



***Town of Lexington***  
**PLANNING BOARD**

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**CERTIFICATE OF ACTION**  
**71-79 EAST STREET**

Date of Application: August 23, 2011  
Dates of Hearing: September 21, 2011  
October 19, 2011  
Date of Decision: October 19, 2011  
Date Filed: October 21, 2011

**APPLICATION INFORMATION**

The site, containing approximately 4.2± acres, is located at 71-79 East Street (Lots 6 and 7 of Assessor's Map 62), Lexington, Massachusetts. The application and plan depict the two existing parcels to be divided into 11 parcels; nine of which will be buildable lots under the provisions of a Public Benefit Development section of the Zoning Bylaw. One unbuildable parcel, Parcel 1, is to be a private way for access to the residential dwelling units. The other unbuildable parcel, Parcel 2, is to be common open space for the use by the development's residents, and consists of approximately 1.45 acres. The existing single-family house and barn at 71 East Street will occupy two of the nine buildable lots, while seven new single-family detached homes will occupy the remaining lots (the existing ranch at 79 East Street is to be demolished); the barn, which is presently part of the 71 East Street property, will be renovated and transformed into an affordable housing unit and located on proposed Lot H. In accordance with the Public Benefit Development Standards all units are subject to gross floor area and impervious surface coverage limitations.

**DECISION**

This is to certify that the Lexington Planning Board, at a duly called and properly posted hearing held on September 21, and October 19, 2011, voted to **APPROVE** the Definitive Site Development Plan entitled "71-79 East Street Definitive Subdivision Plan Set," dated August 17, 2011 (revised through October 19, 2011). The plan was prepared by Meridian Associates, Incorporated, on behalf of the applicant, Sheldon Corporation. This decision is augmented and conditioned by the grant of a Special Permit with Site Plan Approval, of the same date, for a Public Benefit Development.

**WAIVERS**

It is implicit and understood that in a Public Benefit Development many of the requirements contained in the Planning Board's *Development Regulations* for a conventional subdivision layout and design of ways and lot platting do not apply. Therefore, in accordance with §175-30 of its *Regulations*, the Board waives strict compliance with the specific provisions, listed below, that pertain to conventional subdivisions, and finds that as strict compliance does not serve the public interest and would be inconsistent with the creation of a Public Benefit Development and the intent and purpose of the Board's rules.

| Citation(s)                            | Required standard   | Explanation  |
|--|---|--|
| 175-11A.(3)(a)[7]                      | The proposed distance, in feet, between buildings;  | Only proposed building envelopes are shown on the plan. Proposed building envelopes will be separated by a minimum of twenty (20') feet from one another.  |
| 175-11A.(3)(a)[9]<br>175-32F.(1)(c)    | If applicable, a metes and bounds description;  | Not applicable, as the metes and bounds description for each lot and parcel is shown on the Property Rights Plan.  |
| 175-11A.(4)(a)<br>175-11A.(7)(b)       | The location of existing and proposed new buildings;  | Proposed building footprints are omitted to provide a reasonable amount of flexibility in the design of the proposed buildings.  |
| 175-11A.(5)(a)[1]<br>175-11A.(5)(a)[2] | Street layout and profile plans.  | The bearings and length of the boundary of the private way (Parcel 1) are noted on the Property Rights Plan and are to a level of detail of common engineering practice, but not to the degree of accuracy as required by the Regulations.                 |
| 175-11A.(5)(a)[6]                      | Sight lines for entering and merging traffic at street intersections and driveway intersections and other necessary data pertaining to traffic study.   | Because the private way is relatively straight and does not contain excessive topographic relief and the anticipated travel speed is less than 25 mph, no sight line or safety issues with the proposed driveways are anticipated.                         |
| 175-44C.(4)(a)                         | Easements for utilities shall be at least 20 feet wide.   | A 10-foot wide easement has been proposed for the water main loop back to East Street. Ten (10') feet is adequate for access and repair of the water line if needed.   |
| 175-44C.(7)(a)[1]<br>175-44C.(8)       | Bounds. Along each right-of-way line at all intersections, angle points, points of change in direction or curvature of streets, and at the two corners of each lot that abuts the right-of-way; | Bounds have been proposed to be installed where the boundary of the private way (Parcel 1) intersects with a boundary line associated with a proposed lot. This will enable homeowners to establish side boundary lines with reference to the Private way. |
| 175-45E.(1)                            | Right-of-Way width (50-feet)<br>Pavement width (24-feet)  | Given the very low average daily traffic volume anticipated on the private way, minimizing its footprint is integral to the project.   |

| Citation(s)   | Required standard                      | Explanation  |
|---------------|--|--|
| 175-45E.(1)   | Sidewalk width (5-feet)                | The Project proposes a 4-foot wide porous footpath on one side of the Private Driveway, not a sidewalk.  |
| 175-45E.(4)   | Circular turnaround                    | The proposed private way is a “tear drop” shaped one-way turnaround that has been adequately designed for two-way emergency vehicle movement.  |
| 175-47D.(2)   | Street lighting                        | The Project will not produce enough vehicular or pedestrian traffic to warrant street lighting.  |
| 175-55D(6)(b) | Issuance of Certificate of Occupancies | As some dwellings will be complete prior to the completion of the entire development, the Board waives, when provided surety, the need to complete development before a Certificate of Occupancy may issue |

**TERMS & CONDITIONS OF APPROVAL**

1. Endorsement of the approval is conditional upon the provision of a performance guarantee as described in MGL Chapter 41, Section 81-U. Said form of guarantee may be varied from time to time by the applicant, subject to agreement on the adequacy and amount of said guarantee by the board.
2. Modifications, if any, must also be shown on the plan before its endorsement and recording.

**RECORD OF VOTE**

The following members of the Planning Board vote to grant the certificate of action, subject to the above-stated terms and conditions:

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ |       |

Copy of Decision to:

Applicant (by Certified Mail)  
Board of Health  
Conservation Commission  
Police Chief  
Director of Public Works

Town Clerk  
Building Commissioner  
Fire Chief  
Town Assessor  
Revenue Officer