



Town of Lexington
Town Clerk's Office



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Date: January 25, 2006

Bk: 46919 Pg: 1 Doc: DECIS
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I hereby certify that twenty days have elapsed since the decision of the Planning Board on August 3, 2005:

Jefferson Union Redevelopment, 31 Fletcher Avenue

Special Permit with Site Plan Review

George Meadows, Owner

Represented by John M. Farrington, Esq.

Lexington, Massachusetts

filed on August 8, 2005, in the office of the Town Clerk. No appeal was filed in the office of the Town Clerk within the 20 day period.

Sincerely,

Donna M. Hooper
Donna M. Hooper
Town Clerk

*Jefferson Union Realty Trust
Michael D. Meadows, Trs.*

*Deed ref: 45615-494
Doc# 1401650*



**PLANNING BOARD
Town of Lexington**

Wendy Manz, Chairman
Charles Hornig, Vice Chairman
Anthony G. Galaitsis, Clerk
Thomas M. Harden
Richard L. Canale

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SPECIAL PERMIT WITH SITE PLAN REVIEW

**JEFFERSON UNION REDEVELOPMENT, 31 FLETCHER AVENUE
LEXINGTON, MASSACHUSETTS**

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Ann M. Hornig
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Special Permit with Site Plan Review -
GRANTED

Date of Application: March 17, 2005
Date of Hearing: May 11, 2005
Extended to: June 29, 2005
August 3, 2005
Date of Decision: August 3, 2005
Date of Filing: August 8, 2005

SUMMARY OF ACTION

The Planning Board, acting under Article III Section 135-12 and Section 135-13, Line 1.18 of Table 1, and Article IX §135-50 A of the Code of the Town of Lexington and Massachusetts General Laws, Chapter 40A, received an application on March 17, 2005 from John M. Farrington, Esq. of Lexington, MA. Notice of the hearing was given by newspaper publication and by notification of the parties in interest, all as required by law. Public hearings on this application and the hearing on the application for approval of the definitive site development plan under Section 135-13 of the Zoning Bylaw were held concurrently by the Planning Board. The public hearing was held on May 11, 2005, and was continued to June 29, 2005 and then to August 3, 2005.

The site is located at 31 Fletcher Avenue and is shown as lot 191A on Town Property Map 48.

PUBLIC HEARING

May 11, 2005 The hearing was convened on May 11, 2005. Present were Planning Board members Wendy Manz, Charles Hornig, Anthony Galaitsis, Richard Canale and Thomas Harden. Attending from the staff were Maryann McCall-Taylor and Elissa Tap. Representing the applicant team were Mr. John Farrington, attorney; Mr. Steve Sawyer, engineer, of Oak Engineering; Mr. Peter Quinn, architect; Mr. Sean Papich, landscape architect; Mr. David Friend, traffic engineer and John Flynn. There were 17 people in the audience; a sign-up list is on file at the Planning Department.

Mr. Harden called the public hearing to order at 6:10 p.m. regarding the conversion of the Jefferson Union Building at 31 Fletcher Avenue to residential condominiums. He explained that the applicant is seeking a Special Permit with Site Plan review from the Planning Board, as it is a residential development with more than three dwelling units. Jefferson Union has been a

manufacturing concern for over 100 years. The Board of Appeals approved the proposed substitution of a less non-conforming use in the RO zoning district contingent upon the Planning Board approval of a site plan review. The applicant is acquiring a 54,000 square foot parcel adjacent to the rear of 31 Fletcher Avenue.

Mr. Farrington gave a brief outline of the building's history and the owner's current proposal. Most of the building will be renovated and thirteen residential condos created. The Historical Commission reviewed the proposal and expressed its pleasure that the building is being restored and appreciation for the proposed character of the structure. Traffic impacts would be negligible, and studies of the site revealed no environmental hazards. Having reviewed the drainage plan, the Conservation Commission suggested some changes. The development team proposes keeping some parking spaces in reserve, and not constructing them unless needed. A small existing structure on the site would become a single-family dwelling.

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Mr. Sawyer reviewed the site plan, which shows a loop drive with a clockwise circulation pattern ending at a stop sign at Fletcher Avenue. Patterned bituminous surfaces delineate pedestrian ways. Along the front of the site a proposed stacked block retaining wall would be softened by new plantings. Mr. Sawyer commented that the drainage system would actually reduce runoff from the site. He will file a notice of intent with the Conservation Commission at the appropriate time. The project will connect to the existing town eight-inch water service. He indicated that the triple gate suggested by independent engineer Laurence Hayes would not be needed.

Mr. Papich presented the proposed landscaping plan, which shows the retention and augmentation of the wooded character of the property with plants that would provide seasonal color and interest. The proposed lighting plan would prevent spillover light. Rail lights at the walkway steps and low lighting at the south edge would provide attractive and subtle illumination.

Mr. Quinn described the arrangement of the building space into four areas, which would allow each unit to have a small outdoor space. The units have sidewalk connections and each has a separate entry. The asphalt siding on the building would be replaced. Other architectural features would include dormers, shed roofs and metal and wood railings. Nine two-bedroom and four three-bedroom dwellings would range in size from 1,400 to 2,600 square feet.

Mr. Friend presented the results of his traffic study and analysis. Cars exiting the site have adequate sight distances on Fletcher Avenue. The expected peak-hour vehicle trips generated by the Jefferson Union development would be less than that of the 1970s factory use. The study determined that no operating issues or queuing would occur.

Board Questions and Comments: The Board expressed its concern about the one-way circulation pattern and entry/egress at the site, during construction and after new owners move in. Particular concern was expressed regarding the proposed retaining wall along the front of the site, as it could easily reach seven feet in height. The Board does not want to see the parking situation on Fletcher Avenue worsened and asked how guest parking would be dealt with. The Board asked the development team to minimize all potential impacts on the abutters.

Audience Questions and Comments: Comments from the audience had to do with traffic/parking/the perceived lack of open space, disturbance from the construction process, particularly blasting, and potential hazardous materials on the site. Environmental reports were requested. It was felt that the retaining wall would be out of character in the neighborhood and the proposed density was excessive. A number of residents described the high amount of on-street parking in the neighborhood by employees of center businesses. Abutters adjacent to the site asked for maximum

screening and protection from impacts.

The Board asked the developer to provide responses to Mr. Hayes engineering comments, an accurate representation of the proposed front retaining wall, a different circulation plan, more information on the demolition phase, a draft O & M plan, copies of environmental studies, and a grading and landscaping plan, with section drawings of critical areas.

At 8:20 p.m., on a motion duly made and seconded, the Board voted to adjourn the public hearing and to continue it to Wednesday, June 29, 2005 at 7:45 p.m.

The continued hearing session was advertised and abutters were sent notice.

June 29, 2005 The public hearing for the Special Permit for the Jefferson Union redevelopment project was reconvened on June 29, 2005 at 7:45 p.m. Present were Planning Board members Wendy Manz, Charles Hornig, Richard Canale and Thomas Harden. Attending from the staff were Maryann McCall-Taylor, Scott Schilt and Elissa Tap. Representing the applicant team were Mr. John Farrington, attorney; Mr. Steve Sawyer, engineer, of Oak Engineering; Mr. Peter Quinn, architect; Mr. Sean Papich, landscape architect; and Sean Meadows, owner. There were 15 people in the audience; a sign-up list is on file at the Planning Department.

Mr. Farrington gave an overview of the project status since the last hearing, and stated that he had provided two environmental assessments to the Planning Department staff for their review. Two test pits had been conducted on the site and no evidence of contaminated soils was found. The property owners have records of proper handling of materials with the removal of underground storage tanks that were formerly on the site.

Mr. Sawyer discussed the revised vehicular circulation pattern on the site. The site drive has been reversed to a counter-clockwise direction in response to comments from the Board about traffic flow, and the implementation of a left-turn restriction for vehicles exiting the site. The reserved parking spaces at the back of the site, consisting of pervious geoblock pavers, would provide green space on the site when the parking was not utilized. He further detailed the design of the proposed retaining wall which runs along 97-feet of the front of the site. The wall would be cast-in-place concrete with a fieldstone finish, would be six-feet in height at the tallest point, and would follow the site's road contour. The wall is intended to enhance the site distances at the intersection of the access road with Fletcher Avenue, and would require removal of some of the existing trees to accommodate the needed site distance.

Mr. Sawyer then presented the Operation and Maintenance plan during construction on the site. Improvements to the site access and Fletcher Avenue would be constructed first to accommodate drainage and erosion control measures during later phases of the site redevelopment. Storage of construction materials would be in existing parking areas at the rear of the site. The fire department requires on-site circulation to be 18-feet wide, and Mr. Sawyer stated that the plans will be adjusted to meet those requirements. Mr. Schilt stated that comments received from Hayes Engineering on the previous submittal had been addressed by the applicants.

Board Questions and Comments: The Board asked whether the site walks were at grade or raised, and whether they were ADA accessible. A request was made that fencing be provided around snow storage areas to prevent encroachment onto abutting properties. Concerns were made about the amount of ledge adjacent to the access road, and whether blasting was needed. The applicants stated that due to the need to widen the road, some blasting will be needed, but it should be minimal. The Board asked if there were possible alternatives to reconfigure the access road, but

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it was stated that the current layout is the safest solution without demolition of part of the building.

Further comments from the Board were related to the limited amount of open space on the site, and whether the building at the back of the site had any historic value that would prevent it from being demolished to provide additional usable common space. The applicants noted that reuse of the building had financial value for the project, which is the trade-off for providing affordable housing units as part of the project.

The Board questioned whether the grade of the access road would limit wheelchair access, and it was noted that ADA compliance is not required for off-site access. The applicants stated that the grade had been lowered from 10-percent to six- or eight-percent in most areas, and they would investigate whether additional grade changes were feasible. Sean Papich described how the area cleared to accommodate the access improvements would be re-landscaped with lawn, groundcover and shrubs, in addition to maintaining as many of the existing trees as possible to provide screening for abutters. The landscaping at the back of the site was also discussed, including the addition of new trees for added screening, with the Board asking about views from the building in the back onto abutting properties. It was noted by Mr. Quinn that the windows on that side of the redeveloped building would be set above six-feet. The Board requested that the applicants consider more open space and less pervious surface at the back of the site.

The Board stated its policy to highly encourage provision of affordable housing. Mr. Farrington stated that the reuse of the back building as a single-family unit would subsidize the affordable housing. The applicant's intent is to hold a lottery to sell the units, with priority going first to Town employees and then to broader outreach to other qualified citizens. The Board asked how the affordable units would remain price restricted, and Mr. Farrington stated the team's preference would be to qualify the units for the Town's 40B inventory, and that the units would be price restricted to those households earning 70-percent of the area median income.

Audience Questions and Comments: Audience members questioned the height and design of the retaining wall related to site distance requirements, its location in the Fletcher Avenue right-of-way, and whether a variance would be needed. The applicants stated that the Town Engineering Department had given approval to the location of the wall, and further design work will take place prior to obtaining the driveway's construction permit. Other audience members questioned the content of the Construction Management Plan and what controls were intended to mitigate impacts to surrounding properties during construction. The audience also commented upon the environmental assessments, with concerns about the need for further testing for hazardous materials and contamination on the site and in the buildings. Mr. Farrington explained the content and findings of the previous environmental assessments, the lack of evidence of any contamination, and the owners' compliance with previous remediation activities. Ms. McCall-Taylor also noted that the Planning Board had no authority to review environmental concerns, and that it is up to the Board of Health to make determinations. Mr. Farrington stated that information had been provided to the Board of Health about the environmental assessments and the test pits that were recently conducted.

Audience members and the Board the questioned the phasing and schedule outlined in the Construction Management Plan, and requirements to limit impacts and worker parking on Fletcher Avenue. The applicants noted that more details will be provided in subsequent filings, that the anticipated work for improvements to the intersection should be about three days, and that they will comply with Town requirements, including use of a police detail if needed. The Board noted that they could place a condition in their approval to minimize construction impacts with exceptions to allow for unavoidable and unexpected circumstances.

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Two abutters spoke in favor of the plan, noting the positive aspects of the change in use from manufacturing to residential. Questions were made regarding surface improvements that could be made to Fletcher Avenue, and what impact analysis measurements were considered given the land area on the site. Ms. McCall-Taylor noted that this was not a cluster subdivision, but rather a site plan review for the special permit for the change in use, so the impact analysis was not applicable. Mr. Farrington noted that the special permit from the Board of Appeals was pending approval of the site plan by the Planning Board.

Final Board comments included a request for re-evaluation of the site drive in terms of its proximity and construction related impacts to abutting properties, a desire to see more alternatives that balance the integrity of the site with less density, options to provide more open space, and a better site layout that is less automobile oriented.

Mr. Farrington summarized the hearing, and stated that the applicants needed to go through site plan review because they are proposing more than three dwelling units and the special permit from the Board of Appeals is contingent upon Planning Board approval of the site plan. While they are only required to provide 22 parking spaces, the applicants want to provide 28 spaces to alleviate any off-site spillover and impacts to Fletcher Avenue. He stated the importance of considering the balance of reducing building space and the number of units, reducing parking spaces and increasing open space, and providing affordable housing needs to be viewed from making the project financially feasible.

Ms. McCall-Taylor stated that planning staff will work with the Fire Department to verify their requirements, and will see if there are other options to provide the emergency vehicle access using pervious surfaces. She further encouraged the applicants to explore options to reduce grading. Mr. Farrington stated that they would explore options to alleviate impacts to abutting properties.

At 10:00 p.m., on a motion duly made and seconded, the Board voted to adjourn the public hearing and to continue it to Wednesday, August 3, 2005 at 7:45 p.m.

The continued hearing session was advertised and abutters were sent notice.

August 3, 2005 The public hearing for the Special Permit for the Jefferson Union redevelopment project was reconvened on August 3, 2005 at 7:45 p.m. Present were Planning Board members Wendy Manz, Charles Hornig, Richard Canale and Thomas Harden. Attending from the staff were Maryann McCall-Taylor, Scott Schilt and Elissa Tap. Representing the applicant team were Mr. John Farrington, attorney; Mr. Steve Sawyer, engineer, of Oak Engineering; Mr. Peter Quinn, architect; Mr. Sean Papich, landscape architect; and Mike Meadows. There were approximately a dozen people in the audience; a sign-up list is on file at the Planning Department.

Mr. Quinn presented the revisions to the plans based upon comments at the previous public hearing, and stated that the applicants had tried to address every comment. A portion of the front of the building adjacent to Fletcher Avenue has been removed due to the need for reconstruction, which reduces the footprint by approximately 320 square feet and allows for relocation of the site drive away from the slope of the property toward Fletcher Avenue. The grading for the access road has also been revised, and now has a slope of six to eight percent, rather than the current ten percent. Consequently, the need for the retaining wall is reduced, and the height of the wall is now proposed to be an average of two and one-half feet, with a maximum height of four feet. This will also allow more trees along the property frontage to be maintained. A portion of the concrete-block building has also been removed to maintain 18-feet of width for the access road on the northern end of the site. In addition, a portion of the building to the rear of the site has also been eliminated to bring it

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to within the required setback and provide less intrusion on the abutting property.

The former reserved parking areas at the back of the site have been eliminated to now provide common open space which is proposed to include a community garden, and results in a net decrease of approximately 3,800 square feet of impervious surface.

Planning Board members expressed appreciation for the improvements to the site plan, including the provision of more open space, but questioned whether the 22 parking spaces provided would be sufficient, especially to accommodate visitors. There was a request to extend the pedestrian walkway at the south end of the building to connect with the walkway at the back end of the building.

The applicant team then presented revisions to the construction management plan and schedule, including provisions to prevent sediment and erosion, and a blasting schedule that should last two days. The team anticipates 30 to 40 truck-trips to remove earth. The management plan limits delivery traffic and construction parking to on site locations, and restricts parking of vehicles on Fletcher Avenue except in specific instances. The schedule anticipates the entire process to be complete within 18 months. The Board asked if the development team could commit to waiting until all the access improvements are made before beginning work on the building, which the applicants stated that they would add a note on the Construction Management Plan. The Board also inquired as to the amount of traffic generated by removal of debris from demolition.

Mr. Farrington stated that the applicant team has a bias toward promoting ownership opportunities, and that providing 10 percent of the units as affordable would create a fractional unit and the team felt that rounding from 1.3 to 2 units was excessive. The team proposed restricting in perpetuity one unit at a price affordable to a household earning 70 percent of the area median income and a contribution of \$200,000 to LexHAB or an alternative buyout for the second unit. The Board agreed that the proposal sounded reasonable and wanted assurances that the affordable unit would be deed restricted.

Audience Questions and Comments: Comments from the audience were related to the construction management plan, review of environmental assessments and testing, asbestos abatement, and parking impacts on Fletcher Avenue. Planning Board members requested a review within one year of the issuance of a certificate of occupancy to determine whether more parking is needed on the site and to consider modifications to the site plan if needed. Additionally, the Planning Board requested the contractor provide a liaison and contact information to the neighbors to address any issues or concerns related to negative impacts during the construction of the project.

On a motion duly made and seconded, it was voted, 4-0¹, to grant a special permit with site plan review (SPS) for a planned residential development, with conditions that all verbal agreements made during the hearing would be addressed. Additional conditions included the provision of one affordable housing unit deeded in perpetuity to households earning no more than 70 percent of the area median income along with a contribution in the amount of \$200,000 to LexHAB, or another option acceptable to the Planning Board,

Ms. Manz thanked the applicant team for being so responsive to the Board's requests. She closed the hearing at 9:05 p.m.

¹ Mr. Galatsis was not present, and as such did not vote on the special permit with site plan review.

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FINDINGS AND DETERMINATION

After extensive review of the application under Article III Sections 135-11 and 135-12, Article IX Sections 135-44, 135-45, 135-46, and 135-50 of the Code of the Town of Lexington, the Planning Board finds and determines that the proposed development, subject to the conditions set forth in this special permit with site plan review, meets certain criteria and standards as set forth in the Code of the Town of Lexington Zoning By-Law in Article III, Section 135-12B (1) and Article III, Section 135-12B (1)(a)-(f) and with the applicable objectives set forth in paragraphs Article III, Section 135 B(2) (a) –(p) and Article III, Section 135-11B (2) (a) and (b).

The text of the applicable sections of the Code of the Town of Lexington Zoning By-Law is set forth below in italics. The basis for each finding and determination with respect to the proposed project is set forth following each subsection of the applicable sections of the Code in non-italicized type.

The Planning Board finds and determines that the proposed site plan for the redevelopment project:

§135-12B(1) (a) complies with such criteria or standards as may be set forth in the section of this Bylaw which refers to the granting of the requested special permit with site plan review.

The proposed plan is consistent and complies with the criteria and standards set forth in §135-44 and §135-46 of the Zoning Bylaw pertaining to residential development.

§135-12B(1) (b) is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area.

- 1) The project involves redevelopment of existing structures formerly used for manufacturing, converting the site in a residential neighborhood to multi-family condominiums.
- 2) The redevelopment project converts approximately 3,000 square feet of currently impervious surface to common open space, and has minimal impacts to existing natural features, including preservation of existing trees and landscape where feasible.

§135-12B(1) (c)-meets accepted design standards and criteria for the functional design of facilities, structures and site construction:

The project meets accepted design standards and criteria for the functional design of facilities, structures and site construction, as set forth in the Zoning By-Law and the Development Regulations, with any minor adjustments and field adjustments to be worked out between the applicant's design team, the Planning staff, the Engineering Division and Fire Department. Any such modifications shall be in accordance with sound engineering and site planning practice and in compliance with the Development Regulations or otherwise acceptable to the indicated departments;

§135-12B(1) (d) will not create impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the street system for vehicular traffic, the sidewalks and footpaths for pedestrian traffic, and, in addition, for residential developments, the recreational facilities, which cannot be accommodated by such services and facilities, or where there is insufficient capacity in such services and facilities, improvements will be made to provide sufficient capacity (see Article XII for the standards for the adequacy of the street system to accommodate additional traffic).

- 1) Within the proposed development site, the proposed sanitary sewer system, the stormwater management system, the water supply connection and the street system for vehicular traffic, are all designed so that they comply with the Town's standards for public services and facilities or are otherwise fully acceptable to the Lexington Engineering Division and

the Planning Board. The interception of surface water runoff into the proposed subsurface infiltration system will result in a reduction in the rate and volume of stormwater runoff and promote water quality. All stormwater management structures and facilities will be maintained by a legally constituted association of the homeowners and this obligation shall bind all heirs, successors and assigns in the property;

- 2) The adjacent public sanitary sewer collection system, stormwater management system, water supply distribution and street system for vehicular traffic, are of adequate capacity or otherwise capable of mitigation or improvement, to avoid diminution or deterioration of capacity and performance;
- 3) The applicants will exercise best management practices for protection of all trees to be retained.
- 4) There will be adequate access to the proposed residences by the fire department, police, medical, public works and other emergency personnel and equipment

§135-12B (1) (e) will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the approved development, so that the development will be compatible with the surrounding area.

- 1) It will not create adverse impacts off the site because the site is graded to direct any excessive stormwater toward the site's stormwater management system which, in turn, will direct it into the recharge areas and stormwater detention on the site.
- 2) It will minimize adverse impacts on the site by the reduction in the rate and volume of stormwater runoff as well as pollution and sedimentation removal.

§135-12 B (1) (f) is consistent with the general purposes of this By-Law as set forth in §135-1, and the more specific objectives and purposes applicable to the requested special permit with site plan review which may be set forth elsewhere in this By-Law, such as, but not limited to, those at the beginning of the various sections.

The Planning Board determines that granting this Special Permit with Site Plan Review is justified according to the Town of Lexington Zoning By-Law in §135-1. Purpose, and in §135-2.C, Description, Purpose of Districts, by the Objective of Residential Developments set forth in §135-44 because:

- 1) The former manufacturing use is a nonconforming use in the surrounding residentially zoned (RO) neighborhood zoned, which does not allow multi-family development. The Board of Appeals approved the a special permit requested by the proponent to allow a new use not otherwise permitted by right in the zoning district in which a nonconforming use is located, to be substituted for the existing nonconforming use, in accordance with §135-28 (c)(2) and (c)(3) of the Code.
- 2) The project promotes the objectives of Chapter 135, Article IX Residential Development.
- 3) The development of these dwelling units does not detract from the livability, scale, character or economic value of the existing residential neighborhood.

§135-12B(2)(a) that the proposed development will not present a demonstrable adverse impact on the surrounding area resulting from: [1] excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; [2] emission or discharge of noxious or hazardous materials or substances; [3] pollution of water ways or ground water, or [4] transmission of signals that interfere with radio or television reception.

- 1) As a residential use, excessive noise, levels of illumination, glare, dust, smoke or vibration will be not be generated in a manner inconsistent with the surrounding neighborhood.
- 2) The planned redevelopment will not result in the emission or discharge of noxious or hazardous materials or substances.

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- 3) The stormwater management system for the project will limit pollution of groundwater and will improve the water quality of the existing stormwater management from the site, by means of the use of subsurface infiltration facilities.
- 4) Residential uses are unlikely to transmit signals that interfere with radio or television reception.

§135-12B(2)(b) that the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of vegetation that may result therefrom, particularly from development on steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption.

- 1) Grading for the project will take place within already developed areas on the site.
- 2) A portion of the existing building on the west side of the site facing Fletcher Avenue will be removed to allow for the site access to be shifted further away from the existing slope, thereby minimizing the height needed for a new retaining wall and preserving existing trees.

§135-12B(2)(c) that buildings are located [1] harmoniously with the landform, vegetation and other natural features of the site, [2] effectively for solar and wind orientation for energy conservation, and [3] advantageously for views from the building while minimizing the intrusion on views from other buildings.

- 1) The project is the redevelopment of an existing building that predates development of the surrounding residential neighborhood.
- 2) The perimeter of the property is significantly vegetated and screens the site from abutting properties.

§135-12B(2)(d) that a system of routes for pedestrians, including bicycles, with minimal conflicts with vehicles, is provided.

Pedestrian walkways delineated by patterned concrete will be provided throughout the development, providing connections to parking areas, common open space, and Fletcher Avenue.

§135-12B(2)(e) that all measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area of a proposed development are taken, such as, but not limited to, minimizing the velocities of water runoff, maximizing protection of disturbed areas from stormwater runoff, and retaining sediment within the development site as early as possible following disturbances.

- 1) The stormwater management system will attenuate the peak runoff rates from the property.
- 2) Measures will be taken to eliminate erosion and control sedimentation during construction and, as needed, on a permanent basis.

§135-12B(2)(f) the removal or substantial alteration of buildings of historic or architectural significance is minimized and that new uses or the erection of new buildings is compatible with buildings or places of historic or architectural significance.

The Historical Commission reviewed the proposal for the project and supports the proponent's efforts to restore the building and the character of the structure.

§135-12B(2)(g) that the natural character and appearance of the town is enhanced. Awareness of the existence of a development, particularly a non-residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, single family neighborhoods or Town property by the effective use of existing land forms, or alterations thereto, such as berms, and by existing vegetation or supplemental planting.

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- 1) Existing trees will remain where possible and will be supplemented by the planting of adequately sized trees and other vegetation;
- 2) The topography of the site is significantly higher than surrounding single-family uses, and as such, the development is not directly visible to abutting properties.

§135-12B(2)(h) that open space on the site, particularly such common open space and usable open space as may be required by this By-Law, is located and designed so as to increase the visual amenities for the surrounding area as well as for the occupants of the development.

- 1) The project involves reducing existing impervious parking areas to provide a landscaped common open space area and community gardens for residents of the redeveloped building.
- 2) Existing trees will remain where possible and will be supplemented by the planting of adequately sized trees and other vegetation;

§135-12B(2)(i) that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area.

- 1) The project is converting a former manufacturing use to a multi-family residential development that is more compatible with the surrounding single-family neighborhood.
- 2) The existing buildings that will be retained predate the development of the abutting properties.

§135-12B(2)(j) that construction on the site conforms to good design practice for features such as parking and loading, grading, landscaping, drainage, utilities, lighting.

The construction of the subdivision will conform to high standards for design practices for grading and landscaping, stormwater management, and utilities, as set forth in the Zoning By-Law and in accordance with sound engineering and site planning practice.

§135-12B(2)(k) that there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.

The setbacks and distances between the buildings and the site drive provide easy access to the dwellings and the grounds adjoining them for operations by fire, police, medical and other emergency personnel and equipment on the property.

§135-12B(2)(l) that there is improved access to, or the development of additional links and connection to, a Town system of public facilities such as conservation areas, recreation facilities, footpaths or bicycle paths, street or utility systems.

The project is a redevelopment of an existing non-conforming structure in an already developed neighborhood. As such, requirements of this section do not directly apply. The proposed improvements include an on-site pedestrian network to provide new residents with enhanced access to Fletcher Avenue.

§135-12B(2)(m) that the location of intersections of access drives with the Town's arterial or collector streets minimizes traffic congestion.

The access drive is an existing drive that connects to Fletcher Avenue, which is a collector street. Improvements are being made to the access drive to improve site lines, and restrictions will be put in place to only allow left-turn movements from the site onto Fletcher Avenue to improve vehicular safety.

§135-12B(2)(n) that electric, telephone, cable TV and other such lines and equipment are either placed underground or are as inconspicuous as possible; that support facilities such as storage, refuse disposal, utility buildings and structures for recreational activities are located, and screened, to form as effective a visual screen of them as is possible.

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Danielle M. Simpson
TOWN CLERK
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- 1) The electric, telephone, cable TV and other such lines and equipment for the development will be placed under ground.
- 2) Trash and refuse disposal areas are located to the rear of the site, and will be screened in an enclosed facility.

§135-12B(2)(o) that no development shall cause downstream properties, water courses, channels, or conduits to receive stormwater runoff from a proposed development at a higher peak flow rate, or to receive other unreasonable impacts, than would have resulted from the same storm event occurring over the site of the proposed development in its natural undeveloped condition.

The runoff after completion of the redevelopment of the site will be improved, and will not exceed the runoff currently occurring under exiting conditions with respect to the peak runoff rates and volume up to the 100-year storm event.

§135-12B(2)(p) that adequate water quality standards are promoted giving due regard to the conservation of surface and ground waters for the protection of fish and wildlife, recreational purposes and the use of such water for public water supply in communities which are downstream, by requiring that adequate pollution abatement controls be incorporated into the drainage design of the proposed development.

Adequate pollution abatement controls are incorporated into the stormwater management design.

DECISION

The Planning Board, acting as the Special Permit Granting Authority, in accordance with Article III Section 135-12, Line 1.18 of Table 1, and Article IX Sections 135-44, 135-45, 135-46, and 135-50 A of the Code of the Town of Lexington, GRANTS:

- 1) A special permit with site plan review for the subdivision entitled "Jefferson Union Buildings, 31 Fletcher Avenue, Lexington, Massachusetts."
- 2) The definitive site development plan is comprised of 20 sheets including the cover, of which two sheets will be recorded:

<u>Sheet Number</u>	<u>Title</u>	<u>Latest Date or Revision</u>
C2	Site Layout Plan	July 28, 2005
C3	Grading, Drainage & Utility Plan	July 28, 2005

The following sheets that provide construction information or other documentation were submitted and will not be recorded:

<u>Sheet Number</u>	<u>Title</u>	<u>Latest Date or Revision</u>
-	Cover Sheet, Locus Plan	November 30, 2004
Z.1	Building Dimensional Data & Existing Conditions	July 28, 2005
C1	Existing Conditions Plan	July 28, 2005
C4	Site Drive Profile	July 28, 2005
C5	Construction Details	November 8, 2004
C6	Erosion/Sediment Control & Construction Management	July 28, 2005
LA 1.0	Landscape Plan	July 28, 2005
	Community Commons Sketch	July 12, 2005
LT 1.0	Lighting Plan	February 15, 2005
LT 1.1	Parking Area Photometric Study	February 15, 2005

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A1.1	Schematic Design First Floor Plan	July 28, 2005
A1.2	Schematic Design Second Floor Plan	July 28, 2005
A1.3	Schematic Design Third Floor Plan & Det. Sing. Fam. Plan	July 28, 2005
A1.4	Schematic Design West & East Elevations	November 30, 2004
A1.5	Schematic Design South & North Elevations	November 30, 2004
A1.6	Schematic Design West & East Courtyard Elevations	November 30, 2004
A1.7	Schematic Design Section and Bldg. 5 Elevations	November 30, 2004
EL	Front Wall Elevation	July 28, 2005

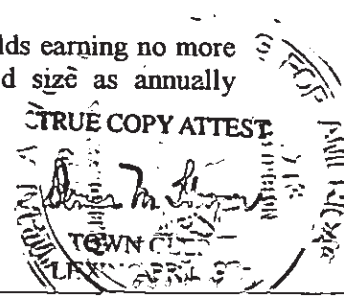
TERMS AND CONDITIONS

The plan must comply with the Planning Board's Development Regulations and the Zoning Bylaw found in the Code of the Town of Lexington, as Chapter 175 and Chapter 135 (respectively), and is subject to the following terms and conditions of this special permit with site plan review.

The Planning Board's approval of a plan does not affect any right others may have in or over the land to be subdivided or improved, nor does it give the applicant the right to perform work on land owned by others. The acquisition of necessary rights and presentation of complete and correct information to the Board are responsibilities of the applicant and the failure to do so, including the failure or inability to obtain all necessary permits, licenses, releases or rights, may constitute a reason for the disapproval of a plan or the rescission of approval of any approved plans.

SPECIAL CONDITIONS

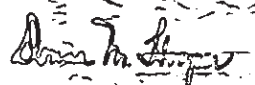
- 1) The applicant and his design team shall reach final resolution of any outstanding minor issues, in addition to revisions to the site plan committed to by the applicant as part of verbal agreements made during the public hearing. Any adjustments made shall be of the most minor nature and shall not significantly modify the proposed building siting, finish grades and site layout, nor shall any changes cause an increase in projected impacts of gross area, site coverage and living area. Changes, if needed, shall be made by the time the Site Development Plan is submitted to the Planning Board for endorsement.
- 2) It is intended that the interior drive will remain in private ownership and will not be accepted by the Town of Lexington as a public way and that the responsibility for the maintenance of the interior drive resides with the owners of the property and not with the Town of Lexington.
- 3) The developer shall place a restriction, which runs with the land, in the deed of each condominium requiring that liability and responsibility for maintenance of the proposed drainage system and of all other on-site facilities shall remain with the private owner, heirs, successors and assigns and that the owner(s) are responsible for maintaining the roadway surface, subsurface, utilities, sewer pumping station, retaining walls, fences, trees, landscaping and all other features on the property after their initial construction, installation and planting by the developer. A copy of the restriction, as well as the Operation and Maintenance Plan, shall be furnished to the Planning Board prior to the endorsement of the plans.
- 4) An annual report of inspections and maintenance of the storm water facilities shall be maintained by a legally constituted association of the homeowners.
- 5) One dwelling unit shall be made available for ownership to households earning no more than 70 percent of the area median income (AMI), adjusted for household size as annually



determined by the US Department of Housing and Urban Development. Such affordable housing restrictions shall be in perpetuity and shall be recorded in the deed for the unit. The applicant shall be responsible for preparing and submitting an application to the Local Initiative Program (LIP) under the Commonwealth's Department of Housing and Community Development to certify the unit under the Town's supply of affordable housing. In addition, the proponent shall make a contribution in the amount of \$200,000 to the Lexington Housing Assistance Board (LexHAB), or another option acceptable to the Planning Board as a modification to the Special Permit, for use in the Town's affordable housing program. The occupancy permits for the final two market-rate units will be delayed until the LIP unit is certified and when contribution is conveyed to LexHAB or as otherwise agreed to.

6) The gross floor area, living area and site coverage of the dwelling units will not be greater than the approximately 25,031 square feet as shown on Sheet Z.1, Building Dimensional Data & Existing Conditions. Square footages for each of the 13 condominium units shall not be greater than those shown in the table below:

Unit Number	Dwelling Type	Living Area in square feet
Unit 1	Attached	1,620
Unit 2	Attached	1,600
Unit 3	Attached	2,462
Unit 4	Attached	1,630
Unit 5	Attached	1,413
Unit 6	Attached	1,421
Unit 7	Attached	1,381
Unit 8	Attached	1,633
Unit 9	Attached	1,595
Unit 10	Attached	1,516
Unit 11	Attached	1,515
Unit 12	Attached	1,776
Unit 13	Detached	1,848
Common Area		500
Total		22,410

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7) The elevated pedestrian walkway along the south side of Building 1 will be extended to the back of the building to connect to the other proposed walkway, which will be continued through the site to the common open space. The walkway will be depicted on Site Layout Plan as decorative stamped bituminous concrete.

- a. A walkway, delineated by decorative stamped bituminous concrete, will be provided along both sides of the of the southern access drive.

8) Construction work on buildings will not commence until work on the site access drive and the connection to Fletcher Avenue is sufficiently complete to allow all traffic and parking to be facilitated on-site in an effort to avoid impacts to the surrounding neighborhood related to construction vehicle traffic, parking and, delivery of materials and the hauling of debris. All construction worker parking will be on-site. Such commitments will be annotated on the Construction Management Plan.

9) Notes shall be added to the Construction Management Plan related to the removal of asbestos to be done by a licensed abatement professional. Additional requirements on the Construction Management Plan shall stipulate that a liaison will be established by the General Contractor to work with surrounding neighbors to address any negative impacts or concerns. Contact information for the project liaison shall be made available to abutting neighbors.

10) Parking spaces will be deeded to individual dwelling units at the number of one-space for each two-bedroom unit and two-spaces for each three-bedroom unit, for a total of 17 dedicated parking. The remaining 11 spaces may not be deeded to individual units, but shall be available for use by all residents and their visitors. One year after the issuance of the Certificate of Occupancy for the last unit constructed, the proponent will meet with the Planning Board to determine if the number of parking spaces is sufficient and initiate a modification to the Site Layout Plan if necessary.

GENERAL CONDITIONS

1) Any sale or transfer of rights or interests in all or any part of the property described in this plan shall include a condition that heirs, successors and assigns are bound to the terms and conditions of this Certificate.

2) The developer shall preserve all trees to be retained, as shown on the Landscape Plan, from damage or loss by construction activities, by erecting protective barriers and avoiding stockpiles of earth materials on root systems of trees during construction.

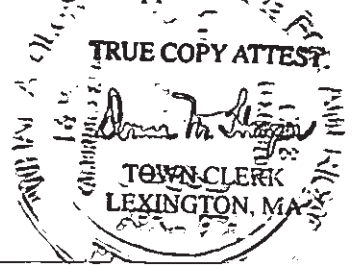
3) The applicant shall be responsible for maintaining in a healthy condition all new trees and shrubs shown on the landscaping plan for a period of one year after planting. Trees that are damaged or not likely to survive in a healthy state shall be replaced and maintained for at least one additional year.

4) Before any construction work is started, the proposed limit of work, shown as the proposed tree line on the plans submitted, shall be clearly marked with stakes or flags and shall be confirmed by the Board's designated representative. Such markers shall be maintained until all construction along the limit of work line is complete. Workers shall be informed that no construction activity is to occur beyond this line at any time.

5) No construction activity shall take place outside the "limit of work" line except as may be approved in advance by the Planning Board. Such approvals shall not require a public hearing or an amendment to the approved definitive site plan. Minor field changes from required improvements may be made with the prior written approval of the Board's designated representative. All such changes shall be included in the "as-built" plans submitted to the Engineering Department. Any disturbance outside the "limit of work" line will be returned to its original state by the developer.

6) During the construction process steps will be taken to protect against soil erosion using currently accepted measures such as hay bales.

7) Final contours and building locations shall be as shown on the definitive plan and as on the architectural elevations and floor plans presented at the hearing unless a change is approved by vote of the Board.



8) The Planning Board, in accordance with §135-15 of the Code, will require that the developer provide a covenant running with the land, executed and duly recorded by the owner of record, whereby the conditions and safeguards included in such special permit shall be performed before any unit may be conveyed other than by mortgage deed.

9) No construction activity on the property which may cause noise, vibrations, glare, dust, debris or other detrimental impact, which is noticeable on adjacent lots shall take place prior to 7:00 a.m. or after sunset or 5:00 p.m., whichever is later.

10) Prior to the issuance of any Certificate of Occupancy for any dwelling and the occupancy of any dwelling, sewers shall be connected to Town sewer lines and approved by the Town Engineer.

11) No Certificate of Occupancy shall be granted until final grading and landscaping of the parcel is completed.

12) All electric, telephone, cable TV and other such lines and equipment for the development shall be placed under ground

13) Prior to the issuance of an Occupancy Permit the Fire Department shall be provided with a fire hydrant flow test for any new hydrants installed.

REASONS FOR CONDITIONS IMPOSED IN THESE SPECIAL PERMITS

The Planning Board's reasons for imposing the general terms and conditions are that these conditions are the regular, procedural requirements that call for the recording of information and recognize the need for flexibility in construction of a development while insuring adequate notification, monitoring and inspection by the Town and compliance with the terms and conditions and the Development Regulations and the Zoning Bylaw.

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Donna M. Shapiro
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Jefferson Union


DECISION

The Planning Board, by a vote of 4 – 0, approved the special permit with site plan review. Members voting to approve were as follows:


Wendy Manz


Richard Canale


Thomas M. Harden


Charles Hornig

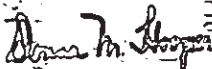
August 3, 2005

c.c. Applicant by Certified Mail #
Board of Health
Building Commissioner
Conservation Commission
Fire Chief
Police Chief
Town Counsel
Town Assessor
Superintendent of Parks and Trees
Director of Public Works
Revenue Officer

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Arthur Middleton S. Register

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