

PLANNING BOARD MINUTES  
MEETING OF MAY 23, 2007

A regular meeting of the Lexington Planning Board was held in Cary Hall and called to order at 7:30 p.m. by Chairman Manz with members Zurlo, Hornig and Canale and planning staff McCall-Taylor and Henry present. Mr. Galaitis arrived a few minutes into the meeting.

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

Review of Minutes: On a motions duly made and seconded, it was voted to approve the minutes of April 4, 2007 as amended, April 11, 2007 as amended, and April 18, 2007 public session as amended. Consideration of minutes for additional meetings was put off until later in the meeting to allow the public hearing to begin at the scheduled time.

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

SUBDIVISION OF LAND

Doran Green Definitive Subdivision: Ms. Manz opened the public hearing at 7:45. Present for the development team were Mr. Guy Doran and Ms. Elaine Doran, owners, Mr. John Farrington, attorney, Mr. Rick Waitt, engineer, and Mr. Gary Larson, landscape architect. There were four people in the audience.

Mr. Farrington said he had been asked about the nature of the slope easement; it is to insure sight lines at the corner of Burroughs Road and East Street. He said they would review the landscape plan with the Engineering Department during construction to make sure the sight-line easement was respected. Mr. Hornig asked if the landscape plan as submitted satisfies the easement. Mr. Larson indicated that it might not, there are some evergreens that may need to be pushed back.

Mr. Larson gave a brief overview of the plans that were before the Board. He stated that there were very few changes made graphically to the plans since the last submission. It is a 3.6 acres site in an RO zone with nine dwelling units in seven buildings. Concept architectural plans have been included.

Ms. McCall-Taylor called to the attention of the Board the email she had received from an abutter. It asked for increased setbacks to avoid headlights on the abutter's property. Mr. Larson said he would rather strengthen the planting buffer than relocate the houses.

Mr. Waitt then addressed issues raised in the staff memo. He agreed to provide gas service to the development. There are existing sewer line stubs shown on the DPW records that they expect to tie into. The detention pond creates no limitations on the use of the central green, as the basins are structural and subsurface. They will have grass over them. In response to the Engineering memo, he stated that there are water shut-offs at the property line and that the operation and maintenance plan, which was in the back of the drainage report, will be given to the new owners. He pointed out that there is virtually no drainage mitigation on site now. There is a pipe that traverses the site and discharges. The impervious surface ratio will be reduced with the impervious surface dropping to 28,000 square feet from 69,000 square feet. The overflow pipe is eliminated and there will be four subsurface leaching structures though the site. Both the rate and volume of run-off will be reduced.

Board Comments - Mr. Hornig questioned the location of catch basin 24 in the middle of the driveway. Mr. Waitt said the driveway was placed to avoid headlights shining on the house across the street. The catch basin is not affected by the construction. The draft drainage covenants have not been received. Mr. Farrington said that they would be part of the condominium documents.

Mr. Galaitis expressed his dissatisfaction with the lack of clustering and the excessive level of impact being proposed. Specifically, he indicated that the proposed development was based on the maximum impacts of 5.25 equivalent units derived from the formula as opposed to the comparable impacts of 4 units that would fit into the tract of land, if it were developed conventionally. He felt that if the Board wanted to allow such an intense level of development in clusters they should seek a zoning by-law change through a Town meeting vote rather than through a discretionary ruling. He felt the plans showed a thirty percent excess impact.

Ms. Manz said that she understood Mr. Galaitis's concerns as he had expressed similar sentiments in the past. She felt a cluster could provide more sensitive siting and did not feel that the units need to be clustered, so much as well sited. She thought this was an excellent design. She relied on the formula to set the maximums and felt that the seemingly alarming percentages put forth by Mr. Galaitis were a result of using 4 as the base, rather than 5.25 for units as allowed under the bylaw. Mr. Zurlo commented that the particular cluster developments compared were quite different, one on a quiet cul de sac, and this

one with multi-access points, and they might merit different numbers of units. He said the issue is how to accommodate the neighbors. He thought more planting with shrubs would help reduce the impact of vehicle headlights on two abutting houses.

Mr. Galaitsis indicated that design issues and the total comparable impacts need to be addressed, each on its own merits. He submitted a memorandum including the Board's 1/24/07 minutes describing other Board members' comments about the proposed Cataldo cluster (on Shade Street) and compared them to the comments about the Doran cluster (East Street). Specifically, other Board members looked unfavorably at the 13% excess impact (13.56 units above comparable 12 conventional units) for the Shade Street cluster, yet the same members fail to treat the 30% excess impact (5.25 units above comparable 4 conventional units) of the Doran cluster by the same rules.

Mr. Hornig asked that the gas service be added to the plan and that the limit of work be revised, as it did not allow for the construction of the greenhouse. Mr. Larson explained that both the greenhouse and the removal of the looped driveway were to be done by the Dorans at a later date and so had been omitted from the limit of work. Mr. Hornig said that if the impervious surface ratio figures reflected this work, it would need to be done at the same time as the rest of the development and the limit of work line should be changed.

There were questions regarding the undergrounding of the utility lines, as the plans show the existing lines to the Dorans' house and the two-family remaining. Mr. Waitt said putting the lines underground from across East Street would cause a tremendous amount of destruction to the landscaping, the stonewall and the trees. It was suggested that the underground lines could be run from Burroughs Road under the driveway, with much less disturbance of the site and this should be considered.

Mr. Farrington said that both the Doran house and the two-family are on the cultural inventory but for different reasons and he feels that there is little, if anything, of significance remaining about the two-family. Mr. Hornig said that he wants the exterior form and architectural details to be preserved and suggested that there be a discussion with the Historical Commission regarding the two-family house. He added that he felt the type-v units were too large for an attached structure, which looked big, sprawling and overwhelming. He thought type-z units would be more appropriate.

Mr. Canale said that the impact numbers were close to the maximum but that they were softened by the inclusionary housing and the historic preservation of the existing structures. He said the Board had been

clear about their expectations regarding the affordable housing even prior to the Town Meeting vote. He felt Town Meeting simply rejected a specific bylaw. They had asked for inclusionary housing at a level similar to the proposed bylaw and thought there was an agreement. He was surprised that there had been no discussion of the historical elements with the Historical Commission. Without the affordable housing or the architectural restrictions, the balance between impacts and benefits has become undone.

Mr. Farrington responded to Mr. Galaisis's submission. He said that the total land area makes a difference (Journey's End is much larger in comparison). It depends on how and why a project is close to the maximum. He said that both structures are subject to the Historical Commission if they demolish more than fifty percent. Mr. Canale said he was aware of that, but he went beyond that and was looking at the development as a whole. Mr. Farrington asked what they would have them do, and what was the purpose of the restriction. Mr. Canale said the Historical Commission is limited in what it has jurisdiction over. He thought a first step would be to talk with the Commission and see what is of historic value in what exists currently. Mr. Farrington countered by saying that the Commission doesn't keep minutes or notify people. Ms. McCall-Taylor said that Mr. Canale is asking them to explore why the structure is on the list and what may be important to preserve, if anything. Mr. Farrington said they had no issue with architectural preservation restrictions on the Dorans' house, the issue is with the two-family. Ms. Manz said it is on the list and it would be useful to know what is valuable. Mr. Hornig said he wanted a restriction independent of the demolition delay bylaw. He is seeking input on whether there is historic value.

The two-family represents fairly small units in the current market, about 1500 square feet. The units at Jefferson Union are 1250, 1800 and 2000 square feet. Mr. Zurlo said that he was going to rebut Mr. Galaisis arguments with the significant benefit of the affordable unit but now must consider if there is no affordable component, would the historical component be sufficient. Mr. Canale said the preliminary application was based on both affordable and historic, and wondered if the Board should seek Historical Commission input on its own. He also noted that he was not sure what the Town Meeting action had to do with these negotiations, as the bylaw would not have covered this project, even if it had passed. Mr. Farrington said he did the calculations in the proposed bylaw and came out at .3 units. His understanding of what Town Meeting said was that it was in favor of affordable housing, but it was unfair to impose the cost on an individual landowner, so why was it fair to impose the burden on this landowner?

Ms. Manz said she understood his response but came down on the side of her fellow Board members, as although it is a good development, it is very dense. Nine units is pushing up against the maximum and

has a substantial impact. All were aware that if the bylaw passed it would not apply and they had participated in good faith negotiations. She liked the variation in size, but the smaller units still do not approach affordable. She would be more likely to vote approval if they have an affordable contribution. She wanted to see historic conditions on the Doran house, but was open minded on the two-family and would consider the Historical Commission's opinions. It was an important part of considerations at the preliminary stage.

Mr. Hornig said he wanted the Historical Commission's input and suggested continuing the public hearing to allow the issues still outstanding to be addressed. These issues include the landscaping, drain covenants, gas service, the limit of work, the electrical service to the existing units (preferring it under the drive from Burroughs), decreasing the size of the v-units, the historic preservation, and the affordable units.

Mr. Zurlo said that his comments mirrored the others. He wondered why they were looking at maximum impacts in some cases without a development of significant public benefit. He felt the affordable housing makes a big difference and he urged the applicant to think in the spirit of the bylaw. Mr. Galaitis cited a case from the past, the Hazel Road cluster, which was: proposed for a parcel of equal size to the Doran parcel: approved at comparable impacts of 4 conventional units that were 60 to 65 percent of the maximum limits; and allowed to have 8 units, one of which would be a 40B-qualified unit and turned over to LexHAB for free. He stated that the Board should be consistent and apply the same rules to the Doran cluster, by requiring lower impacts and an affordable unit on site.

Audience Comments - Mr. Lapuck of 4 Holmes Road spoke in support of the project but said he did have concerns about the closeness of the proposed house to his house and whether there would be a problem with vehicle lights. He asked that the location of the proposed house be moved and there be additional plantings. Mr. Zurlo asked if the primary issue was car lights and was told it was.

Mr. Farrington said that he would be happy to talk with David Kelland of the Historical Commission and ask him to canvas the Historical Commission, and he would also talk with the Historic Districts Commission in order to find out what is worth preserving on the site. He will need to discuss the affordable issue with the Dorans.

On a motion duly made and seconded, it was voted unanimously, 5-0, to continue the public hearing to June 6 at 8:30 p.m. in the Selectmen's Meeting Room, Town Office Building.

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

On a motion duly made and seconded, it was voted to approve the minutes of the April 18, 2007 executive session as amended. On a motion duly made and seconded, it was voted to approve the minutes of April 25, 2007 as amended. On a motion duly made and seconded, it was voted to approve the minutes of May 1, 2007 as amended, leaving in the reference to approving the street name Cart Path Road, even though the decision has been written allowing the use of Cart Path Lane. On a motion duly made and seconded, it was voted to approve the minutes of May 9, 2007 as amended.

\*\*\*\*\*BOARD AND STAFF REPORTS\*\*\*\*\*

Ms. McCall-Taylor reported that she had been to the MAPC Annual Council meeting that morning, where there had been a lot of buzz about form-based zoning. The tour of the Jefferson Union condominium project is set for Tuesday, June 5 at 8:00 a.m.

Mr. Hornig said that the Conservation Commission had continued the hearing on the Grove Street cluster subdivision until next week. He asked if we had received word from the court regarding the extension of time to act on the Grove Street conventional subdivision. Ms. McCall-Taylor said that it had been extended to July 16.

On a motion duly made and seconded, it was voted to adjourn the meeting at 10:05 p.m.

Gregory Zurlo, Clerk