



Town of Lexington

PLANNING BOARD

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RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

ARTICLE 11: AMEND ZONING BYLAW - SITE PLAN REVIEW

RECOMMENDATION

The Planning Board unanimously recommends that Town Meeting APPROVE the motion under Article 11: Site Plan Review. On Wednesday, September 23, 2020, after a series of public hearings, the Planning Board voted to recommend favorable action with a vote of five (5) in favor, zero (0) in opposition, and zero (0) in abstention for Article 11: Site Plan Review.

BACKGROUND

To clarify the requirements for projects that will or will not require site plan review, the Planning Board prepared Article 11: Site Plan Review, to adjust the applicability of site plan review. Significantly, this amendment adds a review for off-street parking lot creation or expansion. Furthermore, the proposed amendments include procedures for public meeting notifications.

The Planning Board determined that development projects which meet the following criteria shall be exempt from site plan review.

- A new or expanded building that results in an increase in total gross floor area of less than 2000 SF (increased from 500 SF);
- New or expanded structures that result in an increase in total site coverage of less than 1000 SF (increased from 500 SF); or
- A new or expanded off-street parking lot with eight or fewer parking spaces.

The difference between a public hearing compared to a public meeting relative to public notification was further discussed. Massachusetts General Law is silent on the requirements for site plan review, thereby leaving process and notification up to the municipalities. As proposed in Article 11: Site Plan Review, the Lexington Planning Board will send notices to all abutters within three-hundred (300) feet of property for major site plan review applications but will not advertise in a newspaper.

PUBLIC HEARING PROCESS

Due to COVID-19, all of the zoning articles initially scheduled for the 2020 Annual Town Meeting were postponed to a Fall 2020 Special Town Meeting. Due to the length of time between the Annual and Fall Special Town Meetings, the Planning Board was required to hold new public hearings. To ensure all information heard during the public hearings

has been communicated, this section of this report provides a review of the public hearings held for the 2020 Annual Town Meeting and Fall 2020 Special Town Meeting.

Annual Town Meeting Public Hearing Proceedings (January – March 2020)

On Wednesday, January 22, 2020, after the publication of the legal advertisement in the Lexington Minuteman Newspaper on January 2, 2020, and January 9, 2020, and notification sent to parties of interest, the Planning Board opened its public hearing for Article 37: Site Plan Review. A series of continued public hearings were held on Wednesday, February 12 (continued without testimony); Wednesday, February 26 (continued without testimony); Wednesday, March 4 (continued without testimony); and Thursday, March 5, 2020. The Planning Board voted to close the public hearing and made a favorable recommendation to the Annual Town Meeting of 2020 on Thursday, March 5, 2020.

MARCH 5, 2020

The Planning Board discussed the differences between a public hearing vs. public meeting. The Planning Board identified the need to notify abutters and parties of interest. It was committed to improving the notification process, which is reflected in the proposed Article 37: Site Plan Review language. Furthermore, the Planning Board had a lengthy conversation regarding the number of off-street parking spaces that trigger a site plan review, with a final agreement on nine (9) or less would be exempt. Furthermore, the Planning Board is committed to developing regulations that will ensure all who want to know about major site plan review projects will do so.

On March 5, 2020, the Planning Board opened the floor for public comments. No public comments were provided. All comments can be reviewed on the video stream capture of the public hearing and the associated meeting minutes.

Fall Special Town Meeting Public Hearing Proceedings (September 2020)

On Wednesday, September 9, 2020, after the publication of the legal advertisement in the Minuteman Newspaper on August 20, 2020, and August 27, 2020, and notification sent to parties of interest. The Planning Board opened its public hearing for Article 11: Amend Zoning Bylaw – Site Plan Review. A continued public hearing was held on Wednesday, September 23, 2020. At such time the Planning Board closed the public hearing and made a favorable recommendation to the Annual Town Meeting of 2020.

SEPTEMBER 9, 2020

The Planning Board reviewed and discussed the proposed amendments to the Lexington Zoning Bylaw relative to Site Plan Review.

Bob Creech, Chair, requested comments from the Planning Board. The following comments were made:

- Richard Canale stated his concerns regarding the lack of notice to residents. Mr. Canale reviewed the thresholds relative to requiring site plan review, and there should be a limit for a project over 30,000SF.

- Charles Hornig provided clarification regarding options for advertising and the limited timeframe for a project review. Mr. Hornig further discussed thresholds and requested language that achieves proper review of a project.
- Ginna Johnson provided a review of project threshold size by giving examples of projects that should have Town review.
- Mr. Hornig and Mr. Canale discussed a proper timeline for legal notice to abutters. Mr. Canale suggested notification be sent two weeks prior to the public hearing.
- Mr. Creech supported Mr. Canale's suggestion of legal notice to residents two weeks before the opening public hearing.

SEPTEMBER 23, 2020

Mr. Hornig provided a brief update regarding the revised drafts that address the requests at the September 9, 2020, public hearing. Mr. Hornig noted the two changes requested by Mr. Canale.

Mr. Canale presented his edits relative to what triggers site plan review and what will be reviewed by staff. Mr. Canale proposed amendments to the building size and impervious area. The Planning Board discussed options for such provisions. After discussion, the Planning Board concurred on 2,000 and 1,000 SF.

The Planning Board reviewed the proposed amendments to §135-9.5.4.3 relative to the notification of the abutters. Also, there was a discussion regarding who would be sending the notices, whether it would be staff or the Applicant, and whether First Class Mail is necessary, which would disclose the use of postcards as mailers.

The Planning Board reviewed the number of parking spaces that would trigger a review. There was discussion as to whether it would be 8, 9, or 10. The Planning Board agreed on eight parking spaces, which would then be rewritten as eight or fewer additional parking spaces. It was noted that the Planning Board needs to be consistent as to whether the numbers should be written out with the number or just the number.

On September 9 and 23, 2020, the Planning Board opened the floor for public comments. Public comments were made on September 23, 2020. All comments can be reviewed on the video stream capture of the public hearing and the associated meeting minutes.

ARTICLE MOTION

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, (~~struck through~~ text is to be removed and underlined text is to be added), and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Lexington.

PROPOSED LANGUAGE

A. Delete § 135-9.5.2 as follows:

~~9.5.2 — Applicability.~~

~~The following types of activities and uses require site plan review by the Planning Board or its designee:~~

- ~~1. Where required elsewhere in this bylaw, exterior construction or expansion of a structure resulting in an increase of 500 SF or greater of total building gross floor area or an increase in 500 SF or greater of site coverage.~~
- ~~2. Any changes to an approved site plan.~~

B. Replace § 135-9.5.2 as follows:

9.5.2 Applicability.

1. This section applies to activities and uses for which site plan review is required elsewhere in this Zoning Bylaw. The Planning Board or its designee will conduct site plan review in accordance with this Section of the Zoning Bylaw and the Planning Board Zoning Regulations. The following shall be exempt from site plan review:
 - a. Any new or expanded buildings resulting in an increase in total gross floor area of less than 2000 square feet;
 - b. Any new or expanded structures resulting in an increase in total site coverage of less than 1000 square feet;
 - c. Any new or expanded parking areas resulting in eight or fewer additional parking spaces; and
 - d. Any use of lands, buildings or structures for educational purposes by the Lexington Public Schools on land owned or leased by the Town of Lexington or Lexington Public Schools.

C. Amend § 135-9.5.4.3 so that it reads:

3. A public meeting shall be ~~required~~ held for all projects requiring major site plan review. ~~The meeting will be advertised in the local newspaper once in each of two successive weeks prior to the meeting and Notice will be sent to landowners within 300 feet of the affected lot at least two weeks before the meeting.~~

D. Delete § 135-9.5.6.6.

- ~~6. Notwithstanding any other provision of this chapter, the use of land or structures for educational purposes by the Lexington Public Schools on land owned or leased by the Town of Lexington or Lexington Public Schools shall not be subject to site plan review pursuant to § 9.5.~~

Planning Board Vote

Charles Hornig moved that the Planning Board recommend favorable action for Article 11: Amend Zoning Bylaw - Site Plan Review, as presented. Robert Peters seconded the motion. The Planning Board voted in favor of the motion 5-0-0. MOTION PASSED

- Robert Creech yes
- Robert Peters..... yes
- Ginna Johnson..... yes
- Richard Canaleyes
- Charles Hornig yes

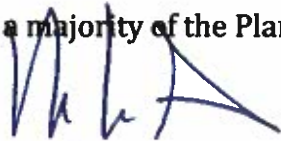
Record of Vote

On May 13, 2020, the Planning Board voted to allow the Planning Board Chair to sign documents on behalf of the Planning Board.

Charles Hornig moved that the Planning Board vote to allow the Chair of the Planning Board to sign all documents for the Planning Board during the COVID-19 State of Emergency. Robert Peters seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Peters - yes; Charles Hornig - yes; Richard Canale - yes; Ginna Johnson - yes; and Robert Creech - yes). MOTION PASSED

Signature of the Planning Board

Signatures of a majority of the Planning Board,



Robert Creech, Chair