate in the WLT discussion and vote on this matter.]