



Town of Lexington

PLANNING BOARD

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RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD ARTICLE 17: AMEND ZONING MAP – BEDFORD STREET NEAR HARTWELL AVENUE (CITIZEN PETITION)

RECOMMENDATION

On Wednesday, September 30, 2020, after a series of public hearings, the Planning Board voted to recommend that Town Meeting **refer** Article 17, Amend Zoning Map – Bedford Street Near Hartwell Avenue (Citizen Petition) **to the Planning Board** with a vote of three (3) in favor, one (1) opposed, and zero (0) in abstention.

Note: Robert Peters recused himself from the public hearing process for Article 17.

SUMMARY

Charles Hornig and nine (9) other voters petitioned the Town to amend the Zoning Map to move the property at 475 Bedford Street (the former Boston Sports Club) from the RO (One-Family Residential) to the CM (Manufacturing) and TMO-1 (Transportation Management Overlay) districts used for commercial properties along Hartwell Avenue. This change would mean that the property could no longer be used for one-family housing, but could take advantage of those uses permitted in the CM District. A sports club would continue to be permitted in either case.

The property is surrounded by the GC (Government-Civic) zoning district (National Guard Armory) and the RD-1 (Planned Residential) zoning district (Drummer Boy Homes). It faces the CRO (Regional Office) zoning district across Bedford Street. It is crossed by easements for regional electric power transmission and a natural gas pipeline and bordered by wetlands on two sides. It was formerly used as a sports club with indoor and outdoor facilities. It is currently vacant.

JUSTIFICATION FOR RECOMMENDATION

Majority Consensus

Three members of the Planning Board voted to refer Article 17 to the Planning Board so that site-specific zoning—in coordination with the Hartwell District Zoning—could be developed that accomplishes Town goals in a mixed-use development. Although the members do not believe that 475 Bedford Street, currently zoned RO, is appropriate for one-family residential, the current by-right uses allowed in the proposed CM district would also not be appropriate. Zoned as a CM district, hotels, fast food franchises, or parcel distribution centers could be located here by right—at a visible gateway to Lexington and adjacent to residential neighborhoods. Moreover, in combination with the very permissive dimensional controls proposed for the Hartwell District, the large site could be developed with buildings 115' tall with only 50'-setbacks from the property line. Finally, given the residential abutters, the members felt that it was important to undertake the robust, inclusive public process set as a

goal by the Select Board and the Planning Board at joint meetings. The public meetings that were held were agenda items for staff and consultant updates and hearings for proposed articles, not community workshops with dialogue and a range of opinions solicited and incorporated into a consensus proposal. According to Hartwell Initiative timelines presented by staff, public outreach and site-specific zoning proposals could be developed for 475 Bedford Street in time for approval at 2021 Annual Town Meeting.

Article 17 proposes to rezone the property at 475 Bedford St from One-family (RO) Zoning to Manufacturing (CM) Zoning. The property was formerly used for commercial use, but its former tenant has vacated. The Planning Board voted to recommend that Town Meeting refer this Article to the Planning Board in order to allow additional research and review as to how this valuable transition site could best be redeveloped. Given the wide range of uses permitted in the CM District and its permissive dimensional standards, the Town would have little control over what was developed by right. If this parcel were developed under a PD (Planned Development) district, it would be more likely to be developed as a life science project, than under the proposed zoning.

The property is located next to the Drummer Boy condominiums. The busy Bedford St/Hartwell Avenue intersection presents both traffic challenges and an excellent opportunity for commercial or mixed-use projects. The Planning Board felt that rezoning of 475 Bedford Street, as proposed, may produce inappropriately sized structures and uses that are not in the best interest of the Town. There were further concerns about the implications of by-right development at this location that would prevent oversight of uses, site design, and traffic. Relative to its location, some members of the Planning Board stated that the property would be best suited for rezoning via a Planned Development district. This would allow the owner, the Planning Board, Select Board, and other stakeholders to provide input into this property's future. Town Meeting approval would then be required. Other members asked that Planning staff prepare zoning for the Spring Town Meeting to integrate with the adjacent residential district, create a gateway to Lexington, anticipate future traffic expansion options and coordinate with the Hartwell rezoning.

Minority

One member feels that 475 Bedford Street should be zoned consistently with the other commercial properties to the south of Bedford Street, rather than remain an isolated one-family zoning district. The former tenant has recently filed for bankruptcy and the property's future, whether rental or redevelopment, is uncertain. The Town needs to make clear what it wants to see on this property. New life-science redevelopment could easily bring more than \$2,000,000 in additional property tax revenue each year, in addition to mitigation and permit fees. The Town cannot afford to wait indefinitely for a perfect plan.

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 both the 2020 Annual Town Meeting and Fall 2020 Special Town Meeting.

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

On Wednesday, February 26, 2020, after the publication of a legal advertisement in the Boston Globe newspaper on February 11, 2020, and February 18, 2020, the Planning Board opened its public hearing for Article 44: Bedford Street near Hartwell Avenue. A continued public hearing was held on Wednesday, March 4, 2020. On Wednesday, March 4, 2020, the Planning Board took public testimony, closed the public hearing, and made a recommendation to the Annual Town Meeting of 2020.

PUBLIC HEARING MINUTES

MARCH 4, 2020

Robert Creech, Chair, opened the public hearing and requested a presentation from the Citizen Petitioner.

Robert Peters recused himself from Article 44: Bedford Street (Citizens Petition) and left the Select Board Meeting Room.

Charles Hornig presented a PowerPoint presentation entitled Article 44: Bedford Street near Hartwell Avenue, dated March 4, 2020. Said exhibition presented *Why This Change? Covering the property 475 Bedford Street.*

Mr. Creech requested comments from members of the Planning Board. The following comments were provided.

- Ginna Johnson requested clarification as to the public outreach to abutters, in addition to public engagement.
- Richard Canale requested clarification about where residential housing could be located within the Hartwell Avenue area. That was a pivotal point from the consultants who had pointed to this parcel as a potential transition area between commercial and residential uses. Mr. Canale stated that this property at 475 Bedford Street seems to be a better site for mixed multi-family housing and commercial uses, as proposed for this site. Mr. Canale stated that this property needs to be further studied with input from both the owner and the public.
- Ms. Johnson stated that the site could become a high-density office building. Ms. Johnson noted that the Town has a fascinating opportunity for a PD project.

Fall Special Town Meeting Public Hearing Proceedings (September 2020)

On Monday, September 14, 2020, after the publication of a legal advertisement in the Minuteman Newspaper on August 27, 2020, and September 3, 2020, and notification sent to parties of interest, the Planning Board opened its public hearing for Article 17, Amend Zoning Map – Bedford Street Near Hartwell Avenue (Citizen Petition). Continued public hearings were held on Wednesday, September 23, 2020 and Wednesday, September 30, 2020. At such time the Planning Board closed the

public hearing and made an unfavorable recommendation to the Fall 2020 Special Town Meeting.

PUBLIC HEARING MINUTES

SEPTEMBER 14, 2020

Robert Creech, Chair, opened the public hearing for Article 17, Amend Zoning Map – Bedford Street Near Hartwell Avenue (Citizen Petition).

Robert Peters recused himself from the review and recommendation for Article 17, Amend Zoning Map – Bedford Street Near Hartwell Avenue (Citizen Petition).

Present for the public hearing: Charles Hornig, Citizen Petitioner

Mr. Hornig stated that he is representing himself and not any board or committee that he serves on. Mr. Hornig presented a PowerPoint presentation for Article 17, Bedford Street near Hartwell Avenue (Citizen Petition), which included an overview of Why This Change?, which would make the zoning of 475 Bedford Street consistent with the other commercial properties on Hartwell and across Bedford Street.

Mr. Creech requested comments from the members of the Planning Board. The following comments were provided.

- Richard Canale provided his thoughts on mixed residential and commercial development on the proposed parcels on Bedford Street. It was noted that these parcels are near single-family residential and could serve as a transition from single-family to commercial development.
- Mr. Creech identified issues with this area, which included traffic. Mr. Creech noted that this parcel is one of the properties identified by Mr. Brovitz for residential uses.
- Mr. Hornig provided a review of housing that is presently permitted, which includes single-family residential housing. Single-family housing is not the type of housing that the Town wants to see in this location.
- Ginna Johnson provided her thoughts regarding this parcel not being suitable for single-family, but may not be suitable for additional development. Ms. Johnson noted the need for vegetated buffers and her concerns regarding by-right uses that would not regulate how a site looks.

Mr. Creech opened the floor for public comment. The following comments were provided.

- The property owner in question noted that the parcel could not be developed to as high a Floor Area Ratio (FAR) as claimed by opponents due to its physical constraints. The property is not suited to one-family housing but is suitable for commercial development. Redevelopment of the current run-down facility would be beneficial.

- A statement that this parcel should be created as a transition due to its proximity to residential uses.

SEPTEMBER 23, 2020

The Planning Board agreed to hold their discussion on Article 17, until September 30, 2020, at 7:00 p.m. but allowed for public comment.

SEPTEMBER 30, 2020

Robert Peters recused himself from the public hearing for Article 17.

Robert Creech, Chair, opened the public hearing for Article 17 and requested an update from Mr. Hornig.

Mr. Hornig provided a brief review, noting that there was not much to the Article. Mr. Hornig stated that the property's current owner faces a significant decision with its former tenant filing bankruptcy.

Mr. Creech requested comments from the Planning Board. The following comments were provided.

- Richard Canale provided a review of conversations with the owner of the property. Mr. Canale noted that this property is not suitable for single-family residential but also not manufacturing. It was further pointed out that this is an opportunity for a Planned Development District. Mr. Canale stated that the owner should work with the Town to identify what should be located at the property. Mr. Canale concluded that the Town and the property owner should start having conversations about what should go at this property.
- Ginna Johnson stated that this Article does not have enough public outreach or consensus building. Ms. Johnson provided an opportunity for development but needs to be planned carefully. Such uses may include housing, a grocery store, recreational fields, etc. Without proper planning, the project should wait.
- Mr. Creech stated that he concurs with the other members of the Planning Board.
- Mr. Hornig stated that the Planning Board members are missing its big issue, in that the owner could release the property to a 2nd or 3rd tier sports center.

Mr. Creech opened the floor for public comments. The following statements were made.

- A public member stated that the Economic Development Advisory Committee has unanimously voted to support this Article.

On September 14, 23, and 30, 2020, the Planning Board opened the floor for public comments. Public comments were received on September 14, 23, and 30, 2020. All

comments can be reviewed on the public hearing's video stream capture and the associated meeting minutes.

Planning Board Vote

Ginna Johnson moved that the Planning Board recommend that Town Meeting refer Article 17 to the Planning Board for additional review and development. Richard Canale seconded the motion. The Planning Board voted in favor of the motion 3-1-0 (Roll Call: Ginna Johnson - yes; Richard Canale - yes; Charles Hornig - no; Robert Creech - yes). MOTION PASSED

Robert Creech yes
Ginna Johnson yes
Richard Canale yes
Charles Hornig no

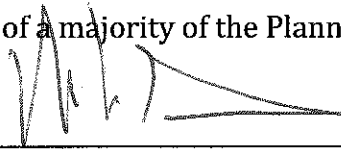
Record of Vote

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 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