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**Middlesex South Registry of Deeds**  
**Maria C. Curtatone, Register**  
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**Cambridge, MA 02141**  
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TOWN OF LEXINGTON

PLANNING BOARD

1625 Massachusetts Avenue  
Lexington, MA 02420  
Tel (781) 698-4560  
[planning@lexingtonma.gov](mailto:planning@lexingtonma.gov)  
[www.lexingtonma.gov/planning](http://www.lexingtonma.gov/planning)

Richard L. Canale, Chair  
Robert Creech, Vice Chair  
Robert D. Peters, Clerk  
Charles Hornig, Member  
Ginna Johnson, Member  
Michael Leon, Associate

SITE PLAN REVIEW DECISION

56 WATERTOWN STREET- BRIDGES AT LEXINGTON

Date of Application: May 10, 2019  
Date of Public Discussion: June 12, 2019  
Dates of Hearing: June 26, 2019  
  
Date of Vote: June 26, 2019

APPLICATION & DEVELOPMENT PARCEL INFORMATION

Applicant & Owner: ND Acquisitions LLC c/o National Development  
2310 Washington Street  
Newton Lower Falls, MA 02462  
  
Parcel Location & Street Address: Town Assessors' Map 3, Lot 16  
56 Watertown Street  
  
Parcel Area: 4.3 ± Acres  
  
Zoning District: Planned Development District 3 (PD-3)

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PROJECT SUMMARY

This Site Plan Review is in conjunction with the Planned Development District 3 (PD-3) and Preliminary Site Development and Use Plan (PSDUP) approved at the 2018 Special Town Meeting as well as the Memorandum of Understanding dated November 5, 2018 and the First Amendment dated November 14, 2018 between the Board of Selectmen and the Developer; known collectively as the MOU.

The PD-3 Zoning District allows National Development Acquisitions, LLC or its successors and assigns (collectively the "Applicant" or "Developer") to construct and operate a 48-unit memory care facility at 56 Watertown Street (the "Project").

The 4.3 acre parcel is currently used as a maintenance staging area for the Belmont Country Club. The land generally slopes down towards the west with a disturbed clearing in the center.

The approximately 46,000 square-foot building has two sections: the southern portion of the proposed building is one-story, while the northern portion is two-story. The intention of the design is to fit the topography and minimize site disturbance. Access is from Watertown Street and an emergency-only gated and locked pedestrian egress/access to Golden Avenue is proposed. Two secure outdoor spaces for the residents are proposed; one attached to the rear of the building and one attached to the front of the building.

As shown in the drawings listed below, the Applicant proposes to augment the existing trees to the rear of the Site and adjacent to the Golden Avenue residences with additional native tree species.

See Deed at Book 74435, Page 235

Consistent with the PSDUP, the building will have a main roofline from one end to the other with the proposed one-story portion of building approximately 28 feet in height relative to its immediate surrounding grade, while the two-story building will be approximately 40 feet in height relative to its immediate surrounding grade. Some of the mechanical equipment is on the front side of the building at ground level and the balance of the building's exterior mechanical equipment is on the roof top in the center of the building in an area below the proposed roof line.

## DOCUMENTS OF RECORD

The application was stamped in with the Town Clerk on May 10, 2019 and contained:

- Application Form B General Application dated May 7, 2019.
- Cover letter dated May 7, 2019.
- Locus map.
- Memo dated May 8, 2019 from Stantec re: Log of Site Plan Updates-Bridges at Lexington.
- Environmental Sound Measurement and Evaluation Protocol prepared by Cavanaugh Tocci Associates, Inc. dated April 1, 2019.
- Plan set titled "Bridges at Lexington" prepared by Stantec Planning and Landscape Architecture PC issued April 12, 2019 revised to May 8, 2019 with sheets:
  - L-001 "Site Preparation and Erosion Control Plan" signed and stamped by Theodorus P. Kindermans RLA no. 1194;
  - L-100 "Layout and Materials Plan" signed and stamped by Theodorus P. Kindermans RLA no. 1194;
  - L-200 Grading and Drainage Plan" signed and stamped by Theodorus P. Kindermans RLA no. 1194;
  - L-300 "Utility Plan" signed and stamped by Brad E. Johnson RPE no. 54529;
  - L-400 "Planting Plan" signed and stamped by Theodorus P. Kindermans RLA no. 1194;
  - L-500 "Lighting Plan" signed and stamped by Theodorus P. Kindermans RLA no. 1194;
  - L-600 "Life Safety Plan" signed and stamped by Theodorus P. Kindermans RLA no. 1194;
  - L-700 "Tree Removal Plan" signed and stamped by Theodorus P. Kindermans RLA no. 1194;
  - L-800 "Snow Management Plan" signed and stamped by Theodorus P. Kindermans RLA no. 1194;
  - L-900 "Site Details 1" signed and stamped by Theodorus P. Kindermans RLA no. 1194;
  - L-901 "Site Details 2" signed and stamped by Theodorus P. Kindermans RLA no. 1194;
  - L-902 "Site Details 3" signed and stamped by Theodorus P. Kindermans RLA no. 1194;
  - L-903 "Site Details 4" signed and stamped by Brad E. Johnson RPE no. 54529;
  - L-904 "Site Details 5" signed and stamped by Brad E. Johnson RPE no. 54529;
  - "Boundary and Topographical Survey" prepared by Control Point Associates signed and stamped by Gerry L. Holdright PLS no. 49211 dated August 28, 2018.
- Stormwater Management Plan prepared by Stantec Planning and Landscape Architecture PC signed and stamped by Brad E. Johnson RPE no. 54529 dated April 12, 2019.

Submitted before or during the June 12, 2019 the public discussion:

- Memorandum of Understanding dated November 5, 2018 and the First Amendment dated November 14, 2018 between the Board of Selectmen and the Developer; known collectively as the MOU.
- Petition for Change of Zoning District.
- Preliminary Site Development and Use Plan revised to October 17, 2018 and approved at the 2018 Special Town Meeting.
- Staff Memo Agenda Item Summary dated June 11, 2019.

- Addendum to Staff Memo dated June 12, 2019.
- Woodard and Curran Memo dated April 30, 2019.
- Woodard and Curran Memo dated May 3, 2019.
- Woodard and Curran Memo dated June 12, 2019.
- Architectural Drawings for Planned Development District PD-3 prepared by CBT Architects, dated October 17, 2018 titled:
  - Site Plan Regulatory Drawing: Perspective Rendering; West Elevation at Entry; West Elevation at North Wing; East Elevation South Wing; East Elevation North Wing; Exterior Typical Building Materials;
  - Non-Regulatory Drawing: Floor Plans Upper and Lower Garden Level; Building Section at South Wing; Building Section at North Wing; and Roof Plan.

Submitted before or during the June 26, 2019 public hearing:

- Draft minutes from the June 12, 2019 public discussion including the Developer's presentation and testimony from the public.
- Cover Letter dated June 19, 2019 re: Application Submittal #2" with Attachment B "Stantec Memo" dated June 19, 2019; Attachment C "Preconstruction Environmental Sound Measurement Report prepared by Cavanaugh Associates dated June 18, 2019.
- Attachment A: Plan set titled "Bridges at Lexington" prepared by Stantec Planning and Landscape Architecture PC issued April 12, 2019 revised May 8, 2019; May 22, 2019; and June 19, 2019 with sheets:
  - L-001 "Site Preparation and Erosion Control Plan" signed and stamped by Theodorus P. Kindermans RLA no. 1194;
  - L-100 "Layout and Materials Plan" signed and stamped by Theodorus P. Kindermans RLA no. 1194;
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  - L-904 "Site Details 5" signed and stamped by Brad E. Johnson RPE no. 54529;
  - "Boundary and Topographical Survey" prepared by Control Point Associates signed and stamped by Gerry L. Holdright PLS no. 49211 dated August 28, 2018.
- LEED Sustainability Report dated May 1, 2019 prepared by Lambert Sustainability.

#### PROCEDURAL INFORMATION

The Site Plan Review public hearing was originally scheduled for June 12, 2019 but the second legal ad did not run; as such the public hearing was then scheduled for June 26, 2019. The public notice was properly posted by the Town Clerk and the abutters received notice in the mail. Being mindful of the abutters' time as well as the Developers', the Planning Board allowed the Developer to make a

presentation and the neighbors to provide comments and concerns. This Project is closely related to the Site Plan Review for Waterstone at Lexington, across the street at 55 Watertown Street. That public hearing was held on June 12, 2019 and many of the same neighbors were in attendance for both projects. Presentations and testimony from the June 12, 2019 public discussion has been included as part of the June 26, 2019 public hearing. At its June 26, 2019 meeting, the Planning Board authorized the Chair, Richard Canale, to sign the approval on its behalf.

#### FINDING OF FACT

1. The modifications are listed and shown in plan view in the Stantec Memos dated May 8, 2019 and June 19, 2019 referencing *Bridges at Lexington, 56 Watertown Street*. The modifications from the approved Preliminary Site Development and Use Plan approved at 2018 Special Town Meeting are minor.
2. The Planning Board finds that the submitted Definitive Site Plans substantially conforms to the PD-3 Zoning District and has placed necessary, reasonable, and appropriate conditions to protect the health, safety, convenience, and general welfare of the inhabitants of the Town of Lexington.
3. The Property is currently owned by the Belmont Country Club and is under a purchase and sale agreement with National Development.
4. For sites under the jurisdiction of the Planning Board, the Board may waive the application of the Tree Bylaw, in part or in full, if they deem it necessary. In this case, the site plan review process has carefully considered the amount of tree loss, including those protected by the Tree Bylaw, against the proposed landscaping and determines that the Project as outlined in the documents submitted to the Board, closely addresses the purposes of the Tree Bylaw.
5. The Developer presented and submitted "Environmental Sound Measurement and Evaluation Protocol" as listed in the Documents of Record. This will establish the baseline ambient noise. Noise pollution is considered an increase of 10 dBA (A-weighted decibel) above the ambient noise. However, because of the nearby residential area the Developer has agreed to limit noise from the Bridges operation to a maximum of 5dBA above ambient noise. The proposed protocol and baseline information is included in submittal information. The protocol measures both broadband sound levels and tonal sounds. The location of the testing at the property line 5-6 feet above grade is typical protocol. The mechanical equipment is located on the front side of the building at ground level. Some HVAC and air conditioning units are located on the roof but below the roof ridge line. The Developer is prepared to put appropriate fencing and/or jackets on the mechanicals or other forms of sound reduction mitigation in order to ensure compliance with the Town's Noise Bylaw.
6. Neighbors on Golden Avenue expressed concern of people cutting through their neighborhood. As a result of these discussions, the Developer agrees to address these concerns with a second locked gate at or near rear/eastern the property line where an existing fence is located.

#### DECISION

The Planning Board reviewed the plans and documents noted above. Throughout its deliberations, the Board has been mindful of the statements of the Applicant and its representatives, and the comments of the public, all as submitted or made at the public hearing.

As detailed above, the Planning Board determines that the proposal meets the applicable site plan review development standards of the *Lexington Zoning Bylaw* and the Planning Board's *Zoning Regulations* when the Conditions of Approval are met. It therefore **approves** the site plan titled "Bridges at

Lexington” prepared by Stantec Planning and Landscape Architecture PC issued April 12, 2019 revised May 8, 2019, May 22, 2019 and June 12, 2019, subject to the conditions stated below:

#### CONDITIONS OF APPROVAL

- 1) Any successors and assigns in interest to all or a part of the Site are bound by the terms and conditions outline in this approval. The entire tract of land and buildings to be constructed may not be used, sold, transferred, or leased except:
  - a) As governed by this Decision;
  - b) As governed by the Preliminary Site Development and Use Plan;
  - c) As shown on the site development plan, referenced above; and
  - d) In accordance with later amendments to this decision or to the plans.
- 2) This decision incorporates aspects of the Memorandum of Understanding dated November 5, 2018 and the First Amendment to the Memorandum of Understanding dated November 14, 2018 between the Town and the Developer. All aspects of these two MOUs concerning Site Plan conditions are specifically included in this decision.
- 3) This Project is subject to the provisions detailed in Sections 9.5 through 9.8 of the Board’s *Zoning Regulations* (Chapter 176), relating to required improvements, design standards, and the implementation and construction of approved site plans. In the event that the *Regulations* conflict with this decision, the decision controls.
- 4) Along the Project’s eastern property line, the Developer will install a new “emergency-only egress/access path” gate (approximately 3 feet wide) at the location of the five-foot-wide path shown on the Site Plans and a new section of fence on or just inside the property line with Golden Avenue. The replacement fence section will align roughly with the western termination of the Golden Avenue right-of-way area. Prior to starting this work, the Developer will coordinate the exact location of the transition of the new fence to the existing fence (both to the north and south) with the immediate abutters. If practical and helpful for limiting vegetative disturbance, the existing posts will be sleeved and reused. Where the mesh is being replaced, the fence height will be increased to 8 feet (from the existing 5-foot fence). The new fence mesh will be chain link, black vinyl-coated with matching black poles. Everywhere else along the Site’s eastern property line, the existing fence will remain “as is.” Prior to filing for a building permit, this fencing scope will be incorporated into the site plan design for the Project.
- 5) The fence-gate shall remain locked at all times except when used in the event of an emergency. The final gate and Knox box design will be approved by the Lexington Fire Department prior to the issuance of a building permit.
- 6) If requested by one of the direct abutters at 48 and 49 Golden Avenue, the Developer shall replace the fence mesh on that abutter’s property line provided that the abutter grants permission to work within their yard and acknowledges that their landscaping may be disrupted. Alternatively, at each abutter’s discretion instead of fence mesh replacement, the Developer will provide five (5) evergreen trees (6-8’ in height) to be planted on the property of each direct abutter (including 46 Golden Avenue) at a mutually agreeable location to provide additional vegetative screening beyond the new plants to be installed on the Site per the Site Plans.

Each abutter will have nine (9) months after final occupancy (to be extended if necessary to allow for the abutters to experience a complete transition from the fall to winter season with the concomitant changes to vegetative screening) to decide if they would like mesh replacement, new evergreens on their lot or neither. Each abutter should deliver their request in writing to the Developer (with a copy

to the Planning Department) within the time period above. Within two months of receiving the written notice, the Developer will complete any requested fence mesh replacement (weather permitting) or additional tree planting (the deadline to be extended to the earliest possible planting date recommended for the evergreen trees in the Site Plan's approved plant list).

- 7) As an ongoing Site Plan approval condition, the owner and operator of the Site will maintain and repair when necessary the fencing (both existing and new) in a good and functional condition.
- 8) Prior to the issuance Building Permit, a Construction Management Plan shall be submitted to the Building Commissioner and the Planning Office. A Pest Monitoring and Control Plan, shall be included in the Construction Management Plan. The Construction Management Plan will also include a provision that during the period of time that electric, gas, and telecommunications utility work is occurring on Golden Avenue (and continuing until the installation of the permanent new fence on the eastern-property line as described above), the Developer will maintain a temporary construction fence that will be locked every night.
- 9) The two large oak trees at the end of Golden Avenue shall be included in the tree protection plan where property ownership allows.
- 10) The Developer shall work with Eversource and the local telco/cable providers to limit the impact on the canopies and roots of the two large trees at the end of Golden Avenue due to the proposed overhead wire locations and riser pole location shown on the approved Site Plan. Prior to pole installation or the issuance of the building permit, whichever is sooner, the Developer shall report, in writing, to the Planning Department results of the final design and steps taken to reduce the impact to the two large trees at the end of Golden Avenue.
- 11) In accordance with Section 9.6.4 of the *Zoning Regulations* (Chapter 176), stone walls shall be preserved and protected and, where permitted to be altered, stones shall be placed adjacent to their original location according to best management practices and applicable standards of the Historical Commission and Massachusetts Historical Commission. Any stone walls within the line-of-sight and outside the construction area shall be preserved in place except where it is deemed to affect adequate line-of-sight.
- 12) The Developer and its contractor shall meet with Town staff for a pre-construction meeting before any building permits are issued. At that time, a construction schedule and the construction management plan shall be reviewed.
- 13) Construction hours shall be limited on Saturdays from 8:00 a.m. to 4:00 p.m. There will be no work on Sundays. All other provisions of the Noise By-law related to construction hours, with the exception of Saturdays noted above, apply.
- 14) No construction vehicles shall park or stand on Watertown Street. In the event construction vehicles must stand or be unloaded on Watertown Street, the Developer shall contact the Lexington Police Department to determine if a police detail is needed. The police detail will be at the expense of the Developer.
- 15) Residents of Golden Avenue shall be notified of any work being done by the Applicant's contractors on Golden Avenue at least 24 hours in advance. With respect to work being done by utility companies, the Applicant will make a good faith effort to coordinate and communicate with the utility companies to provide advance notice of utility company work.
- 16) The Lighting Plan in the Definitive Site Plan is to be implemented so that the standards in Sections 5.4.1 through 5.4.5 and Section 5.4.7 of the *Lexington Zoning Bylaws* (Chapter 135) are met.
- 17) The code required lights above the three rear egress doors shall provide illumination to the foot-candle level consistent with the code-required minimum.

- 18) The Developer agrees to comply with the Town's Noise Control Bylaw, Chapter 80 of the Town's General Bylaws. At the eastern property line of the Bridges portion of the Property, in recognition of the sensitive residential receptors along this property line, the Developer further agrees that normal operations of stationary building equipment serving the memory care assisted living facility (including heating, ventilation and air conditioning equipment at its full load operation) will not exceed a noise level of 5 dBA above established ambient noise levels. The Developer shall, where feasible, utilize specific models or upgrades of equipment designed to obtain acoustic reduction in order to ensure compliance with the Town's Noise Control Bylaw. The Developer and its acoustic consultant submitted a testing protocol to be used to establish ambient noise levels. These ambient noise levels will be used to determine compliance with the Noise Control Bylaw. This protocol would also be used in the event of future noise complaints to establish compliance with the Noise Control Bylaw. Should a material change in HVAC equipment be required at the Property and/or a complaint be received, the Developer shall, at the Building Commissioner's request, demonstrate compliance to the Noise Control Bylaw.
- 19) Upon occupancy of the Project, the Developer also agrees to prohibit deliveries to the Project between the hours of 7 p.m. until 7 a.m. on weekdays and from 7 p.m. until to 8 a.m. on weekends and holidays.
- 20) Employees shall be prohibited from leaving the property via Golden Avenue.
- 21) The Developer agrees to maintain a clear line-of-sight along the east side of Watertown Street appropriate for both Intersection Sight Distance and Stopping Sight Distance consistent with context sensitive and complete streets principles. The Developer will work with the Engineering and Police Departments to adjust the line-of sight clearance whenever necessary. Any stone walls within the line-of-sight shall be preserved to the extent practicable.
- 22) The Town's Tree Warden will review the plans as to tree removal and replanting and shall determine an amount payable to the Lexington Tree Fund to mitigate the Project's vegetative impacts.
- 23) Pursuant to Sections 9.6.7, 9.6.8 and 9.6.11 of the *Zoning Regulations* (Chapter 176), the Developer shall remove all invasive species within the limit of work and restore area with native plant and native seed mix.
- 24) The Site Plan improvements enumerated in the MOU's Transportation Demand Management (TDM) Obligations/Improvements section are incorporated as a condition of approval.
- 25) Prior to issuance of the final certificate of occupancy for the Project, the off-site improvements as defined in the MOU shall be completed.
- 26) Prior to issuance of the final certificate of occupancy, the Developer shall file with the Planning Office two large format hard copies, one electronic copy, and one CAD drawing of the as-built site plan supplied by the engineer of record certifying that the project was built according to the documents approved by the Planning Board. The as-built plan shall show all structures, finished grades and final construction details of the driveways, parking areas, drainage systems, utilities, stone walls, sidewalks, crosswalks and curbing in their true relationship to the lot lines for all on-site and off-site construction. In addition to the engineer of record, the as-built plans shall be certified by a Massachusetts Registered Land Surveyor.
- 27) Prior to issuance of the final certificate of occupancy, the Developer shall file with the Planning Office two large format hard copies and one electronic copy of the as-built landscape plan showing the final location, number and type of plant material, final landscape features and lighting installations. The plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved plans.



- 28) In consideration for the fact that weather and seasonal constraints may not allow certain components of the Project and the offsite work described in the MOU (including as-built surveys) to be 100% complete at the time the Project is otherwise ready for occupancy and assuming the nature of any incomplete work would not present any safety, security or nuisance issues, the Town may issue temporary occupancy permits to allow the Applicant to commence occupancy prior to the completion of items 25, 26 and 27. To ensure timely completion of these items prior to a final certificate of occupancy, the Town may ask the Developer to provide a bond (or put funds into escrow) at a value of 110% of the remaining offsite work (such value to be estimated by the Applicant's engineer-of-record and approved by the Town Engineer).
- 29) This approval shall be recorded at the South Middlesex Registry of Deeds. A copy of the recorded documents bearing the date of recording and the book and page number shall be delivered to the Planning Department before any building permits are issued.
- 30) The conditions listed above shall be reflected in the final site and building plans submitted to the Building Department for building permits.
- 31) In accordance with Section 9.2.6 of the *Zoning Regulations* (Chapter 176) this site plan approval shall lapse if building permits have not been issued within two years of the date of approval. The Board may grant an extension upon written request for good cause.
- 32) Any person aggrieved by this decision of the Planning Board may appeal to a competent court within 20 days after the decision has been filed with the Town Clerk under MGL c. 40A §17.

**RECORD OF VOTE**

After closing the public hearing and deliberating on the matter the Board voted, 5 to 0 to grant with conditions the submitted application for Site Plan Review.

For the Board:

  
Richard Canale, Chair

Copy of Decision to:

Applicant  
Land Owner  
Board of Health  
Building Commissioner  
Conservation Commission

Fire Chief  
Police Chief  
Town Assessor  
Director of Public Works