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Town of Lexington
Town Clerk's Office

Donna M. Hooper, Town Clerk

Tel: (781) 862-0500 x270
Fax: (781) 861-2754

Date: September 21, 2000

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

160-170 Wood Street – Special Permit with Site Plan Review
and Special Permit – Old Smith Farm, Lexington, Massachusetts
(26481 DOCUMENT # 01128742)
Book # and Page # ~~77~~ *CERTIFICATE #1*

filed September 9, 2000, in the office of the Town Clerk. No appeal was filed in the office of the Town Clerk within the 20 day period.

Sincerely,

Marie E. Hill

Assistant Town Clerk

Original of this form and certified copies of the Planning Board Decision received by:

Date: _____

M.G.L. c. 40A ss.17

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SEE PLAN IN RECORD BOOK 319B PAGE 329
#1186

Recorded land only



PLANNING BOARD
Town of Lexington, Massachusetts

90 SEP - 0 11 9 01

John L. Davies, Chairman
Steven L. Colman, Vice Chairman
Anthony G. Galaitis, Clerk
Stacey P. Bridge-Denzak
Frederick L. Merrill, Jr.

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Lexington, MA 02420
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**SPECIAL PERMIT WITH SITE PLAN REVIEW AND
SPECIAL PERMIT**

OLD SMITH FARM ^{LLC} *owner*
LEXINGTON, MASSACHUSETTS

Special Permit with Site
Plan Review - GRANTED

Date of Application: May 13, 1999
Date of Hearing: July 14, 1999
Extended to: August 12, 1999
Date of Decision: September 8, 1999
Date of Filing: September 9, 1999

Special Permit under Sections
9.5, 9.5.6.a.1, 9.5.6.a.2, 9.5.6.a.6,
9.5.6.b and 9.2.2 - GRANTED

*APPROVED PLAN SHEETS/SUBMISSION DRAWINGS ARE FULLY CITED AND DELINEATED
FURTHER ON IN THIS DOCUMENT.*

SUMMARY OF ACTION

The Planning Board, acting under Sections 3.4 and 3.5, Line 1.18 of Table 1, and paragraph 9.5 of the Lexington Zoning By-Law and Massachusetts General Laws, Chapter 40A, received an application on May 13, 1999 from Fidelity Builders Boston, MA. Notice of the hearing was given by publication in the Lexington Minuteman newspaper 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 subdivision plan under the Subdivision Control Law were held concurrently by the Planning Board.

The applicant was seeking:

- 1) approval under Sections 3.4 and 3.5, Line 1.18 of Table 1, and paragraph 9.5 of the Lexington Zoning By-Law of a special permit with site plan review for a planned residential development (cluster subdivision) with 16 units;
- 2) approval under Section 9.5.6.a.1 of the Zoning By-Law, of a special permit in conjunction with a cluster subdivision to allow a reduction in the minimum front and side yard setbacks;
- 3) approval under Section 9.5.6.a.2 to allow more than one dwelling unit on one lot;
- 4) approval under Section 9.5.6.a.6 to modify the required setback for the parking spaces on certain lots; and
- 5) approval under Section 9.5.6.b and 9.2.2 to allow the construction of attached one and two-family dwellings as well as detached single family units.

The site is located at 160 - 170 Wood Street, and is shown as Lots ^{SBC} 59A and 60 on Town Property Map number 59. *mm 9/21/00*

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PUBLIC HEARING

The hearing was convened on July 14, 1999 and continued to a date uncertain in August. The hearing was continued on August 12, 1999. Present on 7/14 were Planning Board members John Davies, Steven Colman, Stacey Bridge-Denzak and Anthony Galaisis. Fred Merrill was absent. Attending from the staff were Director Bob Bowyer and Glenn Garber. Representing the applicant team were Jim Gaklis, Fidelity Builders; Ron Wood, Guidelines, Inc., RLA; Fred Russell, PE; Dan Smith, partner. A number of area residents attended; a sign-up list is on file at the Planning Department.

Much of the discussion centered on confusion on the part of all parties as to the affordable housing public benefit. The original offer at the definitive submission placed four units in some kind of affordable status, but may have assumed that the LexHAB non-profit housing organization was going to purchase one of the units. In recent weeks, when it became clear that the expectation was that the applicant would build and donate a unit to LexHAB, the economics of the project changed and dictated, according to Messrs. Gaklis and Wood, a paring of the affordable housing offered to one unit built for and donated to LexHAB, and the attached unit sold at a price to reflect upper moderate income guidelines (via Lexington Inclusionary Housing Policy and regional HUD income data).

Board members Galaisis and Colman expressed the thought that there was confusion on the public benefit package and that clarification was being sought. Galaisis also expressed caution on reduction of floor area or amenities on affordable units. Marshall Derby of LexHAB stated that the public benefit offering should have been greater. Abutter Norman Gaut of Marrett Street inquired about any obligations to construct the access easement required by the Board between his and the Brady land for the purpose of providing future access as an alternative to the drive through the national park. Mr. Bowyer replied that there was no obligation on anyone's part to actually build the street. Another abutter inquired about the anticipated price of the houses at market value, and Mr. Gaklis indicated that it would be in the low \$400 thousands. Mr. Gaut asked about ownership of the open space and the conservation restriction process was explained to him.

At 9:10 p.m., Chairman John Davies continued the hearing to a future date.

The hearing was continued on August 12 at approximately 8:00 p.m. Messrs. Davies, Colman, Galaisis and Merrill were present. Ms. Bridge-Denzak was absent. Mr. Gaklis represented the development team. Messrs. Davies complimented the applicant's team on a highly responsive submission. Mr. Gaklis reiterated that the extensive discussions with the planning staff and Conservation Commission made it clear that the frequently debated alternative of filling the Isolated Land Subject To Flooding--the old irrigation pond--and redesigning cluster 'A' was simply not feasible and that the stormwater could not be accommodated without use of the area occupied by the access easement. This constraint dictated that the design for cluster 'A' would remain as submitted. He also clarified that the public benefit would be for the two units, the one going to LexHAB and the one attached to it on Lots 14 and 15 (as per his August 10, 1999 letter to the Board), and that the anticipated sales price was currently estimated at under \$275,000. Mr. Gaklis went on to state that he would continue to work with the Lexington Historical Commission on the restoration of the Schumacher Barn and that he would place conservation restrictions on the open space on the site.

Marshall Derby, Chairperson of LexHAB asked for a number of clarifications on the affordable housing benefit. Mr. Gaklis replied that the units would have 1297 SF of living area each and that they would be two bedroom units. The staff responded to his question about the obligation to provide the benefit housing units by stating that the commitment was specified in the special permit approval documents and that the obligation ran with the property. Mr. Galaisis also expressed similar concerns. Derby also reiterated his wish that additional units could be provided, with at least one more residence going to LexHAB.

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Old Smith Farm, 160 - 170 Wood Street
Special Permit with Site Plan Review and Special Permit

Charles Petty of Woodpark Circle asked for an explanation of the access easement through the property and Mr. Bowyer once again described the purpose. Elsie Petty said she preferred that the affordable units have three, not two, bedrooms. Sunglin Shin and Mary Megson had questions about the physical construction and timing of the project construction. They were generally referred to Mr. Gaklis.

The hearing was adjourned at approximately 8:45 p.m.

FINDINGS AND DETERMINATION

After extensive review of the application under Sections 3.3, 3.4, and 9.5 of the Lexington Zoning By-Law, the Planning Board finds and determines that the proposed cluster subdivision, subject to the conditions set forth in this special permit with site plan review and special permit, meets certain criteria and standards as set forth in the Zoning By-Law in Sections 3.4.2 a - f and Sections 3.3.2 a - c and with the applicable objectives set forth in paragraph 3.4.2 g - v and 3.3.2 d - e, and in 9.5.5. [Note: where the several objectives in subparagraphs g - v deal with the same subjects as those in subparagraphs a - f, the findings and determinations are grouped with subparagraphs a - f and cross-referenced.]

The text of the applicable sections of the 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 Zoning By-Law in non-italicized type.

The Planning Board finds and determines that the proposed cluster subdivision:

(3.4.2.a) complies with such criteria or standards as may be set forth in the section of this By-Law which refers to the granting of the requested special permit with site plan review, because:

the proposed plan is consistent and complies with the criteria and standards set forth in Section 9 of the Zoning By-Law for a planned residential development/cluster subdivision, in Section 9.5 for a special permit with site plan review, in subparagraph 9.5.6.a for a special permit to permit reductions in front yard setbacks and setback for parking spaces; number of dwellings on a lot; and subparagraph 9.5.6.b for a special permit to permit the construction of various attached dwellings.

(3.4.2.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, because:

- 1) permanently protecting the common open space, in the form of upland wooded slopes and an Isolated Land Subject To Flooding (areas that include the most constrained portions of the site) will preserve visual and environmental amenities and features in a way that a conventional subdivision would not;
- 2) the retention of existing trees and vegetation will leave more of the site in an undisturbed state than would a conventional subdivision;
- 3) the cluster design generally allows enhancement of compatibility with (the characteristics of the) surrounding area, and will blend visually with the dwellings in the general vicinity; and
- 4) the elevation drawings for the proposed dwellings indicate that they will be architecturally compatible with one another (3.4.2.o.); the dwellings also will be generally compatible with the single family dwellings in the neighborhood, and will be developed under an overall design plan.

(3.4.2.c) meets accepted design standards and criteria for the functional design of facilities, structures and site construction, because:

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

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Regulations (3.4 and 3.6 inclusive), with minor exceptions for final design 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.

(3.4.2.d) will not create significant negative impacts on public services and facilities serving the development, including but not limited to: the sanitary sewer system, the stormwater management system, the public water supply, the street system for vehicular traffic (see Section 12 for the standards for the adequacy of the street system to accommodate additional traffic), and, for residential developments, recreational facilities. Where there is insufficient capacity in such services and facilities, improvements, mitigations or other arrangements shall be established in order to provide sufficient capacity, because:

- 1) within the proposed development site, the proposed sanitary sewer system, the stormwater management system (3.4.2.u.), 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;
- 2) the adjacent public sanitary sewer collection system, stormwater management system (3.4.2.u.), 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 utility connections will not intrude within the drip lines of trees to be retained or otherwise damage preserved vegetation; and
- 4) there will be adequate access to the proposed residences by the fire department, police, medical and other emergency personnel and equipment (3.4.2.q. & v.).

(3.4.2.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, because:

- 1) it will not create adverse impacts off the site because:
 - a) the principal accumulation of common open space abuts large research and development facilities and two existing large-lot residential properties and will function as a substantial wooded buffer separating the proposed development from those abutting uses;
 - b) the site is graded to direct any excessive stormwater away from abutting lots, and toward the site's stormwater management system which, in turn, will direct it into the storm drains, recharge areas and stormwater detention on the site;
- 2) It will minimize adverse impacts on the site:
 - a) compared to construction of a conventional subdivision, the cluster subdivision promotes a higher standard of design for subdivisions and reduces the need for disturbance of steep slopes;
 - b) there is less building area, site coverage and impervious surface than there might be in a conventional subdivision.

(3.4.2.f) is consistent with: 1) the general purposes of this By-Law as set forth in subparagraph 1.1, and 2) 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, (for example, see subsection 8.1, 9.1 or 12.1 or subparagraphs 1.2.3, or 11.1.1), because:

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 Subsection 1.1, Purpose, and in Subsection 1.2.3, Description, Purpose of Districts, by the Objectives of Residential

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Developments set forth in Subsection 9.1, and by the Objectives of Cluster Subdivision set forth in Subsection 9.5.2, because:

- 1) the project is consistent with the purposes of Section 4, Permitted Uses and Development Standards, of the Zoning By-Law, in that residential use is a permitted use in the zoning district and further promotes the objectives of Section 9 (Zoning By-Law) Residential Development and paragraph 9.5 Cluster Subdivisions in particular; and
- 2) the development of these dwelling units in the cluster subdivision does not detract from the livability, scale, character or economic value of the existing residential neighborhood (9.1.1.a.);
- 3) the creation of new dwelling units with 3 and 2 bedrooms, rather than the large new houses being built and dominating the market in Lexington and elsewhere that often have a four bedroom minimum, is in the spirit of objective 9.1.1.b. (encourage greater diversity of housing opportunities in Lexington to meet the needs of a population which is diversified with respect to number of persons in a household, and income) and objective 9.1.1.c. (provide greater choice in the type of housing available to correspond to the varying needs of town residents in different stages of their life cycle;);
- 4) the creation of condominium-type units also responds to the demand among particular housing market segments (such as "empty nesters"), by offering such benefits as the maintenance of the roadway and utilities and the common areas by the condominium association. This also meets objective 9.1.1.c. (provide greater choice in the type of housing available to correspond to the varying needs of town residents in different stages of their life cycle);
- 5) the development of 16 dwelling units, channeled into two curb cuts that meet design standards will not have significant adverse impact upon traffic flow and safety (9.1.1.a.& m); and
- 6) the development preserves a higher percentage of the site as Usable Open Space than is required (9.1.1.g);

Where the SPGA determines that one or more of the following objectives are applicable to the particular application for a special permit with site plan review, the SPGA shall make a finding and determination that the objective will be met:

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

- 1) the planned cluster subdivision will not result in the emission or discharge of noxious or hazardous materials or substances.;
 - 2) 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 infiltration devices, sediment traps and catch basins see Utilities Plan, Sheet # 6;
- and
- 3) residential uses are unlikely to transmit signals that interfere with radio or television reception.

(3.4.2.h) 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 from, such as stone walls, with minimal alteration or disruption, because:

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- 1) the project preserves the existing Isolated Land Subject To Flooding;
- 2) the steepest wooded uplands to the rear of the parcel are to be protected common open space; and
- 3) much of cluster 'B' and a portion of cluster 'A' (involving at least 10 d.u.'s), are sited on the areas of the parcel that are already most disturbed.

(3.4.2.i) that buildings are located 1) harmoniously with the land form, 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, because:

- 1) the predominantly eastern facing of the dwellings follows the natural topographic characteristics of the site, which slopes upward in its entirety from the frontage along Wood Street to the rearmost property line, encompassing elevations 178 to 258 (+/-) feet; and
- 2) the site orientation of the dwellings is similar to that of the old farm structures, clustered on the lower slopes and facing Wood Street.

(3.4.2.k) 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 storm water runoff, and retaining sediment within the development site as early as possible following disturbances, because:

- 1) those requirements will be met in order to comply with the anticipated Order of Conditions granted by the Conservation Commission; and
- 2) the stormwater management system will attenuate the peak runoff rates from the subdivision so that the rate of runoff from the subdivision after it is completed will not exceed the rate of runoff currently occurring under existing conditions up to the 100-year storm event.

(3.4.2.l) the removal or substantial alteration of buildings of historic or architectural significance is minimized and that new uses or the erection of new buildings are compatible with buildings or places of historic or architectural significance, because:

The restoration of the Schumacher Barn will preserve the most significant historical resource on the site. See application submission documents for documentation of historic status of barn.

(3.4.2.m) 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, because:

- 1) relatively dense tree and shrub plantings and retention of selected trees along the front property line will help to screen the closest dwellings from the Wood Street view; and
- 2) the use of strategically placed pedestrian paths within linear planting strips, as well as the planting of hedges in selected locations, will help to screen the development from abutting properties. . See Landscape Plan, Sheets # 7 and 8.

(3.4.2.n) 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, because:

- 1) The open space on the site, by means of encompassing the upper slopes and keeping houses off them, actually lowers visual intrusiveness of development on this site, and

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- concentrates the new houses principally in the areas that have been disturbed for many years by the old farm structures (presently used for rental housing).
- 2) The part of the site that is currently undisturbed is preserved in its natural state, insofar as practicable, by avoiding stripping of vegetation, and by preserving some land as open space; and
 - 3) There will be some degree of restoration of the former "Gail Smith" gardens, to the degree feasible.

(3.4.2.o) that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area, without specifying any particular architectural style, because:

The scale, massing and detailing of the proposed dwellings are clearly residential and generally compatible with those dwellings in the surrounding area. The relatively modest scale of these homes, both attached and detached, avoids issues of conflicting scale that so often arise with the burgeoning construction of "jumbo" houses in older neighborhoods.

(3.4.2.p) that construction on the site conforms to good design practice for features such as parking and loading, grading, landscaping, stormwater management, utilities, lighting, because:

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.

(3.4.2.q) that there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment, because:

The setbacks and distances between the dwellings and the proximity of the dwellings to the roadway 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.

(3.4.2.r) that there is improved access to, or the development of additional links and connections to, a Town system of public facilities such as conservation areas, recreation facilities, footpaths or bicycle paths, streets or utility systems;

The applicant's intention to create or re-establish pedestrian trails to the upper slopes on the site and to the former gardens (see Landscape Plan, Sheets # 7 and 8) creates a link from Wood Street to the highest elevations on the site at the rear of the property within the common open space area, affording any user easy access. No public conservation or recreation areas or facilities abut this site.

(3.4.2.t) 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, because:

- 1) the electric, telephone, cable TV and other such lines and equipment for the development are placed under ground; and
- 2) support facilities for the dwellings such as mail stations and lighting are located on the plans and are integrated into the overall design of the subdivision.

(3.4.2.u) that no development shall cause downstream properties, water courses, channels, or conduits to receive storm water 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, because:

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- 1) the runoff after completion of the subdivision will not exceed the runoff currently occurring under existing conditions with respect to the peak runoff rates and volume up to the 100-year storm event,
- 2) with the slower rate of runoff, that is directed into the Town stormwater management system, adverse effects on downstream properties will be avoided.

(3.4.2.v) that adequate water quality standards are promoted giving due regard to the conservation of surface and groundwater 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 stormwater management design of the proposed development, because:

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

(9.5.5.a) the common open space includes:

- 1) *some of the outstanding natural features of the site and of the man made features, such as but not limited to stone walls, that enhance the land form;*
outstanding natural and man-made features to be retained from the old farm include the following: the wooded uplands to the rear; the Schumacher barn site; the old farm pond; and stands of mature trees within the development area.
- 2) *land that also meets the standards for usable open space;*
the applicant has chosen the alternative of a cluster subdivision for approval of a subdivision plan. As part of the cluster subdivision, the plan provides 80,000 SF of Usable Open Space @ 5000 SF per unit, and 100,992 of Common Open Space, constituting 38.5% of the site, where 25% minimum is required under 9.2.7 Zoning By-Law; and
- 3) *land that increases visual amenities for residents of the development and of the adjacent neighborhood*
the Common Open Space acts as screening from the abutting non-residential uses, such as Lincoln Laboratories of MIT or US Government land, and provides a protected visual backdrop for the entire residential neighborhood.

(9.5.5.b) the common open space is readily accessible by one or more paths or entry points specifically designed for access purposes, because:

- 1) all of the residents will have equal access to the common open space in this development;
- and
- 2) access to the open space is readily available from each dwelling.

(9.5.5.c) the dwellings are sited and oriented in a complementary relationship to:

- 1) *each other;*
The existence of the units in two distinct clusters, with open space/access corridors located in between in strategic locations, along with the retaining of the old farm pond, creates visual and spatial relief within the dwelling units.
- 2) *the common open space;*
All units will benefit from the availability of the open space because of its location, proximity, and accessibility. The proposed dwellings are sited in the best location considering proximity to the land to be protected as open space (9.1.1.i).
- 3) *the adjacent properties;*
Perimeter plantings of trees and shrubs along the Appleman, Close and August Schumacher properties will help to soften the visual impact of the structures; see approved landscape plan, 5/5/99.

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If the development includes other types of dwellings, such as semi-attached dwellings or townhouses, those types of dwellings shall relate to the predominant characteristics of the adjacent one-family detached dwellings with respect to scale, mass, setback, proportions and materials.

The mix of attached and semi-attached dwelling dwellings are designed to relate well with the abutting detached dwelling with respect to scale, mass, setback, and proportions. There are no structures proposed that are out of scale with other homes in the area.

(9.5.5.d) negative visual impacts of the development, if any, are screened from adjacent properties and nearby streets by landscaping or other site planning techniques, because:

Landscape screening and retention of existing trees is called for in strategic spots, to minimize light glare nuisance or interference with privacy for the new residents in the subdivision. The dwellings also generally face toward the interior drives, rather than abutting properties.

(9.5.5.e) where opportunities exist, improved access is provided to, or additional links and connections are developed to, a town system of public facilities, such as open space, recreation facilities, footpaths or bicycle paths:

The applicant's intention to create or re-establish pedestrian trails to the upper slopes on the site and to the former gardens (see Landscape Plan, Sheets # 7 and 8) creates a link from Wood Street to the highest elevations on the site at the rear of the property within the common open space area, affording any user easy access. No public conservation or recreation areas or facilities about this site.

(9.5.5.f) that any building which contains more than one dwelling unit is designed so that either the building has the exterior appearance of a one-family dwelling or, alternatively, if one-family attached dwellings and/or townhouses (See 9.2.2b. or e. and the definitions of those terms under "Dwelling, Structural Characteristics" in Section 2, Definitions.) are constructed, each individual dwelling unit has direct access to ground level and an opportunity for a private yard, patio, or other private outdoor space, because:

- 1) each one-family attached dwelling has been designed to resemble a detached dwelling unit;
- 2) all of the dwelling units have direct access to the ground level and will have privacy areas at ground level in the rear or on the side.

(9.5.5.g) there are provisions for common facilities, such as recreation or parking, or for services such as the maintenance of streets, walkways or paths, utilities, landscaping or recreation facilities, because:
the proposed homeowners association will provide the maintenance of all streets, walkways or paths, utilities, and landscaping for the individual unit owners; common maintenance areas are clearly indicated and conveniently accessed.

The Planning Board finds and determines that the impact from the proposed cluster subdivision is not greater than the total projected impacts of one-family detached dwellings that could be constructed on individual lots in a conventional subdivision on the tract according to the procedure described in section 9.5.3.2 of the Zoning By-Law. The Planning Board further finds and determines that the amount of development permitted in this cluster development does not exceed ANY of the total impacts that are projected to occur from such one-family detached dwellings based on the following impact measures each considered separately:

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IMPACT MEASURE	MAXIMUM ALLOWED	PROPOSED
Gross Floor Area of Dwelling Units	62,903	52,177
Living Area of Dwelling Units	41,062	33,753
Site Coverage of Dwelling Units	25,336	22,499
Total Number of Occupants of Dwelling Units	44	39
Vehicular Trip Generation from Dwelling Units	131	109

DECISION

The Lexington Planning Board, acting as the Special Permit Granting Authority, in accordance with Sections 3.4; Table 1, line 1.18; Section 9.5, 9.5.6.a.1, 9.5.6.a.2, 9.5.6.a.6, 9.5.6.b and 9.2.2 of the Lexington Zoning By-Law, GRANTS:

- 1) a special permit with site plan review for the cluster subdivision entitled "Old Smith Farm, Lexington, Massachusetts";
- 2) a special permit in conjunction with a cluster subdivision to modify the standards in Table 2, Schedule of Dimensional Controls, as follows;

NOTE: ER = EXCEEDS (MINIMUM) REQUIREMENT.

Lot Number	Front Setback	Right Setback	Left Setback
1	6 feet	15 feet	80 feet ER
2	2 feet	12 feet	8 feet
3	60 feet ER	26 feet ER	6 feet
4	20 feet	0	34 feet ER
5	28 feet	9 feet	0 feet
6	15 feet	0	15 feet
7	30 feet	21 feet ER	0
8	0	32 feet ER	3 feet
9	42 feet ER	6 feet	25 feet ER
10	1 feet	0	15 feet
11	2 feet	12 feet	0
12	3 feet	0	5 feet
13	14 feet	15 feet	0
14	0	0	0
15	14 feet	34 feet ER	0
16	No proposed structure.		

Right Setback and Left Setback are taken facing the structure from either Road "A" or Road "B" depending on the lot. The minimum setback requirements for a lot in RO are:

- Front Setback: 30' feet
- Side Setbacks: 15'
- Rear Setback: 15'

3) The definitive subdivision plan is comprised of 16 sheets including the cover of which one sheet will be recorded:

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<u>Sheet Number</u>	<u>Title</u>	<u>Latest Date</u>
3	Property Rights and Dimensional Standards Plan	May 5, 1999

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

<u>Cover Sheet</u>	<u>Professional Stamp</u>	
1	Locus-Context Map:	May 5, 1999
2	Site Analysis Map: Ronald Wood, RLA	May 5, 1999
3	Property Rights and Dimensional Standards: J. R. Keenan, PLS	May 5, 1999
4	Site Construction Plan: J. R. Keenan, PLS	May 5, 1999
5	Street Layout Plan and Profile: Frederick Russell, PE	May 5, 1999
6	Utilities Plan: Frederick Russell, PE	May 5, 1999
7	Landscape Plan: Ronald Wood, RLA	May 5, 1999
8	Landscape Plan: Ronald Wood, RLA	May 5, 1999
9	Construction Details: Architectural Elevations: Robert Egan, RA	May 5, 1999
10	Construction Details: Architectural and Floor Plans: Robert Egan, RA	May 5, 1999
11	Construction Details: Architectural: Robert Egan, RA	May 5, 1999
12	Construction Details: Drainage: Frederick Russell, PE	May 5, 1999
13-16	Standard Architectural Details (Lexington)	1975

Name of Plan Design Firms:

Guidelines, Inc., Concord, MA, Ronald F. Wood, RLA
 Frederick W. Russell, PE, Wilmington, MA
 James R. Keenan, PLS, Winchester, MA
 Egan Associates, Robert Egan, RA, Natick, MA

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 SEP 21 2000
 Dennis M. [Signature]
 TOWN CLERK
 LEXINGTON, MA

TERMS AND CONDITIONS

The plan must comply with the Planning Board's "Development Regulations" dated October 27, 1995, and the Zoning By-law and is subject to the following terms and conditions of this special permit with site plan review and special permits.

SPECIAL CONDITIONS

- 1) The applicant and his design team shall reach final resolution of any outstanding minor issues (requiring possible field adjustment) that were listed in the Engineering Division memorandum review of this development, dated 6/15/99, updated 6/17/99, and the Fire Department memorandum of 7/29/99, and discussed in detail at the meeting of July 26, 1999 between the applicant and his engineer and the town Engineering and Planning staffs. Changes, if needed, shall be made by the time the Subdivision Plan is submitted to the Planning Board for endorsement. Applicable memoranda or materials are attached and made a part of this document.
- 2) The size of the units listed in the table to follow was determined by the Planning Board in relation to the public benefits and to the overall site plan. No increase in gross floor area, living area, or building site coverage of any unit shall be allowed unless the Planning Board approves an amendment to the Special Permit with Site Plan Review.

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Lot	Unit Number	Gross floor area	Net living area	Max. site coverage
1	1	2,142 square feet.	1,428 square feet.	1,428 square feet.
	2	2,856 square feet.	2,140 square feet.	
2	3	3,200 square feet.	1,685 square feet.	1,516 square feet.
3	4	3,556 square feet.	1,906 square feet.	1,650 square feet.
4	5	3,292 square feet.	1,796 square feet.	1,640 square feet.
5	6	3,172 square feet.	1,700 square feet.	1,472 square feet.
6	7	3,351 square feet.	2,393 square feet.	1,364 square feet.
7	8	3,351 square feet.	2,393 square feet.	1,364 square feet.
8	9	3,885 square feet.	2,422 square feet.	2,127 square feet.
9	10	3,820 square feet.	2,139 square feet.	1,681 square feet.
10	11	3,351 square feet.	2,393 square feet.	1,364 square feet.
11	12	3,351 square feet.	2,393 square feet.	1,364 square feet.
12	13	3,351 square feet.	2,393 square feet.	1,364 square feet.
13	14	3,351 square feet.	2,393 square feet.	1,364 square feet.
14	15	1,957 square feet.	1,297 square feet.	965 square feet.
15	16	1,957 square feet.	1,297 square feet.	965 square feet.
Total		51,747 square feet.	33,231 square feet.	22,067 square feet.

- 3) The Planning Board accepts the applicant's offer to provide the following PUBLIC BENEFITS related to affordable housing, pursuant to the Planning Board's Inclusionary Housing Policy (IHP), adopted 1985:
- Build and donate Unit 16 on lot # 15 to the LexHAB organization for their administration as an affordable unit.
 - Price the adjoining Unit 15 on Lot # 14 to meet the guidelines for the Upper Moderate category, updated to the actual year of the sale, and in accordance with the Comprehensive Plan Definition of Households With Incomes Qualified for Affordable Housing.

Since the proposed benefits will follow the completion of construction of these two dwelling units, the following condition shall also apply: prior to issuance of Certificate of Occupancy for either of these dwelling units, the applicant shall demonstrate to the satisfaction of the Planning Director that the public benefit package has been or is being satisfactorily implemented.

- 4) The applicant shall contact the abutting owner at 148 Wood Street, currently August T. Schumacher, prior to commencement of construction activity in cluster 'A', to discuss the provision of reasonable additional landscape screening along the rear property line of Lot # 3 in cluster 'A' and shall immediately communicate the results of said contact to the Planning Department.
- 5) To the degree feasible, the applicant shall restore the former Gail Smith Gardens, by means of
- a. having a registered landscape architect identify viable remaining plants for preservation; and
 - b. remove intrusive vegetation that has encroached on the gardens; and
 - c. take steps in accordance with standard nursery regimen to assure the health and viability of the remaining varieties.
- 6) The Planning Board, after consultation with the Fire Chief and the Police Chief, is empowered under section 3.6.2.4.3 of the Development Regulations to determine the names of streets. Although the two proposed streets are to be private ways, they will still require names. Prior to

plan endorsement, the Planning Board requires the applicant to propose for its consideration street names for these two private ways and strongly recommends names that reflect the history of the ownership and use of this property. Examples might include use of owners in an earlier era (if not conflicting with existing street names in town), reference to past agricultural use, possible use of the Schumacher name, and similar considerations.

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Dorinda M. Simpson

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 LEXINGTON, MA

GENERAL CONDITIONS

- 7) 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 successors are bound to the terms and conditions of these special permits. In the event of the sale of the entire development, the Planning Board shall be provided with the name, the address, the telephone number of the new owner and of the representative, if other than the owner, responsible for the project.
- 8) After recording the documents listed above and before construction may begin, the following tasks must be completed:
 - a. provide a schedule of the sequence of the work to be done including a description, as appropriate, of the erosion and sedimentation control measures to be employed at each phase of construction, must be submitted to the Planning Department.
 - b. mark the proposed "limit of work" for construction on individual lots not later than the time when any foundation or building permit is approved (also see special condition # 9 to follow).
- 9) Work in the area between the "Limit of Work Line" and the "Limit of Restricted Deed Area," as shown in the Definitive Subdivision Plans, is limited to removing underbrush, dead trees and/or debris, pruning underbrush and/or trees, and smoothing and preparing the ground surface for planting with new plant materials and/or ground cover. In addition, other living trees may be removed provided that such work is limited to: 1) removal of trees that are smaller than 4" caliper, 2) trees that impact the health and growth of adjacent good quality trees, or 3) removals that are consistent with proper forestry management practices. Prior to the cutting of any live, healthy tree, the landscape architect shall file a statement with the Planning Board certifying that he has inspected and flagged any live healthy tree to be removed.
 The "limit of work" line shall remain marked until all construction within its delineation is completed. The following is also required in relation to the limit of work line:
 - a. All workers shall be informed that no construction activity is to occur beyond this line.
 - b. The relocation of the line is not permitted without the prior written approval of the Planning Board or its representative.
 - c. The area outside the limit of work line shall be protected from damage during construction. The area shall not be used for the storage of building or earth materials, equipment, vehicles or construction debris or as a construction staging area.
- 10) The developer shall maintain a copy of these special permits at his/her normal place of business and on the site during construction. The developer shall provide a copy of the approved plans and these special permits to any broker, agent, development entity, builder or attorney authorized to act in the development, sale or rental of property and they shall maintain a copy of the plans and these special permits at their normal place of business and furnish them to any person interested in purchasing a lot.
- 11) Final contours, driveways, dwelling size and locations, and the limit of work line, are to remain as shown on the approved plan. Any desired changes must be shown on a plot plan and submitted for the approval of the Planning Board or, where authorized by the Board, the Planning Department. If the changes are minor, they may be shown on the plot plan that is to be submitted with the building permit application. Such approvals of minor changes shall not require a public hearing or an amendment to these special permits.
- 13) The Planning Board, in accordance with section 3.7 of the Zoning By-Law, may require that the developer provide security for the performance of those conditions and observance of those

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safeguards in these special permits which are not covered by such surety as may be provided for the completion of the community facilities under the approved definitive subdivision plan. The security for these special permits and the surety for the subdivision plan may be combined into one surety. The security for these special permits, may be provided, or reduced, or released, or adjusted in amount in the same manner as provided in the Development Regulations for the definitive subdivision plan.

REASONS FOR CONDITIONS IMPOSED IN THESE SPECIAL PERMITS

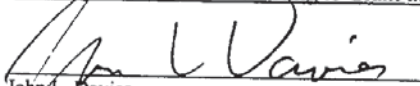
The Planning Board's reasons for imposing the general terms and conditions are that these conditions are the regular, procedural requirements that call for the recording of information and recognize the need for flexibility in construction of a development while insuring adequate notification, monitoring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

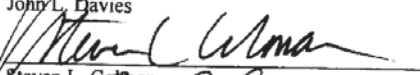
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SEP 21 2000
Dorcas M. Hooper
TOWN CLERK
LEXINGTON, MA


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Special Permit with Site Plan Review and Special Permit

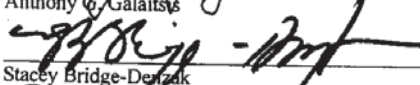
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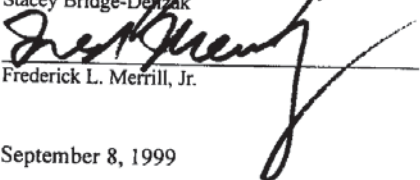
Planning Board Members Voting to Grant the Special Permit with Site Plan Review and Special Permit


John L. Davies


Steven L. Colman

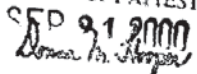

Anthony G. Galaitis


Stacey Bridge-Denzak


Frederick L. Merrill, Jr.

September 8, 1999

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

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SEP 9 1999

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