

BOARD OF SELECTMEN HEARING AND DECISION

Hearing Date: September 15, 1980 and September 22, 1980

The Board of Selectmen, acting under the Lexington Zoning By-Law and G.L. Chapter 40A, having received a written petition addressed to it by

John R. Clark & Associates
235 Binney St., Cambridge, Ma.

held a public hearing on September 15, 1980, in the Selectmen's Meeting Room, Town Office Building. Notice of the hearing was given by publication in the Lexington Minute-Man newspaper and by posting in the town office building and parties in interest were notified, all as required by law. Five members of the Board were present and acted on the petition. The hearing was recessed to September 22, 1980 at 9:00 p.m. in the Selectmen's Meeting Room. The five members of the Board of Selectmen again acted upon the petition. A copy of the petition, a certificate of mailing and a copy of the legal notice are attached hereto.

The petitioner seeks a special permit under Section 9.3 of the Zoning By-Law of the Town of Lexington for the conversion of and addition to the former Parker School into 28 condominium units in accordance with the petitioner's proposal to the Town Meeting of March 3, 1980, and subsequent vote thereof at the adjourned session of April 7, 1980 approving the sale, use and site plan of the property and in accordance with a site development plan prepared by Childs Bertman Tsoekaros & Casendino, Inc. entitled "Parker School Condominium" dated July 30, 1980 submitted with the petition.

Anthony Casendino, Dennis O'Driscoll, Robert Powers and Stephen T. Russian represented the petitioners. The Board has received the report, pursuant to Section 3.4.2 of the Zoning By-Law of the Town of Lexington, of the Planning Board unanimously supporting the project but recommending the withholding of the special permit until the petitioner submits more detailed information.

Findings and Decision

Pursuant to Sections 9.3, 3.3 and 3.4:

After site plan review under Section 3.4, including the proposed placement of buildings, major topographic changes, provisions for waste disposal, surface and ground water drainage, protection against flooding and inundation, prevention of

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water pollution and environmental damage, erosion control, parking areas, loading areas, maneuvering areas, driveways, and the location of intersections of driveways and streets, and consideration of recommendations from the Planning Board and in accordance with Section 3.3, the Board of Selectmen finds:

1. If the proposed conversion and addition is carried out in conformance with the development proposal approved by the Town Meeting on April 7, 1980, (which proposal is incorporated herein by reference), with such minor deviations as are shown on the plans submitted with the Application for Special Permit, which plans conform substantially to the development proposal approved by the Town Meeting, such conversion and addition will constitute a suitable development and will not result in substantial detriment to the neighborhood.

2. The proposed conversion will be a practical residential development, will be compatible with the neighborhood and will create in the neighborhood economically priced and a variety of housing.

3. The public welfare and convenience will be substantially served by the granting of the special permit.

4. The requested permit will not tend to impair the status of the neighborhood.

5. The requested permit is for a use in harmony with the general purpose and intent of the Zoning By-Law.

GRANTED, unanimously, a special permit pursuant to said sections, subject to the following conditions:

1. There shall be a maximum of 28 condominium dwelling units in the development.
2. Seven of the condominium dwelling units shall be donated to the Lexington Housing Authority for low and moderate income housing purposes. The seven dwelling units donated to the Lexington Housing Authority shall be scattered throughout the complex.
3. No building permit, other than a foundation permit for the proposed addition, shall be issued until site work construction drawings, or their equivalent, in a format acceptable to the Town Engineer, have been submitted and approved for the following:



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- a. A contour plan meeting the requirements of Section 5.7 of the "Rules and Regulations Governing the Subdivision of Land in Lexington, Mass."
- b. The stairway leading from Bedford Street to the walking easement adjoining the south property line,
- c. Facilities for waste disposal, including the means of access for refuse disposal vehicles, and the screening of waste disposal facilities,
- d. Drywells and all other surface and underground drainage systems; the proposed treatment of the discharge pipe on the west slope (toward Valley Road) to stop erosion and handle runoff in that area in a satisfactory manner,
- e. The connection between the existing sewer and all proposed new sewer lines,
- f. The driveway showing the width, slope, curbing, and drainage controls and retaining walls,
- g. The proposed treatment of the intersection of the driveway with Bedford Street, with particular attention to a levelling strip and safe sight distances.

All of which shall conform to good engineering and construction practice and to the standards of the Town of Lexington, and shall be subject to the approval of the Town Engineer.

4. An easement, of at least 30 feet in width, along the south property line of the site to provide access to the conservation land at the rear of the property shall be granted to the Town. The petitioner shall construct steps leading from Bedford Street to the easement. The open area at the south side of the building, as shown on the site development plan, shall be maintained as open space with the understanding that recreational or other outdoor activities reasonably related to the condominium development shall be permitted in the open space.

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5. The existing windows shall either be removed and replaced or a thicker glazing installed to conserve energy and protect residents from noise created by the air traffic of nearby Hanscom Field and the vehicular traffic on Route 128.
6. Plant materials and trees, of a type approved by the Town Director of Conservation/Recreation shall be maintained or planted, so as to provide effective visual screening along the north lot line between the development and the property at 324 Bedford Street (Lot 112 as shown on Assessors Plan #78).
7. With respect to the exterior materials of the addition, the bricks shall match the color of the existing building and the roof material shall match the color of the existing roof.
8. No earthwork or topographic changes, except for the foundation for the addition, shall be permitted between the time the property is conveyed to the petitioner and the time that a building permit is issued.
9. The petitioner shall post a bond in a sum set by the Board of Selectmen to secure the due performance by it of its obligations hereunder, and such bond shall be released only with the written approval of the Board of Selectmen.
10. Subsequent to the approval by the Town Engineer of the construction drawings and other material described in #3 above, and subsequent to the issuance of a building permit, only minor changes, approved by the Building Commissioner due to site conditions, may be made. All other changes, as determined by the Building Commissioner, shall require the approval of the Board of Selectmen.
11. Neither the special permit hereby granted nor any rights thereunder shall be assignable (except to purchasers of the condominiums and lenders to the developer or to such purchasers for the purpose of such purchase) prior to the completion of all work.

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This permit will lapse on October 1, 1982, if action is not taken under it and if all work is not done by said date. Copies of this decision have been filed with the Planning Board and Town Clerk.

In accordance with State law, before this permit becomes effective, a copy hereof must be recorded at the Registry of Deeds by the petitioners.

The Board hereby makes a detailed record of all its proceedings relative to such petition and hereby sets forth that the reasons for its decision are its findings hereinbefore set forth and the testimony presented at the said hearing, including that herein summarized, and directs that this record immediately following this decision shall be filed in the office of the Town Clerk of Lexington and shall be a public record and that notice of this decision shall be mailed forthwith to each party in interest.

BOARD OF SELECTMEN
(Acting under the Lexington Zoning
By-Law and General Laws)

Mary H. Griley
Robert J. B...
Robert J. B...
Robert J. B...
Robert J. B...

September 24, 1980

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Mary R. McDonough
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February 27, 1981

Mary R. McDonough, Town Clerk of the Town of Lexington,
Massachusetts, do hereby certify that twenty days have elapsed
since the decision of the Board of ~~xxxxxxx~~ **Selectmen**

John R. Clark & Associates,

235 Binney Street, Cambridge, Mass.

was filed in the office of the Town Clerk on September 25, 1980
and no appeal has been filed in the office of the Town Clerk.

Mary R. McDonough

Mary R. McDonough, Town Clerk
Lexington, Massachusetts

