Bk: 41518 Pg: 210

D4

SPECIAL PERMIT
R-1 CLUSTER SUBDIVISION
PROPERTY LOCATED ON CAMBRIDGE TURNPIKE, LINCOLN, MA

The Planning Board hereby grants a Special Permit to Hobbs Brook Farm Property Company Limited Partnership (the "Applicant") pursuant to Section 6.6.2 of the Zoning Bylaw of the Town of Lincoln to permit the development of land on Cambridge Turnpike, Lincoln, Massachusetts as a cluster subdivision, as shown on a plan entitled Hobbs Brook Farm Cluster Design Plans in the Town of Lincoln, Massachusetts, Middlesex County prepared by Design Consultants, Inc. consisting of eleven (11) sheets (the "Plan") all dated December 19, 2002, except sheets S1, S2, S3, and S4 which are dated December 20, 2002.

Legal notice of the public hearings was given in the *Lincoln Journal* (a newspaper of general circulation in the Town) on July 10, 2002 and July 17, 2002 and on November 4, 2002 and November 21, 2002. The Planning Board (acting in its capacity as subdivision control board as well as a special permit granting authority) held a public hearing on July 25, 2002 and continued on September 25, 2002, December 4, 2002 and January 8, 2003. The Board has duly considered the favorable reports from the Conservation Commission and the Board of Health. After deliberation, the Planning Board made the following findings:

The Plan is in harmony with the purposes and intent of the Bylaw and in particular with the sections pertaining to cluster development. The Planning Board notes that although the land shown on the Plan has legal access to Route 2, the Plan eliminates any access to the land from Route 2, using only Lexington Road as access.

The land shown on the Plan contains 33.49 acres, of which at least 889,248 square feet is "usable for residential construction".

The Applicant submitted a definitive plan that showed to the Planning Board's satisfaction that the parcel could be subdivided into eleven lots. Therefore the eleven lots on the cluster plan do not exceed the number of lots that could have been established without reference to the cluster development provisions.

Each of the lots shown on the Plan will have reasonable frontage on a private way to which the Town has a right of access. The Applicant responded to the Planning Board's request for minimum paved areas with a divided roadway which also created a meadow area ideal for recreation needs of the subdivision. The Fire Department approved the divided roadway plans and the hydrant layout.

Each of the proposed lots is of a size and shape as will provide an attractive building site. The Plan shows a building envelope as well as a limit of disturbed area for each of the ten lots which are now undeveloped within which a building may be built, when a site plan is approved by the Planning Board, in harmony with the natural terrain and other features of the tract.

Provisions have been made so that at least 35% of the land area shown on the Plan, exclusive of land set aside for road area, will be Open Land, as defined in the By-law. The Open Land will be owned by a Homeowners Association and is protected by a conservation restriction held by Lincoln Land Conservation Trust and trail easements also held by the Lincoln Land Conservation Trust. The Homeowners Association

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document and this Special Permit grant to the Town sufficient rights to enforce compliance with the restrictions imposed by the Planning Board as conditions of the Special Permit. The Open Land is suitably restricted by the Conservation Restriction so as to fully comply with the By-law. While much of the Open Land is limited in access to the landowners in proposed subdivision, the trail easements have been accepted by the Lincoln Land Conservation Trust and provide access to the inhabitants of Lincoln. The Open Land also provides attractive views from Route 2, in part, and from the trail easements. Therefore, the Planning Board found that the open space is of a size and shape as to be an asset to the Town in general and the inhabitants of the proposed subdivision in particular.

The land shown on the Plan is located in an R-1 Single Family Residence District . It is bounded in large part by the Cambridge Water District. As a result, the proposed development has little impact on residential neighborhoods. To the extent the Planning Board heard from abutters, it appears that their concerns were met. Because of the land's location on Route 2, access was a great concern to the Planning Board. As noted above, the access issue has been resolved so that there is no access to the land from Route 2.

The Plan is in harmony with the long-range plans of the Town and in particular with the Open Space Plan of the Town prepared by the Conservation Commission in 1997.

The special permit is granted subject to the following conditions:

1. All of the terms and conditions specified in the Certificate of Approval of a Definitive Plan of even date herewith issued by the Planning Board of Lincoln are incorporated herein. The owners from time to time of any part of the land shown on the Plan shall comply with the Certificate of Approval and all documents referred to therein.

2. All of the terms and conditions specified in the Planning Board Covenant to be executed pursuant to the Certificate of Approval of a Definitive Plan are incorporated herein.

3. All roadways shown on the Plan shall remain private. The Town of Lincoln shall not be asked or obligated to accept any of the roadways as public ways. The Town of Lincoln shall not be responsible for plowing or maintenance of the roadways, nor shall it be responsible for maintenance of stormwater drains or the retention pond.

4. Except for installation of roadways, utilities and drainage as shown on the Plan, no construction of buildings, structures, landscaping, grading and other improvements, including the noise attenuation barrier, shall be commenced prior to the approval thereof by the Planning Board under its site plan approval process and all other applicable Bylaws and regulations.

5. No clearing within Road A or Road B shall exceed 20 feet in width unless specifically permitted by the Plan or approved by the Planning Board.

6. Site preparation for individual lots is prohibited until after issuance of a building permit for the buildings to be constructed on such lot.

7. The Plan shall not be changed without prior Planning Board consent.

8. The "Location of Limit of Disturbed Area" and the "Location of Gross Building Envelope," as shown on sheets C-1 and C-2 of the Plan, may not be altered without the prior approval of the Planning Board. Areas outside the "Limits of Disturbed Areas" shall be kept in a substantially natural wooded condition.

9. The following provisions of the Declaration of Easements, Covenants, Restrictions and Homeowners' Association Governing the Hobbs Brook Farm Cluster Subdivision – Lincoln, Massachusetts may not be altered or amended without the prior approval of the Planning Board:

Section 1, Definitions, in its entirety,

Section 2, Easements, in its entirety,

Section 3.1,

Section 3.2,

Section 3.4.4, and

Section 5.5.

10. The Homeowners Association document presented at the January 8, 2003 meeting is approved subject to revised Design Guidelines to be reviewed and approved by the Planning Board.

Signed this 22 day of January, 2003

LINCOLN PLANNING BOARD

David P. Fuss

Penny Parker

Thomas DeNormandie

Edward Le Fe

Recd Jan 23, 2003 NDZ Town Clerk

A TRUE COPY ATTEST:
Nancy J. Zuelke
TOWN CLERK

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss. _____, **2003**

Then personally appeared the above-named David Ries, one of the members of the Planning Board for the Town of Lincoln and acknowledged the foregoing instrument to be his/her free act and deed and the free act and deed of the Planning Board before me.

_____
Notary Public
My Commission expires: _____