



NEWS

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The Arlington Land Trust is a community-based nonprofit organization established in 2000 to protect undeveloped land in Arlington. As a membership organization, ALT accepts donations and welcomes volunteers to support its work.

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FEMA Releases Draft Flood Zone Maps

The U.S. Federal Emergency Management Agency (FEMA) has released drafts of proposed new flood maps for all the communities in the Mystic River Watershed. Preliminary analysis shows there is more water in the Alewife area than previously documented, and it is spread over a larger area.

The new maps appear to have a far greater impact on the communities of Arlington and Cambridge than they do on Belmont. In particular, this may have important implications for the future development potential of the Mugar site, which is largely within the flood zone.

Property owners in flood zones who have mortgages provided by federally regulated lenders are required to purchase flood insurance. The preliminary updated maps indicate that flood zones in East Arlington are larger than those shown on the current Flood Insurance Rate Maps (FIRM) which date from 1982. Therefore, many more homeowners may be required to purchase flood insurance once the new maps are finalized.

Two public meetings were held in early November to present these findings. According to Nathaniel Stevens, chair of the Arlington Conservation Commission, "FEMA maps are being modernized across the country, county-by-county rather than community-by-community. The modernized maps will be available in GIS format for easier reading and viewing, based on some Mass GIS information. Not only are the maps themselves modernized, but the underlying information for the Mystic River Watershed was restudied and updated. This more accurate topographical study found that even if floodwater elevations in some areas are lower, flooding can cover more area than shown on previous maps."

The maps serve to define the area subject to what is commonly referred to as the "100-year flood." In formal terms, this is the "1% annual

flood" – the flood that has a 1 percent chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area expected to be flooded by such a storm.

The proposed maps also designate certain regions as Floodway Areas to be "kept free of encroachment" to permit floodwaters to drain without obstruction.

These designations by FEMA are referenced by our local zoning bylaw, and by the regulations of the Conservation Commission. These local regulations can govern what (if any) development or other disturbance is permitted in affected areas. It is expected that both the Zoning Bylaw and the ConCom regulations will have to be updated to reflect the new maps, once they are made final.

The Town of Arlington will have 90 days to review the information and comment on its accuracy after a public notice is published in the *Arlington Advocate*, planned for January 2008. Because of the complexity of the information, the Town will hire a former FEMA analyst, now working at Delta Environmental Services in Connecticut, to review the data and advise Public Works Director John Bean, the Conservation Commission, and the Board of Selectmen about the information.

The FEMA remapping has been a topic for discussion at recent Tri-Community Group meetings of municipal elected officials, town engineers, conservation agents, and advocates from Arlington, Belmont, and Cambridge. While the communities will not share in the expense of their respective outside reviewers, they will discuss their findings, probably at their January and February meetings, which will be announced through various media.

The draft maps are now available electronically on the ALT Web site at www.arlingtonlandtrust.org. For more information regarding flood insurance requirements, or if you are unsure if your property may be affected, contact the Town's Planning Department.



Elizabeth Island -Awaiting Its Future

The good news: Elizabeth Island remains in its natural, undeveloped state. Although offered for sale, it has not yet changed hands.

The not-so-good news: After many months of negotiation, ALT and the island's owner have thus far been unable to reach accord on a conservation purchase by the Land Trust. We expect discussions will continue.

In offering the island for sale, broker Griffin Properties of Cambridge described the property as "offer[ing] a myriad of possibilities." Among them could be an attempt to secure permitting for residential construction on the island. Any new owner with such intentions would have to navigate what would surely be a difficult and protracted permitting process to build even a seasonal residence, and such an effort could be unsuccessful.

Even so, residential construction is not the only way this beautiful

resource could be lost. Closure of the island to public access would be entirely an owner's prerogative. And cutting of trees or other disturbance of the habitats that attract the large and varied bird population would drastically alter the island's visual character.

The Land Trust's plans for the permanent protection of the property include assuring public access and involving volunteers in its maintenance. The stewardship of the island would be guided by balancing the impact of public uses with the need to protect the island's resources. A stewardship plan would be based on the initial ecological assessment conducted by Jeff Collins of Mass Audubon (see related story) and the input of the various organizations involved with Spy Pond, including the town's Conservation Commission. We are grateful for the advice and assistance of both Mass Audubon and the ConCom as we continue this effort.



ALT Granted State Land Acquisition Pledge

ALT is pleased to have been awarded a pledge of \$60,000 by the Conservation Partnership Grant Program of the Massachusetts Executive Office of Energy and Environmental Affairs toward the potential acquisition of Elizabeth Island.

The award is contingent on the acquisition taking place before the end of the state's fiscal year on June 30, 2008. Other conditions include a permanent Conservation Restriction monitored by the Town's Conservation Commission, and continued public access.

We are very grateful to the EoEEA staff for recognizing the importance of Elizabeth Island in awarding this grant. ALT extends special thanks to Mass Audubon for assistance with the application process, including preparation of the detailed mapping required.

The Natural Resources of Elizabeth Island

Editor's note: At the request of the Land Trust, Jeff Collins, Director of Ecological Extension and GIS Services at Mass Audubon, prepared this preliminary report describing the island's resources and outlining some considerations for its stewardship.

The two-acre, lens-shaped island includes an interior area of about one acre, which is at least 10 feet above the surface of Spy Pond and is surrounded by lower ground at less than a meter above the water level. The two levels meet in a rather steep, sandy bank. The lower ground appears to be occasionally inundated and includes some wetland vegetation.

The interior of the island is characterized by an attractive canopy of mature black oaks with an understory of red maple, gray birch, white ash, and occasional quaking and bigtooth aspens. The largest of the black oaks are likely over 100 years old. There are few shrubs underneath the oak canopy and the ground is quite open. A small, sandy clearing near the very center of the island is dominated by grasses and raspberries with some poison ivy.

The canopy on the lower ground includes more red maples and gray birch. A single black willow grows near the water's edge on the island's southwest corner. Shrub vegetation, quite thick on the island perimeter, includes sweet pepperbush, arrowwood, willows, highbush blueberry, serviceberry (a.k.a. shadbush), Virginia creeper, and catbrier. Nonnative, invasive plants on the upland are limited to glossy buckthorn and false indigo (*Amorpha fruticosa*), but neither is dominant. The pond shore, however, is dominated on the southwest side by *Phragmites*, and it also includes purple loosestrife.

The natural resources of the island are in very good condition and have been well managed over the years. The two major cover types (upland oak canopy and wetland edge shrub cover) are common natural communities for eastern Massachusetts and

include a typical diversity of native species. Other than the *Phragmites* stands, the invasive plants are not a major concern. The combination of tall trees with some older, rotted branches and dense shrub cover near the water's edge provides a variety of nesting habitat for birds, and I would expect to find several pairs of our common floodplain nesters here in the Spring, such as yellow warbler, eastern kingbird, and warbling vireo. The water's edge is also excellent duck nesting habitat, although the density of Canada geese and mute swans on the pond likely deters their nesting.



The island has tremendous potential as a quiet location for nature study and reflection. The diverse but manageable number of plant species and the close proximity of the dry and wet natural communities make it an excellent location for small group programs such as an introduction to plant identification. The island would be an excellent destination for outings from the Arlington Boys and Girls Club or for camps from Habitat Wildlife Sanctuary in Belmont, with the short canoe ride making an outing more of an adventure than the standard walk in the woods. With some very modest improve-

ments, the island could better accommodate individual visitors or small picnic groups, while minimizing impacts to its natural values.

My brief visit and the anecdotes of others indicate that the island is currently used somewhat regularly for picnics and small "beer parties." The most commonly used landing, on the northeast side of the island, is a bit eroded near the water's edge and leads to a more severely eroded slope up to the clearing at the island's center. I observed two or three informal stone fire pits in this clearing and evidence of their recent use.

Management concerns for this property include monitoring access so that visitors can safely land and secure a canoe or kayak while not trampling pond shore vegetation or causing soil erosion; improvement to the path leading to the island interior to prevent erosion of the sandy soil; a plan to reduce litter such as trash receptacles and regular

The island has tremendous potential as a quiet location for nature study and reflection.

trash collection or an enforced carry in/carry out policy; and formalizing use of the clearing by installing a picnic table or benches. Fire rings should be disassembled and signage installed at the landing to indicate acceptable uses.

Natural resource management should include a continuation of pondwide efforts to manage the Canada goose population and work to control invasive species on the island. A secondary goal could be judicious trimming of vegetation to maintain one or two attractive views onto the pond from the center clearing.

Prospects for the Belmont Uplands and Alewife Region

Flooding and traffic in Arlington and Cambridge may be very much affected by what happens across Route 2 in Belmont. A 299-unit apartment complex proposed for construction on the Belmont Uplands, a wooded spot adjoining the Alewife Reservation, could worsen flooding problems downstream in East Arlington and along Alewife Brook, as well as traffic problems on Lake Street, Fresh Pond Parkway, and Alewife Brook Parkway.

Remains of the Great Swamp

Even the area's roads have a watery sound! That's because the land between and around Fresh Pond and Spy Pond are in what used to be the Great Swamp of Arlington, Belmont, and Cambridge. More than a century ago, Charles Eliot Jr., landscape architect of the Metropolitan Parks Commission, worked on a plan to make the Alewife swamp part of Frederick Law Olmsted's Emerald Necklace, but Eliot died before the plan could be completed.

Instead of parkland, much of the former swampland has become highway and housing. Though a malaria scare in 1904 persuaded the state to buy some land at Alewife, "without the backing of Eliot, drainage of Alewife Reservation became more important than the beauty of its ponds and brooks," remarked Sheila G. Cook in *The Great Swamp* (2002).

Today silver maple trees, renowned among nurserymen as ideal for wet bottomland sites, cover about 8 acres of the low-lying hillock called the Belmont Uplands, one of the many areas that might have been bought a century ago for parkland, but were not. This is the only semi-buildable portion of the 15.6 acres in Belmont and Cambridge that are now owned by O'Neill Properties of Pennsylvania.

The hillock lies at the heart of a larger area of wetlands — some of it part of the Alewife Reservation, but much of it privately owned. O'Neill owns more than 7 acres of undevelopable wetlands; the Bulfinch Companies, owner of Cambridge Discovery Park, owns another 12 acres. If the hillock in the middle is developed, the damage will be far greater than just that piece of upland.

All the surrounding wetlands, public and private, will be seriously disturbed.

Development Plans

In 2002 O'Neill Properties won zoning permission for a 245,000-square-foot office/R&D building plus a garage on the hillock. Shortly afterward, the office market collapsed, and the firm campaigned for another rezoning, this time for housing. Rebuffed by the Belmont Planning Board, O'Neill filed in 2004 for its current project, a 299-unit apartment complex to be built under the provisions of Chapter 40B of the Massachusetts General Laws, which provide simplified permitting for limited-profit projects that include affordable housing. Twenty percent of the 299 units would be affordable — a lower portion than the 25 percent that would have been required under Belmont's inclusionary zoning bylaw.

Feeling it had little choice, the Belmont Zoning Board of Appeals approved O'Neill's application in February 2007, with 42 conditions. But a group of residents of Belmont's Winn Brook neighborhood filed a lawsuit challenging the approval. That case is now in state Land Court, before Judge Gordon H. Piper.

That same residents' group, the Coalition to Preserve the Belmont Uplands, asked the Massachusetts Department of Environmental Protection (DEP) to determine that a state law governing tidal land applies to the property. The group argues that the original path of Little River should be protected, since the river was tidal before the Craddock Dam was built in Medford in 1908. The river's old location skirts O'Neill's proposed construction site; if the tidewater is protected, some changes would likely be needed in the development plan.

Meanwhile, the Belmont Conservation Commission voted on December 10, 2007, to deny O'Neill's application for permission to build under the state Wetlands Protection Act. The ConCom expects an appeal from O'Neill and seems willing to pursue the issue through several layers of litigation.

A Conservation Goal

A conservation acquisition is the only strategy likely to permanently protect the Belmont

Uplands silver maple forest, according to Rep. Will Brownsberger of Belmont. To that end, and with the support of Senator Steven A. Tolman, representing parts of Cambridge, and Rep. (now Senator) Jim Marzilli of Arlington, he has sponsored legislation that would put up \$6 million in state funds towards that acquisition.

Under House Bill 21 the state would commission a professional appraisal of the property and then give Arlington, Belmont, Cambridge, and private groups six months to raise the difference between \$6 million and the true value of the property. That value is probably well over \$12 million, although it is hard to estimate at this time. Thus, the acquisition would require substantial local effort. If the acquisition is successful, the property would become part of the Alewife Reservation.

The bill has drawn strong local support, with the Arlington Selectmen, the Belmont Selectmen, the Cambridge City Council, and many local organizations, including the Arlington Land Trust, giving it their unanimous support. More than 1,500 citizens have signed cards endorsing the legislation, which have been sent to the Governor.

"All of my advocacy effort at this time is devoted to obtaining administration support for the bill," Brownsberger said recently. "We have received informal indications that the acquisition meets internal criteria for consideration as an urban park. However, it faces stiff competition from other possible park acquisitions. Everyone who feels able to communicate the importance of this acquisition to the Governor should spare no opportunity to do so."

Sue Bass, a director of the Belmont Citizens Forum, and Rep. Will Brownsberger contributed to this report.

Reference

Cook, Sheila G. 2002. *The Great Swamp of Arlington, Belmont, and Cambridge: An Historical Perspective of Its Development, 1630-2001*. Cambridge, MA.

Arlington Open Space and Recreation Plan

The Open Space Committee has submitted its draft Arlington Open Space and Recreation Plan Update for 2007-2012 for approval by the Division of Conservation Services of the Executive Office of Energy and Environmental Affairs, as required for all municipalities.

The Plan and accompanying Appendix were prepared by the committee with consulting assistance from Ralph Willmer, a project planner with Vanasse Hangen Brustlin, Inc. of Watertown. Letters of support were received from the Board of Selectmen, Arlington Redevelopment Board, Park and Recreation Commission, Conservation Commission, and the Metropolitan Area Planning Council.

The Plan includes a long list of open space and recreation accomplishments over the past five years, and outlines many specific objectives and actions to be accomplished over the next five years to address the following goals:

1. Acquire undeveloped lands for permanent protection as open space in neighborhoods throughout the Town.
2. Preserve, protect, and enhance existing open spaces, including watersheds, water bodies, and natural areas; parks, playgrounds, and outdoor recreational facilities; and historic sites and cultural landscapes.
3. Coordinate and strengthen local and regional planning and management of open spaces in conjunction with various Town departments, commissions, and volunteer groups, and work closely with nearby towns and regional entities and with state and federal officials and agencies.
4. Increase public awareness, accessibility, and community stewardship of the Town's open spaces and recreational facilities.

Once the Plan has been approved by the state, it will be posted on the Open Space Committee page of the Town Web site, and printed copies will be made available to Town departments, the Robbins Library, and other locations. It will be presented to Town Meeting this spring.

Reservoir Trees

Phase 1 of the plan to landscape the Arlington Reservoir with new trees and native plantings was completed this fall. The Town hired Heimlich Landscaping & Construction to acquire and plant a number of trees according to a landscape plan defined by Conservation Commission and Reservoir Committee member Cathy Garnett, a landscape architect. The trees have been planted in the beach area near Lowell Street and at various spots along the recently reconstructed dam and the new spillway. Additional trees that were considered "fall hazards" or too fragile to plant this fall will be planted in the spring to complete the Town's obligation to replant trees as a part of the dam work.

Now that the majority of the trees have been installed, the Reservoir Committee will move forward with its plans for an educational habitat garden. A generous anonymous donation made to the Arlington Land Trust was designated to plan and plant a small garden of native species that will attract and sustain birds, butterflies, and small mammals. The committee wants to involve members of the community, including school children and environmental groups, to help ensure the garden's educational purpose and broad usage. If you have any suggestions for or would like to be a part of this project, please contact Leslie Mayer, chair of the Reservoir Committee (BLMayer@msn.com).



Time For Subdivision Control?

The Town of Arlington, one of only a few communities in Massachusetts that has not adopted subdivision control, is now considering doing so.

Subdivision control is a provision of Chapter 41 of state law that establishes a framework for local review of the proposed subdivision of large parcels into residential lots. Adoption of these provisions by a community places subdivision decisions under the jurisdiction of its Planning Board. This enables a thorough review of project roadways and the setbacks and size of the units, as well as site drainage, groundwater elevations, any seasonal or perennial streams, soil conditions, the presence of ledge, the traffic in the neighborhood, and the concerns of the abutting neighbors as to the size and scale of the development.

Arlington already has an excellent environmental review process for developments of more than six units, but those with two to six units are overseen by an arcane process called the Board of Survey. In Arlington this role is filled by the Board of Selectmen.

As the Board of Survey, the Selectmen have jurisdiction only to comment on the roadway for the development parcel, including the grading or elevation of the entry road, the width of the roadway, and drainage issues. The Board always seeks the input of the

directors of Public Works and Fire Services in reviewing a project. They may ask the developer to meet with the abutting neighbors before appearing before the Board of Selectmen, but there is no legal requirement for this meeting to occur.

In the last year, the Board of Selectmen has reviewed two Board of Survey projects, one at Edgehill Road and the other at Brattle Lane. Both projects proposed new housing units on land parcels that would have been considered unbuildable twenty years ago because they are covered by ledge. All the abutters are located around the development parcels at lower elevations.

Since many remaining undeveloped parcels in Arlington are similar to those properties, it is time to give the community more control to direct developers to be more responsible about appropriate land uses, address the concerns of the neighbors, and respect the size and scale of nearby dwellings. This oversight would be managed by the Arlington Redevelopment Board, which also serves as the Planning Board.

The Planning Department, the Selectmen, and the Town Manager will submit a warrant article for the 2008 Annual Town Meeting to adopt subdivision control. ALTt applauds this effort. Please let your Town Meeting members know that you support strong subdivision control.

Arlington Land Trust Loses A True Friend

The Land Trust community mourns the loss of Sally Parker, formerly of 48 Walnut Street, who died this past summer. Sally and her partner, Eliza McFadden, had moved from their Walnut Street house and beautiful garden to Brookhaven in Lexington only months before Sally's death. After a lengthy stay at the hospital, Sally died at home, surrounded by family and her beloved cat.

Sally's legacy is Arlington's first "easement in gross," a conservation easement that protects the large Katsura tree and garden space behind the house. Michelle and Brendan O'Day bought Sally and Eliza's house with the restriction and embraced Sally's conservation ethic. Now they and their three young children enjoy the garden that was lovingly created by Sally and Eliza over a forty-year period.

Easements on Small Parcels

An "easement in gross" is a restriction on land use that runs with the deed on the property, binding subsequent owners. Although not technically perpetual (like a state-approved Conservation Restriction), it can protect the land for thirty years and is renewable for successive twenty-year extensions by the Land Trust, which serves as "holder" or enforcer of the easement.

The purpose of this type of easement is to ensure that a restricted area will be left undeveloped so as not to impair or interfere with the land's conservation value. Such land may be a wooded parcel at the end of a cul-de-sac that is enjoyed by its neighbors as bird habitat. It may be a spectacular garden area under a large specimen tree. It may be an extra parcel of land that could be subdivided to create two house sites instead of one home with a large yard. Whatever features make the land special can be protected through this conservation tool.

When a homeowner decides to put an easement on the land, he or she decides which areas are to be restricted for conservation purposes. For instance, a homeowner with a large house lot may restrict only the area that could otherwise be subject to subdivision into another legally buildable lot. This partial restriction can accommodate general house improvements and additions despite the restrictions on the land. The homeowner also decides what uses will or will not be allowed in the restricted area, such as the future construction of fences, sheds, or other landscape features. It is important to note that the conserved area does not have to be open to public access, unless the owner wishes it to be.

The Arlington Land Trust has developed a template for preparing easements in gross to simplify the process for local landowners. The costs involved in placing an easement on your land, including fees for legal document preparation and filing at the Registry of Deeds, can range from \$500 to \$1,500 depending on the complexity and uniqueness of the restriction. Because this type of easement is not technically permanent, there are no income or estate tax benefits to the homeowner. There may be local property tax considerations, if a formerly buildable parcel is reassessed as unbuildable during the term of the easement.

For more information, please contact any ALT board member or send an email to: info@arlingtonlandtrust.org

Conservation Stewards Fund

A major townwide project now underway with support from the Conservation Stewards Fund is the updating of the book *Walking the Open Spaces of Arlington*. First published in 1994, this guide to local open spaces is being revised by members of the Arlington Conservation Commission, land stewards, and other volunteers. The book will be published in both print and electronic form in 2008.

The stewards have also used some of the fund's resources to purchase native plants for the Town-owned Stone Road conservation parcel.

Friends of Arlington's Great Meadows

The Friends of Arlington's Great Meadows have been active in a number of educational projects this year. They have sponsored or cosponsored more than half a dozen public events at AGM. In addition, members continue the elementary school vernal pool program, and lead walks for specific groups, such as Cub Scouts and the Lexington Garden Club.

The Japanese Knotweed control project along the Minuteman Bikeway is entering its fourth year. The area is much improved, with a mixed group of seeded and volunteer plants, although some knotweed remains. Members have also worked to open up some of the upland meadow areas by removing some shrubs and saplings. This project is intended to maintain a variety of habitat areas as recommended in Frances Clark's 2001 report, *Resource Inventory and Stewardship Plan*.

Thanks to you!

The Arlington Land Trust thanks its members and friends for their generous contributions during 2007, including those who support dedicated funds for the Friends of Arlington's Great Meadows and the Arlington Conservation Stewards Fund.

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contact us at: info@arlingtonlandtrust.org

Arlington Land Trust Annual Meeting

**Monday, January 28, 2008
7 to 9 pm**

**Robbins Library Community Room
700 Massachusetts Avenue
Arlington, Massachusetts**

Guest Speaker

*Kevin Knobloch, President,
Union of Concerned Scientists
Cambridge, Massachusetts*

***Land Trusts and Climate Change:
A Pivotal Role for
Open Space Advocates***

Advocates for open space and species habitat are rapidly coming to understand that the onset of global warming is threatening their goals and requiring adjustments in land protection strategies. Because land trusts are led by passionate and dedicated stewards of the land, they have an important opportunity to educate decision makers about harmful impacts of climate change, such as species migration and loss, rising sea levels and loss of coastal land, flooding, drought and intensive heat.

Kevin Knobloch has more than 27 years of experience in legislative policy, media, and advocacy, and is knowledgeable about a wide range of environmental and arms control issues, including natural resource and clean energy economics, advanced technology vehicles, nuclear weapons, forest conservation, renewable energy, and corporate responsibility.

Kevin first worked at UCS from 1989 to 1992 as legislative director for Arms Control and National Security. He returned in January 2000 and was named president in December 2003. He oversees all of the organization's research, public education, and legislative programs.

He has lived in Arlington since 1994, and is a cofounder and former president of the Arlington Land Trust.