



LEXINGTON PLANNING BOARD

Agenda Item Summary & Staff Recommendation

Item Name/Description:	Rangeway – Extension of Right of Way
Applicable By-Laws & Regulations:	175-32F – Definitive Subdivision Plan, Submittal; and 175-34B – Definitive Subdivision Plan, Decisions
Application Date:	April 11, 2019
Constructive Approval Date:	July 10, 2019, Extended to August , Extended to September 30, Extended to October 31, 2019

Explanation/Summary:

This is the Applicant's fourth definitive plan submission. The first plan, filed in 2003, was denied by the Board and subsequently appealed by the Applicant. As part of the Land Court proceedings of this appeal, the Board agreed to revisit the plan, on remand. The second definitive plan was filed in July of 2010, but withdrawn in March of 2011. The third definitive plan was submitted in July of 2012. These plans were approved by the Planning Board but not endorsed. The latest plans were submitted April of 2019 and feature some modifications that require the Planning Board's reconsideration of this project.

The applicant proposes to extend Rangeway, an incomplete unaccepted way (i.e., a paper street) laid out by plan in 1919, in order to provide frontage for a parcel of land on which one single-family home might be built.

Application Materials

- Definitive Subdivision Plans dated December 3, 2018
- Cover letter from Attorney Edmund C. Grant dated March 7, 2019
- Certification of Action dated February 27, 2013
- Zoning Determination – Grandfathered Lot Status dated June 21, 2002
- Turn Diagram for emergency vehicles
- Response to Changes Required Prior to Plan Endorsement and Recording from Certificate of Action dated December 31, 2019
- Email chain from Lexington Planning Staff dated October 23, 2017 to January 17, 2019
- Extension request from Attorney Edmund C. Grant dated May 23, 2017
- Superseding Order of Conditions from MADEP dated February 15, 2017
- Memorandum from Frederick W. Russell, PE listing revisions to Definitive Subdivision Plan required by Superseding Order of Conditions dated December 31, 2018
- Form B – General Application for Approval of a Plan for Development
- Form G-CE - Designer's Certificate Civil Engineer
- Form G-LS - Designer's Certificate Land Surveyor
- Form G-LA - Designer's Certificate Landscape Architect

- Drainage Analysis
- Stormwater Operation & Maintenance Plan
- Definitive Subdivision Plans dated December 3, 2018 revised July 22, 2019

The Conservation Commission has issued an Amended Order of Conditions with a condition that the catch basin adjacent to 22 Rangeway be rebuilt and the drainage pipe be replaced.

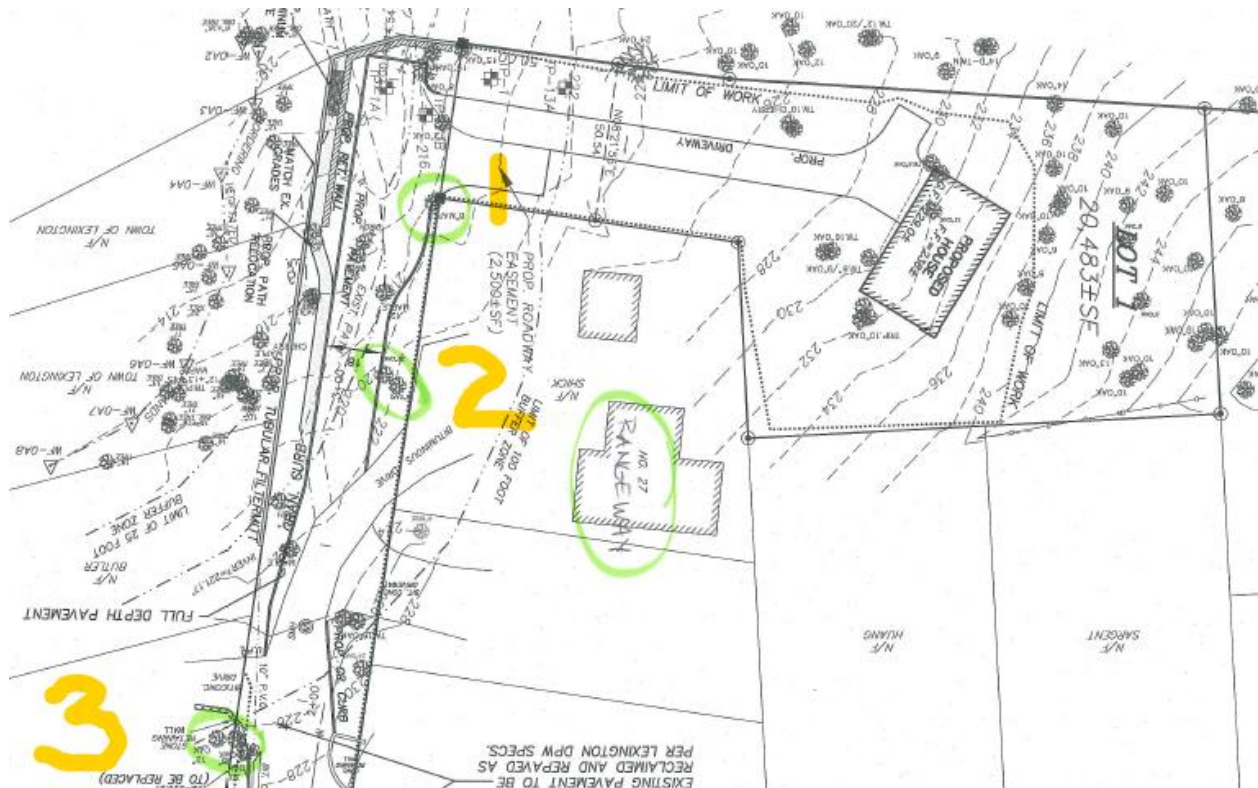
There are a few issues the Board should consider.

Trees:

While the Definitive Planset revised to July 22, 2019 includes a landscape plan, the applicant has not provided enough information as whether the provisions of Chapter 120 - The Tree Bylaw have been met or whether a waiver should be granted.

According to the plans 11 trees within the road right-of-way are proposed to be removed - some are quite large and four are proposed to be replaced. It seems there are trees within the setback along the north side of the property that are not accounted for. The applicant should provide information regarding the caliper and number of trees proposed to be removed in the ROW as well as the setback as defined in the Tree Bylaw and compare it to a list of proposed replacement trees. In addition, there are two clusters of trees that are very close to the road and/or utility work, where one tree is proposed to be removed. The concern is that removal of one tree may compromise the other. Also during the last application process in 2012 a 30 inch oak in front of 22 Rangeway was to remain. Given its proximity to the proposed drainage work this tree and the 18 inch oak next to it should be removed.

There are trees - one 8 and the other labelled as an 11"ash that are not slated to be removed but are in the way of the path and underground utilities.



Responsibilities/Covenant

The applicant has said during the hearing that the roadway, drainage facilities, retaining wall, guardrail and turn-around easement (and snow removal in the turnaround easement) shall be maintained by the owners the subject lot. This commitment should be clarified with the Applicant. And at the time of endorsement a covenant in a form acceptable to Town Counsel, to include language that ensures such covenant shall be perpetual and run with the land and be enforceable by the Town. The covenant shall authorize the Town to access these facilities, at the applicant's expense, if the applicant does not comply with any performance criteria contained in the covenant.

The applicant should provide a draft covenant for Board review.

Easement:

A draft of the turn-a-round has been provided. The Easement should contain a metes and bounds description. Town Counsel will review easement upon submission of plans for endorsement.

Easement should be shown on the Property Rights Plan.

House size limits

During the 2003 application process it was discussed that the house size be limited. The neighbors ask that the house size be limited to be in keeping with the neighborhood. Minutes from those discussions were part of the September 25 Meeting packet.

Utilities:

The riser pole should be clearly marked on the plans. The proposed electric utility may interfere with existing trees.

Path:

The plans should show the proposed path surface. A ADA compliant pad and ramp is needed where the path crosses the granite curbing at either end of the path.

Grading and Drainage:

The applicant should show that the catch basin closets to 22 Rangeway can collect the volume of water that is being directed to it in a storm. If it can't then it should have a granite inlet and a curved vane grate to supplement a catch basin inlet capacity.

For the driveway the applicant should have an apron with a slight rise in it to act as a berm to keep water flowing down the gutter line instead of down the driveway. This is standard practice for paving jobs when encountering driveways with slopes away from the road.

Waivers:

As was pointed out the waivers submitted do not match our current bylaw structure. The applicant was asked to submit a revised list of waivers as well the justification for the request. This was submitted this morning and has not been evaluated by staff.

The Applicant had asked for a reduction in frontage as this is a non-conforming lot. The 2012 decision said:

In consideration of waiving the requirements of §175-22, regarding the frontage waiver, the applicant must add onto the Property Rights Plan a clear statement that the endorsement of the Planning Board does not imply that the lot complies with, or is grandfathered under the Zoning Bylaw.

The applicant asserts that the 2002 Zoning Determination letter is evidence that the subject parcel is grandfathered from the Town's zoning requirements regarding frontage, and consequently provides all the justification needed for the Planning Board to waive its own frontage requirement. However, it is likely that the Applicant would need a new Zoning Determination as this one is 17 years old. The applicant should look to the merits of its plan to justify the frontage waiver request, not the zoning determination letter. This is the case for all the waivers while the lot may be considered grandfathered it is still subject to the Subdivision Regulation and each waiver should be granted judiciously.

It is assumed the Applicant will ask for a waiver on the required number of street trees. In the 2012 decision the Board said: I

In consideration of waiving the requirement for § 175-49B on street trees, which would require the planting of 15 trees within the right of way, the applicant may instead place the required 15 trees on the perimeter of the lot to enhance the screening of the project.

- *15 new trees to be planted within the right of way and the perimeter of the lot shown on the Landscaping Plan.*

Given the size and number of trees proposed for removal, the documentation ask for for compliance of Chapter 120 will provide the Board a holistic look at the loss and replacement of the trees.

Parking: It is recommended that parking on the easement and be restricted

Construction

The Town will require a construction schedule. The Applicant and its contractors should work with the neighbors to ensure the least disruption and to maintain access their property.