

AGENDA

Lexington Planning Board

Wednesday, February 28, 2024

Held virtually through Zoom link available here:

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

6:00 PM

Development Administration

1. **Willard Circle (FKA 36, 42, 48 Cary Ave. Subdivision) Request to release performance guarantee**

Town Meeting – Zoning Amendments

1. **Continued Public Hearing: Article 47 – Amend Zoning Bylaw for Signs Section 5.2**

Town Meeting Recommendation Reports:

1. **Article 53: Amend Zoning Map to add 507 Bedford St. to MFO District**
2. **Article 54: Amend Zoning Map to add 509 Bedford St. to MFO District**

Deliberate and Recommendations for:

1. **Article 48: Short-Term Rentals**
2. **Article 49: Permitted Uses and Development Standards**
3. **Article 50: Inclusionary Housing for Village & Multi-Family Overlay Districts**
4. **Article 51: Max. Height for Village Overlay District**
5. **Article 52: Technical Corrections**

Board Administration

1. **Board Member Updates**
2. **Review of Meeting Minutes: 2/7/24**
3. **Upcoming Meetings: 3/13**

Adjourn

1. **The meeting will continue until all items are finished. The estimated adjournment time is 9:00 pm.**

Zoom Meeting details

1. **Members of the public can attend the meeting from their computer or tablet by clicking on the following link at the time of the meeting:**

Topic: Planning Board Meeting

Time: Feb 28, 2024 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/86981615997?>

pwd=tWJa6nubgk5yHJ4hHESJy0RGyP0Spv.1

Meeting ID: 869 8161 5997

Passcode: 109903

Dial by your location

- **+1 312 626 6799 US (Chicago)**
- **+1 646 931 3860 US**
- **+1 929 205 6099 US (New York)**
- **+1 301 715 8592 US (Washington DC)**
- **+1 305 224 1968 US**



Meeting broadcast by LexMedia

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Willard Circle (FKA 36, 42, 48 Cary Ave. Subdivision) Request to release performance guarantee

PRESENTER:

Applicant: Sheldon Corp.

ITEM NUMBER:

SUMMARY:

Willard Circle was created by the Definitive Subdivision approval of 36, 42, & 48 Cary Ave. in 2015 creating six new lots on the new cul-de-sac. The subdivision is now finished. Engineering and Planning staff have reviewed the final as-built plans and inspected the work in the field and find everything to be complete.

Applicant is requesting the performance guarantee funds be returned in full. Staff recommends a full release of funds since all work has now been completed in compliance with the Planning Board's 2015 Definitive Subdivision approval.

Staff memo and Applicants request are attached. 2015 approval can be found here: <https://www.lexingtonma.gov/994/36-to-48-Cary-Avenue-Willard-Circle-Conv>

SUGGESTED MOTION:

Suggested Motion:

Move to find the project complete in accordance with the approved plans and the Board's 2015 approval and may now release the performance guarantee in full (\$65,315.00).

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/28/2024

ATTACHMENTS:

Description	Type
☐ Certificate of Action (PDF)	Cover Memo
☐ Final Plans (PDF)	Cover Memo
☐ Willard circle surety release letter revised	Cover Memo
☐ Willard Cle Staff memo -release	Cover Memo



TOWN OF LEXINGTON PLANNING BOARD

Charles Hornig, Chair
Nancy Corcoran-Ronchetti, Vice Chair
Timothy Dunn, Clerk
Richard L. Canale
Ginna Johnson

1625 Massachusetts Avenue
Lexington, MA 02420
Tel (781) 862-0500 Ext. 245
Facsimile (781) 861-2748
planning@lexingtonma.gov

CERTIFICATE OF ACTION 36, 42, & 48 Cary Avenue

Application Date: November 18, 2014
Hearing Date(s): January 21, 2015
February 11, 2015
Decision Date: February 11, 2015
Decision Filed: February 13, 2015

APPLICATION & PLAN INFORMATION

The application and plan depict a subdivision of 36, 42, & 48 Cary Avenue, comprised of Lots 34A, 34B, 35, 36A, and 36B of Assessors' Map 34. Entitled "36, 42, & 48 Cary Avenue Definitive Subdivision Plan Set," and prepared by Michael Novak and Jeffery A. Thoma of Meridian Associates, Inc. Originally dated November 17, 2014, the latest plan revision was made February 4, 2015.

The applicant, Todd Cataldo, of Sheldon Corp., proposes a subdivision of the site that will create seven new lots in the RS district. One lot will front on Cary Ave, essentially replacing 48 Cary but on a reconfigured lot. The other six lots will front on a proposed cul-de-sac extending from Cary Ave into the interior of the site. At this time, the principle structures on both 36 and 42 Cary Avenue are to remain.

DECISION

This is to certify that after closing a duly called and properly posted hearing held on January 21, 2015, and February 11, 2015, the Lexington Planning Board voted to **APPROVE WITH CONDITIONS** the above referenced plan.

FINDINGS

In reviewing and evaluating the application materials, the Board finds that:

- a. The plan complies with the Town's Zoning Bylaw and its *Regulations* specifically:
 - i. The plan complies with the definitive plan submittal requirements of § 175-6.0; and
 - ii. The plan is designed in manner that meets the design objectives of § 175-7.0; and
- b. The Board of Health approved the plan (by a favorable decision or by constructive approval).

An explanation of each of these elements is discussed in more detail below.

Evaluation of the Zoning Bylaw

Under the Subdivision Control Law, the Board has the right to ensure that subdivisions create lots conforming to the zoning bylaw. In this case, the applicant is creating seven lots, each of which meets the dimensional requirements for the RO District (150 feet of frontage and 30,000 square feet of area). The existing structures on proposed lots B and G conform to the setback requirements of the RO District, although some accessory structures may need to be relocated or removed to satisfy these requirements.

Evaluation of the *Subdivision Regulations*' Submittal Requirements

The application and accompanying plan satisfied the submittal requirements of the Board's *Regulations*.

Evaluation of the Required Improvements and Design Objectives

The Board's *Subdivision Regulations*, at § 175-7.0, express the design standards and criteria necessary for approval of a definitive plan. Where the proposed plan falls short of these, the Board has placed conditions upon its approval to ensure that the plans will be modified or granted waivers, as appropriate.

Board of Health Approval

As forty-five (45) days has elapsed from the date of filing with the Board of Health without receiving any written report from them, the plan is deemed constructively approved, per G.L. c. 41, § 81U. This was expected given that the site is served by municipal sewer and not by septic systems.

WAIVERS

In accordance with § 175-3.5 of the *Subdivision Regulations*, the Board waives strict compliance with the specific provisions of the Regulations, listed below, finding that the waivers are in the public's interest and consistent with the intent and purpose of the Board's Regulations. The waivers granted are:

- § 175-7.2.E.(7)(c)[2]-[3] Turnaround Standards. Reduced the outside turning radius of the cul-de-sac from 50 to 49 feet and the inside turning radius from 25 to 24 feet. This was approved by both the Fire Department and Engineering Department.
- § 175-7.2.E.(8) Centerline of Street. On the stem of the proposed cul-de-sac, the Board waives this requirement so that the paved portion of the way is offset rather than lose a foot of the planting strip behind the sidewalk.
- § 175-7.4.B.(2) Looped Water Main. As the proposed main cannot be looped to Phinney Road, which is nearby but not adjacent to the proposed subdivision, the Town Engineer approves of the proposed dead end main as looping it back to Cary Avenue would be of no benefit to the system.

TERMS & CONDITIONS OF APPROVAL

General Conditions

- 1) No construction activity on the property that causes noise, vibrations, glare, dust, debris, or other detrimental impact, and is perceptible on, or affects, any adjacent lots, may take place prior to 7:00 a.m. or after 7:30 p.m.
- 2) The land shown on the Definitive Plan referenced above may be used, sold, transferred, or leased only as granted by this Decision or in accordance with later amendments or field changes to it.
- 3) The applicant must obtain the endorsement of the Board within 180 days of the date of approval. Failure to do so may result in the rescission of the approval.
- 4) The applicant must complete the construction of all ways and services within two years of the date of endorsement of the Definitive Plan, unless the Board extends this period, for good cause shown, after the written request of the applicant not less than 30 days before the expiration of this period. Failure to do so may result in the rescission of the approval of the plan.
- 5) The applicant must construct the street(s), complete all other work specified on the Plan or required under the Board's *Regulations*, meet all relevant provisions of the Zoning Bylaw and other bylaws, including installation of required utilities in the subdivision, and all work incidental to them, such as grading of lots to provide drainage, construction of retaining walls, and other details, or as specifically required by the Board.

- 6) Unless accepted by Town Meeting, the roadway, driveways, drainage facilities, and other utilities shown on the plan are to remain private; the repair, maintenance, and any other associated costs of them, are the responsibility of the parcel owner(s). Although it is not obligated to, it is presumed that upon completion of the project, the Town will plow the street even if it is not accepted.

Actions Required Before Plan Endorsement

- 1) Endorsement of the plan is conditioned upon the provision of a performance guarantee as described in MGL Chapter 41, Section 81-U. The form of guarantee may be varied from time to time by the applicant, subject to agreement on the adequacy and amount by the board.
- 2) The endorsed plans should include the proposed street name "Willard Circle."

Actions Required Before Beginning Construction

- 1) The applicant must record the decision, the Property Rights & Dimensional Standards Plan, and the Supplemental Covenant. The supplemental covenant may include reference to a homeowners association, or similar, describing the owners' operation and maintenance responsibilities of the way and private utilities, including the stormwater infrastructure.
- 2) No site preparation work or construction may begin until the Planning Department has confirmed in writing that the property corners are staked and the project's limit of work line is established and approved by the Planning Department, clearly marked with construction fencing, hay bales and silt fencing, or approved substitute, as appropriate.
- 3) Construction activity outside the LOW is prohibited, except when approved by the Planning Department in advance. The LOW must remain in place and in good condition throughout the construction phase and may only be removed with the prior consent of the Planning Department.
- 4) If applicable, the site must be fully stabilized according to a Stormwater Pollution Plan required by the National Discharge Elimination System Construction General Permit Program.

Actions Required Before Building Permits

- 1) Sump pumps, foundation and/or perimeter drains, if proposed, may not run to daylight, but to a proposed infiltration system, or an approved equivalent.
- 2) Town Counsel has approved of the final form of all legal documents, and the documents have been recorded, including but not limited to the following:
 - a) Easements required by 6.3.D.1-2
 - b) Parking Restriction Agreement, per 6.3.D.3

Actions Required Before Occupancy Permits

- 1) No certificate of occupancy may be issued until the Planning Department indicates that the proposed improvements to the way and municipal utilities providing frontage to the lot(s) have been made.

Special Conditions

- 1) The Planning Board does not waive the applicability of Chapter 120 of the Code of Lexington (the Tree Bylaw), and expects Ch. 120 to apply to the newly created lots but not the proposed way.

RECORD OF VOTE

The following members of the Planning Board vote to grant the certificate of action, subject to the above-stated terms and conditions:

_____	_____
_____	_____

Copy of Decision to:

Applicant (by Certified Mail)
Board of Health
Conservation Commission
Police Chief
Director of Public Works

Town Clerk
Building Commissioner
Fire Chief
Town Assessor
Revenue Officer

DATE:

I, CLERK OF THE TOWN OF LEXINGTON, MASSACHUSETTS HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LEXINGTON PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THE OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

TOWN CLERK

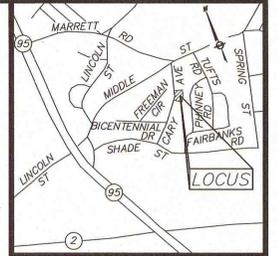


ALL UNDERGROUND UTILITY DATA REPRESENTS RECORD INFORMATION RECOVERED THROUGH RESEARCH WITHOUT SURFACE DEMARCATION NOR SUBSURFACE VERIFICATION.

TEMPORARY BENCHMARK CHART:

TBM #	DESCRIPTION	ELEV.
△	BOLT OVER MAIN OUTLET HYDRANT	277.65
△	CUT SPIKE SET 1.5' A.G. IN UTILITY POLE 30/10	274.80

(SEE NOTE #7)



LOCUS MAP: (NOT TO SCALE)

LEGEND

- TREELINE
- 278- TWO FOOT CONTOUR
- 280- TEN FOOT CONTOUR
- + 279.8 SPOT ELEVATION
- BITUMINOUS BERM
- STONE WALL
- CONIFEROUS TREE
- DECIDUOUS TREE
- DRAIN LINE
- OHW OVERHEAD WIRES
- G COMPILED GAS LINE
- GS COMPILED GAS SERVICE
- TEC COMPILED TELEPHONE/ELECTRIC/CABLE
- S COMPILED SEWER LINE
- SS COMPILED SEWER SERVICE
- W COMPILED WATER LINE
- WS COMPILED WATER SERVICE
- TERMINUS UNKNOWN
- SEWER MANHOLE
- DRAIN MANHOLE
- CATCH BASIN/AREA DRAIN
- WATER GATE
- HYDRANT
- UTILITY POLE
- ELECTRIC METER
- GAS METER
- LIGHT
- GAS GATE
- IRRIGATION CONTROL VALVE
- TEST PIT
- TYP. SQUARE FOOT
- AC. ACRES
- ABOVE GRADE
- OH OVERHANG
- MB MAILBOX
- EOP EDGE OF PAVEMENT
- BB BITUMINOUS BERM
- BIT. BITUMINOUS
- CONC. CONCRETE
- RCP REINFORCED CONCRETE PIPE
- FFF FINISHED FIRST FLOOR
- FOF FINISHED GARAGE FLOOR
- VC VITRIFIED CLAY
- COMMON OWNERSHIP

NOTES:

- THE TOPOGRAPHY, SITE DETAIL & SURFACE INSTRUMENTS DEPICTED HEREON WERE OBTAINED FROM AN INSTRUMENT SURVEY CONDUCTED ON THE GROUND BY MERIDIAN ASSOCIATES, INC. BETWEEN FEBRUARY 22 AND MARCH 22, 2002, SEPTEMBER 2, 2009, AND SEPTEMBER 10 THROUGH SEPTEMBER 12, 2014.
- THE SUBJECT PROPERTIES DEPICTED ARE LOCATED IN THE RS DISTRICT (SINGLE FAMILY DWELLING).
- THE SUBJECT PROPERTIES ARE DEPICTED AS LOTS 34A, 34B, 35, 36A & 36B ON TOWN OF LEXINGTON ASSESSOR'S MAP 34.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND ARE BASED UPON A PARTIAL FIELD SURVEY AND COMPILATION OF PLANS OF RECORD. MERIDIAN ASSOCIATES, INC. DOES NOT WARRANT NOR GUARANTEE THE LOCATION OF ALL UTILITIES DEPICTED OR NOT DEPICTED. THE CONTRACTOR, PRIOR TO COMMENCEMENT OF CONSTRUCTION SHALL VERIFY THE LOCATION OF ALL UTILITIES AND CONTACT DIG SAFE AT 1-888-344-7233.
- THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
- THE SUBJECT PROPERTIES ARE LOCATED WITHIN FLOOD ZONE X (UNSHADED) AS IDENTIFIED ON FLOOD INSURANCE RATE MAPS (FIRM) NO. 250170D41E AND NO. 250170C392E AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WITH AN EFFECTIVE DATE OF JUNE 4, 2010.
- THE ELEVATIONS DEPICTED HEREON ARE BASED ON THE TOWN OF LEXINGTON SEWER DATUM.

APPLICANT:

SHELDON CORP.
TODD CATALDO
121 MARRETT ROAD
LEXINGTON, MA 02421

REFERENCES:

— LAND COURT PLAN 6962-A
— LAND COURT PLAN 6962-C

RECORD OWNERS:

#36 CARY AVENUE (MAP 34 LOT 34A & 34B)
COLE FAMILY TRUST
JOHN P. ROGARIS, TRUSTEE
CERTIFICATE NO. 257521
REGISTRATION BOOK 1459, PAGE 30

#42 CARY AVENUE (MAP 34 LOT 35)
ROBERT E. SMITH, JR.
4 CURRIER COURT
LEXINGTON MA 02420
CERTIFICATE NO. 256163
REGISTRATION BOOK 01449, PAGE 142

#48 CARY AVENUE (MAP 34 LOT 36B)
CAZ REALTY TRUST
JACQUELINE D. FALLON, TRUSTEE
168 GRANT STREET,
LEXINGTON, MA 02420
CERTIFICATE NO. 236774
REGISTRATION BOOK 1320, PAGE 20

#49 CARY AVENUE (MAP 34 LOT 36A)
VASILIKI REALTY TRUST
THOMAS J. CATALDO, TRUSTEE
48 CARY AVENUE
LEXINGTON, MA 02420
CERTIFICATE NO. 245789
REGISTRATION BOOK 1380, PAGE 24

WILLARD CIRCLE
(ASSESSORS MAP 34 - LOTS 34A, 34B, 35, 36A & 36B)
DEFINITIVE SUBDIVISION



RECORD CONDITIONS PLAN OF LAND
LOCATED IN
LEXINGTON, MASSACHUSETTS
(MIDDLESEX COUNTY)

PREPARED FOR
SHELDON CORP.
SCALE: 1" = 30' DATE: NOVEMBER 17, 2014

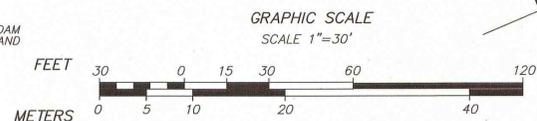
MERIDIAN ASSOCIATES
500 CUMMINGS CENTER, SUITE 5950 BEVERLY, MASSACHUSETTS 01915
TELEPHONE: (978) 299-0447 WWW.MERIDIANSASSOC.COM

SHEET No. 2 OF 12 PROJECT No. 3899-1

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHK'D
1	2/4/15	NO REVISIONS TO THIS SHEET	MAC	M/JN

DWG. No. 3899-1_DEF-REC
NB 610 PG 79



TEST PIT INFORMATION

TEST PITS WERE PERFORMED BY PETER POMMERSHEIM OF MERIDIAN ASSOCIATES, ON 10/16/08.

TEST PIT: TP#4
ELEV.=278.4±
E.S.H.G.W. ELEV.=271.1

0"-8" TOPSOIL
8"-40" HORIZON A: FINE SANDY LOAM + GRAVEL
40"-118" HORIZON B: FINE SANDY LOAM
HORIZON C: FINE SANDY LOAM

E.S.H.G.W. @ 88"

TEST PIT: TP#5
ELEV.=278.9±
E.S.H.G.W. ELEV.=273.2

0"-4" TOPSOIL
4"-11" HORIZON A: FINE SANDY LOAM
11"-108" HORIZON B: FINE SANDY LOAM
HORIZON C: FINE SANDY LOAM

E.S.H.G.W. @ 68"

TEST PIT: TP#6
ELEV.=280.5±
E.S.H.G.W. ELEV.=274.3

0"-4" HORIZON A: FINE SANDY LOAM
4"-22" HORIZON B: FINE SANDY LOAM
22"-114" HORIZON C: FINE SANDY LOAM

E.S.H.G.W. @ 74"

TEST PIT: TP#7
ELEV.=283.6±
E.S.H.G.W. ELEV.=277.4

0"-4" HORIZON A: FINE SANDY LOAM
4"-24" HORIZON B: FINE SANDY LOAM
24"-114" HORIZON C: LOAMY SAND

E.S.H.G.W. @ 75"

TEST PIT: TP#8
ELEV.=278.3±
E.S.H.G.W. ELEV.=272.5

0"-4" HORIZON A: FINE SANDY LOAM
4"-24" HORIZON B: FINE SANDY LOAM
24"-70" HORIZON C: FINE SANDY LOAM

E.S.H.G.W. @ 70"

TEST PIT: TP#9
ELEV.=280.1±
E.S.H.G.W. ELEV.=272.5

0"-8" TOPSOIL
8"-24" HORIZON A: FINE SANDY LOAM
24"-100" HORIZON B: FINE SANDY LOAM
HORIZON C: FINE SANDY LOAM

E.S.H.G.W. @ 70"

ADDITIONAL TEST PIT INFORMATION

TEST PITS WERE PERFORMED BY ALEXANDER F. PARKER (S.E. #1848), ON 9/22/14.

TEST PIT: TP#14-1
ELEV.=275±
E.S.H.G.W. ELEV.=269.6

0"-13" HORIZON A: LOAM
13"-24" HORIZON B: SANDY LOAM
24"-121" HORIZON C: LOAMY SAND

E.S.H.G.W. @ 65"

TEST PIT: TP#14-2
ELEV.=279±
E.S.H.G.W. ELEV.=273.3

0"-13" HORIZON A: LOAM
13"-39" HORIZON B: SANDY LOAM
39"-127" HORIZON C: LOAMY SAND

E.S.H.G.W. @ 68"

TEST PIT: TP#14-3
ELEV.=285.5±
E.S.H.G.W. ELEV.=273.5

0"-12" HORIZON A: LOAM
12"-25" HORIZON B: SANDY LOAM
25"-123" HORIZON C: LOAMY SAND

E.S.H.G.W. - NONE OBSERVED

TEST PIT: TP#14-4
ELEV.=289±

0"-2" HORIZON A: LOAM
2"-10" HORIZON B: SANDY LOAM
10"-120" HORIZON C: LOAMY SAND

E.S.H.G.W. - NONE OBSERVED

TEST PIT: TP#14-5
ELEV.=287±

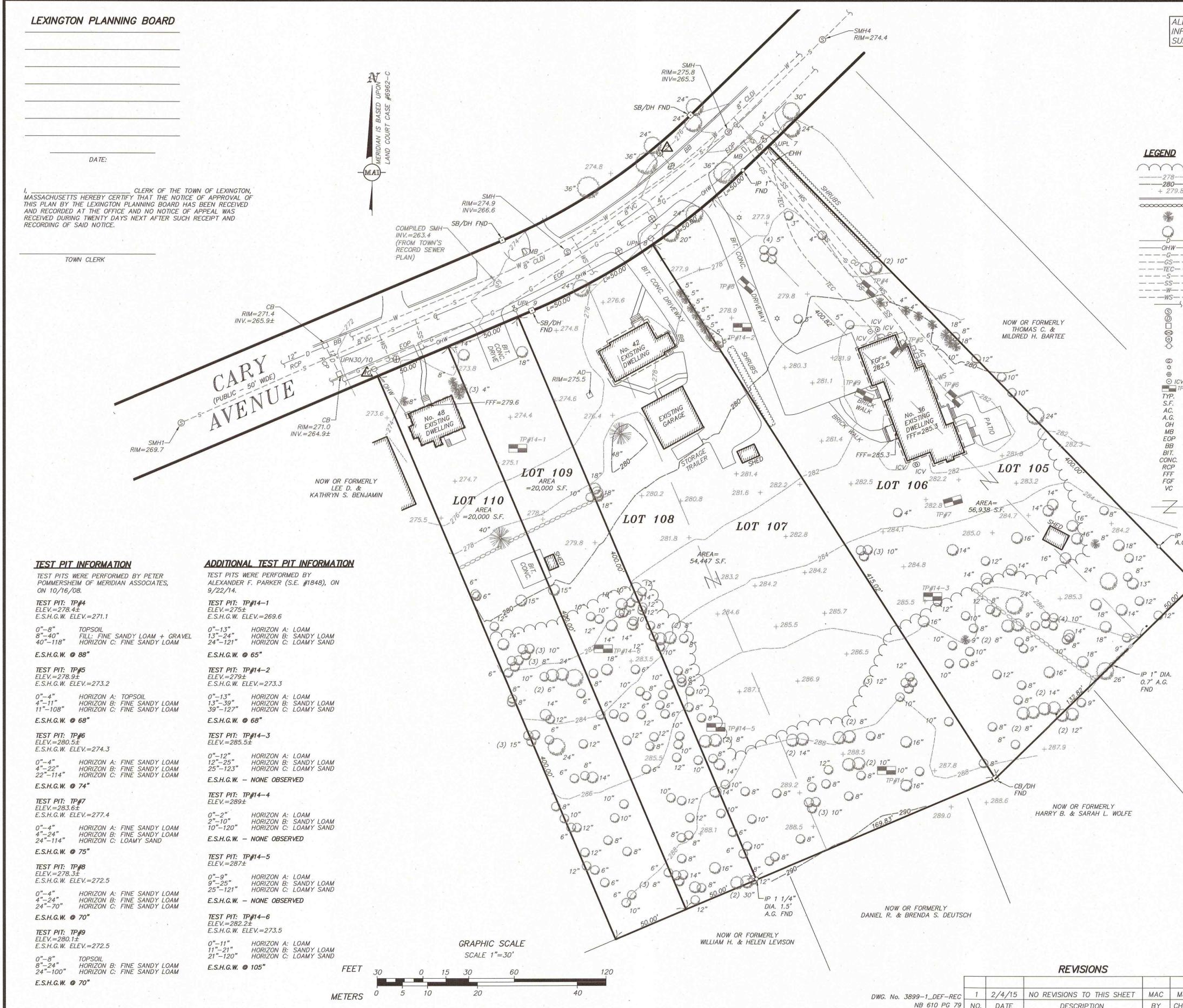
0"-9" HORIZON A: LOAM
9"-25" HORIZON B: SANDY LOAM
25"-121" HORIZON C: LOAMY SAND

E.S.H.G.W. - NONE OBSERVED

TEST PIT: TP#14-6
ELEV.=282.2±
E.S.H.G.W. ELEV.=273.5

0"-11" HORIZON A: LOAM
11"-21" HORIZON B: SANDY LOAM
21"-120" HORIZON C: LOAMY SAND

E.S.H.G.W. @ 105"



DATE: _____

DATE: _____

I, _____ CLERK OF THE TOWN OF LEXINGTON, MASSACHUSETTS HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LEXINGTON PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THE OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

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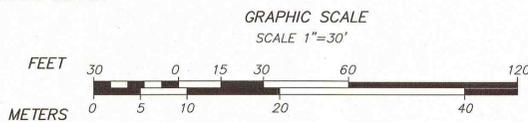
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E.S.H.G.W. @ 105"

SOILS INFORMATION:

SOILS INFORMATION DERIVED FROM THE USDA NATURAL RESOURCES CONSERVATION SERVICE SOIL SURVEY OF MIDDLESEX COUNTY, MASSACHUSETTS, URL: <http://websoilsurvey.nrcs.usda.gov>.

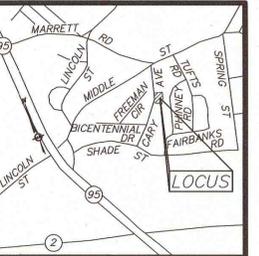
SOIL TYPE	HYDROLOGIC SOIL GROUP	TYPICAL DEPTH TO ESHGW
PAXTON URBAN LAND COMPLEX	GROUP C	18"-21"
CHARLTON URBAN LAND HOLLIS COMPLEX	GROUP B	MORE THAN 80"



REVISIONS

NO.	DATE	DESCRIPTION	BY	CHK'D
1	2/4/15	REV. PER PLANNING DEPT.	MAC	MJN

DWG. No. 3899-1_DEF_SITEANALYSIS



LEGEND: (SEE SHEET 2 FOR EXISTING LEGEND)

- H.P. HIGH POINT
- L.P. LOW POINT
- 278- TWO FOOT CONTOUR
- 280- TEN FOOT CONTOUR
- ← DIRECTION OF OVERLAND FLOW
- ESHGW ESTIMATED SEASONAL HIGH GROUND WATER
- HSG HYDROLOGIC SOIL GROUP
- 15-25% SLOPES (NONE)
- 25-40% SLOPES (NONE)
- >40% SLOPES (NONE)
- STONE WALL
- CONIFEROUS TREE
- DECIDUOUS TREE
- TREELINE

APPLICANT:

SHELDON CORP.
TODD CATALDO
121 MARRETT ROAD
LEXINGTON, MA 02421

REFERENCES:

- LAND COURT PLAN 6962-A
- LAND COURT PLAN 6962-C

RECORD OWNERS:

#36 CARY AVENUE (MAP 34 LOT 34A & 34B)
COLE FAMILY TRUST
JOHN P. ROGARIS, TRUSTEE
CERTIFICATE NO. 257521
REGISTRATION BOOK 1459, PAGE 30

#42 CARY AVENUE (MAP 34 LOT 35)
ROBERT E. SMITH, JR.
4 CURRIER COURT
LEXINGTON, MA 02420
CERTIFICATE NO. 256163
REGISTRATION BOOK 01449, PAGE 142

#48 CARY AVENUE (MAP 34 LOT 36B)
CAZ REALTY TRUST
JACQUELINE D. FALLON, TRUSTEE
168 GRANT STREET,
LEXINGTON, MA 02420
CERTIFICATE NO. 236774
REGISTRATION BOOK 1320, PAGE 20

#48 CARY AVENUE (MAP 34 LOT 36A)
VASUKI REALTY TRUST
THOMAS J. CATALDO, TRUSTEE
48 CARY AVENUE
LEXINGTON, MA 02420
CERTIFICATE NO. 245789
REGISTRATION BOOK 1380, PAGE 24

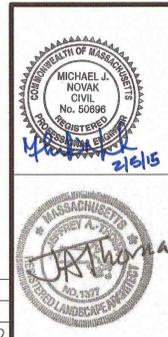
NOTES:

1. THE SOLE PURPOSE OF THIS PLAN SET IS TO COMPLY WITH THE TOWN OF LEXINGTON PLANNING BOARD SUBDIVISION REGULATIONS.
2. THE TOPOGRAPHY, SITE DETAIL & SURFACE IMPROVEMENTS DEPICTED HEREON WERE OBTAINED FROM AN INSTRUMENT SURVEY CONDUCTED ON THE GROUND BY MERIDIAN ASSOCIATES, INC. BETWEEN FEBRUARY 22 AND MARCH 22, 2002, SEPTEMBER 2, 2009, AND SEPTEMBER 10 THROUGH SEPTEMBER 12, 2014.
3. THE SUBJECT PROPERTIES DEPICTED ARE LOCATED IN THE RS DISTRICT (SINGLE FAMILY DWELLING).
4. THE SUBJECT PROPERTIES ARE DEPICTED AS LOTS 34A, 34B, 35, 36A & 36B ON TOWN OF LEXINGTON ASSESSOR'S MAP 34.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
6. THE SOURCE OF NOISE AFFECTING THE SITE AND ADJUTING SITES IS THE TRAFFIC FLOW ALONG CARY AVENUE AND PHINNEY ROAD.
7. THERE ARE NO HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT STRUCTURES LOCATED ON THE SITE.
8. THE ELEVATIONS DEPICTED HEREON WERE BASED UPON TOWN OF LEXINGTON SEWER DATUM.
9. THE TOTAL DBH OF ALL (181) TREES WITH A DBH GREATER THAN 6 INCHES IS 2,489 INCHES.
10. THERE ARE NO HABITATS OF RARE AND ENDANGERED SPECIES WITHIN THE PROJECT AREA.
11. THERE ARE NO WETLANDS LOCATED ON THE SUBJECT PROPERTIES.

**WILLARD CIRCLE
(ASSESSORS MAP 34 - LOTS 34A, 34B, 35, 36A & 36B)
DEFINITIVE SUBDIVISION**

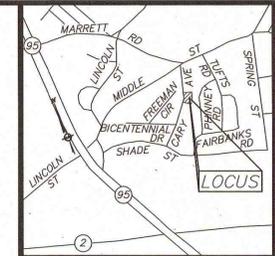
**SITE ANALYSIS MAP
LOCATED IN
LEXINGTON, MASSACHUSETTS
(MIDDLESEX COUNTY)**

PREPARED FOR
SHELDON CORP.
SCALE: 1" = 30' DATE: NOVEMBER 17, 2014



MERIDIAN ASSOCIATES
500 CUMMINGS CENTER, SUITE 5950 BEVERLY, MASSACHUSETTS 01915
69 MILK STREET, SUITE 302 WESTBOROUGH, MASSACHUSETTS 01581
TELEPHONE: (978) 299-0447 TELEPHONE: (508) 871-7030
WWW.MERIDIANASSOC.COM

SHEET No. 3 OF 12 PROJECT No. 3899-1



DRAINAGE NOTES:

1. THE PROPOSED STORM DRAINAGE DESIGN FOR THIS SUBDIVISION INCLUDES SUBSURFACE INFILTRATION SYSTEM DESIGNS FOR LOTS A, C, D, E AND F TO CAPTURE A PROPOSED ROOF RUNOFF UP TO 3,000 SF OF ROOF AREA AND UP TO AN ADDITIONAL 200 SF OF MISCELLANEOUS IMPERVIOUS AREAS (PATIOS, WALKS, ETC.) FROM THE REAR OF LOTS A, C, D, E AND F. IF ANY OF THE PROPOSED DWELLINGS FOR LOTS A, C, E, AND F EXCEED 3,000 SF OF ROOF AREA THE PROPOSED SUBSURFACE INFILTRATION SYSTEM DESIGN SHALL BE REVISED BY THE DESIGN ENGINEER PRIOR TO THE SUBMITTAL OF THE BUILDING PERMIT APPLICATION FOR EACH INDIVIDUAL LOT.
2. AN ADDITIONAL PROPOSED SUBSURFACE INFILTRATION SYSTEM HAS BEEN INCLUDED WITHIN THE SUBDIVISION STORMWATER DESIGN TO CAPTURE UP TO 925 SF OF MISCELLANEOUS IMPERVIOUS (DRIVEWAY, WALKS, ETC.) FROM THE FRONT OF PROPOSED LOT A. IF THE PROPOSED IMPERVIOUS AREA IN THE FRONT OF LOT A EXCEEDS 925 SF, THE PROPOSED SUBSURFACE INFILTRATION SYSTEM DESIGN SHALL BE REVISED BY THE DESIGN ENGINEER PRIOR TO THE SUBMITTAL OF THE BUILDING PERMIT APPLICATION FOR LOT A.

STREET RESTORATION NOTES:

1. WHEREVER THE CONSTRUCTION OF UTILITIES, CONNECTION TO EXISTING SERVICES OR FACILITIES REQUIRE OPENING CARY AVENUE THE CONTRACTOR MUST RECONSTRUCT THE EXISTING PAVEMENT AS FOLLOWS:
 - 1.1. BY COLD-PLANING THE ENTIRE WIDTH OF THE STREET TO A DEPTH OF 1.5" FROM THE POINT OF CURVATURE OF THE CURB ROUNDING ACROSS THE PROPOSED SUBDIVISION STREET TO THE POINT OF TANGENCY OF THE OPPOSITE CURB ROUNDING; AND
 - 1.2. OVERLAYING THE COLD-PLANED AREA WITH A 1-1/2" FINISH COURSE OF BITUMINOUS CONCRETE.

NOTES:

1. THE TOPOGRAPHY, SITE DETAIL & SURFACE IMPROVEMENTS DEPICTED HEREON WERE OBTAINED FROM AN INSTRUMENT SURVEY CONDUCTED ON THE GROUND BY MERIDIAN ASSOCIATES, INC. BETWEEN FEBRUARY 22 AND MARCH 22, 2002, ON SEPTEMBER 2, 2009 AND BETWEEN SEPTEMBER 10 AND SEPTEMBER 12, 2014.
2. THE SUBJECT PROPERTIES DEPICTED ARE LOCATED IN THE RS DISTRICT (ONE FAMILY DWELLING).
3. THE SUBJECT PROPERTIES ARE DEPICTED AS LOTS 34A, 34B, 35, 36A & 36B IN TOWN OF LEXINGTON ASSESSOR'S MAP 34.
4. THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND ARE BASED UPON A PARTIAL FIELD SURVEY AND COMPILATION OF PLANS OF RECORD. MERIDIAN ASSOCIATES, INC. DOES NOT WARRANT NOR GUARANTEE THE LOCATION OF ALL UTILITIES DEPICTED OR NOT DEPICTED. THE CONTRACTOR, PRIOR TO COMMENCEMENT OF CONSTRUCTION, SHALL VERIFY THE LOCATION OF ALL UTILITIES AND CONTACT DIG SAFE AT 1-888-344-7233.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
6. THE SUBJECT PROPERTIES ARE LOCATED WITHIN FLOOD ZONE X (UNSHADED) AS IDENTIFIED ON FLOOD INSURANCE RATE MAPS (FIRM) NO. 25017C041E AND NO. 25017C0392E AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WITH AN EFFECTIVE DATE OF JUNE 4, 2010.
7. THE ELEVATIONS DEPICTED HEREON ARE BASED ON THE TOWN OF LEXINGTON SEWER DATUM.
8. IF SHED IS TO BE RELOCATED, THE NEW LOCATION OF THE SHED SHALL COMPLY WITH THE TOWN OF LEXINGTON ZONING BYLAW.

LEGEND: (SEE SHEET 2 FOR EXISTING LEGEND)

- PSIS PROPOSED STORMWATER INFILTRATION SYSTEM
- PROPOSED FILTERMITT
- PROPOSED LIMIT OF WORK LINE
- PROPOSED CATCH BASIN (PCB)
- PROPOSED WATER QUALITY UNIT (PCDS)
- PROPOSED CONTOUR
- PROPOSED BITUMINOUS CURB (PBB)
- PROPOSED SIGN
- PROPOSED LIGHT POLE
- PROPOSED HYDRANT
- PROPOSED STREET TREE (SEE SHEET 8)
- PROPOSED PAVEMENT
- CY CUBIC YARD
- F-F FACE OF CURB TO FACE OF CURB
- B-B BACK OF CURB TO BACK OF CURB
- X EXISTING TREE PROPOSED TO BE REMOVED
- PROPOSED GRANITE CURB (PGC)
- PROPOSED LIGHT POLE
- HCR PROPOSED HANDICAP RAMP

FOR STORM DRAIN DESIGN SEE SHEET 7, "UTILITY AND PROFILE PLAN"

CUT/FILL SUMMARY:
 CUT: 616 CY
 FILL: 362 CY
 TOTAL: 254 CY CUT

APPLICANT:

SHELDON CORP.
 TODD CATALDO
 121 MARRETT ROAD
 LEXINGTON, MA 02421

REFERENCES:

- LAND COURT PLAN 6962-A
 - LAND COURT PLAN 6962-C

RECORD OWNERS:

- #36 CARY AVENUE (MAP 34 LOT 34A & 34B)
 COLE FAMILY TRUST
 JOHN P. ROGARIS, TRUSTEE
 CERTIFICATE NO. 257521
 REGISTRATION BOOK 1459, PAGE 30
- #42 CARY AVENUE (MAP 34 LOT 35)
 ROBERT E. SMITH, JR.
 4 CURRIER COURT
 LEXINGTON MA 02420
 CERTIFICATE NO. 256163
 REGISTRATION BOOK 01449, PAGE 142
- #48 CARY AVENUE (MAP 34 LOT 36B)
 CAZ REALTY TRUST
 JACQUELINE D. FALLON, TRUSTEE
 168 GRANT STREET,
 LEXINGTON, MA 02420
 CERTIFICATE NO. 236774
 REGISTRATION BOOK 1320, PAGE 20
- #48 CARY AVENUE (MAP 34 LOT 36A)
 VASILIKI REALTY TRUST
 THOMAS J. CATALDO, TRUSTEE
 48 CARY AVENUE
 LEXINGTON, MA 02420
 CERTIFICATE NO. 245789
 REGISTRATION BOOK 1380, PAGE 24

WILLARD CIRCLE
 (ASSESSORS MAP 34 - LOTS 34A, 34B, 35, 36A & 36B)

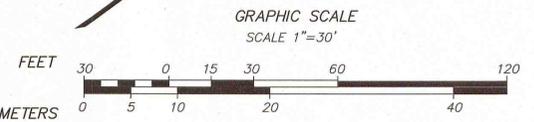
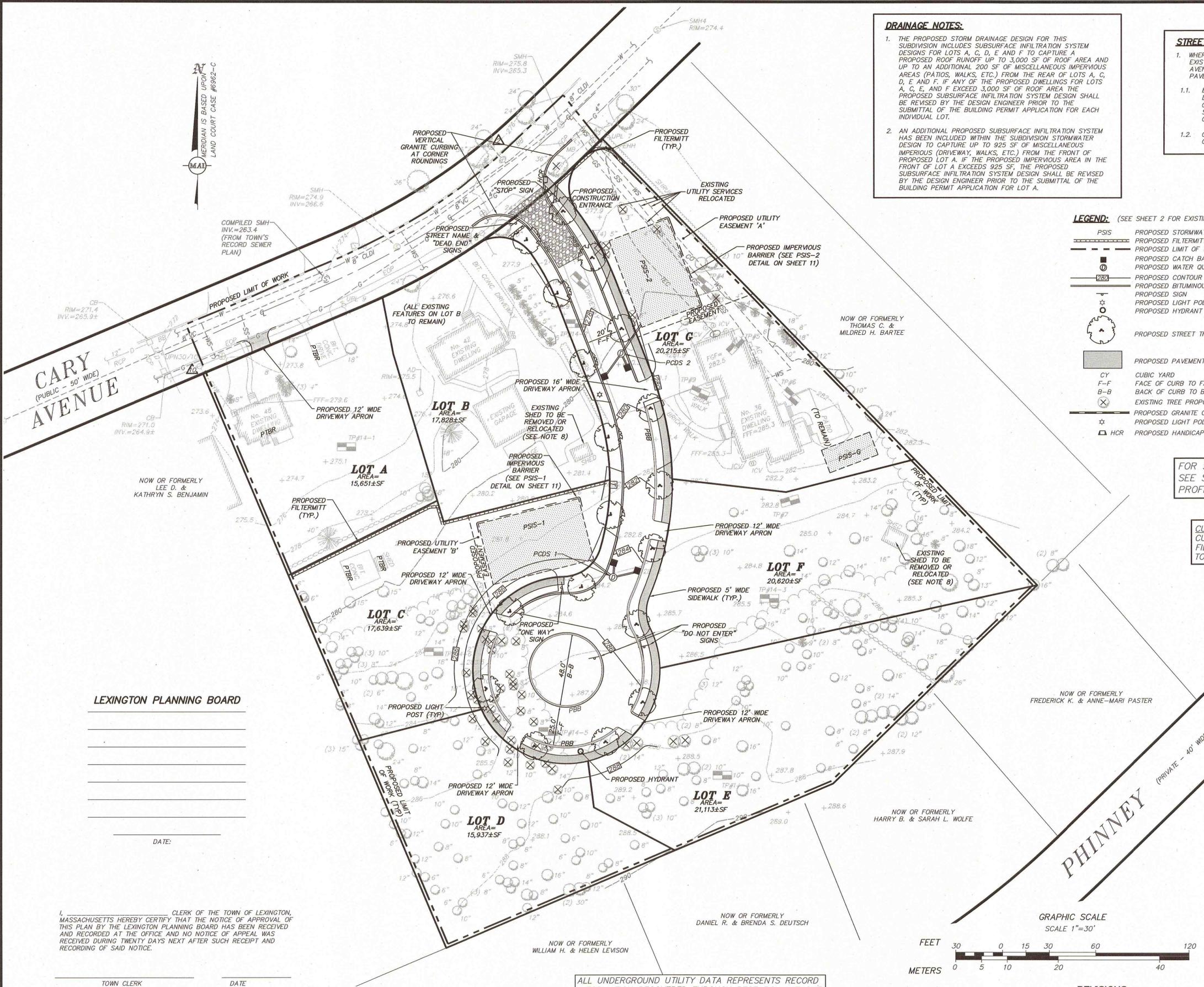
SITE CONSTRUCTION PLAN
 LOCATED IN
LEXINGTON, MASSACHUSETTS
 (MIDDLESEX COUNTY)

PREPARED FOR
SHELDON CORP.
 SCALE: 1" = 30' DATE: NOVEMBER 13, 2014



500 CUMMINGS CENTER, SUITE 9950 BEVERLY, MASSACHUSETTS 01915
 69 MILK STREET, SUITE 302 WESTBOROUGH, MASSACHUSETTS 01581
 TELEPHONE: (978) 299-0447 TELEPHONE: (508) 871-7030
 WWW.MERIDIANSASSOC.COM

SHEET No. 5 OF 12 PROJECT No. 3899-1



REVISIONS

NO.	DATE	DESCRIPTION	MC/CP	MJN
1	2/4/15	REV. PER PLANNING BOARD COMMENTS	MC/CP	MJN
			BY	CHK'D

ALL UNDERGROUND UTILITY DATA REPRESENTS RECORD INFORMATION RECOVERED THROUGH RESEARCH WITHOUT SURFACE DEMARICATION NOR SUBSURFACE VERIFICATION.

LEXINGTON PLANNING BOARD

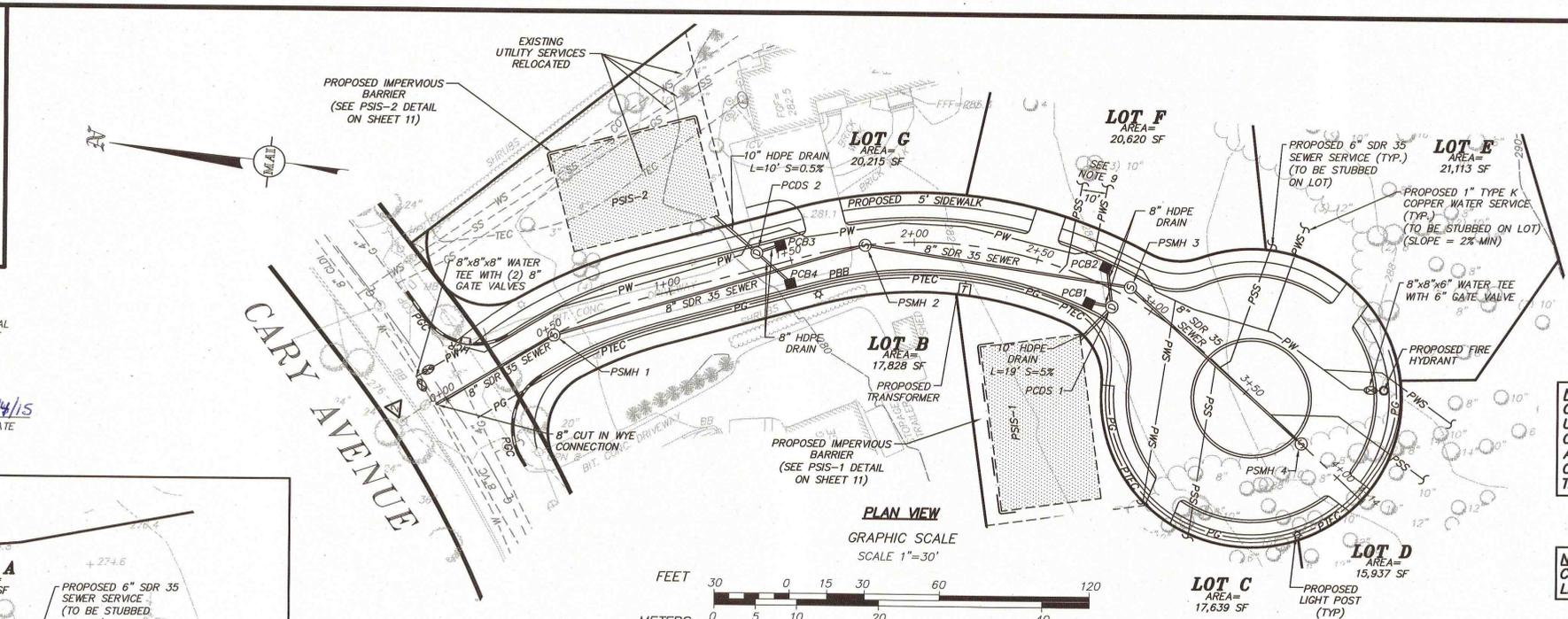
I, _____ CLERK OF THE TOWN OF LEXINGTON, MASSACHUSETTS HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LEXINGTON PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THE OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

TOWN CLERK _____ DATE _____

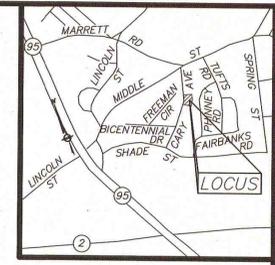
FOR REGISTRY OF DEEDS USE ONLY

I DECLARE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

Phil Carr
FOR MERIDIAN ASSOCIATES, INC. DATE: 2/4/15



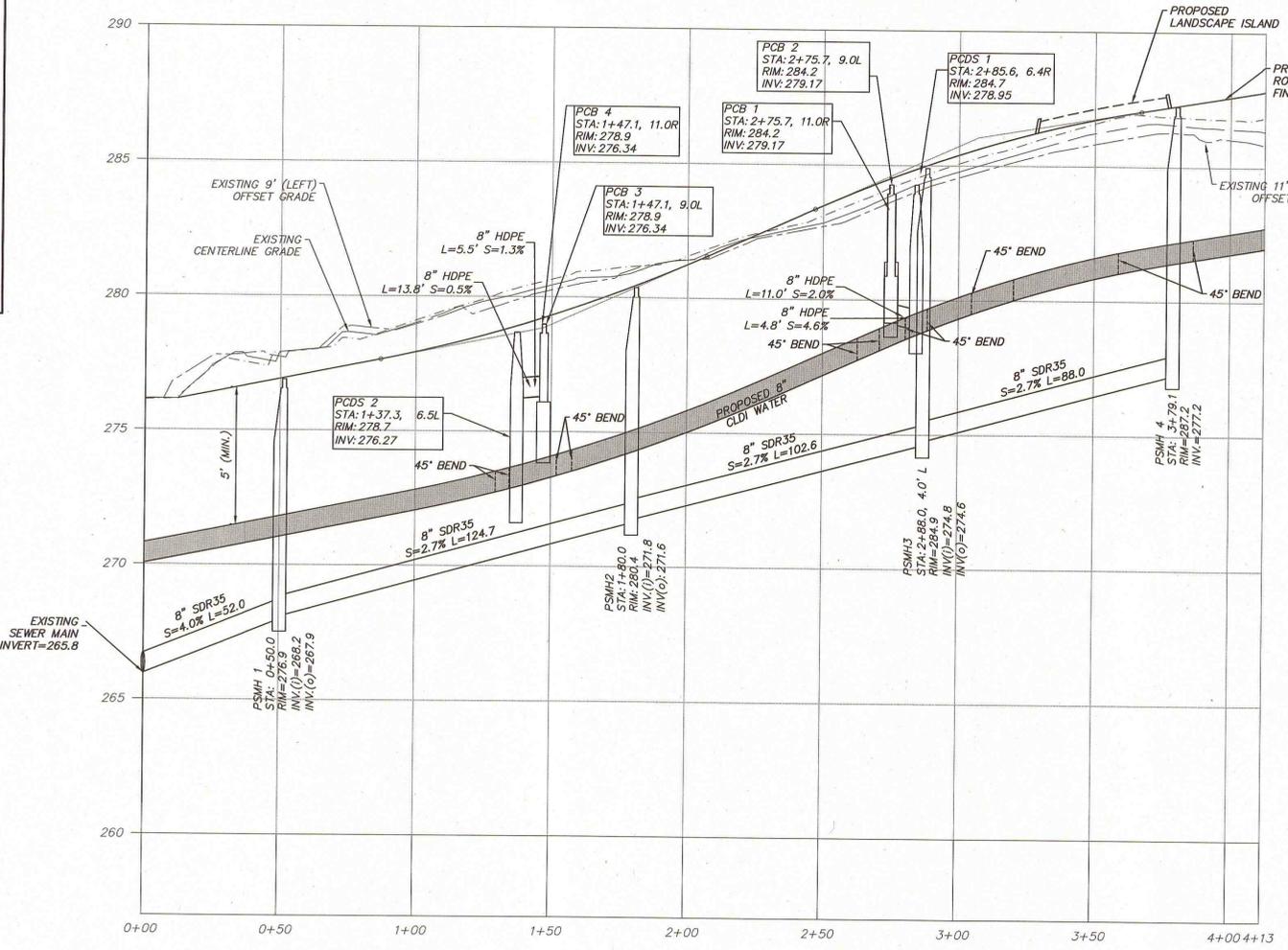
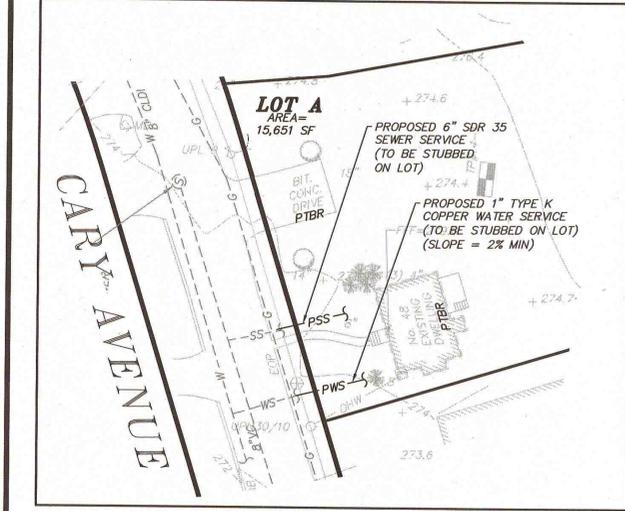
- LEGEND:** (SEE SHEET 2 FOR EXISTING LEGEND)
- PEOP PROPOSED EDGE OF PAVEMENT
 - INV INVERT ELEVATION
 - PSIS PROPOSED STORMWATER INFILTRATION SYSTEM
 - L LEFT
 - R RIGHT
 - PROPOSED FILTERMITT
 - PROPOSED LIMIT OF WORK LINE
 - PG PROPOSED GAS LINE
 - PW PROPOSED WATER LINE
 - PWS PROPOSED WATER SERVICE
 - PSS PROPOSED SEWER MAIN
 - PTEC PROPOSED SEWER SERVICE
 - PTEC PROPOSED ELECTRIC LINE
 - PCB PROPOSED CATCH BASIN
 - PCDS PROPOSED WATER QUALITY UNIT (PCDS)
 - PSMH PROPOSED SEWER MANHOLE (PSMH)
 - PCBB PROPOSED BITUMINOUS CURB (PCBB)
 - PLP PROPOSED LIGHT POLE
 - PTF PROPOSED TRANSFORMER
 - PHY PROPOSED HYDRANT
 - PGC PROPOSED GRANITE CURB (PGC)
 - INV.(i) INVERT IN
 - INV.(o) INVERT OUT



NOTE: CONTRACTOR SHALL VERIFY LOCATION, CONDITION AND ELEVATIONS OF ALL EXISTING UTILITIES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IF CONFLICTS TO THIS PLAN ARE FOUND THE CONTRACTOR SHALL CONTACT THE DESIGN ENGINEER TO REVISE THE DESIGN IMMEDIATELY.

NOTE: ALL UTILITY CONNECTIONS MADE WITHIN CARY AVENUE SHALL MEET THE TOWN OF LEXINGTON STANDARDS AND REGULATIONS.

- NOTES:**
- THE TOPOGRAPHY, SITE DETAIL & SURFACE IMPROVEMENTS DEPICTED HEREON WERE OBTAINED FROM AN INSTRUMENT SURVEY CONDUCTED ON THE GROUND BY MERIDIAN ASSOCIATES, INC. BETWEEN FEBRUARY 22 AND MARCH 22, 2002, ON SEPTEMBER 2, 2009 AND BETWEEN SEPTEMBER 10 AND SEPTEMBER 12, 2014.
 - THE SUBJECT PROPERTIES DEPICTED ARE LOCATED IN THE RS DISTRICT (ONE FAMILY DWELLING).
 - THE SUBJECT PROPERTIES ARE DEPICTED AS LOTS 34A, 34B 35, 36A & 36B ON TOWN OF LEXINGTON ASSESSOR'S MAP 34.
 - THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND ARE BASED UPON A PARTIAL FIELD SURVEY AND COMPILED PLANS OF RECORD. MERIDIAN ASSOCIATES, INC. DOES NOT WARRANT OR GUARANTEE THE LOCATION OF ALL UTILITIES DEPICTED OR NOT DEPICTED. THE CONTRACTOR, PRIOR TO COMMENCEMENT OF CONSTRUCTION, SHALL VERIFY THE LOCATION OF ALL UTILITIES AND CONTACT DIG SAFE AT 1-888-344-7233.
 - THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
 - THE SUBJECT PROPERTIES ARE LOCATED WITHIN FLOOD ZONE X (UNSHADED) AS IDENTIFIED ON FLOOD INSURANCE RATE MAPS (FIRM) NO. 25017C0411E AND NO. 25017C0392E AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WITH AN EFFECTIVE DATE OF JUNE 4, 2010.
 - THE ELEVATIONS DEPICTED HEREON ARE BASED ON THE TOWN OF LEXINGTON SEWER DATUM.
 - FOR ALL TEMPORARY BENCH MARK INFORMATION SEE SHEET 2 OF THIS PLAN SET.
 - ALL PROPOSED SEWER MAINS OR SERVICES SHALL BE INSTALLED WITH A MINIMUM OF 12" SEPARATION HORIZONTALLY AND/OR 18" VERTICALLY BELOW ANY WATER MAIN OR SERVICE. IF NEITHER SEPARATION CAN BE ACHIEVED THE SEWER PIPE SHALL BE ENCASED IN CONCRETE FOR A DISTANCE OF 10' ON EITHER SIDE OF THE CROSSING.



APPLICANT:
SHELDON CORP.
TODD CATALDO
121 MARRETT ROAD
LEXINGTON, MA 02421

REFERENCES:
- LAND COURT PLAN 6962-A
- LAND COURT PLAN 6962-C

RECORD OWNERS:

#36 CARY AVENUE (MAP 34 LOT 34A & 34B)
COLE FAMILY TRUST
JOHN P. ROGARIS, TRUSTEE
CERTIFICATE NO. 257521
REGISTRATION BOOK 1459, PAGE 30

#42 CARY AVENUE (MAP 34 LOT 35)
ROBERT E. SMITH, JR.
4 CURRIER COURT
LEXINGTON MA 02420
CERTIFICATE NO. 256163
REGISTRATION BOOK 01449, PAGE 142

#48 CARY AVENUE (MAP 34 LOT 36B)
CAZ REALTY TRUST
JACQUELINE D. FALLON, TRUSTEE
168 GRANT STREET,
LEXINGTON, MA 02420
CERTIFICATE NO. 236774
REGISTRATION BOOK 1320, PAGE 20

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THOMAS J. CATALDO, TRUSTEE
48 CARY AVENUE
LEXINGTON, MA 02420
CERTIFICATE NO. 245789
REGISTRATION BOOK 1380, PAGE 24

STREET RESTORATION NOTES:

- WHEREVER THE CONSTRUCTION OF UTILITIES, CONNECTION TO EXISTING SERVICES OR FACILITIES REQUIRE OPENING CARY AVENUE THE CONTRACTOR MUST RECONSTRUCT THE EXISTING PAVEMENT AS FOLLOWS:
 - BY COLD-PLANING THE ENTIRE WIDTH OF THE STREET TO A DEPTH OF 1.5", FROM THE POINT OF CURVATURE OF THE CURB ROUNDING ACROSS THE PROPOSED SUBDIVISION STREET TO THE POINT OF TANGENCY OF THE OPPOSITE CURB ROUNDING; AND
 - OVERLAYING THE COLD-PLANNED AREA WITH A 1-2" FINISH COURSE OF BITUMINOUS CONCRETE.

LEXINGTON PLANNING BOARD

DATE: _____

I, _____ CLERK OF THE TOWN OF LEXINGTON, MASSACHUSETTS HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LEXINGTON PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THE OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

ALL UNDERGROUND UTILITY DATA REPRESENTS RECORD INFORMATION RECOVERED THROUGH RESEARCH WITHOUT SURFACE DEMARCATON NOR SUBSURFACE VERIFICATION.

DWG. No. 3899-1_DEF-REC NB 610 PG 79

REVISIONS		MC/CP	M/JN
NO.	DATE	BY	CHK'D
1	2/4/15		



WILLARD CIRCLE
(ASSESSORS MAP 34 - LOTS 34A, 35, 36A & 36B)

UTILITY & PROFILE PLAN
LOCATED IN
LEXINGTON, MASSACHUSETTS
(MIDDLESEX COUNTY)

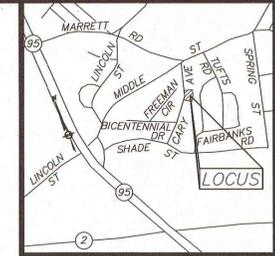
PREPARED FOR
SHELDON CORP.
SCALE: 1" = 30' DATE: NOVEMBER 17, 2014

MERIDIAN ASSOCIATES
500 CUMMINGS CENTER, SUITE 5950 69 MILK STREET, SUITE 302
BEVERLY, MASSACHUSETTS 01915 WESTBOROUGH, MASSACHUSETTS 01581
TELEPHONE: (978) 299-0447 TELEPHONE: (508) 871-7030
WWW.MERIDIANASSOC.COM

SHEET No. 7 OF 12 PROJECT No. 3899-1

PLANTING SCHEDULE

QTY.	SYM.	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
9	GT	GLEDITSIA TRIACANTHOS	HONEY LOCUST	3.5" CALIPER/ 8-10' HT.	B&B
9	OK	QUERCUS RUBRA	RED OAK	3.5" CALIPER/ 8-10' HT.	B&B



LEGEND: (SEE SHEET 2 FOR EXISTING LEGEND)

- B&B BAGGED AND BURLAPPED
- PBB PROPOSED BITUMINOUS BERM
- TYP TYPICAL
- PEOP PROPOSED EDGE OF PAVEMENT
- PROPOSED FILTERMITT
- PROPOSED LIMIT OF WORK LINE
- PROPOSED CONTOUR
- PROPOSED LIGHT POLE
- PROPOSED STREET TREE
- EXISTING TREE PROPOSED TO BE REMOVED
- PROPOSED SIGN
- PROPOSED TRANSFORMER
- PROPOSED HYDRANT

NOTES:

- THE TOPOGRAPHY, SITE DETAIL & SURFACE IMPROVEMENTS DEPICTED HEREON WERE OBTAINED FROM AN INSTRUMENT SURVEY CONDUCTED ON THE GROUND BY MERIDIAN ASSOCIATES, INC. BETWEEN FEBRUARY 22 AND MARCH 22, 2002, ON SEPTEMBER 2, 2009 AND BETWEEN SEPTEMBER 10 AND SEPTEMBER 12, 2014.
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- THE ELEVATIONS DEPICTED HEREON ARE BASED ON THE TOWN OF LEXINGTON SEWER DATUM.
- IF SHED IS TO BE RELOCATED, THE NEW LOCATION OF THE SHED SHALL COMPLY WITH THE TOWN OF LEXINGTON ZONING BYLAW.

APPLICANT:

SHELDON CORP.
TODD CATALDO
121 MARRETT ROAD
LEXINGTON, MA 02421

REFERENCES:

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- LAND COURT PLAN 6962-C

RECORD OWNERS:

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COLE FAMILY TRUST
JOHN P. ROGARIS, TRUSTEE
CERTIFICATE NO. 257521
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CERTIFICATE NO. 245789
REGISTRATION BOOK 1380, PAGE 24

WILLARD CIRCLE
(ASSESSORS MAP 34 - LOTS 34A, 34B, 35, 36A & 36B)

LANDSCAPE PLAN
LOCATED IN
LEXINGTON, MASSACHUSETTS
(MIDDLESEX COUNTY)

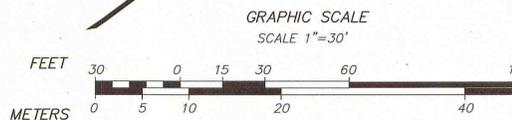
PREPARED FOR
SHELDON CORP.

SCALE: 1" = 30' DATE: NOVEMBER 17, 2014

MERIDIAN ASSOCIATES

500 CUMMINGS CENTER, SUITE 5950 BEVERLY, MASSACHUSETTS 01915
69 MILK STREET, SUITE 302 WESTBOROUGH, MASSACHUSETTS 01581
TELEPHONE: (978) 299-0447 TELEPHONE: (508) 871-7030
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SHEET No. 8 OF 12 PROJECT No. 3899-1

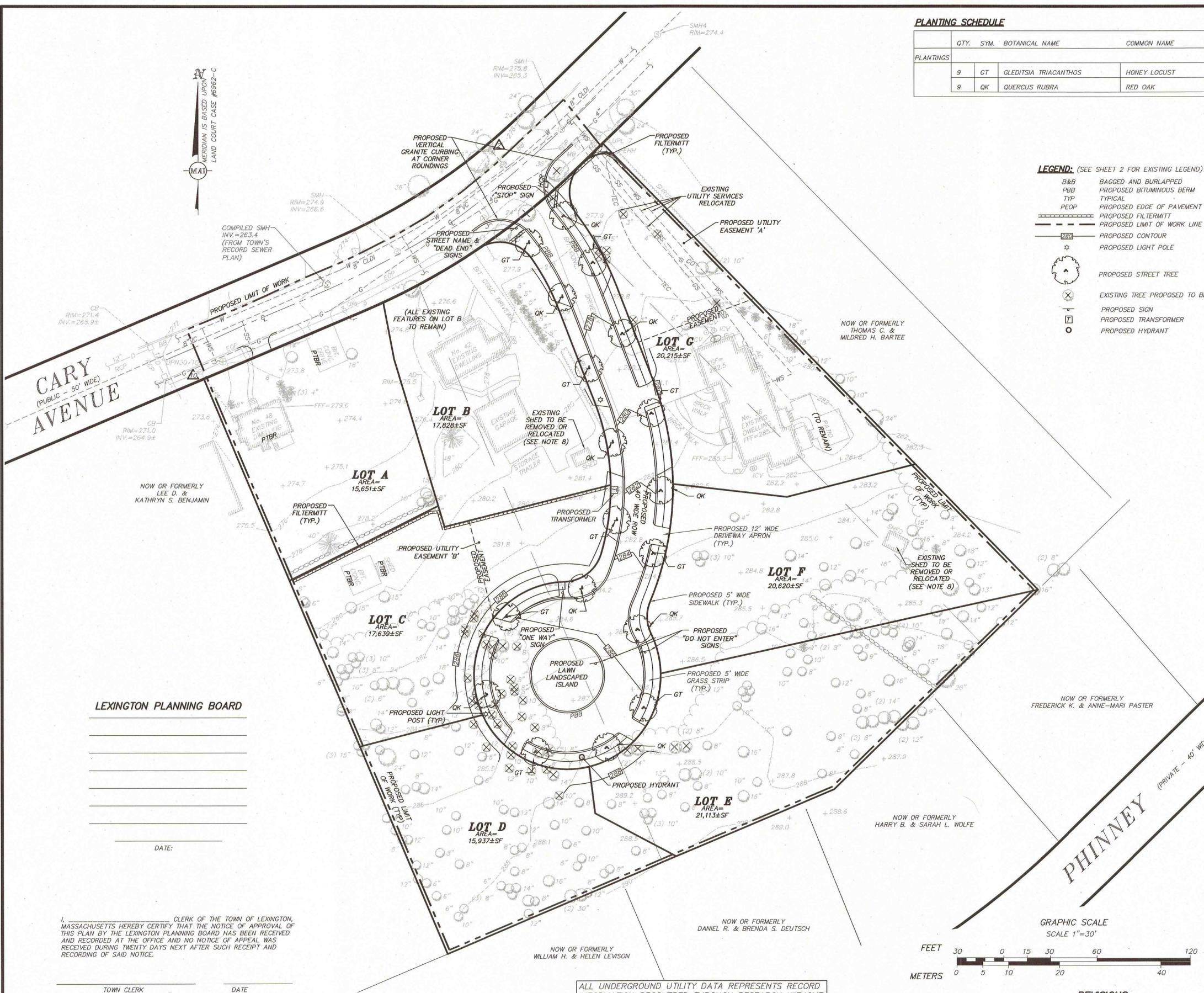


REVISIONS

NO.	DATE	DESCRIPTION	BY	CHK'D
1	2/4/15	REV. PER PLANNING BOARD COMMENTS	MAC	JT

DWG. No. 3899-1_DEF-SITE
NB 610 PG 79

ALL UNDERGROUND UTILITY DATA REPRESENTS RECORD INFORMATION RECOVERED THROUGH RESEARCH WITHOUT SURFACE DEMARCATON NOR SUBSURFACE VERIFICATION.



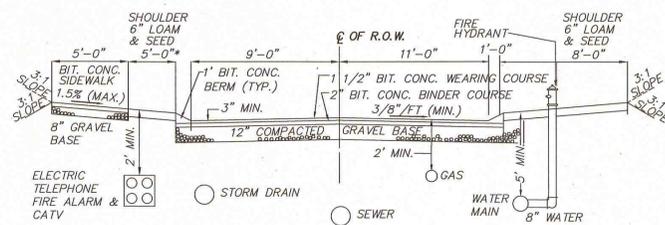
LEXINGTON PLANNING BOARD

DATE: _____

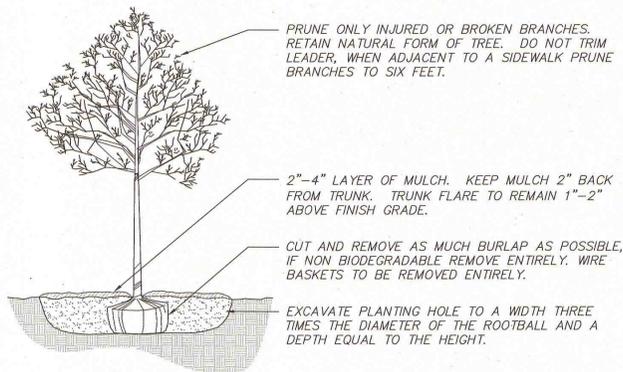
I, _____ CLERK OF THE TOWN OF LEXINGTON, MASSACHUSETTS HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LEXINGTON PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THE OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

TOWN CLERK

DATE



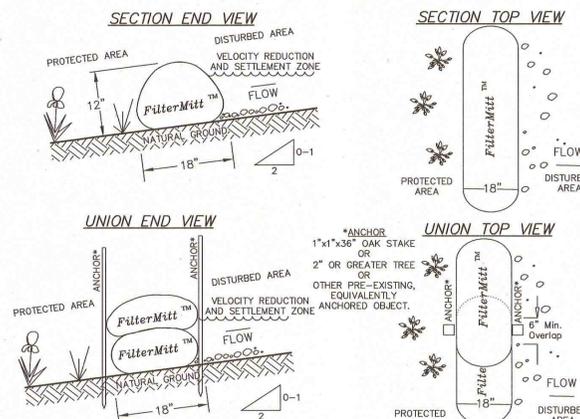
TYPICAL ROAD CROSS SECTION
(NOT TO SCALE)



NOTES:

1. TREES TO BE A MINIMUM OF 3.5" CALIPER AND 8-10' HT.
2. BACKFILL PLANTING HOLE WITH EXISTING SOIL AMENDED AS NECESSARY.
3. BACKFILL HALF THE SOIL AND WATER TO SETTLE OUT AIR POCKETS, COMPLETE BACKFILLING AND REPEAT WATERING.
4. IF ROOTS ARE CIRCLING THE ROOTBALL EXTERIOR, CUT ROOTS VERTICALLY IN SEVERAL PLACES PRIOR TO PLANTING.
5. ONLY STAKE TREES SITUATED ON WINDY SITES OR EXPOSED TO SUBSTANTIAL PEDESTRIAN TRAFFIC.

TREE PLANTING
(NOT TO SCALE)



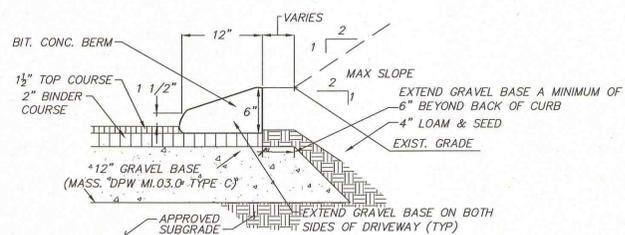
FilterMitt™ COMPONENTS:
OUTSIDE CASING: 100% organic hessian.
FILLER INGREDIENT: *FiberRoot Mulch™*
• A blend of coarse and fine compost and shredded wood.
• Particle sizes: 100% passing a 3" screen; 90-100% passing a 1" screen; 70-100% passing a 0.75" screen; 30-75% passing a 0.25" screen.
• Weight: Approx. 850 lbs./cu.yd. (Ave. 30 lbs./l.f.)

FilterMitt™ INSTALLATION:
With the newest technology and equipment, sections can be constructed on site in lengths from 1' to 100'.
Sections can also be delivered to the site in lengths from 1' to 8'.
The flexibility of *FilterMitt™* allows it to conform to any contour or terrain while holding a slightly oval shape at 12" high by 18" wide.
Where section ends meet, there shall be an overlap of 6" or greater. Both sides shall be anchored (oak stakes, trees, etc.) to stabilize the union.

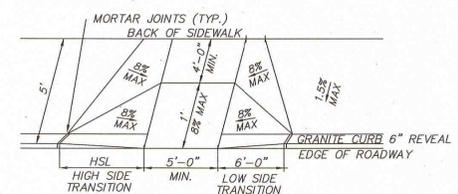
For more information visit:
www.groundscapesexpress.com
or contact us at:
Groundscapes Express, Inc.
P.O. Box 737
Wrentham, MA 02093
(508) 384-7140

FILTERMITT DETAIL
(NOT TO SCALE)

NOTE: STRAW WATTLES ARE NOT TO BE SUBSTITUTED FOR THE FILTERMITT

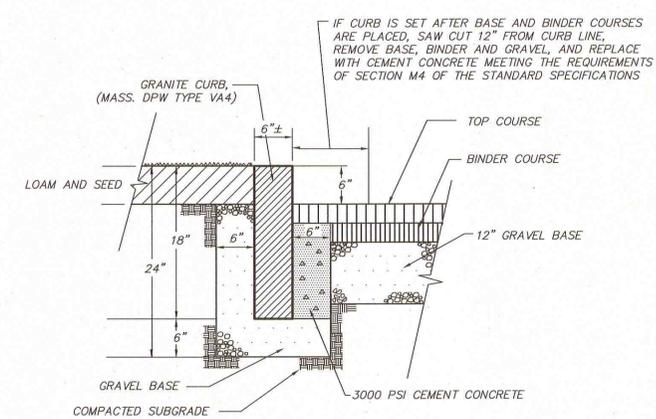


PROPOSED CAPE COD BERM
(NOT TO SCALE)

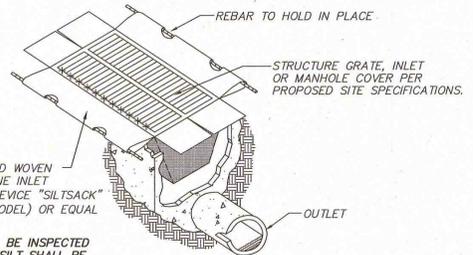


NOTE: HANDICAP RAMPS SHALL CONFORM TO THE MASSACHUSETTS HIGHWAY WHEELCHAIR RAMP STANDARDS (10/8/97)

WHEELCHAIR RAMP DETAIL
(NOT TO SCALE)

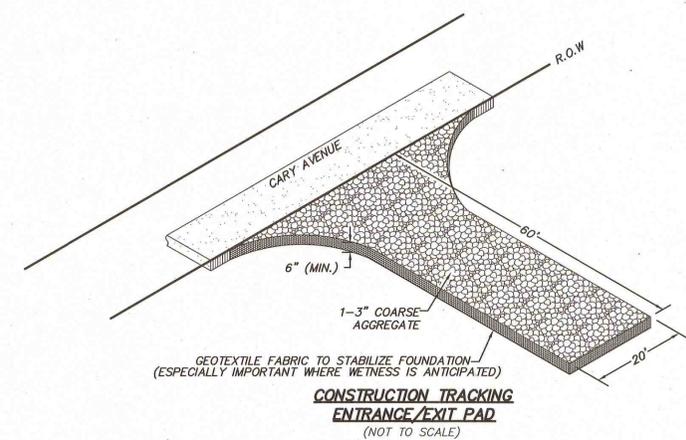


VERTICAL GRANITE CURB DETAIL
(NOT TO SCALE)



SACKS SHALL BE INSPECTED WEEKLY AND SILT SHALL BE REMOVED WHEN ACCUMULATED TO ALLOW CATCH BASIN TO FUNCTION PROPERLY

SILTSACK DETAIL
(NOT TO SCALE)



CONSTRUCTION TRACKING ENTRANCE/EXIT PAD
(NOT TO SCALE)

NOTE: FOR DETAILS NOT DEPICTED HEREON, REFER TO STANDARD DETAILS AS PROVIDED BY THE TOWN OF LEXINGTON ENGINEERING DEPARTMENT.



WILLARD CIRCLE
(ASSESSORS MAP 34 - LOTS 34A, 35, 36A & 36B)

DETAIL SHEET
LOCATED IN
LEXINGTON, MASSACHUSETTS
(MIDDLESEX COUNTY)

PREPARED FOR
SHELDON CORP.
SCALE: AS NOTED DATE: NOVEMBER 17, 2014

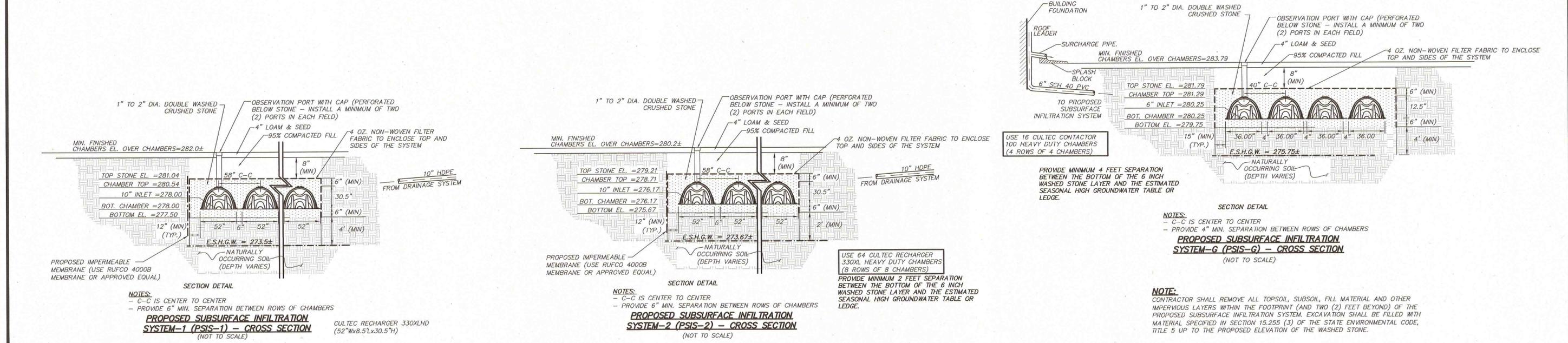
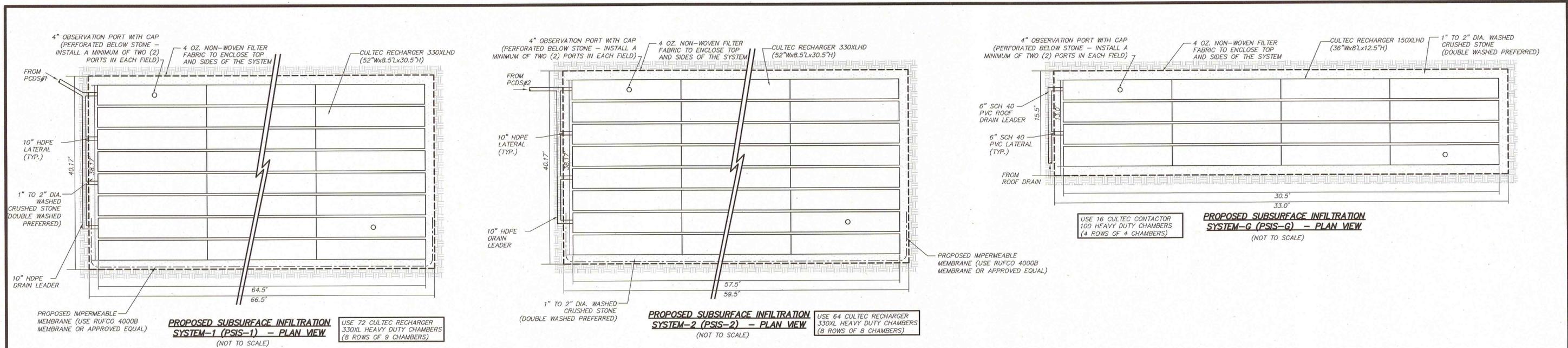
MERIDIAN ASSOCIATES

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SHEET No. 10 OF 12 PROJECT No. 3899-1

NO.	DATE	REV. PER PLANNING BOARD COMMENTS	MAC	MJN
1	2/4/15			
		DESCRIPTION	BY	CHK'D

DWG. No. 3899_DEF-DET



NOTE:
CONTRACTOR SHALL REMOVE ALL TOPSOIL, SUBSOIL, FILL MATERIAL AND OTHER IMPERVIOUS LAYERS WITHIN THE FOOTPRINT (AND TWO (2) FEET BEYOND) OF THE PROPOSED SUBSURFACE INFILTRATION SYSTEM. EXCAVATION SHALL BE FILLED WITH MATERIAL SPECIFIED IN SECTION 15.255 (3) OF THE STATE ENVIRONMENTAL CODE, TITLE 5 UP TO THE PROPOSED ELEVATION OF THE WASHED STONE.

USE 72 CULTEC RECHARGER 330XL HEAVY DUTY CHAMBERS (8 ROWS OF 9 CHAMBERS)

PROVIDE MINIMUM 4 FEET SEPARATION BETWEEN THE BOTTOM OF THE 6 INCH WASHED STONE LAYER AND THE ESTIMATED SEASONAL HIGH GROUNDWATER TABLE OR LEDGE.

NOTE:
CONTRACTOR SHALL REMOVE ALL TOPSOIL, SUBSOIL, FILL MATERIAL AND OTHER IMPERVIOUS LAYERS WITHIN THE FOOTPRINT (AND TWO (2) FEET BEYOND) OF THE PROPOSED SUBSURFACE INFILTRATION SYSTEM. EXCAVATION SHALL BE FILLED WITH MATERIAL SPECIFIED IN SECTION 15.255 (3) OF THE STATE ENVIRONMENTAL CODE, TITLE 5 UP TO THE PROPOSED ELEVATION OF THE WASHED STONE.

USE 64 CULTEC RECHARGER 330XL HEAVY DUTY CHAMBERS (8 ROWS OF 8 CHAMBERS)

PROVIDE MINIMUM 2 FEET SEPARATION BETWEEN THE BOTTOM OF THE 6 INCH WASHED STONE LAYER AND THE ESTIMATED SEASONAL HIGH GROUNDWATER TABLE OR LEDGE.

DRAINAGE NOTES:

1. THE PROPOSED STORM DRAINAGE DESIGN FOR THIS SUBDIVISION INCLUDES SUBSURFACE INFILTRATION SYSTEM DESIGNS FOR LOTS A, C, D, E AND F TO CAPTURE A PROPOSED ROOF RUNOFF UP TO 3,000 SF OF ROOF AREA AND UP TO AN ADDITIONAL 200 SF OF MISCELLANEOUS IMPERVIOUS AREAS (PATIOS, WALKS, ETC.) FROM THE REAR OF LOTS A, C, D, E AND F. IF ANY OF THE PROPOSED DWELLINGS FOR LOTS A, C, E, AND F EXCEED 3,000 SF OF ROOF AREA THE PROPOSED SUBSURFACE INFILTRATION SYSTEM DESIGN SHALL BE REVISED BY THE DESIGN ENGINEER PRIOR TO THE SUBMITTAL OF THE BUILDING PERMIT APPLICATION FOR EACH INDIVIDUAL LOT.
2. AN ADDITIONAL PROPOSED SUBSURFACE INFILTRATION SYSTEM HAS BEEN INCLUDED WITHIN THE SUBDIVISION STORMWATER DESIGN TO CAPTURE UP TO 925 SF OF MISCELLANEOUS IMPERVIOUS (DRIVEWAY, WALKS, ETC.) FROM THE FRONT OF PROPOSED LOT A. IF THE PROPOSED IMPERVIOUS AREA IN THE FRONT OF LOT A EXCEEDS 925 SF, THE PROPOSED SUBSURFACE INFILTRATION SYSTEM DESIGN SHALL BE REVISED BY THE DESIGN ENGINEER PRIOR TO THE SUBMITTAL OF THE BUILDING PERMIT APPLICATION FOR LOT A.

NOTE: FOR DETAILS NOT DEPICTED HEREON, REFER TO STANDARD DETAILS AS PROVIDED BY THE TOWN OF LEXINGTON ENGINEERING DEPARTMENT.

NOTE:
CONTRACTOR SHALL REMOVE ALL TOPSOIL, SUBSOIL, FILL MATERIAL AND OTHER IMPERVIOUS LAYERS WITHIN THE FOOTPRINT (AND TWO (2) FEET BEYOND) OF THE PROPOSED SUBSURFACE INFILTRATION SYSTEM. EXCAVATION SHALL BE FILLED WITH MATERIAL SPECIFIED IN SECTION 15.255 (3) OF THE STATE ENVIRONMENTAL CODE, TITLE 5 UP TO THE PROPOSED ELEVATION OF THE WASHED STONE.



WILLARD CIRCLE
(ASSESSORS MAP 34 - LOTS 34A, 35, 36A & 36B)

DETAIL SHEET
LOCATED IN
LEXINGTON, MASSACHUSETTS
(MIDDLESEX COUNTY)

PREPARED FOR
SHELDON CORP.
SCALE: AS NOTED DATE: NOVEMBER 17, 2014

MERIDIAN ASSOCIATES
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WWW.MERIDIANASSOC.COM

SHEET No. 11 OF 12 PROJECT No. 3899-1

NO.	DATE	DESCRIPTION	BY	CHK'D
1	2/4/15	REV. PSIS 1 & 2 DETAILS	MAC	MJN
				CHK'D

DWG. No. 3899_DEF-DET

Sheldon Corp
P.O. Box 7
Lexington, MA 02420

2-7-24

**Abby McCabe
Planning Director
Town of Lexington
1625 Massachusetts Ave
Lexington, MA 02420**

Dear Ms McCabe-

The subdivision know as Willard Circle is now complete and I would like the Town to release the passbook it is holding as surety. Please let me know if you need anything else from me.

Thank You-

Todd Cataldo



TOWN OF LEXINGTON
PLANNING OFFICE

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

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

To: Lexington Planning Board

From: Sheila Page, Assistant Planning Director

Re: Request to release surety for 36,42, and 48 Cary Avenue Subdivision known as Willard Circle.

Date: February 22, 2024

Property Information	
Project Address	Willard Circle - was 36, 42, and 48 Cary Avenue
Approval Date	February 11, 2015
Applicant	Applicant: Todd Cataldo, Sheldon Corp
Type of Review	Surety Release for Conventional Definitive Subdivision
Zoning District	RS – One Family Dwelling
Project	Six (6) new lots on a new road with a cul-de-sac named Willard Circle and a reconfigured single lot fronting Cary Avenue

Comments
<p>The initial performance guarantee to secure the construction of ways and the installation of municipal services was provided in the amount of \$324,948. In October 2015, the Board voted to reduce the amount by \$259, 633.00. \$65,315.00 remains in an interest bearing account in the Treasurer's Office.</p> <p>Staff from the Engineering and Planning Offices have reviewed the final as-built plans and have conducted inspections. The subdivision is complete. The Developer will be working with the Engineering Office to have the road accepted by the Town at 2025 Annual Town Meeting. It is recommended that the Planning Board vote to return the remaining performance guarantee.</p>

CC:

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Continued Public Hearing: Article 47 – Amend Zoning Bylaw for Signs Section 5.2

PRESENTER:

Board Discussion

ITEM NUMBER:

SUMMARY:

The public hearing for Article 47 (Signs) opened on February 7 and was continued to February 28. There were requests for changes to the residential signage section, to allow for more standing signs in business districts, and questions raised about distinguishing between temporary and permanent signs for residential uses.

An updated draft signage motion is attached revised through 2/27. The highlights are changes since the February 7th hearing. The Board should review, discuss, and re-open the hearing up to public comments.

SUGGESTED MOTION:

The Board should review the updated zoning motion language and be ready to provide any further changes. A draft recommendation is also attached when the Board is ready.

Move to close the public hearing for article 47 relative to sign zoning amendments.

Move to approve the zoning amendment motion language as revised through this evening.

Move to approve the draft recommendation report as prepared by staff including any changes made this evening and allow the Chair to sign the report.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/28/2024

ATTACHMENTS:

Description	Type
☐ Zoning Amendments Summary	Cover Memo
☐ DRAFT Sign Zoning Motion Rev 2.27.24	Exhibit
☐ Presentation	Presentation
☐ DRAFT PB Report	Cover Memo



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
Public

From: Abby McCabe, Planning Director

Date: February 23, 2024

Re: Summary of Zoning Amendments Articles for Annual Town Meeting

The Planning Board opened the public hearings on all zoning amendment articles on February 7. The Board continued the public hearing on Article 47 (Signs) until February 28 to review further edits related to signs. The Board closed the hearings on all the other zoning articles. On February 28 the Planning Board will discuss and deliberate on Articles 47-52.

Article 47: Signs

Description: This article is a rewrite of the existing sign bylaw. The primary purpose of these changes is to streamline the permit process, make sign regulations clearer, support businesses by allowing more signage, comply with recent case law.

Changes since February 7 are highlighted in yellow.

Major changes include:

- Increases the allowable size of principal wall signs based on the establishment's façade length by allowing 1 sq. ft. per linear foot of 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.
- Allow an additional wall sign on each wall for businesses on property's that abut a street, municipal parking lot, or trail available for public use such as the bike path.
- Requiring exterior lighting of signs to be directed downward.
- Allows standing signs (signs not attached to buildings) in all commercial districts.
- Article allows projecting signs (blade signs) to be by-right, 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. tall in the CM and CRO and new allowance for other business districts at smaller sizes.

Residential sign section has been reformatted to be content neutral. The max. sign area of 30 sq. ft. per sign 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.

Article 48: Short Term Rentals

Description: Section 6.10 the Short Term Rentals bylaw was adopted in 2020. Proposed modifications are intended to lessen impacts to abutters and help mitigate intensity. Proposed changes will only allow rental of up to 2 bedrooms for one party whereas today 3 individual bedrooms can be rented to separate parties. Article adds provision to restrict combining short-term rentals with rooming units; no more than 4 vehicles on a lot; operator-adjacent only allowed for two-family dwellings from the current allowance of four-unit buildings; adds limit for 2 adult guests per bedroom or 10 total per dwelling, whichever is less; and prohibits multi-family developments from being used as short-term rentals.

Article 49: Permitted Uses and Definitions

Description: Updates the definition of a restaurant to include fast-food establishments and a business that serves food or drinks for consumption on premises. A tea house, smoothie place, coffee shops with consumption on premises would be categorized a restaurant. Restaurants are proposed to be allowed in all business districts changing 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 licensed 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.

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

Description: The MBTA Communities Compliance Guidelines allow towns to require up to 10% of a project’s total dwelling units to be income restricted “inclusionary or affordable” dwelling units. Town’s may only

require more than 10% of a project’s total units 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. The EOHLC (Executive Office of Housing and Livable Communities) determined Lexington’s zoning complies. However, the EOHLC 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. The study found that we could start requiring 15% after 12 market rate units are included. Based on our updated study, this article requires projects with between 10-13 units to have 1 affordable unit, and projects of 14 or more to have 15% to be inclusionary and listed on the Town’s SHI.

Article 51: Max. Height in the Village Overlay (VO) District

Description: 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., which we have referred to as the mixed-use “height bonus” to have residential above first floor commercial uses. This amendment is intended to clarify the original intent of the height bonus allowed in the Village Overlay (VO) district.

This amendment does 3 things:

- 1) 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 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 and the use categories in the bylaw. The goal is to have more active uses on the first floor to be able to be above 40-feet.

Article 52: Technical Corrections

Description: The Department of Housing and Community Development (DHCD) has changed their name to the Executive Office of Housing & Livable Communities (EOHLC). This article updates all references to the new department name.

Articles 52 & 53: 507 & 509 Bedford St. – Town Land Owner Petitions

Description: Two articles from the property owners to be added 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.

The Planning Board opened and closed the public hearings on February 7. The Planning Board voted 3-1 to recommend *disapproval* of these two articles.

Town of Lexington
Motion
2024 Annual Town Meeting **Revised 2/27/2024**
All changes since 2/7 hearing highlighted

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. Ideological signs and political signs for federal, state, local, ballot initiative or referendum election;
6. Removable signs on the inside of windows or transparent doors; and
7. Signs directing traffic flow.

5.2.4 General Regulations.

Town of Lexington
Motion
2024 Annual Town Meeting **Revised 2/27/2024**
All changes since 2/7 hearing highlighted

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 downward solely at the sign, comply with § 5.4.4. 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 obstruct a sidewalk, 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. 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, digital animation, video media display, 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;~~

Town of Lexington
Motion
2024 Annual Town Meeting **Revised 2/27/2024**
All changes since 2/7 hearing highlighted

4-3. **Permanent** banner signs; and

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

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 permanent residential sign in a residential district shall exceed ~~four~~ 30 square feet in area. No part of any permanent standing sign shall exceed ~~four~~ five (5) feet in height.
2. No more than two (2) permanent standing signs shall be located on a residential property at one time.

Town of Lexington
Motion
2024 Annual Town Meeting **Revised 2/27/2024**
All changes since 2/7 hearing highlighted

3. No part of any standing sign over four (4) square feet in sign area shall be located within 10 five (5) feet of the edge of the pavement of any street, ~~obstruct a sidewalk, or otherwise create a safety hazard to pedestrian or vehicular traffic.~~

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

4. Temporary standing signs shall not exceed four (4) square feet in sign area per sign.

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 which faces a street, municipal parking lot, the Minuteman Bikeway, or other trail or path available for public use which abuts the property. ~~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 (1) 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 (2) such secondary wall signs per entrance. Said signs shall have a width an area no greater than six (6) 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)~~ **five (5)** 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

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All changes since 2/7 hearing highlighted

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. No banner sign shall 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 eight (8) 16 inches in height and 36 inches in length 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, 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 (6) 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 (8) feet from the bottom of the sign and may project no more than four (4) 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 (6) inches and must project from the wall at an angle of 90°. Angular projection from the corner of a building is prohibited.~~

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All changes since 2/7 hearing highlighted

~~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. 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.~~

Standing signs over four (4) square feet in sign area shall be set back at least ten (10) feet from the edge of roadway pavement, as follows:

- a. In the CM and CRO Districts, one permanent standing sign per lot, not to exceed 100 square feet in area and no part of the sign or support structure shall exceed six (6) feet in height.
- b. In the CB District, one permanent standing sign per lot, not to exceed nine (9) square feet in sign area and no part of the sign or support structure shall exceed five (5) feet in height.
- c. In the CN, CRS, CS, CSX, and CLO Districts, one permanent standing sign per lot, not to exceed 20 square feet in sign area and no part of the sign or support structure shall exceed five (5) feet in height.
- d. In residential districts, one permanent standing sign per lot, not to exceed 15 square feet in sign area and no part of the sign or support structure shall exceed five (5) feet in height.
- e. Up to two (2) temporary standing signs per lot, not to exceed four (4) square feet in sign area per sign.

~~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.~~

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All changes since 2/7 hearing highlighted

7. Construction signs. A maximum of two (2) 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 (8) feet in height.

8. Portable signs. Portable signs are permitted **one for each establishment**, 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 (4) feet of clearance for pedestrians;
- e. do not exceed six (6) square feet in area and a height of four (4) 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 ~~†~~ 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 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:

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All changes since 2/7 hearing highlighted

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, PERMANENT

Any sign which is not a temporary sign.

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.

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.

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All changes since 2/7 hearing highlighted

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.

(2/27/2024)

DRAFT



Article 47 – Signs

Changes Since Feb. 7 Meeting

- Updates Residential Sign Sec. 5.2.6 to distinguish between permanent & temporary signs
- Exemption for political & ideological signs
- No limit on number of temporary lawn signs under 4 sq. ft. for residential uses
- Allows standing signs in all commercial zones (10-ft. from road)
- Max. limit of 2 temporary standing signs for businesses
- Removed timing limitation for temporary signs
- Reduced size of awning signs



Standing Signs

Existing:

- CM & CRO = 50 sq. ft. area, 5 ft. tall / lot

Proposal:

- CM & CR = 100 SF, 6 ft. high / lot
- CB = 9 SF, 5 ft. tall / lot
- CN, CRS, CS, CSX, CLO = 20 SF, 5 ft. tall / lot
- Uses in residential districts = 15 SF, 5 ft. high / lot



100 Sq. Ft. sign area



Article 47 - Signs



- §5.2 Sign Bylaw re-write
- Streamline permit process
- Clear regulations
- Support businesses
- Protect visual environment
- Comply with case law (*size, location, lighting, placement, number, timing*)



Nonresidential Signs

Principal Wall Signs

- Each façade abutting street, municipal parking lot, or public path
- Sign area = 1 x linear ft. of business' façade, max. 100 sq. ft.

30 ft. x 1 = 30 SF wall on front



~54 SF



42 SF



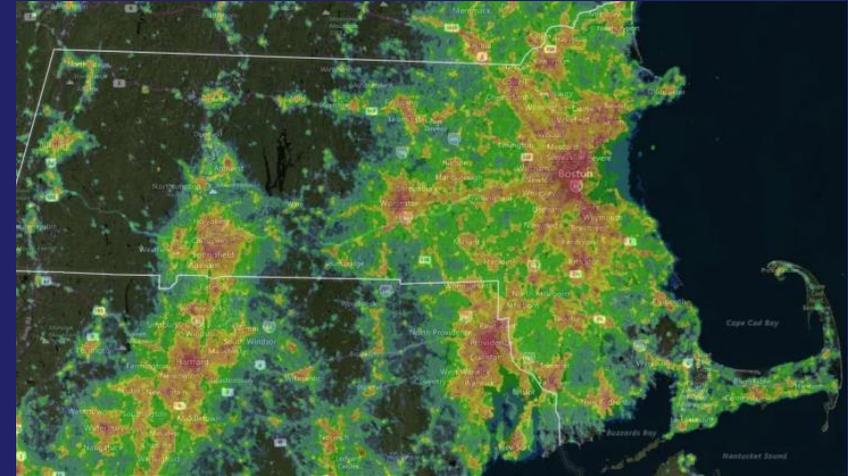
- Projecting signs by-right
- Awning signs – 8” lettering, 36” in length
- Temporary banner signs (15 sq. ft. max. area)
- Portable signs (4 ft. tall, 6 sq. ft. area)





Article 47 - Illumination

- Exterior sign illumination, downlighting
- Internal sign illumination by special permit (same as today)





Residential Signs

- Content free regulations
- Max. sign area 30 sq. ft. / permanent sign per lot
- Max. 5-ft. in height permanent standing sign, 2 / lot
- Temporary signs < 4 sq. ft. not limited





Examples



Downlighting for standing signs





Article 47 - Signs

- Historic District Commission approval applies
- ZBA Special Permit for relief
- Planning Board reviews sign package during site plan review and may grant waivers
- Compliance for new signs or when existing signs being relocated or enlarged



Town of Lexington

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Michael Schanbacher, Vice Chair
Melanie Thompson, Clerk
Robert Creech, Member
Charles Hornig, Member
Michael Leon, Associate Member

RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD ARTICLE 47: AMEND ZONING BYLAW - SIGNS

RECOMMENDATION

The Planning Board recommends that Town Meeting **approve** the motion under Article 47 to amend Sections 5.2 and 10.0 of the Zoning Bylaw relative to signs and sign related definitions.

AMENDMENT DESCRIPTION

This amendment comprehensively updates the signage section of the zoning bylaw and signage related definitions by making the following changes:

- Updates content-based provisions to be content-neutral to comply with constitutional requirements;
- Consistently regulates the size of signs by area rather than width;
- For residential properties, regulates the number and size of permanent and temporary signs separately;
- Allows larger wall signs for business establishments, based on the length of their façade;
- Allows more than one principal wall sign when facing multiple public streets, municipal parking lots, or the bike path;
- Allows secondary wall signs for each entrance or parking area;
- Allows portable/A-frame/sandwich-board signs on private property with size restrictions;
- Permits exterior illumination of signs by downlighting only;
- Allows standing signs not attached to a building in all districts with size restrictions;
- Prohibits permanent banner signs and limits the size of temporary banner signs;
- Allows awning signs for nonresidential establishments;
- Eliminates the special permit process for projecting signs (blade signs) and illuminated signs at premises open for business;
- Permits the Planning Board to waive sign requirements during site plan review;
- Defines additional terms;
- **Exempts political and ideological signs;**
- Exempts signs located on public property; and
- Clarifies language throughout the bylaw.

RATIONALE FOR RECOMMENDATION

This zoning amendment updates the signage section of the Zoning Bylaw to comply with recent case law requiring content neutral regulations, support businesses by increasing the number of signs allowed for establishments, allow additional types of signs, and streamline the sign permit process.

PUBLIC PROCESS

On February 7 and February 28, after publication of the legal advertisement in the *Lexington Minuteman* newspaper on January 18 and January 25, 2024, the Planning Board held two public hearings. The public hearing was closed on February 28 and the Board voted to recommend that Town Meeting approve the motion under Article 47.

RECORD OF THE VOTE

Michael Schanbacher moved that the Planning Board recommend that Town Meeting approve the motion under Article 47. Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD CHAIR

Robert D. Peters

Exhibit:

[Approved Planning Board Meeting Minutes](#)

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Article 53: Amend Zoning Map to add 507 Bedford St. to MFO District

PRESENTER:

Board Discussion

ITEM NUMBER:

SUMMARY:

On Wednesday, February 7, 2024, after a public hearing held on February 7, 2024, the Planning Board voted (3) in favor and one (1) opposed, to recommend that Town Meeting *disapprove* Article 53 to amend the Zoning Map to include 507 Bedford Street in the MFO (Bedford Street North Multi-Family Overlay) District. Board member Robert Peters recused himself from participating in this matter.

A draft recommendation report from the Board is attached for the Board's review.

SUGGESTED MOTION:

Move to approve the draft recommendation report for article 53 as prepared by staff including any changes made this evening and allow the Chair to sign the report.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/28/2024

ATTACHMENTS:

Description	Type
☐ DRAFT PB Report Article 53	Cover Memo
☐ Article 53 Motion	Exhibit
☐ Feb 7 Presentation	Presentation



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Robert D. Peters, Chair
Michael Schanbacher, Vice Chair
Melanie Thompson, Clerk
Robert Creech, Member
Charles Hornig, Member
Michael Leon, Associate Member

RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD
ARTICLE 53: AMEND ZONING MAP

507 BEDFORD STREET (Map 88, Lot 73C)

RECOMMENDATION

On Wednesday, February 7, 2024, after a public hearing held on February 7, 2024, the Planning Board voted (3) in favor and one (1) opposed, to recommend that Town Meeting **disapprove** Article 53 to amend the Zoning Map to include 507 Bedford Street in the MFO (Bedford Street North Multi-Family Overlay) District. Board member Robert Peters recused himself from participating in this matter.

AMENDMENT DESCRIPTION

This map amendment would add the lot at 507 Bedford Street (Assessor's Map 88, Lot 73C) to the Bedford Street North Multi-Family Overlay (MFO) District.

RATIONALE FOR RECOMMENDATION

This zoning map amendment was not supported by the Board because it is not contiguous to the rest of the Bedford Street North MFO District, is less than one acre, and is situated at a major intersection where it could worsen traffic. The Board encouraged the property owner to work with abutters to create a larger area.

PUBLIC PROCESS

On Wednesday, February 7, 2024, after publication of the legal advertisement in the *Lexington Minuteman* newspaper on January 18 and January 25, 2024, the Planning Board held a public hearing. The public hearing closed on February 7 and the Board voted on February 7 to recommend Town Meeting disapprove Article 53.

RECORD OF THE VOTE

Melanie Thompson moved that the Planning Board recommend that Town Meeting disapprove Article 53. Bob Creech seconded the motion. The Planning Board voted in favor of the motion 3-1-0 (Roll Call: Robert Creech – yes, Charles Hornig – no, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD VICE CHAIR

Michael Schanbacher

Exhibit:

[Approved Planning Board Meeting Minutes](#)

Town of Lexington
Motion
2024 Annual Town Meeting

ARTICLE 53

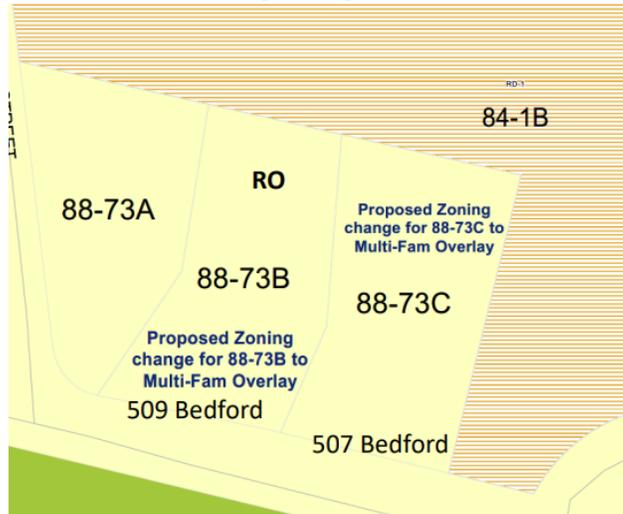
AMEND ZONING MAP – 507 BEDFORD STREET

MOTION:

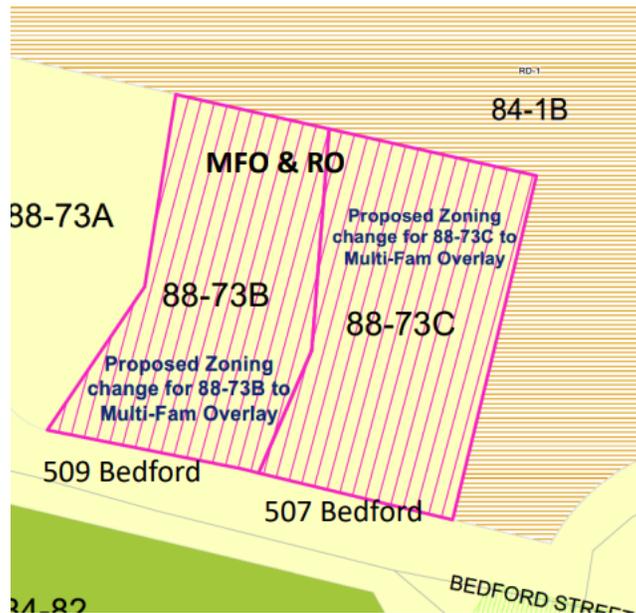
That the Zoning Map be amended as follows:

- 1) Amend the Zoning Map to add the property known as Assessor's Map 88, Lot 73C (507 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)

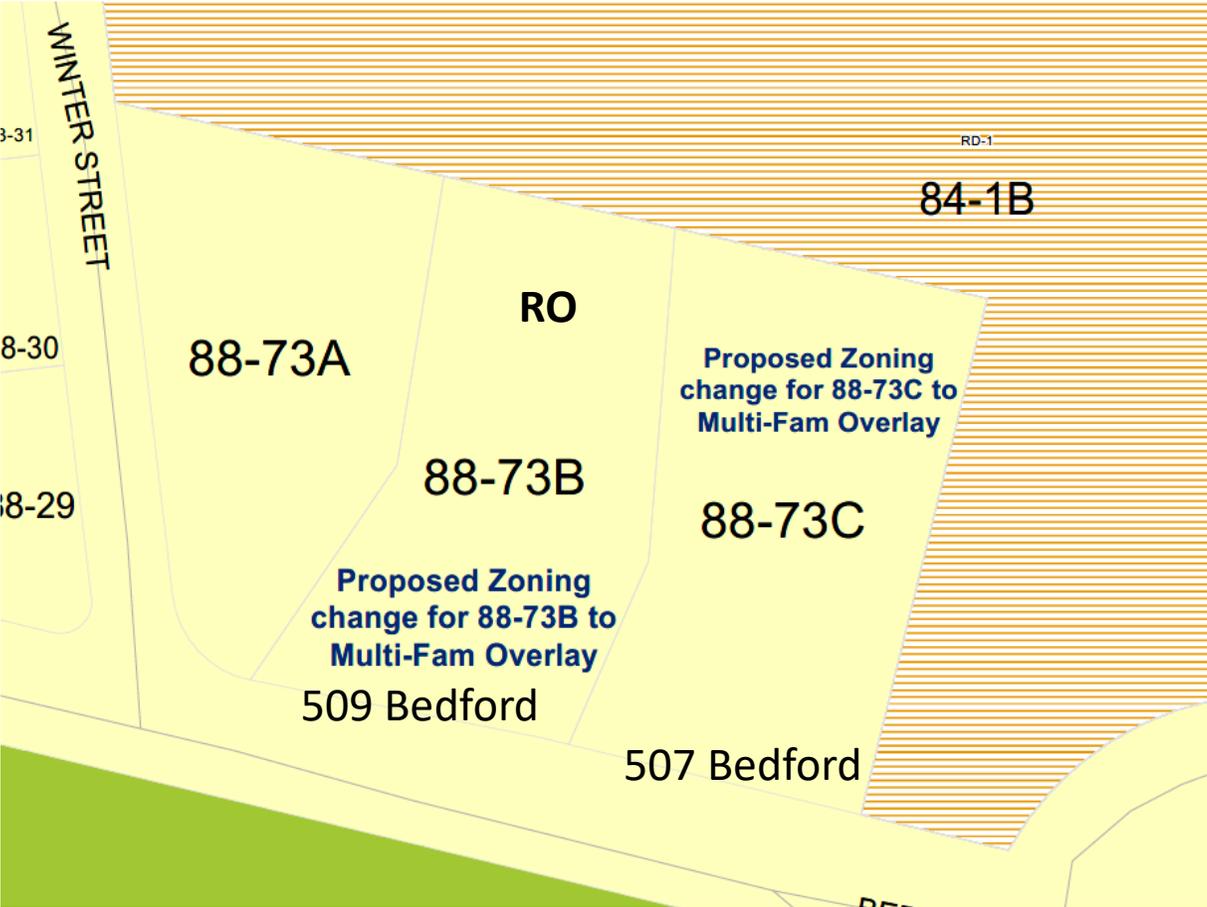
Land Owner Petitions

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

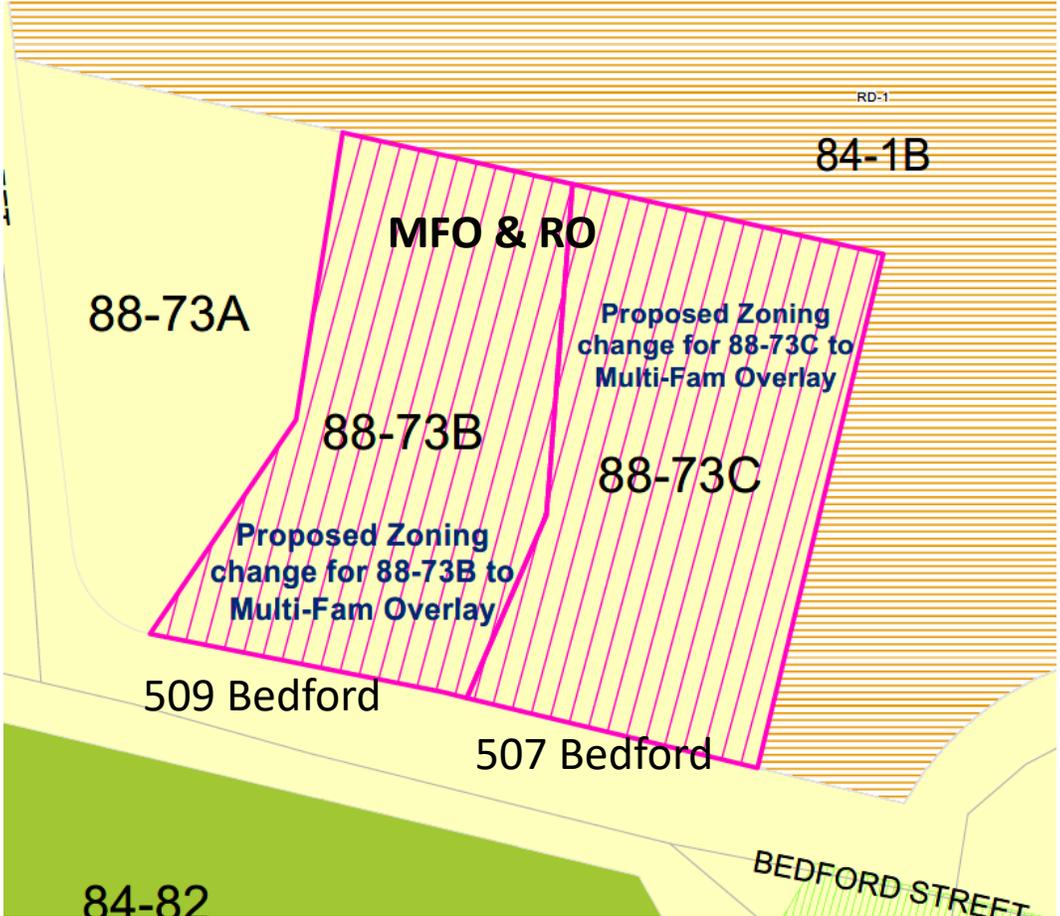
509 Bedford St. (Map 88, Lot 73D)

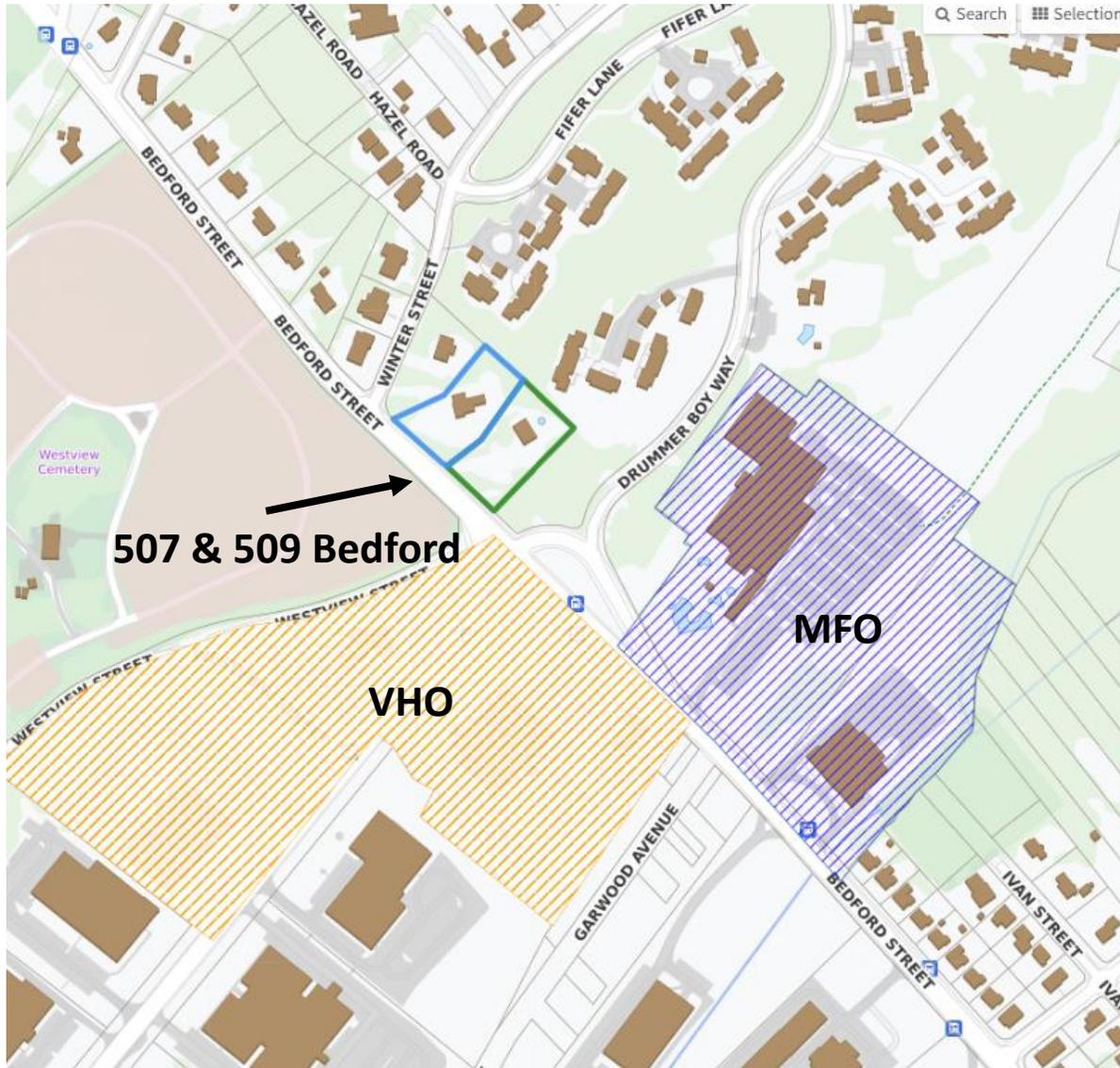
Add to the Bedford Street North MFO (Multi-Family Overlay District)

Existing Zoning:



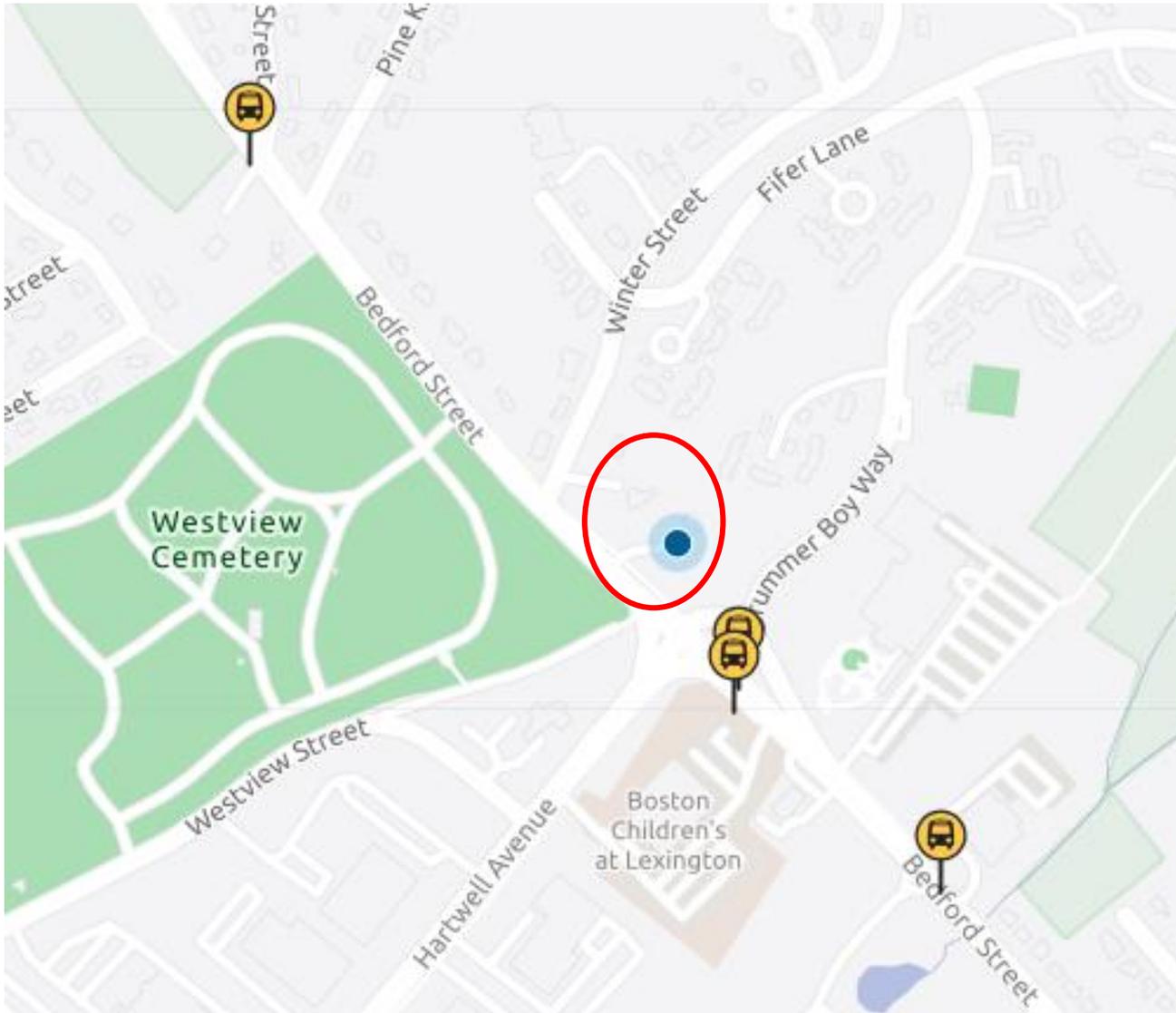
Proposed Zoning:





Surrounding Properties

- South
 - Armory and the Old Boston Sports Club (already zoned MFO)
- North and East
 - Drummer Boy Condominiums
- South and West
 - Cemetery
 - Hartwell Business District



Location is ideal as MFO for several reasons

- On a major thoroughfare
 - Route 4/225
- Walkable and accessible
- Supportive of Hartwell Avenue business district's vision
- Near the Bike path (0.5 m away)
- Near public transportation
 - Bus stop for Rt 62 (0.1m away)



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.

Summary

- Location is ideal for a number of reasons
 - On a major thoroughfare
 - Walkable and accessible (especially to Hartwell Avenue's business district)
 - Near the Bike path
 - Near public transportation (bus stop on a bus line)
- Consistent with the town's planning for this part of town
- Surrounded by properties already used for or zoned for multi family

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Article 54: Amend Zoning Map to add 509 Bedford St. to MFO District

PRESENTER:

Board Discussion

ITEM NUMBER:

SUMMARY:

On Wednesday, February 7, 2024, after a public hearing held on February 7, 2024, the Planning Board voted (3) in favor and one (1) opposed, to recommend that Town Meeting *disapprove* Article 54 to amend the Zoning Map to include 509 Bedford Street in the MFO (Bedford Street North Multi-Family Overlay) District. Board member Robert Peters recused himself from participating in this matter.

SUGGESTED MOTION:

Move to approve the draft recommendation report for article 54 as prepared by staff including any changes made this evening and allow the Chair to sign the report.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/28/2024

ATTACHMENTS:

Description	Type
☐ Article 54 Motion	Exhibit
☐ Feb 7 Presentation	Presentation
☐ Draft PB Report	Cover Memo

Town of Lexington
Motion
2024 Annual Town Meeting

ARTICLE 54

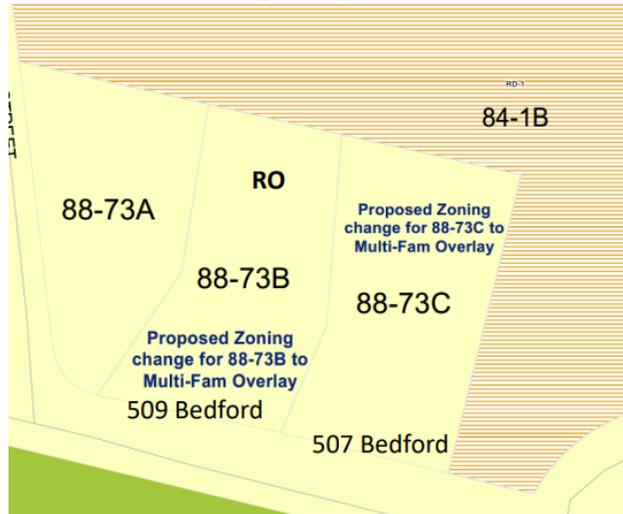
AMEND ZONING MAP – 509 BEDFORD STREET

MOTION:

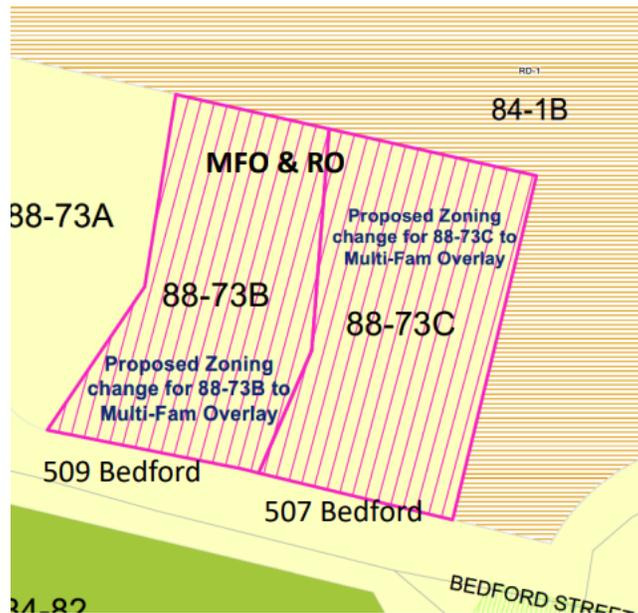
That the Zoning Map be amended as follows:

- 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)

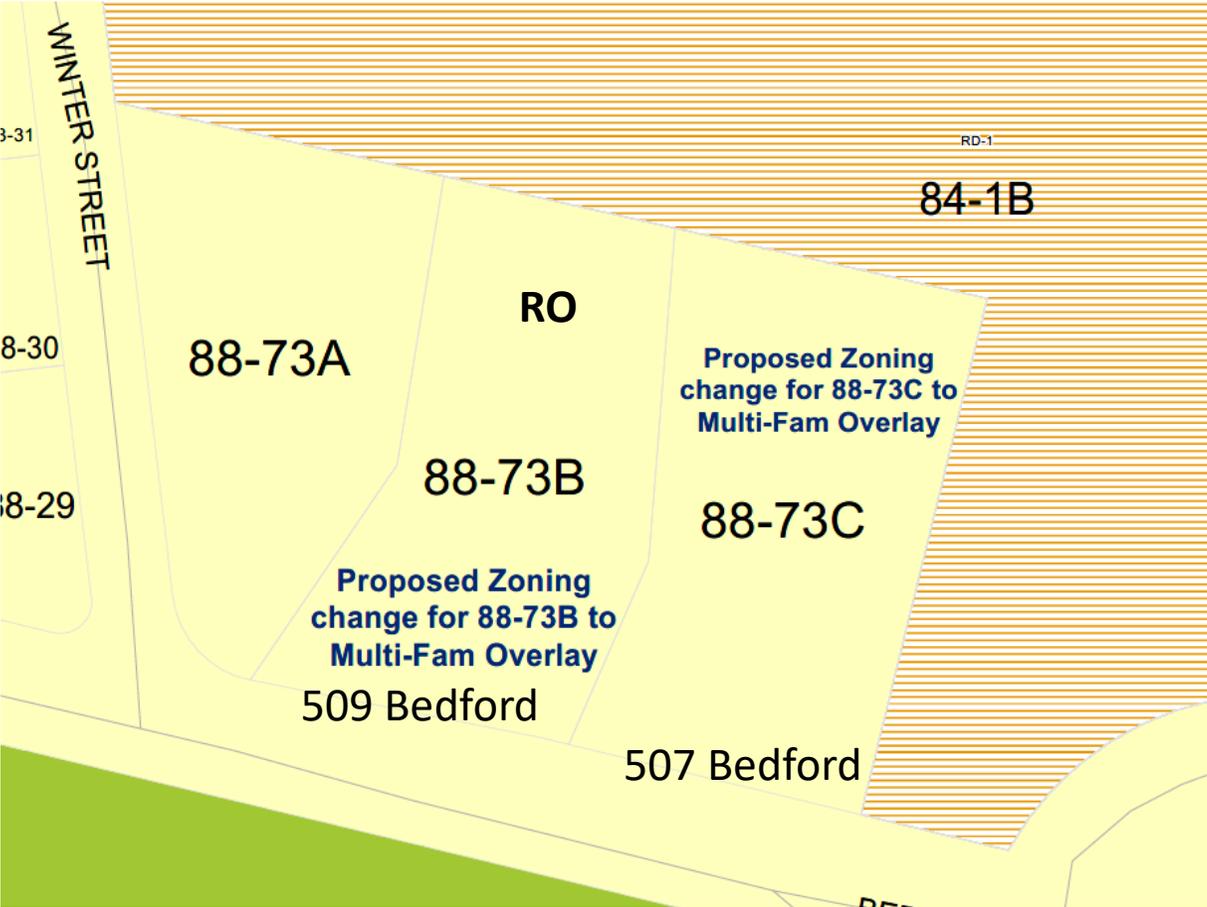
Land Owner Petitions

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

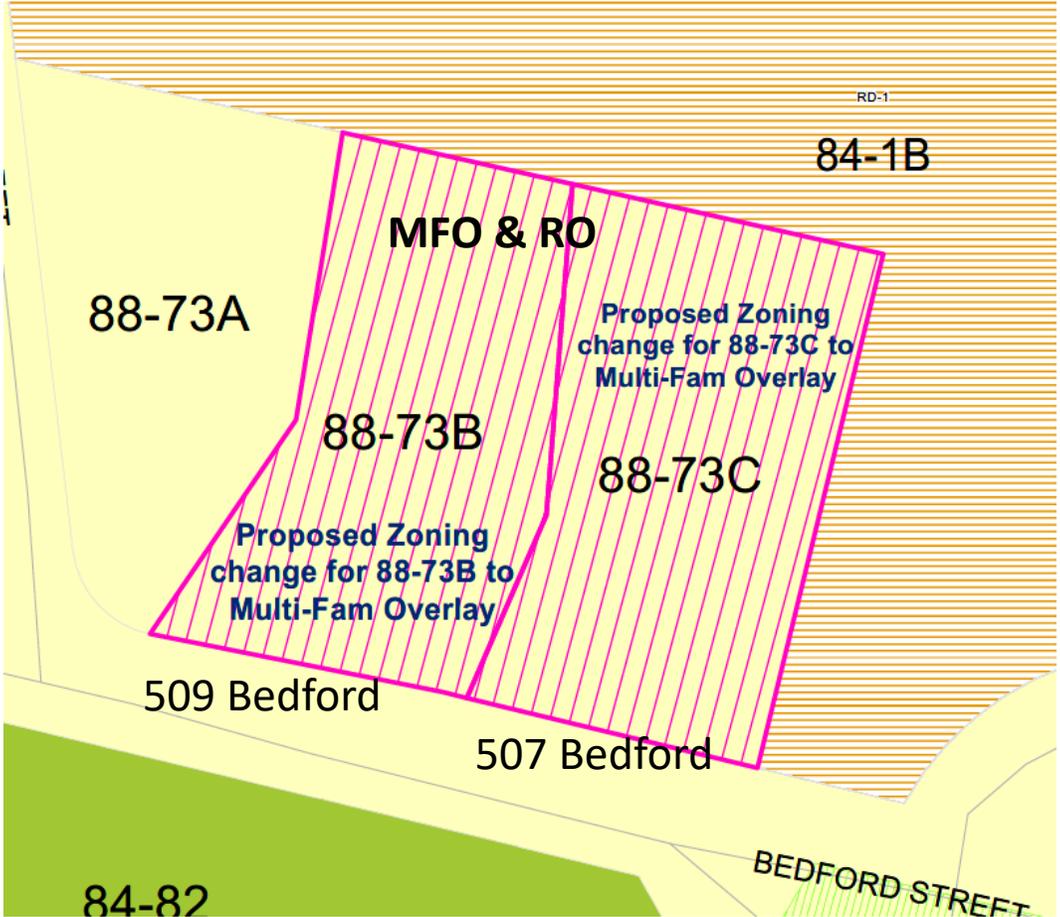
509 Bedford St. (Map 88, Lot 73D)

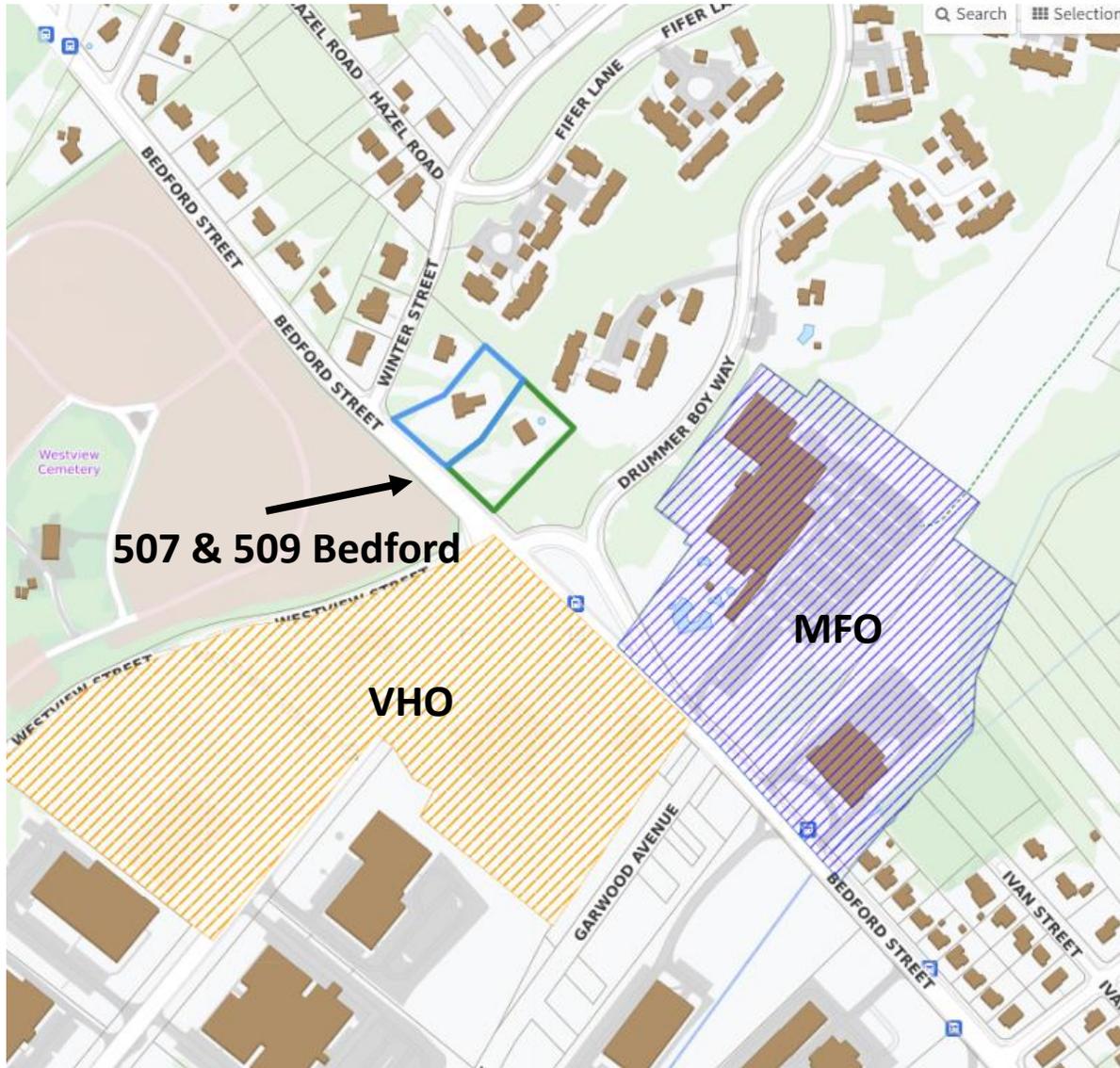
Add to the Bedford Street North MFO (Multi-Family Overlay District)

Existing Zoning:



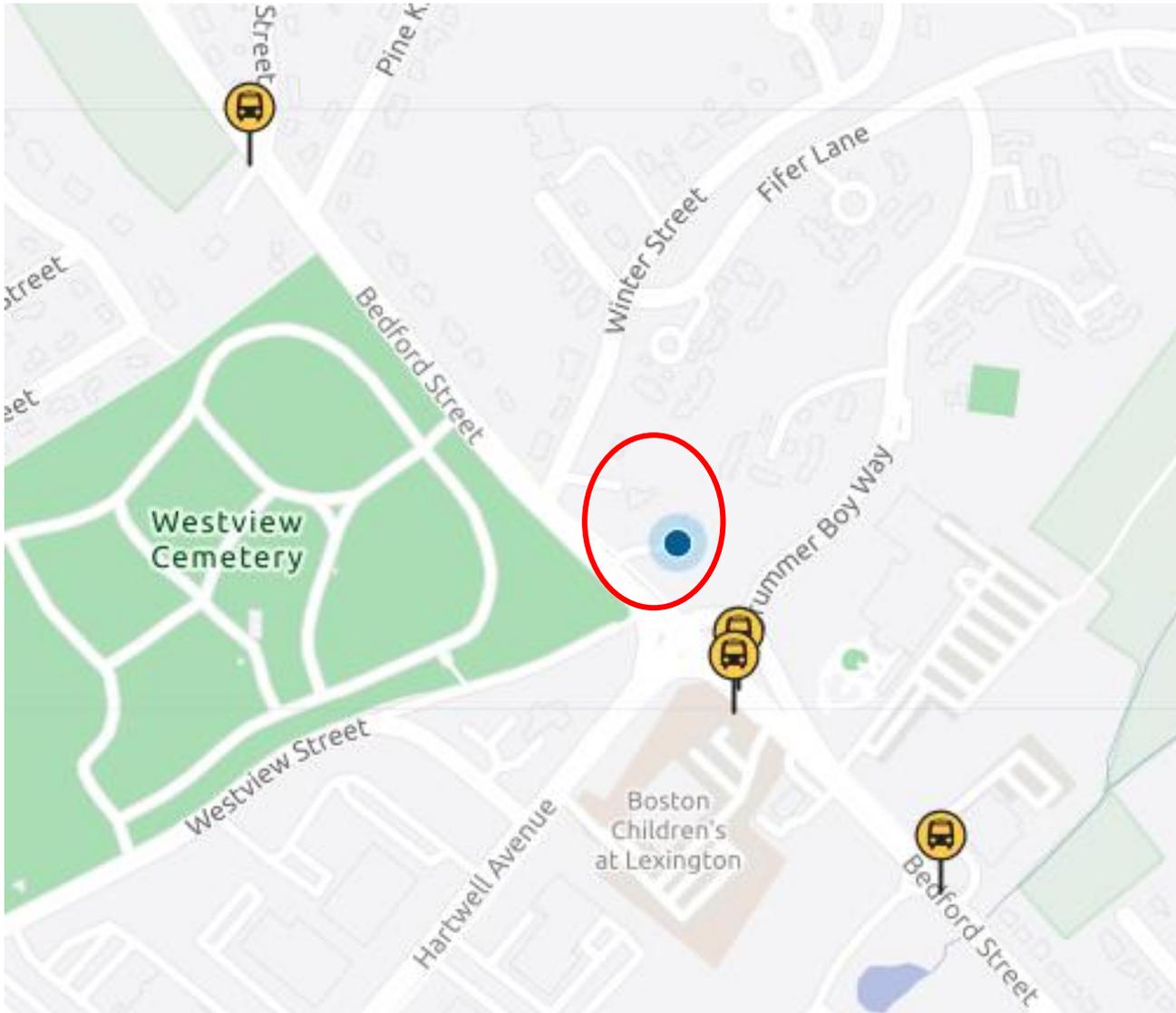
Proposed Zoning:





Surrounding Properties

- South
 - Armory and the Old Boston Sports Club (already zoned MFO)
- North and East
 - Drummer Boy Condominiums
- South and West
 - Cemetery
 - Hartwell Business District



Location is ideal as MFO for several reasons

- On a major thoroughfare
 - Route 4/225
- Walkable and accessible
- Supportive of Hartwell Avenue business district's vision
- Near the Bike path (0.5 m away)
- Near public transportation
 - Bus stop for Rt 62 (0.1m away)



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.

Summary

- Location is ideal for a number of reasons
 - On a major thoroughfare
 - Walkable and accessible (especially to Hartwell Avenue's business district)
 - Near the Bike path
 - Near public transportation (bus stop on a bus line)
- Consistent with the town's planning for this part of town
- Surrounded by properties already used for or zoned for multi family



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Michael Leon, Associate Member

RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

ARTICLE 54: AMEND ZONING MAP

509 BEDFORD STREET (Map 88, Lot 73B)

RECOMMENDATION

On Wednesday, February 7, 2024, after a public hearing held on February 7, 2024, the Planning Board voted (3) in favor and one (1) opposed, to recommend that Town Meeting **disapprove** Article 54 to amend the Zoning Map to include 509 Bedford Street in the MFO (Bedford Street North Multi-Family Overlay) District. Board member Robert Peters recused himself from participating in this matter.

AMENDMENT DESCRIPTION

This map amendment would add the lot at 509 Bedford Street (Assessor's Map 88, Lot 73B) to the Bedford Street North Multi-Family Overlay (MFO) District.

RATIONALE FOR RECOMMENDATION

This zoning map amendment was not supported by the Board because it is not contiguous to the rest of the Bedford Street North MFO District, is less than one acre, and is situated at a major intersection where it could worsen traffic. The Board encouraged the property owner to work with abutters to create a larger area.

PUBLIC PROCESS

On Wednesday, February 7, 2024, after publication of the legal advertisement in the *Lexington Minuteman* newspaper on January 18 and January 25, 2024, the Planning Board held a public hearing. The public hearing closed on February 7 and the Board voted on February 7 to recommend Town Meeting disapprove Article 54.

RECORD OF THE VOTE

Melanie Thompson moved that the Planning Board recommend that Town Meeting disapprove Article 54. Bob Creech seconded the motion. The Planning Board voted in favor of the motion 3-1-0 (Roll Call: Robert Creech – yes, Charles Hornig – no, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD VICE CHAIR

Michael Schanbacher

Exhibit:

[Approved Planning Board Meeting Minutes](#)

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Article 48: Short-Term Rentals

PRESENTER:

Board Discussion

ITEM NUMBER:

SUMMARY:

The public hearing for zoning amendment article 48 was opened and closed on February 7. Attached is the most up to date zoning motion amendment. Revisions since the last meeting are highlighted in yellow and include only allowing the short term rentals for owner adjacent properties for lots with two dwelling units and adding a prohibition to allowing short term rentals in multi-family developments (new 6.10.3 (2) iii).

The motion and a draft recommendation report is attached for the Board's review.

SUGGESTED MOTION:

The Board should review the zoning motion, make any changes, and then review the recommendation report.

Move to approve the zoning amendment motion language for article 48 as revised through this evening.

Move to approve the draft recommendation report for article 48 as prepared by staff including any changes made this evening and allow the Chair to sign the report.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/28/2024

ATTACHMENTS:

Description

Type

- ▣ Article 48 Zoning Motion
- ▣ Draft PB Report
- ▣ Zoning Amendments Summary
- ▣ Presentation

- Exhibit
- Cover Memo
- Cover Memo
- Presentation

Town of Lexington
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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 developments. A building designed for three or more dwelling units and developments that contain two or more buildings on the same lot with three or more dwelling units.
 - 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.

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) adult guests per bedroom or ten (10) per dwelling, whichever

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is less, are permitted in a short-term rental.

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.

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

(2/15/2024)



Town of Lexington
PLANNING BOARD
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Robert D. Peters, Chair
Michael Schanbacher, Vice Chair
Melanie Thompson, Clerk
Robert Creech, Member
Charles Hornig, Member
Michael Leon, Associate Member

RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD
ARTICLE 48: AMEND ZONING BYLAW – SHORT TERM RENTALS

RECOMMENDATION

The Planning Board recommends that Town Meeting **approve** the motion under Article 48 to amend § 6.10 of the Zoning Bylaw for Short Term Rentals.

AMENDMENT DESCRIPTION

This article modifies the regulations pertaining to short term rentals by making the following changes:

- Prohibits short term rentals in buildings with more than two dwelling units;
- Prohibits short term rentals in multi-family developments;
- Prohibits owner-adjacent short term rentals on a lot with more than two dwelling units;
- Does not allow concurrent rental of rooming units;
- Limits short term rentals to a whole dwelling or no more than two bedrooms to one party at a time;
- Limits outdoor parking to four vehicles;
- Limits the maximum number of guests to two adults per bedroom or ten per dwelling, whichever is fewer.

RATIONALE FOR RECOMMENDATION

The current § 6.10 was first adopted by Town Meeting in 2020. These modifications are proposed to help limit the intensity for neighbors after some experience with the new bylaw.

PUBLIC PROCESS

On February 7, after publication of the legal advertisement in the *Lexington Minuteman* newspaper on January 18 and January 25, 2024, the Planning Board held a public hearing. The public hearing was closed on February 7 and the Board voted on February 28 to recommend that Town Meeting approve the motion under Article 48.

RECORD OF THE VOTE

Michael Schanbacher moved that the Planning Board recommend that Town Meeting approve the motion under Article 48. **Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).**

SIGNATURE OF THE PLANNING BOARD CHAIR

Robert D. Peters

Exhibit:

[Approved Planning Board Meeting Minutes](#)



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

Memorandum

To: Planning Board Members
Public

From: Abby McCabe, Planning Director

Date: February 23, 2024

Re: Summary of Zoning Amendments Articles for Annual Town Meeting

The Planning Board opened the public hearings on all zoning amendment articles on February 7. The Board continued the public hearing on Article 47 (Signs) until February 28 to review further edits related to signs. The Board closed the hearings on all the other zoning articles. On February 28 the Planning Board will discuss and deliberate on Articles 47-52.

Article 47: Signs

Description: This article is a rewrite of the existing sign bylaw. The primary purpose of these changes is to streamline the permit process, make sign regulations clearer, support businesses by allowing more signage, comply with recent case law.

Changes since February 7 are highlighted in yellow.

Major changes include:

- Increases the allowable size of principal wall signs based on the establishment's façade length by allowing 1 sq. ft. per linear foot of 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.
- Allow an additional wall sign on each wall for businesses on property's that abut a street, municipal parking lot, or trail available for public use such as the bike path.
- Requiring exterior lighting of signs to be directed downward.
- Allows standing signs (signs not attached to buildings) in all commercial districts.
- Article allows projecting signs (blade signs) to be by-right, 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. tall in the CM and CRO and new allowance for other business districts at smaller sizes.

Residential sign section has been reformatted to be content neutral. The max. sign area of 30 sq. ft. per sign 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.

Article 48: Short Term Rentals

Description: Section 6.10 the Short Term Rentals bylaw was adopted in 2020. Proposed modifications are intended to lessen impacts to abutters and help mitigate intensity. Proposed changes will only allow rental of up to 2 bedrooms for one party whereas today 3 individual bedrooms can be rented to separate parties. Article adds provision to restrict combining short-term rentals with rooming units; no more than 4 vehicles on a lot; operator-adjacent only allowed for two-family dwellings from the current allowance of four-unit buildings; adds limit for 2 adult guests per bedroom or 10 total per dwelling, whichever is less; and prohibits multi-family developments from being used as short-term rentals.

Article 49: Permitted Uses and Definitions

Description: Updates the definition of a restaurant to include fast-food establishments and a business that serves food or drinks for consumption on premises. A tea house, smoothie place, coffee shops with consumption on premises would be categorized a restaurant. Restaurants are proposed to be allowed in all business districts changing 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 licensed 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.

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

Description: The MBTA Communities Compliance Guidelines allow towns to require up to 10% of a project’s total dwelling units to be income restricted “inclusionary or affordable” dwelling units. Town’s may only

require more than 10% of a project’s total units 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. The EOHLC (Executive Office of Housing and Livable Communities) determined Lexington’s zoning complies. However, the EOHLC 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. The study found that we could start requiring 15% after 12 market rate units are included. Based on our updated study, this article requires projects with between 10-13 units to have 1 affordable unit, and projects of 14 or more to have 15% to be inclusionary and listed on the Town’s SHI.

Article 51: Max. Height in the Village Overlay (VO) District

Description: 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., which we have referred to as the mixed-use “height bonus” to have residential above first floor commercial uses. This amendment is intended to clarify the original intent of the height bonus allowed in the Village Overlay (VO) district.

This amendment does 3 things:

- 1) 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 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 and the use categories in the bylaw. The goal is to have more active uses on the first floor to be able to be above 40-feet.

Article 52: Technical Corrections

Description: The Department of Housing and Community Development (DHCD) has changed their name to the Executive Office of Housing & Livable Communities (EOHLC). This article updates all references to the new department name.

Articles 52 & 53: 507 & 509 Bedford St. – Town Land Owner Petitions

Description: Two articles from the property owners to be added 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.

The Planning Board opened and closed the public hearings on February 7. The Planning Board voted 3-1 to recommend *disapproval* of these two articles.



Article 48

Short Term Rentals

- 135-6.10 approved November 18, 2020
- Intent:
 - Monitor short term rental impacts
 - Increase safety for guests



Current Bylaw - Impact

- Can rent up to three individual short term rental bedrooms
- Can concurrently rent up to three rooming units
- Parking currently restricted in Table 1, Permitted Uses and Development Standards



Requested Changes - Impact

- No more than two individual short term rental bedrooms rented to a single party
- No concurrent rental of rooming units
- Outdoor parking of four vehicles maximum in conjunction with short term rentals
- Maximum of ten total guests or two adult guests per bedroom, whichever is fewer



Safety

- Building and Fire Code inspections continue
- Request deleting requirement to maintain detailed log of guests for contact tracing



Multi-Family Dwellings

- 6.10.3 Prohibits all short term rentals in:
 - Buildings with more than two dwelling units
 - Developments with two or more buildings with more than one dwelling unit in each building
- 6.10.2 Prohibits operator adjacent short-term rentals on a lot with more than two dwelling units

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Article 49: Permitted Uses and Development Standards

PRESENTER:

Board Discussion

ITEM NUMBER:

SUMMARY:

The Planning Board opened and closed the public hearing on Article 49 on February 7. Attached is the draft zoning amendment motion and draft recommendation report from the Board for the Board's review.

The only change in the motion since February 7, was removal of the word "prepared" from the proposed definition of a restaurant.

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

SUGGESTED MOTION:

The Board should review the zoning motion, make any changes, and then review the recommendation report.

Move to approve the zoning amendment motion language for Article 49.

Move to approve the draft recommendation report for article 49 as prepared by staff including any changes made this evening and allow the Chair to sign the report.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/28/2024

ATTACHMENTS:

Description	Type
☐ Zoning Amendments Summary	Cover Memo
☐ Article 49 Zoning Motion	Exhibit
☐ Presentation	Presentation
☐ PB Report Article 49	Cover Memo



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To: Planning Board Members
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Description: Updates the definition of a restaurant to include fast-food establishments and a business that serves food or drinks for consumption on premises. A tea house, smoothie place, coffee shops with consumption on premises would be categorized a restaurant. Restaurants are proposed to be allowed in all business districts changing the current prohibition in the CN, CS, and CLO to be allowed by special permit.

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The 2023 zoning required 15% of a project with 8 or more dwelling units to be inclusionary available to people at 80% of AMI. The EOHLC (Executive Office of Housing and Livable Communities) determined Lexington’s zoning complies. However, the EOHLC 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. The study found that we could start requiring 15% after 12 market rate units are included. Based on our updated study, this article requires projects with between 10-13 units to have 1 affordable unit, and projects of 14 or more to have 15% to be inclusionary and listed on the Town’s SHI.

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This amendment does 3 things:

- 1) 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 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 and the use categories in the bylaw. The goal is to have more active uses on the first floor to be able to be above 40-feet.

Article 52: Technical Corrections

Description: The Department of Housing and Community Development (DHCD) has changed their name to the Executive Office of Housing & Livable Communities (EOHLC). This article updates all references to the new department name.

Articles 52 & 53: 507 & 509 Bedford St. – Town Land Owner Petitions

Description: Two articles from the property owners to be added 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.

The Planning Board opened and closed the public hearings on February 7. The Planning Board voted 3-1 to recommend *disapproval* of these two articles.

**Town of Lexington
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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 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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<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:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
I.	SALES OR RENTAL OF GOODS AND EQUIPMENT												
I.1.0	AS A PRINCIPAL USE												

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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

(1/8/2024)



Article 49

Permitted uses and Development Standards



Amend definitions:

1) RESTAURANT (amending to combine fast-food, removes fast-food definition)

~~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 foods or beverages for consumption on premises, including cafés, cafeterias, or brewpubs.

2) CRAFT BEVERAGE ESTABLISHMENT - new

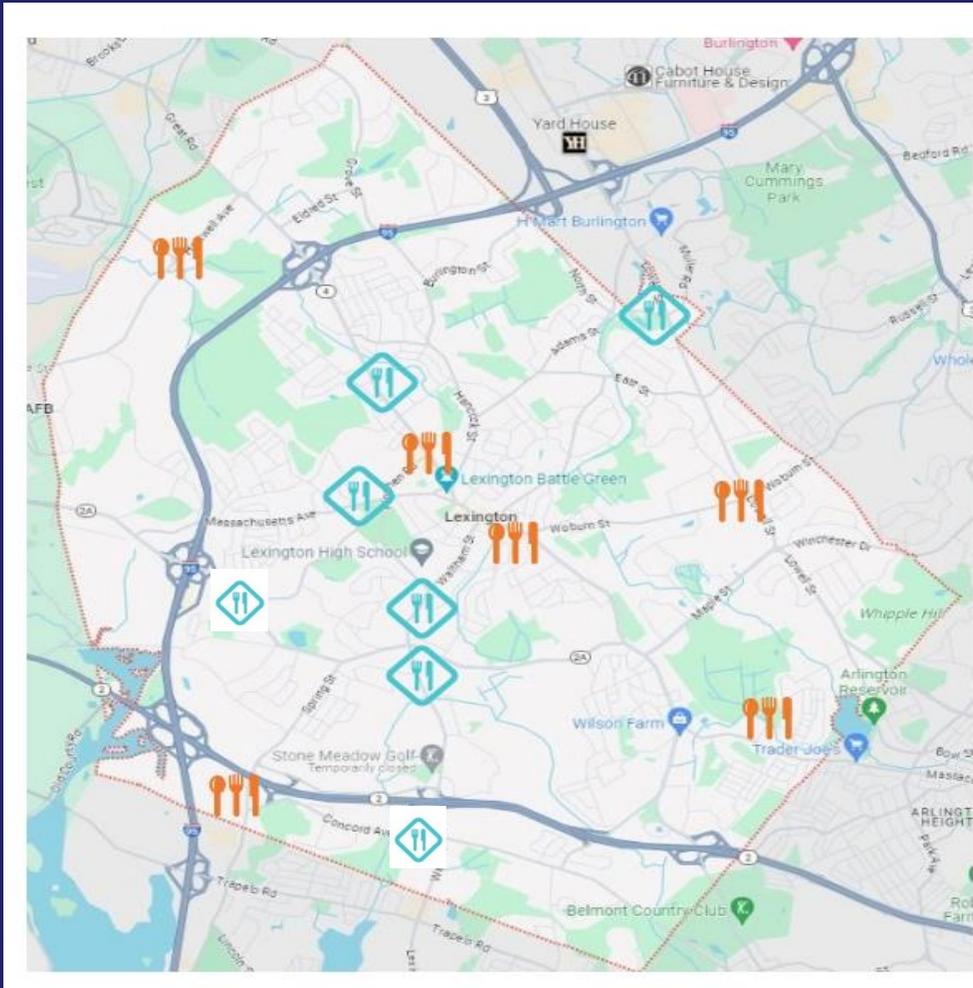
An establishment licensed to manufacture under M.G.L. Chapter 138 that produces less than 465,000 gallons (or 15,000 barrels) on-site per year for consumption on or off premises, including craft breweries and microbreweries.



Table of Permitted Uses

Amend Section J of Table 1, Permitted Uses, as follows:

Allowing Restaurants:



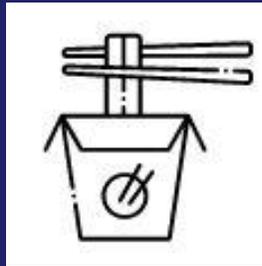
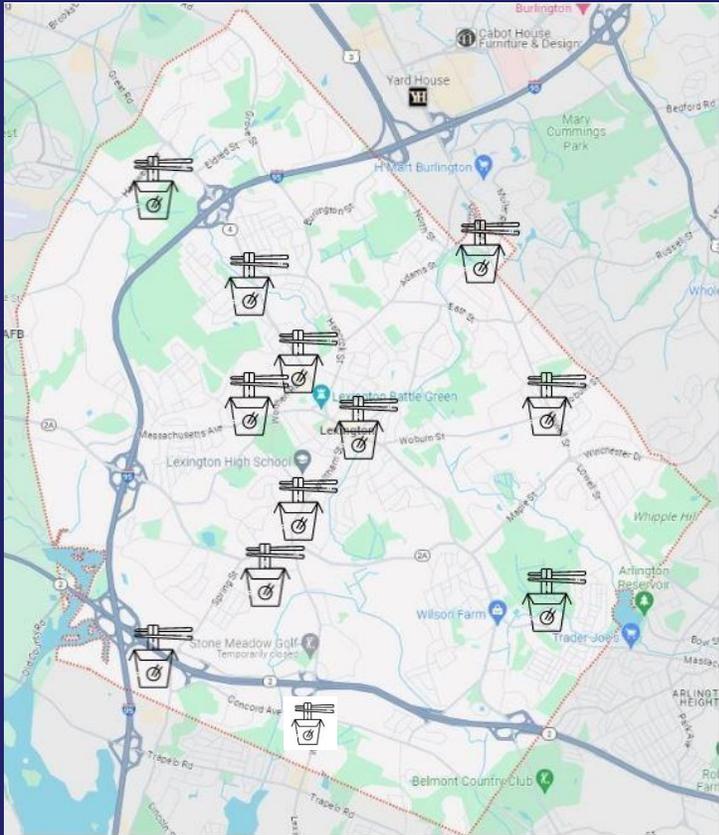
Restaurant		
CN	N to <u>SP</u>	
CRS	Y	
CS	N to <u>SP</u>	
CB	Y	
CLO	N to <u>SP</u>	
CRO	Y	
CM	Y	
CSX	SP*	

* And removing limitation for 7,500 gross sq. ft. in CSX district



Takeout Food Service J.1.03

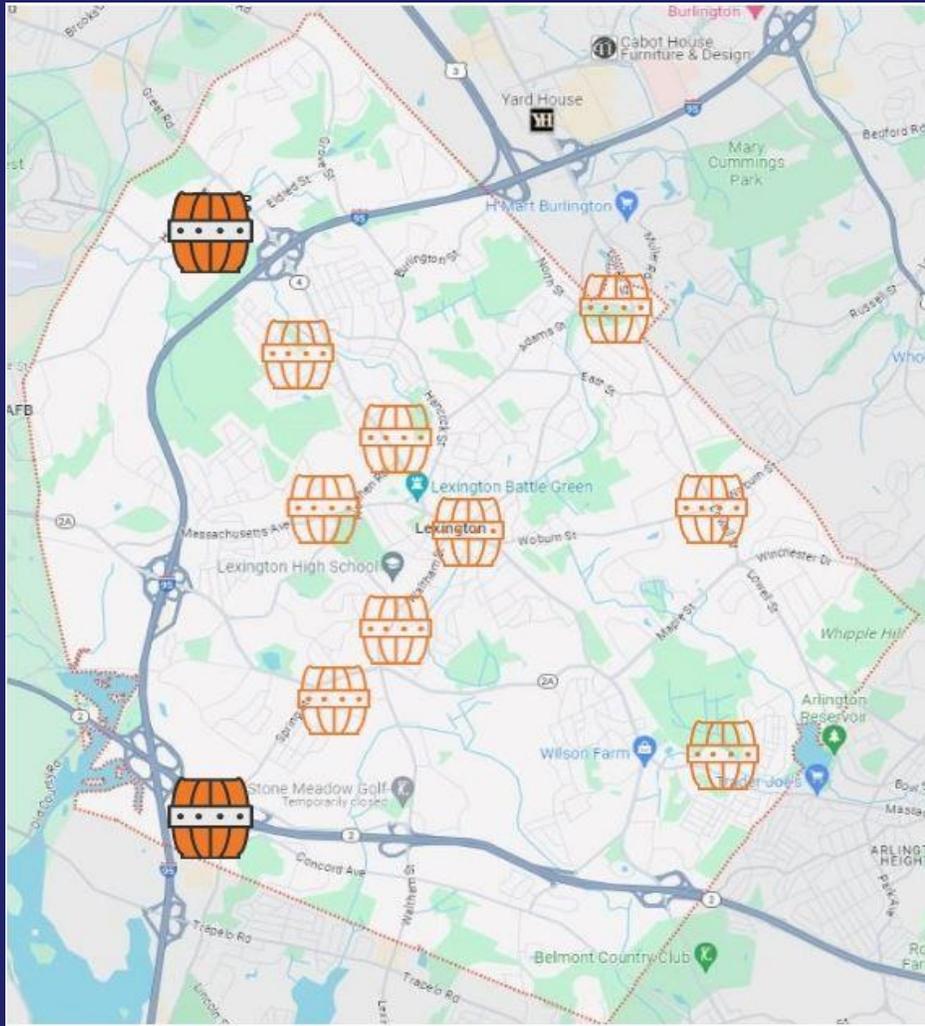
- Allowing take out food service all business zones, extending to CS, CLO, and CSX



Take out food service	
CN	Y
CRS	Y
CS	SP to <u>Y</u>
CB	Y
CLO	N to <u>Y</u>
CRO	Y
CM	Y
CSX	SP to <u>Y</u>



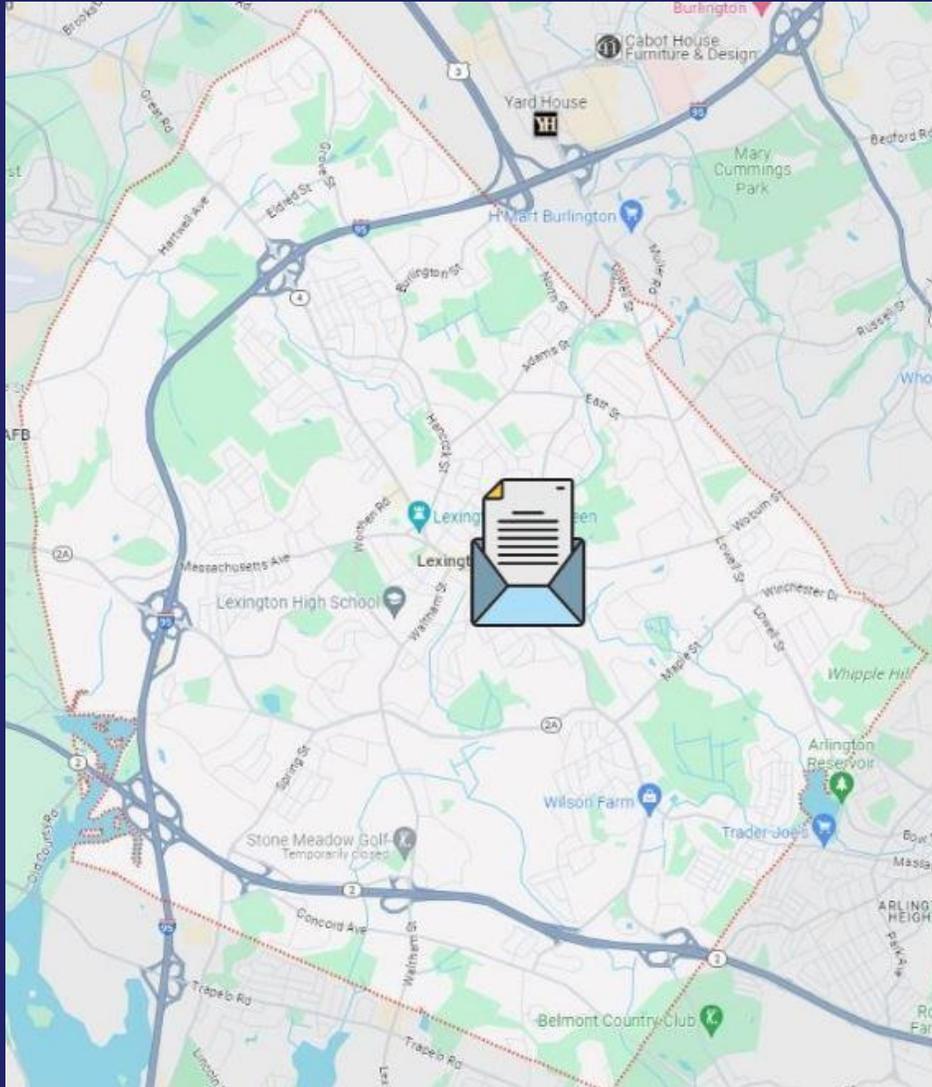
Craft Beverage Establishment N.1.05



Craft Beverage Establishment		
CN	SP	
CRS	SP	
CS	SP	
CB	SP	
CLO	SP	
CRO	Y	
CM	Y	
CSX	SP	



Private postal service H.1.020



Private Postal Service	
CN	N
CRS	Y
CS	Y
<u>CB</u>	<u>N to Y</u>
CLO	N
CRO	Y
CM	Y
CSX	Y

A retail use with mail service, not a distribution center



Article 49

- Modernizes zoning definitions to reflect current industry practices for eating and drinking establishments
- Encourages uses that serve as destinations
- Makes Lexington more economically competitive
- Compliments current businesses and supports community requests



Town of Lexington
PLANNING BOARD
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Robert D. Peters, Chair
Michael Schanbacher, Vice Chair
Melanie Thompson, Clerk
Robert Creech, Member
Charles Hornig, Member
Michael Leon, Associate Member

RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD
ARTICLE 49: PERMITTED USES & DEVELOPMENT STANDARDS

RECOMMENDATION

On Wednesday, February 28, 2024, after a public hearing held on February 7, 2024, the Planning Board voted () in favor and () opposed, to recommend that Town Meeting **approve** Article 49 to amend the Zoning Bylaw for definitions and the table of permitted uses.

AMENDMENT PROPOSAL

This amendment does the following:

- Updates the definition of restaurants to focus on businesses where food and drinks are consumed on the premises. Coffee shops, tea houses, smoothie places, and fast-food type venues would now be considered restaurants.
- Permits restaurants in all business districts either by-right or by special permit.
- Creates a new definition for “Craft Beverage Establishments” that will allow venues to produce less than 15,000 barrels or 465,000 gallons of beer, wine, cider per year. Establishments must be licensed under state law and beverages may be consumed on or off premises.
- Prohibits large breweries/cideries/wineries that manufacture more than 15,000 barrels per year.
- Permits Craft Beverage Establishments in all business districts by special permit.
- Removes all references to fast-food because fast-food is now categorized as a restaurant.
- Allows private postal services in the CB (Center Business) District. This use is not a distribution center but a retail mailing service as defined in §10.0.

RATIONALE FOR RECOMMENDATION

This zoning amendment will update Lexington’s zoning definitions for eating and drinking establishments to meet current industry standards. Allowing more food venues in all business districts and permitting craft and microbreweries will make Lexington more competitive with surrounding communities. At recent community outreach events, residents desired more eating and drinking establishments.

PUBLIC PROCESS

On Wednesday, February 7, 2024, after publication of the legal advertisement in the *Lexington Minuteman* newspaper on January 18 and January 25, 2024, the Planning Board held a public hearing. The public hearing closed on February 7 and the Board voted on February 28 to recommend Town Meeting approve Article 49.

RECORD OF THE VOTE

Michael Schanbacher moved that the Planning Board recommend that Town Meeting approve Article 49. Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD CHAIR

Robert D. Peters

Exhibit:

[Approved Planning Board Meeting Minutes](#)

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

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

PRESENTER:

Board Discussion

ITEM NUMBER:

SUMMARY:

The Planning Board opened and closed the public hearing on Article 50 on February 7. Attached is the zoning amendment motion language and a draft recommendation report for the Board's review.

SUGGESTED MOTION:

The Board should review the zoning motion, make any changes, and then review the recommendation report.

Move to approve the zoning amendment motion language for article 50.

Move to approve the draft recommendation report for article 50 as prepared by staff including any changes made this evening and allow the Chair to sign the report.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/28/2024

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Zoning Amendments Summary	Cover Memo
<input type="checkbox"/> Article 50 Zoning Motion	Exhibit
<input type="checkbox"/> Presentation	Presentation
<input type="checkbox"/> Draft PB Report	Cover Memo



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

Memorandum

To: Planning Board Members
Public

From: Abby McCabe, Planning Director

Date: February 23, 2024

Re: Summary of Zoning Amendments Articles for Annual Town Meeting

The Planning Board opened the public hearings on all zoning amendment articles on February 7. The Board continued the public hearing on Article 47 (Signs) until February 28 to review further edits related to signs. The Board closed the hearings on all the other zoning articles. On February 28 the Planning Board will discuss and deliberate on Articles 47-52.

Article 47: Signs

Description: This article is a rewrite of the existing sign bylaw. The primary purpose of these changes is to streamline the permit process, make sign regulations clearer, support businesses by allowing more signage, comply with recent case law.

Changes since February 7 are highlighted in yellow.

Major changes include:

- Increases the allowable size of principal wall signs based on the establishment's façade length by allowing 1 sq. ft. per linear foot of 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.
- Allow an additional wall sign on each wall for businesses on property's that abut a street, municipal parking lot, or trail available for public use such as the bike path.
- Requiring exterior lighting of signs to be directed downward.
- Allows standing signs (signs not attached to buildings) in all commercial districts.
- Article allows projecting signs (blade signs) to be by-right, 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. tall in the CM and CRO and new allowance for other business districts at smaller sizes.

Residential sign section has been reformatted to be content neutral. The max. sign area of 30 sq. ft. per sign 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.

Article 48: Short Term Rentals

Description: Section 6.10 the Short Term Rentals bylaw was adopted in 2020. Proposed modifications are intended to lessen impacts to abutters and help mitigate intensity. Proposed changes will only allow rental of up to 2 bedrooms for one party whereas today 3 individual bedrooms can be rented to separate parties. Article adds provision to restrict combining short-term rentals with rooming units; no more than 4 vehicles on a lot; operator-adjacent only allowed for two-family dwellings from the current allowance of four-unit buildings; adds limit for 2 adult guests per bedroom or 10 total per dwelling, whichever is less; and prohibits multi-family developments from being used as short-term rentals.

Article 49: Permitted Uses and Definitions

Description: Updates the definition of a restaurant to include fast-food establishments and a business that serves food or drinks for consumption on premises. A tea house, smoothie place, coffee shops with consumption on premises would be categorized a restaurant. Restaurants are proposed to be allowed in all business districts changing 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 licensed 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.

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

Description: The MBTA Communities Compliance Guidelines allow towns to require up to 10% of a project’s total dwelling units to be income restricted “inclusionary or affordable” dwelling units. Town’s may only

require more than 10% of a project’s total units 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. The EOHLC (Executive Office of Housing and Livable Communities) determined Lexington’s zoning complies. However, the EOHLC 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. The study found that we could start requiring 15% after 12 market rate units are included. Based on our updated study, this article requires projects with between 10-13 units to have 1 affordable unit, and projects of 14 or more to have 15% to be inclusionary and listed on the Town’s SHI.

Article 51: Max. Height in the Village Overlay (VO) District

Description: 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., which we have referred to as the mixed-use “height bonus” to have residential above first floor commercial uses. This amendment is intended to clarify the original intent of the height bonus allowed in the Village Overlay (VO) district.

This amendment does 3 things:

- 1) 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 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 and the use categories in the bylaw. The goal is to have more active uses on the first floor to be able to be above 40-feet.

Article 52: Technical Corrections

Description: The Department of Housing and Community Development (DHCD) has changed their name to the Executive Office of Housing & Livable Communities (EOHLC). This article updates all references to the new department name.

Articles 52 & 53: 507 & 509 Bedford St. – Town Land Owner Petitions

Description: Two articles from the property owners to be added 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.

The Planning Board opened and closed the public hearings on February 7. The Planning Board voted 3-1 to recommend *disapproval* of these two articles.



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

- State Compliance Guidelines:
 - Can require 10% of the units in a project to be inclusionary (incomes limited no less than 80% of AMI, rents/sale \$ limited)
 - Can require 10% - 20% of the units to be inclusionary if Economic Feasibility Study shows it can work

Goal: Create housing with some below market rate units but not so costly that new housing wont be created



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

- 2023: Projects with 8+ units = 15% of project's total units shall be inclusionary
- HLC 2023 Compliance Determination – did not approve 15% for small projects
- 2024 Supplemental Economic Feasibility Study
- Proposal:
 - 10 – 13 units (10% = 1 inclusionary unit)
 - 14+ units = 15% inclusionary units (round down)



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

- 10 – 13 market rate = 1 inclusionary
- 14 – 19 market rate = 2 inclusionary
- 20 – 28 market rate = 3 inclusionary
- Subsidized Housing Inventory (SHI)
- 80% of Area Median Income Household:
 - 1 person \$82,950
 - 2 people \$94,800
 - 3 people \$106,650
 - 4 people \$118,450





Article 50

- Integrates income restricted units throughout new construction across Lexington
- Stay ahead of 40B requirements (10% of SHI)
- Provides more below market housing



Lexington Place



Locke Village



Katahdin Woods



Town of Lexington

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RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

ARTICLE 50: INCLUSIONARY HOUSING FOR VILLAGE AND MULTI-FAMILY OVERLAY DISTRICTS

RECOMMENDATION

The Planning Board recommends that Town Meeting **approve** the motion under Article 50 to amend the Zoning Bylaw inclusionary housing requirements for developments in the VO, MFO, and VHO districts.

AMENDMENT DESCRIPTION

This amendment reduces the percentage of required inclusionary dwelling units for developments in the VO (Village Overlay), MFO (Multi-Family Overlay), and VHO (Village High-Rise Overlay) districts from 15% to 10% for smaller developments with 10 to 13 dwelling units to comply with EOHLC guidance. Developments of 14 or more dwelling units would continue to require 15% inclusionary dwelling units.

All inclusionary dwelling units continue to be required to be eligible for listing on the Town's Subsidized Housing Inventory and available for households earning up to 80% of the area median income.

RATIONALE FOR RECOMMENDATION

This amendment would change the inclusionary housing requirements of the Village and Multi-Family Overlay Districts adopted in 2023 after feedback from the Executive Office of Housing and Livable Communities (EOHLC). In November 2023, the EOHLC found the 2023 zoning requiring 15% of a development to be inclusionary starting at eight dwelling units not economically feasible. In 2024, the Planning Office commissioned a supplemental economic feasibility study. The 2024 study found that 1 inclusionary dwelling unit would be feasible in a 12-unit development and that 3 inclusionary dwelling units would be feasible in a 24-unit development. Based on the results of the study, the Planning Board proposes this zoning as the maximum affordability requirement that can be imposed under the Compliance Guidelines.

PUBLIC PROCESS

On Wednesday, February 7, 2024, after publication of the legal advertisement in the *Lexington Minuteman* newspaper on January 18 and January 25, 2024, the Planning Board held a public hearing. The public hearing was closed on February 7 and the Board voted on February 28 to recommend that Town Meeting approve the motion under Article 50.

RECORD OF THE VOTE

Michael Schanbacher moved that the Planning Board recommend that Town Meeting approve the motion under Article 50. Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD CHAIR

Robert D. Peters

Exhibit:

[Approved Planning Board Meeting Minutes](#)

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Article 51: Max. Height for Village Overlay District

PRESENTER:

Board Discussion

ITEM NUMBER:

SUMMARY:

The Planning Board opened and closed the public hearing for article 51 on February 7. Attached is the zoning motion and a draft recommendation report from the Board's review.

SUGGESTED MOTION:

The Planning Board should review the zoning motion language and draft recommendation report.

Move to approve the zoning amendment motion language for article 51.

Move to approve the draft recommendation report for article 51 as prepared by staff including any changes made this evening and allow the Chair to sign the report.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/28/2024

ATTACHMENTS:

Description	Type
☐ Zoning Amendments Summary	Cover Memo
☐ Article 51 Zoning Motion	Exhibit
☐ Presentation	Presentation



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The 2023 zoning required 15% of a project with 8 or more dwelling units to be inclusionary available to people at 80% of AMI. The EOHLC (Executive Office of Housing and Livable Communities) determined Lexington’s zoning complies. However, the EOHLC 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. The study found that we could start requiring 15% after 12 market rate units are included. Based on our updated study, this article requires projects with between 10-13 units to have 1 affordable unit, and projects of 14 or more to have 15% to be inclusionary and listed on the Town’s SHI.

Article 51: Max. Height in the Village Overlay (VO) District

Description: 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., which we have referred to as the mixed-use “height bonus” to have residential above first floor commercial uses. This amendment is intended to clarify the original intent of the height bonus allowed in the Village Overlay (VO) district.

This amendment does 3 things:

- 1) 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 more substantial commercial uses on the first floor.
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Articles 52 & 53: 507 & 509 Bedford St. – Town Land Owner Petitions

Description: Two articles from the property owners to be added 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.

The Planning Board opened and closed the public hearings on February 7. The Planning Board voted 3-1 to recommend *disapproval* of these two articles.

Town of Lexington
Motion
2024 Annual Town Meeting

**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)



Article 51

Max. Height for Village Overlay (VO)

Amends §7.5.5.10.a to clarify original intent of height allowed in VO adopted in 2023

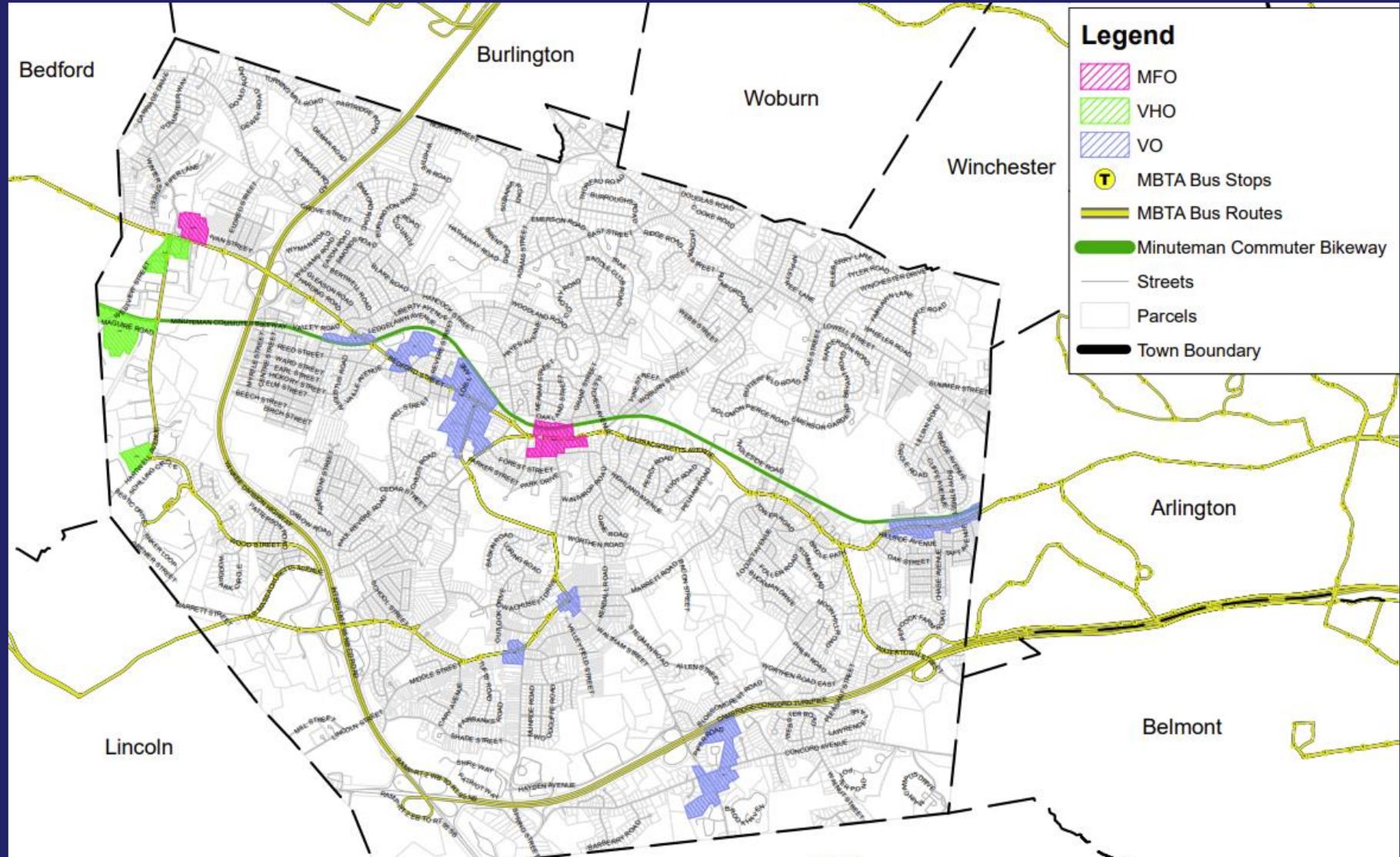
Existing Zoning:

*In the VO District, where at least 30% of the total **net** floor area of the street floor of the development is occupied by **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**.



Overlay Districts, Blue is VO (Village Overlay)

VO:
 East Lexington
 Bedford St./Worthen Rd.
 Bedford St./Reed St.
 Bedford St./Bike Path
 Marrett Rd./Waltham St.
 Marrett Rd./Spring St.
 Concord Ave./Waltham St.





Article 51 – Max. Height for Village Overlay (VO)

Amend §7.5.5.10.a* to clarify original intent of height bonus allowed in VO adopted in 2023

District	MFO	VO	70
Height in Feet	52	40*	70*

- Based on the underlying zoning district
- Based on how much commercial square footage is on first floor
- Eligibility for mixed use height bonus



Article 51

Current Zoning



52 Feet

If the nonresidential uses are NOT permitted in the underlying district



60 Feet

If the nonresidential uses are permitted in the underlying district



Proposed Zoning



52 Feet

If the underlying zoning district is Residential



60 Feet

&

If the underlying zoning district is Commercial

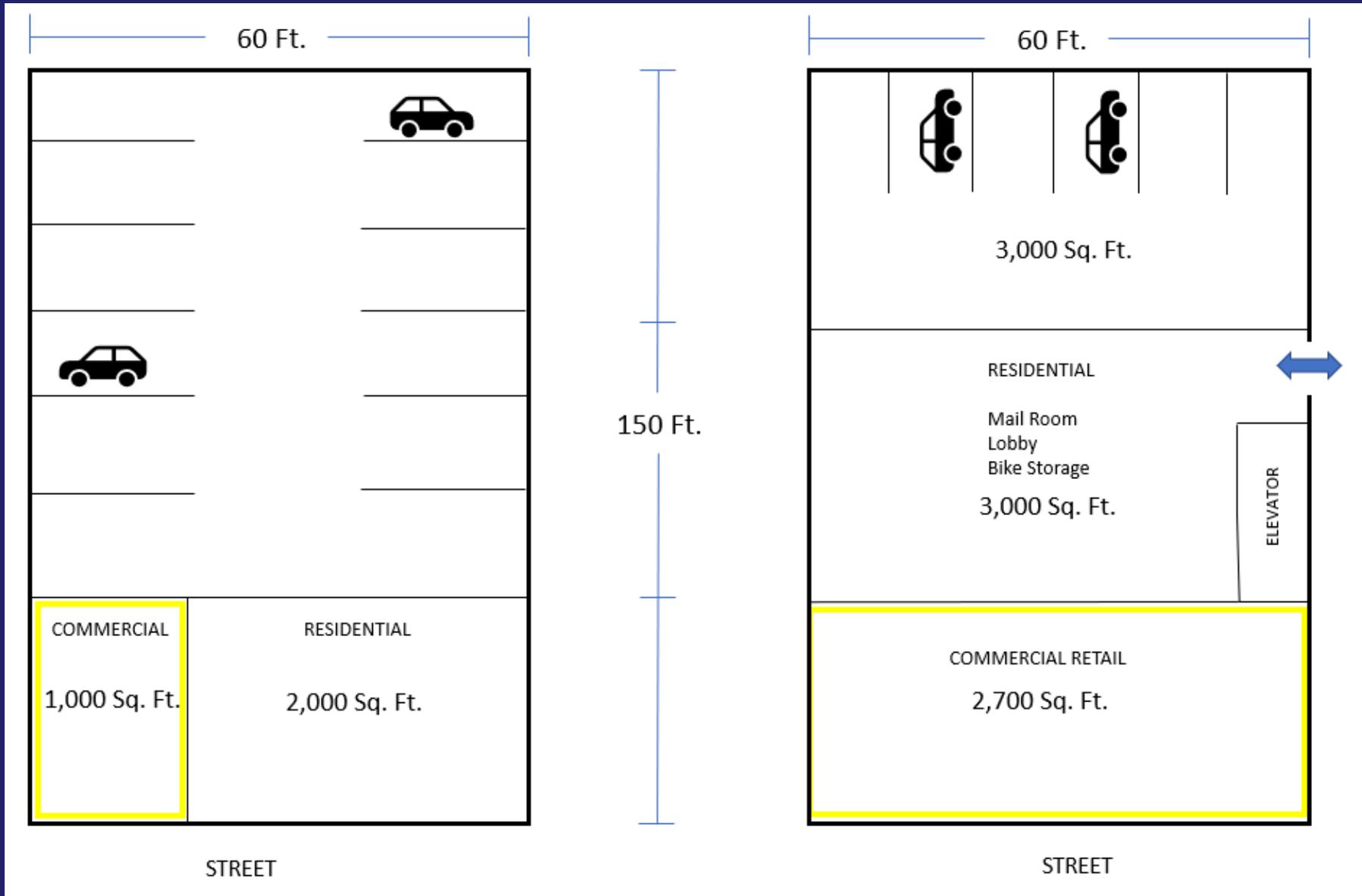


Article 51

Current Zoning VO District			Proposed Amendments VO District		
Where at least 30% of the total <u>net floor area</u> of the street floor of the development is occupied by <u>nonresidential principal uses</u>	If the nonresidential uses are <u>NOT permitted</u> in the underlying district	52 Feet Maximum Height (~4 stories)	Where at least 30% of the total <u>gross floor area</u> of the street floor of the development is occupied by <u>commercial principal uses</u>	If the underlying zoning district is <u>Residential</u>	52 Feet Maximum Height (~4 stories)
	If the nonresidential uses are <u>permitted</u> in the underlying district	60 Feet Maximum Height (~5 stories)		If the underlying zoning district is <u>Commercial</u>	60 Feet Maximum Height (~5 stories)



Net Floor Area to Gross Floor Area





More Substantial Commercial Uses with Gross Floor Area (GFA)





Article 51



Nonresidential principal uses to Commercial principal uses:

- Restaurant uses
- Retail sales
- Personal services
- Commercial, general business, office uses
- Recreation, amusement, entertainment



Article 51

- Strengthen and clarify vision for mixed-use
- More vibrant public realm
- More substantial amount of commercial uses
- Encourage destinations to create walkable neighborhoods





Town of Lexington

PLANNING BOARD

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Robert D. Peters, Chair
Michael Schanbacher, Vice Chair
Melanie Thompson, Clerk
Robert Creech, Member
Charles Hornig, Member
Michael Leon, Associate Member

RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD ARTICLE 51: MAXIMUM HEIGHT FOR VILLAGE OVERLAY (VO) DISTRICT

RECOMMENDATION

The Planning Board recommends that Town Meeting **approve** the motion under Article 51 to amend § 7.5.5.10.a of the Zoning Bylaw relative to the height bonus for mixed-use developments in the Village Overlay District.

AMENDMENT DESCRIPTION

This amendment clarifies the original intent of the mixed-use height bonus by doing the following:

- Makes clear the maximum height of a mixed-use project is based on the underlying zoning district and not on whether the non-residential use is permitted.
- Lists the commercial principal uses which may be included on the first floor to be eligible to build taller than 40 feet.
- Requires that more commercial space be provided on the first floor by basing the minimum required amount on the first floor's total gross floor area rather than net floor area.

RATIONALE FOR RECOMMENDATION

This zoning amendment will clarify ambiguous language describing when a mixed-use development in the VO District is eligible for increased maximum height. The maximum height will be based on the underlying zoning district and on the specific commercial use proposed. This article will also change the amount of required commercial square footage to be based on gross floor area rather than the net floor area. These changes are based on questions raised by developers during the preliminary planning stages for new developments and will tighten up the language so prospective applicants don't exceed the maximum height allowance. The greater commercial requirement will help get the active street floor uses desired by the community.

PUBLIC PROCESS

On Wednesday, February 7, 2024, after publication of the legal advertisement in the *Lexington Minuteman* newspaper on January 18 and January 25, 2024, the Planning Board held a public hearing. The public hearing was closed on February 7 and the Board voted on February 28 to recommend that Town Meeting approve the motion under Article 51.

RECORD OF THE VOTE

Michael Schanbacher moved that the Planning Board recommend that Town Meeting approve the motion under Article 51. Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD CHAIR

Robert D. Peters

Exhibit:

[Approved Planning Board Meeting Minutes](#)

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Article 52: Technical Corrections

PRESENTER:

Board Discussion

ITEM NUMBER:

SUMMARY:

The Planning Board opened and closed the public hearing on Article 52 on February 7. The zoning amendment motion language and draft Board report is attached for the Board's review.

SUGGESTED MOTION:

The Board should review the zoning motion and draft report.

Move to approve the zoning amendment motion for article 52.

Move to approve the draft recommendation report for article 52 as prepared by staff and allow the Chair to sign the report.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/28/2024

ATTACHMENTS:

Description	Type
☐ Article 52 Zoning Motion	Exhibit
☐ PB Report Article 52	Cover Memo
☐ Zoning Amendments Summary	Cover Memo

Town of Lexington
Motion
2024 Annual Town Meeting

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)



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RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

ARTICLE 52: TECHNICAL CORRECTIONS

RECOMMENDATION

On Wednesday, February 28, 2024, after a public hearing held on February 7, 2024, the Planning Board voted **five (5) in favor and none (0) opposed**, to recommend that Town Meeting approve Article 52 to amend the Zoning Bylaw for technical corrections.

RATIONALE FOR RECOMMENDATION

This zoning amendment will update the Zoning Bylaw to reference the new name of the state Executive Office of Housing and Livable Communities (EOHLC) and remove all references to the old department name. No other changes are proposed with this article.

PUBLIC PROCESS

On Wednesday, February 7, 2024, after publication of the legal advertisement in the *Lexington Minuteman* newspaper on January 18 and January 25, 2024, the Planning Board held a public hearing. The public hearing closed on February 7 and the Board voted on February 28 to recommend Town Meeting approve Article 52.

RECORD OF THE VOTE

Michael Schanbacher moved that the Planning Board recommend that Town Meeting approve Article 52. **Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).**

SIGNATURE OF THE PLANNING BOARD CHAIR

Robert D. Peters

Exhibit:

[Approved Planning Board Meeting Minutes](#)



Town of Lexington
PLANNING
DEPARTMENT

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

Memorandum

To: Planning Board Members
Public

From: Abby McCabe, Planning Director

Date: February 23, 2024

Re: Summary of Zoning Amendments Articles for Annual Town Meeting

The Planning Board opened the public hearings on all zoning amendment articles on February 7. The Board continued the public hearing on Article 47 (Signs) until February 28 to review further edits related to signs. The Board closed the hearings on all the other zoning articles. On February 28 the Planning Board will discuss and deliberate on Articles 47-52.

Article 47: Signs

Description: This article is a rewrite of the existing sign bylaw. The primary purpose of these changes is to streamline the permit process, make sign regulations clearer, support businesses by allowing more signage, comply with recent case law.

Changes since February 7 are highlighted in yellow.

Major changes include:

- Increases the allowable size of principal wall signs based on the establishment's façade length by allowing 1 sq. ft. per linear foot of 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.
- Allow an additional wall sign on each wall for businesses on property's that abut a street, municipal parking lot, or trail available for public use such as the bike path.
- Requiring exterior lighting of signs to be directed downward.
- Allows standing signs (signs not attached to buildings) in all commercial districts.
- Article allows projecting signs (blade signs) to be by-right, 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. tall in the CM and CRO and new allowance for other business districts at smaller sizes.

Residential sign section has been reformatted to be content neutral. The max. sign area of 30 sq. ft. per sign 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.

Article 48: Short Term Rentals

Description: Section 6.10 the Short Term Rentals bylaw was adopted in 2020. Proposed modifications are intended to lessen impacts to abutters and help mitigate intensity. Proposed changes will only allow rental of up to 2 bedrooms for one party whereas today 3 individual bedrooms can be rented to separate parties. Article adds provision to restrict combining short-term rentals with rooming units; no more than 4 vehicles on a lot; operator-adjacent only allowed for two-family dwellings from the current allowance of four-unit buildings; adds limit for 2 adult guests per bedroom or 10 total per dwelling, whichever is less; and prohibits multi-family developments from being used as short-term rentals.

Article 49: Permitted Uses and Definitions

Description: Updates the definition of a restaurant to include fast-food establishments and a business that serves food or drinks for consumption on premises. A tea house, smoothie place, coffee shops with consumption on premises would be categorized a restaurant. Restaurants are proposed to be allowed in all business districts changing 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 licensed 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.

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

Description: The MBTA Communities Compliance Guidelines allow towns to require up to 10% of a project’s total dwelling units to be income restricted “inclusionary or affordable” dwelling units. Town’s may only

require more than 10% of a project’s total units 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. The EOHLC (Executive Office of Housing and Livable Communities) determined Lexington’s zoning complies. However, the EOHLC 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. The study found that we could start requiring 15% after 12 market rate units are included. Based on our updated study, this article requires projects with between 10-13 units to have 1 affordable unit, and projects of 14 or more to have 15% to be inclusionary and listed on the Town’s SHI.

Article 51: Max. Height in the Village Overlay (VO) District

Description: 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., which we have referred to as the mixed-use “height bonus” to have residential above first floor commercial uses. This amendment is intended to clarify the original intent of the height bonus allowed in the Village Overlay (VO) district.

This amendment does 3 things:

- 1) 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 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 and the use categories in the bylaw. The goal is to have more active uses on the first floor to be able to be above 40-feet.

Article 52: Technical Corrections

Description: The Department of Housing and Community Development (DHCD) has changed their name to the Executive Office of Housing & Livable Communities (EOHLC). This article updates all references to the new department name.

Articles 52 & 53: 507 & 509 Bedford St. – Town Land Owner Petitions

Description: Two articles from the property owners to be added 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.

The Planning Board opened and closed the public hearings on February 7. The Planning Board voted 3-1 to recommend *disapproval* of these two articles.



Article 52 – Technical Corrections

- MA Department of Housing & Community Development (DHCD) has changed to Executive Office of Housing & Livable Communities (EOHLC) changes all references in zoning from ~~DHCD~~ to EOHLC

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:

2/28/2024

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Review of Meeting Minutes: 2/7/24

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/28/2024

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Upcoming Meetings: 3/13

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/28/2024

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

The meeting will continue until all items are finished. The estimated adjournment time is 9:00 pm.

PRESENTER:

ITEM NUMBER:

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/28/2024

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Members of the public can attend the meeting from their computer or tablet by clicking on the following link at the time of the meeting:

PRESENTER:

ITEM NUMBER:

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/28/2024