

PLANNING BOARD MINUTES
MEETING OF AUGUST 17, 2005

A regular meeting of the Lexington Planning Board held in the Selectmen's Meeting Room, Town Office Building, was called to order at 7:30 p.m. by Chairman Manz with members Harden, Galaitis, Hornig, Canale and planning staff McCall-Taylor, Schilt and Tap present.

***** ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS *****
RELEASE OF COVENANT

Scottish Glen Cluster Subdivision, off Summer Street, Release of Covenant, Release of Surety:

The applicant submitted as-built plans with a request for a Release of Surety, and the issuance of a Certificate of Completion. The plans have been reviewed and approved by the Engineering Department. On a motion duly made and seconded, it was voted 5-0 to release the covenant and surety for the Scottish Glen Cluster Subdivision.

***** REPORTS *****
PLANNING BOARD

Mr. Canale stated that the Community Preservation Act (CPA) for the Lexington ballot question committee would be meeting with the Capital Expenditures Committee on September 14, 2005.

Mr. Harden gave an update on work by the zoning subcommittee of the Housing Partnership Board (HPB) regarding comments made by the Planning Board on the Inclusionary Housing bylaw at the meeting on August 10, 2005. The subcommittee is working to refine the number of affordable units required at different price points based upon information being obtained from the assessors office and local realtors related to recent trends in housing sales. Members of the HPB are planning to come to the Planning Board meeting on September 28 with an update.

Mr. Canale stated that through the MassPlanners list serve a meeting is scheduled for any interested local planners and officials to discuss inclusionary housing. The meeting will be at the Lincoln Town Hall on August 24, 2005 at 9:30 a.m. Ms. McCall-Taylor said that she and Mr. Schilt were planning to attend.

Mr. Canale asked if the Board was interested in visiting the former Middlesex County Hospital site before reviewing the new sketch plan for the Lexington Hills cluster subdivision at its next meeting. Ms. McCall-Taylor stated that it might be more pertinent to do a formal group tour when the applicant has submitted a preliminary plan. Board members agreed that organizing a group tour before the next meeting would be difficult given schedule conflicts. Ms. Manz suggested that Board members tour the site individually, and when a formal application has been submitted an official tour would be arranged. Ms. McCall-Taylor stated that staff would inform the applicant that members of the Board would probably be visiting the site individually.

***** ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS *****
SUBDIVISION OF LAND

Cedar Street Cluster Subdivision Sketch Plan, JMG Development, LLC: The applicants presented a sketch plan for a proposed cluster subdivision on Cedar Street. Representing the applicant team were Mr. Joseph Gelormini, developer; Ms. Pam Brown, attorney; Mr. Ron O'Brien, of Meridian Associates Inc., engineer; and Mr. David Jay, of Weinmayr-Jay Associates, Inc., landscape architect.

Mr. Gelormini stated that this sketch plan was a revised version from the one he presented to the Board on June 1, 2005 and the plans reflected changes the Board had suggested. He stated that the team felt they were ready to submit a preliminary plan, but wanted one more opportunity to receive guidance from the Board prior to going forward. He provided an overview of the plan, and stated that most of the Board's comments had been addressed, except a reduction in the number of units was not feasible from a financial perspective, but they were able to reduce the size of the units. The housing mix now includes two units at

3,400 square feet (formerly five units), three units at 2,850 square feet, five units at 2,650 square feet, two at 2,450 square feet, four units at 2,300 square feet, and two units at 1,600 square feet. The design of the loop road has been changed to include more curves in order to calm traffic, and the common open space now comprises 42 percent of the site, with 34 percent being usable open space.

Mr. Galaitis stated that the reduction in the size of the units did not seem to be that significant, and noted the big gap in size between the 1,600 and 2,300 square foot units. He felt the units Mr. Gelormini built at Johnson's Farm were too large. He indicated his appreciation for maintaining 34 percent of the site as open space, but questioned whether the usable open space was too far away from some of the units as required by the Zoning Bylaw. He also questioned whether more affordable units could be provided, or if the price of selling the units to LexHAB could be reduced with the balance distributed in the price of the other units. Mr. Gelormini stated that comparing the Cedar Street units to those at Johnson's Farm in terms of the formula for measuring impacts was not applicable; the average size of the units at Johnson's Farm is greater because of the economics involved. The Johnson's Farm property is smaller and difficult to build on.

Mr. Harden noted that the applicant's letter to the Board discussed previous proof plans showing 13 units and nine units. He said the proof plans are a point of reference as to the number of conventional units the site could accommodate. He felt that smaller units on the site might be more appropriate, especially if more units were attached and more affordable. Mr. Gelormini replied that there was a big difference between units that were 3,000 square feet that are now 2,300 square feet on smaller lots. He stated that of the 18 units shown, two were being sold as affordable units and four units were being built for the current landowners. He needs 18 units to make the project work financially, and he could easily do a conventional subdivision to make that happen but would prefer to do a cluster, which is why he is back before the Board for guidance.

Ms. Manz stated she understood the economics involved, but the density seemed high. She asked if the number of units could be reduced by one, to allow more space between the buildings, or if another affordable unit could be provided. She added that though the open space seems accessible and usable, and she likes the design of the project and the layout of the roadway, the plan still feels urban.

Mr. Hornig stated that he had mixed feelings about the project, which appears to be a great example of a cluster development, but he wishes the units were smaller, with more units attached and less of a gap in the range of unit sizes. He does not necessarily think that reducing the number of units would help if the remaining houses were large.

Mr. Canale concurred with the rest of the Board's comments, and appreciated the applicant's improvements to the site layout. He recommended that clearly identified access to the abutting town-owned land be protected with some form of a restriction. Mr. Gelormini stated that he intends to provide a four-foot wide wood-chip path delineated by trees similar to what he did at Johnson's Farm. Mr. Canale suggested that the applicant consider dedicating a public easement.

Mr. Gelormini asked for consensus from the Board regarding the number of units. He said he is wary of providing attached units given his experience with those at Johnson's Farm that have not yet sold. The market for attached units does not have any comparables, and there does not appear to be any demand, as he is seeing with sales at Johnson's Farm. He would rather reduce the size of the two 3,400 square foot units on this sketch plan to 2,500 square feet than provide more attached units. Mr. Hornig inquired about the number of bedrooms in each unit, and Mr. Gelormini replied that they would be either four-bedroom units or three-bedrooms with a study; the smaller units would have fewer bedrooms. Ms. Manz asked if reducing the size of the larger units would reduce their footprints, and Mr. Gelormini stated that it would.

He further noted that he regards the central open space as the prime area in the cluster, serving as a central courtyard; Johnson's Farm is a "front yard" cluster, which makes it very appealing and livable. This project would have the same sort of feel.

Ms. Manz commented that reducing the size of the two largest homes would help maintain an appropriate scale and density. Mr. Gelormini stated that he modeled this plan after Johnson's Farm to keep the cluster tighter. He could make the road longer to get more room between the houses and more open space in the center. Ms. Manz indicated her concerns about making sure the open space is accessible to encourage its use.

Ms. Manz polled the Board on reducing the size of the larger homes. Mr. Galaitis stated that he was in favor, but he would prefer to see a proposal that is much more in line with the proof plans. Mr. Gelormini stated the nine-lot proof plan had a living area of 40,500 square feet, and the 13-unit proof has more. This plan has a living area of 45,400 square feet, with two affordable housing units, 42 percent of the site retained as open space, and there is a range in the sizes of the units, which promotes a greater diversity in housing styles. Other layouts he has worked out have been for proof plans with up to 16 units with a different access layout. Ms. Manz asked if the square footage of the largest units were reduced if the impacts would be similar to the nine-unit proof plan. Mr. Gelormini stated that they would be similar and the public benefits could still be provided. Mr. Galaitis stated that more could be done to provide fewer units and get a better aggregate product. Mr. Gelormini stated that building fewer units would not work financially. Mr. Canale stated that he was not necessarily wedded to reducing the size of the units given other trade-offs that could be achieved, including seeing fewer units. Mr. Hornig stated that he preferred to reduce the square-footage of some of the mid-sized units, and that he did not see a problem with having some larger units. Mr. Canale indicated his agreement with that suggestion as a way to provide a range in unit sizes. Mr. Harden also agreed, but he still was not persuaded that the 18-unit cluster is better than a conventional scheme.

Mr. Gelormini stated that the team had already done a variety of proof plans, including one with 15 conventional units with access onto Fremont Street if he could get it. The options being proposed by the Board are leading him to think that a conventional subdivision may be the best alternative. He will continue to evaluate reducing the size of the units, but he cannot also reduce the number of units and make the project financially feasible. Ms. Manz noted that it appeared that the consensus of the Board was for smaller units with a greater range in sizes, with further preference for fewer units.

Public comments and questions had to do with the number of garages and with traffic impacts. The applicant said that a traffic impact study has been conducted and the impacts were minimal; volumes in the morning and evening peak hours were 14 and 18 vehicles, respectively. Asked if there were accepted standards for densities in cluster developments, Ms. McCall-Taylor responded that the intent is to provide flexibility and creativity when negotiating a project's site layout and design.

16 Shade Street Subdivision Sketch Plan, Seaver Construction, Inc.: A sketch plan for a proposed subdivision at 16 Shade Street was presented by Mr. Scott Seaver, developer; and, Mr. Fred Russell, engineer. Mr. Russell provided an overview of the 2.4-acre site, stating that there is an existing house and garage, but the site is mostly wooded, with steep slopes. The applicants are proposing a 240-foot long road with a 40-foot right-of-way, and a conventional subdivision of three new single-family lots. The majority of the grading is to provide a two-percent slope for the first 75-feet from the roadway's intersection with Shade Street, which would transition to an eight-percent grade through the cul-de-sac; much of the remainder of the site is fairly flat.

Mr. Hornig stated that the significant challenge for this site is the grading, with the potential to require a retaining wall eight to nine feet high. Mr. Russell stated that a survey of the property had not been done yet, so the exact details were not available, and the current estimates were based upon digitized topography maps that had not been verified. Mr. Hornig stated that drainage was also going to be a challenge, and he had concerns about the amount of dirt that will need to be moved. Mr. Russell stated that test pits also still needed to be completed to assess the soil conditions and determine provisions for drainage. Mr. Galaitis added that the steep areas on the site needed to be better delineated on the plans, and that more information needs to be provided for an informed assessment.

Mr. Harden stated that the grading and potential blasting seemed to be significant, and inquired whether providing only two lots would have fewer constraints. Mr. Russell noted that what is dictating the design is the requirement for a two-percent grade for the first 75-feet of the roadway, and that two lots would probably only shorten the roadway by 10-feet. He asked if the Board would consider a waiver of the two percent grade requirement.

Mr. Canale stated that the proposed access to the site comes out at a point on Shade Street where there is a dangerous lack of visibility. Providing better sight distances will be a major challenge. He added that drainage and flooding are already significant issues at the bottom of the hill. Additionally, there are some specimen fir trees in the area where grading would take place, and the trees would be lost. Mr. Russell stated that these concerns were valid and would be fully investigated with further analysis of the site. Mr. Canale noted that a retaining wall would complicate sight distance issues. Ms. Manz asked if there are alternatives for access.

Mr. Hornig asked if a two-lot reduced frontage subdivision would avoid some of the access problems. Mr. Russell said that three-lots make the project economically feasible. Mr. Galaitis stated that the disturbance is significant, and that the plan should fit the site rather than making the site fit the plan. Ms. McCall-Taylor stated that is why a landscape architect is needed on the project team. Asked how many truck trips would be required to haul dirt and ledge from the site, Mr. Russell answered that it was too soon to tell. Mr. Seaver noted that about one-third of the wooded area on the site would be left untouched.

The Board asked the applicant to submit another sketch plan with more detail. Mr. Galaitis stated that the applicants should also consider a plan for two lots. Mr. Canale noted that the applicants should talk with Patriot Partners, as they were going to provide bicycle and pedestrian access to the adjacent conservation lands; tying into this could be a good amenity. Mr. Seaver asked if the Board would consider a waiver of the requirements for the two percent slope of the road. The Board agreed they were reluctant to consider it without more engineering details. Mr. Canale emphasized that safety is a key concern.

Audience comments and questions had to do with traffic safety on Shade Street, the height of the retaining wall, and drainage problems. The residents want to maintain the rustic character of the neighborhood, and expressed concern that this development would damage it. A resume of the applicant's previous work was requested.

Ms. Manz asked the applicant to consider a two-lot subdivision. Mr. Seaver stated that it was not financially feasible. Ms. McCall-Taylor noted that a three-lot subdivision also may not be feasible, and that further engineering assessments of the site may determine that the subdivision would not be able to meet the regulations. Mr. Hornig asked if the applicants had considered a special residential development. Mr. Russell replied that previous experience made them reluctant to consider one. Mr. Canale stated that the applicant should talk to residents in the area to get a better understanding of their concerns. The Board asked the applicant to come back with a preliminary plan that provides information supporting a three-lot subdivision.

PUBLIC HEARING: 58 Colony Road, Wisteria Lane Definitive Subdivision Plan, Homes Development: Ms. Manz opened the public hearing at 9:30 p.m. Representing the applicant team were Mr. Gary Larson and Ms. Linda Barnes of Larson Associates, Inc., landscape architects; Mr. John Esserian, and Mr. Joseph Marino of Homes Development Corporation, and Fred Russell, engineer. There were a dozen people in the audience; a sign-up list is on file at the Planning Department. Ms. Manz informed the audience that the Planning Board had already reviewed a sketch plan and a preliminary site development plan for this subdivision. The Board also reviewed a mid-term progress plan prior to the submission of the definitive plan, which is the subject of this public hearing.

Mr. Larson provided an overview of the definitive subdivision submittal, and stated that not much had changed regarding the overall site layout since the mid-term review. Since the mid-term review, they conducted two test pits, in addition to those conducted in January and April of this year, in order to re-evaluate the results of previous findings related to the discovery of a perched seasonal high water table. Due to the Board's serious concern about the amount of fill and grading indicated on earlier plans, the findings of the latest test pits made it possible to reduce the amount of fill by 3,000 cubic yards, and to redesign the site. Grading for the proposed road has now been reduced from the original five to six feet down to 15-inches for the first 75 feet, to 16-inches for the next 200 feet of roadway, and to two-feet and two-inches through the cul-de-sac. The need for a significant amount of fill has been eliminated on Lot 2, as well as the need to relocate the infiltration system. This will save trees, reduce costs for installing piping, and maintain the existing grade at the rear of the lot. The first floor elevations of the dwelling units have been lowered by one to two feet. The infiltration system on Lot 1 will be located further away from Fiske Common, as shown earlier. Three engineers have reviewed this plan, and there is agreement among them that the current plan is workable.

The site entrance has been shifted eight feet in order to save the oak tree on Colony Road, and the narrow strip of land along the road has now been incorporated into Lot 1. Light poles and the fire hydrant have been relocated due to relocating the house on Lot 2, resulting in reduced impervious surface in the driveway and room for planting additional street trees. A 20-foot wide easement will allow future pedestrian access to Fiske School if desired by the Town when construction of the school is complete.

Board Questions and Comments: Mr. Canale asked where the six off-street parking spaces were provided for each unit. Mr. Larson replied that each home would have a three-car garage with three-spaces provided just outside. Mr. Canale asked whether the impervious surface on Lot 1 would allow for additional development, to which the applicants responded that the site was fully developed and future owners would not be able to make changes. Mr. Canale asked about the requested waiver for the sidewalk on Colony Road, and how it would work with saving the tree. Mr. Larson stated that handicapped access would be provided at the new intersection, and the sidewalk would be adjacent to the street for approximately 25-feet, and then would detach from the roadway.

Mr. Canale asked the Board whether it should consider a street name other than Wisteria Lane, because of its particular connection to pop culture. The Board has in the past preferred using the names of the original Lexington Minute Men or street names based on locally significant historical/cultural/natural association. It was noted the street would outlast the current television program that the name Wisteria Lane is associated with. Mr. Esserian said that wisteria vines actually grow in several locations on the property. Ms. Manz polled the Board regarding the street name. Mr. Galaitis asked Ms. McCall-Taylor what the policy was for naming streets. She replied that staff has not discovered a formal policy, but that there is a list of names that could be used. Mr. Marino commented that perhaps the Minutemen's names should be saved for use on roads with a more suitable context. The Board agreed that the 58 Colony Road Subdivision could be named Wisteria Lane.

Mr. Hornig raised three issues. 1) Would the location of the pedestrian easement provide flexibility if the walkway needed to go through Fiske Common or other properties to allow access to the school? It was agreed that the location of the easement could be adjusted to allow for different access layouts. 2) Upon learning that the squares depicted on the plan, which lead to the front door of the dwelling on Lot 1, represent bluestone steps used to reduce impervious surface, Mr. Hornig observed that they seem inappropriate. The maximum amount of impervious surface on the lot won't allow future owners the option to make changes to their property if they desired. 3) Mr. Hornig asked about the two different limit of work lines shown on the plans. Mr. Larson stated that the primary limit of work was for construction of the homes, and the secondary line shows where clearing and inappropriate overgrowth can occur; there would be no grading or other disturbance in the secondary work area to the property line. Asked if lawns would be provided to the property line, Mr. Larson replied that it would be up to the future owners to do what they wished.

Ms. Manz asked, relative to the pedestrian easement, if the applicant would provide a path. Mr. Larson stated that path would have to be developed by the town or schools. Ms. Manz asked if a marker could be provided to identify the easement. Mr. Esserian agreed to provide a stone bound.

Mr. Harden expressed concern that a landscaped buffer should be provided. While he appreciates the applicant's intent to allow future homeowners to landscape as they please, he prefers to see the wooded character maintained. Mr. Esserian said that a significant number of existing trees would be retained. Sherry Grovestein, 62 Colony Road, commented that the overgrowth is a bunch of junk at the back of the lot and it all needs to be removed. Mr. Marino said that notes on Sheet 4 of the plans describe the nature of work to be conducted within the secondary limit of work line, including which trees will remain. Mr. Harden asked if the applicants had reviewed the letter prepared by Mr. Walter Amory, the engineer who conducted a peer review of the plan. The Board had asked him to evaluate the infiltration system in the area of the perched water table. Mr. Russell said that he had, and the work suggested by Mr. Amory could be done, but it wasn't really necessary. Mr. Marino indicated that it would not be a significant amount of work, and that it would be done.

Mr. Galaitis expressed his continued reservations about the amount of fill required to accommodate the infiltration system, and the potential drainage impacts upon abutters. Mr. Larson stated that the site had been engineered to the maximum extent, and the amount of fill had been reduced by over 500 cubic yards since the Board's mid-term review of the plans.

Mr. Canale asked if wisteria could be added to the landscape plans. The applicant stated it would be.

Audience Questions and Comments: Audience members questioned whether the relocated infiltration systems would remain the same size as previously shown, and what entity would be responsible for maintaining the systems and the common open space. It was noted that this was a conventional subdivision and there is no common open space, and there was a covenant, a legal document that would be recorded, obligating the homeowners association to maintain the drainage systems. A consistent landscape or buffer area at the property lines along Fiske Common was also requested. It was noted that the new lots will be private property, and the special permit may limit what sort of structures could be built, and the matter of buffering should be resolved mutually among any abutters. Another audience member asked how the path to Fiske School would be paved given that the allowed percentage of impervious surface is maxed out on the site, noting that if the path were muddy, people would not use it. The applicants stated that crushed stone or other natural materials would be sufficient.

Ms. Manz thanked the applicant team for being so responsive to the Board's requests. She closed the hearing at 10:29 p.m. Board members asked for a recap of conditions requested during the hearing. Ms.

McCall-Taylor stated that the agreed upon conditions included:

- adjusting the location of the easement;
- the addition of a bound for the future path off of the cul-de-sac;
- the excavation in the area of the infiltration systems suggested by Mr. Amory; and,
- adding wisteria to the landscape plan.

Mr. Hornig stated that he felt that there was a need to scale back on the amount of impervious surface in order to provide options for future property owners if they wanted to improve sidewalks or build patios, suggesting a reserve of 100 square feet of impervious surface on each lot. Mr. Harden expressed his concern that specifying site details to this degree is beyond the Board's purview and that if changes were desired the property owners should come back and request a modification to the site plan. Ms. McCall-Taylor stated appeals of maximum impervious surface ratios would have to go before the Board of Appeals. Ms. Manz agreed with Mr. Harden, and queried the rest of the Board. Mr. Canale said he felt that the plan should be left alone. Mr. Galaitsis stated that a condition of a 200-square foot impervious surface margin could be requested, as the buildings were not designed yet and their footprints could be reduced. Mr. Hornig said that he would withdraw his request for the condition, but emphasized he did not feel comfortable with approving a plan that people would not be happy with later. Mr. Canale stated this was a significant issue for further resolution, and that he felt the discussion should be reflected in the meeting minutes.

On a motion duly made and seconded, it was voted unanimously to approve the definitive subdivision plan for a conventional subdivision with three dwelling units, subject to the conditions discussed during the public hearing, and grant a special permit with site plan review (SPS) for a planned residential development in an RO zone, with waivers of the Development Regulations stated in Section 175-45, design standard for street rights-of-way.

***** PLANNING BOARD ORGANIZATION, SCHEDULE *****

Items for inclusion on the meeting agenda for August 24, 2005 include an informational meeting on an application to rezone the Battle Green Inn property to allow a mixed-use development that would go before a special Town Meeting this fall, and a sketch plan for the Lexington Hills Cluster Subdivision. Additional items for discussion should also include topics for the joint meeting with the Board of Selectmen and the Lexington Center Collaborative, if they are prepared for a presentation. Ms. Manz will confirm the date with the Collaborative.

On a motion duly made and seconded, it was voted to adjourn the meeting at 10:50 p.m.

Anthony G. Galaitsis, Clerk