

# AGENDA

## Lexington Planning Board

**Wednesday, February 14, 2018**  
**Selectmen's Meeting Room**  
**7:00 PM**

---

### Staff Reports

- |   |      |
|---|------|
| 1. General Update (as needed)               | 7:00 |
| 2. Upcoming Meetings & Anticipated Schedule | 7:05 |
| 3. Comprehensive Plan Update                | 7:10 |

### 2018 Annual Town Meeting

- |  |      |
|--|------|
| 1. Public Hearing: Proposed Commercial District                              | 7:15 |
| 2. Public Hearing: Planned Development District Proposal for 331 Concord Ave | 7:15 |
| 3. Public Hearing: Special Permit Residential Development Amendments         | 7:45 |
| 4. Public Hearing: Amendments to Medicinal & Recreational Marijuana Uses     | 8:15 |

### Development Administration

- |   |      |
|---|------|
| 1. 1106 Massachusetts Avenue, Preliminary Subdivision | 8:30 |
| 2. 15-17 Fairland Street Preliminary Subdivision      | 9:00 |
| 3. Approval Not Required Plan: 85 Ward Street         | 9:30 |
| 4. Street Determination, modification: 7 Rangeway     | 9:35 |

### Board Administration

- |                                 |      |
|---------------------------------|------|
| 1. Board Member Reports         | 9:45 |
| 2. Review & Approval of Minutes | 9:55 |

### Adjourn

**PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE**



Meeting broadcast by LexMedia

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

#### **AGENDA ITEM TITLE:**

General Update (as needed)

#### **PRESENTER:**

Aaron Henry

#### **ITEM NUMBER:**

1

#### **SUMMARY:**

The general update is a standing agenda item providing the Planning Office staff the opportunity to update the community and Board on day-to-day matters.

#### **SUGGESTED MOTION:**

Staff's update requires no action on the part of the Board.

#### **FOLLOW-UP:**

#### **DATE AND APPROXIMATE TIME ON AGENDA:**

2/14/2018

7:00

# **AGENDA ITEM SUMMARY**

## **LEXINGTON PLANNING BOARD**

### **AGENDA ITEM TITLE:**

Upcoming Meetings & Anticipated Schedule

### **PRESENTER:**

Aaron Henry, Planning Director

### **ITEM NUMBER:**

2

### **SUMMARY:**

This recurring agenda item is to inform the Board and public of the proposed meeting schedule. At this time, the Board has discussed the following dates:

- Wednesday, February 28
- Wednesday, March 14
- Monday, March 26 (Abbreviated meeting before Town Meeting)
- Wednesday, March 28 (Abbreviated meeting before Town Meeting)

### **SUGGESTED MOTION:**

There is no need for the Board to act on this item.

### **FOLLOW-UP:**

Should Board members have any known conflicts with any of the proposed dates or wish to request an item be placed on a meeting agenda, please follow up with staff.

### **DATE AND APPROXIMATE TIME ON AGENDA:**

2/14/2018

7:05

### **ATTACHMENTS:**

Description	Type
☐ Proposed Meeting Schedule	Backup Material
☐ FY 18 Calendar	Backup Material



# Planning Board FY 2018 Meeting Schedule

As of 11/9/2017

FY MTG #	Meeting Date	Notes
1	07/12/2017	Grove St
2	07/26/2017	Grove St
3	08/16/2017	Brookhaven SPR; 45-65 Hayden PD
4	08/28/2017	Joint meeting with the BOS: Econ Dev Discussion
5	08/30/2017	
6	09/13/2017	Open STM Public Hearings
7	09/22/2017	Joint meeting with the BOS: Econ Dev Discussion
8	09/27/2017	
9	10/04/2017	STM REPORTS
10	10/18/2017	Pre-TM Mtg
11	11/01/2017	NCD Hearing(s)
12	11/06/2017	Joint meeting with the BOS: Discussion w/ Statehouse Delegation
13	11/15/2017	
14	11/29/2017	
15	<b>12/13/2017</b>	<b>ATM 2018 Article Requests to BOS</b>
16	12/18/2017	Joint meeting with the BOS: Hartwell Avenue ED Initiative
17	01/10/2018	
18	01/17/2018	Open Public Hearings
19	01/31/2018	
20	02/14/2018	
21	02/28/2018	Conclude Public Hearings
22	<b>03/14/2018</b>	<b>FINALIZE ATM REPORTS</b>
23	03/26/2018	Pre-TM Mtg
24	03/28/2018	Pre-TM Mtg
25	04/02/2018	Pre-TM Mtg
26	04/04/2018	Pre-TM Mtg
27	04/09/2018	Pre-TM Mtg
28	04/11/2018	Pre-TM Mtg
29	04/23/2018	Pre-TM Mtg
30	04/25/2018	Pre-TM Mtg
31	04/30/2018	Pre-TM Mtg
32	05/02/2018	Pre-TM Mtg
33	05/09/2018	Begin Reg Updates; PB Reorganize; begin workplan discussion
34	05/23/2018	
35	06/06/2018	
36	06/20/2018	Finalize Reg Updates

# Fiscal Year 2018

2017						2018					
July	August	September	October	November	December	January	February	March	April	May	June
1 Sa	1 Tu	1 Fr	1 Su	1 We PB MTG	1 Fr	1 Mo New Year's Day	1 Th	1 Th	1 Su	1 Tu	1 Fr
2 Su	2 We	2 Sa	2 Mo	2 Th	2 Sa	2 Tu	2 Fr	2 Fr	2 Mo ATM	2 We ATM	2 Sa
3 Mo	3 Th	3 Su	3 Tu	3 Fr	3 Su	3 We	3 Sa	3 Sa	3 Tu	3 Th	3 Su
4 Tu Independence Day	4 Fr	4 Mo Labor Day	4 We PB MTG	4 Sa	4 Mo ELECTION	4 Th	4 Su	4 Su	4 We ATM	4 Fr	4 Mo
5 We	5 Sa	5 Tu	5 Th	5 Su	5 Tu	5 Fr	5 Mo	5 Mo ELECTION	5 Th	5 Sa	5 Tu
6 Th	6 Su	6 We	6 Fr	6 Mo	6 We	6 Sa	6 Tu	6 Tu	6 Fr	6 Su	6 We
7 Fr	7 Mo	7 Th	7 Sa	7 Tu	7 Th	7 Su	7 We	7 We	7 Sa	7 Mo	7 Th
8 Sa	8 Tu	8 Fr	8 Su	8 We	8 Fr	8 Mo	8 Th	8 Th	8 Su	8 Tu	8 Fr
9 Su	9 We	9 Sa	9 Mo Columbus Day	9 Th	9 Sa	9 Tu	9 Fr	9 Fr	9 Mo ATM	9 We PB MTG	9 Sa
10 Mo	10 Th	10 Su	10 Tu	10 Fr Veterans Day (obs.)	10 Su	10 We PB MTG	10 Sa	10 Sa	10 Tu	10 Th	10 Su
11 Tu	11 Fr	11 Mo	11 We	11 Sa Veterans Day	11 Mo	11 Th	11 Su	11 Su	11 We ATM	11 Fr	11 Mo
12 We PB MTG	12 Sa	12 Tu	12 Th	12 Su	12 Tu	12 Fr	12 Mo	12 Mo	12 Th	12 Sa	12 Tu
13 Th	13 Su	13 We PB MTG	13 Fr	13 Mo	13 We PB MTG	13 Sa	13 Tu	13 Tu	13 Fr	13 Su	13 We PB MTG
14 Fr	14 Mo	14 Th	14 Sa	14 Tu	14 Th	14 Su	14 We PB MTG	14 We PB MTG	14 Sa	14 Mo	14 Th
15 Sa	15 Tu	15 Fr	15 Su	15 We PB MTG	15 Fr	15 Mo MLK Day	15 Th	15 Th	15 Su	15 Tu	15 Fr
16 Su	16 We PB MTG	16 Sa	16 Mo STM	16 Th	16 Sa	16 Tu	16 Fr	16 Fr	16 Mo Patriot's Day	16 We	16 Sa
17 Mo	17 Th	17 Su	17 Tu	17 Fr	17 Su	17 We PB MTG	17 Sa	17 Sa	17 Tu	17 Th	17 Su
18 Tu	18 Fr	18 Mo	18 We STM	18 Sa	18 Mo	18 Th	18 Su	18 Su	18 We	18 Fr	18 Mo
19 We	19 Sa	19 Tu	19 Th	19 Su	19 Tu	19 Fr	19 Mo Presidents' Day	19 Mo	19 Th	19 Sa	19 Tu
20 Th	20 Su	20 We Rosh Hashanah	20 Fr	20 Mo	20 We	20 Sa	20 Tu	20 Tu	20 Fr	20 Su	20 We
21 Fr	21 Mo	21 Th	21 Sa	21 Tu	21 Th	21 Su	21 We	21 We	21 Sa	21 Mo	21 Th
22 Sa	22 Tu	22 Fr	22 Su	22 We	22 Fr	22 Mo	22 Th	22 Th	22 Su	22 Tu	22 Fr
23 Su	23 We	23 Sa	23 Mo	23 Th Thanksgiving	23 Sa	23 Tu	23 Fr	23 Fr	23 Mo ATM	23 We PB MTG	23 Sa
24 Mo	24 Th	24 Su	24 Tu	24 Fr	24 Su	24 We	24 Sa	24 Sa	24 Tu	24 Th	24 Su
25 Tu	25 Fr	25 Mo	25 We	25 Sa	25 Mo Christmas Day	25 Th	25 Su	25 Su	25 We ATM	25 Fr	25 Mo
26 We PB MTG	26 Sa	26 Tu	26 Th	26 Su	26 Tu	26 Fr	26 Mo	26 Mo ATM	26 Th	26 Sa	26 Tu
27 Th	27 Su	27 We PB MTG	27 Fr	27 Mo	27 We	27 Sa	27 Tu	27 Tu	27 Fr	27 Su	27 We PB MTG
28 Fr	28 Mo	28 Th	28 Sa	28 Tu	28 Th	28 Su	28 We PB MTG	28 We ATM	28 Sa	28 Mo Memorial Day	28 Th
29 Sa	29 Tu	29 Fr	29 Su	29 We PB MTG	29 Fr	29 Mo		29 Th	29 Su	29 Tu	29 Fr
30 Su	30 We PB MTG	30 Sa	30 Mo	30 Th	30 Sa	30 Tu		30 Fr	30 Mo ATM	30 We	30 Sa
31 Mo	31 Th		31 Tu		31 Su	31 We PB MTG		31 Sa		31 Th	

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

#### **AGENDA ITEM TITLE:**

Comprehensive Plan Update

#### **PRESENTER:**

Aaron Henry, Planning Director

#### **ITEM NUMBER:**

3

#### **SUMMARY:**

This is a standing item to allow Staff to update the Board on the status of the Comprehensive Plan and related initiatives.

#### **SUGGESTED MOTION:**

There is no Board action required for this item.

#### **FOLLOW-UP:**

#### **DATE AND APPROXIMATE TIME ON AGENDA:**

2/14/2018

7:10

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

#### **AGENDA ITEM TITLE:**

Public Hearing: Proposed Commercial District

#### **PRESENTER:**

Charlie Minasian, Citizens' Petition  
Sponsor

#### **ITEM NUMBER:**

4

#### **SUMMARY:**

To provide more time to address comments received at the first session of the public hearing on this proposed article, the petitioner requests that the Board continue the hearing, without discussion, to the February 28, 2018, meeting.

#### **SUGGESTED MOTION:**

That the hearing be continued to February 28, 2018, at 7 PM.

#### **FOLLOW-UP:**

#### **DATE AND APPROXIMATE TIME ON AGENDA:**

2/14/2018

7:15



## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

#### **AGENDA ITEM TITLE:**

Public Hearing: Planned Development District Proposal for 331 Concord Ave

#### **PRESENTER:**

LCB Senior Living, Applicant

#### **ITEM NUMBER:**

5

#### **SUMMARY:**

On Thursday, February 8, the Town received formal notice that the proponent's of this article wish to withdraw, without prejudice, its rezoning application. LCB Senior Living is expected to attend this meeting to explain this in more detail.

#### **SUGGESTED MOTION:**

Staff anticipates the Board will need two motions, one to close the public hearing and a second to accept the withdrawal of the application.

#### **FOLLOW-UP:**

#### **DATE AND APPROXIMATE TIME ON AGENDA:**

2/14/2018

7:15

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

#### **AGENDA ITEM TITLE:**

Public Hearing: Special Permit Residential Development Amendments

#### **PRESENTER:**

Matthew Daggett, Citizens' Petition  
Sponsor

#### **ITEM NUMBER:**

6

#### **SUMMARY:**

This agenda item is to continue a public hearing on proposed amendments to Section 6.9 of the Zoning Bylaw offered by Mr. Daggett.

All material associated with the proposal is on the Town's website at:

<https://www.lexingtonma.gov/planning-office/pages/proposed-special-permit-residential-development-sprd-amendment>

#### **SUGGESTED MOTION:**

#### **FOLLOW-UP:**

#### **DATE AND APPROXIMATE TIME ON AGENDA:**

2/14/2018

7:45

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

#### **AGENDA ITEM TITLE:**

Public Hearing: Amendments to Medicinal & Recreational Marijuana Uses

#### **PRESENTER:**

Ethan Handwerker, Citizens' Petition  
Sponsor

#### **ITEM NUMBER:**

7

#### **SUMMARY:**

This item is a public hearing continued from the Board's last meeting. The article proponent has submitted the attached slideshow presentation for this hearing.

#### **SUGGESTED MOTION:**

#### **FOLLOW-UP:**

#### **DATE AND APPROXIMATE TIME ON AGENDA:**

2/14/2018

8:15

#### **ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Article Presentation	Backup Material

# 2018 Annual Town Meeting Town of Lexington

1

## **MEDICAL MARIJUANA ZONING AMENDMENTS**

**FEBRUARY 14, 2018**

**PLANNING BOARD PRESENTATION**

# 2017 October STM-3 Article 4 - Approved

2

Code of Lexington Section 135-3.1.7 Excerpt:

“During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding “Marijuana Establishments” and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and related uses.”

# Overview and Purpose

3

- Pro-actively address regulations for adult-use, stated in goals of 2017 October STM-3 Article 4 Moratorium
- Adopt a methodology to support reasonable and inclusive processes for all stakeholders in rulemaking
- Permit Medical Cannabis Centers in *theory* & in *practice*
- Address shortcomings in current zoning regulations
- Respond to Lexington Resident's community demands for local patient and caregiver access
- Support meeting unfulfilled needs of Lexington Non-Profit & For-Profit Organizations intent on serving the Public
- Preserve Character and Expand Economic Opportunities and Amenities consistent with Regs. & Comprehensive Plan

# Massachusetts Medical Marijuana Snapshot

4

- As of 12/31/2017:
- 49,505 Active Patient Certifications
- 4,891 Active Registered Caregivers
- 218 Active Certifying Physician/NP registrants
  
- Month of December 2017 statistics:
- 45,219 Total Active Patients
- 29,136 ounces purchased at dispensaries
- 27,390 unique patients served at dispensaries

# Why rezone for medical marijuana centers?

5

- Patient and Caregiver Access Restricted
- Improve Quality of Life and Services for Residents
- Provide for reasonable retail accessibility in a manner similar to those of Licensed Pharmacies
- Current zoning CM (Commercial Manufacturing) inappropriate for all types of establishments
- Unavailability of vacant space for non-profits
- Voters overwhelmingly approved medical use
- Narrow split between local adult-use 2016 Q4 Vote
- Safety and Accessibility are not mutually exclusive



# Why zone for adult cannabis establishments?

6

- Conversion and co-location of medical and adult-use establishments authorized under state law
- Address definitions in zoning for variety of ‘new uses’
- Local Employment Growth Opportunities
- Improved Patient and Caregiver access
- Grow Town Revenue from 3% Local Excise Tax
- Voters of 2016 Q4 nearly evenly split, while resulting law and draft regulations are different altogether
- Lexington’s claim as a bio-tech hub and reputation as a business friendly community at stake

# What's changed?

7

- Mass. Cannabis Control Commission created, 2017
- Mass. Medical Marijuana Regulations DPH/PHC changed 105 CMR 725 on November 8, 2017
- Massachusetts Adult-Use Cannabis Draft Regulations Released 935 CMR 500 December, 2017
- October, 2017 Lexington STM Moratorium and Ban
- Spring, 2018 Lexington ATM to address medical & adult-use zoning & general-bylaw amendments through regulation adoption & repealing the permanent ban/prohibition moratorium

# Medical Marijuana Dateline

8

- 2008 Personal Possession Decriminalization
  - 2012 Medical Use Legalization
  - 2016 Adult-Use Cannabis Legalization
  - 2017 Modification of Medical Program Regulations
  - 2017 Modification of Adult-Use Law H.3818 / Ch. 55
  - 2017 Draft Released of Adult-Use Regulations
  - 2018 March 15 Implementation of Adult-Use Regulations, July 1 sales expected to begin
- <https://www.mass.gov/medical-use-of-marijuana-program>
  - <https://www.mass.gov/orgs/cannabis-control-commission>

# Local Policy Considerations

9

- Update Bylaw and Zoning for reasonable access
- Determine approach for host community agreements
- Identify department stakeholders to help limit barriers in crafted & contemplated regulations
- Address possible diversion and youth access
- Address possible nuisance issues for home and commercial cultivation, testing, on-site consumption
- Calculate department resource needs for security plans and costs directly incurred to by Town

# Updated Regulation Development

10

- 2018 ATM Warrant Article 43 Draft Motion to Update Medical/Recreational Zoning By-Law  
[https://www.lexingtonma.gov/sites/lexingtonma/files/pages/draft\\_motion\\_for\\_article\\_mmj\\_2018.pdf](https://www.lexingtonma.gov/sites/lexingtonma/files/pages/draft_motion_for_article_mmj_2018.pdf)
- 2018 ATM Warrant Article 35 Remove Prohibition Standard Language to delete Town of Lexington Code Section 135-3.1.7  
Standard Language to delete Town of Lexington Code Section 97-5

# Lexington Zoned Med. Marijuana Types

11

- Medical Marijuana Cultivation Centers
- Medical Marijuana Processing Centers
- Medical Marijuana Distribution Centers



# Un-Zoned Adult-Use Establishment Types

12

- Adult-Use Cultivation Establishment (Tier I, II, III, IV)
- Craft Marijuana Cooperative
- Marijuana Product Manufacturer
- Store-Front Retailer
- Delivery-Only Retailer
- Marijuana Social-Consumption Retailer (Primary)
- Marijuana Social-Consumption Retailer (Mixed-Use)
- Marijuana Research Facility
- Marijuana Independent Testing Laboratory
- Marijuana Standards Laboratory
- Marijuana Transporter / Third Party / Existing Transporter
- Marijuana Micro-Business

# Massachusetts Resources

13

- <https://www.mass.gov/medical-use-of-marijuana-program>
- <https://www.mass.gov/orgs/cannabis-control-commission>
- <https://www.mass.gov/files/documents/2017/12/20/105cmr725.pdf>
- <https://www.mass.gov/files/documents/2018/01/10/2017-12-external-dashboard.pdf>
- <https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter55>



# Town of Lexington Marijuana Links

14

- Annual Town Meeting Draft Motion for Article 43:  
<https://www.lexingtonma.gov/sites/lexingtonma/files/pages/draft-motion-for-article-mmj-2018.pdf>
- Planning Board Page 2018:  
<https://www.lexingtonma.gov/planning-office/pages/proposed-marijuana-amendment>
- Planning Board Page 2017:  
<https://www.lexingtonma.gov/planning-office/pages/medical-marijuana>
- Board of Selectmen STM-3 Art. 3 & 4 2017:  
<https://www.lexingtonma.gov/sites/lexingtonma/files/uploads/stm2017-3-articles-3-4-final-web-1.pdf>

15



## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

#### **AGENDA ITEM TITLE:**

1106 Massachusetts Avenue, Preliminary Subdivision

#### **PRESENTER:**

Todd Cataldo, Applicant

#### **ITEM NUMBER:**

8

#### **SUMMARY:**

Please review the attached Planning Staff summary. The plans may be found online [HERE](#).

#### **SUGGESTED MOTION:**

Staff recommends that the Board approve the Preliminary Subdivision Plan, as it appears to conform to the Town's *Subdivision Regulations*.

#### **FOLLOW-UP:**

#### **DATE AND APPROXIMATE TIME ON AGENDA:**

2/14/2018

8:30

#### **ATTACHMENTS:**

Description	Type
□ 1106 Mass Ave - Staff Comments re Preliminary Plan	Backup Material



## TOWN OF LEXINGTON PLANNING OFFICE

### AGENDA ITEM SUMMARY & STAFF RECOMMENDATION

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<b>Item Name/Description:</b>	1106 Massachusetts Avenue Preliminary Subdivision Plan
<b>Application Date:</b>	January 10, 2018
<b>Constructive Approval Date:</b>	February 24, 2018 (45 days)
<b>Proposed Meeting Date:</b>	February 14, 2018

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#### Procedural Summary

Todd Cataldo, of Sheldon Corp., has applied for a preliminary subdivision at 1106 Massachusetts Avenue, Map 30 – Lot 65, consisting of three lots under §175-5.0 of Lexington's *Subdivision Regulations*.

#### Staff Comments

The proposal for the conventional subdivision consists of three lots laid out on a single road terminating in a cul-de-sac. The three lots shown on the proof plan conform to Lexington's current zoning, and dimensional standards and the applicant is requesting no waivers for these lots.

Staff's primary concern with this plan has to do with the existing intersection at Massachusetts Avenue and Maple Street. The addition of the proposed cul-de-sac would further complicate the intersection. Additionally, the rebuild of Massachusetts Avenue is currently in progress. A new intersection constructed at this location has not been factored into the rebuild of Massachusetts Avenue, and a great deal of work has already been done to refine the Massachusetts Avenue and Maple Street intersection. Planning staff has been told, informally, that the addition of the cul-de-sac would require a new signal configuration that would complicate the Town's efforts in this location.

Other staff comments include:

- Staff in the Engineering Division noted that should this proposal progress to the definitive stage; the plans should show a water main serving the site as opposed to individual service lines.

#### Staff Recommendation

There appears to be no legal or regulatory basis to deny the approval of this preliminary plan. Planning Office staff recommends approval of the preliminary subdivision plan for 1106 Massachusetts Avenue. The proposal complies with all applicable zoning and subdivision regulations and requirements concerning roadways, utilities, zoning, layout, and grading. Due to the signalization above issue, staff recommends that the Planning Board strongly consider the site sensitive development proposed for this location.

## AGENDA ITEM SUMMARY

### LEXINGTON PLANNING BOARD

#### AGENDA ITEM TITLE:

15-17 Fairland Street Preliminary Subdivision

#### PRESENTER:

Mark Barons, Applicant

#### ITEM NUMBER:

9

#### SUMMARY:

**Item Name/Description:** 15-17 Fairland Street Preliminary Subdivision Plan

**Application Date:** December 13, 2017

**Constructive Approval  
Date:** January 27, 2018 (45 days)\*  
*\*this was extended at the last Board meeting*

**Proposed Meeting Date:** January 17, 2018

#### **Procedural Summary**

Barons Custom Homes has applied for a preliminary subdivision at 15-17 Fairland Street and 185 Lincoln Street, Map 42 - Lots 233, 205 and 204C, consisting of nine lots. This application has been submitted under §175-5.0 of the Lexington Subdivision Regulations.

#### **Staff Comments**

The proposal for the conventional subdivision consists of nine lots laid out on a single road terminating in a cul-de-sac, with one lot retaining frontage on Lincoln Street, currently 185 Lincoln Street. Per §175-7.2(D)(3) this new street will be an extension of Gafford Avenue and should be named as an extension. The eight lots shown on the proof plan, titled "Fairland Estates", conform to Lexington's current zoning and dimensional standards and the applicant is requesting no waivers for these lots.

The applicant's narrative states that the lot, now known as 185 Lincoln Street, will be bisected via ANR and the current house fronting Lincoln Street will remain. However, this course of action is untenable as it is in violation of the *Subdivision Regulations*. The lot now known as 185 Lincoln Street needs to be incorporated in to the overall subdivision plan for "Fairland Estates". This may require that the applicant ask for a frontage waiver for the lot to remain as 185 Lincoln Street, or may require a reconfiguration of the proposed plan, however, at the current time the applicant has not requested a waiver for this proposal.

Other staff comments include:

- If this proposal progresses to the definitive stage the applicant should comply with the requirements of §175-7.2(C) *Extension to Adjoining Land* and show access to adjacent lot #42-232B, unless the applicant requests a waiver from this section of the bylaw.
- The preliminary grading plan for this site appears to comply with §175-7.2 (E)(11), however, a full and detailed grading plan should be provided at the definitive plan stage.
- Engineering staff has provided their comments under a separate cover.

### **Staff Recommendation**

There appears to be no legal or regulatory basis to deny the approval of this preliminary plan. Planning Office staff recommends approval of the preliminary subdivision plan for “Fairland Estates”, with the condition that the lot to remain as 185 Lincoln Street must be incorporated in to the overall subdivision in a manner acceptable to the Board,. Otherwise, the plan complies with all applicable zoning and subdivision regulations and requirements with respect to roadways, utilities, zoning, layout, and grading.

### **SUGGESTED MOTION:**

### **FOLLOW-UP:**

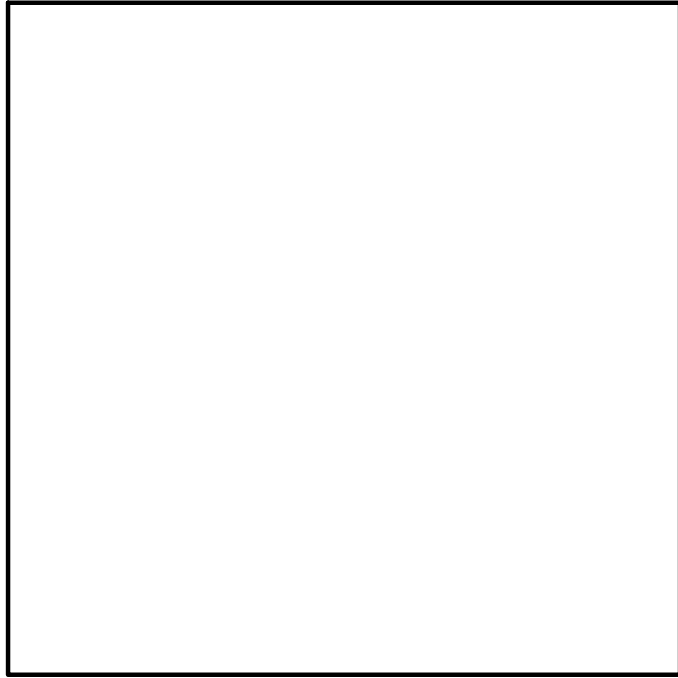
### **DATE AND APPROXIMATE TIME ON AGENDA:**

2/14/2018                      9:00

### **ATTACHMENTS:**

Description	Type
☐ Plans	Cover Memo
☐ Staff Memo	Cover Memo
☐ Engineering Comments	Backup Material





FOR REGISTRY USE ONLY

I CERTIFY THAT THIS PLAN CONFORMS WITH THE  
RULES AND REGULATIONS OF THE REGISTER OF  
DEEDS IN THE COMMONWEALTH OF MASSACHUSETTS

APPROVED BY

LEXINGTON PLANNING BOARD

DATE

I, \_\_\_\_\_ CLERK OF THE TOWN OF  
LEXINGTON, MASSACHUSETTS HEREBY CERTIFY THE THE NOTICE  
OF APPROVAL OF THIS PLAN BY THE LEXINGTON PLANNING  
BOARD HAS BEEN RECIEVED AND RECORDED AT THE OFFICE  
AND NO NOTICE OF APPEAL WAS RECIEVED DURING THE  
TWENTY DAYS NEXT AFTER SUCH RECIEPT AND RECORDING OF  
SAID NOTICE.

TOWN CLERK

DATE

SHEETS

1. COVER SHEET
2. EXISTING CONDITIONS
3. PROPERTY RIGHTS AND  
DIMENSIONAL STANDARDS
4. GRADING
5. UTILITY
6. STREET LAYOUT & PROFILE
7. DETAIL 1
8. DETAIL 2

PRELIMINARY SUBDIVISION PLAN

FAIRLAND ESTATES

15 &17 FAIRLAND STREET & 185 LINCOLN STREET

LEXINGTON, MASSACHUSETTS

DECEMBER 12, 2017

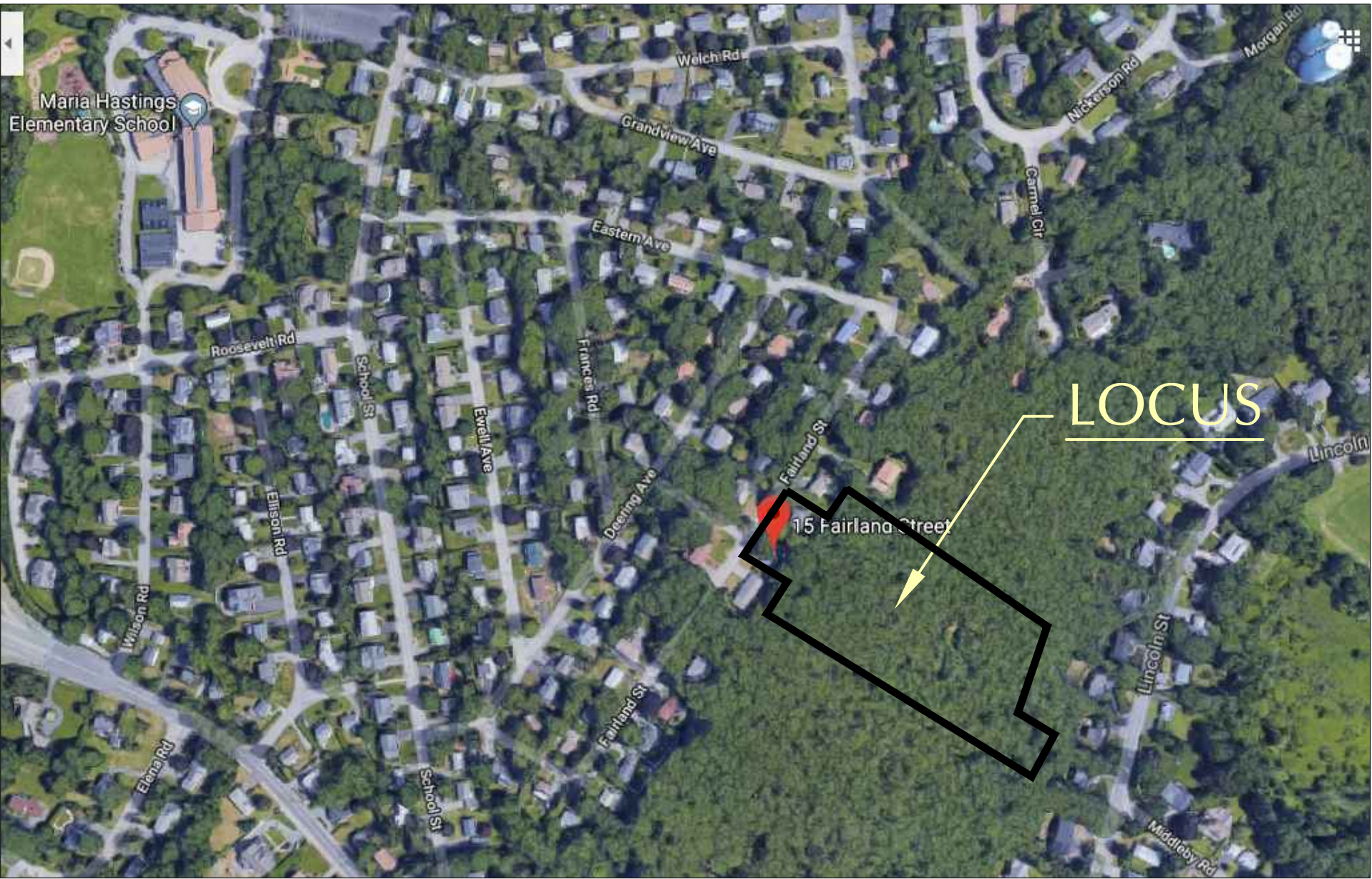
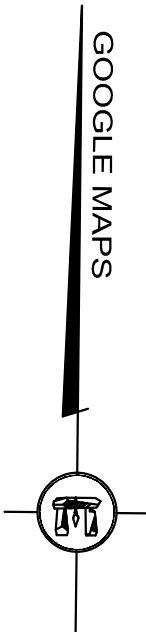
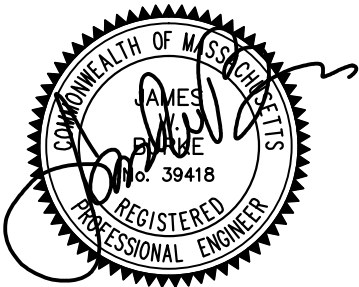
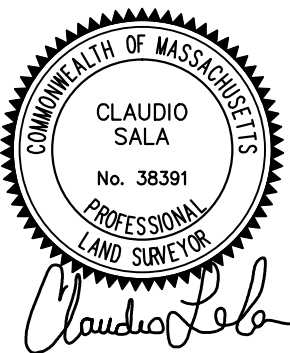


IMAGE FROM 2017 GOOGLE MAPS

LOCUS AERIAL  
NTS



REVISIONS:		
No.	DATE	
1.		
2.		
3.		

Record Owners:  
Philip and Joy Terry  
17 Fairland Street  
Irene Buono  
15 Fairland Street  
Anit and Sumatra Dasgupta  
185 Lincoln Street

Assessors Data:  
17 Fairland Street: Map 42 Lot 0204C  
15 Fairland Street: Map 42 Lot 0205  
185 Lincoln Street: Map 42 Lot 0233

Legal Reference: (Middlesex So.)  
17 Fairland St.  
Book 41474 Page 304  
Book 34182 Page 201  
Plan No. 1201 of 2003  
15 Fairland St.  
Book 10991 Page 103  
Pl Book 143 Plan 29  
185 Lincoln St.  
Book 25489 Page 498  
Plan No. 540 of 1946



APPLICANT

BARONS CUSTOM HOMES  
1 GARFIELD CIRCLE  
BURLINGTON, MA 01803

CIVIL/SURVEY

DECELLE-BURKE-SALA & ASSOC., INC  
1266 FURNACE BROOK PARKWAY  
SUITE 401  
QUINCY, MA 02169

ATTORNEY

JOHN M FARRINGTON, ESQ.  
5 MILITIA DRIVE SUITE 4  
LEXINGTON, MA 02421  
(781)-863-5777

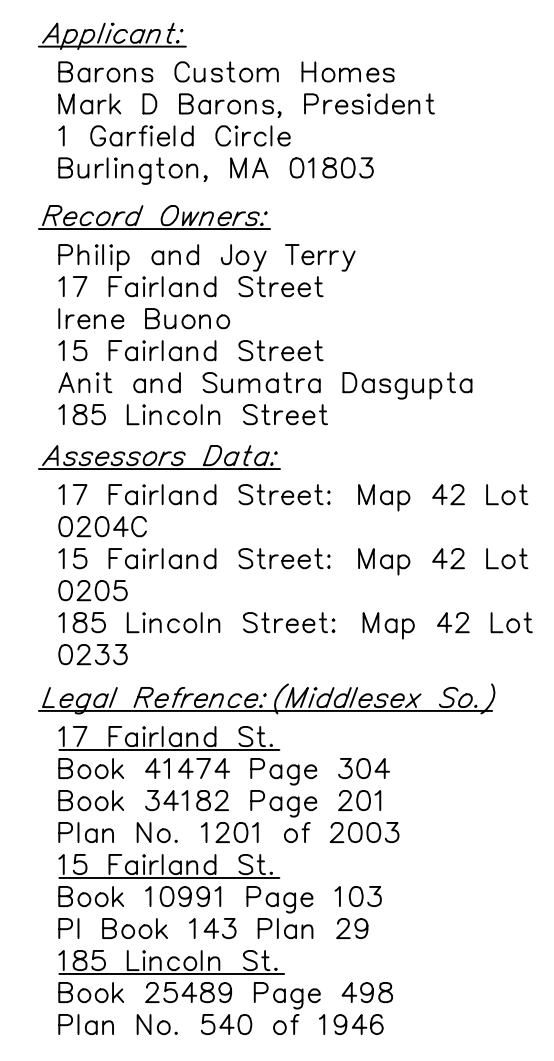
ARCHITECT

MZO GROUP  
92 MONTVALE AVE SUITE 4350  
STONEHAM, MA 02180  
(781)-279-4446

LANDSCAPE ARCHITECT

GARY LARSON, RLA, ASLA  
6 WADMAN CIRCLE  
LEXINGTON, MA 02420





~~"THIS PLAN IS SUBJECT TO A COVENANT DATED \_\_\_\_\_"~~  
~~"THIS PLAN IS SUBJECT TO A CERTIFICATE OF ACTION DATED \_\_\_\_\_"~~  
~~"THIS PLAN IS SUBJECT TO A SPECIAL PERMIT DATED \_\_\_\_\_"~~

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BOARD HAS BEEN RECEIVED AND RECORDED AT THE OFFICE  
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TWENTY DAYS NEXT AFTER SAID RECEIPT AND RECORDING OF  
SAID NOTICE.

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
DATE

LEGEND:

- |                 |                             |
|-----------------|-----------------------------|
|                 | — LOCUS PROPERTY LINE       |
| ⊙               | — SEWER MANHOLE (SMH)       |
| ⊕               | — DRAIN MANHOLE (DMH)       |
| ⊞               | — CATCH BASIN (CB)          |
|                 | — STONEWALL                 |
| GV              | — GAS VALVE                 |
|                 | — WATER VALVE               |
|                 | — WATER SERVICE             |
|                 | — HYDRANT                   |
| U               | — UTILITY POLE              |
| N/F             | — NOW OR FORMERLY           |
| — D —           | — DRAIN PIPE                |
| — W —           | — WATER MAIN                |
| — G —           | — GAS SERVICE               |
| — OHW —         | — UNDERGROUND POWER         |
| — S —           | — SEWER MAIN                |
| LSA             | — LANDSCAPED AREA           |
| — 2/2 —         | — 2' CONTOUR INTERVAL       |
| — 200 —         | — 10' CONTOUR INTERVAL      |
| — X — X — X — X | — EXISTING CHAIN LINK FENCE |
|                 | — TEST PIT                  |
|                 | — TRANSFORMER               |
|                 | — LIGHT POLE                |
|                 | — BOUND                     |
| ⊙               | — IRON ROD                  |

LEXINGTON PLANNING BOARD

DATE \_\_\_\_\_

FOR REGISTRY USE ONLY

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GENERAL NOTES:

**ZONING: RS - SINGLE FAMILY**  
**MINIMUM REQUIREMENTS:**  
**AREA: 15,500 S.F.**  
**FRONT SETBACK: 30'**  
**SIDE SETBACK: 15'**  
**REAR SETBACK: 15'**  
**LOT FRONTAGE/WIDTH: 125'/100'**

PROJECT TITLE & LOCATION:

Proposed Residential  
Development  
in  
Lexington, MA

PLAN TITLE:

Existing Conditions

PREPARED FOR:

Barons Custom Homes  
1 Garfield Circle  
Burlington, MA 01803

DATE: DECEMBER 12, 2017

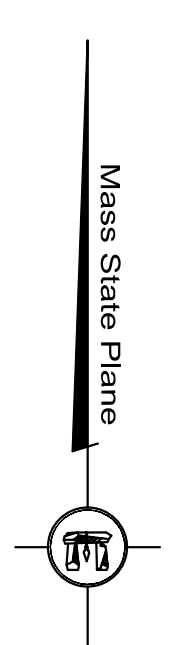
JOB NUMBER: 124.034

SHEET 2 OF 8

50 25 0 50 100

SCALE: 1"=50'





Legal Reference: (Middlesex So.)  
17 Fairland St.  
 Book 41474 Page 304  
 Book 34182 Page 201  
 Plan No. 1201 of 2003  
15 Fairland St.  
 Book 10991 Page 103  
 Pl Book 143 Plan 29  
185 Lincoln St.  
 Book 25489 Page 498  
 Plan No. 540 of 1946

"THIS PLAN IS SUBJECT TO A SPECIAL PERMIT DATED \_\_\_\_\_,"

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DATE

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— SEWER MANHOLE (SMH)

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— CATCH BASIN (CB)

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— WATER VALVE

— WATER SERVICE

— HYDRANT

— UTILITY POLE

— NOW OR FORMERLY

— DRAIN PIPE

— WATER MAIN

— GAS SERVICE

— UNDERGROUND POWER

— OVERHEAD WIRES

— SEWER MAIN

— LANDSCAPED AREA

— 2' CONTOUR INTERVAL

— 10' CONTOUR INTERVAL

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— BOUND

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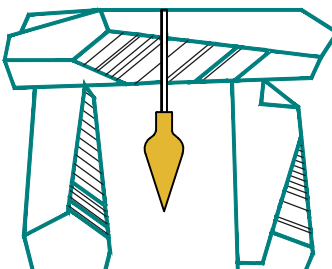
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**& Associates, Inc.**  
1266 Furnace Brook Parkway, Suite 401 Quincy, MA 02169  
(617) 405-5100 (O) (617) 405-5101 (F)

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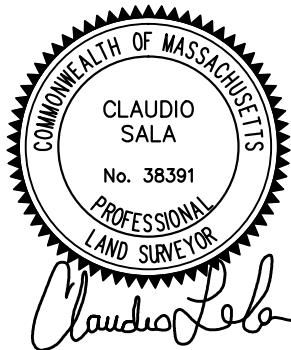
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**SIDE SETBACK: 15'**  
**REAR SETBACK: 15'**  
**LOT FRONTAGE/WIDTH: 125'/100'**

# Proposed Residential Development in Lexington, MA

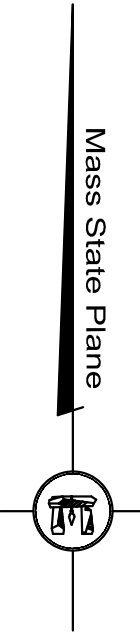
JOB NUMBER: 124.034 SHEET 3 OF 8

50 25 0 50 1

SCALE: 1"=50'







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 17 Fairland St.  
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N/F

- NOW OR FORMERLY

N/F

- DRAIN PIPE

- WATER MAIN

- GAS SERVICE

- UNDERGROUND POWER

- SEWER MAIN

LSA

- LANDSCAPED AREA

LSA

- 1' CONTOUR INTERVAL

- 5' CONTOUR INTERVAL

- EXISTING CHAIN LINK FENCE

- TEST PIT

- TRANSFORMER

- LIGHT POLE

- BOUND

- IRON ROD

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(617) 405-5100 (O) (617) 405-5101 (F)

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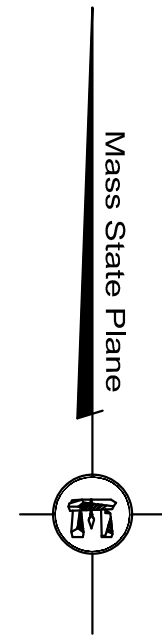
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LOT FRONTAGE/WIDTH: 125'/100'

JOB NUMBER: 124.034      SHEET 4 OF 8

50      25      0      50      100

SCALE: 1"=50'





Applicant:  
Barons Custom Homes  
Mark D Barons, President  
1 Garfield Circle  
Burlington, MA 01803

Record Owners:  
Philip and Joy Terry  
17 Fairland Street  
Irene Buono  
15 Fairland Street  
Anit and Sumatra Dasgupta  
185 Lincoln Street

Assessors Data:  
17 Fairland Street: Map 42 Lot 0204C  
15 Fairland Street: Map 42 Lot 0205  
185 Lincoln Street: Map 42 Lot 0233

Legal Reference: (Middlesex So.)  
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	- EXISTING CHAIN LINK FENCE
	- TEST PIT
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LEXINGTON PLANNING BOARD

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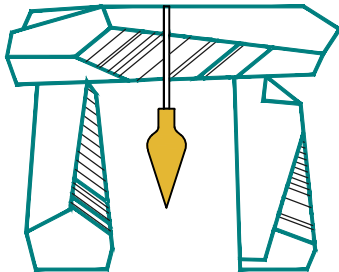
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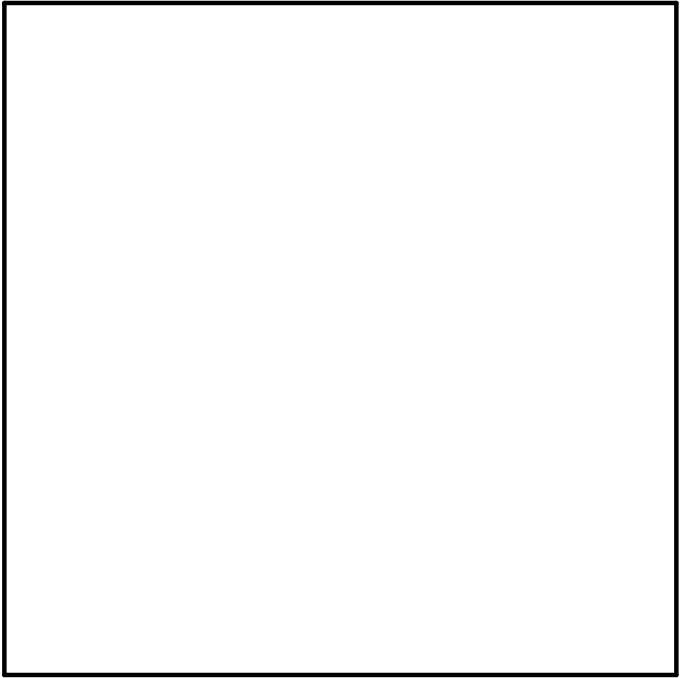
\_\_\_\_\_

DATE

DeCELLE-BURKE-SALA



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(617) 405-5100 (O) (617) 405-5101 (F)



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SIDE SETBACK: 15'

REAR SETBACK: 15'

LOT FRONTAGE/WIDTH: 125/100'

PROJECT TITLE & LOCATION:

Proposed Residential  
Development  
in  
Lexington, MA

PLAN TITLE:

Utility

PREPARED FOR:

Barons Custom Homes  
1 Garfield Circle  
Burlington, MA 01803

DATE: DECEMBER 12, 2017

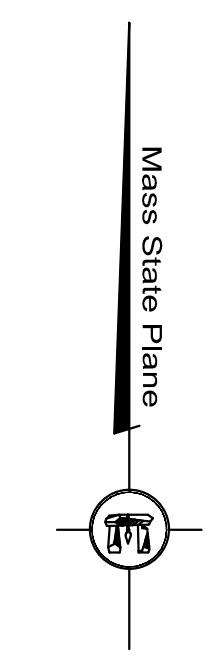
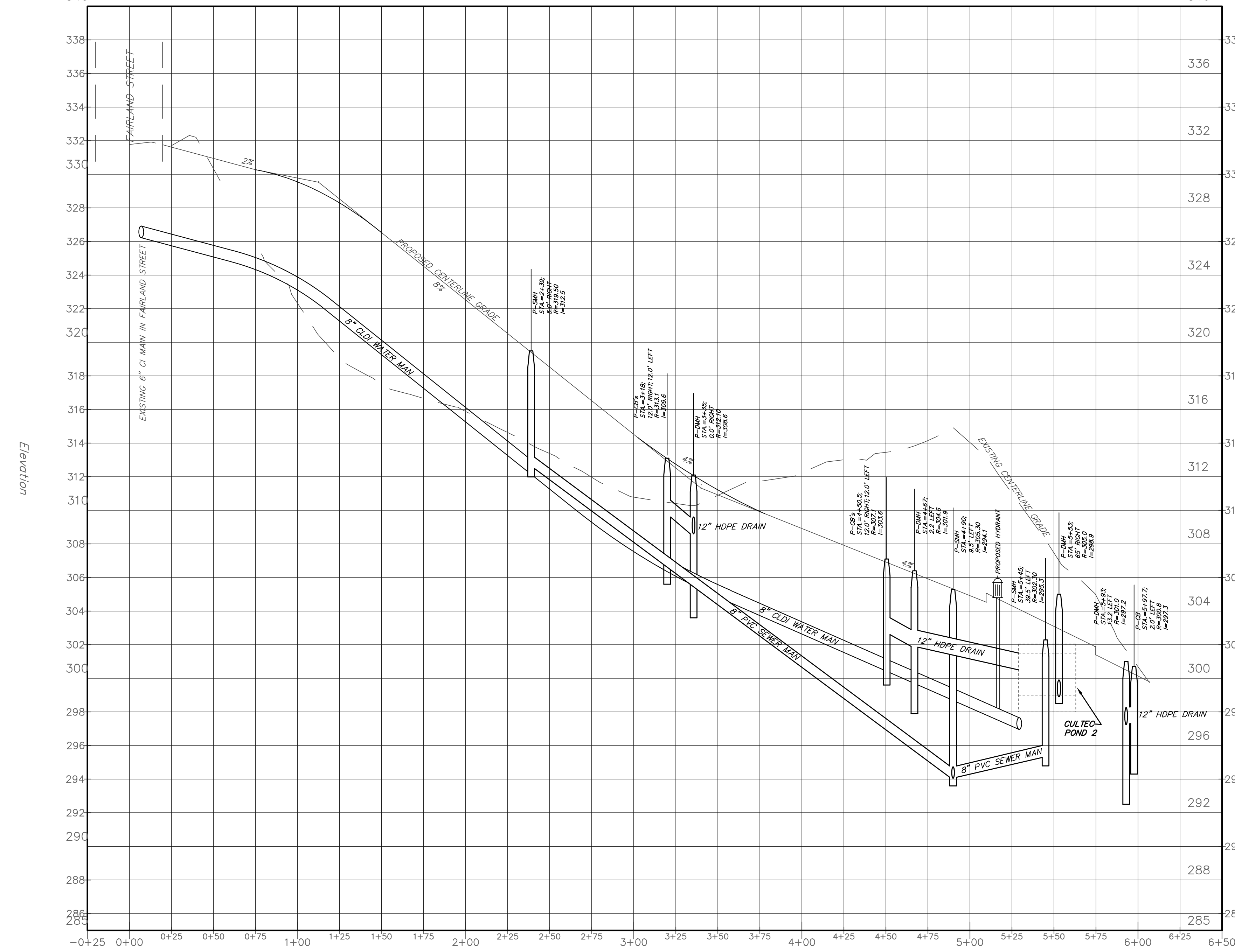
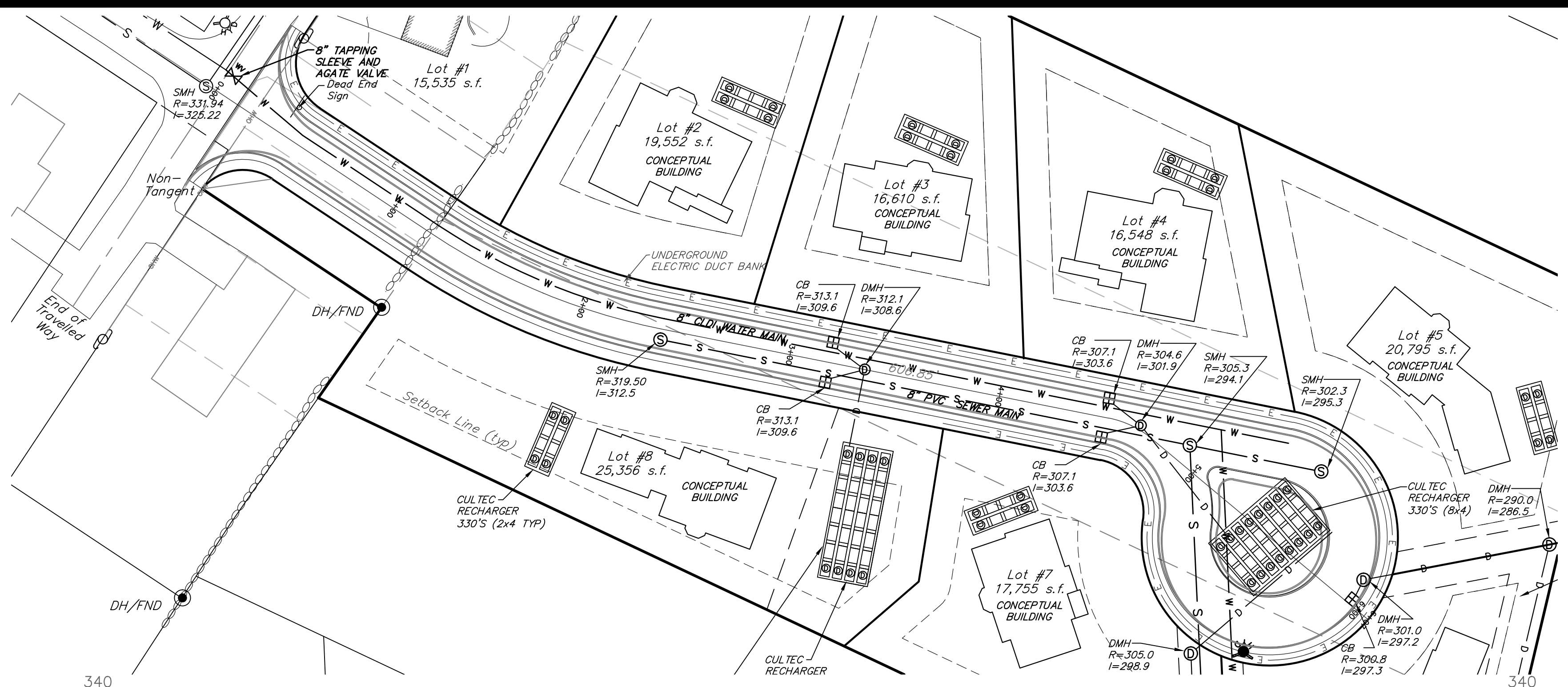
REVISED:

JOB NUMBER: 124.034 SHEET 5 OF 8

50 25 0 50 100

SCALE: 1"=50'





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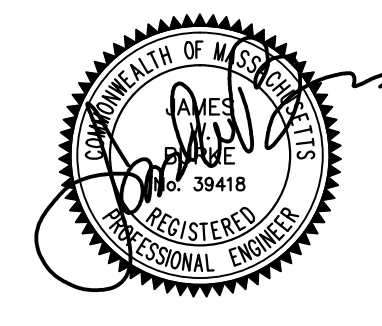
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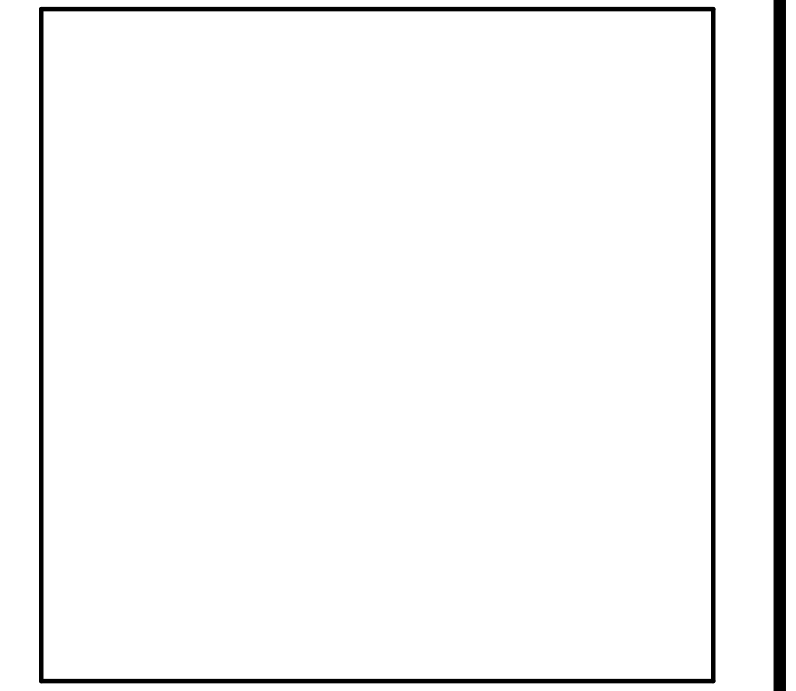
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LEXINGTON PLANNING BOARD



**DeCELLE-BURKE-SALA**

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GENERAL NOTES:

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SIDE SETBACK: 15'  
REAR SETBACK: 15'  
LOT FRONTAGE/WIDTH: 125'/100'

PROJECT TITLE & LOCATION:

**Proposed Residential Development**  
in  
**Lexington, MA**

PLAN TITLE:

**Plan & Profile**

PREPARED FOR:

**Barons Custom Homes**  
1 Garfield Circle  
Burlington, MA 01803

DATE: DECEMBER 12, 2017

REVISED:

JOB NUMBER: 124.034 SHEET 6 OF 8

50 25 0 50 100

SCALE: 1"=50'

DATE





% PASSING	SIEVE SIZE
100	#4
10-100	#50
0-20	#100
0-5	#200

BACKFILL IN ACCORDANCE WITH SPECIFICATIONS.

CONTACTOR TO REMOVE ALL LOAM, SUBSOIL AND ALL DELETERIOUS MATERIAL FROM EXCAVATION PRIOR TO PLACEMENT OF THE STONE BED.



17 Fairland St.  
Book 41474 Page 304  
Book 34182 Page 201  
Plan No. 1201 of 2003  
15 Fairland St.  
Book 10991 Page 103  
PI Book 143 Plan 29  
185 Lincoln St.  
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Plan No. 540 of 1946

DATE \_\_\_\_\_

DATE \_\_\_\_\_







## TOWN OF LEXINGTON PLANNING OFFICE

### AGENDA ITEM SUMMARY & STAFF RECOMMENDATION

---

<b>Item Name/Description:</b>	15-17 Fairland Street Preliminary Subdivision Plan
<b>Application Date:</b>	December 13, 2017
<b>Constructive Approval Date:</b>	January 27, 2018 (45 days)
<b>Proposed Meeting Date:</b>	January 17, 2018

---

#### Procedural Summary

Barons Custom Homes has applied for a preliminary subdivision at 15-17 Fairland Street and 185 Lincoln Street, Map 42 - Lots 233, 205 and 204C, consisting of nine lots. This application has been submitted under §175-5.0 of the Lexington Subdivision Regulations.

#### Staff Comments

The proposal for the conventional subdivision consists of nine lots laid out on a single road terminating in a cul-de-sac, with one lot retaining frontage on Lincoln Street, currently 185 Lincoln Street. Per §175-7.2(D)(3) this new street will be an extension of Gafford Avenue and should be named as an extension. The eight lots shown on the proof plan, titled "Fairland Estates", conform to Lexington's current zoning and dimensional standards and the applicant is requesting no waivers for these lots.

The applicant's narrative states that the lot, now known as 185 Lincoln Street, will be bisected via ANR and the current house fronting Lincoln Street will remain. However, this course of action is untenable as it is in violation of the *Subdivision Regulations*. The lot now known as 185 Lincoln Street needs to be incorporated in to the overall subdivision plan for "Fairland Estates". This may require the applicant to ask for a frontage waiver for the lot to remain as 185 Lincoln Street, or a reconfiguration of the proposed plan, however, at the current time the applicant has not requested a waiver for this proposal.

Other staff comments include:

- If this proposal progresses to the definitive stage the applicant should comply with the requirements of §175-7.2(C) *Extension to Adjoining Land* and show access to adjacent lot #42-232B, unless the applicant requests a waiver from this section of the bylaw.
- The preliminary grading plan for this site appears to comply with §175-7.2 (E)(11), however, a full and detailed grading plan should be provided at the definitive plan stage.
- Engineering staff has provided their comments under a separate cover.

#### Staff Recommendation

There appears to be no legal or regulatory basis to deny the approval of this preliminary plan. Planning Office staff recommends approval of the preliminary subdivision plan for "Fairland Estates", with the condition that the lot to remain as 185 Lincoln Street must be incorporated in to the overall subdivision in a manner acceptable to the Board,. Otherwise, the plan complies with all applicable zoning and subdivision regulations and requirements with

respect to roadways, utilities, zoning, layout, and grading. .





## MEMORANDUM

TO: David Fields, Planner

FROM: David Pavlik, Senior Civil  
Michael Sprague, Senior Civil

DATE: January 9, 2018

SUBJECT: Fairland Estates Preliminary Subdivision Plan

CC: John Livsey, Town Engineer  
Aaron Henry, Senior Planner

---

The engineering division has reviewed the Preliminary Subdivision Plans titled "Fairland Estates" dated December 12, 2017. We submit the following;

### Comment to Planning:

Please be advised that the engineering division is aware of the submission process involved with the proposed subdivision approval. And with that we expect that our comments will be addressed as this process moves forward toward the definitive subdivision design. The nature of some of our comments will be best addressed as the design progresses further along.

### Existing and Proposed Roadway:

- A calculation or note should be provided to address fire equipment turning radius in the cul-de-sac.
- Is this planned to become a Town accepted road or is it to remain private?
- The roadway base detail should show 8 inches of gravel below 4 inches of dense grade crushed stone.
- It is unclear on the plans where the granite curb is located and where the asphalt berm is located. Granite curb is specified on the detail sheet.

### Utilities:

- This particular neighborhood has been identified as an area of marginally low water pressure. The identification was made in a water system asset plan done for the Town in 2017. This issue should be considered prior to submission of a definitive plan.
- We recommend that a profile view of the utilities located within the two proposed easements be added to the design.

- The water main shows only one gate and tee at the intersection. There should be three gates at a tee for isolation purposes. The other water connection in the easement should be a tap and sleeve with only one gate. We ask that this connection be shown in detail since it is difficult to read on the plans as is.
- Hydrants shall be American-Darling 5 ¼ inch B-84-B-5. Hydrant color; barrel – OSHA black, bonnet – OSHA white, nozzle caps – OSHA black. We require this information be clearly noted on the plans.
- All hydrants, valves and valve boxes shall be American made only. Valves shall open **right (clockwise), hydrants shall open right (clockwise)**. We require this information be clearly noted on the plans.
- All proposed vertical and horizontal bends for the proposed water main shall be on plans with adequate restraining glands, rods and thrust restraints.
- Please identify locations of any bends in the water main, bends will require thrust blocks in accordance with town standards.
- The minimum depth of sewer service connections is 4' below grade. Please provide invert and grading information to show that requirements will be met for each proposed service. And show stubs onto property on definitive plan.
- Maintain separation of utilities in particular the drain and sewer mains.
- All manhole frame and covers should be consistent with Town of Lexington Standards.
- Silt sacks should have emergency overflow and should be shown on plans.

Drainage for roadway, sidewalk, driveway aprons, and site grading:

- The Town should not be listed as the responsible party for the stormwater operations and maintenance plan.
- Test pit data should be shown on the plans to verify infiltration rates and to show two-foot separation from ESHGWT and infiltration systems.
- Please show Tc's on plan.
- Please show drawdown calculations for BMP's.
- In the HydroCAD report the time span should be increased to allow for complete volume and runoff calculations.
- The street should match the detail, with a crown or superelevation, especially concerning drainage.
- The drain line between lots #5 and #6 is a concern with the bend as well as the location on the property line. We will be looking closely at this segment in future submittals.
- Any connections to the Town's drainage system will require Conservation approval.
- Any trees that may be cut should be reviewed with the Tree Warden, Chris Filadoro at the DPW.

Additional reviews and comments will be done after response to these comments.

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

#### **AGENDA ITEM TITLE:**

Approval Not Required Plan: 85 Ward Street

#### **PRESENTER:**

Richard Perry, Applicant

#### **ITEM NUMBER:**

10

#### **SUMMARY:**

The Approval Not required (ANR) plan for 85 Ward Street consist of a 200 square foot land swap between two private parties. Staff sees no reason to without endorsement of this ANR, as the "sending" lot maintains full compliance with the Town's frontage and area requirements.

#### **SUGGESTED MOTION:**

Staff recommends that the Board endorse the plan as it does not show a subdivision as contemplated by MGL c. 41 s. 81-L, the Subdivision Control Act.

#### **FOLLOW-UP:**

#### **DATE AND APPROXIMATE TIME ON AGENDA:**

2/14/2018

9:30

#### **ATTACHMENTS:**

Description	Type
 ANR Plan	Backup Material

FOR REGISTRY OF DEEDS USE ONLY

I DECLARE, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*Kevin J. B. B. B.*  
FOR MERIDIAN ASSOCIATES, INC.  
DATE 01-10-18

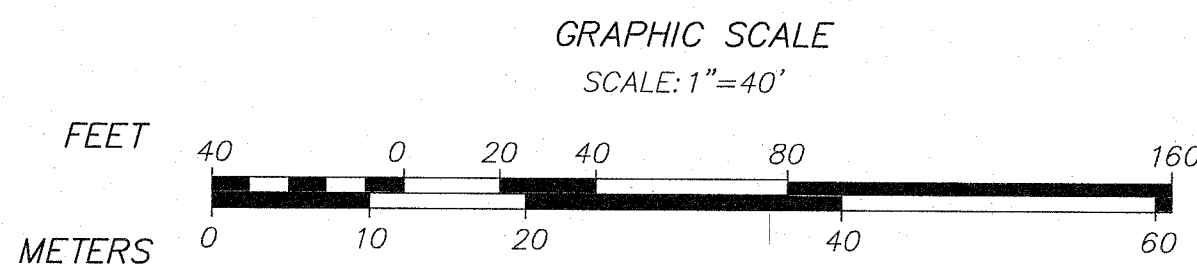
**RECORD OWNER/APPLICANT:**

RFP FAMILY TRUST  
RICHARD F. PERRY, TRUSTEE  
424 MARRETT STREET  
LEXINGTON, MA 02421  
-DEED BOOK 68307, PAGE 353

**REFERENCES**

-PLAN BOOK 77, PLAN No. 24  
-PLAN 630 OF 2016  
-LAND COURT PLAN 21713A

DOCUMENTS RECORDED AT  
MIDDLESEX SOUTH REGISTRY OF  
DEEDS.



AVON STREET  
(UNACCEPTED - 50' WIDE)

CENTRE STREET  
(PUBLIC - 50' WIDE)

MYRTLE STREET  
(UNACCEPTED - 50' WIDE)

REED STREET  
(UNACCEPTED - 60' WIDE)

REED (PUBLIC - 60' WIDE) STREET

WARD STREET  
(PAPER - 50' WIDE)

WARD STREET  
(PUBLIC - 50' WIDE)

**LEGEND:**

CB/PIN CONCRETE BOUND WITH PIN  
CB/DH CONCRETE BOUND WITH DRILL HOLE  
IR IRON ROD  
IP IRON PIPE  
FND FOUND  
A.G. ABOVE GRADE  
B.G. BELOW GRADE  
N.T.S. NOT TO SCALE

**LOCUS MAP:**  
(NOT TO SCALE)

APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW NOT REQUIRED  
**TOWN OF LEXINGTON PLANNING BOARD**

THE PLANNING BOARD'S ENDORSEMENT OF  
THE PLAN AS NOT REQUIRING APPROVAL  
UNDER THE SUBDIVISION CONTROL LAW DOES  
NOT GIVE LOTS OR PARCELS ANY STANDING  
UNDER THE PROTECTIVE ZONING BY-LAW OF  
THE TOWN OF LEXINGTON.

DATE:

**NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO REDIVIDE LOTS 346 (10,800± S.F.) AND LOT 347 (7,200± S.F.) AS DEPICTED ON PLAN BOOK 77, PLAN 24 TO CREATE LOT A (17,802± S.F.) AND PARCEL B (200± S.F.). PARCEL B IS TO BE CONVEYED TO ABUTTER DAHL AND IS NOT TO BE CONSIDERED A SEPARATE BUILDING LOT.
2. THE SITE DETAIL & SURFACE IMPROVEMENTS DEPICTED HEREON WERE OBTAINED FROM AN INSTRUMENT SURVEY CONDUCTED ON THE GROUND BY MERIDIAN ASSOCIATES, INC. ON OCTOBER 20 7 21, 2016 AND ON SEPTEMBER 29, 2017.
3. THE LOCUS PROPERTIES DEPICTED ARE LOCATED IN THE RS (RESIDENTIAL) DISTRICT.
4. THE LOCUS PROPERTIES ARE DEPICTED AS LOTS 346 & 347 ON TOWN OF LEXINGTON ASSESSOR'S MAP 72.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.

85 WARD STREET

PLAN OF LAND  
LOCATED IN  
**LEXINGTON, MASSACHUSETTS**  
(MIDDLESEX COUNTY)

PREPARED FOR  
RFP FAMILY TRUST  
SCALE: 1"= 40' DATE: JANUARY 10, 2018

**MERIDIAN ASSOCIATES**

500 CUMMINGS CENTER, SUITE 5950 69 MILK STREET, SUITE 302  
BEVERLY, MASSACHUSETTS 01915 WESTBOROUGH, MASSACHUSETTS 01581  
TELEPHONE: (978) 299-0447 TELEPHONE: (508) 871-7030  
WWW.MERIDIANASSOC.COM

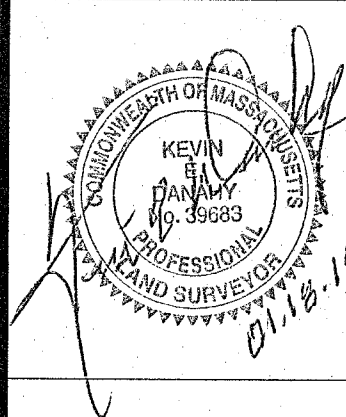
SHEET No. 1 OF 1

PROJECT No. 5926

**REVISIONS**

NO.	DATE	DESCRIPTION	BY	CHK'D

DWG. No. 5926\_ANR  
BK. #A-5, PG. #67  
BK. #682, PG. #41



## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

#### **AGENDA ITEM TITLE:**

Street Determination, modification: 7 Rangeway

#### **PRESENTER:**

Robert Cataldo, Applicant

#### **ITEM NUMBER:**

11

#### **SUMMARY:**

The applicant, Robert Cataldo, is looking to establish a performance guarantee on work still to be performed stemming from the Board's street determination review last year.

At this time staff is still working with the Applicant and Engineering to finalize the amount. If we are unable to finalize this before the meeting, then staff will recommend no action on this item.

#### **SUGGESTED MOTION:**

Staff recommends the acceptance of the performance guarantee.

#### **FOLLOW-UP:**

#### **DATE AND APPROXIMATE TIME ON AGENDA:**

2/14/2018

9:35

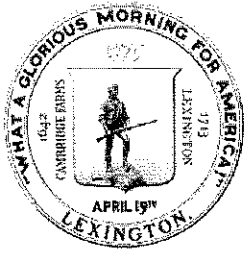
#### **ATTACHMENTS:**

Description

Type

▣ Street Adequacy Decision

Cover Memo



Town of Lexington

## PLANNING BOARD

1625 Massachusetts Avenue  
Lexington, MA 02420  
Tel (781) 698-4560  
[planning@lexingtonma.gov](mailto:planning@lexingtonma.gov)  
[www.lexingtonma.gov/planning](http://www.lexingtonma.gov/planning)

Timothy Dunn, Chair  
Richard L. Canale, Vice Chair  
Ginna Johnson, Clerk  
Charles Hornig  
Nancy Corcoran-Ronchetti  
Michael Leon, Associate

From: Aaron Henry, Planning Director  
To: Fred Lonardo, Building Commissioner  
Re: Street Adequacy Determination for 7 Rangeway  
Date of Application: September 8, 2016  
Date of Decision: September 28, 2016

Dear Mr. Lonardo,

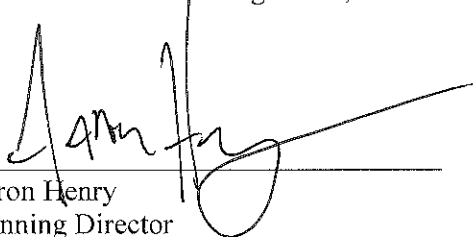
On September 28, 2016, at a duly called and properly posted meeting, the Planning Board acted upon an application for a determination of the adequacy of the width, grade, and construction of Rangeway, as it relates to the proposed use of 7 Rangeway. The procedure for such an application, pursuant to §176-7.0 of the Planning Board's *Zoning Regulations (Regulations)*, requires that the Planning Board determine that Rangeway is not presently of adequate grade and construction but will be if certain improvements are made.

To achieve the intent and purpose of the *Regulations*, the Planning Board determined that the following conditions must apply in order that the proposed use of 7 Rangeway proceed as proposed:

1. Seal any cracks along the road and around any catch basins from the intersection of Rangeway and Skyview Road to the intersection of Rangeway and James Street;
2. Clean all catch basins from the intersection of Rangeway and Skyview Road to the intersection of Rangeway and James Street;
3. Repair the berm at the Northwest corner of the intersection of Rangeway and Skyview Road;
4. Any cuts into Rangeway or James Street necessary for utility connections must be patched to standards acceptable to the Town's Engineering Office;
5. In consultation with the property owner of 8 Rangeway, Lot 90-61, reconstruct the driveway apron to continue the flow of water south along the existing Cape Cod berm to the existing catch basin in front of 12 Rangeway.

Additionally, in accordance with §176-7.0 of the Board's *Zoning Regulations*, the Board waives strict compliance with the specific provisions listed below, as strict compliance would not serve the public interest and would be inconsistent with their intent and purpose. The Board grants a waiver to the standards cited in §175-7.0, *Required Improvements and Design Standards* requiring a full plan set as the proposed recommendations and imposed conditions are minor in nature.

On behalf of the Planning Board,

  
\_\_\_\_\_  
Aaron Henry  
Planning Director

cc: Robert Cataldo  
John Livsey, Town Engineer  
Planning Board file

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

#### **AGENDA ITEM TITLE:**

Board Member Reports

#### **PRESENTER:**

Board Members

#### **ITEM NUMBER:**

12

#### **SUMMARY:**

This is a standing agenda item to provide an opportunity for Board members to share with colleagues and the public any relevant updates regarding the work of the many Boards and Committees with which the Planning Board has a relationship.

#### **SUGGESTED MOTION:**

The Board does not need to take any action on this agenda item.

#### **FOLLOW-UP:**

#### **DATE AND APPROXIMATE TIME ON AGENDA:**

2/14/2018

9:45

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

#### **AGENDA ITEM TITLE:**

Review & Approval of Minutes

#### **PRESENTER:**

Richard Canale, Chair

#### **ITEM NUMBER:**

12

#### **SUMMARY:**

The minutes up for approval are:

- March 7, 2016
- April 25, 2016
- May 9, 2016
- April 24, 2017
- December 20, 2017 (w HC)
- January 10, 2018
- January 16, 2018 (w BOS)
- January 17, 2018
- January 31, 2018

#### **SUGGESTED MOTION:**


#### **FOLLOW-UP:**

#### **DATE AND APPROXIMATE TIME ON AGENDA:**

2/14/2018

9:55

#### **ATTACHMENTS:**

Description	Type
 March 7, 2016	Backup Material



📅	April 25, 2016	Backup Material
📅	May 9, 2016	Backup Material
📅	April 24, 2017	Backup Material
📅	December 20, 2017	Backup Material
📅	January 10, 2018	Backup Material
📅	January 16, 2018	Backup Material
📅	January 17, 2018	Backup Material
📅	January 31, 2018	Backup Material

PLANNING BOARD MINUTES  
MEETING OF MARCH 7, 2016

A meeting of the Lexington Planning Board, held in the Planning Office was called to order 7:05 p.m. by Chair Nancy Corcoran-Ronchetti, with members Charles Hornig, Richard Canale, Tim Dunn, and Ginna Johnson and planning staff Aaron Henry present.

\*\*\*\*\*STAFF REPORTS\*\*\*\*\*

**General updates:**

Trying to finish as many motions and reports as possible for Town Meeting tonight. They discussed who would do the presentation for the meeting tonight with the Board of Selectmen (BOS). The draft reports were submitted Wednesday before all the changes were inserted.

\*\*\*\*\*2016 ANNUAL TOWN MEETING- ARTICLE DELIBERATIONS\*\*\*\*\*

**Residential Gross Floor Area, Article 41:**

Discussed proposed changes made by Mr. Hornig to the report for the Board to review since this is the first time they were seeing it. A paragraph on the financial and fiscal impacts at the end and a paragraph on goals and benefits should be inserted. The new changes will be inserted into the report by staff tomorrow and sent to the Board and ask for return comments to staff by Friday. This will be in the packet for the March 16, 2016 meeting.

**Two-Family Homes, Article 42:**

The Board discussed Mr. Canale's changes that there was concern that the criteria may not be right for parking and garages regarding the impervious surface and the Board should consider indefinitely postponing this article for now until there is more time to research this matter. The goal is for smaller units and maintain neighborhood character in this article. Want a multiplier on the GFA which Ms. Johnson will supply. The new changes will be inserted into the report by staff tomorrow and sent to the Board and ask for return comments to staff by Friday. This will be in the packet for the March 16, 2016 meeting.

**Accessory Apartments, Article 40:**

The only change was incorporated from last week by staff and the Board was fine with it.

**Amend RD 6 (Brookhaven), Article 45:**

Staff will write a proposed draft report for the Board to review.

\*\*\*\*\*BOARD REPORTS\*\*\*\*\*

The Board agreed on who would do the presentations at the TMMA meeting on Thursday.

On a motion duly made and seconded, it was voted, 5-0, to recess at 8:00 p.m. and moved to the Board of Selectmen's Meeting in the Selectmen's Meeting Room.

The meeting was recorded by LexMedia.

Ginna Johnson, Clerk

PLANNING BOARD MINUTES  
MEETING OF APRIL 25, 2016

A meeting of the Lexington Planning Board, held in the Parker Room was called to order 6:01 p.m. by Chair Nancy Corcoran-Ronchetti, with members Charles Hornig, Tim Dunn, and Richard Canale, and planning staff Aaron Henry present. Ginna Johnson joined the meeting in progress.

\*\*\*\*\* UPCOMING MEETINGS AND ANTICIPATED SCHEDULE\*\*\*\*\*

**Discussion of upcoming meeting schedule and known agenda items:**

The next meeting Wednesday, May 4, at 7 p.m. in the Selectmen's Meeting Room. There will be some development administration that day and handing out plans for sketch plan on 331 Concord Avenue and two street determinations.

Will need to formalize Brookhaven if going forward and will add a meeting on May 9. May 18 there will be an informal conversation at 1775 Massachusetts Avenue. Will try to schedule an all staff and Board meeting during the day in June for work plans.

\*\*\*\*\*2016 ANNUAL TOWN MEETING-PREPARATIONS\*\*\*\*\*

**Article 42, Two-Family Houses:**

There was a minor change to switch the order of paragraphs 2 and 3.

**Article 44, Planned Development District:**

The Board signed the two copies of the report.

**Article 45, Brookhaven:**

The Board of Selectmen (BOS) said they were concerned that the article may not be ready for Town Meeting yet regarding the property value that may need to be inflated and with the tax status issue. The BOS are meeting tonight with the applicant to discuss the issues further. The applicant has asked for a revised date certain to May 9 the last night of Town Meeting.

Ms. Johnson joined the meeting in progress

**Article 8, Community Preservation Committee Operating Budget and CPA projects:**

On a motion duly made and seconded, it was voted, 5-0, to oppose the proposed amendment by CPA to Article 8.

On a motion duly made and seconded, it was voted, 5-0, to support Article 8(i) Minuteman Bikeway Wayfinding signs implementation as originally proposed.

On a motion duly made and seconded, it was voted, 5-0 to support Article 8(o) Grain Mill Alley as originally proposed.

On a motion duly made and seconded, it was voted, 5-0, to adjourn at 6:35 p.m.

The meeting was recorded by LexMedia.

Ginna Johnson, Clerk

## PLANNING BOARD MINUTES

MEETING OF MAY 9, 2016

A meeting of the Lexington Planning Board, held in the Parker Room was called to order 6:32 p.m. by Chair Nancy Corcoran-Ronchetti, with members Charles Hornig, Tim Dunn, Richard Canale, Ginna Johnson, and planning director Aaron Henry.

### \*\*\*\*\*STAFF REPORTS\*\*\*\*\*

Mr. Henry asked the Planning Board to advise staff of their summer plans to help create a schedule. Staff met with the attorney for Ridge Road to see what is next and what issues will come up for which boards and the permitting route and also a project for 1775 Massachusetts Avenue to discuss their permitting path.

### \*\*\*\*\* UPCOMING MEETINGS AND ANTICIPATED SCHEDULE\*\*\*\*\*

#### **Discussion of upcoming meeting schedule and known agenda items:**

The next meeting will be May 18 which will include Street Determination for Ridge Road and 1775 Massachusetts Avenue for an informal meeting and a review of Zoning Regulations and the Planning Board's Procedural Rules.

### \*\*\*\*\*2016 SPECIAL TOWN MEETING-PREPARATIONS\*\*\*\*\*

#### **Article 2, Land purchase-20 Pelham Road:**

The Board discussed this Article for the Special Town Meeting tonight.

On a motion of Mr. Canale, seconded by Ms. Corcoran-Ronchetti, it was voted, 4-1, (Mr. Hornig opposed) to recommend approval of this Article to Special Town Meeting 2.

On a motion duly made and seconded, it was voted, 5-0, to adjourn at 7:17 p.m.

The meeting was recorded by LexMedia.

The following documents used at the meeting can be found on file with the Planning Department:

Ginna Johnson, Clerk

PLANNING BOARD MINUTES  
MEETING OF APRIL 24, 2017

A meeting of the Lexington Planning Board, held in the Parker Room, Town Office Building was called to order 7:05 p.m. by Chair, Richard Canale with members Charles Hornig, Nancy Corcoran-Ronchetti, Bob Creech and planning staff Aaron Henry present.

\*\*\*\*\*2017 ANNUAL TOWN MEETING \*\*\*\*\*

**Preparations for Town Meeting:**

Article 44, Amend Brookhaven (RD-6 to PD-1):

On April 5, the Board voted, 4-0, to recommend to Town Meeting that they approve this article. The amended report is now before the Board with the zoning text of the PSDUP and the draft MOA that the Board requested. Mr. Henry reviewed the changes incorporated into the report. Mr. Canale will hand this to the Moderator tonight at Town Meeting after his presentation.

On a motion duly made and seconded, it was voted, 5-0, to approve the amended report to Town Meeting before the Board for Article 44.

**Staff update:**

David Fields is leaving and his last day is this Thursday. The Planning Office will be short staffed for a short while and hope to fill the position as soon as possible hopefully by July.

The Board wanted to formally thank Mr. Fields for his services and wished him the best in his new job.

On a motion duly made and seconded, it was voted, 5-0, to adjourn at 6:59 p.m.

The meeting was recorded by LexMedia.

Ginna Johnson, Clerk

## **HISTORICAL COMMISSION MEETING MINUTES**

### **December 20<sup>th</sup>, 2017**

**Call to Order:** A public meeting of the Historical Commission was held in the Parker Room of Lexington Town Hall located at 1625 Massachusetts Avenue. The meeting convened at **7:30PM.**

#### **Historical Commission Members in Attendance:**

David Kelland, Chair, Marilyn Fenollosa, Diane Pursley, Wendall Kalsow, Samuel Doran

#### **AGENDA ITEM #1 (7:30 PM)**

Public hearing on the roofline change located at 26 Downing Road  
(Applicant, Kevin Thibodeau)

#### **APPLICANT (S) PRESENT:**

Bill Winder, Architect  
Kevin Thibodeau, Contractor

#### **ABUTTER(S) PRESENT:**

None

#### **DOCUMENT(S):**

Photos of the existing house  
Photos of the houses in the neighborhood  
Plans of proposed addition

#### **SUMMARY:**

Mr. Winter explained to the board that the homeowners at 26 Downing Road would like to make the home that is currently a one and a half story home to two and a half stories. Mr. Winter went over what he wants to do to the existing house: Go up an additional story and take off the current brick siding. Mr. Winter was also unsure why the house was considered historically significant. There are houses in the neighborhood that have been torn down. Mr. Winter then went over the plans with the commission.

#### **HC COMMENTS:**

Mr. Doran explained why the area the home in is considered historic. It is part of the Fair Oaks development. One of the characteristics of the neighborhood is the unique style of all the homes. Mr. Doran expressed his concerns over the plans and how the historic home will change



completely. The plans of the new home will change the style of the current house. Mr. Kalsow suggested we continue to next month to conduct further research. The commission would also like to go and take a look at the neighborhood.

**PUBLIC COMMENTS:**

None

**MOTION:**

Mr. Winder made a motion to the commission continue to the meeting next month.

**VOTE:**

5-0 in favor to continue: Mr. Kelland, Ms. Fenollosa, Ms. Pursley, Mr. Kalsow, Mr. Doran

**AGENDA ITEM #2 (7:53PM)**

Public hearing on the full building demolition located at 6 Eliot Road  
(Applicant, Richard Perry)

**APPLICANT (S) PRESENT:**

Rick Perry, Homeowner

Dick Perry, Homeowner

**ABUTTER(S) PRESENT:**

Peggy Harris, 5A Eliot Road

Ruth Dowling, Bill Young 10 Eliot Road

Kenneth Kevarian, 4 Bennington Road

Charlotte Coleman, 29 Eliot Road

**DOCUMENT(S):**

Structural Report

Lead Paint Removal Inspection

Asbestos Report

**SUMMARY:**

Mr. Perry explained the structure at 6 Eliot Road is located on three acres of land. He went over the history of the house. It was originally a single family home. Since then, it was purchased for the nuns (Armenian Sisters) convent.

The structure measures 110 feet wide and 30 feet deep totaling 12,000 square feet. The structural report showed issues on one side of the foundation and excessive water damage. Mr. Perry believes in historic preservation but in this case he believes the home it is beyond rehabilitation. Mr. Perry said to demolish the house cost about \$60,000. Mr. Perry plans to build a subdivision in its place.

**HC COMMENTS:**

Ms. Pursley and Mr. Kelland visited the house. The house is in poor shape. Mr. Kelland said if the demolition of the house were to be delayed for one year to preserve the home to see if it could be re-used, he could not imagine what the reuse could be. Ms. Pursley said the home has a very grand entrance but clearly has been neglected by the prior owners. Ms. Fenollosa mentioned some of the issues mentioned in the report could be fixed, for example, the windows, and the holes in the roof.

**PUBLIC COMMENTS:**

Peggy Harris would rather not have the structure rushed being knocked down. It's a unique building.

Ruth Dowling expressed concerns over what will happen with this historic property. She wants time to hear what is going to happen. There was no effort to sell the house. There are more questions than answers at this point.

Kenneth Kevarian agreed and said the structure is a hallmark of the neighborhood. He does not want to see it rushed into getting torn down.

Charlotte Coleman really wants to see 6 Eliot restored.

**MOTION:**

Moved by Mr. Kalsow to find the house at 6 Eliot Road preferably preserved and impose a 12 month delay seconded by Ms. Fenollosa.

**VOTE:**

5-0 Ms. Fenollosa, Mr. Kalsow, Mr. Kelland, Ms. Pursley and Mr. Doran in favor to impose demolition delay.

**AGENDA ITEM #3 (8:21PM)**

Joint Meeting (With Planning Board) to vote for proposed Neighborhood Conservation Districts

- Turning Mill
- Pierce Lockwood

**Planning Members in Attendance:**

Richard Canale, Chair, Charles Hornig, Ginna Johnson, Nancy Corcoran

**Historical Commission Members in Attendance:**

David Kelland, Chair, Marilyn Fenollosa, Wendall Kalsow, Samuel Doran

Diane Pursley recused herself.

Richard Canale, Planning Board Chair called the meeting to order at 8:21PM.

Mr. Canale wanted to clarify a few items including changes to the bylaw and how it reads. We need to make sure people understand what the bylaw actually says.

For an NCD to be forwarded it needs to have at least 75% of the properties be in a NCD area.

Mr. Hornig said the bylaw as written permits us to adapt the entire study area as the NCD area and forward to town meeting a district that would include all the parcels in that area other than the ones that are opted out. That is what the study committee seems to want. This is also the staff's recommendation and do not redraw the NCD area and forward it to town meeting.

Mr. Canale said if there is an NCD approved to town meeting 100% of the properties in the NCD will have the NCD regulations. None of the opted out properties would be in NCD. According to bylaw we cannot eliminate more than 40 properties from the NCD area to begin with. So we cannot reduce the area by more than 40 units.

The other part is in some ways the only issue in terms of NCD area that makes any sense is trying to figure out what's not opted out, does that still have a cohesive area. Mr. Canale then went over options with both the Planning Board and Historical Commission.

Mr. Kalsow commented on the bylaw change thinks it's consistent with the interpretation.

Next item discussed was how many properties need to be remove.

Redrawn NCD areas should contain at least 75% if the properties to be non-opted out properties. Do we include some or all of the people who did not get formal notice? Do we include or not include late or opt outs. In favor of removing opt outs.

**MOTION:**

Moved by Mr. Hornig that the Planning Board and Historical Commission redefine the proposed Turning Mill Neighborhood Conservation District to include (1) all the properties colored light blue shown on the map referred to as "Proposed Turning Mill NCD Regulated Lots - Staff (including opt-outs & failed notice)", (2) 22 and 37 Turning Mill Road, which are colored black on the map, and (3) the two open space parcels at 197 Grove Street, in white on the map.

Seconded by Mr. Kelland.

**VOTE:**

Richard Canale, Chair, Charles Hornig, Ginna Johnson, Nancy Corcoran, David Kelland, Marilyn Fenollosa, Wendall Kalsow, Samuel Doran in favor. Ms. Pursley recused herself on this

and all subsequent votes due to her conflict of interest (resident of the Turning Mill neighborhood).

**MOTION:**

Motion moved by Mr. Kelland to redraw the Turning Mill NCD area to eliminate 14 parcels indicated by hand-drawn number on the map captioned "Proposed Turning Mill NCD Regulated Lots - Staff". Seconded by Mr. Kalsow.

**VOTE:**

Richard Canale, Chair, Charles Hornig, Ginna Johnson, Nancy Corcoran, David Kelland, Marilyn Fenollosa, Wendall Kalsow, Samuel Doran in favor.

**MOTION:**

Moved by Ms. Fenollosa that the revised area and proposed Turning Mill NCD be found to be cohesive and that it maintains its integrity. Seconded by Mr. Kalsow.

**VOTE:**

Richard Canale, Chair, Charles Hornig, Ginna Johnson, Nancy Corcoran, David Kelland, Marilyn Fenollosa, Wendall Kalsow, Samuel Doran in favor.

**MOTION:**

Moved by Mr. Kalsow that 78A-4A of the proposed Turning Mill Neighborhood Conservation District Bylaw be amended to read: "Members of the commission appointed by the Town Manager shall be selected from a pool of candidates nominated by property owners in the NCD." Seconded by Mr. Doran.

**VOTE:**

Richard Canale, Chair, Charles Hornig, Ginna Johnson, Nancy Corcoran, David Kelland, Marilyn Fenollosa, Wendall Kalsow, Samuel Doran in favor.

**MOTION:**

Moved by Mr. Hornig that the Historical Commission and Planning Board request that the Board of Selectmen insert a warrant article to the 2018 annual town meeting creating a Neighborhood Conservation District in the Turning Mill area with the list of parcels and a proposed bylaw as amended at this meeting. Seconded by Ginna Johnson.

**VOTE:**

Richard Canale, Chair, Charles Hornig, Ginna Johnson, Nancy Corcoran, David Kelland, Marilyn Fenollosa, Wendall Kalsow, Samuel Doran in favor.

**MOTION:**

Moved by Mr. Kalsow that the Historical Commission remove Historical Commission jurisdiction over the Turning Mill Neighborhood Conservation District under the Lexington demolition delay bylaw. Seconded by Mr. Doran.

**VOTE:**

4-0 In favor Mr. Kalsow, Mr. Doran, Mr. Kelland and Ms. Fenollosa.

**AGENDA ITEM #4 (8:34PM)**

Vote to accept meeting minutes dated November 15th 2017

**AGENDA ITEM #5 (8:37PM)**

Updates

**AGENDA ITEM #6 (10:08PM)**

Adjourn

PLANNING BOARD MINUTES  
MEETING OF JANUARY 10, 2018

A meeting of the Lexington Planning Board, held in the Selectmen's Meeting Room was called to order at 7:05 p.m. by Vice Chair, Ginna Johnson with members Charles Hornig, Nancy Corcoran-Ronchetti, and Bob Creech, and planning staff Aaron Henry, David Kucharsky, and Lori Kaufman present. Richard Canale was absent

\*\*\*\*\*UPCOMING MEETINGS, EVENTS & ANNOUNCEMENTS\*\*\*\*\*

**Anticipated Meetings:**

The next meetings are January 17, 31, February 14, 28 and March 14, 2018.

The Selectmen will meet with Planning Board on Tuesday, January 16 regarding north Hartwell Avenue.

\*\*\*\*\*COMPREHENSIVE PLAN UPDATE\*\*\*\*\*

**Comprehensive Plan Advisory Committee (CPAC) creation and Nominations:**

December 20<sup>th</sup> there was a liaison meeting and Mr. Henry will send the Board the materials regarding that meeting. The first CPAC meeting will be January 30 in Estabrook Hall.

\*\*\*\*\*DEVELOPMENT ADMINISTRATION\*\*\*\*\*

**185 Lincoln Street, ANR:**

On a motion of Mr. Creech, seconded by Ms. Corcoran-Ronchetti, it was voted, 4-0, that the Board authorize the Planning Director to withhold endorsement of the ANR as it does, in fact, show a subdivision as defined by the subdivision control law.

**2 Fairland Street, street determination, continued:**

This meeting was continued from November 29, 2017, since at the time it lacked plans depicting the recommended improvements.

On a motion of Mr. Hornig, seconded by Ms. Corcoran-Ronchetti, it was voted, 4-0, that the street is not of adequate grade and construction, but will be when the work is done by both applicants for Rolling Lane and Fairland Street and the Board authorized staff to finalize the form and execute with the applicant a performance guarantee sufficient to cover the cost of the estimated cost of the construction of the proposed improvements.

**167-177 Cedar Street, Performance Guarantee Adjustment:**

On a motion of Mr. Hornig, seconded by Ms. Corcoran-Ronchetti, it was voted, 4-0, to authorize the release from the \$863,007.58 held under the tripartite agreement in the amount of \$301,291.53 for the completed work leaving a remaining balance of \$561,716.05.

**PUBLIC HEARING****45, 55, 65 Hayden Avenue, site plan review:**

Chair, Ms. Johnson, opened the continued public hearing at 7:24 p.m. with approximately 2 people in the audience. Present were Mr. Ed Grant, attorney, Rob Albro, managing director of King Street Properties, Peter Tamm, co-counsel, Doug Hartnett, Highpoint Engineering, Brook Cash and Courtney Kirk, landscape architects, Bob Mishou, MDM transportation, Rick Kuhn, architect, Bill Harris from Perkins and Will.

Mr. Grant said this was continued December 13 and sent a memo responding to Board comments from the meeting and a response to Mr. Canale's additional comments he forwarded. Rob Albro went through the responses to Mr. Canale's questions. The applicant will be meeting again with the Conservation Commission in a few weeks.

Doug Hartnett presented the applicant's responses to Board comments from the last meeting. The Conservation Commission is looking over the snow removal process. Bill Harris from Perkins and Will discussed the light spill designs. Courtney Kirk, landscape architect, clarified and addressed the landscape concerns expressed at the last meeting in December. Doug Hartnett explained about the number of parking spaces that was submitted and the parking at the trailhead and there will be signs to address where there would be additional parking. Mr. Albro said they would like to start building the 2<sup>nd</sup> quarter of 2018.

**Audience comments:**

- Mr. Ohmart from the Greenways Corridor Committee, asked if the parking accommodations applies seven days a week? *Mr. Tamm said there is a commitment to public access to the trail there is no committed public parking spaces other than the four spaces but signs will be up to contact the property manager if no spaces are available.*
- What provisions are made for this summer to occasionally allow trucks to the trailhead this summer while construction is being done on the site? *Mr. Albro said they would be willing to work out a location and access during construction on the site.*

Individual Board Member Comments:

- Comfortable endorsing the draft decision before them.
- Concern about disturbing the nocturnal animals regarding light disturbance.
- During business hours there will not be adequate parking all the time with only four spaces. If someone cannot find parking and no one answers the phone and you claim there is no need for more than the 4 spaces how would you know. Do you allow parking in the garage? *Mr. Albro said there is someone there 24/7 and the point is not to restrict access to the trail.*
- Appreciate the investigation of the views from conservation land would the applicant be amenable for an allowance for one dozen white pines at a five foot height to be planted on town-owned Hayden Woods parcel or the perimeter of the property site at discretion of Conservation Agent? *Yes.*
- Parking is a concern and there are many people who do not have cell phones, or what if the person on staff is on the phone. What if employees decide to take a walk and park in those designated spaces? *Mr. Albro said security will have to address how to watch those four spaces since people are coming and going all the time and not have tenants park there and put up signs.*
- Want to make sure the gravel parking spaces will be plowed and maintained and put in the conditions in the MOU about parking that in a year the Town and applicant will assess if the process is working. *Mr. Grant said the MOU can always be amended if needed by either the Town or the applicant and report to the Town once a year.*
- Add condition all new and future plantings must be included on a county checklist as native to Middlesex County.
- Provide signage with the address and location of the property manager/security to ask for additional parking located at the four parking spaces and for group request give 24 hour notice.

On a motion of Mr. Hornig, seconded by Ms. Corcoran-Ronchetti, it was voted, 4-0, to close the public hearing at 8:30 p.m.

On a motion of Mr. Hornig, seconded by Ms. Corcoran-Ronchetti, it was voted, 4-0, to approve the 45-75 Hayden Avenue site plan review with the additional conditions discussed tonight.

On a motion of Mr. Hornig, seconded by Ms. Corcoran-Ronchetti, it was voted, 4-0, to authorize the Planning Director to sign the decision on behalf of the Planning Board.



\*\*\*\*\*2018 ANNUAL TOWN MEETING\*\*\*\*\*

**2018 Annual Town Meeting Warrant Article Discussion:**

- Two Neighborhood Conservation Districts
- 331 Concord Avenue
- Marrett Road/Spring Street rezone
- Amend land use of medical marijuana based on the new regulations from the cannabis control commission
- Amend Special Permit Residential Developments

If the Board wants anytime to discuss this at the next meeting regarding any red flags or procedural questions please let staff know.

The Board asked staff to offer any citizen petition applicants 15 minutes to meet with the Board before the public hearings.

**Special Spring Town Meeting**

- Hartwell Avenue initiative
- 186 Bedford Street PDD

\*\*\*\*\*BOARD ADMINISTRATION\*\*\*\*\*

**Fair Housing training:**

Mr. Hornig and Mr. Creech presented the handout information on the Fair Housing Compliance Considerations for Land Use and Planning Decisions Conference. Lexington got a Home Grant and is now required to adhere to a higher standard.

**Board Member Reports:**

Mr. Hornig said there was a plus one meeting today on the Hartwell Avenue North initiative, which is not ready to come forward on the April Special Town Meeting, but will be slated for the Fall Special Town Meeting and will be discussed further at the joint meeting with the BOS and Planning Board next Tuesday. Mr. Hornig was asked to present the Hartwell Avenue North initiative at the next meeting.

**Minutes Review and Approval:**

The minutes will be discussed at the next meeting.

On a motion, duly made and seconded, it was voted to adjourn the meeting at 9:15 p.m.

The meeting was recorded by LexMedia.

The following documents used at the meeting can be found on the Planning Board website in Planning Board packets.

- Street improvement plan Rolling Lane and Fairland Street (2 pages).
- Cost estimate for Fairland Street for \$32,166.20 (1 page).
- 185 Lincoln Street Plan of Land ANR redivision of lot 6, dated November 30, 2017 (1 page).
- Letter from the Greenways Corridor Committee regarding Hayden Avenue access parking to the Hayden Woods Conservation land (1 page).
- Draft decision for Hayden Avenue (4 pages).
- Fair Housing Compliance Considerations for Land use and Planning Decisions (15 pages).

Bob Creech, Clerk

Joint Meeting  
Board of Selectmen and Planning Board  
January 16, 2018

A Joint Meeting of the Board of Selectmen and the Planning Board was held on Tuesday, January 16, 2018 7:01 p.m. in Estabrook Hall of the Cary Memorial Building, 1605 Massachusetts Avenue. Present for the Board of Selectmen (BOS): Ms. Barry, Chair; Mr. Pato; Ms. Ciccolo; and Mr. Lucente as well as Mr. Valente, Town Manager; and Ms. Katzenback, Executive Clerk.

Present for the Planning Board (PB) were Mr. Canale, Chair; Mr. Creech; Ms. Corcoran-Ronchetti; Mr. Hornig; Ms. Johnson and David Kucharsky, Assistant Planning Director.

Also present: Mr. Kowalski, Assistant Town Manager for Development and Ms. Zammuto, Economic Development Coordinator.

Introduction of Jim Kelly, Building Commissioner

Mr. Valente introduced the Town of Lexington's new Building Commissioner, Jim Kelly. Ms. Barry presented Mr. Kelly with a Town Seal lapel pin.

Continue Discussion-Options for Updating/Expanding Zoning-Hartwell North and CM Districts

Ms. Ciccolo (BOS) reported that the Hartwell-North Working Group (BOS: Ms. Ciccolo and Mr. Pato; PB: Mr. Horning and Mr. Creech) met recently and discussed the following:

- Planning Board (and Working Group) member Mr. Hornig's suggested zoning changes and whether these changes should be integrated into the Hartwell-North zoning study;
- The consultant's presentation/discussion from the December 18 joint meeting that suggested that the Town strongly consider zoning that permits mixed-uses (including housing) for Hartwell-North in order to encourage developers to also propose amenity type uses;
- The need for the Working Group to consider incentives that may be available under Chapter 40R and 40S statutes and the Governor's proposed Housing Choice Initiative.
- Whether the public outreach necessary for this economic development initiative can be accomplished in time to propose a zoning change for the Spring 2018 Town Meeting or whether a Fall 2018 Town Meeting is more practical.

The Board of Selectmen and the Planning Board continued their discussion from the December 18, 2017 Joint Meeting regarding the zoning initiatives, specifically for the Hartwell-North commercial district. Both Boards agreed that additional time is needed in order to fully vet the zoning change proposals for this commercial district and recommended to consider bringing forth these zoning change articles at a Town Meeting later in 2018.

Mr. Creech (PB) recommended that the working group meet more often to facilitate the process of bringing these zoning initiatives to a Town Meeting.

Mr. Canale (PB) expressed importance that the zoning proposals align with the Comprehensive Plan.

Ms. Zammuto stated the final report from the consultants is due by mid-February and will first be reviewed by the working group and then provided to the Selectmen and the Planning Board. Ms. Zammuto noted the consultants recommend that both Boards, respectively, host public outreach sessions in the spring of 2018 regarding the zoning initiatives.

Ms. Barry (BOS) requested a timeline of events be provided by Staff to both Boards.

Discussion: 2018 Annual and Special Town Meeting Zoning/Land Use Warrant Articles

General discussion ensued regarding the zoning/land use related Warrant Articles being contemplated for the 2018 Annual Town Meeting.

Adjourn

Upon motion duly made and seconded, the Board of Selectmen voted 4-0 to adjourn at approximately 8:06 p.m. The Planning Board voted to adjourn at 8:07 p.m.

A true record; Attest:

Kim Katzenback  
Executive Clerk

PLANNING BOARD MINUTES  
MEETING OF JANUARY 17, 2018

A meeting of the Lexington Planning Board, held in the Selectmen's Meeting Room was called to order at 7:01 p.m. by Chair, Richard Canale with members Ginna Johnson, Charles Hornig, Nancy Corcoran-Ronchetti, and Bob Creech, and planning staff Aaron Henry, David Fields, and Lori Kaufman present.

\*\*\*\*\*STAFF REPORTS\*\*\*\*\*

**Anticipated Meetings:**

The next Planning Board meetings will be January 31, February 14, 28, and March 14.

The Planning Board in coordination with the Comprehensive Plan Advisory Committee) CPAC meeting will be held on January 30, 2018, at 7:00 p.m. in Estabrook Hall.

The Planning Board met with the Board of Selectmen to discuss the economic development plan for North Hartwell Avenue which will take place during the Special Fall Town Meeting.

\*\*\*\*\*COMPREHENSIVE PLAN UPDATE\*\*\*\*\*

**Comprehensive Plan Update:**

Mr. Henry said staff was finalizing contracts for a facilitator and panel discussions for the meeting scheduled for Tuesday, January 30, at 7:00 p.m. in Estabrook Hall for the first meeting with the CPAC.

\*\*\*\*\*DEVELOPMENT ADMINISTRATION\*\*\*\*\*

**15-17 Fairland Street, Preliminary subdivision:**

Ms. Johnson recused herself since her son worked with the team and might again this summer.

Mr. John Farrington, attorney, James S. DeCelle and Jim Burke, from DeCelle-Burke-Sala, Project Engineers, Mark Barons, developer and owner of three parcels were present. Mr. DeCelle said no waivers are being requested for the 8 new lots on the extension of Gafford Avenue, and would not include 185 Lincoln Street as part of the subdivision. Mr. DeCelle said they gave responses to the Engineering Department's questions and submitted them at the meeting for the Board's review.

Mr. Farrington said this project will be creating 6 new houses there are two legal issues one discussing how to do the ANR at 185 Lincoln Street and there is a landlocked abutting piece of property that was signed off approximately 4 or 5 years ago and requires further discussion before the next visit with Mr. Henry and Mr. Fields.

Board Comments:

- What properties are controlled by the applicant? *Mr. Farrington said all properties are owned except the land that is to be ANR from 185 Lincoln Street.*
- Have you considered a special permit like SSD or BHD? *Mr. Farrington said it was a difficult site but not everything is off the table.* Have you identified any waivers that you would want to ask for the definitive plan? *Mr. DeCelle said not yet.*
- Do you believe the ANR meets the standards in our bylaws? *Mr. Farrington replied yes it complies with case law.*
- What is the action deadline? *January 27.* Would you allow an extension of the action deadline? *Yes.*
- There will be topographical changes with soils being brought in and removed do you have the numbers yet? *No*
- Is there a way to permit the wildlife to continue to roam the property? *Yes the applicant will look into it.*
- Would like to walk the site and set a date? *Staff will send out a poll to select a good date for everyone.*
- Has the history of the parcel with the ANR at 185 Lincoln Street been reviewed by staff? *The applicant and staff will discuss further at a later date.*

Audience Comments:

- We just heard about this project two days ago there will be a significant reduction of open space and impact the wildlife. Request that at least 15% of the site keep the remaining trees and not destroy the forest.
- Concerns about the damage to the roads during construction of the five streets four are private ways and only one is accepted.

A Board Member asked the applicant if he had reached out to any neighbors. Mr. Farrington said they only met with the immediate neighbors so far. The Board assumes there will be more outreach. The Engineering Department has submitted their concerns. The applicant just got them and will address them.

- Many years ago the water pressure in my house was measured very low how will the additional houses impact the water pressure? Mr. Henry said Engineering is aware and there will be ongoing discussions with DPW and the applicant and if this is to go forward the water pressure will first have to be addressed.

- There was no communication from the developer until tonight and that has created a trust concern. This is a critical issue and the water pressure is borderline and needs to be addressed.
- Concerned only learned about this meeting on Friday; there is a steep grade and wetlands in the abutter's back yard and is worried about the runoff and will the water get into our basement.
- Would like to see a concerted effort to work together to for a holistic approach.
- What are the waivers they may or may not ask for and why was notice so last minute?
- If a lot is shown as unbuildable who has the right to change that? *Mr. Henry responded that it is not a prohibition but is based on the bylaws at that time the plan is signed and can change status, which will be determined by the Planning Board.*
- All the streets leading up to this development should be accepted and be the responsibility of the developer.
- Lexington is changing fast and this is a large area and once you remove the trees it will completely change the topography and concerned about flooding; who would I call if my basement floods after this project. Right now my basement does not get water.
- Concerned about the wildlife that is left.
- Will explosives be used on the granite for that site? *Yes blasting will be the quickest way to remove ledge and is controlled and safe, but depends on the final reports.*
- There are safety issues with this project with maintenance of the roads.
- Concerned with the runoff once the trees are removed during a heavy rain.
- Concerned with the Ecosystem being disturbed.
- What is the benefit to adding this development to the Town?
- What will be done with the house at the bottom of Lincoln Street? *The house will be restored.*

Board Comments:

- The developer should reach out to abutters and abutters should send their questions to be discussed further.

On a motion of Mr. Hornig, seconded by Ms. Corcoran-Ronchetti, it was voted, 4-0, to accept the applicants request to extend the action deadline for the decision to February 21. The project will be taken up again on February 14, 2018.

**6 Eliot Street, Sketch Balanced Housing Development (BHD):**

John Farrington, attorney, Dick and Rich Perry, applicants, Rick Waite and Michael Novak from Meridian Associates were present. Mr. Farrington said the BHD was reduced from 14 to 13 units with one being an affordable unit in 10 structures and a reduction in the gross square footage and was compared to a conventional plan.

Mr. Waite presented the changes to the plan that were made since the last meeting for the BHD to what the conventional plan could have built.

**Individual Board Comments:**

- The plan is heading in the right direction on the open space.
- These are great plans and easy to work with, but still don't see the benefit to the Town and has tilted towards the applicant.
- Remind the applicant BHD units maximums are guidelines and not automatically granted.
- Create clusters of units to create more open space and eliminate an expensive road and have only 10 units eliminate the three units on the east side.
- Create something nice with existing house instead of having it demoed or consider a site sensitive development instead of the conventional plan. This plan could be a lot better.
- In favor of the conventional rather than the BHD because it would be more in character with the neighborhood.
- Several Historical Commission Members felt the building is habitable. If the developer did that would allow a lot more square footage and flexibility.

**Audience comments:**

- An attorney who was representing 5 Pelham Road and 10 Elliot Road said the project was too dense, the common open space does not increase visual amenity to the neighborhood, the proposed dwellings should be cited better and complimentary to adjacent properties and reduce the number of dwelling units.
- The increase in density does not fit in with the character of the neighborhood.
- A petition was read by an abutter with concerns expressed by a number of residents of the Monroe neighborhood.
- Concern was expressed about the construction of the houses will cause damage to the Copper Beech tree and the Board should make it a condition to save.

*The applicant said was responding to the Board comments and if they don't get positive feedback with the plan presented tonight they will have to go to a standard subdivision and will be more destructive to the area.*



- A conventional plan could destroy the area and the plan proposed has too many BHD units and would urge the Perry's to work together with the neighbors and suggest trying a SSD.

Individual Board Comments:

- Concerned that a conventional subdivision will be built.
- Can't vote for this plan would hope the applicant will be open to another plan and give it one more go and has some ideas if they are opened to it.
- Prefer conventional, but would be open to the SSD and possibly see what could be done with the existing home.
- Prefer SSD, in terms of BHD maybe allow 11 units unless the applicant can incorporate the existing house and then would allow 14 units. Maybe same units, but configure it differently.

Mr. Farrington said Ms. Johnson should send her ideas, and would take a good look at the BHD in a different format, will look at some reconfiguration of the BHD, but not SSD or conventional to be built. Mr. Farrington asked the Board to summarize comments and forward to staff to send to them.

\*\*\*\*\*2018 ANNUAL TOWN MEETING\*\*\*\*\*

Potential Warrant Articles:

Citizen's petition

Marrett Road Commercial development

Mr. Charles Minasion presented his proposal for Town Meeting by rezoning his parcel which would allow more uses and change the density on his property. On one side of the street certain uses are allowed and just wanted to match what is allowed on the other side of the street.

Individual Board Comments:

- What was public outreach that was done? *Mr. Minasion said he has spoken to some of the abutters and they felt this should have been standardized a long time ago. Twelve years ago some of these uses were allowed.*
- Why isn't residential allowed? *This is not the right time now maybe in the future, the goal was to fill the empty space for now.*
- There needs to be a serious discussion regarding residential and should this hold up this piece now and do the housing after having the conversation. *Mr. Minasion said he would be willing to add a residential piece if the Board would support it.*
- Provide concrete samples about what you are looking to do.

- Have you reached out to any residents? *Mr. Minasian said Ms. Ciccolo, Board of Selectmen Member agreed to help with this outreach to neighbors.* This is late in the game to allow neighbors time to have their concerns addressed.
- Can't support all the uses like banks. Change CG initials in is confusing with GC.
- Office Uses in the past were not encouraged in this area and raises some concerns.
- There is concern about traffic issues. This needs more public discussion.
- Wish the Board had time to study this proposal.
- Medical Clinic please explain what that is. Staff will look into it.

Special Permit Residential Development:

Mr. Matt Daggett presented his citizen's article and the focus is small thoughtful changes with for smaller units and affordable housing, senior housing, true diversity and more common open space.

Individual Board Comments:

- Share any modeling done at the public hearing and with staff.
- Senior housing needs more investigation.
- Add a column for clarity, and like adding affordable, but have concerns with environmental protections.
- Common open space should be real open space available to the public as a requirement.
- Trail connections and tree preservation should be requirements.
- Are these proposed changes sustainable and will people apply for these?

\*\*\*\*\*BOARD ADMINISTRATION\*\*\*\*\*

**Minutes Review and Approval:**

On a motion of Mr. Hornig, seconded by Ms. Corcoran-Ronchetti, it was voted, 5-0, to approve the minutes of February 1, 15, March 1, 15, 20, 29, April 3, 5, 10, 12, November 29, and December 13, 2017 with the changes staff incorporated.

On a motion, duly made and seconded, it was voted to adjourn the meeting at 11:07 p.m.

The meeting was recorded by LexMedia.

The following documents used at the meeting can be found on the Planning Board website in Planning Board packets or in the planning office file.

- Preliminary subdivision plan for Fairland Estates 15 & 17 Fairland Street, dated 12/12/17 (8 pages).

- Staff memo regarding 15 & 17 Fairland Street (2 pages).
- Engineering memo regarding 15 & 17 Fairland Street (2 pages).
- 6 Eliot Road Sketch subdivision plan set (10 pages).
- Staff memo regarding 6 Eliot Road (1 page).
- Abutters and neighbors petition regarding 15-17 Fairland Street (16 pages).
- Letter from Miyares and Harrington LLP regarding 6 Eliot Road (3 pages).
- Letter from Diane Boissonneault and mark Sullivan regarding 6 Eliot Rd (3 pages).
- Letters/petition regarding 6 Eliot Road (4 pages).
- Responses to Engineering questions from James DeCelle regarding 15-17 Fairland Road (6 pages).
- Mr. Daggett Comparison of Special permit Residential Development chart (3 pages).

Bob Creech, Clerk

PLANNING BOARD MINUTES  
MEETING OF JANUARY 31, 2018

A meeting of the Lexington Planning Board, held in the Selectmen's Meeting Room was called to order at 7:01 p.m. by Chair, Richard Canale with members Ginna Johnson, Charles Hornig, Nancy Corcoran-Ronchetti, and Bob Creech, and planning staff Aaron Henry, David Kucharsky, and Lori Kaufman present.

\*\*\*\*\*STAFF REPORTS\*\*\*\*\*

**Upcoming Meetings & Anticipated Meetings:**

The next meeting is February 14.

**Comprehensive Plan Update:**

The initial meeting of the Comprehensive Plan Advisory Committee was last night. Mr. Henry gave a brief explanation of the elements that would be addressed by the comprehensive plan. The overall timeline and process was presented and input on the RFP should be in to staff by next week.

\*\*\*\*\*DEVELOPMENT ADMINISTRATION\*\*\*\*\*

**18 Oakmont Circle - ANR:**

The lot is on a private way and the road seems to be of adequate grade and construction and appears not to need anything done to it since it was paved in 2008. Staff would like to confirm ownership of the land. The Board requested adding a note on the plan indicating lot 4 cannot be the site of a building and that title was not conveyed. Mr. Waitt said their research showed that Ms. Marina does not own that lot. Staff will review and confirm the accuracy of this ANR before signing.

On a motion of Mr. Hornig, seconded by Ms. Johnson, it was voted, 5-0, to authorize the Planning Director to endorse the revised mylar on the behalf of Planning Board adding the note that lot 4 is not a buildable lot.

PUBLIC HEARINGS

**1106 Massachusetts Avenue: Definitive Site Sensitive Development (SSD):**

Chair, Mr. Canale, opened the public hearing at 7:24 p.m. with approximately 20 people in the audience. Present were Rick Waitt and Mike Novak, of Meridian Associates, Todd Cataldo,

applicant, and Jackie Trainer, landscape architect. Mr. Novak said this is a three lot SSD and described the items that currently exist on site. The applicant is trying to bring everything on the site closer to Massachusetts Avenue due to the slope, and showed a three lot proof plan and landscape plan showing the invasive species. Mr. Novak presented the plan changes based on the meeting with the Historic Districts Commission (HDC) and they are meeting with one more time tomorrow evening. The stonewalls will be used as part of the foundation of the barn, they are trying to stay away from the existing beech tree to make sure it is not disturbed and will do their best. The existing services will remain intact. Mr. Novak showed the renderings of the barn.

Individual Board Comments:

- Put the abutting footprint of the surrounding structures around the site.
- Move the driveway to the rear of the building.
- Narrow the central driveway it seems too wide and do not see why it needs to be wider than 12 feet? *The Fire department requires it, but will ask them.*
- Want to see elevations on the structure proposed on Massachusetts Avenue.
- Want additional plantings on the property line.
- Make a commitment to remove the invasive species and paint them and plant tublings.
- Consider getting an archeologist for things that might be dug up from the past.
- Liked the houses were moved away from the lot line.

Audience Comments:

- There has been a pretty good back and forth with the applicant and am pleased. They agreed to put more landscaping to screen their house at the perimeter of their house and want to bring in another landscape architect to review what they are proposing. *Ms. Trainer presented the plantings they propose.* Want larger trees brought in and what can be done to bring in more trees. If you need more information come in to meet with staff. You should probably work with the applicant and staff to propose something.
- Good suggestion to bring in an archeologist/ historic preservationist. *Consider a fence for headlights screening.*

On a motion of Mr. Hornig, seconded by Ms. Cocoran-Ronchetti, it was voted, 5-0, to continue the public hearing to February 28, at 7:00 p.m. in the Selectmen's Meeting Room.

\*\*\*\*\*2018 ANNUAL TOWN MEETING\*\*\*\*\*

PUBLIC HEARINGS

**Article 42, Special Permit Residential Development:**

Chair, Mr. Canale, opened the public hearing at 8:24 p.m. with approximately 20 people in the audience. Mr. Matt Daggett, the petitioner, presented his proposal, which included comparison of the zoning amendment presented to Town Meeting last year, and a feasibility analysis, standards, and goals of the proposed amendment for the 2018 Annual Town Meeting.

Individual Board Comments:

- One important piece is the model you provided.
- Is there any change for the SSD? *There is no intention to change the SSD.*
- Ms. Johnson did comment on the article before the presentation with Mr. Canale's permission. The SSD can be used effectively to preserve the New England character of the Town.
- This requires more open space, smaller units, and other amenities to the Town.
- The two times multiplier is a concern.
- Good presentation.
- Want to see the raw data for the model you presented.
- Instead of age-restricted use accessible housing.
- Who will choose the multiplier of 1.5 or 2.0? *The applicant will have to prove to the Board what would be the best option for a particular site.* The 1.5 or 2.0 multiplier will be firm.
- The impervious surface is the intent to use the same formula for the SSD? *Yes.*
- The ownership of the common open space should be at the discretion of the Conservation Commission/Town to decide if ownership is desirable for the Town.
- There needs to be more incentives for the shared benefit development to be desirable. There can be another level of incentive.

Audience Comments:

- Primary problem with the current bylaw is the size of the units and should be counting any basement or crawl space over 5 feet as living space. 2100 square foot units should be 2100 not 2800 square feet.

On a motion of Mr. Hornig, seconded by Ms. Cocoran-Ronchetti, it was voted, 5-0, to continue the public hearing to February 14 at 7:00 p.m. in the Selectmen's Meeting Room.

**Article 38, Small Commercial rezoning Marrett Road/Spring Street:**

Chair, Mr. Canale, opened the public hearing at 9:15 p.m. with approximately 20 people in the audience. Present was Mr. Minasian presented his zoning amendment to change and add some

zoning uses to fill vacancies for his property and wants the same uses that are allowed across the street for his property. He would like to add the 63 uses that are allowed across the street, add 11 additional uses that used to be allowed many years ago, and add four development standards.

Audience Comments:

- Concerns were expressed about inadequate engagement with community, traffic issues and safety issues and less than 24 hour notice before the public hearing is not an acceptable amount of time to address any issues. We are asking the Planning Board to not approve without more public input.
- Concerned about increased commercial density which is in contrast to the existing comprehensive plan. Should look how to ease the impediments with more input from the residents.
- Would you allow recreational and medical marijuana there? *No there is a daycare there and do not want that use.*

Individual Board Comments:

- How many people attended the meeting yesterday? *16 people showed up, which was productive.* Does it make sense to go to Town Meeting at this time?
- There was concern expressed and this requires a lot of careful thought, but will keep an open mind.
- Without more of a public process why would you need changes to the dimensional controls and you might continue to add more changes in the future and this is only a stop gap decide what you really want? I believe you have an uphill battle especially when you need to reach out to more abutters and make a final determination for what you really want and how this impacts the neighborhood.
- Believe this is too much change for this neighborhood and the zoning is different on one side of the street as oppose to the other because of the residential neighbors.
- The previous article there was no public outreach and we should be consistent about deciding based on outreach to neighbors or lack of outreach.

On a motion of Mr. Hornig, seconded by Ms. Cocoran-Ronchetti, it was voted, 5-0, to continue the public hearing to February 14 at 7:00 p.m. in the Selectmen's Meeting Room.

**Article 37, 331 Concord Avenue PD-3:**

Chair, Mr. Canale, opened the public hearing at 9:55 p.m. with approximately 45 people in the audience. Present were Robert Buckley, attorney from Riemer and Braunstein, Ted Doyle, Marketing and Communications for Development LCB Senior Living, Lee Bloom, Director of

Development LCB Senior Living, Ed Grant, co-counsel and Erin Fredette of McMahon Transportation.

Mr. Buckley explained the traffic report is out for peer review. Mr. Doyle has been out talking with neighbors and will be meeting with other Boards and Committees to discuss the benefits this project offers to the Town. Mr. Bloom described the site and development of the land and what you see from the street is a house and the site is very deep with 160 units and underground parking for employees. The next time the applicant will bring updated plans. Erin Fredette explained how they determine traffic conditions, the traffic impact study, and analysis. They concluded this would add one vehicle every 1 to 2 minutes and are waiting on the peer review of their findings and will address any issues they may have.

Audience Comments:

- Compare this Brookhaven to help understand the project density; how many acres do you have and units?
- Our area is becoming more commercial, the proposed street parallels April Lane, the buildings are too tall and impacts our complex, we do not need more lights and traffic in this already congested area and this will make it worse.
- Concerned about traffic especially with the Goddard School opening and traffic is going to be a problem. The PSDUP has a discrepancy and 160 units is too much density for this small sloped 6 acre site.
- Opposed to this project and not appropriate project this is way too dense. There already two senior housing complexes nearby, the Cotter School is right across the street and then adding this to the traffic would be a major problem and ask the Board to not support this project for the Town Meeting.
- This is asking for 160 units on land that should have only 7 houses. The density is too much and not fair to the abutters.
- This project is way too much for a residential area. The traffic study shows 5-6 as peak hours.
- Temple Emunah is concerned about security and noise. The Temple has a preschool, services twice daily, and constant activity and they will have a meeting to make sure they will show up at Town Meeting.
- Noise, light pollution, waste generated by the kitchen, snow removal, emergency vehicles, trash trucks are all impacts that will be felt by the abutters. This does not have a residential feel and the former owners ran a landscape business and it felt like a part of



the neighborhood. How many days was used for the traffic study? Artis, and Hayden are not even built yet. You have not taken our concerns to heart in this current proposed plan.

- Due to the density and height of the building my unit is very close and I do not know if I will see any sunlight on the first floor of my unit and other units will have the same problem.
- The next meeting should be scheduled earlier.

Individual Board Comments:

- Care about affordability and 10% is not enough.
- Provide better modeling showing the height and bulk of the development buildings.
- How will residents be able to do activities and recreate on the site? What will they say; is it terrific?

On a motion of Mr. Hornig, seconded by Ms. Johnson, it was voted, 5-0, to continue the public hearing to February 14 at 7:00 p.m. in the Selectmen's Meeting Room.

**Article 44, Medical Marijuana:**

Chair, Mr. Canale, opened the public hearing at 10:45 p.m. there was one person in the audience. Present was Ethan Handwerker who presented his proposed warrant article.

Individual Board Comments:

- Mr. Hornig will discuss with Mr. Handwerker details of his proposal to make simpler and bring forward to the next meeting.

On a motion of Mr. Hornig, seconded by Ms. Cocoran-Ronchetti, it was voted, 5-0, to continue the public hearing to February 14 at 7:00 p.m. in the Selectmen's Meeting Room.

On a motion, duly made and seconded, it was voted to adjourn the meeting at 10:59 p.m.

The meeting was recorded by LexMedia.

The following documents used at the meeting can be found on the Planning Board website in Planning Board packets.

- Staff Summary and recommendation for 18 Oakmont Circle (1 page).
- ANR plan for 18 Oakmont Circle (1 page).
- 1106 Massachusetts Avenue Cover letter and application for a Site sensitive development (7 pages).
- Definitive subdivision plan set for 1106 Massachusetts Avenue (11 pages).

- Marrett Road Commercial District presentation (7 pages).
- Marrett Road Commercial District Schedule of changes (8 pages).

Bob Creech, Clerk