



Town of Lexington **PLANNING BOARD**

Charles Hornig, Chair
Michelle Ciccolo, Vice Chair
Nancy Corcoran-Ronchetti, Clerk
Richard L. Canale
Gregory Zurlo

1625 Massachusetts Avenue
Lexington, MA 02420
Tel (781) 862-0500 Ext. 245
Facsimile (781) 861-2748
planning@lexingtonma.gov

GRANT OF SPECIAL PERMIT **28-34 Robinson Road**

Date of Application: October 3, 2013
Dates of Hearing: November 20, 2013
Date of Decision: November 20, 2013
Date Filed: December 11, 2013

APPLICATION INFORMATION

Upon the application of the Sheldon Corporation, the Planning Board considered the approval of a special permit for a Site Sensitive Development under Section 135-6.9, of the Code of Lexington, Zoning By-Law. The proposed development is shown on a set of plans entitled "28-34 Robinson Road Definitive Subdivision Plan Set," dated October 2, 2013, prepared by Meridian Associates, Incorporated, of Beverly, MA. The property, 28-34 Robinson Road, shown as lots 142 and 143 on Town Assessors Map 83, is located in the RO Residential Zoning District. The plan shows three residential lots, each served by a driveway off Robinson Road.

DECISION

This is to certify that the Lexington Planning Board, at a duly called and properly posted hearing, determined that a Site Sensitive Development would be appropriate for the tract and that it meets all requisite criteria for such an approval. It therefore voted to **GRANT WITH CONDITIONS** the above-referenced Definitive Site Sensitive Development Plan in accordance with the plans, terms, and conditions stated below.

FINDINGS & DETERMINATIONS

The plans and other submission materials were reviewed by the Planning Board, and the Engineering and Planning staff. Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the public, all as submitted or made at the public hearing.

General Findings and Determinations, per §135-9.4.2

The Planning Board finds and determines that given the particular characteristics of the site, the adverse impacts of the proposed development do not outweigh its beneficial impacts to the Town and neighborhood.

The Planning Board generally prefers special permit residential development proposals to their corresponding by-right conventional subdivisions because of their reduced earth disturbance and increased flexibility for siting structures to better respect a site's natural features.

Specific Findings and Determinations, per §135-6.9.19

The Planning Board must also determine that the proposed development is consistent with criteria specific to a special permit residential development, enumerated in §135-6.9.19 of the Zoning By-Law. The Planning Board grants the special permit for a Site Sensitive Development because it has determined that the proposed development is consistent with the applicable standards, specifically:

- **Building Disposition.** A great deal of attention was spent on the siting of the proposed dwellings to create complementary relationships with each other as well as maintaining a proper relationship with abutting properties. Specifically this involved pushing the structures back further than normal to respect the deep setbacks of the two homes on either side of the proposed development.
- **Visual Impacts.** The proposed development has made an appropriate effort to screen and minimize the impacts associated with the development by maintaining the natural screening that exists around the perimeter of the site, with particular attention to the neighboring properties.
- **Sustainability.** As a Site Sensitive Development, the project greatly reduces its development impact within the development tract when compared to its conventional subdivision equivalent and the on-site infiltration of stormwater ensures that this site will perform better post-development than it does presently.

TERMS & CONDITIONS OF APPROVAL

General Terms

1. The entire tract of land and buildings to be constructed shall not be used, sold, transferred, or leased except:
 - a. As granted by this Decision;
 - b. As shown on the Definitive Site Development Plan, referenced above; and
 - c. In accordance with subsequent approved plans or amendments to this Decision.
2. If any amendment is sought to this Decision all relevant plans and information must be submitted as required by the applicable rules.
3. Each residential deed shall contain the following provision: "The construction and operation of the development is governed by a Special Permit issued by the Lexington Planning Board on November 20, 2013, a copy of which is available for inspection at the Town Clerk's Office, Town Office Building, Lexington, MA."

4. No site preparation work or construction shall commence until the Planning Department has confirmed in writing that the following conditions have been satisfied:
 - a. The perimeter of the site (lot corners) must be staked out.
 - b. The approved perimeter Limit of Work (LOW) line is clearly marked with construction fencing, hay bales, silt fencing, or approved substitute, as appropriate. Construction activity outside the LOW is strictly prohibited, except to allow for minor landscaping activities when approved by the Planning Department in advance. All protective fencing and LOW lines shall be maintained until all construction is complete.
 - c. Trees slated for preservation within the Limit of Work line described above must be protected from damage or loss by construction activities by the use of construction fencing or protective barricades. Such controls must be located from the trunk at a distance no less than five times the diameter of the trunk.
 - d. Pollution prevention, erosion and sediment controls are in place and will remain until the site is fully stabilized. When applicable, any Stormwater Pollution Plan required by the National Discharge Elimination System Construction General Permit Program must be followed.
5. Hours of construction. No construction activity on the property which causes noise, vibrations, glare, dust, debris or other detrimental impact, and is perceptible on, or affects, any adjacent lots, shall take place prior to 7:00 a.m. or after 7:30 p.m.
6. This Decision is not intended to interfere with, abrogate or annul any other local bylaw, rule or regulation, statute, or other provision of law.

Special Conditions

1. Out of concern for the streetscape, the Board requires a minimum distance between foundations within the site of at least 36 feet.
2. The Board will require an increase in the proposed number of trees planted, measured by the proposed caliper inch, from 55 inches to 78 inches. The addition amount may be planted anywhere on site, but it is suggested that the Applicant consider the planting trees either in front of the proposed retaining wall in the back of the site, or in the front of the site, should any existing public shade trees need to be removed as part of the Town's sidewalk project.
3. The plans must reflect the inclusion of interior lot line pins.
4. The Site Construction Plan must be recorded with the decision (and when required, registered with the Land Court).
5. In accordance with the Site Sensitive Development Standards, the development, as a whole, is subject to both impervious surface and site coverage limitations. The maximum impervious surface limit for the development is 20,013 square feet; the maximum allowable site coverage is 8,100 square feet. Planning Staff will confirm that all deed conveyances include a maximum site coverage and impervious surface limit associated with each lot.

6. Foundation drains, if any, may not drain to daylight.
7. If not required otherwise by the Building Code, the top of the retaining wall must be protected from fall hazards before a building permit may issue.
8. No Certificate of Occupancy permit shall be issued for any new dwelling until the Planning Department indicates that:
 - a. The final grading and landscaping of the parcel is completed, as demonstrated by an as-built plan. Provided, the Planning Department may accept security sufficient to ensure the performance of this condition, per with §175-56B(9); and
 - b. Any hydrant flow tests that may be required have been provided to the Fire Department.
 - c. The DPW has received the appropriate sewer and water tie-in information on the unit for which a CO is sought; and
9. In order to maximize their impact, the final location of perimeter plantings intended to serve as screening to abutters may be adjusted in the field, with the written prior approval of the Planning staff.

RECORD OF VOTE

The following members of the Planning Board vote to grant a special permit, subject to the above-stated terms and conditions:

_____	_____
_____	_____

Copy of Decision to:

Applicant (by Certified Mail)
Board of Health
Conservation Commission
Police Chief
Director of Public Works

Town Clerk
Building Commissioner
Fire Chief
Town Assessor
Revenue Officer