

PLANNING BOARD MINUTES
MEETING OF SEPTEMBER 14, 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 Harden with members Manz, Galaitis, Hornig, Canale and planning staff McCall-Taylor, Schilt and Tapper and Tap present.

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

PUBLIC HEARING: 112 Laconia Street Definitive Conventional Subdivision Plan, Solly's Way, Tanner and Nahigian: The public hearing on the 112 Laconia Street Definitive Plan was called to order at 7:35 p.m. Ms. Lisa Tanner and Mr. Gregory Nahigian, the applicants; and Mr. Fred Russell, engineer, were present. There were seven people in the audience.

Mr. Russell explained that in 1999 the Planning Board had approved a preliminary plan for the property that indicated the applicant could come back with a definitive plan. The property had been tied up in an estate for six years. Now the applicant seeks approval of a definitive two-lot subdivision plan. The reduced frontage subdivision provisions could not be utilized as a portion of the lot frontage in on an unaccepted street. Mr. Russell presented a locus plan, an existing conditions and site analysis plan and reported that 5 test pits were dug, with somewhat favorable results.

The definitive plan shows two lots accessed by a hammerhead cul de sac. One lot would have a long driveway off the turnaround, while the other would gain access directly off the cul de sac. Beyond the cul de sac a 40-foot right-of-way access easement leads to town-owned land dedicated to public school use. In 1999, the Planning Board had requested the right-of-way easement to allow for future extension of the subdivision road.

The Engineering Division requested that each of the two dwellings have its own water service coming directly off Laconia. The Fire Department stated that the back house should have a sprinkler system, as it is at the end of a very long driveway. Mr. Russell indicated that was fine with the applicants. Mr. Russell read the Planning Board's recommendations for the project in 1999. He stated that they will seek to have the road accepted as a public way.

Board Comments and Questions: The Board asked for details on the street and easement especially how the access easement would be identified Mr. Russell responded that the street pavement would be 20 feet wide with no sidewalk. Ms. Tapper stated that the application package did not include a request for a waiver from providing a sidewalk. Mr. Canale noted that the preliminary decision asked that they provide a trail to access the town-owned land to the rear. Mr. Russell said that something could be done to surface and mark the trail. Ms. Tanner stated that she did not want anything visible and pointed out that there is already an access not far down the street. She referred to it as a 15-foot right-of-way. Mr. Russell indicated that a large tree near the proposed interior drive would be preserved.

Mr. Hornig stated his view that a sidewalk should be constructed, that up to six permanent bounds should be installed to mark the trail, and that the utility pole shown on the plan, if there must be one, should be relocated so as not to interfere if the road is extended in the future. Mr. Russell responded that it is necessary for bringing services to the site, but the utilities in the subdivision would be underground. Mr. Hornig asked that the pole be located on the far side of Laconia and that the underground utilities start there and go under the roadway so that work related to this needs to be finished before the Town's scheduled improvements to Laconia Street are done.

In terms of the access easement, Mr. Hornig said that his conditions for finding it acceptable are: Town and public rights to access it must be clearly stated; the Town's right to improve it must be clearly stated; the Town's right to lay it out as a public way to the town-owned land for potential public school purposes

must be clearly stated so that no eminent domain issues would arise; and if the public way layout results in splitting Lot 1 of the subdivision, the extinguishment of any right to build on more than one of the parcels must be absolute.

In response to Mr. Canale's question about the proposed street name, Mr. Nahigian said that his great uncle used to own the land and Solly's Way refers to his name. In this way he would like to honor his great-uncle's memory. Asked why an adjacent lot was not included in the subdivision, Mr. Nahigian said that it belongs to his mother who is in a nursing home and there are legal issues at this time to prevent its inclusion.

Mr. Harden asked about fire safety relative to the fire department's comments. He expressed some doubt about the Board's authority to require a sprinkler system in the back house and to monitor its subsequent maintenance. As an alternative he suggested widening the long driveway for emergency vehicle access. Staff noted that the installation of the sprinkler system could be a condition of the building permit and for approvals of work by inspectional services.

In response to Mr. Galaitsis' question, Mr. Russell said that permanent markers would clearly show the location of the access easement. Mr. Galaitsis also indicated that a sidewalk should be constructed.

Audience Questions and Comments: Mr. Vincent McCarthy, 111 Laconia Street, stated his and his wife's approval of this subdivision. He said it would improve the character of the area.

Mr. Dikran Meguerditchian, 8 Jonas Stone Circle, also spoke in favor, but he wanted to know how close the new houses would be to his property. The Board indicated that he could talk with Mr. Russell after the hearing to learn more.

Mr. Thomas Campbell, 120 Laconia Street, indicated his and his wife's support for the project and expressed some concern about drainage. Mr. Russell clarified some points about the storm water system to his satisfaction.

The Board closed the public hearing at 8:25 p.m. and asked Ms. Tapper to recap the conditions of approval that the Board enunciated during the hearing. She did so and the clarifications and conditions were listed in the following motion:

On a motion duly made and seconded, it was voted to approve the definitive subdivision plan entitled "112 Laconia Street, Solly's Way", dated May 5, 2005 and revised August 1; 2005: and grant a certificate of action for a conventional subdivision with the following clarifications and conditions:

- The Board grants a waiver of the requirement for granite curbing and accepts the use of bituminous curbing;
- Each dwelling shall have separate water service so the requested waiver from a looped water system will be unnecessary and is denied;
- The operation and maintenance plan for the stormwater system must be acceptable to the Planning Board and the Engineering Division and is to be recorded at the Registry of Deeds;
- A sidewalk shall be installed on one side of the right of way, from Laconia Street to the entrance of the easement to town-owned land;
- The streetlight shall be relocated so as not to block a future extension of the subdivision road;
- Utilities on the site shall be placed underground, starting on the eastern side of Laconia so the utility pole shown on the western of Laconia will not be needed;
- The right-of-way (ROW) easement to the Town shall be drafted in a form acceptable to the Board and to town counsel and provided prior to the endorsement of the plan. The easement for the 40'

ROW shall outline the Town of Lexington's rights to the ROW including: the right to pass, the right to make improvements, the right to extend Solly's Way to the Town-owned land, and the right to take the land as a public street. In addition, the easement should make clear that if and when the Town takes the land and accepts it as a public way, the portion of Lot 2 that is not built upon shall remain an unbuildable lot and may not use the new street as frontage.

- The inclusion of a sprinkler system in the dwelling on Lot one is a precondition of the issuance of a building permit.

***** PLANNING BOARD POLICIES *****

Naming of Subdivision Streets: The Board discussed the issue of the naming of subdivision streets and agreed that they would like to develop a more consistent system to do so. It has long been the Planning Board's prerogative to decide on street names, usually with names of the original Lexington men who fought on the Battle Green or who played a role in Lexington's history. The Planning Department has a list of such names that have not yet been used, though it was noted that some of the names might be too cumbersome for a street sign.

The Board decided that if a substantial development (more than two or three lots) is proposed for an area of town that has a definite sense of place and historical context, it would want to choose an appropriate name for it from the existing list or an expanded list of suitable names. It asked staff to see if there are other persons in Lexington's history who have not been memorialized in a street name but perhaps should be. Staff agreed to report back to the Board.

It was agreed to inform developers that they should present three *proposed* street names along with the rationale for each choice. It was also agreed that a letter should be sent to the police chief asking him, in the course of inter-office subdivision plan review, to note particularly proposed street names and flag those that would sound too much like an existing street, relevant to emergency dispatch. In addition, the Historical Society should be consulted about appropriate names. Mr. Hornig said he would favor names with a sense of place over a historic figure unless that person had a strong connection to the area of the development.

Reduced Frontage Subdivisions (formerly 7.4.5): The Board reviewed the policies and guidelines for reduced frontage subdivisions last revised in 1999. Mr. Canale who was on the Board when they were drafted said that they had at first been more general but then were made more specific. It was agreed that staff would pare down the document, update the figures and bring it back to the Board.

Sketch Reduced-Frontage Subdivision Plan, 73 Middle Street, Dermarderosian: Mr. Aaron and Mrs. Sheila Dermarderosian, the applicants, and Mr. Andrew Leonard, landscape architect, appeared before the Board to present a sketch reduced-frontage subdivision plan for land at 73 Middle Street. Mrs. Dermarderosian explained that she and her husband would like to build homes for their two children, who grew up in Lexington, so they can live in town. They believe the frontage reduction provisions suit this purpose well.

Mr. Leonard presented a locus plan and an existing conditions plan of the approximately one-acre parcel before explicating the Dermarderosian's proposal. A town-owned piece of conservation land abuts the site. Their plans show two dwellings on two lots, each with a driveway off Middle Street. The lots are 18,700 square feet and 19,200 square feet in area and share 82 feet of frontage on Middle Street. A strip of land twenty feet wide at the rear of both lots would become part of the Dermarderosian's parcel at 376 Lincoln Street. The existing structure on the site would be removed, as it has no architectural or historical significance. There are no house plans yet but the Dermarderosians intend for them to be in scale with the surrounding area, in the range of 2,500 square feet of area. For the required public benefit, they would like to make some improvements to the nearby community gardens. Mr. Leonard presented a proof plan

showing two lots and a cul de sac.

Board Comments and Questions: Board comments included:

The use of an irregular turnaround rather than the 120' circle in a proof plan is not permitted and raises the issue of where the frontage was being created, as frontage cannot be measured along the end of a right-of-way; it must be measured between the lot side lines.

Consider moving the proposed houses closer to Middle Street, in keeping with the existing streetscape. A shared driveway is strongly advised, as it would reduce the impervious surface and preserve trees. No rounding of right of way at its intersection with Middle Street is shown and it is unlikely that the required dimensions could fit.

The community gardeners badly need a more convenient source of water so the offer to help them is appropriate.

Mr. Hornig stated that the proof plan must show a roadway with a full turnaround. The proof plan would not be valid if the 20-foot strip at the rear is removed from the subdivision's area.

Mr. Canale suggested using a three-lot cluster subdivision scheme, including the Lincoln Street parcel. Mr. Hornig said that a cluster scheme would solve his problems with this proposal. It appeared to the Board that using the cluster subdivision provisions would assure preservation of the historical character of the house on Lincoln Street and the Board would have discretion relative to the setting and proposed dwellings.

The Board indicated that it is supportive of this development and hopes that all of the issues can be resolved. It asked the applicants to return with a sketch plan for a cluster subdivision that addresses the concerns voiced this evening.

Impervious Surface in Cluster and Special Residential Developments: The Board began discussing the issues surrounding how impervious surface is calculated in cluster subdivisions. Mr. Galatsis stated that the most equitable in terms of comparing the impacts of a cluster subdivision with a conventional one would be to deduct the area of the interior roadway before arriving at the number of square feet of land to be used in the Cluster Impacts Worksheet to calculate the Maximum Development Potential (number of dwelling units). Mr. Hornig stated that in his opinion the definition of impervious surface in the Zoning By-Law is unambiguous: it refers to any surface covered by concrete or asphalt. so he current practice of not counting the interior drive in the impervious surface ratio is not appropriate. He suggested that should the Board wish to continue this practice the definition would need to be changed. Another way to arrive at a similar end would be to allow a higher percentage of impervious surface to be used in cluster worksheet calculations or decrease the maximum allowed in conventional developments.

Several other potential tactics were brought up. Board members agreed that any solution to the impervious surface puzzle must not result in creating a disincentive to use the cluster provisions of the Zoning By-Law. They recognized that since soon after the cluster by-law revisions in 1996, successive Planning Boards have not been rigid about the inclusion of proposed cluster roadways in the cluster impact calculations worksheet, as it had seemed to be a serious disincentive to developers. The Board agreed to work toward bringing an amendment to the Zoning By-Law to the 2006 Annual Town Meeting. They acknowledged that this could affect Mr. Joseph Gelormini's commitment to building a cluster development on land off Cedar Street.

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

Battle Green Inn Public Hearing: Ms. McCall-Taylor reported that the Battle Green Inn development team had filed a petition to the Selectmen for a special town meeting to consider its revised redevelopment proposal. The Planning Board changed the date for the public hearing on the project from October 19, 2005 to October 26 due to the unavailability of Mr. Erik Rhodin, the team's architect. She added that the Special Town Meeting would be held on November 7 and 9, 2005.

***** MINUTES *****

Review of Minutes: The Board reviewed and corrected the minutes for the meeting of June 29, 2005. On a motion duly made and seconded, it was voted 4-0-1 to approve the minutes as amended. Mr. Galaitis abstained, as he had not been at that meeting.

The Board agreed to review the minutes for the meetings of July 6 and August 17, 2005 at their next meeting.

***** REPORTS *****

Staff

Selectmen's Goal Setting: Ms. McCall-Taylor reported that the Board had received the same material on planning issues that the Board of Selectmen had received in their goal setting background information. She had attended the goal setting session and reported that the planning issues most of interest to the Selectmen were those concerning parking and the Center, and traffic in general. The Selectmen would like to establish a committee to deal with traffic issues, one that would take a broader view than the current Traffic Safety Advisory Committee.

Smart Growth Conference: Mr. Schilt reported briefly on the Smart Growth conference he attended recently.

Planning Board

Metropolitan Area Planning Council Bikeway Survey: Mr. Canale urged everyone to answer and return to MAPC its survey about bicycle use in the area.

Lexington Business Roundtable: Mr. Canale reported on what he had learned at a recent Roundtable meeting: that the member business people are having some success with self-help; that local businesses seem satisfied with the service they receive from Town staff; and that the process for getting approval of business signage still generates substantial frustration for the applicants.

Correspondence: The Board reviewed and revised drafts, prepared by Ms. Manz, of two letters to residents addressing their concerns about two developments in town.

On a motion duly made and seconded, it was voted to adjourn the meeting at 11:15 p.m.

Anthony G. Galaitis, Clerk