### **AGENDA**

### **Lexington Planning Board**

Wednesday, March 12, 2025

Remote on Zoom: https://www.lexingtonma.gov/377/Access-

Virtual-Meetings

6:00 PM

### **Town Meeting**

- 1. Review draft recommendation report for Special Town Meeting Article 2
- 2. Review draft recommendation report for Annual Town Meeting Articles 29, 30, 31, 32, & 33

### **Development Administration**

1. 3-4-5 Militia Drive – Major Site Plan Review for mixed-use and multifamily development

Public meeting where the Planning Board will deliberate and vote on the application.

2. 7 Hartwell Avenue - Public Hearing

Continued public hearing for a major site plan review for a mixed-use multi-family development in the Village High Rise Overlay district (continued from 1/30)

3. 3 Maguire Road - Preliminary Subdivision

Public meeting for a preliminary subdivision to subdivide the property into 3 lots on a cul-de-sac

4. 10 Maguire Road - Preliminary Subdivision

Public meeting for a preliminary subdivision to subdivide the property into 3 lots on a cul-de-sac

5. 131 Hartwell Avenue - Preliminary Subdivision

Public meeting for a preliminary subdivision to subdivide the property into 3 lots on a cul-de-sac

6. 17 Hartwell Avenue - Definitive Subdivision

Plan endorsement and acceptance of performance guarantee

7. 952 Waltham Street - Approval Not Required (ANR)

Approval Not Required (ANR) perimeter plan for 952 Waltham St (Map 10, Lot 19A)

8. 20 Muzzey Street - Approval Not Required (ANR) Plan

Approval Not Required (ANR) perimeter plan submission for 20 Muzzey Street (Map 49, Lot 3).

### **Board Administration**

- 1. Board Member & Staff Updates
- 2. Upcoming Meetings
  Thursday 3/27, Thursday 4/10; Wednesday 5/7

### Adjourn

1. Adjourn – The meeting will continue until all items are finished. The estimated adjournment time is 10:00 pm.

### **Zoom Details**

1. Zoom Details - https://www.lexingtonma.gov/377/Access-Virtual-Meetings

Time: Mar 12, 2025 06:00 PM Eastern Time (US and Canada)

**Join Zoom Meeting** 

https://lexingtonma.zoom.us/j/86546763837? pwd=bH2h77iPZtRLTWzgcXxEaVVBsScoH7.1

Meeting ID: 865 4676 3837

**Passcode: 775654** 



Meeting broadcast by LexMedia

### AGENDA ITEM SUMMARY

### LEXINGTON PLANNING BOARD

### **AGENDA ITEM TITLE:**

Review draft recommendation report for Special Town Meeting Article 2

PRESENTER:

ITEM

NUMBER:

**Board Discussion** 

### **SUMMARY:**

On March 5, the Planning Board closed the public hearing for Special Town Meeting Article 2 to amend the Village and Multi-Family Overlay districts by removing districts and setting a density limit. On March 5, the proponents of the petition and the Planning Board came to an agreement on a compromise zoning amendment (attached). On March 12, the Planning Board will review the final motion language and make a recommendation to Town Meeting. Public comments will not be taken at this meeting.

### ZONING MAP AMENDMENT - VILLAGE OVERLAY DISTRICTS TO REMAIN

East Lexington

Bedford Street / Worthen Road modified to exclude 32, 46, and 60 Bedford Street

Marrett Road / Spring Street

Marrett Road / Waltham Street

### **ZONING MAP AMENDMENT – EXISTING PROJECT SITES**

This amendment maintains the current zoning at the nine project sites that were submitted to the Planning Board IN 2024 through a new Village Legacy Overlay (VLO) District of the existing VHO District at the following locations:

89-93 Bedford Street (VLO)

231 Bedford Street (VLO)

185 and 187-189 Bedford Street (VLO)

5-7 Piper Road (VLO)

331 Concord Avenue (VLO)

7 Hartwell Avenue (VHO)

17 Hartwell Avenue (VHO)

217-219, 229, 233, and 241 Massachusetts Avenue (VLO)

3, 4, and 5 Militia Drive (VLO)

### ZONING MAP AMENDMENT - VILLAGE OVERLAY DISTRICTS TO BE DELETED

Lexington Center (MFO)

Bedford Street North (MFO)

Bedford Street / Reed Street (VO)

Bedford Street / Bike Path (VO)

Concord Avenue / Waltham Street (VO)

Hartwell Avenue / Westview Street (VHO) Maguire Road (VHO) Hartwell Avenue / Wood Street (VHO)

### AMENDMENTS TO SECTION 7.5 OF THE ZONING BYLAW

The following are proposed changes to the text of the Zoning Bylaw for the VO District. They do not affect the 9 sites in the VLO and VHO districts.

- Add a new site coverage limit of 28% of the lot for buildings and required vehicle parking spaces.
- Limit total residential net floor area to 48% of the lot area, permitting 6,250 SF for small lots.
- · For purely residential developments:
  - o Set a limit of 3 stories.
  - o Set a density limit of 20 units per acre, permitting 6 dwelling units on small lots.
- For mixed-use developments (with commercial uses in the street level):
  - o Reduce the maximum height from 52 feet or 60 feet to 50 feet.
  - o Set a limit of 4 stories.
  - o Increases the commercial gross floor area required from 30% to 33% of the first level of the development.
  - o Require commercial uses to occupy 80% of the street floor's frontage.
  - o Set a density limit of 25 units per acre, permitting 6 dwelling units for small lots.

### Other provisions include:

- Remove all references to the MFO and CB Districts, since all MFO districts are being removed and no remaining district overlaps with the CB District.
- Allow projects filed before March 1, 2025 to proceed under the existing zoning provisions.

The final language of the proposed zoning is attached (revised 3/10).

### **SUGGESTED MOTION:**

Suggested Motion from Staff (subject to change by the Board during the meeting):

Move to recommend *favorable action* by Town Meeting for the motion under Article 2 as revised through March 10, 2025 and approve the draft recommendation report for Special Town Meeting Article 2 as prepared by staff including any changes made this evening.

Move to allow the Chair to sign the recommendation report.

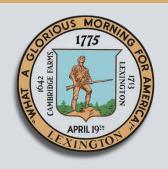
### **FOLLOW-UP:**

### **DATE AND APPROXIMATE TIME ON AGENDA:**

3/12/2025

### **ATTACHMENTS:**

	Description	Type
ם	Presentation March 10 Zoning Summary	Presentation
D	Proposed Zoning Map VLO-VO Districts	Exhibit
D	Zoning Motion with Map 3.10.2025	Exhibit
D	DRAFT PB Recommendation Report 3.12.25	Cover Memo



# Special Town Meeting Article 2

For March 12, 2025 Planning Board Meeting

Amend Section 7.5 of the Zoning Bylaw to Reduce Multi-family Dwelling Unit Capacity

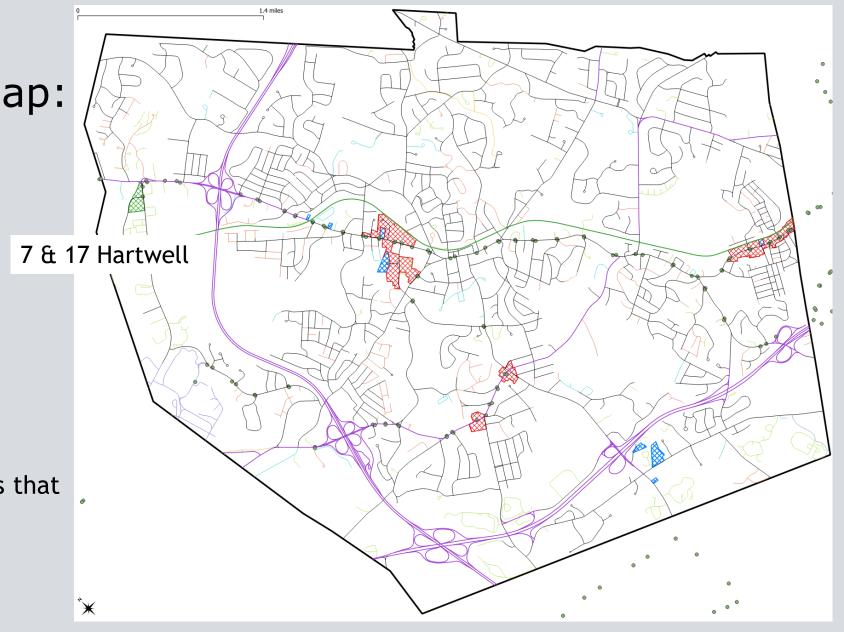


## Proposed Map:

- Green = Maintains
   existing VHO zoning at 7
   & 17 Hartwell
- Blue = Maintains existing zoning at 7 VO projects in pipeline now named VLO
- Red = Modified VO districts

 $\uparrow$ 

Does not include properties that have or are in process of obtaining a zoning freeze





# **EOHLC Compliance Model**

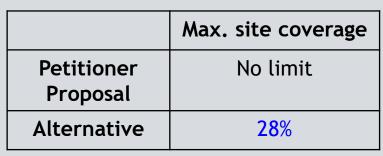
Requirements	Compromise Proposal	Current 2023
No disparate treatment (no singling out) of individual lots	Yes	Yes
VO District: no isolated single development sites	Yes	Yes
VO District: overall gross density (units/acre)	15.1	42.1
Total district area for compliance (acres)**	89.6	228.2
Largest contiguous district area (acres)	47.6	59.3
Total unit capacity (1,231 units)**	1,314	12,546
Other proposed developments (acres/units)	27.2/1,097	N/A

Total "MBTA Compliance" Acres = **89.6 acres** 

❖ Does not include properties that may obtain a zoning freeze that are not in these Districts



# Site Coverage



185-189 Bedford Street				
Lot Area	23,149 SF			
Building Footprint	10,627± SF			
Site Coverage	46%			
Site Coverage				
3-4-5 Militia Dr.	49%			
217-241 Mass. Ave.	57%			







# Zoning Amendment to Bylaw

## For Special Town Meeting Article 2:

- Reduce max. height to 50 ft. and 4 story limit (from 60 ft. & no story limit) for mixed-use developments
- Set max. story limit of 3 stories for fully residential developments (40 ft.)
- Adds a max. site coverage limit of 28%
- Adds a 20 unit per acre density limit for residential projects
- Adds a 25 unit per acre density limit for mixed-use projects



# Zoning Amendment to Bylaw

- For Special Town Meeting Article 2:
  - Increases the commercial gross floor area required from 30% to 33% of the first level of the development.
  - Requires commercial uses to occupy 80% of the street floor's frontage.
  - Density limit of 25 units per acre, permitting 6 dwelling units for small lots.
  - Remove references to the MFO and CB Districts
  - Allows projects filed before March 1, 2025 to proceed under the existing zoning provisions.

Lexington Center Committee met on March 12 and supports remaining in the MFO



# Zoning Freeze Submissions

- 2 ANR Plans: 336 Marrett Road & 952 Waltham Street
- 15 Preliminary Subdivisions for new sites as of March 12:

Multi-family Projects Submitted:	New Properties:	New Properties:	New Properties:
217-241 Mass. Ave.	3 Maguire Rd.	131 Hartwell Ave.	450 Marrett Rd.
3-4-5 Militia Dr.	10 Maguire Rd.	251-275-301 Mass. Ave.	162 Bedford St.
17 Hartwell Ave.	11 Larchmont Ln.	242 Bedford St.	16 Clarke St.
	475 Bedford St.	407 Waltham St.	125 Hartwell Ave.
	439 Marrett Rd.	80 Bedford St.	329 Mass. Ave.



# Process

- March 12 Planning Board Vote on Recommendation to Town Meeting
- March 17 Special Town Meeting
- March 27 Planning Board public hearing for additional changes in Article 34 for Annual Town Meeting

March 24 - April Annual Town Meeting (Art. 34 in April)

Sign up for <u>Planning Board Notifications!</u>



# Town of Lexington Motion Special Town Meeting 2025-1

## ARTICLE 2 AMEND SECTION 7.5 OF THE ZONING BYLAW TO REDUCE MULTI-FAMILY DWELLING UNIT CAPACITY (Citizen Petition)

### **MOTION**

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, and Zoning Map be amended as follows, where struck through text is to be removed and <u>underlined</u> text is to be added, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

A. Amend §135-2.2.5 to add a new row:

VLO	Village Legacy Overlay

- B. Amend the Zoning Map to delete the following areas shown on maps on file with the Town Clerk from the VO District:
  - 1. Bedford Street/Bike Path, except move the following properties from the VO District to the VLO District:
    - a. Map 71 Lot 33 located at 231 Bedford Street
  - 2. Bedford Street/Reed Street, except move the following properties from the VO District to the VLO District:
    - a. Map 64 Lots 72 and 73A located at 185, 187-189 Bedford Street
  - 3. Concord Avenue/Waltham Street, except move the following properties from the VO District to the VLO District:
    - a. Map 10 Lots 58A and 59A located at 5-7 Piper Road
    - b. Map 9 Lot 11B and Map 10 Lots 31A, 31B, and 31C located at 331 Concord Avenue
- C. Amend the Zoning Map to delete the following areas shown on maps on file with the Town Clerk from the MFO District:
  - 1. Bedford Street North
  - 2. Lexington Center
- D. Amend the Zoning Map to delete the following areas shown on maps on file with the Town Clerk from the VHO District:
  - 1. Hartwell Avenue/Westview Street except for the following properties:
    - a. Map 84 Lot 80A located at 17 Hartwell Avenue
    - b. Map 84 lot 81 located at 7 Hartwell Avenue
  - 2. Maguire Road
  - 3. Hartwell Avenue/Wood Street
- E. Amend the Zoning Map to remove the following properties from the VO District:
  - 1. Map 57 Lot 79 at 60 Bedford Street
  - 2. Map 57 Lot 14F at 32 Bedford Street
  - 3. Map 57 Lot 14A at 46 Bedford Street

- F. Amend the Zoning Map to move the following properties from the VO District to the VLO District:
  - 1. Map 64 Lot 161 located at 89-93 Bedford Street
  - 2. Map 57 Lot 133A, 134, and 135 located at 3-5 Militia Drive
  - 3. Map 13 Lots 372, 373, 374, 375 located at 217-219, 229, 233, & 241 Massachusetts Avenue
- G. Amend §135-7.5.1 as follows:
- **7.5.1** Purpose. The purposes of the Village Overlay (VO, MFO, and VHO) Districts are:
- H. Amend §135-7.5.4.4 as follows:
  - 4. Developments in the VO <u>or VLO</u> district may contain nonresidential uses on the street floor and basement to the extent permitted in either the CRS or CB zoning district, except that:
- I. Amend §135-7.5.5.9 as follows:
  - 9. <u>In the VLO District or the VHO District</u>, the site coverage is not restricted. <u>In other districts</u>, the total site coverage of buildings and area of required residential vehicle parking spaces not within buildings shall not exceed 28% of the lot area of the development.
- J. Amend §135-7.5.5.10 as follows:
  - 10. Except as noted below, the maximum height in feet of buildings is:

District	MFO	<u>VLO</u>	VO	VHO
Height in feet	<del>52</del>	40 (a)	40 <u>(b)</u>	70 <u>(c)</u>
Height in stories		<u>3</u>	<u>3</u>	NR

- a. <u>VLO Height Bonus</u>. In the <del>VO</del> <u>VLO</u> District, when the underlying zoning district is a Commercial District, the maximum height is 60 feet when at least 30% of the gross floor area of the street floor level or buildings' footprint, whichever is greater, of the entire development is occupied by commercial principal uses, not including associated parking, shown in Table 1 §3.4 Permitted Uses and Development Standards as permitted in the underlying district in the following categories:
  - i. Commercial Office Uses
  - ii. Personal, Business, or General Services Uses
  - iii. Sales or Rental of Goods and Equipment
  - iv. Eating and Drinking
  - v. Commercial, Recreational, Amusements, Entertainment,
- b. <u>VO Height Bonus.</u> In the VO District, when the underlying district is a Residential District, the maximum height is 52 50 feet and 4 stories when at least 30% 33% of the gross floor area of the street floor level or buildings' footprint, whichever is greater, of the entire development is occupied by non-residential nonresidential principal uses pursuant to §7.5.4.4 and no more than the greater of 20% or 20 feet of the street floor frontage on a public way is dedicated to residential uses.
- c. <u>VHO Height Bonus</u>. In the VHO District where at least 50% of the total net floor area on the lot is occupied by nonresidential principal uses permitted in the underlying district, the maximum height is 115 feet.
- K. Replace §135-7.5.5.11 as follows:
  - 11. The number of stories is not restricted.

Number of dwelling units. In the VO District, the number of dwelling units shall not exceed the lot area of the development in acres multiplied by either 25 (for developments entitled to a height bonus

- under §7.5.5.10.b) or 20 (for developments not entitled to a height bonus under §7.5.5.10.b), rounded to the nearest whole number, or 6 dwelling units, whichever is greater.
- 12. <u>Floor Area. In the VO District, the total net floor area of all dwelling units shall not exceed the lot area of the development multiplied by 0.48 or 6,250 SF, whichever is greater.</u>
- L. Amend §135-7.5.9.1 as follows:
  - 1. Transition areas, as specified under §5.3.4 (Transition Areas), are required only along the boundary of the Village Overlay Districts (VO, MFO, & VHO) and shall have a depth of five (5) feet.
- M. Amend §135-2.2.5 to remove the MFO row.
- N. Remove §135-7.5.4.3.
- O. The map changes and amendments above shall not apply to any development projects for which an application for site plan review under §135-7.5.3 or special permit under §135-5.1 was filed with the Planning Board and Town Clerk before March 1, 2025, but shall apply to any major modification thereof.

(3/10/2025)





## Town of Lexington PLANNING BOARD

1625 Massachusetts Avenue Lexington, MA 02420 Tel (781) 698-4560 <u>planning@lexingtonma.gov</u> www.lexingtonma.gov/planning Michael Schanbacher, Chair Robert Creech, Vice Chair Melanie Thompson, Clerk Charles Hornig, Member Tina McBride, Member Michael Leon, Associate Member

### RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD SPECIAL TOWN MEETING 2025-1

## ARTICLE 2: AMEND SECTION 7.5 OF THE ZONING BYLAW & ZONING MAP TO REDUCE MULTI-FAMILY DWELLING UNIT CAPACITY (CITIZEN PETITION)

March 12, 2025

### **RECOMMENDATION**

On Wednesday, March 12, 2025, after three public hearings, the Planning Board voted \_\_\_\_ in favor and \_\_\_\_ opposed, to recommend that Town Meeting *approve* the motion dated March 10, 2025 under Article 2 to Amend Section 7.5 of the Zoning Bylaw and Zoning Map to reduce the multi-family dwelling unit capacity in the Village & Multi-Family Overlay Districts.

### **DESCRIPTION OF ZONING PROPOSAL**

This article is a significant change to the Village and Multi-Family Overlay zoning districts on the Zoning Map adopted at Annual Town Meeting in April 2023 to meet the requirements of M.G.L. c. 40A § 3A applicable to MBTA-served communities. Section 7.5 of the Zoning Bylaw details the specific parameters for projects proposed in these districts, such as the maximum heights and details for any future development projects.

### **ZONING MAP AMENDMENT - VILLAGE OVERLAY DISTRICTS TO REMAIN**

East Lexington
Bedford Street / Worthen Road modified to exclude 32, 46, and 60 Bedford Street
Marrett Road / Spring Street
Marrett Road / Waltham Street

### **ZONING MAP AMENDMENT – EXISTING PROJECT SITES**

This amendment maintains the current zoning at the nine project sites that were submitted to the Planning Board IN 2024 through a new Village Legacy Overlay (VLO) District of the existing VHO District at the following locations:

89-93 Bedford Street (VLO)
231 Bedford Street (VLO)
185 and187-189 Bedford Street (VLO)
5-7 Piper Road (VLO)
331 Concord Avenue (VLO)
7 Hartwell Avenue (VHO)
17 Hartwell Avenue (VHO)

217-219, 229, 233, and 241 Massachusetts Avenue (VLO) 3, 4, and 5 Militia Drive (VLO)

### **ZONING MAP AMENDMENT - VILLAGE OVERLAY DISTRICTS TO BE DELETED**

Lexington Center (MFO)
Bedford Street North (MFO)
Bedford Street / Reed Street (VO)
Bedford Street / Bike Path (VO)
Concord Avenue / Waltham Street (VO)
Hartwell Avenue / Westview Street (VHO)
Maguire Road (VHO)
Hartwell Avenue / Wood Street (VHO)

### AMENDMENTS TO SECTION 7.5 OF THE ZONING BYLAW

The following are proposed changes to the text of the Zoning Bylaw for the VO District. They do not affect the 9 sites in the VLO and VHO districts.

- Add a new site coverage limit of 28% of the lot for buildings and required vehicle parking spaces.
- Limit total residential net floor area to 48% of the lot area, permitting 6,250 SF for small lots.
- For purely residential developments:
  - Set a limit of 3 stories.
  - Set a density limit of 20 units per acre, permitting 6 dwelling units on small lots.
- For mixed-use developments (with commercial uses in the street level):
  - Reduce the maximum height from 52 feet or 60 feet to 50 feet.
  - Set a limit of 4 stories.
  - Increases the commercial gross floor area required from 30% to 33% of the first level of the development.
  - o Require commercial uses to occupy 80% of the street floor's frontage.
  - Set a density limit of 25 units per acre, permitting 6 dwelling units for small lots.

### Other provisions include:

- Remove all references to the MFO and CB Districts, since all MFO districts are being removed and no remaining district overlaps with the CB District.
- Allow projects filed before March 1, 2025 to proceed under the existing zoning provisions.

### JUSTIFICATION FOR RECOMMENDATION

In the two years since the Village and Multi-Family Overlay districts were established, the Planning Board has received 10 applications to develop under the new zoning. As of March 12, six projects had site plans reviewed for a total of 907 dwelling units, which include 134 affordable dwelling units. The other four development projects are currently going through the Planning Board process but if all are approved as proposed, would total 190 dwelling units of which 26 would be eligible for listing on Lexington's Subsidized Housing Inventory.

The development projects include mostly studio (5%), one-bedroom (53%), and two-bedroom (28%) dwelling units with only 12% being three-bedroom and four-bedroom dwelling units. One project has a building permit;

the others are expected to begin construction in summer or fall 2025. Although initial occupancy for these projects is anticipated in 2027-2028, the Planning Board recognizes the number of proposed housing units is greater than expected two years ago.

Over the last two months the Planning Board has worked with the proponents of Article 2 to craft a zoning amendment that would slow and reduce production of new housing units without stopping housing production entirely or causing unintended consequences.

The current proposal largely maintains four districts that are centrally located, in walkable locations to various retail and other services, and along the MBTA 62 and 76 bus routes and the Minuteman Bikeway.

The addition of a site coverage limit, lower maximum heights and number of stories, a floor area limit, and a density limit are intended to ease concerns about rapid development. The current proposal preserves the height bonus incentive for mixed-use developments to incentivize mixed use but reduces the maximum allowable height from the current zoning.

The proposal appears to comply with the current EOHLC Emergency Regulations (760 CMR 72). While the EOHLC Compliance Model is not a build-out analysis, the Model calculates a unit capacity of 1,314 dwelling units where 1,231 dwelling units are required, has a total acreage of 89.6 acres where a minimum of 50 acres is required, has a contiguous district that contains more than 50% of the total area, and a total gross density of 15.1 units per acre where 15 units per acre is required. The total unit capacity of 1,314 does not include the 1,097 dwelling units that have been submitted to the Planning Board.

The Compliance Model is based on the proposed zoning for the VO District and does not include potential new housing units that can be created through properties that filed applications before March 1 or may obtain a zoning freeze. As of March 11, 15 property owners have submitted subdivision plans to temporarily freeze the current zoning on the land for eight years. Those property owners may submit proposals for multi-family development under the current zoning over the next several years.

The current proposal forwards some of the goals of the 2022 *Lexington NEXT* Comprehensive Plan by promoting a wide range of housing types and promoting economic vitality by encouraging redevelopment in smaller commercial areas.

The Planning Board recognizes that other community goals from the Comprehensive Plan will no longer be addressed by the revised zoning. These include:

- The reduction in new housing production, both market-rate and subsidized, will maintain existing barriers
  to living in Lexington, especially for those of limited means, and leave fewer opportunities for older people
  to remain in Town.
- Removal of the Lexington Center district will delay revitalization efforts there.

The Planning Board has balanced these concerns against the concerns of the community about the rate of proposed housing production and has determined that the current proposal sets an acceptable balance between these concerns.

### **PUBLIC PROCESS**

The Planning Board held public hearings on the proposed zoning amendment on February 12, February 26, and March 5, 2025. Each hearing had over 200 people in attendance, the Board heard testimony from over 100 people during the hearings, and received numerous written comments. The Board carefully considered all testimony and comments on the zoning proposal being presented to Town Meeting.

### **RECORD OF THE VOTE:**

Mr. Creech moved that the Planning Board recommend that Town Meeting approve the motion under Article 2 for Special Town Meeting 2025-1, as revised through March 10, 2025. The Planning Board voted in favor of the motion ---- (Roll Call: Robert Creech - , Charles Hornig - , Tina McBride - , Michael Schanbacher - , Melanie Thompson - ).

### SIGNATURE OF THE PLANNING BOARD CHAIR

Michael Schanbacher

Zoning Amendment Information for Special Town Meeting (including motion and maps): <a href="https://lexingtonma.gov/2263/2025-Zoning-Amendments--Special-Town-Mee">https://lexingtonma.gov/2263/2025-Zoning-Amendments--Special-Town-Mee</a>
Development Project Info: <a href="http://www.lexingtonma.gov/MBTAZoning">http://www.lexingtonma.gov/MBTAZoning</a>

Visual Exhibits Attached

### AGENDA ITEM SUMMARY

### LEXINGTON PLANNING BOARD

### **AGENDA ITEM TITLE:**

Review draft recommendation report for Annual Town Meeting Articles 29, 30, 31, 32, & 33

PRESENTER:

ITEM

NUMBER:

**Board Discussion** 

### **SUMMARY:**

On February 12 and February 26, the Planning Board opened and closed the public hearings on the following zoning amendment articles submitted for Annual Town Meeting. The Board will review and vote on the recommendation reports to send to Town Meeting.

Article 29: Amend Bicycle Parking - Board recommended referral back to Planning Board

Article 30: Inclusionary Housing for Special Residential Developments - Board recommend favorable action by Town Meeting

Article 31: National Flood Insurance (NFI) District - Board recommended favorable action

Article 32: Technical Corrections - Board recommend favorable action by Town Meeting

Article 33: Accessory Uses - Board recommend favorable action by Town Meeting

### **SUGGESTED MOTION:**

Suggested Motions (prepared by staff & are subject to change by the Board during the meeting):

Move to approve the draft recommendation reports for articles 29, 30, 31, 32, and 33 as prepared by staff.

Move to allow the Chair to sign the recommendation reports.

### **FOLLOW-UP:**

### DATE AND APPROXIMATE TIME ON AGENDA:

3/12/2025

### **ATTACHMENTS:**

	Description	Type
ם	DRAFT PB Report Article 29-Bikes	Cover Memo
ם	DRAFT PB Report Article 30 SRD	Cover Memo
D	DRAFT PB Report Article 31-FEMA Maps	Cover Memo
D	DRAFT PB Report Article 32-Tech Corrections	Cover Memo
D	DRAFT PB Report Article 33-Accessory Uses	Cover Memo



# Town of Lexington PLANNING BOARD

1625 Massachusetts Avenue Lexington, MA 02420 Tel (781) 698-4560 planning@lexingtonma.gov www.lexingtonma.gov/planning Michael Schanbacher, Chair Robert Creech, Vice Chair Melanie Thompson, Clerk Charles Hornig, Member Tina McBride, Member Michael Leon, Associate Member

### RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

### **ANNUAL TOWN MEETING 2025**

### **ARTICLE 29: AMEND ZONING BYLAW - BICYLE PARKING**

### March 12, 2025

### **RECOMMENDATION**

On Wednesday, March 12, 2025, the Planning Board voted to recommend that Town Meeting *refer to the Planning Board* the subject matter under Article 29 to amend Section 5.1.8 of the Zoning Bylaw relative to bicycle parking requirements.

### **PUBLIC PROCESS**

On Wednesday, February 12, 2025, the Planning Board held a public hearing on the article relative to amending the bicycle parking requirements. The Planning Board recommends more time to review the zoning more comprehensively with the Bicycle Advisory Committee.

### **RECORD OF THE VOTE:**

SIGNATURE OF THE PLANNING BOARD CHAIR

Michael Schanbacher		



# Town of Lexington PLANNING BOARD 1625 Massachusetts Avenue Lexington, MA 02420 Tel (781) 698-4560

Lexington, MA 02420 Tel (781) 698-4560 planning@lexingtonma.gov www.lexingtonma.gov/planning Michael Schanbacher, Chair Robert Creech, Vice Chair Melanie Thompson, Clerk Charles Hornig, Member Tina McBride, Member Michael Leon, Associate Member

### RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

### **ANNUAL TOWN MEETING 2025**

### ARTICLE 30: AMEND ZONING BYLAW – INCLUSIONARY HOUSING FOR SPECIAL RESIDENTIAL DEVELOPMENTS

### March 12, 2025

### **RECOMMENDATION**

On Wednesday, March 12, 2025, the Planning Board voted \_\_ in favor and \_\_ opposed, to recommend that Town Meeting *approve* the motion under Article 30 to amend Section 6.9 of the Zoning Bylaw relative to inclusionary housing for special residential developments.

### **RATIONALE FOR RECOMMENDATION**

SIGNATURE OF THE PLANNING BOARD CHAIR

On Wednesday, February 12, 2025, the Planning Board held a public hearing on the article relative to amending the inclusionary (affordable) housing requirements for special residential developments. This amendment will change the way the minimum gross floor area (GFA) of inclusionary housing is calculated. The Zoning Bylaw currently requires at least 15% of the maximum gross floor area that could be built in a conventional subdivision on the property. This amendment will modify the required inclusionary gross floor area to be at least 15% of the development's proposed market-rate gross floor area. This change will require more inclusionary housing in maximized developments while making smaller developments feasible, allowing developers to respond to concerns about size.

### **RECORD OF THE VOTE:**

Michael Schanbacher		



# Town of Lexington PLANNING BOARD 1625 Massachusetts Avenue

Lexington, MA 02420 Tel (781) 698-4560 planning@lexingtonma.gov www.lexingtonma.gov/planning Michael Schanbacher, Chair Robert Creech, Vice Chair Melanie Thompson, Clerk Charles Hornig, Member Tina McBride, Member Michael Leon, Associate Member

### RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

### **ANNUAL TOWN MEETING 2025**

### ARTICLE 31: AMEND ZONING BYLAW – NATIONAL FLOOD INSURANCE DISTRICT

### March 12, 2025

### **RECOMMENDATION**

On Wednesday, March 12, 2025, the Planning Board voted \_\_ in favor and \_\_ opposed, to recommend that Town Meeting *approve* the motion under Article 31 to amend Section 7.1 and Section 10.0 of the Zoning Bylaw relative to the National Flood Insurance (NFI) District.

### RATIONALE FOR RECOMMENDATION

On Wednesday, February 26, 2025, the Planning Board held a public hearing on the article relative to amending various sections of Section 7.1 for National Flood Insurance and amending Section 10.0 for definitions. To remain in the National Insurance Program, FEMA requires municipalities to modify their regulations to reference the updated FIRMs (Flood Insurant Rate Maps) that will go into effect on July 8, 2025 and make additional changes. All of the proposed changes are recommended in FEMA's Model Bylaw. The proposed changes include updating the bylaw's purpose; requiring base flood elevations for developable parcels in large developments; additional notification requirements; requiring permits for development within a floodplain; outlining a variance process with the state; and adding new floodplain related definitions into Section 7.1 of the Bylaw. To maintain flood insurance, Lexington must adopt these changes before the effective date of the new flood maps in July.

### **RECORD OF THE VOTE:**

SIGNATURE OF THE PLANNING BOARD CHAIR

Michael Schanbacher		



## Town of Lexington PLANNING BOARD

1625 Massachusetts Avenue Lexington, MA 02420 Tel (781) 698-4560 <u>planning@lexingtonma.gov</u> www.lexingtonma.gov/planning Michael Schanbacher, Chair Robert Creech, Vice Chair Melanie Thompson, Clerk Charles Hornig, Member Tina McBride, Member Michael Leon, Associate Member

### RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

### **ANNUAL TOWN MEETING 2025**

**ARTICLE 32: TECHNICAL CORRECTIONS** 

March 12, 2025

### **RECOMMENDATION**

On Wednesday, March 12, 2025, the Planning Board voted \_\_ in favor and \_\_ opposed, to recommend that Town Meeting *approve* the motion under Article 32 to amend the Zoning Bylaw for technical corrections.

### RATIONAL FOR RECOMMENDATION

This motion will delete references to the old Special Permit Residential Developments and Special Permits with Site Plan Review, which no longer exist.

### **RECORD OF THE VOTE:**

SIGNATURE OF THE PLANNING BOARD CHAIR
Michael Schanhacher



# Town of Lexington PLANNING BOARD 1625 Massachusetts Avenue Lexington MA 02420

1625 Massachusetts Avenue Lexington, MA 02420 Tel (781) 698-4560 planning@lexingtonma.gov www.lexingtonma.gov/planning Michael Schanbacher, Chair Robert Creech, Vice Chair Melanie Thompson, Clerk Charles Hornig, Member Tina McBride, Member Michael Leon, Associate Member

### RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

### **ANNUAL TOWN MEETING 2025**

### **ARTICLE 33: AMEND ZONING BYLAW - ACCESSORY USES**

March 12, 2025

### **RECOMMENDATION**

On Wednesday, March 12, 2025, the Planning Board voted \_\_ in favor and \_\_ opposed, to recommend that Town Meeting *approve* the motion under Article 33 to amend the Zoning Bylaw for accessory uses.

### RATIONAL FOR RECOMMENDATION

SIGNATURE OF THE PLANNING BOARD CHAIR

This zoning amendment will remove references to zoning enforcement of other Town bylaws and state laws when considering certain accessory uses. This amendment does not allow non-compliance with these rules but leaves enforcement to the appropriate authorities.

### **RECORD OF THE VOTE:**

On March 12, 2025, the Planning Board voted in favor of the motion ---- (Roll Call: Robert Creech - , Charles Hornig - , Tina McBride - , Michael Schanbacher - , Melanie Thompson - ).

# Michael Schanbacher

### AGENDA ITEM SUMMARY

### LEXINGTON PLANNING BOARD

### **AGENDA ITEM TITLE:**

3-4-5 Militia Drive – Major Site Plan Review for mixed-use and multi-family development

PRESENTER:

ITEM

NUMBER:

**Board Discussion** 

### **SUMMARY:**

The Planning Board closed the public hearing for the major site plan review application for 3-4-5 Militia Drive and no public comments will be taken. The Planning Board will deliberate and vote on this application. Staff will prepare a draft approval decision for the Board's review.

Application material can be found here: https://lexingtonma.portal.opengov.com/records/96318

### **SUGGESTED MOTION:**

Move to close the public hearing for the site plan review application for 3-4-5 Militia Drive.

Move to approve the proposal submitted by 3-5 Militia Redevelopment MM LLC with the findings and conditions included in the draft approval decision prepared by staff for a major site plan review and stormwater management permit with the 73 conditions of approval, as may be modified this evening.

Move to have the Chair sign the decision and correct any non-substantive changes such as grammar, typos, and for consistency.

### **FOLLOW-UP:**

### DATE AND APPROXIMATE TIME ON AGENDA:

3/12/2025

### AGENDA ITEM SUMMARY

### LEXINGTON PLANNING BOARD

### **AGENDA ITEM TITLE:**

7 Hartwell Avenue - Public Hearing

**PRESENTER:** 

ITEM
NUMBER:

Applicant: Dinosaur Capital Partners LLC

### **SUMMARY:**

The Planning Board will re-open the public hearing on the application of Dinosaur Capital Partners LLC, for approval of a major site plan review under §135-7.5 [Village & Multi-Family Overlay Districts] and 9.5 [Site Plan Review] of the Zoning Bylaw and Article VI of §181-71 Stormwater Management Regulations. Proposal also requests a special permit, pursuant to Section 5.1.14 and 5.1 [Off-Street Parking and Loading]. Application is to construct a 130-unit multifamily property in a five-story building with a small café, bicycle parking, 90 underground and 40 surface automobile parking spaces, communal tenant amenities, and improved site amenities.

The property is located at 7 Hartwell Avenue, Lexington, MA also known as Map 84, Lot 81 in the CM (Manufacturing) and VHO (Village High- Rise Overlay) zoning districts.

Application materials may be viewed at (Click files tab): https://lexingtonma.portal.opengov.com/records/99194

A staff memo and memo from the Planning Board's hired peer review consultant are attached.

The Applicant's team will present changes since the last meeting, staff will summarize comments, board members may ask questions and discuss. The Chair will then open the hearing for public comments. The applicant, board, and staff may then discuss further before voting to continue the hearing to a future meeting date.

### **SUGGESTED MOTION:**

Move to continue the public hearing for the site plan review, special permit, and stormwater management application at 7 Hartwell Avenue to Thursday, April 17, 2025 at or after 6:00 pm on Zoom and in the Select Board Meeting Room in the Town Office Building at 1625 Massachusetts Avenue.

\*There's a chance the meeting could be switch to fully remote, please check back a couple days before.

### **FOLLOW-UP:**

### **DATE AND APPROXIMATE TIME ON AGENDA:**

3/12/2025

### **ATTACHMENTS:**

	Description	Type
D	Peer Review Memo #2 - 7 Hartwell Ave	Cover Memo
D	Staff Memo	Cover Memo



March 7, 2025

Lexington Planning Board c/o Abbigail McCabe, Planning Director 1625 Massachusetts Avenue Lexington, MA 02420

Subject: Planning Board Project No. PLAN-24-26

7 Hartwell Avenue, Lexington, MA

Peer Review Letter #2

Dear Chair Schanbacher and Board Members,

Hancock Survey Associates, Inc. (Hancock) has received and reviewed the Nitsch response letter, dated 2/10/25, as well as the revised site plan submission in support of the Site Plan Review and Special Permit application filed by Dinosaur Capital Partners LLC for a proposed development at 7 Hartwell Avenue.

Hancock received and reviewed the following documents and plans:

- 1. A Site Plan Review plan set entitled, "7 Hartwell; Lexington, MA; Dinosaur Capital Partners," compiled by Icon Architecture, revised 2/19/2025, specifically
  - A civil plan set, prepared by Nitsch Engineering;
- A stormwater report entitled "Stormwater Report; 7 Hartwell Avenue Housing Development," prepared for Dinosaur Capital Partners, LLC, prepared by Nitsch Engineering, revised February 19<sup>th</sup>, 2025;
- A report entitled "Long-Term Pollution Prevention Plan and Stormwater Operation and Maintenance Plan; 7 Hartwell Avenue Housing Development," prepared for Dinosaur Capital Partners, LLC, prepared by Nitsch Engineering, revised February 19<sup>th</sup>, 2025;
- A memorandum entitled "7 Hartwell Avenue Sewer and Water Calculations," prepared for Lexington Engineering Department, prepared by Nitsch Engineering, dated December 9<sup>th</sup>, 2024;
- 5. A memorandum entitled "7 Hartwell Cut/Fill Memorandum," prepared by Nitsch Engineering, dated February 19<sup>th</sup>, 2025; and
- A response to comments memorandum entitled "Planning Board Project No. PLAN 24-26; 7 Hartwell Avenue, Lexington, MA," prepared by Nitsch Engineering, dated February 10<sup>th</sup>, 2025.



The majority of the initial comments were addressed in the revised submission and response to comments memorandum. ADDRESSED COMMENTS ARE INTENTIONALLY OMITTED AND ARE CONSIDERED CLOSED. Open comments, or comments that require explanation, are reproduced below in their entirety. A NEW NOTE #48 HAS BEEN ADDED.

## LGB CH. 130, WETLAND PROTECTION & RULES ADOPTED BY LEXINGTON CONSERVATION COMMISSION

SECTION 5. Performance Standards

Per Standard (2), calculated runoff volumes shall be rounded to the nearest 1 cubic foot.

7. Runoff volumes in the stormwater report (Table 4) and the HydroCAD results should be revised from acre-feet to cubic feet.

Nitsch: Noted; this has been updated.

Hancock: The HydroCAD summary for "EXISTING – open space" still lists runoff volumes in acre-feet. However, Table 4 of the stormwater report lists the existing runoff volumes in cubic feet. These values are equal. ITEM CLOSED.

### **CIVIL PLAN SET COMMENTS**

Sheet C-400

17. CB-106 appears unnecessary, as surface grading slopes away from the catch basin. Revise as needed.

Nitsch: This condition has been revised.

Hancock: Shift the proposed trench drain away from the property line, offsetting the expansion joint to the property line by at least one foot.

Sheet C-704

29. In WATER QUALITY STRUCTURE DETAIL, revise peak flow rate for WQS#302 to 0.63 to agree with Link Summary in stormwater report.

Nitsch: The table has been updated.

Hancock: Revise peak flow rate for WQS#301 to 1.72 to agree with Link Summary.

Sheet C-705

30. Add inlet and outlet inverts to OUTLET CONTROL STRUCTURE details. Add 2" plugged orifice in weir plate for OCS-1 at an elevation below invert (for potential future maintenance of chambers).

Nitsch: Inverts and the plugged orifice have been added to each detail.

Hancock: OCS-2 outlet pipe is higher than inlet pipe due to lack of invert information at the stormwater main in Hartwell Avenue. Hancock recommends adding a note to



C-400: "CONTRACTOR TO VERIFY DRAIN MANHOLE INVERT AND NOTIFY DESIGN ENGINEER. DRAINPIPE FROM OCS-2 AND DMH-207 TO EXISTING DRAIN MANHOLE TO BE LOWERED, IF POSSIBLE, TO ALLOW SUBSURFACE INFILTRATION SYSTEM #2 TO DRAIN COMPLETELY FOR MAINTENANCE." Add a note to C-705 OUTLET CONTROL STRUCTURE #2 detail that the orifice is contingent on outlet pipe being lowered.

## STORMWATER REPORT COMMENTS & MASSDEP STORMWATER MANAGEMENT STANDARDS

Appendix H

47. Remove the first two pages.

Nitsch: Please clarify what is to be removed – the first two pages are our phosphorus and TSS removal calculations.

Hancock: The 12/10/2024 stormwater report had two instruction sheets appended immediately after the "Appendix H" sheet and before the Phosphorus Removal Calculations sheets. These have been removed from the revised report. ITEM CLOSED.

NEW NOTE 48. It appears the building corner is directly on the 50'-radius right-of-way line at the intersection. This would put the building foundation footing within the right-of-way. Hancock recommends the applicant and architect review the building location and projection as well as the constructability of keeping the footing outside the right-of-way line.

### **SUMMARY**

Additional information is required to complete the review of this project. Hancock recommends the Applicant submit written comments to this letter and provide the additional requested detailed information to the Planning Board for review.

Please do not hesitate to contact our office should you have any questions or concerns.

Regards,

Hancock Associates

Brian G. Geaudreau, PE

Sr. Associate & Project Manager

Robert M. DiBenedetto, PE

Project Engineer



## TOWN OF LEXINGTON PLANNING OFFICE

1625 Massachusetts Avenue Lexington, Massachusetts 02420 Tel: 781-698-4560 planning@lexingtonma.gov

planning@lexingtonma.gov www.lexingtonma.gov/planning Abby McCabe, Planning Director Meghan McNamara, Assistant Director Aaron Koepper, Planner Carolyn Morrison, Planning Coordinator



To: Lexington Planning Board

From: Meghan McNamara, Assistant Planning Director

Re: Site Plan Review and Special Permit for 7 Hartwell Ave.; Village High-Rise Overlay District

Date: March 7, 2025 (Memo #2)

The Applicant submitted the following material in advance of the March 12, 2025 Planning Board meeting: response to staff memo #1 (includes responses to Transportation Advisory Committee and Planning Board comments), response to peer review memo (dated 2/10/25), Dero Decker bike system specifications, landscape plans (rev. 2/19/25), stormwater report (rev. 2/19/25), O&M Plan (rev. 2/19/25), draft SWPPP (dated 11/25/24), cut/fill memorandum (dated 2/19/25), civil plans (rev. 2/19/25) and architectural plans (rev. 2/19/25).

The Applicant submitted a Request for Determination of Applicability (RDA) to the Conservation Commission for review and approval of the proposed connection to the town drainage system. The hearing was opened on February 3, 2025 and continued to the March 24, 2025 meeting. It is staff's understanding that the Conservation Commission will close it's hearing after the Planning Board hearing closes.

Peer review letter #2 from Brian Geaudreau, Hancock Associates dated March 7, 2025 is provided under separate cover. The majority of initial peer review comments have been addressed, however additional information from the Applicant is required to complete the peer review.

### **Outstanding Staff Comments:**

- The Assistant Fire Chief states that post-emergency, a fire truck will not exit the property via the one-way Hartwell Avenue entrance. Applicant shall revise plans to allow for a fire truck to enter and exit Westview Avenue by providing a turn around area. Additionally, when the truck exits onto Westview Avenue, it overhangs the edge of pavement on the western side of Westview Street, where a guardrail and tree canopy exist. Fire Dept. does not want the truck overhang interfering with landscaping and guardrails.
- The required width of a maneuvering aisle for standards size parking spaces is 22 feet. Only 20 feet
  is provided for the 3 parking spaces near the Hartwell Ave entrance. Plans will need to be revised to
  meet the 22 feet requirement.
- Per 135-5.1.13.2: compact car spaces shall be located in one more continuous areas and shall not be intermixed with spaces designed for standard cars. Staff do not feel that this requirement is being met and the applicant should explore other options to have all compact spaces in one section of the garage.
- Applicant is coordinating with the Building Commissioner to review and confirm proposed building height. The allowable height in the VHO District is 70 feet, and although not yet confirmed by the Building Commissioner, Applicant states the proposed building height is 58.7 feet.

- Two compact parking spaces are dedicated for the café patrons and employees and signage provided labeling these spaces. What if a café patron doesn't drive a compact sized vehicle? What if a future customer requires use of an accessible space?
- What is the clearance height of the garage doors and within the garage?

**Proposed Unit Count:** unchanged from previous submission

Unit-Type	Total	Market	IDU/Affordable	Bedroom	Avg. Unit	% of
	Number	Rate		Count	Size (SF)	Total
Studio	10	8	2	10	500	7.7%
Jr. 1 Bedroom	18	15	3	18	625	13.8%
1 Bedroom	44	38	6	44	660	33.8%
1+ Bedroom	18	15	3	18	800	13.8%
2 Bedroom	26	22	4	52	960	20%
3 Bedroom	14	12	2	42	1,065	10.8%

#### **Vehicle and Bicycle Parking:**

Vehicle Parking	Amount Required		Provided	Notes
Residential Vehicle Parking	1 car per unit	130	130 (90-garage, 40-surface)	In compliance
Commercial Vehicle Parking <sup>1</sup>	1 per 5 seats, or 1 per 200 SF, whichever is greater	2	2 dedicated surface spaces	In compliance; if café greater than 15 seats or 600 SF will require more parking
Residential Long- Term Bike Parking	1.5 per unit	195	195	See waiver request
Residential Short- Term Bike Parking	0.1 per unit	13	14	In compliance
EV Vehicle Charging <sup>2</sup> (Garage)	Min 4%	4	4	In compliance
EV Vehicle Charging <sup>2</sup> (Surface Lot)	Min 4%	2	2	In compliance

<sup>1-</sup> Per 135-7.5.6.2: the parking factor for all other uses shall be the same as in § 5.1.4 (Table of Parking Requirements) for the CB District

# **Special Permits Required/Requested:**

§135-5.1 and 9.4 of the Zoning Bylaw: Parking spaces and drive aisle within 25 feet of street line for parking within the Westview right-of-way out paper road layout. Staff support the Applicant's request due to the irregular shape of the lot, the fact that it is surrounded by street lines on all sides, and Westview Street, in staff's opinion, is unlikely to be built out.

§5.1.13(1a)(\*) of the Zoning Bylaw: Any parking space with an angle of parking at 90-degrees, where one or both of the long sides of the space abut a wall or similar obstruction, the width shall be 12 feet. Applicant states that this standard is met however there are parking spaces in the garage that do not meet the 12-foot width requirement. Those spots not in compliance are 10', 10'1", and 11' in width.

<sup>&</sup>lt;sup>2</sup>- Per 135-5.1.13(11): the parking lot (garage and surface lot considered separate lots for this purpose) shall be constructed with appropriate conduits and space for transformers and switchgear to allow for future installation of EV charging stations for a minimum 50% of total off-street parking spaces. *Applicant shows the appropriate amount of future-EV spaces for the garage and surface lots.* 

5.1.11.3 of the Zoning Bylaw: requires all paved parts of driveways and maneuvering aisles to be set back from the wall of a principal building by 5 feet. The garage entrance driveway is within 5-feet of the exterior building wall. The garage entrance driveway is within 5-feet of the building wall. The width of this 2-way entrance is 24 feet and only 18 feet is required (5.1.13.1.d). Plans have not been revised. As proposed, this would require a Special Permit. Note, 185 Bedford Street received Special Permit approval to construct an 18-foot wide drive aisle set back 2 feet from the building wall with a stone edge.

#### Waivers Required/Requested:

<u>12.4.2.9 of the Planning Board Zoning Regulations</u>: parking shall not require lifting bicycles off the floor or carrying bicycles up or down stairs. Staff support this waiver request because 67% (131) of the long-term bike spaces are at-grade and the remaining 33% (64) are in the 'Dero Decker' lift-assist rack system

<u>12.4.2.7</u> of the Planning Board Zoning Regulations: each bicycle parking spaces shall be at least six feet by two feet. This is not met for 33% of bikes in the lift-assist rack. Applicant proposes 4 oversized spaces (3'x10')

#### **Staff Notes/Comments:**

- In liue of constructing a sidewalk or bike lane on Westview Street (since neither are listed on the Town-wide Bicycle & Pedestrian Plan), we ask the Applicant to provide a one-time contribution to the Hartwell Transportation Demand Management Overlay District (TMO-1) Stabilization Fund. This contribution would support transportation related capital projects in the Hartwell area.
- Applicant is continuing to work with the Engineering Department and it's hired outside consultant to
  review proposed water and sewer calculations. It's unlikely that any analysis will be complete prior
  to Planning Board closing it's hearing. Applicant will be responsible for filing and receiving approval
  from state and local officials for all utility connections and be responsible for any required mitigation.
- Staff are not able to locate proposed snow storage areas on plans
- A zero-foot setback is permitted on all sides of the property. The proposal complies, however
  Applicant will need to seek approval from the Select Board for the installation of a bus shelter, new
  concrete sidewalk, tree plantings and retaining walls within the ROW. Civil plans show "site light by
  town, typ." Within the ROW. Is the Applicant installing, or requesting the town to in the future?
- Is the Applicant planning to rebuild the guardrail along Westview St?
- Applicant proposes solar on the building rooftop.
- Size of the proposed café has increased to 400 SF.
- Applicant has rounded up the number of affordable units from 19 to 20 IDU's. Staff applaud this
  commitment by the Applicant. Applicant has committed to offering parking for IDU at a discounted
  rate of 60%.
- In response to comments made during the previous Planning board meeting, the Applicant states that they have opened up the amenity space on the street floor to create more street activation and engagement. Staff request the applicant emphasize and explain these changes at the next meeting as it is not clear what changes have been made in response to this comment. Applicant notes an architect narrative in the revised planset however staff are unable to locate this narrative.
- Applicant has provided a photometrics plan that complies with the Zoning Bylaw and Planning Board's Zoning Regulations.
- An estimated 97,250 CF cut at the site. Applicant has provided a cut/fill analysis memo.
- Applicant proposes a 3,000 gallon rainwater harvesting tank below the sidewalk in close proximity
  to the playground. Appreciate the Applicant incorporating this into the project design. The
  Planning Board has not yet approved an MBTA development which utilitizes a harvesting tank for
  plant irrigation.

- Applicant confirms that all basement floors and slabs are at least 2 feet above ESHGW. This will be further reviewed and confirmed by the peer reviewer.
- Applicant proposes 7 ADA/AAB Accessible dwelling units (AAB Group 2). The Building Commissioner
  notes that there should be one accessible parking spaces per accessible unit. As proposed, plans show
  6 accessible spaces for the entire development.
- The State Energy code requires that 20% of all parking be EV spaces, of which, 2% should be ADA/Accessible EV spaces, one of which one should be Van Accessible

#### **Landscaping & Tree Removal:**

- Applicant proposes the removal of 19 trees (totaling 148 DBH inches) within the town right-of-way.
- Within the setbacks of the property, 50 trees (totaling 634 DBH inches) are proposed for removal. This equates to 734 DBH inches required for replanting under the Tree Bylaw. Applicant proposes exactly 734 caliper inches for replacement.
- Per the Tree Bylaw, planting may occur in the Town right-of-way with permission of the Tree Warden.
   It shall be noted that a significant amount of mitigation planting is proposed not on the subject property, and instead within town ROW, though staff appreciate the trees proximity to the public pathways.
- It does not appear that the Honey Locust (Gleditsia triacanthos) was replaced on the proposed planting list. It is recommended that this be replaced with a species native to this region of North America.

#### Staff Recommended Conditions of Approval and/or Findings:

- While developing the site, must hve a Pest Management and Dust Control Plan in place
- Applicant will be required to submit necessary Health permits for the proposed café
- Applicant will be responsible for any service upgrades necessary for connection, though Engineering Staff don't have immediate concerns for the Hartwell Area.
- Include a welcome packet with information about MBTA, The Rev shuttle, Lexpress and the Minuteman Bikeway with each new lease and that this information be kept up to date and available in the common space. Install an electronic transit screen in a communal area of the building to provide real-time transportation information for the MBTA bus service.
- As a condition of approval, and to be included in DEED/HOA/lease documents, that all dwelling units, including IDU, are prohibited from being used as short-term rentals (6.10.3(2)).
- The limit of work, construction entrance fencing and erosion control is proposed within the public ROW of Westview Street and Hartwell Avenue. Applicant will be required to seek approval from Select Board for work within public right of way.
- Applicant proposes a new sidewalk and bus shelter within the public ROW. Applicant shall receive approval from Select Board prior to construction. Staff support this request to provide connectivity around the building and support public transit. The MBTA has recently updated it's guidelines for bus stops. Applicant to coordinate with Town Staff as design progresses.
- Applicant will be responsible for any police details needed during construction and for re-routing pedestrians.

Important Dates/Timelines		
Public Meeting	January 30, 2025 and continued to March 12,	
	2025	
Filed with Town Clerk	December 20, 2024	
Decision Deadline (150 days)	May 19, 2025	

#### LEXINGTON PLANNING BOARD

## **AGENDA ITEM TITLE:**

3 Maguire Road - Preliminary Subdivision

PRESENTER:

ITEM
NUMBER:

Applicant: SRE Flag LLC

## **SUMMARY:**

The Lexington Planning Board will hold a virtual meeting on the application of for approval of a preliminary subdivision plan under §175-5.0 of the Planning Board's Subdivision Regulations. Application proposes construction of a cul-de-sac and subdividing the property into 3 lots.

The property is located at 3 Maguire Road, otherwise known as Map 86, Lot 16.

Application material may be viewed online at https://lexingtonma.portal.opengov.com/records/101130

#### **SUGGESTED MOTION:**

Move to approve the preliminary subdivision application for 3 Maguire Road with the conditions in the draft decision as recommendations to be included in the Definitive Subdivision application.

#### **FOLLOW-UP:**

## DATE AND APPROXIMATE TIME ON AGENDA:

#### LEXINGTON PLANNING BOARD

## **AGENDA ITEM TITLE:**

10 Maguire Road - Preliminary Subdivision

PRESENTER:

ITEM
NUMBER:

Applicant: SRE Flag LLC

## **SUMMARY:**

The Lexington Planning Board will hold a virtual meeting on the application of for approval of a preliminary subdivision plan under §175-5.0 of the Planning Board's Subdivision Regulations. Application proposes construction of a cul-de-sac and subdividing the property into 3 lots.

Property is located at 10 Maguire Road, otherwise known as Map 85, Lot 15.

Application materials may be viewed online at https://lexingtonma.portal.opengov.com/records/101141

#### **SUGGESTED MOTION:**

Move to approve the preliminary subdivision application for 10 Maguire Road with the conditions in the draft decision as recommendations to be included in the Definitive Subdivision application.

#### **FOLLOW-UP:**

## DATE AND APPROXIMATE TIME ON AGENDA:

#### LEXINGTON PLANNING BOARD

## **AGENDA ITEM TITLE:**

131 Hartwell Avenue - Preliminary Subdivision

PRESENTER:

ITEM
NUMBER:

Applicant: Charlie Minasian

## **SUMMARY:**

The Lexington Planning Board will hold a virtual meeting on the application of for approval of a preliminary subdivision plan under §175-5.0 of the Planning Board's Subdivision Regulations. Application proposes construction of a cul-de-sac and subdividing the property into 3 lots.

Property is located at 131 Hartwell Avenue, otherwise known as Map 74, Lot 6A.

Application materials may be viewed online at https://lexingtonma.portal.opengov.com/records/101172

#### **SUGGESTED MOTION:**

Move to approve the preliminary subdivision application for 131 Hartwell Avenue with the conditions in the draft decision as recommendations to be included in the Definitive Subdivision application.

#### **FOLLOW-UP:**

## DATE AND APPROXIMATE TIME ON AGENDA:

#### LEXINGTON PLANNING BOARD

## **AGENDA ITEM TITLE:**

17 Hartwell Avenue - Definitive Subdivision

PRESENTER:

Applicant: BP 17 Hartwell LLC or

ITEM
NUMBER:

Staff

#### **SUMMARY:**

The Definitive Subdivision for 17 Hartwell Avenue was approved on February 12 and the appeal period has now ended without an appeal. The Applicant is looking for your to accept a covenant as a performance guarantee and endorse the plan. Plan endorsement will solidify the eight year zoning freeze. A draft covenant is attached.

Application material found here: https://lexingtonma.portal.opengov.com/records/99953

#### **SUGGESTED MOTION:**

Move to accept the covenant from BP 17 Hartwell LLC for the Definitive Subdivision at 17 Hartwell Avenue.

Move to sign the Definitive Subdivision Plans for 17 Hartwell Avenue prepared by VHB dated December 30, 2024.

\*Board members please come to the office to sign the plans

## **FOLLOW-UP:**

## DATE AND APPROXIMATE TIME ON AGENDA:

3/12/2025

#### **ATTACHMENTS:**

Description

Type

☐ 17 Hartwell Ave Covenant

Cover Memo

#### COVENANT

BP 17 HARTWELL L	LC (herein called the "D	Developer" or the "Owner	r") submitted an
application dated	, 2024, to the Plannir	ng Board of the Town of	Lexington, a
municipal corporation situated	l in Middlesex County, I	Massachusetts (herein ca	illed the "Planning
Board" or "Town"), for the ap	proval of a definitive pla	an of a certain subdivisio	n entitled "17
Hartwell Avenue, Lexington,	Mass" by VHB dated	; and	

WHEREAS, the Developer has requested the Planning Board to approve such definitive plan without requiring a performance bond or other surety;

NOW THEREFORE, in consideration of the Planning Board approving the definitive plan without requiring a performance bond or other surety, and in consideration of one dollar in hand paid, receipt whereof is hereby acknowledged, the Developer represents, covenants and agrees with the Town pursuant to Massachusetts General Laws, Chapter 81, Section 81U, as amended, as follows:

- 1. The Developer is the owner in fee simple of all the land included in the aforesaid subdivision and there are no mortgages of record or otherwise on any of said land.
- 2. This Covenant shall run with the land included in the aforesaid subdivision and shall operate as a restriction upon said land.
- 3. The ways and municipal services required to serve the lots in said subdivision shall be installed and constructed as shown on the definitive plan and in accordance with the Rules and Regulations of the Planning Board of the Town, with such modifications or conditions, if any, as have been imposed by the Planning Board or Board of Health of the Town, such modifications or conditions being set forth in a Certificate of Action dated [DATE TO BE FILLED IN] to be recorded herewith, before such lots may be built upon or conveyed other than by a mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lots subject to the limitation that no lots shall be built upon until such ways and services have been provided to serve such lots; and provided further that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to this Covenant, of either the entire parcel of land shown on the definitive plan or of all lots shown on the definitive plan not previously released by the Planning Board.
- 4. Reference to this Covenant shall be entered upon the definitive plan and this Covenant shall be recorded when the definitive plan is recorded.
- 5. Lots within the subdivision may be released from the foregoing conditions only upon the recording of a written release executed by a majority of the Planning Board and specifically enumerating the lots to be released thereunder.

6. This Covenant shall be binding up heirs, successors and assigns of the Developer.	oon the executors, administrators, devisees,
Executed as a sealed instrument this day of _	, 2025.
WITNESS	OWNER
	BP 17 HARTWELL LLC
	BY: BOSTON PROPERTIES LIMITED PARTNERSHIP, a Delaware limited partnership, its member and manager
	BY: BOSTON PROPERTIES, INC., a Delaware corporation, its general partner
	BY: Name: David C. Provost Title: Senior Vice President
COMMONWEALTH OF MASSACHUSETTS	
County of Suffolk, SS	
On this day of, 2025, be personally appeared David C. Provost, the Senice being the General Partner of Boston Properties I and Manager of BP 17 Hartwell LLC, proved to whose name is signed on the preceding or attack signed it voluntarily for its stated purpose.	or Vice President of Boston Properties, Inc., Limited Partnership, it being the Sole Member me through personal knowledge to be the person
	Frederick J. DeAngelis, Notary Public My commission expires:

Executed under seal as of the	day of	, 2025.
		Signature of Planning Board Members
		Board Member's Name Printed
e e		Signature of Planning Board Member
		Board Member's Name Printed
		Signature of Planning Board Member
2		Board Member's Name Printed
		Signature of Planning Board Member
		Board Member's Name Printed
		Signature of Planning Board Member
		Board Member's Name Printed
		Signature of Planning Board Member
		Signatures of a Majority of the Members of the Planning Board of the Town of Lexington

# COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX COUNTY, ss
On this day of, 2025, before me, the undersigned notary public,
personally, appeared the Lexington Planning Board member Robert D. Peters proved to me through satisfactory evidence of identification, which were <u>known</u> to be the persons whose names are signed on the proceeding or attached document, and acknowledgement tome that (he)(she) signed it voluntarily for its stated purpose.
Abigal McCabe, Notary Public
My Commission Expires
COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY, ss
On this day of, 2025, before me, the undersigned notary public,
personally, appeared the Lexington Planning Board member Robert Creech proved to me through satisfactory evidence of identification, which were <u>known</u> to be the persons whose names are signed on the proceeding or attached document, and acknowledgement tome that (he)(she) signed it voluntarily for its stated purpose.
Abigal McCabe, Notary Public
My Commission Expires

# COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX COUNTY, ss
On this day of, 2025, before me, the undersigned notary public,
personally, appeared the Lexington Planning Board member Charles Hornig proved to me through satisfactory evidence of identification, which were <u>known</u> to be the persons whose names are signed on the proceeding or attached document, and acknowledgement tome that (he)(she) signed it voluntarily for its stated purpose.
Abigal McCabe, Notary Public
My Commission Expires
COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY, ss
On this day of, 2025, before me, the undersigned notary public,
personally, appeared the Lexington Planning Board member Melanie Thompson proved to me through satisfactory evidence of identification, which were <u>known</u> to be the persons whose names are signed on the proceeding or attached document, and acknowledgement tome that (he)(she) signed it voluntarily for its stated purpose.
Abigal McCabe, Notary Public
My Commission Expires

# COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX	X COUNTY, ss	
On this	_ day of	_, 2025, before me, the undersigned notary public,
me through sa names are sig	atisfactory evidence	n Planning Board member Michael J. Schanbacher proved to of identification, which were known to be the persons whose or attached document, and acknowledgement tome that its stated purpose.
Abigal McCa	abe, Notary Public	
My Commiss	sion Expires	

# LEXINGTON PLANNING BOARD

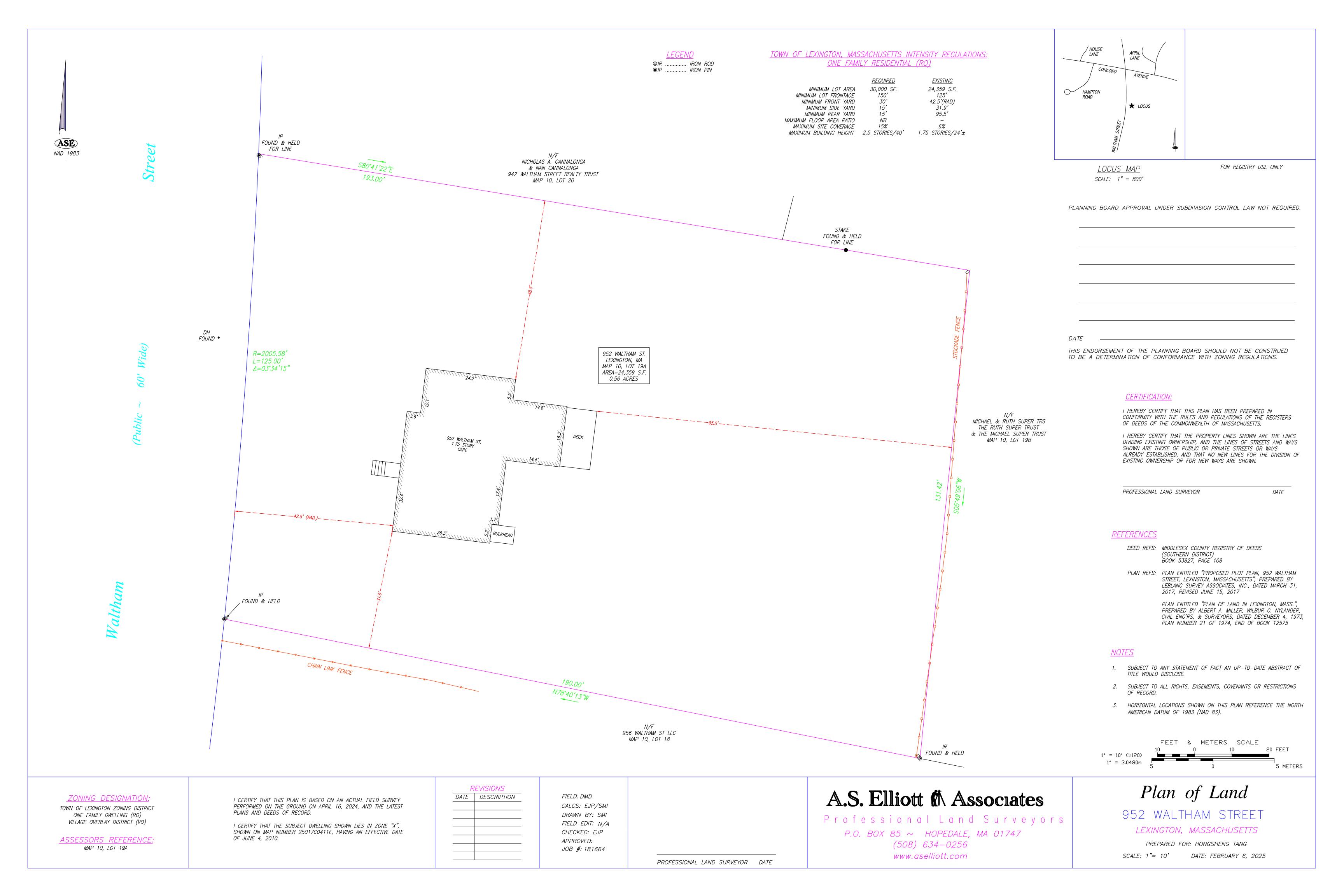
<b>AGENDA</b>	<b>ITEM</b>	TITLE:
---------------	-------------	--------

ANR Plans - 952 Waltham St

952 Waltham Street - Approval Not Required (AN)
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PRESENTER:	<u>ITEM</u> NUMBER:
Staff	TYO MEDILI
SUMMARY:	
Approval Not Required (ANR) perimeter plan for 952 Waltham may be viewed: https://lexingtonma.portal.opengov.com/records	
<b>SUGGESTED MOTION:</b>	
Staff recommends endorsement. Board members will need to co	ome into the office to sign the plans.
Move to endorse the ANR plan for 952 Waltham Street.	
FOLLOW-UP:	
DATE AND APPROXIMATE TIME ON AGENDA:	
3/12/2025	
ATTACHMENTS:	
Description Ty	ype

Cover Memo

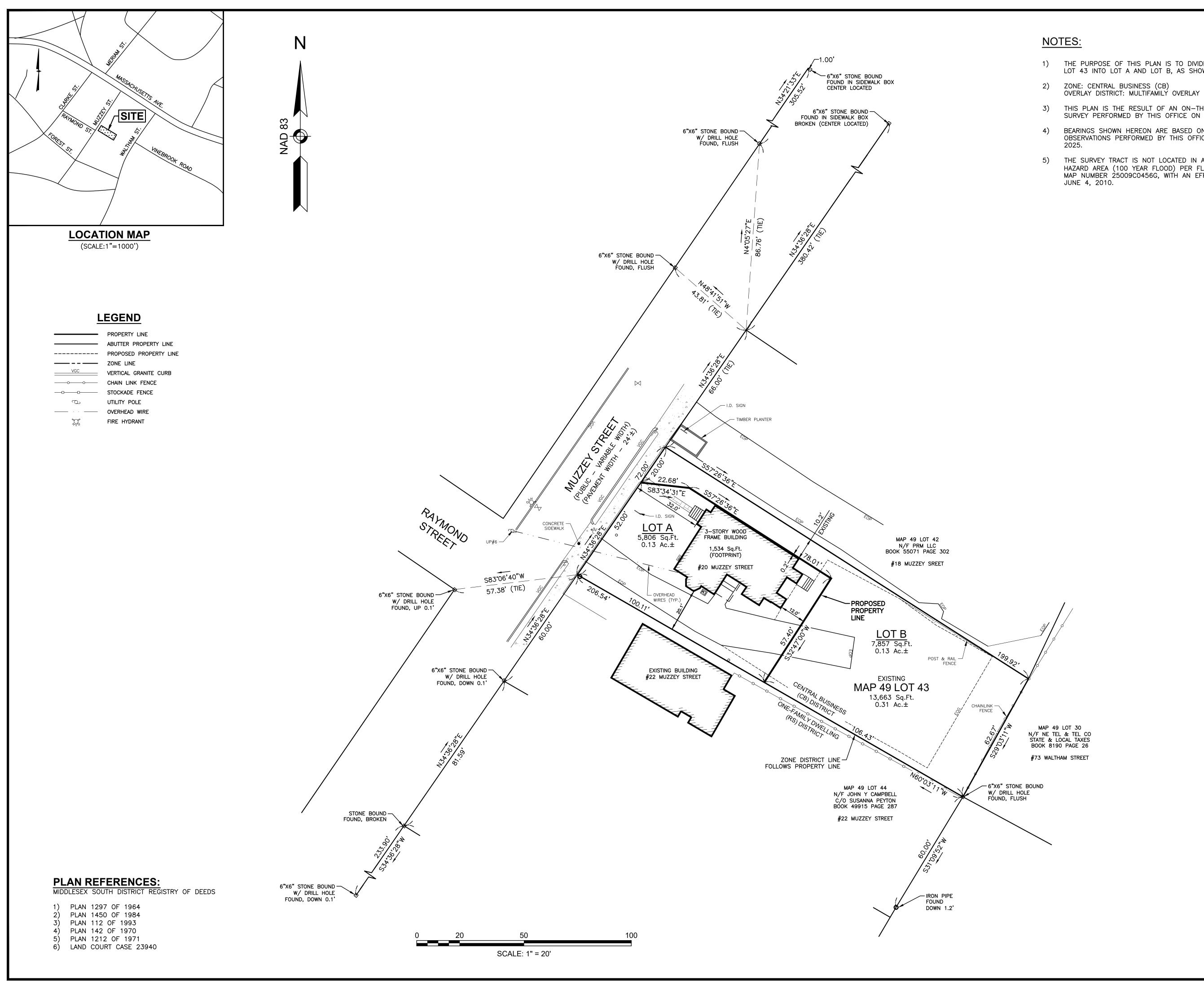


# LEXINGTON PLANNING BOARD

<b>AGENDA</b>	ITEM	TITL	E:
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	20	Muzzey	Street -	Approval	Not Rec	uired (	(ANR)	) Plan
--	----	--------	----------	----------	---------	---------	-------	--------

DD	ZCENTED.	ITEM
	ESENTER:	NUMBER:
Staf		
<u>SUN</u>	IMARY:	
	roval Not Required (ANR) perimeter plan submission rial may be viewed online at: https://lexingtonma.portal.	*
SUC	GGESTED MOTION:	
Staff	recommends endorsement. Board members will need	to come into the office to sign the plans.
Mov	e to endorse the ANR plan for 20 Muzzey Street.	
<u>FOI</u>	LLOW-UP:	
<u>DA</u> T	<u>'E AND APPROXIMATE TIME ON AGENDA</u>	<u>:</u>
3/12/	2025	
AT	TACHMENTS:	
	Description	Туре
D	ANR Plan - 20 Muzzey Street	Cover Memo



- THE PURPOSE OF THIS PLAN IS TO DIVIDE ASSESSOR MAP 49 LOT 43 INTO LOT A AND LOT B, AS SHOWN HEREON.
- THIS PLAN IS THE RESULT OF AN ON-THE-GROUND FIELD SURVEY PERFORMED BY THIS OFFICE ON FEBRUARY 27, 2025.
- BEARINGS SHOWN HEREON ARE BASED ON NAD83 PER GPS OBSERVATIONS PERFORMED BY THIS OFFICE ON FEBRUARY 27,
- 5) THE SURVEY TRACT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (100 YEAR FLOOD) PER FLOOD INSURANCE RATE MAP NUMBER 25009C0456G, WITH AN EFFECTIVE DATE OF

FOR REGISTRY USE ONLY

PLANNING BOARD APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

> TOWN OF LEXINGTON PLANNING BOARD

THE ENDORSEMENT ABOVE IS NOT A DETERMINATION BY THE PLANNING BOARD AS TO COMPLIANCE WITH THE ZONING BYLAW.

# **CERTIFICATION:**

1. I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

2. I CERTIFY THIS PLAN IS THE RESULT OF AN ON-THE-GROUND FIELD SURVEY PERFORMED BY THIS OFFICE ON FEBRUARY 27, 2025.



SCOTT M. L'ITALIEN, PLS No. 50815

3/7/2025 DATE

NO.	DESCRIPTION	BY	DATE
	REVISIONS		

# APPROVAL NOT REQUIRED (ANR) PLAN OF LAND

ASSESSOR MAP 49 LOT 43 20 MUZZEY STREET, UNITS 1, 2, & 3 LEXINGTON, MASSACHUSETTS

# OWNED BY: TWENTY MUZZEY STREET CONDOMINIUM

DORA F. BRAUN, TRUSTEE M.S.P. & J. REALY TRUST 20 MUZZEY STREET LEXINGTON, MA 02421 DEED BOOK 28478 PAGE 135 (MASTER DEED)



**GPINET.COM** 

Greenman-Pedersen, Inc. 44 Stiles Road Construction Management Suite One

Salem, NH 03079

DRAWING NO. 2500084\_SV.dwg DATE: MARCH 7, 2025 CHECKED BY: PROJECT NO. DRAWN BY: SHEET NO. NEX-2500084 1 OF 1 SML DPD

# LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:	
Board Member & Staff Updates	
PRESENTER:	ITEM NUMBER:
SUMMARY:	
SUGGESTED MOTION:	
FOLLOW-UP:	
DATE AND APPROXIMATE TIME ON AGENDA.	

# LEXINGTON PLANNING BOARD

AGENDATIEM TITLE:	
Upcoming Meetings	
PRESENTER:	ITEM NUMBER:
SUMMARY:	
Thursday 3/27, Thursday 4/10; Wednesday 5/7	
SUGGESTED MOTION:	
FOLLOW-UP:	
DATE AND APPROXIMATE TIME ON AGENDA:	
3/12/2025	

# LEXINGTON PLANNING BOARD

# AGENDA ITEM TITLE:

Adjourn - The meeting will continue until all items are finished. The estimated adjournment time is 10:00 pm.

PRESENTER:	<u>ITEM</u> <u>NUMBER:</u>
SUMMARY:	
SUGGESTED MOTION:	
FOLLOW-UP:	
DATE AND APPROXIMATE TIME ON AGENDA:	
3/12/2025	

#### LEXINGTON PLANNING BOARD

## **AGENDA ITEM TITLE:**

Zoom Details - https://www.lexingtonma.gov/377/Access-Virtual-Meetings

PRESENTER:

NUMBER:

## **SUMMARY:**

Planning is inviting you to a scheduled Zoom meeting.

Topic: Planning Board Meeting

Time: Mar 12, 2025 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://lexingtonma.zoom.us/j/86546763837?pwd=bH2h77iPZtRLTWzgcXxEaVVBsScoH7.1

Meeting ID: 865 4676 3837

Passcode: 775654

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Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 646 876 9923 US (New York)
- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 408 638 0968 US (San Jose)
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

#### **SUGGESTED MOTION:**

# **FOLLOW-UP:**

# **DATE AND APPROXIMATE TIME ON AGENDA:**