

PLANNING BOARD MINUTES  
MEETING OF JANUARY 11, 2006

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 Galaitsis, Hornig, Canale, Harden and planning staff Schilt and Tap present.

\*\*\*\*\* MINUTES \*\*\*\*\*

Review of Minutes: The Board reviewed and corrected the minutes for the meeting of December 21, 2005. On a motion duly made and seconded, it was voted to approve the minutes as amended.

\*\*\*\*\* ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS \*\*\*\*\*

UNACCEPTED STREETS

8 Bird Hill Road, Mr. Paul Pedini, Accept Surety: Mr. Schilt reported that Mr. Paul Pedini, owner of the property at 8 Bird Hill Road, is required to make improvements to Bird Hill Road, an unaccepted street which the Planning Board had determined was not of adequate grade and construction when he applied for a building permit to construct a new home. Given that the Town will be making infrastructure improvements within Bird Hill Road this coming year, the Planning Board agreed that it should not obligate Mr. Pedini to construct the pavement improvements prior to obtaining a Certificate of Occupancy. Mr. Pedini has agreed to post surety in the amount of \$5,646.50, which the Engineering Department has determined to be sufficient to cover the estimated costs to construct the improvements.

On a motion duly made and seconded, the Planning Board unanimously voted to accept surety in the amount of \$5,646.50 as it is deemed sufficient to cover the improvements to be made to the subject portion of Bird Hill Road, as spelled out in the Planning Board's letter to Mr. Pedini, dated January 5, 2006.

SUBDIVISION OF LAND

Lexington Hills Conventional Subdivision, off Walnut Street, Request for Extension : Mr. Schilt reported that landscape architect Gary Larson informed the staff that Lexington August Realty Trust, the applicant, will be requesting an extension of the time in which the Board must act on the Lexington Hills preliminary plan although no written request has yet been received.

On a motion duly made and seconded, it was voted to grant an extension of 45 days if staff receives the written request by January 16, the date by which action must be taken on the preliminary subdivision. If a written request for an extension of time is not received by January 16, 2006, the favorable vote is rescinded, and the preliminary plan application is disapproved without prejudice.

PUBLIC INFORMATION MEETING: Cedar Street Preliminary Conventional Subdivision Plan, JMG Development LLC: Ms. Manz opened the public information meeting on the Cedar Street subdivision plan submitted by Joseph Gelormini. Present were Mr. Gelormini; Ms. Pam Brown, attorney, Brown & Brown, PC; Mr. Ron O'Brien, engineer, Meridian Engineering Associates; and Mr. David Jay, landscape architect, Weinmayr-Jay Associates, Inc. Fourteen people were in the audience.

Mr. O'Brien pointed out the changes that were made to the preliminary plans in response to Board comments at a previous meeting: the open stormwater detention pond at the rear of lots one and two was eliminated; the other detention basin on lots seven and eight has been redesigned with a subsurface infiltration system; the roadway is narrower (40 feet instead of 50 feet) and the cul de sac shorter, so the overall impervious surface on the site has been reduced; though the area of the house lots increased because of the narrowed roadway, the house sizes have not been increased; the houses on lots nine and ten were moved farther from the property line shared by the Pine Meadows Golf Club and there will be retaining walls on those lots to minimize regrading; lots three and four are more regular in shape; a snow storage area is shown; the utilities have been relocated to not interfere with street trees, and a gas line will

be provided; and, streetlights will be located on the individual lots, ten feet from the roadway and near each driveway. The applicant will request a waiver so sloped granite curbing may be used.

**Board Comments and Questions:** Mr. Hornig asked for assurance that the town would not be expected to install street lighting in the future. Mr. Gelormini assured him that the covenant would contain language to that effect.

Mr. Canale asked about the waiver relative to road grade near the cul de sac. Mr. O'Brien said it would amount to about 6 inches of fill. The resulting grade would meet ADA standards. He added that according to the cut/fill analysis, the site is very well balanced.

The issue of the shape of the cul de sac turnaround was raised. Mr. Schilt indicated that staff is working with the Engineering and Fire departments, and DPW to arrive at designs for turnarounds that are acceptable to all. He suggested that the teardrop shape preferred by Mr. Canale might work best as it would encourage one-way traffic and require less pavement than a full turnaround. Mr. O'Brien added that that configuration would allow a larger infiltration basin to be used. The Board concurred with this suggestion.

The subject of potential danger from the adjacent Pine Meadows Golf Course was brought up. Two of the proposed houses would be on lots adjacent to one of the fairways and golf balls could stray onto those properties. Mr. Schilt reported that the Development Review Team expressed concern about the safety of children in this regard. Mr. Gelormini responded that he would look into that, including liability issues. It was noted that the Recreation Committee asked for delineation between the development and the golf course, in terms of drainage and aesthetics. Mr. Jay reported that Mr. Carroll, who lives near the golf course, told him that not many golf balls came onto his property after a six-foot fence was erected a number of years ago.

Mr. John Frey, Lexington Tree Committee, asked the developer to protect trees on the site during construction. Mr. Gelormini said that he would add the protective measures he uses to the project's specifications. Relative to providing gas service to the development, he said that he has not yet determined if it is feasible to bring gas service to the site.

Mr. Galatsis was pleased with the plan's accommodations to the Board's comments, but indicated that he would still like to see much less disruption of the site, particularly at the west-southwest edges. He also noted the Conservation Commission's request for stormwater collection systems on each house lot for roof runoff and a separate system for road runoff.

Mr. Gelormini said he would place a sign identifying the entrance to Town conservation land at the entrance to the new street from Fremont Street, and perhaps a bench as well. Ms. Manz suggested two entry points.

**Audience Questions and Comments:** Many residents expressed concern about the inevitable increase in traffic the development would bring, citing the many children who live on Fremont Street, in particular. They suggested installing speed bumps, stop signs and having special meetings about traffic. It was noted that the new residents would also have concern for the safety of their own children. The Board advised the residents that the mechanism for bringing traffic concerns to the Town is through the Traffic Safety Advisory Committee (TSAC) via the Selectmen's Executive Clerk. Ms. Manz said that she is the Planning Board's liaison to TSAC and she would reinforce the residents' concerns to the committee at the appropriate time.

An abutter objected to the sign at the entrance to the conservation land, citing the potential for many cars to park there, increasing the traffic danger. Mrs. Julia Vasilopoulos, 25 Fremont Street, stated that she has not seen anyone walking on that land in the 53 years she has lived there. She also noted that plenty of Fremont Street residents drive fast in the neighborhood.

Another abutter concern was effects of the new development on drainage in the area. The Board stated that the stormwater systems must treat all drainage within the site's boundaries, according to state regulations. Mr. O'Brien remarked on the system he designed and noted that the new roadway would be slightly depressed, so runoff from its surface would definitely go into the appropriate catch basins. And, in particular, a swale will direct water around Mr. David Carroll's property at 204 Cedar Street.

Mr. Douglas Yeo, 9 Fremont Street, thanked the developer for responding to the Board's comments on the previous preliminary plan.

Mr. Galaitsis asked if more of the driveways could be narrowed to reduce the impervious surface on the lots. Mr. O'Brien indicated that it depended on the location and orientation of the garage, but they would evaluate the suggestion. Mr. Canale asked that use of the maximum impervious surface ratio on each lot be reconsidered in order to allow future owners the opportunity to make improvements. Mr. O'Brien indicated that the impervious surface for each lot and the maximum permitted ratio allowed will be listed on a new table in the definitive plan.

Mr. Harden asked that the public easement to the conservation land appear on the plan. Mr. Gelormini agreed to this.

On a motion duly made and seconded, it was voted to approve the preliminary plan, subject to all of the points agreed to tonight, and to allow Mr. Gelormini to proceed to a definitive plan.

\*\*\*\*\* ARTICLES FOR 2006 TOWN MEETING \*\*\*\*\*  
Amend Center Business District (CBD) Parking: Ms. Manz suggested that the Board bring to the 2006 Town Meeting an article addressing a number of the gratuitous center parking provisions in the Zoning By-Law, e.g., removing the need to record leases for parking spaces at the Middlesex Registry of deeds, in connection with a center business's special permit, and the requirement that the provided spaces be within 1200 feet of the property but still within the CBD district. Such an amendment would remove two aspects of the CBD parking provisions that are superfluous, as well as legitimizes several parking lots near the center now used for CBD parking, including the Town's arrangement for permit parking at the Church of the Redeemer and private arrangements with the Arts and Crafts Society. (The Board had received suggested wording along these lines in their meeting packets.) As well, it would relieve the Board of Appeals of the complications entailed by those two provisions in their approvals of special permits, and eliminate the need to enforce measures that would be difficult to monitor. The Board agreed that crafting a comprehensive parking measure requires additional work and time that the Board and staff presently do not have to analyze the Center's parking needs, but this measure would help to start the process, and gain the attention needed for a focus on parking in the CBD by the Board of Selectmen and Town Meeting.

Mr. Canale moved that the Board place an article in the 2006 Town Warrant to amend the Zoning By-Law by modifying the CBD parking provisions according to the draft language, dated January 6, 2006. The motion was not seconded.

Mr. Hornig asked staff to consult the Zoning Enforcement Officer and/or Town Counsel about the potential side effect that residents in center neighborhoods would lease space on residential property, e.g.,

in a driveway. Mr. Schilt stated that Maryann McCall-Taylor spoken with the Zoning Enforcement Officer about whether parking as an accessory use is permitted in an institutional use in a residential district but not on residential lots. Mr. Hornig stated that he wanted to add a condition to the motion that if parking is allowed for the institutional uses, than the article should go forward, but if parking as an accessory use is not allowed then it should be reconsidered.

On a motion duly made and seconded, conditioned on what Town Counsel advises, it was voted 4-0-1, Mr. Galaisis abstaining for the time being, until he understands the amendment's effects better, to submit a warrant article to amend the CBD parking provisions to the Board of Selectmen.

Zoning Amendment, Wireless Communication Facilities: Mr. Canale reported that the Communications Advisory Committee decided not to pursue an amendment to Article 15 of the Zoning By-Law, Wireless Communication Facilities, this year.

\*\*\*\*\* REPORTS \*\*\*\*\*

### **Planning Board**

Center Parking: Ms. Manz reported on her recent meeting with Selectman Jeanne Krieger. Ms. Krieger said the Selectmen want to explore the feasibility of a parking structure in the Center, if it is determined to be needed. Ms. Manz suggested that the Planning Board might consider working with the Selectmen on center parking next year, offering suggestions and the like. The Board concurred that a joint venture was appropriate.

Inclusionary Housing Amendment: Ms. Manz reported on a meeting she and Bob Bicknell of the Housing Partnership Board had with representatives of the local development community on the topic of the Planning Board's proposed inclusionary housing amendment. She said their main concerns were: subdivisions as small as those with three units might be unduly affected; uncertainty that off-site units would be acceptable to future Planning Boards; and, the Planning Board's discretion is wide, which will create other uncertainties for developers. It is these aspects of the amendment that would cause them to mount opposition to the proposed by-law amendment. If the Board would set the size threshold at six or eight unit subdivisions and made off-site units a by-right option, the development community would be more accepting. The issue of the effect on landowners of the bylaw seemed unfair to many of the attendees.

Public Information Meeting on January 18, 2006: Mr. Harden said that he is compiling a list of Frequently Asked Questions and preparing the Planning Board presentation for the January 18 public information meeting on the amendment. He added that much work remains to be done on defining a mechanism for monitoring resale of affordable units.

New Planning Board Candidate: Ms. Manz reported that Mr. Gregory Zurlo has taken out papers to run for the Planning Board. He would fill the seat vacancy left by Mr. Harden when he retires from the Board this year.

Regional Issues: Mr. Canale reported on recent initiatives of groups concerned with regional issues, such as the Freedom's Way Reconnaissance Survey, the Heritage Landscape Program and the Boston MPO and apprised the Board of upcoming meetings and events.

Policy on Land Use in Relation to the Hanscom Area Master Plan Study: Mr. Canale noted that the impetus in 1997 for the policy the Planning Board adopted was Massport's desire to engage in land development at Hanscom Field and the Minuteman Technical School's proposal to build a hotel. A copy of the Policy had been in the Board's packets for tonight. He said he hopes the Board will reaffirm its

commitment to the policy, which is to try to prevent more traffic effects that endanger the Heritage Way and the National Historical Park and its viewsheds.

Mr. Canale moved, and Mr. Galaitis seconded, to reaffirm the policy not to support any development that would detract from the Route 2A corridor, but a vote was not taken, as more thought about such a policy seemed to be needed.

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

Anthony G. Galaitis, Clerk