

# Minutes of the Lexington Planning Board

## Held on Wednesday June 5, 2024, Virtual Meeting at 6:00 pm

Planning Board members present: Michael Schanbacher, Chair; Robert Creech, Vice-Chair; Melanie Thompson, Clerk; Robert Peters; and Charles Hornig.

Also present were: Abby McCabe, Planning Director; Meghan McNamara, Planner; Carol Kowalski, Assistant Town Manager for Development; and Kiruthika Ramakrishnan, Planning Coordinator.

Michael Schanbacher, Chair of the Planning Board, called to order the meeting of the Lexington Planning Board on Wednesday, June 5, 2024, at 6:00 p.m. For this meeting, the Planning Board is convening by video conference via Zoom. Lex Media is filming this meeting and will record it for future viewing [here](#).

Mr. Schanbacher conducted a roll call to ensure all members of the Planning Board and members of staff present could hear and be heard.

Mr. Schanbacher provided a summary of instructions for members of the public in attendance. It was further noted that materials for this meeting are available on the Town's [Novus Packet](#) dashboard. The Board will go through the agenda in order.

### Development Administration

#### **85 Pleasant Street – 85 Pleasant LLC / DND Homes request to postpone public hearing and extension of action deadline for definitive subdivision application**

The Planning Board considered the request from 85 Pleasant LLC / DND Homes to postpone the public hearing and extend the action deadline for the definitive subdivision application for 85 Pleasant Street.

Ms. McCabe informed the Planning Board members of an application received earlier this year. Since the applicant needs more time to provide updated plans, the applicant requests postponing the public hearing to the Board's July 31<sup>st</sup> meeting date and to extend the final action deadline to September 30<sup>th</sup>.

**Mr. Creech moved to accept the applicant's request to postpone the public hearing date for the Definitive Subdivision application submitted by DND Homes for 85 Pleasant Street to July 31, 2024 and extend the action deadline to September 30, 2024. Ms. Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll call: Creech – yes; Peters – yes; Schanbacher – yes; Thompson – yes; Hornig – yes). MOTION PASSED**

#### **89 Bedford Street – Public hearing for major site plan review to relocate the historic house to the front of the lot and construct a new multi-family building in the Village Overlay district.**

Mr. Schanbacher opened the public hearing on the application of FK Partners Lexington LLC for approval of a major site plan review under §135-7.5 [Village & Multi-Family Overlay Districts] and 9.5 [Site Plan Review] of the Zoning Bylaw, and Article VI of §181-71 Stormwater Management Regulations. The application is for a 30-unit three-story residential condominium building with parking, landscaping, and stormwater management improvements. The project will relocate the historic house to the front right

corner of the lot. The property is located at 89 Bedford St, Lexington, MA also known as Map 64, Lot 161 in the RS (One Family) and VO (Village Overlay) zoning districts.

The applicant FK Partners Lexington LLC was represented by Ben Finnegan. Also present were Jay Finnegan, Eric Katz, Alex Katz, Tyler Ruger, Jamie Osborn, and Joe Peznola from Hancock Associates. Architects Mark Moeller and Richard Morris from JSA Design and attorney Fred Gilgun were also present along with the current property owner Lester Savage.

Mr. Savage informed the Board about the options that he had and the reason behind going with the current option which enabled saving and restoring the historic house. Mr. Savage also highlighted that the development would provide affordable housing closer to MBTA bus services and meet the purposes of the MBTA communities zoning.

Mr. Finnegan gave a high-level overview of the proposed project and added that the proposal would also include a new bus shelter for the MBTA bus stop and four inclusionary units that will be sold to households earning no more than 80% of Area median Income and would therefore be eligible for Lexington's subsidized housing inventory. Mr. Finnegan stated that the inclusionary units will be identical in size and quality to the other dwelling units and enjoy the same amenities as other residents. Mr. Finnegan detailed the neighborhood meetings and the modification in plans to accommodate the neighbor's concerns. Mr. Finnegan expressed his confidence that the proposed stormwater management design will address the neighbor's concerns related to drainage and added that this proposal adhered to Lexington's Comprehensive plan.

Project architect Mr. Moeller walked through the exhibits and design, and highlighted the architectural changes that were made in response to staff comments during the DRT meeting. Mr. Moeller added that there were 40 parking spaces, 33 individual storage lockers, and a dedicated trash room and shared a typical floor plan.

Project engineer Mr. Peznola shared the existing conditions plan, preliminary site preparation construction plan, off-street parking circulation and loading plan, site construction plan, stormwater management plan, and landscaping plan. Mr. Peznola said he has received the comments from the peer reviewer and he will work towards making sure his comments and concerns were addressed.

Ms. McCabe reported to the Board that both staff and the Board's hired professional engineer as a peer review consultant provided reports to the Board members and the applicant. Staff requested that the Applicant review and respond to the comments and provided updated plans for a future meeting. In particular, Ms. McCabe wanted the applicant to come up with an updated lighting plan showing the light trespass details and the exact location of EV parking spaces. Ms. McCabe also asked the applicant to reduce the height of the light poles (12-14 ft.) and to provide a preliminary sign package. Ms. McCabe added that staff wanted to have one inclusionary unit to be converted to a 3-bedroom unit and recommended an updated landscape plan to include all native plant species from the preferred planting list. Ms. McCabe stated that all the public comments received by staff were shared with the Planning Board members and they were focused largely on traffic and drainage concerns. Ms. McCabe also mentioned that the applicant received permission from the Historical Commission to relocate the historic

house, and that any exterior work or removal considered as demolition other than relocation would need additional review by the Historical Commission.

### **Peer Reviewer's comments**

The Peer reviewer, Mr. Maher of Nitsch Engineering, highlighted some of his comments based on his review. Mr. Maher asked the applicant to review the subsurface infiltration system and enlarge it to achieve 6 inches of free board. Mr. Maher added that he also asked the applicant to interconnect the infiltration system to make sure all the running water is captured and recommended a shallow basin in that area to capture any water to slowly infiltrate into the ground without causing a single point discharge into the abutting property. Mr. Maher also asked for drawdown analysis and a mounding analysis to show that the infiltration system would drain in 72 hours or less. Mr. Maher also asked for the plans to indicate how the stormwater runoff will be collected for the bicycle shed and the relocated historic dwelling. Mr. Maher asked the applicant to provide additional information to comply with stormwater standards.

### **Board Questions**

Mr. Hornig asked the applicant if there was anything in the peer reviewer's comments that could not be addressed by them. The applicant responded that they felt comfortable addressing all the comments listed by the Peer Reviewer.

Mr. Peters asked Mr. Maher if he felt fairly comfortable that the neighbors' concerns will be addressed if the applicant addresses the issues raised by him. Mr. Maher said he generally felt that the neighbor's concerns will be addressed, but additional information pertaining to the drainage issues at Lois Lane is required for him to be certain.

Mr. Creech wanted to know the reason why there were no one bedroom apartments. Mr. Finnegan responded that one bedroom and an office room was also an option for the buyers. Mr. Creech asked the applicant to consider some one-bedroom units.

Ms. Thompson wanted to know the location of the play area and if it would be close to Bedford St. Mr. Finnegan said that sufficient screening and sidewalk will be present between the play area and Bedford St. Ms. Thompson also wanted to know the proposed accessibility details and Mr. Finnegan said that the entire building is ADA compliant. Mr. Moeller confirmed that all the units will comply with the local and State accessibility codes.

Mr. Schanbacher wanted to know the details of accessibility in the amenity space in the historic building. Mr. Finnegan clarified that the accessibility for the first-floor space in the historic house is through a ramp in the front of the building. Mr. Schanbacher asked the applicant to make sure that the HVAC equipment on the roof is properly screened to avoid any noise complaints from neighbors. Mr. Schanbacher also wanted to know the plan for trash and snow removal. The applicant explained how the trash removal would work and said they would come up with a detailed plan for snow removal in the next set of plans.

The Chair opened the hearing up to public comments.

## **Public Comments**

Cerise Jalelian, 7 Lois Lane, expressed her concern about the density of the project and the lack of space around the perimeter of the project.

Thomas Diaz, 13 Lois Lane, expressed his concern about the stormwater drainage issues that would be caused due to the proposal and wanted to know the recourse in the event of a failure of the stormwater management system.

Richard Ruben, 11 Carol Lane, expressed his concern about the density of the project and asked for an independent traffic study. Mr. Ruben also expressed his concern about the stormwater drainage and the displacement of wildlife due to the project.

Cheryl Meadow, 21 Lois Lane, reiterated the concerns related to traffic, parking, and drainage.

Pamela Fowler, 8 Lois Lane, expressed her concerns related to increased noise, traffic, and pollution.

Jay Luker, 26 Rindge Avenue, felt that the proposal is a good example of high density housing that is much needed in the Town and extended his support for the project.

Curt Barrentine, 100 Bedford Street, asked that the bus shelter be like the one on Depot Square and asked for screening to help with noise mitigation.

Mary Kate Franchetti, 97 Bedford Street, expressed her concerns on the density, impact on traffic, and pedestrian safety.

Nancy Sofen, 3 Abernathy Road, was pleased that mitigation planting will be accomplished and that some specimen trees will be saved and asked the applicant to engage a certified arborist to prepare and carry out tree protection plans for the retained specimen trees.

Marcia Steere, 22 Lois Lane, was concerned about a lot of trees being cut down, the traffic problems and the flooding that would be caused due to the project.

## **Board Comments**

Mr. Creech asked for more renderings of the building to get a better idea about the exterior of the buildings and the windows. Mr. Creech also wanted more screening on the rear and asked the applicant to explore placing solar panels on the roof and to create a smoke-free environment.

Mr. Peters agreed with Mr. Creech and emphasized that a smoke-free environment was important and can be implemented through the condominium bylaws. Mr. Peters also said that adequate measures should be taken to prevent flooding of abutters' properties. Mr. Peters also said that there should be sufficient screening to prevent light trespass and asked if the exterior parking would be pervious or impervious.

Mr. Schanbacher felt that the transformer and generator can be located near the bicycle shed, and that the generator should be exercised regularly and placed in a location that does not create noise pollution. Mr. Schanbacher asked the applicant to come up with alternate plans for the sidewalk that connects back to the entrance. Mr. Schanbacher also asked the applicant to explore options for smaller units that have smaller square footage that would be affordable to people from all walks of life.

### **Staff Comments**

Ms. McCabe informed the Board that the applicant had performed a traffic study even though traffic mitigation measures are not required with this application. The applicant has agreed to provide a bus shelter similar to the one installed near the Depot Lot and was considering the request to add a crosswalk near the development. Ms. McCabe shared the findings of the traffic study that concluded that there would be a 1% increase in traffic during morning and evening weekday rush hours.

Ms. McCabe added that the approval of the Planning Board will include a condition for compliance with the proposed drainage which will be certified by an engineer and would have to meet the Town's Stormwater Regulations. Ms. McCabe added that the project meets the purpose of the MBTA Zoning, which was to provide more housing near public transportation.

Mr. Hornig responded that the Planning Board could only impose conditions that are required to meet the Zoning rules and regulations.

**Mr. Creech moved to continue the public hearing for the site plan review application for 89 Bedford Street to Wednesday, July 17 at 6:00 pm on Zoom. Ms. Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll call: Creech – yes; Peters – yes; Schanbacher – yes; Thompson – yes; Hornig – yes). MOTION PASSED**

The Board recessed at 7:55 p.m. and reconvened at 8:00 p.m.

**25 Hartwell Ave. – Continued Public hearing on a definitive subdivision application to subdivide the lot into three lots on a small cul-de-sac. Request to further continue to the June 26 meeting.**

Mr. Schanbacher opened the continued public hearing on the application of 25 Hartwell Owner, LLC C/O Greatland Realty Partners LLC for approval of a definitive non-residential subdivision plan under §175-6.0 of the Planning Board's Subdivision Regulations.

Ms. McCabe reminded the Board members about them opening the Public Hearing on May 8<sup>th</sup>, continuing it to May 22<sup>nd</sup> and later on to June 5<sup>th</sup>. Ms. McCabe informed the Board members that the applicant is still working on providing revised materials and has requested the Board continue the Public Hearing to the Board's meeting to June 26<sup>th</sup>.

The Board discussed the final action deadline date.

**Mr. Creech moved to continue the public hearing for the Definitive Subdivision for 25 Hartwell Ave. to Wednesday, June 26, 2024 at or after 6:00 pm on Zoom and, if agreed to by the applicant, to also extend the action deadline to August 1<sup>st</sup> 2024. Ms. Thompson seconded the motion. The Planning Board voted**

**in favor of the motion 5-0-0 (Roll call: Creech – yes; Peters – yes; Schanbacher – yes; Thompson – yes; Hornig – yes). MOTION PASSED**

**40 Hartwell Ave. – Continued Public hearing on a definitive subdivision application to subdivide the lot into three lots on a small cul-de-sac. Request to further continue to the June 26 meeting.**

Mr. Schanbacher opened the continued public hearing on the application of 40 Hartwell Owner, LLC for approval of a definitive non-residential subdivision plan under §175-6.0 of the Planning Board's Subdivision Regulations. Ms. McCabe reminded the Board members about them opening the Public Hearing on May 8<sup>th</sup>, continuing it to May 22<sup>nd</sup>, and later on to June 5<sup>th</sup>. Ms. McCabe informed the Board members that the applicant is still working on providing revised materials and has requested the Board continue the Public Hearing to the Board's meeting on June 26<sup>th</sup>.

**Mr. Creech moved to continue the public hearing for the Definitive Subdivision for 40 Hartwell Ave. to Wednesday, June 26, 2024 at or after 6:00 pm on Zoom and, if agreed to by the applicant, to extend the action deadline to August 1<sup>st</sup> 2024. Ms. Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll call: Creech – yes; Peters – yes; Schanbacher – yes; Thompson – yes; Hornig – yes). MOTION PASSED**

## **Board Administration**

### **Board Member Updates**

Mr. Schanbacher told the Board that the RFP for the Affordable Housing Project on Lowell Street has been released and that the Select Board and the Affordable Housing Trust are looking for comments to be sent to them by June 12<sup>th</sup>.

Mr. Creech told the Board that the Community Preservation Committee was meeting on June 6<sup>th</sup>, 2024 to discuss the RFP. Mr. Creech also informed the Board that the Town Manager Screening Search Committee met last week with a consultant and discussed the process and that the inputs of various managers from the Town had already been gathered during individual manager interviews. Mr. Creech also shared the dates of resident listening sessions and the date of the next meeting of the Town Manager search screening committee.

Mr. Hornig informed the Board of the Housing Partnership Board's next meeting and that their agenda items included discussion of MBTA projects at 5-7 Piper Road and 89 Bedford Street.

Mr. Peters shared that at Discovery Day he was asked about the Planning Board's interest in flipping the countdown calendar for Lexington 250 celebrations. Ms. McCabe said that the Communications Director had suggested November 12<sup>th</sup> and asked the Board members for their availability.

Mr. Schanbacher informed the Board about the design meeting for the new high school on June 6<sup>th</sup>.

### **Review of Draft Meeting Minutes: 5.22.24**

**Mr. Creech moved that the Planning Board approve the draft Minutes of the meeting held on 05.22.24 as presented. Ms. Thompson seconded the motion. The Planning Board voted in favor of the motion 5-**

**0-0 (Roll call: Creech – yes; Peters – yes; Schanbacher – yes; Thompson – yes; Hornig – yes). MOTION PASSED**

**Upcoming Meetings: June 26, July 17, July 31, August 14, August 28**

Ms. McCabe reminded the Board about the upcoming meetings on June 26<sup>th</sup>, July 17<sup>th</sup>, July 31<sup>st</sup>, August 14<sup>th</sup>, and August 28<sup>th</sup>.

**Adjournment**

**Mr. Creech moved that the Planning Board adjourn the meeting of June 5, 2024. Ms. Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll call: Creech – yes; Peters – yes; Schanbacher – yes; Thompson – yes; Hornig – yes). MOTION PASSED**

**Meeting adjourned at 8:17 p.m.** [Lex Media](#) recorded the meeting.

Material from the meeting can be found in the Planning Board's [Novus Packet](#).

**List of Documents**

1. **85 Pleasant Street:** Staff memo dated May 30, 2024, Postponement request dated May 30, 2024
2. **89 Bedford Street:** Peer Review Memo dated May 31, 2024, Staff Memo dated May 31, 2024

**List of Public Comments:**

- a. Hand delivered mail from Marcia Steere to Abby McCabe and Planning Board members, dated May 15, 2024
- b. Electronic Mail from Matthew Paulson to Kiruthika Ramakrishnan, Subject: Message to Planning Board, dated May 16, 2024
- c. Electronic Mail from Richard Ruben to Planning Department, Subject: 6/5 Planning Board Meeting, dated May 17, 2024
- d. Electronic Mail from Rudy Landry to Planning Department, Subject: 6/5 Planning Board Meeting, dated May 17, 2024
- e. Electronic Mail from Janine Cohen Subject: Proposed 89 Bedford Street, dated May 19, 2024
- f. Electronic Mail from Doug Cohen, Subject: Enclosed Comments, dated May 19, 2024
- g. Electronic Mail from Barbara Katzenberg to Planning Director, Subject: 89 Bedford Street-crosswalk idea, dated May 17, 2024
- h. Electronic Mail from Tom Shiple to Planning Director, Subject: comments from LBAC on 5 Piper and 89 Bedford applications, dated May 16, 2024
- i. Electronic Mail from Cheryl Meadow to Planning Committee, Subject: 89-91 Bedford St, dated May 23, 2024
- j. Electronic Mail from Pamela Fowler to Members of the Lexington Planning Board, Subject: 89-Bedford Street project- citizen comments prior to 6/5/24 hearing, dated May 24, 2024
- k. Electronic Mail from Joan Dassule to members of the Planning Board, Subject: proposed 89 Bedford Street residence, dated May 28, 2024
- l. Electronic Mail from Matt Paulson to Planning Board members, Subject: 89 Bedford Street Condo Project, along with a petition with signatures, and a letter (2 pages) dated May 28, 2024

- m. Electronic Mail from Mary Kate Franchetti, Subject: 89 Bedford Street- Virtual Public Hearing, with a 4 page letter, and 3 pictures, dated May 30, 2024
  - n. Electronic Mail from Mary Kate Franchetti, Subject: 89 Bedford Street- Virtual Public Hearing, with a video and a letter titled 89 Bedford Street Village Comments for Public Hearing dated May 30, 2024
  - o. Electronic Mail from Ivan Lee, to Members of Planning Board, Subject: 95 Bedford Street dated May 30, 2024
  - p. Electronic Mail from Paul and Janice Koch, to Members of Planning Board, Subject: 89 Bedford Street dated May 31, 2024
  - q. Electronic Mail from Kate Cochran, to Planning Board, Subject: 89 Bedford Street dated May 31, 2024
  - r. Electronic Mail from Cerise Jalelian, to Planning Board, Subject: 89 -91 Bedford Street Lex HEARING JUNE 5, 2024 dated May 31, 2024
  - s. Electronic Mail from Alex Wahl, Subject: Comments:89 BEDFORD STREET VILLAGE & MULTI-FAMILY SITE PLAN REVIEW dated May 29, 2024
  - t. Electronic Mail from Pamela Lyons, to Sheila Page Subject: 89 Bedford Street dated June 2, 2024
  - u. Electronic Mail from David Lees, Subject: Comments for June 5, 2024 meeting dated June 3, 2024
3. **25 Hartwell Ave:** Staff memo dated April 18, 2024
  4. **40 Hartwell Ave:** Staff memo dated April 18, 2024
  5. **Draft meeting minutes from May 22, 2024**