

AGENDA

Lexington Planning Board

Wednesday, September 7, 2022

This meeting will be held virtually through

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

6:00 PM

Development Administration

1. **95 Hayden Ave. & 128 Spring St. (99 Hayden Ave.) – Continued Public Hearing for Major Site Plan Review**
2. **6 Park Street - Street Adequacy Determination (SAD)**
3. **69 Pleasant Street – Public Hearing (continued from 8/3 & 6/29). Site Sensitive Special Permit Residential Development Definitive Subdivision**

Board Administration

1. **Open Space Residential Development (OSRD) Zoning Regulations Review**
2. **Review Final Guidelines for MBTA Communities**
3. **Staff Updates – Review Draft Annual Report due September 12**
4. **Board Member Updates**
5. **Upcoming meetings – Tues. Sept. 13, Wed. Sept. 21, Wed. Sept. 28**
6. **Review of Meeting Minutes (August 17, 2022)**

Adjourn



Meeting broadcast by LexMedia

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

6 Park Street - Street Adequacy Determination (SAD)

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/7/2022

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

69 Pleasant Street – Public Hearing (continued from 8/3 & 6/29). Site Sensitive Special Permit Residential Development Definitive Subdivision

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

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FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/7/2022

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

69 Pleasant Street – Public Hearing (continued from 8/3 & 6/29). Site Sensitive Special Permit Residential Development Definitive Subdivision

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/7/2022

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

95 Hayden Ave. & 128 Spring St. (99 Hayden Ave.) – Continued Public Hearing for Major Site Plan Review

PRESENTER:

Staff

ITEM NUMBER:

SUMMARY:

95 Hayden Ave. & 128 Spring St. (99 Hayden Ave.) – Continued Public Hearing for Major Site Plan Review – *Applicant Requests Continuance to September 21 Meeting. Board will vote on request and announce new date, time, and location on Zoom*

The Lexington Planning Board opened the public hearing on August 17, 2022 to review the application of Hobbs Brook Real Estate LLC, for a Major Site Plan Review at 95 Hayden Avenue and 128 Spring Street (99 Hayden Avenue) pursuant to Sections 7.3 [Planned Development Districts] and 9.5 [Site Plan Review] of the Zoning Bylaws. The property is located in a Planned Development (PD-6) Zoning District; Assessor's Map 18, Lot 2B and Map 17, Lot 22. On August 17, the Planning Board voted to continue the public hearing to Wednesday, September 7 at 6:00 pm on Zoom to give the applicant more time to submit revised plans and respond to staff's memo.

The Applicant is still working on revised plan and material submission and requests more time. The Applicant request the public hearing be continued to Wednesday, September 21st.

Application materials may be viewed online at <https://lexingtonma.viewpointcloud.com/records/64765>

SUGGESTED MOTION:

Staff recommends the public hearing be continued without discussion.

Suggested Motion:




Move to continue the public hearing for 95 Hayden Ave. to the Planning Board's Wednesday, September 21 meeting at 6:00 pm on Zoom.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/7/2022

ATTACHMENTS:

Description		Type
	Planning Staff Memo from August	Cover Memo
	Engineering August Memo	Cover Memo
	Request to Continue Hearing	Cover Memo



TOWN OF LEXINGTON
PLANNING OFFICE

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Abby McCabe, Planning Director
Sheila Page, Assistant Director
Molly Belanger, Planner
Lori Kaufman, Department Assistant

To: Lexington Planning Board
From: Sheila Page, Assistant Planning Director
Re: 128 Spring Street/99 Hayden Avenue – Major Site Plan Review
Date: August 12, 2022

Property Information	
Project Address	128 Spring Street, 95 Hayden Avenue (99 Hayden Avenue) The combined parcels are often referred to as 99 Hayden.
Parcel ID	Map 17, Lot 22 and Map 18 Lot 2B
Applicant/Owner Name	Hobbs Brook Real Estate, LLC
Type of Review	Major Site Plan Review

Important Dates/Timelines	
Filed with Town Clerk and Select Board	July 21, 2022
60-day Review Period Ends	September 19, 2022

Property Information	
Zoning District	PD-6 Approved 2022 ATM revised from: CD-14 approved 2009 ATM
Property Size	36 acres
Existing Conditions & Background History	<p>The site currently contains an office and lab building complex, two parking garages, and associated surface parking and other site improvements that were developed beginning in the 1960s.</p> <p>Additional development for one new building was approved at the 2009 Annual Town Meeting as a new Planned Commercial District CD-14. That building was never built and both parcels have since been purchased by Hobbs Brook Real Estate. The site is bounded by Spring Street on the west and Hayden Avenue on the south. Another Planned Development District CD-2 abuts the site to the east and RO Residential District to the north.</p>
Environmental Conditions	<p>The project site is bordered by wetlands on the north and east sides.</p> <p>The site slopes steeply down from the center of the property toward the north, south and east and less steeply toward the west. Substantial ledge is present on the property. Many mature trees are present. There is a conservation restriction and trail easements on the northern and eastern portion of the property.</p>

Project Summary

The project approved as PD-6 at ATM 2022 proposes to raze some existing buildings and construct two new buildings and a connector building, renovate existing buildings and construct an addition to an existing parking garage. The project will be constructed in three separate phases. Building 1 is proposed to be one floor of parking and 4 stories of lab/office and a penthouse. Building 2 is proposed to be three floors of parking and four floors of lab/office and a penthouse. Building 3 will be renovated. The project also includes adding a four-story addition to the parking garage and converting the existing lab space to parking garage.

The two new buildings are designed to serve life science tenants. The project proposes 328,850 sf of new building and 546 additional parking spaces. Upon project completion, there will be 757,261 square feet of lab/office and 1664 parking spaces. Because buildings and parking garages already exist on the site, it is confusing to follow the proposed changes. A detailed description of existing GFA, proposed GFA, razed GFA was provided during PSDUP process. The Applicant should update the table below, explaining existing, proposed PSDUP layout and proposed site plan review layout. The submitted Building Permit must substantially match the approved site plan review layout.

The project submission includes a LEED checklist showing compliance to LEED Gold certification.

Comments

Waiver Requests

- The applicant is requesting two waivers. The first is a waiver request from Section 12.3.6 of Chapter 176 - The Planning Board's Zoning Regulations which requires finished grades be no greater than 3:1 slope. The Applicant is requesting a waiver as earthwork will reveal ledge which will be exposed at a slope greater than 3:1.
- In addition, the Applicant is also requesting a waiver from Section 5.(2) of the Rules Adopted by the Lexington Conservation Commission due to a slight increase in stormwater 4874-0987-6254, v. 4 volume being generated by the 1-year storm. The Applicant will be applying to the Conservation Commission for a Notice of Intent to formally request this waiver.

The Project

- Because buildings and parking garages already exist on the site, it is confusing to follow the proposed changes. A detailed description of existing GFA, proposed GFA, razed GFA was provided during PSDUP process. The Applicant should update the table below to explain existing layout, proposed PSDUP layout, proposed site plan review layout and phasing. The Building Permit documents must substantially match the site plan review layout.

1/27/2021 99 HAYDEN GROSS FLOOR AREAS					
	EXISTING	Phase 1 complete	Phase 2 Complete	Phase 3 Complete	
OFFICE/LAB BUILDINGS	Building A	17,955		(17,955)	
	Building B	22,486		(22,486)	
	Building C + D	143,662	143,662	143,662	159,000
	Building E	12,589	(12,589)		
	Collab Building (house)	9,496		(9,496)	
	95 Hayden (office building)	222,204	222,204		222,204
	New Building 1		155,500	155,500	155,500
	New Building 2			187,000	187,000
	New Connector				19,500
	TOTAL	428,392	508,777	658,429	743,204
STRUCTURED PARKING	95 Hayden Garage	196,060	196,060	196,060	196,060
	99 Hayden Garage	113,126	113,126	113,126	113,126
	99 Hayden Bldg E Backfill		12,589	12,589	12,589
	99 Hayden Additional Garage Bay				53,733
	Building 1 Garage Parking		36,960	36,960	36,960
	Building 2 Garage Parking			117,792	117,792
	TOTAL	309,186	358,735	476,527	530,280
TOTAL GFA	737,578	867,512	1,134,956	1,273,484	
TOTAL NEW GFA					
RENOVATED GFA		192,460	497,252	585,842	
REMOVED GFA			(49,937)	143,662	
OFFICE GFA				222,204	
LAB GFA				521,000	

Lighting

- The MOU states that the Planning Board shall review and approve the lighting during site plan review. The MOU also states that the lighting will be dark sky compliant. We appreciate the low levels of lighting particularly on the perimeters. There appears to be excessive lighting in the vicinity of the X-shaped seating walls: noted at 21.1 and 19.4- and 21.6-foot candles. These seems to be outliers. Can these foot-candle outputs be reduced to fit with the surrounding area? Also, would the Applicant consider Lumens of 2700 instead of 3000 to be more wildlife friendly?
- On the top level of the parking garage, the lighting should be reduced to 1.0 ? There are several areas over 2.0. which is excessive for parking lot use.
- The MOU also says visibility of the interior lights will be reduced. How is this being done? A clear plan and schedule should be provided.
- Bright lighting is needed at the loading dock. Can the loading dock lights be reduced when not actively loading?
- The lighting hours is referenced the electrical document. Electrical documents are not required until building permit. Please provide a summary of the outdoor lighting schedule.
- Lighting levels is not provided in the court yard. The applicant requests flexibility. The final lighting for the courtyard can be reviewed by staff during building permit review.
- Cut sheets were not found.
- Do the fixtures have an international dark sky rating?

Engineering related items

- The swale along the west side of the parking garage drains into a catch basin. How is this catch basin connected to the drainage system?
- Internal crosswalks should have accessible ramps. Some ramps seem to be missing between building 1 and 2.
- The RRFB crosswalk infrastructure on Spring Street is not clear on the site plan. A landing pad is to be shown on both ends. An accessible ramp and crosswalk built should be built to Town Standards with Detectable pad yellow color and removable type
<https://www.lexingtonma.gov/DocumentCenter/View/550/MassDOT-Construction-Standards-for-Wheelchair-Ramps-and-Residential-Driveways-PDF> . A road access permit will be required. Engineering will approve final design of crosswalk and equipment.
- Crosswalk should be continental style 18" wide by 6' long.
- The applicant proposes to add additional guardrail along Spring Street between the stone retaining wall and the existing guard rail to cut off old trail and divert hikers to the crosswalk. Additional guard rail may be more than necessary to divert hikers. Perhaps a wooden fence/guard to match what exists on the Takeda side of the street is sufficient, if approved by Engineering. A road access permit will be required for this work
- Please provide detail of porous pavement.
- Engineering will review stormwater and water and sewer usage and provide additional comments under separate cover.

Conservation

- Developer's project team has been in communication with conservation. A Notice of Intent filing for the drainage connection (since a waiver is necessary from full compliance with conservation regulations regarding volume due to soil and bedrock constraints) will be submitted after receiving initial Planning Board comments to incorporate any plan changes. In addition, the Conservation Commission has reviewed

and approved the trail extension to Spring Street via a Negative Determination of Applicability with conditions. The Conservation Commission will hold the expanded trail easement and Conservation Restriction per MOU conditions.

Earth Removal / Noise

- Documents provided show that 60,900 yards of earthwork will be removed. The applicant should provide details of the number of trips, timing and potential routing depending on where the fill is headed.
- There is considerable ledge work expected. A construction mitigation plan has been submitted. What is the expected method of ledge removal? Foundation surveys of nearby buildings prior to work is recommended. Copies of the notification letters and contact information should be provided to the Planning, Building and Health Offices.
- In addition, noise from generators and heaters particularly in the winter when generators are operating all night will need to be mitigated via appropriate sound barriers/jackets.

Traffic and Transportation

- The July 14, 2022 Transportation Impact and Access Study states
The analyses presented in this TIAS are based on industry-standard trip rates published by the Institute of Transportation Engineers (ITE). The proposed redevelopment is estimated to generate approximately 339 trips (278 entering and 61 exiting) during the weekday morning peak hour and 322 trips (52 entering and 270 exiting) during the weekday evening peak hour. On a daily basis the Project is estimated to generate approximately 3,646 trips with half entering and half exiting over a 24-hour period. In comparison, the proposed Research and Development use of the site compared to the permitted office use estimated to generate approximately 145 additional trips (107 entering and 38 exiting) during the weekday morning peak hour and 131 additional trips (19 entering and 112 exiting) during the weekday evening peak hour. On a daily basis the Project is estimated to generate approximately 2,369 additional trips with half entering and half exiting over a 24-hour period.
- While the December 15, 2021 Transportation Impact and Access Study states:
The analyses presented in this TIAS are based on industry-standard trip rates published by the Institute of Transportation Engineers (ITE). The proposed redevelopment is estimated to generate approximately 278 trips (228 entering and 50 exiting) during the weekday morning peak hour and 262 trips (42 entering and 222 exiting) during the weekday evening peak hour. On a daily basis the Project is estimated to generate approximately 2,990 trips with half entering and half exiting over a 24-hour period. In comparison, the proposed Research and Development use of the site compared to the permitted office use results in approximately 84 additional trips (57 entering and 27 exiting) during the weekday morning peak hour and 71 additional trips (9 entering and 64 exiting) during the weekday evening peak hour. On a daily basis the Project is estimated to generate approximately 1,713 additional trips with half entering and half exiting over a 24-hour period
- The volume of vehicles appears to be more than originally presented. It is also appears to not significantly impact traffic operations as the levels of service are estimated to be the same.
- Figure 4 and 5 say 2013 future build, this is likely a typo - should it be 2030? The PSDUP future build was to 2028. The estimates for future build in this application in a few cases seem to be quite different than what was shown in the PSDUP. The Applicant should provide an explanation as to the difference in the reports. The new report is based on slightly more GFA.
- The 2028 build conditions show estimates similar to the 2028 build conditions presented during the PSDUP phase.
- The baseline conditions diagram appears to be for a different site/project. Please check and revise if necessary.
- There was going to be an effort to have people use the Hayden Street entrance as the preferred entrance. How will this be communicated to the tenants and employees?

- Driveway Sight Lines. Any new plantings (shrubs, bushes) or physical landscape features to be located within the sight lines should also be maintained at a height of 2 feet or less above the adjacent roadway grade to ensure unobstructed lines of sight. Additionally, the proponent will relocate the existing stone wall adjacent to the Spring Street driveway to allow improved sight lines.
- The 128 BC shuttle currently stops at 95 Hayden. There are shuttle amenities provided at the new 97 Hayden building. Will there be shuttle stops at both 97 and 95 Hayden and the new building?
- The proposed parking ratio explained in the Transportation Impact and Access Study shows a parking ratio of 2.2 whereas the civil plan shows 2.75. Can this discrepancy be explained?
- The bicycle racks provided in the parking garage should be protected by bollards.
- Since the bike parking is not immediately adjacent to the entrance sharrows or bike lanes be striped to alert drivers to bicycles present.
- The bicycle parking spaces should be at least 2-foot by 6-foot which means for double sided racks there should be at least 4-feet between the racks. More is ideal to allow for maneuvering room between the racks
- The bicycle parking ratios and EV charging are based on total parking spaces. 110 bicycle parking spaces should be provided – only 80 spaces were found.
- Please show the location of the secure covered bicycle parking. Typically, these are rooms internal to the building or a limited access “cages” within the parking garage.
- Some bicycle parking should also be provided at the main entrance for couriers and visitors.
- Are shower and locker facilities provided? Where are they located?
- Where is zip car parking proposed?
- Where is bike share designated area? A conduit laid for future ride share racks.
- The location of the EV parking spots and the remaining EV ready spaces should be shown on the plans.
- The applicant is providing 22 EV charging spots. The applicant should plan to meet the provisions of Chapter 135 Section 5.1.13 (11) Electric vehicle charging. The required minimum applies to the total number of parking spaces. 4% of 1164 parking spaces equals 67.
- The annual PTDM monitoring shall also include an analysis of the estimated reduction of single occupancy vehicle trips.

Other Comments

- Per the MOU, the Applicant is required contribute funds to document and exhibit of property’s historic role in innovation. Does any photographs or any other documentation need to take place before the building is demolished. Please coordination with the Historic Commission at the time of building permit.
- Tree removal and replacement information was not found. The applicant must comply with the Tree by-law Chapter 120. Any trees to be retained should be protected per the Tree Committee protection regulations. Any tree roots shall be cut as opposed to ripped.
- A prohibition of Temporary off-site construction parking on public, and unaccepted streets should be a condition of site plan approval. Explicit permission must be provided to park in private drives and parking lots.

2021 Aerial View





MEMORANDUM

TO: Scott Turner, Environmental Partners Group, LLC

FROM: Marissa Liggiero, Engineering

DATE: August 17, 2022

SUBJECT: 99 Hayden Ave Stormwater Permit Comments

The stormwater application does demonstrate compliance with the Lexington Stormwater Management Regulations.

Silt sacks should have overflow device. Please mention on detail sheet.

Stormwater analysis followed standard engineering practice and complies with Stormwater Management Regulations.

Test pits were shown on the plans. Please show estimated seasonal high ground water (E.S.H.G.W.) elevations on the plans where infiltration systems are located.

An O&M plan was submitted and is acceptable.

Seven working days before any construction begins, Applicant must notify Engineering so that a pre-construction meeting can be arranged on-site.



Town of Lexington

PLANNING BOARD

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

Date: August 26, 2022

Lexington Planning Board

Town Office Building

1625 Massachusetts Avenue

Lexington, MA 02420

Re: Request for Continuance/Extension of Constructive Approval Date:

Project Address: 95 Hayden Ave. & 128 Spring Street (Map 17 Lot 22 and Map 18 Lot 2B)

Current Meeting Date: public hearing continued to September 7, 2022

To the Lexington Planning Board:

I am hereby requesting that the above-mentioned **item be continued to Wednesday, September 21, 2022 at 6:00 pm** for the following reason: (state reason for request) *To allow more time to respond to staff comments and time for staff and board to review revised submittal package*

I am hereby requesting to **extend the constructive approval date** to September 28, 2022

I am hereby requesting to **postpone the continued public hearing date** to: September 21, 2022

Respectfully,

Signature

Print Name: Peter Tamm

Applicant or Applicant's Representative: as Attorney-In-Fact for Applicant

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

6 Park Street - Street Adequacy Determination (SAD)

PRESENTER:

Applicant: ChandraDeepak Amenani

ITEM NUMBER:

SUMMARY:

ChandraDeepak Amenani has submitted an application for a Determination of the Adequacy, Grade and Construction Plan of an Unaccepted Street for 6 Park Street per §176-7.0 of the Planning Board Zoning Regulations. As a result of the Planning Board's determination, it may find 6 Park Street to: 1) be of adequate grade and construction, or 2) not of adequate grade and construction but it may be if certain improvements are made, or 3) not of adequate grade and construction.

Application material may be viewed here: <https://lexingtonma.viewpointcloud.com/records/65095>

SUGGESTED MOTION:

Staff Recommended Motions:

Motions on Waiver Requests:

That the Board does not accept the requested waiver to reduce the pavement width to 18 ft. where 20 ft. is required for two-way travel lanes pursuant to § 175-7.2 E 1 (b) of the Board's Subdivision Regulations because the 20 ft. is needed for public safety access and not in the public interest.

That the Board accepts the requested waiver related to timing and construction, to complete road improvements, as required by this decision, after the new dwelling is constructed.

Motion on Street Adequacy Determination and Required Improvements:

1. That the Planning Board determine Park Street, in the vicinity of 1-6 Park Street, is not presently of adequate grade and construction to provide for the needs of vehicular traffic, but will be adequate with the following improvements:
 - a. Widen existing pavement width that abuts the frontage of 1-6 Park Street from 16' to 20';
 - b. Conduct test pits of soil underneath the existing road to evaluate soil quality for road reconstruction. The Engineering Department shall be contacted to witness the test pits being collected;
 - c. If test pits show soil adequate of road reconstruction, the Applicant shall reclaim existing pavement abutting the frontage of 4-6 Park Street;
 - d. If test pits show soil not adequate of road reconstruction, the Applicant shall replace existing pavement abutting the frontage of 4-6 Park Street with 12" of packed gravel and crushed stone;
 - e. The Applicant shall install a new binder course with a minimum thickness of 2.5 inches; and
 - f. Install a new wearing course, with a minimum thickness of 1.5 inches;

- g. The Applicant shall contact the Engineering Department providing a minimum of 48 hours' notice to witness the entirety of the roadway reconstruction and all work shall comply with the Town of Lexington Engineering Standards; and
- h. The Applicant shall contact the Police Department providing a minimum of 7 days' notice of road closures or needed police details; and
- i. Prior to construction, Applicant shall submit a surety for the cost of required improvements, as estimated by the Engineering Department, which is to be returned to the Applicant upon proper completion of all conditions of this decision.

FOLLOW-UP:

-

DATE AND APPROXIMATE TIME ON AGENDA:

9/7/2022

ATTACHMENTS:

Description	Type
 Planning Staff Memo	Cover Memo



TOWN OF LEXINGTON
PLANNING OFFICE

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Abby McCabe, Planning Director
Sheila Page, Assistant Director
Molly Belanger, Planner
Lori Kaufman, Department Assistant

To: Planning Board
From: Molly Belanger, Planner
Re: Project Review for 6 Park Street: Street Adequacy Determination
Date: August 30, 2022

Property Information	
Project Address	6 Park Street
Applicant/Owner	ChandraDeepak Amenani
Type of Review	Street Adequacy Determination per §176-7.0
Permit Number	PLAN-22-10
Parcel ID	Map 72, Lot 454

Land Conditions	
Applicability	The entirety of Park Street is unaccepted by the Town, with the nearest accepted road being Reed Street. The property owner intends to add more than 1,000 square feet of Gross Floor Area (GFA) to the lot and is responsible for road improvements to Park Street, adjacent to the property lines of 6 Park Street until Reed Street per §176.7.0 <i>Unaccepted Streets Standards</i> .
Summary of Roadway Conditions	Park Street has an inadequate width that varies from 16'-17'. The edge of the roadway's paving is unclear as extra parking spaces have been expanded and paved off the road over time. The road is in very poor condition with heavy alligator cracking and signs of base failure throughout. Planning and Engineering staff found Park Street to be inadequate for the proposed use. No drainage issues were observed at the time of the site inspection in October 2021.

Dates & Deadlines	
Filed with Town Clerk	August 10, 2022
Public Meeting Date	September 7, 2022
Action Deadline	September 23, 2022
Action Required	Approve with or without conditions and waivers; OR Disapprove.

Waivers	
§175-7.2	<p>“Required standard of providing 20-ft two-way travel way for a local road as part of roadway improvement for a Street Adequacy Determination application.” The Applicant requests a waiver to build the road to 18’ instead of the standard 20’ required in the Board’s Subdivision Rules and Regulations.</p> <p>Applicant also requests a waiver for the timing of the construction related to the timing of the dwelling to allow for the construction of the road to come after the construction of the new dwelling.</p>

Staff Comments
<p>On November 2, 2021, Planning staff sent a memo of suggested improvements to the Applicant after a site inspection in October 2021, recommending the Applicant propose the following improvements to the Planning Board:</p> <ul style="list-style-type: none"> a. Widen existing pavement width that abuts the frontage of 4-6 Park Street from 16’ to 18’; b. Conduct test pits of soil underneath the existing road to evaluate soil quality for road reconstruction. The Engineering Department shall be contacted to witness the test pits being collected; c. If test pits show soil adequate of road reconstruction, the Applicant shall reclaim existing pavement abutting the frontage of 4-6 Park Street; d. If test pits show soil not adequate of road reconstruction, the Applicant shall replace existing pavement abutting the frontage of 4-6 Park Street with 12” of packed gravel and crushed stone; e. The Applicant shall install a new binder course with a minimum thickness of 2.5 inches; and f. Install a new wearing course, with a minimum thickness of 1.5 inches; g. The Applicant shall contact the Engineering Department to witness the roadway reconstruction. <p>Since that time, the Fire Department inspected 6 Park Street on May 4, 2022 and requested the minimum 20’ width from 1-6 Park Street. Fire did not witness any hardships (steep slopes, structures in the way, etc. that would prohibit the Applicant from widening the existing roadway between 1-6 Park Street to the minimum 20’ width. On May 4, 2022, the Applicant was notified of Fire’s disagreement with the width suggested in the original staff memo from the fall and recommended the improvements be expanded to include widening the pavement to 20 ft. from 1 to 6 Park St.</p> <p>The Applicant applied for a Street Adequacy Determination on August 5, 2022, with a request for §175-7.2 “Required standard of providing the full 20-ft. two-way travel way for a local road as part of roadway improvement for a Street Adequacy Determination application.” The Applicant did not provide reasoning for this waiver request. Applicant’s submission proposes increasing the width to 18 ft. in front of 4 & 6 Park St. only, consistent with the original November 2 staff memo and not the updated request from May 2022.</p>

Staff Recommended Motions:**Motions on Waiver Requests:**

That the Board does not accept the requested waiver to reduce the pavement width to 18 ft. where 20 ft. is required for two-way travel lanes pursuant to § 175-7.2 E 1 (b) of the Board's Subdivision Regulations because the 20 ft. is needed for public safety access and not in the public interest.

That the Board accepts the requested waiver related to timing and construction, to complete road improvements, as required by this decision, after a new dwelling is constructed.

Motion on Street Adequacy Determination and Required Improvements:

1. That the Planning Board determine Park Street, in the vicinity of 1-6 Park Street, is not presently of adequate grade and construction to provide for the needs of vehicular traffic, but will be adequate with the following improvements:
 - h. Widen existing pavement width that abuts the frontage of 1-6 Park Street from 16' to 20';
 - i. Conduct test pits of soil underneath the existing road to evaluate soil quality for road reconstruction. The Engineering Department shall be contacted to witness the test pits being collected;
 - j. If test pits show soil adequate of road reconstruction, the Applicant shall reclaim existing pavement abutting the frontage of 4-6 Park Street;
 - k. If test pits show soil not adequate of road reconstruction, the Applicant shall replace existing pavement abutting the frontage of 4-6 Park Street with 12" of packed gravel and crushed stone;
 - l. The Applicant shall install a new binder course with a minimum thickness of 2.5 inches; and
 - m. Install a new wearing course, with a minimum thickness of 1.5 inches;
 - n. The Applicant shall contact the Engineering Department providing a minimum of 48 hours' notice to witness the entirety of the roadway reconstruction and all work shall comply with the Town of Lexington Engineering Standards; and
 - o. The Applicant shall contact the Police Department providing a minimum of 7 days' notice of road closures or needed police details; and
 - p. Prior to construction, Applicant shall submit a surety for the cost of required improvements, as estimated by the Engineering Department, which is to be returned to the Applicant upon proper completion of all conditions of this decision.

CC: ChandraDeepak Amenani, Applicant

John Livsey, Town Engineer

Jim Kelly, Building Commissioner

Mike McLean, Police Chief

Tim Flaherty, Deputy Fire Chief

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

69 Pleasant Street – Public Hearing (continued from 8/3 & 6/29). Site Sensitive Special Permit Residential Development Definitive Subdivision

PRESENTER:

Applicant: Sheldon Corporation

ITEM NUMBER:

SUMMARY:

The Planning Board opened the public hearing on June 29, 2022. The public hearing was continued to August 3. On August 3, the Planning Board reviewed updated plans and continued the public hearing to Wednesday, September 7 at 6:00 pm on Zoom.

The application of Sheldon Corporation for approval of a definitive special permit residential development subdivision plan under §135-6.9 of the Zoning Bylaw and §175-6.0 of the Planning Board's Subdivision Regulations. The property is located at 69 Pleasant Street - Map 14 Lot 57 in the RS Zoning District. The Applicant is proposing to subdivide the property into 10 lots, preserve the existing two-story home to create three residences, and add 9 additional single-family dwellings.

A revised waiver request, revised site plan set, and revised stormwater drainage report was submitted on August 29.

View all the material online here: <https://lexingtonma.viewpointcloud.com/records/61249>

A memo with a recommendation from the Historical Commission was provided to the Board.

The Board should re-open the hearing, hear updates from the Applicant, seek public comments, and further discuss the project. If the Board is ready to vote, staff has provided the attached draft decision for an approval with conditions.

If the Board is not ready to vote the Board should vote to continue the public hearing to a specific, date, time, and location and state reasons for the continuance.

SUGGESTED MOTION:

If the Board is supportive of the project and the requested waivers, a draft decision for an approval for the waivers and project approval with conditions is uploaded as an attachment.

If the Board approves, the recommended motion is:

Move to approve the Site Sensitive Special Permit Residential Definitive Subdivision Development for project

at 69 Pleasant Street as outlined in the draft decision prepared by staff revised through Sept. 7 and further revised tonight and that the Chair may sign off on the decision on behalf of the board and update any clerical typos.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/7/2022

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Draft Approval	Exhibit
<input type="checkbox"/>	Engineering Review Comments	Cover Memo
<input type="checkbox"/>	Engineering Intersection Memo	Cover Memo



LEXINGTON PLANNING BOARD
1625 MASSACHUSETTS AVENUE, LEXINGTON, MA

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

**DECISION OF THE PLANNING BOARD
SPECIAL PERMIT SITE SENSITIVE RESIDENTIAL DEVELOPMENT
AND DEFINITIVE SUBDIVISION
69 PLEASANT STREET
LINC COLE LANE**

September 7, 2022

APPLICANT: Sheldon Corporation
121 Marrett Road
Lexington, MA 02420

PROPERTY OWNER: Storer Lexington LLC
16 Chesterford Road
Winchester, MA 01890

PROPERTY LOCUS: 69 Pleasant Street
Map 14, Lot 57
Zoning District: One-Family Dwelling (RS)

PROJECT SUMMARY

The proposed development will subdivide the 5-acre lot into ten lots accessible from a common drive. The existing two-story dwelling will remain and be converted to three residential dwelling units with a new garage. The third dwelling unit will be a moderate-income dwelling unit. Nine additional single-family homes are proposed. The lots are accessed by a common driveway entering the property in the same general location as the existing driveway from Pleasant Street.

STATEMENT OF FINDINGS

PROCEDURAL FINDINGS:

After having reviewed all the plans and material filed by the Applicant and its representatives and having considered the analysis, supplemental information provided during the course of the public hearings, correspondence and testimony from various staff, the public, and from all other interested parties, the Lexington Planning Board makes the following procedural and project findings:

1. On April 25, 2022, an application requesting a Site Sensitive Development Special Permit, pursuant to § 135-6.9 and § 135-9.4 of the Zoning Bylaw, and Definitive Subdivision, pursuant to § 175 Planning Board Subdivision Regulations, was filed with the Planning Board by Project Engineer Michael Novak of Patriot Engineering on behalf of Sheldon Corporation and was determined to be complete and submitted to the Town Clerk on May 24, 2022.
2. Pursuant to M.G.L. Chapter 40A, Section 9 and 11 and M.G.L. Chapter 41, Section 81T and the applicable provisions of the Lexington Zoning Bylaw and Planning Board Zoning Regulations, the Planning Board caused notice of the public hearing to be published in the *Lexington Minuteman*, a newspaper of general circulation in Lexington, on June 9, 2022 and again on June 16, 2022. Notice of the public hearing was posted in the Lexington Town Office Building with the Town Clerk and on the official town website commencing on May 31, 2022 and continuing through the opening of the public hearing on June 29, 2022. Said notice of public hearing was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on May 31, 2022.
3. The public hearing on the Application commenced on June 29, 2022 held remotely via Zoom, pursuant to M.G.L. c. 30A §§18-25, c. 20 of the Acts of 2021, and c. 22 of the Acts of 2022 further extending the remote access provisions through July 15, 2022. The public hearing was continued to the Select Board Meeting Room in the Town Office Building, 1625 Massachusetts Avenue, in Lexington on August 3, 2022, and was further continued to September 7, 2022 held remotely via Zoom, pursuant to c. 107 of the Acts of 2022 further extending the remote access provisions through March 31, 2023. The Planning Board accepted public comments via Zoom, mail, and e-mail.
4. At the start of the public hearings the Chair called on Associate Member Michael Leon to act as a voting Board member due to an absence of Robert Creech. Lexington Planning Board members Robert Peters, Charles Hornig, Michael Leon, Melanie Thompson, and Michael Schanbacher were present for all of the public hearings. The Board closed the public hearing on September 7, 2022.
5. Lexington Planning Board members Robert Peters, Charles Hornig, Michael Leon, Melanie Thompson, and Michael Schanbacher deliberated on the Application at a meeting on September 7, 2022.

PROJECT SPECIFIC FINDINGS:

In the course of the public hearing process, the Planning Board took under advisement all information received from various municipal departments; comments made by members of the public; and information submitted by the Applicant. The Planning Board arrived at this Decision based on §135-6.9 of the Zoning Bylaw and makes the following findings specifically for the project at 69 Pleasant Street.

1. Property, Historic Preservation and Neighborhood Characteristics: The proposed Site Sensitive Development includes nine new lots each to be improved with one one-family dwelling. This is consistent with the surrounding residential uses on similar-sized lots. The existing two-story

1850s Greek Revival house will be converted to a three-family dwelling with an ~1,152 sq. ft. addition on the north side, a new garage, and the third dwelling unit proposed to be a moderate-income unit attached to the garage. The existing barn is proposed to be razed. On August 30, 2022, the Historical Commission held a public meeting to review the Planning Board application, including the plan set revised through August 24, 2022, and recommended the proposed exterior changes to the existing house be subject to review and approval by the Historical Commission.

2. Building Disposition. The proposed new dwellings are generally sited in a manner similar to the abutting neighborhood. The Applicant submitted Model Home Examples 1 and 2 prepared by Space Craft Architecture dated August 22, 2022. The Applicant has agreed to contemporary style dwellings with low pitched roofs for Lots A, B, C, and J as shown on the two model samples. Dwellings on Lots D, E, and I will be transitional style or contemporary as shown in the two model samples. Dwellings on Lots F and G may be contemporary or traditional styles.
3. Traffic and Parking: The Planning Board reviewed the existing conditions of the road as part of this special permit and subdivision application. The proposed development utilizes a common drive to access all ten lots in the development. The common drive will be on its own parcel, shown as Parcel 1, but will remain private. The proposed drive is in the same general location as the existing driveway entrance. An intersection redesign for Pleasant and Watertown Streets is currently in the design stages; the proposed development is set back off the road leaving room for future expansion of the intersection if necessary. The Lexington Engineering, Police, and Fire departments prefer one entrance to the development in this location rather than the submitted proof plan that would add four new driveways and a new road in a different location. The Applicant has proposed access and utility easements to facilitate the use of the common drive by all of the residents of the development. The Project proposes a sidewalk on the east side of the common drive from the site entrance to Lot H. The Project proposes that each of the houses have a garage.
4. Dwelling Unit Count and Limitations on Unit Size: The proposed development complies with the provisions of § 135-6.9.3.1. The submitted proof plan depicts six (6) fully-compliant building lots on a new cul de sac and four (4) fully compliant lots fronting on Pleasant Street. The proposed development includes ten (10) distinct lots, nine with one one-family dwellings, and lot H with a three-family dwelling pursuant to § 6.9.17. Applicant's project is allowed a maximum total gross floor area for all buildings of 76,207 sf under § 135.6.9.6.1.
5. Stormwater and Environmental Impact: The proposed development met the Town's stormwater management standards and requirements at the time the application was submitted to the Town Clerk in May 2022. The stormwater management system includes isolator rows within subsurface infiltration systems along with deep sump catch basins for treatment and mitigation. A trench drain is provided at the front of the property near the Pleasant Street entrance.
6. Utilities: Utilities will be provided to all lots through proposed access and utility easements along the common drive. The Applicant has agreed to establish a Homeowners Association that will be responsible for the maintenance of the common drive and its infrastructure such as drainage and snow management. Trash and recycling removal shall be provided by the town's environmental services department with specific collection point locations.
7. Visual Impacts: The existing mature trees around the boundary of the property behind lots A, J, H, G, F, E, D, and C remain outside of the limit of work. New plantings are proposed along Pleasant Street on lots A and B consisting of Canadian Hemlocks and Dogwoods (*Cornus Florida*).

8. Dwellings: The existing house on Lot H will remain largely intact with an addition proposed behind the building to allow a second dwelling unit. An attached garage is proposed on the north side with an additional attached dwelling unit to be a moderate-income restricted dwelling unit. The conversion of the existing house property into a three-family dwelling is consistent with Lexington's housing goals, specifically Goal 2 of the draft Comprehensive Plan for a mix of housing types. The three-family dwelling is not visible from Pleasant Street and the additions are proposed behind the existing building.
9. Moderate Housing Unit: The Applicant has designed the project to provide one (1) deed restricted moderate-income dwelling unit in an addition behind the existing house. The moderate-income dwelling unit shall be in protected in perpetuity by a deed rider that ensures the unit will be kept as a moderate-income housing unit, sold or rented to a household with income at or below 150 percent of the area median income (AMI) for the Boston-Cambridge area.

WAIVERS

The Planning Board may waive any of its Rules and Regulations if the Board finds the waiver is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law.

1. The Board considered the site sensitive development in relation to the submitted proof plan sheet 17 of approved plan set and supported waivers from strict requirements of the Board's Subdivision Rules and Regulations § 175-7.0 for Required Improvements and Design Standards for streets and rights-of-ways, sidewalks and paths, street classification, bicycle accommodations, dead-end street turnaround design standards, vertical granite curbing, and street lighting. The Board finds the proposed site sensitive development provides less site disturbance than the submitted proof plan, creates one entrance common drive on Pleasant Street compared to five curb cuts on Pleasant Street as shown on the submitted proof plan.
2. The Board considered a waiver to allow retaining walls to be within four (4) feet of the property line and waived strict compliance with § 135-4.3.1 (1) and (2). The Board finds as proposed there is less earth work and earth movement disturbance associated with the proposal that does not involve blasting or regrading of the full property.
3. The Board considered a waiver of 4,628 sq. ft. to allow project to exceed the maximum allowed impervious area permitted by § 135-6.9.8 (1) by proposing 61,350 sq. ft. where 56,722 sq. ft. is allowed. During the course of the public hearings, the project was altered from the original submission to include sidewalk on one side of the private way, a garage addition to the existing house, and a moderate-income unit that exceeds the maximum impervious area. The Applicant's project complies with the stormwater management regulations in place at the time of the Application submission and has been designed to off-set the additional impervious areas. A trench drain is proposed at the front of property near the drive's entrance to Pleasant Street and the project has been designed to the 100-year storm event.
4. The Board considered a waiver of 2,168 sq. ft. to allow the project to exceed the maximum allowed site coverage by proposing 31,246 sq. ft. where 29,078 sq. ft. is permitted by § 6.9.9 (1). During the course of the public hearings, the project was altered from the original submission to include more housing diversity with the moderate-income unit and expansion of

existing house that will exceed the maximum site coverage. The Applicant's project complies with the stormwater management regulations at the time of the application submission and accounts for the additional impervious surface. A trench drain is proposed at the front of property near the drive's entrance to Pleasant Street and the project has been designed to the 100-year storm event.

5. The Board considered a waiver from strict requirements of § 175-8.4 to allow occupancy of dwellings prior to completion of all common elements. The Board approved this waiver request subject to planning, engineering, building commissioner, and public safety sign off prior to occupancy. Public safety and the Building Commissioner shall determine the area is safe for occupancy.

CONDITIONS OF APPROVAL

The Planning Board finds that the Application and Site Plans submitted by the Applicant comply with all applicable provisions of Lexington's Zoning Bylaw and applicable regulations, relevant to this review, except those waived by the Planning Board during the public review of the project. Accordingly, the Planning Board votes to approve the plan subject to the following conditions:

A. General Provisions.

1. This approval is limited to the ten (10) dwellings as shown on the site plan entitled "Linc Cole Lane 69 Pleasant Street (Assessors Map 14 Lot 57) Site Sensitive Development Plan Set" prepared by Patriot Engineering, Lexington, Massachusetts, prepared for Sheldon Corporation, dated March 30, 2021, revised to August 24, 2022.
2. No material corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the prior written approval of the Planning Board, or their designee. Any request for a material modification of this approval shall be made in writing to the Planning Department for review and approval by the Planning Board, or their designee and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation. Upon receipt of such a request, the Planning Department may, in the first instance, decide in writing authorizing a minor modification to the site plans, or the Planning Director may refer the matter to the Planning Board, which may consider and approve minor modifications at a regularly scheduled Planning Board public meeting. In the event the Planning Board determines the change is major in nature (e.g., resulting in material changes, newly identified impacts, etc.), the Planning Board shall consider the modification at a noticed public hearing.
3. In the event that the permit is not exercised or substantial use thereof has not commenced within three (3) years of the date of recording, except for good cause as determined by the Planning Board, the permit shall be deemed null and void.
4. Applicant is responsible for filing any other permits or approvals that may be required by other town, state, or federal entities such as the application for Stormwater Permit approval from Lexington Engineering Department.

B. Before the start of any site work:

5. The Applicant shall record this Decision with any exhibits at the Middlesex South Registry of Deeds prior to the commencement of authorized site activity and shall submit proof of recording to the Planning Office. Failure to record this Decision prior to the commencement of authorized site activity may result in rescission of this Decision.
6. The Applicant is responsible for coordinating address assignments for the properties on Linc Cole Lane. Before endorsement, the Property Rights and Dimensional Standards Plan shall be updated with house numbers approved by the Engineering Division.
7. The approved site plan shall be updated to include the location of the shared mailboxes and the house numbers.
8. The Property Rights and Dimensional Standards Plan (Sheet 4 of the approved plan set) shall be endorsed by the Planning Board and recorded at the South Middlesex Registry of Deeds.
9. Before endorsement of the Property Rights and Dimensional Standards Plan, the Planning Board must receive a performance guarantee, in accordance with the provisions of §135-9.4.5 of the Zoning Bylaw, to secure the construction of the common drive and the installation of utilities and services. Said form of guarantee may be varied from time to time by the Applicant subject to agreement on the adequacy and the amount of said guarantee by the Board.
10. The provisions of Chapter 120 (Tree Bylaw) apply to this project as no waivers were requested. The Applicant is responsible for filing a tree removal permit with the Tree Warden. The existing trees and vegetation to remain shall be protected in the field from damage during construction. The limits of work and trees to be removed and trees to be preserved shall be clearly identified in the field.

C. Prior to issuance of the first Building Permit:

11. A mylar copy of the recorded plans bearing the date of recording and the book and page number shall be delivered to the Planning Department before any building permits are issued.
12. The Applicant shall submit the architectural plans for the proposed exterior modifications (for the addition for the second dwelling unit, the garage, and the third dwelling unit attached to the garage) to the existing house to the Historical Commission for review prior to the issuance of a building permit for lot H. The Historical Commission's review is advisory to provide the Applicant guidance as to if the proposed exterior is consistent with the architectural elements and materials are consistent with the exterior design of the existing dwelling.

D. During Construction and Site Development

13. A copy of this Decision shall be kept on the Site in a location that is highly visible and accessible during construction.
14. All construction activities relative to this decision shall comply in all respects to all applicable Zoning Bylaw, Planning Board Zoning Regulations, and other municipal requirements unless specifically waived by a vote of the Planning Board and recorded in writing.

15. Any work in the roadway and utility work is subject to the Department of Public Works Rules and Regulations. Agents of the Planning Board shall have the right to enter the site and to gather all information, measurements, photographs, or other materials needed to ensure compliance with this approval. Agents of the Planning Board entering onto the site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.

16. No equipment on-site shall be started and allowed to warm up prior the start of the allowed construction hours or hours outlined in the Lexington Noise Control Bylaw. No vehicles are to arrive at the construction site before the designated construction hours, with no vehicle parking, standing or idling on adjacent public or private streets. Oversized deliveries of construction materials shall occur before or after peak traffic hours.

17. The limits of clearing of land or grading for the installation of any improvements relative to the project, including, but not limited to the driveways, stormwater management system, and utilities, shall be the limits of the grading shown on the site plans. Prior to any clearing of the land, the limits of such clearing and grading as shown on the approved plan shall be clearly marked in the field and shall remain in place until the completion of the project construction. This limit of work line shall be reviewed in the field by the Applicant and Planning staff prior to the issuance of a building.

18. The Applicant shall perform daily cleanup of construction debris, including soil on streets within two hundred (200) yards from the entrance of the site driveways caused by construction relative to the project.

19. The Applicant shall check all stormwater features prior to and at the end of each construction day. In the event a multiple day storm event occurs, the project manager shall check on the stormwater features to ensure they are functioning properly and have not exceeded their capacity. Any repairs, adjustments, or deficiencies shall be made immediately.

20. The Applicant shall provide appropriate erosion control methods such as silt fences, straw wattles, or organic hessian fabric burlap filled with compost around the stockpiles in case of a storm event, in addition to the temporary dust control requirements.

21. The use of hay bales shall be prohibited on-site.

22. The use of plastic stabilization netting shall be prohibited.

23. The Applicant shall be responsible for ensuring that runoff and eroded material does not run onto Pleasant Street.

24. The Applicant shall comply with the Stormwater Management Plan, prepared for Sheldon Corporation, 121 Marrett Road, Lexington, Massachusetts, Prepared by Patriot Engineering, Lexington Massachusetts, dated March 30, 2022, last revised August 24, 2022 or any further revisions that may be required with the stormwater permit approval.

25. All on-site utilities will be located underground.

E. Before the issuance of the Occupancy Permits within the development:

26. The Moderate-Income dwelling unit shall have an Affirmative Fair Housing Marketing Plan including a lottery for income eligible individuals. Applicant is responsible for obtaining an experienced lottery agent. The Fair Housing Marketing Plan shall be submitted to Planning Staff for review and approval prior to issuance of the sixth certificate of occupancy.

27. The moderate-income dwelling unit shall be in protected in perpetuity by a deed rider that ensures the unit will be kept as a moderate-income housing unit, sold or rented to a household with income at or

below 150 percent of the area median income (AMI) for the Boston-Cambridge area. The exterior of the Moderate Housing Unit shall match the existing residence. The Applicant shall reference the deed rider in the deed for the unit. Such deed shall be submitted to the Planning Department for review and approval prior to the sixth certificate of occupancy for the development.

28. Marketing of the moderate-income dwelling unit shall begin prior to occupancy of the sixth certificate of occupancy.

29. The Applicant is responsible for seeking approval from the U.S. Post Office for the mailboxes at the site entrance near Pleasant Street.

30. The Applicant shall draft a final Homeowner's Association Operations and Maintenance (O&M) Plan and submit such to the Planning Office for preliminary review as to form and content. The O&M Plan shall at a minimum include the Association's responsibilities, in perpetuity, with respect to:

- a. Maintenance of all stormwater management facilities, snow removal, preservation of the existing trees, and other infrastructure improvements;
- b. Trash waste and recycling removal shall be provided by the Lexington environmental services department with specific collection point locations provided and to be determined by public works for Lots B, A, J, I and Lots E, F, G, and H.
- c. Maintenance of the landscaping in accordance with the landscape plan, with owners responsible for replacing in kind any landscape that does not survive the first available growing season.

F. Prior to the request for each Certificate of Occupancy:

31. Each deed shall reference this special permit and enumerate remaining GFA, site coverage, and impervious surface coverage allotted to the house lot and be submitted to the Planning Office.

G. Prior to the request for the last Certificate of Occupancy within the development:

32. All deeds and easements shall be prepared for review and approval by the Town. The deeds must include a specific reference to this special permit as well as a narrative to explain any preservation restrictions or limit of work areas. Upon approval by the Town, the applicant shall file the appropriate deeds and easements with Middlesex South District Registry of Deeds or Middlesex South Registry District of the Land Court. Proof of such recording shall be provided to the Planning Department, which includes the date of recording, along with the book and page number of executed legal documents.

33. The Applicant shall establish a Homeowners Association or Trust, recorded with the Middlesex South District Registry of Deeds, which shall be approved as to form and content by both the Planning Board and Town Counsel, for the purposes of the operation and maintenance in perpetuity of the roadway, stormwater and drainage infiltration system, infrastructure and streetlights, and snowplowing, in addition to associated improvements. Trash waste and recycling removal will be provided by the Lexington environmental services department with specific collection point locations to be determined by public works for Lots B, A, J, I and Lots E, F, G, and H.

34. Prior to release of the surety, the Applicant shall provide the Planning Board with an "As Built Plan" stamped by a Professional Engineer registered in the Commonwealth of Massachusetts certifying that all improvements are completed in accordance with the approved Site Plans. The as-built plan shall be submitted in electronic formats (PDF and AutoCAD) to the Lexington Planning and Engineering

Division. The AutoCAD file must conform to the current form of the Mass GIS Standard for Digital Plan Submission to Municipalities or other standard requested by the Lexington Engineering Division. The plan shall include, but not be limited to, site utility improvements and tie-in dimensions to all pipes and connection points, walkways, sidewalks, plantings, and retaining walls.

H. On-Going:

35. The exterior character of the existing house shall remain in perpetuity. The proposed exterior changes for the addition, the garage, and the third dwelling shall be submitted to the Historical Commission for an advisory review. The Historical Commission's review shall be to provide guidance to the Applicant relative to the proposed exterior changes and if they are similar and match the existing structure.

36. Any future requests for demolition of the existing house on Lot H shall return to the Planning Board for an Amendment of this approval to be considered at a public hearing and shall be submitted to the Historical Commission for review and comment. The Historical Commission shall be given at least 60 days notification for an opportunity to document the property prior to any demolition.

RECORD OF VOTE

On September 7, 2022, the Planning Board **voted number (5) in favor, none (0) opposed, and none (0) in abstention to grant an approval with conditions for the Definitive Residential, Site Sensitive Special Permit Residential Development and Definitive Subdivision Application for the property at 69 Pleasant Street.**

Special Permit – Site Sensitive Development

Charles Hornig –

Robert Peters -

Michael Leon -

Michael Schanbacher -

Melanie Thompson –

Board Chair Approval: _____ Date: _____

EXHIBITS (submitted material to be provided by staff/forthcoming)



MEMORANDUM

TO: Abigail McCabe, Planning

FROM: Marissa Liggiero, Engineering

DATE: September 7, 2022

SUBJECT: Revised 69 Pleasant Street Comments 5 – Stormwater Permit Review

The stormwater application does demonstrate compliance with the Lexington Stormwater Management Regulations.

Infiltration trench added to the front of the site to capture more runoff before reaching Pleasant Street.

Additional infiltration system added to the proposal by the existing dwelling and addition.

Stormwater analysis did follow standard engineering practice and does comply with Stormwater Management Regulations.

An O&M plan was submitted and is acceptable.



Town of Lexington
ENGINEERING

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

Memorandum

To: Abby McCabe, Planning Director
Planning Board Members

From: Ross Morrow, P.E. Assistant Town Engineer

Date: September 7, 2022

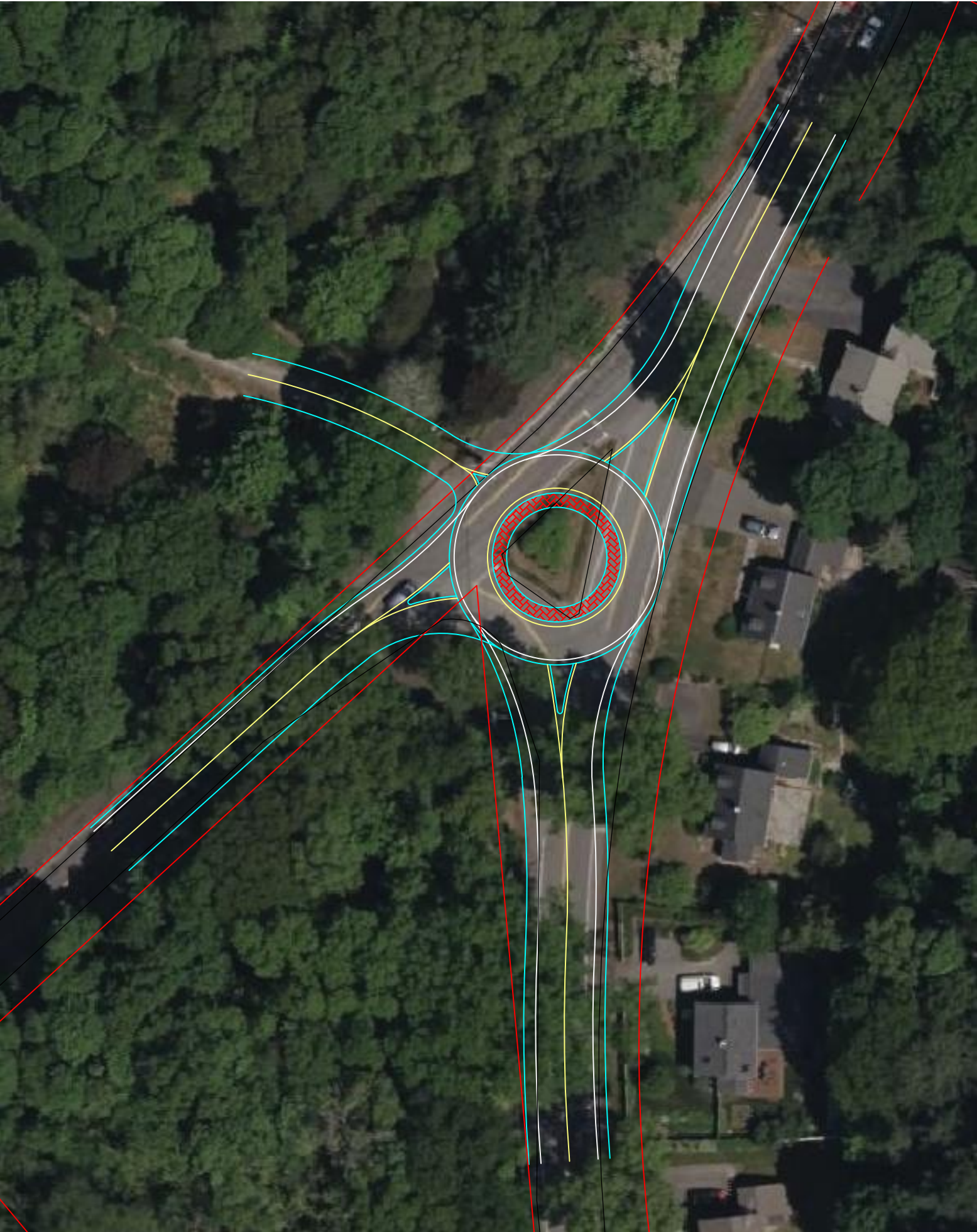
Re: Engineering Comments on intersection for 69 Pleasant St. project

As we progress the design of the safety improvements for the Pleasant St at Watertown St intersection, we will be able to incorporate the 69 Pleasant St Development site driveway. Assuming the improvements include a roundabout, the addition of the driveway would offer any significant impacts to the intersection. The angle of the existing roadways allow for a 5th leg to be included. From traffic operation perspective, the vehicle trips generated by the proposed development will be negligible to the overall level of service the roundabout will provide.

The second option for the intersection would be to formalize a “T” intersection. With this configuration, the site driveway will adjoin the roadway close to the intersection, but at a point where vehicles will be traveling at slow speeds. The site driveway traffic may have to contend with queued traffic, however this can be partially alleviated with “do not block” roadway markings similar to those installed where Follen Rd intersects with Pleasant St.

In the unlikely event no geometric improvements are approved at the intersection, the site driveway should still be expected to function in an acceptable manner. The developer has committed to meeting Intersection Sight Distances (ISD) as defined in the AASHTO design guide. If other improvements become warranted, Engineering will work with the developer and our Pleasant St design consultant to incorporate them into the roadway improvement project.

Here’s a graphic to go along with it. Nothing set in stone, but my initial roundabout concept with a leg added for the site drive. Given the low trip count the site will generate, I would not expect the leg to be a “full” roundabout leg with raised splitter islands, etc.



AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Open Space Residential Development (OSRD) Zoning Regulations Review

PRESENTER:

Staff and Board Discussion

ITEM NUMBER:

SUMMARY:

The Board reviewed draft OSRD Regulations on August 3 and requested further changes to be reviewed again on September 7.

The Board is amending Chapter 176 of the Code of the Town of Lexington, Planning Board Zoning Regulations. The amendments to Chapter 176 include adding new Section 176-13 Open Space Residential Developments and amending Section 176-4.0 Fee Schedule to add the new application fee. These regulations are being drafted after the recent approval of the new Open Space Residential Development Zoning Bylaw approved at Annual Town Meeting in spring 2022. The approved OSRD Zoning Bylaw is attached.

A further updated draft of the Board's Regulations is forthcoming. Attached is draft reviewed at the Planning Board's August 3 meeting but requests from that meeting and since then have not yet been updated yet. Staff will request continuing this further to an upcoming meeting when comments can be updated into the next draft.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/7/2022

ATTACHMENTS:

Description

Type

- ▣ OSRD Zoning Bylaw Section 6.12
- ▣ DRAFT Regulations for 08.03.22 Meeting

Exhibit

Exhibit

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 in conformance to the Lexington Moderate Unit Income Guidelines or as regulated as a Local Action Unit under the DHCD Local Initiative Program.

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 other than inclusionary 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 the limit established by this § 6.12.3.5, 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 an affordable housing restriction for inclusionary dwelling units is 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.

(03/25/2022)



Town of Lexington

PLANNING BOARD

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

DRAFT Review on August 3 at Planning Board Meeting

Add Article 176-13.0 OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD) REGULATIONS

13.1. Goals and Purpose.

The goals and purpose of the Open Space Residential Development Regulations are to:

1. Further the purposes of §135-6.12 of the Zoning Bylaw permitting Open Space Residential Developments;
2. Provide guidance to applicants submitting OSRD applications;
3. Provide criteria for the reviewing authority to make a well-informed decision;
4. Establish a list of submission materials from concept through final occupancy;
5. Regulate the condition, location, ownership, and preservation of Open Land consistent with §135-6.12.5.4;
6. Regulate the physical characteristics, location, and access to services of inclusionary dwelling units; define limits on the household income of occupants, sale price, and rent of inclusionary dwelling units; and the form of required legal restrictions consistent with §135-6.12.6.1.e; and
7. Facilitate sustainable site layouts, quality building design, and quality outdoor amenity space consistent with §135-6.12.7.1.

13.2. Authority.

1. These regulations governing OSRDs are adopted under §135-6.12 [OPEN SPACE RESIDENTIAL DEVELOPMENTS] and §135-9.5 [SITE PLAN REVIEW] of the Zoning Bylaw.

13.3. Applications. OSRD applications shall follow the Site Plan Review application process described in §176-9.0 of these Regulations for Major Site Plan Review under §176-9.3, including the following materials:

1. Application. The materials required under §176-9.3.2 other than the parking and transportation demand management (PTDM) plan;
2. Proof Plan. A proof plan as defined in the Zoning Bylaw demonstrating that two or more lots can be created in compliance with the Zoning Bylaw, including a table of allowed gross floor area for each proof plan lot and showing any protected resources areas pursuant to §130-8 [Wetland Protection Definitions];

3. Site Development Plan. A site development plan with existing and proposed conditions identifying and differentiating Open Land from Common Open Space, private amenity space, and wetlands;
4. Open Land. Draft legal documents implementing the ownership and restriction requirements of §135-6.12.5.2 and §135-6.12.5.3;
 1. If Open Land is to be conveyed to the Town or a non-profit conservation organization, the Applicant shall submit written confirmation of agreement to accept ownership if the OSRD is approved. The deed shall contain the following:
 - i. A legal description of dedicated Open Land and the entity to which it is to be conveyed; and
 - ii. A statement of the purpose of the open space and any restrictions on its use.
 2. If ownership of Open Land is to be retained by the Homeowners Association, the Applicant shall submit written confirmation of agreement to accept the conservation restriction if the OSRD is approved. The conservation restriction shall contain the following:
 - i. Language defining the conservation restriction pursuant to MGL Chapter 184, §§31-33;
 - ii. Provisions for management of the Open Land that are explicitly tied to Town guidance on the management of conservation land; and
 - iii. Provisions for a biannual assessment of Open Land status to be performed by the Conservation Commission or other non-profit conservation organization.
 3. If the property has wetlands or other non-developable land that does not qualify to be included in the 35% Open Land calculation, this land may be considered for protection via a conservation restriction, particularly if the non-developable land is contiguous with the Open Land or adjoining conservation land.
5. Common Open Space: Provisions for the management, maintenance, operation, improvement, and repair of any Common Open Space, including levying and collecting from the property owners' common charges to pay for expenses associated with the open space;
6. A copy of the approved Stormwater Permit issued by the Stormwater Agency [Public Works Engineering Division] demonstrating compliance with the stormwater management standards outlined in Chapter 114 of the Lexington General Bylaws and Current Stormwater Management Regulations per §181, or, if no stormwater permit has been issued, a stormwater permit application and stormwater drainage report for preliminary review by the Engineering Division; and
7. Architectural plans per §176-9.3 including preliminary floor plans for all dwellings and proposed locations of inclusionary dwelling units.

13.4 General Provisions.

1. Upon receipt of a complete application, the Planning Board shall seek comments from the Select Board, Housing Partnership Board, Commission on Disability, Conservation Commission, Historical Commission, and the Regional Housing Services Office Director.
2. Phasing. OSRD projects may include phased development. A preliminary phasing plan shall be submitted to the Planning Board during the public hearing for an initial review. It is expected that the specific timing will vary during permitting and construction. The phasing plan shall include estimated start and construction completion timeframes for installation of utilities, road or driveway, drainage and sidewalks. The phasing plan shall specify if there will be requests for occupancy prior to full completion of the project.
3. The final approved Stormwater Management Permit issued by the Stormwater Agency shall be submitted to the Planning Office prior to the start of construction and prior to any site work associated with any OSRD project.
4. A final As-Built Plan showing final landscaping, walkways, paths, trails, sidewalks, parking, common space, amenity space, utilities, drainage structures, buildings, impervious areas, gross floor area, fencing, shall be submitted to the Planning Department prior to final occupancy of the last dwelling.
5. Relationship to Subdivision Control. If the development will require a division of land not requiring approval under the Subdivision Control Law, then the Applicant shall submit an Approval Not Required (ANR) Plan after grant of site plan review but before issuance of a building permit. If the development will require a division of land requiring approval under the Subdivision Control Law, the Applicant shall submit a Definitive Subdivision Plan for approval to the Planning Board consistent with the Board's Subdivision Regulations. The Definitive Subdivision Plan review and OSRD site plan review may be considered at one public hearing.
6. Legal Documents and Recording. Any inclusionary housing restrictions, easements, covenants, and open land and common open space deeds or conservation restrictions and any other legal instruments shall be recorded at the South Middlesex Registry of Deeds and proof of recording submitted to the Planning Office.
7. Site Inspections and Issuance of Occupancy Permit. Planning staff, engineering staff, and conservation staff, where applicable, shall perform a site inspection prior to the first request for a certificate of occupancy. Fire hydrants, drainage structures, footpaths, trails, all work associated with any access drives except for the final top course of pavement, Open Land restoration, and utilities shall be installed and completed prior to the first occupancy permit, unless specifically

approved delay as part of the approved phasing plan. All work shall be completed prior to the final occupancy of the last unit.

8. Common Walls. Two or more buildings sharing common walls are treated as a single building for the purposes of the GFA restrictions in §135-6.12.3.7.b.
9. Amenity space may include areas such as an outdoor gathering space, fire pit, seating area, game area, patio, grilling area, pool, playground, yard space, or similar unroofed space.

13.5 Open Land and Common Open Space.

1. Open Land.

1. Location. Open Land shall be land in one or more parcels of a size and shape appropriate for the intended use, contiguous to the maximum extent possible, and available for use by all occupants of an OSRD. Open Land shall include any or all of the following, as appropriate:
 - i. Land that separates groups of buildings within the OSRD from other groups and from adjacent property;
 - ii. Outstanding natural and man-made features of the site, including but not limited to stone walls, that enhance the land form;
 - iii. Natural habitat area and wildlife corridors, but shall not include wetlands or associated buffers;
 - iv. Paths or entry points specifically designed for access purposes; and
 - v. Degraded land, or land that has been used for other purposes, that is to be restored with native plantings.
2. Open Land areas shall be left in or restored to their naturally vegetated state. Removal of trees or vegetation or disturbance is permitted only when specifically permitted by the Planning Board or the Conservation Commission if the project requires Conservation Commission approval.
3. Open land shall remain in an undeveloped condition and may not be used for buildings, parking, paved sidewalks, driveways, accessory structures, or any another impervious surface.
4. Open Land shall be monumented and marked on a recorded survey, so that the Commission or ownership entity can monitor the boundaries as part of its routine oversight.
5. When Open Land adjoins public conservation or recreation areas, the Open Land shall include paths to those resources.
6. Snow storage shall not be permitted in Open Land areas.
7. The following are uses that may be deemed acceptable in open land areas subject to prior written approval:
 - i. Disease control and or control or removal of invasive species;
 - ii. Wildlife habitat restoration or improvement to restore native biotic communities or to enhance wildlife, wildlife habitat, or native tree and plant species;

- iii. Paths or trails approved by the Planning Board or Conservation Commission where applicable;
 - iv. Vegetation management with selective minimal removing of vegetation, including selective cutting of trees and pruning to prevent, control or remove hazards, disease, insect or fire damage, mosquitoes and ticks, poison ivy and other plants potentially harmful to humans;
 - v. Passive recreation activities such as hiking, walking, bicycling, cross-country skiing, and other non-motorized recreational activities that do not materially alter the landscape or do not degrade the environmental quality.
 - vi. Small signage identifying protected area located with minimal impact to open space area.
3. Common Open Space areas shall be designed for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

13.6 Inclusionary Dwelling Units.

1. Inclusionary dwelling units shall be subject to an affordable housing restriction as defined in MGL c. 184 §§31-32. Restrictions on inclusionary dwelling units shall meet the following standards:
 - a. Be enforceable in perpetuity;
 - b. Restrict occupancy to income eligible households;
 - c. Require that residents occupy the units as their principal residence;
 - d. Provide for effective administration, monitoring, and enforcement of the restriction with the Town as monitoring agent, or a third party monitor as appointed by the Town;
 - e. Contain terms and conditions for the resale of a homeownership unit, including a definition of the maximum permissible resale price, and for the subsequent rental of a rental unit, including a definition of the maximum permissible rent;
 - f. Subject the units to an affirmative fair housing marketing and resident selection plan for approval by the Town; and
 - g. Be otherwise consistent with the Department of Housing and Community Development (DHCD) Universal Deed Rider and DHCD Guidelines, as may be amended from time to time.
2. Inclusionary dwelling unit features including, but not limited to, finishes, appliances, and outdoor amenity spaces must be comparable to those provided in the development's market-rate units, but need not be identical provided that they are durable, of good quality, and consistent with contemporary standards for new housing.
3. Each inclusionary dwelling unit shall be assigned a maximum household income for its occupants, expressed as a percentage of the area median income (AMI) as annually determined by the U.S.

Department of Housing and Urban Development, assuming one more person in the household than the number of bedrooms in the unit.

4. The maximum sale price or rent for an inclusionary dwelling unit shall be affordable to a household with an income 10 percentage points less than that unit's maximum household income.
5. Across all inclusionary dwelling units in a development, the average of the maximum household incomes, expressed as a percentage of AMI, weighted by the gross floor area of each inclusionary dwelling unit, shall not be greater than 100%.
6. The DHCD shall grant approval of the Regulatory Agreement and indication of eligibility for inclusion on the Subsidized Housing Inventory for eligible inclusionary dwelling units prior to occupancy of the first residential unit. Proof of execution of the housing restriction of any inclusionary dwelling units shall be submitted to the Planning Department prior to the first certificate of occupancy for any non-restricted market rate unit in the OSRD development.

13.7 Design Standards.

1. Footpaths and Trails. The Board encourages the creation of footpaths and trails to offer public access to the open land and common open space within the OSRD and to connect to other nearby open space, recreational areas, streets, bicycle paths, or other recreational areas at adjoining land for passive recreation. Proposed paths and trail locations and details shall be shown on the site development plans. Paths and trails shall be pervious and shall be stable to support foot traffic and provide proper soil drainage. Paths and trails may be gravel, stone dust, or similar material or boardwalk if the area is wet. Construction details must be submitted at the time of the first building permit. Planning staff shall confirm satisfactory completion after a site inspection before the last certificate of occupancy. The Applicant may provide a public easement if the trail network can benefit the neighborhood and surrounding area.
2. Dwellings. Dwellings should be clustered and situated to maximize open space. Dwelling units should have direct access to amenities and Open Land areas to the maximum extent possible. Applications shall be designed to fit the existing land patterns by retaining natural topography, vegetation, and natural drainage courses, rather than altering the site to accommodate a predetermined plan.
3. Roadways and interior drives should be designed to maintain existing site features such as existing mature trees and significant landmarks such as stone walls or historic structures.
4. Open Space. Open space should be designed to maximize visibility for persons passing the site from within or nearby properties to attract visual interest.

5. Architectural design. Overall scale, architectural detailing, building massing, height, exterior materials, and roofline articulation should be sensitive to and compatible with surrounding residential areas.

Amend Article 176-4.1 [ADMINISTRATIVE FEES]

Amend 4.1.2 Administrative Fee Schedule as follows: (changes to existing regulations shown in bold underline)

Type of Application	Administrative Fee
Site Plan Review, Section 176-9.0 <u>& 13.0</u>	
<u>OSRD site plan review</u>	<u>Projects involving 1-5 dwelling units: \$3,000 plus \$500 per dwelling unit.</u> <u>Projects involving 6-10 dwelling units: \$5,000 plus \$500 per dwelling unit.</u> <u>Projects involved 11-20 dwelling units: \$7,000 plus \$500 per dwelling unit.</u> <u>Projects involving over 20 dwelling units: \$9,000 plus \$500 per dwelling unit.</u>

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Review Final Guidelines for MBTA Communities

PRESENTER:

Staff and Board Discussion

ITEM NUMBER:

SUMMARY:

On August 10, 2022, the Massachusetts Department of Housing and Community Development (DHCD) issued final guidelines for Multi-Family Zoning Districts as required under M.G.L. c. 40A new provisions in section 3A first adopted and signed into law in January 2021. A copy of the final guidelines and a staff memo from the Assistant Town Manager for Development are attached.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/7/2022

ATTACHMENTS:

Description	Type
☐ Staff Memo	Cover Memo
☐ Final DHCD Guidelines for MBTA Communities	Cover Memo



TOWN OF LEXINGTON

Land Use, Health and Development Department

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MEMO TO: Planning Board, Town Manager

FROM: Carol Kowalski

DATE: August 16, 2022

Re: Final MBTA Communities Multi-family Housing Guidelines for Compliance

Cc: A. McCabe

This memorandum provides an update and summary on how the Final Guidelines for complying with the MBTA Multi-Family Zoning apply to Lexington. On August 10, 2022, the Department of Housing & Community Development released the final guidelines on compliance with the new law. Section 3A specifically requires that each MBTA Community have a district of reasonable size in which multi-family housing is allowed by-right at a minimum density of 15 units per acre. The law does not require the production of new multi-family housing units within the district zoned for such development. Site Plan Review is allowed for multi-family uses allowed by-right.

The general principles of Section 3A are that MBTA communities benefit from having transit assets within their boundaries and, therefore, should:

- Contribute to the production of new housing stock;
- Provide opportunity for multi-family housing development around MBTA facilities;
- Adopt multi-family housing districts that will lead to development of multi-family housing projects of a scale, density and character that are consistent with a community's long-term planning goals.

Based on the final guidelines, Lexington is considered an "adjacent" community, and our minimum multi-family capacity must allow 1,231 units in Lexington's multi-family by-right zoning districtⁱ. Also, a minimum of 50 acres must be zoned for multi-family by right to comply with the new law, and at least half of that must be contiguous lots. Lexington would need a Multi-family zoning district of approximately 82 acres (1,231 units x 15 units per acre), assuming the minimum density.

The deadline for Lexington, as an adjacent community, to adopt the new zoning district and submit a compliance application to the Department of Housing & Community Development is December 31, 2024. A compliance Action Plan must be submitted by January 31, 2023.

<https://www.mass.gov/doc/action-plan-for-mbta-communities/download>

Inclusionary Zoning/Requiring affordable housing:

The final guidelines allow us to require affordable units in the Multi-family district but only if 1) they are eligible for inclusion on DHCD's Subsidized Housing Inventory, and 2) not more than 10% of the homes are required to be affordable, and 3) the cap on income for eligible families or individuals is not less than 80% of Area Median Income. An exception allows up to 20% of the units to be affordable if the district pre-dates Section 3A, and does not make the project

infeasible, or if the district is subject to DHCD approval as a 40R Smart Growth District.

Higher standards than other uses are prohibited

No requirements that are greater than those applied uniformly on all zoning uses can be applied to the Multi-family zoning district. The guidelines prohibit third-party certification requirements (e.g. LEED), higher energy efficiency standards than other uses, and any requirement that multi-family be combined with other uses on the same lot or project.

Mixed Use

Mixed-use may be allowed as of right as long as multi-family is allowed separately as of right.

Water and Wastewater infrastructure:

If municipal water and sewer are provided, but capacity is limited, the final guidelines state: “For purposes of the unit capacity analysis, it is assumed that housing developers will design projects that work within existing water and wastewater constraints, and that developers, the municipality, or the Commonwealth will provide funding for infrastructure upgrades as needed for individual projects.”

Wetlands and Title V (septic regulations)

Compliance with Title V and state wetlands protection law is still required in the Multi-family district, even if a project results in less density than the 15 units per acre allowed in the zoning district.

Suitable for families

No age restrictions, bedroom caps, size limits, or limits on number of occupants or minimum age of occupants are allowed.

Locating a compliant district

Page 12 of the final guidelines discusses locating the district in a manner to achieve compliance. For an Adjacent Community such as Lexington, the district can go anywhere that provides safe, convenient access to mobility and “reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that qualifies as an “eligible location” as defined in Chapter 40A—for example, near an existing downtown or village center, near a regional transit authority bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.” (pp 12-13).

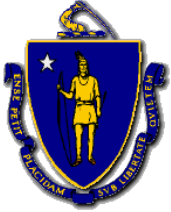
The guidelines note that the district should not go in wetlands, habitat for rare or threatened species, areas subject to flooding, or farmland/agricultural soils.

DHCD will present a webinar on the final guidelines on Thursday, September 8. Register in advance for this webinar:

https://us06web.zoom.us/webinar/register/WN_KBSNAXLuR9yrnmklDPFx-g

The Planning Director and I are prepared to support the Planning Board in its work toward compliance with Section 3A. Please let the Planning Director or me know if you have questions.

ⁱ There are two ways minimum required unit capacity is calculated, in our case first by multiplying our total housing units by .10 resulting in 1,231 units. Second, we multiply 50 units per acre times the required density of 15 units per acre = 750. The larger of the two numbers is our minimum unit capacity, as long as that number is no more than 25% of our total year-round units (12,310 x .25 = 3,077.5)



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

Issue Date: August 10, 2022

Compliance Guidelines for Multi-family Zoning Districts
Under Section 3A of the Zoning Act

1. Overview of Section 3A of the Zoning Act

Section 3A of the Zoning Act provides: *An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.*

The purpose of Section 3A is to encourage the production of multi-family housing by requiring MBTA communities to adopt zoning districts where multi-family housing is allowed as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCD promulgated preliminary guidance on January 29, 2021. DHCD updated that preliminary guidance on December 15, 2021, and on that same date issued draft guidelines for public comment. These final guidelines supersede all prior guidance and set forth how MBTA communities may achieve compliance with Section 3A.

2. Definitions

“Adjacent community” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) is not an adjacent small town.

“Adjacent small town” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing.

“Affordable unit” means a multi-family housing unit that is subject to an affordable housing restriction with a term of no less than 30 years and eligible for inclusion on DHCD’s Subsidized Housing Inventory.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring a minimum age for some or all occupants.

“As of right” means development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

“Bus station” means a location with a passenger platform and other fixed infrastructure serving as a point of embarkation for the MBTA Silver Line. Upon the request of an MBTA community, DHCD, in consultation with the MBTA, may determine that other locations qualify as a bus station if (i) such location has a sheltered platform or other fixed infrastructure serving a point of embarkation for a high-capacity MBTA bus line, and (ii) the area around such fixed infrastructure is highly suitable for multi-family housing.

“Commuter rail community” means an MBTA community that (i) does not meet the criteria for a rapid transit community, and (ii) has within its borders at least 100 acres of developable station area associated with one or more commuter rail stations.

“Commuter rail station” means any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service, including stations under construction and scheduled to being service before the end of 2023, but not including existing stations at which service will be terminated, or reduced below regular year-round service, before the end of 2023.

“Compliance model” means the model created by DHCD to determine compliance with Section 3A’s reasonable size, gross density, and location requirements. The compliance model is described in further detail in Appendix 2.

“Determination of compliance” means a determination made by DHCD as to whether an MBTA community has a multi-family zoning district that complies with the requirements of Section 3A. A determination of compliance may be determination of interim compliance or a determination of district compliance, as described in section 9.

“Developable land” means land on which multi-family housing can be permitted and constructed. For purposes of these guidelines, developable land consists of: (i) all privately-owned land except lots or portions of lots that meet the definition of excluded land, and (ii) developable public land.

“Developable public land” means any publicly-owned land that (i) is used by a local housing authority; (ii) has been identified as a site for housing development in a housing production plan approved by DHCD; or (iii) has been designated by the public owner for disposition and redevelopment. Other publicly-owned land may qualify as developable public land if DHCD determines, at the request of an MBTA community and after consultation with the public owner, that such land is the location of obsolete structures or uses, or otherwise is suitable for conversion to

multi-family housing, and will be converted to or made available for multi-family housing within a reasonable period of time.

“Developable station area” means developable land that is within 0.5 miles of a transit station.

“DHCD” means the Department of Housing and Community Development.

“EOHED” means the Executive Office of Housing and Economic Development.

“Excluded land” means land areas on which it is not possible or practical to construct multi-family housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

- (i) All publicly-owned land, except for lots or portions of lots determined to be developable public land.
- (ii) All rivers, streams, lakes, ponds and other surface waterbodies.
- (iii) All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
- (iv) Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
- (v) All public rights-of-way and private rights-of-way.
- (vi) Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.
- (vii) Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

“Ferry terminal” means the location where passengers embark and disembark from regular, year-round MBTA ferry service.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“Listed funding sources” means (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2E of chapter 29; and (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

“Lot” means an area of land with definite boundaries that is used or available for use as the site of a building or buildings.

“MassGIS data” means the comprehensive, statewide database of geospatial information and mapping functions maintained by the Commonwealth's Bureau of Geographic Information, within the Executive Office of Technology Services and Security, including the lot boundaries and use codes provided by municipalities.

“MBTA” means the Massachusetts Bay Transportation Authority.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within a multi-family zoning district, made in accordance with the requirements of section 5.b below.

“Multi-family zoning district” means a zoning district, including a base district or an overlay district, in which multi-family housing is allowed as of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

“One Stop Application” means the single application portal for the Community One Stop for Growth through which (i) the Executive Office of Housing and Economic Development considers requests for funding from the MassWorks infrastructure program; (ii) DHCD considers requests for funding from the Housing Choice Initiative, (iii) EOHED, DHCD and other state agencies consider requests for funding from other discretionary grant programs.

“Private rights-of-way” means land area within which private streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Publicly-owned land” means (i) any land owned by the United States or a federal agency or authority; (ii) any land owned by the Commonwealth of Massachusetts or a state agency or authority; and (iii) any land owned by a municipality or municipal board or authority.

“Public rights-of-way” means land area within which public streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Rapid transit community” means an MBTA community that has within its borders at least 100 acres of developable station area associated with one or more subway stations, or MBTA Silver Line bus rapid transit stations.

“Residential dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Section 3A” means section 3A of the Zoning Act.

“Sensitive land” means developable land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing. It also includes locations where multi-family housing would be at increased risk of damage caused by flooding. Sensitive land includes, but is not limited to, wetland buffer zones extending beyond the title 5 setback area; land subject to flooding that is not a wetland resource area; priority habitat for rare or threatened species; DEP-approved wellhead protection areas in which development may be restricted, but is not prohibited (Zone II and interim wellhead protection areas); and land areas with prime agricultural soils that are in active agricultural use.

“Site plan review” means a process established by local ordinance or by-law by which a local board reviews, and potentially imposes conditions on, the appearance and layout of a specific project prior to the issuance of a building permit.

“Subway station” means any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line, including any extensions to such lines now under construction and scheduled to begin service before the end of 2023.

“Transit station” means an MBTA subway station, commuter rail station, ferry terminal or bus station.

“Transit station area” means the land area within 0.5 miles of a transit station.

“Zoning Act” means chapter 40A of the Massachusetts General Laws.

3. General Principles of Compliance

These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to allow multi-family housing “as of right.”
- The metrics that determine if a multi-family zoning district is “of reasonable size.”
- How to determine if a multi-family zoning district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code.

- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.”
- The extent to which MBTA communities have flexibility to choose the location of a multi-family zoning district.

The following general principles have informed the more specific compliance criteria that follow:

- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries benefit from proximity to transit stations in nearby communities.
- The multi-family zoning districts required by Section 3A should encourage the development of multi-family housing projects of a scale, density and aesthetic that are compatible with existing surrounding uses, and minimize impacts to sensitive land.
- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family zoning district that is “reasonable” in one city or town may not be reasonable in another city or town.
- When possible, multi-family zoning districts should be in areas that have safe, accessible, and convenient access to transit stations for pedestrians and bicyclists.

4. Allowing Multi-Family Housing “As of Right”

To comply with Section 3A, a multi-family zoning district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval. DHCD will determine whether zoning provisions allow for multi-family housing as of right consistent with the following guidelines.

a. Site plan review

The Zoning Act does not establish nor recognize site plan review as an independent method of regulating land use. However, the Massachusetts courts have recognized site plan review as a permissible regulatory tool, including for uses that are permitted as of right. The court decisions establish that when site plan review is required for a use permitted as of right, site plan review involves the regulation of a use and not its outright prohibition. The scope of review is therefore limited to imposing reasonable terms and conditions on the proposed use, consistent with applicable case law.¹ These guidelines similarly recognize that site plan review may be required for multi-

¹ See, e.g., *Y.D. Dugout, Inc. v. Board of Appeals of Canton*, 357 Mass. 25 (1970); *Prudential Insurance Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278 (1986); *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 59 (1997) (Planning Board “may impose reasonable terms and conditions on the proposed use, but it does not have discretionary power to deny the use”).

family housing projects that are allowed as of right, within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed as of right and complies with applicable dimensional regulations.

b. Affordability requirements

Section 3A does not include any express requirement or authorization for an MBTA community to require affordable units in a multi-family housing project that is allowed as of right. It is a common practice in many cities and towns to require affordable units in a multi-family project that requires a special permit, or as a condition for building at greater densities than the zoning otherwise would allow. These inclusionary zoning requirements serve the policy goal of increasing affordable housing production. If affordability requirements are excessive, however, they can make it economically infeasible to construct new multi-family housing.

For purposes of making compliance determinations with Section 3A, DHCD will consider an affordability requirement to be consistent with as of right zoning as long as: (i) any affordable units required by the zoning are eligible to be listed on DHCD's Subsidized Housing Inventory; (ii) the zoning requires not more than 10 percent of the units in a project to be affordable units; and (iii) the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income. Notwithstanding the foregoing, the percentage of units required to be affordable units may be up to, but not more than, 20 percent of the units in a project, only if (i) the affordability requirement applicable in the multi-family zoning district pre-dates the enactment of Section 3A and the MBTA community demonstrates to DHCD that the affordability requirement has not made and will not make multi-family housing production infeasible, or (ii) the multi-family zoning district requires DHCD review and approval as a smart growth district under chapter 40R, or under another zoning incentive program administered by DHCD.

c. Other requirements that do not apply uniformly in the multi-family zoning district

Zoning will not be deemed compliant with Section 3A's requirement that multi-family housing be allowed as of right if the zoning imposes requirements on multi-family housing that are not generally applicable to other uses. The following are examples of requirements that would be deemed to be inconsistent with "as of right" use: (i) a requirement that multi-family housing meet higher energy efficiency standards than other uses; (ii) a requirement that a multi-family use achieve a third party certification that is not required for other uses in the district; and (iii) a requirement that multi-family use must be combined with commercial or other uses on the same lot or as part of a single project. Mixed use projects may be allowed as of right in a multi-family zoning district, as long as multi-family housing is separately allowed as of right.

5. Determining "Reasonable Size"

In making determinations of "reasonable size," DHCD will take into consideration both the land area of the multi-family zoning district, and the multi-family zoning district's multi-family unit capacity.

a. *Minimum land area*

A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. For purposes of compliance with Section 3A, a multi-family zoning district should be a neighborhood-scale district, not a single development site on which the municipality is willing to permit a particular multi-family project. DHCD will certify compliance with Section 3A only if an MBTA community's multi-family zoning district meets the minimum land area applicable to that MBTA community, if any, as set forth in Appendix 1. The minimum land area for each MBTA community has been determined as follows:

- (i) In rapid transit communities, commuter rail communities, and adjacent communities, the minimum land area of the multi-family zoning district is 50 acres, or 1.5% of the developable land in an MBTA community, whichever is *less*. In certain cases, noted in Appendix 1, a smaller minimum land area applies.
- (ii) In adjacent small towns, there is no minimum land area. In these communities, the multi-family zoning district may comprise as many or as few acres as the community determines is appropriate, as long as the district meets the applicable minimum multi-family unit capacity and the minimum gross density requirements.

In all cases, at least half of the multi-family zoning district land areas must comprise contiguous lots of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement. If the multi-family unit capacity and gross density requirements can be achieved in a district of fewer than 5 acres, then the district must consist entirely of contiguous lots.

b. *Minimum multi-family unit capacity*

A reasonably sized multi-family zoning district must also be able to accommodate a reasonable number of multi-family housing units as of right. For purposes of determinations of compliance with Section 3A, DHCD will consider a reasonable multi-family unit capacity for each MBTA community to be a specified percentage of the total number of housing units within the community, with the applicable percentage based on the type of transit service in the community, as shown on Table 1:

Table 1.

<u>Category</u>	<u>Percentage of total housing units</u>
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%

To be deemed in compliance with Section 3A, each MBTA community must have a multi-family zoning district with a multi-family unit capacity equal to or greater than the minimum unit capacity shown for it in Appendix 1. The minimum multi-family unit capacity for each MBTA community has been determined as follows:

- (i) First, by multiplying the number of housing units in that community by 0.25, 0.15, 0.10, or .05 depending on the MBTA community category. For example, a rapid transit community with 7,500 housing units is required to have a multi-family zoning district with a multi-family unit capacity of $7,500 \times 0.25 = 1,875$ multi-family units. For purposes of these guidelines, the number of total housing units in each MBTA community has been established by reference to the most recently published United States Decennial Census of Population and Housing.
- (ii) Second, when there is a minimum land area applicable to an MBTA community, by multiplying that minimum land area (up to 50 acres) by Section 3A's minimum gross density requirement of 15 units per acre. The product of that multiplication creates a floor on multi-family unit capacity. For example, an MBTA community with a minimum land area of 40 acres must have a district with a multi-family unit capacity of at least 600 (40×15) units.
- (iii) The minimum unit capacity applicable to each MBTA community is *the greater of* the numbers resulting from steps (i) and (ii) above, but subject to the following limitation: In no case does the minimum multi-family unit capacity exceed 25% of the total housing units in that MBTA community.

Example: The minimum multi-family unit capacity for an adjacent community with 1,000 housing units and a minimum land area of 50 acres is determined as follows: (i) first, by multiplying $1,000 \times .1 = 100$ units; (ii) second, by multiplying $50 \times 15 = 750$ units; (iii) by taking the larger number, but adjusting that number down, if necessary, so that unit capacity is no more than 25% of $1,000 = 250$ units. In this case, the adjustment in step (iii) results in a minimum unit capacity of 250 units.

c. *Methodology for determining a multi-family zoning district's multi-family unit capacity*

MBTA communities seeking a determination of compliance must use the DHCD compliance model to provide an estimate of the number of multi-family housing units that can be developed as of right within the multi-family zoning district. The multi-family unit capacity of an existing or proposed district shall be calculated using the unit capacity worksheet described in Appendix 2. This worksheet produces an estimate of a district's multi-family unit capacity using inputs such as the amount of developable land in the district, the dimensional requirements applicable to lots and buildings (including, for example, height limitations, lot coverage limitations, and maximum floor area ratio), and the parking space requirements applicable to multi-family uses.

Minimum unit capacity is a measure of whether a multi-family zoning district is of a reasonable size, not a requirement to produce housing units. Nothing in Section 3A or these guidelines should be interpreted as a mandate to construct a specified number of housing units, nor as a housing production target. Demonstrating compliance with the minimum multi-family unit capacity requires only that an MBTA community show that the zoning allows multi-family housing as of right and that a sufficient number of multi-family housing units could be added to or replace existing uses and structures over time—even though such additions or replacements may be unlikely to occur soon.

If an MBTA community has two or more zoning districts in which multi-family housing is allowed as of right, then two or more districts may be considered cumulatively to meet the minimum land area and minimum multi-family unit capacity requirements, as long as each district independently complies with Section 3A's other requirements.

d. *Water and wastewater infrastructure within the multi-family zoning district*

MBTA communities are encouraged to consider the availability of water and wastewater infrastructure when selecting the location of a new multi-family zoning district. But compliance with Section 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future multi-family housing production within the multi-family zoning district. In most cases, multi-family housing can be created using private septic and wastewater treatment systems that meet state environmental standards. Where public systems currently exist, but capacity is limited, private developers may be able to support the cost of necessary water and sewer extensions. While the zoning must allow for gross average density of at least 15 units per acre, there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity, that result in actual housing production at lower density than the zoning allows.

The multi-family unit capacity analysis does not need to take into consideration limitations on development resulting from existing water or wastewater infrastructure within the multi-family zoning district, or, in areas not served by public sewer, any applicable limitations under title 5 of the state environmental code. For purposes of the unit capacity analysis, it is assumed that housing developers will design projects that work within existing water and wastewater constraints, and that developers, the municipality, or the Commonwealth will provide funding for infrastructure upgrades as needed for individual projects.

6. Minimum Gross Density

Section 3A expressly requires that a multi-family zoning district—not just the individual lots of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

a. *District-wide gross density*

To meet the district-wide gross density requirement, the dimensional restrictions and parking requirements for the multi-family zoning district must allow for a gross density of 15 units per acre of land within the district. By way of example, to meet that requirement for a 40-acre multi-family zoning district, the zoning must allow for at least 15 multi-family units per acre, or a total of at least 600 multi-family units.

For purposes of determining compliance with Section 3A's gross density requirement, the DHCD compliance model will not count in the denominator any excluded land located within the multi-family zoning district, except public rights-of-way, private rights-of-way, and publicly-owned land used for recreational, civic, commercial, and other nonresidential uses. This method of

calculating minimum gross density respects the Zoning Act’s definition of gross density—“a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses”—while making it unnecessary to draw patchwork multi-family zoning districts that carve out wetlands and other types of excluded land that are not developed or developable.

b. *Achieving district-wide gross density by sub-districts*

Zoning ordinances and by-laws typically limit the unit density on individual lots. To comply with Section 3A’s gross density requirement, an MBTA community may establish reasonable sub-districts within a multi-family zoning district, with different density limits for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre. DHCD will review sub-districts to ensure that the density allowed as of right in each sub-district is reasonable and not intended to frustrate the purpose of Section 3A by allowing projects of a such high density that they are not likely to be constructed.

c. *Wetland and septic considerations relating to density*

Section 3A provides that a district of reasonable size shall have a minimum gross density of 15 units per acre, “subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A.” This directive means that even though the zoning district must permit 15 units per acre as of right, any multi-family housing produced within the district is subject to, and must comply with, the state wetlands protection act and title 5 of the state environmental code—even if such compliance means a proposed project will be less dense than 15 units per acre.

7. Determining Suitability for Families with Children

Section 3A states that a compliant multi-family zoning district must allow multi-family housing as of right, and that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.” DHCD will deem a multi-family zoning district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions, and does not limit or restrict the size of the units, cap the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants. Limits, if any, on the size of units or number of bedrooms established by state law or regulation are not relevant to Section 3A or to determinations of compliance made pursuant to these guidelines.

8. Location of Districts

a. *General rule for determining the applicability of Section 3A’s location requirement*

Section 3A states that a compliant multi-family zoning district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” When an MBTA community has only a small amount of transit station area within its boundaries, it may not be possible or practical to locate all of the multi-family zoning district within 0.5 miles of a transit station. Transit station area may not be a practical location for a multi-family zoning district if it does not include developable land where multi-family housing can actually be

constructed. Therefore, for purposes of determining compliance with Section 3A, DHCD will consider the statute’s location requirement to be “applicable” to a particular MBTA community only if that community has within its borders at least 100 acres of developable station area. DHCD will require more or less of the multi-family zoning district to be located within transit station areas depending on how much total developable station area is in that community, as shown on Table 2:

Table 2.

<u>Total developable station area within the MBTA community (acres)</u>	<u>Portion of the multi-family zoning district that must be within a transit station area</u>
0-100	0%
101-250	20%
251-400	40%
401-600	50%
601-800	75%
801+	90%

The percentages specified in this table apply to both the minimum land area and the minimum multi-family unit capacity. For example, in an MBTA community that has a total of 500 acres of transit station area within its boundaries, a multi-family zoning district will comply with Section 3A’s location requirement if at least 50 percent of the district’s minimum land area is located within the transit station area, *and* at least 50 percent of the district’s minimum multi-family unit capacity is located within the transit station area.

A community with transit station areas associated with more than one transit station may locate the multi-family zoning district in any of the transit station areas. For example, a rapid transit community with transit station area around a subway station in one part of town, and transit station area around a commuter rail station in another part of town, may locate its multi-family zoning district in either or both transit station areas.

b. MBTA communities with limited or no transit station area

When an MBTA community has less than 100 acres of developable station area within its boundaries, the MBTA community may locate the multi-family zoning district anywhere within its boundaries. To encourage transit-oriented multi-family housing consistent with the general intent of Section 3A, MBTA communities are encouraged to consider locating the multi-family zoning district in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that qualifies as an “eligible location” as defined in Chapter 40A—for example, near an existing downtown or village center, near a regional transit authority bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

c. General guidance on district location applicable to all MBTA communities

When choosing the location of a new multi-family zoning district, every MBTA community should consider how much of a proposed district is sensitive land on which permitting requirements and other considerations could make it challenging or inadvisable to construct multi-family housing. For example, an MBTA community may want to avoid including in a multi-family zoning district

areas that are subject to flooding, or are known habitat for rare or threatened species, or have prime agricultural soils in active agricultural use.

9. **Determinations of Compliance**

Section 3A provides that any MBTA community that fails to comply with Section 3A's requirements will be ineligible for funding from any of the listed funding sources. DHCD will make determinations of compliance with Section 3A in accordance with these guidelines to inform state agency decisions on which MBTA communities are eligible to receive funding from the listed funding sources. Determinations of compliance also may inform funding decisions by EOHED, DHCD, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs, or making other discretionary funding decisions.

DHCD interprets Section 3A as allowing every MBTA community a reasonable opportunity to enact zoning amendments as needed to come into compliance. Accordingly, DHCD will recognize both *interim* compliance, which means an MBTA community is taking active steps to enact a multi-family zoning district that complies with Section 3A, and *district* compliance, which is achieved when DHCD determines that an MBTA community has a multi-family zoning district that complies with Section 3A. The requirements for interim and district compliance are described in more detail below.

Table 3.

Transit Category (# of municipalities)	Deadline to Submit Action Plan	Deadline to Submit District Compliance Application
Rapid transit community (12)	January 31, 2023	December 31, 2023
Commuter rail community (71)	January 31, 2023	December 31, 2024
Adjacent community (58)	January 31, 2023	December 31, 2024
Adjacent small town (34)	January 31, 2023	December 31, 2025

a. Process to achieve interim compliance

Many MBTA communities do not currently have a multi-family zoning district of reasonable size that complies with the requirements of Section 3A. Prior to achieving district compliance (but no later than the deadlines set forth in Table 3), these MBTA communities can achieve interim compliance by taking the following affirmative steps towards the creation of a compliant multi-family zoning district.

- i. *Creation and submission of an action plan.* An MBTA community seeking to achieve interim compliance must first submit an action plan on a form to be provided by DHCD. An MBTA community action plan must provide information about current zoning, past planning for multi-family housing, if any, and potential locations for a multi-family zoning district. The action plan also will require the MBTA community to establish a timeline for various actions needed to create a compliant multi-family zoning district.
- ii. *DHCD approval of an action plan.* DHCD will review each submitted action plan for consistency with these guidelines, including but not limited to the timelines in

Table 3. If DHCD determines that the MBTA community's action plan is reasonable and will lead to district compliance in a timely manner, DHCD will issue a determination of interim compliance. DHCD may require modifications to a proposed action plan prior to approval.

- iii. *Implementation of the action plan.* After DHCD approves an action plan and issues a determination of interim compliance, an MBTA community must diligently implement the action plan. DHCD may revoke a determination of interim compliance if an MBTA community has not made sufficient progress in implementing an approved action plan. DHCD and EOHED will review an MBTA community's progress in implementing its action plan prior to making an award of funds under the Housing Choice Initiative and Massworks infrastructure program.
- iv. *Deadlines for submitting action plans.* To achieve interim compliance for grants made through the 2023 One Stop Application, action plans must be submitted by no later than January 31, 2023. An MBTA community that does not submit an action plan by that date may not receive a DHCD determination of interim compliance in time to receive an award of funds from the listed funding sources in 2023. An MBTA community that does not achieve interim compliance in time for the 2023 One Stop Application may submit an action plan to become eligible for a subsequent round of the One Stop Application, provided that an action plan must be submitted by no later than January 31 of the year in which the MBTA community seeks to establish grant eligibility; and provided further that no action plan may be submitted or approved after the applicable district compliance application deadline set forth in Table 3.

b. *Assistance for communities implementing an action plan.*

MBTA communities are encouraged to communicate as needed with DHCD staff throughout the process of implementing an action plan. DHCD will endeavor to respond to inquiries about whether a proposed multi-family zoning district complies with Section 3A prior to a vote by the municipal legislative body to create or modify such a district. Such requests shall be made on a form to be provided by DHCD and should be submitted at least 90 days prior to the vote of the legislative body.

c. *Requests for determination of district compliance*

When an MBTA community believes it has a multi-family zoning district that complies with Section 3A, it may request a determination of district compliance from DHCD. Such a request may be made for a multi-family zoning district that was in existence on the date that Section 3A became law, or for a multi-family zoning district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on an application form required by DHCD and shall include, at a minimum, the following information. Municipalities will need to submit:

- (i) A certified copy of the municipal zoning ordinance or by-law and zoning map, including all provisions that relate to uses and structures in the multi-family zoning district.
- (ii) An estimate of multi-family unit capacity using the compliance model.

- (iii) GIS shapefile for the multi-family zoning district.
- (iv) In the case of a by-law enacted by a town, evidence that the clerk has submitted a copy of the adopted multi-family zoning district to the office of the Attorney General for approval as required by state law, or evidence of the Attorney General's approval.

After receipt of a request for determination of district compliance, DHCD will notify the requesting MBTA community within 30 days if additional information is required to process the request. Upon reviewing a complete application, DHCD will provide the MBTA community a written determination either stating that the existing multi-family zoning district complies with Section 3A, or identifying the reasons why the multi-family zoning district fails to comply with Section 3A and the steps that must be taken to achieve compliance. An MBTA community that has achieved interim compliance prior to requesting a determination of district compliance shall remain in interim compliance for the period during which a request for determination of district compliance, with all required information, is pending at DHCD.

10. Ongoing Obligations; Rescission of a Determination of Compliance

After receiving a determination of compliance, an MBTA community must notify DHCD in writing of any zoning amendment or proposed zoning amendment that affects the compliant multi-family zoning district, or any other by-law, ordinance, rule or regulation that limits the development of multi-family housing in the multi-family zoning district. DHCD may rescind a determination of district compliance, or require changes to a multi-family zoning district to remain in compliance, if DHCD determines that:

- (i) The MBTA community submitted inaccurate information in its application for a determination of compliance;
- (ii) The MBTA community failed to notify DHCD of a zoning amendment that affects the multi-family zoning district;
- (iii) The MBTA community enacts or amends any by-law or ordinance, or other rule or regulation, that materially alters the minimum land area and/or the multi-family unit capacity in the multi-family zoning district;
- (iv) A board, authority or official in the MBTA community does not issue permits, or otherwise acts or fails to act, to allow construction of a multi-family housing project that is allowed as of right in the multi-family zoning district;
- (v) The MBTA community takes other action that causes the multi-family zoning district to no longer comply with Section 3A; or
- (vi) An MBTA community with an approved multi-family zoning district has changed transit category as a result of a newly opened or decommissioned transit station, or the establishment of permanent, regular service at a transit station where there was formerly intermittent or event-based service.

11. Changes to MBTA Service

Section 3A applies to the 175 MBTA communities identified in section 1A of the Zoning Act and section 1 of chapter 161A of the General Laws. When MBTA service changes, the list of MBTA communities and/or the transit category assignments of those MBTA communities in Appendix 1 may change as well.

The transit category assignments identified in Appendix 1 of these guidelines reflect certain MBTA service changes that will result from new infrastructure now under construction in connection with the South Coast Rail and Green Line Extension projects. These service changes include the opening of new Green Line stations and commuter rail stations, as well as the elimination of regular commuter rail service at the Lakeville station. These changes are scheduled to take effect in all cases a year or more before any municipal district compliance deadline. Affected MBTA communities are noted in Appendix 1.

Municipalities that are not now identified as MBTA communities and may be identified as such in the future are not addressed in these guidelines or included in Appendix 1. New MBTA communities will be addressed with revisions to Appendix 1, and separate compliance timelines, in the future.

Future changes to Silver Line routes or stations may change district location requirements when expanded high-capacity service combined with new facilities creates a bus station where there was not one before. Changes to other bus routes, including the addition or elimination of bus stops or reductions or expansions of bus service levels, do not affect the transit categories assigned to MBTA communities and will not affect location requirements for multi-family zoning districts. Any future changes to MBTA transit service, transit routes and transit service levels are determined by the MBTA Board of Directors consistent with the MBTA's Service Delivery Policy.

List of Appendices:

Appendix 1: MBTA Community Categories and Requirements

Appendix 2: Compliance Methodology/Model

Appendix 1:
MBTA Community Categories and Requirements

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
Abington	Commuter Rail	6,811	1,022	50	307	40%
Acton	Commuter Rail	9,219	1,383	50	246	20%
Amesbury	Adjacent Community	7,889	789	50	-	0%
Andover	Commuter Rail	13,541	2,031	50	587	50%
Arlington	Adjacent Community	20,461	2,046	32	58	0%
Ashburnham	Adjacent Small Town	2,730	137	-	-	0%
Ashby	Adjacent Small Town	1,243	62	-	-	0%
Ashland	Commuter Rail	7,495	1,124	50	272	40%
Attleboro	Commuter Rail	19,097	2,865	50	467	50%
Auburn	Adjacent Community	6,999	750	50	-	0%
Ayer	Commuter Rail	3,807	750	50	284	40%
Bedford	Adjacent Community	5,444	750	50	-	0%
Bellingham	Adjacent Community	6,749	750	50	-	0%
Belmont	Commuter Rail	10,882	1,632	27	502	50%
Berkley	Adjacent Small Town	2,360	118	-	79	0%
Beverly	Commuter Rail	17,887	2,683	50	1,435	90%
Billerica	Commuter Rail	15,485	2,323	50	308	40%
Bourne	Adjacent Small Town	11,140	557	-	-	0%
Boxborough	Adjacent Small Town	2,362	118	-	-	0%
Boxford	Adjacent Small Town	2,818	141	-	-	0%
Braintree	Rapid Transit	15,077	3,769	50	485	50%
Bridgewater	Commuter Rail	9,342	1,401	50	181	20%
Brockton	Commuter Rail	37,304	5,596	50	995	90%
Brookline	Rapid Transit	27,961	6,990	41	1,349	90%

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
Burlington	Adjacent Community	10,431	1,043	50	-	0%
Cambridge	Rapid Transit	53,907	13,477	32	1,392	90%
Canton	Commuter Rail	9,930	1,490	50	451	50%
Carlisle	Adjacent Small Town	1,897	95	-	-	0%
Carver	Adjacent Small Town	4,701	235	-	-	0%
Chelmsford	Adjacent Community	14,769	1,477	50	-	0%
Chelsea	Rapid Transit	14,554	3,639	14	608	75%
Cohasset	Commuter Rail	3,341	638	43	241	20%
Concord	Commuter Rail	7,295	1,094	50	519	50%
Danvers	Adjacent Community	11,763	1,176	50	-	0%
Dedham	Commuter Rail	10,459	1,569	49	507	50%
Dover	Adjacent Small Town	2,046	102	-	-	0%
Dracut	Adjacent Community	12,325	1,233	50	-	0%
Duxbury	Adjacent Community	6,274	750	50	-	0%
East Bridgewater	Adjacent Community	5,211	750	50	-	0%
Easton	Adjacent Community	9,132	913	50	-	0%
Essex	Adjacent Small Town	1,662	83	-	-	0%
Everett	Rapid Transit	18,208	4,552	22	200	20%
Fitchburg	Commuter Rail	17,452	2,618	50	601	75%
Foxborough	Adjacent Community	7,682	768	50	-	0%
Framingham	Commuter Rail	29,033	4,355	50	270	40%
Franklin	Commuter Rail	12,551	1,883	50	643	75%
Freetown	Commuter Rail	3,485	750	50	346	40%
Georgetown	Adjacent Community	3,159	750	50	-	0%
Gloucester	Commuter Rail	15,133	2,270	50	430	50%
Grafton	Adjacent Community	7,760	776	50	82	0%
Groton	Adjacent Small Town	4,153	208	-	-	0%

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
Groveland	Adjacent Small Town	2,596	130	-	-	0%
Halifax	Commuter Rail	3,107	750	50	300	40%
Hamilton	Commuter Rail	2,925	731	49	184	20%
Hanover	Adjacent Community	5,268	750	50	-	0%
Hanson	Commuter Rail	3,960	750	50	218	20%
Harvard	Adjacent Small Town	2,251	113	-	-	0%
Haverhill	Commuter Rail	27,927	4,189	50	415	50%
Hingham	Commuter Rail	9,930	1,490	50	757	75%
Holbrook	Commuter Rail	4,414	662	41	170	20%
Holden	Adjacent Community	7,439	750	50	-	0%
Holliston	Adjacent Community	5,562	750	50	-	0%
Hopkinton	Adjacent Community	6,645	750	50	79	0%
Hull	Adjacent Community	5,856	586	7	34	0%
Ipswich	Commuter Rail	6,476	971	50	327	40%
Kingston	Commuter Rail	5,364	805	50	345	40%
Lakeville	Adjacent Small Town	4,624	231	-	30	0%
Lancaster	Adjacent Small Town	2,788	139	-	-	0%
Lawrence	Commuter Rail	30,008	4,501	39	271	40%
Leicester	Adjacent Small Town	4,371	219	-	-	0%
Leominster	Commuter Rail	18,732	2,810	50	340	40%
Lexington	Adjacent Community	12,310	1,231	50	-	0%
Lincoln	Commuter Rail	2,771	635	42	130	20%
Littleton	Commuter Rail	3,889	750	50	244	20%
Lowell	Commuter Rail	43,482	6,522	50	274	40%
Lunenburg	Adjacent Small Town	4,805	240	-	-	0%
Lynn	Commuter Rail	36,782	5,517	50	637	75%
Lynnfield	Adjacent Community	4,773	607	40	-	0%

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
Malden	Rapid Transit	27,721	6,930	31	484	50%
Manchester	Commuter Rail	2,433	559	37	305	40%
Mansfield	Commuter Rail	9,282	1,392	50	327	40%
Marblehead	Adjacent Community	8,965	897	27	-	0%
Marlborough	Adjacent Community	17,547	1,755	50	-	0%
Marshfield	Adjacent Community	11,575	1,158	50	-	0%
Maynard	Adjacent Community	4,741	474	21	-	0%
Medfield	Adjacent Community	4,450	750	50	-	0%
Medford	Rapid Transit	25,770	6,443	35	714	75%
Medway	Adjacent Community	4,826	750	50	-	0%
Melrose	Commuter Rail	12,614	1,892	25	774	75%
Merrimac	Adjacent Small Town	2,761	138	-	-	0%
Methuen	Adjacent Community	20,194	2,019	50	-	0%
Middleborough	Commuter Rail	9,808	1,471	50	260	40%
Middleton	Adjacent Community	3,359	750	50	-	0%
Millbury	Adjacent Community	5,987	750	50	-	0%
Millis	Adjacent Community	3,412	750	50	-	0%
Milton	Rapid Transit	9,844	2,461	50	404	50%
Nahant	Adjacent Small Town	1,680	84	-	-	0%
Natick	Commuter Rail	15,680	2,352	50	680	75%
Needham	Commuter Rail	11,891	1,784	50	1,223	90%
Newbury	Adjacent Small Town	3,072	154	-	69	0%
Newburyport	Commuter Rail	8,615	1,292	35	213	20%
Newton	Rapid Transit	33,320	8,330	50	2,833	90%
Norfolk	Commuter Rail	3,601	750	50	333	40%
North Andover	Adjacent Community	11,914	1,191	50	5	0%
North Attleborough	Adjacent Community	12,551	1,255	50	-	0%

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
North Reading	Adjacent Community	5,875	750	50	-	0%
Northborough	Adjacent Community	5,897	750	50	-	0%
Northbridge	Adjacent Community	6,691	750	50	-	0%
Norton	Adjacent Community	6,971	750	50	-	0%
Norwell	Adjacent Community	3,805	750	50	-	0%
Norwood	Commuter Rail	13,634	2,045	50	861	90%
Paxton	Adjacent Small Town	1,689	84	-	-	0%
Peabody	Adjacent Community	23,191	2,319	50	-	0%
Pembroke	Adjacent Community	7,007	750	50	-	0%
Plymouth	Adjacent Community	28,074	2,807	50	-	0%
Plympton	Adjacent Small Town	1,068	53	-	-	0%
Princeton	Adjacent Small Town	1,383	69	-	-	0%
Quincy	Rapid Transit	47,009	11,752	50	1,222	90%
Randolph	Commuter Rail	12,901	1,935	48	182	20%
Raynham	Adjacent Community	5,749	750	50	-	0%
Reading	Commuter Rail	9,952	1,493	43	343	40%
Rehoboth	Adjacent Small Town	4,611	231	-	-	0%
Revere	Rapid Transit	24,539	6,135	27	457	50%
Rochester	Adjacent Small Town	2,105	105	-	-	0%
Rockland	Adjacent Community	7,263	726	47	-	0%
Rockport	Commuter Rail	4,380	657	32	252	40%
Rowley	Commuter Rail	2,405	601	40	149	20%
Salem	Commuter Rail	20,349	3,052	41	266	40%
Salisbury	Adjacent Community	5,305	750	50	-	0%
Saugus	Adjacent Community	11,303	1,130	50	11	0%
Scituate	Commuter Rail	8,260	1,239	50	373	40%
Seekonk	Adjacent Community	6,057	750	50	-	0%

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
Sharon	Commuter Rail	6,581	987	50	261	40%
Sherborn	Adjacent Small Town	1,562	78	-	-	0%
Shirley	Commuter Rail	2,599	650	43	338	40%
Shrewsbury	Adjacent Community	14,966	1,497	50	52	0%
Somerville	Rapid Transit	36,269	9,067	24	1,314	90%
Southborough	Commuter Rail	3,763	750	50	167	20%
Sterling	Adjacent Small Town	3,117	156	-	-	0%
Stoneham	Adjacent Community	10,159	1,016	27	12	0%
Stoughton	Commuter Rail	11,739	1,761	50	317	40%
Stow	Adjacent Small Town	2,770	139	-	-	0%
Sudbury	Adjacent Community	6,556	750	50	-	0%
Sutton	Adjacent Small Town	3,612	181	-	-	0%
Swampscott	Commuter Rail	6,362	954	20	236	20%
Taunton	Commuter Rail	24,965	3,745	50	269	40%
Tewksbury	Adjacent Community	12,139	1,214	50	-	0%
Topsfield	Adjacent Small Town	2,358	118	-	-	0%
Townsend	Adjacent Small Town	3,566	178	-	-	0%
Tyngsborough	Adjacent Community	4,669	750	50	-	0%
Upton	Adjacent Small Town	2,995	150	-	-	0%
Wakefield	Commuter Rail	11,305	1,696	36	630	75%
Walpole	Commuter Rail	10,042	1,506	50	638	75%
Waltham	Commuter Rail	26,545	3,982	50	470	50%
Wareham	Adjacent Community	12,967	1,297	50	-	0%
Watertown	Adjacent Community	17,010	1,701	24	27	0%
Wayland	Adjacent Community	5,296	750	50	-	0%
Wellesley	Commuter Rail	9,282	1,392	50	921	90%
Wenham	Commuter Rail	1,460	365	24	111	20%

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
West Boylston	Adjacent Community	3,052	587	39	-	0%
West Bridgewater	Adjacent Small Town	2,898	145	-	-	0%
West Newbury	Adjacent Small Town	1,740	87	-	-	0%
Westborough	Commuter Rail	8,334	1,250	50	194	20%
Westford	Adjacent Community	9,237	924	50	-	0%
Westminster	Adjacent Small Town	3,301	165	-	30	0%
Weston	Commuter Rail	4,043	750	50	702	75%
Westwood	Commuter Rail	5,801	870	50	470	50%
Weymouth	Commuter Rail	25,419	3,813	50	713	75%
Whitman	Commuter Rail	5,984	898	37	242	20%
Wilmington	Commuter Rail	8,320	1,248	50	538	50%
Winchester	Commuter Rail	8,135	1,220	37	446	50%
Winthrop	Adjacent Community	8,821	882	12	14	0%
Woburn	Commuter Rail	17,540	2,631	50	702	75%
Worcester	Commuter Rail	84,281	12,642	50	290	40%
Wrentham	Adjacent Community	4,620	750	50	-	0%

* Minimum multi-family unit capacity for most communities will be based on the 2020 housing stock and the applicable percentage for that municipality's community type. In some cases, the minimum unit capacity is derived from an extrapolation of the required minimum land area multiplied by the statutory minimum gross density of 15 dwelling units per acre. In cases where the required unit capacity from these two methods would exceed 25% of the community's housing stock, the required unit capacity has instead been capped at that 25% level.

** Minimum land area is 50 acres for all communities in the rapid transit, commuter rail and adjacent community types. There is no minimum land area requirement for adjacent small towns. Where 50 acres exceeds 1.5% of the developable land area in a town, a cap has been instituted that sets minimum land area to 1.5% of developable land area in the town.

*** Developable station area is derived by taking the area of a half-mile circle around an MBTA commuter rail station, rapid transit station, or ferry terminal and removing any areas comprised of excluded land.

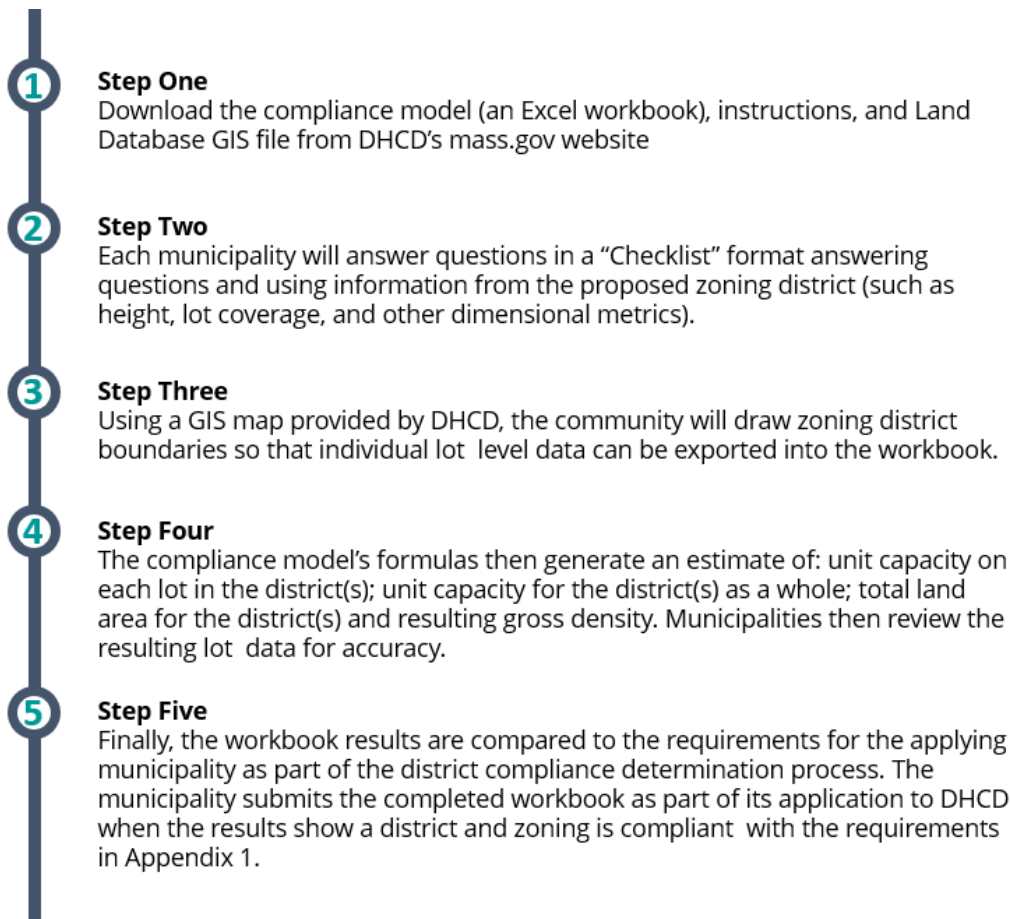
Appendix 2

Compliance Model Overview

The purpose of the compliance model is to ensure a consistent approach to measuring and evaluating multi-family zoning districts for compliance with Section 3A. The compliance model is intended to create a reasonable estimate of multi-family unit capacity of each multi-family zoning district. It is not intended to provide a precise determination of how many units may be developed on any individual lot or combination of lots.

The model uses geospatial tax parcel data from local assessors, compiled and hosted by MassGIS, to define lot boundaries and dimensions in each multi-family zoning district. The model also captures key dimensional and regulatory elements of the multi-family zoning district that impact multi-family unit capacity. The product of the compliance model is a Microsoft Excel workbook that must be submitted as part of a compliance application to DHCD. Consultant support is available at no cost to assist MBTA communities in meeting all the technical requirements of compliance.

The Compliance Modeling Process at a Glance:



Components of the Compliance Model

Land database

The compliance model includes geospatial parcel data for each MBTA community that identifies how much land area on each lot within a multi-family zoning district is developable land. Applicants will prepare this parcel data for the model's calculations by creating a shapefile for each district, measuring each district's land area, and exporting all lot records within the district's boundaries into an Excel or .csv file. These exported tables can then be pasted into the zoning review checklist and unit capacity estimator, described below.

Zoning review checklist and unit capacity estimator

To capture the data needed to estimate a district's multi-family unit capacity, municipalities will be required to complete a zoning review checklist. The checklist is of a series of questions and responses about allowed residential uses, parking requirements, dimensional restrictions (such as maximum building height and minimum open space), and other regulatory elements applicable in the district.

The unit capacity estimator uses the GIS exported lot information from the land database and the information entered into the zoning review checklist to calculate an estimate of the maximum number of multi-family residential units that could be constructed on each lot in each district as of right. It then aggregates the unit capacity estimates for each lot into an estimate of total unit capacity for each district. It also derives an estimate of the gross density for each district.

Case-Specific Refinements to the Compliance Model Inputs and Outputs

To ensure the integrity and reasonableness of each unit capacity estimate, DHCD may adjust the compliance model inputs and outputs as necessary to account for physical conditions or zoning restrictions not adequately captured by the compliance model. For example, DHCD may override the GIS data and change one or more lots from excluded land to developable land where a municipality demonstrates those lots meet the definition of developable land. DHCD may also adjust the unit capacity estimator's algorithm when it does not adequately account for an atypical zoning requirement or other local development restriction that will clearly impact unit capacity.

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Staff Updates – Review Draft Annual Report due September 12

PRESENTER:

Staff and Board Discussion

**ITEM
NUMBER:**

SUMMARY:

The Planning Board Annual Report for calendar year 2021 is due on September 12. A draft will be provided soon for the Planning Board's review prior to submission.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/7/2022

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:

9/7/2022

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Upcoming meetings – Tues. Sept. 13, Wed. Sept. 21, Wed. Sept. 28

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/7/2022

AGENDA ITEM SUMMARY

LEXINGTON PLANNING BOARD

AGENDA ITEM TITLE:

Review of Meeting Minutes (August 17, 2022)

PRESENTER:

**ITEM
NUMBER:**

SUMMARY:

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

9/7/2022