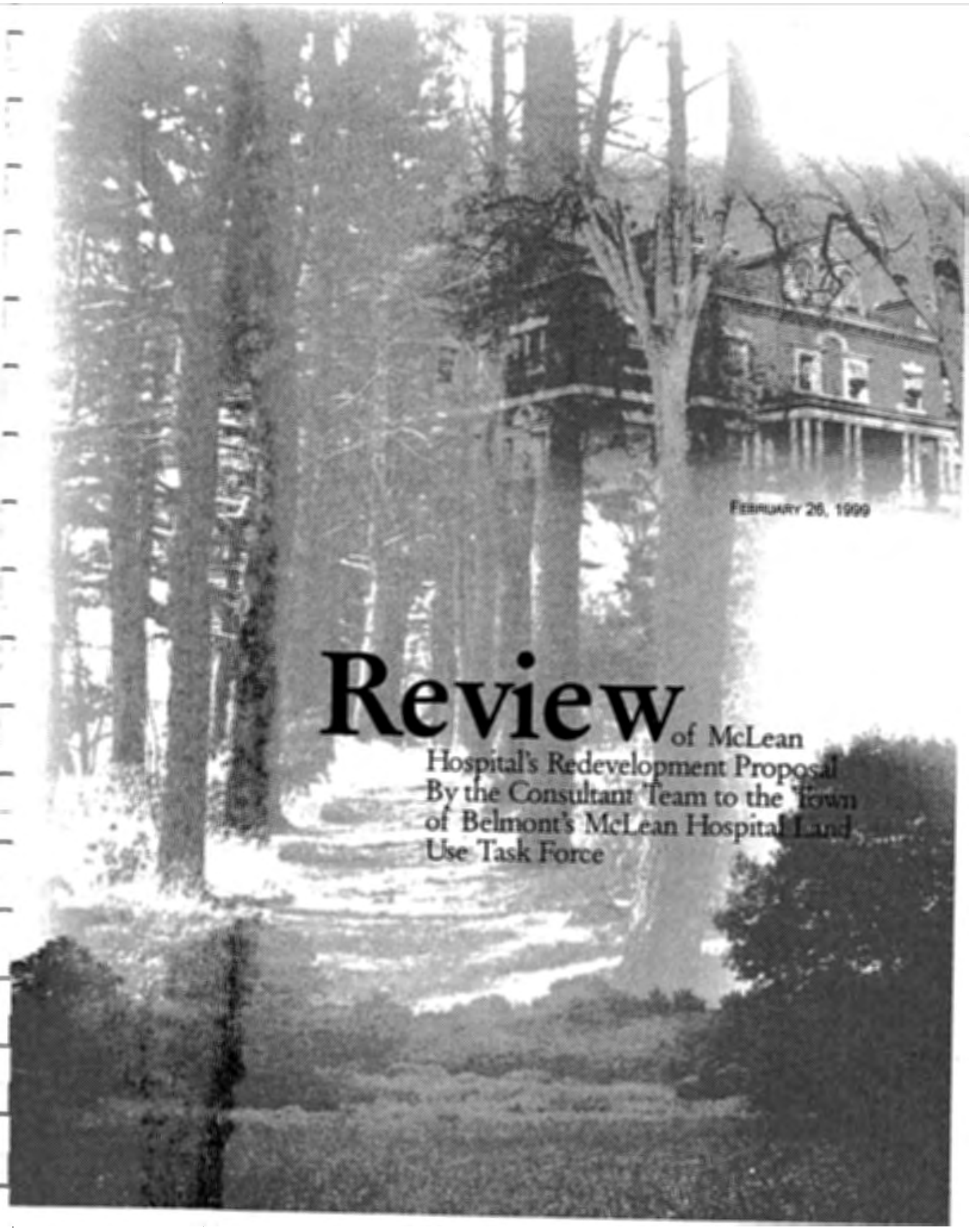

February 26, 1999

Review of McLean Hospital's Redevelopment Proposal By the Consultant Team to the Town of Belmont's McLean Hospital Land Use Task Force

REVIEW OF MCLEAN HOSPITAL'S REDEVELOPMENT PROPOSAL BY THE CONSULTANT TEAM TO THE TOWN OF BELMONT'S MCLEAN HOSPITAL LAND USE TASK FORCE

FEBRUARY 26, 1999

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TOWN COUNSEL 12/29/98, 1/8/99

HISTORIC DISTRICT COMMISSION

RECREATION DEPARTMENT

HOUSING AUTHORITY

CONSERVATION COMMISSION

BOARD OF ASSESSORS

CEMETERY COMMISSION

BOARD OF HEALTH

A MESSAGE FROM THE MCLEAN HOSPITAL LAND USE TASK FORCE

I. McLean Hospital/Partners Healthcare System/The McLean Hospital Land Use Task Force

As most of you know, in the spring of 1996, in the face of major changes in the healthcare industry and because of a large capital debt at McLean Hospital, Partners Healthcare System, owner of McLean Hospital, announced plans to consolidate its operations in Belmont. This decision followed an internal planning effort started in 1995. During this period, Partners considered numerous options, including totally relocating McLean's operations outside of Belmont. Its present intention is to create a single integrated mental health care delivery system. Current plans call for McLean's operations at the Belmont site to be a crucial component of this system.

Having reached this decision, Partners and McLean called for major changes to be made at McLean in order to make it financially feasible for the hospital to remain in the community. McLean planned to create a land use plan which would allow them to retain a 50-acre core campus and divest or develop the other 190 acres.

In June of 1996, the Belmont Board of Selectmen formed the McLean Hospital Land Use Task Force to represent the interests of the Town and to work cooperatively with McLean and Partners. The Task Force consisted of 15 members: eight volunteer citizens appointed by the Selectmen, and seven ex officio members. The voting ex officio members include representatives from the Planning Board, Cemetery Commission, Conservation Commission and the Board of Assessors. Non-voting ex officio members are the Town Administrator, the Director of Community Development and the Town Planning Coordinator. These members represent a broad cross section of opinion in the Town and have been working very hard these past two and a half years.

We especially want to recognize the contribution of C. Brendan Noonan, Vice Chairman of the Task Force who passed away last winter. He was a great asset to the Task Force, made many fine contributions and is sorely missed.

II. The Work Process

The Selectmen asked that the Task Force evaluate, among other options, the conservation of open space, municipal cemetery development and low impact private development. It was expected that we would conduct a thorough review of all information regarding the McLean Hospital property, including existing uses, physical attributes, assessed property value, infrastructure and utilities and impacts to municipal services. We were asked to review with McLean its current and future needs in order to carry out its corporate mission, to survey the needs and interests of the Town of Belmont, to consider the opinions of businesses and residents located close to the property, to solicit public opinion and ideas and to develop recommendations, with sufficient documentation and analysis for the Board of Selectmen's approval.

To assist us in our work, in 1997, the Task Force retained development consultants, including the Boston-based planning team led by the architecture and planning firm of Goody, Clancy & Associates, the real estate development firm of Spaulding & Slye, and the legal firm of Hill & Barlow. Each of these firms was selected through a competitive process. An overall budget for the year was determined, discounted fees were negotiated and each of the firms was required to agree that it would not represent any third party in connection with any development that might be proposed for the McLean site.

The Task Force created a schedule for its work with specific goals, milestones and phases which was intended to develop a strong, proactive, integrated and coordinated strategy for the Town of Belmont.

Phase I

Phase I of this work plan involved a process of education for the Task Force during which time we familiarized ourselves about the issues surrounding the land and the basic options and tools available to the Town of Belmont in its discussions with McLean. During Phase I, the Task Force worked to ensure that community input was received from all sectors of the Town, holding numerous public hearings and inviting 22 local and regional organizations, representing the broad range of interests important to the Belmont community, to address the Task Force. The meetings were arranged topically so that all issues associated with a given topic could be fully explored and understood by the Task Force. The Task Force also sponsored with its consultants an educational workshop at Belmont High School which was open to the public and which featured five key topics relevant to the site: legal and regulatory issues around land use development and open space acquisition; real estate markets; fiscal costs and benefits of different land uses; and other issues of critical concern to the McLean Task Force and the Town.

Phase II

During Phase II of the work plan, the Task Force considered a variety of uses that might occur on the property and assessed these uses with respect to their impact on the Town. The Task Force's consultants gathered relevant information about the site, including traffic capacity; environmental characteristics; the possibility of siting a new cemetery; fiscal costs and benefits of different land uses; and other issues of critical concern to the McLean Task Force and the Town. These efforts assisted the Task Force in understanding the existing and potential uses for the site, its historical and archeological qualities, ecological value, historical significance and constraints on development. The results were presented to the Town through a series of public hearings. Phase II was completed when the Task Force issued in July of 1997 a Statement of Principles and Priorities that we believed should govern the development of the McLean land. This Statement of Principles and Priorities was unanimously adopted by the Task Force and approved by the Board of Selectmen in September of 1997. These principles included the following:

- Protect the natural and historic character of the McLean property, which includes:
  - maximizing the amount of undisturbed, natural open space on the parcel;
  - preserving as of right certain well-known and beloved features of the parcel as well as those features which are the most environmentally sensitive; and
  - minimizing additional new development that would adversely affect the amount of open space through the creative reuse of existing buildings.

- Minimize adverse impacts from new development in order to preserve Belmont's quality of life, which includes considerations of:
  - Traffic impacts,

  - Flood control,
  - Construction impacts, and
  - Visual impacts.

- Generate additional tax revenue for the Town of Belmont.

- Consider the financial impact of development on the entire campus to ensure fairness in the estimate of total financial value to McLean.

- Allow the Town of Belmont to secure land for municipal purposes, such as
  - Cemetery development, and
  - Additional municipal space.

- Support private development which meets municipal and/or public needs, such as:
  - Moderate income housing, and
  - Development that might enhance Belmont's commercial centers.

The Task Force also suggested some potential uses that would serve the needs of the Town of Belmont, including conservation land, open space for cemetery development and passive recreational use, soccer fields, housing, and limited, low-intensity office development such as a research and development (R&D) facility.

Phase III

Phase III of our work plan began in the summer of 1997, when McLean presented its first proposals in connection with the redevelopment of their surplus land. They proposed three development options, each including a variety of uses but focusing on a specific use: Option #1 – clustered housing: Option #2 – corporate development; and Option #3 – a senior complex consisting of independent living units, assisted living units and a skilled nursing facility. After deliberation and analysis by the Task Force's consultants, the Task Force rejected all of McLean's options as being inconsistent with its Statement of Principles and Priorities. Essentially, each of the proposals contained too much development in the wrong places (meaning the previously undeveloped areas of the site). However, Option #3 was viewed as a possible basis for further negotiation.

This rejection led to a long hiatus in the fall, during which time McLean in effect withdrew from the process for an internal review of its redevelopment options. During this period, the Task Force attempted to assist Mclean by working with its Option #3 and "reconstructing" it in a manner that demonstrated that even the level of development envisioned in Option #3, although too high for the Town, could be accommodated in a manner that preserved significant public open space to the Town. This reconstruction was merely an illustration and not a proposal from the Task Force. We, the Task Force, feel very strongly that as a private landholder, McLean, not the Town is responsible for setting forth redevelopment proposals.

This reconstruction included approximately 145 acres of undeveloped land that would be set aside for conservation land and open space. The Task Force emphasized to McLean that it expected to limit development in this area and that any development which took place elsewhere on the site should be constructed so as to respect the quality of the open space. The Task Force also considered traffic impacts from development.

In May of 1998, McLean approached the Task Force with another proposal which included a mix of luxury townhouses, senior housing and office development. McLean's request for development rights under this proposal had been significantly scaled back and largely protected the open space identified in the Task Force "reconstruction" of Option#3. Under McLean's May proposal, nearly 60% of the McLean campus was preserved as open space. In addition, the program was reduced and the office space was shifted to R&D use, which generates less peak hour traffic.

Following McLean's presentation of its proposal, the Task Force consultants analyzed it by topic and highlighted our questions and concerns. The result of the consultants' analysis was issued on May 22nd in a report entitled *Preliminary Review of McLean's Redevelopment Proposal by the Consultant Team to the Town of Belmont's McLean Hospital Land Use Task Force* and was placed in the library for the public to examine. This *Preliminary Review* indicated that the while McLean was offering the Town ownership of a significant public open space resource and had significantly reduced traffic impacts, important issues remained to be resolved related to historic preservation; traffic impacts, monitoring, and mitigation; visual impacts—particularly along Mill Street; the scale of the senior community; and concerns that the Farm should be preserved as a natural open space.

The Task Force then held a series of weekly public hearings and precinct meetings in order to ensure full community input into all of the issues. These meetings culminated in a special educational session for Town Meeting members in June. At this meeting, McLean and the Task Force consultants made presentations and Town Meeting members had the opportunity to ask questions and learn more about the proposal.

Phase IV

During Phase IV, McLean continued to refine its proposal, based on the questions, concerns and comments they received from Task Force members and the public at large in Belmont. In August of 1998, a third proposal was made, which reduced the amount of R&D by 33% in comparison to the May proposal. This proposal continued to leave significant issues unresolved, particularly historic preservation, the scale of the senior community, traffic mitigation, and affordable housing. During this period, the Board of Selectmen began holding a series of round table discussions to draw comment on McLean's proposals. These comments were conveyed to the Task Force which also continued to meet and negotiate with McLean around outstanding concerns. McLean also began to work with the Town's Planning Board to resolve detailed issues related to rezoning of the site.

Phase V

In November, 1998, McLean presented its current proposal, which is described herein and analyzed by the Task Force consultants. In effect, this proposal refined McLean's August proposal to resolve a series of outstanding issues. The current McLean Proposal reduced the size of the senior community and responded in large part to other outstanding concerns.

Upon receiving the recommendation of the Task Force, the Board of Selectmen determined that a number of open issues remained which needed to be resolved. They convened a "Core Group", consisting of all major stakeholders, to meet and discuss these issues. On January 11, 1999, the Board of Selectmen, by a two to one vote, approved the Plan and forwarded it to the Planning Board. The approval was based on several conditions to be resolved. In order to resolve these

issues, the Board met directly with McLean Hospital officials in formal negotiation sessions. At the same time, the Board of Cemetery Commissioners considered compromises to the cemetery zone. On January 25, 1999, the Board received and considered compromise positions from both McLean Hospital and the Board of Cemetery Commissioners. On that date, the Selectmen voted, two to one, to approve an amended plan and forward it to the Planning Board. The amendments to this plan included: a reduction in the size and configuration of the cemetery zone; an increase in the setback of the residences in Zone 1A; an increase of ten affordable housing units in the senior complex, offset by an allowable increase of 70,000 square feet of area in the senior complex and an additional residential unit in Zone 1A; a reduction in the allowable parking in the Research and Development zone, and a clarification of the "principal use" definition within the Hospital zone.

To the extent possible, this report incorporates analysis of the updated plan.

The Task Force members believe that the current McLean Proposal will have a substantial positive impact on the future of Belmont. The Task Force's work will help to enhance the quality, amount, and character of the Town's public open space; the Town's fiscal health of the Town; the diversity of the Town's economy; the Town's stock of affordable housing; and housing options available to the Town's elderly residents. In addition, the Task Force's work would provide the Town with a new cemetery. We believe that McLean's Proposal forms an appropriate framework to hand over to the Planning Board for preparation of new zoning for the site.

On Monday, February 22, 1999, The Board of Selectmen voted unanimously to approve two Warrants for a vote at a special Town Meeting on March 9, 1999. Town Meeting will be held at 8:00PM in the Auditorium of the Belmont High School, 221 Concord Avenue, to vote on the amendments proposed for the Zoning By-Law of the McLean District and for approval of the ancillary documents to be entered into by the Town of Belmont and McLean in connection therewith.

Sincerely,

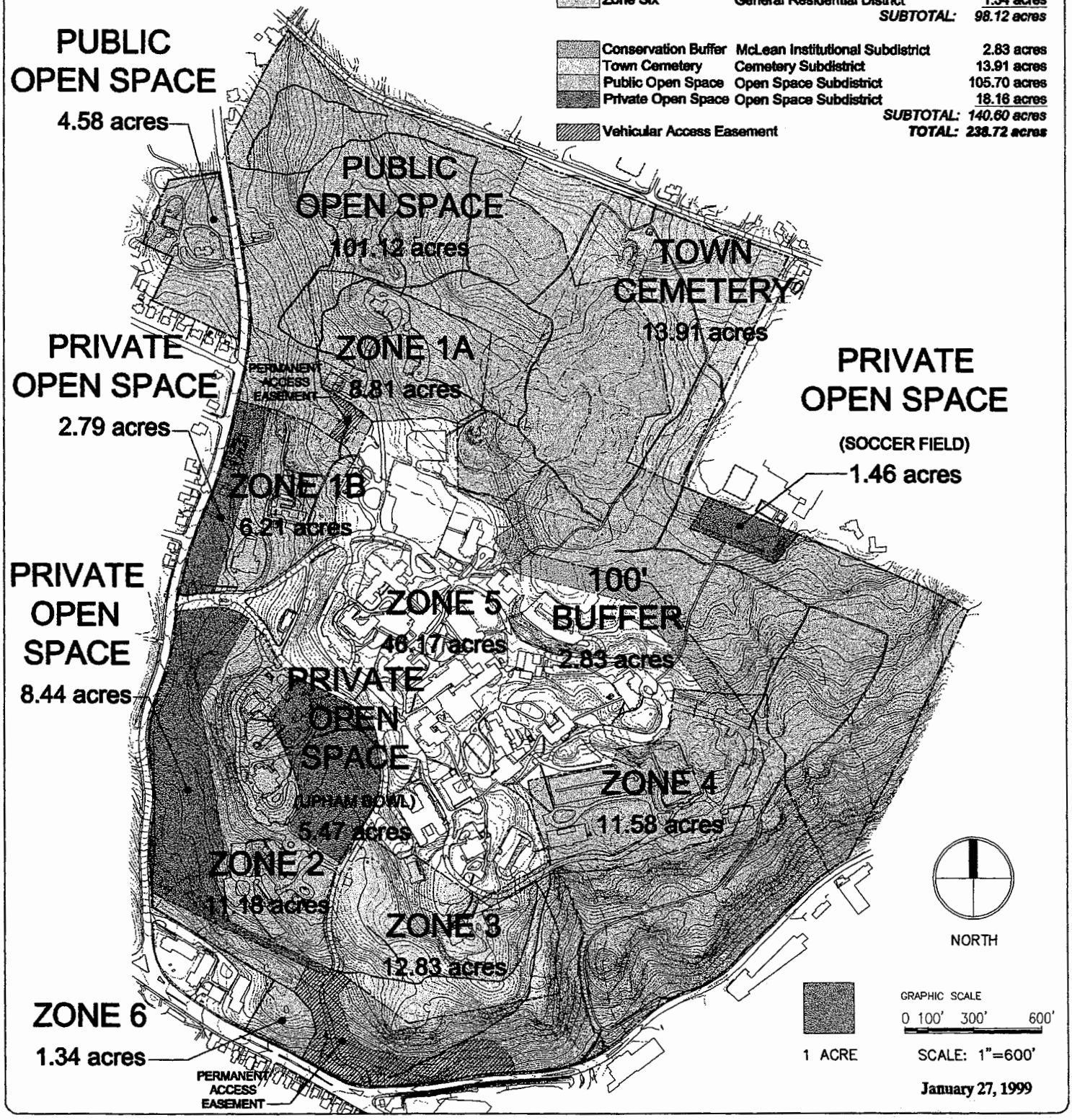
Nancy J. Kelley, Chairperson
Marlene Flewelling, Citizen Member
Henry (Rocky) Joyal, Citizen Member
Walter McLaughlin, Citizen Member
Harriet Needham, Citizen Member
Ellen Stevens, Citizen Member
Angelo Borelli, Board of Assessors, Ex-Officio
John Murphy, Conservation Commission, Ex-Officio
Liz Norris, Planning Board, Ex-Officio
Mel Kleckner, Ex-Officio, Non-voting Member
Ellen O'Brien-Cushman, Cemetery Commission, Ex-Officio
Tom Gatzunis, Ex-Officio, Non-voting Member
Jeffrey Wheeler, Ex-Officio, Non-voting Member

PROPOSED
MCLEAN HOSPITAL ZONING PLAN

McLean District and General Residential District

Legend - Zoning Subdistricts & District

Zone One	Residential Subdistrict	15.02 acres
Zone Two	Residential Subdistrict	11.18 acres
Zone Three	Senior Living Subdistrict	12.83 acres
Zone Four	Research & Development Subdistrict	11.58 acres
Zone Five	McLean Institutional Subdistrict	46.17 acres
Zone Six	General Residential District	1.34 acres
	SUBTOTAL:	*98.12 acres*
Conservation Buffer	McLean Institutional Subdistrict	2.83 acres
Town Cemetery	Cemetery Subdistrict	13.91 acres
Public Open Space	Open Space Subdistrict	105.70 acres
Private Open Space	Open Space Subdistrict	18.16 acres
	SUBTOTAL:	*140.60 acres*
Vehicular Access Easement	*TOTAL:*	*238.72 acres*



The Keefe Company

IN ASSOCIATION WITH:

McLean District Zoning Map

Belmont, Massachusetts

Pressley Associates, Inc.
Landscape Architects
Hemenway & Barnes, Attorneys
Frederic R. Harris, Architects
Walsh Brothers, Construction
Rizzo Associates, Traffic

PROPOSED
MCLEAN HOSPITAL REDEVELOPMENT PLAN

PROVIDED BY MCLEAN HOSPITAL

McLean Hospital Development Plan

Zone 1 & 2	Attached Cluster Townhouses (11 units represent a bonus to support historic preservation)	122 units
	Zone 1A 33 new units Zone 1B 22 new units + 5 preservation bonus units Zone 2 56 new units + 6 preservation bonus units	
Zone 3	Senior Lifecare Community 480 new units + 6 preservation bonus units	486 units (30 affordable)
Zone 4	Research and Development Center	200,000 SF
Zone 5	McLean Hospital Growth	50,000 SF (total 668,000 SF)

PROVIDED BY MCLEAN HOSPITAL

Open Space

- Up to 108 Acres Protected by a Permanent Conservation Restriction

- 116 Acres will be Managed by a Joint Town-McLean Trust, with Third Party Professional Management

- 92 Acres will be owned by the Town, including:
  - 14 Acres for a New Town Cemetery

- 27 Acres will be Privately Owned by McLean but Publicly Accessible

- 20 Acres of Open Space will be Privately Owned but not Generally Accessible

PROVIDED BY MCLEAN HOSPITAL

Gross Tax Revenues to Belmont

Gross Annual Tax Revenues $3,033,000

PROVIDED BY MCLEAN HOSPITAL

Benefits to Belmont

- New Public Open Space
- New Town Cemetery
- Protected and Preserved Open Space
- Expanded Tax Base – $3 Million in New Annual Gross Revenue
- Affordable Housing Opportunities
- Additional Land for Waverley Oaks Elderly Housing
- New Housing Options for Belmont Seniors
- Historic Preservation Incentives
- Expanded Recreational Opportunities
- Economic Stimulus to Belmont Commercial Centers

PROVIDED BY MCLEAN HOSPITAL

Belmont Benefits

		Estimated Value
▪ Town-owned Open Space	78.46 Acres	$39,230,000
▪ New Town Cemetery	13.91 Acres	$ 6,955,000
▪ Additional Protected Open Space	48.23 Acres 140.60 Acres	
▪ Easement along Pleasant Street (10')	.50 Acres	$250,000
▪ Transfer of Land to Town of Belmont (40 new units possible, affordable housing)	1.34 Acres	$600,000
▪ Traffic Mitigation at Pleasant and Trapelo		$395,000
▪ Traffic Mitigation at Other Intersections		$605,000
▪ Historic Preservation		
▪ Use of Soccer Field		
▪ Sale of Land to Dr. Cosman	.3 Acres	$100,000
▪ Business District Revitalization		
▪ Reimbursement of Consultant Costs		$500,000
▪ Expanded Housing Choices		
▪ New Jobs		
▪ Estimated Building Permits		$1,200,000
▪ Expanded Tax Base $2.1 - $2.2 Million		$25,000,000 (Capitalized at 10%)
Grand Total		$75,335,000

PROVIDED BY MCLEAN HOSPITAL

Traffic Study Findings

- Proposed Development Programs Reduced Since Summer 1997
- Low Impact Land Uses
- Manageable Traffic Increases – Less than 5% at Most Intersections
- Mitigation Opportunities Exist that Protect Community Character

Off-Site Roadway Design Objectives

- Maintain Level of Services
- Improve Safety for Pedestrians and Motorists
- Control Traffic Speeds
- Improve Landscape
- No Land Takings

PROVIDED BY MCLEAN HOSPITAL

Traffic Mitigation Summary

- Opportunities Exist to Improve Operations and Safety
- Intersections Can Be Made More Attractive and Better Organized
- Travel Demand Management Can Reduce Trips
  - Transportation Coordinator
  - Traffic Monitoring

TERM SHEET

OUTLINE OF TERMS OF THE McLEAN PROPOSAL

The current proposal for the redevelopment of the McLean Hospital site involves:

(a) a rezoning of the entire site, which will include traffic controls and historic preservation incentives;
(b) the acquisition of public rights and interests in the site, including fee simple title to a major portion of the site for open space and for a cemetery;
(c) creation of a public/private partnership for the management of the open space on the site;
(d) a tax agreement involving a tax exemption for the on-going core hospital campus;
(e) commitments by McLean with respect to traffic monitoring and mitigation;
(f) commitments by McLean regarding historic preservation;
(g) commitments by McLean and the Town with respect to affordable housing;
(h) commitments by McLean for certain additional recreational benefits for the Town; and
(i) reimbursement by McLean of $500,000 of the Town's consultant fee budget.

A. Rezoning

New Zoning District and Subdistricts

The site would become a new zoning district – the McLean District – and be divided into six new zoning subdistricts under the Zoning By-Law of the Town of Belmont:

Residential

Permitted uses: Side-by-side attached single family dwellings, the conversion of existing structures to single family or multi-family dwellings, and a limited amount of private club or lodge facilities.

Senior Living

Permitted uses: Multi-family dwellings developed for occupancy by elderly persons or elderly families, including independent living facilities, assisted living facilities and nursing care facilities, and multipurpose senior facilities.

Research & Development

Permitted uses: offices for and laboratories for research and development in the fields of biology, chemistry, electronics, engineering, geology, medicine, pharmaceutical, physics, computer research and technology.

McLean Institutional

Permitted uses: psychiatric medical uses, including clinical, research and teaching programming in the nature of McLean's current operations and non-psychiatric medical uses (up to 30%), including clinics, educational facilities, outpatient services, research

and development laboratories and other types of hospital uses and residential programs, professional offices for doctors and other hospital employees.

Open Space

Permitted uses: Passive recreational use, access to other uses, the reuse of certain historic buildings, accessory outdoor parking, trails and interpretive facilities. Lands within the Open Space Subdistrict shall be continued in an undeveloped and natural condition.

Cemetery

Permitted uses: cemetery and associated internment uses, structures, including offices, garage, maintenance buildings and columbariums together with landscaping, pathways, access drives and accessory parking.

Such districts would be located substantially in accordance with the zoning map included in McLean's proposed comprehensive plan. All uses not specified would be prohibited.

A. Restrictions on Development

Development within any district would be subject to **density, dimensional and site plan controls.** The **density controls** would allow no more than 122 cluster residences, 486 senior residences, 200,000 square feet of R&D space and 668,000 square feet of hospital space (compared to about 618,000 currently existing, including the Mailman Center).

The **dimensional controls** will address issues such as heights, setbacks, and the number and design of parking spaces. The dimensional controls within the Medical Institutional district will include the establishment of certain "institutional open space" and/or "buffer areas."

Design and site plan review would be applicable to all applications for new buildings or additions in the Residential, Senior Living, Research & Development and McLean Institutional Subdistricts. In addition to the objectives of design and site plan review set forth under the current Zoning By-Law, design and site plan review at the site would include:

1) mitigation of any construction period impacts on the natural landscape, adjoining premises and the local roadway system;
2) confirmation that the pre-established traffic mitigation measures have in fact been implemented;
3) review of effect on natural resources within the proposed development area;
4) control of stormwater runoff to pre-development levels or better;
5) items 4 and 7 of the Historic Preservation Agreement which provide for design guidelines and design review of alterations to historic resources.

B. Acquisition of Public Rights and Interests for Open Space and Cemetery

McLean would grant the Town fee title to the northern portion of the land zoned into the Open Space district, an area of approximately 92 acres. The land conveyed to the Town will be restricted for use for open space, municipal cemetery and passive recreational uses. It is intended that approximately 14 acres of this area would be devoted to cemetery use. This use will include certain accessory buildings required to manage and maintain the cemetery. Because the cemetery is intended to be located within the public open space area, it is intended to be planned and developed in a manner which is consistent with its natural surroundings.

McLean would further grant to a governmental or charitable organization a permanent conservation restriction and public access easement (for hiking, nature study and similar passive recreational uses) on the non-cemetery public land and an additional approximately 27 acres of private open space.

In addition, McLean would commit to the dedication of certain additional portions of the site to open space, including the historic "Bowl" and other buffer areas adjacent to the core campus. It is not anticipated that these areas would be publicly accessible.

C. Creation of Public/Private Partnership for the Open Space

The Town and McLean would enter into an agreement regarding coordinated management of the (non-cemetery) open space owned by the Town and the open space owned by McLean. This agreement is planned to include the designation of a joint manager for the public and private open space, such as an established non-profit organization experienced in such management. The agreement would cover issues such as maintenance, assurance of public access and rules and regulations for use.

The Town will establish a charitable organization to raise and manage funds for the maintenance, management and improvement of the (non-cemetery) open space owned by the Town. The Town will seek contributions to the fund sufficient to enable a first-class restoration of the open space, including removal of invasive vegetation and possible creation of an interpretation/education center in one of the former cottages within the Town's acquired acreage.

D. Tax Agreement

The Town would agree to pursue a special act of the Legislature pursuant to which McLean would not be required to pay any property taxes on the on-going core hospital campus (such tax exemption would be permanent). There would be a "phase-in" so that the Town does not lose the McLean payments before the tax payments from the development parcels start to come in.

E. Traffic Monitoring and Mitigation Agreement

McLean and the Town will enter into a Traffic Monitoring and Mitigation Agreement setting forth a schedule of required measures to mitigate any traffic congestion impacts on the local roadway system, including certain identified local roadway system improvements, parking restrictions, mechanisms for establishing, monitoring and enforcing maximum trip generation limits, and traffic demand reduction measures. McLean will agree to provide the Town with $1 million in traffic mitigation. The Town would agree to cooperate with McLean in attempting to obtain state grants in order to fund the local roadway system improvements. The ultimate funding responsibility would rest with McLean and its developers, however, and the Town will pursue grants for McLean-related improvements which are above and beyond the financial assistance otherwise available to the Town for its other projects.

F. Historic Preservation Commitments

McLean and the Town will enter into a Historic Preservation Agreement which will provide for the nomination of the entire campus to the National Register of Historic Places, consultation with the Belmont Historic District Commission prior to substantial external alteration, demolition or new construction, and development of design guidelines respecting the historic character of the campus. In addition, a density bonus would be granted for the preservation/rehabilitation of such structures. There would be an overall cap on such bonuses so that the additional density would not materially affect traffic

or other potential site impacts. (It is intended that such bonuses will not exceed an additional eleven units of cluster housing and an additional six units of senior housing.)

G. Affordable Housing Commitments

McLean would require 30 units of affordable housing in the Senior Living Subdistrict. In addition, McLean would convey to the Town additional land which the Town could use for affordable housing and/or for additional parking for the existing Waverley Oaks elderly public housing development at the south end of the site. Finally, it is recommended that the Town set aside funds from the tax revenues of the McLean site to fund off-site affordable housing development.

H. Public Recreational Opportunities

McLean would sell to the Belmont Day School the existing soccer field on the site, upon terms which give the Town the right to use the field for Town youth soccer purposes.

McLean would, if the Town so requests, make available without charge an appropriate area along Pleasant Street for the anticipated bike path through the Town.

I. Consultant Fee Reimbursement

McLean would reimburse the Town for the costs of the Town's consultants in the Task Force rezoning and planning process, such reimbursement not to exceed $500,000.

TOWN OF BELMONT MCLEAN HOSPITAL LAND USE TASK FORCE STATEMENT OF PRIORITIES
(FORMALLY ADOPTED AND APPROVED SEPTEMBER, 1997)

Principles Governing the Development of "Surplus" Property at McLean Hospital

The purpose of this Statement is to set out the *initial* position of the Town of Belmont with respect to the use of the land owned by McLean Hospital in the Town of Belmont. The Town is pleased at the decision of McLean to stay in Belmont and looks forward to a second century of a warm and mutually beneficial relationship. The Town believes that the development of a portion of the land presently owned by McLean will be mutually beneficial to both the Town of Belmont and McLean. Therefore, it is important to set forth principles which will govern the development of a rezoning plan for the McLean land and any future development which may occur, on the site.

In developing these principles, the Task Force has engaged in a process of identifying and balancing different priorities of the Town, both now and in the future. It has been a difficult process of weighing the benefits and costs of different options. During this process, the Task Force has listened carefully to a variety of interested parties and weighed the arguments of each.

The Task Force does not accept the suggestion that various definitions of "Open Space" which may appear in other contexts in the Town's zoning bylaws can be used to determine the relevant calculation of open space. For the purpose of this document, which lays the foundation for the task force's work, the term "open space" encompasses the following criteria:

A. Land that is part of currently undeveloped portions of the site.
B. Land that is part of a substantial contiguous area of undeveloped land.
C. Land that is not bounded by developed areas of the site on more than one side.
D. Land that includes the key site features of ecological, scenic and open space significance.
E. The land, taken together, provides a realistic opportunity for the Town to locate its open space compatible public uses.

The Task Force has unanimously adopted the following principles for the redevelopment of McLean's surplus property:

A. Protect the Natural and Historic Character of the McLean Hospital Property.

- Maximize the amount of undisturbed, natural open space on the parcel in order to ensure the continued existence of contiguous undeveloped land and its connection to adjacent undeveloped preserved areas such as Beaver Brook/ Rock Meadow and Massachusetts Audubon/Habitat.
- Preserve, as of right, certain well-known and beloved features of the parcel as well as those features most environmentally sensitive and therefore requiring the most protection such as

the meadow, the row of pines, lone tree hill, scenic vistas, vernal pools, wetlands and watersheds.

- Minimize additional new development that would adversely affect the amount of open space through the creative reuse of existing buildings and developed areas on the site.
- Respect the historic significance and integrity of the site by preserving the most significant buildings and landscapes and by considering the designation of McLean Hospital as a national historic landmark.

B. Minimize Adverse Impacts from New Development in Order to Preserve Quality of Life.

- **Traffic**
  - McLean should identify and effect traffic mitigation in order to offset adverse traffic impacts from their development activities, such as undertaking the redesign of traffic intersections, implementing traffic calming techniques, encouraging the use of public transportation and shuttle service provided by McLean.
  - Consider the impact of increased traffic flows emanating from other current and future development projects in the Town of Belmont when considering final traffic impact.
  - Consider the impact regionally, as well as locally, when considering final traffic impact.
  - Include cost of traffic mitigation in cost of development when considering sale to private developers, so as to offset financial impact of increased traffic on the Town of Belmont.
  - Include impact on pedestrians and bicyclists when determining final traffic impact.

- **Flood Control**
  - Minimize adverse consequences of flooding/storm water runoff.
  - Minimize adverse consequences of erosion.

- **Construction Period**
  - Any construction on the site should be done in a manner sensitive to the needs of abutters and other affected parties in Town.

- **Visual Impact**
  - Any construction on the site should be designed with appropriate height and design restrictions so as to minimize adverse visual impacts on adjacent properties.

C. Generate Additional Tax Revenue for the Town of Belmont.

The Town of Belmont is financially constrained by the state property tax limit referred to as Proposition 2 ½. This measure limits the Town's annual increase in the tax levy to no more than 2.5% over the prior fiscal year's levy. When state aid and other sources of revenue remain constant, overall revenue growth is actually limited to approximately 2%.

In recent years, typical operating expenses of the Town grew at a rate greater than 2% per year requiring a constant reduction in the level and quality of municipal services. For example, the

Town has experienced a significant reduction in its municipal workforce since 1991, including a decrease of 9% in Highway Department staff, an 11% decrease in sworn police officers, and a decrease of 13% in the Fire Department. In the School Department, reductions have also had to offset costs related to increased student enrollment (24% since 1988/1989). The School Department has had to forego important investments in education, such as technology, which would equip our young people with important skills in today's competitive environment.

A long-term budget projection identifies continuing revenue shortfalls, which must be resolved through expenditure reductions. In FY 2000, the revenue shortfall is projected at $2,380,000. Of equal concern is the Town's inability to finance long-term capital replacement or investment. Projections of important capital projects in FY 2000 total over $3 million. With limited funding available from operating revenues, the Town may be forced to seek voter approved "tax overrides" to finance major capital projects.

The property owned by McLean represents nearly 240 acres of 2,979 acres in the Town of Belmont. The amount of assessable land in Belmont totals approximately 2,100 acres and currently is assessed at approximately $2.5 billion. Therefore, full development of the McLean property would yield potentially $288 million of additional assessable value, which would generate approximately $4 million in additional revenue for the Town of Belmont. Partial redevelopment at the McLean site would allow the Town to realize a portion of this revenue, offset projected future operating deficits and make needed investments in education and capital improvements.

- Any development or sale of land for development on the McLean property must generate additional revenues for the Town of Belmont.
- Development or sale of land for development on the McLean property must have a positive net fiscal impact, meaning that the revenue produced from development is in excess of the cost of providing increased municipal services, both on the site and elsewhere in the Town. Revenue ratio analysis should be utilized which would take into consideration the financial impact, if any, on other parts of Town (e.g. potential of reduction in housing values from diminished quality of life).
- The tax impact is negotiable, but the fiscal impact to the Town of Belmont should be net of the loss, if any, of McLean's current tax payments to the Town.

D. Consider the Financial Impact of Development on the Entire Campus.

- Any value resulting from increased activity in the "core" McLean campus by McLean/Partners must be factored into the overall financial calculation.
- Any value resulting from locating commercial or housing development in close proximity to significant parcels of open space must also be factored into the overall financial calculation.

E. Allow the Town of Belmont to Secure Land for Municipal Purposes, Such As:

- Cemetery development;
- Additional municipal space; and
- Expansion and redesign of adjacent roadways such as Pleasant Street.

F. Support Private Development Which Meets Municipal and/or Public Needs, Such As:

- Moderate income housing; and
- Development that might enhance business in Belmont's commercial centers and facilitate commercial redevelopment along Pleasant Street.

G. Limit Development to Those Uses That Would Respect the Principles Set Forth Above and Serve the Needs of McLean Hospital/ Partners and the Town of Belmont.

Some Potential Uses That Would Serve the Needs of the Town of Belmont.

A. Definition of the "Core" McLean/Partners Campus.

McLean/Partners must define the uses on the land, which McLean will continue to own and use in the future. In the past, the zoning of the land utilized by McLean was not clearly defined. Its use was nonconforming in a residential zone and the Board of Appeals was the vehicle by which McLean obtained permission to construct new buildings. McLean enjoyed considerable autonomy in developing its core campus. Neither the Town nor McLean defined precisely the land which was required to be dedicated to support the present McLean plant. In its last major decision in 1980, the Board of Appeals conditioned a special permit on McLean's maintenance of a green belt around its campus. The decision also specifically limited the parking on the site. In any rezoning of the property, the zoning with respect to the "core" campus must become more precise.

McLean/Partners must define the land which will be devoted to hospital purposes in its "core" campus. The "core" should include land which is currently in use, land which might reasonably be used for hospital purposes in the future, and a buffer zone so that the hospital can operate with the privacy and autonomy which it has enjoyed in the past.

McLean/Partners must specify the uses which it desires as permitted uses on the property in the defined "core". The Town believes that these uses should be limited to hospital use and uses incidental thereto that would be permitted as of right.

The size of the development envelope in the "core" campus should consist of the number of square feet of building which McLean/Partners has already constructed and expects to maintain on its "core" campus (including the Mailman Research Center) and the number of square feet of building which McLean/Partners wishes to develop in the future. Any new construction within the development envelope would require further site plan approval. The size of expected future development would also affect the overall capacity of the site and the development of the remaining land.

McLean/Partners should also specify the number of parking spaces it wishes to retain for its "core" campus. Under the 1980 Board of Appeals decision, on site parking is limited to 853 cars. The number of parking spaces which McLean/Partners requires for future use will have an important bearing on the development potential of the remaining land.

B. Conservation Land

As stated above, the McLean parcel is one of the few remaining open space parcels within the Route 128 corridor. The site is of regional importance in its natural resources, with sensitive wetlands and corridors of wildlife habitats formed by the proximity of large protected open spaces, all part of the greater Boston ecosystem. The property is also of historic importance. The Task Force recommends that a significant portion of the McLean site be set aside for protection as conservation land.

C. Open Space

1. Cemetery Development Compatible with the Surrounding Environment

The Belmont cemetery located on Grove Street consists of approximately 21 acres of property, much of which is actually within the confines of City of Cambridge. The Belmont cemetery has been closed to purchase of new burial plots since 1988. Currently, residents of Belmont, who have lived in Belmont all their lives, have no option to be buried here. The Town seeks 10 - 20 acres of land for phased development of a cemetery.

2. Passive Recreational Use

The McLean site includes wooded areas and meadows, rock outcroppings, vernal pools and streams that are currently enjoyed by hikers, birders and others seeking a natural environment within a highly developed, urban area. Walkers, joggers, birders, photographers and cross-country skiers enjoy the trails and old carriage roads. The Task Force recommends that a portion of the McLean site be reserved for continued recreational activities of this type.

3. Soccer Fields

Currently, Belmont Day School uses a portion of the McLean site for soccer. The School has requested that it be allowed to negotiate the purchase of this land or a long-term lease with McLean for its continued use as soccer fields. The Task Force is supportive of this request, provided that the Town be allowed to use this field for its soccer program as well. Belmont Day School has indicated its willingness to agree to this request.

D. Housing

The Task Force is supportive of the development of new private residential development (of the type described below) on the McLean site. The exact location of the development and the number of units will depend on the results of an impact analysis and the resolution of issues outlined above with respect to the "core" campus. The housing described below is designed to appeal to older Belmont residents who desire to sell their homes and remain in Belmont. In addition to satisfying an unmet housing need for older Belmont citizens, such residential developments are in keeping with the character of the Town, are likely to have less traffic impact than office or other commercial development and may produce tax revenue in excess of providing municipal services.

1. **Clustered Residential Units**

   - High end "Empty Nester" units with some units provided for moderate income town employees and long-time residents

2. **Elderly Housing (Continuum of Care)**

   - Independent Living (e.g. Foxhill)
   - Assisted Living (e.g. Brookhaven)
   - Nursing Facility

3. **Expansion of the Waverley Oaks Senior Development**

   - Additional Units
   - Additional Parking

E. Location of a Senior Center

If the recommendations of the Task Force are incorporated into a plan by McLean, the amount of facilities and activities related to the elderly on the site suggest that the site could also provide a potential location for a senior center.

F. Limited, Low-Intensity Office Development That Might Enhance Business in Belmont's Commercial Centers and Facilitate Commercial Redevelopment Along Pleasant Street

The Task Force heard from a number of merchants and business associations in Town who addressed the need for additional commercial development that might stimulate increased business for Belmont's business districts and the creation of new jobs and revitalize certain geographic areas, such as the area along Pleasant Street close to Trapelo Road. Again, the exact location and amount of development will depend on the results of an impact analysis and the resolution of issues outlined above with respect to the "core" campus. The Task Force believes that the following types of commercial development will be supportive of these goals:

1. R&D Facilities

2. Corporate Campus

ADDITIONAL GOVERNING PRINCIPLES

as Set Forth in the *Response of the McLean Hospital Land Use Task Force to the Development Options Presented by Partners/McLean at a Public Meeting on July 29, 1997*

I. The Task Force Will Evaluate All Development Proposals By Assessing Their Consistency with the Task Force's Statement of Priorities.

The Task Force's Statement of Priorities is the product of extensive and diverse public input from the citizens of Belmont. The fundamental obligation of the Task Force in evaluating any development proposals by McLean is to assess the extent to which such proposal is consistent with the Statement of Priorities.

II. The Task Force Will Require Land Use Controls That Assure Consistency with the Statement of Priorities.

In its presentation of development options, Partners/McLean has suggested that the property be divided into zones, each of which would have established criteria for permitted uses, permitted densities and dimensional requirements (such as height). Partners/McLean suggested that the land within each zone might then be sold to a third-party developer, who could proceed by designing a project that met these criteria, subject only to site plan review. The Task Force believes that it is unlikely that consistency of development with the Statement of Priorities can be achieved through a regulatory approach of this type. On the contrary, the Task Force believes that consistency with the Statement of Priorities will only be achieved by comprehensive master planning of the site and the adoption of land use controls that ensure that development will proceed in accordance with such master planning. The Task Force's concern with the location of the proposed development with regard to preserving open space (as described more fully in the following section) is one compelling example of this need for comprehensive planning and regulations in order to attain consistency with the Statement of Priorities. Two approaches to zoning worth considering include:

- Any zoning district proposed for the McLean property must apply development criteria in a uniform manner. However, the entire site should not have the same use and dimensional requirements. The Planned Unit Development (PUD) is a zoning mechanism to develop large mixed-use sites in a differentiated but unified manner. While master plans are usually required in conjunction with PUD districts, the development plan is usually under the purview of the developer. In this case, this mechanism may be inappropriate, since the Town and Partners/McLean wish to reach an agreement on development scale and location prior to rezoning.

- Another option is the overlay zone. With this mechanism, a large site can be designed as a unit, while designating specific areas for different uses. Thus the development zones proposed by Partners/McLean could conceivably become development districts within an overlay zone. The value of this approach to the Town is the ability to create density and design controls for each of the districts within the overlay zone. This mechanism would give the Town the most control in designing

a development agreement that respects the valued features of the site and is consistent with the Statement of priorities.

Another important distinction to consider is uses by right and special permit. By-right uses allow development without public hearings or special criteria. Consistency is required however, with all zoning and related development bylaws. Special permit uses require one or more public hearings and special development criteria are used to grant the permit. A special permit request may be denied. It might be advisable to consider assigning by-right status to the negotiated development agreement, since it will be debated and publicly approved at Town Meeting. Further, it will provide a degree of timeliness with respect to fiscal returns to the Town.

At this early stage, the most important consideration is to select a zoning technique that will produce a unified development plan while allowing for a differentiation of uses and development density. Flexibility relative to use, intensity, location and dimensional criteria should be the key feature of any zoning proposal. Assuming agreement can be reached on a comprehensive master plan, the concept presented by Partners/McLean, of creating development districts (as distinct from zoning districts), is not inconsistent with the Town's zoning interests.

III. The Location of Development is a Critical Element of Consistency with the Statement of Priorities.

In its presentation of development options, Partners/McLean suggested that identifying the permitted use of the site and identifying the permitted intensity of development are the two fundamental issues. The Task Force believes, however, that identifying the *location* of proposed development is an equally fundamental issue in evaluating the development options. Simply put, it is impossible for the Task Force to ensure that the proposed development will be consistent with the Statement of Priorities, especially with respect to open space, historic, and visual impacts, without appropriate identification of, and limitations on the location of such development.

IV. Proper Evaluation of Development Options Requires an Analysis of Open Space Consistent with the Statement of Priorities.

Although there may be no single indicator of the degree to which any particular development proposal advanced by Partners/McLean preserves the open space values of the site, the most appropriate definition of what the Task Force considers to be priority open space would be the number of acres of the site which meet the following criteria:

A. They are part of the currently undeveloped portion of the site.

B. They are not developed by the Partners/McLean proposal (that is, yards and landscaping of driveways and walkways should not be counted as Priority Open Space.)

C. They are part of a substantial contiguous area of undeveloped land.

D. They are not bounded by developed areas of the site on more than one side.

E. They are not substantially separated from their natural connections to other open space on the site or on adjacent property.

F. The acreage includes the key site features of ecological, scenic and open space significance.

G. Proposed development has been located within the previously developed portion of the site to the greatest extent feasible.

H. Partners/McLean is committed to having such land permanently legally protected as open space.

I. Partners/McLean is committed to having such land publicly accessible.

J. The acreage, taken together, provides a realistic opportunity for the Town to locate its open space compatible public uses (e.g. cemetery, soccer fields)

Consistent with the foregoing, the Task Force does not accept the division of the undeveloped portions of the site into "priority" and "non-priority" open space in the manner set forth on the Partners/McLean site plan proposals. The boundaries of the priority open space areas as shown on the map of site components and the site plans of development options cut through natural vegetative communities such as old-field growth, open meadow and forested areas, separating what are otherwise continuous environmental ecotypes into priority and non-priority open space. The Task Force does not accept the suggestion that the areas set forth as buffer zones in a prior ZBA decision define the limits of priority open space on the McLean site for the purpose of the Task Force deliberations. The Task Force also does not accept the suggestion that various definitions of "Open Space" which may appear in other contexts in the Town's zoning bylaws can be used to determine the relevant calculation of open space in the case at hand. Such suggestions are neither consistent with the Task Force's Statement of Priorities nor with the open space analysis the Task Force has previously presented at its public meetings.

V. Proper Evaluation of Development Options Requires an Analysis of Traffic Impacts Consistent with the Statement of Priorities.

Partners/McLean's presentation of traffic impacts associated with each of the development options has suggested that the additional traffic generated by existing and proposed uses on the site can be readily accommodated through implementation of various intersection improvements. To afford a substantive review by the Task Force, the required approach to identifying, evaluating and mitigating traffic impacts of the proposed redevelopment of the McLean site must be consistent with standard engineering practice and also respond to the issues raised in the Task Force's Statement of Priorities. The traffic assessment must establish a baseline scenario against which all development options and mitigation strategies can be compared. The assessment must be based on sound engineering principles to allow a technical review as to its adequacy, yet be presented in terms understandable to the lay person. Partners/McLean has submitted a generic outline of the proposed study, and this approach is generally consistent with standard practice. Several areas must be expanded upon to allow meaningful review.

CONSULTANT REPORTS

OVERVIEW AND EXECUTIVE SUMMARY

David Dixon FAIA, Goody, Clancy & Associates

The Task Force's consultants have assisted the Task Force in reviewing and responding to each of McLean's proposals for reuse of the Hospital's site. While McLean and the Task Force have been engaged in ongoing negotiations for more than 18 months, McLean, in effect, has advanced five distinct proposals, the last four of which generally preserving earlier concessions requested by the Task Force and offering additional concessions in new areas. It should be noted that while the result has represented steady improvement from the Town's perspective in many areas—particularly increased open space and decreased traffic impacts, the project's fiscal return to the Town has declined.

In summary form, the five distinct proposals and the focus of concessions they each presented include:

- July, 1997—McLean proposed an initial set of three options; after rejecting all three, the Task Force deemed modifications to option #3 a possible basis for future discussions.

- May, 1998—option #3 was significantly revised, with a primary focus on preserving open space (increased almost 60% over the previous proposal) and reducing traffic impacts (reduced by at least 25%). In exchange for McLean agreeing to preserve open space, the Town agreed to grant development rights by right within zoning subdistricts.

- August, 1998—May proposal was revised to reduce the R&D component by 33% to decrease traffic impacts; McLean also agreed to capping and monitoring traffic generation related to the R&D and Senior Community components. A new road was proposed, connecting to Pleasant Street to reduce traffic impacts on Mill Street; an initial, less expensive, right of way for this new road was abandoned to reduce ecological impacts. Luxury housing was removed from the "Farm" site in response to community concerns and to preserve links with adjoining protected open space. To restore some of the value lost by these reductions and the cost of the new road, McLean withdrew its previous commitment to structured parking for the R&D component, allowing developers instead to locate a portion of their parking in surface lots.

- November, 1998—August proposal was revised to resolve a series of outstanding concerns. The senior campus square footage was decreased by 12% to reduce building heights to 4-5 stories. Traffic monitoring, together with maximum allowed traffic generation on a peak-hour and all-day basis, was expanded to include the senior campus and McLean Hospital's core campus if the use of hospital buildings changes significantly. McLean made a series of concessions to strengthen historic preservation of significant buildings and open spaces.

- January, 1999 – Ten units of affordable elderly housing were added to the Senior Living Subdistrict, for a total of 30 affordable units within the 486-unit complex, with an increase in the allowable building area; one unit of luxury housing was added, for a total of 122 units, and the setback requirement in Zone IA was increased; parking spaces for the R&D complex have been reduced to 700, representing a ratio of 3.5 parking spaces per 1,000 square feet of building; and the cemetery was reduced to 14 acres.

A summary review of key Town concerns related to McLean's proposal reveals the extent to which this proposal is consistent with the Town's interests.

Compatibility of Proposed Uses

The Task Force and McLean have been in broad agreement on an appropriate use mix for the site since May, 1998. The most significant earlier point of difference was resolved when McLean committed to allowing only R&D, and not general office uses that generate higher traffic impacts. The commitment to R&D has been confirmed by the cap on permitted traffic flows and the traffic monitoring program:

- The proposed new uses of luxury clustered housing, senior housing community and R&D office development, in addition to the continuation of a mental health hospital within the core campus, are consistent with the Statement of Priorities.

- These land uses were identified by the Task Force as serving the needs of the Town as well as being compatible with the community character of Belmont. They are also compatible with each other and with McLean Hospital.

Open Space Preservation

In broad terms, the proposal preserves the significant natural and historic features of the property and provides for public use and accessibility for most areas of the site that have historically been held as open space. Key points include:

- The goal of preserving significant open space has been met by concentrating relatively high value uses close to the core campus and reducing total build out considerably below earlier McLean proposals.

- The goals of acquiring extensive, largely natural, public open space has been met by the creation of 78 acres of Town-owned open space and an additional 27 acres of publicly accessible private open space protected by conservation restrictions.

- The goal of acquiring a site for a Town cemetery has been met by designating a Town-owned cemetery site of approximately 14 acres. Newly designed cemeteries are often conceived as largely natural open spaces with discrete areas used for burial sites and reliance on flat memorial markers; the Cemetery Commission is committed to this approach and many Town residents have expressed an interest in this approach to the creation of a Town cemetery.

- The public open space will be delivered in a condition that meets State and Federal hazardous materials guidelines.

- McLean will cooperate with the Town to manage and maintain the open space.

- Scenic views and recreational resources will continue to be enjoyed by Town residents.

Historic Preservation

Until very recently there was considerable uncertainty related to McLean's historic preservation commitments, particularly related to the Hospital campus itself. Most of this uncertainty has been resolved:

- The boundaries of the development zones and the siting of new roads and buildings largely preserve the historically significant buildings and landscapes of the original McLean hospital grounds.
- The removal of buildings of low to average significance does not seriously compromise the overall significance or historic character of the site. The loss of one modern building enhances the historic landscape known as the "Bowl."
- McLean will cooperate with the Belmont Historic Commission to create guidelines for the design of new buildings and public spaces that are compatible with the campus's historic buildings.
- Upham House, one of the most historically significant buildings, would be restored.
- The site will be nominated for the National and State Registers.
- McLean has committed to long-term preservation of the heart of the historic campus surrounding the "Bowl"; McLean has publicly stated its intention to preserve the historic landscape character of the Bowl.
- The Conservation Agreement and the Land Management Agreement address preservation of additional historic landscape features such as stone walls.

Ecological Impacts

McLean's second, May 1998, Proposal resolved most significant ecological issues:

- The impacts of the development on the ecological and water resources of the site are minimized.
- Almost all of the secondary succession open fields and adjacent forest will be preserved.
- Wetland areas and their buffer zones are protected. Rare or endangered species have not been found on the site. Potential habitats for rare or endangered species (vernal pool, wetlands) are not impacted.
- Drainage and stormwater issues have been studied and shown to be addressed through detention basins that would add no net new runoff from development. The size, location, and design of these retention basins remain subject to review by the Planning Board.

Visual Impacts

- Setbacks from existing roads, height limits of new buildings and the preservation of wooded slopes will limit the visual impact of new development.

- The most visible element, the luxury cluster housing, will be limited to 2 ½ stories, with a minimum landscaped setback from Mill Street.

- The densest development, the senior campus, would be limited to 5 stories and 58', with a possible maximum of 6 stories and 67' for one building, based on site plan review by the Planning Board.

- The R&D buildings would be limited to 4 stories and 67' and parking garages to 5 stories and 45'.

- Both the senior campus and the R&D buildings would be set back several hundred feet from Pleasant Street and will have maximum heights in the vicinity of the prevailing tree line. However, the elevation of their sites will make them visible during periods when deciduous trees have lost their leaves.

Traffic Impacts

The current McLean proposal would generate an additional 398 vehicles at full build during the afternoon peak hour, a 65% reduction from the July 1997 option #3 that served as the basis for further discussion, and a further 25% reduction from the plan endorsed by the Task Force in August 1998. This figure is within the capacity of the surrounding street system if mitigation steps identified during the negotiation process are implemented. Establishing peak-hour and all-day traffic generation limits, together with a system of monitoring and penalties, relieves concerns that future shifts in use could create unanticipated traffic impacts.

- With appropriate mitigation, the peak-hour traffic would be within acceptable limits. Mitigation measures proposed at key intersections around the site could absorb additional traffic flow and in several cases should improve traffic flow. The proposed mitigation measures are also consistent with Belmont's residential character.

- The Task Force's consultants believe that McLean's traffic study has identified the intersections and other roadway areas that may require mitigation; in addition, McLean has agreed that its mitigation dollars can be spent to fund increased use of bicycles and public transit as well as encourage pedestrian access.

- McLean has committed to fund $1,000,000 in traffic mitigation, including necessary mitigation along Pleasant Street at the new McLean entry drive and at Trapelo Road.

- McLean has agreed to require the developers to promote travel demand mitigation.

Fiscal Impacts

While the net fiscal benefits of the Town have decreased as the amount of proposed development has been reduced to expand open space and reduce traffic impacts, the site will still represent a considerable fiscal benefit to the Town:

- The gross annual tax yield would be approximately $3,033,000 (8-9% of current Town property tax generated revenues).

- Because the Town is largely built up, there is minimal off-site development potential to create a counter-balance to the fiscal benefits associated with the project. Thus the fiscal benefits will be long term.

- The net fiscal benefits (tax revenues minus servicing costs) to the Town from this development would be approximately $1,818,400 annually.

- The tax exemption of the hospital campus would be phased in, so that no payments would be lost to the Town until tax revenues begin to accrue from the developments and the Town will be legally protected so that the developments will be taxable regardless of future ownership.

- The development will add approximately $214,800,000 to Belmont's total assessed valuation, significantly broadening the tax base.

Market Feasibility and Valuation

Real estate markets reached an historic peak earlier in 1998. While values in some areas have begun to decline, the land values assumed by McLean should still be applicable. However, as time moves on, land values may drop significantly:

- There is strong demand for luxury housing in Belmont. Cluster housing at $100,000 land value per unit is a reasonable assumption given the housing's location on the site, a 3-year absorption rate, and the proximity of protected open space.

- There is a strong regional market for senior communities combining assisted-living, independent elderly housing and skilled nursing beds. The senior community could be absorbed over a period of 4 to 5 years. The senior community at $15,000 land value per unit is a reasonable assumption. Smaller developments would command $15,000 to $20,000/unit. Larger developments, with multi-year absorption rates, limit the value of the development.

- Vacancy rates in the research & development/office market are still at a 16-year low. The site is attractive and should maintain strength in weaker markets. McLean as a neighbor should attract specialized tenants. The research & development buildings, valued at $30/square foot, would fall within an existing range in the market of $25 to $40/square foot.

Affordable Housing

Affordable housing advocates have worked with the Task Force to shape affordable housing proposals. The priorities the Town has clearly placed on preserving open space and reducing traffic generation limited the Task Force's ability to create affordable housing for much of the negotiation period. However, McLean has now agreed to two significant affordable housing proposals:

- Transfer of 1.34 acres of land adjacent to the Waverley Oaks public housing complex to be used for a combination of parking for Waverley Oaks and new affordable housing.

- Incorporation of 30 affordable units of assisted living or independent elderly housing into the Senior Living Subdistrict.

- Recommendation that a portion of the revenue to the Town be set aside to fund off-site affordable housing development.

Cemetery

The Task Force identified as one of its priorities the need to site a cemetery in Belmont. Fourteen acres of the land proposed to be ceded to the Town in the McLean redevelopment proposal is reserved for a long-needed Belmont cemetery. While the cemetery's siting has been the focus of debate within the Town, the Task Force and its consultants believe that a cemetery plan that emphasizes natural preservation and the ongoing role of Town Meeting in approving the cemetery's plan should resolve this concern:

- The McLean site has been studied extensively over the past decades from perspectives of geology, hydrology, land use and landscape architecture.

- In recognition of concerns related to preserving the natural open space qualities of the site, the Cemetery Commission has agreed that the undeveloped areas of the site would be governed by conservation and land management agreements and that expansion of the developed area (initially four acres) would require approval by Town Meeting.

1. COMPATIBILITY OF PROPOSED USES WITH THE STATEMENT OF PRIORITIES

David Dixon, Goody, Clancy & Associates

Note: Compatibility of Proposed Uses has not changed significantly since the May 22, 1998 Preliminary Review of McLean Hospital's Redevelopment Proposal.

Overview

The McLean Hospital Land Use Task Force outlined a variety of uses that would serve the needs of the Town of Belmont as well as be of a type consistent with the community character. McLean's Proposal consists of four main uses that were identified as appropriate by the Task Force. In all cases, potentially compatible uses were identified by balancing key positive and negative impacts:

- Positive impacts
  - Fosters provision of extensive public open space—uses that (1) can generate relatively high land values on relatively small site areas, leaving large areas available as public open space, and (2) constitute appropriate neighborhoods for natural public open space.
  - Provides a strong net fiscal return to the Town by combining relatively high revenue generation and relatively limited additional Town expenditures
  - Furthers other Town goals, particularly supporting the economic vitality of nearby Waverley Square and other commercial squares
  - Supports the Town's efforts to create affordable housing
  - Offers housing, jobs, or other benefits that would be of interest to Town residents
  - Supports the long-term viability of McLean Hospital—long considered a desirable member of the Belmont community due to its status as a leading mental health facility, number of Town residents who work at the Hospital, the quality and public accessibility of its open spaces, and the significant financial support it has provided to the Town.
- Negative impacts previously identified by the consultants have been addressed.

Compatibility of Proposed Uses

McLean Institutional Use

- As noted above, McLean is a valued neighbor in Belmont.
- The single concern related to maintaining McLean's active presence on the site has been the danger that its operations may change significantly, creating the liability of substantial additional traffic generation. The Task Force has determined that it is important to define the zoning of the "core" campus to protect the Town against a significant shift in use that might greatly increase traffic generation or in other ways diminish the Town's quality of life. McLean's Proposal outlines the core campus area and allows for no more than 50,000 additional square feet of building over the existing 618,000 sf. The McLean proposal also calls for monitoring of McLean-related traffic generation if more than 75,000 sf of the Hospital's buildings are used for a purpose substantially different from their current use; in addition, no more than 25,000 sf can be medical offices (which are associated

with high traffic generation levels. If after monitoring, McLean traffic is found to have increased over the agreed threshold identified in the Traffic Monitoring and Mitigation Agreement, then the Town can work with McLean—and impose penalties—to reduce traffic generation back to more acceptable levels.

Clustered Luxury Residential Units

- The proposed luxury town houses generate significant fiscal benefits while generating relatively low traffic volumes. This housing is also consistent with the goal of creating extensive public open space because of the very high land values it offers; at the same time, the townhouses themselves will be relatively low buildings set on landscaped lots that will form a good neighbor to public open space. This housing would offer limited market support to nearby Waverley Square.

- It would have been desirable to provide some affordable housing units; however, McLean has maintained that in order to minimize the site area used for development—and thus maximize the amount of public open space, it will not be possible to subsidize any of these units

Senior Community

- The Task Force identified a need for additional senior housing options within the community, including affordable senior housing. If an elderly Belmont resident no longer wishes to take care of his/her own home and yard there are few alternatives within the Town. McLean has proposed the development of 486 units within a senior community, including 30 that are "affordable". A development of this size would attract elderly residents from not only Belmont and nearby communities, but also from throughout the Boston region.

- This senior community offers the highest net fiscal benefits, paired with the lowest peak hour traffic generation, of any uses studied.

- Senior housing is relatively dense and therefore results in relatively high land values, allowing a concentration of developed land and maximizing available public open space.

- At the same time, the senior community buildings required to achieve this relatively high density will be relatively large and visible, when leaves are off the trees, from Waverley Square and Pleasant Street. The requirement to maintain a maximum of five stories, which will keep these buildings below the tree line, will greatly reduce their visual prominence when leaves are on the trees and contribute to maintaining a suburban scale and character

Research and Development (R&D) Uses

- R&D development offers the potential to reinforce McLean Hospital's mission, offering the possibility of the synergy between research and patient care that is increasingly considered essential for leading medical facilities.

- R&D development might significantly enhance business in Waverley and other Belmont commercial squares and facilitate commercial redevelopment along Pleasant Street. This development may prompt investment in new businesses along Pleasant Street that would support the R&D operations and its employees.

- R&D offers a strong net positive fiscal return to the Town and a relatively high land value.

- Earlier proposals for first 400,000sf, then 300,000sf, of R&D, both of which would have provided significant benefits of synergy with McLean's mission, fiscal return, and the ability to maximize the amount of public open space, generated high traffic levels that were unacceptable to many Belmont

residents. The scaled-down facility of 200,000sf represents a better balance that should generate acceptable levels of traffic. This traffic will be monitored to insure that it does not exceed acceptable limits.

Consistency with Statement of Priorities

- **Open Space:** The Task Force identified conservation land, a municipal cemetery, and open space for passive recreational use as compatible uses for the land. McLean's proposal includes these uses.

- **Soccer Field:** The Task Force identified a need for additional soccer field space for municipal use. Currently, the Belmont Day School pays McLean for the right to use a soccer field located on the McLean land but abutting the Day School. McLean proposes to sell the soccer field to the Belmont Day School with the conditions that the Day School allow the Town to share in the use of the field without any cost to the Town and that the field remain as open space.

- **Municipal Cemetery:** The Task Force identified a need for additional municipal cemetery space. McLean's proposal outlines 14 acres for this use.

- **Cultural Center:** The Task Force identified that the McLean site might be appropriate for the siting of a Cultural Center for the Town. McLean has proposed to give the Town a building that could be used for this purpose should the Town desire it.

- **Affordable Housing:** The Task Force identified a need for expanding the Waverley Oaks Public Housing Development. McLean proposes to transfer 1.34 acres of land for the addition of housing units and resident parking. In addition, the senior community will include 30 affordable units. The Task Force also recommends that the Board of Selectmen consider earmarking a portion of the tax revenue proceeds from the redevelopment to support off-site affordable housing.

2. OPEN SPACE PRESERVATION

Gregory P. Bialecki, Esq., Hill & Barlow

Overview

The McLean proposal preserves and enhances the significant natural open spaces on the site in five important respects:

(1) the land left as open space is more than 50% of the site and more than 80% of the previously undeveloped portion of the site;

(2) the land left as open space contains the most significant ecological, recreational and scenic features of the site and maintains the existing connections to adjacent open space holdings;

(3) the proposal calls for the permanent protection of over 108 acres of the open space by legally binding restrictions;

(4) the proposal calls for permanent public access to over 105 acres of the open space through legally binding agreements; and

(5) the proposal calls for an innovative public-private partnership to improve, manage and maintain the open space.

The McLean proposal includes approximately 137 acres of open space of various kinds:

- land which would be publicly owned, permanently protected by a conservation restriction and used for passive recreation (approx. 78 acres);
- land which would be privately owned, permanently protected by a conservation restriction and open for public passive recreation (approx. 27 acres);
- land which would be publicly owned and used as a cemetery (approx. 14 acres);
- land which would be privately owned as a soccer field and available for Town use (approx. 1.5 acres);
- land which would be privately owned but preserved as an historically significant landscape open space (approx. 5.5 acres); and
- land which would be privately owned but preserved as buffer zones (approx. 11 acres).

Consistency with Statement of Priorities

As can be seen, the proposal advances the principles which the Task Force has previously established for open space at the site. In its initial Statement of Priorities, the Task Force determined that the following principles were paramount:

- Maximize the amount of undisturbed, natural open space on the parcel in order to ensure the continued existence of contiguous undeveloped land and its connection to adjacent undeveloped preserved areas such as Beaver Brook/Rock Meadow and Massachusetts Audubon/Habitat.

- Preserve as of right, certain well-known and beloved features of the parcel as well as those features most environmentally sensitive and therefore requiring the most protection, such as the meadow, the row of pines, lone-tree hill, scenic vistas, vernal pools, wetlands and watersheds.

- Minimize additional new development that would adversely affect the amount of open space through the creative reuse of existing buildings and developed areas on the site.

- Respect the historical significance and integrity of the site by preserving the most significant buildings and landscapes and by considering the designation of McLean Hospital as a national historic landmark.

In its Response to McLean's initial development options, the Task Force further defined its objectives:

- The open space lands comprise a substantial contiguous area of previously undeveloped land.

- They are not being landscaped or altered so as to be integrated in the proposed development, nor are they otherwise surrounded by or encroached upon by development in a manner having an adverse effect.

- They are not substantially separated from their natural connections to other open space on the site or on adjacent property.

- The acreage includes the key site features of ecological, scenic and open space significance.

- Proposed development has been located within the previously developed portion of the site to the greatest extent feasible.

- Substantially all of the open space will be permanently legally protected as open space.

- Substantially all of the open space will be publicly accessible.

- The acreage, taken together, provides a realistic opportunity for the Town to locate its open space compatible public uses (e.g. cemetery, soccer fields).

Christine McVay, an open space planning consultant to the Task Force, made a preliminary identification of the portions of the site which were of greatest significance with respect to these conservation values (ecological, recreational, scenic, and connections to surrounding open space). McLean's proposal preserves all of the acreage identified as having significant conservation value according to that preliminary review, except for a proposed encroachment in the cluster housing zone along Mill Street.

In total, the McLean proposal would redevelop for non-hospital purposes about 20 acres of the existing developed areas and would newly develop approximately 30 acres of the site which have not previously been developed. Only a small portion of this newly developed land potentially encroaches on areas preliminarily identified as having significant conservation value. The remainder would occur in wooded and open areas of the site not identified as having significant ecological, recreational, scenic or "connection" values.

2. HISTORIC PRESERVATION

Candace Jenkins, Jenkins Associates, Belmont

Overview

McLean Hospital's Belmont campus results from a 19th century vision to treat patients with psychiatric illnesses in an ideal therapeutic environment of specially designed buildings and landscapes. As a whole, the campus possesses national historical significance. Recognizing these facts, the McLean Hospital Task Force has cited protection of historic character through creative reuse of existing buildings and developed areas, through preservation of the most important buildings and landscapes, and through possible designation of McLean Hospital as a National Historic Landmark, as one of several guiding principles.

The redevelopment plan presented by McLean Hospital in the spring of 1998 provided scant mention of historic resources and offered little to encourage their preservation. The primary citation was a vague reference to development bonuses that would reward developers of the various zones with additional density if they agreed to preserve an unspecified group of historic buildings. In response, I identified issues of concern and made recommendations for McLean to consider (see Preliminary Review, Historic Preservation section, May 22, 1998). Since that time, and particularly in the last few months, McLean has responded positively to many of the most important historic preservation concerns articulated by the Task Force and Belmont community.

Historic preservation is now addressed in the Memorandum of Agreement and in several ancillary documents including the Historic Preservation Agreement, the Cemetery Agreement, the Conservation Restriction, and the Land Use and Management Plan. Importantly, this current proposal results from direct participation by the Belmont Historic District Commission and reflects their concerns as expressed in an October 27, 1998 letter to the Board of Selectmen. McLean has expressed agreement with most of these provisions.

The following text identifies key historic preservation provisions included in the Historic Preservation Agreement and other ancillary documents. This is followed by detail on how the specific historic preservation recommendations and issues identified in the May 22, 1998 Preliminary Review have been addressed.

The text is accompanied by a summary of previous historic resources identification and evaluation efforts including Building Evaluation Criteria, a Summary Building Information and Evaluation Table, and a list of historic landscape areas and features is attached to this memorandum. The Table distinguishes between buildings that will remain part of the McLean core campus, and those that will not as I currently understand it based on maps provided by McLean Hospital. This is the same information that was presented in the Preliminary Review Report of May 22, 1998. In addition, a new Historic Building Preservation Status Table has been added to summarize the effect of the development plan on historic buildings in the Residential, Senior Living, Research & Development, and Open Space Sub-districts.

In summary, the redevelopment plan presented in this document provides substantial benefits for historic resources. It does not include every possible provision to protect such resources, but rather represents a

balance between historic preservation concerns and other community goals of higher priority such as open space, a town cemetery, and additional revenue. Historic preservation issues have been resolved in the spirit of give and take that is so critical to overall success for both the Town and McLean Hospital.

Key historic preservation provisions of the recommended plan

- Provides for nomination of the McLean campus to the National Register of Historic Places.
- Identifies the Belmont Historic District Commission as the appropriate town body responsible for seeing that historic preservation provisions are carried out.
- Authorizes design guidelines and a design review process that will preserve the historic character of the McLean campus.
- Sites proposed new development in and around areas of existing development, conforming to the historic "hidden character" of the campus and helping to minimize adverse effects to historic landscapes and archaeological resources.
- Requires preservation of six of the seven most important historic buildings in the Residential, Senior Living, and Open Space Sub-districts.
- Encourages preservation of three additional historic buildings in the Residential and Senior Living Sub-districts by offering density bonuses.
- Includes several provisions to identify and preserve significant historic landscapes and site elements.
- Provides for consideration of significant archaeological sites.
- Requires recordation of historic buildings and landscapes prior to substantial exterior alteration or demolition.
- Is consistent with the Task Force Statement of Priorities and Governing Principles

Consistency with Task Force Statement of Priorities

The recommended plan clearly supports the historic preservation priorities and governing principles that have been articulated by the Task Force. Those priorities and governing principles were defined thus:

- "Minimize additional new development that would adversely affect the amount of open space through the creative reuse of existing buildings and developed areas on the site".
- "Respect the historic significance and integrity of the site by preserving the most significant buildings and landscapes and by considering the designation of McLean Hospital as a national historic landmark".

Relationship to Preliminary Review Report Recommendations of May 22, 1998

This proposal addresses all of the Preliminary Review Recommendations.

- **Nominate the McLean Hospital Campus to the National and State Registers of Historic Places.** This is addressed by Stipulation #3 of the Historic Preservation Agreement.

- **Advocate for reuse of historic buildings as a requirement for redevelopment.** McLean Hospital's May plan encouraged reuse of historic buildings through development bonuses that increased density. None were guaranteed preservation. Stipulation #1 of the Historic Preservation Agreement requires preservation of six of the seven most important historic buildings in the Residential, Senior Living, and Open Space Sub-districts. These buildings range from very high to the upper end of average significance. They include the Mill Street Lodge, Pleasant Street Lodge, Upham Memorial Building, Garage (Stable), Samuel Eliot Memorial Chapel, and one of either Hope Cottage, South or West Cottages. The choice among the three cottages is intended to give the developer of the Residential Subdistrict greater flexibility in the siting of new construction. The preserved cottage may also be relocated within the site if necessary.

  Stipulation #2 encourages preservation of two to three additional historic buildings in the Residential and Senior Living Sub-districts by offering density bonuses. This group includes the Office Building (Superintendent's Residence), Hope Cottage, and South Cottage. The former two fall into the high significance category, while the latter was evaluated as having average significance. The Office Building is not in the "required preservation" group because of space constraints in the Senior Living Sub-district.

  The remaining eight historic buildings, which rank in the low to average significance categories, will probably be demolished to clear the way for new construction or for open space. These buildings include Codman House, Waverley House, Higginson House, North Cottage, Ledge Cottage, the farmhouse at Rock Meadow, the cottage opposite Rock Meadow, and the greenhouse group. Preservation of these buildings is preferable, but their loss will not seriously compromise the overall historic significance and character of McLean Hospital provided that the other recommended preservation stipulations are carried out.

  Preservation of the Brick Barn at Rock Meadow is strongly recommended.

- **Ensure long-term preservation of the heart of the historic McLean campus.** The historic landscape known as the Upham Bowl is designated as part of the Private Open Space Subdistrict. The surrounding buildings will be afforded some protection under Stipulation #4 which requires consultation with the Belmont Historic District Commission before any substantial exterior alterations or demolition take place.

- **Specify which landscape areas and features and vistas will be preserved.** The preservation of historic landscape areas and features is addressed by Stipulations #4, 5, 7 and 9 of the Historic Preservation Agreement. It is also cited in several ancillary documents including the Cemetery Agreement, the Conservation Restriction, and the Land Use and Management Plan.

- **Require recordation of all historic buildings and landscapes prior to demolition or rehabilitation.** Recordation is required by Stipulation #8 of the Historic Preservation Agreement.

Relationship to Preliminary Review Report Issues and Concerns of May 22, 1998

This proposal addresses all of the key Issues and Concerns identified last May.

- **Design and site plan review.** Design and site plan review will occur under the proposed Zoning By-Law Amendment for the McLean District. The Belmont Historic Commission will be included in this review to evaluate effects to historic and archaeological resources.

- **Historic buildings in redevelopment zones.** As noted above, Stipulations #1 and #2 require the preservation of seven historic buildings and encourage the reuse of two more through development bonuses.

- **Historic buildings not in redevelopment zones and not in core campus.** North and Ledge Cottages, previously in the Open Space Sub-district, are now in the Residential Sub-district. They will probably be demolished. Under the current plan, buildings in the Open Space Sub-districts include Mill Street Lodge, Pleasant Street Lodge, Brick Barn at Rock Meadow, unnamed cottage on Mill Street opposite the Rock Meadow entrance, farmhouse at Rock Meadow, and Waverley House on Mill Street. Preservation of the two most significant buildings in this group – the Mill Street Lodge and Pleasant Street Lodge – is required by Stipulation #1 of the Historic Preservation Agreement. Preservation of the Brick Barn at Rock Meadow is strongly recommended.

- **Rehabilitation of historic buildings.** Stipulations #1, 2, 4, and 7 of the Historic Preservation Agreement reference the Secretary of the Interior's Standards for Rehabilitation and for the Treatment of Historic Properties.

- **Design guidelines for new construction.** Stipulation #7 of the Historic Preservation Agreement states that design guidelines will be developed that respect the historic building and landscape character of the McLean campus and that those guidelines will be consistent with the Secretary of the Interior's Standards for Rehabilitation and for the Treatment of Historic Properties.

- **Interim protection for vacant buildings.** Stipulations #1 and 2 of the Historic Preservation Agreement provide for interim protection of buildings whose preservation is required or encouraged.

- **Historic landscape features in redevelopment and open space zones.** Stipulations #4, 5, 7, and 9 of the Historic Preservation Agreement address these historic landscapes and landscape features.

- **Hall-Mercer.** McLean has informally committed to the restoration of the Hall-Mercer site on the Upham Bowl following the demolition of the Hall-Mercer building.

- **Archaeological sites in redevelopment zones.** Stipulations # 9 of the Historic Preservation Agreement provide some protection for archaeological sites.

- **On-site circulation.** This issue is indirectly addressed by Stipulations #4, 5, 7, and 9 of the Historic Preservation Agreement. The historic circulation system is considered a historic landscape/site element.

McLean Hospital Summary Building Information and Evaluation Table

The attached table remains essentially the same as the draft dated June 27, 1997. The building scores and their rank order remain the same. The primary change is to the scores assigned to each significance category. The previous draft broke the categories down arbitrarily by units of five. Under this system, no buildings were assigned to the low category, when in fact there were buildings within the evaluation of low historical value. This did not provide enough refinement for evaluation of a real world proposal. Thus, to distribute buildings among all four categories, the scores assigned to each category have been changed as follows:

Point System

	Previous (Jun 97)	**Current (Dec 98)**
Very High Historical Significance	20-25	23-25
High Historical Significance	15-19	18-22
Average Historical Significance	10-14	14-17
Low Historical Significance	below 10	below 13
Non-Contributing	Post-1950 buildings	Post-1950 buildings

Historic Building Evaluation Criteria

A. Function/Importance to Campus/Historical Associations
5 pts. Main patient residence/patient care; therapy, etc.
4 pts. Patient cottage/administration
3 pts. Employee/gate lodge
2 pts. Main support
1 pt. Minor support

B. Quality of Architecture
5 pts. Very High
4 pts. High
3 pts. Average
2 pts. Low
1 pt. No Value

C. Integrity to Period of Significance (post-1950 changes)
5 pts. No important additions or losses
4 pts. Minor additions or losses
3 pts. Important additions or losses to rear or other low visibility elevation; changes to window sash; changes to materials
2 pts. Important additions or losses to side elevations; changes to fenestration pattern
1 pt. Important additions or losses to main façade

D. Prominence/Importance of Site
5 pts. Main group facing "Bowl" green space (1, 2, 10, 13, 17)
4 pts. Main drive and approaches (7, 9, 11, 18, 30)
3 pts. Secondary drives; support group (4, 8, 12, 14, 15, 21, 23, 24, 26, 32)
2 pts. Tertiary drives (3, 5, 6, 25, 27, 31, 35)
1 pt. Periphery (16, 19, 22, 28, 29)

E. Date of Construction

5 pts. 1892-1897 (Initial period of construction)
4 pts. 1898-1919
3 pts. 1920-1929
2 pts. 1930-1949
1 pt. After 1949 (less than 50-year National Register cut-off date)

Table 1: Summary Building Information and Evaluation Table

Bldg. #	Bldg. Name	Date	Architect	Style	Original Function	A	B	C	D	E	Total
Very High Significance (23-25)											
2	*Appleton House*	1892-95	Fehmer & Page	Colonial Revival	Women's residence (suites)	5	5	4	5	5	24
10	*(North) Belknap House*	1892-95	Shepley, Rutan & Coolidge	Tudor Revival	Men's residence	5	5	4	5	5	24
13	*Proctor House*	1894-95	Shaw & Hunnewell	Jacobethan Revival	Intermediate men's residence	5	5	4	5	5	24
17	*(South) Belknap House*	1892-94	Fehmer & Page	Jacobethan Revival	Women's residence	5	5	4	5	5	24
1	*Administration*	1893-95	Shepley, Rutan & Coolidge	Colonial Revival	Primary admin.; staff residence	4	5	4	5	5	23
18	Upham Memorial Building	1892-94	William Y. Peters	Colonial Revival	Men's residence (suites)	5	5	4	4	5	23
High Significance (18-22)											
14	*Gymnasium*	1895-97	Wheelwright & Haven	Tudor Revival	Men's gymnasium	5	5	4	3	5	22
3	*Bowditch House*	1894-95	Shaw & Hunnewell	Colonial Revival	Men's residence	5	5	4	2	5	21
6	*East House*	1893-95	Fehmer & Page	Jacobethan Revival	Intermediate women's residence	5	5	4	2	5	21
4	*Gymnasium (Center Bldg.)*	1895-97	Shaw & Hunnewell	Tudor Revival	Women's gymnasium	5	4	3	3	5	20
9	Mill Street Lodge	1893-95	Fehmer & Page	Colonial Revival	Gate lodge	3	4	4	4	5	20
11	Pleasant Street Lodge	1893-95	Fehmer & Page	Colonial Revival	Gate Lodge	3	4	4	4	5	20
19	*Wyman House*	1894-95	Shaw & Hunnewell	Colonial Revival	Disturbed women's residence	5	5	4	1	5	20

Bldg. #	Bldg. Name	Date	Architect	Style	Original Function	A	B	C	D	E	Total
21	Hope Cottage	1895-96	Wheelwright & Haven	Colonial Revival	Private, single patient cottage	4	3	4	3	5	19
23	Samuel Eliot Memorial Chapel	1906	Wheelwright & Haven	Gothic Revival	Chapel	4	4	4	3	4	19
5	Superintendent Residence	1895	Fehmer & Page	Tudor Revival	Superintendent's house	3	4	4	2	5	18
7	Stable (Garage)	1893-95	Fehmer & Page	Mixed; Craftsman	Stable	2	3	4	4	5	18
25	*Arlington House (School)*	1916	Peabody & Stearns	Jacobethan Revival	Private, two-patient cottage	4	4	4	2	4	18
Average Significance (14-17)											
22	**Codman House**	1906	Phillip B. Howard	Utilitarian	Women's residence	5	3	4	1	4	17
24	South Cottage	1912	Charles K. Cummings	Craftsman	Private, single-patient cottage	4	2	4	3	4	17
26	West Cottage	1919	H. L. Blake	Colonial Revival	Private, single patient cottage	4	2	4	3	4	17
15	*Service Building*	1893-95	Shepley, Rutan & Coolidge	Colonial Revival	Kitchen, lab, staff residence, auditorium	3	2	3	3	5	16
35	Waverley House--house/lot purchase ca. 1900	ca. 1890	Unknown	Colonial Revival	Post-1910 doctor residence	3	2	4	3	4	16
12	*Power House*	1893	Marshall M. Tidd, C.E.	Utilitarian	Boiler, generator, pump house	2	2	3	3	5	16
n/a	Brick Barn	1890-95	Unknown	No style	Cow barn	2	4	4	1	4	15
27	**Higginson House**	1924	Bigelow & Woodsworth	Elements of Colonial Revival	Nurses' residence	3	2	4	2	3	14
28	North Cottage	1927	H. L. Blake	Colonial Revival	Private, single patient cottage	4	2	4	1	3	14
29	Ledge Cottage	1927	H. L. Blake	Colonial Revival	Private, single-patient cottage	4	2	4	1	3	14

Bldg. #	Bldg. Name	Date	Architect	Style	Original Function	A	B	C	D	E	Total
30	*Hill Cottage*	1930	Eugene T. Nolte	Colonial Revival	Physicians' residence	3	2	2	4	2	13
31	*Oakes Building*	1932	Woodworth, Hubbard & Smith	Elements of Colonial Revival	Male nurses' residence	3	2	4	2	2	13
Low Significance (below 13)											
8	*Laundry*	1893-95	Shepley, Rutan & Coolidge	Utilitarian	Laundry/drying yard	1	1	3	2	5	12
n/a	**Farmhouse**	1890-95	Unknown	No Style	Farmhouse	3	1	3	1	4	12
n/a	**Cottage**	1890-95	Unknown	Second Empire	Staff housing	3	2	2	1	4	12
16	*Shops*	1895	Unknown	Utilitarian	Carpentry, blacksmith; workmen's residence	1	1	3	1	5	11
20	**Greenhouse group (greenhouse gone)**	1895	John Butt	Utilitarian	Greenhouse, etc.	1	1	1	3	5	11
Post-1950 Non-Contributing											
32	*(Mailman) Research Building*	1945, 1959, 1975-77	Coolidge, Shepley, Bulfinch & Abbott	International Style	Research laboratory						
33	*Rehabilitation Building*	ca. 1970	Shepley, Bulfinch, Richardson & Abbott	Colonial Revival	Rehabilitation center						
34	**Hall Mercer**	1973	Perry, Dean & Stewart	Brutalist	Children's unit						
	Francis de Marneffe Bldg.	Post-1981									
	Admissions Bldg.	Post-1981									
	Child Care Center										

Buildings which are italicized are those which appear to fall within the core as currently defined by the McLean proposal.
Buildings which are in bold are those which appear to be proposed for demolition.

Table 2: Summary of Historic Building Preservation Status

Sub-districts and Zones **(from large-scale 10/15 map)**

1. Residential
2. Residential
3. Senior Living
4. Research & Development
5. McLean Institutional
6. Elderly Expansion
7. Cemetery
8. Public Open Space
9. Private Open Space

Very High Significance 23 - 25
High Significance 18 - 22
Average Significance 14 - 17
Low Significance below 13

Post-1950 Non-Contributing

A: Buildings included in Historic Preservation Provision I, preservation required
B: Buildings included in Historic Preservation Provision 2, preservation bonus offered
C: Buildings unprotected; demolition likely
D: Brick Barn

Zone	Bldg. #	Bldg. Name	Date	Architect	Style	Orig. Function	Total Sig. score/level	# of 35 total bldgs	Pres. Status
2	18	Upham Memorial Building	1892-94	William Y. Peters	Colonial Revival	men's residence (suites)	23/ very high	6 of 35	A
9	9	Mill Street Lodge	1893-95	Fehmer & Page	Colonial Revival	gate lodge	20/ high	11 of 35	A
8	11	Pleasant Street Lodge	1893-95	Fehmer & Page	Colonial Revival	gate lodge	20/ high	12 of 35	A
3	23	Samuel Eliot Memorial Chapel	1906	Wheelwright & Haven	Gothic Revival	chapel	19/ high	15 of 35	A
2	21	Hope Cottage	1895-96	Wheelwright & Haven	Colonial Revival	private, single patient cottage	19/ high	14 of 35	A
3	5	Superintendent Residence (Office Building)	1895	Fehmer & Page	Tudor Revival	superintendent house	18/ high	16 of 35	B
1B	7	Stable (Garage)	1893-95	Fehmer & Page	Mixed; Craftsman	stable	18/ high	17 of 35	A

4	22	Codman House	1906	Phillip B. Howard	Utilitarian	women's residence	17/ average	19 of 35	C
2	24	South Cottage	1912	Charles K. Cummings	Craftsman	private, single patient cottage	17/ average	20 of 35	B
2	26	West Cottage	1919	H. L. Blake	Colonial Revival	private, single patient cottage	17/ average	21 of 35	B
9	35	Waverley House house/lot; purchase c.1900	ca 1890	unknown	Colonial Revival	post- 1910 doctor res.	16/ average	23 of 35	C
8	n/a	brick barn at Rock Meadow	1890-95	unknown	No Style	cow barn	15/ average	25 of 35	D
4	27	Higginson House	1924	Bigelow & Woodsworth	elements of Colonial Rev.	nurses' residence	14/ average	26 of 35	C
1A	28	North Cottage	1927	H. L. Blake	Colonial Revival	private, single patient cottage	14/ average	27 of 35	C
1A	29	Ledge Cottage	1927	H. L. Blake	Colonial Revival	private, single patient cottage	14/ average	28 of 35	C
8	n/a	farmhouse at Rock Meadow	1890-95	unknown	No Style	farmhouse	12/ low	32 of 35	C
8	n/a	cottage opposite Rock Meadow	1890-95	unknown	Second Empire	staff housing	12/ low	33 of 35	C
1B	20	Greenhouse group (greenhouse gone)	1895	John Butt	Utilitarian	greenhouse, etc.	11/ low	35 of 35	C

NON-HISTORIC BUILDINGS OUTSIDE CORE CAMPUS

9	34	Hall Mercer	1973	Perry, Dean & Stewart	Brutalist	children's unit	n/a none	n/a	C
1A		Child Care Center	1981+				n/a none	n/a	C

Zone	Bldg. #	Bldg. Name	Date	Architect	Style	Orig. Function	A	B	C	D	E	Total	# of 35
2	18	Upham Memorial Building	1892-94	William Y. Peters	Colonial Revival	men's residence (suites)	5	5	4	4	5	23	6 of 35
9	9	Mill Street Lodge	1893-95	Fehmer & Page	Colonial Revival	gate lodge	3	4	4	4	5	20	11 of 35
8	11	Pleasant Street Lodge	1893-95	Fehmer & Page	Colonial Revival	gate lodge	3	4	4	4	5	20	12 of 35
3	23	Samuel Eliot Memorial Chapel	1906	Wheelwright & Haven	Gothic Revival	chapel	4	4	4	3	4	19	15 of 35
2	21	Hope Cottage	1895-96	Wheelwright & Haven	Colonial Revival	private, single patient cottage	4	3	4	3	5	19	14 of 35
3	5	Superintendent Residence (Office Building)	1895	Fehmer & Page	Tudor Revival	superintendent's house	3	4	4	2	5	18	16 of 35
1B	7	Stable (Garage)	1893-95	Fehmer & Page	Mixed; Craftsman	stable	2	3	4	4	5	18	17 of 35
4	**22**	**Codman House**	**1906**	**Phillip B. Howard**	**Utilitarian**	**women's residence**	**5**	**3**	**4**	**1**	**4**	**17**	**19 of 35**
2	24	South Cottage	1912	Charles K. Cummings	Craftsman	private, single patient cottage	4	2	4	3	4	17	20 of 35
2	***26***	***West Cottage***	***1919***	***H. L. Blake***	***Colonial Revival***	***private, single patient cottage***	***4***	***2***	***4***	***3***	***4***	***17***	***21 of 35***
9	***35***	***Waverley House house/lot; purchase c.1900***	***ca 1890***	***unknown***	***Colonial Revival***	***post- 1910 doctor res.***	***3***	***2***	***4***	***3***	***4***	***16***	***23 of 35***
8	n/a	brick barn at Rock Meadow	1890-95	unknown	No Style	cow barn	2	4	4	1	4	15	25 of 35
4	**27**	**Higginson House**	**1924**	**Bigelow & Woodsworth**	**elements of Colonial Rev.**	**nurses' residence**	**3**	**2**	**4**	**2**	**3**	**14**	**26 of 35**
1A	***28***	***North Cottage***	***1927***	***H. L. Blake***	***Colonial Revival***	***private, single patient cottage***	***4***	***2***	***4***	***1***	***3***	***14***	***27 of 35***
1A	***29***	***Ledge Cottage***	***1927***	***H. L. Blake***	***Colonial Revival***	***private, single patient cottage***	***4***	***2***	***4***	***1***	***3***	***14***	***28 of 35***
8	***n/a***	***farmhouse at Rock Meadow***	***1890-95***	***unknown***	***No Style***	***farmhouse***	***3***	***1***	***3***	***1***	***4***	***12***	***32 of 35***
8	***n/a***	***cottage opposite Rock Meadow***	***1890-95***	***unknown***	***Second Empire***	***staff housing***	***3***	***2***	***2***	***1***	***4***	***12***	***33 of 35***

	20	**Greenhouse group (greenhouse gone)**	**1895**	**John Butt**	**Utilitarian**	**greenhouse, etc.**	**1**	**1**	**1**	**3**	**5**	**11**	**35 of 35**
9	**34**	**Hall Mercer**	**1973**	**Perry, Dean & Stewart**	**Brutalist**	**children's unit**							
1A		***Child Care Center***	*1981+*										

3. ECOLOGICAL IMPACTS

Carlton Noyes, Jason M. Cortell Associates

Note: Ecological impacts continue to be minor and have not changed significantly since the May 22, 1998 Preliminary Review of McLean Hospital's Redevelopment Proposal.

Rare or Endangered Species
There are no rare or endangered species known to exist on the McLean Hospital site. In addition, the proposed McLean Proposal avoids directly impacting known potential habitat areas for rare or endangered species, such as vernal pools and wetlands.

Wetlands
The current McLean Proposal respects all wetland areas including their buffer zones. McLean's consultants have conducted studies to demonstrate how stormwater will be controled in conformance with the stormwater requirements of the Massachusetts Wetlands Protection Act.

Drainage and Hydrology
The proposal includes a storm water control plan that McLean indicates will handle new as well as existing storm water run off. This plan will have to be evaluated before development receives final environmental approvals.

Ecological Integrity
Overall, the level of environmental impact is low. The most notable impact would be that the ecotone between the existing campus and the adjacent woodlands and open fields would be pushed further into the natural areas. However, in contrast to previous proposals, the vast majority of the McLean site, including almost all of the secondary succession open fields and adjacent forest, will be preserved in McLean's current proposal.

Construction of maintained areas notwithstanding, there are trees of substantial size, age and significance in the main campus. The site planning should consider these by surveying their locations and planning around them as much as possible.

An ecological inventory (flora and fauna) was conducted, centered on the areas of proposed development, including the cemetery. Bird inventories have been conducted, with specific attention given to nesting activity. The list of plant and animal species has been expanded as sightings were made.

In terms of impact to natural and man-made environmental features, the proposed McLean Proposal will preserve much of the existing natural areas. Starting at the northwest corner at the old farm site and proceeding in a counterclockwise direction, the McLean Proposal shows the following:

- The proposed attached cluster townhouse development in Zones 1A and 1B will take place in an area with mixed hardwood forest, old-field and maintained grass vegetative communities.

- The proposed attached cluster townhouse development in Zone 2 along the southwest side of the campus would be located, for the most part, in less than 6 acres of the maintained grass area and approximately 3.5 acres of the adjacent mixed conifer hardwood forest which parallels Mill Street.

- The proposed senior center in Zone 3 along the south side of the site would be constructed in less than 4 acres of the adjacent oak-hickory forest and less than 2 acres of the maintained campus environment.

- The proposed R&D/Office complex would be constructed in the general area that is presently occupied by the Higginson House and Codman House. This construction would include approximately 3 acres of mixed hardwood forest, 4 acres of mixed hardwood within the campus and some maintained grass and parking areas. The new access road to the R&D/Office complex would partially follow the old coal road and part would be cut through approximately half an acre of the mixed hardwood forest.

4. VISUAL IMPACTS

David Dixon, Goody, Clancy & Associates

Note: Visual impacts continue to be minor and have not changed significantly since the May 22, 1998 Preliminary Review of McLean Hospital's Redevelopment Proposal.

The Task Force has been concerned with the quality and character of views of new development on the McLean property from surrounding public streets, other areas of the Town, new public open space and publicly accessible open space. Because all of the development will be set back at considerable distances from public streets or abutters, the Task Force has focused on setting acceptable height limits for each of the uses. As a basic starting point, all development will be held to heights lower that the prevailing tree heights in wooded portions of the site. In addition, the Task Force has expressed concern that new development not overwhelm historically significant buildings on the site.

The luxury townhouses will be visible from Mill Street. These clustered townhouses will be set behind a buffer of existing landscaping and natural growth varying in width from between 100' and 250'. The Task Force has also asked, and McLean has agreed, to limit building heights to 2 ½ stories.

The two proposed office buildings and related parking structure will be set back a minimum of between 350' and 700' from Pleasant Street, but will be visible during winter months to those who look up into the site from Pleasant Street and the vicinity of the Star Market. The Task Force has asked, and McLean has agreed, to limit the height of these buildings to four stories—a conventional height for suburban office buildings and one that would hold buildings below the tree line.

The proposed senior campus will locate larger buildings closer to a public street than the office or housing zones. While McLean had consistently indicated a desire to allow these buildings to generally rise to seven stories, a height that works well operationally, the consultant team has strongly recommended that these buildings be limited to a mix of four- and five-story buildings. One or more exceptions could be allowed for buildings whose siting effectively masks this height from public view. The current McLean proposal reflects this five-story height with a possible exception for one six-story building. The Task Force has also been very concerned that the senior campus buildings not overwhelm the adjacent publicly accessible open space, which further suggests limiting heights to a mix of four to five floors. The senior campus should be set back from the nearby Chapel and Office Building, which represent the nearest buildings of historic significance.

5. TRAFFIC IMPACTS

Mindy MacNeill, Vollmer Associates LLP

Overview
This report summarizes our findings and recommendations relative to transportation for the redevelopment of McLean Hospital in Belmont, and supplements our preliminary review of May 22, 1998. Subsequent to issuing our preliminary report on transportation, several factors have been introduced which are considered in our findings. First, the development program has been reduced. Second, access for the senior living subdistrict is proposed to be combined with the R&D subdistrict via the new Pleasant Street access. The proposed Pleasant Street access has also been shifted along a new alignment to preserve environmental resources. Finally, a Traffic Management Agreement and Mitigation Program has been drafted which is appended to this document as Attachment I.

Over the past 20 months, an ongoing dialogue regarding the potential traffic impacts of redevelopment of the McLean property and the process to be employed to evaluate these impacts has occurred between the various stakeholders: the Town of Belmont, through the McLean Land Use Task Force and the general public, and McLean Hospital. Vollmer Associates' effort focused on assisting the Task Force in understanding technical analyses and in establishing a transportation planning context for evaluating development proposals.

A traffic generation limit of 800 additional peak hour trips was initially established as a maximum for proposals to be measured against. This limit was based on review of traffic volume and operating conditions with and without the development, and reflects the volume of additional traffic (from the redevelopment of McLean Hospital and other projects) which could be accommodated by area roadways and intersections without implementation of major improvements and without significant changes in operating conditions which might induce increased traffic volumes or travel speeds. The development program currently proposed by McLean, with additional traffic volumes expected as a result of general background growth and other area developments, falls below this threshold.

The redevelopment plan and supporting ancillary documents provide the Town with the necessary information to evaluate the proposal and its impacts, as well as the protection in the form of commitments to limit trips to the site, promote alternative modes, fund and implement needed mitigation, and continued collaboration with the Town of Belmont and neighbors on traffic-related issues, among others. The traffic impacts of the proposal can be mitigated. The traffic assessment prepared for the redevelopment provides a detailed technical analysis and documentation of traffic impacts which currently exist and which can be expected as a result of the redevelopment, as well as measures required to offset them. Work will need to continue in this area as site plans advance and construction documents are developed.

While some of the traffic commitments contained in the ancillary documents are not as rigid or all encompassing as originally envisioned, reassurance to the Town is offered on several levels. As to the adequacy of the scope and scale of the mitigation required to offset traffic impacts, the development program has been substantially reduced even from the plan endorsed by the Task Force in August 1998, while the mitigation options presented address the prior, more dense development program. The commitment has been made to cap and monitor traffic flows for the individual subdistricts, except for luxury housing. Preventative and punitive sanctions for infractions have been identified and agreed to. The McLean Institutional subdistrict will be subject to monitoring only if there is a change in use to non-psychiatrically dependent uses. A specific threshold square footage and annual reporting requirement is in place to protect the Town. Even with this provision, traffic levels will not exceed the threshold levels

on which the traffic mitigation commitments are based. McLean and the Town have agreed there is a need to continue to collaborate on the design of mitigation measures and the schedule of implementation as well as in the promotion of alternate modes of travel. Each subdistrict is required to submit a detailed Travel Demand Management plan to identify what measures are in place to prevent, and correct, infractions to the cap.

Our findings and recommendations with regard to McLean Hospital's current proposal are summarized below and detailed within this report. A technical review of the traffic analyses to date has been conducted, and any remaining areas which require resolution or further examination are identified within this document.

Key Transportation Provisions of the Recommended Plan

- Achieves a twenty-five percent reduction in peak hour and daily traffic volumes due to downsized development program.
- Contains a mix of land uses intended to limit traffic generating potential.
- Provides a separate access for the R&D and Senior subdistricts off of Pleasant Street.
- Sets a cap on the number of peak hour and daily vehicle trips by subdistrict, except for luxury housing, as follows:

	AM peak hour vehicle trips	PM peak hour vehicle trips	Daily vehicle trips
R&D subdistrict	275	240	1,784
Senior Living subdistrict	40	95	1,166
McLean Institutional subdistrict	450	470	4,760
Total (except for luxury housing)	765	805	7,710

- Establishes a monitoring program to ensure traffic levels are not exceeded.
- Requires preparation of a Travel Demand Management program for each subdistrict.
- Provides recourse actions for the Town to enforce traffic limits in the event the cap is exceeded.
- Requires a financial commitment from McLean to fund traffic mitigation.
- Provides the Town with discretionary use of the majority of mitigation funds.
- Allows for continued collaboration on traffic mitigation and Travel Demand Management to incorporate specific measures for all modes of travel.

Consistency with Task Force Statement of Priorities and Governing Principles

The recommended plan, in combination with the supporting traffic impact assessment and Attachment I of the Ancillary Documents, largely addresses the traffic elements of the Task Force's priorities relative to minimizing adverse impacts from new development in order to preserve quality of life and the

additional governing principles developed in response to McLean's initial development options. The Task Force's Statement of Priorities and Governing Principles included the following:

> "McLean should identify and effect traffic mitigation in order to offset adverse traffic impacts from their development activities, such as undertaking the redesign of traffic intersections, implementing traffic calming techniques, encouraging the use of public transportation and shuttle service provided by McLean."
>
> "Consider the impact of increased traffic flows emanating from other current and future development projects in the Town of Belmont when considering final traffic impact."
>
> "Consider the impact regionally, as well as locally, when considering final traffic impact."
>
> "Include cost of traffic mitigation in cost of development when considering sale to private developers, so as to offset financial impact of increased traffic on the Town of Belmont."
>
> "Include impact on pedestrians and bicyclists when determining final traffic impact."
>
> "Proper evaluation of development options requires an analysis of traffic impacts consistent with the Statement of Priorities."

A comprehensive traffic impact assessment was prepared on behalf of McLean Hospital by Rizzo Associates. A review of this document is provided at the end of this section. That report provided the initial attempt to address the Task Force's objectives through evaluating the impacts of McLean Hospital's redevelopment plan in a manner which: considered the effect of other area developments; looked at regional impacts through an expanded study area of 28 locations which extended to Route 2, and into Waltham and Lexington; identified traffic mitigation options which looked at both physical, capacity-related enhancements as well as safety and traffic calming measures to reduce vehicular speeds and improve pedestrian and bicycle access; and incorporated non-SOV modes such as continued and expanded shuttle service to the commuter rail. Each of the mitigation options attempted to address each of the sometimes competing concerns, and succeeded at least in part. Both McLean Hospital and the Town agree that the identified mitigation actions represent options as to what might achieve the Town's goals, and that this is an area where continued collaboration is required.

Relationship to Preliminary Review Report Recommendations of May 22, 1998
The redevelopment plan, through its ancillary documents, addresses the Preliminary Review Recommendations as follows:

Continued Collaboration between McLean and the Town of Belmont on Mitigation
While intended to be compatible with residential community, the actual details of the proposed mitigation will further evolve as specific development proposals come before the Town.

McLean Hospital agrees it must continue to collaborate with the Town of Belmont to identify the actual traffic mitigation to be implemented. McLean's consultants have demonstrated, through development of various design options, that the traffic impacts of the project can be mitigated. Traffic Management remedies (transit and non-auto incentives, shuttle service, carpool/van pool programs) must be components of TDM plans developed for each subdistrict.

Enhanced provisions for pedestrian safety have been identified at intersections, and measures to better organize and slow travel speeds, i.e. "traffic calming."

Examples of the potential mitigation are described at the end of this report. While pedestrian crossings at intersections and traffic calming measures have been identified at some locations, it is acknowledged by both the Town and McLean Hospital that there is a continued level of effort which must be sustained to ensure appropriate and comprehensive mitigation strategies are designed and implemented. Pedestrian and bicycle connections to various "attractions" and desire lines must be considered in the final development of mitigation at the intersections. The Town and McLean share in the responsibility for identifying where pedestrians and bicycles can be included in the final designs. Additional technical analyses will be required to support the effectiveness and implementation of any design.

Commitment to a monitoring program or mechanism which limits the number of vehicle trips to the site.

Attachment I details the Traffic Monitoring and Mitigation Program, which establishes the maximum level of permitted traffic to be generated by the Research & Development, Senior Living and McLean Institutional subdistricts, and provides a commitment to fund mitigation required to offset the impacts of the proposed development(s) as well as a schedule of implementation.

There is language included in Part II of Attachment I which exempts the McLean Institutional subdistrict from monitoring, as long as the facilities continue to be used exclusively as a psychiatric hospital (or for uses which are functionally dependent upon and necessary to psychiatric hospital use), with an allowance for conversion of up to 75,000 square feet to non-psychiatric use. If at any time greater than 75,000 SF of non-psychiatrically dependent uses are operating in the subdistrict, McLean Hospital will be subject to all the provisions of the monitoring program. This exemption will allow McLean Hospital some flexibility in carrying out their primary mission with some latitude for changes in the industry. Further, with the stipulations described below, which have been agreed to by McLean Hospital, the potential trip generation remains below the initial 800 additional trip threshold, and below the trip generation levels of the development program endorsed by the Task Force in August 1998.

McLean Hospital had suggested a conversion of 100,000 square feet to non-psychiatrically dependent uses would be the threshold for triggering the monitoring program. For informational purposes, a comparison of the anticipated reduction in vehicle trips due to the downsized program to the number of trips which would be generated by a mix of general hospital and medical office uses (which are traditionally higher trip generators) indicates that the 75,000 square feet of non-psychiatric use falls within the "buffer" afforded by the reduced program (see Table 1). A further restriction is that no more than 25,000 square feet of the 75,000 square foot allowance may be for medical office use.

Table 1: Trip Generation Comparison

Land Use	Amount	AM Peak Hour	PM Peak Hour	Daily
Senior Living (Current)	486 units	34	83	1,046
Senior Living (Prior-August 1998)	600 units	36	102	1,290
Senior Living Reduction in Trips		-2	-19	-244
R&D (Current)	200,000 SF	249	237	1,810
R&D (Prior-August 1998)	300,000 SF	356	332	2,527
R&D Reduction in Trips		-106	-95	-718
Reduction from downsized program = "Buffer"		-108	-114	-942
Reduction from Converting Equiv McLean	75,000 SF	-46	-39	-485
Net Reduction		-154	-153	-1,472
Hospital	50,000 SF	77	67	839
Med / Dental Office Building	25,000 SF	61	85	807
Total Hospital and Medical Office		137	152	1,646
Comparison to Net Reduction		-17	-1	174

An additional requirement is that McLean Hospital must submit a Travel Demand Management program, provide an annual certification of the uses and corresponding square footage to the Town Engineer, and agrees the Town Engineer has the right to access the property and hospital records to verify the report's contents. The Town's position is protected in that a traffic volume "buffer" has been created as the proposed mitigation has not changed despite the downsized development program.

Relationship to Preliminary Report Review Issues and Concerns of May 22, 1998
In combination, the proposal, companion traffic assessment and Attachment I partly or fully address the outstanding issues identified in our preliminary report. There are several areas which require further study or clarification by McLean, their consultants and/or eventual owners of the individual subdistricts. These can be addressed in advance of and through the site plan approval process, including:

- Access and safety of pedestrians and bicyclists.
- Provisions for alternate modes (pedestrian, bicycles) on- and off-site.
- The mitigation contained in the traffic assessment does make some provisions for enhanced pedestrian crossings at the intersections evaluated. No specific measures for bicyclists were detailed. These issues must be fully incorporated into the development of actual mitigation strategies to be implemented, as well as the TDM program(s) described below. The Town, McLean Hospital, and the eventual owners/managers of each subdistrict will need to participate and share in the responsibility for safety and access options for all modes of travel.

- Independent of the Traffic Management Agreement, Travel Demand Management (TDM) programs and incentives to minimize single occupant vehicle (SOV) use.

- Attachment I requires each subdistrict develop and submit a Travel Demand Management program to the Town within 30 days of 90% occupancy of the new facilities, independent of the requirements of the traffic monitoring program. A baseline traffic count should be included in the report program. The R&D subdistrict is likely to be subject to the DEP's rideshare regulation, which will require submission of an annual report detailing the measures which are being used to achieve a target reduction of 25% in single occupant trips to the site. Required trip reduction incentives include: carpool matching, preferential parking, bicycle incentives, transit passes (sales or subsidies), posting of bus schedules/rates/routes, bus service negotiations and vanpool negotiations. Other incentives include provision of services at the worksite (daycare, dry cleaning, food services, etc.), financial incentives for carpooling, telecommuting or flex time and promotional events.

- The owners of the subdistricts (and the Town of Belmont) should communicate and coordinate their individual strategies and programs to manage traffic. McLean Hospital currently provides shuttle service between the Waverley Commuter Rail Station and the hospital, and representatives of the hospital have indicated that this will continue. A shuttle linking the sites, as well as an expanded (route and frequency) service to Belmont Center, will work toward reducing daily trips to the sites, and provide an alternative to single occupant vehicles. The appropriateness of expanding MBTA bus service to the site should be further investigated. McLean and the other owners should also provide secure accommodations for bicycles.

- Construction period impacts as part of site plan review. Methods of construction and construction period impacts will be detailed as part of site plan review for each individual project.

Conclusion

From a traffic perspective, the mix of land uses, the actual uses themselves, and location and number of access points work well in terms of mitigating traffic impacts. The downsized development program provides for a 25% reduction from the previously recommended plan in trips to the site. A shared access for the Hospital and the luxury townhouses off of Mill Street is proposed. The senior community and the R&D component are proposed to share a separate access off of Pleasant Street. Access for recreation (soccer fields) and cemetery uses is proposed off of Concord Avenue. The majority of the uses have entering and exiting trip patterns which are opposite the typical commuter pattern for a residential area, allowing them to be more readily absorbed into the traffic flow. The net result is the new site traffic is distributed over two primary access points, and in a roughly equal manner, which minimizes traffic volumes added to any one roadway and allows physical mitigation measures to be smaller in scale.

Traffic impacts have been identified and assessed in accordance with standard engineering practice and in a manner which is consistent with the Task Force's statement of priorities. The traffic assessment has responded to the ongoing input of the Task Force and essentially addresses the basic concern that the town's transportation infrastructure (roads and transit) can accommodate development of the McLean site without substantially compromising the residential character of the community.

Mitigation measures recommended by McLean's consultants have attempted to maintain or improve operating conditions and safety on study area roadways, without constructing major widenings or erecting traffic signals in residential areas. Monitoring and enforcement programs have been crafted to provide assurance to the Town that traffic impacts are adequately managed.

The details of a post-development monitoring and enforcement program to ensure site-generated traffic does not exceed approved levels, and a commitment by McLean Hospital to allocate funding for needed improvements are provided in Attachment I (see Appendix). The monitoring program and Traffic Management Agreement will protect the Town in the event that a higher traffic generator is located on-site. Specific elements include:

- Capping of peak hour trips and commitment to a post development monitoring program. The number of allowable peak hour and daily trips has been identified for each land use except the luxury housing subdistrict, which is not included in the monitoring program. Monitoring for the McLean subdistrict is deferred unless there is a change in use on the site.

- Commitment to fund identified mitigation. McLean Hospital has committed $1 million to fund mitigation. The Town shall have discretionary use of a substantial portion of these funds.

- Land uses to be monitored and method and frequency of monitoring. The R&D, Senior Living and McLean Institutional Subdistricts are subject to the monitoring program included in Attachment I. Monitoring for the McLean subdistrict is deferred. Flexibility for the McLean Institutional subdistrict has been provided to allow the Hospital to respond to unforeseen developments in the industry. Protection is afforded the Town through various stipulations which limit the square footage in the McLean core which could be changed to a non-psychiatrically dependent use.

- Penalties for infractions. Both restrictive and financial penalties have been identified.

Recommendations

The current proposal provides the Task Force and the Town with an established limit for trips associated with the site, a monitoring and enforcement program and a commitment to fund mitigation. A level of comfort can be derived from the "buffer" in traffic volumes as a result of the reduced development program and a degree of flexibility due to the same. The following are our recommendations if the proposal is advanced:

- Recommend that McLean Hospital continue to work with the Town of Belmont to provide additional detail on the physical construction which is required to offset traffic impacts and methods of incorporating pedestrians and bicycles in the designs.

- Recommend that McLean Hospital and the other subdistricts develop a Travel Demand Management (TDM) Program independent of any monitoring requirement, and submit this to the Town at 90% occupancy to allow expeditious implementation in the event of a violation.

- Recommend that McLean Hospital and the Town commit to collaborating with and the owners of the R&D, Residential and Senior Living subdistricts in identifying and implementing TDM strategies and opportunities to promote non-auto access of the site.

- Recommend that the Traffic Advisory Committee appointed by the Board of Selectmen be included in the development of TDM strategies as well as the design of mitigation.

Analysis of Traffic Impacts
Following is a summary of Vollmer Associates LLP's technical review of the traffic assessment prepared by Rizzo Associates for the proposal.

Transportation Assessment
Vollmer Associates LLP has reviewed McLean's traffic consultant's (Rizzo Associates) report which considers the reduced development program at McLean and revised Pleasant Street access. The report documents essentially provides technical support of the slide show presented at recent public meetings. The study methodology, analysis results and the findings and recommendations relative to the project's traffic impact and required mitigation are included. The report considers the following development program:

- 50,000 SF McLean Hospital expansion
- 200,000 SF Research & Development/800 space garage (revised program 700-space garage)
- 600-unit senior living community (revised program 486 including 6 preservation bonus units)
- 100 luxury townhouses (revised program 122 units, including 11 preservation bonus units)

Numbers in parentheses reflect the latest program changes. Rizzo Associates' traffic assessment was not updated to reflect these changes, as the required mitigation was not proposed to be changed.

The traffic assessment, which has been conducted in accordance with standard engineering practice, demonstrates that the traffic impacts of the proposed redevelopment can be offset through implementation of various physical measures. Several of the outstanding issues, which have been cited in our initial response and in subsequent discussions and review, remain unresolved. These primarily concern additional technical analysis (queuing and signal coordination) to better define physical mitigation; definitive incorporation of pedestrians and bicycles into the overall plan; and the elements of the Travel Demand Management and monitoring program. The exact nature and form of the physical mitigation will evolve if and when the project advances, and will require input from the Planning Board, Traffic Advisory Committee, Public Works Department, and interested residents. The opportunity to further reduce trips to the site through implementation of various TDM measures is recognized in the narrative and several specific components are identified, but additional detail must be provided to assure compliance with agreed to trip generation limits.

The downsized development program results in the total trip generation for the site being reduced by approximately 25 percent during the peak hours, as well as on a daily basis. Traffic operations throughout the study area benefit from the reduction in peak hour trips as well. The mitigation at study area intersections is unchanged (from previously presented proposals) as a result of the downsizing.

In terms of peak hour traffic operations, the proposed use of the Pleasant Street access by the senior housing represents a positive change overall as the peak hour trips generated by the housing are lower than the downsized R&D trips they "replace." Some corresponding increases and decreases in traffic volumes on individual approaches of the intersections will occur due to the revised access, but traffic operations experience a net improvement overall.

Proposed Mitigation
The Rizzo Associates' traffic assessment identifies physical mitigation at fourteen locations. At several intersections, multiple options are presented for consideration of the reader, in an attempt to address

varying perspectives. As stated in our previous reviews and at several public meetings, the mitigation as identified will offset the impacts of the proposed maximum development. The actual mitigation measures which are ultimately implemented (in the event the project advances) will depend on the actual proposals by developers. Although pedestrian crossings are identified for some locations, there continues to be a need to fully incorporate protected pedestrian crossings and bicycle access and circulation into the overall plan, particularly if these modes are to be encouraged for access to and around the project site.

The Travel Demand Management (TDM) program identified in the report cites some specific areas where reductions in travel demand may be achieved. A fully defined TDM program, with assigned responsibilities for administering, implementing and monitoring the program, as well as the enforcement mechanisms, is a requirement of the Traffic Management Agreement (TMA) between the Town and owner(s) of the site. The traffic assessment focuses on TDM applications for only the R & D use. While traffic associated with the R&D component has a high potential to be influenced by a TDM program, the hospital use represents a comparable opportunity, as do the employees of a senior community. The specifics of the TDM and TMA have been drafted and are included in Attachment I.

Trip Generation Benchmarks
McLean's proposal was compared with several trip generation benchmarks which were employed for this study.

From a technical traffic operations standpoint, a traffic generation limit of 800 additional peak hour trips was initially established as a benchmark for proposals to be measured against. This limit was based on review of traffic volume and operating conditions with and without development. This limit reflects the volume of additional traffic (by McLean and other area development) which could be accommodated by area roadways and intersections without implementation of major changes and without significant changes in operating conditions. The plan endorsed by the Task Force in August of 1998 fell below this 800 additional trip threshold. The current plan has 114 fewer peak hour trips (see Table 1) than the August 1998 plan, providing an even larger buffer relative to the 800 additional trips threshold.

Historically, the site generated approximately 600 trips during the AM peak hour, and 500 trips during the PM peak hour. Today, peak hour traffic volumes from the McLean site are approximately 300 trips in each of the peak hours.

Study Area
In response to concerns expressed over the potentially far-reaching effects, the study area was expanded and an extensive traffic counting program was undertaken by McLean's consultants. A total of 28 intersections surrounding the McLean site were included for detailed analysis under existing AM and PM conditions, and future conditions both with and without further development on the McLean site. These intersections are for the most part within the Town of Belmont, although locations in Waltham and Lexington have been included. The limits are as follows:

Trapelo Road - Wyman Street in Waltham to Belmont Street in Belmont
Winter Street between Route 2 and Concord Avenue, inclusive
Concord Avenue between Marsh Street and Brighton/Blanchard
Pleasant Street between Route 2 and Trapelo Road
Mill Street between Concord Ave and Trapelo Road

Study Methodology
Rizzo Associates' approach to identifying, evaluating and mitigating traffic impacts follows standard practice for preparing such studies at the state level of environmental review. Traffic congestion and

maximum trip generation occur during weekday morning (AM) and afternoon (PM) peak hours and these critical peak periods were evaluated. Baseline conditions for the study area include both existing conditions and future "No Build" conditions with traffic generated by other on-line area developments (Metropolitan State, Mormon Temple, etc.). The Pleasant Street development was not considered specifically by McLean but has been included in the form of background growth. An annual growth factor of one percent was applied to existing volumes to account for traffic associated with non-specific development. Future "Build" conditions include the McLean development.

The analysis results support field observations and indicate that ten of the twenty-eight study area intersections exhibit peak period operational deficiencies under existing or future No Build conditions (without the proposed development by McLean), and nine are at or above capacity. These deficiencies are typically attributable to a combination of insufficient traffic control, high traffic volumes with multiple conflict points (turning maneuvers, closely spaced intersections, pedestrian movement, on street parking).

Trip Generation and Distribution

Trip generation rates for each land use contained in the McLean proposal, with the exception of the existing Hospital use, are consistent with those published by the Institute of Transportation Engineers (ITE). The existing McLean campus generates approximately 300 trips in each peak hour. The current proposal could result in approximately 375-400 additional peak hour trips for uses proposed by McLean, well below the initial development proposals which were advanced last year, and even further reduced by the downsizing of the R&D and Senior Living Components. Other uses identified on site (senior center, cemetery, soccer field, open space) also generate additional trips. Table 1 provides trip generation information for each types of land use currently proposed.

Table 2. Trip Generation by Land Use

Land Use	Development Size	Trips per Unit/KSF/Beds/Acres			Number of Vehicle Trips		
		AM Peak	PM Peak	Daily	AM Peak	PM Peak	Daily
Luxury Townhouse	122 Units	0.54	0.55	5.9	65	67	714
Elder Housing	486 Units	0.07	0.17	2.15	34	83	1046
Research and Development	200 KSF	1.24	1.08	8.11	248	216	1622
McLean Growth	50 KSF	0.61	0.64	6.4	28	32	324
SUBTOTAL MCLEAN SUBDISTRICT		-	-	-	375	398	3706
Senior Center	-	-	-	-	6	8	34
Cemetery	14 Acres	-	-	-	2	12	68
Soccer	Field	-	-	-	0	17	36
Open Space	133 Acres	0.15	0.20	4.57	20	27	608
SUBTOTAL TOWN USES		-	-	-	28	64	746
GRAND TOTAL		-	-	-	403	462	4452

The residential use has a predominantly "outbound" flow in the AM and inbound in the PM, while the employment-based uses have the reverse pattern. This represents an advantage in terms of making use of available capacity as new trips are added opposite the predominant flow of traffic.

Trip Distribution and Assignment
The distribution of these trips on the adjacent roadway network involved a detailed review by McLean's consultants of travel patterns for employees and visitors to the existing McLean facility via traffic counts at the site drive; a license plate matching survey; employee residence data; demographic and journey to work data available from the US Census on where people who live in Belmont work and where people who work in Belmont live; knowledge of the local roadway network; and proposed access/egress drives. The net result is 43 percent of site traffic will be served by the Pleasant Street driveway; 57 percent will be served by the Mill Street driveway. More than half of drivers traveling to and from the site are oriented toward Trapelo Road.

Impacts of Development
Additional peak hour traffic volumes generated by the current proposal were superimposed over the No Build condition and re-analyzed. Without mitigation, peak hour operations are expected to deteriorate, especially at those locations which are exhibiting constrained operations already. Additional intersections, for a total of fifteen locations, exhibit post-development operational deficiencies during peak periods as a result of McLean development.

Proposed Mitigation
Fifteen intersections are expected to exhibit operational deficiencies, post-development. Many of these locations are experiencing delays and congestion under existing and No Build conditions, which are exacerbated by additional traffic generated by McLean. Traffic mitigation has been developed for these locations, and consistent with the principle of preserving quality of life, has intentionally employed a minimalist approach to avoid building in unneeded capacity, preventing induced growth or shifts in latent demand, and at the same time preserving the residential character of Belmont. While technically addressing the objective of preserving residential character, the proposed mitigation options represent one version of a potential solution. There is a continued need to examine the exact form of the recommended mitigation.

Travel Demand Management and Enforcement
A Traffic Monitoring and Mitigation Program Agreement (Attachment I) has been drafted to establish the maximum number of trips (AM peak hour, PM peak hour, Daily) permitted to be generated by the individual subdistricts on the site, the responsibilities of the owners for monitoring traffic levels, the recourse actions available to the Town in the event these levels are exceeded, and the mitigation proposed to offset the impacts of future development.

Trip Generation Limits and Uses to Be Monitored

Attachment I proposes monitoring of the McLean Institutional, R&D and Senior Living subdistricts. The McLean core will not be subject to monitoring, unless its use changes in part to a non-psychiatrically dependent use. The Residential subdistrict is not included in the monitoring program. Although there was skepticism expressed on the part of members of the Task Force and the public as to the desire and ability to monitor and regulate all uses on the site, the tone of those comments was that it was desirable to regulate non-residential uses (R&D, McLean core and the senior community) as these uses had trips generated by employees rather than residents. When discussing monitoring of total driveway volumes through traffic signal technology, the point was made that it

would be virtually impossible to segregate trips by uses, and certain uses might be penalized for the excesses of another. Alternate methods of monitoring the entire site are available, with some built-in flexibility to account for the residential uses and the potential for "special events."

The recommended limits for a combination of scenarios for the currently proposed land uses (200,000 SF R&D, 470 Units Senior Community and 668,000 SF McLean Core) are summarized below:

Table 3. Recommended Traffic Limits: Total Vehicle Trips

	R & D Only 200,000 SF	R & D/Senior Community (486 Units)	R&D/Senior/ McLean Core (668,000 SF)
AM Peak Hour	275	315	765
PM Peak Hour	240	335	805
Daily Total	1784	2950	7710

Method and Frequency of Monitoring

The TMA/TMMP proposes that monitoring of the site for five consecutive weekdays using Automatic Traffic Recorders (ATRs) be initiated 30 days after the subject facility reaches 90% occupancy or one year after a building permit. The "owner" will submit the raw count data and trip generation calculations to the Town Engineer for review within 30 days of completion of the counts. This will establish baseline traffic levels and allow the owner and the Town to initiate corrective measures in advance of full occupancy, if needed. The program will be completed on a bi-monthly basis for a period of one year, and twice a year thereafter. After two years of demonstrated compliance, the program will be conducted on an annual basis. A fine for each infraction revealed by the report, or if the owner is found to have been aware of an infraction, but did not report it, is proposed in the agreement.

Enforcement

If an infraction is found, the "owner" has 14 days to correct it and demonstrate to the Town that it has been corrected through repetition of the count program. If it is not corrected within this 14 day period, the Town has the authority to close as many spaces in the garage as is required to enforce the peak hour and daily trip generation limits contained in the agreement.

Mitigation and Funding Commitment

Traffic mitigation which McLean will fund is identified. Seven locations have mitigation options identified, although both McLean and the town agree that the exact nature of the mitigation remains to be determined, and that all study area intersections where "mitigation" plans were developed at the request of the Task Force and the community are eligible for improvements using the discretionary funds.

McLean Hospital will contribute $1,000,000 for the costs of mitigation and assist the Town in securing other funding. The Town and McLean will decide which improvements will be made using these funds, and which will be made using other funding sources.

Physical Improvements

The mitigation package proposes a range of actions for seven locations which include installation or upgrading of traffic signals (confined to the site drives and Trapelo Road intersections) and realignment and minor widenings at some unsignalized locations to better organize traffic flow and enhance safety. Traffic operations were evaluated for future traffic volume conditions with mitigation and the analysis indicates that with these measures in place, traffic operations will be maintained at existing levels or, in many cases, improved. Following are excerpts from Rizzo Associates' traffic assessment.

Concord Avenue/Mill Street

Two mitigation options are proposed at this location in Rizzo's report.

- Option 1: A minor realignment to the Mill Street northbound approach to form a more conventional "tee" or right angle intersection with Concord Avenue. Channelization islands to guide vehicles through the intersection and provide shorter pedestrian crossings are proposed. Traffic control will consist of a stop sign for Mill Street northbound; no traffic signals are proposed. This option promotes the east-west Concord Avenue movement.

- Option 2: Re-orient the intersection so that Mill Street and Concord Avenue (west leg) form the major street. STOP sign control is shown for the Concord Avenue westbound approach. This option reinforces the Concord Avenue - Mill Street movement.

Mill Street/McLean Hospital Site Drive

Restripe existing pavement width to allow a separate left turn storage lane on Mill Street southbound and upgrade of the traffic signal to provide a protected left turn signal phase are proposed as mitigation at this intersection. A landscaped island is proposed on Mill Street south of the intersection. No widening is needed to accommodate these measures, and use of narrower lane widths would further limit any needed widening.

Mill Street/Trapelo Road

Two options are described for this intersection. Common elements include provision of a crosswalk at the intersection in place of the existing pedestrian crossing (located on Mill Street approximately 100 feet north of the intersection), and coordination/interconnection of the traffic signals along Trapelo Road.

- Option 1: The Mill Street southbound approach to this intersection is proposed to function as a dual left turn lane as part of the mitigation for this intersection. (Some drivers on this approach currently use it as a dual left turn.) This would require pavement markings to delineate the dual approach, and "elephant tracks" pavement markings through the intersection to ensure drivers stay in their lane. There are currently two lanes on Trapelo Road eastbound to accept the dual left turn, which quickly transitions to a single lane at Pleasant Street. Elimination or restriction of 1-2 parking spaces on Trapelo Road eastbound is required to achieve an effective transition. Coordination of signal timing and phasing improvements are recommended, including provision of an advance green phase on Trapelo Road eastbound, to provide a more balanced volume by lane, and smooth out traffic flow.

- Option 2: This option involves positive reinforcement of the current geometric and intended lane use at the intersection. The existing landscaped traffic is proposed to be expanded on the Mill Street southbound approach to narrow the wide lane to a single lane approach, and extend the limits of the right turn lane through restriping of existing pavement. Designate the Trapelo Road eastbound travel lane as an exclusive left turn lane. This option does not require the elimination of parking.

Trapelo Road/Waverley Oaks Road
Signal system improvements in the form of changes to the phasing and timing are proposed along the Trapelo Road corridor. The uncontrolled, free-flow right turn movement from Waverley Oaks Road is proposed to be placed under full signal control. No physical improvements are proposed for this location.

Trapelo Road/Pleasant Street
Installation of a traffic signal at this location is proposed as part of a coordinated and interconnected Trapelo Road system. Strip widening on the Pleasant Street approach is proposed to allow separate left and right turn lanes. No widening on Trapelo Road is proposed by McLean.

Pleasant Street/Concord Avenue
Modifications to the signal timing and phasing at this location are proposed to provide a protected advance phase for Concord Avenue WB. A separate left turn lane is also proposed to be delineated within the existing pavement width on the Concord Avenue WB approach.

Pleasant Street/R&D Site Drive
The proposed site drive will form a "tee" intersection with Pleasant Street. A traffic signal with pedestrian pushbutton actuation is proposed to be located at the intersection. A new sidewalk along the side drive and a crosswalk at the intersection will provide a connection to the existing sidewalk along Pleasant Street. A left turn storage lane is proposed on Pleasant Street northbound, and a right turn deceleration lane is proposed on Pleasant Street southbound.

Conclusions
The proposed development of the McLean Hospital site will have an impact on traffic operations in the vicinity of the site and traffic mitigation in the form of management techniques and infrastructure improvements have been identified. Fifteen of the 28 location studied have or will have deficiencies such as long delays and queuing unless corrective actions are taken. To offset these impacts, and to correct existing deficiencies, mitigation measures are required and have been identified at seven critical locations within the study area. The physical mitigation measures at intersections are predicated on the trip generation as described. Proposed Travel Demand Management strategies to limit the number of peak period trips are identified in the Attachment I. Rizzo's report also includes some vagaries regarding car pool programs, shuttle bus services to transit stations, and flexible working hours. While McLean will not be in control of the commuting choices or working hours of employees of either the senior living or R&D districts, they do have the ability to influence these choices for their own employees and in general through continued provision and enhancement of their shuttle service. McLean Hospital and the owners of the other subdistricts should prepare and submit to the Town a Travel Demand Management Program within 30 days of 90% occupancy of the respective facilities.

With these measures in place, the additional traffic generated by the redeveloped McLean site can be accommodated at these intersections. The exact nature of the physical mitigation will need to be determined if and when a developer prepares an actual proposal for site plan review.

6. FISCAL IMPACTS

John Connery, Connery Associates

Objective: Generate additional tax revenue for the Town

(1) **LAND USE TYPE**: The decision of the McLean Task Force to focus on land uses that create positive net revenues provides the foundation for a strong positive fiscal outcome. Specifically, the proposed research and development, high end residential, and assisted elderly living uses comprise a reuse scenario that produces initial and sustained fiscal advantages for the Town.

(2) **TAX YIELD:** At project completion, the gross annual tax revenue will be over 3 million dollars. Most importantly, after assigning "worst case" municipal service cost estimates, the net annual revenue accruing to Belmont will be 1.8 million dollars. This revenue represents the dollar amount flowing into the local treasury after the costs of providing municipal services. See Figure 1. The gross projected annual tax revenues are equivalent to 8% to 9% of the current town wide tax revenues collected from real property. Further, this projected net annual revenue represents approximately 4% of the Town's current annual budget.

(3) **LONG TERM BENEFIT:** The essentially built out and established character of Belmont creates the framework for a long-term fiscal benefit. As a mature community, there is no reason to anticipate large scale and rapid residential development elsewhere in Town. There is relatively minimal off-site development potential to create a counter balance to the fiscal benefits associated with the project. Thus, the gains in net revenue will become a long-term feature of the Town's fiscal future.

(4) **TOTAL ASSESSED VALUATION:** The proposed uses will add approximately 212 million dollars to Belmont's total assessed valuation. This large increase will significantly expand the community's tax base and provide considerable flexibility in fiscal and budgetary planning.

Conclusion: Assuming worst case municipal service costs, the resulting net fiscal impact remains strongly positive, very substantial, and long term.

GLOSSARY OF TERMS
(1) **Net Fiscal Impact.** The cost or benefit to the town after the cost of municipal services has been deducted from the taxes generated by a land use.
(2) **Gross Annual Tax Revenue.** The amount of taxes generated by a land use in a given year.
(3) **Net Annual Revenue.** The amount of revenue remaining, if any, that has been generated by a land use, after the cost of municipal services has been deducted.
(4) **Total Assessed Valuation.** The total assessed value of all real estate in the community

FIGURE 1. PROJECTED ANNUAL NET NEW FISCAL REVENUES

Use	Assessed Value	Gross Taxes	Net Taxes
Townhouses (122 units)	$76,250,000	$1,078,000	$433,840
Research & Development (200,000 sq. ft.)	$25,000,000	$353,500	$193,500
Senior Living (456 conventional units of Independent Living, Assisted Living and beds of Nursing Care)	$113,500,000	$1,601,485	$1,191,085
(30 affordable units of Independent Living and Assisted Living)	—	—	—
Totals	$214,750,000	$3,032,990	$1,818,425

The following cost and development scenario assumptions are factored into Figure 1.

1) Development Assumptions
   - The residential developer will achieve the 11-unit historic preservation development bonus.
   - The 122 Townhouses will have a median sale value of $625,000.
   - Each component of the Senior Living development (Independent, Assisted and Nursing Care) has been assigned a median market value of $250,000.

2) Affordable Housing
   - Thirty units of affordable elderly housing units will be provided as part of the assisted living complex. In addition, up to 40 affordable housing units could be built on the 1.34 acres to be transferred to the Belmont Housing Authority.
   - The assessed value of the affordable housing units can only be determined at the time of development, based on the limitations on rent that the owner will impose to make them affordable.

3) Service Cost Assumptions
   - Residential units will average $5,280 per unit.
   - Municipal service costs of the Research & Development facility will average $0.80 per square foot.
   - Assisted Living will generate municipal costs of $900 per square foot.

Technical Review—Measuring Fiscal Impacts—McLean Hospital

INTRODUCTION

To assist the McLean Hospital Task Force (Task Force) in understanding the most likely fiscal impacts associated with various development scenarios, we selected an approach to estimate fiscal impact that most suited the issue at hand. In this instance, we have a mixed-use development scenario and most likely, a moderate duration build out time frame. It is conceivable that prior to buildout, assessed values will fluctuate and business activities in the same building could change (either to more or less intense in terms of employees or trips generated). Therefore, our objective was to determine the most likely fiscal impacts and the range of municipal costs associated with the proposed land uses. To that end we selected the proportional valuation fiscal impact method. It is an average costing approach used to project the impact of development on local costs and revenues. Given that we do not have a list of the actual office space or research and development tenants, nor can we be sure of the exact buildout time frame for the residential components, this approach is the most appropriate method to estimate the fiscal impacts of a generally defined development program. A basic assumption of this method is that municipal costs increase with the intensity of land use, and change in real property value is a reasonable substitute for change in intensity of use. Another assumption is that the aggregate impacts of various office and R&D buildings on municipal services are sufficiently similar to group into single cost categories. Finally, it is assumed that non-residential development primarily affects municipal functions rather than school costs, which may be ignored. For the residential uses we again used a proportional cost method but added a proportional factor for school costs consistent with the residential use type.

The analysis employs Belmont's current tax rate, current assessed value per square foot for development type, costs of municipal services based on recent departmental budgets, and assumes that redevelopment of the site will be treated as new development for tax purposes. The analysis also assumes that any development will be accomplished by taxable entities. While municipal revenues derived from any development scenario can be altered by changes in construction schedule and general economic conditions, we have assumed that the relative fiscal value of various land uses will remains constant over the long term.

For the analysis, we used existing departmental budgets associated with the delivery of government services in Belmont. **However, our estimates of the cost of servicing various development types are conservative.** For example, we employed the high end of the cost range associated with office development. Where McLean used a service cost of 61 cents per square foot for traditional office space, we used 1 dollar per square foot. The higher cost reflects the small possibility that, over time, office use could experience an increase in the number employees per square foot, thus increasing traffic impacts and associated costs. To be conservative, we did not estimate costs if office employment decreases per square foot. Similarly, our costs for townhouse development represent another "worst case" scenario, because it includes higher school costs than usually result from this type of housing. Essentially, we treated town house development like traditional single family housing, and only allowed for a 20% reduction in school costs, when in almost all cases, it creates school costs no more than half of what is produced by single family housing. Cluster housing was assigned school costs essentially double what is normal for conventional attached housing. Further, for both housing types we did not include a factor for private school attendance; we made the conservative assumption that all pupils generated would attend public schools. The costs associated with the elderly housing campus reflects a regional average, and we found no compelling reason to increase these costs for Belmont. This form of housing will be attractive to approximately 25% of the population over 70 years of age, but a much smaller percentage will actually be able to afford private elderly housing. It is important to note that the scale of the elderly facility makes it

a regional facility. As is the case, as in similar facilities, future occupants will come from the surrounding communities as well as Belmont. As such, the elderly housing component will primarily serve as an addition to the local housing stock, and minimally as a replacement for other housing types.

Since the site can be classified as "new land," we realized early into the process there exists a high probability of a strong and positive fiscal impact. Our approach was intended not only to estimate overall fiscal impact, but also to provide the community with an understanding that estimating fiscal impact is an effort to understand the range of potential outcomes. To that end, we believe it is important to estimate the low end of fiscal return. However, in this instance, even the "worst case" scenario yields a very strong positive fiscal advantage for the Town. In addition, if more median municipal costs are experienced, the community will gain at least another 300,000 dollars in annual net revenues.

McLean Hospital currently pays approximately $512,450 per year in property taxes. This roughly equates to an assessed value of 35 million dollars. This assessment is based on the land value for single family home development consistent with the Single Family D zoning. Assuming an agreement of some type is eventually approved, the taxes on the buildings and land of the core hospital campus will most likely be removed after a period of time. While it is premature to discuss the features of such an agreement before a development program has been approved, it is most likely that the town will require that any removal of tax liability, on the core campus, be accomplished without negatively impacting annual tax revenue. This desired outcome may result in a gradual removal of the current tax assessment. Our analysis of net fiscal impact assumes the removal of the current tax assessment at the time of project buildout.

It is important to note, that while the cost of municipal services expressed in our analysis reflects an average cost over time, costs and fiscal impact can and do vary from year to year. While not a part of our analysis, the most easily understood example of this phenomenon is single family housing. It is generally recognized that the largest portion of municipal cost for single family homes is the education of children. While true, not all single family homes have children in public schools at all times. Over a 40-year occupancy cycle, a single-family house may send children to the public school system for a 20-year period. However, a 20-year period of sending no children to public school is also common occurrence; as is sending children to private schools. In Belmont, the 3,400 students in the school system represent approximately 0.4 school-aged children per household and 0.65 school-aged children per family. Similarly, we are all familiar with commercial buildings whose tenants change over time. Each occupant may or may not create the same demands on Town services. However, over time we can ascertain an average impact related to the building in question. The values and ratios presented below represent the long-term view, an average fiscal impact over time.

REVENUE RATIO

To express the long-term fiscal value of land use types we created a numerical device: a revenue ratio. It is intended to assist in fiscal analysis, and provides a simplified comparative device for the McLean Task Force and the community. The revenue ratio is expressed as a number with "1.0" being revenue neutral; below 1.0 is a negative fiscal impact; above 1.0 is a positive impact.

The revenue ratio is most easily understood as the percent of municipal service costs covered by the taxes derived from a particular property. Thus, a 0.56 revenue ratio covers only 56% of annual municipal service costs. A 1.56 ratio will return 56 cents to the Town treasury for every dollar of service cost expended. It is important to note that any fiscal impact associated with McLean Hospital is more than the immediate gain or loss in annual taxes. As "new growth", the assessed value of the new development is added to the town's total assessed valuation; and the total assessed valuation can be compounded at a rate of up to 2.5% annually. In dollar terms, a million dollars of new growth has a tax yield of $141,100,

at the current tax rate of $14.11. Obviously, it is through the mechanism of adding new growth that community services are maintained or expanded over time. For comparison purposes, in the 1980s the rate of new growth in Belmont was approximately $300,000 per year. In the 1990s the amount of new growth has increased significantly and is now approximately 1 million dollars per year. The estimated value of the new growth associated with the proposed scenario is 277 million dollars over a five to six year period. Annualized, that amounts to 46 million dollars of new growth per year.

EXAMPLE REVENUE RATIOS

The following are examples of revenue ratios using tax and assessment values consistent with current Belmont practices. In each instance the derived ratios represent the average for each use described. While not a consideration in this study we have included a single-family example as a comparison to non-residential uses.

Cost Assumptions for Single Family Dwellings*

Current median single family home assessed value	$350,000
Number of public school children per dwelling	.65
COSTS:	
School costs	3900
Cost of general government service	570
Cost of public safety (police & fire)	700
Cost of public service (roads, water, sewer, etc.)	900
Cost of cultural/recreational resources	160
Cost of human services	40
State and city charges	190
Debt	240
Total estimated cost of services per year	$6,700

REVENUE RATIOS OF VARIOUS SINGLE FAMILY HOUSE VALUES

Home Value	Costs	Taxes	Revenue Ratio (taxes÷costs)
350,000*(median)*	6,700	4,950	0.74
500,000	6,700	7,070	1.05
750,000	6,700	10,605	1.58
1,000,000 **	6,700	14,140	2.11

***assumes same rate of public school participation, although public school participation rates generally decrease as family income increases.*

As single family house values increase, they reach a point where they can (as a group) create a net fiscal gain.

REVENUE RATIO – RETAIL USE

ASSUMPTIONS

1. All new retail will be first class development.
2. Assessed value per square foot is $200.00
3. Municipal cost at $1.35 per SF.

EXAMPLE: 25,000 sq. ft. retail center @ 200 sq. ft. = $5,000,000 assessed value: tax rate @ 14.11 yields annual taxes of $70,550.

Retail centers generate the most traffic per square foot of development and, and require more than average policing consideration. As such, the service cost per square foot is usually the highest of any commercial use. For our example, we have selected the high end of the traditional cost range, i.e. $1.35

Retail Size	Cost	Taxes	Revenue Ratio	Net Revenue
25,000 SF.	$33,750	$70,550	2.09	$36,800

In addition to the annual positive net revenues, in our example 5 million dollars in new growth will be added to the total assessed valuation. This additional fiscal benefit holds for all new developments.

REVENUE RATIO – OFFICE USE

ASSUMPTIONS

1. Assessed value for first class office space is $175.
2. Traffic generated per SF. is three times less than retail.
3. Municipal cost at $1.00 per SF.

Office Size	Cost	Taxes	Revenue Ratio	Net Revenue
200,000 SF.	$200,000	$793,850	2.47	$293,850

REVENUE RATIO -- RESEARCH AND DEVELOPMENT

ASSUMPTIONS

1. Assessed value $125 per sq. ft.
2. Service costs 20% less than office costs (less traffic and employee generation)
3. All buildings are new construction

R & D Size	Cost	Taxes	Revenue Ratio	Net Revenue
200,000 SF.	$160,000	$352,750	2.2	$192,750

REVENUE RATIO -- MULTI-FAMILY

A. CONVENTIONAL APARTMENTS

ASSUMPTIONS

1. 1,300 sq. ft. apartment valued at $250,000.
2. $3,900 per student school cost; .15 students per unit.
3. Total municipal service costs at $1,600 per year per apartment.

Apartment	Cost	Taxes	Revenue Ratio	Net Revenue
122 units	$195,200	$430,355	2.2	$235,155

B. LUXURY CLUSTER HOUSING

ASSUMPTIONS

1. Same as single family, except that assessed value is $625,000.
2. Education costs are 20% less per unit than single family homes.

Lux. Cluster	Cost	Taxes	Revenue Ratio	Net Revenue
122 units	$644,160	$1,075,890	1.67	$431,727

C. SENIOR LIVING

ASSUMPTIONS

1. Service cost per unit is $900 per year.

2. No school costs
3. Median market value at $250,000 per unit (Assisted Living, Independent Living and Nursing Care beds).

Assisted Living	Cost	Taxes	Revenue Ratio	Net Revenue
456 units	$410,400	$1,608,540	3.91	$1,198,140

SUMMARY OF EXAMPLE REVENUE RATIOS

Single Family	
$350,000	0.74
$500,000	1.05
$750,000	1.58
$1,000,000	2.11
Conventional Apartments	2.20
Luxury Cluster Housing	1.67
Assisted Living	3.91
Retail	2.09
Office	2.47
Research & Development	2.20

7. AFFORDABLE HOUSING

Based on a series of presentations by the Town's Fair Housing Committee and Housing Authority, the McLean Hospital Task Force has determined that the reuse of the McLean Hospital site should contribute to meeting the Town's need for additional affordable moderate-income housing. In particular, several groups were identified as in need of housing within the Town:

- Town employees who can not afford the cost of housing for families or individuals,
- Elderly residents whose incomes have decreased and who can not afford to maintain their existing houses, and
- Children who have grown up in Belmont and can not afford their own housing.

The Task Force asked McLean to address affordable housing in its redevelopment proposal. The scope of an appropriate agreement has only recently begun to take form because initially, both the Task Force and McLean focused on providing extensive public open space as a public benefit and McLean indicated it was not able to meet, in addition, the Town's affordable housing needs without reducing the public open space benefits. After extensive discussion, McLean agreed to transfer 1.34 acres immediately adjacent to the Waverley Oaks public housing complex.

The issue of affordable housing was stalled at this stopping point throughout much of the negotiations. In response to the Task Force's continued concerns, McLean offered to provide 20 affordable elderly housing units within the proposed elderly housing complex and later increased the number to 30. The Task Force has agreed to this as an appropriate goal. The consultant team strongly supports this provision and urges that 10 units be provided by the time the first 225 conventional units are built. The final 20 affordable units should be in place by the time of buildout for the elderly housing component.

In addition, the Task Force has proposed two additional options for creating more affordable housing:

- Using the 1.34 acres as a site on which to create affordable housing units as well as parking. Based on land values attributable to development of higher density housing in Belmont, this provision of free land could translate into a subsidy of $35-75,000 per unit for as many as 40 units (depending on size and degree of mixed-income housing provided on the site). As the Fair Housing Committee and its consultant have indicated, it would be critical to identify the appropriate site to minimize cost premiums and accommodate sufficient housing. The Task Force urges McLean to propose an appropriate site. It may also be possible to expand the site somewhat without diminishing the quality of public open space on the McLean site.
- The Town could decide to dedicate some portion of the net additional tax revenues from the site to affordable housing. For example, if 10% of the net new revenue were assigned to support affordable housing, the resulting flow of funds—approximately $130,000 per year after full build-out—could either support the creation of 2-4 subsidized units per year or could be used to finance a one-time investment in affordable housing of $1.5-2 million.

In either case, the net result should be to create an additional 10 to 30 or more affordable housing units for the Town, depending on the type and size of units and the degree to which they are included in mixed-income housing developments.

8. MARKET FEASIBILITY AND VALUATION

David Vickery, Spaulding & Slye

Note: Market Feasibility and Valuation have become more uncertain since the May 22, 1998 Preliminary Review of McLean Hospital's Redevelopment Proposal. It is critical to note that McLean bears all risks in terms of the financial aspect of their proposal.

Overview

The McLean Hospital Proposed Reuse Plan includes three uses: luxury clustered housing; research and development; and a senior community. Spaulding and Slye's review of these proposed uses it to evaluate the market and value of each of the product types.

The real estate market for all three uses was at an absolute peak in both demand and value. It continues to be strong, but less so than in the spring of 1997. We believe this market will remain strong for the next 6 to 12 months and after that period could experience a slow down or reach a plateau of values due to a change in the economy and an overbuilding in certain product lines, such as research & development and office space.

Luxury Clustered Housing

Belmont is an affluent community which will support luxury clustered housing—especially in the Belmont Hill section of Town. There is probable demand for empty nester housing. Given the size of the overall site, the value of home sites will vary according to location. The prime areas for housing would be along Concord Avenue and Beaver Brook/Rock Meadow. However, McLean has proposed housing along Mill Street which addresses the Task Force's priority of open space in the Concord Avenue and Rock Meadow areas. Therefore we believe the units will sell in the $500,000 to $750,000 range, which would generate a land value per unit in the $100,000 to $150,000 range.

This value assumes the developer will pay for all site improvement costs such as roads, utilities, demolition, and landscaping. The development of the scale proposed would most likely be phased over a three year period, thus the land value is reflective of the developer having to carry the excess land for a couple of years prior to a complete sellout of the project.

Research and Development

The research and development market is still healthy, but less vigorous than in the spring of 1997. The suburban market of Route 128/Mass Pike, in which Belmont is included, had a vacancy rate of 4.3 percent for the first quarter of 1998 and continues to be very low. The office market for the same area had a vacancy rate of 2.8 percent. This vacancy represented a 16-year low. While the low vacancy rates pointed to a healthy economy and real estate market, it has also triggered the start of a wave of new construction activity. As of May 1998, there were over 11 million square feet of new office/R&D construction started or proposed for the following 18 to 24 months. This potential new supply will compete directly with any new research and development space at the McLean Hospital site.

The demand by users for large blocks of space that would be interested in this site would be driven by the beautiful campus setting that can be achieved, as well as the adjacent research hospital. A number of biotech firms that are currently in the market for this type of space would consider the McLean site.

The value of land for a research and development use on a per square foot of building basis continues to be in the range of $25 to $40. These value ranges depend on location and site conditions. Given the requirement of site improvement such as a new road access from Pleasant Street and a requirement to provide all parking in a structure versus on-grade (Task Force priority to minimize site impact) the land value is supportable at $30 per square foot of development.

Senior Community

Belmont is a prime community for senior housing. It is appealing to developers since it is affluent and the median age of its population is higher than the state's overall median age. A senior community in Belmont would likely draw from a market which includes Belmont, Cambridge, Lexington and Arlington.

Retail land prices for a senior community would range from $15,000 to $20,000 per unit. However, on a large scale development such as McLean has proposed, land prices would be discounted to reflect the amount of time it will take to absorb the housing units as well as the return a developer would require to undertake the risk of development. The $15,000 per unit figure that McLean has used for its own projected valuations would still appear to be appropriate.

Conclusion

McLean Hospital has included reasonable land values for its proposal. The housing land value of $100,000 is reasonable given the Task Force priority of leaving most of the prime residential areas along Concord Avenue and the meadow as publicly accessible open space. The small number of units that face directly onto unobstructed meadow may carry a higher land value. The research and development land value of $30 per square foot is reasonable for a campus setting and users may desire the adjacency of a teaching hospital. Given the projected development of this type of space in this market in the near term, it is necessary for McLean to move quickly to sustain this value. Finally, while the senior community land value of $15,000/unit is reasonable, this scale of development has no track record in the greater Boston area and may require a further discounted value.

As stated previously, the current real estate market has been at an all time high in both demand and value. This condition presents an opportunity to the Town of Belmont, if decisions are made expeditiously, to achieve Town priorities (open space, cemetery, etc.) at no cost by agreeing with a limited development that has comparable values to the site being sold as single family residences. In a period of historically high land values, the Town has the opportunity to minimize development for a given value, versus a down market where more development density is needed to achieve the same given value.

9. CEMETERY

The Letter from the Belmont Cemetery Commission summarizes the historical needs of the Town of Belmont for a municipal cemetery, describes the sites which were evaluated for this use and recommends a naturalist cemetery on the McLean site, consistent with the character of the surrounding landscape and open space resources.

The Cemetery Agreement contained in Attachment K of the Memorandum Of Agreement, the Conservation Restrictions of Attachment B2 A and the Zoning By-Law Amendment pertaining to the Cemetery Subdistrict document the provisions of the transfer of land from McLean to the Town of Belmont for a cemetery, stipulates allowed and prohibited uses, considerations of landscape treatment and resource protection, and describes the requirements of conservation restrictions.

MEMORANDUM OF AGREEMENT

MEMORANDUM OF AGREEMENT

This Agreement dated as of February 22, 1999, is entered into by and between The Town of Belmont, acting by and through its Board of Selectmen ("Belmont"), and The McLean Hospital Corporation ("McLean").

Recitals

McLean has asked Belmont to cause a re-zoning of the approximately 238 acres of land in Belmont owned by McLean (the "Property") by adopting a zoning by-law amendment in the form attached here as Attachment A.

Such a rezoning would be based on the following conditions:

(a) preservation of certain portions of the Property as open space, and assurance of public access thereto, through a conservation restriction and public access easement;
(b) conveyance of a certain portion of the Property to Belmont for use as public open space;
(c) conveyance of a certain portion of the Property to Belmont for use as a municipal cemetery;
(d) coordinated management of the publicly-owned and privately-owned open space;
(e) conveyance of a certain portion of the Property to Belmont for the development of affordable housing;
(f) preservation of certain historically significant features of the Property;
(g) stipulating the continuing tax status of the Property;
(h) monitoring traffic to and from the Property, limiting the same to pre-determined levels and mitigating the effect thereof upon local roads;
(i) use of the existing soccer field on the Property;
(j) conveyance of certain additional rights and easements for public use; and
(k) reimbursement of up to $500,000 of consultant costs incurred by Belmont.

Whereas, McLean is willing to perform certain agreements, as set forth below, if and only if the proposed zoning by-law amendment is adopted at a Special Town Meeting in the form attached hereto as Attachment A without modification;

Now, therefore, Belmont and McLean agree that, if and only if the proposed zoning by-law amendment is adopted at a Special Town Meeting in the form attached hereto as Attachment A without modification, then Belmont and McLean shall each perform the following actions on the fifth business day after approval by the Attorney General of the adopted zoning by-law amendment; provided however, that with respect to the actions described in Sections 1 through 5, 9 and 10 below: (a) if any application for design and site plan approval has been filed within one year following the date of such Special Town Meeting and a corresponding application for building permits has been filed within sixty (60) days of the granting of design and site plan approval (all such applications having been filed in good faith as being in compliance with the applicable zoning, building code and other regulatory provisions in the reasonable judgment of the applicant), then Belmont and McLean shall each perform its respective obligations on the first business day after the issuance of the building permits applied for within such sixty day period; or (b) if no such application for design and site plan approval has been filed within one year following the date of such Special Town Meeting (or no such application for building permits has been filed within the sixty

day period described above), then Belmont and McLean shall each perform its obligations on the first business day after such one year period (or the subsequent sixty day period, as the case may be) ends:

1. McLean will execute, acknowledge and record Conservation Restrictions in the form attached hereto as Attachments B1 and B2. The holder of the Conservation Restrictions shall be The Trustees of Reservations and/or such other holder as Belmont and McLean shall approve, such approval not to be unreasonably withheld.

2. McLean will convey to Belmont for open space preservation and use good and clear record and marketable title to the portion of the Property shown on Attachment C hereto (McLean acknowledging that Belmont intends to convey a portion thereof in accordance with Attachment L). McLean shall prior to such conveyance remove the soils and asphalt currently stockpiled within the North Meadows area as described in the McPhail Associates report, regrade and reseed such area to a safe and stable (non-erosive) condition and provide Belmont with a reasonable update to the McPhail report (including confirmatory post-removal sampling) confirming that the land to be conveyed to Belmont does not contain hazardous materials within the meaning of applicable state and federal law. McLean acknowledges that despite such conveyance, it remains responsible for hazardous materials on such land to extent provided for a former owner or operator of land under applicable state and federal law.

3. McLean will convey to Belmont, to be used in perpetuity for open space in an open and natural condition or for municipal cemetery use, good and clear record and marketable title to the portion of the Property shown on Attachment D hereto. Belmont, McLean and the Cemetery Commission will enter into an agreement regarding the cemetery in the form attached hereto as Attachment K.

4. Belmont and McLean will enter into a land management agreement in the form attached hereto as Attachment E. The management agent shall be the Massachusetts Audubon Society or such other agent as Belmont and McLean shall approve, such approval not to be unreasonably withheld.

5. McLean will convey to Belmont for the development of affordable housing, mixed-income housing containing affordable units and/or parking accessory to affordable housing good and clear record and marketable title to the portion of the Property shown on Attachment F hereto, together with an easement permitting vehicular access to such property from the to-be-constructed access to the Property from Pleasant Street.

6. Belmont and McLean will enter into an historic preservation agreement in the form attached hereto as Attachment G.

7. Belmont and McLean will enter into a tax agreement in the form attached hereto as Attachment H. Belmont will pursue a special act of the Legislature ratifying such agreement.

8. Belmont and McLean will enter into a traffic monitoring and mitigation agreement in the form attached hereto as Attachment I.

9. Belmont and McLean will enter into an agreement regarding the existing soccer field on the Property in the form attached hereto as Attachment J.

10. McLean will convey to Belmont (provided that Belmont must accept such conveyance within a reasonable time, taking into account any planning processes which Belmont may be actively pursuing, after receiving notice from McLean that McLean's development planning requires Belmont's acceptance or rejection of such conveyance and that Belmont shall, after such acceptance, be responsible for the maintenance and upkeep of the building or land conveyed): (a) an appropriate building

for use as a cultural center (if Belmont accepts such conveyance, an appropriate adjustment to the traffic monitoring and mitigation agreement shall be made to exclude traffic generated by Belmont's use of the cultural center); (b) an appropriate area along Pleasant Street for an anticipated bike path following a vote by the Board of Selectmen approving the bike path through Belmont; and (c) easements or fee title along Pleasant Street as necessary to alter such street (and related sidewalks), provided that such grants under clauses (b) and (c) shall not exceed ten feet in depth from the existing Pleasant Street right-of-way except as needed in the opinion of the Town Engineer to create adequate sight lines for the proposed new access to the Property from Pleasant Street (where in excess of ten feet in depth, such grants shall consist of easements, not transfers of fee title); all of the foregoing at no cost to Belmont, provided, however, that Belmont shall be responsible for any costs related to any such projects.

11. McLean will reimburse Belmont the documented costs of its consultants in the rezoning process, such reimbursement not to exceed $500,000. McLean will further reimburse Belmont for reasonable additional inspectional services, with any fees for building permits paid being offset against such costs.

12. Belmont has determined that any proposed roadways within the McLean District will be "driveways" and, therefore, will not be subject to the Rules and Regulations of the Board of Survey.

13. Belmont and McLean agree that vehicular access to Zone 1A under the proposed zoning by-law amendment shall be provided through the area shown on Exhibit C to the Conservation Restriction (Attachment B1).

14. McLean shall execute, acknowledge and deliver an agreement providing that no more than 10,000 square feet of gross floor area located on the Property shall be used for child day care, not including the continuation or relocation of the existing facility, and that all of the attendees within such 10,000 square feet of child day care facilities shall be the children of parents working or living at the Property, except as allowed by Belmont.

15. Belmont and McLean agree that if the Town's adoption of the proposed zoning amendment is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction prior to the performing of the actions described in Sections 1 through 5, 9 and 10 above (except for such a determination which applies only to a portion of the zoning amendment which does not materially impair the rights of Belmont or McLean thereunder), then the provisions of this Memorandum (other than Section 11) and each of the agreements and documents referenced herein shall be null and void.

McLean agrees that it shall take no action, prior to the consummation of the actions described in Section 1 through 5, 9 and 10, which would be inconsistent with its performance of such actions at the specified time. Without limiting the foregoing, McLean agrees during such interim period to comply with the provisions of the Conservation Restrictions described in Section 2 as if they were in full force and effect and to retain ownership of the land which is the subject of Sections 1 through 5, 9 and 10. Nothing in this paragraph shall be deemed to require McLean to allow public access to the Property during such interim period.

The foregoing obligations shall run with the land now owned by McLean Hospital Corporation in Belmont, Massachusetts. A notice thereof in the form of Attachment M shall be executed by McLean and recorded with the Registry of Deeds upon adoption of the zoning amendment described herein. This Agreement shall not take effect until ratified by a majority vote of Town Meeting of the Town of Belmont. Upon such ratifying vote, this Agreement shall not be amended in any material respect except by a further majority vote of Town Meeting.

Executed under seal as of the date first above written.

Town of Belmont

By: _____
Selectman

By: _____
Selectman

The McLean Hospital Corporation

By: _____
Its
Duly Authorized

ATTACHMENT A

ZONING BY-LAW AMENDMENT

ARTICLE A

That the Town amend the Zoning By-law of the Town by deleting the first sentence of Section 2.1 and by substituting therefor the following:

"The Town of Belmont is hereby divided into 12 classes of Districts"

and by adding "McLean District" to the list of districts to be inserted after "Parking Lot."

ARTICLE B

That the Town amend the Zoning By-Law of the Town by adding the following Section 6A, to be entitled "McLean District" to be inserted in the By-law after Section 6, "Special Regulations."

6A. **McLEAN DISTRICT.** There are six (6) subdistricts within the McLean District: Residential Subdistrict (divided into Zone 1A and 1B and Zone 2); Senior Living Subdistrict; Research and Development Subdistrict; McLean Institutional Subdistrict; Open Space Subdistrict and the Cemetery Subdistrict.

6A.1 Allowed Uses.

6A.1.1 **Residential Subdistricts**. Within the Residential Subdistricts, side-by-side attached single family dwellings (and the conversion of structures existing as of the date of adoption hereof to single family or multi-family dwellings) shall be allowed, as well as private club or lodge facilities used exclusively by residents with a maximum aggregate gross floor area of 16,000 square feet (provided that such facilities are located within the first floor of existing buildings that are rehabilitated and reused and that dwelling units are located within the upper floors of such buildings) and those other accessory uses permitted in the Single Residence A, B, C and D Districts other than lodging and boarding (provided, however, that accessory parking shall be limited as provided in Section 6A.3 and accessory structures shall only be allowed by special permit issued by the Planning Board).

6A.1.2 **Senior Living Subdistrict**. Within the Senior Living Subdistrict, a continuing care retirement community shall be allowed, which shall be defined as development comprised of housing and other associated services operated or sponsored as a coordinated unit by a corporation or organization having as its principal purpose the provision of housing and associated services, including those designed to provide for medical care and assistance with activities of daily living, for elderly persons. A continuing care retirement community may include one or more of the following types of facilities:

(a) **Independent Living Facilities.** Independent Living Facilities provide private living and dining accommodations to persons fifty-five (55) years of age or older, and may include the provision of common areas, social and educational programs, and psychological counseling and crisis intervention as needed, all with the purpose of providing an environment in which older persons can continue to derive the personal and psychological benefits of independent living while also enjoying the substantial social and educational benefits of community living. Home health care facilities for the provision of medical, nutritional, social, psychological and educational services for the residents of the Independent Living Facilities are permitted.

(b) **Assisted Living Facilities.** Assisted Living Facilities provide a sheltered living environment for persons fifty-five (55) years of age or older, and may include such services as housekeeping, cooking and common dining, social, psychological, and educational programs, programs for Alzheimer care, assistance with personal needs, and crisis intervention, all with the purpose of assisting each resident to continue to develop and to lead a productive and fulfilling life.

(c) **Nursing Care Facilities.** Nursing Care Facilities are those facilities licensed or approved by the applicable state or federal agency to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. Nursing Care Facilities may include medical and therapeutic and ancillary support and rehabilitation services, including but not limited to, food services, programs for Alzheimer care, social, psychological, and educational programs, and twenty-four hour supervision as appropriate.

(d) **Multipurpose Senior Facilities.** Multipurpose Senior Facilities provide social, educational, medical and therapeutic, wellness, counseling, recreational, outreach, and other activities for residents of the Independent Living Facilities, the Assisted Living Facilities and the Nursing Care Facilities. Multipurpose Senior Facilities may include a beauty parlor/barber shop, convenience store, ice cream parlor, bank, exercise center, and other such services ancillary to a senior living community, so long as such services are provided exclusively for staff, residents and their guests.

(e) **Day Care and Similar Programs.** Adult day care facilities and respite care facilities shall be allowed; provided, however, that such uses shall not serve more than 100 persons per day.

6A.1.3 **Research and Development Subdistrict.** Within the Research and Development Subdistrict, offices for and laboratories for research and development, including but not limited to research and development in the fields of biology, chemistry, electronics, engineering, geology, medicine, pharmaceutical, physics, computer research and technology shall be allowed.

6A.1.4 **McLean Institutional Subdistrict**. Within the McLean Institutional Subdistrict, psychiatric hospital use, including clinical, research and teaching programming in the nature of McLean Hospital's current operations as of the effective date of this By-Law, shall be the principal use. To the extent consistent with such principal use, the following non-psychiatric medical uses are also allowed, but such uses in the aggregate shall not exceed 30% of the gross floor area within the Subdistrict: clinics, educational facilities, outpatient services, research and development laboratories and other types of hospital uses and residential programs and professional offices for doctors and other hospital professionals or paraprofessionals. Uses accessory to psychiatric hospital use and serving the needs of patients or employees are also allowed including overnight accommodations for visitors,

cafeterias, fitness centers or gymnasiums, library, art gallery, places of worship, automatic teller machines and auditoriums so long as such services are provided exclusively for staff, residents and their guests.

6A.1.5 **Open Space Subdistrict.** Within the Open Space Subdistrict, passive recreational uses shall be allowed; provided that the existing building known as Mill Street Lodge can be used as a facility for marketing dwellings in the Residential Subdistricts; the existing building known as Pleasant Street Lodge can be used as a facility for marketing units or space within the Senior Living Subdistrict or Research and Development Subdistrict; and accessory outdoor parking, trails and visitor and interpretative facilities are allowed within publicly-owned land within the Subdistrict. Except as expressly provided herein, the lands within the Open Space Subdistrict shall be continued in an undeveloped and natural condition. Except as expressly provided herein, cutting, removing or destroying trees (other than the removal of diseased or damaged trees), altering the natural topography and constructing or locating structures within the Subdistrict shall not be allowed. Such land shall not be used for residential, industrial, institutional or commercial use, except that construction and use of vehicular and pedestrian access ways shall be allowed (only within those areas identified as "Vehicular Access Easement" on the Zoning Map) and the installation and maintenance of underground utilities and underground communication connections shall be allowed (only to the extent that such utilities and connections are located and constructed in a manner which minimizes the impact on the conservation values of the property). Continuation and replacement of existing utility and communication facilities shall be allowed. Continuation of the existing recreational field shall be allowed. Use of existing buildings within publicly-owned land within the Subdistrict for cemetery purposes shall be allowed.

6A.1.6 **Cemetery Subdistrict**. Within the cemetery subdistrict, cemetery and associated interment uses, structures, including offices, garage, maintenance buildings and columbariums together with landscaping, pathways, access drives and accessory parking shall be allowed. The installation and maintenance of underground utilities and underground communication connections shall be allowed (only to the extent that such utilities and connections are located and constructed in a manner which minimizes the impact on the conservation values of the property). Continuation and replacement of existing utility and communication facilities shall be allowed.

6A.2 Dimensional Requirements. (Gross floor area shall have the meaning set forth in this By-Law except that such area shall include all structures within the Subdistrict (except for preserved structures of historic significance which are vacant, unused and unoccupied and structures on privately-owned land used by the Town for public purposes), not within a given lot, and except that interior parking areas shall be excluded.)

6A.2.1 **Residential Subdistricts**. The dimensional requirements applicable to the Residential Subdistricts are:

(a) Maximum building height of 2 ½ stories and 36 feet. For the purposes of this Section 6A, "height" shall mean the vertical distance

from the average natural grade adjoining the building at all exterior walls to the highest point of the roof. Notwithstanding the foregoing, for purposes of determining the height of no more than 12 buildings in Zone 1A (each of which must have its side with its greatest height from grade turned more than 90° away from the northern boundary of the Subdistrict) and no more than 20 buildings in Zone 2, an alternative height limit shall be applied: the vertical distance from the average natural grade adjoining the building on the side that has the highest average natural grade to the highest point of the roof shall not exceed 36 feet and the vertical distance from the average natural grade adjoining the building on the side that has the lowest average natural grade to the highest point of the roof shall not exceed 50 feet. For buildings using this alternative height limit, a floor having a ceiling elevation at or below the average natural grade adjoining the building on the side that has the highest average natural grade shall not be considered a story. Each dwelling unit shall be considered a separate building for the purpose of determining height hereunder. No flat or shed roofs shall be allowed on buildings or building elements of more than one story.

(b) Maximum number of dwelling units and gross floor area.

(1) in Zone 1A, maximum of 33 units and a maximum total gross floor area of 99,000 square feet.

(2) in Zone 1B, maximum of 22 units and a maximum total gross floor area of 66,000 square feet.

(3) in Zone 2, maximum of 56 units and a maximum total gross floor area of 168,000 square feet.

(4) notwithstanding the provisions of subsections (b)(1), (b)(2) and (b)(3), an additional 11 dwelling units may be constructed as a historic preservation bonus based on rehabilitation and reuse of buildings consistent with the United States Secretary of the Interior's Standards and Guidelines for Rehabilitation; five such units shall be earned based on preservation and restoration of the existing building known as Upham Building and shall be located in Zone 2; four such units shall be earned based on the rehabilitation and reuse of the existing building known as Garage Building and shall be located in Zone 1A or 1B; one such unit shall be earned based on rehabilitation and reuse of the existing building known as Hope Cottage and shall be located in Zone 2 and one such unit shall be earned based on rehabilitation and reuse of the existing building known as South Cottage and shall be located in Zone 2. Such units shall not have a maximum gross floor area so long as they are located in the existing buildings as preserved and restored. Such units shall have a maximum average gross

floor area of 3,000 square feet if they are located outside the buildings preserved and restored.

(c) Minimum open space of 60% of lot area within Zone 1A and minimum open space of 40% of lot area within Zone 1B and Zone 2.

(d) Maximum lot coverage of 20% of lot area within Zone 1A and Zone 1B and maximum lot coverage of 30% of lot area within Zone 2.

(e) Maximum impervious surface coverage of 40% of lot area within Zone 1A and maximum impervious surface coverage of 60% of lot area within Zone 1B and Zone 2. For the purposes of this Section 6A, "impervious surface coverage" shall mean the total area of all surfaces which reduce or prevent the absorption of stormwater into land (including buildings, parking lots, driveways and sidewalks).

(f) Minimum setback from buildings to the Subdistrict boundary line of 15 feet. No fences or walls higher than 4 feet (or such greater height as is approved by the Planning Board in connection with Design and Site Plan review), nor any parking areas may be placed within such setback.

(g) Minimum setback from buildings to common driveways of 15 feet.

(h) Along the northerly boundary of Zone 1A, for 400 feet from the northeast corner of the subdistrict, and along the easterly boundary of Zone 1A, for 200 feet from the northeast corner of the subdistrict, the following shall apply:

(1) The area within 30 feet of such portions of such boundaries shall be maintained in an undeveloped and natural condition, except for the landscaping described below.

(2) If structures are located in Zone 1A within 100 feet of such portions of such boundaries, there shall be landscape buffering, including evergreen trees of substantial size (12 to 15 feet in height) upon planting, along both sides of such portions of such boundaries (to the extent permitted by the Town, where on Town property), which shall (a) provide a dense visual screening of such structures from view from the adjacent land in the Open Space Subdistrict; (b) be designed in a manner consistent as feasible with the natural appearance of the area and (c) be designed in a manner consistent as feasible with the continued life and health of the existing trees. Such landscape buffering may include the removal of invasive plants and their replacement with other native species.

6A.2.2 **Senior Living Subdistrict.** The dimensional requirements applicable to the Senior Living Subdistrict are:

(a) Maximum building height of 5 stories and 58 feet, except that one building may extend as high as 6 stories and 67 feet; provided that in such case the Planning Board determines that the siting and design of the building having such additional height shall be such that its roof elevation does not exceed the roof elevation of the 5 story building in the Subdistrict with the highest roof elevation and takes into consideration the tree line in the vicinity of such building; provided, further that a parking structure shall have a maximum height of 5 stories and 45 feet. For purposes of determining the height of a building in the Subdistrict, if and only if the lowest floor of the building is used for parking, then an alternative height limit shall be applied: the vertical distance from the average natural grade adjoining the building on the side that has the highest average natural grade to the highest point of the roof shall not exceed 58 feet and the vertical distance from the average natural grade adjoining the building on the side that has the lowest average natural grade to the highest point of the roof shall not exceed 68 feet. For buildings using this alternative height limit, a floor having a ceiling elevation at or below the average natural grade adjoining the building on the side that has the highest average natural grade shall not be considered a story.

(b) Maximum number of 480 units, at least 30 non-nursing care units of which must be set aside on a continuing basis as affordable units, and no more than a total gross floor area of 580,000 square feet; provided, however, that an additional 6 units having a total gross floor area of no more than 6,000 square feet may be constructed as a historic preservation bonus based on rehabilitation and reuse of buildings consistent with the United States Secretary of the Interior's Standards and Guidelines for Rehabilitation; two such units shall be earned based on rehabilitation and reuse of the existing building known as Chapel Building; and four such units shall be earned based on rehabilitation and reuse of the existing building known as Office Building. Of the 486 units, no more than 400 shall be Independent Living Facilities, no more than 150 shall be Assisted Living facilities and no more than 150 shall be nursing care beds within Nursing Care Facilities. "Affordable units" shall mean units which are rented or sold to, and occupied by, households with annual incomes of up to 120% of the median area household income, as such median is defined by the United States Department of Housing and Urban Development. The availability of the affordable units may be phased in by approval of the Planning Board in connection with Design and Site Plan Review.

(c) Multipurpose senior facilities (not including customary common areas for the residential units) cannot exceed 10% of the total allowable gross floor area and shall be included within such total allowable gross floor area.

(d) Minimum open space of 30% of lot area within the Subdistrict.

(e) Maximum lot coverage of 40% of lot area within the Subdistrict.

(f) Maximum impervious surface coverage of 70% of lot area within the Subdistrict.

(g) Minimum setback from buildings to the Subdistrict boundary line of 10 feet. No fences or walls higher than 4 feet (or such greater height as is approved by the Planning Board in connection with Design and Site Plan review), nor any parking areas, may be placed within such setback.

6A.2.3 **Research and Development Subdistrict**. The dimensional requirements applicable to the Research and Development Subdistrict are:

(a) Maximum building height of 4 stories and 67 feet; except that a parking structure shall have a maximum height of 5 stories and 45 feet.

(b) Maximum gross floor area of 200,000 square feet.

(c) Minimum open space of 30% of lot area within Subdistrict.

(d) Maximum lot coverage of 40% of lot area within Subdistrict.

(e) Maximum impervious surface coverage of 70% of lot area within Subdistrict.

(f) Minimum setback from buildings to the Subdistrict boundary line of 15 feet. No fences or walls higher than 4 feet (or such greater height as is approved by the Planning Board in connection with Design and Site Plan review), nor any parking areas, may be placed within such setback.

6A.2.4 **McLean Institutional Subdistrict**. The dimensional requirements applicable to the McLean Institutional Subdistrict are:

(a) Maximum building height of 4 stories and 67 feet.

(b) Maximum gross floor area of 668,000 square feet.

(c) Minimum setback from buildings to the Subdistrict boundary line of 15 feet. No fences or walls higher than 4 feet (or such greater height as is approved by the Planning Board in connection with Design and Site Plan review), nor any parking areas, may be placed within such setback.

(d) The area within the Subdistrict shown on the Zoning Map as "Conservation Buffer" shall be maintained as open space in an undeveloped and natural condition and no building, fences, walls or paving shall be located in such area.

6A.2.5 **McLean Cemetery Subdistrict.** The dimensional requirements applicable to the McLean Cemetery Subdistrict are:

(a) Maximum gross floor area of 2,450 square feet.

(b) Minimum setback from buildings to the Subdistrict boundary line of 15 feet. Minimum setback from buildings to public streets of 30 feet. No fences or walls higher than 4 feet (or such greater height as is approved by the Planning Board in connection with Design and Site Plan review), nor any parking areas, may be placed within such setbacks.

6A.3 Parking and Access Requirements.

6A.3.1 **Maximum Number of Spaces**. Accessory parking for the uses allowed in the Residential Subdistricts, the Senior Living Subdistrict, the Research and Development Subdistrict, the McLean Institutional Subdistrict, and the Cemetery Subdistrict shall be allowed provided that such parking may not exceed the limits set out in the following table.

Residential Subdistricts	Two inside parking spaces and two outside parking spaces per dwelling and 122 parking spaces for guests.
Senior Living Subdistrict	One parking space per unit and 50 parking spaces for staff and guests.
Research and Development Subdistrict	Three and one-half parking spaces per 1,000 square feet of gross floor area.
McLean Institutional Subdistrict	For existing uses and structures 863 parking spaces. For new construction, as follows: 3 per 1,000 square feet of gross floor area; provided, however, that the total of parking spaces added for all new construction may not exceed 150 spaces.
Open Space District (privately-owned lands)	Five parking spaces adjacent to the Mill Street Lodge; five parking spaces adjacent to the Pleasant Street Lodge.
Cemetery Subdistrict	Seven parking spaces.

6A.3.2 **Parking Location and Layout**. Parking must be located in the same Subdistrict as the use it serves. Parking space sizes shall conform to the rules and requirements generally applicable to the Town of Belmont as established from time to time by the Planning Board. Inside parking spaces in the Residential Subdistricts shall be located within a dwelling or an attached garage (no garage shall contain more than two spaces). Outside parking spaces in the Residential Subdistricts shall be located within a driveway leading to the garage. Guest parking spaces in the Residential Subdistricts shall be outside and shall be located in clusters of no more than 6 spaces each, such clusters to be located as approved by the Planning Board in

connection with Design and Site Plan Review. No more than 350 parking spaces in the Senior Living Subdistrict may be outdoor surface spaces; the remainder must be located within a parking garage or other building. No more than 350 parking spaces in the Research and Development Subdistrict may be outdoor surface spaces, the remainder must be located within a parking garage or other building.

6A.3.3 **Access Limitations**. Vehicular access to the Residential Subdistricts and the McLean Institutional Subdistrict shall be via Mill Street, except in case of emergency access. Vehicular access to the Senior Living Subdistrict and the Research and Development Subdistrict shall be via Pleasant Street, except in case of emergency access.

6A.4 Design and Site Plan Review.

Any activity requiring a building permit in any Subdistrict, and any proposed construction of a vehicular access way across land in the Open Space Subdistrict, shall require design and site plan approval by the Planning Board pursuant to this Section 6A.4 (the provisions of Section 7.3 of this Bylaw shall not apply except as provided below).

The Planning Board shall promulgate rules requiring any applicant for Design and Site Plan Review under this Section 6A.4 to pay a review fee, in an amount to be determined by the Planning Board to cover the reasonable costs of the Planning Board for the employment of any independent consultants determined to be needed to assist in the review of the application for site plan approval. Such consultants shall be qualified professionals in the relevant fields of expertise determined by the Planning Board.

The objectives of Design and Site Plan Review under this Section 6 A.4 shall be to:

(a) obtain appropriate evidence that a traffic monitoring and mitigation program agreement has been entered into with the Town;

(b) obtain appropriate evidence that the proponent or other party has placed into escrow the funds required pursuant to any traffic monitoring and mitigation program agreement entered into with the Town;

(c) determine the adequacy of measures proposed to mitigate construction period impacts on the natural features of the site, on neighboring premises and on the Town roadway system;

(d) determine the adequacy of measures proposed to mitigate the effects of the development on significant natural and landscape features of the site, including the preservation of specimen trees;

(e) determine the appropriateness of the proposed design and materials of proposed buildings;

(f) determine the adequacy of measures proposed to limit peak offsite stormwater runoff to predevelopment levels and to protect water quality in accordance with

State stormwater management standards, including adherence to the criteria set forth in Section 6A.5;

(g) determine the adequacy of measures proposed to prevent adverse erosion or sedimentation effects on the natural features of the site or on neighboring premises;

(h) where applicable, obtain appropriate evidence of compliance with all applicable regulatory and licensing requirements with respect to the handling of potentially hazardous materials, including biologic or radioactive materials;

(i) determine that adequate measures have been taken for the private maintenance and management of the development (including roadway maintenance and repair, maintenance of landscape elements and natural open space, maintenance and repair of stormwater management facilities and common utilities, snow removal, trash removal and recycling);

(j) determine that the adjoining premises within and outside of the McLean District will be protected against seriously detrimental uses by provision for surface water drainage, sound and light buffers, prevention of undue solar reflection and glare and preservation of views, light and air;

(k) determine that there will be no serious hazard to vehicles or pedestrians within the site or on adjacent streets or sidewalks;

(l) determine the adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the buildings;

(m) determine the appropriateness of the proposed methods of disposal of refuse and other wastes resulting from the uses permitted on the site, including size, location and landscape screening of dumpsters or other trash receptacles;

(n) determine that the height and bulk of the proposed buildings will not be injurious to surrounding property outside of the McLean District, including appropriate location and screening of non-habitable roof elements;

(o) determine the adequacy of the lighting, landscape planting (including adequate buffers along Subdistrict boundaries) and other exterior construction features in relation to the proposed use of the site and the interests of the safety, convenience and welfare of the public;

(p) determine the appropriateness of the relationship of structures and open spaces to the natural landscape and existing buildings, including the relationship between structures in Zone 1A and the adjacent publicly-owned land in the Open Space Subdistrict;

(q) obtain appropriate evidence of compliance of the proposal with the applicable requirements of this By-Law other than this Section 6A.4; and

(r) obtain appropriate evidence of compliance of the proposal with any non-zoning agreements entered into with the Town of Belmont regarding land in the McLean District.

Any applicant for Design and Site Plan Review shall submit ten copies of a preliminary concept plan for review by the Planning Board prior to submission of a formal application. The preliminary review shall provide an opportunity for the applicant to identify early in the process the preferences of the Planning Board relative to the development of the site. The preliminary concept plan should show the proposed location and size of all buildings, parking areas, driveways and undisturbed natural areas. When the applicant submits a preliminary concept plan to the Planning Board, the applicant shall at the same time provide a copy of such submission to the Conservation Commission, the Historic District Commission, the Community Development office, the Town Administrator, the Police Department and the Fire Department (the "Commenting Agencies"). The Planning Board will provide advice and guidance to the applicant after an opportunity for the Commenting Agencies and the public to provide written comments on the preliminary concept plan.

Each application for Design and Site Plan Review under this Section 6A.4 shall be accompanied by ten copies of the documents described in Section 7.3.3. In addition, the application shall also be accompanied by ten copies of: (i) plans showing the existing and proposed topography in two foot contours and showing subsurface conditions; (ii) a construction management program including plans for construction vehicle access routes, on-site construction worker parking, designation of material storage methods and locations, and designation of construction hours; (iii) a development phasing plan, setting forth the anticipated timing of construction and occupancy of the proposed development; (iv) plans showing anticipated views of the proposed development from public locations outside of the McLean District; (v) a reasonably scaled model of the proposed development; (vi) plans indicating specimen trees and other existing vegetation to be preserved; (vii) a traffic circulation plan; (viii) an erosion and sedimentation mitigation plan; (ix) evidence of property ownership; (x) a stormwater management plan, including the calculations described in Section 6A.5(a) and setting forth all proposed facilities and performance standards in sufficient detail to permit the Planning Board to evaluate the proposed development in accordance with the provisions of Section 6A.5; (xi) a written statement of the manner in which the proposal meets each of the objectives set forth above; (xii) evidence that the proposal complies with any non-zoning agreements entered into with the Town of Belmont regarding land in the McLean District; and (xiii) evidence that a crane, balloon or other temporary representation of the height of each proposed structure has been brought to the site and kept in place for not less than 72 hours, together with photographs of such representation taken from a sufficient number of locations suitable for evaluating the visual impacts of each proposed structure in accordance with the objectives set forth above. Where applicable, plans shall be prepared by a registered architect, landscape architect, land surveyor or professional engineer.

The Planning Board or its designee shall review a submitted application for completeness and shall notify the applicant within thirty (30) days of its submission whether the application is complete or, if not, what items are missing. If the Planning Board fails to so notify the applicant within such time, the application shall be deemed complete; provided that nothing herein shall be interpreted to limit the ability of the Planning Board to require additional information. The time for holding a public hearing

shall not commence until the Planning Board has received a complete application. Upon receiving notice that an application is complete, the applicant shall provide a copy of the complete application to the Commenting Agencies. After an application has been submitted, no tree removal, grading, filling, construction of roads or installation of utilities shall occur with respect to the proposed area of development until the application has been approved by the Planning Board.

In reviewing an application of Design and Site Plan Review under this Section 6A.4, the Planning Board shall follow the procedures established in the first two paragraphs of Section 7.3.5. Notice of the public hearing shall be provided to the Commenting Agencies inviting written comments and recommendations. An application may be denied where (a) an application is incomplete or (b) no reasonable conditions will ensure that the proposed development is consistent with the objectives set forth in this Section 6A.4. Such a denial shall be in writing and shall set forth the reasons therefor. It is the intent of this Section 6A.4 that an application for Design and Site Plan review hereunder shall be approved if such application, as affected by such reasonable conditions as the Planning Board may impose, is consistent with the objectives in this Section 6A.4 and all other requirements of this Section 6A. The Planning Board may impose such reasonable conditions on its approval as it shall deem appropriate to assure the continuing consistency of the development with the objectives set forth herein. The Planning Board may require the posting of a bond or other reasonable security as a condition of its approval as it shall deem appropriate to assure compliance with the approval and its conditions.

An appeal from a decision of the Planning Board may be filed with Superior Court or Land Court under General Laws c.40A, §17 within twenty days of the filing of the decision with the Town Clerk. Any proposed amendment to an approval under this Section 6A.4 shall follow the procedures set forth herein for an initial application. Notwithstanding any provisions hereof to the contrary, Design and Site Plan approval shall not be required for alterations or repairs to an existing building which do not increase the height, bulk or footprint thereof, which are not being performed to provide for its use for a substantially different purpose and which do not violate the conditions contained within any prior Design and Site Plan approval applicable to such building; provided that the proponent must nonetheless obtain the Planning Board's approval of a construction mitigation plan appropriate for the scope of the proposed alteration or repair prior to the issuance of a building permit. If Design and Site Plan approval is required for alterations or repairs, the Planning Board shall only require such information as reasonably necessary given the scope of proposed alteration or repair.

6A.5 **Stormwater Management Facilities**. Stormwater management facilities shall comply with the following requirements:

(a) Calculations for pre-and post-development runoff based on the 100 year 24 hour storm event shall be submitted to the Town Engineer upon application for Design and Site Plan Review.

(b) Where possible, roof drainage shall be piped directly into the ground via infiltration trenches and/or dry wells. Where possible, roads and paving areas shall be designed to allow absorption of runoff into adjacent pervious areas.

(c) Additional detention of post-development impervious surface discharge shall be provided to assure that peak storm discharge can be accommodated by and not prohibit additional

discharge to the limited hydraulic capacity of the existing town off-site storm drainage system.

(d) Stormwater management solutions shall be kept local within each Zone to minimize accumulation and the need for larger structures.

(e) Stormwater runoff shall be retained by open detention basins or by an underground chamber system similar to Cultec Contractor Chamber Systems, or equal. At least 50% of the required detention in each Zone shall be by underground chambers.

(f) Open detention basins shall have a water storage depth of no more than 3 feet at peak in the event of the 100-year storm. All detention basins or chambers shall have a controlled outlet so as not to exceed the capacity of the existing town drainage system. Any exposed concrete retaining wall surfaces (both sides) shall be finished with natural stone to assure a visually attractive structure.

(g) Underground chambers in all traffic and parking areas shall be heavy duty and structurally capable of withstanding highway H-20 loading or the heaviest fire department vehicle whichever is greater. Chambers shall be aligned parallel to the contours. In so far as possible, underground chambers shall be constructed under proposed roadways and parking areas or within building foundations so as limit the disturbance of existing natural open space.

(h) Excess roof drainage shall be piped directly to the underground detention chambers, while runoff from road and parking areas shall be passed through Water Quality Inlets/Deep Sump Catch Basins to remove trash, debris and some amount of sediment and oil and grease from stormwater runoff. Stormwater discharge from the underground chambers shall be through a weir box or other device to carefully regulate discharge flows to the town's storm drainage system.

(i) Disruption to existing tree cover and vegetation shall be minimized.

(j) All stormwater management facilities shall be the least visually obtrusive.

(k) Structures shall have all appurtenances carefully integrated to minimize visual presence.

(l) Dikes, berms and other required grading shall be blended with the terrain and appropriately vegetated and landscaped.

(m) All walls, pipe structures and appurtenances shall be designed to assure public safety by devices which prevent climbing and other hazards.

(n) Open detention basins shall have retaining walls having a height (measured at the point of maximum vertical distance from grade) no greater than 4 feet and a length no greater than 100 feet.

(o) Redirection of stormwater shall not have an adverse effect on wetland areas within the McLean District.

(p) Open detention basins shall have sufficient outlet capacity to drain within five days following the 100 year storm event.

6A.6 Coordination with Other Provisions of Bylaw.

Where this Section 6A imposes a greater restriction upon uses or structures than is imposed by the remaining provisions of this By-Law, the provisions of this Section 6A shall control. Within the McLean District, more than one principal building may be erected on a lot, subject to the limitations of Section 4.3.5 and Section 4.3.6 regarding accessory buildings and recreational facilities, and subject to Design and Site Plan Review and the other limitations set forth in this Section 6A. The provisions of Section 5 and Section 6 of this Bylaw shall apply to uses and structures within the McLean District, except that Sections 5.1.1 and 5.1.2 shall not apply. Within the McLean District, wireless telecommunications facilities shall be allowed by special permit in accordance with Section 6.8.

6A.7 Validity

The invalidity of any section or provision of this Section 6A shall not invalidate any other section or provision hereof.

ARTICLE C

That the Town amend the Zoning By-Law of the Town by adding the following Section 6.9:

6.9 Affordable Housing

The Planning Board may grant a special permit for any tract of land in a General Residence District located adjacent to the McLean District, which special permit shall allow:

(a) the construction and use of an apartment house or other multi-family dwellings which contain at least 25% "affordable units" as defined in Section 6A.2.2(b) and which contain up to 40 dwelling units overall; and

(b) the modification of any intensity or dimensional requirement set forth in Section 4.2 or Section 4.3 as necessary in the determination of the Planning Board to permit such development to contain the greatest practical number of affordable units, but in no event so as to allow more than 40 dwelling units overall.

ARTICLE D

That the Town amend the Zoning Map of the Town by adding and incorporating the map entitled "McLean Hospital Reuse Master Plan, Belmont, Massachusetts" prepared by Design Consultants, Inc. dated February 22, 1999 on file in the office of the Town Clerk.

ATTACHMENT B1

CONSERVATION RESTRICTION

I. Grantor Clause:

The McLean Hospital Corporation, a Massachusetts corporation having a usual address of 115 Mill Street, Belmont, MA ("Grantor"), acting pursuant to Sections 31 et seq. of Chapter 184 of the General Laws, grants, with quitclaim covenants, to The Trustees of Reservations, a Massachusetts nonprofit corporation having an address at 572 Essex Street, Beverly, MA 01915 ("Grantee") in perpetuity and exclusively for conservation purposes, the following described Conservation Restriction on a parcel of land located in the Town of Belmont Massachusetts, constituting approximately 108 acres, said parcel being described in Exhibit A attached (the "Premises").

II. Purposes:

The Premises contain unusual, unique or outstanding qualities, the protection of which in their natural or open condition will be of benefit to the public. These qualities include: wooded upland habitat, wetlands, springs, vernal pools, open meadows, native grasses and wildflowers, and significant habitat for native plants and wildlife, historic landscapes, landscape features and archeological sites; as well as significant scenic beauty and opportunities for passive recreation consistent with the protection of open space and habitat. The mature forest community known as the Eastern Woods and the meadow known as Lone Tree Hill are of high ecological value and provide critical habitat to wildlife. The views looking out west from Lone Tree Hill to the former site of the Metropolitan State Hospital (a significant portion of which has been dedicated as public open space), of the white pines (known as the Pine Allee) along Concord Avenue, and the fields along Mill Street are important for their scenic and historic values. The diversity of natural habitats on the Premises, and its location as part of a regional greenway, make this a parcel of significant ecological and conservation value. Baseline documentation of the conservation values of the Premises has been prepared by Grantor and approved by Grantee and is available for review in the offices of Grantee.

III. Prohibited Acts and Uses, Exceptions Thereto, and Permitted Uses:

A. Prohibited Acts and Uses. Subject to the exceptions set forth in Paragraph B below, the Premises (including, without limitation, any body of water thereon) shall be continued in their present undeveloped and natural condition and shall not be used for residential, industrial, institutional, or commercial use. The following acts and uses are prohibited on the Premises:

1. Constructing or placing of any building, tennis court, landing strip, mobile home, swimming pool, fences, asphalt or concrete pavement, sign, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on or above the Premises;

2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit;

3. Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material or the installation of underground storage tanks;

4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;

5. The subdivision of the Premises, except as necessary to convey a portion of the Premises to the Town of Belmont, to convey a buffer parcel of less than one-half acre to the owners of the abutting Cosman parcel (provided that in such event, 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) or to convey the existing recreational field on the Premises;

6. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation;

7. The use of motorcycles, motorized trail bikes, snowmobiles and all other motor vehicles, except as required by the police, firemen or other governmental agents in carrying out their lawful duties and except for car, trucks and farm vehicles reasonably necessary for purposes permitted by this Conservation Restriction;

8. Team sport activities, such as soccer, field hockey, baseball or softball (except on the existing recreational field on the Premises); horseback riding; bicycles (except along paved paths created for such purpose and located along the perimeter of the Premises); walking of unleashed dogs;

9. Inclusion of the Premises or any portion thereof as part of the gross area of other property not subject to this Conservation Restriction for the purposes of determining density, lot coverage, or open space requirements under otherwise applicable laws, regulations, or ordinances controlling land use and building density; and

10. Any other use of the Premises or activity which would materially impair significant conservation interests unless necessary for the protection of the conservation interests that are the subject of this Conservation Restriction.

B. Exceptions to Otherwise Prohibited Acts and Uses. The following acts and uses otherwise prohibited in paragraph A are permitted, but only if) such acts or uses do not materially impair significant conservation interests as determined by the Grantee, and only in accordance with the Plan (as defined in Section B.13).

1. Hiking, cross-country skiing, bird watching, and other similar passive recreational uses, provided that such uses are consistent with the conservation purposes of this Conservation Restriction. The members of the public are hereby granted access to the existing trails shown on the plan attached hereto as Exhibit B for such purposes, subject to rules and

regulations that may be adopted and posted from time to time by Grantee.

2. The construction, erection and maintenance of signs setting forth restrictions on the use of the Premises or identifying trails, locations, natural features or similar items and, with the prior approval of Grantee, the construction, erection, maintenance and use of kiosks or other minor or temporary structures for educational and management purposes;

3. The mowing of existing fields and meadows, so long as the same is scheduled and conducted in a manner which avoids the nesting season of birds located at the Premises.

4. The use of emergency response vehicles, and mowers, tractors or other motorized vehicles utilized by Grantor for upkeep, maintenance and management of the Premises;

5. The right, but not the obligation, to monitor and study, or to permit others to monitor and study, plant and animal populations, plant communities, natural habitats, historic landscapes, landscape features and archeological sites on the Premises with prior written approval from Grantee.

6. The right to conduct, or permit others to conduct, management of the Premises for the benefit of native flora and fauna (including ecologically appropriate methods to promote native species and to manage invasive species) and/or for the purpose of identifying and restoring historic landscapes, landscape features and archeological sites within the Premises, with prior written approval from Grantee;

7. The use of the Premises for educational programs designed to increase the public's knowledge, understanding and appreciation of the natural world or of historic and archeological aspects of the Premises, including without limitation the right to conduct tours, nature walks, and ecological, environmental, historic or archeological research.

8. The construction (with the prior approval of Grantee), maintenance and use of parking areas accessory to the recreational, educational and management uses permitted hereunder (but not municipal cemetery use). The construction, maintenance and use of a bike path along the Pleasant Street edge of the Premises.

9. Construction, maintenance and use of vehicular and pedestrian access ways to the adjacent land of Grantor, but only within those areas shown on the plan attached hereto as Exhibit C. Construction, maintenance and use of a widening or alteration of layout of Pleasant Street.

10. The installation, maintenance and use of new underground public utilities to serve the adjacent land of the Grantor is permitted with prior notice to the Grantee provided that such utilities are located and constructed in a manner which minimizes the impact on the conservation values of the

Premises. The replacement and maintenance of existing utility and communication facilities on the Premises is permitted with prior notice to Grantee. The existing utility and communication facilities (both overhead and buried) are documented on Exhibit E to this Conservation Restriction.

11. Continued use and maintenance of the existing recreational field on the Premises.

12. The historically and architecturally significant Barn located to the west of Mill Street may be renovated, used, and maintained for such uses as environmental education, the storage of materials and equipment associated with management of the Premises or management of the cemetery area, and office space for staff of the cemetery and/or the Premises. The existing house located to the west of Mill Street may be renovated, used, and maintained for activities or uses permitted by this Restriction. The historically significant Pleasant Street Lodge may be renovated, used and maintained for uses ancillary to the uses allowed on the adjacent land of Grantor.

13. An integrated ecological management plan (the "Plan") will be developed for the Premises that will set forth measures to preserve and protect its natural resources, including its meadows, forests and wetlands. The Plan will allow for passive uses of the Premises by the public while identifying and documenting areas of significant ecological value. The Plan will provide methods for managing those areas to help protect and enhance native plants and wildlife. These methods may include mowing, pruning of trees, removal of invasive species, and other activities deemed appropriate by the Grantee. The Plan shall be set forth in a written document to be reviewed by the Grantee. The Plan and amendments thereto shall require approval by Grantee before any landscape maintenance activities, such as mowing, are undertaken.

C. Permitted Acts and Uses. All acts and uses not prohibited by paragraphs A and B are permissible if they are clearly consistent with the conservation purposes of this Conservation Restriction and with prior approval of Grantee. Permitted acts and uses may be further regulated through the Plan so as to protect native plants and wildlife and the scenic and historic quality of the landscape. Particular attention will be paid to the protection of bird habitat, which may require certain specific regulations (including regulation of otherwise permitted uses) during the nesting season. All uses must comply with local, state, and federal laws.

D. Notice and Approval. Whenever notice to or approval by Grantee is required under the provisions of paragraphs A or B, Grantor shall notify Grantee in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold its approval in writing within sixty (60) days of receipt of Grantor's written request therefor. Grantee's

approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction. Failure of Grantee to respond in writing within such 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after the passage of time.

IV. Legal Remedies of the Grantee:

A. Legal and Injunctive Relief

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to its condition prior to the time of the injury complained of (it being agreed that the Grantee may have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee.

B. Reimbursement of Costs of Enforcement

The Grantor, and thereafter the successors and assigns of the Grantor, covenant and agree to reimburse the Grantee for all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Conservation Restriction or in remedying or abating any violation thereof. The reimbursement obligation of any party hereunder shall be limited to violations caused or permitted by said party within a portion of the Premises then owned by such party.

C. Grantee's Disclaimer of Liability

By its acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises, including without limitation the condition of former disposal areas, both known and unknown.

D. Severability Clause

If any provision of this Conservation Restriction shall to any extent be held invalid, the remainder shall not be affected.

E. Non-Waiver

Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

V. Access.

The Conservation Restriction hereby conveyed does not grant to the Grantee, or to the public generally, or to any other person any right to enter upon the Premises, except as provided in

paragraph III.B.1 above and except that there is granted to the Grantee and its successors, assigns, agents and representatives the right to enter the Premises at reasonable times and in a reasonable manner for the purpose of inspecting the same to determine compliance herewith.

VI. Assignability:

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor on behalf of itself and its successors and assigns appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall be in gross and shall not be assignable by the Grantee, except in the following instances and from time to time:

(i) as a condition of any assignment, the Grantee requires that the purpose of this Conservation Restriction continue to be carried out, and

(ii) the assignee, at the time of assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and under Section 32 of Chapter 184 of the General Laws as an eligible done to receive this Conservation Restriction directly.

VII. Subsequent Transfers:

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Premises.

VIII. Estoppel Certificates:

Upon request by the Grantor, the Grantee shall within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. Effective Date:

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded, or if registered land, it has been registered.

X. Recordation:

The Grantor shall record this instrument in timely fashion in the Middlesex County Registry of Deeds.

Executed under seal this ____ day of February __, 1999.

THE McLEAN HOSPITAL CORPORATION

By: _____

Its
Duly Authorized

COMMONWEALTH OF MASSACHUSETTS

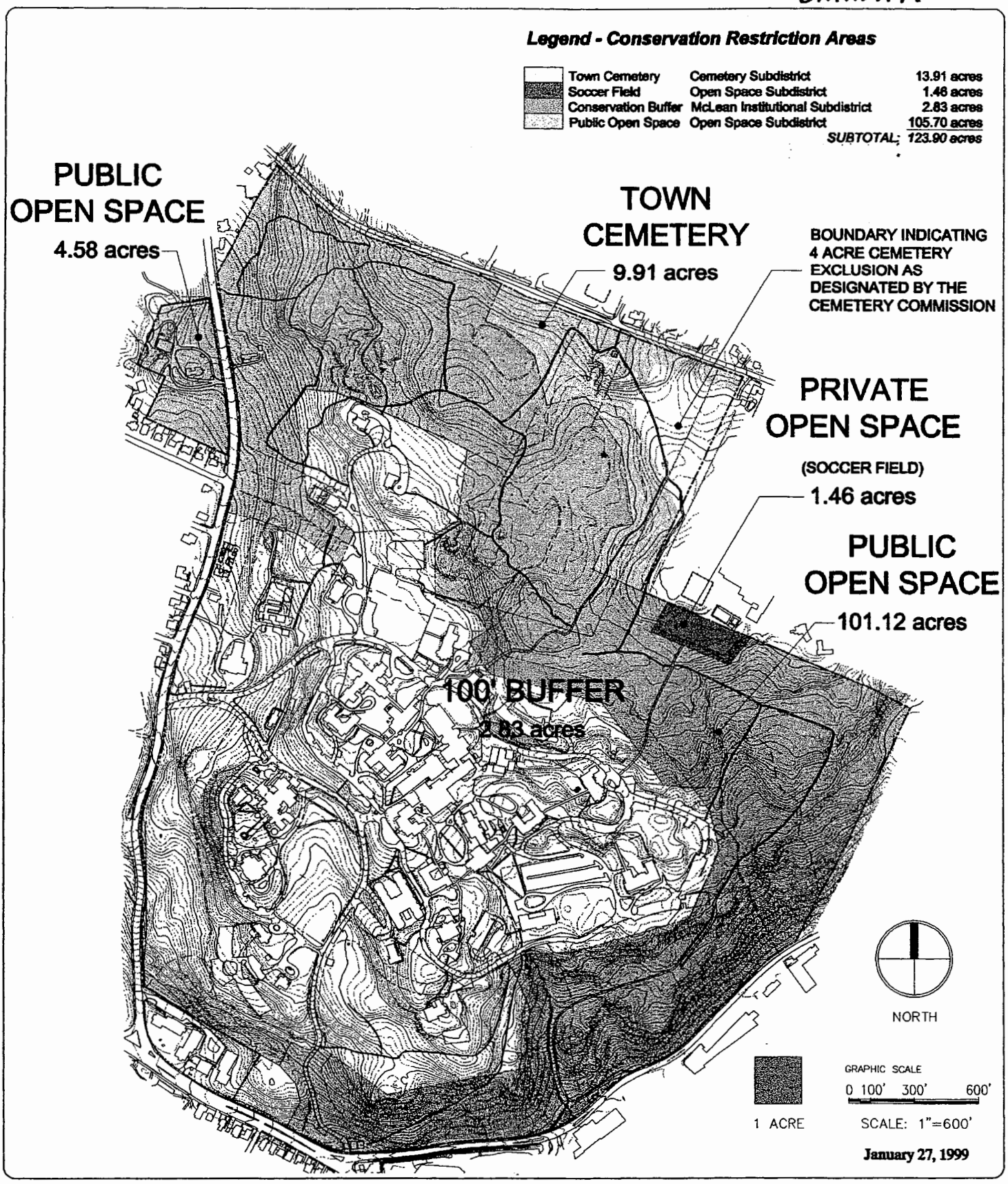
MIDDLESEX, ss. February ___, 1999

The personally appeared the above-named _____, _____ as aforesaid and acknowledged the foregoing instrument to be (his/her) free act and deed, and the free act and deed duly authorized of The McLean Hospital Corporation, before me.

_____

Notary Public
My Commission Expires

EXHIBIT A



The Keefe Company

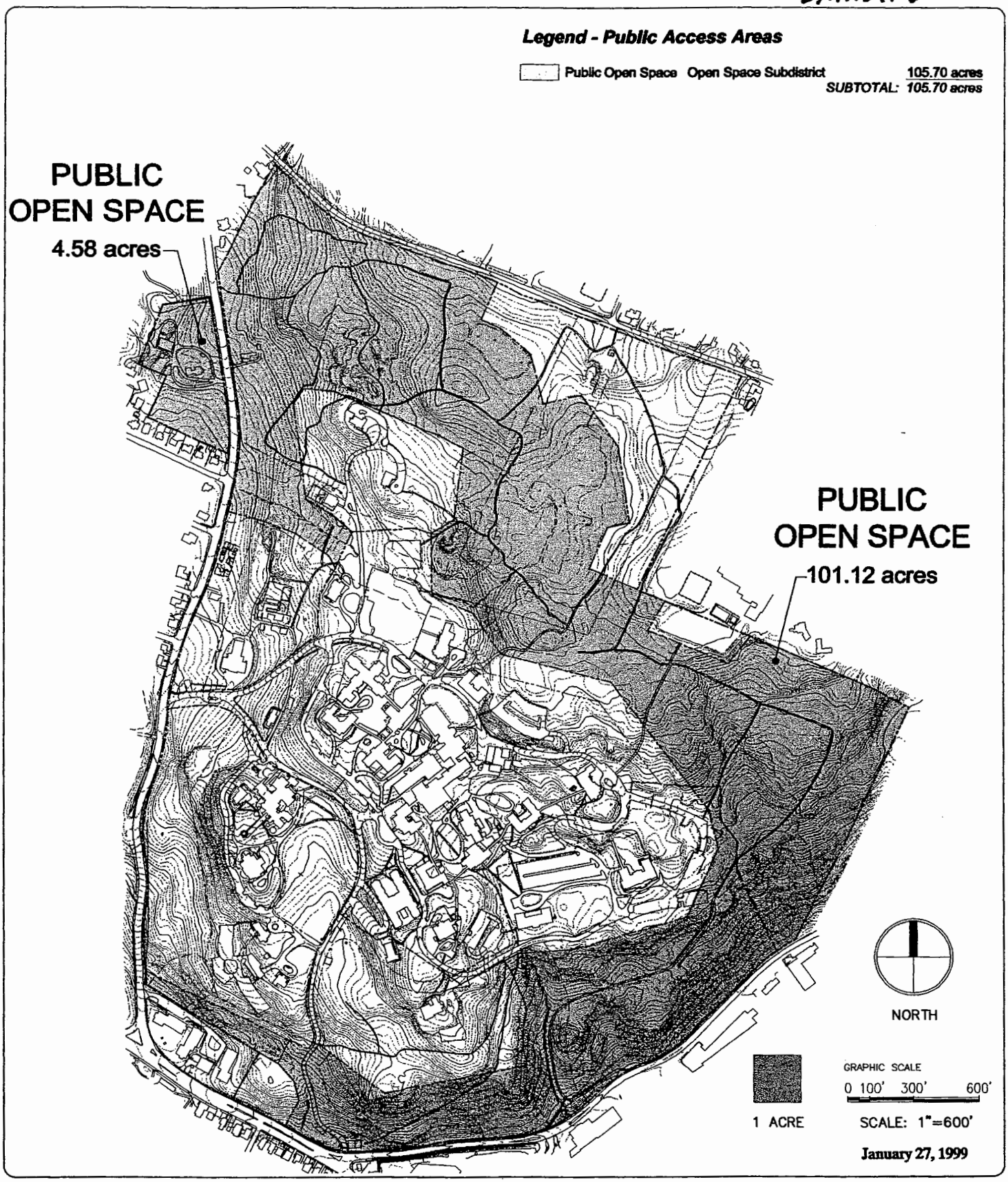
IN ASSOCIATION WITH:

McLean District Conservation Restriction Areas

Belmont, Massachusetts

Pressley Associates, Inc.
Landscape Architects
Hemenway & Barnes, Attorneys
Frederic R. Harris, Architects
Walsh Brothers, Construction
Rizzo Associates, Traffic

EXHIBIT B



The Keefe Company

IN ASSOCIATION WITH:

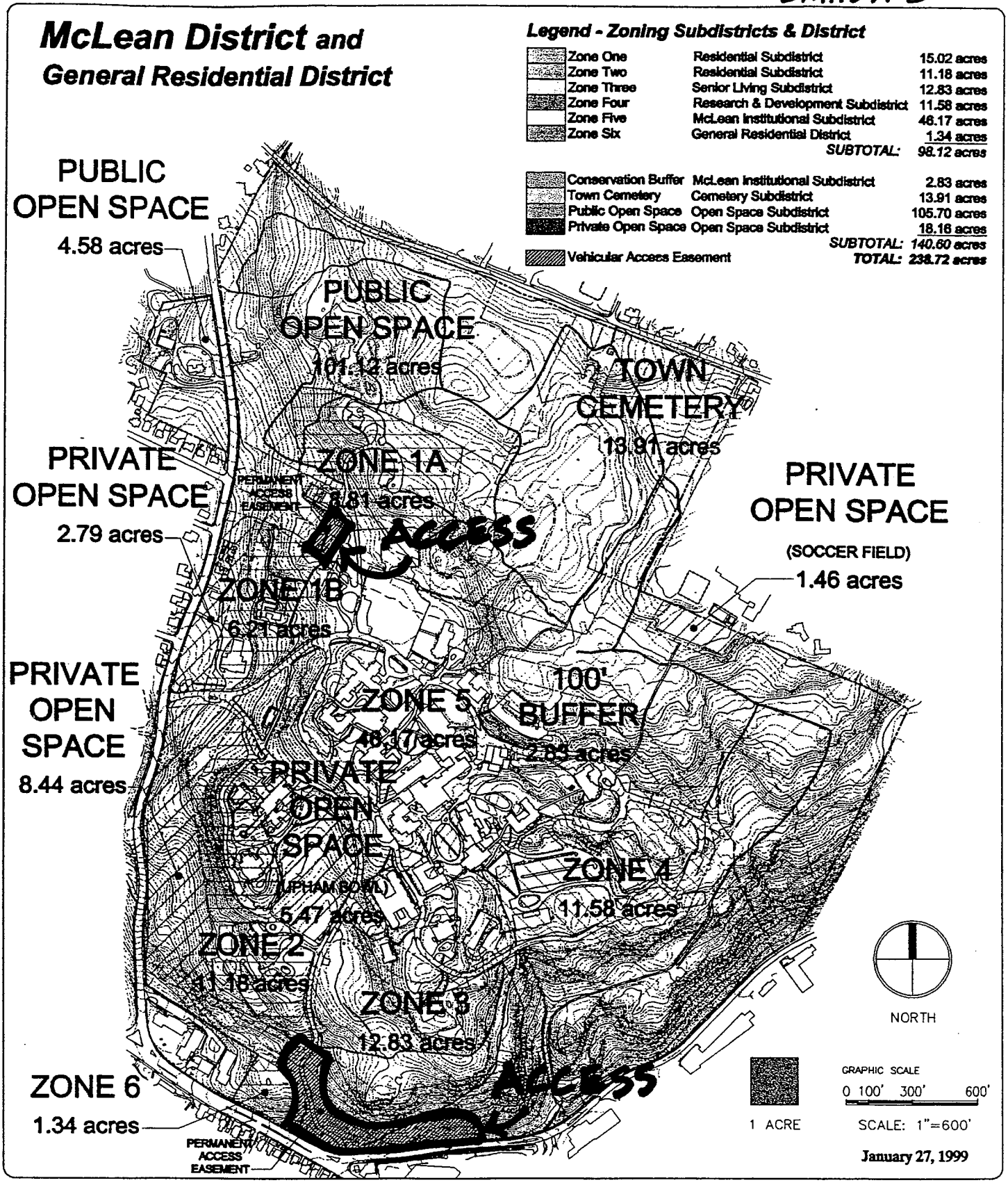
McLean District Public Access Areas

Belmont, Massachusetts

Pressley Associates, Inc.
Landscape Architects
Hemenway & Barnes, Attorneys
Frederic R. Harris, Architects
Walsh Brothers, Construction
Rizzo Associates, Traffic

EXHIBIT C

McLean District and General Residential District



The Keefe Company

IN ASSOCIATION WITH:

McLean District Zoning Map

Belmont, Massachusetts

Pressley Associates, Inc.
Landscape Architects
Hemenway & Barnes, Attorneys
Frederic R. Harris, Architects
Walsh Brothers, Construction
Rizzo Associates, Traffic

ATTACHMENT B2

CONSERVATION RESTRICTION

I. Grantor Clause:

The McLean Hospital Corporation, a Massachusetts corporation having a usual address of 115 Mill Street, Belmont, MA ("Grantor"), acting pursuant to Sections 31 et seq. of Chapter 184 of the General Laws, grants, with quitclaim covenants, to The Trustees of Reservations, a Massachusetts nonprofit corporation having an address at 572 Essex Street, Beverly, MA 01915 ("Grantee") in perpetuity (except as provided in Section B.10 below) and exclusively for conservation purposes, the following described Conservation Restriction on a parcel of land located in the Town of Belmont Massachusetts, constituting approximately 9.9 acres, said parcel being described in Exhibit A attached (the "Premises") [said parcel being the cemetery parcel shown on Attachment C, excepting the four acre parcel in the northeast corner which has been designated by The Board of Cemetery Commissioners as the initial cemetery phase].

II. Purposes:

The Premises contain unusual, unique or outstanding qualities, the protection of which in their natural or open condition will be of benefit to the public. These qualities include: wooded upland habitat, native grasses and wildflowers, and significant habitat for native plants and wildlife, historic landscapes, landscape features and archeological sites; as well as significant scenic beauty and opportunities for passive recreation consistent with the protection of open space and habitat. The mature forest community known as the Eastern Woods is of high ecological value and provides critical habitat to wildlife. The views looking out west to the former site of the Metropolitan State Hospital (a significant portion of which has been dedicated as public open space) and of the white pines (known as the Pine Allee) along Concord Avenue are important for their scenic and historic values. The diversity of natural habitats on the Premises, and its location as part of a regional greenway, make this a parcel of significant ecological and conservation value. Baseline documentation of the conservation values of the Premises has been prepared by Grantor and approved by Grantee and is available for review in the offices of Grantee.

III. Prohibited Acts and Uses, Exceptions Thereto, and Permitted Uses:

A. Prohibited Acts and Uses. Subject to the exceptions set forth in Paragraph B below, the Premises (including, without limitation, any body of water thereon) shall be continued in their present undeveloped and natural condition and shall not be used for residential, industrial, institutional, or commercial use. The following acts and uses are prohibited on the Premises:

1. Constructing or placing of any building, tennis court, landing strip, mobile home, swimming pool, fences, asphalt or concrete pavement, sign, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on or above the Premises;

2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit;

3. Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material or the installation of underground storage tanks;

4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;

5. The subdivision of the Premises;

6. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation;

7. The use of motorcycles, motorized trail bikes, snowmobiles and all other motor vehicles, except as required by the police, firemen or other governmental agents in carrying out their lawful duties and except for car, trucks and farm vehicles reasonably necessary for purposes permitted by this Conservation Restriction;

8. Team sport activities, such as soccer, field hockey, baseball or softball (except on the existing recreational field on the Premises); horseback riding; bicycles; walking of unleashed dogs;

9. Inclusion of the Premises or any portion thereof as part of the gross area of other property not subject to this Conservation Restriction for the purposes of determining density, lot coverage, or open space requirements under otherwise applicable laws, regulations, or ordinances controlling land use and building density; and

10. Any other use of the Premises or activity which would materially impair significant conservation interests unless necessary for the protection of the conservation interests that are the subject of this Conservation Restriction.

B. Exceptions to Otherwise Prohibited Acts and Uses. The following acts and uses otherwise prohibited in paragraph A are permitted, but only if (except as noted in Section B.10) such acts or uses do not materially impair significant conservation interests as determined by the Grantee, and only in accordance with the Plan (as defined in Section B.11).

1. Hiking, cross-country skiing, bird watching, and other similar passive recreational uses, provided that such uses are consistent with the conservation purposes of this Conservation Restriction. The members of the public are hereby granted access to the existing trails within the Premises for such purposes, subject to rules and regulations that may be adopted and posted from time to time by Grantee.

2. The construction, erection and maintenance of signs setting forth restrictions on the use of the Premises or identifying trails, locations, natural features or similar items and, with the prior approval of Grantee, the construction, erection, maintenance and use of kiosks or other minor or temporary structures for educational and management purposes;

3. The mowing of existing fields and meadows, so long as the same is scheduled and conducted in a manner which avoids the nesting season of birds located at the Premises.

4. The use of emergency response vehicles, and mowers, tractors or other motorized vehicles utilized by Grantor for upkeep, maintenance and management of the Premises;

5. The right, but not the obligation, to monitor and study, or to permit others to monitor and study, plant and animal populations, plant communities, natural habitats, historic landscapes, landscape features and archeological sites on the Premises with prior written approval from Grantee.

6. The right to conduct, or permit others to conduct, management of the Premises for the benefit of native flora and fauna (including ecologically appropriate methods to promote native species and to manage invasive species) and/or for the purpose of identifying and restoring historic landscapes, landscape features and archeological sites within the Premises, with prior written approval from Grantee;

7. The use of the Premises for educational programs designed to increase the public's knowledge, understanding and appreciation of the natural world or of historic and archeological aspects of the Premises, including without limitation the right to conduct tours, nature walks, and ecological, environmental, historic or archeological research.

8. The construction (with the prior approval of Grantee), maintenance and use of parking areas accessory to the recreational, educational and management uses permitted hereunder (other than municipal cemetery use).

9. The installation, maintenance and use of new underground public utilities to serve the adjacent land of the Grantor is permitted with prior notice to the Grantee provided that such utilities are located and constructed in a manner which minimizes the impact on the conservation values of the Premises. The replacement and maintenance of existing utility and communication facilities on the Premises is permitted with prior notice to Grantee. The existing utility and communication facilities (both overhead and buried) are documented on Exhibit E to this Conservation Restriction.

10. Use of one or more portions of the Premises as a municipal cemetery, including accessory structures and parking, provided that (a) any portion of the Premises intended for such use shall have been expressly designated for such use by a majority vote of a Town Meeting of the Town of Belmont (such vote not being required for (i) preliminary planning activities such as surveying or subsurface testing so long as such activities are temporary and the Premises are thereafter restored to substantially their pre-existing condition or (ii) cemetery activities such as the scattering of ashes which do not alter the pre-existing condition of

the Premises or have an adverse effect on the conservation values thereof); (b) nothing herein shall be deemed to limit the discretion of the Town of Belmont (acting by a majority vote of a Town Meeting) to designate a portion of the Premises for such use at any time; and (c) nothing herein shall be deemed to limit the ability of the Town of Belmont develop a portion of the Premises so designated for such use in such a manner as it shall determine in its discretion; and (d) notwithstanding any provision hereof to the contrary, upon a majority vote of a Town Meeting of the Town of Belmont to designate a portion of the Premises for municipal cemetery use, this Restriction shall terminate with respect to such portion of the Premises and shall be of no further force and effect with respect thereto.

11. An integrated ecological management plan (the "Plan") will be developed for the Premises that will set forth measures to preserve and protect its natural resources, including its meadows and forests. The Plan will allow for passive uses of the Premises by the public while identifying and documenting areas of significant ecological value. The Plan will provide methods for managing those areas to help protect and enhance native plants and wildlife. These methods may include mowing, pruning of trees, removal of invasive species, and other activities deemed appropriate by the Grantee. The Plan shall be set forth in a written document to be reviewed by the Grantee. The Plan and amendments thereto shall require approval by Grantee before any landscape maintenance activities, such as mowing, are undertaken.

C. Permitted Acts and Uses. All acts and uses not prohibited by paragraphs A and B are permissible if they are clearly consistent with the conservation purposes of this Conservation Restriction and with prior approval of Grantee. Permitted acts and uses (except as noted in Section B.10) may be further regulated through the Plan so as to protect native plants and wildlife and the scenic and historic quality of the landscape. Particular attention will be paid to the protection of bird habitat, which may require certain specific regulations (including regulation of otherwise permitted uses) during the nesting season. All uses must comply with local, state, and federal laws.

D. Notice and Approval. Whenever notice to or approval by Grantee is required under the provisions of paragraphs A or B, Grantor shall notify Grantee in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold its approval in writing within sixty (60) days of receipt of Grantor's written request therefor. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction. Failure of Grantee to respond in writing within such 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after the passage of time.

IV. Legal Remedies of the Grantee:

A. Legal and Injunctive Relief

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to its condition prior to the time of the injury complained of (it being agreed that the Grantee may have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee.

B. Reimbursement of Costs of Enforcement

The Grantor, and thereafter the successors and assigns of the Grantor, covenant and agree to reimburse the Grantee for all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Conservation Restriction or in remedying or abating any violation thereof. The reimbursement obligation of any party hereunder shall be limited to violations caused or permitted by said party within a portion of the Premises then owned by such party.

C. Grantee's Disclaimer of Liability

By its acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises, including without limitation the condition of former disposal areas, both known and unknown.

D. Severability Clause

If any provision of this Conservation Restriction shall to any extent be held invalid, the remainder shall not be affected.

E. Non-Waiver

Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

V. Access.

The Conservation Restriction hereby conveyed does not grant to the Grantee, or to the public generally, or to any other person any right to enter upon the Premises, except as provided in paragraph III.B.1 above and except that there is granted to the Grantee and its successors, assigns, agents and representatives the right to enter the Premises at reasonable times and in a reasonable manner for the purpose of inspecting the same to determine compliance herewith.

VI. Assignability:

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity (except as provided in Section B.10), and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor on behalf of itself and its successors and assigns appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall be in gross and shall not be assignable by the Grantee, except in the following instances and from time to time:

(i) as a condition of any assignment, the Grantee requires that the purpose of this Conservation Restriction continue to be carried out, and

(ii) the assignee, at the time of assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and under Section 32 of Chapter 184 of the General Laws as an eligible done to receive this Conservation Restriction directly.

VII. Subsequent Transfers:

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Premises.

VIII. Estoppel Certificates:

Upon request by the Grantor, the Grantee shall within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

VIII. Effective Date:

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded, or if registered land, it has been registered.

VIII. Recordation:

The Grantor shall record this instrument in timely fashion in the Middlesex County Registry of Deeds.

Executed under seal this ____ day of February __, 1999.

THE McLEAN HOSPITAL CORPORATION

By: _____

Its
Duly Authorized

COMMONWEALTH OF MASSACHUSETTS

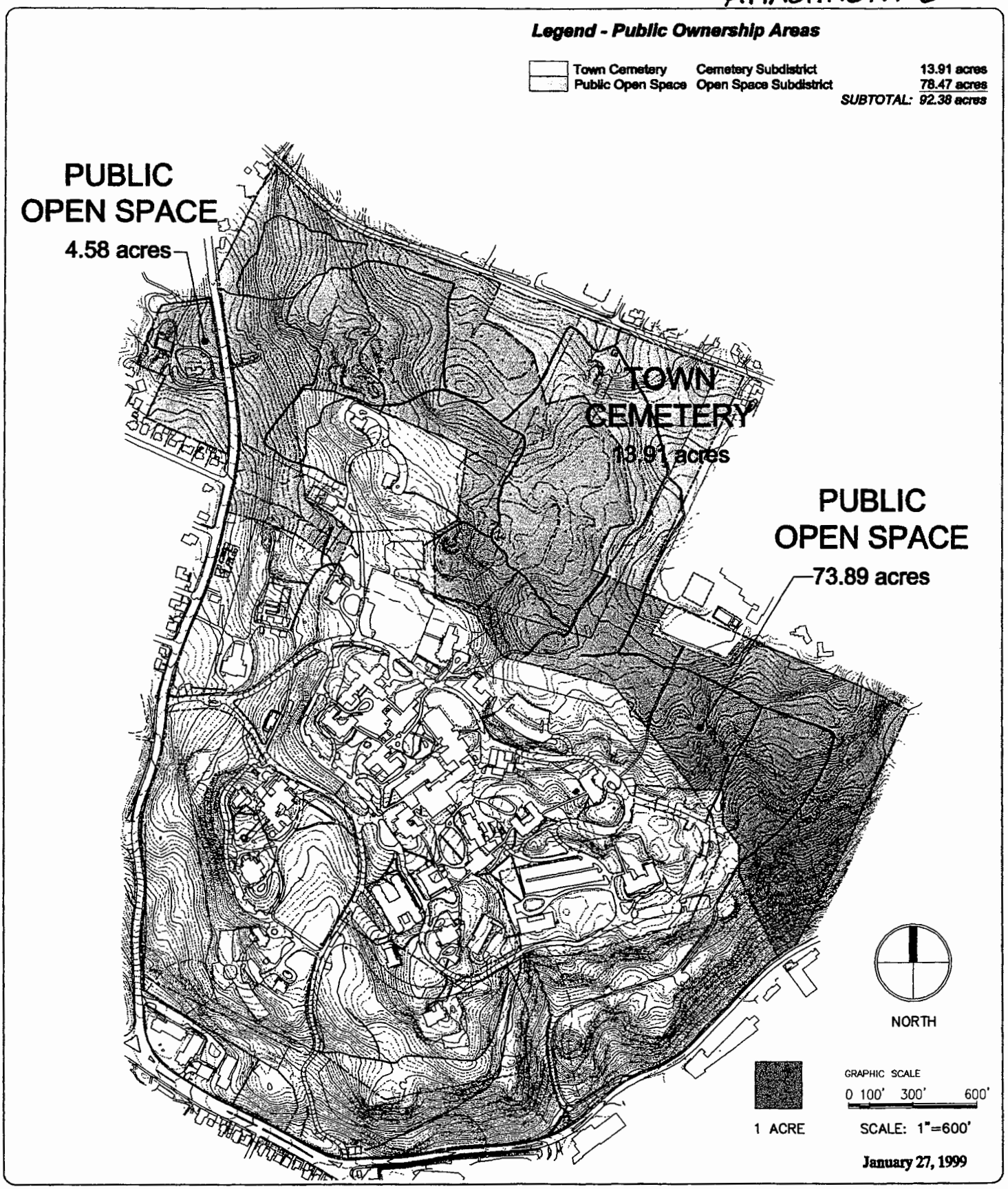
MIDDLESEX, ss. February __, 1999

The personally appeared the above-named _____, _____ as aforesaid and acknowledged the foregoing instrument to be (his/her) free act and deed, and the free act and deed duly authorized of The McLean Hospital Corporation, before me.

_____

Notary Public
My Commission Expires

ATTACHMENT C



The Keefe Company

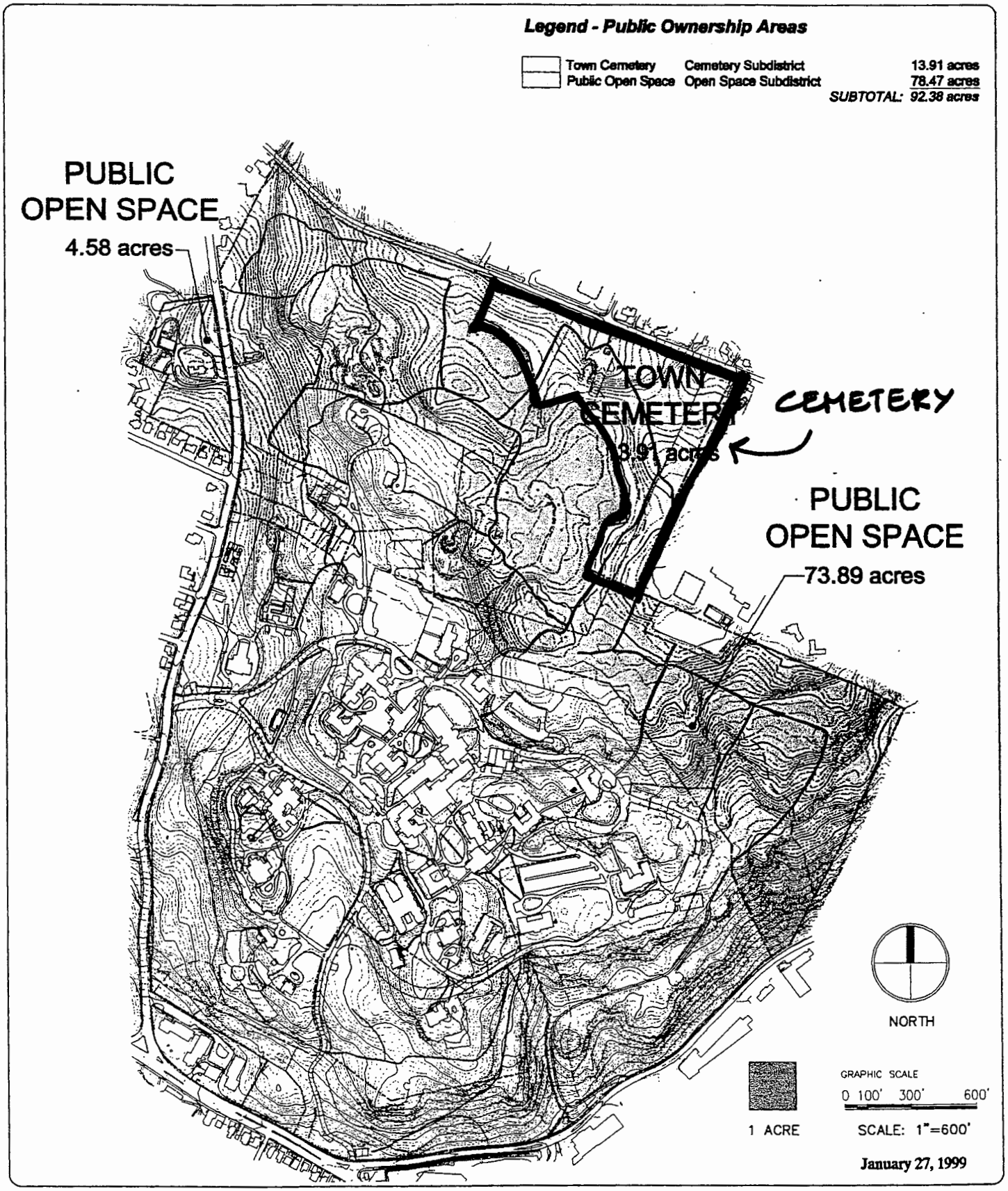
IN ASSOCIATION WITH:

McLean District Public Ownership Areas

Belmont, Massachusetts

Pressley Associates, Inc.
Landscape Architects
Hemenway & Barnes, Attorneys
Frederic R. Harris, Architects
Walsh Brothers, Construction
Rizzo Associates, Traffic

ATTACHMENT D



The Keefe Company

IN ASSOCIATION WITH:

McLean District Public Ownership Areas

Belmont, Massachusetts

Pressley Associates, Inc.
Landscape Architects
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Frederic R. Harris, Architects
Walsh Brothers, Construction
Rizzo Associates, Traffic

ATTACHMENT E

LAND USE AND MANAGEMENT PLAN

This Land Use and Management Plan dated as of February 22, 1999 is entered into by and between the Town of Belmont, acting by and through its Board of Selectmen ("Belmont"), and McLean Hospital Corporation ("McLean").

BACKGROUND

In connection with a re-use and re-development plan advanced for the approximately 238 acre McLean Hospital campus in Belmont, MA, approximately 119 acres of the campus have been reserved as publicly-accessible open space, approximately 92 acres of which have been conveyed to the Town of Belmont (including a portion intended to be used now or in the future for municipal cemetery purposes) and 27 acres of which have been retained by McLean (this acreage is shown on Exhibit A attached hereto and, excluding the portions thereof used for municipal cemetery purposes at any given time, is hereinafter referred to as the "McLean Open Space").

The McLean Open Space has been placed within a newly created open space or cemetery zoning district and is subject to the terms of a Conservation Restriction. The McLean Open Space will be used by members of the public for passive recreation and nature education. The Town of Belmont and McLean desire to establish a land use and management plan for the McLean Open Space.

SECTION ONE – MANAGEMENT COMMITTEE

A management committee will establish policies, guidance and oversight for the management of the McLean Open Space. Four members of the Management Committee shall be chosen by the Board of Selectmen of the Town of Belmont (one of such members shall be a member of the Conservation Commission, one shall be a member of the Cemetery Commission and one shall be a member of the Historic District Commission). Four members of the Management Committee shall be chosen by McLean. The final member(s) of the Management Committee shall be a representative of each of the holder(s) of the Conservation Restriction. Each member of the Management Committee shall serve a three year term, except that the terms of the initial members of the Management Committee shall be staggered so as to create no more than two Belmont vacancies and two McLean vacancies in any single year. The Management Committee shall meet as frequently and at such time and place as its members shall determine. The Management Committee shall select a chairman from among its members.

SECTION TWO – MANAGEMENT AGENT

The Management Committee shall designate as a management agent for the McLean Open Space a nonprofit organization experienced in the management of publicly-accessible open space. The management agent shall: (a) collect and maintain such information regarding the McLean Open Space as the Management Committee requires to make informed decisions hereunder; (b) provide recommendations to the Management Committee as described hereunder; and (c) implement the decisions made by the Management Committee with respect to the use and maintenance of the McLean Open Space. The Management Committee may require the termination of the management agent without cause

at any time upon one year's prior notice or with cause at any time upon sixty (60) days' prior notice. The management agent may resign without cause at any time upon sixty (60) days' notice.

SECTION THREE – STATEMENT OF PURPOSES AND MANAGEMENT GOALS

Belmont and McLean agree that their common purposes are to ensure the protection of the important ecological, scenic and historic qualities of the McLean Open Space and to allow public access to and enjoyment of the McLean Open Space consistent with the preservation of such qualities. The management of the McLean Open Space will comply with the Conservation Restriction and the management plan described below. It is also agreed that the Management Committee should act hereunder only after having provided a meaningful opportunity for all interested parties to be heard, including the Conservation Commission, the Cemetery Commission, the Historic District Commission and any boards and commissions of the Town of Belmont whose responsibilities include open space or passive recreational issues and including any concerned citizens of the Town of Belmont.

SECTION FOUR – MANAGEMENT PLAN

Belmont and McLean agree that the Management Committee shall be authorized to develop a management plan for the McLean Open Space, which shall be consistent with the outline set forth in the Conservation Restriction. The Management Committee shall seek the advice and recommendations of the management agent in developing such plan. Without limitation of the foregoing, the management agent shall prepare an initial draft of the plan and will present such draft to the Management Committee as part of the public process for determining the overall management of the McLean Open Space.

SECTION FIVE – LANDSCAPE RESTORATION AND CLEAN-UP PLAN

Belmont and McLean agree that the Management Committee shall be authorized to develop a landscape restoration and clean-up plan for the McLean Open Space, which shall be consistent with the Conservation Restriction and the management plan. The Management Committee shall seek the advice and recommendations of the management agent in developing such plan. Such plan shall take into account the preservation of historic landscapes, landscape features and archeological sites and shall require the rehabilitation and use of existing historic buildings (as opposed to new construction) wherever feasible.

SECTION SIX – PUBLIC ACCESS POLICIES

Belmont and McLean agree that the Management Committee shall be authorized to develop public access policies for the McLean Open Space, including appropriate rules and regulations regarding hours of operation, permitted open space uses and the like. The public access policies, rules and regulations shall be consistent with the Conservation Restriction and the management plan. The Management Committee shall seek the advice and recommendations of the management agent in developing such policies. In no event shall McLean Hospital be required by such policies to allow public access to an extent greater than previously agreed to by the terms of the Conservation Restriction. Public access shall be discouraged within a buffer zone from the boundary of the McLean Open Space with any adjacent residence in existence as of the date hereof, such buffer zone to be equal in depth to the current rear yard setback for the zoning district in which such residence lies.

SECTION SEVEN - UPDATES AND REVISIONS

Belmont and McLean agree that the Management Committee shall be authorized to update and revise the foregoing plans and policies from time to time as circumstances warrant, provided that such updates and revisions shall at all times comply with the Conservation Restriction.

SECTION EIGHT – FUNDING AND EXPENDITURES

Belmont and McLean agree that the Management Committee shall be authorized to develop initial capital and operating budgets for the McLean Open Space. (It is currently anticipated that the initial capital budget may exceed $1.0 million and that the initial operating budget may exceed $100,000). The Management Committee shall seek the advice and recommendations of the management agent in developing such budgets. Such budgets shall include proposals for sources of funds, including contributions by Belmont and McLean. In no event shall any landowner be required by such budgets to expend or contribute funds to an extent not previously agreed to.

The foregoing obligations shall run with the McLean Open Space. This Plan shall not take effect until ratified by a majority vote of Town Meeting of the Town of Belmont. Upon such ratifying vote, this Plan shall not be amended in any material respect except by a further majority vote of Town Meeting.

Town of Belmont

By: _____
Selectman

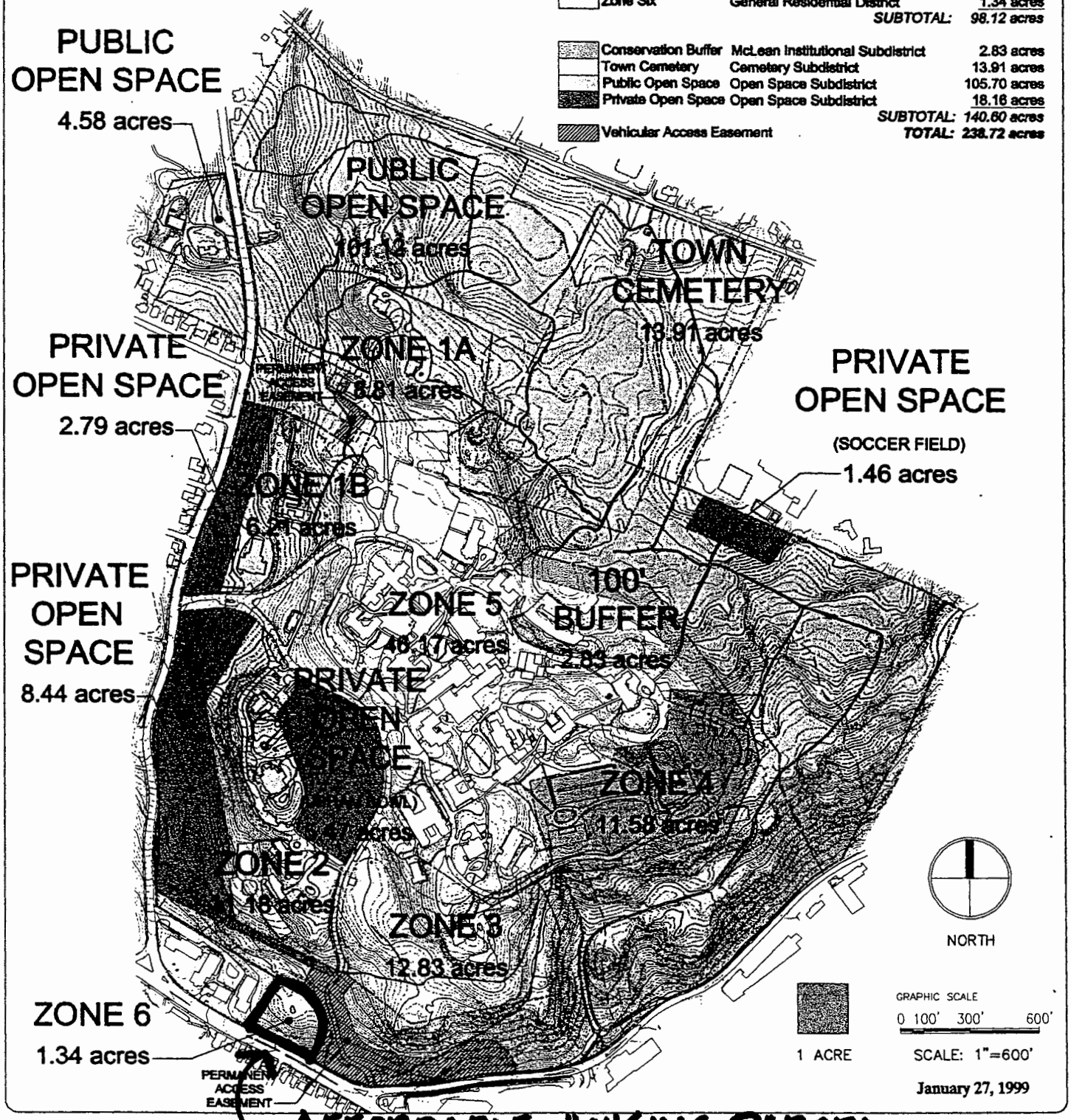
By: _____
Selectman

McLean Hospital Corporation

By: _____
Its
Duly Authorized

ATTACHMENT F

McLean District and General Residential District



Legend - Zoning Subdistricts & District

Zone One	Residential Subdistrict	15.02 acres
Zone Two	Residential Subdistrict	11.18 acres
Zone Three	Senior Living Subdistrict	12.83 acres
Zone Four	Research & Development Subdistrict	11.58 acres
Zone Five	McLean Institutional Subdistrict	46.17 acres
Zone Six	General Residential District	1.34 acres
	SUBTOTAL:	*98.12 acres*
Conservation Buffer	McLean Institutional Subdistrict	2.83 acres
Town Cemetery	Cemetery Subdistrict	13.91 acres
Public Open Space	Open Space Subdistrict	105.70 acres
Private Open Space	Open Space Subdistrict	18.16 acres
	SUBTOTAL:	*140.60 acres*
Vehicular Access Easement	*TOTAL:*	*238.72 acres*

AFFORDABLE HOUSING PARCEL

The Keefe Company

IN ASSOCIATION WITH:

McLean District Zoning Map

Belmont, Massachusetts

Pressley Associates, Inc.
Landscape Architects
Hemenway & Barnes, Attorneys
Frederic R. Harris, Architects
Walsh Brothers, Construction
Rizzo Associates, Traffic

ATTACHMENT G

HISTORIC PRESERVATION AGREEMENT

This Historic Preservation Agreement dated as of February 22, 1999 is entered into by and between the Town of Belmont, acting by and through its Board of Selectmen ("Belmont"), and McLean Hospital Corporation ("McLean").

WHEREAS, McLean is seeking the rezoning of its approximately 238-acre site (the "Site") in the Town of Belmont;

WHEREAS, Belmont is supportive of the proposed rezoning but wants to insure that appropriate historic preservation measures are followed to minimize any adverse effects to historic resources that may result from any future development of the site;

WHEREAS, it is universally recognized that McLean has been an outstanding steward of its historic campus for over 100 years;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, Belmont and McLean hereby agree as follows:

1. McLean will require that the following buildings located in the Residential Subdistricts, the Senior Living Subdistrict, and the Open Space Subdistricts be reused and rehabilitated by the purchaser/owner of such subdistricts: Upham Memorial Building, Mill Street Lodge, Pleasant Street Lodge, Garage (Stable) and Samuel Eliot Memorial Chapel. In addition, McLean will require that one of Hope, South and West Cottages be reused and rehabilitated (such cottage(s) may be relocated within the Site). Further, McLean agrees to require such purchaser/owner to take reasonable steps to protect such buildings from serious deterioration as a result of weather or vandalism prior to reuse and rehabilitation. Finally, McLean agrees to require that such buildings be reused or rehabilitated consistent with the United States Secretary of the Interior's Standards and Guidelines for Rehabilitation. The Town agrees to reuse and rehabilitate the Brick Barn at Rock Meadow in the same manner.

2. McLean will encourage developers to pursue the historic preservation bonuses available for the reuse and rehabilitation of the Office Building (Superintendent's House), South Cottage, and Hope Cottage, and to take advantage of Federal preservation tax incentives that encourage rehabilitation of income-producing buildings that are listed in the National Historic Register of Historic Places. Any of these buildings that developers determine to reuse or rehabilitate will be protected from deterioration and rehabilitated in the same manner as in #1 above.

3. McLean agrees that it will cooperate with, and consent to, the Belmont Historic District Commission's (the "Commission") efforts to nominate the McLean campus to the National Register of Historic Places and will work with the Commission to determine which buildings, landscapes and landscape elements contribute to the historic character of the campus and are therefore worthy of preservation ("Historic Buildings," "Historic Landscapes" and "Historic Landscape Elements") and which are non-contributory; provided, however, that in cooperating with the Commission, McLean shall not be required or expected to incur any of the costs of the nomination process. Furthermore, in recognition of McLean's commitment to cooperate with the Commission in placing the campus on the National Register and to consult the Commission in

advance of major external changes to the nominated properties, the Commission does not intend to seek or support designation of the Site, or any portion thereof, as an historic district or local landmark. However, should unforeseen circumstances seriously threaten the historic resources this Agreement is intended to protect, the Commission retains the right to exercise its authority under state law and local bylaw to preserve the endangered buildings and landscapes.

4. McLean will consult with, and will require any of its developers to consult with, the Commission prior to undertaking substantial external alterations, demolition, and/or new construction affecting any Historic Building, Historic Landscape or Historic Landscape Element for the purpose of avoiding, minimizing, or mitigating adverse effects to these historic resources. In instances where such alteration, demolition, or new construction is required by law or regulation, McLean or its developers will work with the Commission to find a design solution that is compatible with the Historic Buildings and that mitigates the effect that any demolition or new construction may have upon other historic resources as mentioned above. McLean shall not consult with the Commission when alteration, demolition, or construction must be done in an emergency situation, but such an emergency is to be determined by McLean on a reasonable basis that does not undermine the intent of this Agreement. The Commission's review of all plans presented to it by McLean or its developers will be based on the principles and guidelines embodied in the United States Secretary of the Interior's Standards for Rehabilitation and Standards for the Treatment of Historic Places.

5. Belmont agrees to preserve the Historic Landscapes and Historic Landscape Elements within the Public Open Space Subdistrict and the Cemetery Subdistrict wherever possible.

6. McLean agrees to include commitment to historic preservation and experience on historic rehabilitation projects among the developer selection criteria.

7. McLean agrees that it will develop in consultation with the Commission design guidelines respecting the historic character of the campus, including the Historic Buildings, Historic Landscapes and Historic Landscape Elements that will be consistent with the United States Secretary of the Interior's Standards for Rehabilitation and Standards for the Treatment of Historic Properties. McLean will follow, and will require its developers to follow, these guidelines in all future construction projects that would involve or impact the Historic Buildings, Historic Landscapes and Historic Landscape Elements.

8. McLean agrees that it will require photographic and written records be prepared of Historic Buildings, Historic Landscapes and Historic Landscape Elements throughout the campus prior to substantial exterior alteration or demolition. The documentation will follow accepted state and/or national standards, and two original copies of each record will be provided to the Town.

9. McLean agrees to provide access to any inventory and mapping materials or documents currently in its possession in order to assist the Town in preparing an inventory and map of Historic Buildings, Historic Landscapes and Historic Landscape Elements such as stone walls, vistas, courtyards, and road and path systems, and areas of archaeological sensitivity. This record will assist the Town, McLean, and its developers in their mutual effort to avoid, minimize or mitigate adverse effects to historic and archaeological resources of the Site.

10. Belmont designates the Belmont Historic District Commission as the Town body responsible for seeing that the provisions of this Agreement are carried out in a spirit of good will and mutual cooperation.

The foregoing obligations shall run with the land now owned by McLean Hospital Corporation in Belmont, Massachusetts. McLean shall require any successor owner of land governed hereby to acknowledge in writing its obligations hereunder and to provide the same to Belmont prior to or upon transfer. A notice hereof shall, at the request of Belmont, be executed by McLean and recorded with the Registry of Deeds. This Agreement shall not take effect until ratified by a majority vote of Town Meeting of the Town of Belmont. Upon such ratifying vote, this Agreement shall not be amended in any material respect except by a further majority vote of Town Meeting.

Town of Belmont

By: _____
Selectman

By: _____
Selectman

McLean Hospital Corporation

By: _____
Its
Duly Authorized

ATTACHMENT H

TAX AGREEMENT

This Tax Agreement dated as of February 22, 1999 is entered into by and between the Town of Belmont, acting by and through its Board of Selectmen ("Belmont" or "the Town"), and McLean Hospital Corporation ("McLean").

WHEREAS, McLean is seeking the rezoning of its approximately two hundred and thirty-eight acre site (the "Site") in the Town of Belmont;

WHEREAS, Belmont is supportive of the proposed rezoning but wants to ensure that it protects its fiscal base;

WHEREAS, under the proposed rezoning McLean would occupy an approximately forty-nine acre subdistrict in the Site ("McLean Subdistrict") which subdistrict would be zoned for principal use as a psychiatric hospital;

WHEREAS, McLean for many years has paid taxes to Belmont based on the assessed value of the land, but not the buildings, at the Site;

WHEREAS, under the proposed rezoning approximately twenty-six acres will be zoned for attached single family dwellings ("Residential Subdistrict"), approximately thirteen acres will be zoned for senior living ("Senior Subdistrict") and approximately twelve acres will be zoned for research and development ("R&D Subdistrict");

WHEREAS, McLean intends to sell to developers the land and development rights in the Residential Subdistrict, the Senior Subdistrict and the R&D Subdistrict;

WHEREAS, once such sales have taken place, the Town will receive tax payments from such developers;

WHRereas, the Town needs to protect its fiscal base by ensuring that tax payments from the Site are in the amount paid by McLean in the current fiscal year;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Town and McLean hereby agree as follows:

1. As soon as reasonably possible, the Town will submit a home rule petition to the state legislature proposing legislation in the form attached hereto as Exhibit A and will diligently seek to have said petition approved by the legislature.

2. The Town will continue to receive total annual revenue from McLean, whether as tax payments or as payments in lieu of taxes (hereinafter "tax payments"), in an amount determined by the assessed value of the land at the Site for the fiscal year ending June 30, 1999 and by the then applicable tax rate for the fiscal year (the "McLean Payment"). In addition, following the sale of any land within the Residential, Senior or R&D Subdistricts, or the development of land pursuant to the rezoning within any such subdistrict while owned by McLean, the owners of such subdistrict will make tax payments to Belmont based on the then assessed value of the land and buildings within the subdistricts (the

"Development Parcel Payments"). To the extent the total of the Development Parcel Payments for any fiscal year is equal to or greater than the McLean Payment, McLean shall be exempt from making any tax payment to Belmont for such year (other than its Development Parcel Payments, if any). To the extent the total of the Development Parcel Payments is less than the McLean Payment, McLean shall be responsible for making a tax payment (other than its Development Parcel Payments, if any) equal to the amount by which the total of the Development Parcel Payments is less than the McLean Payment.

3. Any owner, regardless of the manner, method or form by which such owner received or acquired its ownership interest, of the Residential Subdistrict, the Senior Subdistrict or the R&D Subdistrict, shall be obligated to make tax payments to the Town based on the full and fair cash valuation of its real property (land and buildings). If the real property of such owner is exempt from taxation under the General Laws, such owner shall make payments in lieu of taxation in an amount equal to the amount that would be due if such owner's real property were not so exempt, or such other amount acceptable to the Town. If, and to the extent that, any such owner makes payments in lieu of taxation to Belmont, such owner shall have the right to seek an abatement or reduction in such payments for any reason as set forth in section fifty-nine of chapter fifty-nine of the General Laws (other than by claim of exemption); provided, however, that if such abatement or reduction is denied by the Town, such owner shall have the right to submit such claim to arbitration before the American Arbitration Association and the Town and such owner agree to be bound by the determination of the arbitrator.

4. In any year prior to the enactment and effective date of the home rule petition set forth in Section 1 above, if McLean makes any tax payments to the Town in excess of the tax payments required hereby, the Town shall abate such tax payments.

The foregoing obligations shall run with the land now owned by McLean Hospital Corporation in Belmont, Massachusetts. McLean shall require any successor owner of land governed hereby to acknowledge in writing its obligations hereunder and to provide the same to Belmont prior to or upon transfer. A notice hereof shall, at the request of Belmont, be executed by McLean and recorded with the Registry of Deeds. This Agreement shall not take effect until ratified by a majority vote of Town Meeting of the Town of Belmont. Upon such ratifying vote, this Agreement shall not be amended in any material respect except by a further majority vote of Town Meeting.

Town of Belmont

By: _____
Selectman

By: _____

Selectman

McLean Hospital Corporation

By: _____

Its
Duly Authorized

EXHIBIT A

An Act Relative to the Taxation of Certain Property in the Town of Belmont

Section 1. Notwithstanding the provisions of Clause Third (c) of section five of chapter fifty-nine of the General Laws or any other general or special law to the contrary, the real and personal property of a charitable organization occupied or used wholly or partly for the treatment of mental diseases or mental disorders and located in the Town of Belmont shall be exempt from taxation.

Section 2 Notwithstanding any general or special law to the contrary, taxation of the real property described within a certain agreement entered into between the Town of Belmont and McLean Hospital Corporation dated February __, 1999 shall be governed by said agreement.

Section 3. This act shall take effect upon passage.

ATTACHMENT I

TRAFFIC MONITORING AND MITIGATION AGREEMENT

This Traffic Monitoring and Mitigation Agreement ("Agreement") is entered into as of February 22, 1999 by and between the Town of Belmont, acting by and through its Board of Selectman ("Belmont"), and McLean Hospital Corporation ("McLean"). This Agreement establishes the maximum level of permitted traffic to be generated by uses within the Research & Development, Senior Living and McLean Institutional zoning subdistricts and to set forth the recourse actions to be taken by Belmont in the event that the actual traffic levels exceed such permitted levels. This Agreement also details the traffic mitigation measures for which McLean agrees to provide the funding.

Belmont acknowledges that McLean intends that one or more unrelated parties will actually develop the proposed uses within the Research & Development and Senior Living subdistricts and that McLean will likely sell the land within such subdistricts to such parties in connection with the development. Performance of the obligations set forth in Section I with respect to any subdistrict shall be the responsibility of (and at the expense of) the owner of the land within such subdistrict (the joint and several liability of the owners of the land, if more than one party owns the land within a given subdistrict). Performance of the obligations set forth in Section II shall be the responsibility (and at the expense of) McLean, except that no building within any subdistrict shall be occupied if McLean has failed to perform any obligation under Section II which was required by the provisions of Section II to have been performed by such time.

I. MONITORING PROGRAM

A traffic monitoring program is to be conducted following completion and substantial occupancy of any building within any of the Research & Development; Senior Living; and McLean Institutional subdistricts. The traffic monitoring program and recourse actions described herein will ensure that these components of the project generate:

(1) peak hour traffic flows at a rate that is less than or equal to a rate of 761 peak hour trips during morning peak hours (275 for the Research & Development subdistrict; 36 for the Senior Living subdistrict and 450 for the McLean Institutional subdistrict) and a rate of 802 peak hour trips during evening peak hours (240 for the Research & Development subdistrict; 92 for the Senior Living subdistrict and 470 for the McLean Institutional subdistrict); and

(2) daily traffic flows at a rate that is less than or equal to a rate of 7,692 daily trips (1,784 for the Research & Development subdistrict; 1,148 for the Senior Living subdistrict and 4,760 for the McLean Institutional subdistrict).

Notwithstanding any provision hereof to the contrary, this Agreement shall not be applicable to the McLean Institutional subdistrict so long as the buildings and improvements within such subdistrict continue to be used exclusively for psychiatric hospital purposes and uses functionally dependent upon and necessary to psychiatric hospital use, except for either (i) up to 75,000 square feet of gross floor area of other uses permitted by zoning (other than medical offices) or (ii) up to

25,000 square feet of gross floor area of medical offices as permitted by zoning. McLean represents that as of the date hereof the entirety of the McLean Institutional subdistrict is used for psychiatric hospital purposes and uses funtionally dependent upon and necessary to psychiatric hospital use, Belmont acknowledging that such representation includes the Arlington School and the existing day care facility (but no expansion thereof) within such definition. McLean agrees to provide Belmont with an annual certification, on a building-by-building basis, of the number of square feet used for other purposes. McLean shall notify Belmont promptly upon any change in use causing the foregoing thresholds to be exceeded. Belmont shall have the right to obtain such further reasonable evidence from McLean as it shall require to confirm the accuracy of such certifications.

A. STUDY DATA

Data collected for the traffic monitoring program will include traffic volumes entering and exiting the Research & Development subdistrict; Senior Living subdistrict and McLean Institutional subdistrict. Monitoring will involve continuous Automatic Traffic Recorder (ATR) counts on a daily basis. (Data will be collected in 15 minute increments.) Data collected shall be retained for at least one year from the date of collection.

A "weekly sampling report" shall mean a data collection report providing monitoring results over five consecutive, non-holiday weekdays, summarized by one hour intervals and by daily totals. The morning and evening peak hour volumes for each weekday will be determined and average morning and evening peak hour volumes will be determined for the week. In addition, the daily trip totals for each weekday will be determined and average daily trip totals will be determined for the week.

B. PROGRAM

1. Within six months after the issuance of a building permit for a structure within a subdistrict governed hereby, the owner of the land within the subdistrict (the "owner") shall file with the Town Engineer a detailed Traffic Demand Management (TDM) plan, describing the measures to be taken by the owner to avoid traffic generation in excess of the levels permitted hereby and describing the further measures to be taken by the owner in the event traffic generation exceeds permitted levels. The owner shall consult with the Town Engineer prior to filing the TDM plan and shall take into account any comments of the Town Engineer with respect thereto. The owner shall file an updated TDM plan annually thereafter.

2. Within thirty days of such structure reaching a 90% occupancy level, or one year after a certificate of occupancy has been issued, whichever is earlier, the owner shall notify the Town Engineer. The Town Engineer shall thereafter have the right (in the McLean Institutional subdistrict, whenever this Agreement becomes applicable thereto) to require submission of a weekly sampling report for such subdistrict for any week designated by the Town Engineer. A weekly sampling report shall thereupon be submitted to the Town Engineer within seven days of such request (or seven days after the end of the week to be reported upon, if later). Notwithstanding the foregoing, Belmont agrees to observe the guideline that weekly sampling reports should generally not be required more than bi-monthly during development of a subdistrict and more than annually after one year following substantial completion of the build-out and occupancy within the subdistrict, reserving Belmont's right to require more frequent weekly sampling reports upon changes in use, changes in ownership, the occurrence of violations or other reasonable basis for more frequent reporting.

C. RECOURSE ACTIONS

1. There shall be deemed to be a violation of this Agreement whenever a weekly sampling report reveals that:

(a) either the morning or evening average peak hour trip generation rate exceeds the permitted rate; or

(b) the average daily trip total exceeds the permitted rate.

2. If a weekly sampling report contains a violation, then the owner shall: (a) prepare and submit to the Town Engineer an updated TDM plan (if one has not been filed within the previous three months); (b) use diligent efforts to implement such plan as soon as possible and (c) provide follow-up weekly sampling reports to the Town Engineer until no further violations exist. If a weekly sampling report (including a follow-up report) contains a violation, then the owner shall pay the Town of Belmont a traffic mitigation payment of $10,000 ($2,500 for a follow-up report) for each such weekly sampling report, which shall be applied by the Town against its costs in monitoring and enforcing this Agreement and/or in taking further action to mitigate the effect of traffic generated by the Property upon Town streets.

3. If follow-up weekly sampling reports continue to show violations for two weeks, then Belmont may restrict the number of parking spaces which can be used during the morning and evening peak hours to the extent that the Town Engineer determines is needed to correct the violations. If follow-up weekly sampling reports still continue to show violations thereafter, the Town Engineer may further increase such parking restrictions.

4. If for two consecutive months, follow-up weekly sampling reports evidence that average trip generation is below the permitted rates, the Town will return full control of parking to the owner. The owner shall continue to be obligated to file follow-up weekly sampling reports for one month after full control of parking has been returned.

II. MITIGATION PROGRAM

McLean agrees to provide the funding for the mitigation measures listed below. The measures proposed will mitigate project related traffic impacts at intersections where:

- The project may have a material impact on traffic operations.

- State funding is not readily available to fund the improvements, or where pursuing or securing state funding will jeopardize, or compete with, the prospects of other eligible projects where funding is being sought. (State funding has been approved for the reconstruction of Pleasant Street, consequently, it is assumed suggested improvements for Pleasant Street can be incorporated into the ongoing Pleasant Street project. McLean shall fund increased design and construction costs associated with changes to the Pleasant Street design, if they are not able to be incorporated in the normal design process.)

- There is sufficient public support to ensure timely implementation of proposed improvements.

Based on these criteria, McLean agrees to fund the design and construction of improvements at two intersections in the project vicinity at an estimated cost of $690,000. McLean agrees it will collaborate with Belmont in developing the actual mitigation to be implemented. In addition, McLean will provide an additional $310,000 to Belmont to be spent at Belmont's discretion for the design and construction of improvements at other intersections in the site vicinity not listed below

Location	Proposed Action	Schedule	Estimated Construction Cost
A. Pleasant Street At McLean Driveway	Construct Drive Add Left Turn Lane Signalize	Prior to Occupancy of R&D Building or Senior Housing	$375,000
B. Pleasant Street at Trapelo Road	Extend Right Turn Lane Extend R.O.W. Install Signal Interconnect Signal	Prior to Occupancy of R&D Building	$315,000
C. At discretion of Town	Design and/or construct offsite intersection improvements		$310,000
		TOTAL	$1,000,000

The above-identified funding will be provided based on the following conditions:

A. Upon certification by Belmont that Belmont has need for funding with respect to an improvement (identifying the dollar amount required therefor), McLean shall place such funds in escrow.

B. Belmont and McLean shall maintain such funds in an interest bearing account with the full amount of interest earned payable to McLean.

C. Belmont shall cooperate with McLean in seeking PWED and/or CDAG grants available by application filed prior to June 30, 2000 in order to fund any or all of the above improvements at locations A and B.

D. If such grants are obtained to fund such improvements McLean's obligation to fund such improvements shall be reduced by the amount of such state grants and, upon actual receipt by Belmont of such state grants, McLean shall be entitled to withdraw such amount from the escrowed funds; provided, however, that if such grants exceed $500,000 in the aggregate, then McLean's commitment to fund other improvements shall increase dollar-for-dollar up to a limit of $190,000 (raising McLean's total commitment to other improvements to $500,000).

E. Belmont shall be authorized to draw funds from the escrow account in order to pay for the above-identified mitigation projects. Projects under Heading C must pertain to one or more of the following intersections: Mill Street at McLean Driveway; Mill Street at Trapelo

Road; Trapelo Road at Waverley Oaks Road; Trapelo Road at Star Market Driveway; Concord Avenue at Winter Street; Concord Avenue at Mill Street; Pleasant Street at Clifton/Leonard Streets; Pleasant Street at Brighton Street; Concord Avenue at Blanchard Road; Concord Avenue at Pleasant Street; Concord Avenue at Common Street; Concord Avenue at Channing/Leonard Streets. Such projects can include transit, shuttle, pedestrian and/or bicycle enhancements associated with such intersections. Draws under Headings A and B shall not exceed $690,000 (less any grant funds as described above) and McLean shall be responsible for any additional sums needed to complete such projects.

F. Two years from the date of the certificate of occupancy representing 85% or more completion (on a square footage basis) of the permitted development within the Research & Development and Senior Living subdistricts, McLean shall be entitled to withdraw any remaining funds from the escrow account unless and for so long as Belmont is actively pursuing any of the above-identified mitigation projects and such remaining funds are necessary to pay for such project.

III. LEGAL EFFECT

The foregoing obligations shall run with the land now owned by McLean Hospital Corporation in Belmont, Massachusetts. McLean shall require any successor owner of land governed hereby to acknowledge in writing its obligations hereunder and to provide the same to Belmont prior to or upon transfer. A notice hereof shall, at the request of Belmont, be executed by McLean and recorded with the Registry of Deeds. This Agreement shall not take effect until ratified by a majority vote of Town Meeting of the Town of Belmont. Upon such ratifying vote, this Agreement shall not be amended in any material respect except by a further majority vote of Town Meeting.

Town of Belmont

By: _____
Selectman

By: _____
Selectman

McLean Hospital Corporation

By: _____
Its
Duly Authorized

ATTACHMENT J

SOCCER FIELD AGREEMENT

This Agreement dated as of February 22, 1999, is entered into by and between the Town of Belmont, acting by and through its Board of Selectmen ("Town" or "Belmont") and McLean Hospital Corporation ("McLean").

For good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. If McLean sells fee title to the existing soccer field on its property (the "Field") to the Belmont Day School, McLean shall condition such sale on the requirement that the Belmont Day School establish an arrangement with the Town which provides for some Town use of the Field when the Field is not being used by Belmont Day School. Such use by the Town may include use by non-profit youth soccer organizations which operate cooperatively with the Town. Such use by the Town shall include reasonable arrangements for parking at the Belmont Day School.

2. The foregoing obligation shall run with the Field. This Agreement shall not take effect until ratified by a majority vote of Town Meeting of the Town of Belmont. Upon such

ratifying vote, this Agreement shall not be amended in any material respect except by a further majority vote of Town Meeting.

Town of Belmont

By: _____
Selectman

By: _____
Selectman

McLean Hospital Corporation

By: _____
Its
Duly Authorized

ATTACHMENT K

Cemetery Agreement

This Agreement dated as of February 22, 1999, is entered into by and among the Cemetery Commission of the Town of Belmont ("Commission"), the Board of Selectmen of the Town of Belmont and McLean Hospital Corporation.

For valuable consideration received, the parties agree as follows.

1. No use of the property for municipal cemetery purposes, no construction on the property for such purposes and no alteration of the property for such purposes shall occur except in accordance with the following conditions.

A. The first phase of development for cemetery use will occupy 3-4 acres, leaving the remaining property in a natural state.

B. The Commission will pursue a master design plan for the entire cemetery site. The development of future phases will be left to a vote of a future Town Meeting to appropriate funding for development. Future development must follow the master plan or be less invasive than the master plan. The development of the master plan design will be accomplished as a public-participation process.

C. The portion of the cemetery remaining in a natural state will be managed with the assistance of the entity responsible for management of the open space, using cemetery labor as required.

D. The design will be compatible with its surrounding environment, using flat markers and using compatible flora. The borders of the cemetery will be consistent with the existing markers on the property, i.e., preferably stone walls if possible. The design will also take into consideration any significant historic or archeological features of the property where feasible.

E. The Pine Allee on Concord Avenue will remain in a natural state.

F. Access along an approved pathway for pedestrians with leashed dogs will be arranged as part of master planning considering neighbors' comments about location.

G. Adequate buffers along Concord Avenue and Day School property will be included in design.

H. The last parcel to be developed will be the portion of the site closest to the vernal pool adjacent to the site.

I. Building uses will be limited to a cemetery office, cemetery maintenance and garaging of cemetery vehicles. Buildings at the site will be limited in size so as to be no larger than those at the existing Belmont Cemetery (although they may be combined into one structure).

J. Roads within the cemetery will be limited to 16 feet in width.

K. Parking spaces will be limited to seven (four employee spaces, and three visitor spaces for funeral directors, religious officials, and family, including one handicapped space).

2. No use of, construction on or alteration of the property for municipal cemetery purposes shall occur until the approval of this Agreement by majority vote at a Special Town Meeting of the Town of Belmont. No modification of this Agreement, including without limitation any modification to the conditions set forth in Section 1, shall be effective until the approval of such modification by McLean and by majority vote at an Annual Town Meeting or a Special Town Meeting.

Town of Belmont

By: _____
Selectman

By: _____
Selectman

McLean Hospital Corporation

By: _____
Its
Duly Authorized

ATTACHMENT L

AGREEMENT

This Agreement dated as of February 22, 1999 is entered into by and between the Town of Belmont, acting by and through its Board of Selectmen ("Belmont"), and Eric and Helga Cosman ("Cosman").

For valuable consideration received, Belmont and Cosman agree as follows:

1. Belmont agrees to sell and Cosman agrees to buy a certain parcel of land (the "Premises") shown as "Proposed Private Open Space Lot" on Exhibit A attached hereto.

2. Belmont's obligations hereunder shall become effective if and only if Belmont shall acquire the Premises as a portion of conveyance of a larger parcel from McLean Hospital in accordance with a certain Memorandum of Agreement between Belmont and McLean Hospital of even date herewith.

3. The closing hereunder shall take place on a date set by Belmont within six months following the acquisition by Belmont of the Premises pursuant to the Memorandum of Agreement.

4. The Premises shall be conveyed subject to a Conservation Restriction in the form attached to the Memorandum of Agreement.

5. The purchase price for the Premises shall be $100,000, payable by Cosman at the closing by bank or certified check.

6. Any survey, title or other transaction costs (including deed stamps) shall be paid by Cosman.

7. Belmont shall use the purchase proceeds to fund restoration and/or maintenance costs of the remaining land obtained pursuant to the Memorandum of Agreement.

Executed under seal as of the date first written above.

TOWN OF BELMONT

By: _____
Selectman

By: _____
Selectman

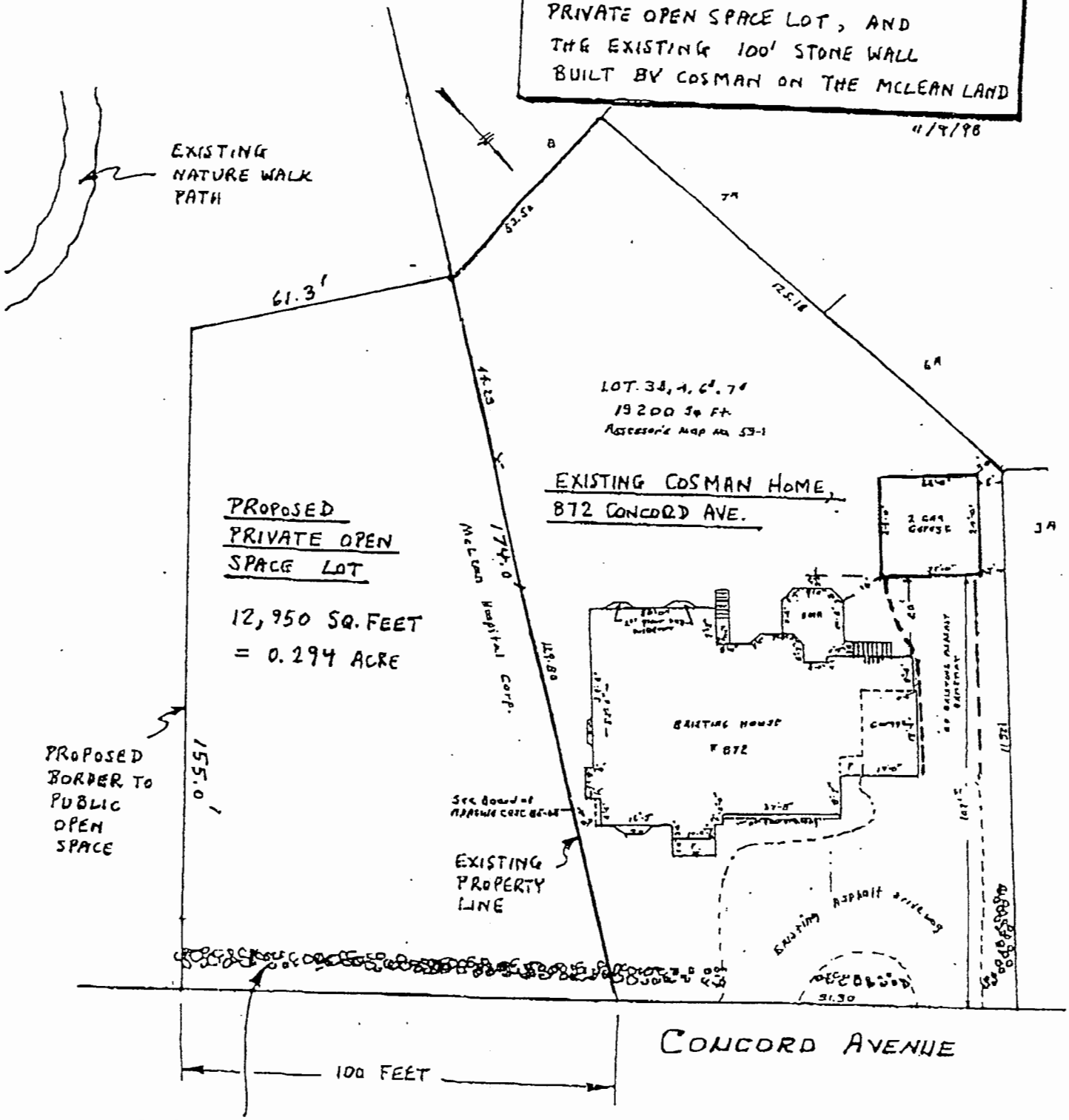
_____
Eric Cosman

_____
Helga Cosman

EXHIBIT A

THE COSMAN'S HOME AT 872 CONCORD AVE, THE PROPOSED PRIVATE OPEN SPACE LOT, AND THE EXISTING 100' STONE WALL BUILT BY COSMAN ON THE MCLEAN LAND

11/7/98



ATTACHMENT M

NOTICE OF AGREEMENT

This Notice of Agreement dated as of February 22, 1999 is entered into by McLean Hospital Corporation, with an address of 115 Mill Street, Belmont, Massachusetts ("McLean").

Notice is hereby given that McLean and the Town of Belmont have entered into a Memorandum of Agreement of even date herewith, which Memorandum contains, among other things, certain restrictions upon the use of the property owned by McLean within Belmont, Massachusetts, and more particularly described on Exhibit A attached hereto.

A copy of the Memorandum of Agreement is available for inspection at the Community Development Office of the Town of Belmont.

Executed under seal as of the date first written above.

McLean Hospital Corporation

By: _____
Its
Duly Authorized

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss. February __, 1999

The personally appeared the above-named _____, _____ as aforesaid and acknowledged the foregoing instrument to be (his/her) free act and deed, and the free act and deed duly authorized of McLean Hospital Corporation, before me.

_____

Notary Public

My Commission Expires

LETTERS FROM BELMONT TOWN OFFICIALS AND COMMITTEES

MORRISSEY & HAWKINS
TWO INTERNATIONAL PLACE
BOSTON, MASSACHUSETTS 02110-4102
TELEPHONE 617-345-4500
TELECOPIER 617-345-0286

December 29, 1998

Board of Selectmen
Town Hall
Belmont, MA 02478

Re: McLean Task Force

Gentlemen:

Dave Hawkins and I have reviewed the Memorandum of Agreement with McLean Hospital and attached documents in draft form as of December 16, 1998 and discussed minor modifications of same with counsel to the McLean Task Force, Gregory Bialecki. It is our understanding that these modifications and other related changes were subsequently made by counsel after conferring with the Task Force.

Based on this review and discussion, we are aware of no legal defects with respect to the Memorandum of Agreement and attached documentation which would affect their enforceability.

Sincerely,

Town Counsel

RJM/mel

MORRISSEY & HAWKINS
TWO INTERNATIONAL PLACE
BOSTON, MASSACHUSETTS 02110-4102
TELEPHONE 617-345-4500
TELECOPIER 617-345-0286

January 8, 1999

Board of Selectmen
Town Hall
455 Concord Avenue
Belmont, MA 02478

Dear Gentlemen:

You have asked for my opinion as to the scope of the Town's authority to impose and enforce restrictions under the Site Plan Review process upon the McLean Hospital property presently under consideration for zoning changes and redevelopment. The Town's authority to require Site Plan Review derives from the Zoning By-Law amendment applicable to the parcel and compliance with the agreed upon Plan will be enforced by the Inspector of Buildings.

It may be helpful at the start to provide a brief overview of pertinent statutory and case law. Site plan review is perhaps best described as a corollary to the special permit process. A town's zoning by-law may require review and approval of a site plan in connection with an application for a special permit. Bellows Farms, Inc. v. Building Inspector of Acton, 364 Mass. 253 (1973).

Within certain reasonable terms and conditions, a by-law may also require site plan approval for uses that are permitted as of right. Y.D. Dugout, Inc. v. Board of Appeals of Canton, 357 Mass. 25 (1970). Present case law seems generally to indicate that the procedures for site plan approval should closely resemble those for the grant of a special permit under the Zoning Act (M.G.L. c.40A). *Lynch & Mack*, Massachusetts Zoning Manual, §8.28 (1995).

Though the present Belmont Zoning By-Law (Section 7.3) would not subject the McLean parcel to Site Plan Review, it is my understanding that the proposed McLean zoning specifically requires that any construction requiring a building permit, driveways, and utility work shall all be subject to Site Plan Review.

In the Site Plan Review process, the Planning Board must evaluate the proposal submitted by the developer and hold a public hearing within 65 days of receiving the application for review. Section 7.3 of the existing Zoning By-Law charges the Planning Board with meeting the following objectives:

a) determine that the specific site is an appropriate location for the proposed use, structure or condition;

b) determine that the adjoining premises will be protected against seriously detrimental uses by provision for surface water drainage, sound and light buffers and preservation of views, light and air;

c) determine that there will be no serious hazard to vehicles or pedestrians within the site or on adjacent streets or sidewalks;

d) determine the adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the buildings;

e) determine the adequacy of the proposed methods of disposal of refusal and other wastes resulted from the uses permitted on the site;

f) determine that the height and bulk of the proposed buildings will not be injurious to surrounding property;

g) determine the adequacy of the lightning, planting and other exterior construction features in relation to the proposed uses of the site and the interests of the safety, convenience and welfare of the public;

h) where appropriate, consider the relationship of structures and open spaces to the natural landscape and existing buildings.

Though not identical, the criteria for evaluating a site plan are substantially similar to those for reviewing a special permit application. In both instances, the By-Law provides that the application shall be approved if the reviewing authority determines that the proposal's benefits to the Town outweigh any adverse effects on the Town or the vicinity.

In my opinion, the proposed design and site plan review process is consistent with present statutory and case law and that, therefore, the Planning Board has the authority to impose reasonable terms and conditions, consistent with the objectives described above and adequate to protect the Town's interest with respect to the development.

With the establishment of such terms and conditions, compliance with the agreed upon Plan is enforced by the Inspector of Buildings pursuant to his authority to enforce the Zoning By-Laws. M.G.L. c.40A, §7, *Belmont Zoning By-Law,* Section 7. Approval will be a condition precedent to the issuance of a building permit and the permit will include the conditions described in the approved Site Plan.

Deviation from the plan would allow the Building Inspector to revoke the building permit and/or ultimately to refuse to issue a certificate of occupancy. Further, penalties for violation of the By-Law (including deviation from the Approved Plan) subject the developer to fines (a maximum of $300.00 per day, for each offense).

If further assistance is required in this matter, do not hesitate to contact us.

Sincerely,

Robert J. Morrissey

Town Counsel

RJM/pow

cc: Gregory P. Bialecki, Esq.

Office of the Board of Selectmen
Town of Belmont
Massachusetts

TOWN HALL
455 CONCORD AVENUE
BELMONT, MASSACHUSETTS 02478-2573

TEL. (617) 489-8213
FAX (617) 484-6502
belmont@town.belmont.ma.us

CHAIR
WILLIAM R. SKELLEY III
VICE CHAIR
WILLIAM P. MONAHAN
WILLIAM N. BROWNSBERGER

TOWN ADMINISTRATOR
MELVIN A. KLECKNER

Januray 8, 1999

The Board of Selectmen
Town Hall
Belmont, MA 02478

Dear Selectmen:

With the help of concerned citizens and the able assistance of Candace Jenkins, historic preservation consultant to the Task Force, The Belmont Historic District Commission has reached a fair and satisfactory Preservation Agreement with McLean Hospital. McLean has been very willing to listen to our proposals for appropriate preservation measures and has responded favorably to almost all of our requests. Most importantly, McLean has generously agreed to the three provisions that are most crucial for the protection of the historic resources on the Site.

First, McLean has agreed to allow the Belmont Historic District Commission to nominate the entire campus to the National Register of Historic Places.

Second, McLean and its developers will consult with the BHDC prior to undertaking substantial external alteration, demoliton, and/or new construction affecting any Historic Building, Historic Landscape, Historic Landscape Element or archaeological site on the campus, for the purpose of eliminating, minimizing or mitigating any adverse effects to these historic resources. To put it another way, McLean is agreeing to maintain the same high level of stewardship it has observed for the last one hundred and three years and to require its developers to follow its example by respecting and protecting historic resources and by finding design solutions for new construction that are compatible with the Historic Buildings.

And third, McLean will develop design guidelines in consultation with the BHDC respecting the historic character of the campus that will be based upon the Secretary of the Interior's Standards for Rehabilitation and Standards for the Treatment of Historic Properties. McLean will follow, and will require its developers to follow, these guidelines in all future construction projects that would involve or impact the Historic Buildings or landscape resources on the Site. The BHDC will base its review of all plans presented to it by McLean and its developers on these same principles and guidelines as embodied in the Secretary of Interior's Standards while remaining mindful of the many other laws and building regulations that a medical facility such as McLean must abide by.

For these three measures to be effective, appropriate language must be inserted in the new zoning bylaw that specifically incorporates the Belmont Historic District Commission in the Design and Site Plan Review process and refers to the design guidelines that will be used as the basis for such review. Since the BHDC has not seen the revised bylaw, we cannot comment on whether the necessary language has been included.

There are additional measures in the Agreement requiring the preservation of specific buildings in the development and open space zones and encouraging the rehabilitation of additional buildings with development bonuses and Federal tax incentives.

The issue of how to proceed in recording the historic resources on the Site before development begins has also been resolved. McLean has agreed to require the preparation of photographic and written records of Historic Buildings, Historic Landscapes and Historic Landscape Elements throughout the campus prior to substantial exterior alteration or demolition.

With regard to the inventory of Historic Landscapes, Historic Landscape Elements such as stone walls, vistas, courtyards and road and path systems, and archaeological sites, McLean will make available any documentation or mapping materials in its possession in order to assist the Town in completing the inventory. Since the establishment of such a record is vital for the future protection of these resources, the BHDC would like to ask the Conservation Commission and the Open Space Alliance whether they would be willing to provide the expertise and/or funding necessary for its completion.

The BHDC needs the immediate assistance of the Conservation Commission and the Open Space Alliance in this regard because this Commission's primary focus must be upon nominating McLean's campus to the National Register. If the necessary funds can be obtained from the Massachusetts Historical Commission, the BHDC will engage Candace Jenkins to prepare the nominations since she has already assembled much of the necessary information in the course of her comparative evaluation of every building on the Site for the Task Force. Should funds not be available from the MHC, the BHDC will have to ask the Board of Selectmen for financial assistance.

Beyond the Preservation Agreement, McLean has also expressed its willingness to restore that part of the historic Upham Bowl landscape where the Hall-Mercer Building now stands after that structure has been demolished. This commitment will be subsequently confirmed in an exchange of letters between McLean and the BHDC.

In recognition of McLean's commitment to cooperate with the BHDC in placing the campus on the National Register and to consult with the BHDC in advance of major external changes to the nominated properties, the BHDC has agreed not to seek or support designation of the Site or any portion thereof as an historic district or local landmark. In this respect, the Preservation Agreement represents a compromise by both parties, but the BHDC feels that it is an appropriate one. By avoiding the most stringent preservation restrictions, the Agreement places greater emphasis on the

good will of the participants. In other words, the effectiveness of this Agreement will depend as much upon trust and mutual cooperation as it will upon the specific provisions that it contains.

Once the campus has been nominated to the National Register and the design guidelines are in place, the Belmont Historic District Commission looks forward to a long and beneficial relationship with McLean and its developers as we work together to maintain the historic character and visual integrity of McLean Hospital's nationally significant campus.

Sincerely,

Richard Cheek, Vice Chairman
Belmont Historic District Commission

BELMONT RECREATION DEPARTMENT
Town Hall Annex — P.O. Box 56
Belmont, Massachusetts 02478
(617) 489-8245 — Fax (617) 489-0021

William D. McKenney
Director of Recreation

Ms. Nancy Kelley, Chair
McLean Hospital Task Force
Belmont Town Hall
Belmont, MA 02478

Dear Ms. Kelley,

In November, Jim Fitzgerald, of Belmont Youth Soccer, and I met with Jim Becker of the Belmont Day School to discuss the possibility of sharing use of the soccer field located directly behind the Day Schooi. Since Belmont Day School hopes to purchase the land from McLean it is imperative that the Town act now to reach an agreement with the Day School regarding the Town's use of the field.

After viewing the field we decided that the School's and Town's best interests would be served in the following ways:

- The Town would only use the field on weekends. This would not interfere with Day School usage on weekdays.
- Belmont Soccer Association and Belmont Second Soccer would decide which teams would use the field. Since the field is not regulation size it would best be used by the Under-10 travelling /in-town teams or the Second Soccer program. Mr. Becker seemed pleased that smaller players would use the field and minimize wear and tear.
- All teams would be respectful of the Day School neighborhood, parking only on Day School property and leaving the premises immediately following games.
- Finally, the Town will not hold the Day School responsible for any injuries occurring on their property while the games are played. This would include the playground, which is likely to attract siblings of the players.

Given the increasing enrollment in the Town's youth soccer programs, we welcome the possibility of using this field on weekends. The Recreation Commission is in full support of the proposal put forth during the McLean negotiations to allow us to do so. We will monitor the implementation of this plan to be sure that only positive results occur.

Sincerely,

Kathy Ruane

Kathy Ruane, Chair
Belmont Recreation Commission

BELMONT HOUSING AUTHORITY
59 PEARSON ROAD
BELMONT, MA 02478 - 2433
TEL. (617) 484-2160
FAX: (617) 484-4862

December 28, 1998

Ms. Nancy Kelly, Chairperson
McLean Hospital Land Use Task Force
455 Concord Avenue
Belmont, MA 02478

Dear Ms. Kelly:

On behalf of the Belmont Housing Authority Board of Commissioners, we would like to indicate our support of the McLean Hospital Land Use Task Force and to reaffirm that we have an interest in developing public housing on McLean Hospital Land. At this time, the Belmont Housing Authority would be most interested in any land that is either adjacent or could provide access to Waverley Oaks Apartments so that we could also include a proposed expansion to the parking area for this development as well as the addition of any new housing within the same location. There is such a severe parking problem within the Waverley Oaks complex, the Authority is presently unable to provide parking for necessary services such as homemakers, visiting nurses, family members and other support services. In some cases, there is no parking available to new tenants.

As you may know, McLean Hospital's previous conveyance of land to the Belmont Housing Authority, resulted in the development of Waverley Oaks Apartments in 1976. This complex consists of 74 apartments of elderly/handicapped and disabled housing with one apartment which belongs to McLean Hospital. Accordingly, we would also be happy to discuss any current needs that McLean Hospital may like to consider. At this time, it is the intent of the Authority to provide housing by trying to obtain either state or federal resources or other outside funding that may include a private developer. We could then consider providing low income, moderate income or affordable housing and market rate housing opportunities.

Once again, we would like to thank the Selectmen and the McLean Hospital Land Use Task Force for giving us the opportunity to participate in this process. We would very much look forward to working together in the future.

Sincerely,

John Malone, Chairman

cc: Belmont Board of Selectmen
Belmont Housing Authority Commissioners

MEMORANDUM

Date: February 5, 1999

To: Nancy Kelley, Chair- McLean Hospital Land Use Task Force

From: Belmont Conservation Commission
Lloyd R. Allen, Chairman

Subject: McLean Hospital Memorandum of Agreement

Introduction

The Belmont Conservation Commission has reviewed, with a focus on land protection and conservation, the Memorandum of Agreement between the Town of Belmont and McLean Hospital in its latest form, including the referenced documents, dated January 14, 1999. We applaud the Task Force, McLean Hospital, and the Town's Selectmen for their commitment to open space and we commend all parties for the plan to preserve and protect over 100 acres of open space through a Conservation Restriction, thus assuring the land's availability in perpetuity for present and future generations to experience and enjoy.

As a Conservation Commission, it is our legal responsibility to preserve and protect wetlands and waterbodies as well as their immediate surroundings (as described in the Massachusetts Wetlands Protection Act). We are also the legal stewards of Belmont's conservation land. The Conservation Commission is the lead authority in Belmont representing protection of natural resources and open space. Therefore, we feel it is the responsibility of the Commission to discuss the merits as well as the potential environmental impacts of the plan.

We approve of the Task Force's effort to contain development within or near the property's main campus as a way to minimize negative environmental impacts. We also support McLean Hospital's commitment to establish the conservation restriction on the land bordering the tributary draining toward Pleasant Street. The Commission is pleased that McLean has agreed to remove the contamination resulting from stockpiled materials in the north meadows area of the site and to regrade the area to a stable (non-erosive) condition. We are assuming their restoration effort will include, as necessary, planting appropriate and native vegetation.

Future Management of Open Space

The Commission appreciates that it will be represented on the Land Use and Management Committee by way of an appointed position. Since the primary role of this new committee will be to oversee the care and activities that take place on the protected open space, the Commission believes that conservation interests are best represented by serving on the committee. The Commission desires assurances that there be adequate funding available to fulfill the mission of the Committee, as described in Attachment E of

the Memorandum of Agreement. Currently, there is no plan proposed for funding open space management. We suggest that the Town and McLean devise a plan for funding the Committee, its projects, and the maintenance of the open space in perpetuity. One suggestion that could be considered is to adopt a Land Bank approach to developing a Land Management Fund. That is, place some of the financial burden on future property owners who would help finance the fund through their property purchases. This would directly benefit the property owners' interests, as there would be funding available for the proper maintenance of open space abutting their lands. It would also benefit both the Town and McLean by relieving some of the financial burden associated with assuming the responsibilities of open space management.

Current Cemetery Proposal

The Conservation Commission is supportive of several conditions in the Cemetery Agreement (Attachment K of the Memorandum of Agreement) intended to minimize environmental impacts and promote a cemetery design compatible with its surrounding environment. Specifically, the Conservation Commission supports the conditions that the cemetery be developed in phases and that, prior to development, undeveloped portions remain as open space. The Commission believes the use of flat markers, compatible flora, and borders consistent with existing markers (such as stone walls) will help to mitigate the visual impacts of the cemetery. Also, the Conservation Commission supports the commitment of the Cemetery Commission and the Task Force to preserve the Pine Allee along Concord Avenue.

The Conservation Commission has serious concerns, however, about the proposed cemetery site with respect to wetland resources and natural habitat areas. Even with a sensitively designed cemetery, as has been proposed by the Cemetery Commission, we believe the plan could result in significant loss and fragmentation of open space and natural habitat. The Conservation Commission believes the least damaging cemetery alternative would be to leave all available space open and natural. However, we recognize that, throughout the planning process, siting a cemetery on the McLean property has been one of the Task Force's highest priorities. Thus, our comments focus on the proposed location and magnitude of the cemetery rather than whether a cemetery should be constructed at all.

With a location immediately adjacent to or within the 100-foot buffer zone of two significant wetlands -- a red maple swamp (a "bordering vegetated wetland") and a vernal pool -- the proposed cemetery, including any accompanying roadways, parking areas, buildings, and possible fencing, would disrupt wildlife, water quality, and walking trails. To quote the Massachusetts Wetlands Protection Act, vernal pools are "essential breeding habitat, and provide other extremely important wildlife functions during non-breeding season as well..." Concerning the red maple swamp, the Act states that, "Bordering vegetated wetlands are probably the Commonwealth's most important inland habitat for wildlife. The hydrologic regime, plant community composition and structure, soil composition and structure, topography and water chemistry of bordering vegetated

wetlands provide important food, shelter, migratory and overwintering areas, and breeding areas for many birds, mammals, amphibians, and reptiles."

As the steward for Belmont's natural resources, the Conservation Commission advocates for the preservation of irreplaceable open space and the protection of water quality and wildlife habitat to the greatest extent possible. Therefore, we strongly recommend that the proposed cemetery be scaled back and reconfigured so that impacts to these sensitive resources can be minimized. We offer the following criteria as guidance in developing a revised footprint of a scaled-backed and reconfigured cemetery:

1. Limit the fragmentation of the open space by preserving the existing connection from the wooded area near the water tower to the great meadow.
2. Avoid development of the area between the Pine Allee on Concord Avenue and the vernal pool, leaving at a minimum of a 50 ft. buffer around the vernal pool.
3. Avoid development within the 100 ft. buffer zone of the red maple swamp.
4. Begin development in the northeast corner of the proposed cemetery site. Future expansion should be conducted so as to minimize impacts by, in part, maximizing distances from the wetland resources areas and sensitive habitat.

We recommend only limited use of organic fertilizers and biocides (including pesticides and herbicides) in the cemetery. We also suggest that the Conservation Restriction and the zoning by-laws require the Conservation Commission and the manager of Conservation Restriction to be involved in the development and approval of the cemetery's management and maintenance plan.

Summary

We suggest that our concerns be addressed in the Conservation Restriction and zoning by-laws as well as any other relevant documents. We acknowledge the difficulties involved in satisfying the requirements of competing land use interests and we understand the Town's need to make a timely decision concerning this plan. The Conservation Commission is prepared to work in cooperative spirit with the Task Force, the Cemetery Commission, the Selectmen and other interested parties to resolve the issues highlighted in this memorandum and to see the plan for the McLean development accepted.

For the Conservation Commission,

Lloyd R. Allen
Chairman

cc: Board of Selectmen, Town of Belmont
Cemetery Commission, Town of Belmont

TOWN OF BELMONT
ASSESSORS' OFFICE
TOWN HALL ANNEX
BELMONT, MASSACHUSETTS 02178
(617) 489-8231

ANGELO A. BORELLI, CMA, MAA
CHAIRMAN
RAYMOND F. SHEA
CHARLES R. LAVERTY, JR., CAE, CMA, CAS

ROBERT P. REARDON, CAE
ASSESSING ADMINISTRATOR

December 22, 1998

William R. Skelley
Chairman
Board of Selectmen
Town of Belmont
Town Hall
Belmont, MA 02478

RE: MCLEAN TASK FORCE FINAL REPORT

Dear Chairman Skelley:

Please be advised the Board of Assessors has completed a final review of the financial documents relative to the fiscal impact of the McLean Project. The Board of Assessors has previously submitted a revenue projection document for the Task Force's attention which analyzed 110 residential units, 200,000 square feet of Research and Development, and 470 units of senior community units. Our conclusion was that the net tax impact would be between 2.2 and 2.7 million dollars. After further review of these figures, being fully aware of the built out period of three to five years, it is the unanimous opinion of the Board of Assessors that the project should have a potential of generating in excess of $3,000,000.00 in annual tax revenues.

Additionally, I presented to the Board of Assessors the "Belmont Benefits Chart" which was prepared on behalf of McLean Hospital. The chart enumerated the value benefits of open space, cemetery, easement benefits, land for the Belmont Housing Authority, sale of land to Dr. Cosman, traffic mediation, reimbursement of local consulting costs and the capitalized value of the expanded tax base of 2.2 to 2.8 million dollars. These benefits total $73,000,000.00 which appears to be a relatively conservative figure. The only question raised upon the value projection would be the capitalized cost of the expanded tax base. It is the opinion of the Board of Assessors that, under current market conditions, the capitalization rate of between 8 and 9 percent would be more appropriate and, thus, increase the overall value of the benefits to the Town.

In summation, the Board of Assessors has done an independent review of the potential financial benefits, reviewed both the Town consultants' and McLean Hospital consultants' projections, and is of the collective opinion that these projections represent a full and fair estimate of the

benefits to the Town of Belmont. I further caution and remind you that the ultimate revenue figures will not materialize until such time as the project is completed.

The Board of Assessors is hopeful that these anticipated revenues, when realized, will alleviate the tax burden for the Belmont taxpayer.

Sincerely,

Angelo A. Borelli, CMA
Chairman
Board of Assessors

Enclosures (2) – Assessors Revenue Projections Report
McLean Consultant's Value Benefits Chart

Cc: Selectman William P. Monahan
Selectman William N. Brownsberger

AAB:mak

Belmont Benefits

		Estimated Value
■ Town owned Open Space.	72.24 Acres	$36,120,000
■ New Town Cemetery.	20.13 Acres	$10,065,000
■ Additional Protected Open Space.	48.23 Acres 140.60 Acres	
■ Easement Along Pleasant Street. (10')	.50 Acres	$250,000
■ Transfer Of Land To BHA. (40 New Units Possible)	1.34 Acres	$600,000
■ Needed Traffic Mitigation - Pleasant / Trapello.		$395,000
■ Historic Preservation.		
■ Use Of Soccer Field.		
■ Sale Of Land To Dr. Cosman.	.3 Acres	$100,000
■ Business District Revitalization.		
■ Reimbursement Of Local Consultant Costs.		$500,000
■ Expanded Housing Choices.		
■ New Jobs.		
■ Expanded Tax Base $2.2-2.8 Million In Gross Annual Tax Revenues		$25,000,000 (Capitalized At 10 %)
Grand Total		$73,030,000

Revenue Projections

Board of Assessors
Angelo A. Borelli, CMA, Chairman
Charles R. Lavery, Jr., CAE
Raymond F. Shea

Robert P. Reardon, CAE
Assessing Administrator
October 30, 1998

Introduction

The McLean Hospital Task Force has after months of hard work presented a report which outlines the potential reuse of the McLean Hospital site while preserving open space. This study is a review of the revised McLean Plan submitted in October 1998.

Tax Impact from McLean

- The McLean Task Force Revised Proposal.
- Current Zoning Approach.
- The Board of Assessor Review.

McLean Revised Proposal

- 110 Units of Residential Units @ $1,004,080.
- 200,000 square feet of research and development @ $350,000.
- 470 Units Senior Community @ $1,661,450.
- Tax Exemption for McLean Campus @ ($500,000)
- Tax Impact $2,515,530.

Current Zoning Approach

- 200 Residential Single Family Homes @ 3,500 square feet @ $250.00 per square foot.
- 200 Single Family homes selling for $875,000.00 on 25,000 square foot lots @ $2,450,000.
- No Tax Exemption for McLean Campus @ $100,000
- Tax Impact $2,550,000.

The Board of Assessor Review

- 110 Units of Residential Units with a range between $1,062,600 and $1,139,600.
- 200,000 square feet of R & D with a range of between $350,000 and $490,000.
- 470 Units Senior Community with a range between $1,290,000 and $1,612,500.
- Tax Exemption for McLean Campus @ ($500,000)
- Tax Impact $2,202,600. to $2,742,100.

Comparative Tax Impact

- McLean Task Force Proposal. $2,515,530.
- Current Zoning Approach. $2,550,000.
- The Board of Assessor Review range between $2,202,600. to $2,742,100.

Town of Belmont

BELMONT CEMETERY

121 GROVE STREET

BELMONT, MASSACHUSETTS 02178-3712

(617) 489-8287 FAX (617) 489-0344

ROBERT P. GARDINER

Superintendent

Report of the Belmont Board of Cemetery Commissioners
Analysis and Conclusions - Cemetery Siting At McLean Hospital

Executive Summary

The Board of Cemetery Commissioners, an independently elected Town board, has participated as a voting member of the McLean Hospital Land Use Task Force since its inception two and a half years ago. The Cemetery Commission and Selectmen had abruptly stopped all cemetery negotiations with McLean prior to the formation of the Task Force, feeling that the entire Town's needs and concerns must be addressed collectively only through the Task Force.

The Cemetery Commission, together with the Selectmen, have attempted to acquire additional property for use as a new Belmont Cemetery since 1966, some thirty three years. Multiple attempts were made to negotiate with McLean during that time, however never came to fruition, either due to the high acquisition price, pressing school renovation projects or McLean's unwillingness to part with their property. We are pleased that this cemetery proposal does not have a direct acquisition price as it is part of the larger proposal to allow the Town to acquire property in exchange for zoning changes. The larger property to be acquired includes the cemetery, public open space and affordable/moderate income housing and parking for Waverley Oaks.

The Cemetery Commission unanimously voted to endorse the location of the cemetery as shown on the current proposal maps, in the northeast corner of the property abutting the Belmont Day School property. All criteria were evaluated for suitability at various sites on the property but the location shown best satisfies all the criteria such as geology, water, slope, residential abutters, flora and fauna, safe vehicular access. A long process of public participation was undertaken by the Commission to derive this decision. In addition, the public process helped in the enhancement of a list of development conditions which will be in the form of a legal agreement, contained in the ancillary documents, between the Cemetery Commission and the Town binding all cemetery design and development. This process, along with a cooperative working relationship with the Conservation Commission, led the Cemetery Commission to adjust our proposed acreage from 20 acres to 13.9 acres, ultimately achieving a unanimous vote of endorsement by the Board of Selectmen.

It is particularly worthwhile to emphasize that the only portion of the proposed 13.9 acres to be developed and used as a cemetery will be 4 acres. The remaining portion, 9.9 acres, will remain in a natural state. The entire 13.9 acres would be owned by the Cemetery Commission for the people of Belmont but the inactive portion would be managed as part of the Land Management Agreement. The 9.9 inactive acres of the cemetery will have a Conservation Covenant over it (Document 2B in Memorandum of Agreement), which maintains the land in a state of open space until a majority vote of Town Meeting specifically votes to activate a designated parcel.

Current Situation

Belmont's existing cemetery, located on Grove Street, covers nearly twenty acres, much of it actually within the city limits of Cambridge. It was opened in 1859, shortly after the incorporation of the Town and serves Belmont's residents. In 1988, the last cemetery plot for traditional interment was sold though interments in existing plots continues. Since 1988 Belmont residents in need of a new burial plot have been turned away. It should be noted that about thirty

individuals per year purchase cremation graves which are located in an area of shallow bedrock. A limited number of those are still available on an as needed basis.

Beginning in 1988, residents had two choices outside of Belmont for traditional interments: other municipal cemeteries that would sell to non-residents and private cemeteries, such as Mount Auburn, Sharon Memorial Park or Catholic Archdiocese cemeteries. Most municipalities have now limited sale of plots to residents. Plot prices at private cemeteries are many times higher than municipals, some exceeding $15,000 for four interments. The death of a loved one is upsetting enough, but to deal with this extra financial burden and the realization that the interment will occur outside one's home town is devastating.

Search Summary

Since 1941, the Cemetery Commission has tried to solve the need for additional space by formulating an overall plan. From 1941 to 1966, the cemetery was enlarged by the piecemeal acquisition of adjacent residences, growing by six acres at a cost of $205,670.

In 1966, then Selectman Howard Sharpe called for a comprehensive plan for cemetery expansion. The list of properties investigated and/or pursued by the Cemetery Commission since 1966 is long and varied: McLean Hospital, Rock Meadow Conservation Area, Woodfall Road Conservation Area, Kendall School site, Pequossette Playground, Grove Street Playground, Metropolitan State Hospital, and the Town-owned incinerator site. Each of these sites was discarded for wetland, geologic, new environmental landfill regulations, or compatibility reasons, with the exception of the McLean Land.

Search Criteria

The Cemetery Commission would like to solve the problem for the next 75 to 100 years. To do this, we require 10 acres of land usable to a depth of 9 feet to permit double depth burials. Perhaps obvious, the site must have limited rock and water, be of a moderate slope (6% maximum). The Cemetery Commission has stated its preference for one contiguous parcel but has stated that it is not a requirement if other issues demand two sites. However, three sites would present difficulty in future operations and clarity for future visitors searching for grave locations.

Sites would also be evaluated for flora and fauna implications, neighborhood concerns, impact on residential abutters and institutional abutters, conflict with elements in the Priority Statement of the Task Force (especially beloved and/or historic landscape features), access to trails and line of sight impact on passing traffic to driveway, among others.

Public Process

Over the past three decades, the McLean property has been studied extensively from many perspectives, including geologic, land use, landscape architecture, flora & fauna, traffic and pedestrian access, historic features and compatibility with surrounding current and proposed uses. All of the studies and video presentations involving detailed review are available at Belmont Public Library. The video is available for lending and the documents are unbound for ease of copying. Cemetery meeting minutes are at the office of the Town Clerk.

At the monthly meetings of the Cemetery Commission, we address the operations of the current cemetery, develop strategies for a future cemetery and respond to inquiries or comments by residents, in writing by letter or petition or in person. We have had a lot of citizen involvement via this channel. In addition to these monthly meetings, the Cemetery Commission, in joint with the McLean Task Force held a presentation June 17, 1998 and public hearings June 25 and October 1 , 1998. Follow-up decision meetings were held October 5 and 6 (afternoon) with joint Task Force/Cemetery Commission meetings October 6 (evening) and October 14. At each of these meetings, we had many members of the public in attendance, occasionally numbering more than one hundred. With the exception of the June 17 presentation meeting, the public was permitted to participate fully in the decision process and was distributed copies of all maps and

documents used by the Cemetery Commission. It should be stated that although at each of these meetings the size of the proposed cemetery was 20 acres, on January 25th, the Cemetery Commission presented a plan for reduction to 13.9 acres to the Board of Selectmen.

Cemetery Siting on McLean Land

Each open parcel of the McLean land, including the farm, the northwest corner, the lower portion of the meadow, the upper meadow at One Tree Hill was evaluated using the aforementioned criteria. The Cemetery Commission, on October 6, unanimously supported the selection of the Northeast parcel known as the wooded upland, which immediately abuts the property owned by the Belmont Day School, around the wetland, abutting the Pine Allee and the vernal pool consisting of 13.9 acres. This site is shown on the full McLean development proposal maps. The Commission especially stated its knowledge that the entire site of 13.9 acres is not usable to the depth of 9 feet, but has peaks and depressions in the subsurface geology. This makes the ultimate use of the property more challenging and encourages different and more creative interment and memorialization techniques, especially over the next several decades. Of this parcel, the first parcel to be developed is immediately abutting Concord Ave. near the Day School line, allowing a large percentage double depth use and limit the road construction into the natural areas. The parcel access from Concord Ave. allows good sight lines according to the Task Force traffic consultant, no water was encountered on geologic explorations and slope is low. In addition, there are no immediate residential abutters to this parcel, all are separated by the road or the Day School property. The last parcel to be developed as active cemetery is the acreage abutting the vernal pool along Concord Ave.

Votes To Date

To date, the Board of Selectmen, the McLean Hospital Land Use Task Force and the Board of Cemetery Commissioners have unanimously voted to endorse the proposed cemetery, both its size and location. The Board of Health has also unanimously endorsed the proposed location of the cemetery as part of their regulatory process.

Cemetery Development on McLean Land

Over the past four years, the Cemetery Commission has created a list of conditions to govern development of the cemetery on McLean land. This list has been augmented and modified by the Commission after considering comment from the public. The list of conditions was unanimously approved at the Commission meeting October 6, then by the Task Force at its meeting October 14.

- The first phase of development would only be 4 acres leaving the remaining property , (some 9.9 acres) in a natural state, though the entire 13.9 acre parcel will be deeded as cemetery with full public access.
- A master design plan for the entire cemetery site will be developed. This will be accomplished involving the public at each step.
- The development of any future phases is left to a vote of a future Town Meeting. No expansion of any kind can be accomplished without an affirmative vote of Town Meeting to remove a portion of the Conservation Covenant and appropriate funding for development.
- Future development phases, should they occur, must follow the master plan or be less invasive than the master plan.
- The portion of the cemetery remaining in a natural state would be included in the Land Management Agreement. The Cemetery Commission would hold only one seat of nine on the Board of the Land Management Team,
- The design should be compatible with its surrounding environment, flat markers and using compatible flora. The borders of the cemetery should be consistent with the existing markers on the property, specifically stone walls. Existing stone walls will be preserved where feasible.
- The Pine Allee on Concord Ave. will remain in a natural state.

- Access along an approved pathway for pedestrians walking leashed dogs will be incorporated into the master plan, considering neighbors' comments about appropriate path location.
- Adequate buffers along Concord Ave. and Day School property will be included in the design.
- The first parcel of 4 acres to be developed will be in the northeastern-most corner and have access from Concord Avenue and the last parcel to be developed is adjacent to the vernal pool.
- Roads within the cemetery will be limited to 16 feet wide.
- Building uses will be limited to a cemetery office, and cemetery maintenance and garaging of cemetery vehicles. Total building sizes limited to the same size as at current cemetery, 2450 square feet.

It is particularly worthwhile to emphasize that the only portion of the proposed 13.9 acres to be developed and used as a cemetery is the first phase, some 4 acres. The remaining portion, 9.9 acres will remain in a natural state.

The Need for 75-100 Years

Some have questioned the need and desire to provide 75 to 100 years capacity, mostly those interested in leaving the property in a preserved natural state. By deeding the entire 13.9 acres as a cemetery, we merely permit future generations to decide for themselves if they want to build future phases, we do not obligate them. Like the desire to save as much open space as possible, this is the last opportunity to provide for Belmont's current residents. The youngest children currently attending Belmont's schools will be the last to use the proposed cemetery. The Cemetery Commission has never questioned the other needs expressed by Belmont's citizens and groups, whether revenue, affordable/moderate housing, access to soccer fields, open space, senior housing options, historic preservation. It has long been our opinion that all of these interests can coexist compatibly. We believe this plan achieves a mosaic of compatibility meeting all of the community's needs.

Respectfully Submitted,

Ellen O'Brien Cushman

Ellen O'Brien Cushman
Chairman, Board of Cemetery Commissioners

DEPARTMENT OF HEALTH

DONNA L. MOULTRUP, R.N., C.H.O.
DIRECTOR OF HEALTH

(617) 489-8249
Fax (617) 489-0021

BOARD OF HEALTH
DAVID B. ALPER, D.P.M.
DONNA S. DAVID, R.N., M.N.
ROBERT M. EISENDRATH, M.D.

TOWN HALL ANNEX
BELMONT, MASSACHUSETTS 02178

June 10, 1998

Ellen O'Brien Cushman, Chair
Belmont Cemetery Commission
38 Scott Road
Belmont, MA 02178

Re: Cemetery proposed to be sited on acquired McLean land

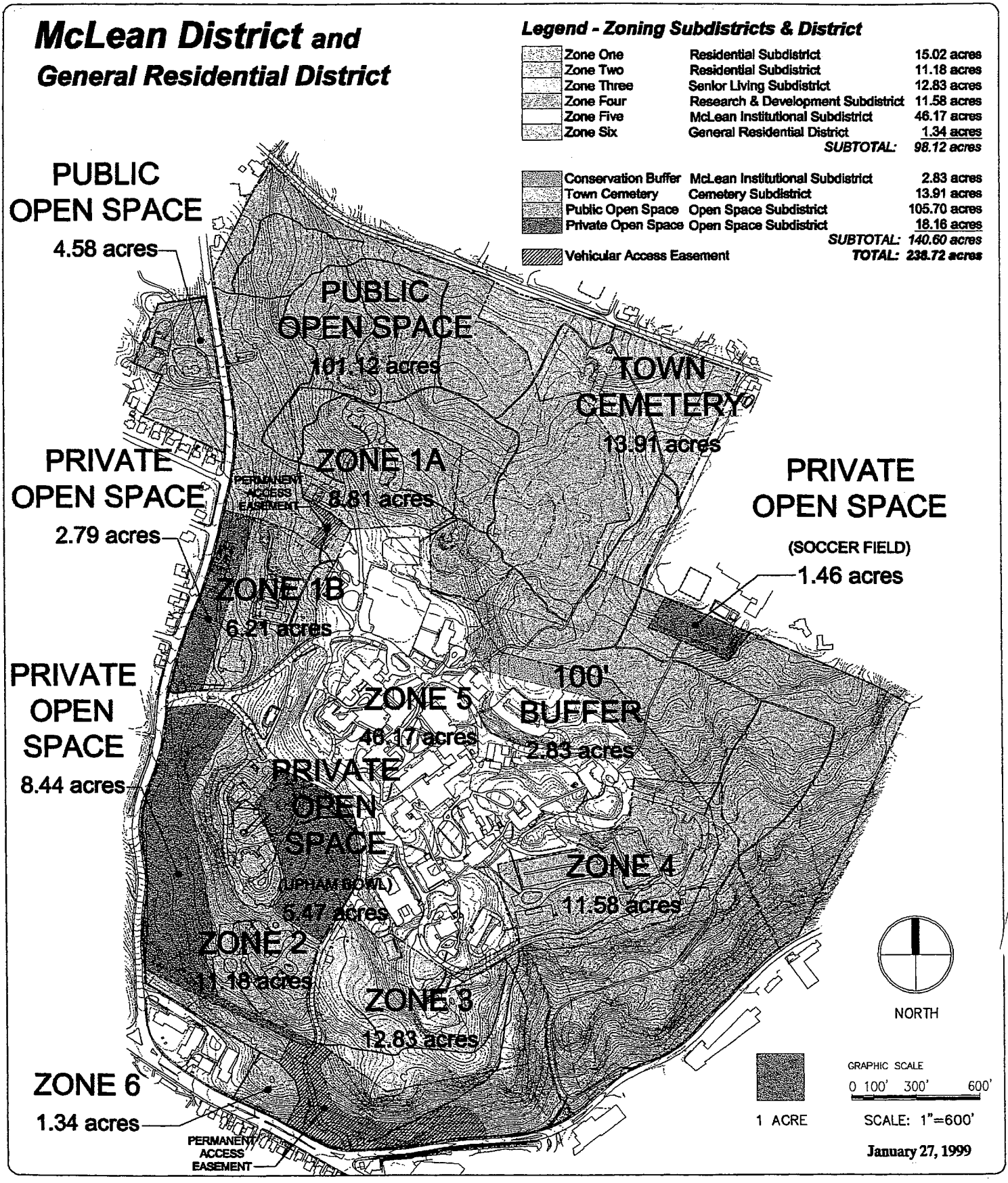
Dear Ellen,

At their meeting on June 9, 1998, following your detailed presentation of plans, the Board unanimously voted to accept the concept of using this site as the Belmont Cemetery.

Please do not hestitate to contact this office regarding your progress as the McLean plan develops.

Sincerely,

Donna Moultrup, RN, CHO
Director



McLean District Zoning Map

Belmont, Massachusetts