

2022 07 Jun, 1:25 pm



Town of Lexington
PLANNING BOARD
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TOWN CLERK
LEXINGTON MA

Robert D. Peters, Chair
Michael Schanbacher, Vice Chair
Melanie Thompson, Clerk
Robert Creech, Member
Charles Hornig, Member
Michael Leon, Associate Member

**DECISION OF THE LEXINGTON PLANNING BOARD
WITHDRAW WITHOUT PREJUDICE
ON A SPECIAL PERMIT RESIDENTIAL DEVELOPMENT, DEFINITIVE PUBLIC BENEFIT
THE PROPERTY LOCATED AT 12 SUMMIT ROAD**

JUNE 1, 2022

APPLICANT: 12 Summit Road LLC
c/o DND Homes
1 Garfield Circle, Unit 6
Burlington, MA 01803

PROPERTY OWNERS: 12 Summit Road LLC
271 Lincoln St. #10
Lexington, MA 02421

PROPERTY LOCUS: 12 Summit Road
Lexington, MA 02420
Assessor's Map 22 and Lot 146A

DECISION

At a meeting on Wednesday, June 1, 2022, the Planning Board voted 5-0 to grant the applicant's request for *Leave to Withdraw Without Prejudice* relative to the Special Permit Residential Development for the Public Benefit Development proposal submitted per § 6.9 of Chapter 135 the Lexington Zoning Bylaw.

FINDINGS:

- 1) On October 18, 2021, an application was filed by or on behalf of 12 Summit Road LLC, for a Special Permit Residential Development for a Public Benefit Development (PBD) pursuant to § 6.9.3 (3) of Chapter 135 the Lexington Zoning Bylaw with the Planning Board. The application was submitted to the Town Clerk on October 27, 2021.
- 2) The Lexington Planning Board is the Special Permit Granting Authority for all Special Permit Residential Developments pursuant to § 6.9 of Lexington Zoning Bylaw Chapter 135.
- 3) Pursuant to M.G.L. Chapter 40A, § 9 and 11 and the applicable provisions of the Lexington Zoning Bylaw and the Regulations of the Lexington Planning Board, the Planning Board caused notice of the public hearing to be published in the *Lexington Minuteman*, a newspaper of general circulation in Lexington, on November 11, 2021 and again on November 18, 2021. Notice of the public

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hearing was posted with the Lexington Town Clerk commencing on November 8, 2021 and continuing through the opening of the public hearing on December 1, 2021. Said notice of the public hearing was mailed postage prepared to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on November 8, 2021.

- 4) After notice and publication was provided pursuant to M.G.L. Chapter 40A, Sections 9 and 11, the public hearing on the Application commenced on December 1, 2021 via Zoom, pursuant to the Governor's March 12, 2020 Executive Order suspending certain provisions of the Open Meeting Law M.G.L. c. 30 § 18, c. 20 of the Acts of 2021, and c. 22 of Acts of 2022 further extending the remote provisions until July 15, 2022. The Planning Board accepted public comments via Zoom. On December 1, the Board voted to continue the public hearing until January 5, 2022. On January 5, 2022, the Board voted to continue the hearing until March 2, 2022. On March 2, the Board continued the public hearing to June 1, 2022. The Planning Board closed the public hearing at its meeting on January 1, 2022.
- 5) Said land is situated in the district classified under the Lexington Zoning Bylaw and Official Zoning Map as RS (One Family District) zoning district.
- 6) Application seeks a Definitive Public Benefit Special Permit Residential Development per code Chapter 135 § 6.9 [Special Permit Residential Developments] and § 6.9.3 [Types of Special Permit Residential Development] for a public benefits development. Application seeks to split the existing ~76,070 SF lot into seven lots to build six residential dwellings.
- 7) The Applicant, Summit Road LLC, requested a leave to withdraw without prejudice by letter dated April 28, 2022 to the Lexington Planning Board.

APPLICATION AND PLANS

The Planning Board evaluated the request for the leave to withdraw without prejudice from 12 Summit LLC for the special permit residential development filed by the Applicant with the Planning Department on October 18, 2021 and the following related submissions ("Project") submitted during the course of the public hearings through June 1, 2022:

- 1) Form B Definitive Special Permit application submitted by 12 Summit Road LLC dated October 18, 2021, submitted to the Town Clerk on October 27, 2021.
- 2) Plans entitled "12 Summit Road (Assessors Map 22 Lot 146A) Definitive Public Benefit Development Subdivision Plan Set Located in Lexington, MA" dated October 18, 2021, revised December 1, 2021 plans prepared by Patriot Engineering, consisting of 11-13 sheets.
- 3) Civil Engineer and Landscape Architect's Design Certificate Forms dated October 18, 2021.
- 4) Stormwater Management Report for 12 Summit Road, prepared for 12 Summit Road, LLC, prepared by Patriot Engineering, dated October 18, 2021 (134 pages).
- 5) Staff memo to the Lexington Planning Board, re: 12 Summit Road: Definitive Public Benefit Special Permit Residential Development, dated November 24, 2021.
- 6) Letter from project attorney Frederick V. Gilgun, Jr. to the Lexington Planning Board, Re: Public Benefit Development – 12 Summit Road, dated December 1, 2021.

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- 7) Public comment letter from Daniel C. Hill of Hill Law to the Lexington Planning Board, Re: Application for Public Benefit Development Special Permit 12 Summit Road, Lexington (Herman Dudley House), dated November 30, 2021.
- 8) Comment letter from Thomas Ryan of 36 Percy Road.
- 9) Applicant's request to withdraw, to the Lexington Planning Board, dated April 28, 2022.

RECORD OF VOTE

The following members of the Planning Board voted to approve the request to withdraw without prejudice for the special permit residential development: Charles Hornig, Robert Peters, Michael Schanbacher, Robert Creech, and Melanie Thompson.

The following members of the Planning Board voted to deny the Minor Modification Request: None.



June 7, 2022

Robert D. Peters

Date