

AGENDA

Lexington Planning Board

Wednesday, February 7, 2024

Held virtually through Zoom link available here:

<https://www.lexingtonma.gov/377/Access-Virtual-Meetings>

6:00 PM

Development Administration

1. **331 Concord Ave. Cabot, Cabot & Forbes – Public meeting on a Preliminary Subdivision application to subdivide the lot into three lots on a small cul-de-sac**

Annual Town Meeting - Zoning Amendment Public Hearings

1. **Zoning Amendment Public Hearings**

Public Hearing: Article 48 Short-Term Rentals

Public Hearing: Article 49 Permitted Uses and Development Standards

Public Hearing: Article 50 Inclusionary Housing for Village & Multi-Family Overlay Districts

Public Hearing: Article 51 Max. Height for Village Overlay District

Public Hearing: Article 47 Signs

Public Hearing: Article 53 Owner Petition to add 507 Bedford St. to MFO District

Public Hearing: Article 54 Owner Petition to add 509 Bedford St. to MFO District

Public Hearing: Article 52 Technical Corrections

Board Administration

1. **Board Member Updates**
2. **Review of Meeting Minutes: 1/10/24 & 1/24/24**
3. **Upcoming Meetings: 2/28, 3/13**

Adjourn

1. **Meeting will continue until all items are finished. Estimated adjournment time is 10:00 pm.**
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Meeting broadcast by LexMedia

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

331 Concord Ave. Cabot, Cabot & Forbes – Public meeting on a Preliminary Subdivision application to subdivide the lot into three lots on a small cul-de-sac

PRESENTER:

Applicant: Cabot, Cabot & Forbes

ITEM NUMBER:

SUMMARY:

The Lexington Planning Board will hold a virtual public meeting on **Wednesday, February 7, 2024, at 6:00 PM** on the application of Cabot, Cabot, & Forbes, Inc. for approval of a preliminary subdivision plan under §175-5.0 of the Planning Board's Subdivision Regulations. The property is located at 331 Concord Ave. - Map 10, Lots: 31B, 31C, 31A & Map 9 Lot 11B in the RO (one-family) and VO (Village Overlay) Zoning Districts. Project proposes subdividing property into 3-lots on a cul-de-sac.

Application materials can be viewed online at: <https://lexingtonma.portal.opengov.com/records/85596>

A staff memo with comments is attached. No building permits can be issued after approval of a preliminary subdivision plan. A preliminary plan is intended to provide direction for an Applicant's definitive subdivision submission.

SUGGESTED MOTION:

The Planning Board must issue a decision within 45 days (by Feb. 29). Staff recommends approval with conditions on what the applicant will need to submit and provide for a future definitive filing.

Suggested motion:

Move to approve with the 21 suggested conditions outlined in the attached draft approval decision prepared by staff.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/7/2024

ATTACHMENTS:

Description		Type
	Staff Memo	Cover Memo
	Draft Board Approval Decision	Exhibit



TOWN OF LEXINGTON
PLANNING OFFICE

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Lexington, Massachusetts 02420
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Abby McCabe, Planning Director
Sheila Page, Assistant Director
Meghan McNamara, Planner
Kiruthika Ramakrishnan, Planning Coordinator

To: Lexington Planning Board

From: Meghan McNamara, Planner

Cc: Cabot, Cabot & Forbes, LLC

Re: Project Review for 331 Concord Avenue: Residential Preliminary Subdivision Plan

Date: January 30, 2024

Property Information	
Project Address	331 Concord Avenue
Parcel ID	Map 9, Lot 11B & Map 10, Lots 31A, 31B and 31C
Permit #	PLAN-24-1
Applicant/Owner Name	Applicant: Cabot, Cabot & Forbes, LLC; Owner: Ronald and Richard Cannizzo
Type of Review	Residential Preliminary Subdivision
Zoning District	RO – One Family Dwelling and VO – Village Overlay District
Property Size	271,543± square feet or 6.23± acres
Existing Conditions	The lot contains a wood frame two-family residential dwelling and two detached two-story garages in the front portion of the site facing from Concord Avenue and accessed by two entrances on Concord Avenue. The majority and upslope portion of the site contains multiple greenhouses and vehicles, landscape equipment and gravel, associated with a landscape business, which can be accessed by a third entrance on Concord Avenue, a 15-foot right of way. The northern most portion of the site is moderately wooded.
Environmental Conditions	A stream is located approximately 410 feet southeast of the site. The site slopes steeply from the high point in the north part of the property down to Concord Avenue.

Important Dates/Timelines	
Public Meeting	February 7, 2024; public hearing not required
Filed with Town Clerk	January 16, 2024
Decision Deadline 45 days following submittal to Town Clerk	February 29, 2024

Approval Information	
Action Required at Decision Deadline	The Board must approve the preliminary subdivision plan, with or without waivers and conditions, or disapprove the plan, stating the

	<p>reasons for the disapproval. The Board may include recommendations for features that should be included in a definitive subdivision plan.</p> <p>Approval of a preliminary subdivision plan does not constitute approval of a subdivision or guarantee that the Board will approve a definitive subdivision plan. The Registry of Deeds is not permitted to record a preliminary subdivision plan and no building permits can be obtained based on the preliminary approval</p> <p>Disapproval of a preliminary subdivision plan does not prevent the submission of a definitive subdivision plan. If a definitive plan complies with the Subdivision Regulations, the Board must approve it.</p>
Applicability	MGL c. 41, § 81S: In the case of a subdivision showing lots in a residential zone, any person, before submitting his definitive plan for approval, may submit to the planning board and to the Board of Health, a preliminary plan, and shall give written notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such plan.
Waivers	No waivers requested.

Project Summary		
As outlined in MGL c. 41, § 81S, any person may submit preliminary subdivision plans in a residential zone to the Planning Board and Board of Health.		
The Applicant has applied for a preliminary residential subdivision, consisting of three new lots, and a short cul-de-sac. All lots show adequate area and frontage, and the cul-de-sac shows adequate width, and bulb radius.		
Proposed Lot	Lot Area (square feet)	Lot Frontage (feet)
1	34,030	176
2	192,732	155
3	30,919	182
The current lot abuts Concord Avenue. Access to the lots will continue to be from Concord Avenue through a new cul-de-sac.		

Comments
<p>Planning:</p> <ul style="list-style-type: none"> - Dates are not shown on the following plans: C-101, C-102, C-103, C-501, C-502, C-503, C-504, C-505, C-506 and C-507. The date is shown as "TBD" on these plans, however dates are listed on the cover sheet.

- The existing conditions plan indicates that the wood frame dwelling is 1-story, however it is 2-stories.
- Lexington MapGEO shows this site as four separate parcels with two different owners. Owner's authorization must be provided with the definitive plan submission for Map 9 Lot 11B. Town records show the right-of-way easement on the west side as a separate lot.
- The approximate dimensions of the proposed lots must be shown on all sides.
- The location of the 20-foot wide sewer easement is not clear on the plans.
- Appropriate road signage is provided on the details plans
- The turnaround pavement must have an outside turning radius of at least 50 feet. The plans show 49 feet.
- Ensure that curbing allows for roadway runoff to be directed to the proposed catch basins and does not collect in the area of the crosswalk and ADA ramp.
- Review the slope of ADA sidewalk ramp and direction. Ramps should be inline with the direction of travel.
- All sidewalks and crosswalks shall be ADA compliant with ramps and tactile pads per the Town's requirements.
- Proposed road alignment appears to be at a right angle with Concord Avenue. The Goddard School entrance (332 Concord Avenue) is located across the street from the proposed subdivision entrance.
- All elements of the water and sewer service must be designed to comply with the Town's water, sewer, drain regulations and standard specifications.
- Must provide test-pit data for the location of the proposed Underground Infiltration System #1. Catch basins proposed within the Right-of-Way connect runoff to the infiltration system located in close proximity to Concord Avenue. Recharge infiltration systems must have a 10-foot offset from foundations and property lines.
- The plans show a new fire hydrant located within the cul-de-sac median.
- All sidewalks and crosswalks shall be ADA compliant with ramps and tactile pads per the Town's requirements.
- Existing conditions plan shows stone walks along the (northern) sides and rear property lines. Multiple stone and concrete block walls show within the property. Existing stone should be reused on site. The least amount of disturbance to the stone walls is encouraged.
- Street Trees shall be provided in the definitive plan per the Town's Subdivision regulations with street trees planted every 27 to 35 feet apart on center.
- If the Applicant wishes to have the Town accept the Road. Road construction must follow Town standards and be inspected at certain milestones during construction. A Homeowner's Association will be required as the Association will be responsible for the stormwater facilities regardless of road ownership.
- Because this is a preliminary plan, only limited plans were submitted. A definitive subdivision will require the following additional plans and documents (full list found in §175.6.1);
 - Project narrative
 - Site Analysis Plan
 - Site construction plan
 - Landscape plan
 - Property rights and dimensional standards plan

- Street name proposal to be approved by public safety (Fire and Police) and the Board
- Street layout and profile plans
- Draft Deeds of Easements
- Draft Homeowner's Association documents
- Soil survey, test pits, and test borings
- Methods of protecting plant materials during and after construction
- Preliminary subdivision decision
- Draft covenant or proposed performance guarantee.
- Description of project phasing
- Stormwater Operation and Management Plan

Conservation:

- Based on the Preliminary Grading and Drainage Plan (Sheet C-102) showing a drain connection into the Lexington Municipal Separate Storm Sewer System (MS4) within Concord Avenue, this Subdivision Plan will need Conservation Commission review and approval through at least a Request for Determination of Applicability and Negative Determination of Applicability with conditions of approval if in compliance with conservation regulatory performance standards, or a Notice of Intent and an Order of Conditions if any conservation regulatory performance standards are requested to be waived.

Fire:

- No comments provided for Preliminary Plan since no waivers are requested. Must provide fire hydrants no more than 500 ft. apart with looped water system.

Police:

- No issues to raise, other than site lines when exiting, at this time.

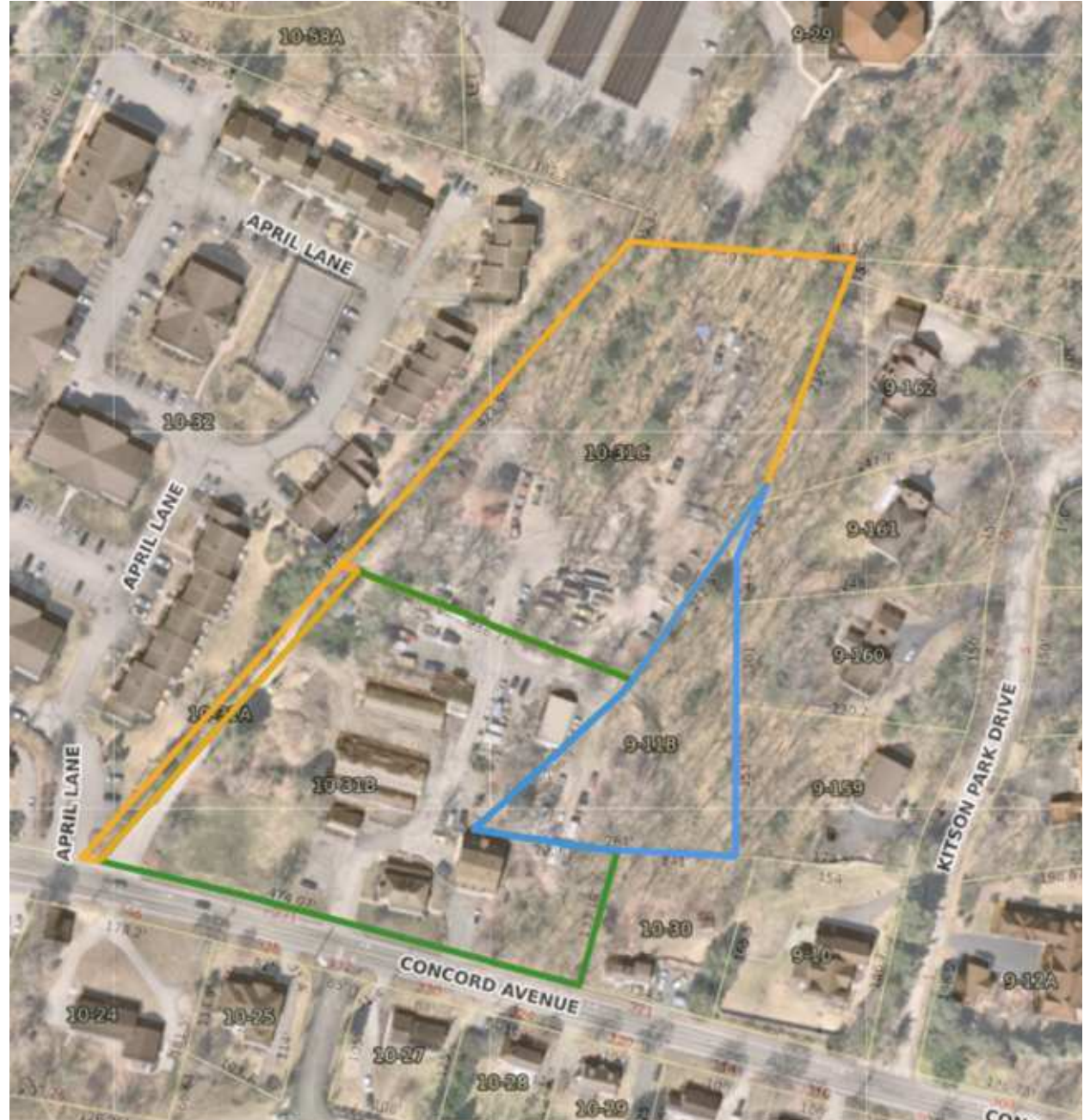
Health:

- No comments or concerns.

Engineering:

- Stormwater Management Plan with definitive filing must be designed to comply with the requirements of the above-threshold projects in Article VI of Stormwater Management Regulations Chapter 181.
- All sewer extensions with proposed flows in excess of 15,000 gallons per day will require the removal of 4 gallons of infiltration and inflow for each gallon of permitted wastewater flow requested.
- Ensure proper fire flow and no negative impacts to the water distribution system.

2023 Aerial View:





LEXINGTON PLANNING BOARD
1625 MASSACHUSETTS AVENUE, LEXINGTON, MA

MEMBERS OF THE PLANNING BOARD:
ROBERT PETERS, CHAIR, MICHAEL SCHANBACHER, VICE CHAIR
MELANIE THOMPSON, CLERK, ROBERT CREECH, CHARLES HORNIG,
MICHAEL LEON, ASSOCIATE MEMBER

**DECISION OF THE PLANNING BOARD
RESIDENTIAL PRELIMINARY SUBDIVISION
331 CONCORD AVENUE
PERMIT#: PLAN-24-1**

FEBRUARY 7, 2024

APPLICANT Cabot, Cabot & Forbes, LLC
185 Dartmouth Street, Suite 402
Boston, MA 02116

PROPERTY OWNER: Ronald Cannizzo and Richard Cannizzo
331 Concord Avenue
Lexington, MA 02421

PROPERTY LOCUS: 331 Concord Avenue
Map 9, Lot 11B & Map 10, Lots 31A, 31B, and 31C
RO – One Family Dwelling and VO – Village Overlay

PROJECT SUMMARY

The proposed development subdivides the 6.23± acre lot into three (3) lots with access from a new cul-de-sac off of Concord Avenue. The existing property contains a wood frame two-family residential dwelling and two detached two-story garages. A majority of the site contains multiple greenhouses and vehicles, landscape equipment, and gravel, all associated with a landscaping business. The northernmost portion of the site is moderately wooded. The existing buildings will be razed. No additional buildings are being proposed at this time.

STATEMENT OF FINDINGS

PROCEDURAL FINDINGS:

After having reviewed all the plans and material filed by the Applicant and its representatives and having considered the analysis, supplemental information provided during the course of the public meeting,

correspondence, and testimony from various staff, the public, and from all other interested parties, the Planning Board makes the following procedural and project findings:

1. On January 10, 2024, an application requesting a Residential Preliminary Subdivision pursuant to §175 *Planning Board Subdivision Regulations* was filed with the Planning Board by Cabot, Cabot & Forbes, LLC on behalf of Ronald Cannizzo and Richard Cannizzo. It was determined to be complete, submitted to the Town Clerk on January 16, 2024, and listed in OpenGov under Permit# PLAN-24-1.
2. Pursuant to M.G.L. Chapter 41, Section 81S and the applicable provisions of the Zoning Bylaw and Planning Board Subdivision Regulations, notice of the public meeting was mailed postage prepaid to all abutters and abutters to abutters within 300 feet of the property on January 17, 2024.
3. The public meeting on the Application commenced on February 7, 2024 held remotely via Zoom, pursuant to MGL c. 30A §§18-25, c. 20 of the Acts of 2021, c. 107 of the Acts of 2022, and c. 2 of the Acts of 2023 further amended extending the remote access provisions through March 31, 2025. The Planning Board accepted public comments via Zoom, mail, and e-mail.
4. Planning Board members Robert Peters, Charles Hornig, Robert Creech, Melanie Thompson, and Michael Schanbacher were present for the public meeting. The Board closed the public meeting on February 7, 2024.
5. Planning Board members Robert Peters, Charles Hornig, Robert Creech, Melanie Thompson, and Michael Schanbacher deliberated on the Application at their meeting on February 7, 2024.

CONDITIONS OF APPROVAL

The Planning Board finds that the Application and Site Plans submitted by the Applicant comply with all applicable provisions of the Zoning Bylaw and all applicable regulations relevant to this review. Accordingly, the Planning Board votes to **approve** the preliminary plan set entitled “Plans for Preliminary Residential Subdivision of Land, 331 Concord Avenue (Map 9, Lot 11B & Map 10, Lots 31A, 31B, & 31C) Lexington, MA”, prepared for Ronald Cannizzo and Richard Cannizzo, prepared by Allen & Major Associates, Inc., signed and stamped by Timothy J. Williams, PE Civil No. 43119, dated January 9, 2024, consisting of 12 sheets, subject to the following conditions:

General Provisions.

1. Approval of a preliminary subdivision plan does not constitute approval of a subdivision or guarantee that the Board will approve a definitive subdivision plan. The Registry of Deeds is not permitted to record a preliminary subdivision plan.
2. This approval is limited to the three lots as shown on the site plan entitled “Preliminary Layout, Materials, & Lotting Plan” prepared by Allen & Major Associates, Inc., Woburn, Massachusetts,

prepared for Ronald Cannizzo and Richard Cannizzo, stamped by Timothy J. Williams, PE Civil No. 43119 on January 9, 2024.

3. Per §175-7.2E(7)(c)[2], the dead-end street turnaround pavement must have an outside turning radius of at least 50 feet.
4. Per §175-5.3B(6), the approximate boundary lines of proposed lots, with approximate areas and dimensions, shall be shown on each sheet of the plan.
5. All existing easements shall be shown on the definitive plan submission.
6. Any new utility easements shall be a minimum of 20 feet wide, per §175-7.1B(4)(a).
7. Per §175-7.1B(7), bounds shall be set along each right-of-way line at all intersections, angle points, points of change in direction or curvature of the street, and at the two corners of each lot that abuts the right of way. Such permanent bounds shall be installed per §175-7.1B(7)(c) and §175-7.1B(8).
8. Construction of the proposed roadway shall conform to §175-7.2, Streets and Rights-of-way. The Applicant shall note on the Definitive Subdivision Plan whether the street will remain private or is intended to be an accepted way. If the Applicant wishes to have the Town accept the Road, road construction must follow Town standards and be inspected at certain milestones during construction. A Homeowner's Association will be required as the Association will be responsible for the stormwater facilities regardless of road ownership.
9. Per §175-7.2A(2)(c), residential subdivisions shall promote safe travel by bicycles and pedestrians and, where possible, offer facilities for them separated from automobiles.
10. Per §175-7.2E(7)(b), Dead-end Streets, the Applicant shall install a "Dead End" or "Not a Through Way" sign per the specifications of the Town Engineer. Such signage shall be shown on the definitive subdivision plan.
11. The cul-de-sac is required to have a landscaped center island per §175-7.2E(7)(c)[1]; such planting schedule should utilize the Lexington Preferred Planting List, adopted on October 6, 2021.
12. Existing and proposed stone walls shall be shown on the Landscape plan, per §175-6.1C(7)(d), and Definitive Plans must show plans for reuse of the existing stone. The least amount of disturbance to the stone walls is encouraged.
13. The sidewalks and crosswalks shall be ADA compliant with ramps and tactile pads, per §175-7.3; ADA compliant ramps shall run in the direction of travel.
14. Ensure that curbing allows for roadway runoff to be directed to the proposed catch basins and does not collect in the area of the crosswalk and ADA ramp.

15. Fire hydrants shall be placed not more than 500 feet apart and approved per §175-7.4B(3) by the Fire Department.
16. The definitive subdivision shall demonstrate compliance with §175-7.5, per a National Pollutant Discharge Elimination System (NPDES) general permit.
17. The Definitive Subdivision shall demonstrate compliance with §175-7.5, requirements for above-threshold projects detailed in Article VI, Stormwater Management Regulations, of Chapter 181 of the Code of Lexington.
18. Per §175-7.4A, all elements of the water and sanitary sewer service must be designed to comply with the Town's Water, Sewer and Drain Regulations and the Standard Specifications. All sewer extensions with proposed flows in excess of 15,000 gallons per day will require the removal of 4 gallons of infiltration and inflow for each gallon of permitted wastewater flow requested.
19. Per §175-7.6, the Applicant shall submit a landscaping and planting plan that demonstrates compliance with street tree requirements and conforms with Lexington Preferred Planting List, adopted October 6, 2021, or EPA Eco Regional III.
20. Per the rules adopted by the Conservation Commission pursuant to Chapter 130, Section 5(2) "Performance Standards", any proposed work that discharges to a protected resource area or connects to a storm drain system that discharges to a protected resource area shall not result in an increase in the peak rate of surface runoff during 2-year, 10-year, or 100-year return period storm events and shall not result in an increase in the total volume of surface runoff for the 1-year return period storm at all design points. A drainage connection into the Lexington Municipal Separate Storm Sewer System (MS4) will require review and approval through a Request for Determination of Applicability, or a Notice of Intent if any conservation regulatory performance standards are requested to be waived.
21. A test pit should be located near the proposed Underground Infiltration System #1. Recharge infiltration systems must have a 10-foot offset from foundations and property lines.

RECORD OF VOTE

On February 7, 2024, the Planning Board voted five (5) in favor, zero (0) opposed, and zero (0) abstentions to grant approval with conditions for the Residential Preliminary Subdivision Application for the property at 331 Concord Avenue.

Residential Preliminary Subdivision

Robert Peters –

Michael Schanbacher –

Melanie Thompson –

Charles Hornig –

Robert Creech –

Board Chair Signature: _____ Date: _____

Date of Vote: _____

EXHIBITS

The Applicant has filed with the Planning Board various plans required under the Zoning Bylaws and Planning Board Zoning Regulations. During the public meeting process, the following materials were submitted to the Board by the Applicant and various municipal departments;

Plan set titled “Plans for Preliminary Residential Subdivision of Land, 331 Concord Avenue (Map 9, Lot 11B & Map 10, Lots 31A, 31B, & 31C), Lexington, MA 02421”, prepared for Ronald Cannizzo and Richard Cannizzo, prepared by Allen & Major Associates, Inc., stamped and signed by Timothy J. Williams, PE Civil No. 43119, dated January 9, 2024, consisting of 12 sheets.

1. Sheet 1 Cover Page
2. Sheet V-101 titled “Existing Conditions”, prepared for Ronald Cannizzo and Richard Cannizzo, prepared by Allen & Major Associates, Inc., stamped and signed by Normal I. Lipsitz, PLS No. 28446, dated 1/3/2024
3. Sheet C-101 titled “Preliminary Layout, Materials, & Lotting Plan”, prepared for Ronald Cannizzo and Richard Cannizzo, prepared by Allen & Major Associates, Inc., stamped and signed by Timothy J. Williams, PE Civil No. 43119 on 1/9/2023
4. Sheet C-102 titled “Preliminary Grading & Drainage Plan”, prepared for Ronald Cannizzo and Richard Cannizzo, prepared by Allen & Major Associates, Inc., stamped and signed by Timothy J. Williams, PE Civil No. 43119 on 1/9/2023
5. Sheet C-103 titled “Preliminary Utilities Plan”, prepared for Ronald Cannizzo and Richard Cannizzo, prepared by Allen & Major Associates, Inc., stamped and signed by Timothy J. Williams, PE Civil No. 43119 on 1/9/2023
6. Sheet C-501 titled “Details” prepared for Ronald Cannizzo and Richard Cannizzo, prepared by Allen & Major Associates, Inc., stamped and signed by Timothy J. Williams, PE Civil No. 43119 on 1/9/2023
7. Sheet C-502 titled “Details”, prepared for Ronald Cannizzo and Richard Cannizzo, prepared by Allen & Major Associates, Inc., stamped and signed by Timothy J. Williams, PE Civil No. 43119 on 1/9/2023
8. Sheet C-503 titled “Details”, prepared for Ronald Cannizzo and Richard Cannizzo, prepared by Allen & Major Associates, Inc., stamped and signed by Timothy J. Williams, PE Civil No. 43119 on 1/9/2023
9. Sheet C-504 titled “Details”, prepared for Ronald Cannizzo and Richard Cannizzo, prepared by Allen & Major Associates, Inc., stamped and signed by Timothy J. Williams, PE Civil No. 43119 on 1/9/2023

10. Sheet C-505 titled "Details", prepared for Ronald Cannizzo and Richard Cannizzo, prepared by Allen & Major Associates, Inc., stamped and signed by Timothy J. Williams, PE Civil No. 43119 on 1/9/2023
11. Sheet C-506 titled "Details", prepared for Ronald Cannizzo and Richard Cannizzo, prepared by Allen & Major Associates, Inc., stamped and signed by Timothy J. Williams, PE Civil No. 43119 on 1/9/2023
12. Sheet C-507 titled "Details", prepared for Ronald Cannizzo and Richard Cannizzo, prepared by Allen & Major Associates, Inc., stamped and signed by Timothy J. Williams, PE Civil No. 43119 on 1/9/2023

Staff Memorandum from Planner Meghan McNamara to the Planning Board, dated January 30, 2024

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Zoning Amendment Public Hearings

PRESENTER:

Staff and Board Members

ITEM NUMBER:

SUMMARY:

The Planning Board will hold a remote public hearing in accordance on **Wednesday, February 7, 2024 at 6:00 pm on Zoom**, to consider the following proposed amendments to the Lexington Zoning Bylaw Chapter 135 of the Code of the Town of Lexington and Zoning Map as follows for the 2024 Annual Town Meeting.

The proposed zoning amendment language for the motions are attached as exhibits. There will be a presentation of each zoning proposal and public comments for each article.

After the discussion on each article the Board can make a recommendation to Town Meeting on each article. At the end of the evening, if the Board is ready, the Board can vote to close the public hearing on all 8 zoning amendments, or continue the public hearing to the next meeting on Wednesday, February 28 at 6:00 pm on Zoom. If the Board votes on each article, staff will prepare a draft recommendation report for review by the Board on February 28.

SUGGESTED MOTION:

If the Board is ready to vote after discussion and public comments, below are suggested motions as a guide. Each article (47-54) should be voted on separately.

Move to recommend Town Meeting approve Article 47 Signs as written (or as amended during this hearing).

Article 48 - Short Term Rentals

Article 49 - Permitted Uses & Development Standards

Article 50 - Inclusionary Housing for Village & Multi-Family Overlay Districts

Article 51 - Maximum Height in Village Overlay

Article 52 - Technical Corrections

Article 53 - 507 Bedford St. Zoning Map Amend to be in MFO

Article 54 - 509 Bedford St. Zoning Map Amend to be in MFO

Move to close the public hearing on all zoning amendments / or move to continue the public hearing to Wednesday, February 28 at 6:00 pm on Zoom.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/7/2024

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Zoning Amendments Summary	Cover Memo
<input type="checkbox"/> Short Term Rentals Zoning Motion	Exhibit
<input type="checkbox"/> Permitted Uses-Definitions Zoning Motion	Exhibit
<input type="checkbox"/> Inclusionary Housing Zoning Motion	Exhibit
<input type="checkbox"/> VO Max Height Zoning Motion	Exhibit
<input type="checkbox"/> Sign Bylaw Zoning Motion	Exhibit
<input type="checkbox"/> Technical Corrections Zoning Motion	Exhibit
<input type="checkbox"/> MFO 507-509 Bedford St Visual Zoning Map Motion	Exhibit
<input type="checkbox"/> Zoning Map Motion 507 Bedford	Exhibit
<input type="checkbox"/> Zoning Map Motion 509 Bedford	Exhibit



Town of Lexington
PLANNING
DEPARTMENT
1625 Massachusetts Avenue
Lexington, MA 02420
Tel (781) 698-4560
planning@lexingtonma.gov
www.lexingtonma.gov/planning

Abby McCabe, Planning Director
Sheila Page, Assistant Planning Director
Meghan McNamara, Planner
Kiruthika Ramakrishnan, Planning Coordinator

Memorandum

To: Planning Board Members

From: Abby McCabe, Planning Director

Date: February 2, 2024

Re: Summary of Zoning Amendments

Below is a high-level summary of each zoning amendment article:

Short Term Rentals – Section 6.10 Article 48

New Section 6.10 bylaw adopted in 2020 to regulate short term rentals. Proposed modifications are intended to lessen impacts to abutters and help mitigate intensity. Proposed changes will only allow up to 2 bedrooms for one party whereas today 3 individual bedrooms can be rented to separate parties. Adds provision to restrict combining short-term rentals with rooming units, and no more than 4 vehicles on a lot.

Permitted Uses and Definitions Article 49

Updates the definition of a restaurant to now include fast-food establishments and a business that serves food or drinks for consumption on premises. A tea house, smoothie place, coffee shop, cafes with consumption on premises would now be categorized as a **restaurant**. Restaurants are proposed to be allowed in all zoning business districts and to change the current prohibition in the CN, CS, and CLO to be allowed by special permit.

Adds new definition and allowance for “craft beverage establishments”. A craft beverage establishment is defined as a place that is licenses under MGL to manufacture alcohol at the smaller scale establishments such as a microbrewery or winery. The definition is for smaller scale operations (15,000 barrels a year is industry standard). Consumption is permitted on or off-site. Proposal is to allow Craft Beverage Establishments in all business zoning districts by special permit and by-right in the CM & CRO (Hayden Ave. and Hartwell Ave. areas).

The term “fast-food” is proposed to be removed from the zoning bylaw in several places.

Private postal service is proposed to be allowed in the CB (Lexington Center). A private postal is a retail use that provides postal box rentals and mailing service and is not a distribution center.

Inclusionary Housing in Village and Multi-Family Overlay Districts Article 50

The MBTA Communities Section 3a Compliance Guidelines allow towns to require up to 10% of a project's total dwellings to be income restricted "inclusionary or affordable" dwelling units but at no less than 80% of the Area's Median Income (AMI). A town's zoning may only require more than 10% of a project's total units to be income restricted with an approved Economic Feasibility Study performed by an independent consultant.

The 2023 zoning required 15% of a project with 8 or more dwelling units to be inclusionary available to people at 80% of AMI. In late November, the EOHLC (Executive Office of Housing and Livable Communities) determined Lexington's zoning complies Section 3a. In the EOHLC determination they questioned the 15% at the smallest size project starting at 8 units because the smallest sample size in the 2023 study was 24 units. In January 2024, we received an updated Economic Feasibility Study that relooked at Lexington's zoning. The study found that we could start requiring 15% after 12 market rate units are included. This zoning proposes require projects with between 10-13 units to have 1 affordable unit, and projects of 14 or more to have 15% (rounded down in all fractions) to be inclusionary and listed on the Town's SHI.

Max. Height in the Village Overlay District Article 51

This amendment is intended to clarify the original intent of the height bonus allowed in the Village Overlay (VO) district. The 2023 zoning allowed a maximum height of 40 ft. for projects that are all residential. The intent was if a project includes mixed-use a project could be over 40-ft.

This amendment does 3 things:

- 1) This amended clarifies that if the underlying zoning district is residential, the maximum height with mixed use is 52 ft. (typically 4 stories). If the underling zoning district is commercial, the maximum height with mixed us 60 ft. (typically 5 stories).
- 2) Changes the eligibility for the height bonus for the commercial uses to occupy 30% of the street floor or building footprint based on the Gross Floor Area, rather than the net floor area. Gross floor area includes garages and everything in between the exterior walls whereas net floor excludes garages, elevators, and common areas. Gross floor area will incentivize a more substantial commercial uses on the first floor.
- 3) Defines which uses qualify towards the height bonus by changing the term "nonresidential principal uses" to "Commercial principal uses" and points to the Table of Uses in specific use categories in the bylaw. The goal is to have more active uses occupying the first floor be able to go over 40-ft. in height.

Signs Article 47

This article is a rewrite of the existing sign bylaw. The primary purpose of these changes is to streamline the permit process, make regulations clearer, support businesses, and come into compliance with recent case law.

Major changes include:

- Requiring exterior lighting of signs to be direct downward
- Internal illumination is still only allowed by special permit from the ZBA

- Increases the allowable size of principal wall signs to be based on the establishment's façade length. If a business has a façade that is 30 ft. they are allowed a sign that is 30 sq. ft. in sign area.
- A principal wall sign is allowed for each business on each façade that abuts a street, municipal parking lot, or trail available for public use such as the bike path.

Currently, many businesses have had to go to the ZBA for a special permit for a relief of the size and more than one sign.

- Proposal includes allowing projecting (blade signs) to be by-right with a sign permit, when currently all districts require a special permit except in the CB.
- Portable signs are now allowed, with set size and placement regulations on private property.
- Adds new provision to allow awning signs.
- Currently, standing signs (not attached to a building) are allowed to be 50 sq. ft. and 5-ft. tall in only the CM and CRO districts. Proposal is to increase allowance up to 100 sq. ft. and 6-ft. in height.
- Protected uses such as churches in residential areas will be allowed a standing sign 100 sq. ft. and 6-ft. in height
- Also adds allowance for small standing signs in the CB district

Residential sign sections have been reformatted to be content neutral. The max. sign area of 30 sq. ft. per sign and 50 sq. ft. total are for permanent signs such for a residential development.

Temporary signs such as standard sized lawn signs (less than 4 sq. ft.) are not regulated in number or placement.

Technical Corrections

The Department of Housing and Community Development (DHCD) has changed their name to EOHLC and this article updates all references in the bylaw to EOHLC.

507 & 509 Bedford St. – Land Owner Petition

Two articles from the property owners to add these properties to the MFO (Multi-Family Overlay) Bedford Street North District. This would allow multi-family residential development at a maximum of the 52 ft. pursuant to Section 7.5 of the Zoning Bylaw.

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ARTICLE 48 AMEND ZONING BYLAW – SHORT TERM RENTALS

MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, where ~~struck through~~ text is to be removed and underlined text is to be added:

1. Amend § 135-6.10 as follows:

6.10 SHORT TERM RENTALS.

6.10.1 PURPOSE.

The purposes of this section are to:

1. Provide a process through which certain ~~residential~~ dwelling units and bedrooms within dwelling units may be registered with the Town of Lexington for use as “short-term rentals”;
2. Provide health and safety standards for short-term rentals; and
3. Provide for the orderly operation of short-term rentals within the Town’s residential neighborhoods.

6.10.2 DEFINITIONS.

Operator-adjacent short-term rental: The short-term rental of a dwelling unit, that is not the ~~primary residence of the~~ operator’s primary residence, but is located ~~within a dwelling with~~ on a lot containing a total of four or fewer dwelling units where one of the dwelling units ~~in the building~~ is the primary residence of the operator.

Operator-occupied short-term rental: The short-term rental of a dwelling unit, or of individual bedrooms within a dwelling unit, that is the primary residence of its operator.

Short-term rental: Any rental of a ~~residential~~ dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days, but not a bed-and-breakfast home, hotel, or motel.

Short-term renter: Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, ~~as~~ for a short-term rental.

Short-term rental operator: The person or persons offering a dwelling unit or bedroom within a dwelling unit, for short-term rental, with the written permission of the owner,

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condominium association, and homeowners association where applicable.

6.10.3 REQUIREMENTS. Operator-occupied, and operator-adjacent short-term rentals are permitted as an accessory use to a permitted principal residential use, subject to the following requirements:

1. No dwelling unit, or bedroom within a dwelling unit, may be used as a short-term rental except in compliance with this bylaw.
2. The following kinds of dwelling units, and bedrooms within the following kinds of dwelling units, may not be used as short-term rentals:
 - i. Dwelling units designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law;
 - ii. Accessory Apartments as defined in Section 6.7; ~~and~~
 - iii. Multi-family dwelling units developed under Sections 6.9 (Special Residential Developments), 6.12 (Open Space Residential Developments), or 7.5 (Village and Multi-Family Overlay Districts); and
 - iv. Any dwelling unit in violation of the State Sanitary Code, 105 CMR 410.3.
3. All short-term rental operators shall register with the Building and Zoning Office prior to short-term rental use and occupancy in conformance with Section 6.10.5 below.
4. ~~A short-term rental operator may make available no more than one (1) dwelling unit for operator-occupied short-term rentals, which may include the separate short-term rental of no more than three (3) individual bedrooms, and one (1) dwelling unit for operator-adjacent short-term rentals, which may be rented only as a whole unit to one (1) party of short-term renters at any one (1) time and may not be rented as separate bedrooms to separate parties.~~

A short-term rental operator may make no more than one (1) dwelling unit or two (2) bedrooms available for rent by one (1) party at a time for operator occupied short-term rentals. No more than two (2) occupants per bedroom or ten (10) per dwelling, whichever is less.

A short-term rental operator may make no more than one (1) dwelling unit available for operator-adjacent short term rentals, which dwelling unit may be rented only as a whole unit to one (1) party at a time. Separate bedrooms may not be rented to separate parties in operator-adjacent short term rentals. No more than two (2) occupants per bedroom or ten (10) per dwelling, whichever is less.

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5. A short-term rental shall be limited to parking of one (1) vehicle per lawful bedroom in the short-term rental and no more than 4 vehicles on a lot.
6. ~~The short-term rental operator or their agent shall maintain an up-to-date log of all occupants that occupy the short-term rental, which shall contain the occupants' names, ages, and dates of commencement and expiration of each short-term rental period. The log shall be available for inspection by the Town's Board of Health and Department of Public Safety in case of emergency. The purpose of this requirement is to ensure that the Town shall have basic identifying information of all occupants of the short-term rental at all times.~~
7. 6. The short-term rental operator must ensure that the property is ~~be~~ current with all town taxes, water, and sewage charges.
8. 7. All short-term rental operators shall maintain liability insurance appropriate to cover the short-term rental use.
9. 8. During any period of seven (7) or more consecutive days ~~when~~ during which the short-term rental operator is not sleeping overnight at away from the dwelling unit, an operator-occupied short-term rental may be rented only as a whole unit ~~and not rented as separate bedrooms to separate parties.~~
- ~~10.~~ 9. The number of bedrooms made available for operator-occupied short-term rentals within a dwelling unit shall not be greater than one less than the number of lawful bedrooms in the dwelling unit.
- ~~11.~~ 10. Renting for an hourly rate, or for rental durations of less than ten (10) consecutive hours, shall not be permitted.
- ~~12.~~ 11. Short-term rentals shall not exceed in the aggregate, one-hundred-twenty (120) consecutive or nonconsecutive ~~calendar~~ days per calendar year when the short-term rental operator is not occupying the dwelling unit during the entire term of the short-term rental.
12. Short-term rentals may not be located in the same dwelling unit as rooming units.

6.10.4 REGULATIONS. The Building Commissioner shall have the authority to promulgate regulations to carry out and enforce the provisions of this Section 6.10 "Short-Term Rentals."

6.10.5 REGISTRATION, INSPECTION AND FEES.

1. The short-term rental operator or the short-term rental operator's agent shall register

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~~with the Town, All dwelling units, or bedrooms within a dwelling unit, offered for short-term rentals shall register with the Town,~~ secure a Certificate of Registration according to standards set forth by the Building Commissioner, and pay all associated fees for all dwelling units, or bedrooms within a dwelling unit, offered for short-term rental. The Certificate of Registration shall require the short-term rental operator to agree to abide by the requirements of this Section 6.10.

2. ~~It is the responsibility of t~~ The short-term rental operator must ~~to~~ renew its Certificate of Registration on an annual basis and ~~or~~ upon change of operator or owner.

3. Prior to issuing or renewing a ~~e~~Certificate of ~~r~~Registration, the Building and Zoning Office shall conduct an inspection to verify that each dwelling unit, or bedroom within a dwelling unit, to be rented to short-term renters meets the requirements of this Section 6.10.

4. Units shall be annually recorded in the Short-Term Rental Registry for a fee set by the Select Board.

(2/7/2024)

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ARTICLE 49

**AMEND ZONING BYLAW – PERMITTED USES AND
DEFINITIONS**

MOTION:

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

1. Amend definitions in § 135-10.0 as follows:

RESTAURANT

~~An establishment primarily for serving by a waiter or waitress and consumption of meals at tables or a counter, on the premises. A brewpub serving at least 25% of the establishment's brewing production capacity on-site shall be classified as a restaurant.~~

An establishment whose principal business is the sale of prepared foods or beverages for consumption on premises, including cafés, cafeterias, or brewpubs.

~~FAST-FOOD SERVICE~~

~~An establishment primarily for self service or purchase of food or beverage at a counter for consumption on the premises.~~

2. Add new definitions in § 135-10.0 as follows (new text not underlined):

CRAFT BEVERAGE ESTABLISHMENT

An establishment licensed to manufacture under M.G.L. Chapter 138 that produces less than 465,000 gallons (or 15,000 barrels) on-site per year for consumption on or off premises, including craft breweries and microbreweries.

3. Amend Section J of Table 1, Permitted Uses and Development Standards for Eating and Drinking Establishments, as follows:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
J.	EATING AND DRINKING; TRANSIENT ACCOMODATIONS												
J.1.0	AS A PRINCIPAL USE												
J.1.01	Restaurant (*Maximum 7,500-square feet gross floor area per one establishment and SP for	N	N	N	N	N <u>SP</u>	Y	N <u>SP</u>	Y	N <u>SP</u>	Y	Y	SP [※]

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	E.1.01 ad SP for E.1.02 with regard to equipment and N for Products)												
J.1.02	Fast-food service (*Maximum 7,500—square feet—gross floor area per one establishment and—SP—for E.1.01 and SP for—E.1.02 with regard to equipment and—N—for products)	N	N	N	N	SP	SP	N	SP	N	SP	Y	SP*
J.1.03	Takeout food service (*Requires a special permit for service between the hours of 11:00 p.m. and 7:00 a.m.)	N	N	N	N	Y*	Y*	<u>SP</u> <u>Y*</u>	Y*	N <u>Y*</u>	Y*	Y*	<u>SP</u> <u>Y*</u>

4. Amend Section N.1.05 in Table 1 Permitted Uses and Development Standards for Manufacturing, Research and Development, Life Science, and Technology Uses, as follows:

[illegible]

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<u>N.1.05</u>	<u>Craft Beverage Establishment</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>Y</u>	<u>Y</u>	<u>SP</u>
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5. Amend Section Q of Table 1, Permitted Uses and Development Standards for Accessory Uses for Commercial Uses as follows:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
Q.	ACCESSORY USES FOR COMMERCIAL USES												
Q.1.04.	Cafeteria, dining room, conference rooms, function rooms, recreational facilities; the use shall be conducted primarily for the employees or clientele of the principal use and not for the general public and shall be conducted entirely within the principal building with no evidence of the existence of the use from the street or from any lot line	SP	SP	SP	SP	Y	Y	Y	Y	Y	Y	Y	Y

6. Amend Section I of Table 1, Permitted Uses and Development Standards Section I.1.03 as follows:

[illegible]

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I.1.03	Food, not intended for consumption on the premises; includes grocery store, but not a take out or fast-food service (*Maximum 7,500 square feet gross floor area per one establishment and SP for E.1.01 and N for E.1.02)	N	N	N	N	Y	Y	N	Y	N	SP	SP	Y*
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7. Amend Section 5.1.4 in the Table of Parking Requirements as follows:

Type or Use	Parking Factor
Eating Establishments	
Restaurant, fast-food , and other eating establishments not otherwise classified	1 per 3 seats, or 1 per 150 SF, whichever is greater; 1 per 5 seats, or 1 per 200 SF, whichever is greater in CB

8. Amend Section H.I.020 of Table 1, Permitted Uses and Development Standards as follows:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
H.	PERSONAL, BUSINESS, OR GENERAL SERVICE USES												
H.1.020	Private postal service	N	N	N	N	N	Y	Y	N <u>Y</u>	N	Y	Y	Y

(1/23/2024)

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ARTICLE 50

**AMEND ZONING BYLAW – INCLUSIONARY HOUSING
FOR VILLAGE AND MULTI-FAMILY OVERLAY
DISTRICTS**

MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, where ~~struck through~~ text is to be removed and underlined text is to be added:

1. Amend §135-7.5.12.1 as follows:

7.5.12 Inclusionary Housing.

1. In any development containing ~~eight (8)~~ between ten (10) and thirteen (13) dwelling units, 10% of the dwelling units shall be Inclusionary Dwelling Units with a household income limited to 80% of the Area Median Income and eligible for inclusion on the EOHLC Subsidized Housing Inventory. In any development containing fourteen (14) or more dwelling units, at least 15% of the dwelling units shall be Inclusionary Dwelling Units with household income limited to 80% of the Area Median Income and eligible for inclusion on the EOHLC's Subsidized Housing Inventory. Where a fraction of a dwelling unit is required for this calculation, the amount of required dwelling units shall be rounded down. If ~~DHCD~~ EOHLC determines in writing that the Town has not shown this 15% requirement to be feasible, at least 10% of the dwelling units in any development containing ten (10) or more units shall be Inclusionary Dwelling Units with household income limited to 80% of the Area Median Income and eligible for inclusion on the Subsidized Housing Inventory.

(1/12/2024)

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**ARTICLE 51 AMEND ZONING BYLAW – MAXIMUM HEIGHT FOR
VILLAGE OVERLAY DISTRICT**

MOTION:

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

1. Amend § 135-7.5.5.10.a as follows:

a. *In the VO District, when the underlying zoning district is a Commercial District, the maximum height is 60 feet when ~~where~~ at least 30% of the total net gross floor area of the street floor of the development is occupied by a nonresidential principal uses, the maximum height is 60 feet if the nonresidential uses are permitted in the underlying district or 52 feet if the nonresidential uses are not permitted in the underlying district. 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:

Commercial Office Uses

Personal, Business, or General Services Uses

Sales or Rental of Goods and Equipment

Eating and Drinking

Commercial, Recreational, Amusements, Entertainment,

b. *In the VO District, when the underlying district is a Residential District, the maximum height is 52 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 non-residential principal uses pursuant to § 7.5.4.4.

2. Amend the subsequent subsection as follows:

§ 135-7.5.5.10.b to be § 135-7.5.5.10.~~b-c~~

(2/1/2024)

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ARTICLE 47

AMEND ZONING BYLAW – SIGNS

MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, where ~~struck through~~ text is to be removed and underlined text is to be added:

1. Amend § 135-5.2 as follows:

5.2.1 Purpose. This section is intended to:

1. Allow for effective communication through signage by regulating and restricting size, location, lighting, and placement of signs in order to protect and enhance the visual environment and discourage excessive visual competition; Preserve and enhance the historical ambience and aesthetic character of the Town; and
2. Maintain public safety; and, ~~consistent with constitutional requirements protecting freedom of speech.~~
3. Preserve constitutional requirements protecting freedom of speech.

5.2.2 Applicability. All outdoor signs and window signs are subject to the regulations of this section unless specifically excluded herein.

5.2.3 Exemptions. The following signs are not subject to this section:

1. Any sign owned and installed by a governmental agency, located on property owned by a governmental agency, or required by any law, governmental order, or regulation;
2. ~~Government flags and insignia, except when displayed in connection with commercial promotion~~ Flags;
3. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
4. Signs mounted on registered motor vehicles or carried by hand;
5. Removable signs on the inside of windows or transparent doors; and
6. Signs directing traffic flow.

5.2.4 General Regulations.

1. Illumination. No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m., except signs on premises open for business, ~~and then only upon issuance of a special permit by the SPGA.~~ Exterior illumination of signs shall be shielded and full cutoff, directed

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downward solely at the sign, and be steady and stationary. No internal illumination of a sign is permitted except upon issuance of a special permit by the SPGA. The illumination of any sign shall not exceed 150 foot-lamberts.

2. ~~Signs cannot interfere with t~~ Traffic. No sign, including window displays, or its illuminators shall by reason of its location, shape, size or color interfere with pedestrian or vehicular traffic or be confused with or obstruct the view or the effectiveness of any official traffic sign, traffic signal or traffic marking. No red or green lights shall be used on any sign if, in the opinion of the Building Commissioner with the advice of the Chief of Police, such lights would create a driving hazard.

3. Construction. No sign shall be painted or posted directly on the exterior surface of any wall. All exterior, attached signs, except awning signs, shall be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to the wall of the building. The foregoing, however, shall not prevent installation of a sign which uses ~~by~~ individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth of projection of 1/4 of an inch. ~~The construction of the sign shall comply with the State Building Code.~~

4. Maintenance. Every sign shall be maintained in good condition. If a sign shows corrosion or deteriorated paint over 25% of the area of one side of the sign or if damage to the sign causes the loss of 10% of its substance or if the sign suffers damage or deterioration, which creates a risk of harm to the person or property of another, it shall be repaired or removed.

5. ~~Removal of t~~ Temporary signs. Shall be limited to display such signs for a period not exceeding 30 consecutive days with no more than 90 days per calendar year. ~~Signs that advertise or otherwise relate to a particular business or commercial event (for example, a real estate sign, or a yard sale sign) shall be removed promptly, and in no event more than seven days, after the conclusion of the event.~~

6. ~~Window signs. Removable signs on the inside of windows or transparent doors are permitted.~~

5.2.5 Prohibited Signs. The following types of signs are prohibited:

1. Signs that incorporate in any manner flashing, moving, or intermittent illumination ~~lighting~~, excluding public traffic control ~~service signs; showing time and temperature.~~

2. ~~String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration.~~

3-2. Signs erected in a way that ~~so as to~~ obstructs any path of egress in or on a building;

4-3. Banner signs, except as a temporary sign; and

4. Billboards, off-premises signs, and other non-accessory signs.

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~~5.2.6 Signs in Residential Districts. The provisions of this section shall apply to signs in residential districts. The following accessory signs are permitted:~~

- ~~1. Resident identification signs. Two signs, up to one square foot in area each, per residential building indicating the name and address of the residents therein.~~
- ~~2. Multifamily dwelling development sign. One sign, not exceeding 12 square feet in area, identifying a multifamily development.~~
- ~~3. Real estate sign. One sign advertising the sale or rental of the premises on which it is located, and containing no other advertising matter.~~
- ~~4. Subdivision signs. Real estate signs, not more than 20 square feet in area and not more than 10 feet in any dimension, on subdivisions of land as defined in MGL c. 41, § 81L, solely to advertise the selling of land or buildings in said subdivision, provided that not more than one such sign shall face the same street.~~
- ~~5. Yard or garage sale sign. One sign advertising a yard or garage sale on the premises on which it is located, provided that a yard sale permit has been duly obtained.~~
- ~~6. Construction, painting or remodeling sign. One sign indicating the name, address and telephone number of a contractor currently providing construction, painting or remodeling services on the premises, and containing no other advertising matter, provided that permission to display such sign has first been obtained from the homeowner.~~
- ~~7. Noncommercial message signs. Accessory signs containing a noncommercial message and no other advertising matter.~~
- ~~8. Commercial signs. Except to the extent permitted in § 5.2.6, commercial signs, whether or not accessory to a permitted activity engaged in on the premises, are prohibited in Residence Districts.~~

~~5.2.6.7 Residence Districts; Residential Signs. Size, Number and Location of Accessory Residential Signs. Unless otherwise provided herein Accessory signs for residential uses that comply with the following provisions are permitted:~~

- ~~1. No one residential sign in a residential district shall exceed four 30 square feet in area. No standing sign shall exceed four five feet in height. The total sign area for all residential signs on a lot shall not exceed 50 square feet.~~
- ~~2. No more than two standing signs, other than temporary signs smaller than four square feet in sign area, shall be located on a residential property at one time.~~
- ~~3. No part of any standing sign shall be located within 10 feet of the edge of the pavement of any street, in a way that obstructs a sidewalk, or otherwise create a safety hazard to pedestrian or vehicular traffic.~~

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4. No sign attached to a building shall be located on, or project above, the roof of ~~any the~~ building.

5.2.78 ~~Commercial Districts~~ Nonresidential signs. The provisions of this section shall apply to signs ~~in commercial districts~~ for commercial, industrial, and institutional uses. ~~Accessory signs on business establishments or institutions in commercial districts that comply with the following provisions are permitted:~~

1. Wall signs.

a. ~~One p~~ Principal wall signs are is-permitted on the front each façade of the an establishment to which it they relates when directly abutting a street, municipal parking lot, the Minuteman Bikeway, or other trail or path available for public use. ~~The width of such a sign above the first floor of a building shall not exceed three feet. The total sign area for each establishment on the first floor shall not exceed one square foot for each linear foot of the façade for which the sign is attached, not to exceed 100 square feet per sign. The total sign area for each establishment above the first floor shall not exceed nine (9) square feet.~~

b. ~~A s~~ Secondary wall signs may be installed marking a direct entrances on a parking lot or another street in addition to the front wall sign or parking areas. There shall be not more than two such secondary wall signs per entrance. Said signs shall have ~~a width~~ an area no greater than six square feet for each sign. 50% of the maximum permissible width for the principal wall sign.

c. ~~No wall sign shall be more than three (3) feet in overall height.~~

~~c. d. In buildings where the first story is substantially above grade and the basement is only partially below street grade, For establishments occupying multiple stories, one sign for each story level is allowed if each sign has only 1/2 of the area that the total area of all signs does not exceed the area allowed for the principal sign under §5.2.7.1.a. would be permitted for a single sign.~~

~~d e.~~ In addition to the above signs, each building with multiple occupants may have one directory sign affixed to the exterior wall, window or door of the building at each entrance. Such directory sign shall provide not more than one square foot for each occupant of the building.

~~e f.~~ Wall signs shall either be affixed to a wall and parallel to it or affixed to the roof above a wall and be parallel to the wall. They shall not project more than 12 inches from the face of such wall.

~~f g.~~ No wall sign shall project above the highest line of the main roof or parapet on the wall to which it is attached, whichever is higher.

2. Banner Signs. Banner signs are only permitted as temporary signs. No banner sign shall

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exceed 15 square feet in area and no establishment shall have more than one banner sign at a time.

3. Awning Signs.

a. In addition to wall signs, an establishment on the first floor is permitted to have an awning sign.

b. The letters and graphics of an awning sign shall not exceed 16 inches in height and the sign area shall not exceed 30 square feet.

4. Projecting signs.

~~a. In particular instances the SPGA may issue special permits for projecting signs in accordance with §5.2.10, if it is determined that the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should be permitted in the public interest. No establishment shall be permitted more than one projecting sign.~~

~~b a. Notwithstanding § 5.2.8.2.a, in the CB District, o~~ One projecting sign per establishment per façade meeting the standards below is permitted. shall be permitted by right, provided it meets the standards set out below. Projecting signs exceeding these dimensions shall be subject to the special permit provisions of § 5.2.10.

i. The sign may not exceed six square feet in area (not including the area of the supporting bracket or hanger);

ii. For single-story ~~buildings~~ structures, the sign shall not project above the roofline or 18 feet above ground level, whichever is lower; for multistory structures, projecting signs may not extend vertically above the window sill of the second story;

iii. The sign must clear sidewalks by at least eight feet from the bottom of the sign and may project no more than four feet from a building or one-third the width of the sidewalk, whichever is less;

iv. The sign must clear the wall by at least six inches and must project from the wall at an angle of 90°. Angular projection from the corner of a building is prohibited.

~~3.5. Standing signs. In particular instances the SPGA may issue special permits for standing signs in accordance with §5.2.10, if it is determined that the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should be permitted in the public interest. Where a façade is more than 50 feet from the nearest abutting street, one standing sign, not to exceed 100 square feet per property and six feet in height is permitted in the CM and CRO zoning districts. Where a façade is more than 10 feet from the front lot line, one standing sign, not to exceed four~~

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square feet per lot and five feet in height is permitted in the CB zoning district. No establishment shall be permitted more than one standing sign other than signs directing traffic flow. In the CM and CRO Districts one standing sign, not to exceed 50 square feet in area and five feet in height, shall be permitted by right on each lot. Where an institutional use protected by M.G.L. 40A §3 is located in a residential district, one standing sign is permitted if the facade is more than 50 feet from the nearest abutting street, not to exceed 100 square feet per establishment and six feet in height.

6. ~~Signs at gasoline f~~ Motor vehicle fuel filling stations and garages. ~~Gasoline filling stations and garages may divide the one wall signs affixed to the front wall of the building to which they are entitled as hereinabove provided into separate wall signs indicating the separate operations or departments of the business, provided however that the total of the widths of the separate signs shall not exceed the maximum width permitted under this bylaw for a single wall sign on such wall. In addition to other permitted signs, one wall or standing sign not exceeding 50 square feet in area and 10 feet in height is permitted for motor vehicle fuel or charging stations. indicating the brand of gasoline being sold may be erected of such type, in such location, and in such manner as the SPGA may allow by special permit. The standard type of gasoline fuel pump or charging station bearing thereon, in usual size and form, the name or type of fuel gasoline and the price thereof shall not be deemed to be a sign within the meaning of this bylaw.~~

7. Construction signs. A maximum of two accessory construction signs shall be permitted during construction of developments. Signage is permitted on the property undergoing construction during site work construction and for no more than 30 days after completion of construction. The total sign area of all signs shall not exceed 32 square feet and signs shall not exceed eight feet in height.

8. Portable signs. Portable signs are permitted, provided that such signs:

- a. are located on private property;
- b. are removed at the close of each business day;
- c. do not obstruct a walkway;
- d. provide at least four feet of clearance for pedestrians;
- e. do not exceed six square feet in area and a height of four feet above the ground;
and
- f. are installed so as to not blow over.

~~5.2.9 Building Permit. All persons desiring to erect an outdoor sign in a commercial district shall apply to the Building Commissioner for a building permit. The Building Commissioner shall issue a building permit provided the proposed sign complies with this bylaw, the State Building Code, requirements of the Historic Districts Commission (where applicable) and any other applicable laws, bylaws or regulations. All applications for permits shall comply with the permitting authority's rules and regulations.~~

5.2.8 ~~10~~ Special Permit. In particular instances t The SPGA may issue special permits for more or larger signs than are provided herein or for signs of types or for purposes not provided herein and not specifically prohibited herein, including temporary signs, if it is determined that the

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architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should be permitted in the public interest. In granting such permission, the SPGA shall specify the size and location of the sign ~~or signs and impose such other terms and restrictions as it may be deemed to be in the public interest. In considering applications for special permits for signs located on land owned or leased by a religious sect or denomination or by a nonprofit educational corporation, and used for religious or educational purposes, the SPGA shall not treat the applicant on terms less favorable than those applied to a non-religious institution, nor in a manner that unreasonably restricts the religious or educational activities of the applicant.~~

5.2.9 Site Plan Review. For projects requiring site plan review, the Planning Board may waive any provisions of this §5.2.

5.2.10 Pre-existing nonconforming signs. Any sign existing at the date of the amendment of this section but which does not conform to these regulations by reason of size, location, type of construction, or illumination shall not be enlarged, relocated, or have its type of construction or illumination changed except in full compliance with this §5.2.

2. Amend § 135-10.0 Definitions as follows:

FLAG

A piece of lightweight fabric, typically oblong or square, attached at one edge to a rope, building, or flown from a flagpole containing colors, patterns, symbols, and may contain words.

SIGN

Any display device, including but not limited to a board, placard, poster, ~~flag or~~ banner, which advertises or communicates information to persons not on the premises on which it is located.

SIGN, AWNING

A sign consisting of letters or graphics affixed to an awning or canopy that extends over a walkways, courtyard, drive, or other open area.

SIGN, BANNER

A sign constructed of a long strip of fabric or other similar flexible material mounted or attached to a structure. For regulatory purposes, flags are not considered banners.

SIGN, COMMERCIAL

~~Any sign, regardless of size, which advertises, calls attention to, or indicates any commercial product, service or activity, whether or not manufactured, sold or engaged in on the premises at which the sign is displayed.~~

SIGN, PORTABLE

A sign not attached to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

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SIGN SIZE AREA

~~The size of a sign shall include any intermediary removable surface to which it is affixed. The area contained entirely within a signboard or if no signboard is present, the area contained within the smallest rectangle that encloses all of the wording or graphics of a sign. The area of a flat two-faced projecting or standing sign is the area of one face. The width of a sign is its horizontal dimensions even when this is the smaller dimension.~~

SIGN, STANDING

Any sign that is erected on and attached to the land. If a sign support holds more than one sign, each such sign is considered a separate standing sign.

SIGN, TEMPORARY

Any sign which by its design or use is temporary in nature intended for a limited period of display and is not permanently mounted. Posters, construction signs, yard sales, real estate signs, lawn signs, and banner signs are considered to be temporary signs.

(2/7/2024)

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ARTICLE 52 AMEND ZONING BYLAW – TECHNICAL CORRECTIONS

MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, where ~~struck through~~ text is to be removed and underlined text is to be added:

1. In §135-10.0, amend definitions as follows:

~~DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD)~~

~~The Massachusetts Department of Housing and Community Development.~~

INCLUSIONARY DWELLING UNIT

A dwelling unit, the sale, lease, or rental of which is permanently restricted with limits on the household income of occupants, sale price, and rent through a deed rider or other restriction acceptable to the Town in conformance to the Lexington Moderate Unit Income Guidelines or as regulated as a Local Action Unit under the ~~DHCD~~ EOHLC Local Initiative Program.

2. In §135-10.0, add definition as follows:

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES (EOHLC)

The Massachusetts Executive Office of Housing and Livable Communities.

3. Amend §135-6.12.6 as follows:

3. Subsidized housing inventory. At least 10% of the dwelling units in an OSRD shall be eligible for inclusion on the ~~DHCD~~ EOHLC Subsidized Housing Inventory.

4. Amend §135-7.5.3 as follows:

Procedures and Regulations. Development under this section requires Site Plan Review by the Planning Board under § 9.5. The Planning Board shall adopt regulations to facilitate site layout, building design, and outdoor amenity spaces. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and ~~DHCD~~ EOHLC's current *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* as amended.

5. Amend §135-7.5.12 as follows:

1. In any development containing eight (8) or more dwelling units, at least 15% of the dwelling units shall be Inclusionary Dwelling Units with household income limited to 80% of the Area Median Income and eligible for inclusion on the ~~DHCD~~ EOHLC's Subsidized Housing Inventory. Where a fraction of a dwelling unit is required for this

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calculation, the amount of required dwelling units shall be rounded down. If ~~DHCD~~ EOHLC determines in writing that the Town has not shown this 15% requirement to be feasible, at least 10% of the dwelling units in any development containing ten (10) or more units shall be Inclusionary Dwelling Units with household income limited to 80% of the Area Median Income and eligible for inclusion on the Subsidized Housing Inventory.

5. The Planning Board, in consultation with the Select Board, the Housing Partnership Board, and the Commission on Disability, may adopt regulations consistent with ~~DHCD~~ EOHLC's Compliance Guidelines and this section to facilitate equitable size, physical characteristics, location, and access to services for the inclusionary units and the form of required legal restrictions.

6. Amend §135-7.5.14 as follows:

Conditions. The Planning Board may impose reasonable terms and conditions, consistent with the parameters established by ~~DHCD~~ EOHLC's Compliance Guidelines, to promote these objectives and serve the purposes of this section. Approval may reasonably regulate matters such as vehicular access and circulation on site, architectural design of a building, site design, and screening for adjacent properties. The Board may require a performance guarantee to ensure compliance with these conditions.

(1/16/2024)

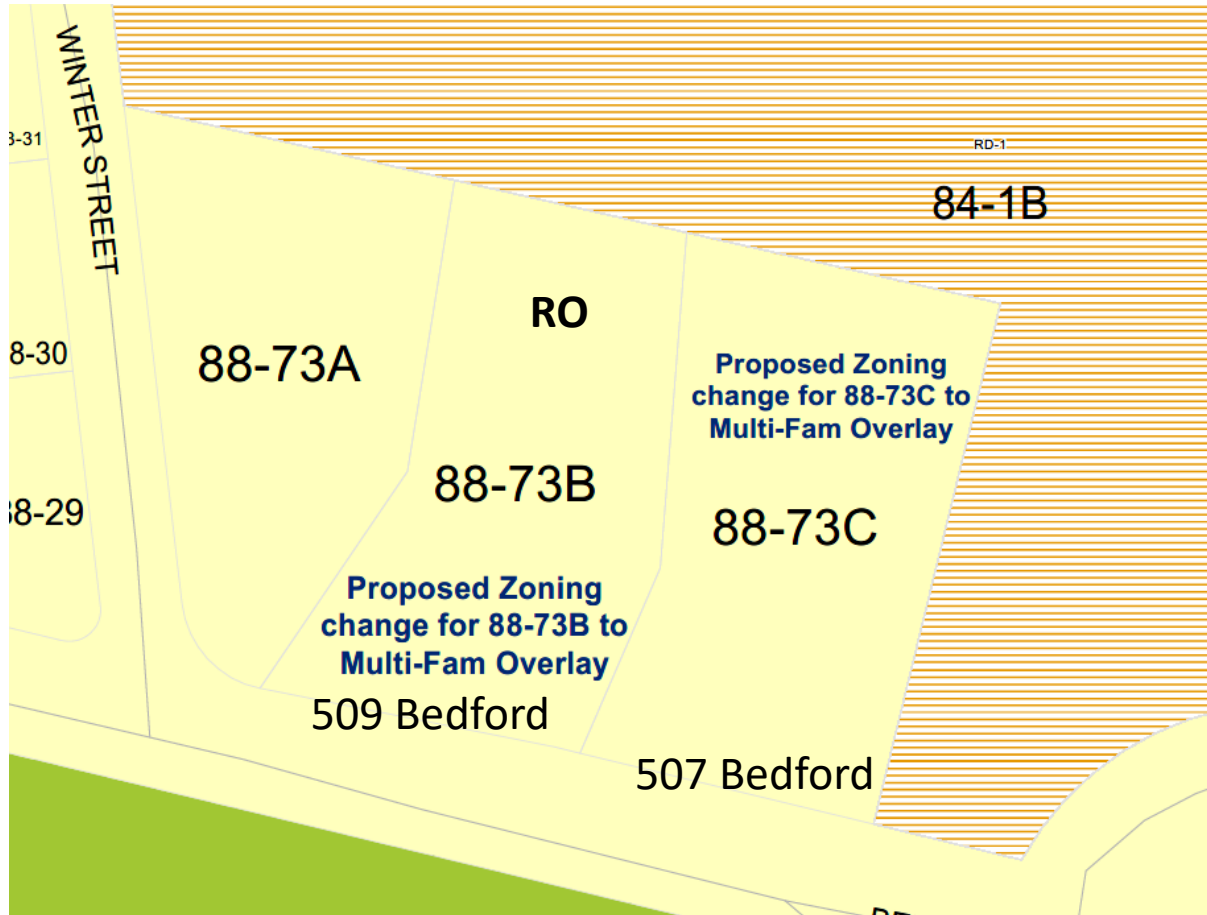
Land Owner Petitions

507 Bedford St. (Map 88, Lot 73C)

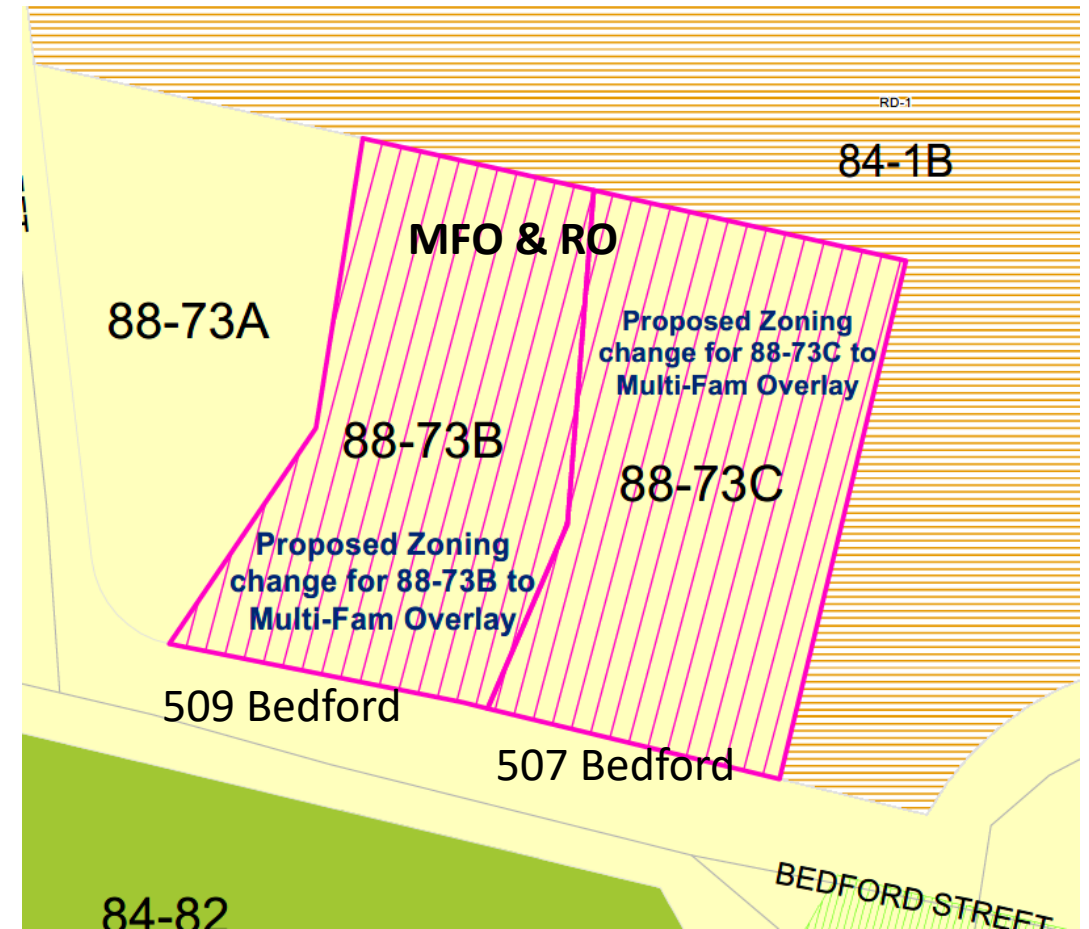
509 Bedford St. (Map 88, Lot 73D)

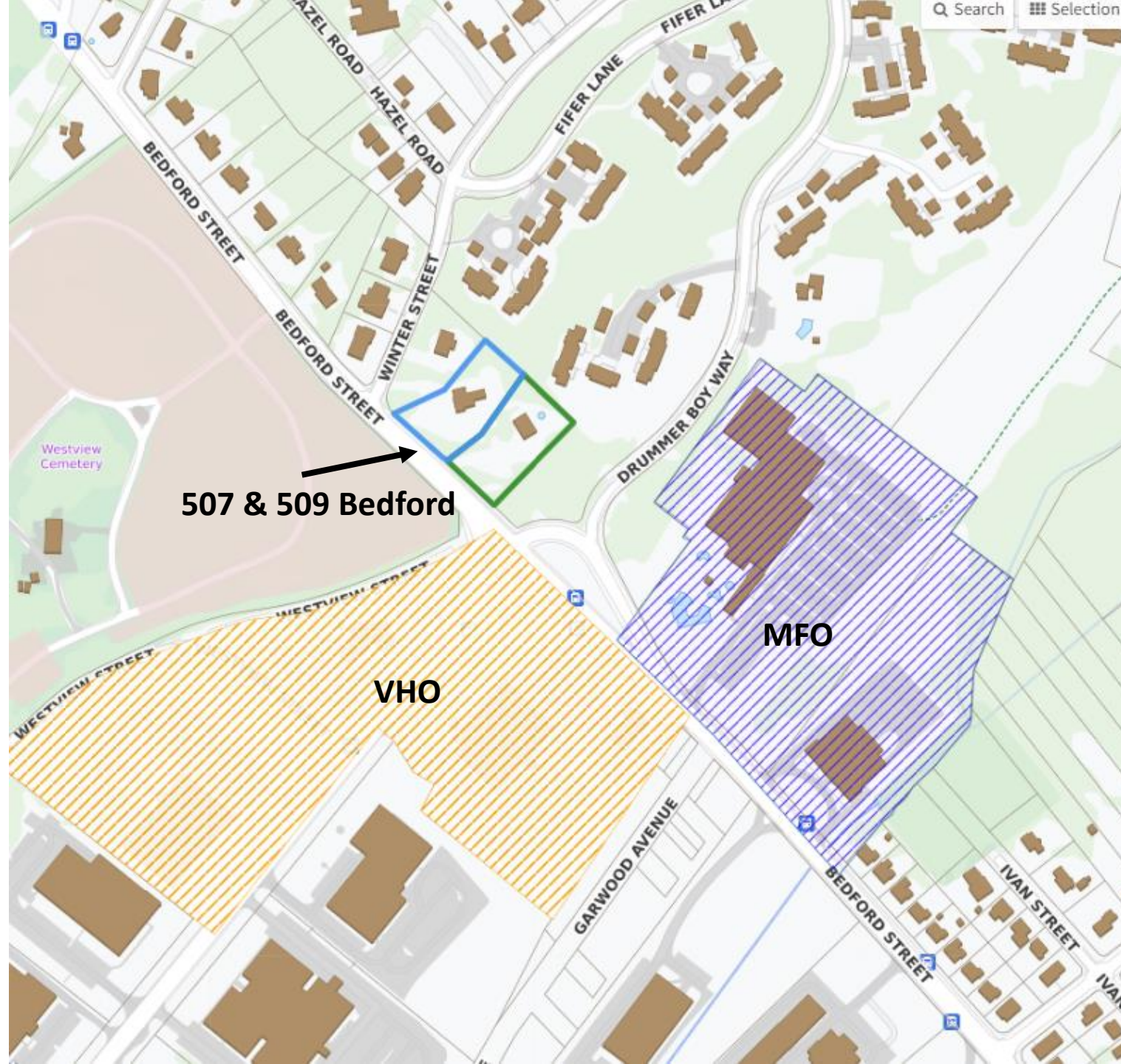
Add to the Bedford Street North MFO (Multi-Family Overlay District)

Existing Zoning:



Proposed Zoning:



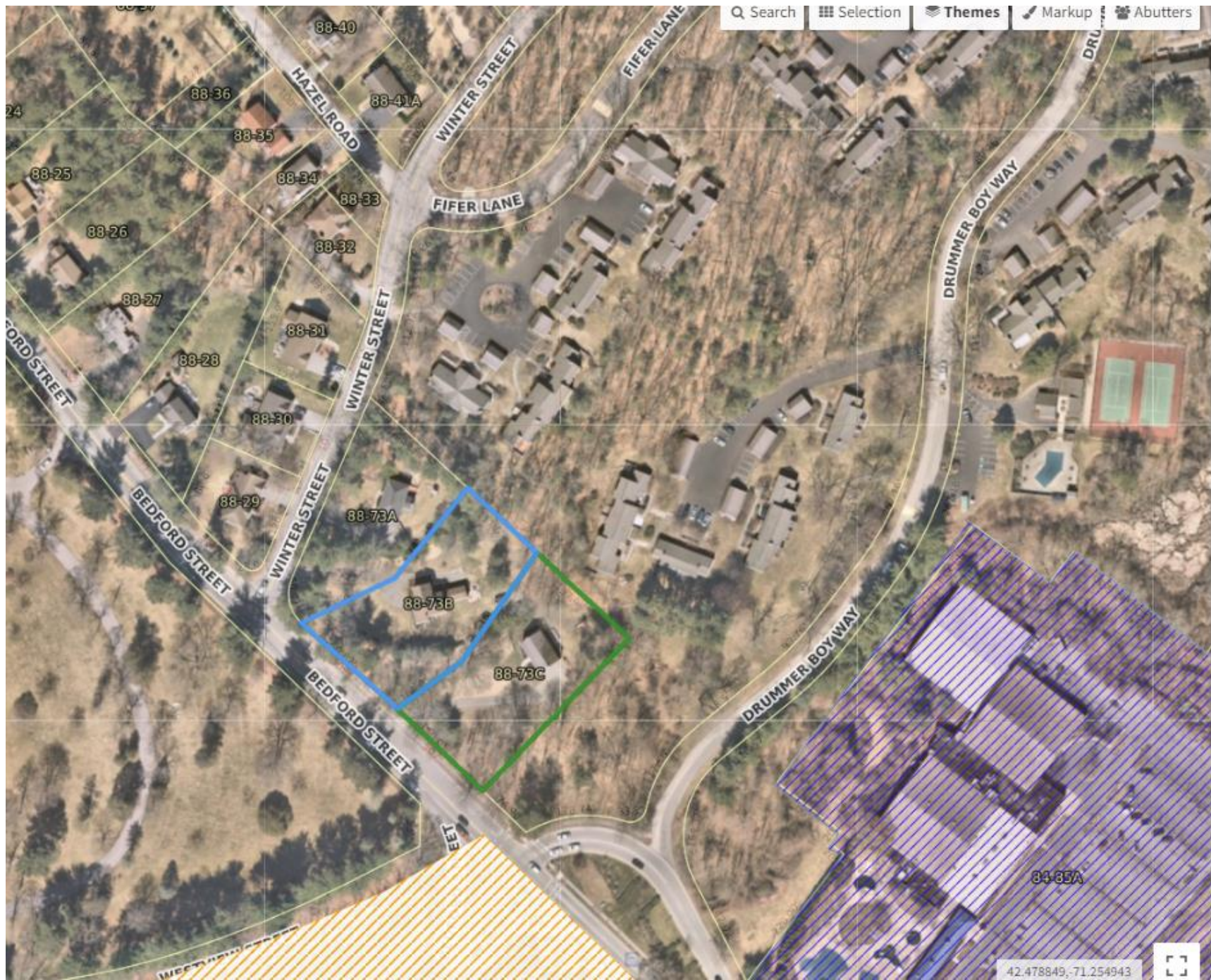


507 & 509 Bedford

VHO

MFO





MFO – Bedford St. North

- Governed by Section 7.5 of Zoning Bylaw for Village and Multi-Family Overlay District
- Residential only allowed in MFO Bedford St. North
- Max. building height is 52-ft.

(2/2/2024)

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ARTICLE 54

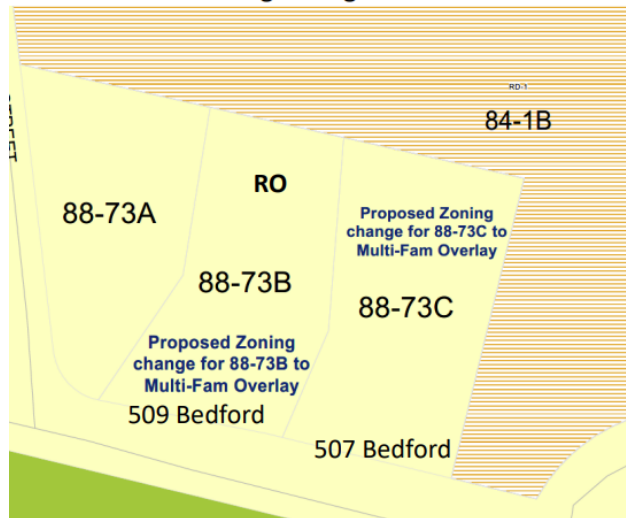
AMEND ZONING MAP – 509 BEDFORD STREET

MOTION:

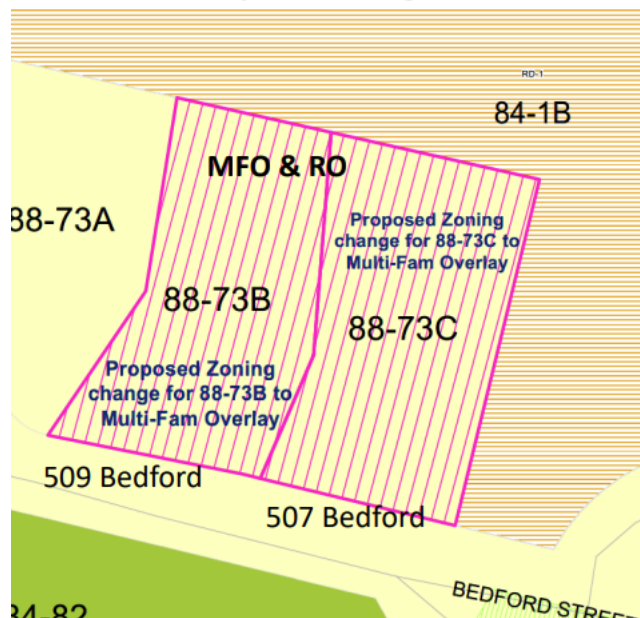
That the Zoning Map be amended as follows:

- 1) Amend the Zoning Map to add the property known as Assessor's Map 88, Lot 73B (509 Bedford Street) as shown on the map on file with the Town Clerk to the Multi-family Overlay (MFO) Bedford Street North District.

Existing Zoning:



Proposed Zoning:



(2/2/2024)

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Board Member Updates

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/7/2024

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Review of Meeting Minutes: 1/10/24 & 1/24/24

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/7/2024

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Upcoming Meetings: 2/28, 3/13

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/7/2024

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Meeting will continue until all items are finished. Estimated adjournment time is 10:00 pm.

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/7/2024