

AGENDA

Lexington Planning Board

Wednesday, May 8, 2024

Held virtually through Zoom link available here and below:

<https://www.lexingtonma.gov/377/Access-Virtual-Meetings>

6:00 PM

Development Administration

- 1. 24 Wachusett Dr.**
Minor modification to approved street adequacy determination requiring road improvements
- 2. 28 Meriam St. & 32 Edgewood Rd., 28 Meriam Street Lexington, LLC – Site Plan Review Public Hearing for special residential development (continued from March 13 & April 11)**
Proposal for a site sensitive residential development
- 3. 25 Hartwell Ave.**
Public hearing on a Definitive Subdivision application to subdivide the lot into three lots on a small cul-de-sac
- 4. 40 Hartwell Ave.**
Public hearing on a Definitive Subdivision application to subdivide the lot into three lots on a small cul-de-sac
- 5. 75 Outlook Drive (Effie Place)**
Lot release request and change in performance guarantee

Board Administration

- 1. Board expected to discuss the following:**
Reorganize: Chair, Vice Chair, Clerk, and other committees
Goals for next year
Signatures for Land Court & Registry
Board Member Updates
Review of Draft Meeting Minutes: 4/11/24, 4/24/24
Upcoming Meetings: May 22, June 5, June 26

Adjourn

- 1. The meeting will continue until all items are finished. The estimated adjournment time is 10:00 pm.**

Zoom Meeting Details

- 1. Members of the public can attend the meeting from their computer or tablet by clicking on the following link at the time of the meeting:**
Planning is inviting you to a scheduled Zoom meeting.

Topic: Planning Board Meeting

Time: May 8, 2024 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

[https://lexingtonma.zoom.us/j/88072138833?](https://lexingtonma.zoom.us/j/88072138833?pwd=V11aoJafH29Qo9rnvZOZF187DbY6HT.1)

[pwd=V11aoJafH29Qo9rnvZOZF187DbY6HT.1](https://lexingtonma.zoom.us/j/88072138833?pwd=V11aoJafH29Qo9rnvZOZF187DbY6HT.1)

Meeting ID: 880 7213 8833

Passcode: 715901

—

One tap mobile

+13126266799,,88072138833#,,,,*715901# US (Chicago)

+16468769923,,88072138833#,,,,*715901# US (New York)

—

Dial by your location

• **+1 312 626 6799 US (Chicago)**

• **+1 646 876 9923 US (New York)**

• **+1 646 931 3860 US**

• **+1 301 715 8592 US (Washington DC)**

• **+1 305 224 1968 US**

• **+1 309 205 3325 US**

• **+1 360 209 5623 US**

• **+1 386 347 5053 US**

• **+1 408 638 0968 US (San Jose)**

• **+1 507 473 4847 US**

• **+1 564 217 2000 US**

• **+1 669 444 9171 US**

• **+1 669 900 6833 US (San Jose)**

• **+1 689 278 1000 US**

• **+1 719 359 4580 US**

• **+1 253 205 0468 US**

• **+1 253 215 8782 US (Tacoma)**

• **+1 346 248 7799 US (Houston)**

Meeting ID: 880 7213 8833

Passcode: 715901

Find your local number: <https://lexingtonma.zoom.us/u/kOg9LUcA0>



Meeting broadcast by LexMedia

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

24 Wachusett Dr.

PRESENTER:

Applicant: Fred & Dave Feldman

ITEM NUMBER:

SUMMARY:

The Planning Board will consider the Applicant's request to not require any road improvements in the vicinity of 24 Wachusett Drive. In January 2023, the Applicant was required by the Planning Board to perform road improvements to widen the road to 18-ft. for ~280 feet from the property's frontage as part of a Street Adequacy Determination per §176-7.0 of the Planning Board Zoning Regulations.

In June 2023, the Planning Board updated their Unaccepted Street Regulations Sec. 7.0 to no longer require road improvements for large additions or house replacements. The Applicant request a minor modification to no longer require the road improvements, which is consistent with the now amended Unaccepted Street Regulations.

The property is located at 24 Wachusett Drive: Map 33, Lot 237 in the RS Zoning District.

Modification Request from applicant can be viewed here.

Materials may be viewed online at: <https://lexingtonma.viewpointcloud.com/records/70034>

Staff recommends approval of this modification request.

SUGGESTED MOTION:

Move to approve the Applicant's request to not require the road improvements outlined in Planning Board's January 18, 2023 Street Adequacy Determination and on the approved road improvement plans.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

5/8/2024

ATTACHMENTS:

Description		Type
📁	Wachusett-24-Modification-Request-April 2024	Cover Memo
📁	2023 SAD Approval	Cover Memo

Abigail McCabe

From: David Feldman <bostonmusicdave@gmail.com>
Sent: Thursday, April 18, 2024 4:47 PM
To: Abigail McCabe; fred feldman
Subject: Re: 24 Wachusett Dr Street Adequacy Determination

USE CAUTION: This email came from outside the Town of Lexington. Do not click links, open attachments or respond to the email unless you recognize the sender, you are expecting the communication and you know the content is safe.

Dear Abby and Members of the Lexington Planning Board,

Subject: Request for Re-review of Street Adequacy Determination under Updated Regulations

I am writing to request a re-review of the Street Adequacy Determination (SAD) for my property located at 24 Wachusett Drive, as per the original determination dated January 18, 2023. The recent updates to the regulations, adopted on June 7, 2023, provide a new framework that I believe could impact the initial findings and requirements imposed on my property.

During the Planning Board meeting on January 18, 2023, a decision was made to require repaving of approximately 280 feet of Wachusett Drive to a width of eighteen feet, primarily to accommodate the expected vehicular traffic from the ongoing development at our property. However, subsequent discussions within the community and amendments in June suggested significant changes to how the adequacy of streets like ours are determined, especially concerning the triggers for SAD applications and the scope of required improvements.

Given these changes, which include modifications to the trigger for road improvements and the implementation of a cap on the length of road to be improved, it is pertinent to reassess the conditions applied to 24 Wachusett Drive under the new regulatory framework. It is my understanding that the board agreed to consider revisiting decisions if the rules were changed, which has indeed happened.

We appreciate the board's effort to continuously update and refine its policies to ensure fairness and practicality in their application. Revisiting this determination will not only align with the latest standards but also materially affect our ongoing compliance and future planning.

We respectfully request that the Lexington Planning Board schedule a re-review at your earliest convenience. Please let us know how we might assist in preparing for this reassessment, including any further documentation or applications required.

Thank you for your attention to this matter. I look forward to your positive response.

Dave & Fred Feldman



Town of Lexington

PLANNING BOARD

1625 Massachusetts Avenue
Lexington, MA 02420
Tel (781) 698-4560

planning@lexingtonma.gov
www.lexingtonma.gov/planning

Robert D. Peters, Chair
Michael Schanbacher, Vice Chair
Melanie Thompson, Clerk
Robert Creech, Member
Charles Hornig, Member
Michael Leon, Associate Member

RECEIVED

2023 20 Jan, 10:17 am

DECISION OF THE LEXINGTON PLANNING BOARD STREET ADEQUACY DETERMINATION AT 24 WACHUSETT DRIVE

TOWN CLERK
LEXINGTON MA

CERTIFICATE OF VOTE 24 Wachusett Drive (Assessor's Map 22, Lot 237)

Date of Application to Planning: December 7, 2022
Date of Public Meeting: December 21, 2022
Date of Continued Public Meeting: January 18, 2023
Date of Vote: January 18, 2023

DECISION

This is to certify that the Lexington Planning Board, at a meeting on January 18, 2023, by a vote of five (5) members in favor and none (0) opposed, voted to determine Wachusett Drive, in the vicinity of 24 Wachusett Drive to 30 Wachusett Drive is not presently of adequate grade and construction to provide for the needs of vehicular traffic, but acknowledges the substantial cost of the roadway improvements currently recommended as per the Town's street standards, and limits the following improvements to including widening the road to 18-ft. for ~280 feet from the property frontage of 24 Wachusett Road as shown on the submitted road construction plan prepared by Frederick W. Russell dated January 3, 2023 with the following conditions:

- a) Re-install cape cod berm where they currently exist;
- b) Add leach basins where necessary;
- c) The Applicant shall contact the Police Department providing a minimum of 7 days' notice of road closures or needed police details;
- d) The Applicant shall submit the surety payment in the amount of \$30,868.34 for the total cost of the improvements approved by the Planning Board, as estimated by the Engineering Department;
- e) The Applicant shall contact the Engineering Department providing a minimum of 48 hours' notice to witness the entirety of the roadway reconstruction and all work shall comply with the Town of Lexington Engineering Standards;
- f) **AND** approve the following waivers;
 - § 175-7.2-E.1.(c) Installation of 5' wide sidewalk. No sidewalks exist in the area;
 - § 175-7.2-E.1.(c) Reduction in R.O.W. width from 50' to 40' for Local Street. The existing R.O.W. is 40' wide.
 - § 175-7.2-E.1.(c) Reduction in minimum travel lane from 10 feet (20-foot total width) to 18-ft. maintaining existing variable width. The existing roadway contains many mature trees and stone walls that will inhibit widening to 20 feet.

Certificate of Action
Street Adequacy Determination 24 Wachusett Drive
January 18, 2023
Page 1 of 3

PROJECT SUMMARY AND BACKGROUND

The entirety of Wachusett Drive is unaccepted by the Town, with the nearest accepted road being Prospect Hill Road. The property owner intends to add more than 1,000 square feet of Gross Floor Area (GFA) to the lot and is responsible for road improvements to ensure the adequacy of the street's grade and construction adjacent to the property lines of 24 Wachusett Drive to Prospect Hill Road per §176.7.0 *Unaccepted Streets Standards* for vehicular traffic.

Engineering and Planning staff visited the site on September 30, 2022. Wachusett Drive has a varying width of 15 feet to 21 feet. The road is in poor condition with alligator cracking throughout. Engineering and Planning staff found the current condition of Wachusett Drive to be inadequate for the proposed use.

WAIVERS

The Planning Board approved the following waivers from the strict requirements of the Planning Board's Subdivision Regulations:

- § 175-7.2-E.1.(c) Installation of 5' wide sidewalk. No sidewalks exist in the area;
- § 175-7.2-E.1.(c) Reduction in R.O.W. width from 50' to 40' for Local Street. The existing R.O.W. is 40' wide.
- § 175-7.2-E.1.(c) Reduction in minimum travel lane from 10 feet (20-foot total width) to 18-ft. maintaining existing variable width. The existing roadway contains many mature trees and stonewalls that will inhibit widening to 20 feet.

APPLICATION AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Planning Board's application system on December 7, 2022 and through January 18, 2023 and the following material associated with this application.

1. View Point Cloud Application (Permit #PLAN-22-20), received by the Town Clerk on December 7, 2022
2. Project Narrative, dated November 28, 2022
3. Plan of Land, recorded before April 4, 1948, dated July 1924
4. Deed, dated June 15, 1990
5. Attorney's Opinion Letter to the Planning Board, dated December 15, 2022
6. Street Construction Plans titled "Road Construction Plan 24 Wachusett Drive, Lexington Massachusetts", prepared and stamped by Frederick W. Russel, Professional Engineer No. 36713, and James Richard Kennan, Professional Land Surveyor No. 3075, prepared for Karen Duperey, dated June 2, 2022
7. Form W- Waiver Request Form, submitted on November 28, 2022
8. Staff Inspection Memorandum, October 11, 2022

RECORD OF VOTE

The following members of the Planning Board voted to grant the certificate of action, subject to above stated terms and conditions: Robert Peters, Michael Schanbacher, Melanie Thompson, Robert Creech, and Charles Hornig.

The following members of the Planning Board voted to disapprove the certificate of action: none.

Signed as to the accuracy of the vote:



Molly Belanger, Planner

January 20, 2023

Date

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

28 Meriam St. & 32 Edgewood Rd., 28 Meriam Street Lexington, LLC – Site Plan Review
Public Hearing for special residential development (continued from March 13 & April 11)

PRESENTER:

Applicant: 28 Meriam Street Lexington
LLC

ITEM NUMBER:

SUMMARY:

Board will re-open the continued public hearing on the application of 28 Meriam Street Lexington, LLC for approval of a major site plan review under §135-6.9 of the Zoning Bylaw and Article VI of §181-71 Stormwater Management Regulations. Application is for a site sensitive special residential development for 10 dwelling units in four buildings. Project proposes to preserve and renovate the house at 28 Meriam St. to create a two-family dwelling, raze the house at 32 Edgewood to construct three new buildings for 8 dwelling units, landscaping, parking, and stormwater improvements. The property is located at 28 Meriam Street and 32 Edgewood Road, Lexington, MA also known as Map 56, Lots 94A and 94B in the RS zoning district.

Application materials may be viewed (click on "files
tab"): <https://lexingtonma.portal.opengov.com/records/86244>

Memos from staff and the Planning Board's hired peer review consultant are attached.

Board will hear from the Applicant, staff and peer review consultant, board may discuss, then open the hearing up to public comments. Board will then return to Applicant for any closing remarks. Board may then begin deliberations on the application and may close the public hearing.


SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

5/8/2024

ATTACHMENTS:

Description		Type
	Planning Staff Memo	Cover Memo
	Peer Review Memo	Cover Memo
	Building Commissioner Memo	Cover Memo



TOWN OF LEXINGTON *PLANNING OFFICE*

1625 Massachusetts Avenue
Lexington, Massachusetts 02420
Tel: 781-698-4560
planning@lexingtonma.gov
www.lexingtonma.gov/planning

Abby McCabe, Planning Director
Sheila Page, Assistant Director
Meghan McNamara, Planner
Kiruthika Ramakrishnan, Planning Coordinator

To: Lexington Planning Board
From: Meghan McNamara, Planner
Re: Site Plan Review for 28 Meriam St & 32 Edgewood Rd
Date: May 2, 2024

Comments based on material submitted on April 24 and new material for May 8 meeting

Approval Information	
4 Waivers Needed:	<p>Partial waiver from strict compliance with bike storage Board Regulations Section 12.4.2 in the one-car garage in building B and the historic building. Staff believe the proposal for the outdoor bike rack and the two-car garages for all units provides sufficient bike storage for the development.</p> <p>Waiver from strict compliance with street tree planting every 30 feet under Board Regulations §12.6.5(2). Staff believe the planting of street trees along Meriam Street would affect sight lines for pedestrians, bicyclists and motorists, as well as damage infiltration systems. The planting of three Yellowwoods at the intersection of Meriam and Edgewood will provide public shade.</p> <p>Waiver from strict compliance for SITES gold level certifiability.</p> <p>Waiver from a separate Tree Bylaw permit upon a finding the the Tree Bylaw is mitigated and met with the submitted landscape plan.</p>

Outstanding & New Comments
<p>Building Heights:</p> <p>The Building Commissioner provided a memo (dated 4/23/24) relative to the heights and average natural grades of the proposed project. He confirms that the project complies with Lexington's Zoning Bylaw for height, which allows three-stories and up to 40 feet in height for Special Residential Developments.</p> <p>Carriage House Analysis:</p>

The Applicant provided a report prepared by a Registered Architect regarding the historical carriage house (32 Edgewood Road). It states: "Creating an additional unit within the structure would not be possible without significant changes to the roof configuration and likely the façade as well. The existing first floor would need to be demolished and reframed to provide structural support for a new unit on the second floor. The proximity to the rear lot line will impose building code prohibition on windows on the rear wall". The report summarizes that "keeping the structure would require a significant change in its appearance and require more intensive development of the site. Demolition contributes to the design objectives of creating new housing and preserving significant open space".

Inclusionary Dwelling Unit:

The proposal exceeds the square footage requirement for Inclusionary Dwelling Units (IDU), and adds 1,086 SF more GFA to the Subsidized Housing Inventory beyond what is required. The proposal for the IDU remains unchanged from original proposal, and a 4-bedroom unit is proposed in the Historical house.

Condo Fees:

A letter was submitted by the Applicant about having a reduced rate for the contribution of the condo fees for the Inclusionary Unit. Based on 2024 figures, the Inclusionary Units monthly contribution would be \$185 while the other market rate units would be \$740 for the condos and \$1,171 for the two units in the duplex.

Renovations to 28 Meriam:

A letter from the architect was provided explaining renovations for units 1 and 2 in the historic house. Unit 2 (the Inclusionary unit) will have: new ½ bath, reconstructed basement stair, and new single car garage. New electric heat pump systems for heating and cooling for both units, new range in unit 2, new windows, new wiring.

Gross Floor Area:

Per the GFA calculation for Special Residential Developments, the total allowable GFA of all buildings (including the IDU) is 27,702 SF. The latest revision of the Architectural Plans increased Building C's GFA by 4 SF, increasing the total GFA of the entire development to 27,691 SF, which is still under the maximum GFA allowed. Also, the GFA of any building in a Special Residential Development cannot exceed 7,030 SF in the RS District, and the largest building in the development is 7,027 SF GFA.

Vehicle and Bicycle Parking:

The proposal exceeds the required vehicle parking of 1 space per residential unit, proposing 24 parking spaces (18 garaged and 6 surface) for a ratio of 2.4 to 1. The latest revised plans show the removal of surface parking in front of Building A and Building B garages, and the removal of 2 surface parking spaces near the Edgewood Road entrance. The proposal meets the required short-term bicycle parking.

Common Open Space:

Per 135-6.9.10, at least 15% of the developable site area in an SRD shall be set aside as common open space, which is defined as "land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents...". On Sheet 6 (last revised 4/22/2024) the Applicant has provided a breakdown of the proposed open space based on slope percentages. The Applicant is required to provide 15% open space (or 7,181 SF) and has provided 53.2% (or 25,474 SF), 26.9% of which is

slope-under-20%. A retaining wall was added in the latest revised plans behind Building C and will require minor grading is proposed in the central open space area.

Tree Removal and Mitigation:

Staff have reviewed the proposed tree replacement table and confirm that the landscaping plan meets the requirements of the Tree Bylaw, and the Applicant exceeds the required replacing caliper by 27 inches. The Applicant will not be required to make a payment to the Tree Fund as this requirement is met. In the event that the 20" Oak between Buildings B and C cannot be saved, the applicant proposes a replacement 4" Oak, which will still meet the mitigation replacement inches required. The Applicant has agreed to hire a Certified Arborist to prepare a tree protection plan. Staff suggests that the Board waive the Tree Bylaw and ask to move jurisdiction to the Planning Board.

Landscaping Plan:

The Applicant has provided a robust revised landscaping plan, with species included on both the Planning Board's Preferred Planting List and the Tree Management Manual. Applicant is proposing the addition of three Yellowwood "Cladrastis lutea" in the property corner at the intersection of Edgewood and Meriam, at the request of the Tree Committee to enhance public shade in this area. There is an 8-inch cedar tree adjacent to the existing Meriam Street driveway that is not shown on the Existing Conditions Plan or the Site Analysis Plan. It shall be noted that the 8-inch cedar tree is shown on all remaining plans with tree protection and on the Planting Plan as a tree to remain.

Remaining/Outstanding Comments:

1. Driveway, stormwater maintenance, any private trash and recycling removal, snow plowing, sweeping responsibilities should be articulated in the HOA. The O&M plan and requirements should also be included. These items shall remain in perpetuity & apply to any new prop owners. These can be a condition of approval.
2. As part of any approval, the Applicant will be responsible for any damage to sidewalks in areas affected by trench work or other construction activities, and any replacement will be built to standards as required by Engineering Staff. This should be made a condition of approval.
3. Applicant has received Lexington fire truck weights and is confirming that the infiltration system under any parking surface can withstand the weight. Confirmation from the fire department should be made a condition of approval.

Date May 2, 2024
To Abby McCabe, Planning Director
From Thomas C. Houston, PE, AICP
Project Application for Major Site Plan Review for
Special Residential Development (Site Sensitive)
28 Meriam Street & 32 Edgewood Road
Lexington, Massachusetts
Subject Evaluation of Responses to Peer Review Comments and the Third
Submission to the Planning Board

Professional Services Corporation, PC (PSC) evaluated the First Submission of the Application for Major Site Plan Review for Special Residential Development (Site Sensitive) at 28 Meriam Street and 32 Edgewood Road and issued our first peer review memorandum dated March 7, 2024. We reviewed Patriot Engineering's peer review response letter dated March 27, 2024 and updated design information including site plans, architectural plans, stormwater report, and building height certification. We issued our second peer review memorandum dated April 5, 2024.

We are now in receipt of Patriot Engineering's second peer review response letter dated April 23, 2024 and updated design information. As of the date of issue of our April 5, 2024 peer review memorandum, fifty (50) comments were resolved and are not included in this memorandum. Based upon our evaluation of Patriot Engineering's second peer review response previously unresolved Comments 17, 23, 29, 35, 44, 45, 51, 54, 57, 59, 63, 64, 66, 67, 70, 71, 76, and 77 are now resolved. The site plans are currently being updated and the proposed design revision will resolve Comments 19 and 28. Comments 2, 4, 6, 7, 10, 61, 62, 69, 72, 72, and 74 can be resolved by including Conditions of Approval in any favorable Decision. Comments 22, 28, 32, 48, and 65 require plan or report changes or submission of additional information.

For each comment, this May 2nd memorandum includes PSC's original comment, Patriot Engineering's first response, PSC's evaluation of their first response, Patriot Engineering's second response, and PSC's evaluation of their second response. The comment numbers in this



memorandum match the comment numbers in PSC's March 7, 2024 and April 5, 2024 memorandums.

THIRD SUBMISSION

- A. Patriot Engineering Letter, re peer review response letter for Site Sensitive Development, dated March 27, 2024, 28 Meriam Street and 32 Edgewood Road, Lexington, MA, dated April 23, 2024.
- B. Definitive Site Development Plan Set entitled "28 Meriam Street, Assessors Map 56 Lots 94A & 94B, Site Plan Review Plan Set, Located in Lexington, MA, January 22, 2024," revised February 29, 2024, revised March 22, 2024, last revised April 22, 2024, prepared by Patriot Engineering, 16 plan sheets.
- C. Stormwater Management Report and Calculations for a Site Sensitive Development at 28 Meriam Street Lexington, Massachusetts, prepared by Patriot Engineering, January 22, 2024, revised March 22, 2024, last revised April 22, 2024.
- D. Architectural plans dated 1/25/2024, revised 3/25/2024, last revised 4/24/2024, prepared by DNA Architecture as follows: 28 Meriam St., LLC, Proposed: Building A, 32 Edgewood Rd, Units 1, 2, 3, Lexington, MA, sheets A1, A2, A3; 28 Meriam St., LLC, Proposed: Building B, 36 Edgewood Rd, Units 1, 2, 3, Lexington, MA, sheets A4, A5, A6; A7, A8; and 28 Meriam St., LLC, Proposed: Building C, 28 & 30 Meriam Street, Lexington, MA, sheets A9, A10, A11, A12, A13.
- E. Elevations Form (building height), Building "A" Edgewood Rd., Building "B" Edgewood Rd., and Building "C," prepared by James Richard Keenan, Professional Land Surveyor, dated 3/25/2024, last revised April 10, 2024.
- F. Building A ANG Sheet, Building A Elevation Form, Building B ANG Sheet, Building B Elevation Form, Building C ANG Sheet, and Building C Elevation Form, Prepared by James Richard Keenan, PLS, dated 4/24/2024.
- G. Jim Kelly, Building Commissioner, Memorandum re: Meriam/Edgewood Height & Average Natural Grade Review, dated April 23, 2024.
- H. Letter (32 Edgewater Road), prepared by Benjamin Nickerson, Architect, dated Apr 24, 2024.
- I. Lighting Products: RD LSI LED Standard Dome (Lighting) information, Opulence Outdoor Decorative Post Top, Krysen Outdoor Wall/Step Light, Ligman UPFA-10001 Bollard.



- J. Tree Bylaw, Protected Tree Removal Analysis, dated 4/24/24.

SECOND SUBMISSION

- A. Patriot Engineering Letter, re peer review response letter for Site Sensitive Development, dated March 27, 2024, 28 Meriam Street and 32 Edgewood Road, Lexington, MA, dated March 27, 2024.
- B. Definitive Site Development Plan Set entitled "28 Meriam Street, Assessors Map 56 Lots 94A & 94B, Site Plan Review Plan Set, Located in Lexington, MA, January 22, 2024," revised February 29, 2024, revised March 22, 2024, prepared by Patriot Engineering, 16 plan sheets.
- C. Stormwater Management Report and Calculations for a Site Sensitive Development at 28 Meriam Street Lexington, Massachusetts, prepared by Patriot Engineering, January 22, 2024, revised March 22, 2024.
- D. Architectural plans dated 1/25/2024, prepared by DNA Architecture, revised 3/25/2024 as follows: 28 Meriam St., LLC, Proposed: Building A, 32 Edgewood Rd, Units 1, 2, 3, Lexington, MA, sheets A1, A2, A3; 28 Meriam St., LLC, Proposed: Building B, 36 Edgewood Rd, Units 1, 2, 3, Lexington, MA, sheets A4, A5, A6; A7, A8; and 28 Meriam St., LLC, Proposed: Building C, 28 & 30 Meriam Street, Lexington, MA, sheets A9, A10, A11, A12, A13.
- E. Elevations Form (building height), Building "A" Edgewood Rd., Building "B" Edgewood Rd., and Building "C," prepared by James Richard Keenan, Professional Land Surveyor, dated 3/25/2024.

FIRST SUBMISSION

- A. Project Narrative, January 22, 2024, prepared by Patriot Engineering.
- B. Definitive Site Development Plan Set entitled "28 Meriam Street, Assessors Map 56 Lots 94A & 94B, Site Plan Review Plan Set, Located in Lexington, MA, January 22, 2024," prepared by Patriot Engineering.
- C. Site v2 Checklist, January 24, 2024.
- D. Major Site Plan Review Checklist, October 13, 2021, revised October 2, 2023.
- E. LEED Core and Shell Checklist.



- F. Architectural Plans, “28 Meriam St., LLC,” DNA Architecture (Dustin, Nolin, RA), dated January 25, 2024, containing 13 sheets.
- G. Zoning Narrative, Nicholson, Sreter & Gilgun, PC, January 25, 2024.
- H. Preliminary Construction Mitigation Plan
- I. Stormwater Management Report and Calculations for a Site Sensitive Development at 28 Meriam Street Lexington, Massachusetts, prepared by Patriot Engineering, January 22, 2024.
- J. Inclusionary Dwellings Narrative.
- K. Solar and Energy Efficiency Strategy narrative.
- L. Meriam-Edgewood Project Timeline.
- M. Meriam Street Proposed Alterations to 28 Meriam Street, Lexington, MA Rev. 5, January 25, 2024.
- N. Schedule 1, 25 Meriam Gross Floor Area Summary.
- O. 25 Meriam / 32 Edgewood Project Timeline
- P. Planting and Lighting Plan, prepared by Patriot Engineering, January 24, 2024.
- Q. Special Residential Development (SRD) Application, received by the Town Clerk, January 26, 2024 12:27 PM.
- R. Site Plan Review Design Regulation Checklist dated October 13, 2021, revised October 2, 2023.

REFERENCE

- A. Town of Lexington, Massachusetts, Code, Part II Zoning Bylaw, Chapter 135 Zoning, amended through the Annual Town Meeting 2023.
- B. 2023 Zoning Map of the Town of Lexington amended April 12, 2023.
- C. Town of Lexington, Massachusetts, Code, Part III Regulations, Chapter 175 Planning Board Subdivision Regulations.
- D. Town of Lexington, Massachusetts, Code, Part III Regulations, Chapter 176 Planning Board Zoning Regulations including Attachment A Preferred Planting List.



- E. Town of Lexington, Massachusetts, Code, Part III Regulations, Chapter 181 Public Works, Department of, Article VI Stormwater Management Regulations, §181-69 to §181-81.
- F. Massachusetts Stormwater Management Standards 310 CMR 10.05(6)(k) and 314 CMR 9.06(1)(a).
- G. Stormwater Handbook, Massachusetts Department of Environmental Protection.

ACRONYMS AND ABBREVIATIONS

CFS – cubic feet per second.

COA – Recommended Condition of Approval of any favorable Decision.

ESHW – Estimated Seasonal High Groundwater.

DEP – Massachusetts Department of Environmental Protection.

FPS – Feet per second.

SC – Subcatchment.

SIS – Subsurface infiltration system.

SMR – Lexington Stormwater Management Regulations (Reference E).

SWH – Stormwater Handbook, Massachusetts Department of Environmental Protection.

TSS – Total suspended solids.

ZBL – Reference A; Zoning Bylaw, Chapter 135 Zoning, amended through ATM 2023.

ZONING

Outdoor Lighting (§5.4).

2. Submit details or specifications for each type of lighting fixture selected for compatibility with dark skies principals and a higher color rendering index (CRI).

PSC: A photometric plan and a tabulation of lighting fixtures was provided, the brightest providing lumens less than a 200 watt incandescent bulb. Review of the LSI Industries website shows that the OPS and UVA series incorporate dark skies design minimizing the upward projection of light. However, we could not match the model numbers listed. Please provide catalogue cuts of all fixtures as well as the mounting accessories to allow evaluation of their appearance.

Patriot Engineering A: A chart of each series of lights to be used has been added to the photometric plan has been included with the submitted plan set and each series will meet requirements.



PSC: The fixtures incorporate the dark skies requirement of shielding upward light projection and there is no light trespass on adjacent properties. However, the fixtures have a CRI of 30 and fixtures having a CRI of less than 50 are not allowed (ZBL 5-4-5). We recommend that the Board consider incorporating the following Condition of Approval in any favorable Decision.

COA: *Revise the lighting fixture model numbers to require provision of fixtures having a CRI of 50 minimum and submit documentation to the Town Planner.*

Dimensional Standards (ZBL §6.9.6)

4. Provide documentation from the Fire Department that assess including access as depicted on the “Firetruck Accessibility” inset on Sheet 6 is sufficient.

Patriot Engineering A: The Fire Department has confirmed that the access is sufficient but asks the Applicant to confirm that the subsurface infiltration under the pavement can support fire apparatus.

PSC: Awaiting submittal of information from the Applicant to the Fire Department.

Patriot Engineering A: A request has been made to the Fire Department for comment on accessibility.

PSC: Awaiting Fire Department input regarding the ability of the pavement structure to support fire apparatus. We recommend that the Board consider incorporating the following Condition of Approval in any favorable Decision.

COA: *Revise the pavement section for approval by the Town Planner.*

6. Submit the Professional Land Surveyor’s certification of building height in feet for Buildings A, B, and C and the existing residence to be reconstructed. Please use building department’s Average Natural Grade form as part of this calculation.

PSC: A surveyor’s certification is provided. The maximum permitted building height in the RS District is 40-ft. or 20 feet plus 4/3 times the smallest distance from the dwelling to a lot line, whichever is less. For the three proposed buildings, 40-ft. governs. The surveyor’s certification on the building height in feet was submitted as requested. The Building Commissioner has requested additional information and is evaluating this issue. Additionally, the surveyor’s certification allowing determination of building height in feet for the existing residence was not submitted.

Patriot Engineering A: Certified Building heights have been submitted to the Building Inspector.

PSC: A memorandum dated April 23, 2024 was submitted to the Planning Board by the Building Commissioner which states in part that the height of Building A is 37.08-



ft. (40-ft. maximum permitted). Surveyor's certifications are provided for Buildings A, B, and C stating compliance with respect to building height in feet and in stories. Prior to Decision, a surveyor's certification should be provided stating the height in feet of the existing residence to be renovated. The Building Commissioner requested that verification of building heights and building sizes be at the time of building permit be made a Condition of Approval. Refer to the recommended Condition of Approval following Comment 7.

7. Submit the Professional Land Surveyor's certification of building height in stories for Buildings A, B, and C and the existing residence to be reconstructed.

PSC: The surveyor's certification on the building height in stories was submitted as requested. The Building Commissioner has requested additional information and is evaluating this issue. Additionally, the surveyor's certification allowing determination of building height in stories for the existing residence was not submitted.

Patriot Engineering A: Certified Building heights have been submitted to the Building Inspector.

PSC: A memorandum dated April 23, 2024 was submitted to the Planning Board by the Building Commissioner which states in part that the lower level of Building A is not a "story" because the finished surface of the finished first floor above is not more than six feet above average natural grade (Building A height – 3-stories provided, 3-stories maximum permitted). Surveyor's certifications are provided for Buildings A, B, and C stating compliance with respect to building height in feet and in stories. Prior to Decision, a surveyor's certification should be provided stating the height in stories of the existing residence to be renovated. The Building Commissioner requested that verification of building heights and building sizes be at the time of building permit be made a Condition of Approval.

COA: Prior to Building Permit issuance, provide documentation sufficient to allow the Building Commissioner to verify that Buildings A, B, C, and the existing residence do not exceed 40-ft. in height or 3 stories in height and thus comply with the Zoning Bylaw.

PLANNING BOARD ZONING REGULATIONS

Required Submittals (§9.3.2).

10. Submit a lighting plan and lighting system information.

Patriot Engineering A: A lighting plan has been included in the plan set see sheet 16.



PSC: Additional information regarding lighting fixtures and accessories is required. Refer to Comments 2 and 3.

Patriot Engineering A: A chart of each series of lights to be used has been added to the photometric plan has been included with the submitted plan set and each series will meet requirements.

PSC: Refer to Comment 2 and to the related recommended Condition of Approval.

STORMWATER

Subsurface Infiltration Systems.

17. The Isolator Row Plus for the StormTech chamber system for SIS-1 should be labeled in “plan view” and should be shown in the construction details on Sheet 9.

Patriot Engineering A: The isolator row has been labeled on sheet 6.

PSC: Isolator rows are labeled on sheets 6 and 9. Add “PISO” to the legend on sheet 7 with the description “Manhole with Overflow Weir and Manifold.” See ‘Proposed Subsurface Infiltration System Isolator Connection’ Detail.” Due to the acute angle, the drainline from the westerly area drain is likely to conflict with the piping for the manifold connection piping.

Patriot Engineering A: The Isolator Row has been labeled in plan view and on detail sheet.

PSC: Resolved.

19. The treatment train for SIS-2 and SIS-3 should be provided in the stormwater report with only the Isolator Row Plus as pretreatment.

Patriot Engineering A: The treatment has been provided in the report.

PSC: The treatment train is sufficient; however, the report calculation should be revised for record purposes. The “Proposed Area Drains (with Sump)” have a 24-inch sump and no hood. These structures are not eligible for 25% TSS removal credit given to “Catchbasins.” However, the Isolator Row provides 80% TSS removal.

Patriot Engineering A: The treatment has been undated.

PSC: PSIS-2 and PSIS-3 are redesigned and consolidated as PSIS-2. This memorandum is based on review of the Definitive Site Development Plan Set, last revised April 22, 2024. On that plan set, pretreatment is provided by a StormTech “Isolator Row” which provides 80% TSS removal whereas 90% TSS removal minimum is required (Town of Lexington, MA, Code, Part III, §181-73 B.(2) (m)). The Design Engineer submitted a sketch on May 2nd with a revised treatment train providing 90% TSS



removal. When the final site plans are updated to incorporate this revision, 90% TSS removal will be provided in compliance with the Code.

23. We recommend modifying the “Proposed Subsurface Infiltration System Cross Section” detail to eliminate the ADS Geosynthetics 601T Non-Woven Geotextile fabric beneath the bottom of stone to minimize the potential of trapping of suspended solids.

Patriot Engineering A: Revised see sheet 9.

PSC: The “Subsurface Infiltration System. Cross Section (Typical)” Detail shows non-woven geotextile fabric beneath the angular crushed stone surrounding the chambers.

Patriot Engineering A: Revised see sheet 9.

PSC: Resolved.

Massachusetts Stormwater Standards

28. If the StormTech systems for PSIS-2 and PSIS-3 are revised to provide an Isolator Row Plus, the treatment train would be credited with 80% TSS removal.

Patriot Engineering A: Treatment train spread sheet has been revised in the report.

PSC: Refer to Comment 19.

Patriot Engineering A: Treatment train spread sheet has been revised in the report.

PSC: For PSIS-1, the required 90% TSS removal is provided. For PSIS-2, the treatment train is being revised and will provide the required 90% TSS removal. Refer to Comment 19.

Standard 10: Prohibition of Illicit Discharges.

29. Include an endorsed copy of the Illicit Discharge Compliance Statement in the Stormwater Report.

Patriot Engineering A: An Illicit Discharge compliance statement has been submitted.

PSC: No Illicit Discharge Compliance Statement is included in the Second Submittal but must be submitted to the Building Commissioner prior to the discharge of any stormwater to post-construction BMPs.

Patriot Engineering A: An Illicit Discharge compliance statement has been submitted.

PSC: Resolved.

Lexington Stormwater Management Regulations

32. Consider removing the following non-native species of trees and shrubs: *Chamaecyparis obtusa*, 'Split Rock' *Juniperus chinensis* 'Sargentii', *Taxus media* 'Everlow', *Magnolia stellata*, *Rhododendron*, and *Zelkova serrata* 'Musashino.' Substitute new trees and shrubs from Planning Board's recommended Planting List.



Patriot Engineering A: A revised Landscape plan has been submitted see sheet 8

PSC: A revised landscape plan is in preparation and will be submitted.

Patriot Engineering A: A revised Landscape plan has been submitted.

PSC: The following are included on the Planting Plan but are not on the “Town of Lexington Preferred Planting List” (2021-1006) and are not native: Hydrangea macrophylla ‘All Summer Beauty’, Juniperus chinensis ‘Sargenti’, Magnolia stellata, Pieris japonica, Rhododendron ‘Blaauw’s Pink’, Rhododendron ‘Olga Mezitt’, Taxus media ‘Everlow’, Taxus baccata ‘Repandens’, Vinca minor ‘Bowles’, and Cladrastus lutea (native to southern US).

35. Submit Mannings pipe flow calculations for all drainline segments and adjust the slopes as required to limit velocity to between 2 and 10 feet per second.

Patriot Engineering A: Calculations provided within stormwater report.

PSC: The 12-in diameter drainline from PCB3 to DMH-1 has a maximum velocity of 0.8-feet/second (FPS) which is less than the required minimum of 2 FPS. All other segments of 12-in diameter drainline fall within the required limits of 2 FPS to 10 FPS.

Patriot Engineering A: The drainline from PCB3 to DMH-1 have been removed.

PSC: Resolved.

Erosion and Sediment Control Design Criteria (§181-74).

44. Mark limit of work on the plans with high visibility orange construction fence.¹

Patriot Engineering

PSC: Temporary construction fencing installed at the limit of work is shown on sheet 4. However, to strictly comply with the regulations (Reference E), it should be labeled as “high visibility orange construction fencing.”

Patriot Engineering A: The note has been updated to high visibility orange construction fencing.

PSC: Resolved. On Sheet 4, the Phase 1 Construction Sequence Note 3 is revised to require “high visibility, orange construction fencing.”

45. Stormwater management facilities to be used after construction shall not be used as BMPS during construction. Runoff should not be discharged to any Subsurface Infiltration System or to either Porous Paver Section with Perf. Pipe Device until the site is fully stabilized. Accordingly, revise the Construction Management Plan (sheet 5) to show temporary detention basins or other measures to contain runoff while the Subsurface Infiltration Systems are bulkheaded off.²

¹ Reference E §181-74 A. (2).

² Reference E §181-74 A. (8).



PSC: Temporary measures to control runoff until the site is fully stabilized are shown and are sufficient. A note should be added requiring that no runoff should be discharged to the on-site stormwater management system until the site is fully stabilized.

Patriot Engineering A: A note has been added to the plan sheet 4.

PSC: Resolved. On Sheet 4, Additional Construction Note requires “No stormwater runoff should be discharged to the on-site stormwater management system until the site is fully stabilized.”

48. Revise the Sediment Control Trap Detail and the Baled Hay Silt Barrier around Catchbasin Detail deleting haybales and substituting strawbales. Delete all references to haybales.

PSC: The “Sediment Control Trap” Detail continues to show hay bales.

Patriot Engineering A: Haybales have been removed from the detail.

PSC: The “Sediment Control Trap” Detail shows hay bales. These should be labeled as straw bales.

51. Add a plan note requiring the complete blocking off of the Infiltration Field during the construction phase in order to prevent any runoff from entering the structures until site is fully stabilized.

Patriot Engineering

PSC: The note requiring blocking off the on-site stormdrain system until the site is fully stabilized is not added to the plans.

Patriot Engineering A: A note has been added to the plan sheet 4.

PSC: Resolved. On Sheet 4, Additional Construction Note requires “No stormwater runoff should be discharged to the on-site stormwater management system until the site is fully stabilized.”

54. Segments of Meriam Street and Edgewood Road on which any sediment is deposited shall be swept within 72 hours.³

PSC: Requirements to remove sediment by sweeping within 72 hours are added to the “Additional Construction Notes” on sheet 4. This note should be revised to state that sweeping is required within 72 hours or more frequently as required or as directed by Town staff having jurisdiction.

Patriot Engineering A: A note has been added to the plan sheet 4.

PSC: Resolved. On Sheet 4, Additional Construction Note requires street sweeping as stated above.

³ Reference E §181-74 A. (21).



Erosion and Sediment Control Plan (§181-75 C).

57. Provide a table of impervious areas showing:
- Directly Connected Impervious Area (DCIA)
 - Disconnected Impervious Area
 - Impervious Area flowing to each SIS.
 - Total Imperious Area.⁴

Patriot Engineering A: Items included in stormwater report.

PSC: Data is partially provided.

Patriot Engineering A: Items included in stormwater report.

PSC: Resolved. Impervious area flowing to each SIS and total Imperious area are shown in the HydroCAD reports.

Long-Term Operation and Maintenance Plan (§181-75 D)

59. Provide a scaled “Maintenance Plan” of the property showing all BMPs.⁵

Patriot Engineering

PSC: A BMP Location Plan was not provided.

Patriot Engineering A: A BMP map has been added to the report.

PSC: Resolved. A BMP Plan is provided on the last page of the “Stormwater report”⁶.

61. Statements regarding salt control are not consistent in the Operation and Maintenance & Erosion and Sedimentation Control Program. We recommend that road salt (calcium chloride) be prohibited on-site.

Patriot Engineering

PSC: There is one statement in the O&M Plan that no salt will be used. There are other inconsistent references; however, they may be inadvertent.

Patriot Engineering A: Long Term Operation and Maintenance Plan has been updated to address this comment.

PSC: The Long-Term Inspection and Maintenance Measures after Construction states that “No salt to be stored or used on-site.” We recommend that this be reinforced by a Condition of Approval. We recommend that the Board consider incorporating the following Condition of Approval in any favorable Decision.

⁴ Reference E, Appendix A (7) (e) [10], (e) [11], and (f).

⁵ Reference E §181-75 D. (2) (d).

⁶ Item “C” of the Third Submission, “Stormwater Management Report and Calculations for a Site Sensitive Development at 28 Meriam Street Lexington, Massachusetts, prepared by Patriot Engineering, January 22, 2024, revised March 22, 2024, last revised April 22, 2024.



COA: No road salt shall be stored or used on-site. This Condition of Approval shall supersede and take precedence over all references and citations in the “Stormwater Report”⁶.

62. The O&M Plan should state requirements for an annual certification that work has been done to properly operate and maintain the stormwater management facilities consistent with the approved O&M plan.⁷

PSC: Requirements for an annual certification of maintenance tasks should be stated.

Patriot Engineering A: Long Term Operation and Maintenance Plan has been updated to address this comment.

PSC: Requirements for an annual certification is stated on page 149 of the “Stormwater Report”⁶. To facilitate orderly administration, we recommend that the Board consider incorporating the following Condition of Approval in any favorable Decision.

COA: Prior to discharge to the on-site stormwater management system, provide the Town Planner with the written contact information for the person responsible for implementing the Long-Term Operation and Maintenance and for submitting the annual certification of maintenance tasks. When the person responsible for implementing the Long-Term O&M Plan and submitting the annual certification of maintenance tasks changes, provide the Town Planner with updated written contact information within 48-hours.

63. The O&M Plan should state requirements to maintain inspection records for five years.⁸

PSC: Requirements to maintain inspection records for five years is not stated.

Patriot Engineering A: Long Term Operation and Maintenance Plan has been updated to address this comment.

PSC: Resolved. The requirement to maintain inspection records for five years is stated on page 149 of the “Stormwater Report”⁶.

64. As a minimum, pavement should be swept twice per year in the spring and fall.

Patriot Engineering

PSC: The requirement for pavement sweeping at least once per year is stated. This should be increased to a minimum of two times per year.

Patriot Engineering A: Long Term Operation and Maintenance Plan has been updated to address this comment.

⁷ Reference E §181-78 A.

⁸ Reference E §181-78 C.



PSC: Resolved. The requirement for pavement sweeping at a minimum of two times per year is stated in the “Roadway and Parking Lot Sweeping Schedule” on page 152 of the “Stormwater Report”⁶.

65. Provide an annual O&M budget.

Patriot Engineering A: A budget line item will be included in the HOA documents.

PSC: An annual O&M budget is an application requirement.

Patriot Engineering A: A budget line item will be included in the HOA documents.

PSC: An annual O&M budget is an application requirement.

Construction Implementation & Monitoring (§181-76).

66. The Construction Phase O&M Plan should state that the Filtermitt and other erosion controls must be inspected after rainfall of 0.25 inch or greater, not the “2 year” year frequency storm event as stated on page 1 of the Operation and Maintenance & Erosion and Sedimentation Control Program.⁹

PSC: The requirement should be revised to state that erosion controls must be inspected after rainfall of 0.25 inch or greater.

Patriot Engineering A: Long Term Operation and Maintenance Plan has been updated to address this comment.

PSC: Resolved. The requirement to inspect and maintain the erosion controls weekly and after every storm event of 0.25-inch is stated on page 147 of the “Stormwater Report”⁶.

67. The Construction Phase O&M Plan should state that Erosion and Sediment Control Inspection must include all areas of the Site disturbed by construction and materials storage areas, not just the erosion controls.¹⁰

Patriot Engineering

PSC: The requirement to inspect all areas of the site should be stated.

Patriot Engineering A: Long Term Operation and Maintenance Plan has been updated to address this comment.

PSC: Resolved. Requirements to inspect all areas of the site are set forth in the O&M Plan’s “Erosion and Sedimentation Control Measures during Construction Activities” Section in the “Stormwater Report”⁶

⁹ Reference E §181-76 B (2).

¹⁰ Reference E §181-76 B (2) (b).



69. The Construction Phase O&M Plan should state the requirement for an inspection by the Applicant's Certifying Professional Engineer to be completed during construction of the stormwater management system.¹¹

PSC: The requirement for the certifying Professional Engineer to inspect the stormwater management system during construction should be stated.

Patriot Engineering A: Long Term Operation and Maintenance Plan has been updated to address this comment.

PSC: Requirements for a final inspection by the certifying Professional Engineer could not be located. We recommend that the Board consider incorporating the following Condition of Approval in any favorable Decision.

COA: Revise the Erosion and Sedimentation Control Measures during Construction Activities Section of the O&M Plan or revise the site plans to include a note requiring a final inspection by the certifying Professional Engineer as construction nears completion.

70. The Construction Phase O&M Plan should state the requirement for a final inspection by the Applicant as the project nears completion in order to that ensure temporary controls have been removed, stabilization is complete, and final conditions adhere to approved Site plans.¹²

PSC: The requirements for a final inspection by the Applicant should be stated.

Patriot Engineering A: Long Term Operation and Maintenance Plan has been updated to address this comment.

PSC: Resolved. Requirements for a final inspection by the Applicant are set forth on page 148 of the "Stormwater Report"⁶.

71. The Construction Phase O&M Plan should state the requirement to retain a record of each inspection and of any actions taken by the Applicant for at least three (3) years. The inspection reports must identify any incidents of non-compliance with the permit conditions. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the construction project or Site is in compliance with this permit.¹³

PSC: The requirement to retain record copies of each inspection and corrective actions should be stated.

¹¹ Reference E §181-76 B. (2). (d).

¹² Reference E §181-76 B. (2). (e).

¹³ Reference E §181-76 B. (2). (f).



Patriot Engineering A: Long Term Operation and Maintenance Plan has been updated to address this comment.

PSC: Resolved. The requirement to retain a record of each inspection and of any actions taken by the Applicant for a period of three (3) years is stated on page 148 of the “Stormwater Report”⁶.

Project Completion (§181-77).

72. Note the requirement for submission of an As-Built Plan, hard copy signed and sealed by a Massachusetts Registered Landscape Architect and an electronic copy submitted within 90 days of completion of construction.¹⁴

PSC: Requirements for Project Completion should be added to the Operation and Maintenance & Erosion and Sedimentation Control Program and requirements for submittal of an as-built plan should be stated.

Patriot Engineering A: Request this item be a condition.

PSC: The requirement to submit an “As-Built Plan” should be stated on the plans and should also be made a Condition of Approval. We recommend that the Board consider incorporating the following Condition of Approval in any favorable Decision.

COA: An As-Built Plan, hard copy signed and sealed by a Massachusetts Professional Land Surveyor and an electronic copy submitted within 90 days of completion of construction. The Professional Land Surveyor should be engaged to be on-site during construction to locate utilities prior to backfill.

73. Note the requirement for submission of a Certification by a Registered Professional Engineer that the stormwater management facilities have been installed and are functioning according to the approved Stormwater Management Permit.¹⁵

PSC: In the Project Completion section, requirements for certification of the stormwater facilities should be stated.

Patriot Engineering A: Request this item be a condition.

PSC: The requirement for a Certification by a Registered Professional Engineer that the stormwater management facilities have been installed and are functioning according to the approved Stormwater Management Permit should be stated on the plans and should also be made a Condition of Approval. We recommend that the Board consider incorporating the following Condition of Approval in any favorable Decision.

¹⁴ Reference E §181-77 A.

¹⁵ Reference E §181-77 B (1) (a).



COA: The Certification by a Professional Engineer of Record stating that the stormwater management facilities have been installed and are functioning according to the approved Stormwater Management Permit must be submitted within 90 days of completion of construction.

74. Note the requirement for submission of a final Operation and Maintenance Plan that incorporates any modifications made during the permitting process and change orders during construction as authorized by the Board.¹⁶

PSC: In the Project Completion section, requirements for adjusting and resubmitting the O&M Plan to incorporate new requirements for BMPs modified or replaced during construction.

Patriot Engineering A: Request this item be a condition.

PSC: Requirements to provide a Final Operation and Maintenance Plan revised to incorporate any modifications made during construction should be stated on the plans and be made a Condition of Approval. We recommend that the Board consider incorporating the following Condition of Approval in any favorable Decision.

COA: A Final Operation and Maintenance Plan revised to incorporate any modifications made during construction must be submitted within 90 days of completion of construction.

SITE PLANING

76. Describe site security during construction including the extent of fencing.

PSC: Site security information should be provided.

Patriot Engineering A: Construction fencing around perimeter and site secured in evening.

PSC: Resolved.

77. Provide a Draft Copy of the Homeowner's Association Documents for review.

Patriot Engineering A: A copy will be provided.

PSC: A copy should be provided prior to Decision.

Patriot Engineering A: A copy will be provided.

PSC: Resolved. A copy of "The Edgewood at Meriam Hill Condominium, Condominium Trust, Declaration of Trust is available for Town review.

¹⁶ Reference E §181-77 B (1) (d).



Memorandum
Page 18

Memorandum

To: Planning Board Members

From: Jim Kelly, Building Commissioner

Date: April 23, 2024

Re: Meriam/Edgewood Height & Average Natural Grade Review

I have reviewed the enclosed material relative to the height and average natural grade for the proposed project before the Planning Board at 28 Meriam St. and 32 Edgewood. Because the existing and proposed slope of the land and the proposed design of the buildings, I requested additional spot grades be submitted by the Applicant. I can confirm that the project complies with Lexington's Zoning Bylaw for height, which allows three-stories and up to 40-ft. in height for Special Residential Developments.

Specifically, Building A's height is 37.08 ft. and the lower level is not considered a story because the finished surface of the finished first floor above is not more than six feet above average natural grade. If it were, the lower level would be considered a story, as it is in building C.

Building C conforms to the maximum building size of 7,030 GFA as permitted in §6.9.7(4). Lexington's Zoning excludes "crawl spaces" from the total gross floor area, such as the utility room shown in Building C because it is less than 6 ft. 8 inches from the floor surface to the joists above.

The building heights and building sizes are verified at the building permit stage. The height calculations and grading worksheets are due with all building permits. I recommend this also be made a condition of the Planning Board's approval.

Zoning Bylaw Section 10.0 [Definitions] below:

AVERAGE NATURAL GRADE

The average of the elevations of the natural grade of the four extreme corners of the building or, in the case of a nonrectangular building, of such equivalent locations as the Building Commissioner may determine.

HEIGHT, BUILDING

The vertical distance between the lower elevation and the upper elevation, as described below.

1. The lower elevation shall be the natural grade of the land at the point of measurement prior to disturbance for construction. The elevation of the natural grade prior to disturbance for construction shall be certified by a registered land surveyor, or may be such elevation as the Building Commissioner

may determine from Town maps or records. In a case where the finished grade is lower than the natural grade, the finished grade shall be the lower elevation.

2. The upper elevation shall be the highest point of any ridge, gable, other roof surface, or parapet.

GROSS FLOOR AREA

The sum, in square feet, of the horizontal areas of a building (or several buildings on the same lot) measured from the exterior face of the exterior walls, or from the center line of a party wall separating two buildings, including garages, basements, porches, and half stories. In half stories, all floor area where the headroom is greater than five feet, measured from the top of the floor joists of the top story to the bottom of the roof rafters, is included in the measurement of gross floor area. Gross floor area does not include "crawl spaces," "attics," and "decks." Where the text of this bylaw refers to floor area, the term means gross floor area unless the term net floor area is used.

CRAWL SPACE

A space in a building having its floor surface entirely below average natural grade and a height of less than six feet eight inches from the floor surface to the bottom of the joists above. [Amended 3-27-2017 ATM by Art. 41]

STORY

That portion of a building contained between any floor and the floor or roof next above it. If the finished surface of the floor above a basement or crawl space is more than six feet above average natural grade, then the basement or crawl space is considered a story. [Amended 3-27-2017 ATM by Art. 41]

" A "

Average Natural Grade Worksheet - Lexington

AVERAGE NATURAL GRADE (ANG) The average of the elevations of the proposed new building in its proposed location, prior to any disturbance on the site, certified by a registered land surveyor. ANG natural grade is a minimum of the four extreme corners of the building or, in the case of a most nonrectangular buildings, of such equivalent locations as the Building Commissioner may determine.

In a case where the finished grade is lower than the natural grade, the finished grade shall be the lower elevation used in the ANG Calculation.

Every plan is different, each plan may require a different number of points to properly calculate the Average Natural Grade. This worksheet is to be used by the Land Surveyor to determine the ANG, with the following directions:

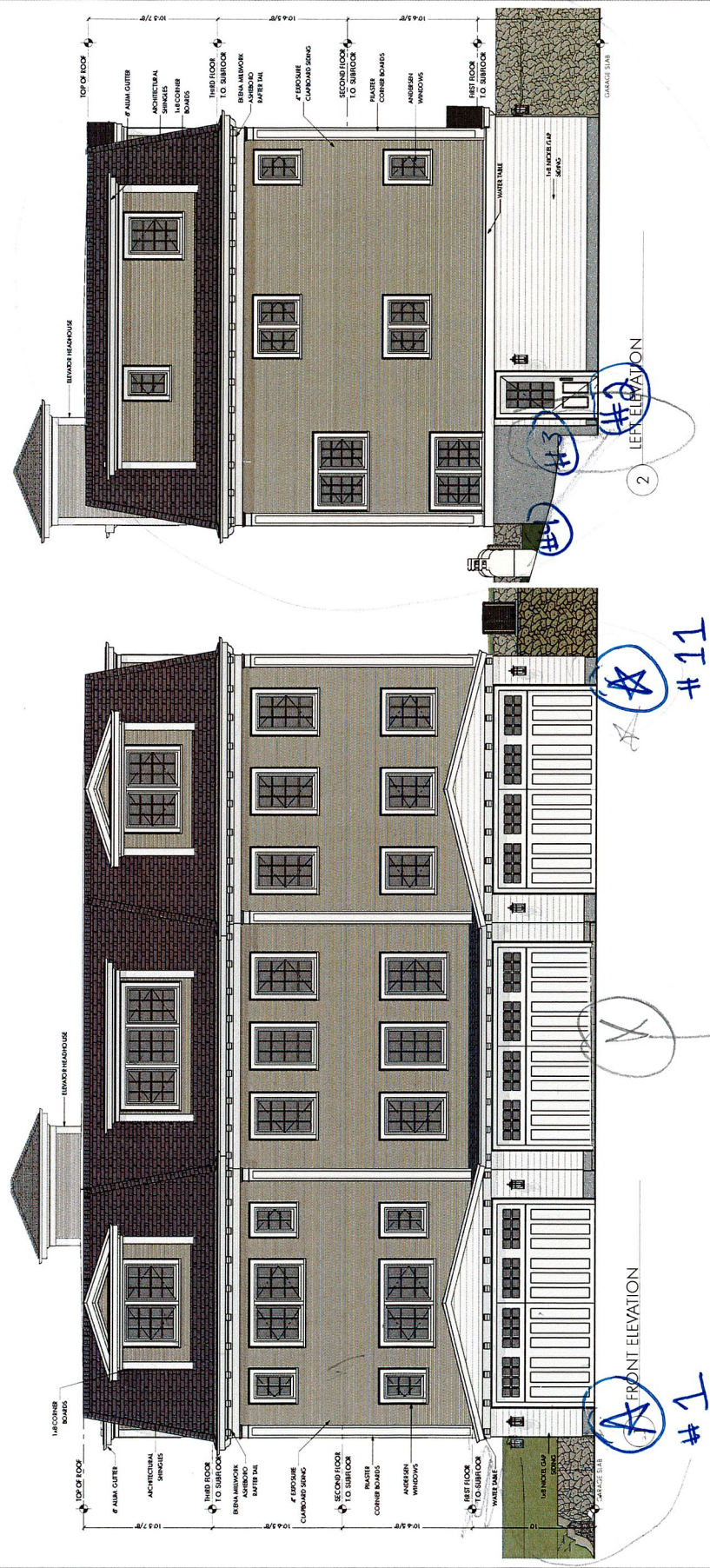
- 1. Add the 4 extreme corners of the proposed building to the calculation worksheet.
- 2. Where the elevation changes between those 4 extremes, there shall be a point added to the calculation. For example, if any retaining walls interrupt the grade, a point shall be added at the top and bottom of said wall.
- 3. For garages under, the elevation used in the worksheet is the garage floor elevation.
- 4. ANG calculations do not need to include drops for window wells.

Use this table to calculate your Average Natural Grade. BUILDING A

Spot Elevation Location	Existing Elevation	Proposed Elevation	Lower of the Two
Spot Elevation 1	90.9	89.67 garage fl	89.67
Spot Elevation 2	91.8	90.08 side door	90.08
Spot Elevation 3	92.0	94.0 4' wall	92.0
Spot Elevation 4	94.6	94.6 corner, level	94.6
Spot Elevation 5	98.5	96.5 slope up	96.5
Spot Elevation 6	98.5	98.5 2' wall up	98.5
Spot Elevation 7	95.3	98.5 level	95.3
Spot Elevation 8	96.7	98.5 level	96.7
Spot Elevation 9	96.8	96.5 2' wall down	96.5
Spot Elevation 10	98.0	96.5 level	96.5
Spot Elevation 11	98.0	89.67 7' wall drop	89.67
Spot Elevation 12		garage floor	
DATE: _____		Total	1036.02
SURVEYOR'S SIGNATURE:		Average Natural Grade	94.18

4.10.24

GROSS FLOOR AREA SQUARE FOOTAGE
BASEMENT: 450 S.F.
GARAGE: 1,313 S.F.
FIRST FLOOR: 1,814 S.F.
SECOND FLOOR: 1,814 S.F.
THIRD FLOOR: 1,631
TOTAL: 7,022 S.F.



add FGF 89.67

A1

DATE: 1/25/2024
REV: 4/9/2024
SCALE: 1/4"=1'-0"

28 MERIAM ST. LLC
PROPOSED: BUILDING A
32 EDGEWOOD RD. UNITS 1,2,3
LEXINGTON, MA

DUSTIN NOLIN R.A.
1 HUNTINGTON AVE
BOSTON, MA 02116
781.718.8009
dustin@dnarchitecture.com



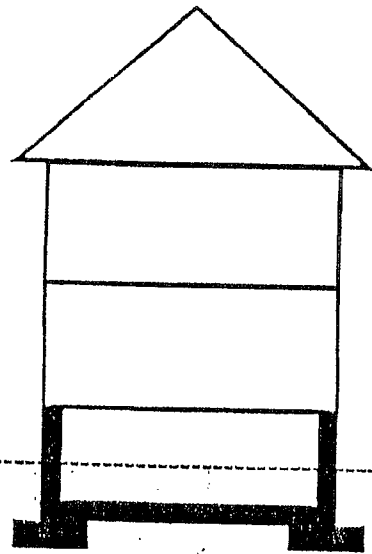


Elevations Form

Address: BUILDING A EDGEWOOD RD

The following elevations are required, please fill out every line item.

- | | |
|--|--------------------------------|
| 1. Estimated Seasonal High Ground Water* | <u>82.0</u> |
| 2. Finished Basement Floor Elevation | <u>89.67</u> - garage floor to |
| 3. Average Natural Grade | <u>94.18</u> ← |
| 4. Finished First Floor Elevation** | <u>99.67</u> |
| 5. Top of Highest Ridge | <u>131.26</u> |



*The vertical distance between the finished basement floor of any dwelling shall not be less than two (2) feet above the ESHGW, except that if all of the conditions are met as listed in Article 9 of the 2020 Special Town Meeting Warrant.

**If the Finished First Floor elevation is more than six feet above the average natural grade, then the basement or crawl space is considered a story

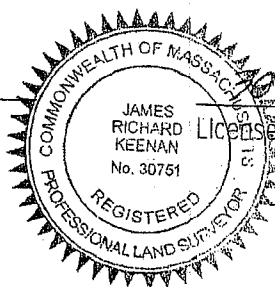
3: Avg. Natural Grade 94.18

1: Estimated Seasonal High Ground Water 82.0

Average Natural Grade - The elevation of the natural grade prior to the disturbance for construction. In the case where the finished grade is lower than the natural grade, the finished grade shall be the lower elevation.

Maximum Height of Dwellings - 40 feet or 20 feet plus 4/3 times the shortest setback (measured from structure to property line), whichever is less. Please note that the height is measured to the top of the highest ridge on the structure.

Signature of Land Surveyor



License Number and Date

4-10-24

99.67
94.18

5.49

Average Natural Grade Worksheet - Lexington

AVERAGE NATURAL GRADE (ANG) The average of the elevations of the proposed new building in its proposed location, prior to any disturbance on the site, certified by a registered land surveyor. ANG natural grade is a minimum of the four extreme corners of the building or, in the case of a most nonrectangular buildings, of such equivalent locations as the Building Commissioner may determine.

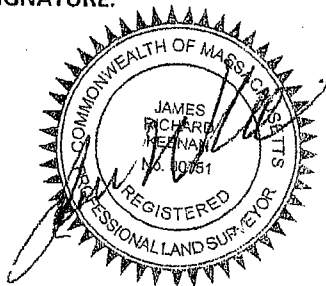
In a case where the finished grade is lower than the natural grade, the finished grade shall be the lower elevation used in the ANG Calculation.

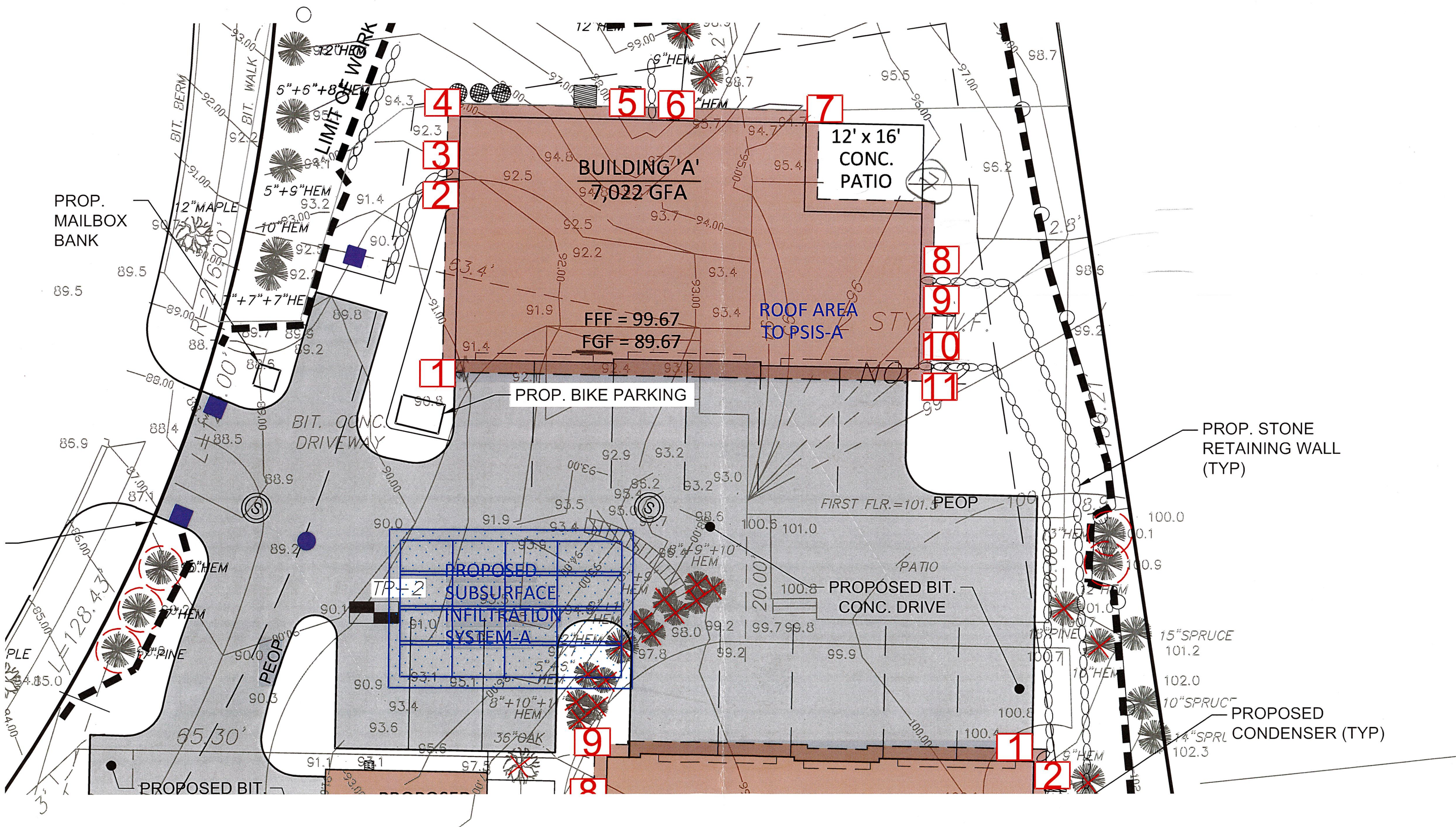
Every plan is different, each plan may require a different number of points to properly calculate the Average Natural Grade. This worksheet is to be used by the Land Surveyor to determine the ANG, with the following directions:

- 1. Add the 4 extreme corners of the proposed building to the calculation worksheet.
- 2. Where the elevation changes between those 4 extremes, there shall be a point added to the calculation. For example, if any retaining walls interrupt the grade, a point shall be added at the top and bottom of said wall.
- 3. For garages under, the elevation used in the worksheet is the garage floor elevation.
- 4. ANG calculations do not need to include drops for window wells.

Use this table to calculate your Average Natural Grade. BUILDING A

Spot Elevation Location	Existing Elevation	Proposed Elevation	Lower of the Two
Spot Elevation 1	90.9	89.67	89.67
Spot Elevation 2	91.8	90.08	90.08
Spot Elevation 3	92.0	94.0	92.0
Spot Elevation 4	94.6	94.6	94.6
Spot Elevation 5	98.5	96.5	96.5
Spot Elevation 6	98.5	98.5	98.5
Spot Elevation 7	95.3	98.5	95.3
Spot Elevation 8	96.7	98.5	96.7
Spot Elevation 9	96.8	96.5	96.5
Spot Elevation 10	98.0	96.5	96.5
Spot Elevation 11	98.0	89.67	89.67
Spot Elevation 12			
DATE: 4-10-24		Total	1036.02
SURVEYOR'S SIGNATURE:		Average Natural Grade	94.18





4

5

6

7

3

2

8

9

10

11

1

BUILDING 'A'
7,022 GFA

12' x 16'
CONC.
PATIO

FFF = 99.67
FGF = 89.67

ROOF AREA
TO PSIS-A

PROP. BIKE PARKING

PROP. STONE
RETAINING WALL
(TYP)

TP-2

PROPOSED
SUBSURFACE
INFILTRATION
SYSTEM-A

FIRST FLR.=101.5 PEOP

PATIO
PROPOSED BIT.
CONC. DRIVE

PROPOSED
CONDENSER (TYP)

9

1

2

8



Average Natural Grade Worksheet - Lexington

AVERAGE NATURAL GRADE (ANG) The average of the elevations of the proposed new building in its proposed location, prior to any disturbance on the site, certified by a registered land surveyor. ANG natural grade is a minimum of the four extreme corners of the building or, in the case of a most nonrectangular buildings, of such equivalent locations as the Building Commissioner may determine.

In a case where the finished grade is lower than the natural grade, the finished grade shall be the lower elevation used in the ANG Calculation.

Every plan is different, each plan may require a different number of points to properly calculate the Average Natural Grade. This worksheet is to be used by the Land Surveyor to determine the ANG, with the following directions:

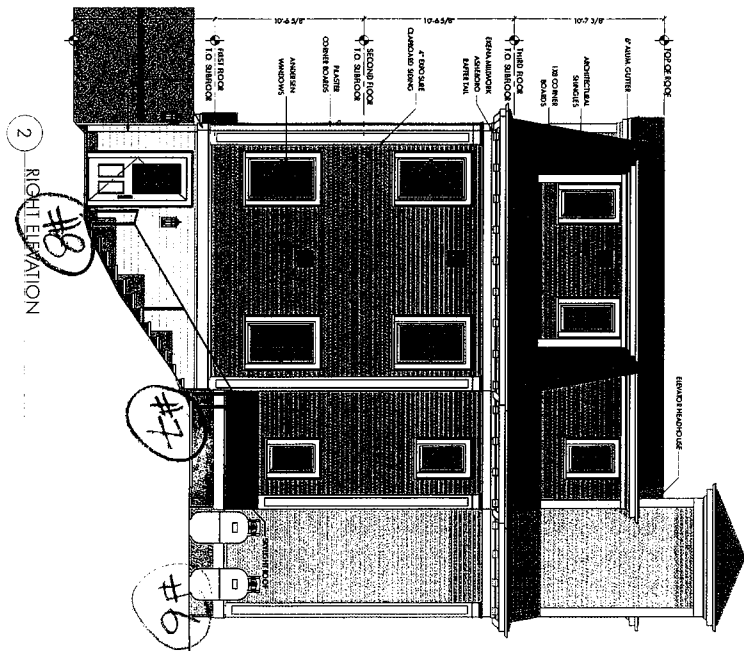
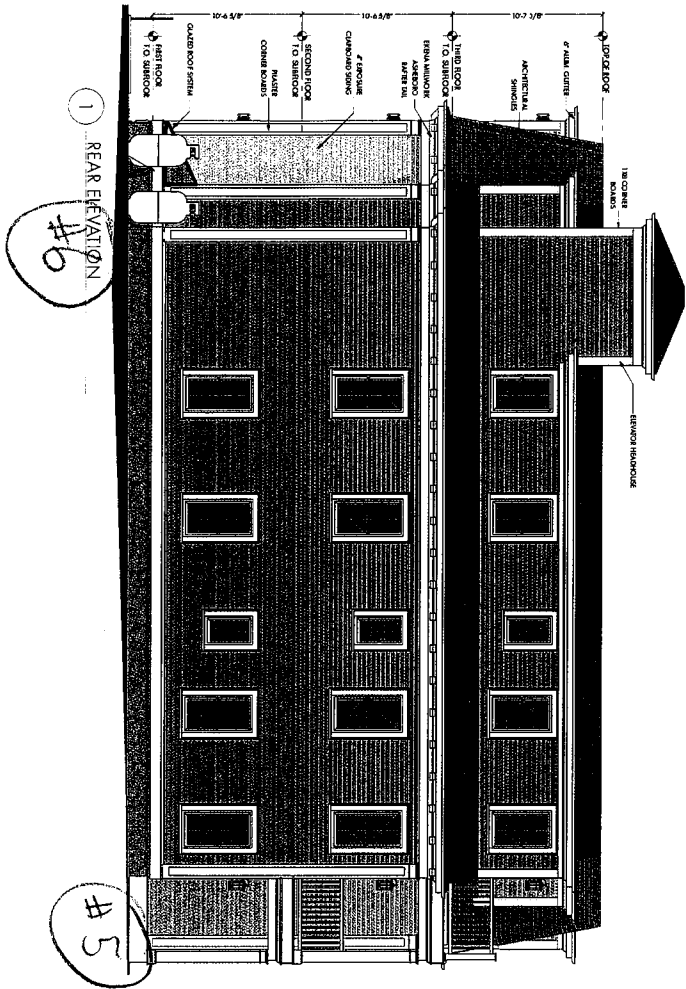
- 1. Add the 4 extreme corners of the proposed building to the calculation worksheet.
- 2. Where the elevation changes between those 4 extremes, there shall be a point added to the calculation. For example, if any retaining walls interrupt the grade, a point shall be added at the top and bottom of said wall.
- 3. For garages under, the elevation used in the worksheet is the garage floor elevation.
- 4. ANG calculations do not need to include drops for window wells.

Use this table to calculate your Average Natural Grade. **BUILDING B**

Spot Elevation Location	Existing Elevation	Proposed Elevation	Lower of the Two
Spot Elevation 1	100.0	89.67 <i>Garage Floor</i>	89.67
Spot Elevation 2	100.0	94.0 <i>Wall 4'</i>	94.0
Spot Elevation 3	100.5	95.0 <i>Slight Rise</i>	95.0
Spot Elevation 4	100.3	98.17 <i>3 ft wall</i>	98.17
Spot Elevation 5	99.0	98.0 <i>Slight pitch</i>	98.0
Spot Elevation 6	97.5	97.9 <i>pitch</i>	97.5
Spot Elevation 7 <i>top stairs</i>	97.9	97.9 <i>level</i>	97.9
Spot Elevation 8	98.2	90.25 <i>7-foot stairs</i>	90.25
Spot Elevation 9	98.2	89.67 <i>garage floor</i>	89.67
Spot Elevation 12			
DATE: _____		Total	850.16
SURVEYOR'S SIGNATURE: _____		Average Natural Grade	94.46

FFF 99.67
- ANG 94.46

5.21



28 MERIAM ST. LLC
 PROPOSED: BUILDING B
 36 EDGEWOOD RD. UNITS 1,2,3
 LEXINGTON, MA

DATE
 1/25/2024
 REV
 4/9/2024

SCALE
 1/4" = 1'0"

DESIGN: NOLIN R.A.
 1 HUNTINGTON AVE.
 BOSTON, MA 02116
 781.718.8009
 dustin@nolinra.com

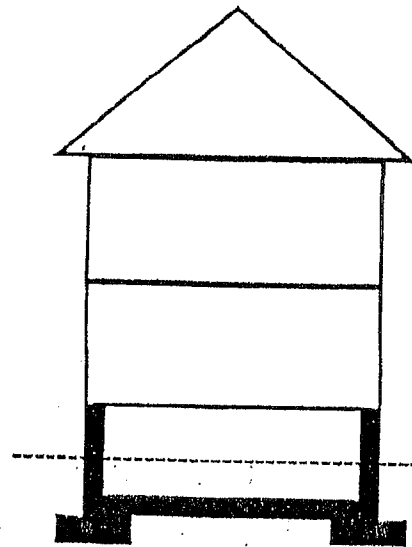
DNA
 ARCHITECTURE

Elevations Form

Address: BUILDING B EDGEMOOD RD

The following elevations are required, please fill out every line item.

1. Estimated Seasonal High Ground Water* 82.0
2. Finished Basement Floor Elevation 89.67 ←
3. Average Natural Grade 94.46
4. Finished First Floor Elevation** 99.67
5. Top of Highest Ridge 131.78



*The vertical distance between the finished basement floor of any dwelling shall not be less than two (2) feet above the ESHGW, except that if all of the conditions are met as listed in Article 9 of the 2020 Special Town Meeting Warrant.

**If the Finished First Floor elevation is more than six feet above the average natural grade, then the basement or crawl space is considered a story

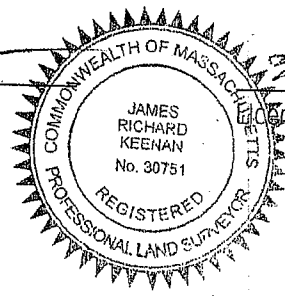
3: Avg. Natural Grade 94.46

1: Estimated Seasonal High Ground Water 82.0

Average Natural Grade - The elevation of the natural grade prior to the disturbance for construction. In the case where the finished grade is lower than the natural grade, the finished grade shall be the lower elevation.

Maximum Height of Dwellings - 40 feet or 20 feet plus 4/3 times the shortest setback (measured from structure to property line), whichever is less. Please note that the height is measured to the top of the highest ridge on the structure.

Signature of Land Surveyor



License Number and Date

30751

4-10-24

36.92' height

5.21 FFF - ANG

Average Natural Grade Worksheet - Lexington

AVERAGE NATURAL GRADE (ANG) The average of the elevations of the proposed new building in its proposed location, prior to any disturbance on the site, certified by a registered land surveyor. ANG natural grade is a minimum of the four extreme corners of the building or, in the case of a most nonrectangular buildings, of such equivalent locations as the Building Commissioner may determine.

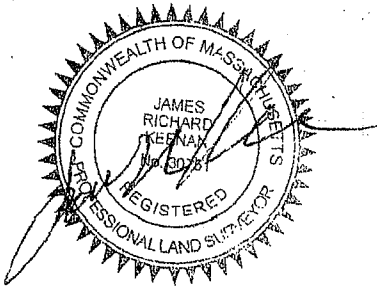
In a case where the finished grade is lower than the natural grade, the finished grade shall be the lower elevation used in the ANG Calculation.

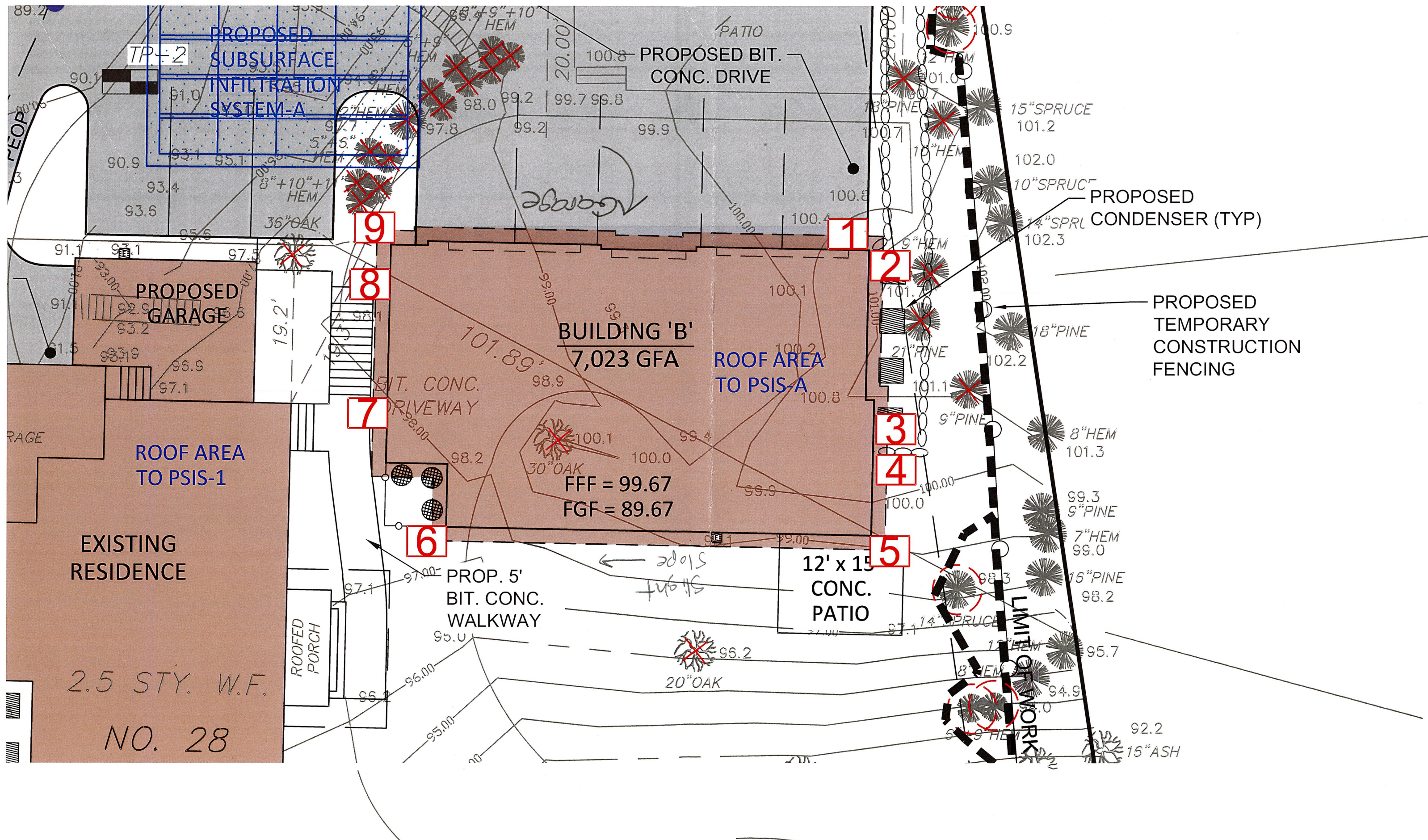
Every plan is different, each plan may require a different number of points to properly calculate the Average Natural Grade. This worksheet is to be used by the Land Surveyor to determine the ANG, with the following directions:

- 1. Add the 4 extreme corners of the proposed building to the calculation worksheet.
- 2. Where the elevation changes between those 4 extremes, there shall be a point added to the calculation. For example, if any retaining walls interrupt the grade, a point shall be added at the top and bottom of said wall.
- 3. For garages under, the elevation used in the worksheet is the garage floor elevation.
- 4. ANG calculations do not need to include drops for window wells.

Use this table to calculate your Average Natural Grade. **BUILDING B**

Spot Elevation Location	Existing Elevation	Proposed Elevation	Lower of the Two
Spot Elevation 1	100.0	89.67	89.67
Spot Elevation 2	100.0	94.0	94.0
Spot Elevation 3	100.5	95.0	95.0
Spot Elevation 4	100.3	98.17	98.17
Spot Elevation 5	99.0	98.0	98.0
Spot Elevation 6	97.5	97.9	97.5
Spot Elevation 7	97.9	97.9	97.9
Spot Elevation 8	98.2	90.25	90.25
Spot Elevation 9	98.2	89.67	89.67
Spot Elevation 12			
DATE: 4-10-24		Total	850.16
SURVEYOR'S SIGNATURE:		Average Natural Grade	94.46





4.10.24

C

3 stories

Average Natural Grade Worksheet - Lexington

AVERAGE NATURAL GRADE (ANG) The average of the elevations of the proposed new building in its proposed location, prior to any disturbance on the site, certified by a registered land surveyor. ANG natural grade is a minimum of the four extreme corners of the building or, in the case of a most nonrectangular buildings, of such equivalent locations as the Building Commissioner may determine.

In a case where the finished grade is lower than the natural grade, the finished grade shall be the lower elevation used in the ANG Calculation.

Every plan is different, each plan may require a different number of points to properly calculate the Average Natural Grade. This worksheet is to be used by the Land Surveyor to determine the ANG, with the following directions:

- 1. Add the 4 extreme corners of the proposed building to the calculation worksheet.
- 2. Where the elevation changes between those 4 extremes, there shall be a point added to the calculation. For example, if any retaining walls interrupt the grade, a point shall be added at the top and bottom of said wall.
- 3. For garages under, the elevation used in the worksheet is the garage floor elevation.
- 4. ANG calculations do not need to include drops for window wells.

Use this table to calculate your Average Natural Grade. **BUILDING C**

Spot Elevation Location	Existing Elevation	Proposed Elevation	Lower of the Two
Spot Elevation 1	81.9	81.9 Front Yard	81.9
Spot Elevation 2	86.0	82.3 GARAGE FL	82.3
Spot Elevation 3	88.5	85.3 stairs up	85.3
Spot Elevation 4	91.0	88.3 stairs up	88.3
Spot Elevation 5	91.84	91.9 yard	91.84
Spot Elevation 6	86.8	87.1 yard, sloping	86.8
Spot Elevation 7	86.0	83.5 stairs	83.5
Spot Elevation 8	83.0	83.5 level	83.0
Spot Elevation 9	83.0	82.19 garage fl.	82.19
Spot Elevation 10		small wall	
Spot Elevation 11			
DATE: _____		Total	765.13
SURVEYOR'S SIGNATURE: _____		Average Natural Grade	85.01

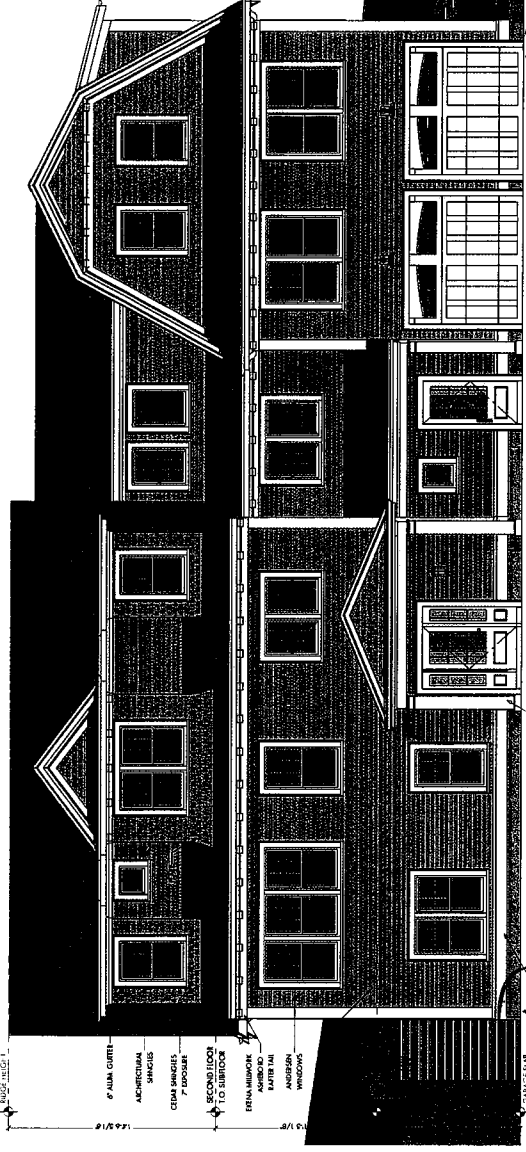
FFF 92.34

FGF

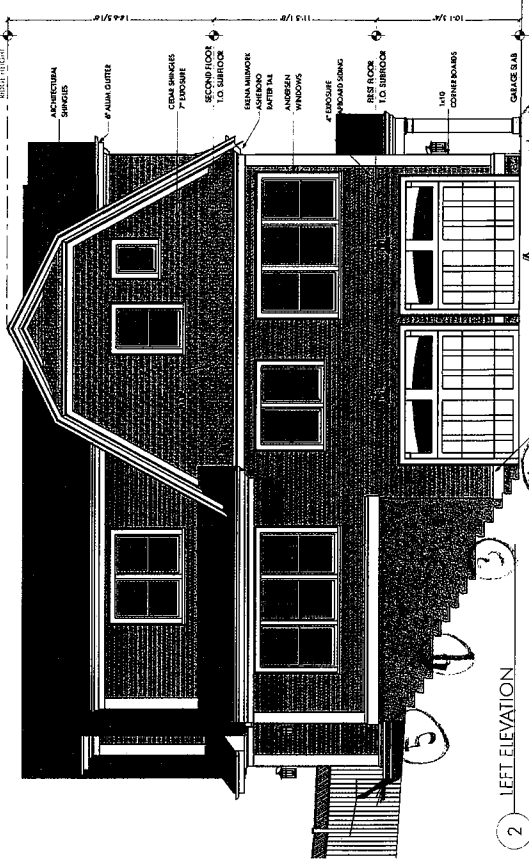
explain elevations between 7 + 8, I see stairs before #6

whats FGF

GROSS FLOOR AREA SQUARE FOOTAGE
BASEMENT: 498 S.F.
GARAGE: 992 S.F.
PORCHES: 85
FIRST FLOOR: 2,759 S.F.
SECOND FLOOR: 2,689 S.F.
TOTAL: 7,023 S.F.



FRONT ELEVATION



LEFT ELEVATION

FGF 81.9

Elevations Form

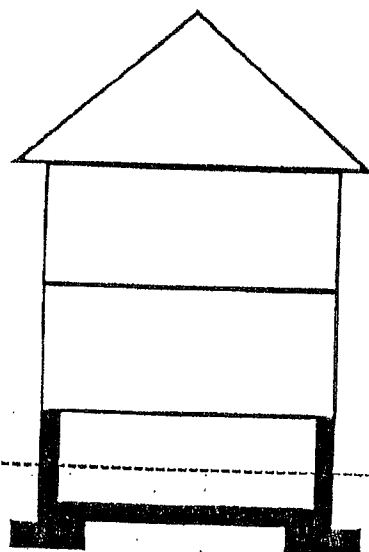
Address: BUILDING "C" MERIAM ST

The following elevations are required, please fill out every line item.

- | | | |
|--|--------------|---|
| 1. Estimated Seasonal High Ground Water* | <u>75.5</u> | ← |
| 2. Finished Basement Floor Elevation | <u>82.19</u> | ← |
| 3. Average Natural Grade | <u>85.01</u> | ← |
| 4. Finished First Floor Elevation** | <u>92.34</u> | ← |
| 5. Top of Highest Ridge | <u>118.3</u> | |

7.33'

From
ANG + FFF



*The vertical distance between the finished basement floor of any dwelling shall not be less than two (2) feet above the ESHGW, except that if all of the conditions are met as listed in Article 9 of the 2020 Special Town Meeting Warrant.

**If the Finished First Floor elevation is more than six feet above the average natural grade, then the basement or crawl space is considered a story

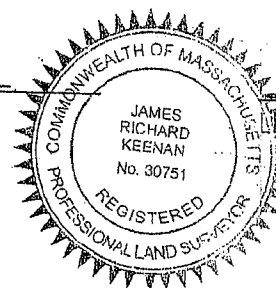
3: Avg. Natural Grade 85.01

1: Estimated Seasonal High Ground Water 75.5

Average Natural Grade - The elevation of the natural grade prior to the disturbance for construction. In the case where the finished grade is lower than the natural grade, the finished grade shall be the lower elevation.

Maximum Height of Dwellings - 40 feet or 20 feet plus 4/3 times the shortest setback (measured from structure to property line), whichever is less. Please note that the height is measured to the top of the highest ridge on the structure.

Signature of Land Surveyor



30751

4-10-24

License Number and Date

lower level is A story

C

Average Natural Grade Worksheet - Lexington

AVERAGE NATURAL GRADE (ANG) The average of the elevations of the proposed new building in its proposed location, prior to any disturbance on the site, certified by a registered land surveyor. ANG natural grade is a minimum of the four extreme corners of the building or, in the case of a most nonrectangular buildings, of such equivalent locations as the Building Commissioner may determine.

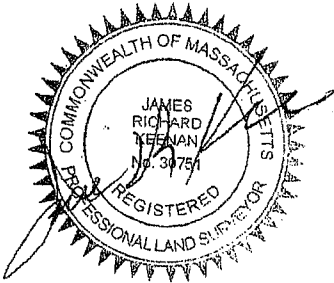
In a case where the finished grade is lower than the natural grade, the finished grade shall be the lower elevation used in the ANG Calculation.

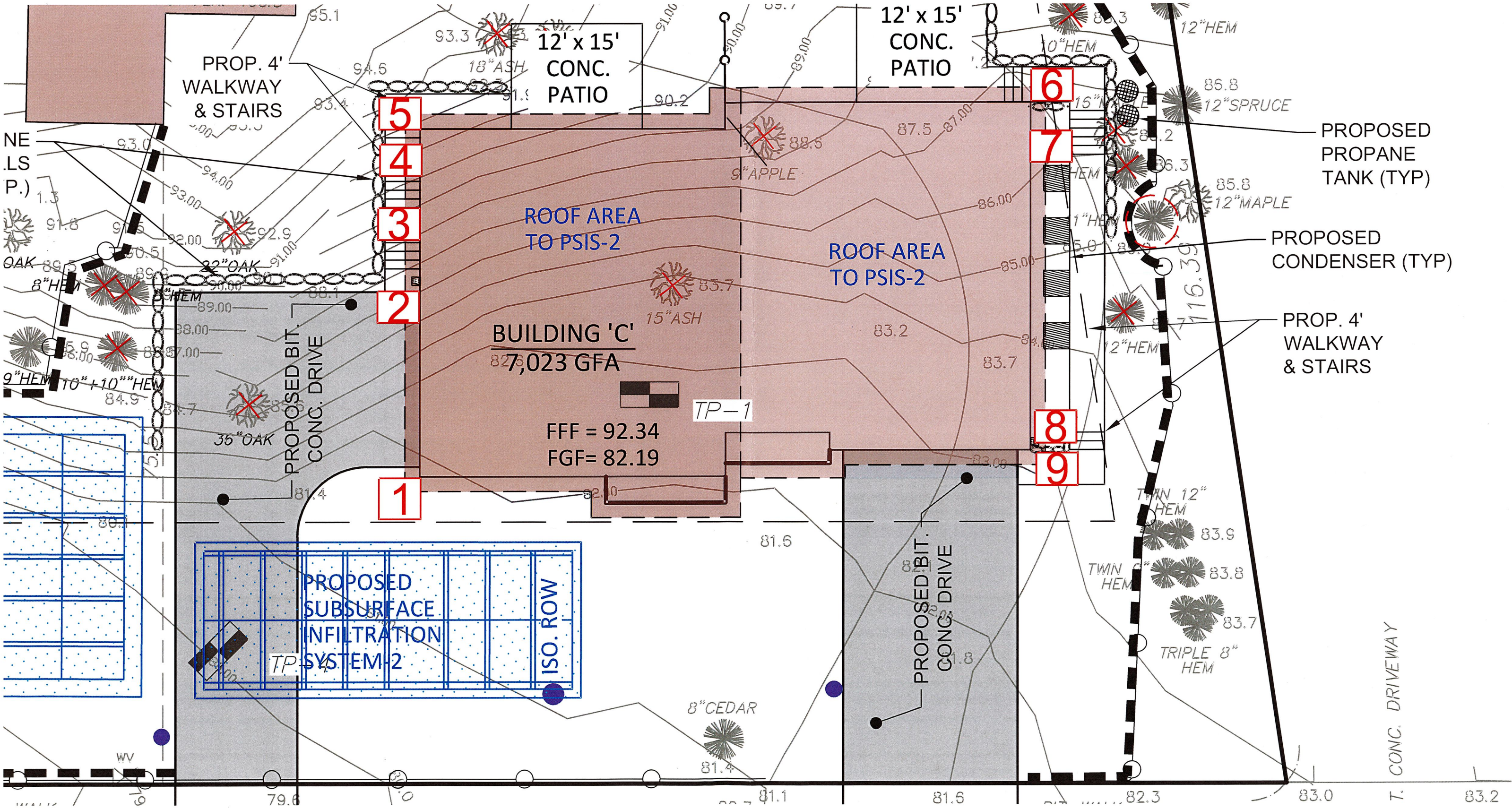
Every plan is different, each plan may require a different number of points to properly calculate the Average Natural Grade. This worksheet is to be used by the Land Surveyor to determine the ANG, with the following directions:

- 1. Add the 4 extreme corners of the proposed building to the calculation worksheet.
- 2. Where the elevation changes between those 4 extremes, there shall be a point added to the calculation. For example, if any retaining walls interrupt the grade, a point shall be added at the top and bottom of said wall.
- 3. For garages under, the elevation used in the worksheet is the garage floor elevation.
- 4. ANG calculations do not need to include drops for window wells.

Use this table to calculate your Average Natural Grade. **BUILDING C**

Spot Elevation Location	Existing Elevation	Proposed Elevation	Lower of the Two
Spot Elevation 1	81.9	81.9	81.9
Spot Elevation 2	86.0	82.3	82.3
Spot Elevation 3	88.5	85.3	85.3
Spot Elevation 4	91.0	88.3	88.3
Spot Elevation 5	91.84	91.9	91.84
Spot Elevation 6	86.8	87.1	86.8
Spot Elevation 7	86.0	83.5	83.5
Spot Elevation 8	83.0	83.5	83.0
Spot Elevation 9	83.0	82.19	82.19
Spot Elevation 10			
Spot Elevation 11			
DATE: 4-10-24		Total	765.13
SURVEYOR'S SIGNATURE:		Average Natural Grade	85.01





AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

25 Hartwell Ave.

PRESENTER:

Applicant: Greatland Realty Partners

ITEM NUMBER:

SUMMARY:

The Planning Board will hold a virtual public hearing on Wednesday, May 8, 2024 on the application of 25 Hartwell Owner, LLC C/O Greatland Realty Partners LLC for approval of a definitive non-residential subdivision plan under §175-6.0 of the Planning Board's Subdivision Regulations. The property is located at 25 Hartwell Avenue, Lexington, MA - Map 84, Lot 80B in the CM Zoning District. The property consists of an office building with an associated parking lot. The Applicant is proposing to construct a small cul-de-sac off Hartwell Avenue to subdivide the lot into 3 lots.

Application materials may be viewed here: <https://lexingtonma.portal.opengov.com/records/85546>

Notice of Public Hearing

A staff memo is attached.

SUGGESTED MOTION:

At the conclusion of the meeting, staff recommends continuing the public hearing to May 22 to allow the applicant time to revise the plans and respond to comments.

Move to continue the public hearing for the Definitive Subdivision for 25 Hartwell Ave. to Wednesday, May 22 at 6:00 pm.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

5/8/2024

ATTACHMENTS:

Description	Type
 Staff memo - 25 Hartwell Ave def subdivision	Cover Memo



TOWN OF LEXINGTON
PLANNING OFFICE

1625 Massachusetts Avenue
Lexington, Massachusetts 02420
Tel: 781-698-4560
planning@lexingtonma.gov
www.lexingtonma.gov/planning

Abby McCabe, Planning Director
Sheila Page, Assistant Director
Meghan McNamara, Planner
Kiruthika Ramakrishnan, Planning Coordinator

To: Planning Board

From: Meghan McNamara, Planner

Re: Project Review for 25 Hartwell Avenue: Non-Residential Definitive Subdivision

Date: April 18, 2024

Property Information	
Project Address	25 Hartwell Avenue
Applicant/Owner	Applicant: Teri Ford, Greatland Realty Partners Property Owner: 25 Hartwell Owner LLC c/o Greatland Realty Partners LLC
Type of Review	Non-Residential Definitive Subdivision
Permit Number	PLAN-24-4
Parcel ID	Map 84, Lot 80B
Zoning District	Commercial Manufacturing (CM) and Transportation Management Overlay District (TMO-1 Hartwell Ave.)
Property Size	4.18 acre or 182,105 square feet

Land Conditions	
Existing Conditions	The existing site contains a 33,350 square foot building facing Hartwell Avenue with 129 parking spaces.
Environmental Conditions	There is an unconfirmed Isolated Vegetated Wetland with a protected 100-foot buffer zone (local bylaw only) in the rear portion of the lot. Site topography is relatively flat with manicured lawn and the rear portion of the lot is wooded.

Dates & Deadlines	
Filed with Town Clerk	March 29, 2024
Filed with Health	Forwarded to Health Department on March 20, 2024
Public Hearing Date	May 8, 2024
Action Deadline	June 27, 2024
Action Required	Approve with or without conditions and waivers; OR Disapprove with reasons.
Appeal Period	20 days from decision filing with Town Clerk

Project Summary

The Applicant is requesting approval of a definitive subdivision plan which proposes three lots on an approximate 200-foot roadway with a cul-de-sac.

As outlined in MGL c. 41, § 81S, preliminary subdivision plans for nonresidential subdivisions are required before submission of a definitive subdivision plan. The Applicant submitted a preliminary subdivision plan with the Town Clerk on June 14, 2023. The Planning Board issued a decision to approve the preliminary plan on July 25, 2023.

According to state law, the submission of a preliminary plan can freeze the zoning for that parcel if a definitive plan is submitted within 7 months of the preliminary plan. The definitive subdivision plan for 25 Hartwell Avenue was not submitted within 7 months, therefore the zoning freeze will apply to the Zoning Bylaw applicable at the time the Definitive Subdivision application is accepted by the Town (2023 Zoning Bylaw and Map). The zoning freeze takes effect to begin the 8-year time period beginning when the Planning Board endorses the Definitive Subdivision Plan. The zoning applies to the land.

No **waivers** requested but submission will require the following waivers:

1. §175-6.1(D)(2) for Soil Surveys, Test Pits, and Test Borings
2. §175-6.1(D)(12) for construction phasing documents or plan

Staff Comments

The proposed lots meet the required frontage of 50 feet, lot area of 20,000 square feet, and access requirements. The minimum right-of-way (ROW) width for a Minor Street is 40 feet and the subdivision plans show 50 feet. As required, a 5-foot sidewalk and 4-foot planting strip is proposed. The plan notes indicate a 60-foot radius cul-de-sac bulb as required, however the applicant must show this on the site plan.

The Applicant has provided a response to the Preliminary Subdivision Decision conditions in the application submittal.

The Health Department, Police Department, Economic Development Department, and Building Department have reviewed the submission and have no concerns.

The following comments involve plan revisions.

Planning:

- Show intersection rounding on site construction plan. A minimum of 25-feet is required for minor streets.
- Proposed property lines where the road way intersects with Hartwell, should intersect with a 25-foot radius. This will be needed when the road is reconstructed in 2030ish.
- There appears to be several trees between 25 Hartwell and 29 Hartwell. All trees should be identified by size and species on the plan. Update plans to show all trees proposed to be removed on both the site construction plan and landscape plan
- Will both footpaths labeled "A" remain post-construction? Could the footpaths be combined into one, and be relocated to an area more accessible to all the subdivided lots? The Applicant should consider a public easement to allow all property owners and the public access to the easement.

- Revise the sidewalk accessible ramps at Hartwell to be parallel to Hartwell so as to not have a pedestrian roll out into traffic without a crosswalk.
- Include a construction phasing plan or request a waiver from Section 175-6.1.D.12
- Provide owner maintenance documents providing for the operation and maintenance of landscaping, streets, and utilities by the property owners, including but not limited to the stormwater infiltration system and landscaped center island.
- Provide a draft covenant or other form of performance guarantee
- An Operation and Maintenance Plan is included in the Drainage Report. Must provide a draft agreement allocating the responsibility for and costs of maintenance among the owners.
- Applicant should consider requesting a waiver for §175-6.1(D)(2) for Soil Surveys, Test Pits, and Test Borings and request results be provided as a condition of approval.

Definitive Plan Requirements

Title Sheet

- All land within 500 feet of the site is not shown.
- Zoning district boundaries are not shown.

Site Analysis Map

- There is no sheet titled "Site Analysis Map" though "Land Title Survey", Sheet 2, contains similar information
- Existing contours are not shown.
- If the wooded area at the rear of the property is to remain undisturbed, the applicant shall include a note on the plan indicating the area is not to be disturbed.
- There is an existing tree in front of the building not shown on the plan. If this is the tree labeled "16" T" it does not appear to be in the correct location.
- A note containing the number and total DBH of all trees with a DBH greater than 6 inches has not been provided.
- Must show the approximate 100-foot wetlands boundary from the Isolated Vegetated Wetland.
- Were any test pits performed? If so, must provide the location and results of these tests.

Property Rights and Dimensional Standards Plan

- There is no sheet titled "Property Rights and Dimensional Standards Plan" though "Lotting Plan", Sheet C-101, contains similar information. Revise plan to be labelled "Property Rights and Dimensional Standards Plan"
- Include easement for stormwater facilities on the Property Rights and Dimensional Standards Plan. This is easement is for the HOA to have access for maintenance and the Town for emergencies. The Town does not accept stormwater utilities.
- The proposed boundaries of common open space, proposed maximum height of buildings, and proposed distance between buildings has not been provided, however the applicant is not proposing construction of buildings at this time.

Site Construction Plan

- Required to be prepared by a Landscape Architect. A Civil Engineer stamp is provided
- Required to also show the 25- and 50-foot wetlands boundary line, but since the resource area has not yet been delineated, it is okay to only show the approximate 100-foot buffer.
- Show type of curbing. Granite is required.
- Indicate sidewalk material on plan
- Will any earth material be removed, added or reused on site? If so, must include a note on the plan indicating the amounts.

- Show the inside turning radius of the proposed cul-de-sac, and this must be at least 25 feet.
- Show the 60-foot radius cul-de-sac bulb on the plan. It is only in the plan notes.

Street Layout and Profile Plan

- Proposed utilities on this plan and the Utilities plan do not match. The Utilities Plan shows the proposed water line crossing with the proposed Gas Line once, but the Roadway Centerline Alignment detail shows two crossings. It is difficult to confirm if the proposed Gas Line matches on both sheets as well.
- The proposed utilities are greyed out on the Roadway Centerline Alignment detail and implies that these utilities are existing.

Utilities Plan

- Ensure the proposed utilities are consistent throughout the planset.

Landscape Plan

- Proposed grades not shown
- Plan does not show which trees are to be retained, removed and/or transplanted. The Planting Schedule indicates 1 tree is to be removed and 5 to remain.
- The plant schedule does not contain the mature size and rate of growth of proposed plantings
- The Landscape notes shall outline the owner's obligation to maintain and protect trees on the property on an ongoing basis

Town Department Comments

Engineering:

- No concerns on the proposed water/sewer crossing. Need more detail because at least 1 crossing shows the water and sewer lines at the same elevation, and it is required to have an 18-inch vertical separation.
- The proposed utility info needs to be consistent on all sheets.

Fire Department:

- The Fire Truck Turning Plan analyzed the access capabilities of a 39-foot long truck. The overall length of Ladder 1 is 42-feet 3-inches, which includes the overhang of the ladder. The plan should be revised to analyze the length of Ladder 1.
- The turning radius needs to allow the ladder to make the turn without the overhang crossing the curb, in the case of trees, signs, and/or light-posts being placed along the roadway.
- The applicant needs to use an Inside Cramp Angle of 45.

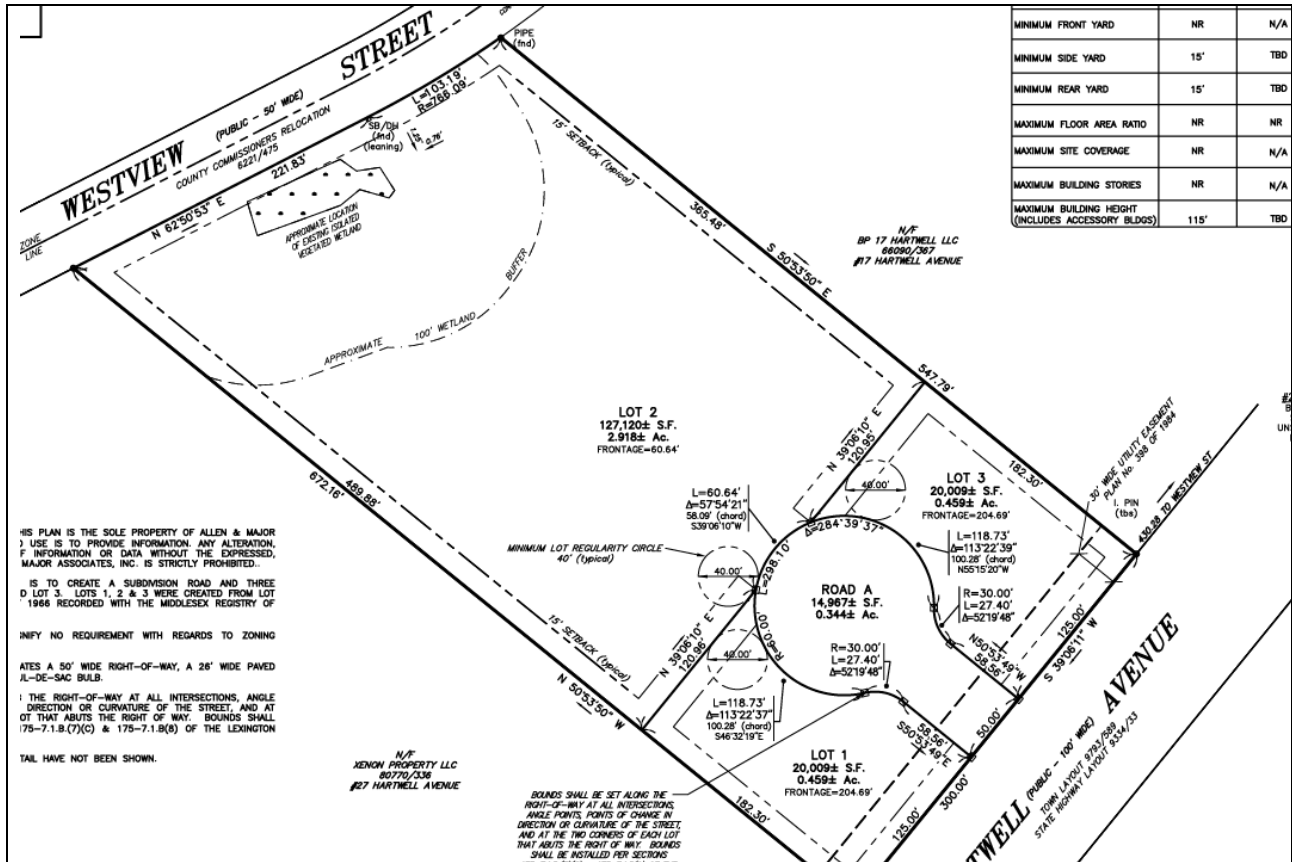
Conservation:

There are wetlands in the rear of the property, the wetlands shall be delineated and Applicant is responsible for filing any necessary permits with the Conservation Commission.

Trees:

Any trees removed within a setback require will require a tree removal permit pursuant to the Tree Bylaw Chapter 120 of the Code of Lexington.

Definitive Non-Residential Subdivision Plan (dated 2/26/2024):



AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

40 Hartwell Ave.

PRESENTER:

Applicant: Greatland Realty Partners

ITEM NUMBER:

SUMMARY:

The Planning Board will hold a virtual public hearing on Wednesday, May 8, 2024 on the application of 40 Hartwell Owner, LLC for approval of a definitive non-residential subdivision plan under §175-6.0 of the Planning Board's Subdivision Regulations. The property is located at 40 Hartwell Avenue, Lexington, MA - Map 84, Lot 84A in the CM Zoning District. The property consists of an office building with an associated parking lot and multiple easements. The Applicant is proposing to construct a small cul-de-sac off Hartwell Avenue and subdivide the lot into 3 lots.

Application materials may be viewed here: <https://lexingtonma.portal.opengov.com/records/86594>

Notice of Public Hearing

A memo from staff is attached

SUGGESTED MOTION:

At the conclusion of the meeting, staff recommends continuing the public hearing to May 22 to allow the applicant time to revise the plans and respond to comments.

Move to continue the public hearing for the Definitive Subdivision for 40 Hartwell Ave. to Wednesday, May 22 at 6:00 pm.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

5/8/2024

ATTACHMENTS:

Description	Type
 Staff memo - 40 Hartwell Ave def subdivision	Cover Memo



TOWN OF LEXINGTON
PLANNING OFFICE

1625 Massachusetts Avenue
Lexington, Massachusetts 02420
Tel: 781-698-4560
planning@lexingtonma.gov
www.lexingtonma.gov/planning

Abby McCabe, Planning Director
Sheila Page, Assistant Director
Meghan McNamara, Planner
Kiruthika Ramakrishnan, Planning Coordinator

To: Planning Board

Copy: Applicant

From: Meghan McNamara, Planner

Re: Project Review for 40 Hartwell Avenue: Non-Residential Definitive Subdivision

Date: April 18, 2024

Property Information	
Project Address	40 Hartwell Avenue
Applicant/Owner	Applicant: Teri Ford, Greatland Realty Partners Property Owner: 40 Hartwell Owner LLC c/o Greatland Realty Partners LLC
Type of Review	Non-Residential Definitive Subdivision
Permit Number	PLAN-24-5
Parcel ID	Map 84, Lot 84A
Zoning District	Commercial Manufacturing (CM) and Transportation Management Overlay District (TMO-1 Hartwell Ave.)
Property Size	7.0 acres or 305,102 square feet

Land Conditions	
Existing Conditions	The existing site contains a 33,480 square foot building facing Hartwell Avenue, 196 parking spaces, and multiple easements. High tension wires and a cell phone tower are located towards the rear of the lot.
Environmental Conditions	The site is affected by a FEMA flood zone area and contains Conservation jurisdictional resources areas and buffer zones, including: Farley Brook, Bordering Vegetated Wetlands, Bank, 200-foot Riverfront Area, Bordering Land Subject to Flooding, and 100-foot buffer zone to floodplain. Site topography gradually slopes down to the rear of the lot from Hartwell Avenue.

Dates & Deadlines	
Filed with Town Clerk	April 2, 2024
Filed with Health	March 20, 2024
Public Hearing Date	May 8, 2024
Action Deadline	July 1, 2024

Action Required	Approve with or without conditions and waivers; OR Disapprove with reasons.
Appeal Period	20 days from decision filing with Town Clerk

Project Summary

The Applicant is requesting approval of a definitive subdivision plan which proposes three lots on an approximate 200-foot roadway with a cul-de-sac.

As outlined in MGL c. 41, § 81S, preliminary subdivision plans for nonresidential subdivisions are required before submission of a definitive subdivision plan. The Applicant submitted a preliminary subdivision plan with the Town Clerk on June 13, 2023. The Planning Board issued a decision to approve the preliminary plan on July 25, 2023.

According to state law, the submission of a preliminary plan can freeze the zoning for that parcel if a definitive plan is submitted within 7 months of the preliminary plan. The definitive subdivision plan for 40 Hartwell Avenue was not submitted within 7 months, therefore the zoning freeze will apply to the Zoning Bylaw applicable at the time the Definitive Subdivision application is accepted by the Town (2023 Zoning Bylaw and Map). The 8-year zoning freeze begins when the Planning Board endorses the Definitive Subdivision Plan. The zoning applies to the land.

Waivers

No waivers requested. However, submission requires the following waivers:

1. Construction phasing documents waiver from §175-6.1(D) (12)
2. §175-6.1(D)(2) for Soil Surveys, Test Pits, and Test Borings

Staff Comments

The proposed lots meet the required frontage of 50 feet, lot area of 20,000 square feet, and access requirements. The minimum right-of-way (ROW) width for a Minor Street is 40 feet and the subdivision plans show 50 feet. As required, a 5-foot sidewalk and 4-foot planting strip is proposed. The plan notes indicate a 60-foot radius cul-de-sac bulb as required, however the applicant must show this on the site plan.

The Applicant has provided a response to the Preliminary Subdivision Decision conditions in the application submittal.

The Police Department, Health Department, Economic Development Department, and Building Department have reviewed the submission and have no concerns.

The following comments involve plan revisions.

Planning:

- Show intersection rounding on site construction plan. A minimum of 25-feet is required for minor streets.
- Proposed property lines where the road way intersects with Hartwell, should intersect with a 25-foot radius. This will be needed when the road is reconstructed in 2030ish.

- There appears to be some trees along the edge of pavement in the rear. These are not shown on the existing conditions plan. Identify by size and species on the plan and indicated to be protected with adequate buffer from the limit of work line. Trees proposed to be removed should be shown on both the site construction plan and landscape plan
- Seed mix should be reviewed by Conservation Commission during their review.
- There is a unique covered walkway connecting the building on 40 Hartwell Avenue to the building on 32 Hartwell Avenue. Request that the applicant create a common footpath easement for use by the individual property owners and the public.
- Provide a construction phasing plan or request a waiver from §175-6.1(D)(12)
- Provide draft ownership maintenance documents providing for the operation and maintenance of landscaping, streets, and utilities by the property owners, including but not limited to the stormwater infiltration system and landscaped center island.
- Provide a draft covenant or performance guarantee
- An Operation and Maintenance Plan is included in the Drainage Report. Must provide a draft agreement allocating the responsibility for and costs of maintenance among the owners.
- Show the cul-de-sac radius on the plan.
- Applicant should consider requesting a waiver for §175-6.1(D)(2) for Soil Surveys, Test Pits, and Test Borings and request results be provided as a condition of approval.

Definitive Plan Requirements

Title Sheet

- All land within 500 feet of the site is not shown.
- Zoning district boundaries are not shown.

Site Analysis Map

- There is no sheet titled "Site Analysis Map" though "Land Title Survey", Sheet 2, contains similar information
- Existing contours are not shown.
- If the area beyond the existing pavement in the rear is to remain undisturbed, the applicant shall include a note on the plan indicating the area is not to be disturbed.
- Are any trees with a DBH of 6-inches or greater proposed to be removed? If so, must include a list containing the number and total DBH.
- Must show the approximate 100-foot wetlands boundary from the Bordering Vegetated Wetland.
- Were any test pits performed? If so, must provide the location and results of these tests.

Property Rights and Dimensional Standards Plan

- There is no sheet titled "Property Rights and Dimensional Standards Plan" though "Lotting Plan", Sheet C-101, contains similar information. Revised plan to be labelled "Property Rights and Dimensional Standards Plan"
- Include easement for stormwater facilities on the Property Rights and Dimensional Standards Plan. This is easement is for the HOA to have access for maintenance and the Town for emergencies. The Town does not accept stormwater utilities.
- The proposed boundaries of common open space, proposed maximum height of buildings, and proposed distance between buildings has not been provided, however the applicant is not proposing construction of buildings at this time.

Site Construction Plan

- Required to be prepared by a Landscape Architect. A Civil Engineer stamp is provided.

- Required to also show the 25- and 50-foot wetlands boundary line, but since the resource area has not yet been delineated, it is okay to only show the approximate 100-foot buffer. Suggest editing the plan to say “approximate 100’ wetland buffer”.
- Will any earth material be removed, added or reused on site? If so, must include a note on the plan indicating the amounts.
- Show type of curbing. Granite is required.
- Indicate sidewalk material on plan
- Show the inside turning radius of the proposed cul-de-sac, and this must be at least 25 feet.
- Show the 60-foot radius cul-de-sac bulb on the plan. It is only in the plan notes.
- Add stop sign and bar for the intersection at Hartwell.

Street Layout and Profile Plan

- Proposed water service line on this plan and the Utilities plan do not match.
- The proposed utilities are greyed out on the Roadway Centerline Alignment detail and implies that these utilities are existing.
- Must label the proposed sewer on the Roadway Centerline Profile

Utilities Plan

- Ensure the proposed utilities are consistent throughout the planset.

Landscape Plan

- Proposed grades not shown
- Indicate which three trees are to remain on the site
- The plant schedule does not contain the mature size and rate of growth of proposed plantings
- The Landscape notes shall outline the owner’s obligation to maintain and protect trees on the property on an ongoing basis

Town Department Comments

Engineering:

- The proposed utility info needs to be consistent on all sheets.

Fire Department:

- The Fire Truck Turning Plan analyzed the access capabilities of a 39-foot long truck. The overall length of Ladder 1 is 42-feet 3-inches, which includes the overhang of the ladder. The plan should be revised to analyze the length of Ladder 1.
- The turning radius needs to allow the ladder to make the turn without the overhang crossing the curb, in the case of trees, signs, and/or light-posts being placed along the roadway.
- The applicant needs to use an Inside Cramp Angle of 45.

Conservation:

- As noted there are wetlands in the rear of the property, the wetlands and river front area shall be delineated and necessary permits obtained from the Conservation Commission before work can start

Trees:

- Any trees proposed to be removed will require a tree removal permit from pursuant to Chapter 120 of the Code of Lexington (Tree Bylaw)

Definitive Non-Residential Subdivision Plan (dated 1/9/2024):

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

75 Outlook Drive (Effie Place)

PRESENTER:

Applicant: Eduardo Alvarez

ITEM NUMBER:

SUMMARY:

In April 2022, the Board approved a special permit residential development for four house lots at 75 Outlook Drive now known as Effie Place. Approved plans can be found

here: <https://www.lexingtonma.gov/941/17143/Outlook-Drive-75-Definitive-Special-Perm>

Lot B which fronts Outlook Drive was released on March 15, 2023.

The applicant now comes before the Planning Board to request the remaining lots be released from the covenant and change the performance guarantee.

The estimate of the remaining work is \$212,232.50. This amount includes a contingency.

SUGGESTED MOTION:

- 1) move that the Planning Board vote to accept proposed performance guarantee in the amount of \$212,233.50
- 2) move that Planning Board to release the remaining lots A, C, D
- 3) move that the Planning Board vote to allow the Planning Board Chair sign this lot release for the Planning Board

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

5/8/2024

ATTACHMENTS:

	Description	Type
📄	Request	Cover Memo
📄	Estimate of remaining work	Cover Memo
📄	proposed agreement	Cover Memo
📄	lot release	Cover Memo

5/6/2024

Planning Board
Lexington, Ma

This letter is submitted to request lot releases at 75 Outlook Dr. Lexington, Ma 02421 (Assessors Map 31 Lot 49A) subdivision titled "Site Sensitive Development Definitive Plan 75 Outlook Drive" with special permit granted on April 6, 2022. The approved subdivision resulted in 4 lots marked as A, B, C, and D in the plans. We are requesting the release of lots A, C, and D provided we have submitted an Agreement to Covenant to secure funds to finish their common infrastructure including road and municipal services. Our proposed plan is to continue and finish work on the development's common site work including storm water management system, utilities, and private road in parallel to the construction of houses on lots A, C, and D.

Sincerely,



Eduardo Alvarez
CEO
alpha echo 75 Outlook LLC
75 Outlook Dr.
Lexington, Ma 02421

Exhibit A



Site Work Quote/ Excavation, Pavement, Utilities

Property: Briggs Hill / 4 House Subdivision @ 75 Outlook Dr. Lexington, Ma 02421

Updated: 5/4/2024

Note: prices include labor and materials

DESCRIPTION	QTY	UNIT COST	TOTAL COST	COST OF WORK COMPLETED	%	COST OF WORK REMAINING	%
WATER WORK					67%		33%
8 " DUCTILE IRON	20	\$ 1,000	\$ 20,000	\$ 13,400		\$ 6,600	
TAPPING SLEEVE AND VALVE	4	\$ 2,700	\$ 10,800	\$ 7,236		\$ 3,564	
TAPPING FEE	4	\$ 700	\$ 2,800	\$ 1,876		\$ 924	
GATE VALVE (2 OF 12" AND 8")	3	\$ 4,000	\$ 12,000	\$ 8,040		\$ 3,960	
HIDRANT	1	\$ 6,500	\$ 6,500	\$ 4,355		\$ 2,145	
MJ BENDS AND FITTINGS	6	\$ 650	\$ 3,900	\$ 2,613		\$ 1,287	
TRUST BLOCKS	6	\$ 220	\$ 1,320	\$ 884		\$ 436	
REUSE SPOILS AS FILL	340	\$ 13	\$ 4,250	\$ 2,848		\$ 1,403	
SAND BEDDING	140	\$ 29	\$ 4,060	\$ 2,720		\$ 1,340	
TESTING AND CHOLRINATION	1	\$ 2,450	\$ 2,450	\$ 1,642		\$ 809	
SEWER WORK					88%		12%
8"PVC - PC	25	\$ 234	\$ 5,850	\$ 5,148		\$ 702	
STREET WORK - HR	38	\$ 530	\$ 20,140	\$ 17,723		\$ 2,417	
MANHOLE	4	\$ 1,950	\$ 7,800	\$ 6,864		\$ 936	
6" PVC - PC	47	\$ 123	\$ 5,781	\$ 5,087		\$ 694	
FRAMES AND COVERS	4	\$ 900	\$ 3,600	\$ 3,168		\$ 432	
BENDS AND FITTINGS	10	\$ 170	\$ 1,700	\$ 1,496		\$ 204	
STONE BEDING - YD	110	\$ 29	\$ 3,157	\$ 2,778		\$ 379	

DRAINAGE WORK						83%		17%
	DRAIN MANHOLE	5	\$ 1,935	\$ 9,675	\$ 8,030		\$ 1,645	
	12" HDPE - LF	200	\$ 43	\$ 8,500	\$ 7,055		\$ 1,445	
	24" HDPE - LF	20	\$ 90	\$ 1,800	\$ 1,494		\$ 306	
	FRAMES AND COVERS	5	\$ 875	\$ 4,375	\$ 3,631		\$ 744	
	CATCH BASINS	4	\$ 1,650	\$ 6,600	\$ 5,478		\$ 1,122	
	6" SDR 35	110	\$ 15	\$ 1,649	\$ 1,369		\$ 280	
	STONE BEDDING - YD	30	\$ 28	\$ 840	\$ 697		\$ 143	
INFILTRATORS						88%		12%
	CUT TO SUBGRADE	1120	\$ 5	\$ 5,040	\$ 4,435		\$ 605	
	REUSE SPOILS AS FILL	1560	\$ 5	\$ 8,112	\$ 7,139		\$ 973	
	FILTER FABRIC	2	\$ 450	\$ 900	\$ 792		\$ 108	
	CULTEC 330 UNITS	165	\$ 400	\$ 66,000	\$ 58,080		\$ 7,920	
	CRUSHED STONE	600	\$ 27	\$ 16,200	\$ 14,256		\$ 1,944	
PRIVATE & PUBLIC RD ROUGH GRADING						75%		25%
	SUBGRADING AND GRAVEL BASE	1345	\$ 46	\$ 61,870	\$ 46,403		\$ 15,468	
GAS						0%		100%
	NATURAL GAS SERVICE TO ALL LOTS	1	\$ 22,206	\$ 22,206	\$ -		\$ 22,206	
PRIVATE & PUBLIC RD ASPHALT						0%		100%
	FINE GRADE AND ASPHALT	189	\$ 432	\$ 81,648	\$ -		\$ 81,648	

TOTAL	COMPLETED
\$ 411,523	\$ 246,737

REMAINING
\$ 164,786

As-built
subtotal
25% contingency
Total

\$5000.00
\$169,786
\$42,446.50
\$212,232.50

PERFORMANCE SECURED BY
TRI-PARTITE AGREEMENT

May 2024
Lexington, Massachusetts

AGREEMENT made this date between the Town of Lexington (the “Town”), acting by and through its Planning Board (the “Board”); alpha echo 75 Outlook LLC a Massachusetts limited liability company (“the Applicant”) of 75 Outlook Dr. Lexington, Ma 02421; Dedham Savings a bank duly organized and existing under the laws of the Commonwealth of Massachusetts and having a usual place of business at of 55 Elm Street, Dedham, Ma 02026 (“the Lender”), to secure the construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled “Site Sensitive Development Definitive Plan 75 Outlook Drive” dated November 15, 2021 (revised through May 23, 2022) recorded in Registry of Deeds as Plan 539 of 2022 recorded in Middlesex South Registry of Deeds, Book 80557, Page 474.

WHEREAS, the Applicant has recorded a first mortgage with the Lender dated April 21, 2023, recorded in the Middlesex South District Registry of Deeds, at Book 81451, Page 209, covering Lots A, B, C, D as shown on the above-referenced definitive plan as security for the payment of a certain note in the principal sum of \$3,990,000 dollars; and that the Applicant and Lender hereby bind and obligate themselves, their executors, administrators, devisees, heirs, successors and assigns, jointly and severally to The Town of Lexington, a municipal corporation, acting through its Planning Board, in the sum of \$169,786 dollars (Exhibit A) plus a 25% contingency of \$42,446.50 and have secured this obligation by the Lender retaining said sum of money of said principal sum otherwise due the applicant to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Site Sensitive Special Permit Residential Development, filed with the Town Clerk on December 6, 2021
2. The Subdivision Control Law ;2021 §135 Zoning Bylaws and the Planning Board's *Subdivision Regulations* and *Zoning Regulations* governing this subdivision and special permit;
3. Conditions included in the *Decision of the Lexington Planning Board on a Special Permit Site Sensitive Residential Development and Street Adequacy Determination* issued on April 12 2022; and
4. The definitive planset titled Site Sensitive Development Definitive Plan 75 Outlook Drive” dated November 15, 2021 (revised through May 23, 2022).

WHEREAS, the Applicant and the Lender are desirous of obtaining the release of all lots from the Covenant as shown on the Plan, without posting bond (other than this Agreement) or depositing money with the Town, and are desirous of having the Lender hold sufficient funds to secure the full performance of the Work, all as provided in Section 81U of Chapter 41 of the Massachusetts General Laws; and

WHEREAS, the Town is agreeable to an arrangement whereby the Lender shall hold sufficient funds to secure the performance of the Work.

Now, therefore, the Applicant, the Lender and the Town agree as follows:

1. In order to secure the performance of the Work, and also to secure the repayment of all Reimbursable Costs (hereinafter defined), the Lender unconditionally agrees to retain in its possession funds (the "Funds") in the amount of two hundred twelve thousand, two hundred thirty-two dollars and 50/100 (\$ 212,232.50) and to disburse the Funds only as follows:
 - a. To the Applicant if and when the Board notifies the Lender in writing that the Work has been satisfactorily completed and that all Reimbursable Expenses have been reimbursed in full;
 - b. To the Applicant if, as and when the Board notifies the Lender in writing that such amount as may be specified in such notice may be released because the Funds that would remain after such release are at least equal to the Board's estimated cost of completion of the Work and the amount of any and all Reimbursable Expenses not yet reimbursed;
 - c. To the Town, acting by and through the Board, on demand made at any time after the date **November 15, 2026**, accompanied by notice in writing from the Board to the Lender that the Work has not been satisfactorily completed.
2. The Applicant agrees to complete the Work on or before **November 15, 2026**, the Performance Date. In the event that the Work shall not be completed on or before such date, the Town, acting by and through the Board or otherwise, may complete the Work and reimburse itself for the Reimbursable Expenses, using for the purpose the Funds or so much thereof as shall not previously have been disbursed in accordance with this Agreement. If the Funds available for the purpose shall not be sufficient to pay for the cost of completing the Work and reimbursing the Town and/or the Board for all Reimbursable Expenses, the Applicant and the Lender, jointly and severally, shall pay to the Town, acting by and through the Board, forthwith upon demand, an amount equal to the deficiency.
3. It is contemplated that as the Work progresses, portions of the Funds will be disbursed at various stages of completion, subject to the completion to the satisfaction of the Board and subject also to the provisions of paragraph 1 hereof.
4. The Lender represents and warrants to the Town that the Lender is presently holding the Funds in the amount aforesaid and that the Funds will be held by the Lender pursuant to this Agreement for disbursement as provided hereinabove, whether or not the funds would otherwise be due the Applicant or disbursed or made available to the Applicant.

PERFORMANCE SECURED BY LENDER'S AGREEMENT

May ____ 2024

5. The Lender represents and warrants to the Town that it shall not, in any manner, set off or otherwise apply the Funds or any part thereof against any obligation of the Applicant or any other entity to the Lender, the Lender hereby waiving any and all rights of set-off it may have with respect to the Funds.
6. The Lender and the Applicant hereby jointly and severally agree to reimburse the Town acting by and through the Board, forthwith upon demand, for all costs and expenses (including legal costs and reasonable attorneys' fees) incurred by the Town and/or the Board in enforcing this Agreement or in exercising or enforcing the Town's and the Board's rights hereunder (the "Reimbursable Expenses").
7. This Agreement shall remain in full force and effect until the Applicant has fully and satisfactorily performed all the Work, or has elected to provide another method of securing performance as provided in M.G.L. c.41, § 81U.
8. This Agreement shall be binding upon and shall have inure the benefit of the parties hereto and their respective heirs, successors, legal representatives and assigns.

The Town of Lexington acting by and through its Planning Board hereby agrees to continue the release of all of the lots in the Special Permit Residential Development, from the Covenant pursuant to M.G.L. c.41, § 81U, and further to accept this agreement and the funds in the amount specified herein to be retained by the Lender as security for the performance of the Work. Upon delivery of this agreement to the Planning Board, said lots shall continue to be released as herein specified.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

This agreement may be signed in counterpart copies, each of which, when executed by all parties hereto, shall be deemed to be an original for all purposes.

PERFORMANCE SECURED BY LENDER'S AGREEMENT

May ____ 2024

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed under seal as of the day and year first written above.

Executed as a sealed instrument as of the date first written above

Signature of Applicant

Signature of Planning Board Member

alpha echo 75 Outlook LLC.
Eduardo Alvarez

Board Member's Name Printed or Typed

Signature of Authorized Representative of the Lender

Signature of Planning Board Member

Dedham Savings
Authorized Representative

Board Member's Name Printed or Typed

Signature of Planning Board Member

Board Member's Name Printed or Typed

Signature of Planning Board Member

Board Member's Name Printed or Typed

Signature of Planning Board Member

Board Member's Name Printed or Typed

Signatures of a Majority of the Members of the
Planning Board of the Town of Lexington

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX COUNTY, ss

On this _____ day of October, 2024, before me, the undersigned notary public, personally appeared the Lexington Planning Board who proved to me through satisfactory evidence of identification, which were _____, to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX COUNTY, ss

On this _____ day of _____, before me, the undersigned notary public, personally appeared the above-named _____ who proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose as _____ of Dedham Saving.

Notary Public

My Commission Expires.

MIDDLESEX COUNTY, ss

On this _____ day of _____, before me, the undersigned notary public, personally appeared the above-named _____ who proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose as Manager of alpha echo 75 Outlook LLC.

Notary Public
My Commission Expires.

(Space above this Line Reserved for Registry of Deeds)

RELEASE OF LOT(S)

The undersigned Chair of the Lexington Planning Board, by a majority vote of the Planning Board, certify that in accordance with the provisions of the Covenant dated July 25th 2022 recorded in Middlesex South Registry of Deeds, Book 80557, Page 474, the requirements for the construction of ways and municipal services have been submitted to the satisfaction of the Board to adequately serve the lots enumerated on the plan described below.

Lot A, C, and D, as shown on the plan entitled "Site Sensitive Development Definitive Plan 75 Outlook Drive" dated November 15, 2021 (revised through May 23, 2022) recorded in said Registry of Deeds as Plan 539 of 2022, is hereby released from the restrictions as to building and sale specified in the covenant.

Executed under seal as of the _____ day of _____, 2024.

Voted by a majority of the Planning Board in the Town of Lexington on May 8, 2024:

Signature of the Planning Board Chair: _____

Robert D. Peters

RECORD OF VOTE

On May 6, 2024, Michael Schanbacher moved that the Planning Board vote to allow the Planning Board Chair sign this lot release for the Planning Board. Melanie Thompson seconded the motion. The Planning Board voted 5-0 in favor of the motion.

MOTION PASSED

COMMONWEALTH OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS

Middlesex County, ss.

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared Robert D. Peters, who proved to me through satisfactory evidence of identification, which was Massachusetts Driver's License, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily and for its stated purpose as the voluntarily act of the Town of Lexington.

Notary Public:

Notary Name Printed:

My Commission Expires:

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Board expected to discuss the following:

PRESENTER:

Board Discussion

ITEM NUMBER:

SUMMARY:

Reorganize: Chair, Vice Chair, Clerk, and other committees
Goals for next year
Signatures for Land Court & Registry
Board Member Updates
Review of Draft Meeting Minutes: 4/11/24, 4/24/24
Upcoming Meetings: May 22, June 5, June 26

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

5/8/2024

ATTACHMENTS:

Description	Type
 Committee List	Cover Memo

Planning Board Representatives/ Liaisons to Boards & Committees May 8, 2024

Select Board Appointments

Board/ Committee	Role	Planning Board Designee
Housing Partnership Board	Voting Member	Mr. Hornig (9/2024)
Vision for Lexington Committee	Voting Member	Mr. Peters (9/2024)

Planning Board Appointments

Board/ Committee	Role	Planning Board Designee
MAGIC (MAPC Subregion) alternate	Voting Member	Mr. Creech (6/2024)
Hanscom Area Towns Committee	Non-Voting Member	Mr. Hornig (6/2024)
Community Preservation Committee	Voting Member	Mr. Creech (6/2024)
Economic Development Advisory Committee	Liaison	Mr. Hornig (6/2024)
Transportation Advisory Committee	Liaison	Ms. Thompson (6/2024)
Bicycle Advisory Committee	Liaison	Mr. Peters (6/2024)
Sustainable Lexington Committee	Liaison	Mr. Peters (6/2024)
Greenways Corridor Committee	Liaison	Mr. Hornig (6/2024)
Lexington Center Committee	Liaison	Mr. Hornig (6/2024)
Turning Mill NCD	Voting Member	Mr. Schanbacher (10/2024)
Pierce- Lockwood NCD	Voting Member	Mr. Creech (3/2026)
Design Advisory Committee	Liaison	Mr. Schanbacher(6/2024)

Planning Board Observing

Board/ Committee	Role	Planning board Designee
Tree Committee		Mr. Schanbacher
Historic Districts Commission		Mr. Creech
Historic Commission		Mr. Creech
Conservation Commission		Mr. Hornig
Zoning Board of Appeals		Ms. Thompson

School Committee Appointments

Board/ Committee	Role	Planning Board Designee
School Master Plan Advisory Committee (School appointment)	Voting Member	Mr. Schanbacher (4/2024)

Tally: Schanbacher =4; Creech= 5; Hornig = 6; Thompson =2; Peters =3

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

The meeting will continue until all items are finished. The estimated adjournment time is 10:00 pm.

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

5/8/2024

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Members of the public can attend the meeting from their computer or tablet by clicking on the following link at the time of the meeting:

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

5/8/2024