



Town of Lexington

PLANNING BOARD

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Robert D. Peters, Chair
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Memorandum

To: Jim Malloy, Town Manager

Cc: Kelly Axell, Deputy Town Manager
Robert Peters, Planning Board Chair
Carol Kowalski, Assistant Town Manager for Development
Kim Katzenback, Executive Clerk to the Select Board

From: Abby McCabe, Planning Director
Planning Board Members

Date: 2023 Annual Town Meeting Zoning Amendment Article Request

Re: **December 8, 2022**

At a meeting of the Planning Board held on December 7, 2022, the Planning Board requested the following zoning amendment articles be considered for the Annual Town Meeting warrant for 2023. After the warrant is closed, the Planning Board intends to hold public hearings pursuant to Massachusetts General Law Chapter 40A, Section 5. In addition to the Planning Board's five (5) sponsored articles, the Planning Board will schedule and hold a public hearing on any and all other submitted zoning amendments such as any requests to amend Special Permit Residential Developments.

Article 1 – Village Overlay District. To see if the Town will vote to approve certain amendments to the Zoning Bylaw by adding a new § 135-7.5 Village Overlay Districts (VOD) pursuant to Chapter 358 of the Acts of 2020 amendments to M.G.L. Chapter 40A for MBTA Communities, amend the Official Zoning Map to include Village Overlay Districts (VOD) encompassing certain parcels identified within the proposed on the zoning map and in § 135-7.5; amend § 2.2.5 Overlay Districts to add VOD, amend § 135-10.00 to add new definitions, or take any other action in relation thereto. The purpose of this article is to comply with M.G.L. c. 40A § 3A by providing zoning that permits multi-family housing with an as of right approval process.

For initial discussion purposes the following areas are being considered for inclusion in the overlay district, however, the number and locations of specific parcels may change during the course of the public hearing, and any parcel within Lexington may be considered for inclusion within the proposed VOD overlay district:

Village Overlay District-1 (VOD-1) East Lexington
Village Overlay District-2 (VOD-2) Town Center

Village Overlay District-3 (VOD-3) Bedford Street/Worthen Road
Village Overlay District-4 (VOD-4) Bedford Street and Reed Street
Village Overlay District-5 (VOD-5) North Lexington
Village Overlay District-6 (VOD-6) Massachusetts Avenue/Marrett Road
Village Overlay District-7 (VOD-7) Massachusetts Avenue/Pleasant Street
Village Overlay District-8 (VOD-8) Marrett Square
Village Overlay District-9 (VOD-9) Marrett Road/Spring Street
Village Overlay District-10 (VOD-10) South Lexington

Article 2: Inclusionary Zoning Requirements for Village Overlay Districts (Placeholder). To see if the Town will vote to approve certain amendments to the Zoning Bylaw to add new § 135-7.5 Village Overlay Districts (VOD) by adding a requirement for “workforce housing dwelling units” as permitted by the *Massachusetts Department of Housing & Community Development (DHCD) Compliance Guidelines* as modified through October 21, 2022. The purpose of this amendment is to provide greater flexibility to require income restricted units at different income thresholds based on Lexington’s Median Income. This article is submitted separately from the above article 1 because of the three-step approval process with Town Meeting and two state agencies. The Board would like to add this supplement requirement but maintain compliance in the event article 1 is adopted by Town Meeting but not by the two state agencies.

Article 3: Modify Action Deadline for Major Site Plan Review. To see if the Town will vote to approve certain amendments to the Zoning Bylaw § 135-9.5.4 to extend the action deadline for Major Site Plan Review applications from 60 days of the date of application to 150 days from date of application. The intent of this article is to modify section 4 of Procedures for Site Plan Review relative to the final action timeframe to allow for a full review of major site plan review applications and set a realistic action date from project submission to board completion. Minor site plan review action deadline proposal is to remain at 60 days from date of application.

Article 4: Add Provisions for Minor Modifications to Approved Projects. To see if the Town will vote to approve certain amendments to the Zoning Bylaw § 135-9.2 [Board of Appeals] and § 135-9.4 [Special Permits] to add provisions detailing the process for the consideration of minor modifications to projects that have received prior approval from the Zoning Board of Appeals and/or the Planning Board at a public meeting without requiring a new public hearing pursuant to M.G.L. c. 40A § 9 [Special Permits] and 11 [Public Hearing Notice Requirements]. The purpose of this amendment is to outline the process for which minor changes can be considered without a new public hearing.

Article 5: Technical Corrections & Housekeeping. To see if the Town will vote to approve certain amendments to the Zoning Bylaw § 135-6.7.3.2 by amending the reference to “family” in the conditions section for accessory apartments to be consistent with the 2021 Special Town Meeting changes that removed the definition of family to be more inclusive, amend § 135-9.5.5 (3) to change “reactional” design to “recreational” design to correct the typo; and correct any other non-substantive inconsistencies to clarify such sections which may be discovered during the course of the public hearing, or take any other action in relation thereto.