

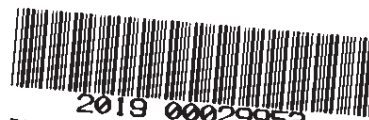
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Town of Lexington
Town Clerk's Office

Nathalie L. Rice, Town Clerk

Tel: (781) 862-0500 x84558
Fax: (781) 861-2754



Bk: 72320 Pg: 202 Doc: DECIS
Page: 1 of 6 03/12/2019 11:12 AM

Date: 3/11/2019

I hereby certify that twenty days have elapsed since the decision of the Board of Appeals on 12/13/2018:

Lexington Housing Assistance Board, Inc. (LEXHAB)
Rep. by Patricia S. Nelson, Atty
241 Grove St
Book 66795 / Page 207
Comprehensive Permit

filed on 12/28/2018, in the Office of the Town Clerk. No appeal was filed in the Office of the Town Clerk within the 20-day period.

Attest:

Nathalie L. Rice

Nathalie L. Rice
Town Clerk

Return To:
Law Office of Patricia S. Nelson
19 Muzzey Street, Suite 207
Lexington, MA 02421

TOWN OF LEXINGTON
DECISION OF THE BOARD OF APPEALS

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2018 DEC 28 PM 2:37

Subject Property: 241 Grove Street, Map 91, Lot 1C
Applicant: Lexington Housing Assistance Board, Inc.
Hearing Date: December 13, 2018

TOWN CLERK
LEXINGTON MA

Pursuant to notice in the *Lexington Minuteman*, a newspaper of general circulation in the Town of Lexington, published on November 29, 2018, and December 6, 2018, and notice sent by mail, postage prepaid, to all parties in interest pursuant to the provisions of Massachusetts General Laws Chapter 40A, and notice posted as required by said Chapter 40A, a public hearing was held on December 13, 2018, in the Town Office Building on the petition of Lexington Housing Assistance Board, Inc, filed on November 16, 2018, for a COMPREHENSIVE PERMIT in accordance with the Zoning By-Law (Chapter 135 of the Code of Lexington) section 135-9.2.2.4 and MGL c. 40B, sections 20 to 23 to allow construction of single-family dwelling of low or moderate-income housing to allow a single-family dwelling unit of low or moderate housing at 241 Grove Street.

The petitioner submitted the following information with the application: Nature and Justification, Plot Plan, Floor Plans, and Photographs. Also received was a Purchase and Sale Agreement, and LexHAB's application to DHCD for a Comprehensive Permit.

Acting on the petition was Acting Chair Jeanne K. Krieger, David G. Williams, Norman P. Cohen, and Associate Members Beth Masterman and James A. Osten

The staff present were Jennifer Gingras, Zoning Administrator, and Katie Luczai, Administrative Clerk.

Prior to the meeting, the petitions and supporting data were reviewed by the Building Commissioner, Conservation Administrator, Town Engineer, Board of Selectmen, the Planning Director, the Historic District Commission Clerk, Historical Commission, Economic Development, and the Zoning Administrator. Comments were received from the Conservation Administrator and Zoning Administrator.

Presenters: Patricia S. Nelson, Esq. O/B/O "LEXHAB" and Lester Savage

Ms. Nelson stated that LEXHAB will be rehabilitating the house located at 241 Grove Street, also known as Wright Farm, in order to turn it into a new single family affordable housing unit. LEXHAB currently rents and owns over 70 units for low to moderate income tenants. They acquired Wright Farm in 2016. They have gone to the Department on Housing and Community Development to seek approval for this proposed rehabilitation. They have already been issued a site eligibility letter and only need approval from the Department because the lot size is smaller than the minimum allowed. Ms. Nelson stated that the house is staying within the footprint of the house and will maintain the same amount of bedrooms.

The Board inquired where the boundaries are. Mr. Savage stated that the boundaries are marked. The boundary to the conservation land is marked with a split rail fence. Mr. Savage noted that this will be the largest house that LEXHAB will own.

There were no questions or comments from the audience. There were no further questions or comments from the Board.

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Findings

The Town of Lexington Zoning Board of Appeals (the "ZBA" or the "Board"), having received the Board of Appeals Application for Hearing, viewed the site, conducted a public hearing, and reviewed all the submitted evidence, finds that:

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1. The Lexington Housing Assistance Board ("LexHAB" or the "Applicant") is the applicant, for a Comprehensive Permit (the "Permit") pursuant to Mass. Gen. L. Ch 40B §§ 20-23 (the "Statute"), 760 CMR 56.00 (the "Regulations"), and Ch 135 of the Code of the Town of Lexington— the Zoning By-law (the "Bylaw") § 135-9.2.2.4.
2. LexHAB is also the owner of 241 Grove Street (the "Site") in the Town of Lexington. The property is more particularly described in a deed recorded in the Middlesex South District Registry of Deeds Book No. 66795 and Page No. 207.
3. LexHAB is an independently chartered not for profit corporation appointed by the Town of Lexington Board of Selectmen.
4. LexHAB is an eligible entity to apply for the Permit.
5. The Site is situated in a zoning district classified under the Bylaw as RO (One-Family Dwelling).
6. Presently located on the Site is a single family residential dwelling.
7. As shown on the plans, submitted with, or in information, otherwise referenced in the application, the applicant seeks to develop one unit of Low or Moderate Income Housing (the "Affordable Units").
8. The Town's Subsidized Housing Inventory Eligible Housing units exceed 10% of the Town's total housing units.
9. The Applicant's petition has been brought under the Local Initiative Program (the "LIP") sections of the Statute and Regulations. The single unit will qualify for inclusion on the Commonwealth of Massachusetts Subsidized Housing Inventory. The project was endorsed by the Town of Lexington Board of Selectmen.
10. The applicant applied to the Board for zoning relief under the applicable Bylaw sections, § 135-9.2.2.4, to allow the above listed work.
11. In support of its application to develop the single Affordable Unit the Applicant provided the information listed below— such information as normally required by the Housing Appeals Committee (HAC) and consistent with or exceeding the Board's Rules and Regulations for the grant of a Comprehensive Permit [Note, the HAC required items are listed in italic. The information in support of the requirement is listed in plain text]:

1. A sketch plan showing the locations and outlines of the proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks, and paved areas; and proposed landscaping improvements and open areas within the site.

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December 13, 2018

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These plans have been provided by the applicant. See plan entitled, "Plan of Land" prepared by Meridian Associates, dated February 2, 2018. Also, see applicant's narrative and supporting documents.

2. *A report of the existing conditions and a summary of conditions in the surrounding area, showing the location and nature of existing buildings, existing street elevations, traffic patterns, and character of open areas, if any in the neighborhood.*

This report has been provided by the applicant in its narrative submitted with the application. Also, the applicant submitted a plot plan that shows the existing conditions. See applicant's narrative submitted with the application and plans submitted with the application including plan entitled, "Plan of Land," prepared by Meridian Associates, dated February 2, 2018 and Demolition Floor Plans, dated March 29, 2018, Proposed Floor Plans, dated March 29, 2018, and Exterior Photographs, dated March 29, 2018.

3. *Preliminary, scaled, architectural drawings.*

These drawings have been provided by the applicant. See plans entitled: "Proposed Floor Plans," all prepared by Colin Smith Architecture, dated March 29, 2018.

4. *A tabulation of proposed buildings by type, size, and ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, by parking, and other paved vehicular areas, and by open spaces.*

The applicant has provided this information in their application, dated November 16, 2018.

5. *A preliminary utilities plan showing the proposed location and types of sewerage, drainage, and water facilities, including hydrants.*

This plan has been provided by the applicant. See plan entitled, "Plan of Land," prepared by Meridian Associates, dated February 2, 2018.

6. *The Project Eligibility Letter, showing that the Applicant fulfills the requirements of the statute.*

This letter has been provided by the applicant. See letter Department of Housing and Community Development (Racer) to Lexington Board of Selectman (Barry) and Lexington Housing Partnership Board (Walker), dated July 27, 2017.

7. *A list of waivers.*

This list has been provided by the applicant. See below.

12. The Board finds that it can grant the Permit for the following reasons:

- a. The project is consistent with the Town's local needs. The Town exceeds the required minimum 10% Affordable Units. The project is a LIP project and has the

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241 Grove Street
The Lexington Housing Assistance Board

December 13, 2018

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support of the local Board of Selectmen and the Local Housing Partnership. The creation of a new Affordable Unit serves the Town's needs of continuing to provide affordable housing in Lexington. The unit will allow the Town to maintain its 10% Affordable Units. Creation of the additional Affordable Units is consistent with the Town's Comprehensive Master Plan and the Town's Housing Production Plan.

The project also serves the Town's local needs by preserving and modernizing the existing structure built in 1843. The Site will be improved and the house rehabilitated with substantial interior demolition, lead paint removal, and utility upgrades. Energy efficiency will be improved with the use of new insulation and installation of new energy saving windows and appliances.

- b. No uneconomic conditions have been imposed on the project. Further, the Board has found that the waiver listed below may be granted for the project so that the project is economical.
- c. The project has received equal treatment regarding the conditions applied to the project.

13. The Board finds that it can grant the waiver listed below, because granting the waiver make the project economical.

Bylaw §135-4.4, Table 2: Schedule of Dimensional Controls to allow 1.) Lot area of 16,954 sq. ft. instead of the required 30,000 sq. ft.

Decision

On a motion by James A. Osten and seconded by Beth Masterman, the Board voted 5-0, to grant the WAIVER listed in Finding 13 above for the project in accordance with Mass. Gen. Law. Ch. 40B §§ 20-23 and § 135-9.2.2.4 of the Bylaw and to grant a COMPREHENSIVE PERMIT in accordance with Mass. Gen. Law. Ch. 40B §§ 20- 23 and § 135-9.2.2.4 of the Bylaw, subject to the following:

- 1. Construction of the single Affordable Housing Unit shall conform substantially to the plans submitted with the application and referenced in Finding 11 above.
- 2. Location of the structures shall conform substantially to the building location shown on the plan entitled, "Plan of Land," prepared by Meridian Associates, dated February 2, 2018.
- 3. The boundary between the Site and adjacent Conservation land to the rear of the property shall be separated by a split rail fence to prevent any potential encroachment from residential activities.
- 4. Approvals granted by this Decision are made only for the scope of work and uses as shown on the plans or in information materials submitted with the application, except as may otherwise be conditioned by this Decision. Any subsequent modifications to the Site, in whole or in part, may require Board action in accordance with the Bylaw.

The above listed zoning relief is for property located at 241 Grove Street.

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Town of Lexington Board of Appeals' Decision

This constitutes the record of the decision of the Town of Lexington Zoning Board of Appeals acting under Massachusetts General Laws, Chapter 40A, relative to:

2018 DEC 28 PM 2:37



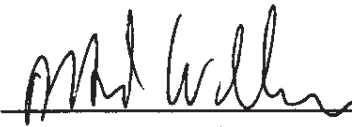
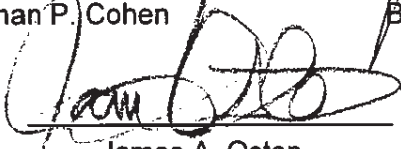
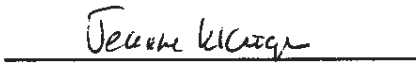
Address of Subject Property: 241 Grove Street

Hearing Date: December 13, 2018

TOWN CLERK
LEXINGTON MA


Petitioner/s: Patricia S. Nelson o/b/o LexHAB

Board Members sitting for hearing:

 Norman P. Cohen	 Beth Masterman	 David G. Williams
 James A. Osten	 Jeanne K. Krieger, Acting Chair	

I, Department Clerk of the Board of Appeals, certify that copies of the decision have been filed with the Lexington Town Clerk:


Administrative Clerk

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LEXINGTON, MA

Registry of Deeds filing requirements variance/ special permit: This variance and or special permit shall not take effect until the petitioner records, at his or her own expense, a copy thereof with the Registry of Deeds, South District Middlesex District pursuant to Massachusetts General Laws, Chapter 40A, Section 11.

Lapse of variance: Per Massachusetts General Laws, Chapter 40A, Section 10— If the rights authorized by a variance are not exercised within one (1) year of the date of grant of such variance, the rights of such variance shall lapse; provided, however, that the permit granting authority, in its discretion and upon written application by the grantee of such rights, may extend the time for exercise of such rights for a period not to exceed six (6) months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period.

Lapse of special permit: Per the Town of Lexington Zoning Bylaw (Chapter 135 of the Code of the Town of Lexington) Section 135-9.4.6 Special Permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within twenty-four (24) months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in Massachusetts General Law CH 40A, section 17, from the grant thereof). The permit granting authority, in its discretion and upon written application by the grantee of such rights, may extend the time for exercise of such rights.

Appeal of Board of Appeals Decision: Any person aggrieved by a decision of the Board of Appeals may appeal to the land court department or the superior court department in which the land concerned is situated by bringing an action within twenty days after the decision has been filed in the office of the town clerk, pursuant to Massachusetts General Laws, Chapter 40A, Section 17.