

ARTICLE

PROPOSED MOTION

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

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 The PSDUP is the basic document that regulates development in this PD-4 District. The standards of this PSDUP may differ from those set forth for other Districts in the Zoning Bylaw. 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. Other than the standards, uses and requirements of the PSDUP for this PD-4 District the Zoning Bylaw as amended shall apply unless such amendment is in conflict with this PSDUP. 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 June 6, 2019 and revised August 22, 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
L1	Landscape Plan
L2	Landscape Transitions and Setbacks
A-series	Visual Representation of Building Plans

5.2. Non-Regulatory Material. As provided in Section 8.6 of the Planning Board Zoning Regulations, all parts of the PSDUP application 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 standards provided in Section 7 below:

a. Residential Uses

(1) Dwelling unit above street floor level in a commercial building. Short term rentals [i.e Airbnb, VRBO, Homeaway or other short term rental uses] are prohibited.

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 uses, but shall not on their own or collectively exceed 25% of the commercial space of the new addition. This restriction shall not apply to the Barn.

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) Art gallery, design studio, artisan work
 - (10) Non profit community service center or charitable organization
 - (11) 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.
- The existing building and accessory Barn shall be preserved in accordance with the approval of the Lexington Historical Commission.

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	55,000 sf
Minimum Lot Frontage	210 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}	0.25
Maximum Building Height	40 feet

8. OTHER ZONING PROVISIONS.

8.1 LANDSCAPING, TRANSITION AND SCREENING

- 8.1.1 Purpose. The provisions of this section are intended to achieve the following purposes:
 1. To provide a suitable transition between different zoning districts;
 2. To separate different and otherwise incompatible adjacent land uses from each other in order to partially or completely reduce potential nuisances such as dirt, dust, litter, noise, glare from motor vehicle headlights, the intrusion from artificial light including the ambient glow from signs, or the view of unsightly buildings and parking lots;
 3. To preserve or improve the visual and environmental character of a neighborhood and of Lexington generally;
 4. To offer property owners protection against possible diminution of property values due to adjacent construction or a change in existing land uses.

- 8.1.2 Applicability. A building permit, special permit, or certificate of occupancy granted for a use shall be subject to compliance with the landscaping, transition, and screening provisions of section 8.1 of this PSDUP text .

- 8.1.3 Landscape Plan Required. A landscape plan shall be drawn to scale and include dimensions and distances. The landscape plan shall be certified by a landscape architect registered in the Commonwealth of Massachusetts. The landscape plan shall comply with the permitting authority’s Rules and Regulations.

8.1.4 Transition Areas. Where a lot abuts a different zoning district or is across a street from a different zoning district, a landscaped transition and screening area shall be provided and shall be located adjacent to the lot line as set forth consistent with the following standards, and as depicted on the Landscape Plans submitted as a part of the Regulatory Plans:

1. Required depth at the southern property line adjacent to the existing CN District shall be a minimum 0'.
2. Required depth at the southern property line adjacent to the existing RS District shall be a minimum of 10'
3. Required depth at the western property line fronting Reed Street shall be a minimum of 10'.
4. Required depth at the northern property line adjacent to the existing RS District shall be a minimum of 15'.
5. Required depth at the western property line adjacent to the existing RS District shall be a minimum of 15'.
6. Required depth at the northern property line fronting Vaille Ave. shall be a minimum of 10'.
7. Required depth at the eastern property line fronting Bedford Street shall be a minimum of 20'.

The above standards are in lieu of Zoning ByLaw §5.3.5 - Required Depth or Width (in feet) of Transition Area table, which does not apply.

8.1.5 Transition Area; Standards and Requirements. The following standards shall apply to the installation and maintenance of all landscaping, transition and screening areas required by this section:

1. Composition of landscaping, transition and screening areas. A landscaped transition and screening area shall consist of a landscaped strip and may include fences, walls or berms which shall serve to provide an effective year-round visual screen at the time of installation.
2. Height of screening. Visual screening comprised of a mixed planting of deciduous and coniferous trees and shrubs and walls or fences shall have a minimum overall height of six feet at the time of installation, except in a required front yard where the maximum height shall comply with Zoning ByLaw § 5.3.5 so as not to interfere with sight distance.
3. Site distance will be attained in accordance with standard engineering practice.

8.1.6 Transition Areas; Type of Plant Materials. The following standards shall apply:

1. A variety of plant materials shall be selected to provide an effective visual screen, to be maintained at a minimum height of six feet. Plantings shall be a mixture of deciduous and coniferous trees and shrubs for the screening to maintain its effectiveness throughout the winter months.
2. Ground cover, grass, mulch or other equivalent landscape treatment shall be provided in all landscaped transition and screening areas. Where the width of a transition area exceeds 20 feet, and where existing vegetation is used as the required planting, no ground cover, grass, mulch or equivalent treatment shall be required, provided all man-made debris has been removed from within the transition area.
3. The substitution of artificial plant materials is not permitted.
4. Existing vegetation in a healthy condition, which provides an effective year-round visual screen, may be used provided it is approved by the permitting authority, which may require supplemental planting.
5. Size of plant materials. All trees required by this section shall have a minimum caliper of three inches at the time of planting.
6. Spacing of plant materials. The arrangement of plant materials shall consider the relationship of plants in size, form, texture and color. The configuration and combinations of plant materials shall be in accordance with sound horticultural and landscape architectural practices.

7. Protection of landscaping and screening areas. Wherever required landscaping, transition or screening areas are adjacent to parking areas or driveways such areas shall be protected by curbing or wheel stops to avoid damage to the plant materials and other structures by vehicles.
- 8.1.7 Structures within Landscaping, Transition and Screening Areas.
 1. Walls or fences may be required within a transition area to supplement the required planting to provide an effective visual screen as determined by the permitting authority.
 2. When walls or fences are required by the permitting authority, they shall be of the following type:
 - a. A solid masonry wall faced with visually attractive materials on the side that faces the residential or less intensive use.
 - b. A fence or wall of an alternate material that may be appropriate to the site may be proposed by the applicant's landscape architect.
 3. Zoning ByLaw §5.3.8.2.b and §5.3.8.2.d shall not apply.
 - 8.1.8 Zoning ByLaw §5.3.9 Earthen Berms shall not apply.
 - 8.1.9 Use of Transition Areas. The following standards shall apply:
 1. Only necessary driveways or interior drives shall be located across a required transition area. No structure, parking area, or play area may be located in a required transition area.
 2. A transition area may be used for passive recreation; it may contain pedestrian, bike or equestrian trails and site utilities above and below grade provided they do not reduce the effectiveness of the transition area as a year-round visual screen. No other uses are permitted in transition areas.
 - 8.1.10 Maintenance.
 1. The owner of the lot shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with the approved landscaping plan.
 2. All plant material shall be maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. After the initial planting, all plant materials not surviving after the first winter and through the following growing season shall be replaced in kind.
 3. Fences and walls shall be maintained in good repair. Gates or openings may be provided where necessary for access to an area for maintenance.
 - 8.1.11 Certificate of Occupancy. The landscaping plan, as approved, shall be completed according to specifications prior to the issuance of a certificate of occupancy for any residential or nonresidential use or building. If the completion of the structure occurs after the planting season has passed, only a temporary certificate of occupancy may be issued until the landscaping is completed.
 - 8.1.12 Screening of Other Use Areas within Lots. The following standards of Zoning ByLaw §5.3.13 shall apply:
 1. Outdoor storage areas. All outdoor storage areas for nonresidential uses in residential districts and all facilities for refuse disposal for all commercial, institutional or multifamily uses in all districts shall be enclosed by a fence or wall at least six feet in height. In the event that a wall six feet in height is insufficient to adequately screen such areas, the permitting authority may require additional screening in such manner and of such materials as may be reasonably necessary to adequately screen such area from public view.
 2. Screening of mechanical equipment. In all districts, on nonresidential properties, all air-conditioning equipment, transformers, elevator equipment or similar mechanical equipment on any roof or building or on the ground shall be screened from public view. The permitting

authority may require additional screening in such manner and of such materials as may be reasonably necessary to adequately screen such area from public view.

3. Zoning ByLaw §5.3.13.3 shall not apply.
- 8.1.13 Zoning ByLaw §5.3.14 Landscaping of Front Yards in Commercial Districts shall not apply.
 - 8.1.14 Special Permit. The SPGA may, by special permit, waive any provision of this Section § 8.1 of the PSDUP text, where it determines that lesser transition area screening is consistent with the objectives set forth in § 8.1.1 and will not result in substantial detriment.
- 8.2 Traffic. This PD-4 District is subject to the Parking and Transportation Demand Management Plan attached hereto as Appendix A. 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 with respect to modifying the PSDUP provisions herein regarding Off-Street Parking and Loading.

Calculation of required off-street parking spaces in this PD-4 shall be as shown in the table below. The number of Off-Street Parking spaces shall not exceed 49 spaces 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:

3. The objectives of § 5.2.1 apply.
4. The provisions of § 5.2.3, Exemptions, apply.
5. The General Regulations of § 5.2.4 apply.
6. The provisions of § 5.2.5, Prohibited Signs, apply.
7. 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.
8. 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.

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.