

RS

Aug. 9, 1996

I, Marie E. Hill, Temp. Town Clerk of the Town of
Lexington, Massachusetts, do hereby certify that twenty days have
elapsed since the decision of the Board of Appeals on
10 Pelham Rd.

Youville Place, Inc.

Book# 8038 Page# 417 & 414

was filed in the office of the Town Clerk on July 19, 1996
and no appeal has been filed in the office of the Town Clerk.

Marie E. Hill

Lexington, Massachusetts

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TOWN OF LEXINGTON
DECISION OF BOARD OF APPEALS

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Subject Property: 10 Pelham Road
Applicant: Youville Place, Inc.
Hearing Date: June 27, 1996

Pursuant to notice in the *Lexington Minuteman*, a newspaper of general circulation in the Town of Lexington, published on June 13 and June 20, 1996, 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 June 27, 1996, in the Selectmen's Meeting Room of the Town Office Building on the petition of Youville Place, Inc., filed on May 17, 1996, for a SPECIAL PERMIT WITH SITE PLAN REVIEW (SPS) in accordance with Sections 3.4 and 9.4 of the Zoning Bylaw to develop an assisted living facility with up to 95 units at 10 Pelham Road, rezoned RD under Article 31 of the 1996 Annual Town Meeting.

Acting on the petition were Chairman John J. McWeeney, Francis W.K. Smith, Robert V. Whitman, Robert F. Sacco and Associate Member Carolyn C. Wilson.

The applicant submitted the following materials with the application for special permit with site plan review:

- (i) Request for Special Permit with Site Plan Review dated May 16, 1996;
- (ii) Definitive Site Development Plan dated May 16, 1996, including accompanying plans described therein; and
- (iii) Supplement to Definitive Site Development Plan to Accompany the Request for Special Permit with Site Plan Review dated May 16, 1996.

Prior to the hearing the application and accompanying materials were reviewed by the Zoning Officer, Building Commissioner, Planning Board, Conservation Administrator, Health Director, Town Engineer, Board of Selectman, Design Advisory Committee and Fire Department. The Planning Board recommended approval of the requested special permit with site plan review for the reasons cited in its report dated April 8, 1996 to the 1996 Annual Town Meeting. The Town Engineer submitted a memorandum dated June 4, 1996 containing technical comments, the Design Advisory Committee unanimously recommended approval of the project.

The applicant was represented at the hearing by Sr. June L. Ketterer, S.G.M., President of Youville Place, Inc.; Ms. Susan McDonough, Vice President for Elder Services of Covenant Health Systems, Inc., manager of the assisted living facility; Mr. Stephen Conlin of Van Wert & Zimmer, P.C., counsel for the applicant; Mr. Peter Shaffer of

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DiMella Shaffer Associates, Inc., architects for the project; and Mr. James A. Miller, planning consultant for the project.

Approximately 15 people attended the hearing. Sr. Ketterer gave background information regarding the Sisters of Charity of Montreal, "Grey Nuns," their works in the United States and the sisters residing at the existing Provincial House. She described the property, the existing building and the plans to convert it to an assisted living facility. She showed several slides of the existing building, site and project plans, and renderings of the completed facility. Sr. Ketterer described the services to be offered at the facility, and other activities at the site, including the Adult Day Health Care Center and the Provincial Offices. She summarized the special conditions regarding affordable housing and transportation incorporated into the Definitive Site Development Plan, and described the impact of the project on the environment and town services and benefits of the project for the Town.

Several persons at the hearing spoke in favor of the project, and none spoke in opposition.

Findings and Decision:

The property is owned by The Grey Nuns Charities, Inc., ("GNCI") and leased to the applicant, Youville Place, Inc., GNCI consented to the application of Youville Place, Inc., for a special permit with site plan review. The property is in an RD, Planned Residential Development, district, having been rezoned RD under Article 31 of the 1996 Annual Town Meeting.

The property consists of approximately 12.1 acres. There is currently located on the property a building of brick and concrete construction with approximately 84,000 square feet that was built in 1957. It was originally built as a residence for approximately 100 members of the Grey Nuns congregation. The building now serves as a convent and retirement house for the Grey Nuns, and houses approximately 40 active and retired Sisters. The building also contains offices for the Provincial Administration of the Grey Nuns and an Adult Day Health Care Center.

The applicant proposes to renovate the existing building to convert it to an assisted living facility with up to 95 units. The building will also contain offices for the Provincial Administration of the Grey Nuns and the Adult Day Health Care Center. Upon initial occupancy, the assisted living facility will contain 56 studio, 32 one-bedroom and 2 two-bedroom units. The facility may be expanded by five units to a total of 95 units if office space is converted to residential units at a later date. Each of the units will be equipped with sitting and sleeping areas, a kitchenette, a private full bathroom, closets and an emergency response system. Because many frail older adults will be in residence, each unit is designed with safety features in the bathroom and throughout the unit. Full kitchens and laundry facilities

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will be provided on each floor. In addition to private living units, there will be common spaces, such as the dining room, a non-denominational chapel, library, activities center, exercise room and storage.

Most of the construction will occur within the building, and exterior modifications will be limited to making the existing main entrance handicap accessible, giving the building facade a more residential appearance by the addition of trellises and window accent panels, and improvements in the rear of the building. The existing building footprint and elevations will remain virtually intact. The two existing courtyards which are currently surrounded by the existing wings of the building will be lowered approximately five feet to the level of the existing areaways, thereby allowing direct access to those courtyards without the need of elderly residents negotiating stairs. The courtyards will be regraded and replanted, including some paved areas to facilitate maximum use by the residents of these currently underutilized spaces.

The applicant has designed the project to preserve existing natural features and plant materials to the maximum extent practicable. Site improvements will be limited to the area immediately surrounding the existing building. This area is set back at least 500 feet from Massachusetts Avenue, and substantial side and rear yards are provided. Landscaping plans call for maximum retention of existing natural features which have the effect of screening the existing buildings and access drives. Additional planting is planned for certain areas, particularly at the rear of the building.

The Board of Appeals considered the purposes set forth in Section 1.1 of the Zoning Bylaw, the objectives set forth in Section 9.1.1 of the Zoning Bylaw, and the criteria and standards set forth in Sections 3.4 and 9.4 of the Zoning Bylaw. After review of the applicant's application and accompanying materials and the applicant's presentation at the hearing, the Board made a unanimous finding and determination that the proposed project is consistent with the purposes and objectives set forth in Sections 1.1 and 9.1.1, respectively, of the Zoning Bylaw and satisfies all of the criteria and standards set forth in Sections 3.4 and 9.4 of the Zoning Bylaws applicable to the proposed project. In particular (and without limiting the generality of the foregoing) the Board of Appeals found and determined as follows:

(a) The project complies with all criteria and standards set forth in the Zoning Bylaw for the granting of a special permit with site plan review.

(b) The project is designed in a manner that is compatible with the existing natural features of the site and is compatible with the surrounding area. By adapting the existing building to the proposed use, the project will have a negligible effect on the existing natural features of the site. By limiting the "development area" to that basically covered by the existing building, driveway and parking area and their immediate environs, and establishing a 500 foot setback from Massachusetts Avenue, the applicant has assured that less than 8% of the site will be covered by building,

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and that the "front yard" and attendant natural features will be preserved. Modifications to the existing building are nominal and the existing "footprint" is maintained. Visually, the building's lines will be softened by the addition of trellised areaways and fenestration modifications designed to give the building a more residential character.

(c) The project meets accepted design standards and criteria for the functional design of facilities, structures and site construction. The project will bring the interior of the existing "50's vintage" structure to full code-compliance for assisted-living facilities, provide access for the physically handicapped and provide a restful interior and exterior environment for persons averaging 75+ years of age. The Design Advisory Committee described the project as "well designed" and unanimously recommended approval of the project.

(d) The project will not create impacts on the public services and facilities serving the development which cannot be accommodated by such services and facilities. The traffic impact analysis submitted by the applicant concludes that the project will not have a significant effect on local traffic on Massachusetts Avenue, on Pelham Road, at the intersection, or on any local streets, and that the project may be accommodated without the need for any traffic improvements. Vehicular access to the property will continue to be from two existing points on Pelham Road, with the first serving visitors and guests, and the second for service vehicles, public access to the Adult Day Health Center and the Provincial Offices. Residents of assisted living units typically do not use private automobiles. Further, as approximately one-third of the residents will be elderly and retired Sisters, impacts from private automobile traffic will be minimal. Finally, the applicant will provide its own jitney for the use of the residents for periodic trips away from the home. The existing building is presently served by Town water and sewerage, systems originally designed for 100+ living units. The proposed 95 units of assisted living will not require additional service to the building. The applicant will provide appropriate recreational opportunities for its residents and will place no additional significant demands upon Town recreational facilities and services. By bringing the existing facility to current code standards, safety of occupants and, therefore, impacts on Town public safety services will be minimized. Given the age of occupants of assisted living, it may be anticipated that there will be some increase in the usage of Town ambulance services.

(e) The project will not create adverse impacts, and the development will be compatible with the surrounding area. The applicant has made efforts to minimize impacts on neighboring properties. The existing footprint of the building will not change. By the placement of building-softening techniques, such as trellises and fenestration improvements, the applicant has attempted to give the existing building a more residential character. By preserving and protecting the "front yard" of some 500 feet plus, the applicant has assured the Town that the historic frontage of the property will be maintained as an open greensward. Several persons residing in close

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proximity to the property spoke in favor of the project at the hearing, and there was no opposition.

(f) The project is consistent with (i) the general purposes of the Zoning Bylaw as set forth in subparagraph 1.1, and (ii) the more specific objectives and purposes applicable to the requested special permit with site plan review set forth elsewhere in the Zoning Bylaw. The project has been designed with the provisions of the Town's Planned Residential Development provisions as specific goals and objectives. The project addresses the Town's stated objectives for planned residential development, specifically, the project (i) ensures that the development of additional housing does not detract from the livability, scale, character or economic value of existing residential neighborhoods; (ii) encourages greater diversity of housing opportunities in Lexington to meet the needs of a population which is diversified with respect to the number of persons in a household and income; (iii) provides greater choice in the type of housing available to correspond to the varying needs of Town residents in different stages of their life cycle; (iv) encourages the development of housing affordable to low-, moderate- and middle income households; (v) promotes a high standard in the design of development site and building; (vi) encourages the preservation of open space in conjunction with residential development; (vii) encourages the preservation and minimum disruption of the existing natural features of land; (viii) encourages the preservation of a historically important building and land in the Town; (ix) has undergone a detailed review by Town officials and the public; and (x) assures that the number of dwelling units allowed will be compatible with the surrounding land uses, and that traffic and public services will not be adversely impact.

(g) A system of routes for pedestrians and bicycles is provided. The project provides for appropriate routes and complies with Planning Board transportation, pedestrian and bicycle policies.

(h) Open space on the site is located so as to increase the visual amenities for surrounding area as well as for the occupants of the development. Open space in the form of the Massachusetts Avenue "front yard" to a depth of at least 500 feet for the full frontage as well as extensive side yards will be retained in open space. Existing tree lines and topographic features will remain unchanged.

(i) There is easy access to buildings for emergency personnel. The front driveway will be widened to allow for improved access by emergency vehicles, and access to the rear of the building will be improved. In addition, the building will provide state-of-the-art alarm and fire protection services and access for the physically handicapped.

(j) The massing scheme and the selection of exterior materials for the building is complementary to a single family neighborhood. The existing building has

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LEXINGTON BOARD OF APPEALS DECISION

Hearing: June 27, 1996

This constitutes the record of the decision of the Board of Appeals relative to:

Subject Property: 10 PELHAM ROAD

Petitioner/s: YOUVILLE PLACE, INC.

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BOARD OF APPEALS OF LEXINGTON (acting under the Lexington Zoning Bylaw, Lexington General Town Bylaws, and Massachusetts General Laws, Chapter 40A)

Robert V. Whitman

Carole A. Wilson

Robert F. Savoy

Francis A. Smith

[Signature]
Chairman

I, Elinor Greenway, administrative clerk of the Board of Appeals, certify that copies of this decision have been filed with the Lexington Town Clerk and the Planning Board.

Elinor Greenway

In accordance with Mass. G.L., Ch. 40A, SS11, "No variance or special permit, or any extension, modification of renewal thereof, shall take effect until a copy of the decision bearing the certification of the town or city clerk that twenty days have elapsed after the decision has been filed in the office the city or town clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant." Prior to the issuance of a building permit, the applicant shall present to the building commissioner evidence of such recording.

In accordance with Mass. G.L., Ch. 40A, SS9, "Zoning ordinances or bylaws shall provide that a special permit shall lapse within two years unless substantial use or construction has commenced..."

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been in place at this site for over 40 years, and is a well-established and accepted part of the neighborhood fabric. The size of the existing building will not be materially changed. Due to the present placement of the building on the site and landscaping improvements, the visibility of the building to the homes in the general area is limited. The applicant has used building-softening techniques, such as trellises and fenestration improvements, to the extent practicable to give the existing building a more residential character.

Accordingly, by unanimous vote, the Board of Appeals hereby grants a special permit with site plan review (SPS) to Youville Place, Inc., in accordance with Sections 3.4 and 9.4 of the Zoning Bylaw to develop an assisted living facility with up to 95 units at 10 Pelham Road, rezoned RD under Article 31 of the 1996 Annual Town Meeting, to be known as Youville Place.

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