


Frederick W. Russell, PE
154 Aldrich Road
Wilmington, MA 01887
(978) 604-6590 TEL (978) 988-7797 FAX
Email: rus13@comcast.net

MEMORANDUM

TO: Ed Grant
FROM: Fred Russell 
DATE: October 7, 2019
SUBJECT: Rangeway Extension Definitive Subdivision

The following is in response to the comments from the Planning Board at our public hearing on September 25, 2019 and the Staff summary memorandum:

Staff memo:

Trees:

While the Definitive Plan set 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 labeled as an 11" ash that are not slated to be removed but are in the way of the path and underground utilities.

Response:

The Landscape Plan included in the submission designates existing trees for removal. Recently Jim Keenan, the surveyor, visited the site and updated the type and caliper of trees within the paper street designated for removal. These trees have also been updated on the plans dated October 3, 2019.

As per the Landscape Plan 12 trees are designated for removal within the paper street, however two trees: 10" maple near station 3+60 is in poor condition and dying and an 8" birch near station 3+50 is dead. Of the 10 remaining trees, the total caliper equals 152 inches. A total of 15 trees are proposed to be planted, with the majority planted along the northern property line to enhance the vegetative buffer between the proposed dwelling and 22 Rangeway.

After further review, it is still our belief that proposed utilities to be installed should not result in the removal of more trees and that no existing trees within the setbacks are proposed for removal.

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.

Response:

Draft covenant submitted with attorney letter herewith.

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.

Response:

Draft easement submitted with attorney letter herewith. Easement shown on 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.

Response:

See attorney letter filed herewith.

Utilities:

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

Response:

After further review, it is still our belief that proposed utilities to be installed should not result in the removal of more 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.

Response:

As per the Order of Conditions issued by the Lexington Conservation Commission, the path will be constructed with concrete and shall meet the requirements of a typical Town sidewalk. Concrete designation added to the detail sheet.

Grading and Drainage:

The applicant should show that the catch basin closest 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.

Response:

Drainage Analysis submitted demonstrates the adequacy of the catch basins. Applicant is not opposed to installing a granite inlet. Applicant is also in agreement with apron construction described.

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:

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 compliance of Chapter 120 will provide the Board a holistic look at the loss and replacement of the trees.

Response:

Waivers were submitted with the current application based on the Planning Board's 2013 approval and a revised set of waivers was submitted recently, which also included updating to reference the Board's current regulations, which had been renumbered. Also refer to response to "Trees".

Parking:

It is recommended that parking on the easement and be restricted.

Response:

The applicant is in agreement with this condition. Refer to easement for turnaround and supplemental covenant.

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.

Response:

A construction schedule will be submitted once a contractor is retained.

Planning Board Comments:

- Existing trees designated for removal have been updated on the plans (RC);
- Proposed retaining wall height reduced from 9 feet to 5 feet with the addition of a guardrail. Vegetative cover of the wall shown on the landscaping plan (GJ);
- After further review, it is still our belief that proposed utilities to be installed should not result in the removal of more trees (CH);
- See attorney letter filed herewith regarding proposed house size. (RC);