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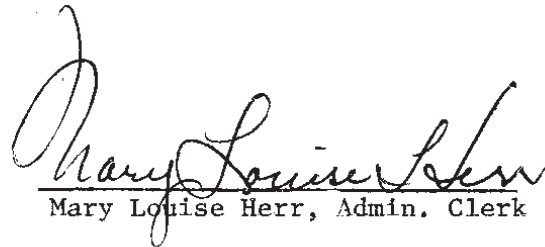
June 20, 1994

I, Mary Louise Herr, Admin. Clerk of the Town of
Lexington, Massachusetts, do hereby certify that twenty days have
elapsed since the decision of the Board of Appeals on

Woodhaven Realty Trust - Locke Village
Map 75
Vacant Lot on Lowell Street #15, Book# 21970 Page# 235

was filed in the office of the Town Clerk on May 27, 1994

and no appeal has been filed in the office of the Town Clerk.


Mary Louise Herr, Admin. Clerk

Lexington, Massachusetts

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TOWN OF LEXINGTON
DECISION OF THE BOARD OF APPEALS

TOWN OF LEXINGTON
LEXINGTON, MASS.

Subject Property: Vacant Lot on Lowell Street (Map 75/Lot 15)
Applicant: Woodhaven Realty Trust
Hearing Date: December 16, 1993

LEXINGTON, MASS.
A TRUE COPY ATTEST:
Bernice A. Foubert
TOWN CLERK

Pursuant to notice in the Lexington Minute-man, a newspaper of general circulation in the Town of Lexington, published on December 2 and 9, 1993, and notice sent by mail, postage prepaid, to all parties in interest pursuant to the provisions of Massachusetts General Laws Chapter 40A, and notice posted as required by said Chapter 40A, a public hearing was held on December 16, 1993, in Estabrook Hall in the Cary Memorial Building on the petition of Woodhaven Realty Trust, filed on October 14, 1993, for a SPECIAL PERMIT WITH SITE PLAN REVIEW (SPS) for a 62-dwelling condominium development on 5.08 acres on Lowell Street, rezoned RD under Article 30 of the 1993 Annual Town Meeting, to be known as Locke Village.

Acting on the petition were: Chairman Francis W. K. Smith, Vice Chairman John J. McWeeney, Robert V. Whitman, Edwin P. Whittemore and Robert F. Sacco.

Applicant submitted the following with the application for hearing: Project Summary; Form C -- Application for Approval of Definitive Plan; Form D -- Designer's Certificate; Deed to Property; Summary of units being conveyed to the Town; Metes and bounds description; Traffic Analysis Report by Fay, Spofford & Thorndike; Certified Preliminary Site Development and Use Plan approved by Town Meeting; Definitive Site Development Plans prepared by Meridian Engineering Collaborative, Inc., Sheets 1 thru 9 (Sheets 4, 8, 9 prepared by Larson Associates Landscape Architects); Architectural Drawings prepared by Lowe Associates, Sheets A1 thru A9; Drainage/Sewer Calculations Report and Analysis.

The Board received the following prior to the hearing: letter from Woodhaven Realty, dated 12/6/93, responding to the Building Commissioner's comments of 11/1/93; and agreement between Woodhaven Realty and Northland Management Corp. to allow construction of a walkway and regrading of land between Woodhaven land on Lowell Street and the adjacent parcel owned by Northland; letter from the Lexington Housing Assistance Board, Inc. (LexHAB), dated 11/29/93, supporting the project in accordance with agreements reached between LexHAB and Woodhaven Realty and summarized in the attached letter, dated 9/24/93.

Prior to the hearing the petition and supporting data were reviewed by the Zoning Officer, Building Commissioner, Conservation Administrator, Town Engineer, Health Director, Fire Chief, Planning Board, Design Advisory Committee, and Board of Selectmen.

The Building Commissioner in his memo of 11/1/93 listed discrepancies in the plans submitted. The Planning Board stated the proposal should adhere to

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Vacant Lot on Lowell Street, Woodhaven Realty Trust (LOCKE VILLAGE) 1:00 2
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TOWN CLERK
LEXINGTON, MASS.

the limits set by Town Meeting. The Conservation Administrator said work described does not require the filing of a Notice of Intent. The Town Engineer, in memos dated 11/8/93, 11/16/93, and 12/14/93, reported on progress to work out drainage problems. The Design Advisory Committee recommended approval.

The following were present at the hearing: Developers Richard Perry and Peter Kelley of Woodhaven Realty Trust; Attorney Alan Wrigley; Site Engineer Rick Waite, Meridian Engineering; Landscape Architect Gary Larson. The presentation was made by Peter Kelley. He displayed the site plan with the final drafts of the landscape and drainage plans. Mr. Kelley said the project is subject to the 1992 Zoning Bylaw and all changes in the final plans are minor and well within the 10% scope. The drainage and landscape plans have been worked out with the Town Engineer and Design Advisory Committee. The walkway has been realigned to the Middlesex Mall. There is no difference in density and no difference in the number of units that will be donated to the town. Woodhaven Realty will not support the construction of the sidewalk on the easterly side of Lowell Street requested by the Town Engineer as there is a sidewalk on the other side of Lowell Street. He submitted the following three sheets as final revisions to replace those in the original Site Development Plan:

- DRAINAGE PLAN, Sheet 6 of 13, revision dated 12/6/93;
- UTILITY PLAN, Sheet 7 of 13, revision dated 12/6/93;
- LANDSCAPE AND LIGHTING PLAN, Sheet 8 of 13, revision dated 12/6/93.

In response to questions from the Board, Mr. Kelley said there is no change in the height of the buildings or the density. The six units, two in each buildings, which will be transferred to the town, have been approved by LexHAB, and LexHAB has endorsed the project.

Planning Board member Richard Canale said the final plans should comply with those approved by Town Meeting. Mr. Kelley said he has worked out all the difficulties with the appropriate town officials and the project has been approved by the Annual Town Meeting when the Zoning District was changed to RD. He requested that the Board of Appeals grant the Special Permit with Site Plan Review.

Finding and Decision:

Applicant seeks a special permit with site plan review authorizing the development of 5.08 acres of vacant lot on Lowell Street, rezoned RD under Article 30 of the 1993 Annual Town Meeting, to construct a 62-condominium unit development to be known as Locke Village, all as described in the Applicant's Preliminary Site Development and Use Plan, as amended April 26, 1993. The development will consist of sixty-two condominium units in three buildings. Sixty of the units are two-bedroom units and two are three-bedroom units. Six units, two in each building, will be transferred to LexHAB. Parking is provided in parking garages located below each building (95 spaces), and on

LEXINGTON, MASS.
A TRUE COPY ATTEST: JUN 20 1994

Bernice A. Fairbank
TOWN CLERK

Vacant Lot on Lowell Street, Woodhaven Realty Trust (LOCKE VILLAGE)

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the surface (42 spaces), with a total of 137 proposed parking spaces. Drainage and landscape problems have been resolved. LexHAB has endorsed the project and the floor plans of the units to be transferred.

The Board finds that the project, as described in the application, conforms substantially to the project as described in the Preliminary Plan approved by Town Meeting and is consistent with the considerations set forth in subsection 3.4 of the Zoning Bylaw. The Preliminary Plan, as modified and described in the application, is hereby incorporated in this decision.

Based upon testimony at the hearing and consideration of the application and supporting documents, the Board of Appeals, by unanimous vote, hereby grants a Special Permit with Site Plan Review to Woodhaven Realty Trust to construct a 62-unit condominium development on 5.08 acres on Lowell Street (shown on Assessors' Map 75 as Lot 15) and rezoned RD under Article 30 of the 1993 Annual Town Meeting, to be known as Locke Village.

This Special Permit with Site Plan Review is granted subject to the following conditions:

1. If the Town of Lexington elects to install a sidewalk along the east side of Lowell Street within the next three years, the developer will contribute the sum of \$2,000 to install a pedestrian-activated walk signal at the Lowell Street and North Street intersection.
2. Six (6) units will be contributed to the Lexington Housing Assistance Board, Inc., in accordance with the agreement between LexHAB and the developer.

LEXINGTON, MASS. JUN 20 1994
A TRUE COPY ATTEST:

Bernice A. Laible
TOWN CLERK

1994 MAY 27 PM 1:00
TOWN CLERK

LEXINGTON BOARD OF APPEALS DECISION

Hearing date: December 16, 1993

This constitutes the record of the Board of Appeals' Decision relative to:

Subject Property: Vacant Lot on Lowell Street (Map 75/Lot 15)

Petitioner/s: Woodhaven Realty Trust (Locke Village)

BOARD OF APPEALS OF LEXINGTON (Acting under the Lexington Zoning By-law, Lexington General Town By-laws, and the General Laws of Massachusetts, Chapter 40A)

1994 JUN 16 11 27 AM
LEXINGTON MASS

Robert V. Whitman

[Signature]
[Signature]

[Signature]

[Signature]

Chairman

I, Elinor Greenway, Administrative Clerk of the Board of Appeals, certify that copies of the decision have been filed with the Town Clerk of Lexington and the Planning Board.

Elinor Greenway

In accordance with Mass. G.L., Ch. 40A, SS11, "No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town or city clerk that twenty days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant." Prior to the issuance of a building permit, the applicant shall present to the Building Commissioner evidence of such recording.

In accordance with Mass. G.L., Ch. 40A, SS9, Ordinance and by-law shall provide that a special permit shall lapse within two years unless substantial use or construction has commenced.

JUN 20 1994

A TRUE COPY ATTEST:

[Signature]
TOWN CLERK