



## Meeting Minutes of the Lexington Board of Appeals Conducted Virtually, Via Zoom January 8<sup>th</sup>, 2026, 7:00 p.m.

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**Board Members:** Chair – Ralph D. Clifford, Nyles N. Barnert, Norman P. Cohen, James A. Osten, and Associate Member Jennifer L. Wilson

**Associate Members:** Kathryn A. Roy, Jeanne K. Krieger, and Thomas Shiple

**Administrative Staff:** Jim Kelly, Building Commissioner, Olivia Lawler, Zoning Administrator, Abby McCabe, Planning Director, and EmmaJean Anjoorian, Department Assistant

**Town Counsel:** Mina S. Makarious and Kuong C. Ly

**Address: 33 Taft Avenue (ZBA-25-25)**

The petitioner is requesting TWO (2) SPECIAL PERMITS in accordance with the Zoning By-Law (Chapter 135 of the Code of Lexington) section(s) 135-9.4 and 135-8.4.2 to allow modification of a non-conforming structure.

The petitioner submitted the following information with the application: Nature and Justification, Plot Plan, Elevations, Floor Plans, Photographs, Gross Floor Area Calculation Form, Existing Floor Plans, Front Entry Plans, Deck Plans, and Abutter Support Letters.

Prior to the meeting, the petitions and supporting data were reviewed by the Building Commissioner, the Conservation Director, the Town Engineer, the Select Board, the Planning Director, the Historic District Commission Clerk, the Historical Commission, Economic Development, and the Zoning Administrator. Comments were received from the Zoning Administrator and the Building Commissioner.

The Hearing opened at 7:04 p.m.

Petitioner: Mark Lachance on behalf of Menekse Alpay

Mr. Mark Lachance began his presentation by stating that his proposal entails renovation work since the house currently has a front staircase with a roof over it in disrepair. Mr. Lachance further stated that he plans to add a little more living space to the area and explained that he will incorporate it into the interior of the house. Mr. Lachance continued by explaining that the rear side of the house has a deck also in disrepair and that his proposal entails raising the deck to the first-floor level, replacing it, and making it longer. Mr. Lachance also explained that he will not go further into the rear setback and that he will add stairs to the garage side. Mr. Lachance further explained that he plans to make the steps and the landing out of landscaping material and that the steps and the landing will not be a part of the structure. Mr. Lachance concluded his presentation by stating that he only plans to add a little depth off the house.

Mr. Clifford asked Mr. Lachance to elaborate on the landscaping materials. Mr. Lachance explained that the landscape materials will not be part of the setbacks and stated that he plans to add the landscape materials for a more decorative look. Mr. Clifford asked Mr. Lachance what landscaping material he plans to use, to which Mr. Lachance stated that he plans to use granite

slabs and stones. Mr. Clifford asked Ms. Lawler if the proposal would satisfy not being a part of the house, which Ms. Lawler confirmed and stated that the proposal would count as landscaping and not as a part of the building. Mr. Clifford asked about the setback from the street to the new door, to which Mr. Lachance stated that he had included that setback on the plot plan. Mr. Clifford asked about the rear setback, to which Mr. Lachance stated that the house has a non-conforming rear setback and that he will not go any further to the rear property line. Mr. Lachance explained that he plans to keep the rear setback and that he plans to extend the deck to the right side of the house with the stairs wrapped around the side.

No further questions from the Board.

No further comments or questions from the Public.

Ms. Menekse Alpay, 33 Taft Avenue, asked about the possibility of making the deck bigger. Mr. Clifford explained that the application did not include making the deck bigger and explained to Ms. Menekse that she would need to withdraw her application and reapply since making the deck bigger would expand on the non-conformity in a way that the Board does not know.

No further questions from the Board.

Mr. Lachance stated that he believed that the work in the front will add to the neighborhood and that he believed that it would have a nice look. Mr. Lachance also stated that he believed that no one would comment on the work in the back.

At 7:40 p.m., Mr. Clifford moved to close the Hearing. At 7:40 p.m., Mr. Barnert second Mr. Clifford.

The hearing closed at 7:40 p.m. (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

No further discussion from the Board.

At 7:41 p.m., Mr. Clifford moved to grant the special permit. At 7:41 p.m., multiple Board Members second Mr. Clifford. At 7:41 p.m., the Board voted to grant the special permit.

The Board of Appeals voted five (5) in favor, zero (0) opposed, and zero (0) in abstention to grant TWO (2) SPECIAL PERMITS in accordance with the Zoning By-Law (Chapter 135 of the Code of Lexington) section(s) 135-9.4 and 135-8.4.2 to allow modification of a non-conforming structure (a roll call vote took place: (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

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**Board Members:** Chair – Ralph D. Clifford, Nyles N. Barnert, Norman P. Cohen, James A. Osten, and Associate Member Jennifer L. Wilson

**Associate Members:** Kathryn A. Roy, Jeanne K. Krieger, and Thomas Shiple

**Administrative Staff:** Jim Kelly, Building Commissioner, Olivia Lawler, Zoning Administrator, Abby, McCabe, Planning Director, and EmmaJean Anjoorian, Department Assistant

**Town Counsel:** Mina S. Makarious and Kuong C. Ly

**Address: 5 Rindge Avenue (ZBA-25-24)**

The petitioner is requesting ONE SPECIAL PERMIT in accordance with the Zoning By-Law (Chapter 135 of the Code of Lexington) section(s) 135-9.4 and 135-8.4.2 to allow modification of a non-conforming structure to allow a rear yard setback of 4.7 feet instead of the required 15 feet.

The petitioner submitted the following information with the application: Nature and Justification, Plot Plan, Elevations, Floor Plans, and Abutter Support Letters

Prior to the meeting, the petitions and supporting data were reviewed by the Building Commissioner, the Conservation Director, the Town Engineer, the Select Board, the Planning Director, the Historic District Commission Clerk, the Historical Commission, Economic Development, and the Zoning Administrator. Comments were received from the Zoning Administrator, Building Commissioner, and the Conservation Director.

The Hearing opened on December 11<sup>th</sup>, 2025, and continued to January 8<sup>th</sup>, 2026.

Petitioner: Allison Machado dos Santos on behalf of Leora Tec

Mr. Clifford asked Mr. Machado dos Santos for any updates. Mr. Machado dos Santos stated that he had talked to the homeowner and that the homeowner had joined the call to discuss any questions or conditions with the Board. Mr. Machado dos Santos then summarized the project and explained that the homeowner had approved putting in the boundary markers but did not approve of moving the deck over the porch. Mr. Machado dos Santos also explained that the homeowner approved removing the stairs and that he had already updated the plans to show that. Mr. Machado dos Santos further explained that he had reduced the deck's length to ten feet. Mr. Clifford then asked Ms. Leora Tec, 5 Rindge Avenue, if she would approve of reducing the deck's length and then asked how much the deck would extend out past the screen porch. Mr. Machado dos Santos stated that the deck would only extend out about six inches past the screen porch. Mr. Machado dos Santos expressed his willingness to make the deck align with the screen porch, and Ms. Tec stated that she would like to have the deck as big as the Board would allow. Mr. Clifford clarified with Ms. Tec that she would mark the property line in the way that the Town of Arlington would prefer, which Ms. Tec confirmed that she would.

Mr. Cohen stated that at the last meeting, the Town of Arlington did not look favorably on the proposal and asked if the Town of Arlington had said anything else. Mr. Clifford and Ms. Lawler both stated that they had not received anything new from the Town of Arlington. Ms. Lawler then stated that the Town of Arlington had asked the Board to make installing property markers a condition if the Board approved the proposal. Mr. Clifford stated that Ms. Tec had agreed to that condition, which Ms. Tec confirmed.

Mr. Clifford asked Ms. Tec why the deck could not reside above the porch. Ms. Tec stated that she did not know if the porch could support the deck above it and that if put above the porch, the deck would come off two bedrooms rather than off the living room.

Mr. Barnert stated that Town of Arlington did not want the owner to mow the vegetation within the Town of Arlington's property. Mr. Clifford then stated that Ms. Tec would need to leave the land beyond the property boundaries in its natural state. Ms. Tec asked if that matter would concern her and the Town of Arlington, to which Mr. Clifford stated that it would. Mr. Clifford also stated that the Town of Arlington's request to have the property markers installed would provide them with the owner's recognition that conservation land resides past the markers and that the property owner would need to leave the land alone. Mr. Clifford stated that while the Board cannot enforce borders, the Board would consider the border matter when making their decision. Mr. Machado dos Santos stated that the deck would not reside on the Town of Arlington's land. Mr. Clifford stated that the concern comes from the parcel's use and that the boundary markers would indicate where ownership ends.

Ms. Roy elaborated on the possibility of placing the deck over the porch and explained that a walkway would lead from the sliding door over to the porch above the deck. Ms. Roy further explained that the porch would not support the deck but rather the deck would act as another layer. Mr. Machado dos Santos clarified that a small deck would reside off the sliding door, and that the larger deck would reside above the porch as its own structure with its own reinforcements. Mr. Clifford stated that with a non-conforming deck, the Board tries to improve, rather than worsen conditions. Mr. Clifford also noted that the proposed deck would reside close to the property line and that Mr. Machado dos Santos can only build the deck at the Board's discretion, not by right. Ms. Tec stated that the reduced deck does not differ much from the existing one, to which Mr. Clifford stated that the Board will decide that. Mr. Clifford then suggested a straw vote and explained to Ms. Tec that a straw vote will show where the Board stands on a position before closing the hearing. Mr. Clifford then further explained that if the Board denies the application, Ms. Tec cannot bring a new proposal before the Board for two years, and that straw vote will allow her to withdraw the application and come up with a proposal that the Board would approve. Ms. Tec thanked Ms. Roy for clarifying what the deck over the porch would look like and stated that she would need time to think about that option. Ms. Tec then asked if the Board would prefer that option. Mr. Clifford stated that he would do a straw vote on each of the various proposals. Mr. Shiple stated that knowing how far the deck would protrude beyond the screen porch constitutes an important factor.

At 7:27 p.m., Mr. Clifford asked how many Board Members would support a proposal where the deck had a length of thirteen and a half feet. No Board Member supported that proposal.

At 7:27 p.m., Mr. Clifford asked how many Board Members would support a proposal where the deck had the same length as the screen porch. Two Board Members supported that proposal.

At 7:27 p.m., Mr. Clifford asked how many Board Members would support a proposal where the deck had a small length off the glass doors. All Board Members supported that proposal.

Mr. Clifford recommended that Ms. Tec go over the plans carefully and stated that Ms. Tec and Mr. Machado dos Santos should look at the porch roof before putting the deck above it. Mr. Clifford recommended continuing the application so that Ms. Tec and Mr. Machado dos Santos can work out a plan that the Board would approve of. Mr. Machado dos Santos asked about producing more plans that would show a deck with a length of ten feet, to which Mr. Clifford stated that based on the straw vote, the Board would likely not grant that proposal. Mr. Clifford then stated that the Board would likely approve a plan that showed a walkway from the double doors that led to a deck above the porch. Ms. Tec then asked why the Board would not approve the building of the deck so that nothing would protrude farther than what already protrudes. Mr. Clifford explained that what protrudes now protrudes farther than it should and that the Board would decide whether to allow a larger protrusion. Mr. Clifford noted that the East Lexington side often contains parcels that do not conform to current zoning standards, which sometimes makes expansions difficult. Mr. Clifford offered Ms. Tec a real vote, although he noted that the Board would likely not approve the proposal. Ms. Tec stated that she would prefer to continue. Mr. Machado dos Santos stated that they could start putting in boundary markers before the next meeting and stated that a month would suffice for him to produce new deck plans and a plot plan. Mr. Clifford confirmed the next meeting date a month out with staff, and Ms. Tec agreed to continue the hearing to February 12<sup>th</sup>, 2026. Mr. Clifford then recommended that Ms. Tec contact staff if she has any questions.

At 7:33 p.m., Mr. Clifford moved to grant a continuance. At 7:33 p.m., Mr. Cohen second Mr. Clifford.

At 7:33 p.m., the Board of Appeals granted a continuance (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

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**Board Members:** Chair – Ralph D. Clifford, Nyles N. Barnert, Norman P. Cohen, James A. Osten, and Associate Member Jennifer L. Wilson

**Associate Members:** Kathryn A. Roy, Jeanne K. Krieger, and Thomas Shiple

**Administrative Staff:** Jim Kelly, Building Commissioner, Olivia Lawler, Zoning Administrator, Abby McCabe, Planning Director, and EmmaJean Anjoorian, Department Assistant

**Town Counsel:** Mina S. Makarious and Kuong C. Ly

**Address: 591 Lowell Street (ZBA-25-23)**

The petitioner is requesting ONE (1) COMPREHENSIVE PERMIT in accordance with the Zoning By-Law (Chapter 135 of the Code of Lexington) section(s) 135-9.2.2(4) and MGL C.40B Sections 20-23 to allow construction of forty (40) dwelling units with a mix of 1-, 2-, and 3-bedrooms, across four (4) buildings of moderate, low, and very low income housing restricted to 30%, 50%, 60%, and 80% Area Medium Income (AMI). The proposal includes parking, landscaping, and stormwater management improvements.

The petitioner submitted the following information with the application: Nature and Justification, Topographic Plan, Plot Plan, Elevations, Floor Plans, Photographs, Project Narrative and Executive Summary, Existing Conditions Site Plan, Project Eligibility Letter dated August 6<sup>th</sup>, 2025, Select Board Support Letter dated April 9<sup>th</sup>, 2025, Affordable Housing Trust Support Letter dated May 21<sup>st</sup>, 2025, Land Disposition Agreement dated February 5<sup>th</sup>, 2025, Traffic Study Report and Traffic Volume Comparison, Fire Truck Turn Analysis, Causeway Corporation Document Identifying Authorized Individual, Aerial View Maps, Height Calculation Forms, Average Natural Grade Forms and Spot Locations, Proposed Renderings, Building Tabulation, Gross Floor Area Calculation Form, Bicycle Parking Plans, Stormwater Report, Pre-Development Watershed Delineation Plan, Post-Development Watershed Delineation Plan, Erosion and Sediment Control Plan, Proposed Layout Site Plan, Proposed Grading Plan, Proposed Drainage Plan, Proposed Utility Plan, Waiver Request List, Apex Companies Peer Review Civil Memorandum, Apex Companies Peer Review Traffic Memorandum, Staff Memorandum dated November 5<sup>th</sup>, 2025, Cover Letter dated November 24<sup>th</sup>, 2025, Developer Response to Staff Memo dated November 24<sup>th</sup>, 2025, Revised Traffic Assessment dated November 12<sup>th</sup>, 2025, Traffic Engineer Response to the Traffic Review dated November 13<sup>th</sup>, 2025, Planting Plans dated November 24<sup>th</sup>, 2025, Updated Architectural Materials dated November 24<sup>th</sup>, 2025, Revised Proposed Site Plan Set dated November 24<sup>th</sup>, 2025, Revised Stormwater Report dated December 2025, Driveway Sight Distance Sketch dated December 3<sup>rd</sup>, 2025, Civil Engineer Response to Staff Memo, Civil Review, and Transportation Review dated December 3<sup>rd</sup>, 2025, Revised Building A Elevation Form, Staff Memo dated December 4<sup>th</sup>, 2025, Follow-Up Response to Traffic Peer Review dated December 6<sup>th</sup>, 2025, Apex Companies Peer Review Traffic Memorandum Dated December 11<sup>th</sup>, 2025. Apex Companies Second Peer Review Civil Memorandum dated December 19<sup>th</sup>, 2025, Revised Stormwater Report dated December 22<sup>nd</sup>, 2025, Civil Engineer Response Letter dated December 29<sup>th</sup>, 2025, Stamped Proposed Site Plan Set revised December 22<sup>nd</sup>, 2025, Planting Plan dated November 21<sup>st</sup>,

2025, Planting Schedule dated November 21<sup>st</sup>, 2025, Staff Memo dated December 30<sup>th</sup>, 2026, Apex Companies Third Peer Review Civil Memorandum dated January 2<sup>nd</sup>, 2026, and Stamped Proposed Site Plan Set revised January 8<sup>th</sup>, 2026

Prior to the meeting, the petitions and supporting data were reviewed by the Building Commissioner, the Conservation Director, the Town Engineer, the Select Board, the Planning Director, the Historic District Commission Clerk, the Historical Commission, Economic Development, the Fire Department, the Police Department, the Transportation Manager, the Sustainability and Resiliency Officer, and the Zoning Administrator. Comments were received from the Land Use, Housing, and Development Staff, the Building Commissioner, the Conservation Director, the Health Department, the Fire Department, the Transportation Manager, the Sustainability and Resiliency Officer, and the Engineering Department.

The Hearing opened on November 13<sup>th</sup>, 2025, and continued to December 11<sup>th</sup>, 2025, and continued again to January 8<sup>th</sup>, 2026.

Petitioner: Causeway Development, LLC

Mr. Clifford asked Mr. Dave Traggorth, Causeway Development LLC, for an update on the outstanding items. Mr. Traggorth stated that the planting plan had changed and that they had added additional evergreens and the location of the stone wall. Further Mr. Traggorth stated that his team had responded to Apex's Second Engineering Stormwater Memo and had made the associate site plan changes that would close out any outstanding items. Mr. Traggorth then stated that his team had responded to the Department of Public Works (DPW) comments and had made the associate site plan changes. Mr. Traggorth then showed a list of changes that him and his team had made after the first meeting that addressed staff, Apex, and Board comments.

Mr. Will Smith, Offshoots, showed the updated planting plan and noted that he had added the stone wall to two areas near the entrance and added the additional evergreens near Building A to create more of a buffer.

Mr. Chris Cantin, MetroWest Engineering, explained that he had made technical changes to protect the infiltration system area during construction so that the soil does not get compacted. Mr. Cantin further explained that he had provided water quality calculations regarding the stormceptors that conveyed that they would meet the standards. Mr. Cantin stated that the DPW had stated that the water main along Lowell St. has sufficient capacity to support the project. Mr. Cantin also stated that the DPW had requested moving one of the sewer manholes further away from the building so that future sewer line maintenance would not affect the building itself. Mr. Cantin further stated that the DPW had requested an inside pipe drop.

Ms. Roy recalled that at the last meeting, someone had commented on something that resided too close to the building and asked Mr. Cantin if his explanation connected with the comment. Mr. Cantin explained that he had moved one of the sewer manholes from the site into the Town Right of Way.

No further questions from the Board.

Mr. Dylan O'Donnell, Apex Companies, stated that Apex had issued their third peer review letter and that prior to the issuance of that letter, only a couple of items remained open. Mr. O'Donnell

stated that Mr. Cantin had provided an accurate summary, that the applicant had adequately addressed those items, and that the applicant had closed out all items.

Ms. Abby McCabe, Lexington Planning Director, stated that the staff had provided a memo to the Board and then summarized that memo. Ms. McCabe also stated that the applicant had provided revised material that closed out the major outstanding items and that provided the changes that the Town had requested. Ms. McCabe then noted that in Apex's November memo, they had stated that the pedestrian crossing did not allow sufficient time for pedestrians to cross North St. Ms. McCabe then stated that the Engineering Department had confirmed that they are still in the process of working out the timing signals and that they will work them out in the future. Ms. McCabe also stated that if the project underwent development, the Engineering Department would readjust the timing as needed once people live there. Ms. McCabe stated that the applicant submitted revised landscape plans that swapped out the hemlocks for green giant arborvitae as requested by the Tree Committee. Ms. McCabe then stated that with the revised landscape plan, the applicant had requested that the Board accept this landscape plan as the final approved plan. Ms. McCabe then explained that this landscape plan included the replanting of fifty-seven trees, which equates to 369 total calipers. Ms. McCabe further explained that the applicant asked the Board to waive the tree by-law by accepting the landscape plan so that the applicant will not have to do a separate tree permit filing. Ms. McCabe noted that she did not see charging outlets in the bicycle room plans and stated that the applicant had asked the Board to waive the landscape lighting plan as a condition of approval. Ms. McCabe then stated that the staff recommend that the Board should include a condition that would require the applicant to submit a landscape, lighting, and detailed photometric plan, that shows conformance with section five the Zoning By-law, if the Board approves the proposal. Ms. McCabe also noted that the staff asked that any on-site light poles have a height of less than twelve feet. Ms. McCabe then stated that the staff recommended that the applicant submit a tree protection plan, prepared by a certified arborist, to confirm that the protection for the remaining trees will protect those trees down to the drip line. Ms. McCabe further stated that the staff would like to see a noise and visual screen around the transformer to help shield the view and noise. Ms. McCabe noted that the staff had forwarded a written public comment from an abutter to the Board and that Apex had confirmed that the project will comply with the Town's stormwater regulations and conservation's performance standards.

Mr. Traggorth stated that prior to the building permit, he will add charging outlets in the bicycle room. Mr. Traggorth requested that his landscape architect suffice for tree protection.

Mr. Mark Lang, 2 Opi Cir., stated that he believed that the submitted proposal does not match the standards set forth by the Select Board during the Article 33 Warrant. Mr. Lang then stated that he believed that the Select Board had promised that the structure would fit in with the neighborhood and would meet the residential zoning requirements. Mr. Lang further stated that the submitted proposal does not meet the residential zoning requirements and asked the Board to recognize that. Mr. Lang continued by stating that he believed that no one had disclosed the two-story addition to the community room to the public and that the public did not have an opportunity to comment on it. Mr. Lang then noted that the promises made had stated that the site's downward slope would help with height issues, however, the community building would reside at street level. Mr. Lang then stated that he believed that if built, the building would look like a forty-foot wall. Mr. Lang then asked when the Board would ask questions on the requested variances. Finally, Mr. Lang stated that he believed that the discussion had largely focused on less relevant items and that the Board had not seriously considered the dimensional items.

Mr. Ed Winters, 16 Thoreau Rd., stated that the plan presented did not match the plans that he had seen in the past and asked where he could find the updated materials. Mr. Clifford stated that Mr. Winters can find all materials on the Town website and that if he had any difficulties doing so, he could ask the Town staff for assistance. Mr. Clifford then briefly addressed the variance question and stated that the Board will act on the variances on a first basis at this meeting. Mr. Clifford then explained to Mr. Winters that the law allows for negotiation between the Board and the applicant to try to maximize the benefit of the plan to both parties. Mr. Clifford then further explained that as the project had moved forward, the plans had changed based on the Board's and applicant's concerns.

No further comments or questions from the Public.

Mr. Traggorth stated that he believed that the Town of Lexington's website has all current materials and recognized that the plans had changed throughout the process.

No further comments from the Applicant.

No further comments from Apex.

Mr. Cohen noted that the Board had reached the right time to review the waivers and then stated that many public meetings had occurred for members of the public to comment on the project. Mr. Cohen then stated that when the Board did a site visit, the applicant had laid out everything, which, to Mr. Cohen, showed that Causeway would follow the regulations. Mr. Cohen then stated that he thinks highly of the project.

Mr. Barnert highlighted Dave and his team's responsive efforts and willingness to cooperate. Mr. Barnert also noted that Dave and his team met what the Board and abutters wanted while still producing a plan that they wanted.

Mr. Osten second what Mr. Barnert said and stated that the applicant and peer reviewer had provided the Board with a very forthcoming, educational, and appreciative consideration of the Board's requests.

Ms. Wilson stated that the applicant had done a great job responding to the Board's comments and noted that the Town's response to the traffic matters remained her only concern. Ms. Wilson also stated that the applicant had requested small waivers.

Ms. Krieger appreciated the opportunity to deliberate on the project and for the opportunity to take part in the site plan. Ms. Krieger also appreciated the developer's preparedness and responsiveness.

Mr. Clifford echoed the rest of the Board's comments. Mr. Clifford noted that the Board will vote on the merits of the proposal next and stated that the process had involved great cooperation, and openness to suggestions and comments. Mr. Clifford stated that the Board wanted to ensure that they vote on the proposal in its best form and stated that he believed that the proposal had reached that best form. Mr. Clifford thanked everyone involved.

Mr. Clifford suggested that the Board do a straw vote on the matter before closing the Hearing so that the Board can see if the majority will support the proposal and to see what direction the Board will need to go. Mr. Clifford then stated that a straw vote is non-binding.

At 8:09 p.m., a straw vote occurred (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

No further comments or questions from the Board.

At 8:09 p.m., Mr. Clifford moved to close the hearing. At 8:09 p.m., Mr. Barnert second Mr. Clifford.

At 8:10 p.m., the hearing closed (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

Mr. Clifford suggested that the Board do a preliminary vote as the final decision will need to have precise language. Mr. Clifford stated that he would like to bring a draft to the next meeting for the formal adoption of the final draft. Mr. Clifford stated that the vote will help himself and the staff know what to include in the draft. Mr. Clifford then stated that he will go through each requested waiver to ensure that the Board agrees with them and to discuss any conditions that the Board sees fit.

**138-22.A.8 - Comprehensive Permit Submission Procedure:** This provision of the regulations requires plans submitted with a Comprehensive Permit application to include floor, roof and foundation plans of all buildings, also elevations, wall sections and electrical, plumbing and other mechanical plans. Construction details shall be shown and materials and specifications listed. The Applicant had submitted preliminary site development plans that allow the Board to adequately review the proposal and requested Waivers. 760 CMR 56.05(2)(a) states “the Board shall not require submission for a Comprehensive permit that exceed those required by the rules and procedures of Local Boards for review under their respective jurisdictions.”

Mr. Clifford expressed his support for this waiver as the Board serves as step one while the building permit will serve as step two. Mr. Clifford stated that since the building permit will require more detailed plans, the Board can delay that for now. Mr. Clifford then discussed including a condition that would require the applicant to develop the site in substantial compliance with the plans submitted. Mr. Clifford then stated that any trivial changes would require the building inspector’s approval, and any larger changes would require an amendment to the special permit through the Board. Mr. Clifford recommended accepting this waiver.

At 8:13 p.m., Mr. Clifford moved to accept the waiver. At 8:13 p.m., multiple Board Members second Mr. Clifford. At 8:13 p.m., the Board granted the waiver (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

**138-25.C.4 - Comprehensive Permit Planning, Design and Construction Standards:** This provision of the regulations requires the minimum parking spaces for developments permitted under a Comprehensive Permit to be ten (10) feet by twenty (20) feet in size. This regulation is more stringent than the Bylaw. The Bylaw requires standard perpendicular spaces to be nine (9) ft. by nineteen (19) ft. Neighboring communities allow standard parking spaces of eighteen (18) ft. length. The Project proposes twenty-six (26) spaces of the sixty (60) total parking spaces to be nine (9) ft. by eighteen (18) ft. The remaining thirty-four (34) spaces comply with the Bylaw.

Mr. Clifford noted that the proposed parking varies slightly from what the Board normally requires. Mr. Clifford stated that the Board had discussed parking during the hearing and expressed his content with the waiver.

Mr. Shiple noted that the applicant should maintain the nine foot width requirement for the parking spaces. Mr. Clifford reiterated that the applicant must build what they said they would.

At 8:15 p.m., Mr. Clifford moved to grant the waiver. At 8:15 p.m., Mr. Barnert second Mr. Clifford. At 8:15 p.m., the Board granted the waiver (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

**138-25.C.5 - Comprehensive Permit Planning, Design and Construction Standards:** This provision of the regulations requires the minimum distance between buildings to be not less than thirty (30) feet or the height of the taller building, as necessary to prevent obstruction of sunlight and provide adequate air, light, privacy and space. The proposed site layout allows for the Project to be constructed outside of the wetland and riverfront buffer zones which is preferred by the Board. The proposed siting allows for minimized impacts throughout the property while still providing adequate air, light, privacy, and space. All residential units and buildings are accessible by the fire department.

Mr. Clifford stated that this waiver would allow the buildings to reside closer to one another. Mr. Clifford noted that lower cost housing typically includes higher density.

At 8:16 p.m., Mr. Clifford moved to grant the waiver. At 8:16 p.m., multiple Board Members second Mr. Clifford. At 8:16 p.m., the Board voted to grant the waiver (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

**135-3.4, Table 1 & 135-4.1.4 - Permitted Uses & One Dwelling Per Lot:** These provisions of the Bylaw prohibit residential development in the GC zoning district and more than one (1) dwelling on a lot, unless specifically authorized by other provisions of the Bylaw. The Site was allocated by the Town specifically for multi-family Affordable Housing. Permitting forty (40) affordable dwelling units is Consistent with Local Needs.

Mr. Clifford supported this waiver

At 8:17 p.m., Mr. Clifford moved to grant the waiver. At 8:17 p.m., Mr. Cohen second. At 8:17 p.m., the Board voted to grant the waiver (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

**135-4.1.1, Table 2 - Maximum Height of Buildings in Stories and Feet:** Under this provision of the Bylaw, maximum building height in the GC zoning district is forty (40) ft., and not more than 2.5 stories. The Project proposes four (4), three-story buildings with the following building heights, measured from Average Natural Grade: Building A = 40.75 ft., Building B= 48.2 ft., Building C= 46.3 ft., and Building D= 44.1 ft. During the public hearing process, the Applicant redesigned Building A to decrease the height by 2.85 ft. Measured from finished grade, the buildings will be 42.8 ft. tall at maximum and due to the grading of the Site, the buildings are at a lower elevation than Lowell Street which will help to decrease the appearance of height. The proposed three (3) stories are consistent with the Board design standards (§ 138-25C(2)) for

Comprehensive Permits which sets a maximum height of four (4) floors. The Board finds that allowing the height and stories to be greater than otherwise allowed is Consistent with Local Needs as it allows the Applicant to provide more affordable dwelling units without increasing site coverage and affecting the wetlands.

Mr. Clifford stated that the Board knows that the proposed buildings will exceed two and half stories and forty feet. Mr. Clifford noted that the site's slope overcomes the height concerns for three out of the four buildings. Mr. Clifford noted that the building at the intersection resides next to commercial buildings and stated that he does not believe that the building will result in an eyesore. Mr. Clifford also noted that the Board had required trees and granted a larger fence to screen the building from the residents. Mr. Clifford then stated that this waiver will obtain the needed density needed for this type of housing.

At 8:18 p.m., Mr. Clifford moved to grant the waiver. At 8:18 p.m., Mr. Osten second Mr. Clifford. At 8:18 p.m., the Board voted to grant the waiver (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

**135-4.4.2. - Residential Gross Floor Area:** Under this provision of the Bylaw, the maximum residential gross floor area on a lot containing a one- or two-family dwelling is 17,769 sq. ft. for one or two-family dwelling units where 48,886 sq. ft. is proposed with this project for 40 dwelling units. This bylaw applies to one- and two-family dwellings. To the extent that this Bylaw may be applicable, the Board finds that the proposed sizes of dwelling units ranging from 590 sq. ft. to 1,042 sq. ft. are consistent with the goals of Lexington Next Comprehensive Plan.

Mr. Clifford noted that this waiver also comes with a higher density parcel.

At 8:19 p.m., Mr. Clifford moved to grant the waiver. At 8:19 p.m., Ms. Wilson second Mr. Clifford. At 8:19 p.m., the Board granted the waiver (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

**135-5.1.11 - Minimum Yards for Parking:** This provision of the Bylaw requires that all paved parts of parking spaces, driveways, and maneuvering aisles be set back at least twenty-five (25) ft. from the street line. The Project proposes eight (8) parking spaces located closer than (25) ft. to the street line (10.4 ft. at closest) and the maneuvering aisle to be located 10.9 ft. from the street line at closest. Given the steep downward slope away from the street line, with the addition of landscaping, the vehicles parked within twenty-five (25) feet of the street line will be less visible from the street than if there was no grade change from the street. The Board finds this proposal acceptable to meet the intent and purposes of this requirement and allows for development to stay outside of the wetland and riverfront buffer zones.

Mr. Clifford noted that the proposal contains more cars on the lot than normal and that a higher density development will need more cars.

At 8:19 p.m., Mr. Clifford moved to grant the waiver. At 8:19 p.m., multiple Board Members second Mr. Clifford. At 8:20 the Board granted the waiver (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

**135-5.1.13 - Parking Design Standards:** Under this provision of the Bylaw, standard perpendicular parking spaces must be nine (9) ft. by nineteen (19) ft. and parking spaces where one or both of the long sides abut a wall are required to have a width of twelve (12) ft. The Project proposes twenty-six (26) spaces of the sixty (60) total parking spaces to be nine (9) ft. by eighteen (18) ft. The remaining 34 spaces comply with the Bylaw. Neighboring communities allow standard parking spaces of eighteen (18) ft. length. Parking spaces under the carports are proposed at nine (9) ft. wide.

Mr. Clifford noted that this waiver also concerns parking.

At 8:20 p.m., Mr. Clifford moved to grant the waiver. At 8:20 p.m., Mr. Cohen second Mr. Clifford. At 8:20 p.m., the Board voted to grant the waiver (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

**135-5.3.5 - Required Depth or Width (in feet) of Transition Area:** This provision of the Bylaw requires the width or depth of the transition area adjacent to the RO (one-family dwelling) zoning district to be twenty (20) ft. A landscape plan had been provided which indicates a proposed mix of native deciduous and evergreen trees and shrubs to provide buffering and year-round screening, and an eight (8) foot high fence had been authorized as an additional buffer. Mr. Clifford noted that the landscaping plan shows the screening between the parcel and others around it.

At 8:21 p.m., Mr. Clifford moved to grant the waiver. At 8:21 p.m., multiple Board Members second Mr. Clifford. At 8:21 p.m., the Board voted to grant the waiver (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

**135-5.5 - Traffic Standards:** A Traffic Impact Study was conducted by a registered engineer and provided with the application. The Peer Review Consultant had reviewed the proposal and revisions to confirm the Project as designed does not pose a traffic hazard. The Board had made a determination that the streets and intersections affected by the proposed development have, or will have, as a result of on-site improvements and conditions of this approval, adequate capacity, as set forth in § 135-5.5.4, to accommodate the increased traffic from the development. Local concerns regarding traffic safety have been thoroughly reviewed and the Board finds that the minimal potential adverse traffic impacts do not outweigh the need for affordable housing in Lexington.

Mr. Clifford stated that the peer reviews looked at the traffic impact assessment and determined that the project will not have a significant impact on traffic.

At 8:22 p.m., Mr. Clifford moved to grant the waiver. At 8:22 p.m., Mr. Barnert second Mr. Clifford. At 8:22 p.m., the Board voted to grant the waiver (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

**120 - Tree Bylaw:** The Applicant had requested a waiver from the Tree Bylaw. The Board finds the hearing process had considered the amount of protected tree loss pursuant to the Tree Bylaw in c. 120 of the Code of Lexington, including twenty five (25) trees consisting of two hundred and sixty-eight (268) caliper inches protected by the Tree Bylaw, and determines that

the Project is best mitigated with the landscape planting plan submitted with this development dated November 21, 2025, showing tree replacement of three hundred and sixty-nine (369) inches with fifty-seven (57) trees, which exceeds the two hundred and sixty-eight (268) inches required by the Tree Bylaw. Mitigation is met through replanting on the property and no funding into the tree fund is required.

Mr. Clifford stated that the applicant must implement the proposed submitted landscaping plan in substantial conformity and noted that the Board had done the work that the Tree Committee would normally do. Mr. Clifford supported this waiver and stated that he believed that the landscaping plan gave more than the Tree By-law requires.

At 8:23 p.m., Mr. Clifford moved to grant the waiver. At 8:23 p.m., multiple Board members second Mr. Clifford. At 8:23 p.m., the Board voted to grant the waiver (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

After approving the waivers, Mr. Clifford then discussed conditions which included: the construction of an eight-foot-high fence on the rear property line as shown on proposed plans between the development and the residential houses, providing construction sediment controls, extent of work zone marking and fencing (both during and after construction) to ensure non-invasion of the wetlands buffer zone, and construction fencing to protect any trees that the landscaping plan lists as remaining after construction, as reasonably required by the Conservation Director and Building Commissioner, developing the site in substantial compliance with the plans and other descriptions submitted by Causeway Development to the Zoning Board of Appeals and approved by it, installing electrical outlets in the bicycle room to allow for recharging, submitting a lighting plan that complies with Lexington's By-law as a part of the building permit, and installing landscape screening around the transformer to minimize its visual and aural impacts to the reasonable satisfaction of the Building Commissioner.

Mr. Osten stated that given proximity to neighbors and road, Mr. Osten asked that the light face shining downward if possible. Mr. Clifford stated that he thinks that the ordinance requires that now. Mr. Clifford stated that Causeway did not apply for any light waivers and will need to comply with the By-law. Mr. Osten noted that the fern and the fence will screen any car lights. Mr. Clifford stated that both of those screenings appear on the plans.

Mr. Shiple asked to swap out the term bike chargers for electrical outlets

Ms. Krieger asked about a provision for composting. Mr. Clifford stated that the Board had not specifically discussed garbage and that the applicant had not requested a waiver related to garbage disposal. Mr. Clifford stated that the site would follow the garbage disposal regulations.

Mr. Clifford noted that the Board has the authority to put conditions on the permit as Lexington currently complies with 40b.

No further discussion on conditions by the Board.

At 8:28 p.m., Mr. Clifford moved to include all other conditions. At 8:28 p.m., Mr. Cohen second Mr. Clifford. At 8:28 p.m., the Board voted to include all other conditions a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

At 8:28 p.m., Mr. Clifford moved to grant the comprehensive permit subject to all the prior votes. At 8:29 p.m., Mr. Barnert second Mr. Clifford. At 8:29 p.m., the Board voted to grant the comprehensive permit.

The Board of Appeals voted five (5) in favor, zero (0) opposed, and zero (0) in abstention to grant ONE COMPREHENSIVE PERMIT in accordance with the Zoning By-Law (Chapter 135 of the Code of Lexington) section(s) 135-9.2.2(4) and MGL C.40B Sections 20-23 to allow construction of forty (40) dwelling units with a mix of 1-, 2-, and 3-bedrooms, across four (4) buildings of moderate, low, and very low income housing restricted to 30%, 50%, 60%, and 80% Area Medium Income (AMI). The proposal includes parking, landscaping, and stormwater management improvements.

**Meeting Minutes of the Lexington Board of Appeals**  
**Conducted Virtually, Via Zoom**  
**January 8<sup>th</sup>, 2026, 7:00 p.m.**

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**Board Members:** Chair – Ralph D. Clifford, Nyles N. Barnert, Norman P. Cohen, James A. Osten, and Associate Member Jennifer L. Wilson

**Associate Members:** Kathryn A. Roy, Jeanne K. Krieger, and Thomas Shiple

**Administrative Staff:** Jim Kelly, Building Commissioner, Olivia Lawler, Zoning Administrator, Abby McCabe, Planning Director, and EmmaJean Anjoorian, Department Assistant

**Town Counsel:** Mina S. Makarious and Kuong C. Ly

**Other Business:**

1. Minutes from the December 11<sup>th</sup>, 2025 Meeting

Mr. Clifford noted that the drafting of the final decision will occur immediately and that the staff will circulate a draft to the Board before the January 22<sup>nd</sup>, 2026, meeting. Mr. Clifford then stated that the final vote to ratify that decision will occur at that meeting. Mr. Clifford told the Board to look at the draft, give any comments to the Town staff, and that the Board will address any issues that arise at the next meeting. Mr. Clifford thanked the development team, the Town staff, and associate members for their roles in the process. Mr. Clifford then stated that he thought that the development would benefit Lexington.

Mr. Traggorth thanked the Board and the staff for their diligence during the process. Mr. Traggorth stated that he thinks that the process had made the project better.

At 8:31 p.m., Mr. Clifford moved to approve the minutes. At 8:31 p.m., Mr. Barnert second Mr. Clifford. At 8:32 p.m., the Board voted to approve the minutes.

The Board of Appeals voted five (5) in favor, zero (0) opposed, and zero (0) in abstention to approve the minutes from the December 11<sup>th</sup>, 2025 Hearing (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).

At 8:32 p.m., Mr. Clifford moved to adjourn the meeting. At 8:32 Mr. Barnert second Mr. Clifford.

The Board voted to Adjourn at 8:32 p.m. (a roll call vote took place: Ralph D. Clifford – Yes, Nyles N. Barnert – Yes, Norman P. Cohen – Yes, James A. Osten – Yes, and Jennifer L. Wilson – Yes).