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TOWN OF LEXINGTON

PLANNING BOARD

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TOWN CLERK
LEXINGTON MA

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

55 WATERTOWN STREET- WATERSTONE AT LEXINGTON

Date of Application: May 10, 2019
Date of Public Hearings: June 12, 2019
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 15
55 Watertown Street
Parcel Area: 13.2 ± Acres
Zoning District: Planned Development District 3 (PD-3)

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 an independent and assisted living senior housing community at 55 Watertown Street (the "Project"). The proposed project includes a 220,000 square-foot building, an underground parking garage, various landscaped areas and courtyards, and a stormwater management. The 13.2-acre site is currently wooded with a gravel pathway entering from and returning to a parcel owned by the Belmont Country Club.

There will be 156 total units within Waterstone, with 116 units being independent living and 40 units being assisted living.

See Deed at Book 74435, Page 235

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.
- Environmental Sound Measurement and Evaluation Protocol prepared by Cavanaugh Tocci Associates, Inc. dated April 1, 2019.
- Plan set titled “Waterstone at Lexington” prepared by Stantec Planning and Landscape Architecture PC issued April 30, 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. 545429 dated April 30, 2019.

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

- 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 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 17, 2019.
- Woodard and Curran Memo dated June 12, 2019.
- Architectural Drawings for Planned Development District PD-3 prepared by Elkus Manfredi Architects, dated June 8, 2018 and revised October 17, 2018, titled:
 - Site Plan Regulatory Drawings; Site Plan; Photorealistic Rendering – View of Assisted Living Entry, Photorealistic Rendering – View of Entry Looking Northwest; Elevation - East; Elevation - South; Elevation - West; Elevation - North; Enlarged Elevations;

- Site Plan Non-Regulatory Drawings; Floor Plans – Level 0-1; Floor Plans – Level 2-3; Floor Plans - Level 4-5; Building Section – East to West; Building Section – North to South; Floor Plans - Roof.
- Memo dated May 8, 2019 from Stantec re: Log of Site Plan Updates-Waterstone at Lexington.
- Plan set titled “Waterstone at Lexington” prepared by Stantec Planning and Landscape Architecture PC issued April 30, 2019 revised May 8, 2019, June 4, 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-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 RLS no. 49211 dated August 28, 2018.

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

- 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 “Waterstone at Lexington” prepared by Stantec Planning and Landscape Architecture PC issued April 30, 2019 revised May 8, 2019, June 4, 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-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;
- L-905 "Site Details 6" 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 hearings were held on June 12, 2019 and June 26, 2019. The public hearings were held together with the Bridges at Lexington, across the street at 55 Watertown Street. During public testimony neighbors spoke to both projects. 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 *Waterstone at Lexington, 56 Watertown Street*. The modifications from the approved Preliminary Site Development and Use Plan approved at 2018 Special Town Meeting are minor, with the exception of number 3 below.
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 grading of the slope in southeast corner of site has been revised from 1:1 to 2:1 slope; this eliminates the need for a rip-rap slope. This change was approved by the Conservation Commission through a Request for Determination (RDA) on April 29, 2019. As a result of this modification the limit of work was adjusted.
4. Beaver Brook is just outside the property to the west. The associated 100-foot wetland buffer and the 200-foot riverfront area are both located on the property. The proposed building and site improvements are outside the 200-foot riverfront area and the 100-foot wetland buffer, except where allowed by the RDA.
5. The Property is currently owned by the Belmont Country Club and is under a purchase and sale agreement with National Development.
6. 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.
7. 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. The proposed protocol and baseline information is included in submittal information. The protocol measures both broadband sound levels and tonal sounds. 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.

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 "Waterstone at Lexington" prepared by Stantec Planning and Landscape Architecture PC issued April 30, 2019 revised May 8, 2019, June 4, 2019 and June 19, 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 constructed thereon 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 Board of Selectmen and the Applicant. 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) Prior to the issuance of a 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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* are met.
- 9) The Developer agrees to comply with the Town's Noise Control Bylaw, Chapter 80 of the Town's General Bylaws. 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.

- 10) 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.
- 11) 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.
- 12) 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 is it deemed to affect adequate line-of-sight.
- 13) 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.
- 14) The Town's Tree Warden will review the as built conditions as to tree removal and replanting and shall determine an amount payable to the Lexington Tree Fund to mitigate the Project's vegetative impacts.
- 15) The Site Plan improvements enumerated in the MOU's Transportation Demand Management (TDM) Obligations/Improvements section are incorporated as a condition of approval.
- 16) Prior to issuance of the final certificate of occupancy, the off-site improvements as defined in the MOU shall be completed.
- 17) 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.
- 18) 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.
- 19) 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 16, 17 and 18. 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).

- 20) 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.
- 21) The conditions listed above shall be reflected in the final site and building plans submitted to the Building Department for building permits.
- 22) 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.
- 23) 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, Duly Authorized

Courtesy Copy of Decision to:

Applicant
Land Owner
Board of Health
Building Commissioner
Conservation Commission

Fire Chief
Police Chief
Town Assessor
Director of Public Works