

LEXINGTON PLANNING BOARD
1625 MASSACHUSETTS AVENUE, LEXINGTON, MA

MEMBERS OF THE PLANNING BOARD:
CHARLES HORNIG, CHAIR – ROBERT PETERS, VICE-CHAIR – MICHAEL SCHANBACHER, CLERK – ROBERT CREECH – MELANIE THOMPSON

DECISION OF THE LEXINGTON PLANNING BOARD
ON A MAJOR MODIFICATION TO A SPECIAL PERMIT BALANCED HOUSING DEVELOPMENT
THE PROPERTY LOCATED AT 840 EMERSON GARDENS ROAD
DECISION DATED JANUARY 26, 2022

General Property Information

Property Address: 840 Emerson Gardens Road
Assessor's Information: Map 29, Lot 74A (Parcel ID: 29-74A)
Zoning District: One-Family Dwelling (RO)

Application Information

Application(s): Major Modification to a Special Permit Balanced Housing Development
Date application(s) were filed with the Town Clerk: November 4, 2021

General Project Contact Information

Property Owner Name and Address: 840 Emerson Gardens LLC
Applicant: Scott Seaver, Seaver Construction, 215 Lexington Street, Woburn, MA
Project Contact: Attorney John Farrington

Public Hearing Information

Date legal ad was published in the Minuteman Newspaper: November 25, 2021 and December 2, 2021
Date of opening public hearing: December 15, 2021

Project Description

The Applicant is requesting a Modification to the Special Permit Balanced Housing Development for the 840 Emerson Special Permit Residential Development decision dated April 15, 2020. The Applicant is proposing the following change to condition 53:

Current Text: 53. *The Applicant proposed to construct a solar carport/canopy over the top of the ten (10) off-street parking spaces that are located to the south of the common center.*

Proposed Text: 53. *The Applicant shall provide ten (10) uncovered off-street parking spaces located to the south of the common center.*

Public Hearing

The Lexington Planning Board opened the public hearing for the project located at 840 Emerson Garden Road on December 15, 2021. Planning Board members present throughout the public hearing were: Charles Hornig, Chair; Robert Peters, Vice-Chair; Michael Schanbacher, Clerk; Robert Creech; and Melanie Thompson. During the course of the public hearing process, the following individuals appeared on behalf of the Applicant: Scott Seaver, Seaver Construction; Tim Sullivan, Seaver Construction; and Attorney John Farrington.

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Summary of Public Hearing

The Public Hearing was opened on December 15, 2021.

Mr. Farrington explained that the applicant wanted to eliminate the requirement for the carport and solar panels that would be on top of the carport. Mr. Farrington provided some alternatives for either a ground mounted or roof mounted solar panel array. Sullivan presented the specific information on the solar panel array and the amount of energy generated by the panels. The cost would be just under \$38,000 and there is enough surety being offered in exchange for the issuance of certificates of occupancy.

Planning Board Comments and Questions:

- Mr. Hornig said it seemed like surety was in the ballpark for cost.
- Ms. Thompson was not on the Board in March and wanted to hear from others first.
- Mr. Creech was fine as long as we are talking about doing some kind of solar array and had no questions.
- Mr. Schanbacher asked for clarification on what was the relative power that would be generated in the original proposal as opposed to what is now being proposed.
- Mr. Peters asked for clarification on whether the roof-mounted solar array was the preferred option.
- Mr. Hornig asked if they were up against the site coverage limit. Mr. Hornig said it was cheaper to put solar panels on the roof. He recommended the best way to address this is to put in a condition that you install so many KW DC of solar panels somewhere on the site as long as you meet all the other constraints and add the estimated cost to the surety plus a 15% contingency and provide \$50,000 to \$60,000 for surety.

Mr. Farrington and the Board discussed a calculation on the amount proposed for the surety of \$100,000 which included the solar array plus \$15,000 contingency for a total of \$115,000. This would be in the form of a performance bond.

Board Comments and Questions:

- Ms. Thompson had no problem with the surety.
- Mr. Creech asked for clarification on the size of the solar array. He had no problem with the surety.
- Mr. Schanbacher had no problem with the surety.
- Mr. Peters asked if there was any tree canopy that would shade the roof. He had no issue with the surety.

The only open issues are the trail easement that is before the Select Board on December 20th for acceptance and the plan of common open space for a minimum of 33% of common open space.

On December 15, 2021, the Planning Board opened the floor for public comments. Public comments were received on December 15 2021. All comments can be reviewed on the video stream capture of the public hearing and the associated meeting minutes.

The Public Hearing was closed on December 15, 2021.

VOTE

The Planning Board voted five (5) in favor, zero (0) opposed, and zero (0) in abstention to amend the special permit regarding the project at 840 Emerson Gardens Road to replace the existing condition 53 with a substitute new condition 53 for the prior condition *"The Applicant will construct and operate a solar energy system on the site with the capacity to produce at least 12.6-Kilowatt hours DC."*

Major Modification to a Special Permit – Site Sensitive Development

- Charles Hornig - yes
- Robert Peters - yes
- Michael Schanbacher - yes
- Robert Creech - yes
- Melanie Thompson – yes

The Planning Board voted five (5) in favor, zero (0) opposed, and zero (0) in abstention to accept a performance bond in the amount of \$115,000 as a performance guarantee to insure compliance with all the conditions of the special permit and permit the Building Department to issue Certificates of Occupancy.

Performance Bond to Insure compliance of all conditions

- Charles Hornig - yes
- Robert Peters - yes
- Michael Schanbacher - yes
- Robert Creech - yes
- Melanie Thompson – yes

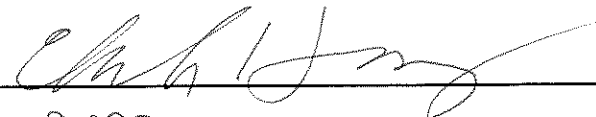
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RECORD OF VOTE

On December 15, 2020, the Planning Board made the following motion and voted to allow the Planning Board Chair sign the Decision.

Robert Peters moved that the Planning Board vote to allow the Chair of the Planning Board to sign the decision for a Major Modification to 840 Emerson Gardens Road. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call taken: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes)

MOTION PASSED

Signature of the Chair: 

Date: 26 January 2022

EXHIBITS

Not attached unless indicated

The Applicant has filed with the Planning Board various reports and correspondence required under the requirements of the Lexington Zoning Bylaws and Planning Board Zoning Regulations. All of these plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.

1. Form B – General Application for Approval of a Major Modification to a Special Permit Residential Development for the property known as Lexington Meadows, 840 Emerson Gardens Road, dated October 19, 2021, and stamped in with the Town Clerk on November 4, 2021
2. Letter from Scott Seaver, Applicant, RE: Lexington Meadows – Special Permit Modification, dated October 19, 2021

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