

## VIII. Other Commitments

- A. The Owner agrees to include or address, as the case may be, the following matters in conjunction with its application for Site Plan Review, in addition to any other considerations required by the Planning Board in the Site Plan Review Process:
1. The Owner shall preserve and renovate the Building and Barn that were originally built circa 1874. Response: Approval obtained from Lexington Historical Commission February 20, 2018 – Can make condition of PSDUP if desired.
  2. Depict locations of abutting property buildings and related improvements for context with respect to the Project plan. Response: Located on Context Plan
  3. Provide adequate landscape and fence screening along the perimeter of the property that abuts residential properties. Coordinate with residential abutters regarding review of the preferred screening plan. Review existing fence conditions and repair/ replace as necessary. Response: The PSDUP Text has been revised in detail using a majority of the Landscaping, Transition Section of the Zoning By Law provisions of Section 5.3.1 through 5.3.15; and Landscape Plan L.1 has been updated; and Landscape Plan L.2 entitled “Landscape Transitions and Setbacks” has been added.
  4. Design site lighting to maintain appropriate illumination for public safety and to not introduce light trespass onto abutting residential property. Site lighting design to conform with applicable Zoning By-law regulations. Response: PSDUP Text Section 8.5 states Zoning By Law Section 5.4., Outdoor Lighting Applies.
  5. Add deciduous canopy tree quantity to mitigate the number of trees removed as a result of the Project. Response: See Landscape Plans.
  6. Specify New England native plant materials with consideration for use of recommended Middlesex County plant materials lists for consistency. Response: See Landscape Plans.
  7. Evaluate if a portion of proposed surface parking adjacent to abutting residential property can be relocated to create additional open space in this area. Response: Evaluation done and not feasible to relocate surface parking; the 10 FT Transition as proposed was found acceptable by Board at previous meeting.
  8. Develop a snow storage plan that summarizes Owner's snow management protocol to remove snow off-site during periods of heavy snow accumulation. Response: Snow Storage is shown on the Site Construction Plan in four locations on the Property. As customary Owner will commit to remove snow offsite when necessary.

9. Location of trash dumpster will be moved away from the lot line of the adjacent residence. Consider lockable dumpster units to discourage rodents and illegal dumping. Response: The dumpster with gated enclosure, adjoining new screen fence is located next to Alexander's/Strip Mall and away from lot line of residence at rear. The existing screen fence for that residence to remain; and Evergreen trees are proposed starting at that residence lot line and running along the property line between the residence and dumpster all as shown on Landscape Plan.
10. Relocate electric transformer away from abutting residential lot. Final transformer location subject to approval by private utility company. Response: To be determined.
11. Maintain compact parking spaces along front of retail to minimize tree root disturbances. Maintain a 2' grass zone with no plantings at end of parking stalls to allow for vehicle overhang. Response: See Site Construction Plan, Landscape Plan, Landscape Transition and Setbacks Plan.
12. Retain a certified arborist to assess health of existing mature trees. The Arborist in consultation with the Landscape Architect shall provide guidance for tree preservation and root protection measures during site/utility construction. Response: In process, see Landscape and Land Scape Transitions and Setbacks Plan and Environmental and Infrastructure Assessment attached to refiling of June 6.
13. Design retaining wall systems to reflect traditional New England dry-laid natural stone wall style. Response: See Site Construction Plan.
14. Submit details on Project site identity signage and locations in accordance with the PSDUP and applicable Zoning By-law regulations. Response: Signage details, location to be finalized at Site Plan Review; Zoning By Law provisions are provided in PSDUP Text.
15. Consistent with Lexington sustainability objectives, the design of the Project will follow LEED Silver standards established by the U.S. Green Building Counsel, with a focus on sustainability and environmental air quality. Response: See Environmental and Infrastructure Assessment Section VI, A. Sustainability, of the new MOU with the Selectmen.
16. Initial heating and air conditioning design will utilize electric air source heat pumps or a combination of high efficiency natural gas heat with air source heat pumps for air conditioning, depending on projected operating costs and engineering requirements. Consistent with Lexington sustainability objectives, preference will be given to all electric air source heat pumps to the extent that is able to provide comfort and economy. Response: See Environmental and Infrastructure Assessment as above attached to refiling.

17. Initially, two to four electric vehicle charging stations will be installed, with capacity to add additional stations. Owner will take advantage of available sustainability programs. Response: See Environmental and Infrastructure Assessment as above attached to refiling.
18. Short term rentals, such as Airbnb, will be prohibited and enforced by the Owner via lease restriction. Response: Provided in MOU VIII. Other Comments A.2.
19. The Barn will not be used for real estate sales or rental as a principal use; this limitation shall not prohibit use of the Barn to provide leasing and management services for the Project. Response: Provided in MOU VIII A.3.
20. Business or professional office use will not exceed 25% of the commercial space of the New Addition. Response: Provided in MOU VIII A.4.
21. The Owner will, upon request, make a meeting room in the Barn available for Precinct 8 community meetings during non-business hours. Owner is meeting with Precinct 8 Members Wed, June 19, and will ask if this is desired from Precinct 8 Members.

## **IX. Miscellaneous**

### **A. Binding Effect.**

1. This MOU shall run with the Property as an encumbrance and shall bind and inure to the benefit of the Owner and its successors and assigns as owners of the Property for as long as use of the Property is subject to the PSDUP. The Town and the Owner agree that the Developer may transfer.