

ARTICLE 38

**AMEND ZONING MAP AND BYLAW
186 BEDFORD STREET, LEXINGTON, MA**

PROPOSED MOTION

That the Zoning Map and Bylaw of the Town be amended to create the Preliminary Site Development and Use Plan (“PSDUP”) for the Planned Development District PD-4 consisting of the land located at 186 Bedford Street, Lexington, MA (the “Site”) as described below:

PLANNED DEVELOPMENT DISTRICT PD-4

1. AUTHORITY TO ESTABLISH A PLANNED DEVELOPMENT DISTRICT.

This Planned Development District is prepared under the provisions of Chapter 135 of the Code of the Town of Lexington (the “Town”) as amended through 2018 (the “Zoning Bylaw”), § 7.3, Planned Development Districts. The Planning Board has adopted regulations further detailing the process to establish a Planned Development District which are contained in Chapter 176 of the Code of the Town (the “Planning Board Zoning Regulations”), § 8.0, Planned Development Districts.

2. DESCRIPTION OF DISTRICT

This Planned Development District (PD-4 District) consists of the Site which is Lot 68 on Town Assessors Map 64 as depicted in the PSDUP.

3. ZONING BYLAW APPLICABILITY.

- 3.1 In the event of inconsistency or conflict between the text and Regulatory Plans of this PSDUP and other Zoning Bylaw provisions applicable to this Planned Development District, the text and Regulatory Plans of this PSDUP control.
- 3.2 Unless herein noted otherwise, where the text and Regulatory Plans of this PSDUP are silent with respect to any provision of the Zoning Bylaw applicable to the PD-4 District, the Zoning Bylaw shall control. Subsequent amendments to the Zoning Bylaw shall not apply to the PD-4 District unless expressly stated otherwise. Terms used and not otherwise defined herein shall have the meanings as may be ascribed to them in the Zoning Bylaw.

4. PSDUP TO BE EFFECTIVE UPON TRANSFER.

This PSDUP establishes the zoning for the PD-4 District, and any successors and assigns in interest in the Site are bound to the terms and conditions of this PSDUP.

5. PLANS AND DOCUMENTS.

- 5.1 Regulatory Material. In the event of conflict or inconsistency between the text of this PSDUP and the plans and documents incorporated by reference within it, the text of this PSDUP controls. The following plan set prepared by Highpoint Engineering, titled “Proposed Mixed-Use Development – 186 Bedford Street, Lexington, Massachusetts | Preliminary Site Development and Use Plan” and dated December 20, 2018, as revised through April 1, 2019 (the “Regulatory Plans”), is incorporated within and made part of this PSDUP as follows:

Regulatory Plans	
C1	Title Sheet
C2	Property Rights & Dimensional Standards Plan
C3	Site Construction Plan
C4	Landscape Plan

5.2. Non-Regulatory Material. As provided in Section 8.6 of the Planning Board Zoning Regulations, all parts of the PSDUP application previously submitted and not included in Section 5.1 above, if any, are considered explanations, background information, and justification for the rezoning, and do not supersede the text of this PSDUP or the Regulatory Plans. The complete PSDUP application is on file with the Town Planning Office.

6. PERMITTED USES.

6.1. Principal Uses. All of the following uses or any combination thereof are permitted in this PD-4 District, subject to, and consistent with, the dimensional and standards provided in Section 7 below:

- a. Residential Uses
 - (1) Dwelling unit above street floor level in a commercial building
- b. Institutional Uses
 - (1) Child care center
 - (2) Use of land or structures for religious purposes
 - (3) Use of land or structures for educational purposes by a religious sect or denomination, or by a nonprofit educational corporation
 - (4) Municipal building or uses
 - (5) Park, playground
- c. Office Uses
 - (1) Medical, dental, psychiatric office or clinic for outpatient services
 - (2) Business or professional office, not to exceed 25% of the commercial space of the new addition
- d. Personal, Business or General Service Uses
 - (1) Beauty parlor, barber shop
 - (2) Tailor, dress maker, shoe repair
 - (3) Real estate sales or rental*
 - (4) Bank, credit union, automatic teller machine
 - (5) Travel agency, insurance agency, ticket agency
 - (6) Photographic services including commercial photography
 - (7) Repair, rental, repair of household appliances, equipment, tools for use in a home
 - (8) Photocopying, reproduction services
 - (9) Instruction in music, the arts, languages, mathematics, sciences, and other disciplines, not to exceed 3,500 square feet of floor space per establishment
 - (10) Art gallery, design studio, artisan work
 - (11) Non profit community service center or charitable organization
 - (12) Indoor athletic and exercise facility, health and wellness spa, weight reduction salon

* The Barn will not be used for real estate sales or rental as a principal use; this limitation shall not prohibit use of the Barn to provide leasing and management services for the site.

- e. Sales Or Rental Of Goods And Equipment; Eating and Drinking
 - (1) Convenience goods often bought on a daily basis such as food, candy, newspapers, personal care products
 - (2) Apparel, fabrics, footwear and accessories
 - (3) Other retail goods, such as books, stationery, drugs, sporting goods, jewelry, photo supplies, flowers, home furnishings, novelties, clothes, cards and the like
 - (4) Hardware, paint, wall paper
 - (5) Food, not intended for consumption on premises; includes but not limited to bakery, pastry, sandwiches, cheese, meat, poultry, fish, beverages, groceries
 - (6) Restaurant, including take-out food service; take-out food service; fast-food service
 - (7) Establishment for sale of coffee, tea, other beverages, and incidental food for consumption on or off premises
 - (8) Caterer or other establishment preparing meals for groups of people but not between the hours of 11pm and 7am
 - (9) Package liquor store, for sale of wine, beer and other alcoholic beverages
- f. Utilities, Communications and Transportation Uses
 - (1) Radio, television studio, but without transmitting or receiving towers
 - (2) Concealed wireless communication facility per Section 6.4.4 of the Zoning Bylaw
- g. Temporary Uses
 - (1) Temporary building or trailer incidental to the construction of the building or development
 - (2) Temporary structures and uses not otherwise permitted in the district, provided the Building Commissioner finds that the proposed structure or use is compatible with the neighborhood

The Zoning Bylaw Use Table Operating Standards, Section E., and Development Standards, Sections F., G.2.0, H.2.0 and I.2.0 do not apply.

- 6.2. Accessory Uses.
 - (1) All accessory uses or structures normally incidental to the principal uses or structures included in Section 6.1 above and as set forth in §3.2.1 of the Zoning Bylaw.
 - (2) Accessory uses for residential uses: Home occupation, instruction , minor, major as defined in the Zoning Bylaw.
- 6.3 Historic Preservation Incentives. Section 6.2 of the Zoning Bylaw, Historic Preservation Incentives, shall apply to this PD-4 District. The use or activity in Section 6.2.6.1 of the Zoning Bylaw shall apply except the following uses shall not apply: conversion of single family to two family residences or to congregate living facilities; creation of rooming units; creation of accessory apartments in single family residences; creation or of bed-and-breakfast homes.

7. DIMENSIONAL STANDARDS.

Section 7.3.2.1 of the Zoning Bylaw provides a PD District does not have predetermined standards for development. Table 2, Schedule of Dimensional Controls, Section 4.1.1 of the Zoning Bylaw does not provide standards that apply to a PD District. The following dimensional standards apply to this PD-4 District:

Minimum Lot Area	50,000 sf (0.36 acres)
Minimum Lot Frontage	200 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	20 feet
Minimum Building Side and Rear Yard Adjacent To Residential District	20 feet
Maximum Site Coverage Ratio	25%
Maximum Nonresidential Floor Area Ratio {FAR}	0.22
Maximum Building Height	40 feet

8. OTHER ZONING PROVISIONS.

- 8.1. Landscaping, Transition and Screening. The Landscape Plan, submitted as part of the Regulatory Plans, depicts the detailed landscaping for the Site. For this PD-4 District, the provisions of § 5.3 of the Zoning Bylaw, Landscaping, Transition and Screening, shall not apply except for the following:
1. The objectives of § 5.3.1 apply.
 2. The provision of § 5.3.3 requiring a landscaping plan applies which is provided in accordance with this text Section 8.1.
 3. The provisions of § 5.3.11 Maintenance, and § 5.3.12, Landscaping, to be completed prior to issuance of certificate of occupancy, apply.
 4. The provisions of § 5.3.15, Special Permit apply.
- 8.2. Traffic. This PD-4 District is subject to the Parking and Transportation Demand Management Plan and Memorandum of Understanding referenced in the Special Conditions below. The provisions of § 5.5 of the Zoning Bylaw, Traffic Standards, do not apply to this PD-4 District.
- 8.3. Off-Street Parking and Loading. For this PD-4, the provisions of § 5.1 of the Zoning Bylaw, Off-street Parking and Loading, shall not apply except for the following:
1. The objectives of § 5.1.1 apply.
 2. The provisions of § 5.1.3, Parking Plan; § Bicycle Parking Facilities; and §5.1.14, Special Permit, shall apply.

Calculation of required off-street parking spaces in this PD-4 shall be as follows and the Off Street Parking Summary is shown on the Property Rights and Dimensional Standards Plan:

TYPE OF USE	PARKING FACTOR <i>(minimum number of parking spaces to be provided)</i>
Residential	1 per dwelling unit
OFFICE USES	
All permitted Office uses	1 per 250 sf
Medical office	1 per 200 sf
RETAIL BUSINESS USE	
Personal services, bank, business services, retail sales, and rental uses	1 per 500 sf
EATING ESTABLISHMENTS	
Restaurant and other eating establishments	1 per 5 seats or 1 per 200 sf
Takeout food service	1 per employee

- 8.4. Signs. This PD-4 District is subject to the Regulatory Plans submitted herewith. For this PD-4 District, the provisions of § 5.2 of the Zoning Bylaw, Signs, shall not apply except for the following:
1. The objectives of § 5.2.1 apply.
 2. The provisions of § 5.2.3, Exemptions, apply.
 3. The General Regulations of § 5.2.4 apply.
 4. The provisions of § 5.2.5, Prohibited Signs, apply.
 5. The provisions of § 5.2.8, Commercial Districts, apply; and except for signs permitted as of right pursuant to § 5.2.8, applications for signs shall be submitted pursuant to the Provisions For Site Plan review set forth in Zoning Bylaw Section 9.5.4 as administered by the Planning Board or the Planning Director as the Planning Board’s designee.
 6. The provisions of § 5.2.10, Special Permit, apply
- 8.5. Illumination. This Planned Development District is subject to the Regulatory Plans submitted herewith. The provisions of § 5.4 of the Zoning Bylaw, Outdoor Lighting, apply.
- 8.6 The Special Permit Granting Authority for this PD-4 District shall be the Planning Board.

9. SPECIAL CONDITIONS.

This PD-4 District is subject to the following special conditions:

9.1 Traffic Mitigation and Traffic Demand Management

The developer of the Site shall, as a condition of receiving a certificate of occupancy, provide for the traffic mitigation and traffic demand management measures as described in the Parking and Transportation Demand Management Plan incorporated herein and attached hereto as Appendix A.

9.2 Memorandum of Understanding

The developer of the Site shall, as a condition of receiving a certificate of occupancy, enter into a Memorandum of Understanding with the Town providing for additional mitigation measures, including but not limited to environmental sustainability and provision of additional offsite parking for employees in the event additional parking is required during peak periods of use.

Appendix A

PARKING AND TRANSPORTATION DEMAND MANAGEMENT PLAN (PTDM)

**MIXED USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT
186 BEDFORD STREET**

Prepared for:

186 Bedford Street LLC
189 Bedford Street
Lexington, MA 02420

Date:

March 13, 2019

EXECUTIVE SUMMARY

This document presents a Parking and Transportation Demand Management (PTDM) program for the proposed mixed-use commercial and residential project located at 186 Bedford Street in Lexington, (The "Property"). The PTDM presented herein is developed in accordance with requirements of Planning Board Zoning Regulations Ch. 176 §9.4.2(6) Major Site Plan Review and provides the basis for subsequent PTDM reporting to the Town.

PROJECT DESCRIPTION

The existing Site consists of approximately 1.36± acres of land located at 186 Bedford Street which includes a former 11,500 square foot (sf) Clinic building, barn, and parking lot. Access is currently provided via two driveways along Bedford Street. Under the proposed mixed-use site programming, the existing clinic building will be expanded and converted to 13 apartments; 6,450± sf of first floor retail space, 1,900± sf of Salon space, and the barn will be retained and converted to 1,500 sf of office space. A 49± space shared parking lot will be constructed to accommodate the site uses. The proposed access/egress will remain via two full-access/egress driveways along Bedford Street. (One-way entrance/one-way exit).

TRIP GENERATION AND DESIGN MITIGATION ACTION

Trip generation for the development is projected to be modest with approximately 15 vehicle trips during the weekday morning peak hour and 40 vehicle trips during the weekday evening peak hour. Compared to the historical use of the property, the project will result in 1 additional trip or less every 6 minutes during the peak commute hours. The incremental traffic associated with the proposed development is not expected to materially impact operating conditions at the study intersections. The study intersections exhibit below-average crash rates based on historic crash data; safety countermeasures are therefore not warranted. Likewise, the available sight lines at the Site Driveway intersections with Bedford Street exceed the recommended sight line requirements from AASHTO.

Based on this PTDM, several mitigation actions are recommended as required through the local permitting process to support the project. These include (a) access/egress improvements, (b) pedestrian and bicycle accommodations, and (c) a Parking and Transportation Demand Management (PTDM) program to enhance traffic operations and travel safety:

Access/Egress Improvements

- *Driveway Design.* The final curb radii between the proposed site driveways and Bedford Street will be designed to accommodate the Town's largest fire apparatus (ladder truck) and single unit delivery vehicles. The Site includes gated emergency egress to Reed Street to ensure proper circulation of fire apparatus to exit the property.

- *Signage and Markings.* A STOP sign (R1-1) and STOP line pavement markings are recommended on the site driveway approaches to Bedford Street. The sign and pavement markings shall be compliant with the Manual on Uniform Traffic Control Devices (MUTCD).

- *Sight Line Triangles.* Plantings (shrubs, bushes) and structures (walls, fences, etc.) will be maintained at a height of 2 feet or less within the sight lines in vicinity of the Site driveway intersections with Bedford Street and internal site intersections to provide unobstructed sight lines.

Pedestrian and Bicycle Accommodations

- *Pedestrian Connections.* The Site Plan incorporates sidewalks that connect the proposed building to the sidewalk system along Bedford Street. The extensive system of contiguous sidewalks in the area connect the Site to various area land uses including MBTA bus stop (route 62), Lexpress bus stop (route 4), shopping opportunities, restaurants and multi-use path (Minuteman Commuter Bikeway).

- *Bicycle Amenities.* The Proponent will provide bicycle accommodations within the property including either covered or secure bike racks and 7± “loop” racks near the building entranceways to encourage and facilitate this mode of transportation to/from the Site. The existing bike amenities in the area include dedicated bike lanes along Bedford Street and the multi-use path (Minuteman Commuter Bikeway) to the north.

Parking and Transportation Demand Management (PTDM) Commitments

PTDM policies are to be implemented by the proponent as outlined below that is consistent with the principles outlined in the Town’s Transportation Management Overlay District plan. These principles include multimodal consideration and PTDM techniques that are reasonably calculated to reduce the number of vehicle trips generated by a development, and that encourages voluntary participation in PTDM programs by those not required to participate.

The Proponent is committed to manage parking and reduce auto dependency by residents and commercial building tenants by implementing a PTDM program. A list of proposed PTDM program elements will include the following, subject to refinement of the development program and further evaluation by the Proponent:

- *Parking Management.* The Proponent will monitor on-site parking trends during periods of overlapping peak occupancy and visitor use. In the unlikely event that parking demand is anticipated to exceed parking supply, the Proponent will direct business employees to park off-site using parking spaces owned or controlled by the Proponent.

- *On-Site Employee Transportation Coordinator.* The Proponent will designate a member of the leasing staff as transportation coordinator responsible disseminating relevant TDM information to residents including posting of TDM information at appropriate locations within the buildings.

- *Public Transportation Information & Promotion.* Service and schedule information for MBTA services and Lexpress will be posted to promote the use of public transportation by residents, employees and visitors. The nearest MBTA stop is at Vaille Avenue and the nearest Lexpress stop is at Reed Street.

- *Bicycle Facilities.* Provide bicycle parking including racks for residents and employees/visitors located proximate to the building entrances.

- *Preferential Parking and Incentives for Low-Emission Vehicles.* Preferential parking locations for residents, who use low-emission vehicles, will be provided. A charging station for electric vehicles will also be provided on the Site.

- *Pedestrian Infrastructure.* Sidewalk connections within the property will be provided along primary pedestrian desire lines that connect building entrances with the public sidewalk network. The Proponent will also post area maps that highlight area walking/bicycle routes to promote walking and bicycle travel to/from the Site and area businesses, recreational facilities and transit stops.

In summary, trip generation for the development is projected to be modest. The incremental traffic associated with the proposed development is not expected to materially impact operating conditions at the study intersections. The study intersections exhibit below-average crash rates based on historic crash data; safety countermeasures are therefore not warranted. Likewise, the available sight lines at the Site Driveway intersections with Bedford Street exceed the recommended sight line requirements from AASHTO. Implementation of access/egress improvements, proposed pedestrian, and bicycle improvements along with a Parking and Transportation Demand Management (TDM) program will establish a framework of minimizing Site traffic impacts by encouraging non-motorized travel modes and pedestrian/bicycle accommodation that is compatible with other projects in the area.