



November 11, 2021

Applicant response to the Belmont Land Management Committee's 10/19/21 report to the Planning Board, regarding the relationship of the McLean District Zone 3 development to the adjacent public open space.

Overview:

- The Applicant met with the LMC on March 10, 2020 prior to the enactment of the MDZ3OD Zoning Bylaw and again on July 12th, August 18th and October 6th 2021, to present the site plan proposal and address Committee questions and concerns.
- Pursuant to these discussions, the LMC prepared and presented to the Planning Board two memos – the first dated March 11th, 2020 with comments on the proposed zoning amendment language and a second dated August 23rd, 2021 with respect to the Design and Site Plan Application dated April 16, 2021. See applicant response dated August 31st, 2021.
- The LMC provided the Applicant and the Planning Board a personal memo authored by Belmont resident Joe Hibbard dated August 2, 2021 which was subsequently updated with a revision date of September 15, 2021. The LMC has represented to the Planning Board that this memo was Mr. Hubbard's independent undertaking but that the committee members have endorsed some of the statements found therein.
- On November 2, 2021, committee member Ellen Cushman provided the Planning Board with a four-point summary of the Committee's areas of interest and concern drawn from the Hibbard Memo and the Committee's review of the project documents. In doing so she noted that the McLean Hospital appointees to the Committee (of which there are four) have recused themselves from these considerations owing to the Hospital's interest as seller to the Applicant.
- The four areas of interest/concern are:
 1. That hydrologic impacts to open space lands should be minimized.
 2. That plant selection should mimic plant communities in open space areas: oaks, hickories, and white pines, and the like.
 3. That turf grass areas should be kept to a minimum and meadow grasses and similar restoration seed mixes should be used as widely as possible, and
 4. Where possible, planting and maintenance should mimic McLean Hospital campus planting and border/edge conditions where plants have been allowed to naturalize.

- At the same November 2, 2021 meeting, the Applicant provided the Planning Board with an update on three other lines of discussion with the LMC. These are:
 1. Satisfaction of the McLean Zone 3 zoning requirement to create a trailhead to the open space.
 2. The possible posting of boundary marker signs along the Zone 3 property line with open space.
 3. LMC relevant interests and how these are preserved in the governing documents for the project and how the terms of the special permit are memorialized.

Follow-up / Response

- Regarding the four areas of interest/concern, the Applicant offers the following response:
 1. **Hydrologic Impacts:** The Applicant agrees that the prospect of the open space vegetation being irrevocably affected by the site work is a terrible one. The proposed development and its appeal are tied directly to its situation within and adjacent to the open space. Accordingly, the site design takes this relationship into account at every level. All should remember the degree of effort that was part of the 1999 re-zoning initiative that identified parcels suitable for development and those preferably preserved as open space. Further, the substantial land preservation rights that were conveyed to the Town were motivated in part by the need/desire to buffer development from adjoining communities. The success of this effort seems abundantly clear in the subsequent development of the similarly situated Zones 1 & 2. The vegetation/habitat of the Open Space areas below Zone 1A, 1 B and 2 is healthy even with the intensive up gradient development that occurred within each zone 10 -20 years ago. On this basis, the Applicant cannot be but confident in both the underlying land planning and in the particulars of the site design for Zone 3 that the same outcome will be the case here. The hydrological modeling and resulting storm water collection, management, and discharge systems have been presented to the Board and exhaustively Peer Reviewed. That work documents the various watersheds of which Zone 3 is a part and how the water coming onto the parcel is directed both pre-and post-development in fine grain detail. The Applicant appreciates the general concern but believes the submitted analysis and design parameters address and allay any specific cause to doubt the intended outcome. It should be understood that any development activity on the Zone 3 will affect the manner in which water drains across the site, however, there is no evidence or precedence to suggest that widespread degradation of open space vegetation adjacencies will occur.
 2. **Plant Selection:** The submitted landscape drawings provide a typical plant list from which the landscape design will draw. This list includes the species the LMC has cited with the exception of hickory (*Carya sp.*). The Applicant is fine with adding *Carya* to this list, and while lack of comment does not necessarily equal approval, the Applicant is pleased that this list and the plants called out in the plans did not elicit the Committee's

approbation. As has been represented to the LMC and the Planning Board, the landscape design runs the range from areas of preserved existing vegetation to the landscape design of very domesticated and architecturally framed spaces. And while invasive and near-invasive plants will be excluded and not permitted, planting lists will include garden favorites and those typically seen in New England yards and front gardens. Plant selection across the site will be appropriate to the continuum of spaces, their size, purpose and adjacencies as represented in the submitted plans. Plantings along front walks, for instance, will vary from those selected for buffer and transition areas and along the open-space boundaries as they should.

3. **Turf Grass:** The submitted landscape drawings include the typical landscape turf treatment around each of the unit types in each sub-district. All in all, the development program and site topography simply don't allow for expanses of turf that could by any measure be considered gratuitous. Areas that might be considered 'Lawns' are limited to the crescent area in front of Bldgs 3-6, the side-yard area to Bldgs #3 & 7 at the neighborhood entrance, and a small lawn over the infiltration area downslope of Bldg #10. These are small, special spaces conceived as such. Elsewhere, turf is used around the homes to provide a route to walk around and between the buildings— envision a green path between plantings and structures. As the LMC advocates, the plans callout meadow and restoration seed mixes where suitable and appropriate, which while present are limited.
 4. **Naturalizing Vegetation:** As stated above, the landscape design runs the range from creating buffer and transition spaces to fine grain domesticated spaces. Within this continuum, there are spaces like the area above the existing retaining wall along Olmsted Drive opposite Bldg #100 that will be unaffected by the development. The vegetation here will be largely left to grow and naturalize as it has since Olmsted Drive was built. Similarly, areas of preserved vegetation and those areas of new planting that are grade separated from the street and from the homes along the new drives will be left to grow. Likewise, the area downslope of the fire lane along the open space will be treated the same and be the direct beneficiary of the great seed bank that is the open space. We believe that this mix of spaces and treatments will make the development a compelling one. The suggestion that some form of deliberate managed naturalized landscape objective is employed within the McLean campus, is generous. Naturalization has occurred as a result of opportunistic secession growth combined with maintenance funding limitations.
- Regarding the three additional points of inquiry:
 1. **Open Space Trailhead:** The McLean Zone 3 zoning includes a requirement to create a trailhead to the open space trail network; however, there are no trails immediately

adjacent to the Zone and there are topographic challenges to bringing a trail connection to the Zone. Since new trail creation is the purview of the LMC the location of a new trailhead cannot as yet be determined. The Applicant affirms the willingness to continue in these discussions and to act at the appropriate time on the obligation to facilitate a trailhead or two. The Applicant does not accede to the notion of permitting or building trails on private and/or Town owned property.

2. **Open Space Boundary Markers**: The applicant is willing to post boundary marker signs along shared property lines. These would be of an agreed upon size and set at an appropriate interval to demarcate the boundary for the purpose of avoiding confusion in matters of access, maintenance, rights, responsibilities and the like. The applicant will provide and mount the signs. Design of the signs shall be the responsibilities of others.
3. **Governing Documents**: This concern is not unique to the LMC. The long term maintenance of the grounds and infrastructure will be governed by three governance documents and the responsibility of three bodies. These documents included a description of all lines of responsibility for maintenance and preserving the terms of the site plan approval consistent with the Planning Board's own interest in this matter.
 - a. **Declaration of Reciprocal Easements and Agreements (REA)** – Per the of record REA Zone 3 is responsible for the maintenance of Olmsted Drive (OD) and its related infrastructure, see attached Article 3, Operation and Maintenance of Common Driveways and Emergency Access Drives – Subsection 3.2.1 – with such costs to be borne between the owners of Zones 3 & 4 uniquely – Section 7. The same applies to Common(ly) (used) Utility Facilities that exist in OD – see section 3.3.1
 - i. Copies of the cited sections are attached. The entire document is contained in the submitted D&SP application under Governing Documents.
 - ii. The maintenance responsibilities for OD are listed below in abbreviated form from section 3.2.1 (a-h) of the REA.
 1. Repair cracks, potholes, repave, restripe as necessary.
 2. Remove debris from OD.
 3. Clear ice and snow.
 4. Maintain street lighting.
 5. Maintain and provide signage.
 6. Maintain and replant landscaping along OD and maintain irrigation along OD (there is no irrigation at present).
 7. Maintain drainage facilities.
 8. Maintain traffic monitoring devices.

- iii. The OD access corridor inclusive of the roadway, sidewalk, road shoulders, street lights, entrance area at Pleasant Street, crosswalk at Pleasant Street and associated utilities will be maintained by the Zone 3 Subdistrict B development entity. The Zone 3 Subdistrict B owner will in turn bill the Subdistrict A, Zone 2, 4, 5 & 6 owners, to the extent applicable for the associated costs – see REA section 3.3.1, for cost sharing allocations.
 - iv. The road shoulders of OD beginning at Pleasant Street on up have been minimally maintained by McLean over the last 8+ years and require clean up and likely some landscape improvements. Encroachment of invasive or successive growth species trees at the entrance area in particular will be removed.
 - v. Existing stone walls, signage, guard rails, curbing, lighting and landscaping will all be freshened up.
 - vi. Irrigation of the OD road shoulders is not proposed.
 - vii. Prospective Open Space access trailheads will be installed under the guidance and direction of the LMC.
- b. **Zone 3 Declaration of Easements and Covenants (Z3DEC)** – a new Zone 3 Declaration of Easements and Covenants will be created and recorded to memorialize pedestrian, vehicular and emergency access rights and associated maintenance responsibilities by and among the two Subdistrict Parcels (Subdistrict A and Subdistrict B). The Z3DEC will layout the common snow plowing, grounds maintenance, signage, lighting and common area maintenance needs within Zone 3 and allocate responsibility, cost sharing and governance. The Z3DEC will also assign the governance and maintenance obligations imposed by the REA to the Subdistrict B parcel owner.
- c. **Subdistrict A Condominium Master Deed and Declaration of Trust** – Prior to the conveyance of the first condominium unit, a Condominium Master Deed will be recorded for the Subdistrict A parcel and units, that will layout the governance structure and maintenance responsibilities of the Subdistrict A unit owners – inclusive of the common obligations assigned by the REA and the Z3DEC governance documents.