



**LEXINGTON PLANNING BOARD**  
1625 MASSACHUSETTS AVENUE, LEXINGTON, MA

**MEMBERS OF THE PLANNING BOARD:**  
ROBERT CREECH, CHAIR – CHARLES HORNIG, VICE-CHAIR – ROBERT PETERS, CLERK – RICHARD CANALE – GINNA JOHNSON

*DECIS*

**DECISION OF THE LEXINGTON PLANNING BOARD  
ON A SPECIAL PERMIT BALANCED HOUSING DEVELOPMENT  
FOR THE PROPERTY LOCATED AT 840 EMERSON GARDENS ROAD  
ASSESSOR'S PARCEL: 29-74A, LOCATED IN THE ONE-FAMILY DWELLING (RO)  
DECISION DATED APRIL 15, 2020**

On March 13, 2020, a Special Permit Balanced Housing Development application that was submitted by the Scott Seaver, Seaver Construction, was filed with the Town Clerk. Following the publication of the public hearing notice in "The Minuteman Newspaper" on March 5, 2020 and March 12, 2020, and the mailing of a notice to parties of interest under the MGL c. 40A. The Planning Board opened the public hearing on March 19, 2020, and continued public hearings were held on March 25, 2020 and April 15, 2020.

The project includes the razing of an existing assisted living facility and the construction of 21 townhouse residential units located within 5 structures, along with stormwater management systems, landscaping, and associated site improvements.

On April 15, 2020, the Planning Board **APPROVED** the application with conditions. The **DECISION** was filed with in the office of the Town Clerk on April 27, 2020. For additional information, please see the Planning Board's webpage at [www.lexingtonma.gov/planning-board](http://www.lexingtonma.gov/planning-board)

*Robert Creech, Chair, Lexington Planning Board*

The filing of an appeal in pursuant to M.G.L. c. 40A, Section 17 is temporarily suspended as denoted in the bill recently passed by the Massachusetts Legislature and signed by the Governor on April 3, 2020, all deadlines for reviewing and approving permits are suspended as of March 10, 2020, and shall resume 45 days after the termination of the state of emergency.

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**DECISION OF THE LEXINGTON PLANNING BOARD**  
**ON A SPECIAL PERMIT BALANCED HOUSING DEVELOPMENT**  
**THE PROPERTY LOCATED AT 840 EMERSON GARDENS ROAD**  
**DECISION DATED APRIL 15, 2020**

**General Property Information**

Property Address: 840 Emerson Gardens Road  
 Assessor's Information: Map 29, Lot 74A (Parcel ID: 29-74A)  
 Zoning District: One-Family Dwelling (RO)

**Application Information**

Application(s): Special Permit Balanced Housing Development  
 Date application(s) were filed with the Town Clerk: March 13, 2020  
 Date of Development Review Team Meeting: March 9, 2020

**General Project Contact Information**

Property Owner Name and Address: M Lexington LLC, C/O Melohn Capital LLC, 250 West 55<sup>th</sup> Street, New York, New York, 10019  
 Applicant: Scott Seaver, Seaver Construction, 215 Lexington Street, Woburn, MA  
 Project Contact: Attorney John Farrington  
 Civil Engineer: Frederick W. Russell, P.E. 36713  
 Land Surveyor: James R. Keenan, 30751, Keenan Survey  
 Landscape Architect: Laurie Tarr-Ellsworth, 1099, LTE Landscape Architecture

**Public Hearing Information**

Date legal ad was published in the Minuteman Newspaper: March 5, 2020 and March 12, 2020  
 Date of opening public hearing: March 19, 2020  
 Date of continued public hearing: March 25, 2020 and April 15, 2020

**PLANNING BOARD PLAN APPROVAL INFORMATION**

Date of Plan: February 6, 2020, revised through April 5, 2020

**PROJECT DESCRIPTION**

The property at 840 Emerson Gardens Road is an eleven point five-six (11.56) acre parcel of land that is presently improved with a one-hundred and fifty-two (152) bed nursing home, with driveways and one-hundred off-street parking spaces. The property also contains wetlands and Munroe Brook, along with direct access to Arlington Great Meadows.

The Applicant proposes to construct a Balanced Housing Development that includes twenty-one (21) residential units that are located within five (5) structures. The project further includes one (1) moderate housing unit, stormwater management system, open space and landscaping, in addition to associated site improvements.

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**PUBLIC HEARING**

The Lexington Planning Board held its opening public hearing for the project located at 840 Emerson Garden Road on March 19, 2020, and continued the public hearing without testimony. The Planning Board then heard testimony at continued public hearings on March 25, 2020 and April 15, 2020. Planning Board members present throughout the public hearing were: Robert Creech, Chair; Charles Hornig, Vice-Chair; Robert Peters, Clerk; Richard Canale; and Ginna Johnson. During the course of the public hearing process, the following individuals appeared on behalf of the Applicant: Fred Russell, P.E.; Scott Seaver, Seaver Construction; Laurie Tarr Ellsworth, LTE Landscape Architecture; and Attorney John Farrington.

**Summary of Minutes**

On March 19, 2020, the Planning Board opened and continued the public hearing without testimony to March 25, 2020.

On March 25, 2020, the Planning Board opened the public hearing, read the legal ad into the record, and then requested a presentation from the Applicant.

Attorney Farrington provided a review of the project, noting that a sketch plan had been previously filed with the Planning Board. The application before the Planning Board is a Balanced Housing Development. Attorney Farrington further reviewed the legal rights relative to the trail which will include access for fire safety purposes.

Mr. Russell provided a review of the site plans entitled Site Analysis Plan, Lexington Meadows, dated February 6 or 8, 2020. The review of the site plans included a review of the conventional subdivision plan along with associated soil test pits; amendments to the plans since the sketch plan previously reviewed by the Planning Board; and circulation and fire access. It was noted that the project is also under review by the Conservation Commission.

Mr. Seaver provided a review of the Moderate Housing Unit, at 150 percent AMI, which will sell for about \$500,000.

Ms. Ellsworth reviewed the landscaping plan, which included a review of the nature trail, screening for the residents, street trees. It was noted that the plants selected are predominately native to allow them to grow best.

Mr. Russell reviewed the utility plan, which included both sewer and water being connected from Emerson Gardens Road. It was noted that the project includes one fire hydrant. Mr. Russell stated that they had received a comment letter from Department of Public Works (DPW), which included a request to loop the water line, which is difficult to do due to the property being surrounded by open space parcels of land.

On March 25, 2020, members of the Planning Board provided the following comments.

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- Richard Canale requested clarification regarding the proposed architecture and whether the architecture previously shown during the sketch plan phase of the project had changed.
- Ginna Johnson requested clarification regarding the location of the conservation easement, in addition to ensuring that the number of conventional subdivision unit number was correct. Ms. Johnson stated her appreciation for the moderate housing unit, but requested that the Applicant provide an additional moderate housing unit. Ms. Johnson stated a concern relative to Unit 1, which was still in the river front. Ms. Johnson noted that the size of the units are concerning, still being extremely large. Mr. Seaver provided clarification for the sizes of the houses. Ms. Johnson noted that she would like to see a reduction in the number of units by eliminating Unit 1 or rather relocate Unit 1 outside the riverfront area.
- Robert Peters requested clarification regarding the number of off-street parking spaces on the north side of the roadway, and whether such location would preclude future carports from being installed. Mr. Russell stated that the siting of a solar carport would not be conducive in that location due to solar exposure. Mr. Peters thanked the Applicant for the moderate unit. Mr. Peters stressed the importance of providing a variety of housing options. Mr. Peters highlighted the number of proposed public off-street parking spaces. Mr. Peters stated that he would not support a reduction in off-street parking spaces. Mr. Peters further stated that he absolutely supported an additional moderate housing unit. Mr. Peters requested that the Applicant look at the total footprint and consider adding an additional moderate housing unit. It was noted that these are not affordable units and will not be listed on the SHI.
- Mr. Creech stated that he would like to see additional off-street parking spaces for public trail parking. Mr. Russell stated that they stopped adding additional off-street public spaces before they encroached into the river front area. Mr. Creech referenced a document that he had prepared for the meeting but that Mr. Seaver had not yet seen. Mr. Creech requested clarification as to the heat source that the project would be utilizing. Mr. Seaver stated that neither oil nor natural gas would be used and that it appeared that the only option was propane. Mr. Creech asked that energy efficiency be maximized and suggested better quality insulation. He reiterated his opposition to vinyl siding unless the Board felt differently. Mr. Seaver said that he usually uses foam insulation and that he never uses vinyl siding in Lexington.

On March 25, 2020 and April 15, 2020, the Planning Board opened the floor for public comments. Public comments were received on March 25, 2020 and April 15 2020. All comments can be reviewed on the video stream capture of the public hearing and the associated meeting minutes.

**FINDINGS**

During the course of the public hearing process, the Planning Board took under advisement all information received from various municipal departments in addition to comments received during the Development Review Team (DRT) meeting; comments made by members of the public; in addition to information submitted by the Applicant. The Planning Board arrived at this Decision based on the Special Residential Development Zoning Bylaws and makes the following findings specifically for the project at 840 Emerson Gardens Road.

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**A. Property and Neighborhood Characteristics**

- a. The property located at 840 Emerson Gardens Road is eleven point five-six (11.56) acres of land.
- b. The property is located within the One-family Residential (RO) Zoning District. Abutting properties include a mixture of housing types, which include a one-hundred and fifty (150) unit townhouse complex (Emerson Gardens Condominiums) and single family residential structures.
- c. The property was previously used for a one-hundred and fifty-two (152) bed nursing home, which operated out of a two (2) story sixty-thousand three-hundred and seventy-eight (60,378) square-foot (SF) structure. The property was also improved with two (2) auxiliary service structures, in addition to off-street parking for the employees and visitors of the property.
- d. The Applicant proposes to raze the existing structures that were associated with the previous use and then construct a Balanced Housing Development project.
- e. The proposed project includes the construction of twenty-one (21) residential units, located within four (4) structures that are comprised of four (4) units, and one (1) structure comprised of five (5) units.
- f. Each of the proposed residential units will be accessible from the ground floor directly to the outside.


**B. Traffic and Parking**

- a. The property is accessible by two public roadways, which include Emerson Gardens Road and Bryant Road. Emerson Gardens Road is the most direct route to the property and is approximately seventy (70) feet in width, which allows for two (2) way flow of traffic and on-street parking on both sides of the roadway.
- b. Presently the structures on the property are vacant, but the off-street parking is presently being used by members of the community whom are utilizing Arlington's Great Meadows, which is located to the south and east of the property. Such existing off-street parking areas, driveways, and roads ways will be removed.
- c. Based on the information provided in the Definitive Site Sensitive Development, Lexington Meadows, 840 Emerson Gardens Road, Project Document, dated February 14, 2020. The number of trips associated with the project will be significantly decreased from the prior use of the property as a nursing home. According to the 10<sup>th</sup> Edition of the ITE Trip Generation Manual

**i. Existing Use**

- 1. 466 daily vehicle trips (233 vehicles entering and 233 vehicles exiting)
- 2. 26 morning peak hour trips (19 vehicles entering and 7 vehicles exiting)

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- 3. 33 evening peak hour trips (11 vehicles entering and 22 vehicles exiting)

ii. Proposed Use

- 1. 154 daily vehicle trips (77 vehicles entering and 77 vehicles exiting)
  - 2. 11 morning peak hour trips (3 vehicles entering and 8 vehicles exiting)
  - 3. 13 evening peak hour trips (8 vehicles entering and 5 vehicles exiting)
- d. Each of the proposed residential units will be accessible by a new roadway that will be constructed at a width of twenty (20) feet. The roadway will have granite curbing throughout the project.
  - e. On-street parking will not be permitted due to the width of the roadway.
  - f. The Applicant proposes to provide five (5) parallel off-street parking spaces located between units sixteen (16) and seventeen (17). In addition to ten (10) perpendicular off-street parking spaces located between units eight (8) and nine (9). These ten (10) off-street parking spaces will be covered by a solar carport.
  - g. The off-street parking spaces within the project shall not be used for long-term storage of vehicles, members of the public utilizing Arlington Great Meadow, storage of watercrafts, trailers, storage container, and disabled vehicles, as determined by the Homeowners Association/Trust.
  - h. To promote walkability, the Applicant has designed the project to have a five (5) foot wide sidewalks throughout portions of the project. The sidewalk will be constructed in compliance with 521 CMR, and the Department of Public Works construction standards.
  - i. At the intersection of Emerson Gardens Road, Bryant Road, and the project. The Applicant will install a "STOP" sign for vehicles exiting the project to stop prior to proceeding into traffic.
  - j. The Applicant has agreed to work with the Department of Public Works to better articulate and square off the southeast corner of the Emerson Gardens Road, Bryant Road, and project intersection. Such improvements shall be made and funded by the Applicant at the approval of the Town Engineer. (The Applicant may also work with the Department of Public Works to locate additional off-street parking for use by the public when visiting the Arlington Great Meadows property).
  - k. The proposed roadway within the property of 840 Emerson Gardens Road, shall remain private in perpetuity. Therefore, the Applicant or Homeowners Corporation/Trust will be responsible for plowing of snow the driveway, the maintenance of the driveway, infrastructure within or under the proposed roadway, and all surface and subsurface storm drains and infrastructure through, or under the roadway.
  - l. The Applicant has designed the project to provide seven (7) off-street parking spaces for public use, when members of the public are utilizing Arlington Great Meadow. One of the off-street parking spaces shall be designed in accordance with 521 CMR Universal

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Design (to prevent people from parking in the hatched area). Furthermore, the Applicant has agreed to install a sign stating "No parking after dusk" to prevent overnight parking.

**C. Dwelling Unit Count and Limitations on Unit Size.**

- a. The Applicant proposes to construct twenty-one (21) residential units. Of the said units, no more than twenty-five (25) percent of the units exceed twenty-seven hundred (2,700) SF and no less than fifty (50) percent of the units exceed thirty-five hundred (3,500) SF.
  - i. Seven (7) units or thirty-three (33) percent of the units will be below twenty-seven hundred (2,700) SF; and
  - ii. Seventeen (17) units or eighty-one (81) percent of the units will be below thirty-five hundred (3,500) SF.

**D. Common Open Space, Open Space, and Trails**

- a. The Applicant has designed the project to provide a large center common within the center of the residential dwelling units.
- b. Areas identified as common open space and open space shall not be used for sheds, swimming pools, or other accessory structures.
- c. The Applicant has provided a ten (10) foot wide Fire Access Trail easement for use by the Lexington Fire Department for the purposes of accessing Arlington Great Meadows. Such trail is shown on the site plans "Balanced Housing Development, Lexington Meadows," dated February 6, 2020, revised through April 5, 2020. The Applicant will be recording an easement for this trail at the Middlesex Registry of Deeds.
- d. The Applicant will be providing a plan sheet identifying all of the areas identified as open space, which shall not be constructed upon in the future. The Homeowners Association/Trust may work with the Conservation Commission to identify potential trail locations, in addition to constructing said trails without the need for amending this decisions.
- e. The Fire Access easement will be constructed as a trail, which will allow for the community to traverse the easement to access Arlington Great Meadow. Bicycles will be required to be walked if using the easement.

**E. Moderate Housing Unit**

- a. The Applicant has designed the project to provide one (1) moderate housing unit. Said unit will have a deed rider that shall ensure that the unit will be kept as moderate housing unit. The moderate housing unit will be sold at one-hundred and fifty (150) percent of the area median income (AMI) for the Boston-Cambridge area.

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#### F. Stormwater and Environmental Impact

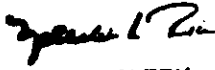
- a. The property contains bordering vegetated wetland (BVW) within the southwest corner. The buffer zones associated with this BVW are identified on the site plans. The Applicant proposed to revegetate this area, with the exception of the area proposed for the ten (10) foot wide Fire Access Trail.
- b. All installation and maintenance of erosion control barriers will be conducted in accordance with Best Management Practices (BMP) and on a regular basis.
- c. The stormwater management system has been designed in conformance with the MADEP Stormwater Management Policy, the requirements of the Lexington Planning Board and Conservation Commission, in addition to the Department of Public Works.
- d. The Project extends within the one-hundred (100) foot Riverfront inner riparian, the project is classified as redevelopment.
- e. The Property is presently improved with eighty-four thousand one-hundred and ten (84,110) SF of impervious cover, which includes off-street parking lots, roadways, and structures. The proposed Project will significantly decrease the amount of impervious area on the Property with a net reduction of approximately nineteen thousand six hundred and thirty (19,630) SF.
- f. The Property does not contain any Priority Habitat or Rare Species or Estimated Habitats of Rare Wildlife located on or adjacent to the property.
- g. The Property does not contain any vernal pools on or within one-hundred (100) feet of the property.
- h. The Property contains areas identified as Zone A special flood hazard, which is located directly next to Munroe Brook.
- i. The Applicant has developed a Stormwater Operation and Maintenance Plan for the Project, which will be complied with throughout construction and post-occupancy.

#### G. Utilities

- a. The property is presently connected to both municipal water and sewer. Post razing of the existing structures, municipal infrastructure will be extended from Emerson Gardens Road to the project.
- b. All utilities will be located underground. Overhead electric and telecommunications services will be extended underground to service the project.

#### H. Landscaping

- a. The Applicant has prepared a landscape plan, which shall be amended to include only plans that are native to Middlesex County per The Vascular Plants of Massachusetts: A Count Checklist, latest editions.

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- b. The Applicant has developed a landscaping plan that will separate and buffer the Fire Access Trail and the residential structures. The Homeowners Corporation/Trust will be responsible for ensuring that the Fire Access Trail is traversable.

**CONDITIONS OF APPROVAL**

The Planning Board finds that the Application and Site Plans submitted by the Applicant comply with all applicable provisions of Lexington's Zoning Bylaw and applicable regulations, relevant to this review, except those waived by the Planning Board during the public review of the project. Accordingly, the Planning Board votes to approve the plan subject to the following conditions:

**A. General Provisions.**

1. This approval is limited to the twenty-one (21) residential units as shown on the site plan entitled "Lexington Meadows, 840 Emerson Gardens Road, Definitive Residential Balanced Housing Development," dated February 6, 2020, revised through April 5, 2020.
2. The Applicant shall record this Decision with any exhibit(s) with the Middlesex South Registry of Deeds prior to the commencement of authorized site activity and shall submit proof of recording to the Planning Board. Failure to record this Decision prior to the commencement of authorized site activity shall result in rescission of this Decision.
3. The Property Rights and Dimensional Standards Plan, revised to show all necessary easements shall be endorsed by the Planning Board and recorded at the South Middlesex Registry of Deeds. A mylar copy of the recorded plans bearing the date of recording and the book and age number shall be delivered to the Planning Department before any building permits are issued.
4. In the event that the permit is not exercised nor substantial use thereof has not commenced from three (3) years of the date of recording, except for good cause as determined by the Planning Board, the permit shall be deemed null and void.
5. A copy of this Decision shall be kept on the Site in a location that is highly visible and accessible during construction.
6. All construction activities relative to this decision shall comply in all respects to all applicable Zoning Bylaw, Planning Board Zoning Regulations, and other municipal requirements unless specifically waived by a vote of the Planning Board and recorded in writing.
7. No material corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board, or their designee. Any request for a material modification of this approval shall be made in writing to the Planning Department for review and approval by the Planning Board, or their designee and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation. Upon receipt of such a request, the Planning Department may, in the first instance, make a determination in writing authorizing a minor modification to the site plans, or the Planning Director may refer the matter to the Planning Board, which may consider and approve minor modifications at a regularly scheduled Planning Board meeting. In the event the

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Planning Board determines the change is major in nature (e.g., resulting in material changes, newly identified impacts, etc.), the Planning Board shall consider the modification at a noticed public hearing.

8. Any work in the Emerson Gardens Road right-of way and utility work is subject to the Department of Public Works Rules and Regulations. Members or agents of the Planning Board shall have the right, with prior notice to Applicant, to enter the site and to gather all information, measurements, photographs, or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.
9. Hours of exterior construction are limited to 7:00 AM - 5:30 PM Monday through Friday and 8:00 AM - 4:00 PM on Saturday. Absent emergency conditions, no construction is permitted on Sunday or the following holidays: New Year's Day, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving, and Christmas Day – or following Monday when the holiday falls on a weekend). No equipment on-site shall be started and allowed to warm up prior the start of the allowed construction hours or hours outlined in the Lexington Noise Control Bylaw. No vehicles are to arrive at the construction Site before the designated construction hours, which includes no vehicle parking, standing or idling on adjacent public streets. Oversized deliveries of construction materials shall occur before or after peak traffic hours.
10. The failure to comply with the Lexington Zoning Bylaw, the Planning Board Zoning Regulations, and/or the terms of this Decision may, upon notice to the Applicant and the opportunity for a hearing, result in revocation of the following permits/approvals for a Site Sensitive Development, issued hereunder. The Planning Board shall, by first class mail, send the owner written notification of any failure to comply with the Lexington Zoning Bylaw, the Planning Board Zoning Regulations, and/or the terms of this Decision. If the Applicant believes that it is not in violation, it may request and will be granted an opportunity to attend a Planning Board meeting to try to resolve the alleged violation. If within thirty (30) days from the date of mailing of said notice, the Applicant has not resolved the matter with the Planning Board or remedied the alleged violation (or demonstrated it has taken steps to do so), it shall be grounds for revocation of the approvals issued hereunder. At the expiration of the thirty (30) day period, the Planning Board after a duly noticed public hearing, including notice to the owner by first class mail, may revoke the approvals issued hereunder if it finds by a four-fifths vote that there has been a violation of the Lexington Zoning Bylaw, the Planning Board Zoning Regulations, and/or the terms of this Decision and that the owner has failed to remedy it; alternatively, the Planning Board may continue the public hearing, or by a four-fifth (4/5) vote extend the time period in which the violation may be corrected.

**B. Site Preparation and Pre-Construction**

11. A minimum of fourteen (14) days prior to the commencing construction the Applicant or designee shall contact the Planning Department Office to schedule a pre-construction meeting.

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12. At the pre-construction meeting, the project team shall provide the name, address, and emergency contact telephone number of the individual or individuals who shall be responsible for all activities on site and who can be reached twenty-four (24) hours a day, seven days a week. In the event project management changes, all new contact information shall be submitted to the Planning Board within (24) twenty-four hours.

**C. Construction and Site Development**

13. The limits of clearing of land or grading for the installation of any improvements relative to the project, including, but not limited to the driveways, stormwater management system, and utilities, shall be the limits of the grading shown on the site plans. Prior to any clearing of the land, the limits of such clearing and grading as shown on the approved plan shall be clearly marked in the field and shall remain in place until the completion of the project construction.
14. The Applicant shall perform daily cleanup of construction debris, including soil on municipal streets within two-hundred (200) yards from the entrance of the site driveways caused by construction relative to the project.
15. During construction and land disturbance activities, soil erosion and sedimentation to watercourses and water bodies or wetlands will be minimized by an active program meeting the requirements of the Department of Environmental Protection Best Management Practices, and shall be in accordance to the Department of Public Works stormwater permit and the Conservation Commission.

**D. Deeds and Easements**

16. All deeds and easements shall be prepared for review and approval by the Town. Upon approval of the Town, the applicant shall file the appropriate deeds and easements with Middlesex South District Registry of Deeds or Middlesex South Registry District of the Land Court. Proof of such recording shall be provided to the Planning Department, which includes the date of recording, along with the book and page number.
17. All deeds and easements shall be recorded with the Registry of Deeds prior to the issuance of the first Certificate of Occupancy.

**E. Environment**

18. All stormwater and erosion control management shall be checked prior to the start and finish of each workday.
19. The Applicant shall check all stormwater features prior to and at the end of each construction day. In the event a multiple day storm event occurs, the project manager shall check on the stormwater features to ensure they are functioning properly and have not exceeded their capacity. Any repairs, adjustments, or deficiencies shall be made immediately.
20. The Applicant shall provide appropriate erosion control methods such as silt fences and straw wattle/organic hessian fabric burlap filled with compost around the stockpiles in case of a storm event, in addition to the temporary dust control requirements.

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21. The use of hay bales shall be prohibited on-site.
22. The Applicant shall provide straw wattle/organic hessian fabric burlap filled with compost and other erosion control methods at the base of the driveway during off-construction hours to prevent runoff and erosion from getting onto the public way.
23. The Applicant shall comply with the Stormwater Operations & Maintenance Plan, Lexington Meadows, 840 Emerson Garden Road, Lexington, MA as submitted to the Planning Board and reviewed by the Engineering Division.

**F. Snow Storage**

24. Snow storage shall not obstruct sight lines to preserve public safety or interfere with site circulation. Snow Storage shall be on the Applicant's property and not in the Emerson Gardens Road or Bryant Road right of way.

**G. Request for a Certificate of Occupancy**

25. A minimum of fourteen (14) days prior to a request for a Certificate of Occupancy, the Applicant and/or designee shall contact the Planning Department Office to schedule a conformance review meeting. Delay in such action may result in the delay of the Planning Department signing off on a Certificate of Occupancy.
26. Prior to the issuance of the Certificate of Occupancy for the Project, the Applicant shall install permanent bounds, monuments, or markers that have been physically installed by a Land Surveyor registered in the Commonwealth of Massachusetts and reviewed by the Department of Public Works. Said Land Surveyor registered in the Commonwealth of Massachusetts shall provide a written summary regarding the installation of all permanent bounds, monuments, or markers, along with a site plan showing the exact location of each permanent bound, monument, or marker. The permanent bounds and monuments shall be installed according to the Planning Boards Subdivision Regulations.

**H. Establishment of a Homeowner's Association or Trust/Maintenance Obligation**

27. Prior to the issuance of a Certificate of Occupancy, the Applicant shall establish a Homeowner's Association or Trust, such documentation shall be recorded such document with the Middlesex South District Registry of Deeds, which shall be approved as to form and content by both the Planning Board and Town Counsel, for the purposes of the operation and maintenance in perpetuity of the roadway, stormwater and drainage infiltration system, trash and waste removal, infrastructure and street lights, and snowplowing, in addition to associated improvements.

**I. Departmental Comments**

28. The Applicant shall comply with the Department of Public Works email, Subject: RE: Checking in with engineering, dated March 25, 2020.
29. The Applicant shall comply with all applicable State Building and Fire Codes.

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**J. Fire Protection/Blasting Protocol**

30. When blasting is required, the Applicant shall comply with the Massachusetts Comprehensive Fire Code: 527 CMR 1.00 et. seq.

**K. Roadway and Public Infrastructure**

31. The Applicant or Homeowners Corporation/Trust shall remain responsible for the plowing of snow the driveway, the maintenance of the driveway, infrastructure within or under the proposed roadway, and all surface and subsurface storm drains and infrastructure through, or under the roadway.
32. The proposed roadway within the property of 840 Emerson Gardens Road, shall remain private in perpetuity.

**L. Moderate Housing Units**

33. The Applicant shall provide a total of one (1) Moderate Housing Unit.
34. The exterior of the Moderate Housing Unit shall be constructed in the same manner as the market rate units.
35. The Applicant shall record a deed rider in the deed of the Moderate Housing Unit. Such deed rider shall be submitted to the Planning Department for review and approval prior to the issuance of a Certificate of Occupancy for the unit.

**L. Traffic/Transportation**

36. The Applicant shall provide a "Stop" sign at the intersection of Emerson Gardens Road, Bryant Street, and the project. Such sign shall be located appropriately to allow for vehicles exiting the site to stop and see vehicles from all directions.

**M. Trails and Easements**

37. The Applicant shall provide a ten (10) foot wide Fire Access Trail, which shall allow for Fire Department access from the intersection of Emerson Gardens Road and Bryant Street to Arlington's Great Meadows. Such access easement shall be recorded and shown on the final set of project plans.
38. The Fire Access easement will be constructed as a trail, which will allow for the community to traverse the easement to access Arlington Great Meadow. Bicycles will be required to be walked if using the easement.
39. The Applicant shall provide a plan sheet that denotes the location of the common open space and such area of open space shall not be constructed on in the future. The area shall include the open space area to the east of the "erosion control" line (as shown on the site plans entitled Lexington Meadows, 840 Emerson Gardens Road, Definitive Residential, Balanced Housing Development, February 6, 2020, revised through April 5, 2020), in addition to fifty (50) feet along the southern property boundary for the purposes of retaining vegetation and the natural character of the area.

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**N. Off-street Parking Spaces**

40. The Applicant shall provide a minimum of seven (7) off-street parking spaces for use by the public when utilizing Arlington Great Meadows. Such off-street parking spaces shall be located at the intersection of Emerson Gardens Road, Bryant Street, and 840 Emerson Gardens Road. Up to 6 additional spaces will be provided if approved by the Conservation Commission. The off-street parking spaces shall be
- constructed nine (9) feet by eighteen (18) feet;
  - a minimum of one accessible off-street parking space that is constructed in accordance with 521 CMR Universal Design (to prevent people from parking in the hatched area); and
  - signage will be installed stating "No Parking & No Entry from ½ Hour after sunset". This is per conservation land rules and is to discourage parking and entry to The Arlington Great Meadows outside of officially allowed hours.
41. The Applicant shall provide bicycle racks that will accommodate a minimum of four (4) bicycles within close proximity of the trail access or the public off-street parking spaces.
42. Within the project the Applicant shall provide fifteen (15) off-street parking spaces for use by the residents and their guests. These off-street parking spaces shall not be utilized for the long-term vehicle storage, storage of watercrafts, campers, storage trucks or storage containers, disabled vehicles unless approved by the Homeowners Corporation/Trust. Furthermore, these off-street parking spaces shall not be utilized to store snow and shall be cleared within twenty-four (24) hours after a snow event.
43. The paving of front lawns for additional off-street parking shall not be permitted. The only off-street parking provided and allowed for the residential units is the garage and the driveway leading to the garage, with the exception of an additional off-street parking spaces for the Moderate Housing Unit.

**O. Landscaping and Streetscape**

44. The Applicant shall provide one (1) street tree every twenty (20) to thirty (30) feet along the internal roadway.
45. The Applicant shall provide a strong buffer along the Fire Access Trail, which shall be maintained to ensure public safety access to Arlington Great Meadows.
46. The internal center island shall be designed to promote a sense of community, which may include benches, a gazebo, and other park like improvements. This area shall not include a playground, swimming pool, pond, or active recreation field or court (ex. Tennis court, Basketball court, soccer field, baseball field, etc.).
47. All ground utility equipment shall be screened with landscaping, fencing, and other visually appealing materials. Such efforts shall be made to buffer noise and decrease the visual impacts of such infrastructure.

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LEXINGTON, MA

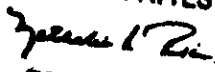
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48. Areas identified as common open space and open space shall not be utilities for sheds, swimming pools, or other accessory structures.
49. The Applicant has prepared a landscape plan, which shall be amended to include only plans that are native to Middlesex County per The Vascular Plants of Massachusetts: A Count Checklist, latest editions.

**P. Special Provisions/Periodic Conformance Reporting and Review**

50. The Applicant shall provide the following performance guarantees for the Project.
  - a. Upon completion of the Project and prior to the request for a Certificate of Occupancy, the Applicant shall provide the Planning Board with an "As Built Plan" stamped by a Professional Engineer registered in the Commonwealth of Massachusetts certifying that all improvements are completed in accordance with the approved Site Plans in a form acceptable to the Lexington Engineering Division.
  - b. The as-built plan shall be submitted in both hard copy and electronic formats (PDF and AutoCAD) to the Lexington Engineering Division for certification. The AutoCAD file must conform to the current form of the Mass GIS Standard for Digital Plan Submission to Municipalities or other standard requested by the Lexington Engineering Division. The plan shall include, but not be limited to, site utility improvements and tie-in dimensions to all pipes and connection points. The as-built information shall be delivered to Planning Division a minimum of five (5) business days in advance of the Applicant seeking a Certificate of Occupancy sign-off to allow time for the Town Engineer, or designee to review and approve the submitted information. The Applicant shall also submit a statement certifying that all conditions of approval of this decision have been met and site improvements are complete.
51. Mailboxes shall be located either at each individual house or a central location when driving into the project. If mailboxes are grouped together within a shelter structure. Stacks of mailboxes at the ends of the street or within the common center shall not be permitted.
52. All utilities shall employ energy efficient devices and techniques in accordance with the State Building Code, which may include but is not limited to Energy Star, LED lighting, etc.
53. The Applicant proposed to construct a solar carport/canopy over the top of the ten (10) off-street parking spaces that are located to the south of the common center.
54. All utilities will be located underground. Overhead electric and telecommunications services will be extended underground to service the project.
55. Vinyl siding shall not be used.
56. Energy efficiency will be as described in a letter from Project Engineer Frederick Russell: "Lexington Meadows; Plan modifications & additional information", addressed to Ms. Loomis and dated April 8, 2020; discussed at meeting of April 15, 2020. Details are described on pages beginning with Title "Emerson Gardens, Lexington, MA; Building Energy Efficiency Details".

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**Waivers**

No waivers were requested for this project

**VOTE**

The Planning Board voted five (5) in favor, zero (0) opposed, and zero (0) in abstention to grant an approval with conditions for the Definitive Residential, Balanced Housing Development Application for the property at 840 Emerson Gardens

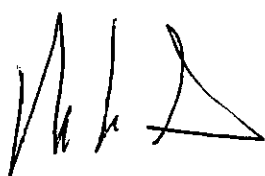
**Special Permit – Site Sensitive Development**

- Robert Creech ..... yes
- Charles Hornig ..... yes
- Robert Peters ..... yes
- Richard Canale ..... yes
- Ginna Johnson ..... yes

**RECORD OF VOTE**


On April 15, 2020, made the following motion and voted to allow the Planning Board Chair sign the Decision.

*Charles Hornig moved that the Planning Board vote to allow the Chair of the Planning Board to sign the decision for 840 Emerson Gardens Road. Robert Peters seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (a roll call was taken: Robert Peters – yes; Charles Hornig – yes; Richard Canale – yes; Ginna Johnson – yes; and Robert Creech – yes).*



Signature of the Chair: \_\_\_\_\_

Date: 24 April 2020

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**EXHIBITS**

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the Lexington Zoning Bylaws and Planning Board Zoning Regulations. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various municipal departments that reviewed the Project. All of these plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.

1. Form B – General Application for Approval of a Plan for Development for the property known as Lexington Meadows, 840 Emerson Gardens Road, dated February 14, 2020, and stamped in with the Town Clerk on March 13, 2020
2. Form G-CE Designer's Certificate Civil Engineer, Frederick W. Russell, P.E (#36713), dated February 14, 2020
3. Form G-LA Designer's Certificate Landscape Architect, Laurie Tarr-Ellsworth (#1099), dated February 14, 2020
4. Form G-LS Designer's Certificate Land Surveyor, James R. Keenan (#30751), dated February 14, 2020
5. Letter from John M. Farrington, Attorney at Law, RE: 840 Emerson Gardens Road, Proposed Subdivision: Special Permit Balanced Housing Subdivision, dated February 18, 2020
6. Definitive Site Sensitive Development, Lexington Meadows, 840 Emerson Gardens Road, Balanced Housing Development, Lexington, MA, dated February 14, 2020
7. Stormwater Operation & Maintenance Plan, Lexington Meadows, 840 Emerson Gardens Road, Lexington, MA,
8. Site Plan, Lexington Meadows, 840 Emerson Gardens Road, Definitive Residential Balanced Housing Development, dated February 6, 2020, revised through April 5, 2020
9. Letter from Frederick W. Russell, PE, Re: Lexington Meadows; Plan modification & additional information, dated April 8, 2020
10. Fairland Commons Condominiums, Master Deed
11. Lexington Meadows Condominiums, Declaration of Trust

The Planning Board received corresponded various municipal Departments who review the Project, and has been incorporated herein by reference.

1. Legal ad for the opening public hearing on March 19, 2020, which was run in the Minuteman Newspaper on March 5, 2020 and March 12, 2020, and stamped in with the Town Clerk on March 5, 2020
2. Email of comment from the Department of Public Works (Ross Morrow), Subject: RE: Checking in with Engineering, dated March 25, 2020

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*[Signature]*

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*Town of Lexington*  
Town Clerk's Office

Nathalie L. Rice, Town Clerk

Tel: (781) 862-0500 x84550  
Fax: (781) 861-2754

Date: 7/23/2020

I hereby certify that twenty days have elapsed since the decision of the Planning Board on  
4/15/2020:

Special Permit Balanced Housing Development

840 Emerson Gardens Rd

(Lexington Meadows Condominiums)

Which was filed on 4/27/2020, in the office of the Town Clerk. No appeal was filed in the office of  
the Town Clerk within the 20-day period.

Attest:

Nathalie L. Rice  
Town Clerk

with  
1408575  
4/25/06  
(2)

Doc 01850223

Southern Middlesex Land Court  
Registry District

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On: Aug 14, 2020 at 11:28A

Document Fee 105.00

Receipt Total: \$210.00

NOTED ON: CERT 273249 BK 01558 PG 30

ALSO NOTED ON:

NAME Rabusch TEL \_\_\_\_\_  
STREET ADDRESS Wilano  
CITY OR TOWN WIP ZIP \_\_\_\_\_