

# Citizen Article 45 Town Meeting Members

April 12, 2017

# Citizen Article 45

- Balanced Housing Developments are high density
  - High density without re-zoning
  - High Density developments create problems
- Developers exploit BHD for profit
  - Article 45 provides closure to zoning bylaw loophole
- Citizens want your input to large housing developments
- **High Density is a town-wide problem**

# The Problem with BHD

- BHD no discernable benefits
  - Condominiums > \$1M are not affordable
  - Retired age people are not buying them
- Putting enormous pressure on our public infrastructure
  - Overall expense is not covered by tax revenue
  - Impact on fiscal issues, facilities, conservation land, historical sites
- Loophole in the zoning law
  - Enables large developments without typical re-zoning
- Risk of losing more affordable housing
  - 10% required by state law

# Rationale for Citizen Article 45

- Lexington is losing its character by urban sprawl
  - Dense housing developments require greater town input
- Developers strong incentive for dense housing
  - Cheaper to have 2-3 units on one foundation/service line
  - Profits increase significantly 2-3 fold
  - Obtain special permit without re-zoning
- May fall outside purview of Planning Board
  - Fiscal impact, conservation, facilities, etc.

# Citizen Article 45 is The Solution

- BHD to have TM approval process
  - Before a permit can be issued for the development
- Legal / Regulatory authority
  - Process for large BHDs
- Planning Board is still permit granting authority
  - Same process as Planned Developments (PD)
  - TM authority under Section 7.3.1.2 provides approval

# Dense Development is Rapid

- 610 new housing units were added
  - 2008-2014
- ~455 new units and proposals since 2014
  - >10% of Lexington's housing
- Total units may increase from 10,632 to 11,398
- Unaffordable to people of average means
  - No re-zoning is required under BHD

# Retirement Age Not Buying New Houses

Location	Average Price Each Unit	No Units	No >65 years old	Developer
341 Marrett Rd	\$795,000	8	0	North Shore
3-19 Ponybrook Ln	\$1,428,000	8	0	Barons
493-499 Lowell St	\$1,214,750	4	0	Sheldon
111-119 Laconia St	\$1,376,000	4	0	Eyceleshymer/Walsh
Keeler Farm Way	\$1,775,694	9	0	Sheldon
Robinson "Woods"	\$968,681	12	1	North Shore
Grey Oaks Circle	\$1,183,357	14	No census	North Shore
<b>Total Value</b>	<b>\$78,683,218</b>	<b>59</b>	<b>1</b>	

# Tax Revenue Doesn't Cover Town Costs

- Median tax bill is ~\$12K per year
- LPS student costs ~\$20K/yr to taxpayers
  - Costs of modular classrooms in 2016: \$ 4.4 M
- Town-wide Concern of Citizens
  - Selectmen, School Committee, Appropriation Committee, Capital Committee, Town Meeting, and staff
- **Increased high density development is not sustainable nor responsible**



# Increasing BHD Proposals in 2016

# Units	Acres	Location
8	4.1	443 Lincoln St
33	12.8	227 Grove St
25	5.8	287 Waltham St
345	18	Belmont Country Club Pleasant St.
<b>Total: 411</b>		

## **A Rough Estimate:**

**>\$16,440,000 per year in cost**

**\$4,932,000 per year in revenue**

# Process of Citizen Article 45

- Approvals and permits are applied for and obtained separately
  - Project cannot begin until approvals and permits are obtained
  - Town meeting would be step in the process
  - Does not affect permit process or Planning Board Authority
- Town review before permit is issued
  - Make permit conditional upon town approval
  - **Town meeting is not granting a permit**
- Many towns in Massachusetts require multiple approvals
  - Closing the loophole in the zoning law

# Article 45 is Aligned with Comprehensive Plan

- To sustain/preserve the town's historic character
- Quality public education
- Preserve irreplaceable open space
- Provide public safety
- Economic diversity

# Summary of Article 45

- BHD provides a loophole in the zoning law
- Developers have figured out how to get around re-zoning
- Town meeting should be involved
- BHD follow the same process as PD
- Resource issues that need to be addressed

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- **BHD to follow the same process as PD**

Back Up Slides

# BHD Concept vs. Market Reality

Balanced Housing is supposed to:

- Provide a variety of price points and house types
  - Condos, Townhouses, two family duplexes, etc.
- Attainable for Median Household Income
  - Lexington: \$150K
- Priced at ~\$750K for Lexington Market
- 1/3 spend over 30% of their income on housing costs
- 15% of Lexington earn less than \$40,000 per year

*\*Lexington Bylaw 9.4.2*

# Developments Requiring Special Permits

- Mirrors the precedence already established for Planned Developments (PD) site development approval by Town Meeting
- BHD has to go through the same process that is already in place for PD permits
- To determine whether the Town will vote to amend the Zoning Bylaw of the Town of Lexington, Massachusetts related to [*balanced housing developments*] in order to [*grant/return*] greater oversight to town meeting, by making the following revision to Section 6.9.2 thereof



# Citizen Article 45

6.9.2 Applicability. A special permit residential development is a project in which one or more lots, tracts, or parcels of land are to be improved for use as a coordinated site for housing.

No special permit residential development shall be initiated without first obtaining a special permit in accordance with the provisions of this section.

No special permit shall be issued for a balanced housing development (BHD), as defined below, unless the preliminary site development and use plan for the proposed BHD have first been approved by vote of town meeting pursuant to and in accordance with the procedures set forth in Section 7.3 of the Zoning By Law of the Town of Lexington, Massachusetts for planned development districts.

The purpose of the special permit is to provide detailed review of residential developments that have a substantial impact upon the character of the Town, adjacent residential areas and the provision of public facilities and services.

# Citizen Article 45

## EXPLANATION

We propose these changes to improve the rigor of the review process of these developments that have multi-faceted impacts to the town, including infrastructure, traffic, fiscal/budgetary and environmental, which are in some cases outside the purview of the Planning Board.

As a result, these proposals should be studied with scrutiny by a larger town-wide body more representative of the voters' interests before approval. In addition much of the balanced housing, town houses and smaller housing that have been developed using special or balanced permits are unaffordable by state standards.

We believe if the current permitting trend is allowed to continue, it will negatively impact the residential, conservation, historical and economic environment of Lexington.

# Zoning Act 2016

## Chapter 40 A Massachusetts General Law

The 1975 Act, commonly referred to as chapter 808, has broadened the purposes for which a municipality might establish zoning regulations. Section 3 of chapter 808, amended M.G.L., ch. 40A, and established "The Zoning Act". Unlike the old zoning act the purposes for zoning are no longer contained within ch. 40A, and have not been incorporated into any general law. However, the purposes and objectives can be found in section 2A of chapter 808, and include, but are not limited to, the following:

- to lessen congestion in the streets;
- to conserve health;
- to secure safety from fire, flood, panic and other dangers;
- to provide adequate light and air;
- to prevent overcrowding of land;
- to avoid undue concentration of population;
- to encourage housing for persons of all income levels;
- to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements;
- to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment;
- to encourage the most appropriate use of land throughout the city or town, including consideration of the recommendations of the master plan, if any, adopted by the planning board and the comprehensive plan, if any, of the regional planning agency; and
- to preserve and increase amenities by the promulgation of regulations to fulfill said objectives.

# Grove St. Development: A Case Study

- Save Lexington has received **1608 signatures** on the petition to stop a special permit to North Shore Construction and Development Corporation for dense housing on Grove Street adjacent to conservation lands
- **Not aligned with zoning requirements** (see sections 6.9.1 and 9.4.2)
- The plan is **inconsistent with the livability, scale, character, and economic value of existing residential neighborhood**
- **Social and economic needs are not served** by this proposal
- Resultant fiscal impact on town services and tax base is a **deficit**
- **Traffic and safety concerns**
- **Inadequacy of utilities and other public services**
- Would cause **view obstruction** of Wright Farm and Burlington Landlocked Forest
  - Including a significant impact on neighborhood and social structure
- Massive **impact on the environment** and surrounding conservation lands

**We have determined that the adverse effects of the proposed development outweigh its benefits to the Town AND the neighborhood**

# Issues Regarding Grove Street Subdivision

- Traffic and public safety
- Water pressure and public health
  - Sewage and other utilities
- Conservation issues
  - Endangered species
  - Adjacent conservation lands
  - Historical significance
- School density
- Fiscal impact
- Outside the Scope of the Planning Board