

# AGENDA

## Lexington Planning Board

**Wednesday, March 23, 2022**

**This meeting will be held virtually through**

**[www.lexingtonma.gov/planning/pages/access-virtual-meetings](http://www.lexingtonma.gov/planning/pages/access-virtual-meetings)**

**6:00 PM**

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### **Town Meeting**

- 1. Article 35: Amend Zoning Bylaw – Open Space Residential Developments (report)**
- 2. Article 36: Amend Zoning Bylaw And Zoning Map – Mixed Use Developments and Multi-Family Housing (report)**
- 3. Article 37: Amend Zoning Bylaw – Technical Corrections (report)**
- 4. Article 38: Amend Zoning Bylaw and Map – 95-99 Hayden Avenue (128 Spring Street) (report)**
- 5. Article 39: Amend Zoning Bylaw and Map – 475 Bedford Street (report)**
- 6. Article 40: Amend Zoning Bylaw – Sustainable Residential Incentives (report)**
- 7. Article 2: Planning Board Report**
- 8. Article 30: Amend Special Act – Planning Board and Town Meeting**

### **2022-2 Special Town Meeting Articles**

- 1. Comprehensive Plan Implementation/Completion**

### **Board Administration**

- 1. MBTA Community Housing comments**
- 2. Staff Updates**
- 3. Board Member Updates**
- 4. Upcoming Meetings**
- 5. Review of Meeting Minutes for March 2, 2022**

### **Adjourn**

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Meeting broadcast by LexMedia

# **AGENDA ITEM SUMMARY**

## **LEXINGTON PLANNING BOARD**

### **AGENDA ITEM TITLE:**

Article 35: Amend Zoning Bylaw – Open Space Residential Developments (report)

### **PRESENTER:**

### **ITEM NUMBER:**

### **SUMMARY:**

### **SUGGESTED MOTION:**

### **FOLLOW-UP:**

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

3/23/2022

### **ATTACHMENTS:**

Description	Type
📎 Art 35 OSRD Draft Report 3_21_22	Cover Memo
📎 Art 35 Draft Zoning 3_21_22	Cover Memo



*Town of Lexington*

## **PLANNING BOARD**

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

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### **RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD**

#### **ARTICLE 35: AMEND ZONING BYLAW - OPEN SPACE RESIDENTIAL DEVELOPMENTS**

#### **RECOMMENDATION**

By a vote of 4-0-1, with Mr. Creech abstaining, the Planning Board recommends that Town Meeting **APPROVE** the motion under Article 35.

#### **SUMMARY**

This proposed amendment provides an alternative residential development process that would create small dwelling units through a by-right site plan review process that preserves open space, incentivizes historic building preservation and requires affordable units. Under Massachusetts General Law (MGL) c. 40, Open Space Residential Developments (OSRDs) allow housing developments where buildings and accessory uses are clustered together in one or more groups separated from each other and adjacent property by intervening open land. As proposed under Article 35, OSRDs would provide an attractive alternative to conventional subdivisions that support Lexington's housing goals by preserving open space, permitting diverse housing types, producing small dwelling units, producing affordable and workforce housing, and providing incentives to preserve historic buildings. This bylaw provides flexibility for developers to adapt each proposed development to better meet the needs of the community.

#### **JUSTIFICATION FOR RECOMMENDATION**

A similar proposal was presented at Special Town Meeting 2021-2 but failed by a slim margin. Many Town Meeting Members supported the concepts of the amendment but felt that it could be improved and encouraged the Planning Board to keep working on it.

The Public Hearing brought forth many thoughtful ideas and comments. The Planning Board carefully considered all comments and revised the zoning language in response to many of them. Because of the efforts of all, the proposed amendment is much improved. The Planning Board acknowledges that not everyone's ideas were incorporated as there were conflicting points of view. The Planning Board appreciates the input it received.

#### **DESCRIPTION**

The motion under the Article 35 adds a new section §135-6.12 to the zoning bylaw providing for Open Space Residential Developments (OSRDs).

- An OSRD is a plan to develop a tract of land via site plan review by the Planning Board.

- In order to qualify, the proof plan must show at least a two-lot conventional subdivision on a tract of land of at least 70,000 SF.
- OSRDs provide flexibility in lot layout, number of dwellings, number of dwelling units, and types of dwellings while maintaining limits on building height and minimum required yards on the perimeter of the site.
- Each dwelling unit must have exclusive access to 180 square feet of outdoor amenity space.
- The gross floor area (GFA) of the development is limited in a variety of ways, based on what would be permitted in a conventional subdivision:
  - The total GFA of the market-rate dwelling units is limited to what would be permitted in a conventional subdivision.
  - The GFA of each building is limited to 9,350 SF in the RO District and 7,030 SF in the RS and RT Districts, the same or less than that permitted in a conventional subdivision.
  - The average GFA of all dwelling units is limited to 2,625 SF (equivalent to a net floor area of 2,100 SF), with an absolute upper limit of 5,250 SF (4,200 SF net floor area).
- An OSRD must provide one off-street visitor parking space for each four dwelling units.
- At least 35% of the developable site area within an OSRD must be set aside as Open Land which must be preserved in its natural state.
- At least 15% of the developable site area within an OSRD must be set aside as Common Open Space for the common use of the residents.
- At least 20% of the gross floor area of all dwelling units must be incorporated into dwelling units with restricted prices, rents, and occupant incomes, which are called inclusionary dwelling units.
- At least 10% of the dwelling units in an OSRD shall be eligible for inclusion on the DHCD Subsidized Housing Inventory.
- If an OSRD incorporates a historic building for which the developer has negotiated a historic preservation restriction with the Historic Commission, that building is exempt from the gross floor area and open land calculations. Inclusionary dwelling units can be in the historic building.

## **PUBLIC HEARING PROCESS**

On Wednesday, February 2, 2022, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 13 and 20, 2022, the Planning Board opened its public hearing. Continued public hearings were held on Wednesday, February 16 and 23, 2022. The Planning Board voted to close the public hearing on February 23, 2022. The Board deliberated the merits of the public comments and revised the proposed motion accordingly. The Board voted 4-0-1, with Mr. Creech abstaining, to recommend that Town Meeting **APPROVE** the motion under Article 35 at its February 16, 2022 meeting.

## **PUBLIC HEARING MINUTES**

### FEBRUARY 2, 2022

**Members present were:** Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

Mr. Hornig opened the public hearing. Mr. Hornig said this will be continued to February 16 without testimony.

***Robert Peters moved that the Planning Board continue the public hearing on Article 35: Amend Zoning Bylaw – Open Space Residential Development to Wednesday, February 16, 2022 at 7:00 p.m. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED***

FEBRUARY 16, 2022

**Members present were:** Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

Mr. Hornig opened the public hearing.

***Robert Peters moved that the Planning Board continue the public hearing for Article 35, Amend Zoning bylaw -- Open Space Residential Developments, to Wednesday, February 23, 2022 at 6:00 p.m. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED***

FEBRUARY 23, 2022

**Members present were:** Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

Mr. Hornig opened the continued public hearing. Mr. Peters gave a presentation on Article 35: Amend Zoning Bylaw – Open Space Residential Developments.

Board Member Comments:

- Mr. Schanbacher had no comments or questions.
- Ms. Thompson had no comments or questions.
- Mr. Creech had questions that he will hold until after public comments.
- Mr. Leon said he would wait until after public comments.
- Mr. Hornig said with this and Article 36 he will recommend they will use the same provisions for inclusionary housing. There is every intent that the changes proposed in Article 40 would apply to these developments as well.

Public Comments and Questions:

- Mr. Shiple and Ms. Katzenberg gave a presentation from the Lexington Cluster Housing Study Group and provided the purpose of the study group on cluster housing issues that include simplifying bylaw language, restating the incentive in terms of site coverage, how open space would be managed, protected, and the purpose.
- Will the buffer zones of the wetlands areas will be part of the 35% open land required? Would the 10% affordable units be enough?

- The Vice Chair of the Historical Commission, representing the Commission, said it does not support this OSRD in its current form since it does not require explicit approval for the overall preservation plan for the entire site. The committee made suggestions to expand the purpose to include historic features, recognize standards for preservation, include the Historical Commission in the Site Plan Review process, and include a look-back period for at least 12 months.
- Who would own the common land?
- How would this affect the population of Lexington over time if it was approved as opposed to if it wasn't approved? If someone qualifies for an affordable unit at first and over time no longer qualifies what how does that affect the property and does it still count towards our quota of affordable housing?
- A request for clarification was made for a definition of "In its Natural State" for this article and there should be a clause to define that. Restoration of degraded land should be included in this proposed article.
- There should be a requirement added for a minimum tract of land of 60,000 square feet. The GFA should be based on conventional proof plans minus the wetlands. The inclusionary housing should be constructed to be equitable to market-rate units and have a universal design and developed for those with disabilities. There should be joint regulations created by the Select Board, Affordable Housing Partnership and Planning Board for AMI levels. Units should not be constructed on historical structures, there should be a strong purpose statement regarding equitable construction materials and site amenities, and regulations to accompany bylaw changes.
- Find a way to add sustainable design standards to this article as incentives.
- Clarification was requested for what is the minimum viable lot size for an OSRD and said it should be stated in the article.
- Is it possible to create a visual representation of what a possible site could look like under this proposal as opposed to other existing proposals for Town Meeting?
- A resident is opposed to the by-right position of this article.

Mr. Hornig asked the Board whether to move this Article forward to Town Meeting.

- Mr. Schanbacher said yes with adding some of the suggested changes.
- Mr. Peters said he was comfortable with that as long as we can still get written comments.
- Ms. Thompson said yes and incorporate some of the changes to provide more clarity.
- Mr. Creech said regarding affordable it would benefit to have a hypothetical example, he wanted this article to be made by special permit and not by-right. He will be more flexible if there is enough specificity in the bylaw. He was concerned that we can get what we want through site plan review.
- Mr. Leon said there was a lot of thoughtful comments tonight and was concerned about processing issues of the by-right as opposed to special permits.
- Mr. Hornig said that the SPRD committee chose to let this OSRD article move forward last year and run parallel to their work and that they did not want to take this up. The SPRD will be doing everything as by-right with site plan review and no special permits.

It was requested that the public hearing should be kept open since people were on school vacation.

***Robert Peters moved that the Planning Board close the public hearing Article 35, Amend Zoning Bylaw for Open Space Residential Developments. Michael Schanbacher seconded the motion. The***

***Planning Board voted in favor of the motion 4-1-0 (roll call: Bob Creech – no; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig – yes) MOTION PASSED***

For the Planning Board,

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Charles Hornig, Chair

## ARTICLE 35

## AMEND ZONING BYLAW OPEN SPACE RESIDENTIAL DEVELOPMENTS

### MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, 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. Add a new row to § 135-3.4, Table 1, Permitted Uses and Development Standards, as follows:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
A.1.06	Open space residential development (OSRD) (see § 6.12)	N	R	R	R	N	N	N	N	N	N	N	N

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

#### **HISTORIC BUILDING**

A building eligible to be listed on the National Register of Historic Places or the Historical Commission's Cultural Resources Inventory for which an historic preservation restriction in a form acceptable to the Historical Commission is in effect.

#### **INCLUSIONARY DWELLING UNIT**

A dwelling unit, the sale, lease, or rental of which is permanently restricted with limits on the household income of occupants, sale price, and rent through a deed rider or other restriction acceptable to the Town.

#### **MULTI-FAMILY HOUSING**

As defined in MGL c. 40A, § 1A.

#### **OPEN LAND**

As defined in MGL c. 40A, § 1A.

#### **OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)**

As defined in MGL c. 40A, § 1A.

3. Add a new § 135-6.12 as follows:

#### **6.12 OPEN SPACE RESIDENTIAL DEVELOPMENTS.**

##### **6.12.1 Purpose.** This section is intended to:

1. Permit the development of open space residential developments (OSRDs);
2. Encourage greater diversity of housing opportunities in Lexington to meet the needs of a population which is diversified with respect to number of persons in a household, stage of life, abilities, and income;
3. Promote development proposals designed with sensitivity to the characteristics of a site that otherwise might limit development options due to the application of uniform, largely geometric standards;
4. Permit different types of structures and residential uses to be combined in a planned interrelationship that promotes a relationship between new buildings, public facilities, and Open Land;
5. Preserve historically or architecturally significant buildings or places, including consideration for siting, sight lines, and landscaping;
6. Encourage the preservation or restoration of aesthetically or environmentally valuable features of Open Land and minimize impacts on environmentally sensitive areas;
7. Encourage residential development that is consistent with the Town's sustainability goals and encourages sustainable development techniques; and
8. Develop housing that is or can be adapted to be accessible and attainable for older persons and persons with disabilities.



#### **6.12.2 General Standards.**

1. The degree of development permitted in an OSRD shall be based on the extent to which the OSRD complies with the criteria set forth below, and regulations adopted pursuant to § 9.5.5 to further the purposes of this section.
2. An OSRD must be located on a tract of land of at least 70,000 SF.
3. The proof plan for an OSRD shall show two or more lots.

#### **6.12.3 Dimensional Standards.** Within an OSRD, the requirements of § 4.0 shall be modified as follows:

1. **Lot area.** There is no minimum lot area required for individual lots within an OSRD, provided that each lot shall be designed to be a sufficient size to meet the off-street parking requirements of this Bylaw, if applicable, and to permit the installation of any on-site water supply and sewage disposal facilities. The requirements of § 4.2.2 (Lot Regularity) and § 4.2.3 (Developable Site Area) do not apply.
2. **Frontage.** There is no minimum lot frontage required, provided that there is sufficient frontage to provide for adequate access to the building site. Where shared driveways or other circumstances render frontage on a street unnecessary for such adequate access, no frontage is required.
3. **Yard.** Yards required by § 4.0 shall apply to the perimeter of an OSRD. No yards are required within an OSRD. Buildings may share a common wall.
4. **Height.** The height limits of § 4.0 shall apply to all structures in an OSRD except that § 4.3.5 shall apply only along the perimeter of an OSRD.
5. **Dwellings and Dwelling Units.** There is no limit on the number of dwellings in an OSRD or on a lot. The requirements of § 4.1.4 (One Dwelling per Lot) do not apply. The number of dwelling units in an OSRD shall not exceed five (5) times the number of lots shown on the proof plan. The SPGA may issue a special permit to exceed these limits, which may require the provision of additional Inclusionary Dwelling Units, Open Land, or Common Open Space.
6. **Amenity space.** At least 180 square feet of unroofed amenity space shall be available for the exclusive use of the residents of each dwelling unit.
7. **Floor Area.** The requirements of § 4.4 (Residential Gross Floor Area) shall not apply in an OSRD except as provided below.
  - a. The total gross floor area of all buildings, excluding inclusionary dwelling units, shall not exceed the total gross floor area permitted under § 4.4 for all lots shown on the proof plan.
  - b. The gross floor area of each building shall not exceed 9,350 SF in the RO District and 7,030 SF in the RS and RT Districts.
  - c. Historic Buildings shall not be included in the calculation of gross floor area under § 6.12.3.7.a and § 6.12.3.7.b.
  - d. Dwelling units within Historic Buildings shall not be included in the calculation of gross floor area under § 6.12.3.7.e and § 6.12.3.7.f.
  - e. The gross floor area of any dwelling unit shall not exceed 5,250 square feet.
  - f. The average gross floor area of all dwelling units shall not exceed 2,625 square feet.
  - g. In multi-family housing the SPGA may issue a special permit to exceed these limits in accordance with § 4.4.3.
  - h. The site plan for the OSRD shall specify maximum gross floor areas for the whole OSRD, each dwelling, and each dwelling unit. Any deed for all or a portion of the OSRD shall restrict the gross floor area of that portion in accordance with the site plan.

#### **6.12.4 Parking.**

1. **Visitor parking.** A minimum of 1 additional parking space per every 4 dwelling units shall be provided for visitor parking.

#### **6.12.5 Open Land and Common Open Space.**

1. **Required Open Land and Common Open Space.**
  - a. At least 35% of the developable site area within an OSRD shall be set aside as Open Land.

- b. In addition to Open Land set aside under the previous provision, at least 15% of the developable site area within an OSRD shall be set aside as Common Open Space.
  - c. The Open Land required shall be decreased by two times the site coverage of any Historic Buildings.
2. Ownership. Open Land shall be conveyed to:
- a. A legal association comprised of the owners of the OSRD, which may include homeowners or owners of condominium or cooperative units;
  - b. The Town, subject to acceptance, to ensure its perpetual use as open space or park land; or
  - c. A nonprofit organization, the principal purpose of which is the conservation of open space.
3. Restriction. When such Open Land is conveyed to entities other than the Town, a conservation restriction over such land shall be granted to the Town, or a nonprofit organization, the principal mission of which is the conservation of open space, to ensure its perpetual use as open space or park land.
4. Regulation. The Planning Board shall adopt additional regulations concerning the condition, location, ownership, and preservation of Open Land consistent with § 6.12.1 and MGL c. 40A, § 1A.
5. Certificate of occupancy. No certificate of occupancy shall be issued until any conveyances of Open Land or restrictions are executed and recorded.

#### **6.12.6 INCLUSIONARY HOUSING.**

1. Required inclusionary dwelling units.
- a. At least 20%, or 25% in developments where the total permitted gross floor area under § 6.12.3.7.a is greater than 60,000 SF, of the gross floor area of all dwelling units shall be incorporated into inclusionary dwelling units.
  - b. Inclusionary dwelling units shall be substantially similar in size, layout, construction materials, fixtures, amenities, and interior and exterior finishes to comparable dwelling units in the same dwelling.
  - c. Occupants of inclusionary dwelling units shall have similar access to common areas, facilities, and services as enjoyed by other occupants of the development including but not limited to outdoor spaces, amenity spaces, storage, parking, bicycle parking facilities, and resident services.
  - d. Inclusionary dwelling units shall be dispersed throughout the development rather than concentrated within particular sections of a dwelling or within particular dwellings.
  - e. The Planning Board, in consultation with the Select Board, the Housing Partnership Board, and the Commission on Disability, shall adopt regulations concerning physical characteristics, location, and access to services of inclusionary dwelling units; defining limits on the household income of occupants, sale price, and rent of inclusionary dwelling units; and the form of required legal restrictions.
2. Subsidized housing inventory. At least 10% of the dwelling units in an OSRD shall be eligible for inclusion on the DHCD Subsidized Housing Inventory.
3. Certificate of occupancy. No certificate of occupancy shall be issued until all restrictions for inclusionary dwelling units are executed, submitted to the Town, and, to the extent required, recorded.

#### **6.12.7 DESIGN STANDARDS.**

1. The Planning Board shall adopt design guidelines and regulations to facilitate sustainable site layouts, quality building designs, and purposeful outdoor amenity spaces that create vibrant residential communities that benefit the residents of the development and the town.

(03/21/2022)

# **AGENDA ITEM SUMMARY**

## **LEXINGTON PLANNING BOARD**

### **AGENDA ITEM TITLE:**

Article 36: Amend Zoning Bylaw And Zoning Map – Mixed Use Developments and Multi-Family Housing (report)

### **PRESENTER:**

### **ITEM NUMBER:**

### **SUMMARY:**

### **SUGGESTED MOTION:**

### **FOLLOW-UP:**

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

3/23/2022

### **ATTACHMENTS:**

Description	Type
☐ Art 36 Multi-Family Multi-Use 3_21_22 Draft for PB REV review	Cover Memo



*Town of Lexington*

## **PLANNING BOARD**

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Robert Creech, Member  
Melanie Thompson, Member  
Michael Leon, Associate

### **RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD**

#### **ARTICLE 36: AMEND ZONING BYLAW**

#### **MIXED-USE DEVELOPMENTS AND MULTI-FAMILY HOUSING**

**MARCH X, 2022**

#### **RECOMMENDATION**

The Planning Board voted in favor 5-0 to recommend that Town Meeting **REFER TO THE PLANNING BOARD** the subject matter of Article 36.

#### **RATIONALE FOR RECOMMENDATION TO REFER TO THE PLANNING BOARD**

Members of the Board identified the following rationale to refer Article 36:

- The majority of the Planning Board agrees with the general concept of allowing additional multi-family housing above the first floor in Lexington Center by-right. Many residents who spoke during the public hearing also thought that, in general, the use was appropriate. However, there was some concern about the specifics of the proposal especially with respect to the permitted unit density, height of buildings and parking requirements. Others expressed a desire to consider any proposal for the Center together with other potential multi-family areas to meet the MBTA Community Housing requirement.
- Referring Article 36 to the Planning Board will allow the Board to further develop the motion so that it reflects what is actually feasible and desirable in Lexington Center.
- The Board will also work with planning professionals and residents to produce a comprehensive Town-wide strategy to fully comply with the MBTA Community Housing requirement.

#### **DESCRIPTION**

The original motion under this Article would amend the Zoning Bylaw with respect to dimensional standards and parking requirements for structures in Lexington Center to make mixed-use, multi-family buildings more feasible. The motion also would make multi-family housing projects in the Center subject to inclusionary housing requirements.

#### **PUBLIC HEARING PROCESS**

On Wednesday, February 2, 2022, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 13 and 20, 2022, the Planning Board opened the public hearing. Public hearings were held on February 16, February 23, and March 2.

The public hearing closed on March 2 and the Planning Board voted to indefinitely postpone the Article. Then on March 16 the Planning Board voted to refer the matter to the Planning Board as this was the preferred way of enabling further work by the Planning Board

## **PUBLIC HEARING MINUTES**

### **FEBRUARY 2, 2022**

**Members present were:** Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

***Robert Peters moved that the Planning Board continue the public hearing for Article 36 without testimony to Wednesday February 23, 2022 at 6:00 p.m. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED***

### **FEBRUARY 23, 2022**

**Members present were:** Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

Mr. Hornig opened the continued public hearing but said he would continue this public hearing so to allow time for the staff to send out notices, which were not done because of a flood in Town Hall which impacted the Planning Office. Mr. Schanbacher gave a presentation on Article 36, Amend Zoning Bylaw for Mixed-Use Developments and Multi-Family Housing.

#### **Board Member Comments:**

- Mr. Peters had no comments.
- Ms. Thompson no comments.
- Mr. Creech said this is a big deal and six stories is controversial. We have not done enough public outreach and staff could do research and provide us with guidance and we are not ready since this proposal is not vetted yet. He did not believe this was ready to bring to Town Meeting now.
- Mr. Leon was concerned with public process, other items and are needed to make this more feasible, and we should take nine months to try to achieve a workable proposal and do more outreach to the public.
- Mr. Hornig said this proposed article was brought forward since it was an important issue and believed it was necessary to bring it to a public hearing to make the public aware and understand this proposal.

#### **Audience Comments and Questions:**

- A resident offered support for this proposal. Having visuals to show people what the Center would look like would be helpful.
- A resident supported some aspects of this proposal but was opposed to tall structures which would create canyonization of the Center and was especially opposed to tall structures on the west side of the Center which would impact by removing a lot of the sun during the day. It would be good to see something in the proposal that would limit the

height on the west side of the center.

- A resident said this is not ready to go to Town Meeting in any event. The height of 65 feet is too high especially in the Center and the issue of parking is a concern. We need to think broader than Lexington Center if we are going to build this type of multi-family housing.
- The resident who proposed Article 40 (Sustainable Residential Incentives) wanted to make sure that any housing under this article complies with Article 40.
- A resident asked for clarification on what is the required vote at Town Meeting. It seems the Planning Board is doing a trial and error to pass an article, which is not the Lexington way and is not ready to bring this forward to Town Meeting.
- A resident is neither for or against this but is very important that allow Town Meeting Members to be part of this and allow them to vote on proposals and which developers should be allowed to bid on them.
- We need to look well beyond the Lexington Center and see a thorough town-wide plan on how we would meet the 2400-unit requirement for the MBTA Guidelines completely before rezoning the Center. When the zoning is changed we need to provide information that there is room to build all those units and a minimum site size. There should be some training sessions so the intended and unintended consequences are known before there is a vote on this.
- A resident believes this is a good idea and said we have an opportunity here to meet a need and move forward to meeting requirements at a state level. We should continue this discussion to see what the future needs would be to make this Center vibrant. Would like to continue this discussion to see how this develops.
- A resident loved the idea of housing in the Center, but 6 stories is too tall and bringing in sustainable clean energy for those buildings would be important. 475 Bedford Street would be a good place for this housing project.
- A resident thought this is a great idea but it needs a lot of work. It would benefit by fleshing out a more comprehensive plan before bringing it to Town Meeting.
- This is not ready for Town Meeting. This should be added to the Comprehensive Plan and should be brought to the new Planning Director. This needs more outreach to develop a more plan that is vetted out for this proposal.
- A resident says this is a lot to take in and too dense for the Center and this should be done in another section of Town. When does this have to be in the bylaw before the penalties kick in?
- The Executive Director of the Lexington Chamber of Commerce said if we do not start to build out more housing and we will lose out to other cities. If we do not provide housing for workers to live closer to work we will lose out in the future and need to take up these housing issues.
- The Chair of Lexington Center Committee spoke on behalf of the committee and said they believe that this article is not ready yet with issues for parking, step-backs with larger buildings, and tall buildings on the westside of the street. The Committee wants to work with the Planning Board to make this article work. The question is if the Town is ready to add 2,000 more units here.
- A question was asked for clarification on what we would miss out on if we do not move forward with this proposed article.

The Board discussed whether they would prefer to meet at 6:00 or 7:00 p.m. The Board decided that they prefer meeting at 6:00 p.m.

***Robert Peters moved that the Planning Board continue the public hearing for Article 36: Amend Zoning Bylaw and Zoning Map – Mixed-Use Developments and Multi-Family Housing to March 2, 2022 at 6:00 p.m. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 4-0-1 (roll call: Bob Creech – abstained; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED***

#### MARCH 2, 2022

**Members present were:** Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

Mr. Hornig opened the continued public hearing which was continued from last week to allow notices to be received by stakeholders. Mr. Schanbacher gave a presentation on Article 36, Amend Zoning Bylaw for Mixed-Use Developments and Multi-Family Housing.

Board Comments and Questions:

- Mr. Peters asked for clarification on the estimate of the acreage this area defines.
- Mr. Hornig said he heard that 6 stories does not equal 65 feet so it should either be 70 feet or less than six stories and that they should consider adding the medical building next to the CB District. He also would like some make some small changes to the inclusionary housing language to make it consistent with the OSRD language.

Public Comments and Questions:

- A resident said since seeing various concerns on meeting lists on housing that this Article should be indefinitely postponed to get more public input.
- An abutter on Grant Place said the parking lot behind them is an underutilized space and would like to see mixed-use with a garage and apartments on that land.
- An abutter who lives in the Center was concerned and felt we should look to make sure that those who need affordable housing get it and not those who know how to work the system. She asked for clarification on how we are labeled as an MBTA Community?
- A resident was in favor of this proposal, but wanted it separate from the MBTA Guidelines but use a proposal for multi-family housing.
- A resident was against the proposal and before we move forward on adding all these units there should be some analytics done on impacts to traffic and schools for this proposal especially regarding additional students that this would bring.
- A resident asked if we opt out what do we really miss out on and clarification on which close-by towns opted out. We cannot count students but can count cars and was very annoyed that we are considered an MBTA community when we get minimal services from the MBTA.
- A resident supported this article and its intention. If we do this it is possible the MBTA might increase the services available to us and believed there would be a benefit to increase density in the Center.
- A resident asked for clarification on the notice he received for this public hearing on the parking requirements being reduced.

- A resident supported this article and agreed that more housing in the Center will bring more life and diversity in the retail offerings. They liked building in a more-dense way, but the upper stories should be set back in some way to prevent a tunnel effect.
- A resident who was a strong supporter of intensity in the Center does not know if they would support this since he would need more analysis done and asked for clarification on the process the Board has gone through on this proposal. He asked for clarification on where he could find this information and what kind of outreach has been done with landowners, residents, and other stakeholders.
- The resident said we need to make the Center more vibrant and need more housing stock and wants Town Meeting to make this decision.
- A resident and EDAC member said the design guidelines should be part of this discussion/article, the benefits of smart development around transit need to tell that story a little better for this article presentation.
- A resident supported this project and the units in Lexington Place have a positive impact in the Center and adding more will be good thing. She requested clarification on what would be the ramification if we do not comply with this MBTA Guidelines.
- Clarification was requested for what are the consequences of not passing this zoning at Town Meeting? It was suggested to let Town Meeting know that we need to be compliant with the statute but also the ways to mitigate any concerns that are brought up and what is the timeline. Concern was expressed that we may not be able to meet the guidelines in time.
- A resident and chair of Lexington Center Committee said the Center Committee felt favorable on the idea, but town services need to be considered and adding Clark Street is a good idea.
- Clarification was requested if there was a plan B if this does not go through? There was a request for clarification on the inclusionary housing within the center and said this needs more work but thanked the Board for their work.
- A question was asked on why can't the assisted living on Oakland Street be included in this proposal. With all the money we put into the Center having more units in the Center will only increase the draw.
- Would like to see analysis of six stories on buildings in the center and asked what is the genuine risk for losing the grants as opposed to the increase cost for town services. This information is needed to help us make an informed choice.
- There was concern on issues for parking requirements being reduced for new developments being built.

#### Board Comments and Questions:

- Ms. Thompson said there is a lot of complications to this proposal. We need to make a presentation on the MBTA Communities Housing Guidelines which are not very clear. It seems the community is in favor of making changes in the Center and if we make it clearer we would have a better chance of getting it passed. She had concerns about the heights if the buildings and said we need more diversity in the retail shops in the Center.
- Mr. Creech said given all the feedback we have not done proper outreach and what he hears from the public is that there are still many details that need to be addressed before bringing this to Town Meeting.



- Mr. Peters said we should close the public hearing.
- Mr. Schanbacher said we should close the public hearing.
- Mr. Leon said we have not been working on this for a long time and should close the public hearing and let the public know that we will embark on a process and work on a town-wide conceptual plan to meet the MBTA Guidelines.
- Mr. Hornig said he felt we are not ready to move forward with this proposal and will work to have a more comprehensive package for a future Town Meeting.
- Mr. Schanbacher said it was good to bring this public hearing forward to inform the public about this proposal.

***Robert Peters moved that the Planning Board close the public hearing for Article 36 Amend Zoning Bylaw and Zoning Map for Mixed-Use Developments and Multi-Family Housing. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED***

Board Member Deliberations:

- Ms. Thompson believed this should go to Town Meeting in the fall.
- Mr. Creech said we should work on this some more and look at other town centers. He said we should indefinitely postpone this proposal.
- Mr. Peters said the public hearing has put this on people's radar for the MBTA Guidelines and the clock is moving forward and he agreed this should be indefinitely postponed and later we will know the framework with the DHCD requirements.
- Mr. Schanbacher said we should indefinitely postpone this proposal.
- Mr. Leon said we should bring an overall conceptual plan town-wide to the Fall Town Meeting to get some support to possibly get compliance with the statute.
- Mr. Hornig said this was being put off to bring a bigger plan forward for the Fall Town meeting.

***Robert Peters moved that the Planning Board recommend to indefinitely postpone Article 36 Amend Zoning Bylaw and Zoning Map for Mixed-Use Developments and Multi-Family Housing. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED***

**PLANNING BOARD VOTE**

***Robert Peters moved that the Planning Board recommend that Annual Town Meeting refer Article 36 to the Planning Board. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0 (Roll call: Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Robert Creech – yes; Charles Hornig – yes). MOTION PASSED***

Charles Hornig. . . . . yes  
Robert Peters. . . . .yes  
Michael Schanbacher . . . . .yes  
Robert Creech. . . . . yes  
Melanie Thompson. . . . . yes

**FOR THE PLANNING BOARD**

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Charles Hornig, Chair

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

#### **AGENDA ITEM TITLE:**

Article 37: Amend Zoning Bylaw – Technical Corrections (report)

#### **PRESENTER:**

#### **ITEM NUMBER:**

#### **SUMMARY:**

#### **SUGGESTED MOTION:**

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

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

3/23/2022

#### **ATTACHMENTS:**

Description	Type
 Article 37 Technical Corrections Draft Report	Cover Memo



**LEXINGTON PLANNING BOARD**  
1625 MASSACHUSETTS AVENUE, LEXINGTON, MA

**MEMBERS OF THE PLANNING BOARD:**  
CHARLES HORNIG, CHAIR – ROBERT PETERS, VICE-CHAIR – MICHAEL SCHANBACHER, CLERK – ROBERT CREECH – MELANIE THOMPSON

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**RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD**  
**ARTICLE 37: AMEND ZONING BYLAW - TECHNICAL CORRECTIONS**

**RECOMMENDATION**

The Planning Board unanimously recommends that Town Meeting **APPROVE** the motion under Article 37.

**SUMMARY**

This change is clerical in nature and not intended to change the interpretation of the Zoning Bylaw in any substantive way. Article 13 of Special Town Meeting 2020-2 amended Section 4.3.1 of the Zoning Bylaw to include the phrase “A Solar Energy System may be located over any paved parking lot.” However, when Section 4.3.1 was further amended at Special Town Meeting 2021-1 under Article 12, that phrase was inadvertently omitted from the amended text. This vote would confirm that it was the intention of Town Meeting to include that phrase as it was originally voted in 2020.

**PUBLIC HEARING PROCESS**

On Wednesday, February 2, 2022, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 13 and January 20, 2022, the Planning Board opened its public hearing. At the same meeting the Planning Board voted to close the public hearing and made a favorable recommendation to the 2022 Annual Town Meeting.

**PUBLIC HEARING MINUTES**

**FEBRUARY 2, 2022**

**Public Hearing: Article 37: Amend Zoning Bylaw – Technical Corrections**

Mr. Hornig opened the public hearing and Mr. Schanbacher presented Article 37.

There were no comments from the Public or the Planning Board on this Article.

***Robert Peters moved that the Planning Board close the public hearing on Article 37: Amend Zoning Bylaw – Technical Corrections. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED***

***Robert Peters moved that the Planning Board recommend to Town Meeting approval of Article 37: Amend Zoning Bylaw – Technical Corrections in substantially the form as presented. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED***

For the majority of the Planning Board,

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Charles Hornig, Chair

# **AGENDA ITEM SUMMARY**

## **LEXINGTON PLANNING BOARD**

### **AGENDA ITEM TITLE:**

Article 38: Amend Zoning Bylaw and Map – 95-99 Hayden Avenue (128 Spring Street)  
(report)

### **PRESENTER:**

### **ITEM NUMBER:**

### **SUMMARY:**

### **SUGGESTED MOTION:**

### **FOLLOW-UP:**

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

3/23/2022

### **ATTACHMENTS:**

Description	Type
☐ Article 38 Hayden/Spring Street PSDUP Report	Cover Memo
☐ Article 38 Corrected 3_21_22 Hayden/Spring Street PSDUP Report	Cover Memo



**LEXINGTON PLANNING BOARD**  
1625 MASSACHUSETTS AVENUE, LEXINGTON, MA

**MEMBERS OF THE PLANNING BOARD:**  
CHARLES HORNIG, CHAIR – ROBERT PETERS, VICE-CHAIR – MICHAEL SCHANBACHER, CLERK – ROBERT CREECH – MELANIE THOMPSON

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**RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD**  
**ARTICLE 38: AMEND ZONING BYLAW AND MAP - 95 HAYDEN AVENUE AND 128 SPRING STREET (99 HAYDEN AVENUE)**

**RECOMMENDATION**

The Planning Board unanimously recommends that Town Meeting **APPROVE** the motion under Article 38.

**PROJECT SUMMARY**

Hobbs Brook Real Estate has petitioned the Town of Lexington to amend the Lexington Zoning Map to rezone the parcels at 95 Hayden Avenue and 128 Spring Street (Map 17, Parcel 22 and Map 18, Lot 2B) to create a new PD-6 Planned Development District. The approximately 36-acre site is currently in Planned Commercial District CD-14 based on a Preliminary Site Development and Use Plan approved by Town Meeting in 2009.

Hobbs Brook acquired 95 Hayden Avenue in 2012 and 99 Hayden Avenue in 2020. 99 Hayden is also known as 128 Spring Street. The site contains an office and lab building complex, two parking garages, and associated surface parking and site improvements developed beginning in the 1960s encompassing a total of 428,392 square feet of gross floor area. In 2009 past property owners obtained approval of an additional 162,000 square foot lab/office building with an underground parking garage. That proposal was never constructed.

The project proposes the demolition of one existing building, the construction of two new buildings (Buildings 1 and 2) and a connector space connecting new Building 1 and new Building 2 with parking underneath, an addition to the one of the parking garages, renovation to the remaining existing buildings and site improvements. These buildings will be constructed in three separate phases adding an additional 314,812 square feet of gross floor area. Once completed, 95 and 99 Hayden Avenue will include a total of approximately 743,204 square feet of gross floor area.

The reviewed Preliminary Site Development and Use Plan (PSDUP) dated December 15, 2021 was submitted on December 23, 2021. The zoning was revised February 11, 2021. Additional renderings were submitted on February 11, 2021.

**JUSTIFICATION FOR RECOMMENDATION**

The Planning Board worked with Hobbs Brook Real Estate during the public hearing process to ensure the project complied with the initiatives of the Town for clean energy, traffic management, job creation, property tax generation, and public trail access. The specific comments and concerns of the Planning Board are presented in the Minutes section of this report.

The Select Board and Hobbs Real Estate have negotiated a Memorandum of Agreement addressing non-zoning issues.

## **PUBLIC HEARING PROCESS**

On Wednesday, February 2, 2022, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 13 and January 20, 2022, the Planning Board opened its public hearing. A continued public hearing was held on Wednesday, February 16, 2022. The Planning Board voted to close the public hearing and made a favorable recommendation to the 2022 Annual Town Meeting on Wednesday, February 16, 2022.

## **PUBLIC HEARING MINUTES**

### FEBRUARY 2, 2022

Present for the public hearing: Peter Tamm of Goulston and Storrs attorney for Hobbs Brook Real Estate, Brad Cardoso from Hobbs Brook Real Estate; Tim Bailey from Margulies Perruzzi; and Robert Michaud, P.E., MDM Transportation;

Charles Hornig, Chair, opened the public hearing. Mr. Tamm presented the background and the process, outreach to neighbors, and meeting with EDAC and the Select Board to discuss mitigations that will be included in the Memorandum of Understanding for this project redevelopment. He said they will be meeting with the Conservation Commission regarding an updated wetlands delineation. Mr. Cardoso presented the existing site conditions and project goals. Mr. Bailey presented the project overview of the redevelopment and proposed site plan phasing. He reviewed the proposed building elevations, development data, preliminary specifications and compliance table, parking and loading proposals, elevated renderings for the buildings, and landscape design. Mr. Michaud presented a transportation overview, elements of the of the Parking and Transportation Demand Management Program, access and pedestrian improvements, a possible new trail to connect to the existing trail network and possible trailhead parking spaces. Mr. Cardoso presented sustainability strategies for this project and public benefits it will provide to Lexington.

### **Board Comments and Questions:**

- Ms. Thompson asked for clarification on how tall is the proposed mechanical penthouse? Ms. Thompson asked for how the public would access the trail system and the proposed trail connection and will there be parking for the public or shared parking with the building.
- Mr. Creech wanted multi-family housing as a component of the project.
- Mr. Schanbacher asked if all the buildings are life science labs? He requested clarification on how tall is the building off Hayden Avenue and how much taller are the proposed buildings than the existing buildings. Clarification was requested on if there are any other specifics for alternate modes of transportation.
- Mr. Peters asked for clarification on if there is a target for the percentage of reduced parking on site for single occupancy vehicles (SOV)? He asked if there is a possibility of restoring the existing historic house. He asked if the applicant was looking to operate 100% electric on site and would you need HVAC back-up using fossil fuel.
- Mr. Leon asked for clarification of the stack heights above the penthouse and how many stacks are there? How does the height of the proposed buildings in 2009 that were not built compare to the proposed buildings now and have you done a shadow study? He asked for clarification on the aggressively low parking ratio they are proposing.



- Mr. Hornig said the regulatory plans need to cover details of the building at 95 Hayden Road (the whole site). In 6.1 (uses) list all possible uses that you may want to fit on to the property in the future and not just the things you want to do now. Convenience uses are usually permitted as principal uses instead of accessory uses, especially solar energy systems. Regarding private schools you should not exclude music schools. He asked for clarification on why no food uses were included. You should add the food uses and parking to the list of principal uses. He suggested they go through the current use table and update your language to match what is in your proposed use table. For dimensional standards you have N/A for lot area frontage which is an issue since you may want to subdivide sometime in the future. Your site coverage area is off and you should review it. In section 7.2 you should explicitly exclude all rooftop structures and increase the height of the building from 40 to 50 feet to include the rooftop structures. Solar energy structures should be exempt from roof top coverage limits. For parking permit as much as you will need for anytime in the future. The dimensional standards for parking should be identified.

#### Audience Comments and Questions:

- A resident asked for what biosafety level the building will be built? What if the alternative transportation plan does not work out, what will happen if there is not enough parking.
- A suggestion was made to allow residents to come to your location and park to get on the shuttle to get to Alewife.
- Regarding the projected \$3.7 million annual revenue to the town, when will it begin and is that net new revenue or total revenue?
- A resident asked how many more people will work in these new buildings.
- A resident asked if the applicant can do a balloon test to show a visual of the proposed height of the buildings. He requested that a larger coordinated outreach be done to the surrounding neighborhoods. There was concern expressed about how the light spill was going to work and asked the applicant to provide a report on that.
- The current facility is very noisy and wanted to know who they can complain to and what will be done about that noise. The traffic is really bad on Woodcliffe Road and is used as a cut through and the cars go very fast down this road and requested a sign be put up that only allowed residents on the street during certain times of the day.
- Clarification was requested if the 2009 plans would still be valid.
- Clarification was requested on the floor area ratio (FAR) increase.
- What is the material on the exterior of the buildings? It looks like there will be a lot of glass how much glass will there be and what will that type of reflection impose on the residents in the area. Noise is already an issue and people have been dealing with noise from the facility across the street from you. How will you address the noise from your proposed buildings?
- We appreciate the improvements of siting of the development as opposed to the 2009 plan. There is concern about what might be potential future use or expansion of this site.
- Will there be any provision for potential onsite daycare space?

There was concern expressed about traffic. Next time the applicant should provide a report on how you will equalize subsidy for people who arrive by other means of transportation than SOV. He requested clarification on how you would encourage people to use Route 2 rather than travelling through Lexington streets.

FEBRUARY 16, 2022

Mr. Hornig opened the continued public hearing. Mr. Peter Tamm, attorney from Goulston and Storrs introduced the project team which included Brad Cardoso, director of design and construction from Hobbs Brook, Rui Ribeiro, project architect from Margulies Perruzzi, and Bob Michaud, traffic engineer from MDM.

Mr. Tamm presented a summary of the submitted updates for elevations of 95 & 99 Hayden Avenue, development data table, additional renderings, and PSDUP zoning text updates. Mr. Cardoso presented the site plan photo viewpoints of additional renderings, view 1- from Route 2, view 2- from Spring Street and Shade Street, view 3- from Spring Street and Hayden Avenue, and updated elevations with more details and elevations of the existing buildings. Mr. Tamm presented the updated development data for the project.

#### Board Comments and Questions:

- Ms. Thompson had no questions.
- Mr. Creech said a resident suggested consider a conservation restriction from the previous plan and believes that is appropriate to consider. For architectural details need to be better than good and was concerned about all the metal and glass and did not know how they would look in 20 years. The column smoke stacks are more attractive than the penthouse. If there is a way to keep the historic building on the façade of the new building. The building appearance will be discussed in the future at site plan review.
- Mr. Peters said a question of parking came in from the public on subsidy for those who come in with other modes of transportation than single occupancy vehicles and that will need to be addressed at site plan review.
- Mr. Schanbacher had no questions.
- Mr. Hornig had some comments on small things he found in the PSDUP text he will send through staff.

#### Audience Comments and Questions:

- A resident said that there are still questions we have not gotten answers to. The public outreach has been abysmal. Usually applicants reach out more to the neighbors so when do you plan to hold any public meetings to inform them?
- A resident asked if there is a drawing of the new building being superimposed over the existing buildings? For Town Meeting they suggest that a picture be provided so Town Meeting members can see the actual comparison.

The Planning Board voted to close the public hearing.

***Robert Peters moved that the Planning Board recommend Town Meeting approve Article 38, Amend Zoning Bylaw and Zoning Map – 95 & 99 Hayden Avenue (128 Spring Street). Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED***

For the majority of the Planning Board,

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Charles Hornig, Chair



*Town of Lexington*

## PLANNING BOARD

1625 Massachusetts Avenue  
Lexington, MA 02420  
Tel (781) 698-4560

[planning@lexingtonma.gov](mailto:planning@lexingtonma.gov)  
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Charles Hornig, Chair  
Robert D. Peters, Vice Chair  
Michael Schanbacher, Clerk  
Melanie Thompson, Member  
Robert Creech, Member  
Michael Leon, Associate Member

### RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

#### ARTICLE 38: AMEND ZONING BYLAW AND MAP

#### 95 HAYDEN AVENUE AND 128 SPRING STREET (99 HAYDEN AVENUE)

March X, 2022

#### RECOMMENDATION

The Planning Board unanimously recommends that Town Meeting **APPROVE** the motion under Article 38.

#### PROJECT SUMMARY

Hobbs Brook Real Estate has petitioned the Town of Lexington to amend the Lexington Zoning Map to rezone the parcels at 95 Hayden Avenue and 128 Spring Street (Map 17, Parcel 22 and Map 18, Lot 2B) to create a new PD-6 Planned Development District. The approximately 36-acre site is currently in Planned Commercial District CD-14 based on a Preliminary Site Development and Use Plan approved by Town Meeting in 2009.

Hobbs Brook acquired 95 Hayden Avenue in 2012 and 99 Hayden Avenue in 2020. 99 Hayden is also known as 128 Spring Street. The site contains an office and lab building complex, two parking garages, and associated surface parking and site improvements developed beginning in the 1960s encompassing a total of 428,392 square feet of gross floor area. In 2009 past property owners obtained approval of an additional 162,000 square foot lab/office building with an underground parking garage. That proposal was never constructed.

The project proposes the demolition of one existing building, the construction of two new buildings (Buildings 1 and 2) and a connector space connecting new Building 1 and new Building 2 with parking underneath, an addition to the one of the parking garages, renovation to the remaining existing buildings and site improvements. These buildings will be constructed in three separate phases adding an additional 314,812 square feet of gross floor area. Once completed, 95 and 99 Hayden Avenue will include a total of approximately 743,204 square feet of gross floor area.

The reviewed Preliminary Site Development and Use Plan (PSDUP) dated December 15, 2021 was submitted on December 23, 2021. The zoning was revised February 11, 2021. Additional renderings were submitted on February 11, 2021.

#### JUSTIFICATION FOR RECOMMENDATION

The Planning Board worked with Hobbs Brook Real Estate during the public hearing process to ensure the project complied with the initiatives of the Town for clean energy, traffic management, job creation, property tax generation, and public trail access. The specific comments and concerns of the Planning Board are presented in the Minutes section of this report.

The Select Board and Hobbs Real Estate have negotiated a Memorandum of Agreement addressing non-zoning issues.

## **PUBLIC HEARING PROCESS**

On Wednesday, February 2, 2022, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 13 and January 20, 2022, the Planning Board opened its public hearing. A continued public hearing was held on Wednesday, February 16, 2022. The Planning Board voted to close the public hearing and made a favorable recommendation to the 2022 Annual Town Meeting on Wednesday, February 16, 2022.

## **PUBLIC HEARING MINUTES**

### FEBRUARY 2, 2022

Members present were: Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

Present for the public hearing: Peter Tamm of Goulston and Storrs attorney for Hobbs Brook Real Estate, Brad Cardoso from Hobbs Brook Real Estate; Tim Bailey from Margulies Perruzzi; and Robert Michaud, P.E., MDM Transportation;

Charles Hornig, Chair, opened the public hearing. Mr. Tamm presented the background and the process, outreach to neighbors, and meeting with EDAC and the Select Board to discuss mitigations that will be included in the Memorandum of Understanding for this project redevelopment. He said they will be meeting with the Conservation Commission regarding an updated wetlands delineation. Mr. Cardoso presented the existing site conditions and project goals. Mr. Bailey presented the project overview of the redevelopment and proposed site plan phasing. He reviewed the proposed building elevations, development data, preliminary specifications and compliance table, parking and loading proposals, elevated renderings for the buildings, and landscape design. Mr. Michaud presented a transportation overview, elements of the of the Parking and Transportation Demand Management Program, access and pedestrian improvements, a possible new trail to connect to the existing trail network and possible trailhead parking spaces. Mr. Cardoso presented sustainability strategies for this project and public benefits it will provide to Lexington.

### **Board Comments and Questions:**

- Ms. Thompson asked for clarification on how tall is the proposed mechanical penthouse? Ms. Thompson asked for how the public would access the trail system and the proposed trail connection and will there be parking for the public or shared parking with the building.
- Mr. Creech pointed out that some residents had said that multi-family housing should be part of the project. He hoped that the Applicant had given this some thought and he asked to hear about the Applicant's point of view with respect to a multi-family component for the project.
- Mr. Schanbacher asked if all the buildings are life science labs? He requested clarification on how tall is the building off Hayden Avenue and how much taller are the proposed buildings than the existing buildings. Clarification was requested on if there are any other specifics for alternate modes of transportation.
- Mr. Peters asked for clarification on if there is a target for the percentage of reduced parking on site for single occupancy vehicles (SOV)? He asked if there is a possibility of restoring the existing historic house. He asked if the applicant was looking to operate 100% electric on site

and would you need HVAC back-up using fossil fuel.

- Mr. Leon asked for clarification of the stack heights above the penthouse and how many stacks are there? How does the height of the proposed buildings in 2009 that were not built compare to the proposed buildings now and have you done a shadow study? He asked for clarification on the aggressively low parking ratio they are proposing.
- Mr. Hornig said the regulatory plans need to cover details of the building at 95 Hayden Road (the whole site). In 6.1 (uses) list all possible uses that you may want to fit on to the property in the future and not just the things you want to do now. Convenience uses are usually permitted as principal uses instead of accessory uses, especially solar energy systems. Regarding private schools you should not exclude music schools. He asked for clarification on why no food uses were included. You should add the food uses and parking to the list of principal uses. He suggested they go through the current use table and update your language to match what is in your proposed use table. For dimensional standards you have N/A for lot area frontage which is an issue since you may want to subdivide sometime in the future. Your site coverage area is off and you should review it. In section 7.2 you should explicitly exclude all rooftop structures and increase the height of the building from 40 to 50 feet to include the rooftop structures. Solar energy structures should be exempt from roof top coverage limits. For parking permit as much as you will need for anytime in the future. The dimensional standards for parking should be identified.

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- A suggestion was made to allow residents to come to your location and park to get on the shuttle to get to Alewife.
- Regarding the projected \$3.7 million annual revenue to the town, when will it begin and is that net new revenue or total revenue?
- A resident asked how many more people will work in these new buildings.
- A resident asked if the applicant can do a balloon test to show a visual of the proposed height of the buildings. He requested that a larger coordinated outreach be done to the surrounding neighborhoods. There was concern expressed about how the light spill was going to work and asked the applicant to provide a report on that.
- The current facility is very noisy and wanted to know who they can complain to and what will be done about that noise. The traffic is really bad on Woodcliffe Road and is used as a cut through and the cars go very fast down this road and requested a sign be put up that only allowed residents on the street during certain times of the day.
- Clarification was requested if the 2009 plans would still be valid.
- Clarification was requested on the floor area ratio (FAR) increase.
- What is the material on the exterior of the buildings? It looks like there will be a lot of glass how much glass will there be and what will that type of reflection impose on the residents in the area. Noise is already an issue and people have been dealing with noise from the facility across the street from you. How will you address the noise from your proposed buildings?
- We appreciate the improvements of siting of the development as opposed to the 2009 plan. There is concern about what might be potential future use or expansion of this site.
- Will there be any provision for potential onsite daycare space?
- There was concern expressed about traffic. Next time the applicant should provide a report on

how you will equalize subsidy for people who arrive by other means of transportation than SOV. He requested clarification on how you would encourage people to use Route 2 rather than travelling through Lexington streets.

***Robert Peters moved that the Planning Board continue the public hearing on Article 38 Amend Zoning Bylaw and Zoning Map – 95 & 99 Hayden Avenue (128 Spring Street) to Wednesday, February 16, 2022 at 7:00 p.m. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED***

#### FEBRUARY 16, 2022

Members present were: Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

Mr. Hornig opened the continued public hearing. Mr. Peter Tamm, attorney from Goulston and Storrs introduced the project team which included Brad Cardoso, director of design and construction from Hobbs Brook; Rui Ribeiro, project architect from Margulies Perruzzi; and Bob Michaud, traffic engineer from MDM.

Mr. Tamm presented a summary of the submitted updates for elevations of 95 & 99 Hayden Avenue, development data table, additional renderings, and PSDUP zoning text updates. Mr. Cardoso presented the site plan photo viewpoints of additional renderings, view 1 from Route 2, view 2 from Spring Street and Shade Street, view 3 from Spring Street and Hayden Avenue, and updated elevations with more details and elevations of the existing buildings. Mr. Tamm presented the updated development data for the project.

#### Board Comments and Questions:

- Ms. Thompson had no questions.
- Mr. Creech said a resident suggested considering a conservation restriction from the previous plan and believes that is appropriate to consider. The architectural details need to be better than good and was concerned about all the metal and glass and did not know how they would look in 20 years. The column smokestacks are more attractive than the penthouse. Is there is a way to keep the historic building on the façade of the new building? The building appearance will be discussed in the future at site plan review.
- Mr. Peters said a question of parking came in from the public on the subsidy for those who come in with other modes of transportation than single occupancy vehicles and that will need to be addressed at site plan review.
- Mr. Schanbacher had no questions.
- Mr. Hornig had some comments on small things he found in the PSDUP text he will send through staff.

#### Audience Comments and Questions:

- A resident said that there are still questions we have not gotten answers to. The public outreach has been abysmal. Usually applicants reach out more to the neighbors. When do you plan to hold any public meetings to inform them?
- A resident asked if there is a drawing of the new building being superimposed over the existing buildings? For Town Meeting you should provide that picture so Town Meeting members can see the actual comparison.

***Robert Peters moved that the Planning Board close the public hearing for Article 38. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED***

***Robert Peters moved that the Planning Board recommend Town Meeting approve Article 38, to Amend Zoning Bylaw and Zoning Map – 95 & 99 Hayden Avenue (128 Spring Street). Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (roll call: Bob Creech – yes; Robert Peters – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Charles Hornig - yes) MOTION PASSED***

For the majority of the Planning Board,

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Charles Hornig, Chair



# **AGENDA ITEM SUMMARY**

## **LEXINGTON PLANNING BOARD**

### **AGENDA ITEM TITLE:**

Article 39: Amend Zoning Bylaw and Map – 475 Bedford Street (report)

### **PRESENTER:**

### **ITEM NUMBER:**

### **SUMMARY:**

### **SUGGESTED MOTION:**

### **FOLLOW-UP:**

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

3/23/2022

### **ATTACHMENTS:**

Description	Type
 Art 39 475 Bedford_3_21_22 Draft for PB review	Cover Memo



*Town of Lexington*

## **PLANNING BOARD**

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

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### **RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD ARTICLE 39: AMEND ZONING BYLAW AND MAP - 475 BEDFORD STREET MARCH X, 2022**

#### **RECOMMENDATION**

The Planning Board provides no recommendation to Town Meeting.

#### **PROJECT SUMMARY**

Cresset Lexington LLC has petitioned the Town of Lexington to amend the Zoning Map to rezone the parcel at 475 Bedford Street (Map 84, Parcel 85A) into a new PD-7 (Planned Development) District. The approximately 9-acre site is currently in the RO (One Family Dwelling) zoning district. The property has been used as a tennis and fitness facility under a special permit since 1965 and has been the subject of several Town reviews and permitting processes with respect to that commercial use in the intervening years.

The proposed project includes a four-story, 63-foot tall building (81 feet high when the mechanical penthouse on top of the roof is considered) containing 180,000 sf of research and development space and approximately 5,000 sf of ancillary retail space. A new 91,000 sf, 290-space, four-level parking structure, and 174 surface parking spaces for a total of 464 spaces are also proposed on the site.

Environmental improvements proposed include an overall reduction of impervious area, restoration of the 25-ft wetland buffer zone in some places, and improved stormwater quality and stormwater Best Management Practices (BMPs).

The project proposes to fill some isolated wetlands and bordering vegetated wetlands. Replicated wetlands are proposed at a 2:1 ratio. The exact location of the proposed wetland replication will be coordinated with the Conservation Commission.

The reviewed Preliminary Site Development and Use Plan (PSDUP) dated December 15, 2021 was submitted on December 23, 2021. The PSDUP was revised February 11, 2021. Additional renderings were submitted on February 11, 2021.

#### **JUSTIFICATION FOR RECOMMENDATION**

A majority of the Planning Board members acknowledged that the site has not been in a residential use for quite some time. However, a motion made by Mr. Schanbacher and seconded by Mr. Hornig to

recommend approval to Town Meeting did not receive three affirmative votes from the Planning Board. Therefore, the Board has no recommendation to Town Meeting on the motion under Article 39.

### **PUBLIC HEARING PROCESS**

On Wednesday, February 2, 2022, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 13 and January 20, 2022, the Planning Board opened its public hearing. Continued public hearings were held on February 16, 2022, February 23, 2022, and March 9, 2022. The Planning Board closed the public hearing on March 9, 2022. A motion by Mr. Schanbacher to recommend approval to Town Meeting failed to obtain a second and no vote was taken on March 9, 2022. On March 16, 2002, Mr. Schanbacher again moved to recommend approval to Town Meeting. Mr. Hornig seconded this motion. The vote was 2-1-1 and the motion to recommend approval did not pass due to Planning Board policy that such a motion must garner at least three (3) affirmative votes by Board members. Mr. Peters is a direct abutter to the site and recused himself before the Public Hearing began. Associate Planning Board member Michael Leon participated in the public hearing and deliberation processes, but by Planning Board rules is not permitted to vote on this matter.

### **PUBLIC HEARING MINUTES**

#### **FEBRUARY 2, 2022**

Members present were: Charles Hornig, Chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member. Mr. Robert Peters recused himself from this hearing.

Mr. Hornig opened the public hearing. Present were Mr. Ed Grant, attorney, who introduced the project team which included Mr. Ed Nardi, Mr. Andrew Castraberti and Mr. Bill Curtis from Cresset Group; Mr. John Sullivan, architect of SGA; Mr. Erik Bednarek, landscape architect from VHB; and Mr. Robert Michaud, traffic engineer from MDM. Mr. Grant gave a brief overview of the proposed project.

Mr. Nardi presented a previous Cresset Group projects overview, the current project overview, the proposed project benefits which include revenue to the Town, MOU mitigations, sustainable building design, environmental benefits, and other community public benefits.

Mr. John Sullivan explained the details of the proposed site plan, preliminary massing views from Bedford Street, and the building components.

Mr. Bednarek presented images of the proposed the landscape areas, the front patio, the promenade, the community amenity area.

Mr. Sullivan shared the studies done as this plan was put together in collaboration with the Town with regard to distances to abutters, topography of the site in determining the location of the buildings, the preliminary massing view from Drummer Boy Way, shadow studies from the winter which show the shadows cast are mostly on their site, and lab safety regulatory agencies requirements they need to meet for biosafety levels, chemical use and waste.

Mr. Michaud presented the Project Transportation Summary which include the Comprehensive Parking Study, Trip Generation, Traffic Operations, Parking, Corridor Improvements, and Transportation Demand Management. He also presented the Trip Generation Comparison, Parking Ratio, Concept Access Improvement Plan, and Parking and Transportation Demand Management Plan.

Board Comments and Questions:

- Ms. Thompson asked what is the size of the building since it looks a little large for the site and asked if the applicant had thought about having a campus type style with multiple smaller buildings instead. How big would the retail space be and what would go there?
- Mr. Creech presented a few slides that compare other lab developments and a suggested proposal. Mr. Creech suggested that the applicant come back with a reduced scale of the lab/office proposal from five to three stories and a smaller footprint, add multi-family housing to include 20% inclusionary units, and scale the size of the parking garage accordingly.
- Mr. Schanbacher asked that the height of the existing buildings be added in the building section.
- Mr. Hornig said list all possible uses that you may want to fit on to the property in the future and not just the things you want to do now. Convenience uses are usually permitted as principal uses instead of accessory uses especially solar energy systems. Regarding private schools you should not exclude music schools. He suggested they go through the current use table and update your language to match what is in your proposed use table. Round up the building height to give a little room. Make sure you have enough parking that will work in the future. Put the sustainability requirements in the MOU.
- Mr. Leon asked for clarification on the change to the current proposed parking ratio of 2.5 spaces per thousand square feet. He asked for clarification about the left turn in to the site from Bedford.

#### Audience Comments and Questions:

- A resident from Drummer Boy Community is completely opposed to this rezoning for this site. It is a massive intrusion to a residential neighborhood of modest homes. This would be a good site for moderate income housing. Please vote against this proposal.
- This proposed building does not fit into the character of this neighborhood and encourage the Board to vote against this proposal.
- A resident finds this proposal attractive, but would rather see multi-family housing on this site.
- A resident of Drummer Boy Development has an issue with the proposal for a biolab which with mechanicals will be 96 feet tall, is in a neighborhood of low-rise homes, and will be visible to the residents. He was concerned about increased traffic, noise, and the loading docks near the Drummer Boy homes and asks the Planning Board to vote against this proposal.
- A resident of Drummer Boy Community is opposed to this commercial industrial proposal which is sharply out of character with this neighborhood and ask the Board to vote against it.
- A resident likes the building, but it belongs on Hartwell Avenue and not at 475 Bedford Street. It is a residential area and this will create a totally different feel in this area. I encourage the Board to vote against it and the applicant should come back with a proposal for a multi-family housing project.
- A resident is opposed to this project for the reasons of traffic conditions, pedestrian safety, and community cohesiveness.
- The nearest neighbor is appalled to hear that a massive structure like this is being dropped into a residential neighborhood. This is not Hartwell Avenue and it will impact traffic which is already bad and there is strong opposition to this in the neighborhood. Consider other options.

Mr. Hornig said there will be other opportunities for the public to speak at the next meeting.

## FEBRUARY 16, 2022

Members present were: Charles Hornig, Chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

Mr. Robert Peters recused himself from this hearing.

Mr. Hornig opened the continued public hearing. Mr. Ed Grant, attorney, introduced the project team which included Mr. Ed Nardi, from Cresset Group; Mr. John Sullivan, architect of SGA; Mr. Erik Bednarek, landscape architect from VHB; and Mr. Robert Michaud, traffic engineer from MDM. Mr. Grant provided the updates since the last meeting. He said the Town Manager believed that the MOU would be completed by the end of February. Mr. Nardi responded to Mr. Creech's request for mixed-use development and other requests and explained the limitations, easements, and wetland restraints of the site. The plan change response to the request was to shrink the lab science building, remove the green space, move the garage toward Bedford Street, and add in a single loaded residential structure with fire access along the front of the residential building. With these changes it did not leave a lot of outdoor space which is desirable on the site. He also showed the site sections elevations, the fiscal benefits, and some of the MOU discussions that are ongoing.

### Board Members and Comments:

- Ms. Thompson said that she would like to reserve her comments until after the public speaks.
- Mr. Creech said he would have to make concessions to this proposed project.
- Mr. Schanbacher asked how deep is the apartment block.
- Mr. Leon had no questions.
- Mr. Hornig said your section 9.8 (Sustainable Building Designs) has to go into the MOU and be removed from the PSDUP.

### Audience Comments and Questions:

- A resident would recommend the Board go forward with this proposal in a favorable way since the site is not good for adding housing and not good for children with the major street corridor, power lines, and wetlands. The financial impact would be better for the town with the lab/science building and help with a potential new high school.
- A resident appreciates the effort to put housing on the site, but it is a mistake that we evaluate only on the economic promise of tax revenues. We need senior housing and this is not a commercial corridor as the last resident said that. The building height would be 98 feet and would not be appropriate zoning. This is not a gateway to Hartwell Avenue and should remain a residential zoning.
- A resident wanted to correct something he said that there would be cut through traffic from Route 3 not Route 2. He asked if the developer has seriously considered the issue of making the left turn from Bedford Street on to the site. He asked for sign onto Winter Street about children playing.
- A resident is a full supporter of this project for the financial considerations.
- A resident asked for clarification about a linkage fee for housing mitigation that is being done in Somerville that they were involved with. Have they considered that? Could you describe how you came up with the amount for the affordable/workforce housing in the MOU?

- A resident had concerns about biosafety accidents that happen more often than reported and had issues about it being within a residential area. Where will the expertise, response, notification and cost from any accident come from? How can residents report any suspected issues from a possible safety concern from a lab?
- A resident was strongly opposed to a bio/lab building being built on this site which is in the middle of a residential area. Putting a 98-foot tower in the middle of this residential area is a major concern and we have not been notified. The noise, light spill, and emissions will pollute the entire area and we are concerned with the biosafety issue.
- A resident fully supported the project; if this moves to Bedford we would lose the revenue and this would also bring some retail here.
- A resident said there is no need to impose this proposed commercial project here in this residential neighborhood. What we need mixed moderate-income housing.
- A resident is very much opposed to this rezoning from a residential area to a very busy commercial project. There is a lot of commercial and lab space available at Hartwell Avenue. This proposed project building has a very large footprint for a very small area and worried about firefighting and rescues here. Let us keep this as a residential area and not rezone it and keep the character of the area.
- A resident said this project is not a good proposal. For over five years the Town has been embarked on the Hartwell Avenue project and this site was always said by the consultants to be best to be multi-family housing for 400 units. He asked the Planning Board if we can't get housing in this particular site for mixed-use and be vibrant and if there is big financial package for multi-use with housing where will we put multi-family housing to get that funding.
- A resident said this is not really a commercial area and mostly residential and this should redirect these efforts to across the street by Hartwell Avenue and does not support this.

#### FEBRUARY 23, 2022

Members present were: Charles Hornig, Chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

Mr. Robert Peters recused himself from this hearing.

Mr. Hornig opened the continued public hearing. Mr. Ed Grant, attorney, introduced the project team which included Mr. Ed Nardi from Cresset Group, and Mr. Robert Michaud, traffic engineer from MDM. Mr. Grant provided the significant updates since the last meeting which is a 20% reduction in the proposal. Mr. Nardi said the revisions included removing a floor from the building and reducing the penthouse by 2,000 square feet. He showed the before and current reduction in the presentation. He also said the building is 15 feet shorter with a 45,000 square foot reduction in the GFA, they relocated the garage entrance away from Drummer Boy Way, and removed half of a level of the parking garage with a reduction of 53 spaces of parking. He showed the new massing of the revised building along with some drone footage from different locations and provided the revised fiscal benefit.

Board Comments and Questions:

- Mr. Schanbacher had no questions.

- Ms. Thompson asked if they met with Drummer Boy since you made those changes and what were their responses? Will you set up a meeting with the Drummer Boy members to hear their thoughts on the changes?
- Mr. Creech had no comments and wants to hear from the residents.
- Mr. Leon had no comments and wants to hear from the residents.
- Mr. Hornig said this public hearing will need to be continued since we do not have all the background materials.

#### Audience Comments and Questions:

- A resident was opposed to this rezoning since this is a residential area and we do not want a biolab in our backyard and they should not be allowed to build this project in a residential area. The other concerns include a safety risk with spills and leaks that can go into the wetlands. The third concern is the traffic and is a high accident-prone area with 400 cars going in and out and have a concern about our safety. HVAC systems for a building this size can be very intrusive to the residents with noise.
- A resident in Drummer Boy is against the proposal and said I can see the roof of the existing building from my home and trees do not cover the roof. This giant biolab HVAC system will create a lot of noise. We need to protect the community from this harmful commercial rezoning in this residential area.
- A resident on Bedford Street for 20 years said this will have a terrible impact on traffic on this street.
- A resident had a concern with the under reporting of biolab accidents and provided some statistics and had an issue with biolab safety and possible accidents containing lethal pathogens that can accidentally be released.
- A resident voiced her disapproval of the proposed project for this site. There was a question with if the garage is solar ready. We will be looking at up at this huge building and the vegetation being shown on the drones will be cleared when the project is built. We support commercial development on Hartwell Avenue but this project on Bedford Street is not the right location and not sensitive to the area.
- A resident appreciated the changes to this project, but this is still not the right location and should not be considered part of the Hartwell Avenue commercial district. It is located between two residential areas and is zoned residential and is not an appropriate use of this site. This site should be used to provide housing that is needed.
- A resident said that considering the need for housing we will not support this project, we cannot allow this to happen, and I will do what I can to persuade my colleagues who are Town Meeting Members to not to vote for this.
- A resident supported this project based on an economic and a revenue standpoint.
- A resident since 1987 was concerned that the traffic report was not accurate, the traffic is very heavy and dangerous here, and would hate to see any traffic increase here.
- A resident bought the house 10 years ago and is opposed. To rezone it as commercial area is unacceptable. Who would want to live next to this building in a residential area?
- A resident said regarding revenue there are other places that are already zoned for commercial that can be used for this project.

MARCH 9, 2022

Members present were: Charles Hornig, Chair; Michael Schanbacher, Clerk; Robert Creech, Member; Melanie Thompson, Member and Michael Leon, Associate Member.

Mr. Robert Peters recused himself from this hearing.

Mr. Hornig opened the continued public hearing. Mr. Ed Grant, attorney, introduced the project team which included Mr. Ed Nardi from Cresset Group. Mr. Grant explained the changes regarding the applicant's updated filing with a significant reduction in the proposed building that based on feedback from the public and Board at the last meeting and the fiscal impacts to the Town that would change. Mr. Nardi gave a brief presentation on the highlights of the revisions made to the plans submitted for this proposal as well as the reduced traffic analysis.

Board Comments and Questions:

- Mr. Schanbacher had no questions.
- Ms. Thompson asked for clarification on what deferred the meeting meant for the meeting with Drummer Boy. She asked for clarification if there were any further changes since the last presentation.
- Mr. Creech asked for clarification on the setback for the penthouse west facing wall.
- Mr. Leon asked for clarification on the garage 4 corners elevation. He asked if there were any changes to the landscaping for screening on the side of the garage facing Drummer Boy Way.

Audience Comments and Questions:

- A resident and Town Meeting member said he is voting no on Article 39. In 2017 three different consultants have recommended housing including affordable housing said it was critical component of the Hartwell Avenue Innovation District. We were told housing would be brought back for Hartwell Avenue and still have not been done. One more Biolab is not a critical need, but the housing is. This site should be kept for lower cost housing.
- A resident said while commercial development brings in more revenues for the Town, but the values of the town needing more affordable housing and we already have 5 Biolabs that are in commercial zones in town. We do not need another one that is in a residential zoned site.
- A resident strongly recommended that this property should remain residential and should not approve this rezoning for this parcel and this site should remain residential and be used for affordable housing. They can go to Hartwell Avenue for this commercial use.
- A resident asked where are the student going to go if they make this more residential housing. Should we consider adding more schools to accommodate the additional children. How will the Biolevel 1 and 2 be secured and what measures will prevent it from going to Biolevel 3 and 4?
- A resident agreed with others that is opposed to making this a commercial use site. What will protect other sites from being changed from residential to commercial which are next to residents who own their homes.
- A resident said the proposal destroys the sense of place for the residential community the surrounds and enclose this property. This project does not belong here and there should be moderate and low-income housing here.
- A resident said this site for this project is lined with single family homes and is unsafe for children and will increase traffic at a very dangerous location. Consider housing since it is zoned residential or if it is being rezoned require the building to remain in the existing building



footprint.

- A resident said Town Meeting had an opportunity to rezone this site as part of the Hartwell Innovation Area and turned it down and kept it residential. That should remain residential.
- A resident said a parking garage must remain illuminated for safety reasons so how will they do that and keep it screened from the residents?
- A resident felt this Biolab is completely out of place here in the middle of this residential community and completely out of character and context with the residents of this area.
- A resident is opposed to this proposal and the site should remain residential. Consider other concerns with this proposed Biolab if the building caught fire it would impact the taxpayers.
- A resident said the only reason for this is for fiscal reasons and does not address the housing needs. The massing of this building is huge and inappropriate for this site and asks that Board members turn it down.
- A resident moved here 10 years ago with their family and this is a residential neighborhood and strongly opposes this proposal.
- A resident said this should remain a residential zone and then we can put several hundred units here for multi-family housing and oppose this being rezoned commercial.
- A resident said this sets a dangerous precedent that because it was a health club before it naturally sets a way for a Biolab or commercial use and you do not want to open that door. There was concern expressed about oversight that would be done by health department and are not sure staff is qualified to monitor another Biolab.
- A resident who is a Town Meeting Member and will be voting it down if it comes to Town Meeting. This would be ideal for low-rise housing due to its location which is zoned residential and on a bus route. This would be a missed opportunity for dense housing that will be needed.
- A resident a Town Meeting member and is opposed to this and is contradictory to proposed state MBTA Guideline for Community Housing.
- A resident asked why the housing payments would be going to LexHab and not to the Town's Affordable Housing Stabilization fund. Check if the monies can be directed there instead in the MOU. We need to see housing impact and mitigation to be addressed in the fiscal analysis impact in the final version for Town Meeting. In the fiscal Impact analysis any reference to schools should be removed since it cannot be considered. He was not in support of this proposal.
- A resident sent a letter and hoped the Board got it. She had a hard time understanding the Fiscal Impact Analysis.
- A resident is against this and does not see who really profits from this and it does not seem to be enough for the amount that would be collected.
- A resident was strongly opposed to this rezoning. This corner/intersection is a very dangerous street for the children and residents in this neighborhood. Put this Biolab somewhere else where it would belong in commercial zoning.
- A resident said the benefit for the Town for tax revenue would be reduced for the lost housing values around this proposed building.

The Planning Board voted to close the public hearing.

The Board discussed the proposal for Article 39: 475 Bedford Street.

- Mr. Schanbacher said he believed this is an appropriate use and building mass for this location.
- Ms. Thompson was really torn about this matter and the abutters are not in favor of changing the rezoning from residential to commercial. She was surprised that this was not proposed on the

Hartwell Avenue. She was leaning towards not changing the zoning.

- Mr. Creech presented some suggestions that would need to be done if residents allowed it, for this to move forward: narrowing the Drummer Boy Entrance, posting signs for resident vehicles only, planting trees on the Drummer Boy Property if they want it, installing a stabilized raised berm with tree plantings, penthouse tree. This is about rezoning and not mass of the building, but in good conscience I cannot recommend to approve it. It is a good project but not at this site.
- Mr. Leon said for as long as he can remember it has been used for commercial development and it would be challenging site to be used for residential housing and agrees with Mr. Schanbacher.
- Mr. Hornig believed that this is a challenging location for dense housing next to power lines and gas lines and the impact of traffic would be more significant than the Biolab and the massing would be the same and this site would not qualify for the draft MBTA Community Housing Guidelines. The Biolab would help with the financing for the new high school that will need to be built.
- Ms. Thompson said she notes that it has been commercial use for many years and that it was turned down by Town Meeting to add to the CM Zone in 2020.
- Mr. Creech said with mitigation he did not see a negative impact, however the same footprint could accommodate housing.

Michael Schanbacher moved that the Planning Board recommend approval of Article 39 to Town Meeting. The motion failed for the lack of a second.

Mr. Hornig said that he will let the moderator know that the Planning Board is choosing not to make a recommendation on Article 39, but could reconsider that if circumstances change. Town Meeting can take this up after 21 days. There will be an informational report made for this Article.

#### MARCH 16, 2022

Mr. Hornig asked that the Planning Board take a formal vote on a recommendation for Article 39.

***On March 16, 2022, Michael Schanbacher moved that the Planning Board recommend Town Meeting approve Article 39, amend Zoning Bylaw and Zoning Map – 475 Bedford Street. Charles Hornig seconded the motion. The Planning Board voted 2-1-1 (roll call: Michael Schanbacher – yes; Melanie Thompson – no; Bob Creech – abstain; Charles Hornig – yes) MOTION FAILS***

For the \the Planning Board,

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Charles Hornig, Chair

# **AGENDA ITEM SUMMARY**

## **LEXINGTON PLANNING BOARD**

### **AGENDA ITEM TITLE:**

Article 40: Amend Zoning Bylaw – Sustainable Residential Incentives (report)

### **PRESENTER:**

### **ITEM NUMBER:**

### **SUMMARY:**

### **SUGGESTED MOTION:**

### **FOLLOW-UP:**

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

3/23/2022

### **ATTACHMENTS:**

Description	Type
 Art 40 Draft report 3_21_22	Cover Memo



*Town of Lexington*

## PLANNING BOARD

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

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### **RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD** **ARTICLE 40: AMEND ZONING BYLAW – SUSTAINABLE RESIDENTIAL INCENTIVES**

#### **RECOMMENDATION**

By a unanimous vote, the Planning Board recommends that Town Meeting REFER the matter to the Planning Board.

#### **PUBLIC PROCESS**

On Wednesday, February 2, 2022, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 13 and January 20, 2022, the Planning Board opened the public hearing. Continued public hearings were held on February 16, 23, and March 2. The public hearing closed on March 2. The citizen petitioner requested that the Planning Board recommend that Town Meeting refer the matter to the Planning Board as this was the preferred way of enabling further work by the Petitioner.

For the Planning Board,

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Charles Hornig, Chair

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

**AGENDA ITEM TITLE:**

Article 2: Planning Board Report

**PRESENTER:**

**ITEM  
NUMBER:**

**SUMMARY:**

**SUGGESTED MOTION:**

**FOLLOW-UP:**

**DATE AND APPROXIMATE TIME ON AGENDA:**

3/23/2022

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

**AGENDA ITEM TITLE:**

Article 30: Amend Special Act – Planning Board and Town Meeting

**PRESENTER:**

**ITEM  
NUMBER:**

**SUMMARY:**

**SUGGESTED MOTION:**

**FOLLOW-UP:**

**DATE AND APPROXIMATE TIME ON AGENDA:**

3/23/2022

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

**AGENDA ITEM TITLE:**

Comprehensive Plan Implementation/Completion

**PRESENTER:**

**ITEM  
NUMBER:**

**SUMMARY:**

**SUGGESTED MOTION:**

**FOLLOW-UP:**

**DATE AND APPROXIMATE TIME ON AGENDA:**

3/23/2022

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

**AGENDA ITEM TITLE:**

MBTA Community Housing comments

**PRESENTER:**

**ITEM  
NUMBER:**

**SUMMARY:**

**SUGGESTED MOTION:**

**FOLLOW-UP:**

**DATE AND APPROXIMATE TIME ON AGENDA:**

3/23/2022

**ATTACHMENTS:**

Description	Type
 Revised Comment Letter 03.23.22	Cover Memo





## Town of Lexington

1625 Massachusetts Avenue  
Lexington, Massachusetts 02420

March 21, 2022

Secretary Mike Kennealy  
Undersecretary Jennifer D. Maddox  
Executive Office of Housing & Economic Development  
One Ashburton Place, Room 2101  
Boston, Massachusetts, 02108

Dear Secretary Kennealy and Undersecretary Maddox:

Thank you for the opportunity to comment on the *Draft Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act*. We appreciate the work the Department of Housing & Community Development has done to develop the guidelines.

The Planning Board and Select Board of the Town of Lexington believe that the *Draft Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act* released in December 2021, with the clarifications below, are achievable in Lexington and are consistent with the goals of §3A and the Town's own housing goals.

We suggest a few changes to clarify specific requirements.

- An extension of the deadline in Section 9.b.3 from December 31, 2023 to June 30, 2024 would provide towns like Lexington an additional Annual Town Meeting cycle to consider all of the zoning options needed to fully comply with Section 3A and the Guidelines.
- The definition of "reasonable size" in Section 2 is inconsistent with the guidance in Section 5. We suggest that Section 2 of the Guidelines be amended to be consistent with Section 5.
- The word "district" is used in various places in Sections 5 and 6 both to mean a single multi-family zoning district and to mean the collective set of all multi-family zoning districts in a municipality (with the zoning districts called subdistricts). The collective meaning needs a distinct term.
- Section 5.a page 4 states "A district should not be a single development site" (Section 5.a, page 4).

As noted above, the term "district" is ambiguous since the guidelines use the word to refer to the totality of the multi-family district and to individual elements of the district that are geographically isolated from each other. We recommend the guidelines be changed to permit "a single development sites on which the municipality is willing to permit a particular multi-family project" to be counted as long as the development site is at least 5 acres.

**Commented [SP1]:** Highlight yellow are two bullet points added after the joint PB/SB meeting. The rest of the letter remains the same as voted by PB on March 2.

- To make the district locations more viable and better fit with the communities' needs, we suggest that instead of "at least 25 contiguous acres of land", the requirement be lowered to between 15 and 20 acres. This will give MBTA Community Towns more flexibility fitting the housing in where it is most practical and with a higher likelihood of actually producing units.
- The second paragraph of section 5 a should be rewritten to make clear that the land area rules apply to both base and overlay districts.
- Section 5.b should indicate how the following circumstances affect the estimate of unit capacity:
  - How do discretionary permitting decisions under non-zoning restrictions in municipal bylaws or ordinances or state law, such as local historic districts and wetland and riverfront buffer zones, affect unit capacity? May we assume approval of demolition of buildings in a local historic district to permit redevelopment? There is no way to know in advance of a specific development proposal whether demolition will be acceptable to the Historic Districts Commission.
  - Under what circumstances are condominium master deeds considered "known title restrictions on use of the land"? Many residential and commercial properties otherwise suitable for redevelopment are owned as condominiums.
- The Guidelines should specifically allow:
  - MBTA Communities to require inclusionary zoning for affordable units; and
  - That the multi-family zoning requirements may be met with a mixed-use district.

**Commented [SP2]:** The Select Board suggests that the number be 15 but defers to the PB

We look forward to implementing the Department's final guidelines to help us achieve the Town's housing goals and those of the Commonwealth.

Sincerely,

Charles Hornig  
Chair, Planning Board

Jill I. Hai  
Chair, Select Board

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

**AGENDA ITEM TITLE:**

Staff Updates

**PRESENTER:**

**ITEM  
NUMBER:**

**SUMMARY:**

**SUGGESTED MOTION:**

**FOLLOW-UP:**

**DATE AND APPROXIMATE TIME ON AGENDA:**

3/23/2022

## **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:**

3/23/2022

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

**AGENDA ITEM TITLE:**

Upcoming Meetings

**PRESENTER:**

**ITEM  
NUMBER:**

**SUMMARY:**

**SUGGESTED MOTION:**

**FOLLOW-UP:**

**DATE AND APPROXIMATE TIME ON AGENDA:**

3/23/2022

## **AGENDA ITEM SUMMARY**

### **LEXINGTON PLANNING BOARD**

**AGENDA ITEM TITLE:**

Review of Meeting Minutes for March 2, 2022

**PRESENTER:**

**ITEM  
NUMBER:**

**SUMMARY:**

**SUGGESTED MOTION:**

**FOLLOW-UP:**

**DATE AND APPROXIMATE TIME ON AGENDA:**

3/23/2022