

Minutes of the Lexington Planning Board

Held on Wednesday May 22, 2024, Virtual Meeting at 6:00 pm

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

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, May 22, 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

17 Hartwell Ave. Definitive Subdivision – Boston Properties Request to extend 2022 approval

Rick DeAngelis, counsel to Boston Properties, reminded the Board members of the Planning Board's June 2022 approval of a Definitive Subdivision for the creation of a 3-lot subdivision at 17 Hartwell Ave, and added that the intent of the subdivision was for a zoning freeze, which applies to the land for a period of 8 years. Currently, the Applicant does not plan to build the subdivision and seeks a modification to the Planning Board's 2022 condition #20 requiring the road be constructed within 2 years (by 2024) for another 2 years (until 2026).

Ms. McCabe said that staff do not have any concerns.

Mr. Creech moved to approve the request to modify condition #20 of the Planning Board's 2022 Definitive Subdivision approval for 17 Hartwell Ave. to extend the completion date for two more years from the date of endorsement to August 26, 2026. 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

420-430 Bedford St. Definitive Subdivision – Boston Properties Request to extend 2022 approval

Rick DeAngelis, counsel to Boston Properties, reminded the Board members of the Planning Board's approval of a Definitive Subdivision for the creation of a 3-lot subdivision at 420-430 Bedford St. Ms. McCabe added that the purpose of the subdivision plan is to freeze the zoning on the land for a period of eight years. Condition #22 of the Planning Board 2022 approval requires the road to be constructed within 2 years. The Applicant does not intend to build the road but requests an extension for another 2 years (from 2024 until August 3, 2026).

Mr. Creech moved to approve the request to modify condition #22 of the Planning Board's 2022 Definitive Subdivision approval for 420-430 Bedford St. to extend the completion date for two more years from the date of endorsement from August 3, 2024 to August 3, 2026. 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

5 & 7 Piper Road – Public hearing for a major site plan review proposal for a multi-family development in the Village Overlay district

Mr. Schanbacher opened the Public Hearing on the application of Morgan Point LLC for approval of a major site plan review under §135-7.5 [Village & Multi-Family Overlay Districts] and §135-9.5 [Site Plan Review] of the Zoning Bylaw and Article VI of §181-71 [Stormwater Management Regulations]. The proposal is for 59 dwelling units in two buildings with underground parking, landscaping, and stormwater improvements. The property is located at 5-7 Piper Road, Lexington, MA also known as Map 10, Lots 58A and 59A in the RO (One Family) and VO (Village Overlay) zoning districts.

The applicant team included: Phil Porter (Morgan Point LLC), Dan Riggs (Embarc), Dartagnan Brown (Embarc), Nick Campinelli (MDLA), Michael Novak (Patriot Engineering).

The peer reviewer, Mark Bartlett, from Professional Services Corporation was also present.

Mr. Riggs, the project architect, shared his presentation and gave a detailed overview of the project, which includes: 59 dwelling units (including 8 inclusionary units) consisting of 26 1-bedroom, 26 2-bedroom, and 7 3-bedroom units; below grade podium style parking connected underground for 89 parking spaces with a car shuffle system; two buildings above ground that are three stories; 89 long-term resident bicycle parking spaces and 6 short-term visitor bike parking spaces; 3 surface vehicle spaces; plantings throughout the property including evergreen plantings along the property line; some small roof decks and balconies, a play area for children and an interior courtyard area with patio and seating. Project engineer Mr. Novak went over the site analysis plan and provided details about the test pits. Mr. Riggs shared the architectural site plan and went over the details. Mr. Novak shared the Civil Engineering Plan and explained in detail. Mr. Campinelli shared the Landscape Design and gave details of the landscape plans. Mr. Riggs shared the Basement Plan and gave details of the shuffle parking system. Mr. Riggs also shared the proposed Floor Plans, the Massing and Design Strategy and the Elevations and different views.

Peer Reviewer Comments

Mr. Bartlett informed the Board that he had 91 comments and summarized them for the benefit of the Board, the applicant, and his team. Mr. Bartlett said he needs to know the existing and the post-development drainage patterns. Mr. Bartlett also wanted to see the drainage facilities for the courtyard. Mr. Bartlett said he has concerns about the presence of rocks in the vicinity of infiltration systems and wanted the applicant to address the feasibility issues for stormwater management through additional testing. Mr. Bartlett also expressed his concern regarding the presence of rock near the foundation of underground parking and the proposed planting above the infiltration system, which might cause root intrusion. Mr. Bartlett recommended that a Geotech engineer be hired to determine the extent of blasting that would be required. Mr. Bartlett also pointed out the lack of provisions for overflow and strongly

recommended that the infiltration systems are provided with overflow to carry the excess stormwater to a drainage system. Mr. Bartlett also asked for detailed plans and profile drawings of the proposed sewer system. For the water supply, Mr. Bartlett wanted the applicant to get a pressure test done on a hydrant in Piper Road to show there was adequate water supply and pressure to supply this project.

Ms. McCabe said that the project complied with the zoning and setbacks, but requested revised plans that showed the minimum yard setbacks. Ms. McCabe added that the Fire Department also had concerns about the truck turnaround radius and asked the applicant to connect with the Fire Department and comply with their requirements. Ms. McCabe also asked for more information from the applicant regarding the proposed car stacking and shuffling system in the parking garage. Ms. McCabe asked the applicant to plant trees that are present in the approved planting list and to ensure the lighting is dark sky compliant. Ms. McCabe asked the applicant to make sure the sewer system complies with the Town's standards. Ms. McCabe said that the Commission on Disabilities asked for a van accessible parking space in one of the surface parking spaces near an entrance.

Mr. Bartlett stated that the applicant has to provide a design for the management of drag-in water that collects in the underground parking areas and that any drainage in the underground parking needs to go to an oil and gas separator and then be connected to the sewer and not to the storm drains.

Board Member Questions

Mr. Schanbacher disclosed that he was formerly employed by Embarc, the proposed architect of the project, and added that he had submitted to the Town Clerk a disclosure form to confirm that he does not have a conflict of interest, that his former employment will not have any impact on his duties as a Planning Board Chair, and that he would remain fair in considering the compliance of the project for the Village Overlay Site Plan Review.

Mr. Creech conveyed to Mr. Bartlett the concern of one of the neighbors regarding damage to their foundation and septic system due to blasting. Mr. Bartlett said that the applicant needs to have a Geotech engineer develop a plan for rock removal.

Mr. Peters told the applicant that the aim of the Board is to minimize parking, wanted to know the rationale behind the 1.7 parking spaces per unit, and wanted to know the applicant's plan regarding marketing the units and parking spaces. Mr. Porter responded that he does not have a marketing plan at the moment. Mr. Riggs added that the parking also includes visitor parking and staff parking. Mr. Peters reminded the applicant about the revised Noise Bylaw. Mr. Porter said that they have drafted a construction mitigation plan which will address the regulations of the Noise Bylaw and that they have engaged a Geotech engineer, who will determine the extent of blasting required.

Ms. Thompson wanted to know if 3 EV spots would be sufficient for this project. Mr. Brown responded that there was a lot of flexibility with the EV charging stations and added that he would provide additional details regarding automated parking. Ms. Thompson also hoped that the inclusionary units would be blended with the other units. Mr. Brown said that the inclusionary units will be evenly distributed throughout the building.

On the Site Construction Plan, Mr. Hornig asked for a detailed calculation of the amount of earth to be removed, brought in, and remain on the site. Mr. Novak said that he will provide those details on the next set of revised plans. Mr. Hornig asked the applicant if he would be able to comply with section 4.5 of the

Zoning Bylaw pertaining to basement, slab or crawl space, and groundwater. Mr. Novak responded that they will be able to comply and that he will provide the details in the next set of revised plans. Mr. Hornig also wanted to know if the applicant had an agreement with the Temple Emunah for construction access across their property and landscaping in the future. Mr. Novak responded that the applicant will share the agreement in the next set of revised plans. Mr. Hornig asked the applicant if he envisions any difficulty in getting a grant of location for the sewer line from either the Town or from MassDOT. Mr. Novak said he does not see any major hurdles from either the Town or MassDOT and that he will update the Existing Conditions Plan. Mr. Hornig also asked the applicant if they had communicated with the Affordable Housing Trust (AHT) to check their interest in buying down affordability on units and Mr. Porter said they were working with the AHT in this regard.

Mr. Leon asked the peer reviewer, applicant, and staff whether it was feasible to put the two buildings and the underground parking exactly where they are shown on the Landscape Design plan. Mr. Bartlett felt that the feasibility questions should be answered first as it forms the basis for all aspects of the project.

Mr. Schanbacher wanted clarification on the proposed process for removal of trash. Mr. Brown shared the Basement Plan and went over the trash removal process.

Mr. Schanbacher opened the Public Hearing to public comments.

Public Comments

Linna Ettinger, from Temple Emunah, voiced her concerns about the proposed density of the project.

Alan Sherman, from Temple Emunah, raised concerns about the traffic, pedestrian safety, congregational security, interruption of religious activities due to construction, and the possibility of the temple's solar project being shadowed due to the project.

Margaret Heitz, 335 Marrett Road, asked the applicant to decouple the parking spaces from the cost of the condos and asked the applicant to explore alternate transit options.

Pamela Lyons, 51 Grant Street, urged the applicant to provide a bus shelter to be consistent with the intent and spirit of the MBTA Community Act.

Tamar Finan and Chandni El, 8 Piper Road, expressed her concerns about the density of the project, the effects of blasting on their foundation, and the impact of the project on the lives of their neighborhood.

Tom Shiple, 18 Phinney Road, wanted details on accessing the playground and pedestrian access behind the buildings.

Rena Maliszewski, 310 Concord Avenue, expressed her concern about the physical impact of blasting on foundations and asked the Board to require the developer post a sizable bond to rectify damages to any abutting properties.

David Lerner, 5 Lawson Street, felt that the proposal does not fit in the location and expressed his concern about the density of the project.

Jay Luker, 26 Rindge Avenue, stated that single family homes are not subject to public hearings and this project could easily have been a few large McMansions.

Nihad Makary, 10 Piper Road, expressed his concern about the density of the project and traffic safety.

The Board recessed at 7:56 p.m. and reconvened at 8:01 p.m.

Mr. Brown addressed some of the comments of the neighbors and mentioned that they were proposing a full new sidewalk along the edge of the site on Piper Road and taking all measures to create a safe and secure neighborhood.

Ms. McCabe explained that if the project involved blasting, the blasting company was required to offer property owners a free pre-blasting survey inspection of all properties within 250 feet which is regulated and required by state law.

Board Deliberation

Mr. Hornig said that he liked the look of the project, especially the mix of unit sizes and bedroom mix.

Mr. Creech liked the overall design, mix of unit sizes, and the inner courtyard space. Mr. Creech had some concerns about the rock and ledge removal, and potential disruption to the neighborhood. Mr. Creech shared his slides to share ways to reduce the size of the project and add some outdoor space for kids to play.

Mr. Peters wanted the applicant to address the traffic safety concerns and pedestrian safety problems for the residents.

Mr. Leon felt that creating more open space would also help with stormwater flows. Mr. Leon felt that this is one location where ample visitor parking is required to avoid overflow parking on Piper Lane. Mr. Leon also felt that the Temple's security concerns will need to be addressed by the applicant.

Ms. Thompson added that creating more open space, addressing concerns regarding parking and creation of moderate housing were the key things she was looking for.

Mr. Schanbacher felt that the building can be aligned in a better way to suit the adjacent buildings and encouraged the applicant to follow the mid-century modern architecture. Mr. Schanbacher also wanted the applicant to make the entry to the parking more prominent. Mr. Schanbacher said he liked the mix of unit sizes.

Mr. Creech moved to continue the public hearing for 5-7 Piper Road's site plan review to Wednesday, June 26 at 6:00 pm on Zoom to allow time for the Applicant to submit revised materials. 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

25 Hartwell Ave. - Public hearing on a Definitive Subdivision application to subdivide the lot into three lots on a small cul-de-sac

Ms. McCabe reminded the Board that on May 8 the Planning Board had opened the 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. Ms. McCabe informed the Board that the applicant has requested that the public hearing be further continued to the Planning Board meeting on June 5, 2024 because they are still working on revised plans in response to staff comments for the May 8 meeting.

Mr. Creech moved to continue the public hearing for the Definitive Subdivision for 25 Hartwell to Wednesday, June 5, 2024 at or after 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

40 Hartwell Ave. – Public hearing on a Definitive Subdivision application to subdivide the lot into three lots on a small cul-de-sac

Ms. McCabe reminded the Board that on May 8 the Planning Board had opened the public hearing on the application of 40 Hartwell Owner, LLC C/O Greatland Realty Partners LLC for approval of a definitive non-residential subdivision plan. Ms. McCabe informed the Board that the applicant has requested that the public hearing be further continued to the Planning Board meeting on June 5, 2024 because they are still working on the revised plans requested at the May 8 meeting.

Mr. Creech moved to continue the public hearing for the Definitive Subdivision for 25 Hartwell to Wednesday, June 5, 2024 at or after 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

440 Bedford St. – Review of proposed sign package

Ms. McCabe reminded the Board that the new lab building was approved by the Planning Board in 2021. Condition #57 of the site plan review approval required the applicant to return to the Planning Board for a sign package review prior to the building occupancy permit.

The proposed sign package in the Board's packet. The proposal is for a 94 SF, 6-ft. high, externally illuminated down-lit standing sign facing Bedford Street. The proposal complies with the signage section of the zoning bylaw as amended at 2024 Annual Town Meeting. The applicant Evan Battaglia was present.

Mr. Creech moved to Approve the Sign Package submitted by Trammel Crow for 440 Bedford St. 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. Hornig mentioned to the Board that he will be presenting to the Hanscom Area Towns Committee about the whole Lexington MBTA Zoning process.

Mr. Creech updated the Board that the Town Manager Search Screening Committee will be working with Municipal Resources, Inc. (MRI), a professional, executive search firm, specializing in this area. The first meeting

of the Committee will be within the next 2 weeks. As of now, the meeting has been scheduled for May 29 at 7:00 PM and will be in person. Mr. Creech added that The MAPC Legislative Breakfast, which he was unable to attend, was held in Bedford on Friday, May 10. A presentation was made regarding demographics in the MAPC region.

Staff Updates

Ms. McCabe informed the Board that she heard from the Attorney General that the change allowing the associate member to act on a Site Plan Review application, which was passed at the 2023 Special Town Meeting, was approved. Ms. McCabe reminded the Board that this would only be if one of the Planning Board members was unable to act due to a conflict or in the event of a vacancy or absence of a Board member.

Review of Meeting Minutes: Draft 05/08/24

Mr. Creech moved that the Planning Board approve the draft Minutes of the meeting held on 05.08.24 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 5, June 26, July 17, July 31

Mr. Schanbacher reminded the Board about the possible pre-Town Meetings scheduled for June 5th, June 26th, July 17th and July 31st. Ms. McCabe went over the proposed agenda items.

Adjournment

Mr. Creech moved that the Planning Board adjourn the meeting of May 22, 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 8:43 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. **17 Hartwell Ave:** Extension request dated April 4, 2024, Town Clerk stamped Decision of Planning Board dated July 11,2022
2. **420-430-Bedford St:** Extension request dated April 4, 2024, Town Clerk stamped Decision of Planning Board dated May 24,2022
3. **5 & 7 Piper Road:**
 - a. Staff memo dated 05.15.24
 - b. Peer review memo dated 05.10.24

Public Comments:

- a. Electronic Mail from Nihad Mamdouh to Planning Board, Subject: 5-7 Piper Rd, dated May 12, 2024.

- b. Electronic Mail from Linna Ettinger to the Lexington Planning Board, Subject: 5-7 Piper Road Site Plan Review Written Comments from Temple Emunah, with an attached letter (2 pages) dated May 13,2024
 - c. Electronic Mail from Ed and Ann Danielson, Subject: 5-7 Piper Road dated May 15, 2024
 - d. Electronic Mail from Gabor Papp to Planning Board, Subject: 5-7 Piper Rd application—Concerns/ objections (inline) dated May 15, 2024 (2 pages)
 - e. Electronic Mail from Gabor Papp to Planning Board, Subject: 5-7 Piper Rd application—concerns/objections (PDF attachment) (3 pages)
 - f. Electronic mail from Joe Lei to Planning Board, Subject: Proposed Revision to 5-7 Piper Road construction plan dated May 16,2024.
 - g. Hand delivered mail from John K. Weiser to the Lexington Planning Board, Subject: 5-7 Piper Rd major Site Plan Review dated 05.16.24 with 9 attachments of 8X10 inch Photographs (13 pages)
 - h. Electronic Mail from Tamar Finan to the Lexington Planning Board, Subject: 5-7 Piper Rd dated 05.16.24
 - i. Electronic Mail from Tom Shiple to Ms. McCabe, Subject: comments from LBAC on 5 Piper and 89 Bedford applications dated 05.16.24 (2 pages)
 - j. Electronic Mail from John Weiser to Abby, Subject: 3 Piper Rd Parking Issue 5-7 Piper Letter to PB dated 05.20.24
 - k. Letter from John Weiser dated May 16, 2024 with photo attachments (13 pages)
4. **25 Hartwell Ave:** Staff memo dated April 18,2024
5. **40 Hartwell Avenue:** Staff memo dated April 18,2024
6. **440 Bedford St:** Externally illuminated monument, light fixture specification sheet revised March 22,2024, Town Clerk Stamped Decision dated October 28,2021, Exterior Signage Production Drawings
7. **Draft meeting minutes from May 8, 2024**