



Town of Lexington

PLANNING BOARD

1625 Massachusetts Avenue
Lexington, MA 02420
Tel (781) 698-4560
planning@lexingtonma.gov
www.lexingtonma.gov/planning

Robert Creech, Chair
Charles Hornig, Vice Chair
Robert D. Peters, Clerk
Richard L. Canale
Ginna Johnson
Michael Leon, Associate

2020 ANNUAL TONW MEETING, ARTICLE 2 PLANNING BOARD REPORT

The Planning Board is an elected board whose members serve three (3) year terms. The Board's responsibilities include short and long-term planning initiatives relative to land use and development and permit review. Specifically, the Planning Board is responsible for the preparation, adoption, management, and implementation of the Town's Comprehensive Plan; development and implementation of Lexington's subdivision regulations in accordance with state law; and it serves as a permit review authority for special permits for residential developments, unaccepted street applications, and site plan review for commercial developments. The Planning Board also provides technical support to the Lexington community relative to land use and permitting and regarding the preparation and development of zoning initiatives for Town consideration.

The Planning Board's roster currently consists of Bob Creech, Chair (term expiration 2023); Charles Hornig, Vice-chair (term expiration 2023); Robert Peters, Clerk (term expiration 2022); Richard Canale (term expiration 2021); and Ginna Johnson (term expiration 2021); and Michael Leon, Associate Member.

Planning Department

The Planning Board is supported by the Planning Department. Members of the Planning Board operate under the direction of the Carol Kowalski, Assistant Town Manager for Development. In 2019, the Planning Department was comprised of Julie Mercier, Planning Director; Sheila Page, Assistant Planning Director; Molly Belanger, Planner; and Lori Kaufman, Office Administrator. In 2020, Amanda Loomis¹, AICP, replaced Julie Mercier as Planning Director.

Planning Board Appointments

In addition to serving on the Planning Board, members also serve as representatives or liaisons to various boards and committees.

- Appointed by the Select Board or its Chair
Housing Partnership Board (Robert Peters), 2020 Vision Committee (Robert Peters), Metropolitan Planning Organization (MPO) (Sheila Page/Richard Canale), Battle Road Scenic Byway Committee (Sheila Page/Richard Canale), and Metropolitan Area Planning Council (MAPC) (Richard Canale)

¹ In 2020, the Planning Board welcomed a new Planning Director, Amanda Loomis. Ms. Loomis comes to us from the City of Framingham. Her education and experience are a perfect fit for Lexington, "Masters with concentration in Land Use and the Environment" followed by a Certificate in Project Management. Her experience includes streamlining/shortening processes and re-writing regulations, including Special Permit Regulations. The Planning Board is very happy to have Amanda advising the Planning Board and leading the Planning Office.

- Appointed by the Planning Board
Minuteman Advisory Group on Inter-local Coordination (MAGIC) (Charles Hornig), Hanscom Area Town Committee (Robert Peters), Community Preservation Committee (Charles Hornig), Turning Mill NCD (Richard Canale), Pierce-Lockwood NCD (Robert Creech), and Comprehensive Plan Advisory Committee (Richard Canale and Ginna Johnson)
- Observation/Liaison by the Planning Board
Transportation Advisory Committee (Robert Creech), Bicycle Advisory Committee (Richard Canale), Sustainable Lexington Committee (Ginna Johnson), Greenways Corridor Committee (Robert Creech), Lexington Center Committee (Robert Creech), Economic Development Advisory Committee (Charles Hornig), Design Advisory Committee (Robert Creech), Tree Committee (Ginna Johnson), Historic District Commission (Richard Canale), Historic Commission (Richard Canale), Conservation Commission (Ginna Johnson), and Zoning Board of Appeals (Ginna Johnson)
- School Committee Appointments
School Master Plan Advisory Committee (Charles Hornig)

Regional Planning

Lexington is very involved in regional planning efforts. Members of the Planning Board or the Planning Department serve as representatives for the Metropolitan Area Planning Council (MAPC), Minuteman Advisory Group on Inter-local Coordination (MAGIC) sub region of MAPC, Battle Road Scenic Byway, and the Boston Metropolitan Planning Organization (MPO).

Organization

In 2019, there was discussion about how the Planning Board was working with the Planning Office. As a result, the Planning Board and the Board of Selectmen held two (2) joint meetings to address the subject and to discuss the merits of an Elected versus an Appointed Planning Board. After discussion, the Planning Board expressed a preference to retain an elected Board.

A change to revise the Town Manager Selectmen Act to change the elected Planning Board to an appointed Planning Board is not an active subject at this time.

2019 Town Meeting Articles

2019 Annual Town Meeting Articles

The following articles passed the 2019 Annual Town Meeting:

- Article 37 – Rename “Board of Selectmen” to “Select Board” in the Zoning Bylaw
- Article 39 - Limited Site Plan Review – as amended at Town Meeting

2019 Special Town Meeting Articles

The following articles passed the 2019 Special Town Meetings (STM):

- 186 Bedford St Planned development District (PD-4)
- 7 Hartwell Ave. rezone from CD-1 to the CSX (similar to Marrett Rd (CN to CSX) in 2018)

2020 Annual Town Meeting Articles

During 2019, the Planning Board and members of the Land Use, Health & Development Department heard multiple reoccurring concerns from multiple residents relevant to land use issues within Lexington. Working in collaboration, topics were researched and proposed bylaws were crafted in

efforts to combat these land use issues. As a result, for Annual Town Meeting of 2020, the Planning Board proposes seven (7) Articles, which include Articles 35-41. Members from the Land Use, Health & Development Department took initiative for the development of Articles 35 and 36.

Planning Board Articles

- **Article 35 – Distance from Basement, Slab or Crawl Space and Groundwater**

The purpose is to require mitigation when a foundation is poured closer than 24 inches from groundwater. Currently, pouring of a foundation close to groundwater can lead to flooding in the new foundation and/or in abutting foundations. For builders who already take precautions, there will be no increase in cost. For those who currently do not take adequate precautions, there will be an increase in cost. The cost will not be greater than that incurred by current and future residents for on-going problems with flooding.

- **Article 36 – Short term rentals**

Currently, the Town has no regulations in place to deal with and manage Short Term Rentals (STR). Article 36, as proposed, does not prohibit STRs, but rather imposes reasonable rules regarding health, safety and existing building code enforcement.

- **Article 37 – Site Plan Review**

The Purpose is to allow relatively small additions to commercial properties without having to go through the Site Plan review process. It will also allow the addition of up to 8 parking spaces without having to go through the Site Plan review process.

- **Article 38 – Financial Services**

In 2019, the Building Commissioner ruled that a permit request for Automatic Teller Machines (ATM) in a Center store front constituted a Banking use and was, therefore, subject to a special permit. The Bank appealed to the Zoning Board of Appeals (ZBA) and the Building Commissioner's ruling was upheld. The ruling implicitly requires a special permit for such use. The proposed amendment to the Lexington Zoning Bylaw would explicitly require a special permit for an automated teller machine (ATM) as a principal use in a center storefront. Additionally, the Article proposes to amend the definition from Financial Services to Banking Services and to add a new Use (H.2.03) to deal with "Services delivered on site to persons in a car". (Note: The term "Financial Services" associated with the Article could not be changed by the time that the term Banking Services was introduced.)

- **Article 39 – Solar Energy Systems**

Solar Energy Systems is an opportunity to promote alternative energy for both commercial and residential properties within Lexington. Article 39, as proposed, would simplify the permitting process for Solar Energy Systems. This article applies to both commercial and residential properties.

- **Article 40 – Wireless Communication Facilities**

Article 40, would cause Lexington's regulations for Wireless Communications Facilities (WCF) to comply with mandatory Federal Communication Communications (FCC) regulations. In addition to streamlining the review process for WCFs, it would also reassign the permit reviewing authority from the Zoning Board of Appeals (ZBA) to the Building

Commissioner. From the proposed Bylaw, Sec 6.4.8.4 Application Procedures: “Permits. Each application for a permit must contain site plans with sufficient detail that would enable the Town to determine whether the proposed facility meets the requirements of this section.”

- **Article 41 – Technical Corrections**

The purpose of Article 41 is to correct internal references, remove unreferenced definitions and reformat sections of the bylaw.

Landowner/Citizen Articles

- **Article 42 – 1040/1050 Waltham St**

This Article proposes to create the next Planned Development District (PD-5). The proposal is to redevelop the site with a new lab building and 416 car structured parking (a garage). The 2 existing office buildings were built in 1973. If approved by Town Meeting, the property will be rezoned from CL to PD-6.

- **Article 43 – Hartwell Avenue Area**

This Article proposes to change several dimensional controls in the Hartwell Ave area that are believed by the proponent and by the Economic Development Advisory Committee (EDAC) to inhibit redevelopment to modern uses. Dimensional controls to be relaxed are: minimum distance from the street, height of buildings, side yard setbacks, minimum lot size, minimum lot frontage etc.

- **Article 44 – Bedford Street near Hartwell Avenue**

This Article proposes to rezone lots Northeast of Bedford St near Hartwell Ave. These lots are currently zoned residential RO but are not currently used for this purpose.

- **Article 45 – Streetscape**

This Article proposes to change front yard, transition and screening areas along streets consistently in each district. It is believed by the proponent that the current rules are no appropriate.

- **Article 46 – Gross Floor Area (withdrawn by the Proponent)**

This Article proposes to revise the definition of Gross Floor Area (GFA) by not including basements when calculating GFA and it also proposes to reduce the total amount of GFA allowed on residential lots.

2020 – Upcoming Highlights

Lexington Next – Comprehensive Plan

The Planning Board continued work on efforts to update the Town’s Comprehensive Plan. The members of the Comprehensive Plan Advisory Committee (CPAC) were appointed in 2018 and continued to work through the process. The CPAC is made up of a diverse group of residents representing a variety of Lexington’s neighborhoods and/or voting precincts and reflecting a range of age, gender, and ethnicity of Lexington’s population. Certain members are Town Meeting members and some members also possess relevant knowledge/experience in the planning elements or in public engagement methods. The CPAC includes the following individuals: Sarah Felton (co-chair), Ruixi Yuan (co-chair), Deepak Amenani, Stacey Beutell, Hema Bhatt, Matt Daggett, Marilyn

Fenollosa, Camille Goodwin, Carol Sue Hai, Leonard Morse-Fortier, Christian Senna, and Patrick Sullivan. In 2019 Christopher Herbert was also appointed to the CPAC.

In 2020, the Planning Board is continuing its commitment to complete a robust public participation process and will release a draft of the Comprehensive Plan during this process. Members of the Lexington community can expect opportunities for engagement through various data gathering and education platforms, an improved website, and increase presence for interaction with the Comprehensive Plan process.

Development Administration

Approval Not Required Plan Endorsements

These involve subdividing large lots on existing streets. The Applicant comes to the Planning Board with plans that are believed to show conformance with Town rules. The Planning Board's role is to agree or not agree that the proposal conforms to Town rules.

- 56 Blossomcrest Rd
- 21 Hastings Rd
- 1 Bennington Rd
- 4 Bennington Rd
- 99 East St
- 53 Hancock St
- 9-11 Pelham Rd

Planned Development Districts

- 1040/1050 Waltham St (PD-5). This project, via Article 42, will be before ATM 2020

Conventional Subdivisions

- 497 Concord Ave (This application was withdrawn by the Applicant. The property was then purchased by The Cotting School.)
- 109 Reed St

Site Sensitive Development

- 53 Hancock St (pending)
- 147 Shade Street (pending)

Balanced Housing Development

- 15-17 Fairland St (The Planning Board Approved the project but the owner of an abutting, unbuildable lot is appealing the Board's decision)
- 840 Emerson Gardens Rd (in review)
- 443 Lincoln St – as this project neared completion, it was discovered that the builder had not adhered to the plans approved by the Planning Board. After 2 hearings, the Board, for good reason, decided to treat the issue as a Minor Plan Modification and resolved the issue with financial mitigation and justification.

Determination of Adequacy of Grade and Construction

- 10 Rangeway
- 12 Myrna Rd

Site Plan Review (SPR)

- 453 Concord Ave, The Cotting School (The Planning Board Approved this Limited Site Plan Review. A neighbor appealed the Board's decision but has resolved the issues with the School.)
- Minuteman Tech athletic fields (Limited SPR)
- 55/56 Watertown St/ Waterstone and Bridges
- 91 Hartwell Avenue (pending)

Respectfully submitted,

Robert (Bob) Creech,
Chair, Lexington Planning Board