

AGENDA

Lexington Planning Board

Thursday, September 25, 2025

Remote on Zoom: [https://www.lexingtonma.gov/377/Access-](https://www.lexingtonma.gov/377/Access-Virtual-Meetings)

Virtual-Meetings

6:00 PM

Development Administration

1. **952 Waltham Street - Public hearing for a village overlay site plan review**
Public hearing for a multi-family development in the village overlay district (continued from 3/27, 5/7, 6/25, & 8/13). Board may close hearing and deliberate on application.
2. **Public Hearing for Amendments to Planning Board's Subdivision Regulations**
Public Hearing to review proposed changes to the Planning Board's Subdivision Regulations (Ch. 175).

Board Administration

1. **Board Member & Staff Updates**
2. **Review of Draft Meeting Minutes: 9/10**
3. **Upcoming Meetings**
Wednesdays 10/8, 10/22, 11/19, 12/10

Adjourn

1. **Adjourn – The meeting will continue until all items are finished. The estimated adjournment time is 9:00 pm.**

Zoom Details

1. **Zoom Details - <https://www.lexingtonma.gov/377/Access-Virtual-Meetings>**
Planning is inviting you to a scheduled Zoom meeting.
Topic: Planning's Zoom Meeting
Time: Sep 25, 2025 06:00 PM Eastern Time (US and Canada)
Join Zoom Meeting
[https://lexingtonma.zoom.us/j/82821376801?](https://lexingtonma.zoom.us/j/82821376801?pwd=w5ssWppALwSFTv2CJMYaS1b2vTNB7F.1)
[pwd=w5ssWppALwSFTv2CJMYaS1b2vTNB7F.1](https://lexingtonma.zoom.us/j/82821376801?pwd=w5ssWppALwSFTv2CJMYaS1b2vTNB7F.1)

Meeting ID: 828 2137 6801

Passcode: 094427



Meeting broadcast by LexMedia

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

952 Waltham Street - Public hearing for a village overlay site plan review

PRESENTER:

Applicant: Hongsheng Tang

ITEM NUMBER:

SUMMARY:

The Board re-open the public hearing on the application to construct 8 townhouse-style ownership units in 3 buildings with garages, visitor parking, stormwater management, and landscaping. The property is located at 952 Waltham Street, Lexington, MA also known as Map 10, Lot 19A.

Application material may be viewed online at (click files tab)
<https://lexingtonma.portal.opengov.com/records/101348> (new material submitted after August 25)

A staff memo and peer review memos are attached.

The Applicant will present to the Board, staff and the peer review consultant will summarize reports, and board members will discuss. The Chair will then open the hearing up to public comments. After public comments the board will return to board and applicant for discussion. At the end of the night, the Board may vote to close the hearing and deliberate on the application. Staff will prepare a draft approval decision with conditions for the Board's review.



SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/25/2025

ATTACHMENTS:

Description		Type
	Peer Review Civil Letter Apex 9.16.25	Cover Memo
	Staff Memo 09.19.25	Cover Memo



September 16, 2025

Ms. Abby McCabe, AICP, Planning Director
Town of Lexington
1625 Massachusetts Avenue
Lexington, MA 02420

**RE: Technical Review Letter #4
952 Waltham Street – Townhouse-style Development**

Dear Abby,

This letter is to advise the Town of Lexington's Planning Board that Apex Companies, LLC (Apex) has reviewed the revised materials submitted for the proposed townhouse-style development project located at 952 Waltham Street. The Applicant's submission includes the following documents:

- Response to comments letter prepared by Allen & Major Associates, Inc (A&M), revised through September 5, 2025.
- Plans entitled "Civil Site Plans For: Townhouse Development," prepared by Allen & Major Associates, Inc, revised through September 5, 2025.
- Document entitled, "Operation & Maintenance Plan," prepared by Allen & Major Associates, Inc, no date.
- Authorization letter prepared by neighboring property owner of 956 Waltham Street, Lexington, Massachusetts.

These documents have been reviewed for conformance to the following Town Bylaws and Regulations:

- Chapter 176 of the Code of Lexington, Section 12.9 Utilities
- Chapter 181 Article VI of the Code of Lexington, Stormwater Management Compliance
- The Massachusetts Stormwater Management Standards
- Standard engineering practice regarding stormwater management and site design.

Background

The Applicant, Hongsheng Tang, has submitted a Site Plan Review and Stormwater Permit application to the Lexington Planning Board for a proposed townhouse-style development. The project proposes to redevelop the existing 0.57 acre, single-family lot located at 952 Waltham Street, into three townhouse buildings with three units in each building.

Comments

[Planning Board Zoning Regulations – Chapter 176 of the Code of Lexington \(Section 12.9 Utilities\)](#)

1. *Section 12.9.4 – Utility meters and other infrastructure elements shall be located in low visibility areas, screened from view, and designed to blend in with the design.*

The site plans do not show any utility meters or electrical transformers. The Applicant should clarify if any utility meters or electrical transformers will be required for the proposed development and show them on the plans.

A&M Response 4/22/25: Water and electric meters have been added to the revised Utility Plan. Final location of meters to be coordinated with utility providers. It is not yet known whether an electrical transformer will be required to meet the electrical demands of the project and further review is required by the electrical engineer prior to the Building Permit process to determine the project electrical needs. Although an electrical transformer is not anticipated as part of the project, a potential pad location has been shown on the Utility plan in the southeast corner of the site.

Apex Response 5/2/25: Acknowledged. Water and electric meters have been added to the Site Plans. We understand that it remains uncertain whether a pad-mounted transformer will ultimately be required for this project. However, electrical utility service providers such as National Grid and Eversource typically require vehicular access to pad-mounted transformers for installation, maintenance, and replacement. Based on our review, it does not appear that the proposed transformer location would provide adequate vehicular access. We recommend that any approval by the Planning Board be conditioned upon review and approval of the final transformer location by the applicable utility provider prior to construction.

A&M Response 7/21/25: The potential transformer pad has been moved to the landscaped island in the parking area for better access for service provider.

Apex Response 8/6/25: The Applicant has relocated the potential transformer pad to the parking area landscaped island as noted. The pad is now located above the proposed subsurface infiltration chamber system, and adjacent to a proposed light pole. We would not advise locating the transformer pad above the infiltration system for maintenance purposes. Furthermore, this layout may not comply with utility provider requirements for transformer installation and bollard placement. We recommend that the Applicant refer to the requirements of the electrical utility provider to determine if this is an acceptable location.

A&M Response 9/5/25: The potential transformer pad has been moved again to the landscaped island plan north and out of the footprint of the proposed drainage system. The proposed bollards, sign and light pole are also completely out of the footprint of the infiltration drainage system.

Apex Response 9/18/25: The Applicant has expanded the size of the easternmost landscaped island and relocated the potential transformer pad to this island, outside of the footprint of the infiltration system. The Applicant has provided bollards around the transformer pad. We take no exception to this approach. We recommend that any approval by the Planning Board be conditioned upon review and approval of the final transformer and bollard location by the applicable utility provider prior to construction. **Item closed.**

2. *Section 12.9.5.1 – Projects shall meet the erosion control performance standards of § 181-75C.*

See the section “Stormwater Management Regulations – Chapter 181 Article VI of the Code of Lexington” below for the project’s conformance to the performance standards of § 181-75C.

A&M Response 4/22/25: No response required.

Apex Response 5/2/25: Per our review in the section “Stormwater Management Regulations – Chapter 181 Article VI of the Code of Lexington”, we note no non-compliance to the performance standards of § 181-75C. **Item closed.**

3. *Section 12.9.5.2 – Projects disturbing more than 10,000 square feet of land area shall meet the performance standards of § 181-73 for above-threshold projects.*

See the section “Stormwater Management Regulations – Chapter 181 Article VI of the Code of Lexington” below for the project’s conformance to the performance standards of § 181-73.

A&M Response 4/22/25: No response required.

Apex Response 5/2/25: See our outstanding comments pertaining to the performance standards of § 181-73 in the section “Stormwater Management Regulations – Chapter 181 Article VI of the Code of Lexington” below. **Item closed.**

4. *Section 12.9.5.3 – All basement floors and slabs shall be at least two feet above the estimated seasonal high groundwater table.*

There were two test pits excavated on site (TP-101 and TP-102). TP-101 was excavated in the vicinity of the western townhouse complex (units 7-9), and TP-102 was excavated in the vicinity of the northern townhouse complex (units 4-6). There was no test pit excavated in the vicinity of the eastern townhouse complex (units 1-3). We recommend the Applicant excavate an additional test pit in the vicinity of units 1-3 to confirm compliance with this regulation.

TP-101 and TP-102 indicated estimated seasonal high groundwater (ESHGW) at elevation 240. The lowest proposed basement ground elevation, according to the architectural plans, is elevation 246. Therefore, assuming the slab is less than four feet thick, there is at least two feet of separation between the slab and the estimated seasonal high groundwater table.

A&M Response 4/22/25: Test Pit TP-105 was performed on April 9, 2025 as near to the proposed footprint of Units 1-3 as practicable due to an existing retaining wall and steep slopes. Ledge was uncovered at elevation 249.5. No groundwater was noted. Additional Test Pits were performed on the same day within the footprint of the proposed drainage system as detailed in the revised Grading and Drainage plan and test pit Form 11 Logs within the revised drainage report.

Apex Response 5/2/25: Acknowledged. The Applicant performed test pit TP-105 approximately 11 feet from the nearest edge of the proposed building for units 1-3 and encountered ledge at elevation 249.5. The finished floor elevation of Units 2 and 3 are 252.70. Assuming the slab is 2 feet thick, the bottom of slab is at elevation 250.70. Therefore, to comply with this regulation, the elevation of estimated seasonal high groundwater (ESHGW) must be 248.70 or lower. Ledge was encountered at elevation 249.50, and the submitted test pit log did not indicate any mottling. Therefore, we believe the proposed design complies with this regulation.

A&M Response 7/21/25: Comment has been noted and the Applicant takes no exception to this comment.

Apex Response 8/6/25: **Item closed.**

5. *Section 12.9.5.4 – Country drainage is preferred along roadways, sidewalks, pathways, and other compacted surfaces where soils permit.*

The Applicant proposes vegetated swales along the east, north, and south sides of the proposed development.

A&M Response 4/22/25: Comment has been noted and the Applicant takes no exception to this comment.

Apex Response 5/2/25: Item closed.

6. *Section 12.9.5.5 – Pocket parks, plazas, terraces, and other civic gathering spaces shall incorporate low-impact development techniques consistent with Appendix VI-B of Chapter 181 that address stormwater on-site quantity and quality.*

Appendix VI-B of Chapter 181 indicates that cisterns can be used to harvest and store rainwater runoff from roofs, which can help reduce flooding and erosion caused by stormwater runoff. The project proposed two subsurface stormwater infiltration chambers systems that function as cisterns per this regulation. The Applicant proposes vegetated swales along the east, north, and south sides of the proposed development. Vegetated swales are an accepted low impact development (LID) technique.

A&M Response 4/22/25: Comment has been noted and the Applicant takes no exception to this comment.

Apex Response 5/2/25: Item closed.

7. *Section 12.9.5.6 – Reduce impervious surfaces and consider opportunities for permeable pavement where applicable. Drain impervious surfaces into on-site landscape areas. Reduce stormwater collection and removal from site.*

The project does not include the use of permeable pavement. A paved bike path is proposed at the northwestern corner of the site, with runoff directed into the adjacent roadway. Additionally, no rain gardens or vegetated retention basins are proposed. Instead, the project relies on a subsurface infiltration chamber system, which has been designed to maximize available space for the townhouse development.

A&M Response 4/22/25: Comment has been noted and the Applicant takes no exception to this comment.

Apex Response 5/2/25: We defer to the Planning Board whether permeable pavement is required.

A&M Response 7/21/25: Comment has been noted and the Applicant takes no exception to this comment. No pervious pavement is proposed for the project, due to the robust proposed drainage system, as noted by the peer reviewer.

Apex Response 8/6/25: We take no exception to the Applicant's approach and consider this **item closed** unless the Planning Board determines that further stormwater management strategies are required.

8. *Section 12.9.5.7 – Strive to replicate natural hydrologic conditions and manage precipitation on-site by exceeding the LID and conservation design requirements.*

As mentioned above, the project proposes several LID techniques, including subsurface stormwater infiltration chambers and vegetated swales.

A&M Response 4/22/25: Comment has been noted and the Applicant takes no exception to this comment.

Apex Response 5/2/25: Item closed.

9. *Section 12.9.5.8 – Use stormwater harvesting systems, such as cisterns and ponds, for plant irrigation.*

The Applicant should confirm if the project includes any irrigation for plants or grass at the surface level.

A&M Response 4/22/25: No irrigation is proposed for the project. It is understood that the plantings will require hand-watering after installation until fully established. Plantings shall remain established and in good health for a period of 2-years after the issuance of an Occupancy Permit or shall be replaced in kind.

Apex Response 5/2/25: Acknowledged. We defer to the Planning Board whether irrigation is required.

A&M Response 7/21/25: Comment has been noted and the Applicant takes no exception to this comment. No irrigation is proposed for the project, all trees, plants and shrubs shall be hand watered until fully established.

Apex Response 8/6/25: We take no exception to the Applicant's approach and consider this **item closed** unless the Planning Board determines that an irrigation system shall be required.

[Stormwater Management Regulations – Chapter 181 Article VI of the Code of Lexington](#)

10. This project is classified as an above-threshold project because it requires site plan review and will disturb more than 10,000 square feet of land area, and therefore is subject to Chapter 181 in its entirety. The project is required to meet the above-threshold performance standards and the stormwater permit is consolidated into the site plan review application, pursuant to § 181-72.A.(4).

A&M Response 4/22/25: Comment has been noted and the Applicant takes no exception to this comment.

Apex Response 5/2/25: Acknowledged. **Item closed.**

11. *§ 181-73.B.(2)(d) – The minimum time of concentration for street drainage shall be five (5) minutes.*

The submitted HydroCAD calculations use a minimum time of concentration of 6 minutes. The HydroCAD calculations should be revised to use a minimum time of concentration of 5 minutes.

A&M Response 4/22/25: The HydroCAD minimum time of concentrations have been updated to 5 minutes in the revised drainage report submitted with this response letter.

Apex Response 5/2/25: The HydroCAD report submitted in the revised drainage report continues to use a minimum time of concentration of 6 minutes and has not been updated to use a minimum time of concentration of 5 minutes.

A&M Response 7/21/25: HydroCAD has been updated to use a minimum time of concentration of 5 minutes. See the Drainage Report revised through July 21, 2025.

Apex Response 8/6/25: The Applicant has revised the Drainage Report to use a minimum time of concentration of 5 minutes. **Item closed.**

12. *§ 181-73.B.(2)(f) – Impervious cover is measured from the Site plan and includes any material or structure on or above the ground that prevents water from infiltrating through the underlying soil (including compacted gravel).*

The Applicant should add the property's proposed ratio of impervious coverage to the dimensional requirements table on Sheet C-102.

A&M Response 4/22/25: The impervious coverage ratio has been added to the dimensional requirements table on revised Sheet C-102.

Apex Response 5/2/25: Acknowledged. The impervious coverage ratio has been added to the dimensional requirements table. **Item closed.**

13. *§ 181-73.B.(2)(g) – Off-site areas shall be assessed based on their predeveloped condition for computing the water quality volume (i.e., treatment of only on-site areas is required). However, if an off-site area drains to a proposed stormwater management facility, flow from that area must be accounted for in the sizing of a specific Facility.*

The Proposed Watershed Plan (PWS) in the Drainage Report limits the area of analysis in the HydroCAD model to the project site. Additionally, the existing conditions plan does not depict topography beyond the property limits, making it unclear whether off-site areas contribute runoff to the site. To ensure accurate watershed delineation and proper stormwater management system sizing, we recommend that the Applicant supplement the surveyed topography with publicly available LIDAR data, such as from MassMapper, to identify any off-site drainage areas that may require consideration.

A&M Response 4/22/25: LIDAR data from the Town of Lexington's online GIS program, MAPGEO, has been added to the Existing and Proposed Watershed Plans. The abutting property to the east of the site has a small portion of grassed area (west of the abutting house) that flows onto the site. All other abutting landcover flows to the north and south of the site.

Apex Response 5/2/25: Acknowledged. We take no exceptions to the delineation of overland flow from the abutting property. **Item closed.**

14. *§ 181-73.B.(2)(l-n) – Retain the volume of runoff equivalent to, or greater than, 1.0 inch multiplied by the total post-construction impervious surface area on the redeveloped site, including any directly connected impervious area draining onto the redeveloped site; **and/or** remove 90% of the average annual load of Total Suspended Solids generated from the impervious area on the site; and remove 60% of the average annual load of Total Phosphorus (TP) generated from the total area on the site.*

The "Stormwater Recharge/Water Quality Volume Table" and the "TSS Removal Calculation Worksheet" provided in Section 6 of the Drainage Report demonstrate compliance with these requirements. The proposed design retains runoff equivalent to 1.0 inch multiplied by the total post-construction impervious surface area on the redeveloped site and removes 90% of the average annual load of Total Suspended Solids generated from the impervious area on the site.

A&M Response 4/22/25: Comment has been noted and the Applicant takes no exception to this comment.

Apex Response 5/2/25: The revised drainage calculations continue to demonstrate compliance with this requirement. **Item closed.**

15. *§ 181-74.A.(5) – Stormwater runoff velocities shall be minimized to the greatest extent practicable. Increases in runoff velocities due to the removal of existing vegetative cover during development and the resulting increase in impermeable surface area after development must be taken into account when providing for erosion control.*

The proposed vegetated swales along the northern and southern extents of the site include sections with steep slopes, exceeding 20% in some areas. These slopes may result in higher runoff velocities, potentially leading to erosion and reduced treatment effectiveness. We recommend incorporating flow-dissipating measures, such as check dams, stone weirs, or similar velocity control structures, to slow and disperse runoff within the swales and enhance their overall performance.

A&M Response 4/22/25: Check dams have been added to the steep slopes all the grassed swales as detailed in the revised Grading and Drainage plan.

Apex Response 5/2/25: Acknowledged. The Applicant has proposed stone check dams within the vegetated swales at intervals of approximately 30–40 feet and has reinforced sections of the swales with rip rap where slopes exceed 3:1. We recommend that the Applicant provide a construction detail for the proposed check dams to clarify their dimensions, materials, and installation method. Additionally, we suggest that A&M coordinate with the project landscape architect to ensure that slope stabilization measures are compatible with existing and proposed vegetation, particularly where slopes intersect with tree root zones or proposed planting areas.

A&M Response 7/21/25: A construction detail of stone check dams has been added to C-506 with the requested dimensions and material, which is to be 6" diameter rip rap stone. Tree protection has been added to the Erosion Control & Site Prep Plan.

Apex Response 8/6/25: The Applicant has provided a stone check dam detail and has called out existing tree areas to be protected on sheets C-102 and C-103. **Item closed.**

16. *§ 181-74.A.(7) – Sediment trapping and settling devices shall be employed to trap and/or retain suspended sediments and allow time for them to settle out in cases where perimeter sediment controls (e.g., silt fence and hay bales) are deemed to be ineffective in trapping suspended sediments on-site.*

The Erosion Control Plan (C-101) does not currently include temporary diversion swales or sediment traps. The existing site has relatively steep grades that will be exposed during earthwork activities. The planned cut areas will leave sections of bare soil vulnerable to erosion and sediment transport. To mitigate these risks, we recommend that the Applicant incorporate temporary diversion swales and sediment traps into the Erosion Control Plan. These measures will help manage runoff, slow flow velocities, and improve sediment retention during construction, particularly in areas where steep existing slopes are disturbed. Temporary sediment traps should not be located within the footprints of the proposed stormwater infiltration chamber systems.

A&M Response 4/22/25: A linear temporary sediment trap for temporary use during construction has been added to C-101, along the low point of the site to mitigate off-site flow to Waltham Street during heavy rainfall and to trap stormwater flowing to the relative low-point of the site.

Apex Response 5/2/25: Acknowledged. The Applicant has included a temporary linear sediment trap at the site's low point to help intercept and retain runoff during construction. However, no temporary diversion swales are shown on the Erosion Control Plan. Given the steep existing and proposed slopes and the extent of site clearing, we recommend the use of temporary diversion swales to route runoff toward the sediment trap during active earthwork. These measures should be repositioned as needed

throughout construction, consistent with the Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas, to maximize sediment capture and minimize off-site impacts.

A&M Response 7/21/25: Temporary diversion swales have been added to both sides of the sediment trap on the revised Erosion Control Plan dated July 21, 2025.

Apex Response 8/6/25: The Applicant has added temporary diversion swales to Sheet C-101 as noted. **Item closed.**

17. *§ 181-75.D. – Operation and Maintenance Plan.*

The Applicant should make the following modifications to the Operation & Maintenance Plan (O&M) consistent with the requirements of § 181-75.D.:

- a. The owner should sign the O&M plan.
- b. Add to the O&M plan a plan or map drawn to scale showing the location of the systems and stormwater management facilities, including existing and proposed easements, catch basins, manholes/access lids, main, and stormwater management facilities along with the discharge point.

A&M Response 4/22/25: The Owner, HongSheng Tang, has signed the “Illicit Discharge Statement” at the end of the drainage report. The drainage report contains the O&M report under Section 2.0. A simplistic BMP Plan has been added to the O&M Plan as requested.

Apex Response 5/2/25: Per the requirement § 181-75.D.(2)(b), the O&M plan should be signed by the owner. The O&M plan should function as a standalone document and is separate from the Illicit Discharge Statement.

The Applicant has included a BMP Plan in the O&M plan, consistent with the requirement.

A&M Response 7/21/25: Comment has been noted and the Applicant takes no exception to this comment. The BMP Plan has been added to the O&M Plan.

Apex Response 8/6/25: The O&M plan—Section 2.0 of the Drainage Report—should be signed by the owner. The O&M plan should function as a standalone document. It does not appear that the O&M plan (Section 2.0) includes a signature of the Owner.

A&M Response 9/5/25: The revised documents updated through September 5, 2025, include a standalone O&M report signed by the site Owner.

Apex Response 9/18/25: The Applicant has provided a standalone O&M plan document that has been signed by the owner. The document is undated; we recommend that the Applicant provide a revision date on this standalone document. **Item closed.**

[Massachusetts Stormwater Management Standards](#)

18. *Standard 1: No new untreated discharges to wetlands*

Standard 1 restricts new stormwater conveyances or outfalls from discharging untreated stormwater to wetland resources. The submitted HydroCAD calculations indicate that the proposed stormwater infiltration systems retain stormwater runoff up to the 100-year storm event. However, our comments in

this letter—specifically under Comment #19 below—should be addressed before we can confirm compliance with Standard 1.

A&M Response 4/22/25: Comment has been noted and the Applicant takes no exception to this comment. Please see A&M response to Comment #19, below.

Apex Response 5/2/25: We cannot confirm compliance with this standard until Comment 19.a is reconciled.

A&M Response 7/21/25: Comment has been noted and the Applicant takes no exception to this comment. See Response to 19a, below.

Apex Response 8/6/25: Acknowledged. See response to Comment 19.a. **Item closed.**

19. *Standard 2: Peak rate attenuation*

The “Proposed Conditions – Peak Rate of Runoff” section of the Drainage Report provides a table that compares post-development peak rates of runoff to pre-development rates at the design point for the 1-, 2-, 10-, and 100-year storm events. We have the following comments pertaining to Standard 2:

- a. According to the Massachusetts Stormwater Handbook, test pits must be conducted at each proposed infiltration BMP location to confirm soil texture, permeability, and depth to ESHGW. The two test pits were excavated approximately 35 feet outside of the proposed infiltration system footprint. Given the presence of ledge outcroppings on site, subsurface conditions may be variable. We recommend the Applicant excavate an additional test pit within the footprint of the proposed infiltration area to confirm suitability, prior to any potential approval by the Planning Board.

A&M Response 4/22/25: Additional test pits have been conducted around the proposed infiltration system. See Grading and Drainage Plan as well as submitted Form 11’s in the revised drainage report for TP-103 – 106.

Apex Response 5/2/25: Test pits were excavated to a depth of two feet below the bottom of the proposed chamber systems. While groundwater was not encountered at that depth, the seasonal high groundwater elevation (ESHGW) is conservatively assumed to be two feet below the bottom of the systems due to the absence of deeper data.

Volume 3 of the Massachusetts Stormwater Handbook (“Documenting Compliance”) states that a mounding analysis is required when the vertical separation between the bottom of an infiltration BMP and ESHGW is less than four (4) feet and the BMP is used to attenuate the peak discharge from the 10-year or greater 24-hour storm. Based on the current assumptions, this requirement appears to apply.

Accordingly, we recommend that the Applicant either (a) perform a mounding analysis to demonstrate that groundwater mounding will not impact system performance, or (b) excavate additional test pits to a depth of four feet below the bottom of the infiltration systems to verify that greater separation to groundwater exists and that mounding analysis is not required.

A&M Response 7/21/25: A mounding analysis has been provided with the revised drainage report dated July 21, 2025.

Apex Response 8/6/25: The submitted mounding analysis shows a mound rise of 0.716 ft (UIS 1A/1B) and 0.109 ft (UIS 1C) after 4 days, both below the required 2 feet separation to ESHGW.

This appears to demonstrate adequate groundwater separation to ensure system performance.
Item closed.

- b. The time of concentration for Subcatchments P-6 and P-7 in the post-development condition is calculated as 12.8 minutes, which exceeds the corresponding time of concentration in the pre-development condition. Typically, post-development times of concentration are shorter due to increased impervious surfaces and more direct flow paths. However, in this case, the proposed vegetated swales extend the flow paths around the site perimeter, potentially increasing travel time. The calculations for post-development time of concentration use a "Woods + Light Brush" land cover classification. To verify the appropriateness of this assumption, the Applicant should provide a construction detail of the vegetated swales, including proposed land cover, vegetation type, and final surface treatment.

A&M Response 4/22/25: The vegetated swales have been updated to use a dense grass land cover classification. The time of concentration for these swales has been reduced to 7.7 minutes.

Apex Response 5/2/25: Acknowledged. We take no exception to this land cover assumption. The revised time of concentration of 7.7 minutes is less than the corresponding time of concentration in the pre-development condition. **Item closed.**

- c. The proposed HydroCAD model for Subcatchments P-6 and P-7 assign a Curve Number (CN) of 55, corresponding to a "Woods" land cover classification. However, our understanding is that the existing wooded area within these areas will be cleared up to the property line as part of the project. The Applicant should update the model to reflect the post-development land cover conditions accurately, ensuring that the assigned Curve Number aligns with the actual site modifications.

A&M Response 4/22/25: The land cover classification for these sub catchments has been updated to Grass "Good".

Apex Response 5/2/25: Acknowledged. We take no exception to this land cover classification. **Item closed.**

- d. The proposed infiltration chamber system does not include a dedicated emergency overflow mechanism. If the system exceeds capacity due to an extreme storm or becomes clogged from poor maintenance, stormwater may back up through the proposed catch basins at the site's entrance, potentially discharging onto Waltham Street. The Massachusetts Stormwater Handbook (Volume 2, Chapter 2) recommends that subsurface infiltration systems incorporate an outlet near the top of the system to accommodate emergency overflows. However, due to site constraints, there are no existing wetlands or stormwater infrastructure available for connection. Given that the 100-year storm event does not result in any stormwater backing up to the elevation of the upstream catch basins, we take no exceptions to the proposed design. However, maintenance of the proposed stormwater infiltration systems consistent with the O&M Plan and the manufacturer's guidelines are imperative to avoid flooding.

A&M Response 4/22/25: Comment has been noted and the Applicant takes no exception to this comment. An Operation and Maintenance log has been included in the drainage report under Section 2.0 "An Operation and Maintenance".

Apex Response 5/2/25: Acknowledged. **Item closed.**

20. Standard 3: Recharge

Section 6 of the Drainage Report provides recharge calculations. The calculations demonstrate that the provided recharge volume far exceeds the required volume.

We cannot confirm compliance with this standard until the additional test pit log is submitted per our comment above.

A&M Response 4/22/25: Additional test pits have been submitted. The recharge volume still far exceeds the required volume.

Apex Response 5/2/25: We cannot confirm compliance with this standard until our response to Comment 19.a is reconciled.

A&M Response 7/21/25: Comment has been noted and the Applicant takes no exception to this comment. See Response to 19a, above.

Apex Response 8/6/25: Acknowledged. See response to Comment 19.a. **Item closed.**

21. Standard 4: Water quality

The project is subject to the standard removal rate of 80% of the annual average TSS load. The calculations provided in Section 6 of the Drainage Report show 98% proposed TSS removal in compliance with these requirements. TSS removal is achieved via deep sump hooded catch basins, a proprietary hydrodynamic separator, and a subsurface isolator row prior to discharge to each of the subsurface infiltration systems. We recommend the Applicant delineate the limits of the isolator row on the Grading & Drainage Plan.

We cannot confirm compliance with this standard until the new test pit log is submitted.

A&M Response 4/22/25: Additional test pits have been submitted. The limits of the isolator row have been added to the Grading & Drainage Plan.

Apex Response 5/2/25: Acknowledged. Isolator rows are shown on the Grading & Drainage Plan. We cannot confirm compliance with the TSS removal standard until our response to Comment 19.a is reconciled.

A&M Response 7/21/25: Comment has been noted and the Applicant takes no exception to this comment. See Response to 19a, above.

Apex Response 8/6/25: Acknowledged. See response to Comment 19.a. **Item closed.**

22. Standard 5: Land use with higher potential pollutant loads (LUHPPL)

The project is not considered a LUHPPL. Therefore, Standard 5 does not apply.

A&M Response 4/22/25: No response required. The Applicant takes no exception to this comment.

Apex Response 5/2/25: **Item closed.**

23. *Standard 6: Critical areas*

The project site does not discharge to or near a critical area and therefore Standard 6 does not apply.

A&M Response 4/22/25: No response required. The Applicant takes no exception to this comment.

Apex Response 5/2/25: Item closed.

24. *Standard 7: Redevelopment*

The project is not considered a redevelopment. Therefore, Standard 7 does not apply.

A&M Response 4/22/25: No response required. The Applicant takes no exception to this comment.

Apex Response 5/2/25: Item closed.

25. *Standard 8: Construction period pollution prevention and erosion and sedimentation control*

- a. The proposed project will disturb less than one (1) acre of land and is therefore exempt from filing a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction General Permit.
- b. To prevent compaction of underlying soils, which could significantly reduce infiltration capacity, the applicant should adhere to the manufacturer's installation guidelines for the subsurface infiltration chamber system. The Massachusetts Stormwater Handbook recommends that infiltration areas be roped or fenced off before construction, and that construction equipment should not be allowed to traverse these areas to preserve soil permeability. We recommend the Applicant add fencing to the Erosion Control Plan to protect the area of the proposed infiltration systems from sedimentation and compaction during construction.
- c. The Stormwater Management Report contains a Construction Maintenance Plan consistent with the requirements of Standard 8.

A&M Response 4/22/25: No response required. The Applicant takes no exception to these three comments 25a-c.

Apex Response 5/2/25: We have no further comments pertaining to items (a) and (c). Per item (b), we recommend the Applicant add fencing to the Erosion Control Plan to protect the area of the proposed infiltration systems from sedimentation and compaction during construction.

A&M Response 7/21/25: Temporary construction fencing has been added to C-101, around the perimeter of the proposed infiltration system.

Apex Response 8/6/25: The Applicant has added temporary construction fencing around the proposed infiltration system to prevent compaction as noted. **Item closed.**

26. *Standard 9: Operation and maintenance plan (O&M plan)*

Section 2.0 of the Drainage Report contains an Operation & Maintenance Plan consistent with the requirements of Standard 9.

A&M Response 4/22/25: No response required. The Applicant takes no exception to this comment.

Apex Response 5/2/25: Item closed.**27. *Standard 10: Prohibition of illicit discharges***

An illicit discharge statement was provided. However, it has not been signed. Apex recommends the Applicant submit an illicit discharge statement signed by the Owner consistent with Standard 10 requirements.

A&M Response 4/22/25: An illicit discharge statement signed by the property owner has been provided on the last page of the revised drainage report.

Apex Response 5/2/25: Acknowledged. The Applicant has provided a signed illicit discharge statement. **Item closed.**

General Comments

- 28.** The project includes several proposed retaining walls and a landscaped boulder wall; however, the plans do not specify the type of retaining walls proposed, nor do they include construction details. We recommend that the Applicant provide detailed descriptions and construction details for each type of retaining wall.

Additionally, any required perforated subdrains and their connections to the site's drainage infrastructure should be clearly shown on the Grading & Drainage Plan to ensure proper drainage and wall stability.

Several of the proposed retaining walls reach heights of up to 14 feet, yet no fall protection (e.g., fencing or guardrails) is depicted. To enhance safety, we recommend that the Applicant incorporate appropriate fall protection measures where required by applicable building codes and best practices.

A&M Response 4/22/25: Typical retaining wall details have been added to Detail Sheet C-507. Fall protection in the form of a 6' tall chain-link fence has been added to the Layout and Materials sheet. All walls over 48 inches in height are to be designed and stamped by a structural engineer during the Building Permit phase. An underdrain has been added to the southern retaining wall to ensure proper drainage, and the details of the underdrain shall be coordinated and confirmed with the wall designer during the building permit phase. A detail of the landscaped boulder wall will be provided in subsequent site plan revisions during the Site Plan Review permitting process.

Apex Response 5/2/25: Acknowledged. We recommend that the Planning Board condition any project approval on the submission of fully engineered retaining wall plans and calculations, stamped by a licensed professional engineer, prior to building permit issuance.

A&M Response 7/21/25: Comment has been noted and the Applicant takes no exception to this comment. Fully engineered retaining wall plans stamped by a licensed professional engineer shall be submitted with the building permit application.

Apex Response 8/6/25: Acknowledged. As suggested, we recommend that the Planning Board condition any approval on the submission of fully engineered retaining wall plans and calculations, stamped by a licensed professional structural engineer, prior to building permit issuance. **Item closed.**

29. The proposed retaining walls are located close to abutting property lines, raising concerns about whether there is adequate space for proper construction, including material staging, equipment access, and backfill placement. The Applicant should confirm that sufficient clearance is available for these activities and that erosion and sediment controls can be properly installed and maintained within the available space during construction.

Additionally, the Applicant should clarify how construction activities will be contained within the property limits and whether temporary construction access restrictions or protective barriers will be implemented to prevent unintended disturbance to adjacent properties.

To ensure structural integrity and compliance with best practices, we recommend that the Applicant provide detailed retaining wall design drawings stamped by a professional structural engineer before construction.

A&M Response 4/22/25: Additional callouts have been added to the Layout & Materials Plan, highlighting the distance to abutting property lines and heights of the wall. The wall has been designed to be a lesser height than the distance to abutting property lines. All walls over 48 inches in height are to be designed and stamped by a structural engineer during the Building Permit phase. It is anticipated that the retaining walls will be gravity block walls without the need for geogrid.

Apex Response 5/2/25: Acknowledged. Consistent with our response to Comment 28, we recommend that the Planning Board condition any approval on the submission of fully engineered retaining wall plans and calculations, stamped by a licensed professional structural engineer, prior to building permit issuance.

A&M Response 7/21/25: Comment has been noted and the Applicant takes no exception to this comment. See Response to comment 28, above.

Apex Response 8/6/25: Acknowledged. As suggested and consistent with our response to Comment 28, we recommend that the Planning Board condition any approval on the submission of fully engineered retaining wall plans and calculations, stamped by a licensed professional structural engineer, prior to building permit issuance. **Item closed.**

30. The project proposes four street-level parking spaces with a cross slope of approximately 7%. Excessive cross slopes can create vehicle stability issues and make it difficult for passengers to enter and exit vehicles safely. We recommend that parking space cross slopes do not exceed 5% to maintain functionality and user comfort.

The Applicant should clarify if the four street-level parking spaces are considered visitor spaces for all units. The Massachusetts Accessibility Code (521 CMR) requires that "common-use" parking areas include accessible parking spaces. If these spaces are shared parking, the Applicant may be required to provide an accessible parking space. The Applicant has provided construction details of accessible parking spaces, but none are shown on the plans.

A&M Response 4/22/25: Slopes have been reduced to 5% across the bituminous parking area. A potential accessible stall has been shown, and the grades meet minimum ADA/MAAB requirements, however, the Applicant has refrained from expressly declaring the stall as handicapped-only, to avoid this restriction due to limited visitor parking on-site. Additional discussion with the Lexington Planning Board during the Hearing process will be required.

Apex Response 5/2/25: Acknowledged. The Applicant has reduced cross slopes in the parking area to 5%. This is generally acceptable for parking areas without accessible spaces. However, ADA requirements limit all slopes in accessible parking areas to 2%. The proposed grading of the potential accessible stall is not compliant with ADA requirements. If the Applicant wishes to provide a marked or potential ADA accessible stall, the slope of the parking space and adjacent access aisle must be reduced to a maximum slope of 2% in all directions.

A&M Response 7/21/25: Due to site grading constraints, there will not be an ADA parking space on site. Additionally, none of the proposed units are accessible.

Apex Response 8/6/25: Apex's understanding is that the proposed development consists entirely of private residential townhouses, with no sales or leasing office, public accommodations, or publicly accessible amenities. The four visitor parking spaces are unassigned but intended solely for use by residents and their guests.

In accordance with the U.S. Department of Justice ADA Title III Technical Assistance Manual and 521 CMR §3.3, accessibility requirements for parking and accessible routes do not apply to strictly residential developments where use is limited to owners, residents, and their guests. Since there are no public accommodations or publicly funded units, neither the ADA nor 521 CMR requires the applicant to provide accessible parking spaces or accessible routes in this case.

We recommend that the Planning Board confirm this interpretation with the Lexington ADA Coordinator or Building Department as part of the final approval process.

A&M Response 9/5/25: As discussed with the Lexington Planning Board, ADA parking is not required and is not proposed for the project.

Apex Response 9/18/25: We take no exception to the Applicant's approach. We note that the Applicant has removed one visitor parking space for a total of three proposed visitor parking spaces. We consider this **item closed** unless the Planning Board determines that an ADA accessible parking space shall be required.

31. The Utilities Plan does not show any proposed gas utilities on site. It is assumed that the project is designed to be fully electric, but the applicant should confirm whether natural gas service is required for the development. If gas utilities are needed, their proposed locations should be shown on the plans to ensure coordination with other site infrastructure.

A&M Response 4/22/25: Gas is not proposed for this site due to Lexington's fossil fuel-free initiative, as requested by the Town. Units will utilize electric heat and cooling.

Apex Response 5/2/25: Acknowledged. **Item closed.**

32. There is no rip rap pad shown at the outlet of FES-1. Rip rap should be provided at the outlet to prevent erosion. We recommend the Applicant show rip rap on the plan set or provide a detail for this outlet.

A&M Response 4/22/25: FES-1 has been eliminated, and area drain "AD-1" has been re-routed to roof drain lateral "RD-1."

Apex Response 5/2/25: Acknowledged. AD-1 has been rerouted to roof drain lateral RD-1. The proposed pipe sizing in the Drainage Report indicates that the pipe from RD-1 to DMH-1 has sufficient capacity for this design. However, AD-1 is proposed as a drop structure in order to make up grade

differential. The resulting structure has a depth from rim to invert of 27.5 feet. This depth raises concerns related to structural integrity, constructability, and long-term maintenance.

Additionally, the proposed invert of the discharge into the lateral from RD-1 to DMH-1 is 243.9. This is located approximately 12 feet from TP-105 which encountered ledge at elevation 249.5. There is a reasonable probability that ledge removal may be required in order to construct this drain line as proposed.

A&M Response 7/21/25: The park area has been regraded to slope eastward to the grassed swale. AD-1 has been removed from the park area. The proposed invert to DMH-1 has been raised to reduce depth of ledge removal.

Apex Response 8/6/25: Acknowledged. The applicant has raised the invert of RD-1 into DMH-1 to 246.95. The invert at RD-1 is 248.50, and the nearby TP-105 encountered ledge at 248.0. Ledge removal may be required to install this drainage infrastructure. We have no further comments on this matter; **Item closed.**

33. Several areas on the Grading & Drainage Plan show proposed contours tying into existing contours where the existing slopes are as steep as 1H:1V (notably in the northeastern corner of the site). While we recognize that some existing slopes on-site are naturally steep, the proposed earthwork near these areas may increase the risk of erosion and slope instability.

To mitigate potential stability concerns, we recommend that the Applicant provide slope stabilization measures, such as riprap or other appropriate treatments, in areas where slopes are steeper than 2H:1V.

A&M Response 4/22/25: Riprap has been proposed along existing slopes 2:1 or greater.

Apex Response 5/2/25: Acknowledged. The Applicant has proposed riprap in areas in and around the proposed swales where existing or proposed slopes are 2:1 or steeper. We suggest that A&M coordinate with the project landscape architect to ensure that slope stabilization measures are compatible with existing and proposed vegetation, particularly where slopes intersect with tree root zones or proposed planting areas. **Item closed.**

34. Based on the proposed inverts and slopes, the pipe downstream of AD-1 appears to conflict with the finished grade, potentially daylighting between the two nearby retaining walls. The Applicant should clarify the pipe's alignment and confirm that it remains properly buried throughout its length. Adjustments may be necessary to maintain adequate cover and prevent exposure.

A&M Response 4/22/25: FES-1 has been eliminated, and area drain "AD-1" has been re-routed to roof drain lateral "RD-1."

Apex Response 5/2/25: See response to Comment 32 above.

A&M Response 7/21/25: The park area has been regraded to slope eastward to the grassed swale. AD-1 has been removed from the park area.

Apex Response 8/6/25: Acknowledged. We take no exception to the revised grading of the park area. **Item closed.**

35. The proposed sewer design includes a deep manhole with a rim-to-invert depth of 22.5 feet (SMH-1). While deep sewer manholes can be necessary in certain conditions, this depth raises concerns related to structural integrity, constructability, and long-term maintenance.

We recommend that the Applicant provide additional documentation confirming the following:

- **Structural Design:** The manhole is designed to withstand soil pressure at this depth, with an appropriate diameter and reinforcement as required by industry standards.
- **Constructability:** The excavation plan addresses trench stability, dewatering (if necessary), and worker safety in compliance with OSHA regulations.
- **Maintenance Accessibility:** The proposed depth does not create challenges for routine maintenance, including jetting and vacuum truck operations.
- **Alternative Considerations:** Whether adjustments to pipe slopes, intermediate manholes, or other design modifications could reduce the required depth.

We recommend that the Applicant coordinate with the Lexington Engineering Department to confirm that the proposed depth is acceptable and meets all applicable regulations.

A&M Response 4/22/25: Proposed sewer manhole "SMH-1" has been re-routed to under the bituminous parking lot, reducing the rim to invert depth. Proposed sewer manhole "SMH-3" has been labeled as a drop manhole with a distance of 10.5 feet from the rim to the proposed invert elevation.

Apex Response 5/2/25: Acknowledged. SMH-1 is no longer proposed as a drop structure. We take no exception to the revised design, including the 10.5 foot drop at SMH-3. **Item closed.**

36. The Fire Truck Vehicle Movements Plan (C-105) indicates that the fire apparatus must reverse out of the site. Some fire departments prohibit apparatus from reversing due to safety concerns and operational limitations. We recommend that the Applicant confirm whether this maneuver is acceptable to the Lexington Fire Department or if modifications to the site layout are necessary to accommodate forward egress.

A&M Response 4/22/25: The fire apparatus has been updated to make a left turn into the site as detailed in the submitted revised Fire Truck Turning Plan.

Apex Response 5/2/25: Acknowledged. The Fire Truck Vehicle Movements Plan continues to indicate that the fire apparatus must reverse out of the site. We recommend that the Applicant confirm whether this maneuver is acceptable to the Lexington Fire Department or if modifications to the site layout are necessary to accommodate forward egress.

A&M Response 7/21/25: The applicant has coordinated with the Lexington Fire Department to allow reverse movement while exiting the site, as the driveway is 150' or less, per discussions with the Lexington Fire Department.

Apex Response 8/6/25: Acknowledged. **Item closed.**

37. **Apex Comment 9/16/25:** Apex notes that under the updated plans, the Applicant removed two outdoor parking spaces, bringing the total parking count from 21 to 19.

38. **Apex Comment 9/16/2025:** Apex notes that under the updated plans, the Applicant shifted Unit 4 and Unit 5 approximately 10 feet west. As a result, underground infiltration system UIS-1C has less than 10 feet of separation from the building foundations of Units 5 and 6. Consistent with the design

recommendations of many manufacturers of underground infiltration chamber systems, we recommend providing at least 10 feet of separation between underground infiltration chamber systems and any structures/foundations.

39. **Apex Comment 9/16/2025:** Apex notes that under the updated plans, the Applicant made slight modifications to the retaining wall outside of Units 4 and 5. On Sheet C-102 there is a new callout that reads "ramps to garages", but there are no obvious ramps at these locations per the contours and spot elevations provided on Sheet C-102.

Our review is based on the information that has been provided. As noted above, additional review is required to verify comments have been incorporated into the revised submission.

We appreciate the opportunity to assist you with this important project. Please feel free to contact me at (617) 657-0278 or dylan.odonnell@apexc.com with any questions or comments.

Sincerely,

Apex Companies, LLC



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Abby McCabe, Planning Director
Meghan McNamara, Assistant Director
Aaron Koepper, Planner
Carolyn Morrison, Planning Coordinator

To: Lexington Planning Board

From: Aaron Koepper, Planner

Re: Site Plan Review for 952 Waltham Street; Village and Multi-Family Overlay District | Memo 4

Date: September 18, 2025, Revised September 19

Public Meeting: Advertised for March 27, 2025 and continued to May 7, 2025 without discussion, hearing held on May 7, 2025; on June 25, 2025 continued without discussion to August 13, 2025, hearing held on August 13, 2025; hearing held on September 25, 2025

Filed with Town Clerk: February 12, 2025

Decision Deadline: September 30, 2025

Executive Summary

Updates:

- The Planning Board's peer review consultant, Apex Companies, has provided comments based on the revised plans on utilities and stormwater under a separate memo, dated September 16, 2025.
- New plans show Units 1-5 about 6 ft closer to Waltham Street, as such, ANG and Elevations forms were resubmitted and have been reviewed for compliance.
- Civil and architectural plans have been updated/aligned, inconsistencies rectified.
- The Tree Mitigation Plan (L-102) has been updated, now with 324.5" of replacement planting for mitigation (increase from 244.5"). *Total of 365" is required by Bylaw, 40.5" to still be mitigated either by additional planting or a contribution to the Tree Fund.*

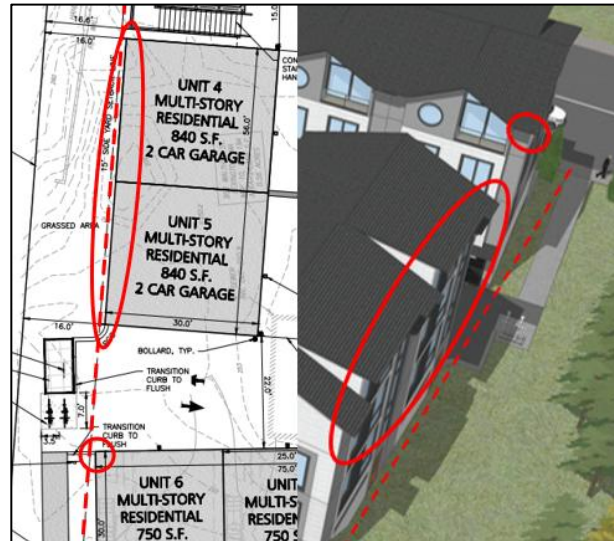
Project Summary

The proposed development is for three (3) buildings and a total of eight (8) dwelling units. The project is proposing townhouse style units, each containing four (4) bedrooms. Units include a lower level garage with space for two (2) cars and two (2) bicycles, and three (3) floors of living space above. No affordable units are proposed or required for this project. The proposal also includes three (3) visitor vehicle parking spaces, and short-term bicycle parking for two bicycles.

The Planning Board's peer review consultant, Apex Companies, has provided a review letter focused on utilities and stormwater in a memo dated September 16. All previous comments have been addressed. However, with the plan modification Apex points out the infiltration chamber near unit 5 should be at least 10 ft. from the building's foundation (7 ft. shown). The applicant submitted revised plans on September 19 to combine the subsurface chambers in the middle of the parking lot to be at least 10-ft. from a building's foundation.

Planning Staff Comments

Lexington measures setback distance to the farthest projecting point of the building, including roof overhangs. Applicant shall ensure that the farthest projecting points of all buildings fall within setback lines. Plans will continue to be reviewed for compliance as project navigates the Building Permit stage.



The most recent Photometrics Plan (C-107) revised through September 19 has been updated to comply with § 5.4 of the Zoning Bylaw with no light spill off the property.

Other Town Staff & Board/Committee Comments

Environmental Services:

Applicant will need to obtain required approvals from Lexington Environmental Services for town collection or provide private trash/recycling/compost services.

Tree Removal – Tree Bylaw General Bylaw Chapter 120:

Applicant is proposing the removal of 15 trees within the setbacks (totaling 185 DBH inches removed). This equates to 365 DBH inches required for replanting and/or payment into a Tree Fund for mitigation under the Tree Bylaw. The Applicant is proposing 324.5" (365" required) DBH inches to be replanted on the property. Staff recommends the Planning Board partially waive the Tree Bylaw to accept the proposed landscape plan with a condition that the Applicant apply to the Tree Warden to mitigate for the remaining 40.5" DBH through tree plantings on abutting properties or contribution into the Town's Tree Fund pursuant to § 120-8. C. (1) and (2). Any tree plantings on abutting lots require property owner written authorization.

Letter from owner at 956 Waltham Street submitted aware of tree removal and plantings within 6 ft. of property line.

Building:

Building code requires that townhouses be sprinklered.

Fire:

There needs to be sprinkler access from the exterior of each building.

Noise Advisory Committee:

A letter from the Noise Advisory Committee was received recommending blasting over hammering for ledge removal due to the impulse noise caused by hammering and slower removal process. They recommend a Noise Mitigation Plan and “white-noise” multifrequency backup alarm equipment.

Engineering:

Post construction completion, Engineering has implemented a new stormwater control measures certification permit to track long-term maintenance as part of Lexington’s MS4 network. After construction completion the owner shall follow the long-term Operation & Maintenance Plan and submit annual certifications to Engineering.

List of recommended project specific conditions and findings:

- 1) Fully designed retaining wall plans with calculations to be provided by a licensed professional structural engineer with building permit application.
- 2) Require a Tree Removal Permit from the Tree Warden to mitigate the outstanding 40.5” DBH removal through plantings on abutting lots or with contribution into the Tree Fund per §120-8. C.
- 3) Pest control and dust management plan shall be submitted to health dept.
- 4) Provide a geotechnical report to determine the full extent and contents of any rock prior to noise mitigation plan and prior to site work.
- 5) A noise study to determine ambient noise level is required prior to construction.
- 6) Provide \$20 Lexpress pass to each initial household along with information material about Lexpress and the MBTA Services.
- 7) Addresses for each unit will be coordinated with Public Safety, Assessing, and Engineering staff following a decision issuance.
- 8) Waltham Street was paved in 2023 and is currently under a moratorium.
- 9) The owners of the project shall maintain plantings in perpetuity, replacement in-kind is required for the life of the project.
- 10) Provide a noise mitigation plan including the site be equipped with a multifrequency alarm.
- 11) The owner is responsible for maintenance consistent with the long-term Operation & Maintenance Plan (O&M Plan). The owner shall follow the O&M Plan and annual submit a stormwater control measurers certification with Lexington Engineering.

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Public Hearing for Amendments to Planning Board's Subdivision Regulations

PRESENTER:

Staff and Board Discussion

ITEM NUMBER:

SUMMARY:

Public Hearing to review Planning Board Subdivision Regulations (Ch. 175). The Board will deliberate, take public comment, and may vote to close or continue the hearing at the end of the discussion.

Changes are proposed to various sections including: Section 3: application format, fees, Section 5 & general & submission copies, Section 7.2: Streets & Rights-of-Ways design standards for the right-of-way location and minimum road length for dead-end streets, sidewalk connections, Section 6.5: Security, Section 7.6: Trees & Landscaping

The Planning Board current Subdivision Regulations Chapter 175 are available [here](#)

A draft of proposed changes are attached along with the full 50 page regulations with the proposed changes shown in red underlined text. Illustrative visuals attached.

Summary of changes are:

- Increase application fees;
- Removes requirements for hard copies, except for required recording documents, and allows for electronic permit submissions;
- Permits Board of Health via online application portal;
- Adds requirement for the proof circle to be shown on buildable lots;
- Adds a requirement that new ways/roads be at least 10 feet from a lot line outside of the subdivision;
- Adds a 150-ft. minimum road length requirement;
- Other changes to provide clarity and eliminate redundancy.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/25/2025

ATTACHMENTS:

Description	Type
☐ Proposed Subdivision Amendments	Exhibit
☐ Proposed Amendments in Full Sub Regulations	Exhibit
☐ Presentation Slide Visuals	Presentation

Staff Recommended Changes to the Planning Board's Subdivision Regulations
Subdivision Regulations, last revised in 2017
Full Subdivision Regulations Found Here: <https://ecode360.com/10537349>
DRAFT Changes September 18, 2025
Public Hearing Scheduled for September 25, 2025

Proposed changes shown below, underline is new language and language to removed is shown with a strikethrough. Renumber subsequent sections and correct formatting as needed as a result of these amendments.

1) Amend Section 1.4. FORMS as follows:

The Planning Board may create forms for the convenient administration of these Regulations. These forms are not part of the Regulations. Forms may be added or deleted and the content of the forms may be revised from time to time by administrative action of the Planning Board or Planning staff.

2) Add the following to Section 2.1 DEFINITIONS:

RIGHT-OF-WAY

The full strip of land designed as a way, consisting of the roadway, shoulders adjacent to the vehicular travel lane, sidewalks, and planting strips. A way so designated shall be available only for such uses as are customary for ways in the Town and shall not be available for private construction such as for buildings, fuel tanks, septic tanks, fences, or walls. Commonly referred to as the street layout.

3) Amend Section 3.3. APPLICATIONS as follows:

D. ~~Delivery of the~~ Application and Plan Submission.

(1) Filing by electronic submission in Lexington's online application system ~~delivery or by mail~~ to the Board. The applicant must submit ~~the application, the plan, other documents, if applicable, and~~ the fee online or provide to the Planning Office.

(a) ~~By delivery, during regular working hours, to the Planning Office; or~~

(b) ~~By registered mail to the Lexington Planning Board.~~

(2) Filing ~~or delivery~~ to Board of Health. The Planning office will ~~applicant must forward the submit an~~ application for approval of a preliminary subdivision plan or a definitive subdivision plan to the Board of Health ~~in accordance with their regulations~~. This step will be achieved through the Planning Board's online application portal submission to the Board of Health via the Health Director. The Health Department shall confirm receipt.

(3) Notice to Town Clerk. ~~Where required by Massachusetts law, the applicant must give a written notice of an application to the Town Clerk.~~ The Planning Office will forward the application to the Town Clerk. This step may be achieved through the Planning Board's online application portal and the Town Clerk shall confirm receipt.

E. Document and Plan Formatting Requirements

(3) Typewritten or printed material must be submitted in 8 1/2 inch by 11-inch format. Oversized brochures or reports will not be accepted.

Staff Recommended Changes to the Planning Board's Subdivision Regulations
Subdivision Regulations, last revised in 2017
Full Subdivision Regulations Found Here: <https://ecode360.com/10537349>
DRAFT Changes September 18, 2025
Public Hearing Scheduled for September 25, 2025

(4) Information in digital form. All ~~submitted~~ information and plans must be supplied ~~both in written form as required elsewhere in these Regulations and~~ in digital form. The digital information must be submitted in its native format (e.g., MS Word, or AutoCAD) and in Portable Document Format (PDF).

4) Amend 3.4. FEES Section F Fee Schedule as follows:

Application Types	Administrative Fees
Approval Not Required (ANR) or MGL Chapter 41, 81X plan	\$200 <u>\$150</u> for application, plus \$100 new additional lot created
Preliminary Subdivision	\$1,000 <u>\$2,000</u> , plus \$500 per lot
Definitive Subdivision	
When a preliminary subdivision application was filed within the past 7 months	\$2,000 <u>\$3,000</u>
When a preliminary application was not filed within the past 7 months	\$4,000 <u>\$5,000</u> , plus \$500 per lot
Modifications to a plan not deemed a minor filed change	\$500 <u>\$600</u> , plus \$250 per lot impacted
Modification to covenant, decision, or other subdivision document	\$250 <u>\$350</u>

5) Amend 3.4. FEES (2) Project Review Fees for Peer Review Consultants as follows:

(c) ~~Schedule of~~ Project Review Fees for Peer Review Consultants. The following schedule applies to the types of applications to the Board set forth below. Where more than one type of application has been submitted for Board action, only the largest of the applicable Project Review Fees may be collected for deposit into the 53G Account, and not the sum of those fees. The amount of the peer review fee will be estimated by the selected consultant after receipt of the application based on the submittal. The final peer review cost will depend on the number of plan reviews, the number of hearings, and complexity of the project.

Initial Preliminary Plan, Modification of a Preliminary Plan, or Modification of a Definitive Plan:

Project Size	Fee
1—15 Lots	\$ 2,000
16—20 Lots	\$ 3,000
21—25 Lots	\$ 4,250
More than 25 Lots	\$ 5,000

Initial Definitive Plan:

Staff Recommended Changes to the Planning Board's Subdivision Regulations
Subdivision Regulations, last revised in 2017
Full Subdivision Regulations Found Here: <https://ecode360.com/10537349>
DRAFT Changes September 18, 2025
Public Hearing Scheduled for September 25, 2025

Project Size	Fee
1–15 Lots	\$ 4,000
16–20 Lots	\$ 6,000
21–25 Lots	\$ 10,000
More than 25 Lots	\$ 20,000

6) Amend Section 4.2 SUBMISSION for Approval Not Required Plans, as follows:

A. Number of Copies. The submitted application must include:

- ~~(1) One~~ Two original Mylar copy, with signature block;
- (2) Three large (24 inches by 36 inches) format black line copy; and

7) Amend 4.3. REVIEW AND DECISION PROCESS as follows:

Review the plan with the Chairman or, in his or her absence, the Vice Chairman of the Board;

8) Amend Section 5.2 RELATION TO SKETCH PLAN as follows:

When land which is the subject of a special ~~permit~~ residential development under §135-6.9 of the Zoning Bylaw is also proposed to be subdivided, a sketch plan, as defined in the Board's Development Regulations, may be submitted in lieu of a preliminary plan.

5.3 SUBMISSION

A. ~~Number of Copies~~. The submitted application shall ~~include: be in the Board's online application portal.~~

- ~~(1) Three original, copy ready application packets (including any drainage and stormwater management plans);~~
- (1) One stand-alone document of the drainage and stormwater management plans;
- ~~(3) Four large (24 inches by 36 inches) format sets of plans; and~~
- (2) An electronic copy of the application material in both PDF and CAD format.

B. Information Required on each plan sheet:

- (9) When applicable, a written list of all waivers, citing specific provisions of these Regulations that are being requested.

C. When applicable, a written list of all waivers, citing specific provisions of these Regulations that are being requested with justification.

Staff Recommended Changes to the Planning Board's Subdivision Regulations
Subdivision Regulations, last revised in 2017
Full Subdivision Regulations Found Here: <https://ecode360.com/10537349>
DRAFT Changes September 18, 2025
Public Hearing Scheduled for September 25, 2025

9) Amend Definitive Subdivision Plans Section 6.1 SUBMISSION as follows:

B. Number of Copies. The application shall be submitted in the Board's online application portal electronic copies in both PDF and CAD format shall include: submitted application package must include:

- (1) Three original, copy-ready application packets (including any drainage and stormwater management plans);
- (2) One stand-alone ~~copy~~ document of the drainage and stormwater management plans;
- (3) ~~Four~~ Two Mylar copies of large (24 inches by 36 inches) of the Title Sheet, Property Rights and Dimensional Plan, and Street Layout and Profile Plans format sets of plans; and

C. Required Plans

(2) Site Analysis Map.

(j) Areas of visual impact, including graphics of viewscapes into and out from the site.

(4) Site Construction Plan. A plan prepared by a landscape architect and a civil engineer, showing in a general manner, where applicable:

- (a) The location of existing and proposed buildings;
- (b) Existing and proposed contours;
- (c) If applicable, a delineation of vegetated wetlands, with the buffers described in (2)(a) ~~[6](7)~~ above;

(5) Street Layout and Profile Plans.

[6] Sight lines for entering and merging traffic at street intersections and off-site driveway intersections and other necessary data pertaining to traffic safety;

10) Amend Section 6.5. SECURITY, as follows:

(1) Amount. In determining the amount of the bond or surety, the Board will confer with the Engineering Department and be informed by the following formula in setting the sum of the security:

- (d) The applicant's estimate of the cost to complete the work; plus
- (e) A ten percent contingency; plus
- (f) Cost increases due to inflation over a five-year period; plus
- (g) Costs associated with as-builts and street acceptance plans.

E. Converting Covenant to another Performance Guarantee. If the applicant desires that lots be released from a covenant and that the improvements remaining to be constructed or installed be secured by another form of performance guarantee, a formal written request must be sent to the Board ~~by registered mail~~, which sets forth and include:

11) Amend Section 6.6. RELEASE OF SECURITY, as follows:

D. As-Built Plans. The following as-built plans and profiles, prepared by an Engineer or Land Surveyor, based on an on-the-ground survey done within six weeks of submittal, must be submitted to the Board following the completion of construction and, in addition, at such time during the course of construction as may be required by the Planning Office or Town Engineer. These ~~may shall~~ be new plans ~~or full-size prints~~ of the approved definitive plans showing in red or other clearly distinguishable color all differences between the approved and the actual construction. Where the departures are considered significant, the Board may require corrective work or may require engineering calculations to substantiate acceptability of work as done. All submitted material must also be supplied in digital form, as described in 3.3.E(4).

12) Amend Section 7.1. SITE DESIGN, as follows:

B. Lots; Property Rights.

Compliance with Zoning Bylaw. All lots shown on the plan must meet the frontage, area, shape, and access requirements of the Zoning Bylaw. Lots on which a building may be erected shall show the proof circle to confirm lot regulatory and developable site area required by § 4.2.2 and 4.2.3 of the Zoning Bylaw.

13) Amend Section 7.2. STREETS AND RIGHTS-OF-WAYS, as follows:

(3) Intersections.

- (h) Streets must be laid out to intersect as nearly as possible at right angles, and in no case at less than a 75-degree or more than a 105-degree angle.
- (i) New subdivision streets may be constructed at an intersection of two existing streets if the proposed subdivision street is aligned opposite one of the existing streets.
- (j) An intersection of two streets may not be within 125 feet of any other existing or proposed intersection, unless aligned directly across the street, as measured between the points of intersection of the centerlines of the intersecting streets.

E. Design Standards for Streets and Rights-of-Way.

The standards below are not an attempt to provide every detail needed to design a right of way, but highlight key elements where the Town wishes to provide specific guidance to create context sensitive right of ways.

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	<i>Minor</i>	<i>Local</i>
Design Speed (MPH)	25	25
ROW CROSS-SECTION ELEMENTS		
Sidewalks (Number)	1	1
Width (feet)	5	5
Planting Strip		
Min. Width (feet)	4	5
Shoulders		
Width (feet)	1	2
Travel Lanes	2	2
Width (feet)	9	10
Min. Grade	1%	1%
Max. Grade	8%	8%
Max. Grade within 75' of Intersection	2%	2%
Other Design Elements/Criteria		
Min. Overall ROW Width (feet)	40	50
Min. Intersection Rounding Radius (feet)	25	25
<u>Min. distance between the new ROW to any lot line of any lot situated outside of the subdivision.</u>	<u>10</u>	<u>10</u>

(7) Dead-end Streets by adding, and renumbering following sections:

(b) A dead-end street shall be a minimum of 150 feet from the point of the beginning following the centerline to the furthest point on the right-of-way line on the turnaround.

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(14) A development should consider future sidewalks or other complete streets improvements within the development and where the new subdivision road connects the existing road. New roads should connect the sidewalk to an existing sidewalk system. An applicant should consider locations of hardscaping, landscaping, utility poles, fire hydrants, and other site appurtenances that would create new hazards in close proximity to the Right of Way.

15) Amend Section 7.6 TREES AND LANDSCAPING, as follows, including any renumbering of subsequent sections:

B. Street Trees.

(c) Proposed street tree species must be native indigenous to the region. A list of recommended tree species can be found in the Massachusetts Division of Fisheries and Wildlife's publication *The Vascular Plants of Massachusetts: A County Checklist*, the Planning Board's Preferred Planting List.

E. Soils. Where soils have been compacted and where existing trees will not be adversely affected by the process, soil profile rebuilding methods shall be employed before landscaping begins.

16) Amend Section 8.2 INSPECTION as follows:

H. Certification of Monuments. The required monuments (stone bounds or equivalent) must be set by or under the direct supervision of a Land Surveyor after all construction which could disturb them has been completed, and two copies of a PDF copy of the plan of the subdivision (which may be the "as built" plans) must be submitted to the Board, showing the exact location and nature of the monuments set or found (identified as such), certified by a Land Surveyor.

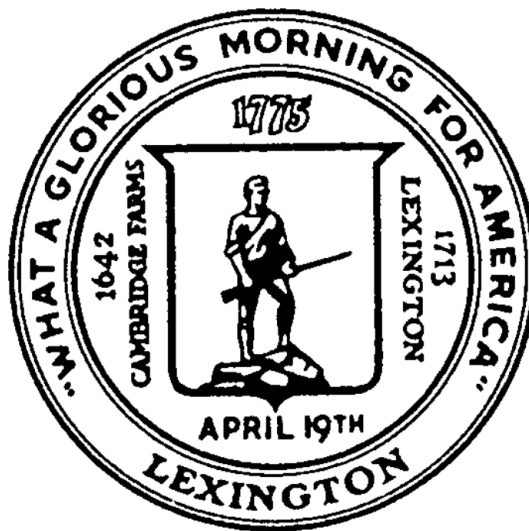
17) Amend Section 8.4 CERTIFICATES OF OCCUPANCY DURING CONSTRUCTION, as follows:

A. Rights of Ways. No Certificates of Occupancy may be issued until all work associated with the right of way construction is complete, except for the final top course of pavement, unless otherwise authorized by the Planning Board after acceptance of a performance guarantee.

CHAPTER 175 OF THE CODE
OF THE TOWN OF LEXINGTON

PLANNING BOARD

SUBDIVISION REGULATIONS



Revised through August 30, 2017

Amended on _____, 2025

DRAFT September 4, 2025

TABLE OF CONTENTS

CHAPTER 175 OF THE CODE	I
OF THE TOWN OF LEXINGTON.....	I
§ 175-1.0 AUTHORITY AND PURPOSE.....	1
1.1. Authority; Title	1
A. Authority.....	1
B. Title.....	1
C. Gender Neutrality.....	1
1.2. Approval and Compliance Required.....	1
A. Unapproved Subdivision Prohibited.....	1
B. Complying Plans Must be Approved.....	1
C. Issuance of Building Permits	1
1.3. Purpose and Objectives	1
A. Purpose.....	1
B. Means.....	2
1.4. Forms	2
1.5. Consistency with State Law; Separability	2
A. Consistency with State Law.....	2
B. Separability.....	2
C. Invalidation by Changes to State Law.....	2
§ 175-2.0 DEFINITIONS	3
§ 175-3.0 GENERAL REGULATIONS	5
3.1. Applicability	5
3.2. Ownership	5
A. Consent of Owners Required for All Applications.....	5
B. Rights of Others in Land Shown on Plan.....	5
3.3. Applications	5
A. Contact with Town Departments Through Planning Office.....	5
B. Pre-Application Conference.....	5
C. Applications Submitted Through Planning Office.....	5
D. Delivery of the Application and Plan.....	5
E. Document and Plan Formatting Requirements	6
F. Complete and Correct Information.....	6
G. All Actions at Public Meetings.....	6
H. No Alteration to Approved Plan.....	6
I. Obtain All Permits and Rights	6
3.4. Fees	6
A. Objectives.....	6
B. Fees Required.....	6
C. Costs of Advertising and Holding Public Hearing.....	7
D. Expense of Preparing Plans and Other Documents.....	7
E. No Refund upon Withdrawal.....	7

F.	Fee Schedule.	7
3.5.	Waivers	10
A.	Waiver of Specific Rules and Regulations.	10
B.	Application for a Waiver.	10
C.	Effect of Not Requesting or Granting a Waiver.	10
D.	Decision on Request for a Waiver.	10
§ 175-4.0	APPROVAL NOT REQUIRED PLANS	13
4.1.	Applicability	13
A.	General.	13
B.	Criterion.	13
4.2.	Submission.....	13
A.	Number of Copies.	13
B.	Required Information.....	13
C.	Information on Plan.	13
4.3.	Review and Decision Process	14
A.	Action on Application by Planning Board.....	14
B.	Action on Application by Planning Director.	14
4.4.	Endorsement	14
A.	Endorsement.	14
B.	Endorsement is Not an Approval.....	14
C.	Plans that Do Require Approval.	14
D.	Failure to Act within 21 Days.....	15
E.	Procedure and Time Allowed for Recording.....	15
4.5.	Endorsement Criteria	15
A.	Criteria.	15
B.	Existing Buildings.....	15
C.	Frontage on Unaccepted Street.	15
D.	Frontage on Subdivision Street.....	15
§ 175-5.0	PRELIMINARY SUBDIVISION PLANS.....	17
5.1.	Applicability	17
A.	Residential Subdivisions.....	17
B.	Nonresidential Subdivisions.	17
5.2.	Relation to Sketch Plan.....	17
5.3.	Submission.....	17
A.	Number of Copies.	17
B.	Information Required.....	17
5.4.	Decision	17
A.	Scope of Decision.	17
B.	Approval Criteria.	18
C.	Relationship to Definitive Plan.....	18
§ 175-6.0	DEFINITIVE SUBDIVISION PLANS	19
6.1.	Submission.....	19
A.	Coordination by Landscape Architect.	19
B.	Number of Copies.	19
C.	Required Plans.	19

D.	Information Required	22
6.2.	Decision	23
A.	Scope of Decision.	23
B.	Approval Criteria.	23
C.	Time for Decision.	24
D.	Board Failure to Act.....	24
E.	Appeal of Decision to Court.	24
6.3.	Mandatory Conditions	24
A.	Failure to Obtain Endorsement.	24
B.	Failure to Complete Construction.....	24
C.	Construct Streets and All Required Utilities.....	24
D.	Perpetual Rights and Easements.	24
E.	Post-Construction Responsibilities of Owners.	25
6.4.	Recording of Definitive Plans.....	25
A.	Plan.	25
B.	Certificate of Action.	25
C.	Supplemental Covenant.	25
6.5.	Security	25
A.	Security for Construction of Ways and Improvements Required.....	25
B.	Bond or Surety.	26
C.	Construction Mortgage Agreement.....	27
D.	Statutory Covenant.....	27
E.	Converting Covenant to another Performance Guarantee.	27
F.	Converting Bond, Deposit, or Agreement to Covenant.	28
6.6.	Release of Security	28
A.	General.	28
B.	Refusal.	28
C.	Constructive Release.....	28
D.	As-Built Plans.	29
6.7.	Amendment, Modification, or Rescission	29
A.	General.	29
B.	Procedure.	29
C.	Effect.....	29
§ 175-7.0	REQUIRED IMPROVEMENTS AND DESIGN STANDARDS	31
7.1.	Site Design	31
A.	Site Design Objectives.....	31
B.	Lots; Property Rights.	31
C.	General Construction Requirements.....	33
7.2.	Streets and Rights-of-Way	33
A.	Complete Streets Design Objectives.....	33
B.	Layout and Alignment of the Street System.	34
C.	Extension to Adjoining Land.	35
D.	Street Classification.	35
E.	Design Standards for Streets and Rights-of-Way.	36
F.	Street Construction.....	39

7.3.	SIDEWalks and paths	40
A.	Sidewalks.....	40
B.	Footpaths and Trails.....	40
C.	Bicycle Path or Recreational Path.....	41
7.4.	Utilities and underground facilities.....	41
A.	Standards for Water and Sewer Service.....	41
B.	Water Mains.....	41
C.	Sanitary Sewers.....	42
D.	Electric Power and Communication Lines.	42
7.5.	Stormwater Management.....	42
A.	Objectives.	42
B.	Drainage Easements.....	42
C.	Standards for Stormwater Management.....	42
7.6.	Trees and landscaping.....	42
A.	Objectives and Applicability.....	42
B.	Street Trees.	43
C.	Cul-de-Sac Plantings.....	43
D.	Restoration of Slopes.	43
7.7.	Reservation of land for public purposes	43
A.	Designation for Reservation.	43
B.	Plan Notation.	43
C.	Action by Town within Three Years.	43
§ 175-8.0	CONSTRUCTION.....	45
8.1.	Work Notification to Town Departments	45
A.	Preconstruction Conference.....	45
B.	Notification.....	45
C.	Allocation of Risk.....	45
8.2.	Inspection.....	45
A.	Access.....	45
B.	Notice.....	45
C.	Required Inspections.....	46
D.	Street Construction.....	46
E.	Reinspection of Incorrect Construction.....	46
F.	Water and Sewer Mains	47
G.	Cost.....	47
H.	Certification of Monuments.....	47
I.	Completion.....	47
8.3.	Disposal of Debris and Waste.....	47
8.4.	Certificates of Occupancy during Construction.....	47
A.	Rights of Ways.....	47
B.	Fire Hydrants.	48

§ 175-1.0 AUTHORITY AND PURPOSE

1.1. AUTHORITY; TITLE

- A. Authority. As authorized by MGL c. 41, ss. 81K through 81GG, the "Subdivision Control Law," and under the authority delegated to the Town of Lexington by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, known as the "Home Rule Amendment," the Lexington Planning Board adopts these Rules and Regulations governing the subdivision of land in Lexington.
- B. Title. These Regulations are known and may be cited as the "Subdivision Rules and Regulations" or as the "Subdivision Regulations" or, within this document, as "these Regulations."
- C. Gender Neutrality. These Regulations are gender neutral, any reference to the masculine gender should be interpreted to include the female gender and vice versa.

1.2. APPROVAL AND COMPLIANCE REQUIRED

- A. Unapproved Subdivision Prohibited. No person may make a subdivision, as defined in the Subdivision Control Law, of any land within the Town of Lexington, proceed with the improvement or sale of lots in an unapproved subdivision or the construction of a street or the installation of municipal services within them or undertake preliminary steps, such as the clearing of land, excavation, site preparation or other preparatory steps, leading to the construction of a street or the installation of municipal services or facilities, for which requirements or standards are in these Regulations, unless and until a definitive subdivision plan has been submitted to, approved, and endorsed by the Planning Board and recorded in the Registry of Deeds or the Land Court, and only then according to the conditions of approval and the procedures set out in these Regulations.
- B. Complying Plans Must be Approved. In accordance with MGL c. 41, s. 81M, the Planning Board must approve any duly filed subdivision plan if the plan conforms to the provisions of these Regulations and conforms to the recommendation of the Board of Health.
- C. Issuance of Building Permits The Building Commissioner may not issue any permit for erection of a building until first satisfied (a) that the lot on which the building is to be erected is not within a subdivision, or (b) that a way furnishing the access to the lot within a subdivision as required by the Subdivision Control Law is shown on a recorded plan, constructed according to that plan, and that any conditions endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied, and (c) that all other applicable requirements have been met.

1.3. PURPOSE AND OBJECTIVES

- A. Purpose. The powers of the Town of Lexington and of the Planning Board under the Home Rule Amendment of the Massachusetts Constitution are exercised to promote the general welfare and convenience, protecting the health and safety of the residents of Lexington and of adjoining communities that may be impacted by the construction of a subdivision in Lexington by:
 - (1) Identifying and securing, for present and future residents, the beneficial impacts of growth and development;
 - (2) Identifying and avoiding the negative impacts of growth and development; and

- (3) Ensuring that future growth and development are of a type and design and are in a location served by adequate public services and facilities.

B. Means. These Regulations are intended to achieve those purposes by:

- (1) Providing adequate access to all of the lots in a subdivision by streets and walkways that will be safe and convenient for travel;
- (2) Lessening congestion in such streets and in the adjacent public streets;
- (3) Reducing danger to life and limb;
- (4) Securing safety in the case of fire, flood, panic and other emergencies;
- (5) Ensuring compliance with the frontage and access provisions of the Lexington Zoning Bylaw;
- (6) Securing adequate provision for water, sewerage, drainage, underground utility service, fire, police, and other services where necessary in a subdivision;
- (7) Coordinating the streets and walkways in a subdivision with each other and with the streets and walkways in adjacent neighborhoods;
- (8) Facilitating a detailed review by Town officials and by the public of proposed subdivisions to determine the adequacy of the facilities proposed to be provided and their impact on public facilities and services and on adjoining land; and
- (9) Establishing a sequence of review that progresses from the general to the detailed to avoid unnecessary delay or expense to both the Town and the applicant.

1.4. FORMS

The Planning Board may create forms for the convenient administration of these Regulations. These forms are not part of the Regulations. Forms may be added or deleted and the content of the forms may be revised from time to time by administrative action of the Planning Board or Planning staff.

1.5. CONSISTENCY WITH STATE LAW; SEPARABILITY

- A. Consistency with State Law. In the case of conflict between these Regulations and state law, and for matters not covered by these Regulations, the Subdivision Control Law, MGL c. 41, ss. 81K to 81GG, inclusive, and amendments to them, apply.
- B. Separability. The provisions of these Regulations are separable. If any provision of these Regulations, or any decision or determination in the administration of them, is adjudged by a court of competent jurisdiction to be unconstitutional, invalid, or void, the court's decision does not affect any other provision of these Regulations or the administration of them.
- C. Invalidation by Changes to State Law. Any part of these Regulations that may later be invalidated by a new state law, or by amendment of an existing state law, must automatically conform to the new or amended state law and will be deemed effective immediately, without recourse to a public hearing and the required procedures for amendment and repeal of these Regulations.

§ 175-2.0 DEFINITIONS

In the interpretation of these *Regulations*, the definitions in MGL c. 41, s. 81L, the Subdivision Control Law, and in §135-10.0, Definitions, of the Lexington Zoning Bylaw, are incorporated by reference and apply as if set forth here in full. In addition to those terms, the terms set forth below mean the following.

BOARD: The Planning Board of the Town of Lexington.

DEAD-END STREET, ROAD, or WAY: Either [A] a street providing only one vehicular access route to the general street network of the Town or [B] a system of two or more intersecting streets whose overall layout provides only one vehicular access route to the general street network of the Town. Multiple vehicular access points less than 125 feet apart are considered a single access point.

ENGINEER: A professional engineer registered to practice in Massachusetts.

LANDSCAPE ARCHITECT: A landscape architect registered to practice in Massachusetts.

LAND SURVEYOR: A land surveyor registered to practice in Massachusetts.

OWNER: An owner of record as shown by the records in the Middlesex County Registry of Deeds or Land Court Registry of any interest in land which is affected by an application.

PARCEL: An area of land in one ownership, with definite boundaries, other than a Lot.

PLAN, DEFINITIVE: A subdivision plan meeting the requirements of §175-6.0 of these Regulations, and of the Subdivision Control Law for definitive plans. A definitive plan includes supporting materials, which are filed with the Board but not recorded.

PLAN, PRELIMINARY: A subdivision plan submitted in accordance with §175-5.0 of these Regulations and with MGL c. 41, s. 81S.

PLANNING DIRECTOR: The person appointed under the Lexington Selectmen/Town Manager Act to be the Planning Director for the Town, or when authorized, the Director's designee.

PROFILE: A vertical section of streets, storm drainage, and sanitary sewer facilities.

REGISTERED MAIL: Registered or certified mail.

REGISTRY OF DEEDS: The Registry of Deeds in Middlesex County, including when appropriate, the recorder of the Land Court.

RIGHT-OF-WAY: The full strip of land designed as a way, consisting of the roadway, shoulders adjacent to the vehicular travel lane, sidewalks, and planting strips. A way so designated shall be available only for such uses as are customary for ways in the Town and shall not be available for private construction such as for buildings, fuel tanks, septic tanks, fences, or walls. Commonly referred to as the street layout.

SIGHT DISTANCE: A length of road surface that a particular driver can see with an acceptable level of clarity, computed according to the most recent edition of the American Association of State Highway and Transportation Officials' (AASHTO) *A Policy on Geometric Design of Highways and Streets*.

STANDARD SPECIFICATIONS: The latest revision of Town of Lexington, Massachusetts, Department of Public Works' Division 2 Standard Specifications.

SUBDIVISION CONTROL LAW: Sections 81K to 81GG, inclusive, of MGL c. 41 and any amendment, addition, or substitution of them.

UTILITIES: Services, including sanitary sewers, stormwater drainage systems, water supply piping, fire alarm conduits, electric and telephone wiring, cable television service, natural gas service, and their appurtenances.

WETLANDS: All resource areas protected under MGL c. 131, s. 40, as may be amended. Buffer areas are excluded from this definition.

ZONING BYLAW: The Zoning By-law of the Town of Lexington.

§ 175-3.0 GENERAL REGULATIONS

3.1. APPLICABILITY

The rules and regulations outlined in this Section apply to all Applications under these Regulations.

3.2. OWNERSHIP

- A. Consent of Owners Required for All Applications. The applicant must state the nature of its interest in the property and all owners must sign any application. Where an owner is not a natural person, documents must be submitted indicating who has the authority to enter into an agreement on its behalf.
- B. Rights of Others in Land Shown on Plan. The Board's approval of a plan does not affect any rights others may have in or on the land to be subdivided or improved, nor does it give the applicant the right to perform work on land owned by others.

3.3. APPLICATIONS

- A. Contact with Town Departments Through Planning Office. The Planning Office should be the point of contact for other Town departments when requesting information about site construction for developments subject to these Regulations.
- B. Pre-Application Conference. The Planning Office staff may hold a pre-application conference with an Applicant. The purpose of the pre-application conference is for the staff to give an interpretation of these Regulations and an explanation of the Board's procedures. Review of proposed plans occurs after an application is filed.
- C. Applications Submitted Through Planning Office. Requests for action on development activities must first be submitted to the Planning Office staff to be reviewed and scheduled for action at a Board meeting. Such requests may not be presented directly to the Board at a meeting.
- D. Delivery of the Application and Plan.
 - (1) Filing by electronic submission in Lexington's online application system ~~delivery or by mail~~ to the Board. The applicant must submit the application, the plan, other documents, if applicable, and the fee.
 - (a) By delivery, during regular working hours, to the Planning Office; or
 - (b) By registered mail to the Lexington Planning Board.
 - (2) Filing ~~or delivery~~ to Board of Health. ~~The applicant must submit an application for~~ The Planning Office will forward the application for approval of a preliminary subdivision plan or a definitive subdivision plan to the Board of Health ~~in accordance with their regulations. This step may be achieved through the Planning Board's online application portal submission to the Board of Health via the Health Director. The Health Department shall confirm receipt.~~
 - (3) Notice to Town Clerk. ~~Where required by Massachusetts law, the applicant must give a written notice of an application to the Town Clerk. The Planning Office will forward the application to the Town Clerk. This step will be achieved through the Planning Board's online application portal submission to the Town Clerk and the Town Clerk shall confirm receipt.~~

E. Document and Plan Formatting Requirements

- (1) All plans and other application material intended to be recorded must meet the latest version of either the Deed Indexing Standards for the Commonwealth of Massachusetts or the Manual of Instructions for the Survey of Lands and Preparation of Plans to Be Filed in the Land Court. These documents are available on the Board's website.
- (2) Vertical Datum. All elevations shown on profiles and topographic plans must be based on the North American Vertical Datum of 1988 (NAVD88) and identify all benchmarks used and their elevations.
- (3) ~~Typewritten or printed material must be submitted in 8 1/2 inch by 11 inch format. Oversized brochures or reports will not be accepted.~~
- (4) Information in digital form. All submitted information and plans must be supplied ~~both in written form as required elsewhere in these Regulations and~~ in digital form. The digital information must be submitted in its native format (e.g., MS Word, or AutoCAD) and in Portable Document Format (PDF).

F. Complete and Correct Information. The applicant is responsible for the submittal of complete and correct information to the Board, which if not provided may constitute grounds for the rejection of a plan for review, disapproval of a plan or rescission of a previously approved plan.

G. All Actions at Public Meetings. All reviews, decisions and other actions of the Board related to an Application must be made at a public meeting of the Board for which public notice has been given under G.L. c. 30A, §§ 18-25.

H. No Alteration to Approved Plan. No alteration may be made to a plan after it has been approved or endorsed by the Board.

I. Obtain All Permits and Rights. The failure, or inability, to obtain all necessary permits, licenses, releases, or rights may constitute grounds for the disapproval of a plan or rescission of a previously approved plan.

3.4. FEES

A. Objectives. The objectives of the fee schedule are:

- (1) That the costs incurred by the Town of Lexington in the review, approval, and inspection of plans submitted in compliance with these *Regulations* result primarily from and should be considered as part of the ordinary cost of, the business of real estate development;
- (2) To approach a full reimbursement to the Town for the cost of providing the review, approval, and inspection of a subdivision or other development proposal and other actions to administer these Regulations; and
- (3) To create incentives so that applicants will comply fully and accurately with these Regulations to reduce the time spent by Town employees on review, inspection, and administration, particularly of material submitted several times.

B. Fees Required. An applicant submitting a proposed plan, a revision to an approved plan or an application for rescission of a previously approved plan must pay the fees indicated in the fee schedule. If the fees do not come with the application, the application will not be accepted for processing. Fees must be paid for the Town's actions relative to the

recording of an approved subdivision plan and for the implementation and construction of an approved plan as in the schedule.

- C. Costs of Advertising and Holding Public Hearing. The applicant is responsible for the costs of publishing the legal notice of any public hearing. If the Board is required to hold the public hearing in a building other than the Town Office Building and there are costs associated with meeting in another building the applicant is responsible for those costs.
- D. Expense of Preparing Plans and Other Documents. The applicant is responsible for the expense of the design, preparation of legal documents, studies, review of plans, recording and filing of plans, reproduction of plans and copies of them or studies and reports related to them and all other expenses in relation to the submittal, review, and actions on an application for approval or endorsement of a plan whether it is approved by the Board or not.
- E. No Refund upon Withdrawal. No fees will be refunded if an application for endorsement or approval of a plan is withdrawn.
- F. Fee Schedule.

(1) Administrative Fees.

- (a) Applicability. An Administrative Fee will be assessed to offset the expense of review by the Town with regard to all applications set forth in F.(1)(c), below.
- (b) Submittal. Administrative Fees must be submitted at the time of the submittal of the application. Failure to submit this payment is grounds for denial of the application.
- (c) Schedule of Administrative Fees. The following schedule applies to the types of applications to the Board:

Application Types	Administrative Fees
Approval Not Required (ANR) or MGL Chapter 41, 81X plan	\$200 \$150 for application, plus \$100 new additional lot created
Preliminary Subdivision	\$1,000 \$2,000 , plus \$500 per lot
Definitive Subdivision	
When a preliminary subdivision application was filed within the past 7 months	\$2,000 3,000
When a preliminary application was not filed within the past 7 months	\$4,000 5,000 , plus \$500 per lot
Modifications to a plan not deemed a minor filed change	\$500 600 , plus \$250 per lot impacted
Modification to covenant, decision, or other subdivision document	\$250 350
NOTE: One payment of a fee for a residential preliminary plan is creditable to the initial fee for a definitive plan. If more than one fee is paid for a preliminary plan, only the first of those payments is creditable to the initial fee for a definitive plan.	

- (d) Fees for Revised Applications. Because the Administrative Fee is based on the proposed number of lots, should the proposed number of lots increase, the applicant must pay a fee equivalent to the difference between the original fee

paid and the fee that would have been paid had the original submission included the additional lots. Failure to make this payment is grounds for denial of the application.

- (e) Fee Waivers. The Board may waive or reduce any Administrative Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.
 - (f) Refund. Once the review process has begun, the Board will not refund Administrative Fees, including the case of withdrawal of the application by the applicant.
- (2) Project Review Fees for Peer Review Consultants.
- (a) Applicability. In addition to an Administrative Fee, the Board may impose a Project Review Fee on those applications which require, in the judgment of the Board, review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary resources to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, by-laws, and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.
 - (b) Submittal. Should the Board require outside review, a Project Review Fee must be submitted to the Planning Office for deposit in an account established pursuant to G.L. c. 44 s. 53G (53G Account). Failure to make this payment is grounds for denial of the application.
 - (c) Schedule of Project Review Fees for Peer Review Consultants. The following schedule applies to the types of applications to the Board set forth below. Where more than one type of application has been submitted for Board action, only the largest of the applicable Project Review Fees may be collected for deposit into the 53G Account, and not the sum of those fees. The amount of the peer review fee will be estimated by the selected consultant after receipt of the application based on the submittal. The final peer review cost will depend on the number plan reviews, the number of hearings, and complexity of the project.

~~[1] Initial Preliminary Plan, Modification of a Preliminary Plan, or Modification of a Definitive Plan:~~

Project Size	Fee
1– 15 Lots	\$ 2,000
16– 20 Lots	\$ 3,000
21– 25 Lots	\$ 4,250
More than 25 Lots	\$ 5,000

~~[2] Initial Definitive Plan:~~

Project Size	Fee
1– 15 Lots	\$ 4,000
16– 20 Lots	\$ 6,000
21– 25 Lots	\$ 10,000
More than 25 Lots	\$ 20,000

- (d) Replenishment. When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed above, the Board may require a Supplemental Project Review Fee to cover the cost of the remaining project review. Failure to make this payment is grounds for denial of the application.
- (e) Inspection Phase. After the approval of a Definitive Plan, the Board may require a Supplemental Project Review Fee to ensure the availability of funds during the inspection phase of the review process. Failure to make this payment is grounds for rescission of approval.
- (f) Handling of Project Review Fees. Project Review Fees must be turned over to the Town Treasurer by the Planning Office for deposit into a 53G Account.
 - [1] Outside consultants retained by the Board to assist in the review of an application must be paid from this account.
 - [2] The Board must provide the following information in a timely fashion on request of the applicant:
 - [a] A statement of principal and interest based on information from the Town Accountant;
 - [b] A report of all checks authorized for issuance; and
 - [c] An estimate of bills pending from consultants for work completed, or in progress, but not invoiced.
 - [3] Remaining funds in the 53G Account, including accumulated interest, must be returned to the applicant or the applicant's successor in interest, at the conclusion of the review process, as defined below. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest must provide the Board with documentation establishing such succession in interest.
 - [a] With the approval or disapproval of a Preliminary Subdivision Plan.
 - [b] With the disapproval of a Definitive Subdivision Plan.
 - [c] With the release of the performance bond at the end of construction of an approved Definitive Subdivision Plan.
- (g) Appeal. The choice of a consultant by the Board for the review of an application may be appealed by the applicant in writing to the Board of Selectman as provided in MGL c. 44 s. 53G. The required time limits for action upon an application by the Board are automatically extended for the duration of the appeal.
- (3) Delinquent Accounts. The following rules apply to fees owed to the Board by applicants:

- (a) **Due Date.** Administrative fees are due at the time of submittal of an application. Project Review fees and Supplemental Project Review fees are due within 14 days from the date that the Board determines that they are required.
- (b) **Monthly Interest Charge.** All fees past due by one month from the date of invoice are subject to a monthly interest charge based upon an annual interest rate of 14%.
- (c) **Costs of Collection.** All costs of collection associated with past due accounts must be borne by the applicant.
- (d) **Current Delinquents.** All applicants owing fees to the Board at the time of any amendment to these provisions of the regulations must be sent the following:
 - [1] A duplicate notice of the amount past due.
 - [2] A copy of the applicable sections of these regulations with all amendments clearly indicated.
 - [3] Notice of a 30-day grace period before the commencement of any changes in interest rates or charges.
- (e) **Failure to Pay.** Failure to pay delinquent fees, interest, or costs of collection after 30 days' notice is grounds for denial of an application or rescission of an approved application.

3.5. WAIVERS

- A. **Waiver of Specific Rules and Regulations.** In accordance with MGL c. 41, s. 81R, the Board may waive strict compliance with specific provisions of these Regulations in any particular case where such action is in the public interest and consistent with the intent and purpose of the Subdivision Control Law and of these Regulations. An applicant is not entitled to a waiver and the Board, in its discretion, may decline to approve a request for a waiver.
- B. **Application for a Waiver.** Any person requesting a waiver must submit the following with the application for approval of the subdivision plan:
 - (1) A written request that identifies the specific provision of these Regulations for which the waiver is requested;
 - (2) A plan showing how the site would be developed if the plan complied with that provision of these Regulations and no waiver were granted or a statement that such development is not possible; and
 - (3) A narrative statement that explains how granting the waiver would be in the public interest and consistent with the intent and purpose of the Subdivision Control Law.
- C. **Effect of Not Requesting or Granting a Waiver.** If a request for a waiver is not submitted and one or more features of a proposed plan do not follow these Regulations, or the Board does not grant the waiver, the noncompliance may be the basis for disapproval of the application.
- D. **Decision on Request for a Waiver.**
 - (1) If the Board waives any provision or standard of these Regulations, it must:

- (a) Determine that its action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law and of these Regulations; and
 - (b) Include specific reasons for its action in the decision approving the subdivision plan.
- (2) The Board may make its approval of a waiver dependent on such conditions as will achieve the objectives of the provision or standard waived.

§ 175-4.0 APPROVAL NOT REQUIRED PLANS

4.1. APPLICABILITY

- A. General. Any person who wishes to record a plan in the Registry of Deeds or in the Land Court and who believes that the plan does not require approval under the Subdivision Control Law may submit the plan to the Board accompanied by documentation, as set forth below, to show that the plan does not require approval.
- B. Criterion. A plan does not require approval under the Subdivision Control Law if it does not show a subdivision, as defined in MGL c. 41 s. 81L.

4.2. SUBMISSION

- A. Number of Copies. The submitted application must include:
- (1) ~~One~~ Two original Mylar copy, with signature block;
 - (2) ~~Three large (24 inches by 36 inches) format black line copy; and~~
- B. Required Information. An applicant must submit:
- (1) Copies of the plan, as described above;
 - (2) A properly executed application form; and
 - (3) Evidence showing the basis upon on which the applicant claims that approval under the Subdivision Control Law is not required.
 - (4) An electronic copy of the application material in both PDF and CAD format.
- C. Information on Plan. Approval Not Required Plans plan must have the following information:
- (1) Title block containing the name and section designation, if any, of the proposed development;
 - (2) The name of the applicant, and the property owner if not the same;
 - (3) The name, address, and imprint of the professional registration stamp of a professional engineer or land surveyor responsible for the preparation of the plan;
 - (4) A visual scale and a North arrow, the direction of which must be the same for all sheets;
 - (5) The date of original preparation and the date of each of any later revisions, with the revisions noted;
 - (6) Space for endorsement by the Board, with room for the signature of each member, and the date of the endorsement below the signatures;
 - (7) A legend denoting any signs and symbols used on the plan and not otherwise explained.
 - (8) The names of the owners of all abutting lots and parcels as they appear on the most recent Real Estate Tax Commitment List prepared by the Board of Assessors;
 - (9) All lots and parcels affected by the proposed change in property line(s);
 - (10) All existing and proposed property lines, lot frontages, lot areas, and easements that may affect access to a lot. Each lot must show both the street address and street number if assigned, as shown on the Assessors' property maps. Proposed lots must be numbered and parcels be lettered for identification;

- (11) The name of the street providing frontage and access to the lots; the width of the right-of-way and the width of the street pavement, including any variations in width, along the frontage of the lots which are being subdivided;
- (12) The status of the street along the frontage of the lots, i.e. whether the street is a public way, a way shown on an approved subdivision plan and constructed according to that plan, or a way in existence on April 4, 1948. If the street changes from one status to another, the line at which the status changes must be shown by means of dimensions from a reference point that can be readily determined;
- (13) The location of all permanent bounds, markers, and monuments clearly differentiated as to whether existing or proposed;
- (14) The words "Planning Board approval under Subdivision Control Law not required" must appear above the space for the signatures; a line for the date of the Board's action and the words "The endorsement above is not a determination by the Planning Board as to compliance with the Zoning Bylaw" must appear below the space for the signatures.

4.3. REVIEW AND DECISION PROCESS

- A. Action on Application by Planning Board. Within 21 days of receipt of a complete application, and without holding a public hearing, the Board must determine whether the plan requires approval under the Subdivision Control Law.
- B. Action on Application by Planning Director. If the Board does not meet within 21 days of receipt of a plan which an applicant believes does not require approval, because no Board meeting is scheduled, or if a scheduled meeting is canceled or postponed due to lack of a quorum or weather conditions, the Planning Director is authorized to act for the Board and must note the authorization on the plan. He or she must first:
 - (1) Review the plan with the Chair~~man~~ or, in his or her absence, the Vice Chair~~man~~ of the Board;
 - (2) Determine whether the plan constitutes a subdivision as defined by MGL c. 41, s. 81L; and
 - (3) Either endorse the plan or not endorse the plan, in which case he or she must notify the applicant and the Town Clerk of the reasons for not endorsing the plan.

4.4. ENDORSEMENT

- A. Endorsement. If the Board determines that the plan does not require approval, the majority of the members must endorse the plan with their signatures. If the Board is not able to sign the plan at that time, the Board may authorize the Planning Director to sign the plan and such authorization must be noted on the plan. If the Board endorses a plan not requiring subdivision approval, it may add notes indicating why approval is not required.
- B. Endorsement is Not an Approval. Endorsement of the plan is not an approval of any subdivision or a determination by the Board as to conformance with the Zoning Bylaw. It is only an endorsement that the plan does not require approval under the Subdivision Control Law.
- C. Plans that Do Require Approval. If the Board determines that the plan does require approval under the Subdivision Control Law, it must, within 21 days of receipt of a

complete application, give written notice of its determination, stating its reasons, to the Town Clerk and to the applicant.

- D. Failure to Act within 21 Days. If the Board, or the Planning Director as provided in § 175-4.3B, fails to act upon a plan considered to be complete or fails to notify the Town Clerk of its reasons for not endorsing the plan within the required twenty-one-day period, the plan must be deemed not to require approval under the Subdivision Control Law. The applicant may then request, and the Town Clerk must issue, a certificate that the plan is approved because of the Board's failure to act.
- E. Procedure and Time Allowed for Recording. The applicant must record the endorsed plan within the time provided for in the Subdivision Control Law at the Registry of Deeds and must furnish the Planning Office with a certified copy of the plan, as recorded.

4.5. ENDORSEMENT CRITERIA

- A. Criteria. The Board must determine that approval under the Subdivision Control Law is not required and must endorse the plan if and only if each lot and parcel shown on the plan either:
 - (1) Has at least the minimum frontage on a street required by the Zoning Bylaw, or
 - (2) Is to be joined to an abutting lot and the following note appears on the plan: "Parcel X is to be joined to Lot Y and is not to be considered to be a separate lot." or
 - (3) The note "For the purposes of the Subdivision Control Law, parcel X cannot be used for the site for a building." appears on the plan.
- B. Existing Buildings. Notwithstanding the criteria above, the Board must endorse a plan where every lot or parcel on the plan:
 - (1) Contains a substantial building which existed on April 4, 1948; or
 - (2) Is to be joined to an abutting lot and the following note appears on the plan: "Parcel X is to be joined to Lot Y and is not to be considered to be a separate lot." or
 - (3) The note "For the purposes of the Subdivision Control Law, parcel X cannot be used for the site for a building." appears on the plan;
- C. Frontage on Unaccepted Street. An unaccepted street not shown on a plan approved under the Subdivision Control Law must meet the standards for streets and ways described in Section 7.2 of these Regulations to provide the frontage required in § 175-4.5A.
- D. Frontage on Subdivision Street. An unaccepted street shown on a plan approved under the Subdivision Control Law must meet the following conditions to provide the frontage required in § 175-4.5A:
 - (1) The construction of the subdivision street has been completed, has been approved by the Town Engineer and the Board, and the surety being held for completion of the subdivision has been released; or
 - (2) An ANR plan may be submitted to change the shape or size of lots shown on a previously approved subdivision plan, provided the approved way is built or a performance guarantee is in place.

§ 175-5.0 PRELIMINARY SUBDIVISION PLANS

5.1. APPLICABILITY

- A. Residential Subdivisions. The Board recommends but does not require, a preliminary subdivision plan for residential subdivisions.
- B. Nonresidential Subdivisions. As required by MGL c. 41, s. 81S, preliminary subdivision plans for nonresidential subdivisions are required before submission of a definitive subdivision plan.

5.2. RELATION TO SKETCH PLAN

When land which is the subject of a special ~~permit~~ residential development under §135-6.9 of the Zoning Bylaw is also proposed to be subdivided, a sketch plan, as defined in the Board's Development Regulations, may be submitted in lieu of a preliminary plan.

5.3. SUBMISSION

- A. ~~Number of Copies.~~ The submitted application shall ~~include:~~ be in the Board's online application portal.
 - (1) ~~Three original, copy-ready application packets (including any drainage and stormwater management plans);~~
 - (2) One stand-alone document of the drainage and stormwater management plans;
 - (3) ~~Four large (24 inches by 36 inches) format sets of plans; and~~
 - (4) An electronic copy of the application material in both PDF and CAD format.
- B. Information Required. Each sheet of the plan must have the following general information:
 - (1) The subdivision name, boundaries, north point, date, scale, legend, and title "Preliminary Plan";
 - (2) The names of the record owner and the applicant and the name of the designer, engineer or surveyor;
 - (3) The names of all abutters, as determined from the most recent local tax list;
 - (4) The existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner;
 - (5) The proposed system of drainage, including adjacent existing natural waterways, in a general manner;
 - (6) The approximate boundary lines of proposed lots, with approximate areas and dimensions;
 - (7) The names, approximate location and widths of adjacent streets;
 - (8) The topography of the land in a general manner; and
 - (9) ~~When applicable, a written list of all waivers, citing specific provisions of these Regulations that are being requested.~~
- C. When applicable, a written list of all waivers, citing specific provisions of these Regulations that are being requested with justification.

5.4. DECISION

- A. Scope of Decision. Within 45 days after the proper submittal to the Board and to the Board of Health of a preliminary subdivision plan, the Board must approve the

preliminary subdivision plan, with or without waivers and conditions, or disapprove the plan, stating the reasons for the disapproval. The Board may include recommendations for features that should be included in a definitive subdivision plan.

- B. Approval Criteria. The standards for approval of a definitive subdivision plan will be the basis for the decision on a preliminary subdivision plan to the extent permitted by the information submitted as part of a preliminary subdivision plan.
- C. Relationship to Definitive Plan.
 - (1) Approval of a preliminary subdivision plan does not constitute approval of a subdivision or guarantee that the Board will approve a definitive subdivision plan. The Registry of Deeds is not permitted to record a preliminary subdivision plan.
 - (2) Disapproval of a preliminary subdivision plan does not prevent the submission of a definitive subdivision plan. If a definitive plan complies with the Subdivision Regulations, the Board must approve it.

§ 175-6.0 DEFINITIVE SUBDIVISION PLANS

6.1. SUBMISSION

- A. Coordination by Landscape Architect. A landscape architect must be responsible for the coordination of the physical planning of the proposed development.
- B. Number of Copies. The application shall be submitted in the Board's online application portal submitted application package must include:
- (1) ~~Three original, copy-ready application packets (including any drainage and stormwater management plans);~~
 - (2) One stand-alone copy document of the drainage and stormwater management plans;
 - (3) ~~Four~~ Two Mylar copies of large (24 inches by 36 inches) of the Title Sheet, Property Rights and Dimensional Plan, and Street Layout and Profile Plans ~~format sets of plans;~~ and
 - (4) An electronic copy of the application material in both PDF and CAD format.
- C. Required Plans. Information presented in the definitive subdivision plan must be based on field surveys except as noted below. A definitive subdivision plan must include the following:
- (1) Title Sheet. A title sheet depicts all land within 500 feet of any part of the tract that is the subject of the application, showing:
 - (a) All lot, parcel, and right-of-way lines, in a general manner;
 - (b) Existing structures and contours at two-foot intervals;
 - (c) Principal natural features, as described in the site analysis map, described below, but shown more generally than in the site analysis map;
 - (d) Zoning district boundaries;
 - (e) Recorded easements abutting the tract; and
 - (f) Public facilities or property, such as conservation or recreation land, footpaths, bicycle paths, or streets.
 - (2) Site Analysis Map. A site analysis map, prepared by a landscape architect, shows:
 - (a) Existing contours at two-foot intervals;
 - (b) Steep slopes, distinguished as follows:
 - [1] Slopes greater than 15% but less than 25%;
 - [2] Slopes greater than 25% but less than 40%; and
 - [3] Slopes greater than 40%;
 - (c) Mature trees, distinguishing deciduous from evergreen, and differentiating between them by size as follows:
 - [1] Trees with a diameter at breast height (DBH) between 6 and 12 inches
 - [2] Trees with DBH between 12 inches and 18 inches;
 - [3] Trees with a DBH between 18 inches and 30 inches; and
 - [4] Trees with a DBH greater than 30 inches;
 - [5] A note containing the number and total DBH of all trees with a DBH greater than 6 inches;

- (d) Location and results of any soil, percolation and water table tests;
 - (e) Areas within the tract subject to easements, rights-of-way, or similar deed restrictions;
 - (f) If applicable, a wetlands delineation, prepared by a professional wetlands specialist, identifying:
 - [1] The wetland boundaries,
 - [2] The 25' buffer boundary,
 - [3] The 50' buffer boundary, and
 - [4] The 100' or 200' jurisdictional line;
 - (g) Habitats of rare and endangered species;
 - (h) Fences, stone walls, trails and rock outcroppings;
 - (i) Existing vegetation, including open fields, and unique specimens of vegetation; and
 - (j) Areas of visual impact, including graphics of viewscales into and out from the site.
 - (k) Information on topography, slopes, and trees required above may be omitted within areas of the site that are not proposed to be disturbed if these areas are clearly marked on the plan as areas not to be disturbed.
- (3) Property Rights and Dimensional Standards Plan. A plan based on an instrument field survey conducted by a land surveyor, showing:
- (a) The location of existing easements or other property rights affecting the development;
 - (b) The location of any sections of the land to which the Town would be granted property rights, either by easement or transfer of ownership, for street, utility, conservation, recreation or other public purposes;
 - (c) The proposed division or merger of the property into lots and parcels in private ownership;
 - (d) The proposed yard setback in feet for buildings and, if applicable, from a zoning district boundary and, if applicable, the setback of a driveway or parking lot from lot lines;
 - (e) The proposed boundaries of any common open space;
 - (f) Proposed bounds, markers, or monuments;
 - (g) If applicable, zoning district boundary lines and the Town boundary line;
- (4) Site Construction Plan. A plan prepared by a landscape architect and a civil engineer, showing in a general manner, where applicable:
- (a) The location of existing and proposed buildings;
 - (b) Existing and proposed contours;
 - (c) If applicable, a delineation of vegetated wetlands, with the buffers described in (2)(a) [6](7) above;
 - (d) The proposed location and dimensions of streets, drives, parking areas, curb cuts, streetlights, and driveway aprons;

- (e) The proposed drainage system in general;
 - (f) The proposed landscaping in general;
 - (g) A proposed limit-of-work line outside of which no land or natural features will be disturbed; and
 - (h) A note indicating amounts of earth material being removed, added, or reused on site.
- (5) Street Layout and Profile Plans. Prepared by a civil engineer, with each street shown on a separate sheet and consisting of a street layout plan and a street profile plan matching the street layout plan, as follows:
- (a) Street layout plans that show the layout of each proposed street within the development and beyond it to the limit of the proposed construction necessary to provide adequate access and connection to municipal services:
 - [1] The length of each straight segment to the nearest one hundredth of a foot and the bearing of them to the nearest five seconds;
 - [2] The length, central angle, radius and length of tangent for each curved segment to the same degree of precision as the straight lines and clearly identifying each non-tangent curve;
 - [3] All existing and proposed construction features, such as pavement, walks, curbs or berms, drains, catch basins, manholes, sewers, water mains, other underground conduits where known, retaining walls, traffic islands, grass plots, and gutters;
 - [4] Center-line stations designated at one-hundred-foot intervals at or opposite points of tangency;
 - [5] Angles in the street line, manholes, catch basins and culverts; and
 - [6] Sight lines for entering and merging traffic at street intersections and off-site driveway intersections and other necessary data pertaining to traffic safety;
 - (b) Street profile plans that match the street layout plans and are located either above or below them for ease in locating corresponding points:
 - [1] The existing sidelines and existing and proposed center lines with elevations every 50 feet and at all high and low points;
 - [2] The grade of the principal segments of the proposed street, showing the location of vertical curves and corresponding data;
 - [3] All proposed sewers, drains, catch basins, manholes, cleanouts, siphons and other appurtenances identifying the material, class or strength and size of sewers and drains and the grade for each section of them in percent; and
 - [4] The centerline stations and invert elevations of all catch basins, manholes, cross drains or culverts.
- (6) Utilities Plan. A plan prepared by a civil engineer, showing:
- (a) The location and size of existing water mains, fire hydrants, sanitary sewers, and storm drains; and

- (b) The proposed location and size of utilities to be constructed on the site and their proposed connections to existing utilities, and any special features, such as culverts or pumping stations, that might affect the ability of the Town to service the development.
- (7) Landscape Plan. A plan prepared by a landscape architect, showing:
 - (a) Existing and proposed grades,
 - (b) The existing vegetative cover to be retained,
 - (c) Existing trees with a 6-inch DBH or greater, identified as:
 - [1] Trees to be retained
 - [2] Trees to be removed, and
 - [3] Trees to be transplanted;
 - (d) Existing and proposed stone walls
 - (e) Proposed building footprints, walls, fences, parking spaces, loading bays, driveways, walks, storage areas, rights-of-way, easements, and location of structures on, and the uses of, abutting properties;
 - (f) A plan and plant schedule giving botanical and common names of plants to be used, size at time of planting, mature size, rate of growth, quantity of each, location and method of any excavation and soil preparation, and the spacing and location of all proposed trees, shrubs and ground covers;
 - (g) Proposed street furniture, such as regulatory and informational signs, benches, hydrants, street lighting standards, postal boxes, transformer pads and the like; and

D. Information Required. The following information must be included in the application:

- (1) Hydrologic and Drainage Analysis. Hydrologic and drainage analysis prepared by a civil engineer, documenting compliance with §175-7.5, Stormwater Management, of these Regulations;
- (2) Soil Surveys, Test Pits, and Test Borings. Test pits and test borings prepared by a civil engineer, taken at one-hundred-foot intervals at the proposed station points as described in the street layout and profile plans and at the proposed location of any infiltration structures, or at such other points as the Town Engineer may request;
- (3) Deeds or Easements. Drafts of any deed, easement, covenant, or restriction offered to the Town;
- (4) Site Development Conditions. Proposed conditions limiting parts of the site, maintaining or enhancing existing natural features, making site improvements or landscaping, or accepting or assigning responsibility for maintenance;
- (5) Off-Site Improvements. Proposals for mitigating measures or the design or construction of off-site improvements (or financial contributions for them) to deal with the impacts of the proposed development;
- (6) The methods for protecting plant materials during and after construction;
- (7) A written list of all waivers, if any are requested, from these Regulations;
- (8) If a preliminary subdivision plan was previously filed, a written response to the Board's comments and recommendations in its decision;

- (9) If applicable, copies of agreements granting the applicant rights essential to development of the land and construction work involved, including the right of access to existing ways;
- (10) Easements. Draft language for both proposed permanent and temporary easements;
- (11) Maintenance by Owners. Draft documents providing for the operation and maintenance of landscaping, streets, and utilities by the property owners, including:
 - (a) An Operation and Maintenance Plan prepared by an Engineer which identifies necessary maintenance and inspection tasks both during and after construction to maintain the proper and safe operation of the drainage system. The Board may require that:
 - [1] Inspections be performed after accumulation of specific depths of sediment, after major storm events and at regularly established time intervals;
 - [2] Certain technical inspections be performed by an Engineer;
 - [3] Inspections or maintenance be performed at specific times of the year when they are expected to be most effective;
 - [4] A description of maintenance and the results of inspections be reported to the Planning Office;
 - (b) An agreement allocating the responsibility for and costs of maintenance among the owners;
- (12) Phasing. A document describing:
 - (a) The methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles;
 - (b) The approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure; and
 - (c) The phased construction, if any, of any required public improvements, and how such improvements are to be integrated into subdivision development;
- (13) Copies of all reports, applications for permits, etc., or permits issued, and all amendments to them, which are relevant to the decision which the Board must make, which have been filed by the applicant with all federal, state and local agencies, and all responses from these agencies.

6.2. DECISION

- A. Scope of Decision. The Board must file a written decision with the Town Clerk approving, approving subject to conditions, or disapproving the definitive subdivision plan. If the application is disapproved, the Board must state in detail where the plan does not follow these Regulations or the recommendations of the Board of Health.
- B. Approval Criteria. An application for approval of a definitive subdivision plan will be approved if it meets all of the following criteria:
 - (1) The submittal complies with these Regulations and with the applicable provisions of the Zoning Bylaw;
 - (2) The application follows the procedural requirements of these Regulations;

- (3) The plan meets the standards for site design set forth in §175-7.0 of these regulations; and
 - (4) The Board of Health has approved the plan, and a favorable recommendation sent to the Board, or 45 days from the date of filing with the Board of Health has elapsed without a recommendation sent to the Board.
- C. Time for Decision. The Board's decision must be filed with the Town Clerk within 90 days of the filing for a definitive plan for which a preliminary subdivision plan has been filed, and within 135 days for a definitive plan for which no preliminary subdivision plan has been filed. These deadlines may be extended by mutual agreement between the applicant and Board.
- D. Board Failure to Act. If the Board fails to act upon an application or fails to notify the Town Clerk of its action, within the required time, or within the time as may be extended, the plan must be deemed to be approved.
- E. Appeal of Decision to Court. The applicant, any municipal officer or board, or any person aggrieved by the decision of the Board, or by the failure of the Board to take final action within the time prescribed herein, may appeal to the Superior Court of Middlesex County or the Land Court. Such appeal must be entered within 20 days after the Board's decision is filed with the Town Clerk or within 20 days after the expiration of the time prescribed herein if the Board has failed to take final action.

6.3. MANDATORY CONDITIONS

The Board must include the conditions set forth below in any approval of a definitive plan.

- A. Failure to Obtain Endorsement. The applicant must obtain the endorsement of the Board within 180 days of the date of approval. Failure to do so may result in the rescission of the approval.
- B. Failure to Complete Construction. The applicant must complete the construction of all ways and services within two years of the date of endorsement of the Definitive Plan. Failure to do so may result in the rescission of the approval of such plan, unless the Board extends said period, for good cause shown, after the written request of the applicant not less than 30 days before the expiration of said period.
- C. Construct Streets and All Required Utilities. As a condition of approval of a subdivision, the applicant agrees to construct streets and complete all other work specified on the Definitive Plan or required under these Regulations, meet all relevant provisions of the Zoning Bylaw and other bylaws, including installation of required utilities in such subdivision, and all work incidental to them, such as grading of lots to provide drainage, construction of retaining walls and other details or as specifically required by the Board.
- D. Perpetual Rights and Easements.
 - (1) As a condition of approval of a subdivision, the owner must grant to the Town a right and easement to construct, repair, replace, extended, operate, use and forever maintain all water mains, sewer mains, and all surface and subsurface stormwater drains in, through or under the streets and easements as indicated on the Definitive Plan.
 - (2) In consideration of being allowed to connect to public street system and to enable the Town to protect public health and safety, the owner must grant the Town the perpetual right or easement to pass and repass over the streets and easements in the

subdivision, and to use, operate, inspect, repair, renew, replace, and forever maintain the streets, street signs, and all appurtenances or components of them, in all of the subdivision and outside it if installed to serve the subdivision. To accomplish this, the owner must retain and reserve the necessary rights and easements in any conveyances or mortgaging of land or lots and in the recording of plans and easements.

- (3) The owners must grant the Town the right to enforce on-street parking regulations within the subdivision and on any streets connecting the subdivision to the public street system. For projects that include minor streets, an instrument prohibiting parking and granting the Town enforcement rights will be required.
- E. Post-Construction Responsibilities of Owners. Notwithstanding the provisions of §175-6.3D, it is the responsibility of the owners and owners' successors in title to all or any portion of the subdivision to maintain the landscaping, streets, and utilities within the subdivision until formally accepted by the Town. The owner must provide a supplemental covenant agreeing to maintain the streets and utilities, including snow removal, and permitting the Town to maintain them if necessary at the expense of the owners.

6.4. RECORDING OF DEFINITIVE PLANS

- A. Plan. If no notice of appeal has been filed with the Town Clerk, or if an appeal has been taken and disposed of in a way which leaves the definitive plan approved and the Town Clerk has endorsed the Plan to that effect, any required modifications have been made or referred to on the plan, together with any conditions of approval, and the agreed-upon security has been accepted by the Board, the Board must endorse its approval on the plan, including the dates of approval and of endorsement, and return the plan originals to the applicant. The applicant must record the original Property Rights and Dimensional Standards Plan and Street layout and profile plans in the Registry of Deeds or file the Property Rights and Dimensional Standards Plan in the Land Court, as appropriate, within 180 days of the date of approval. The applicant must inform the Board in writing of the date and book and page or document number of recording.
- B. Certificate of Action. The certificate of action and any easements and covenants must be recorded at the same time as the plans.
- C. Supplemental Covenant. The Board may require, before the endorsement of the Definitive Plan, a supplemental covenant containing those conditions of approval that are intended to survive the release of the Statutory Covenant. The Board's Legal Counsel must approve such covenant as to form. Such covenant must be executed and duly recorded by the owners of record, and must run with the land. The covenant must be referenced on the Definitive Plan before recordation in the Registry of Deeds. The applicant must promptly, after recording, send a copy of the covenant, showing book and page number, to the Board.

6.5. SECURITY

- A. Security for Construction of Ways and Improvements Required. The Board must not endorse its approval on the plans until security for the construction of ways and the installation of the required municipal services and other improvements to serve the subdivision has been provided. One of the methods in this section must be selected but may be varied from time to time by the applicant, so that different parts of the

subdivision may be secured by different methods, as long as the entire subdivision is secured by one method or another.

- B. Bond or Surety. The applicant may give a bond, bankbook, or other readily negotiable security in the amount estimated by the Board to fully cover the cost, including inflation and contingencies, of constructing the ways and installing the municipal services or utilities to serve the lots enumerated in such bond or in a separate agreement referring to such bond. Such bond or security if filed or deposited must be approved as to form by the Board's Legal Counsel and as to sureties by the Town Treasurer. Such bond or security must be contingent on the completion of such improvements no later than three years from the date of the endorsement of the definitive plan. Failure to so complete will result in the automatic rescission of the approval of the Definitive Plan by the Board, unless the Board extends said period, for good cause shown, after the written request of the applicant before the expiration of said period. Upon satisfactory performance of all required work, the bond or other security may be released by a vote of the Board and returned to the applicant. Upon failure to satisfactorily complete the work within the time specified, or within such further time as the Board may grant, the Board must have the right to enforce said bond or realize upon other security to the extent necessary to complete the work to the satisfaction of the Board. In accordance with MGL c. 41 s. 81U, the Board may expend the proceeds of such bond or deposit not exceeding \$25,000 without specific appropriation by the Town, provided the Board of Selectmen approves the expenditure. At the anniversary date of posting of a bond or other security and when circumstances otherwise call for such action, the Town may verify that the security is still in force and effect and that the surety or financial institution is solvent and capable of paying the required amount.

- (1) Amount. In determining the amount of the bond or surety, the Board will confer with the Engineering Department and be informed by the following formula in setting the sum of the security:

- (a) The applicant's estimate of the cost to complete the work; plus
- (b) A ten percent contingency; plus
- (c) Cost increases due to inflation over a five-year period; plus
- (d) Costs associated with as-builts and street acceptance plans.

- (2) Required Terms. All performance bonds must contain the following provision:

If the Principal fully and satisfactorily observes and performs per the qualifications and time schedule set forth here specified all the covenants, agreements, terms, and provisions in the following:

- (a) The application for definitive plan approval;
- (b) The Subdivision Control Law and the rules and regulations of the Planning Board which govern this subdivision;
- (c) The Decision of the Planning Board dated _____ and attached to this as Exhibit A; and
- (d) The definitive plan, as approved by the Planning Board in the Decision;

Then this obligation is void; otherwise, it remains in full force and effect and the sum must be paid to the Town of Lexington as liquidated damages.

- (3) The penal sum of the bond or the amount of other security may be reduced from time to time by the Board upon request of the developer upon the partial performance of the required improvements.
- C. Construction Mortgage Agreement. The applicant and the lending institution which provides a construction loan for the subdivision may enter into an agreement with the Board, whereby the lender must at all times retain a portion of the loan adequate to cover the cost of all outstanding work of construction of ways and installation of municipal services or other required improvements, and release portions of the amount so retained upon certification by the Board that the corresponding portion of the required work has been satisfactorily completed. Upon failure of the applicant to perform the required work within the agreed-upon period, the lender must make so much of the retained money as may be necessary to complete the required work available to the Board. Upon satisfactory completion of all required work, the applicant may request the release of the agreement and proceed in the same manner as under §175-6.6.
- D. Statutory Covenant. Before the endorsement of the Definitive Plan, the applicant may elect to submit a covenant for review by the Board stating that no lot in the subdivision may be sold and no building may be erected thereon until the improvements specified in the decision and on the Definitive Plan are constructed and installed so as to adequately serve said lot or lots. The Board's Legal Counsel must approve such covenant as to form. Such covenant must be executed and duly recorded by the owners of record, and must run with the land. Such covenant must state that the improvements shown on the definitive plan must be completed no later than three years from the date of the endorsement of the Definitive Plan. Failure to so complete the improvements may result in the rescission of the approval of the Definitive Plan by the Board, unless the Board extends said period, for good cause shown, after the written request of the applicant no less than thirty (30) days before the expiration of said period. The covenant must be referenced on the Definitive Plan before recordation in the Registry of Deeds. After recording, the applicant must promptly send a copy of the covenant to the Board, showing the book and page number.
- E. Converting Covenant to another Performance Guarantee. If the applicant desires that lots be released from a covenant and that the improvements remaining to be constructed or installed be secured by another form of performance guarantee, a formal written request must be sent to the Board ~~by registered mail~~, which sets forth and include:
- (1) Extent. The extent and scope of remaining work to be completed to satisfy the requirements for the construction or installation of all required ways and municipal services.
 - (2) Estimate. An estimate, under these Regulations, which reflects all remaining costs related to the construction of all required ways and installation of all required municipal services.
 - (3) Form and Type. The form and type of guarantee being given to the Board to secure all remaining improvements.
 - (4) Board Action. The Board or its agent will make a determination as to the sufficiency of the submitted estimate, and, if such estimate is accepted, a new performance guarantee will be given to the Board. Upon acceptance by the Board of the new performance guarantee, all applicable lots must be released from the covenant.

- F. Converting Bond, Deposit, or Agreement to Covenant. If the applicant desires to secure by means of a covenant the construction of ways and the installation of municipal services in a portion of a subdivision for which no building permits have been granted nor any lots have been sold, and to have the Board release the bond, deposit of money or negotiable security, or agreement and mortgage previously furnished to secure such construction and installation, the applicant must submit to the Board a reproducible tracing and three (3) contact prints of the reproducible tracing of the Definitive Plan, limited to that part of the plan which is to be subject to such covenant. Upon approval of the covenant by the Board, reference to them must be inscribed on such section of the plan, and it must be endorsed by the Board and recorded with the covenant at the expense of the applicant. Certified copies of all documents that the applicant records at the Registry of Deeds must be provided to the Board as in these Regulations.

6.6. RELEASE OF SECURITY

- A. General. Upon completion of required improvements, security for the performance of which was given by the bond, deposit, or covenant, or upon the performance of any covenant with respect to any lot, the applicant, at his expense, must send by Registered or Certified Mail to the Town Clerk and the Board a written statement that the said construction or installation which has been secured in connection with such bond, deposit, covenant or agreement, has been completed per the requirements contained in these Regulations. Such statement must contain:
- (1) Name and address of the applicant.
 - (2) A Compliance Certificate signed by the applicant and signed and sealed by his Engineer stating that the development has been completed according to the Rules and Regulations of the Planning Board and the Bylaws of the Town of Lexington.
 - (3) Copies of or reference to the requisite number of Inspection Forms and Reports.
 - (4) An As-Built Plan (see below).
 - (5) A written certification by the Board's engineer that construction of all ways and sidewalks, installation of monuments, street signs, pavement, lighting, gutters, and curbs, required grading and drainage, water mains, hydrants and appurtenances, all sewer mains and appurtenances and planting and seeding has been completed per the Definitive Plan.
 - (6) When applicable, a written certification from the Board of Health that the installation of sewage disposal facilities has been performed satisfactorily.
 - (7) Copies of or reference to the necessary instruments, executed by the applicant, transferring to the Town all utilities and easements as shown on the Definitive Plan (see below).
- B. Refusal. If the Board determines that said construction or installation has not been completed, it must specify to the Town Clerk and to the applicant, in writing by Registered or Certified mail, return receipt requested, the details wherein said construction and installation must have failed to follow the requirements contained in these Regulations.
- C. Constructive Release. Upon failure of the Board to act on such application within forty-five (45) days after receipt of them by the Town Clerk and the Board, all obligations under the bond must cease and terminate by operation of law, and any deposit must be

returned and any covenant must become void. If that said forty-five (45) day period expires without such specification, or without the return of the deposit or release of the covenant as previously mentioned, the Town Clerk must issue a certificate to such effect, duly acknowledged, which may be recorded.

- D. As-Built Plans. The following as-built plans and profiles, prepared by an Engineer or Land Surveyor, based on an on-the-ground survey done within six weeks of submittal, must be submitted to the Board following the completion of construction and, in addition, at such time during the course of construction as may be required by the Planning Office or Town Engineer. These ~~may shall~~ be new plans ~~or full-size prints~~ of the approved definitive plans showing in red or other clearly distinguishable color all differences between the approved and the actual construction. Where the departures are considered significant, the Board may require corrective work or may require engineering calculations to substantiate acceptability of work as done. All submitted material must also be supplied in digital form, as described in 3.3.E(4).
- (1) A street layout plan, typically at a scale of 1"=40', in a form approved by the Town Engineer as suitable for submission to the Town Meeting for street acceptance for purposes and for filing in the Registry of Deeds.
 - (2) A plan and profile, typically at a scale of 1"=40', detailing street locations, house locations, if any, and grades and the location and elevation of all underground utilities and appurtenances, including rim grades, percent of slope for sewer and drain lines, and contours, of two foot (2') intervals, for a distance of forty feet (40') from the sideline of any street layout, utility easement, the boundaries of any resource protection zoning district, and the boundary of any area which the Conservation Commission has previously determined to be subject to MGL c. 131 s. 40, "as built."
 - (3) The Engineer must obtain, from actual field survey and other sources as may be necessary, such information as is necessary to properly identify any "as built" locations of all underground utilities.

6.7. AMENDMENT, MODIFICATION, OR RESCISSION

- A. General. Under MGL c. 41, s. 81W, the Board may, upon its own motion or upon the request of any person interested, amend, modify or rescind the approval of a Definitive Plan. Failure to follow these Regulations or the specifications and conditions in the approval of the Definitive Plan may constitute a basis for such action by the Board. Such action may include the utilizing any security posted by the applicant, the rescission of subdivision approval and all other measures provided by law.
- B. Procedure. The procedure for the amendment, modification, or rescission of a Definitive Plan, under MGL c. 41, s. 81W must conform to the requirements, to the maximum extent practicable, for approval of an original Definitive Plan as set forth here.
- C. Effect. The amendment, modification, or rescission of a Definitive Plan may not affect lots sold or mortgaged by the applicant per MGL c. 41, s. 81W.

§ 175-7.0 REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

7.1. SITE DESIGN

A. Site Design Objectives.

- (1) Design Objectives. Proposed developments must be located to preserve and enhance the natural features of the site, including tree canopy, to avoid disturbance of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets which add value and attractiveness to the subdivision and the Town.
- (2) Residential Development. The construction of streets and municipal facilities and of dwellings in a residential development must consider topography, natural features, and drainage and must promote privacy for residents, adequate solar access, tree canopy, planting and other natural elements and consistency with the overall aesthetic appearance of the development.
- (3) Commercial Development. The construction of streets and municipal facilities and of buildings in a commercial development must consider topography, natural features, and drainage and must reduce the impacts of noise, odor, glare and the scale of development on adjoining properties.
- (4) Unsuitable Land. Land that the Board determines to be unsuitable for development due to flooding, improper or adverse drainage, adverse topography, poor soils, bedrock, location of utility easements or other features that the Board determines may be harmful to the safety, health, convenience and general welfare of the present or future inhabitants of the subdivision and or its surrounding area must not be subdivided or developed unless adequate measures are planned by the applicant and approved by the Board to eliminate any short-term or long-term impacts created by development of the unsuitable land.

B. Lots; Property Rights.

- (1) Compliance with Zoning Bylaw. All lots shown on the plan must meet the frontage, area, shape, and access requirements of the Zoning Bylaw. Lots on which a building may be erected shall show the proof circle to confirm lot regulatory and developable site area required by § 4.2.2 and 4.2.3 of the Zoning Bylaw.
- (2) Relationship of Lot to Street. Every lot must have adequate access for pedestrians, automobiles, emergency vehicles such as fire-fighting apparatus and ambulances, and larger vehicles such as delivery trucks.
- (3) Lot Arrangement. Lots must be arranged so that there will be no foreseeable difficulties in securing building permits to build on all lots due to lack of compliance with the Zoning Bylaw; because of topography, soils, bedrock, improper drainage or other conditions; or in providing practical, workable access to buildings on each lot.
- (4) Easements.
 - (a) Utility easements, where necessary, must be at least 20 feet wide.

- (b) When a subdivision is traversed by a watercourse, drainage way, channel or stream, or has a stormwater storage facility, the Board may require an easement of adequate width to conform substantially to the lines of the feature and to offer for the possibility of flooding, protection of banks and adjacent properties, construction or future maintenance and other necessary purposes.
 - (c) Slope easements must be offered where necessary to ensure lateral support and protection of streets and other construction features.
 - (d) No section of a street, pedestrian path, bicycle path, water system, sanitary sewerage system, storm drainage system or another utility system may be approved if it requires a connection to the land of other owners unless appropriate easements are first obtained.
- (5) Subdivision Straddling Municipal Boundaries. Whenever access to the subdivision or any lot in it is required to cross land in another town or city, the Board may require documentation that access for the intended use has been legally established in that town or city as a public street or as part of an approved subdivision in accordance with local zoning. In general, lot lines should be laid out so as not to cross municipal boundaries.
- (6) Self-imposed Restrictions. If, as part of a subdivision application, the applicant or owner places voluntary restrictions on any of the land contained in the subdivision that is greater than the requirements of these Regulations or Zoning Bylaw, such restrictions or references to them must be shown on the definitive plan and recorded in the Registry of Deeds.
- (7) Bounds.
 - (a) Permanent reference bounds for surveying must be set:
 - [1] Along each right-of-way line at all intersections, angle points, points of change in direction or curvature of streets, and at the two corners of each lot that abuts the right-of-way; and
 - [2] Along each line of any easement at angle points, points of change in direction or curvature.
 - (b) If a permanent bound is set on a long straight line, bounds must be set so that each is visible, or not more than 500 feet, from the next bound in each direction.
 - (c) Permanent bounds must be of granite or reinforced concrete six inches square and three feet long with a one-inch deep one-half-inch diameter drill hole in the top. Permanent bounds must be set in bank run gravel and must be set flush with the surface of the ground per the Standard Specifications. Where the soil makes the setting of permanent bounds impractical, alternate types of permanent monumentation may be used with the prior approval of the Town Engineer.
- (8) Markers. In addition to locations where permanent bounds are required, a permanent reference marker for surveying must be set along each lot line at angle points, points of change in direction or curvature. Permanent markers must be metal pipes or pins at least 24 inches in length and must be embedded in the ground so that they are not easily removed or shifted from the point they mark.

C. General Construction Requirements.

- (1) Construction Specifications. If the subdivision plan proposes construction for which standards or specifications are not given by these Regulations, the Board's Development Regulations, or the Town's Standard Specifications, the Massachusetts Highway Department Standard Specification for Highways and Bridges, latest edition, will apply. If a difference between the Town's Standard Specifications and the Massachusetts Highway Department Standard Specification for Highways and Bridges, the Town Engineer must determine which standard or specification will apply.
- (2) Reimbursement for Extra Construction. The Board may require an applicant to install municipal services and construct ways of greater width or size than the requirements for the subdivision alone with the added cost to be reimbursed by the Town. Under no circumstances will a developer be reimbursed for the construction of a street with a pavement less than 33 feet wide, nor will a reimbursement be made for extending streets and utilities to the subdivision's boundaries.
- (3) Improvements across Entire Frontage. The improvements required by these Regulations must be constructed across the entire frontage of any lot the subdivision of which is approved by the Board.
- (4) Accessibility. All proposed improvements must comply with MGL c. 22 s. 13A and all regulations adopted under it.

7.2. STREETS AND RIGHTS-OF-WAY

A. Complete Streets Design Objectives. All subdivision street plans and designs must provide appropriate accommodations for all transportation system users including pedestrians, cyclists, transit users, and motorists. Complete streets are designed and operated to enable safe access for users of all ages and abilities. Street designs should be developed in a context sensitive manner in which consideration is given to the surrounding physical environment, land uses, as well as the location of existing and other planned infrastructure to support a multi-mode transportation network.

- (1) General Objectives. The subdivision street system must be designed to:
 - (a) Permit the safe, efficient and orderly movement of motor vehicles, pedestrians, and bicycles;
 - (b) Meet, but not exceed, the needs of the present and projected future population to be served;
 - (c) Offer easy and prompt access by emergency vehicles, such as fire, police and ambulance vehicles, and to permit effective delivery of Town services, such as snow removal, school bus, and refuse removal services;
 - (d) Contribute to a safe and efficient Town-wide system of movement of motor vehicles, pedestrians, and bicycles;
 - (e) Promote connections for pedestrians, bicycles, and motor vehicles between adjacent neighborhoods and more direct access to public facilities, such as schools, recreation areas, and open space;
 - (f) Provide alternatives to the Town's few arterial streets to connect adjacent neighborhoods;

- (g) Promote public transportation and increased pedestrian and bicycle accommodations in order to reduce vehicular congestion and environmental pollution;
 - (h) Minimize the long-term costs for maintenance and repair of streets;
 - (i) Enhance the appearance of the subdivision and the Town by achieving a visually attractive streetscape.
- (2) Residential Subdivisions. In addition, the street system in a residential subdivision must be designed to:
 - (a) Discourage use of streets in residential neighborhoods by through traffic that originates or has a destination:
 - [1] Outside of the Town;
 - [2] In a commercial area;
 - [3] In residential neighborhoods in the Town that are a mile or more away;
 - (b) Protect the residential character of the development by encouraging safe-speed travel within the subdivision and reducing noise and fumes;
 - (c) Promote safe travel by bicycles and pedestrians and, where possible, offer facilities for them separated from automobiles.
- (3) Commercial Subdivisions. In addition, the street system in a commercial subdivision must be designed to:
 - (a) Encourage carpooling, van services, cycling, and public transportation and a reduction in single-occupant automobiles;
 - (b) Reduce congestion on nearby streets and preserve adequate transportation capacity and user safety at affected intersections and street segments.

B. Layout and Alignment of the Street System.

- (1) Must Connect to a Public Street.
 - (a) Each street within a subdivision must connect to and be accessible from the public street system either directly or via some combination of:
 - [1] Streets approved as part of another definitive subdivision plan which have either been constructed in accordance with that plan or for which adequate surety exists to guarantee satisfactory completion of the street;
 - [2] Streets other than those above which are built to the same design standards as new subdivision streets constructed in compliance with these *Regulations*; or
 - [3] One or more other streets in the subdivision.

In order to meet these requirements, the applicant may improve existing streets at its own expense. The Board may not approve a subdivision plan that requires improvement of a street if a competent legal opinion is presented that the applicant does not have the necessary rights to make such improvements unless the Town Counsel provides an opinion that any potential legal impediments to such construction have been removed.

- (2) Streets Continuous. Where there is more than one street within a subdivision, streets must be connected into one continuous system.

(3) Intersections.

- (a) Streets must be laid out to intersect as nearly as possible at right angles, and in no case at less than a 75-degree or more than a 105-degree angle.
- (b) New subdivision streets may be constructed at an intersection of two existing streets if the proposed subdivision street is aligned opposite one of the existing streets.
- (c) An intersection of two streets may not be within 125 feet of any other existing or proposed intersection, unless aligned directly across the street, as measured between the points of intersection of the centerlines of the intersecting streets.

C. Extension to Adjoining Land.

- (1) Easement reserved for an extension to adjoining land. When land adjoining the subdivision can be developed, the subdivision plan must allow for the future extension of streets and other public facilities to the adjoining land. The subdivision plan must reserve an easement to the adjoining land for the future extension of the street and other public facilities.
- (2) Reserve Strips Prohibited. Where a way within the subdivision passes within 25 feet of an adjacent property, the subdivision plan must reserve an easement providing access from the way to the adjacent property.
- (3) Reconstruction of street if development of adjoining land occurs later. If the adjoining land is later developed, the developer of that land may extend the street and utilities to the adjoining land. Such construction must include the removal of any turnaround. Any land within the right-of-way that was part of the turnaround and is no longer needed for an extended right-of-way must be landscaped and deeded to the abutters.
- (4) Utility Stubs Extended.
 - (a) The Board may require the developer to construct stubs of utility lines and other underground services and facilities to the edge of the right-of-way so that future extension of the street and utilities can be made without digging trenches in the street.
 - (b) The Board may require the developer to construct a "wy" stub of newly constructed utility lines to the edge of the right-of-way of a street to serve lots that abut the street but are not in the subdivision so that those lots may connect to the Town system later without digging trenches in the street.

D. Street Classification.

- (1) Compliance with the Classification System. The street type is defined by assessing the street's proposed role in the town's (and regional) transportation system, together with its surrounding built and natural environment. Lexington is generally suburban in character, with some parts appearing rural and some quite urban, which makes identifying the unique or project-specific contextual elements crucial to determining the appropriate design.

For the purposes of an application, the Board will determine the classification of each proposed street.

- (2) Classes. The street type reflects its degree of local access and regional connectivity as described below:
 - (a) Arterials: Arterials have a high to moderate degree of regional connectivity at a wide range of speeds with a low to high level of local access. Examples include Waltham Street and Massachusetts Avenue.
 - (b) Collectors: Collectors have a low to moderate degree of regional connectivity, at a wide range of speeds, with a higher degree of local access than arterials. Grant Street, Hill Street, and Lincoln Street are examples of collectors.
 - (c) Local Streets: Local streets have a low to no degree of regional connectivity, low speeds, and a high degree of local access.
 - (d) Minor Streets: Minor streets are a subset of local streets that serve, directly or indirectly, less than 10 existing, proposed, or potential dwelling units. Minor streets are typically, but not always, dead end streets.
- (3) Street Names. Street names must be different enough in sound and in spelling from other street names in Lexington so as not to cause confusion. A street that is planned as a continuation of an existing street must have the same name. The extension of a street to connect to another street with a different name must have the name of the longer street. The Board, after consultation with the Town's public safety officials, determines the name of the street.
- (4) Street Name Signs. Street signs must be erected on two-inch inside diameter posts at all street intersections per the Standard Specifications. A temporary street name sign with black letters four inches long on light background must be erected at the time work is started in that part of a subdivision at all points where permanent signs will be required. The developer must keep complete visibility of street name signs until they are replaced by permanent signs that follow the Town's specifications, at the developer's expense.

E. Design Standards for Streets and Rights-of-Way.

- (1) Design standards for streets and rights-of-way. These standards draw from and rest upon several important street design resources. These standards are consistent with, and in the case of silence or conflict should be referred to those described in:
 - (a) The 2011 edition of *A Policy on Geometric Design of Highways and Streets*, by The American Association of State Highway and Transportation Officials (AASHTO);
 - (b) The Massachusetts Department of Transportation's specific guidance on Complete Streets design standards found in the following publications:
 - [1] Project Development and Design Guide (2006);
 - [2] Healthy Transportation Policy Directive (P-13-0001, 2013);
 - [3] Engineering Directive E-14-006 (2014), and
 - [4] Separated Bike Lane Planning and Design Guide (2015).
 - (c) The many related resources referenced in the above, especially those aimed at achieving flexibility around pedestrian and bicycle facilities,

The standards below are not an attempt to provide every detail needed to design a right of way, but highlight key elements where the Town wishes to provide specific guidance to create context sensitive right of ways.

	<i>Minor</i>	<i>Local</i>
Design Speed (MPH)	25	25
ROW CROSS-SECTION ELEMENTS		
Sidewalks (Number)	1	1
Width (feet)	5	5
Planting Strip		
Min. Width (feet)	4	5
Shoulders		
Width (feet)	1	2
Travel Lanes	2	2
Width (feet)	9	10
Min. Grade	1%	1%
Max. Grade	8%	8%
Max. Grade within 75' of Intersection	2%	2%
Other Design Elements/Criteria		
Min. Overall ROW Width (feet)	40	50
Min. Intersection Rounding Radius (feet)	25	25
<u>Min. distance between the ROW to any lot line of a lot situated outside of the subdivision</u>	<u>10</u>	<u>10</u>

- (2) Collector and Arterial Design. Proposed subdivisions that require collector- or arterial-scale right of ways should refer to the design resources listed in E.(1) above.
- (3) Cross Slopes. The cross slopes of the travel lanes are 3/8ths of an inch per foot. The maximum cross slope of the planting strips is 3:1. The maximum cross slope for sidewalks is 1.5%.
- (4) Bicycle Accommodations. All proposed streets must make adequate provisions for cyclists. For minor and local streets, these accommodations are likely to be met by sharing the travel lane, without the need for formal markings or signage. On collectors and arterials, however, depending on the context, adjustments to travel lane widths, shoulder widths, pavement markings, dedicated bicycle lanes, or separated lanes may be required.
- (5) On-Street Parking. Due to their width, on-street parking is prohibited on minor streets. Local streets, by contrast, can informally accommodate parking on one side of the street. On-street parking on collectors and arterials should be designed carefully in consideration of other travel lane users, such as cyclists.
- (6) Changes in Direction. Any change in direction of right of way tangents must be connected by either a horizontal curve or an intersection.
- (7) Dead-end Streets.
 - (a) A dead-end street may not be longer than 650 feet from the point of beginning following the centerline to the furthest point on the right-of-way line. The

point of beginning of a dead end street or way or of a system of dead end streets or ways is the point of intersection of street centerlines with a street of which there are two or more distinct vehicular access routes to the general street network of the Town.

- (b) A dead-end street shall be a minimum of 150 feet from the point of the beginning following the centerline to the furthest point on the right-of-way line on the turnaround.
- (c) A street sign stating "Dead End" or "Not a Through Way," satisfactory to the Town Engineer, must be installed.
- (d) Dead-end Street Turnaround Design Standards. Every dead-end street must:
 - [1] Terminate with a 60-foot radius right-of-way line with a landscaped center island.
 - [2] The pavement must have an outside turning radius of at least 50 feet.
 - [3] The pavement must have an inside turning radius of at least 25 feet.
 - [4] Alternative plans must include an analysis and evaluation of fire apparatus maneuvers throughout the turnaround created by swept path analysis and turn simulation software.
- (8) Centerline of Street. The centerline of the paved section of the street must follow the centerline of the right-of-way.
- (9) Driveway Aprons. Driveway aprons must be constructed to serve each lot, graded to offer unimpeded drainage in the gutter, and constructed to the same standards as the street to the actual driveway width but in no case less than eight feet, or greater than 20 feet, wide for the entire distance between the exterior right-of-way line and the paved section of the street.
- (10) Curbs and Gutters.
 - (a) Curbing is required to offer for safety, stormwater management, and delineation and protection of the pavement edge and to prevent erosion. Except where specified below, a continuous, low profile, "Cape Cod" style berm of bituminous concrete must be provided as an integral part of each new street
 - (b) Vertical granite curbing must be installed:
 - [1] At the back of catch basins that are at low points;
 - [2] On all sections of a street with a grade greater than 5%;
 - [3] At all corner roundings; and
 - [4] On all collector and arterial streets.
 - (c) The design, dimensions, and installation of all granite or bituminous curbing must follow the Town's Standard Specifications.
- (11) Slopes and Walls.
 - (a) Wherever the grade of the approved street differs from the grade of the adjacent land or where otherwise necessary for public safety, in the area beyond the sidewalk or landscaped planting strip, the developer must erect retaining walls and guardrail fences or offer slopes no steeper than one foot

vertical to three feet horizontal in fill and one foot vertical to two feet horizontal in cut to ensure proper protection and lateral support.

- (b) No retaining wall may have a height above finished grade greater than five feet. Where necessary, a series of retaining walls may be constructed in a terraced effect provided the horizontal distance between the outside face of one wall is at least four feet from that of the next wall.
- (c) Landscaping must be provided on slopes and on the terraces between retaining walls to reduce the visual impact of the construction. Such walls, fences, slopes, and planting are subject to the Board's approval as to location, design, and dimensions and must be constructed in a manner satisfactory to the Town Engineer.

(12) Sight Distance, Alignment, and Profile. To ensure proper sight distances, alignment and profile of proposed streets designers must use the methodology laid out in AASHTO's *A Policy on Geometric Design of Highways and Streets*, referenced above. The *Policy* describes in detail how to calculate stopping sight distances, decision sight distances, passing sight distances, and horizontal and vertical profile.

(13) Where possible, a proposed development should consider future sidewalks or other complete streets improvements within the development and where the new subdivision road connects to the existing road. An applicant should consider locations of hardscaping, landscaping, utility poles, fire hydrants, and other site appurtenances that would create new hazards in close proximity to the Right of Way.

F. Street Construction.

- (1) Construction Standards and Procedures. The following construction and installation standards apply:
 - (a) The area between the right-of-way lines must be cleared and grubbed except for those trees intended to be preserved as street trees.
 - (b) All excavation must conform to the lines and grades shown on the approved definitive subdivision plan. Where mucky soil, ledge or clay is encountered within the right-of-way, it must be removed entirely and, where necessary, replaced with ordinary borrow or other materials specified in Massachusetts Highway Department Standard Specifications for Highways and Bridges, latest edition. Where water is encountered or is expected to be encountered within four feet of the finished grade of the street, subsurface drainage, of a design acceptable to the Town Engineer, must be constructed.
 - (c) Boulders or ledge must be removed to a depth of at least 24 inches below final grade when within the area to be paved. Extensive ledge areas may require the installation of interceptor sub drains or perforated pipe. Where street and shoulder grades require more than two feet of cut or fill, retaining walls may be required along abutting property lines unless a suitable alternative is shown, such as an earth slope one foot vertical to two feet horizontal. In such cases, a slope easement of adequate width must be obtained.
 - (d) The paved section of a street must conform to the current version of the Town of Lexington's Standard Street Construction Details. All materials used in the construction of streets must conform to the Town's Standard Specifications or,

when not covered by the Standard Specifications, by the Massachusetts Highway Department Standard Specifications for Highways and Bridges, latest edition.

- (2) Restoration of Existing Streets. Whenever the construction of utilities, connection to existing services, or facilities requires opening a street, the developer must reconstruct the existing pavement, as follows:
 - (a) By cold-planing the entire width of the street to a depth of 1.5 inches, from the point of curvature of the curb rounding across the proposed subdivision street to the point of tangency of the opposite curb rounding; and
 - (b) Overlaying the cold-planed area with a one-and-one-half-inch finish course of bituminous concrete.

7.3. SIDEWALKS AND PATHS

A. Sidewalks.

- (1) Location. Sidewalks must be located within, and next to, the exterior line of the right-of-way. Sidewalks must be a uniform distance parallel to the paved section of the street and separated from it by a landscaped strip. However, in order to avoid mature trees in the proposed right of way that is to be preserved, applicants may deviate from this standard without the need for a waiver provided they remain within the right of way.
- (2) Alternative Locations. The applicant may propose, or the Board may require, that all or some of the walks be located within easements rather than within the right-of-way of the street. The width and construction of walks in easements must be the same as if within a street right-of-way.
- (3) Construction. Sidewalks construction must conform to the Town's Standard Specifications.

B. Footpaths and Trails.

- (1) Where required. The Board may require the construction of a footpath or trail to offer access to open space, recreational areas, streets, footpaths, trails, bicycle paths, or recreational paths located either within the subdivision or on adjoining land.
- (2) Objectives for Footpaths and Trails. Footpaths and trails should be individually tailored, in width and material, to take full advantage of the area's unique natural surroundings with attention to the following objectives and standards:
 - (a) Build for durability by:
 - [1] Finding the most stable, well-drained soils that can bear the weight of pedestrian traffic;
 - [2] Building boardwalks where the soil is wet or unstable; and
 - [3] Using a switchback plan on slopes to inhibit erosion.
 - (b) Minimize environmental impact by:
 - [1] Disturbing the environment surrounding the trail as little as possible;
 - [2] Leaving trees that will offer a natural check on the amount of undergrowth that will require maintenance;

- [3] Designing for proper drainage;
 - [4] Harmonizing the trail with its environment; and
 - [5] Using natural construction materials, such as dirt, cobblestones, or wood, where appropriate.
- (c) Offer privacy for adjacent landowners by one or more of the following:
 - [1] Constructing a berm, fence, or combination of both;
 - [2] Planting trees and shrubs; and
 - [3] Allowing the natural vegetation to reclaim the area if it will offer adequate protection.
- (3) Path Easements. Easements for footpaths or trails must be at least 10 feet wide. Easements providing public access over these paths and trails are required.
- (4) Identification. A sign or identification for a footpath or trail must:
 - (a) Be placed at the entrance and junctions of trails; and
 - (b) Be coordinated with the color of the existing signage used in the conservation areas in Lexington;
- C. Bicycle Path or Recreational Path.
 - (1) The Board may require the construction of a bicycle path or recreational path:
 - (a) To offer a connection to a Town bicycle path or recreational path located on adjoining land or streets; or
 - (b) Where the path would be part of an existing or proposed Town bicycle path or recreational path system or of bicycle path or recreational paths leading to a public school.
 - (2) Path Easements. Easements for footpaths or trails must be at least 10 feet wide. Easements providing public access over these paths and trails are required.
 - (3) Construction. A bicycle path or recreational path must be at least 10 feet wide and constructed in accordance with the Town's Standard Specifications.

7.4. UTILITIES AND UNDERGROUND FACILITIES

A. Standards for Water and Sewer Service.

- (1) Construction Requirements. All elements of the water and sanitary sewer service must be designed to comply with the Town's Water, Sewer and Drain Regulations and the Standard Specifications.
- (2) Connection to Town System. Water and sanitary sewer mains must connect to the municipal water supply and sanitary sewer systems, respectively.

B. Water Mains.

- (1) Objectives. Water mains, laterals, and appurtenances must be designed to offer adequate water service for the needs of residents and for fire suppression.
- (2) Looped Water System. The water system must be designed to form a continuous loop with existing or proposed water mains.
- (3) Fire Hydrants. Fire hydrants must be spaced not more than 500 feet apart. A copy of the plan showing fire hydrant locations must be submitted by the Board to the Fire Chief for his or her comments and recommendations.

C. Sanitary Sewers.

- (1) Objectives. Sanitary sewers, including all appurtenances, must be designed to connect all lots in a subdivision to the municipal sewer system for treatment and disposal of sewage.

D. Electric Power and Communication Lines.

- (1) Installation. All electric power lines and communication lines must be installed in underground conduits. Communication lines must include, but not be limited to, telephone, security alarm, and cable television. To ensure that future providers have access to the development, additional conduits must be provided.
- (2) Street Lighting. The developer must show provisions for street lighting on a plan subject to the approval of the Town Engineer. The developer must install the conduit underground and construct the bases. Poles and streetlights may not be installed without the prior written approval of the Town Engineer.

7.5. STORMWATER MANAGEMENT

- A. Objectives. Projects must be developed to maximize stormwater recharge within the site, minimize direct overland runoff onto adjoining lots, streets, and watercourses, and ensure that the Town can meet the requirements of its National Pollutant Discharge Elimination System (NPDES) general permit.

B. Drainage Easements.

- (1) Where it is necessary to carry drainage across lots within the project, drainage easements must be provided, of such width and construction as will be adequate to accommodate the volume and velocity of the runoff. However, in no case may the easements be less than 20 feet wide.
- (2) When a proposed drainage system will carry water across land outside the project boundaries, appropriate drainage rights must be secured by the applicant and referenced on the definitive plan.

C. Standards for Stormwater Management.

- (1) Construction requirements. All projects subject to this section must be designed to comply with the requirements for “Above-Threshold Projects” detailed in Article VI, Stormwater Regulations, of Chapter 181 of the Code of Lexington.

7.6. TREES AND LANDSCAPING

A. Objectives and Applicability.

- (1) Objectives. The Board determines that:
 - (a) Trees and other plant materials planted within or along the right-of-way as part of a coordinated landscape plan improve the appearance and economic value of a subdivision;
 - (b) A landscaped island in the center of a turnaround is better than a paved surface covering the entire island;
 - (c) The owners of the lots that have frontage on the turnaround, individually and collectively, should support the landscaping in such islands, and the owners of other lots that have frontage on sections of the right-of-way within which landscaping is planted should support that landscaping;

- (d) Every effort must be made to preserve existing trees within the proposed right-of-way as well as within individual lots shown on the subdivision.

B. Street Trees.

- (1) Location. Street trees must be planted, at the developer's expense, on each street within the tract being subdivided. Trees should be planted within the right-of-way's planting strip(s) and spaced between 27 to 35 feet apart on center.
- (2) Characteristics. Proposed street trees must meet the following standards:
 - (a) Proposed street trees must be of the applicable USDA Zone hardiness, licensed nursery stock with good root development and branching characteristics with a one-year warranty.
 - (b) No more than 50% of any one genus may be proposed.
 - (c) Proposed street tree species must be native indigenous to the region. A list of recommended tree species can be found in the Massachusetts Division of Fisheries and Wildlife's publication *The Vascular Plants of Massachusetts: A County Checklist* Planning Board's Preferred Planting List.
 - (d) Be a minimum size of three inches in caliper, measured four feet from the ground level, and eight to 10 feet of height in place.
 - (e) Be planted in holes of a depth and width of two times the diameter of the root ball. Trees must be planted at their proper depth, in good quality topsoil, and securely staked.

C. Cul-de-Sac Plantings. The center island of a cul-de-sac must be landscaped.

D. Restoration of Slopes. All cut and fill slopes subject to erosion and adjoining the right-of-way must be planted with suitable well-rooted, low-growing plant materials as shown on the landscape plan. Plants or perennial grass must be suited to the adjoining landscape and located to offer adequate cover. The Board may require the planting of sod and other erosion control measures where called for.

E. Soils. Where soils have been compacted and where existing trees will not be adversely affected by the process, soil profile rebuilding methods shall be employed before landscaping begins.

7.7. RESERVATION OF LAND FOR PUBLIC PURPOSES

- A. Designation for Reservation. The Board may require the designation of one or more parts of the subdivision tract for reservation for three years for park, playground, open space or other municipal purposes. The reservation of land may not be unreasonable in relation to the size of the tract being subdivided and to the prospective uses of the reserved land.
- B. Plan Notation. If the Board designates land for reservation for municipal purposes, a notation must be made on the definitive subdivision plan concerning the area being reserved and the requirement that no street, utilities, building, or other improvements within the boundaries of the land being reserved may be made for three years from the date of endorsement of the plan without the Board's prior written approval.
- C. Action by Town within Three Years. During the three-year reservation period, the Town may choose to buy any or all of the reserved land and must justly compensate the owner for the land acquired. If the Town does not choose to buy the land within the three-year

reservation period, the developer may go ahead with improvements per the approved subdivision plan.

§ 175-8.0 CONSTRUCTION

8.1. WORK NOTIFICATION TO TOWN DEPARTMENTS

- A. Preconstruction Conference. Before the initiation of any work within the subdivision, the applicant must arrange for a preconstruction conference with the Planning Office, at which time a work schedule, outlining all steps within the development process, must be submitted by the applicant. Following approval of the work schedule by the Planning Office, the applicant will be required to notify the Planning Office, in writing, of any deviations from the proposed work schedule.
- B. Notification. The Planning Office and Town Engineer must be separately notified, at least 48 hours (excluding Saturdays, Sundays, and legal holidays) before beginning any of the following work:
 - (1) Cutting of trees for street construction.
 - (2) Clearing and grubbing of a right of way.
 - (3) Installation of storm drainage facilities.
 - (4) Installation of water and sanitary sewer facilities.
 - (5) Placing of material for sub-base.
 - (6) Excavation for the underground electric distribution system.
 - (7) Application of gravel in or above sub-base.
 - (8) Laying of Bituminous Concrete Bottom Course.
 - (9) Laying of Bituminous Concrete Top Course.
 - (10) Installation of curbing and curb inlets.
 - (11) Spreading of gravel in sidewalks.
 - (12) Laying Bituminous Concrete for sidewalks and aprons.
 - (13) Spreading of loam for grass plots.
 - (14) Grading of slopes.
 - (15) Construction of retaining walls.
 - (16) Setting of bounds.
- C. Allocation of Risk. If any of the above-designated work is commenced without proper notification being given as specified, such work is performed at the risk of the applicant or owner; and the Town Engineer may order the removal of them at the expense of the applicant or owner. All inspections performed by the Town Engineer or her or his designee are at the expense of the applicant. Subdivision bonds will not be released until all such expenses have been paid to the Board.

8.2. INSPECTION

- A. Access. To verify that the required improvements are constructed or installed in accordance with these Regulations and with the applicable technical standards, the Board, its agents, and employees of the Town must be allowed access to the subdivision during normal working hours while it is under construction, subject to notice and compliance with safety standards.
- B. Notice. The applicant is responsible for ensuring that written notice is delivered to the Planning Office and the Town Engineer upon the completion of each of the tasks

enumerated below and at least three working days before commencing the next task or covering the work performed. Work covered before the expiration of three working days after such notice may be required to be uncovered or dug up or may be considered to have not been done per these Regulations.

C. Required Inspections. Before the start of construction in a subdivision, the Board will designate either the Town Engineer, his or her designee, or another authorized Engineer to be responsible for periodic inspection of construction. The developer may not go ahead with construction of any of the following stages of development until the Town Engineer has given his written approval of the satisfactory completion of the earlier stage.

- (1) Clearing, grubbing, and excavation to firm sub-base;
- (2) Filling and grading to rough grade may include utility trenching;
- (3) Bedding water, sewer, and drain pipes; installing manholes and catch basins, valves, and appurtenances (no backfilling trenches);
- (4) Backfilling trenches, rolling and compacting sub-base or surface;
- (5) Installing select gravel or crushed stone base in 6" layers, rolling, and compacting to grade;
- (6) Setting curbing, catch basin inlets and gratings, headwalls, retaining walls, other structural details;
- (7) Laying any course of bituminous pavement;
- (8) Loaming and seeding grass plots;
- (9) Planting shade trees;
- (10) Adjusting manhole and catch basin covers, valve covers, removing debris, leftover materials, correcting uneven spots, clean-up.
- (11) Following completion of all improvements and the installation of bounds.

The Town Engineer may require inspection at such other intervals, as he or she may deem necessary to assure proper construction of the improvements. In addition, the Town Engineer may require periodic inspection reports from the developer's engineer.

D. Street Construction

- (1) No pavement may be laid:
 - (a) After frost has penetrated the base more than one inch; or
 - (b) After the air temperature stays at or below freezing for more than a day; or
 - (c) After the final day for paving set by the Town Engineer, whichever occurs first.
- (2) No paving may be done under any adverse conditions, as determined by the Town Engineer.
- (3) Any sections of pavement not meeting the approval of the Town Engineer must be removed and replaced.

E. Reinspection of Incorrect Construction. If the Town Engineer does not give written approval of the satisfactory completion of the earlier stage, or at any other time, and the Planning Director gives written notice to the developer that any of the facilities are not constructed per the approved subdivision plan, or do not follow the Standard Specifications, or are not constructed following good construction practice as determined

by the Town Engineer, the developer must correct the construction of the facility so that it complies. The developer may not go ahead to a later stage of construction until the incorrect construction has been corrected and the Town Engineer issues a written statement that the construction complies. A site visit by the Town Engineer may be required, for which a fee is required.

F. Water and Sewer Mains

- (1) With respect to water mains, services, hydrants, and appurtenances, the required inspections may be performed by the Town Engineer, or his or his designee. Repeat inspections will be required if any work is found not to have been satisfactorily performed.
- (2) Before acceptance by the Town, all water and sanitary sewer lines must be tested to the satisfaction of the Town Engineer.

G. Cost. The cost of inspections must be borne by the applicant and those legally succeeding the applicant in the title to the subdivision or any portion of them. They will be billed for the cost of inspections, including repeated inspections when necessary when the cost exceeds the money left available from the consultant's Project Review Fees. Security for the construction of streets and utilities may not be released until all money owed the Town in connection with a subdivision has been paid.

H. Certification of Monuments. The required monuments (stone bounds or equivalent) must be set by or under the direct supervision of a Land Surveyor after all construction which could disturb them has been completed, and ~~two copies of~~ two copies of a PDF copy of the plan of the subdivision (which may be the "as built" plans) must be submitted to the Board, showing the exact location and nature of the monuments set or found (identified as such), certified by a Land Surveyor.

I. Completion. Notwithstanding the inspections and verifications by the Board and its agents, the applicant, the surety company, if any, and those succeeding the applicant in title to the subdivision or portions of them are responsible for the subdivision being completed per the approved plans and these Regulations in a satisfactory condition, and without defects, when requesting release of performance guarantees.

8.3. DISPOSAL OF DEBRIS AND WASTE.

No debris, junk, rubbish or other non-biodegradable waste materials may be buried, left, or burned on any land in the subdivision. Removal of such materials will be required before the final release of any covenant or surety. The Board of Health and the Town Engineer must approve burial of biodegradable materials on the site. Tree limbs, brush, and stumps are not considered biodegradable and may not be buried on the site. The burial locations and description of buried materials must be noted on the as-built plan. The Board may require that the description and location of buried materials be recorded in the Registry of Deeds before the release of affected lots for sale or building.

8.4. CERTIFICATES OF OCCUPANCY DURING CONSTRUCTION

A. Rights of Ways. No Certificates of Occupancy may be issued until all work associated with the right of way construction is complete, except for the final top course of pavement, unless otherwise authorized by the Planning Board after acceptance of a performance guarantee.

- B. Fire Hydrants. No certificate of occupancy will be issued until the Fire Department is satisfied with the results of any fire hydrant flow test(s) for any new hydrants installed.

Amendments to Planning Board Subdivision Regulations Chapter 175

Visuals of proposed changes for September 25, 2025 Public Hearing

MA Subdivision Control Law

- MGL c. 41, §81 “Subdivision” – shall mean the division of a tract of land into two or more lots...
- Planning Board’s adopt Subdivision Rules & Regulations
- Lexington Planning Board’s Subdivision (Chapter 175 of the Code of Lexington) last amended in 2017
 - Application submission process
 - Design standards for streets and infrastructure
- ❖ Preliminary Plans submitted with Definitive Plan within 7 months, subject to the Regulations in place at preliminary submittal (81Q). These amendments do not apply to the preliminary & definitive plans submitted for zoning freezes this spring.

Proposal: Adds a minimum of 150 foot length for a new dead-end road.

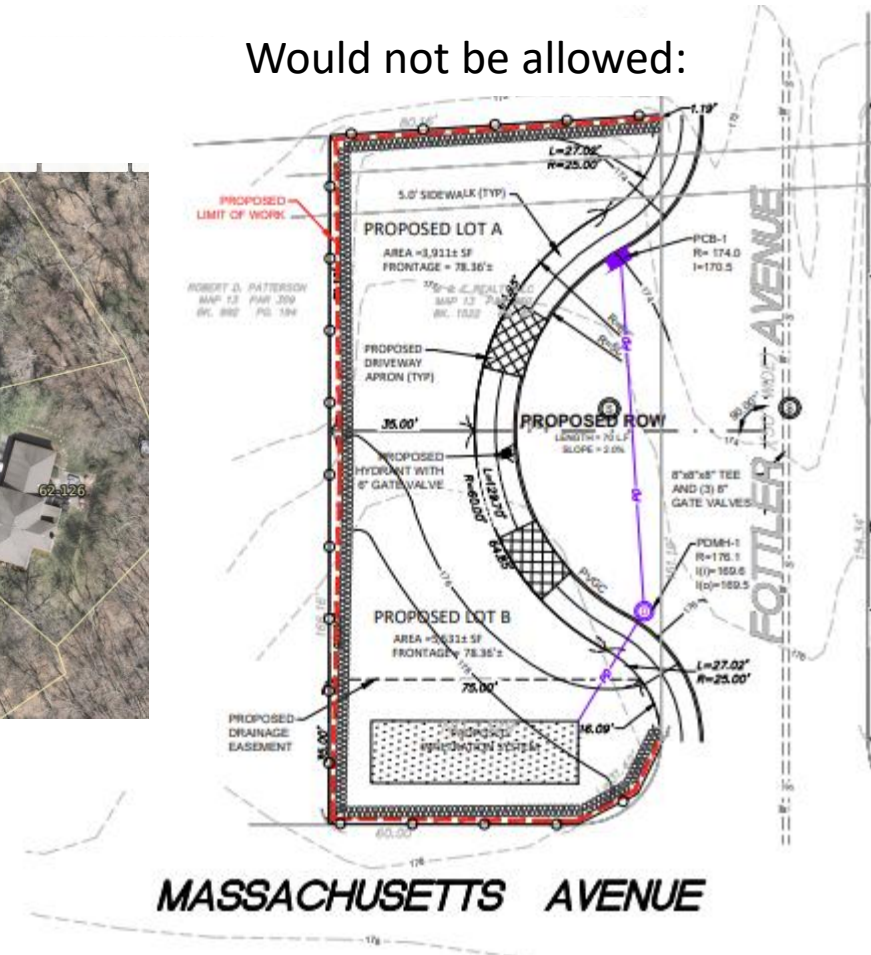
Would be allowed:



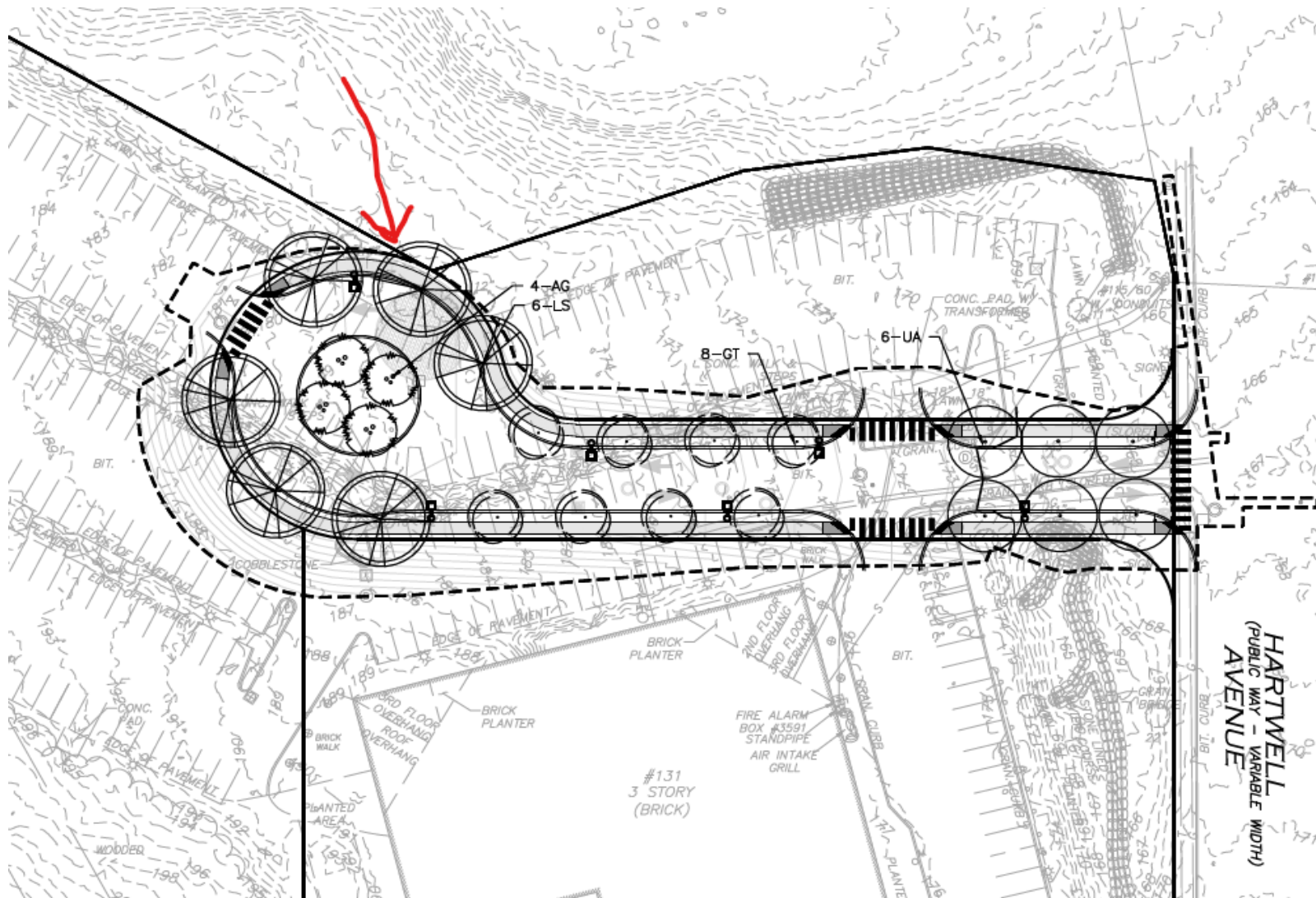
Would be allowed:



Would not be allowed:



Proposal: Adds a minimum requirement for min. 10 feet between a new road's right-of-way (ROW) and another property.



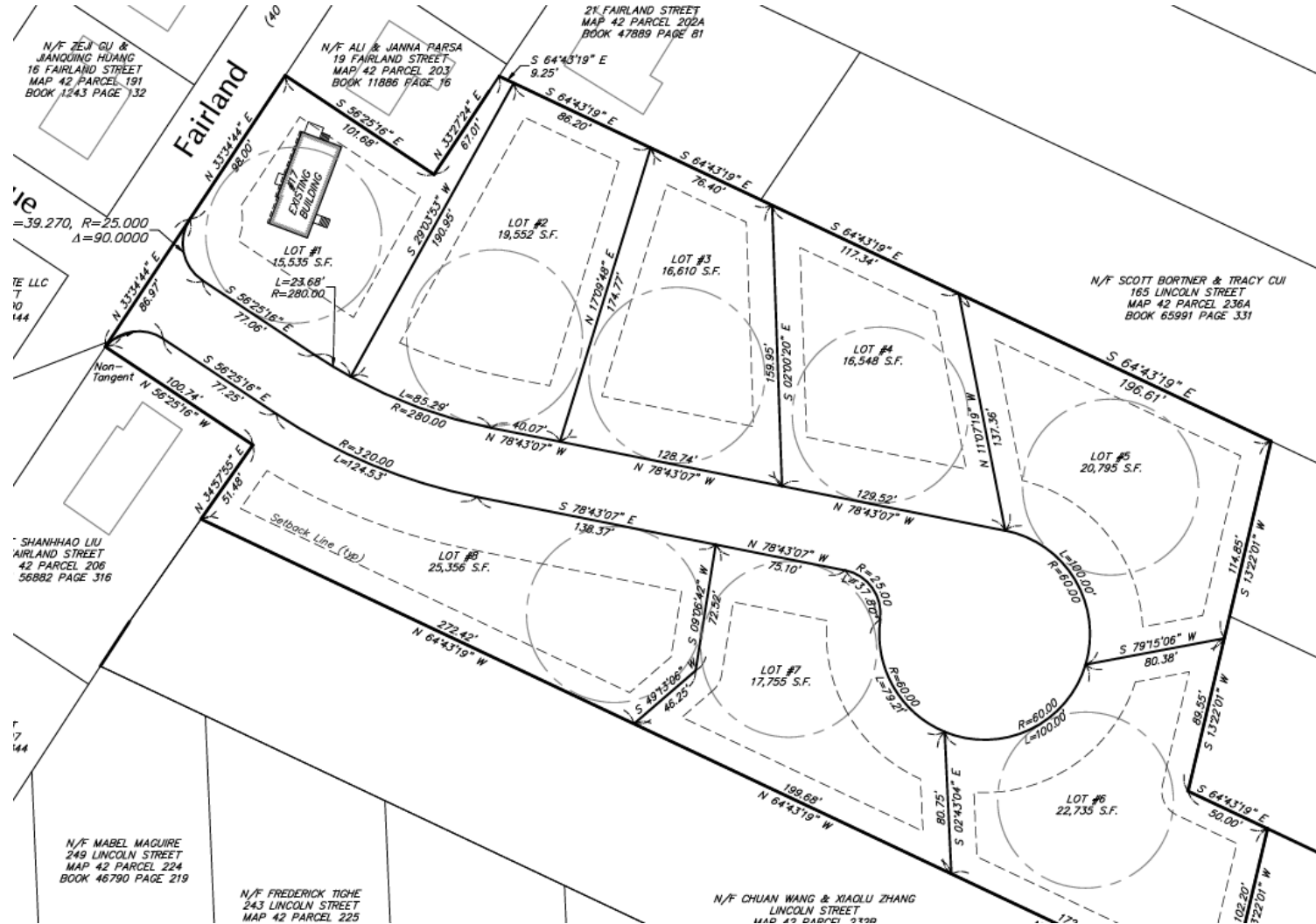
Road's Right of Way Includes:

- Paved travel lanes
- Shoulders
- Grass planting strip & trees
- Sidewalk

Regulations Require:

- 40' – ROW Minor Roads
- 50' ROW Local Roads
- This change would require at least 60 - 70 ft. width

Proposal: Adds requirement to show the proof circle to confirm lot's buildability, as required by Zoning Bylaw Section 4.2.2 & 4.2.3.



Other Changes in September 18, 2025 DRAFT:

- Increase application fees
- Electronic submission except where required for Registry required recordings
- Electronic application forwarded to Board of Health
- Show the proof circle required in the Zoning Bylaw to help show the developable lot area
- New section to design for future sidewalk connections
- References Planning Board Preferred Planting List
- Added in soil rebuilding
- Clarifications

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Board Member & Staff Updates

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/25/2025

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Review of Draft Meeting Minutes: 9/10

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/25/2025

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Upcoming Meetings

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

Wednesdays 10/8, 10/22, 11/19, 12/10

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/25/2025

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Adjourn – The meeting will continue until all items are finished. The estimated adjournment time is 9:00 pm.

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/25/2025

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

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

PRESENTER:

ITEM NUMBER:

SUMMARY:

Planning is inviting you to a scheduled Zoom meeting.

Topic: Planning's Zoom Meeting

Time: Sep 25, 2025 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://lexingtonma.zoom.us/j/82821376801?pwd=w5ssWppALwSFTv2CJMYaS1b2vTNB7F.1>

Meeting ID: 828 2137 6801

Passcode: 094427

Dial by your location

- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 876 9923 US (New York)
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 408 638 0968 US (San Jose)
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/25/2025