### **AGENDA**

### **Lexington Planning Board**

Wednesday, February 8, 2023 Held virtually through Zoom link available here: https://www.lexingtonma.gov/377/Access-Virtual-Meetings 6:00 PM

### **Town Meeting**

- 1. Public Hearing: Article 33 Amend Zoning Bylaw Relative to Special Permit Residential Developments (SPRD)
- 2. Continued Public Hearing: Articles 34 & 35 Amend Zoning Bylaw and Zoning Map for Multi-Family Housing for MBTA Communities and Inclusionary Housing
- 3. Continued Public Hearing: Article 36 Amend Zoning Map Central Business District
- 4. Continued Public Hearing: Article 37 Extend Action Deadline for Major Site Plan Review
- 5. Continued Public Hearing: Article 38 Minor Modifications to Approved Permits
- 6. Continued Public Hearing: Article 39 Technical Corrections

### **Board Administration**

- 1. Staff Updates Conflict of interest law and ethics training reminder
- 2. Board Member Updates
- 3. Upcoming Meetings: 2/15, 3/1, 3/15
- 4. Review of Meeting Minutes: 1/6, 1/12, 1/18 (tentative)

### Adjourn

1. The meeting will continue until all items are finished. The estimated adjournment time is 9:30 pm



Meeting broadcast by LexMedia

### AGENDA ITEM SUMMARY

#### LEXINGTON PLANNING BOARD

### **AGENDA ITEM TITLE:**

Public Hearing: Article 33 Amend Zoning Bylaw Relative to Special Permit Residential Developments (SPRD)

### **PRESENTER:**

Wendy Manz, Member of the Special Permit Residential Development Bylaw Ad Hoc Committee

### <u>ITEM</u> NUMBER:

#### **SUMMARY:**

### Public Hearing for Annual Town Meeting Warrant Article 33: Amend Zoning Bylaw - Special Permit Residential Development

The Select Board's Special Permit Residential Development Amendment Committee (Ad Hoc) was created in response to a citizen petition to amend Section 6.9 (Special Permit Residential Developments) of the Zoning Bylaw. The Committee has been working to recommend bylaw changes to encourage the development of residential neighborhoods not otherwise allowed through conventional subdivisions. The purpose of this article is to provide incentives for builders to choose to produce development that provide smaller homes, include affordable homes and create a variety of home building types not readily available in Lexington, rather than conventional subdivisions.

The draft recommended zoning bylaw changes and motion are attached.

### **SUGGESTED MOTION:**

The Board will open the public hearing, the article will be presented, the Board members will discuss, and the hearing will be opened to public questions and comments.

At the end of the hearing, the Board may vote on the proposal or may continue the public hearing to an upcoming meeting and announce the new date, time, and location (Zoom). (the next meeting is Wednesday, February 15 at 6:00 pm on Zoom)

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

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

2/8/2023

### **ATTACHMENTS:**

DescriptionType□ DRAFT PresentationPresentation□ Proposed Zoning Amendment MotionExhibit



# The Special Permit Residential Development (SPRD) Ad Hoc Committee







# SPRD Ad Hoc Committee Presentation Outline

- The Need for Change
- The Committee's Statement of Values
- Goals
- Recommendations
- The Project Review Process
- Summary and Q&A



## The Need for Change

- A. There is a critical shortage of affordable housing in Lexington and across Massachusetts
- B. In Lexington, current zoning rules and market incentives lead to the construction of very large homes on single lots.
- C. Since 2008, our SPRD bylaw produced <u>six units</u> of affordable housing, and opportunities are lost every year.



## The Need for Change

Special Permit Residential Developments (SPRDs) were added to Lexington's zoning bylaw in 2008. They were intended to provide an alternative to the subdivisions of large single-family homes that may be built by right under state law, and which predominate in Lexington. Despite good intentions, the SPRD bylaw has not yielded much diversity in housing, as indicated in the previous slide. It has become evident that if SPRDs are not judged feasible and attractive to private builders, they will default to large single-family homes, which are inherently less sustainable, and accessible only to households with the highest incomes.



### The Ad Hoc Committee's Work

This committee's work is an attempt to fine-tune SPRDs in light of our experience over the last 15 years of development, and to respond to the community's continuing desire, as memorialized in LexingtonNext, to encourage smaller, more varied and more inclusive housing. The need for change continues.



## **Affordable Housing Terms**

- Housing that costs less than 30% of monthly income is considered affordable
- Designated Affordable Housing is **subsidized** to bring the rent or purchase price down
- Subsidized Housing Inventory (SHI) defined as homes that are affordable to households earning up to 80% of the area median income (AMI).





## **Affordable Housing Terms**

- "Low income Housing" is defined as affordable for households making up to 80% of metropolitan Area Median Income (AMI).
- "Workforce Housing" is usually priced for households with incomes of 80% to 150% of Area Median Income.
- "Inclusionary Zoning" requires Affordable homes in a new housing development.





## Income vs. Actual Housing Cost

- \$112,150 (80% of AMI) <u>maximum income</u> for family of 4 to qualify for housing assistance
- \$281,500 income needed to finance the average-priced
   \$1.5 million home in Lexington
- \$2,154 maximum "Affordable" rent for a 3 BR home
- \$4,000 average rent for a 3BR market rate home in Lexington



## Lexington Needs Workforce Housing

Lexington Town Salaries 2022	Minimum	Maximum
Laborer	\$48,651	\$58,614
Firefighter	\$69,850	\$69,850
Teacher with Bachelor's	\$51,498	\$89,296
Upper Middle Engineer	\$72,175	\$98,858
Teacher with Master's	\$54,673	\$100,722
Upper Middle Manager	\$86,611	\$111,838



### **Statement of Values**

We seek greater diversity in housing to meet the needs of families and individuals of different circumstances. New homes should be built to sustainable standards and respect the town's expectation for quality design.





### Goals

- 1. Attractive alternative to building a conventional subdivision
- 2. Smaller, more affordable and sustainable homes
- 3. Accessible design suitable for persons of different abilities
- 4. Design and siting conducive to neighborhood interaction
- 5. An increase in the number of affordable homes to meet our SHI obligations and workforce housing needs
- 6. Zoning regulations that are clear, predictable and time-certain



# Example

Multiple units in a house-sized building in a walkable neighborhood.



Duplex



Fourplex



# Example: RiverWalk Concord





### Definitions, Terms

Gross Floor Area (GFA includes basements, habitable attics, half-stories), porches and garages.

Living area is significantly less than GFA

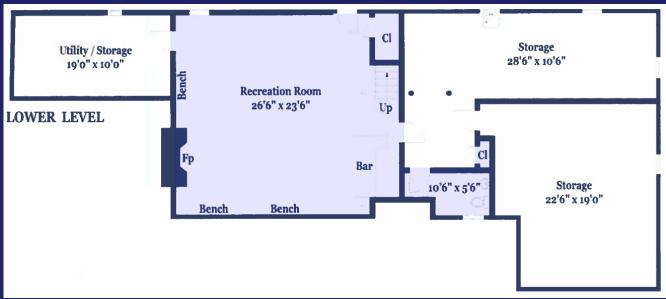
Parcel setbacks will be held to same standards as conventional subdivisions; and unit GFA will be limited by three factors, the maximum average size of units permitted, the maximum allowed unit size, and the maximum building size.

No individual unit lot size will be required in new SPRDs



# Living Area (highlighted) is significantly less than Gross Floor Area







### Smaller, more affordable and sustainable homes

 The goal is to permit homes of several hundred square feet to 2800 square feet GFA.



2,800 square feet



1,780 square feet condominium



## Summary of Recommendations

- 1. Update Site Sensitive Development (SSD) model
- 2. Replace Balanced Housing Development (BHD) and Public Benefit Development (PBD) provisions with a new Compact Neighborhood Development (CND)
- 3. For SSD and CND require a percentage of inclusionary housing (or payments in lieu)
- 4. Use Site Plan Review rather than Special Permit



# Recommendation 1: Update Site Sensitive Residential Development (SSD)



- Support permitting of a variety of housing types (detached, attached, multi-family) with no minimum lot size
- Add to allowed floor area an additional
   15% GFA for affordable homes
- Permit another 15% market rate GFA as a density bonus
- Allow Payments in Lieu for developments of 6 or fewer 7 homes



### **Recommendation 2: Create Compact Neighborhood Development**

- Permit a variety of home types (detached, attached, multi-family) with no minimum lot size
- Add to allowed floor area an additional 15% GFA for affordable homes
- Permit another 15% market rate GFA as a density bonus
- Limit the maximum size of a single home to 2,800 square feet GFA and the average size of units not to exceed 2,250 square feet GFA
- Allow Payments in Lieu for developments of 6 or fewer homes





### **Inclusionary Housing Requirements**

- Two-thirds of the affordable GFA must be for households earning less than 80% AMI to be included in the Subsidized Housing Inventory.
- 2. Developments of 2-6 homes will provide a payment toward future affordable homes representing the cost of constructing the affordable GFA.
- 3. The payment will be based on project construction cost per square foot.



# The Project Review Process: Use Site Plan Review & Eliminate Special Permit

Review will be by Site Plan Review. If a project submitted to the Planning Board meets the stated dimensional and other requirements of the bylaw, it is approved by right subject to Planning Board review and conditions, resulting in a more predictable and timely approval process.



# SPRD and MBTA Multi-Family 2023 Town Meeting

Complementary strategies; both support LexingtonNext, the comprehensive plan, and the Select Board's housing goals

MBTA Multi-family: specific locations on the map, near public transportation, SPRD: any future residential subdivision

MBTA: 15 units per acre, SPRD: approximately 7 units per acre

Both are urgent needs that require a comprehensive strategy.



# Comparison of OSRD and new SRD

	Existing SSD	New SSD	New CND	OSRD
Inclusionary	None	15% of conventional GFA or Proof Plan for more than 6 homes and Payment in Lieu for 6 homes or fewer	15% of conventional GFA or Proof Plan for more than 6 homes and Payment in Lieu for 6 homes or fewer	20% of total GFA and 25% of total GFA for large projects
Maximum Unit Size	None	None	2,800 sf GFA	5,250 sf GFA
Maximum Average Unit Size	None	None	2,250 sf GFA	2,625sf GFA
Minimum Units	None	≥ Proof Plan	None	None
Housing Types	Detached, single homes	Detached, attached, multi-family	Detached, attached, multi-family	Detached, attached, multi-family
Required Common Space	Not required	Not required	Not required	50%



### In summary

The SPRD Committee has worked hard to formulate a comprehensive approach which includes additional zoning models as alternatives to conventional subdivisions and will encourage development of the homes Lexington wants and needs. We have heard from consultants, housing professionals, developers, advocates, Town committees, and representatives of various Lexington constituencies and stakeholders.

We welcome your questions and thoughts as we seek to improve and refine our proposals for the 2023 Town Meeting.

Over the course of our work, we have become sincere advocates for these improvements to Lexington zoning, and we are seeking your informed support.

We ask that you stand with us to get this done!

#### ARTICLE SPRD

### AMEND ZONING BYLAW SPECIAL PERMIT RESIDENTIAL DEVELOPMENTS

To see if the Town will vote to amend the Zoning Bylaw of the Town of Lexington to amend or replace the provisions regarding Special Permit Residential Developments to encourage the development of residential neighborhoods not otherwise allowed through conventional subdivisions; or act in any other manner in relation thereto.

(Inserted by the Select Board)

### **DESCRIPTION:**

The purpose of this zoning amendment is to provide incentives for builders to choose to produce developments that provide smaller homes, include affordable homes and create a variety of home building types not readily available in Lexington, rather than conventional subdivisions.

#### **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. Amend § 135-3.4, Table 1, Permitted Uses & Development Standards, by replacing row A.1.05 with the following:

	GC	RO	RS	RT	CN	CRS	CS	СВ	CLO	CRO	CM	CSX
A.1.05 Special Residential Development (SRD)	R	R	R	R	N	N	N	N	N	N	N	N

### 2. Replace § 135-6.9 with the following:

### 6.9. SPECIAL RESIDENTIAL DEVELOPMENTS.

### 6.9.1 Purposes.

This section is intended to:

- 1. Encourage greater diversity of housing opportunities to meet the needs of a diverse population with respect to income, ability, accessibility needs, number of persons in a household and stage of life;
- 2. Encourage the development of inclusionary housing;
- 3. Promote development proposals designed with sensitivity to the characteristics of the site;
- 4. Permit different types of structures and residential uses to be combined in a planned interrelationship that promotes an improved design relationship between buildings;
- 5. Preserve historically or architecturally significant buildings or places;

- 6. Encourage the preservation and minimum disruption of outstanding natural features of open land and minimize impacts on environmentally sensitive areas;
- 7. Encourage sustainable development through the use of green building practices and low-impact development techniques; and
- 8. Promote the efficient and economical provision of public facilities such as utilities and streets and facilitate a detailed assessment, by Town officials and the public, of the adequacy of such facilities and services for the proposed level of development.

### 6.9.2 Applicability.

A Special Residential Development ("SRD") is a project in which one or more lots, tracts, or parcels of land are to be improved for use as a coordinated site for housing and for which deviations from the dimensional standards that apply to conventional developments are allowed in order to achieve a diversity of household types, sizes and affordability. Instead of determining density by dwelling type, minimum lot area, and frontage requirements, the total Gross Floor Area (GFA) of market-rate residential development for the tract as a whole is limited.

No Special Residential Development shall be initiated without site plan review by the Planning Board in accordance with the provisions of this section and § 9.5 of this Bylaw.

### 6.9.3 Types of Special Residential Development.

- 1. <u>Site Sensitive Development (SSD)</u>: A Special Residential Development in which the number of dwellings is limited as set forth below so that existing site features such as natural grades, mature trees, stone walls, and historic structures may be retained.
- 2. <u>Compact Neighborhood Development (CND)</u>: A Special Residential Development in which the size of the dwelling units is limited as set forth below.

### 6.9.4 Scale of Development.

The amount of development permitted in a Special Residential Development shall be based on a proof plan showing at least two lots fully complying with the provisions of this bylaw (other than this § 6.9 and § 6.12), the Planning Board's Subdivision Regulations, and the criteria set forth below.

### 6.9.5 Threshold Criteria for Site Sensitive Development.

An SSD must be designed to preserve natural features, mature native trees, habitat areas, sloped areas, historically or architecturally significant buildings or places. Where possible, an SSD should be sited to preserve mature native trees and the critical root zone.

### 6.9.6 Dimensional Standards.

The requirements of § 4.0 are modified as follows within a Special Residential Development:

1. <u>Lot area</u>. There is no minimum lot area required; provided, however, that the lot area for each lot shall be sufficient to safely meet the off-street parking requirements of this bylaw and the installation of

- any on-site water supply and sewage disposal facilities.
- 2. <u>Frontage</u>. There is no minimum frontage required; provided, however, that frontage for each lot shall be sufficient to provide for adequate access to the building site in the judgment of the Fire Department. Adequate access may be demonstrated by use of shared driveways, parking lots or other means.
- 3. <u>Yard Requirements</u>. The Minimum Yards required by § 4.0 shall apply only to the perimeter of the site but are not required elsewhere within the site.
- 4. <u>Height Requirements</u>. The height limits in Table 2 shall apply, except that the height limit, as measured by stories, shall be three stories in all districts.
- 5. <u>Gross Floor Area</u>. The total GFA of all dwelling units other than inclusionary dwelling units shall not exceed 115% of the total GFA that would be permitted under the proof plan in accordance with § 6.9.4 and § 4.4. Section 4.4 does not otherwise apply.

### **6.9.7 Dwelling Unit Count and Size.**

- 1. <u>Number of Dwellings</u>. In a Site Sensitive Development, the number of dwellings shall not exceed the number of dwellings shown on the proof plan in accordance with § 6.9.4. There is no limit on the number of dwellings in a Compact Neighborhood Development.
- 2. <u>Number of Dwelling Units</u>. There is no upper limit on the number of dwelling units in a dwelling. The number of dwelling units shall not be less than the number of lots shown on the proof plan in accordance with § 6.9.4
- 3. <u>Dwelling Unit Size</u>. The average GFA for all dwelling units in a Compact Neighborhood Development may not exceed 2,250 square feet. The GFA for any single dwelling unit in a Compact Neighborhood Development may not exceed 2,800 square feet. There is no limit on the GFA of a dwelling unit in a Site Sensitive Development.
- 4. <u>Building Size</u>. The maximum GFA for any building in a Compact Neighborhood Development shall not exceed 9,350 square feet. The GFA for any building in a Site Sensitive Development shall not exceed 12,000 square feet.

### 6.9.8 Inclusionary Housing

- 1. Inclusionary Dwelling Units.
  - a. At least 15% of the GFA permitted under the proof plan submitted pursuant to § 6.9.4 and § 4.4 shall be incorporated into inclusionary dwelling units, as defined by regulations promulgated by the Planning Board pursuant to § 6.9.8.5 (the "Inclusionary GFA").
  - b. At least two-thirds of the Inclusionary GFA shall be incorporated into dwelling units eligible for inclusion on the Town's Subsidized Housing Inventory as determined by the Massachusetts Department of Housing and Community Development and shall remain affordable in perpetuity.
- 2. 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.

- 3. A Special Residential Development with more than one inclusionary dwelling unit shall proportionally disperse those units throughout the development rather than concentrate them within particular sections of a dwelling or within particular dwellings.
- 4. Occupants of inclusionary dwelling units shall have the same 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.
- 5. 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 for such units.
- 6. A Special Residential Development with six or fewer market-rate dwelling units shall be permitted to meet the requirements of this section by making a payment to the Town's Affordable Housing Trust in an amount equal to the estimated construction cost of 15% of the GFA permitted under the proof plan submitted pursuant to § 6.9.4, as determined in accordance with regulations to be promulgated by the Planning Board.
- 7. No certificate of occupancy shall be issued for multi-family housing until an affordable housing restriction for any inclusionary dwelling units is executed, submitted to the Town, and, to the extent required, recorded.

### 6.9.9 Regulations

The Planning Board shall adopt Site Plan Review regulations and standards, consistent with this Section, regarding Special Residential Developments, including with respect to pedestrian and vehicular access to, and egress from, the site, landscaping, screening, and buffers, lighting, stormwater management, architectural style and scale, water and wastewater systems, and refuse disposal.

The Planning Board shall also adopt Site Plan Review regulations and standards for Site Sensitive Developments, to protect natural features of the site such as natural grades and slopes, views, mature trees, stonewalls, natural resources such as agricultural soil, and common open space.

### 3. Amend § 135-10, Definitions as follows:

- 1. Delete the definitions of "BALANCED HOUSING DEVELOPMENT" and "PUBLIC BENEFIT DEVELOPMENT".
- 2. Amend definitions as follows:

SITE SENSITIVE DEVELOPMENT (SSD)

A type of special residential development as defined in § 6.9.

### SPECIAL RESIDENTIAL DEVELOPMENT (SRD)

A residential development regulated by § 6.9, in which a tract of land is divided into one or more lots for constructing dwellings allowing deviation from the dimensional standards that apply to conventional developments.

3. Add the following definitions:

### COMPACT NEIGHBORHOOD DEVELOPMENT (CND)

A type of special residential development as defined in § 6.9.

### AGENDA ITEM SUMMARY

#### LEXINGTON PLANNING BOARD

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

Continued Public Hearing: Articles 34 & 35 Amend Zoning Bylaw and Zoning Map for Multi-Family Housing for MBTA Communities and Inclusionary Housing

PRESENTER:

ITEM
NUMBER:

**Board Discussion** 

### **SUMMARY:**

Continued Public Hearing, the public hearing was opened on February 1st. The Planning Board will hold a continued hearing to discuss further and begin deliberating after the comments from the February 1st meeting.

The Planning Board's Zoning Bylaw and Zoning Map proposal is to create village overlay districts permitting multi-family housing with inclusionary housing requirements, and allows mixed use in some districts under specific conditions. Articles 34 and 35 will be discussed together because they are related articles.

These article implement the requirements of M.G.L. c. 40A § 3A by establishing new overlay zoning districts on the Zoning Map and amending the Zoning Bylaw to permit multi-family housing, and mixed-use developments (in some areas), with an as-of-right approval process within those new districts. The Planning Board's zoning proposal will create new Village Overlay Districts in Section 7.5 of the Bylaw and on the Zoning Map as Village Low Rise Overlay (VLO), Village Mid Rise Overlay (VMO), and Village High Rise Overlay (VMO).

More info and background here: http://lexingtonma.gov/MBTAZoning

The presentation from February 1 is attached. The zoning proposal draft as presented on 2/1 is attached.

### **SUGGESTED MOTION:**

Staff recommends Article 35 be referred back to the Planning Board. This article is no longer needed because conditional language relative to the Inclusionary dwelling units has been added to Article 34.

The Board can vote to refer Article 35 back to the Planning Board because it is no longer necessary.

Staff recommends the Board discuss feedback and comments heard from the February 1st public hearing. The Board should discuss what, if any, zoning amendment changes the Board would like to make in the article 34. Staff will then make the edits for the Board's next meeting on February 15.

Staff recommends the Board give direction to staff on edits to be reviewed on February 15.

After Board discussion, staff recommends the Board vote to continue the Public Hearing on Zoning
Amendment Article 34 (multi-family village overlay districts) to 6:00 pm on Zoom on Wednesday, February
15, 2023 to allow time to make edits discussed this evening.

### **FOLLOW-UP:**

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

2/8/2023

### **ATTACHMENTS:**

	Description	Type
D	Presentation from 02.01.23	Presentation
D	Draft Village Overlay Map	Exhibit
D	Draft VOD Zoning Bylaw Language	Exhibit
D	Draft Zoning Map with Village Overlays	Exhibit



# Article 34 & 35: Zoning Bylaw & Map Amendment for Multi-Family Housing and Inclusionary Housing for MBTA Communities





### Article 34

In 2020, State Zoning Act Amended by Legislature to promote the production of multi-family housing walking distance of public transportation to address a severe regional housing shortage.

### The New Law:

"M.G.L. c. 40A § 3A (a)(1) An MBTA Community **shall** have a zoning ordinance or by-law that provides for at least one district of a reasonable size in which multi-family housing is permitted as of right..."

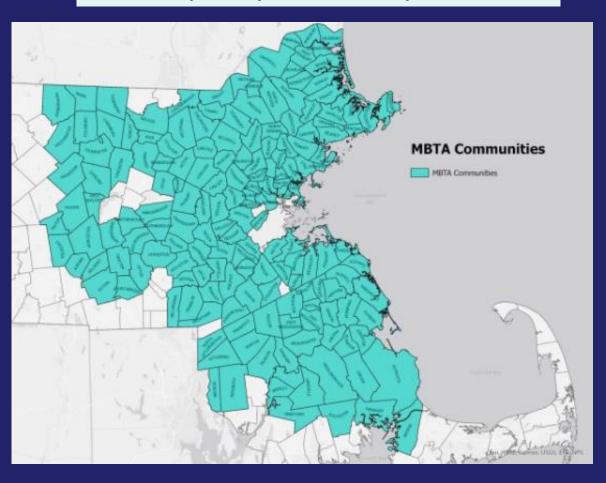


Katahdin Woods Apartments, 1 Katahdin Dr. 120 units = **11** units per acre



### Article 34

#### Multi-Family is very limited in many communities



- MA is among the highest home prices and rents in the country
  - HI, CA, NY, MA
  - MA > \$600K homes & > \$2,000 / monthly rents
- Lack of housing impediment to healthy economy & job growth
- To address severe housing shortage
- Need more housing for young families, one-income households, and aging population
- More types of housing to support long-term economic growth and prosperity
- Transit oriented development helps traffic congestion and climate crisis
- One tool for regional solution



### Article 34

#### 5 Key Components of the LAW –

- At least one zoning district of a <u>reasonable size</u>
- Walking distance to public transportation, bikeways, bus stops/bus routes, and major transportation routes
- Suitable for families with children
- Zoning must allow a min. gross density of <u>15 units per acre</u>
- Permitting process <u>cannot be discretionary</u>

Multi-family = building designed for 3+ dwellings



### Article 34

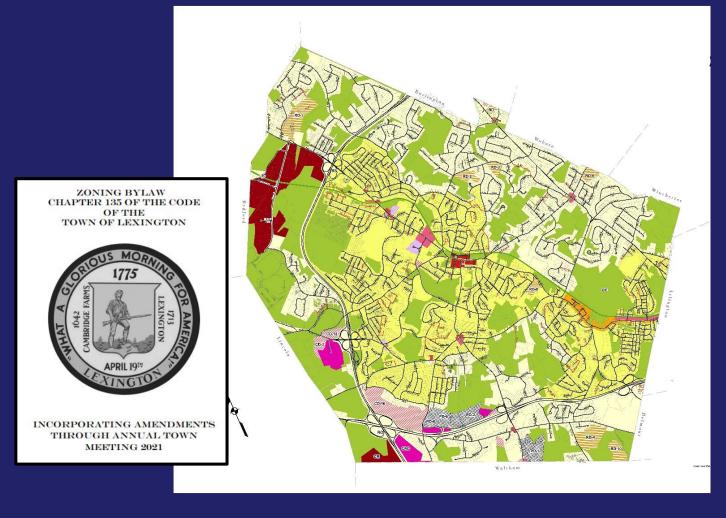
#### MA GUIDELINES:

- Defines "reasonable" as:
  - At least 50 acres of land
  - Zoning must provide a unit capacity to allow up to 1,231 dwelling units
  - Half of the total area has to be contiguous
  - More than one lot
  - No portion can be < 5 acres</li>



### Proposing Zoning not construction

- Official Zoning Map and Zoning Bylaw (Text)
- How properties can be developed & under what conditions
- Legal framework regulates development





### Lexington Place Condos 50 Waltham St.

• 30 units = **44** units / acre, 42 ft., 3 Stories





# **Avalon**Off Concord Ave.

- 386 units = **17** units / acre
- 40-62 ft., varying
- 3 Stories





# Muzzey School Condos Massachusetts Ave.

- 71 units = **18** units / acre
- 52 ft.
- 3 Stories





# 186 Bedford Street Mixed Use

- 13 units = **9.6** units / acre
- 41 ft.
- 3 Stories





### HEIGHT EXAMPLES



Cary Memorial Hall 58 ft.



**Brookhaven Residential Community** 60 ft., 4 Stories

Copyright Photo: James M. Collins



### HEIGHT EXAMPLES

62.7 ft.
To parapet



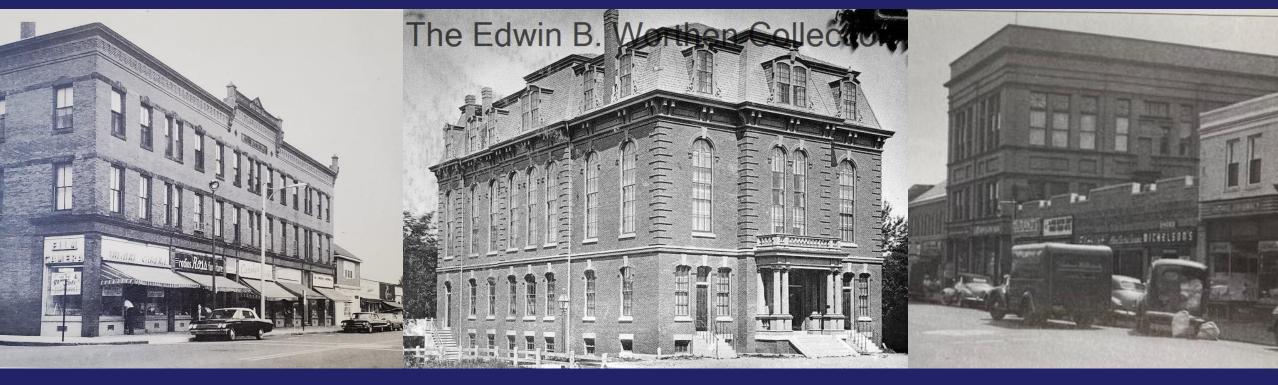
**Waterstone at Lexington** 

Photo: Cranshaw Construction



# HISTORIC LEXINGTON CENTER

~40 ft. ~46 ft. ~42 ft.





# PLANNING BOARD'S WORK

- 2022 proposal in Lexington Center withdrawn
- Completed Lexington NEXT
   Comprehensive Plan
- October 25 Workshop for 2023 proposal

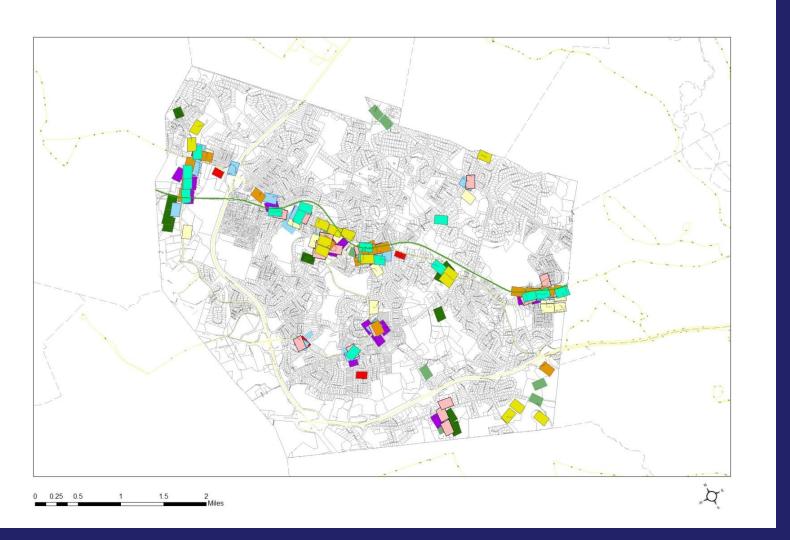




### PLANNING BOARD'S WORK

### October 25, 2022 Workshop:

- 80 residents in attendance
- Identified general locations for housing





# Planning Board Public Outreach

<b>May 4, 2022</b> – Action Plan	<b>May 18, 2022</b> – Action Plan	June 1, 2022 – Approved Action Plan	July 14, 2022 – Housing Partnership
<b>July 21, 2022</b> – EDAC	Sept. 8, 2022 - Town	Oct. 12, 2022 – Public	Oct. 19, 2022 – Public
	Center Com.	Work Session	Work Session
Oct. 25, 2022 –	Nov. 4, 2022 – Lex Local,	Nov. 9, 2022 – Public Work	Nov. 16, 2022 – Public
Community Workshop	Lex Media	Session	Work Session
<b>Dec. 7, 2022</b> – Public Work Session	<b>Dec. 14, 2022</b> – Public Work Session	<b>Dec. 21, 2022</b> – Public Work Session	<b>Jan. 4, 2023</b> – Public Work Session
Jan. 6, 2023 – League of Women Voters Forum	Jan. 12, 2023 – Public	Jan. 18, 2023 – Public	Jan. 19, 2023 – Housing
	Work Session	Work Session	Partnership

#### **20 Public Meetings & Presentations**

Mailing to property owners

Weekly Lexington News Emails, Lex Media, Lexington Observer

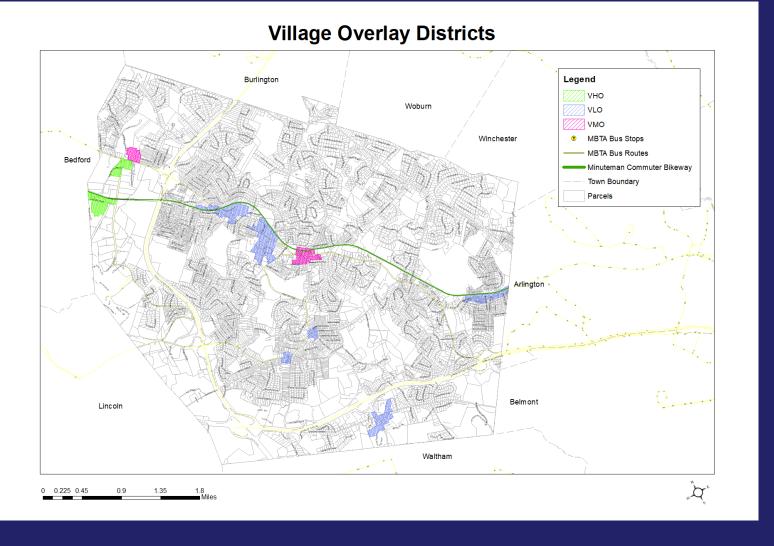
Webpage: www.lexingtonMA.gov/MBTAZoning

Email Notifications – TMMA, Board Meeting Notifications



# **Board's Zoning Proposal**

- Bedford St./Worthen Rd.
- Bedford St./Reed St.
- Marrett Rd./Waltham St.
- Marrett Rd./Spring St.
- Concord Ave./Waltham St.
- East Lexington
- Lexington Center VMO
- Bedford St. North VMO
- Hartwell Ave. VHO
- Maguire Rd. VHO





### Bedford St./Worthen Rd.

- VLO
- Max. height = 40 ft. If only residential
- Height bonus up to 65 ft. if ground floor commercial
- Height bonus up to 55 ft. for commercial if underlying zone is residential





### Bedford St. / Worthen Rd. - VLO

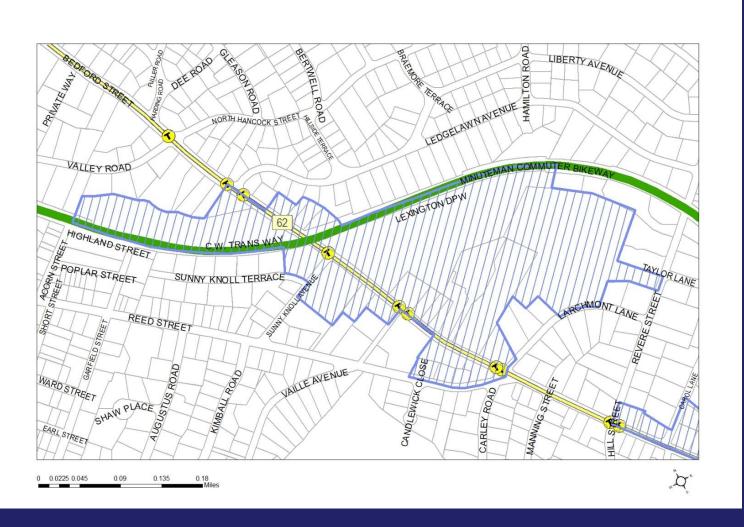


CRS = Retail Shopping, CLO = Local Office, CD = Planned Commercial Development



### Bedford St./Reed St.

- VLO
- Max. height = 40 ft. If only residential
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- Height bonus up to 55
  ft. for commercial if
  underlying zone is
  residential





### Bedford St./Reed St.

- VLO
- Max. height = 40 ft. If only residential
- Height bonus up to 65 ft. if ground floor commercial
- Height bonus up to 55 ft. for commercial if underlying zone is residential







### Bedford St. / Reed St. - VLO

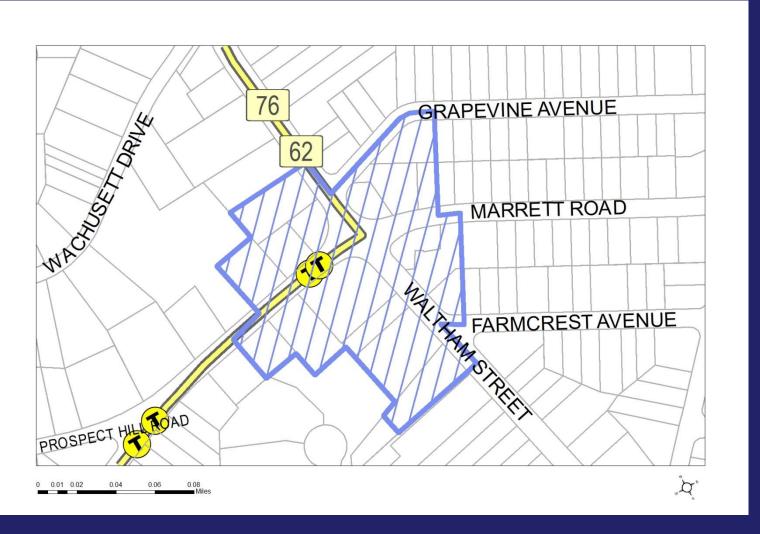


CRS = Retail Shopping, CLO = Local Office, CN = Neighborhood Business, CD = Planned Commercial Development



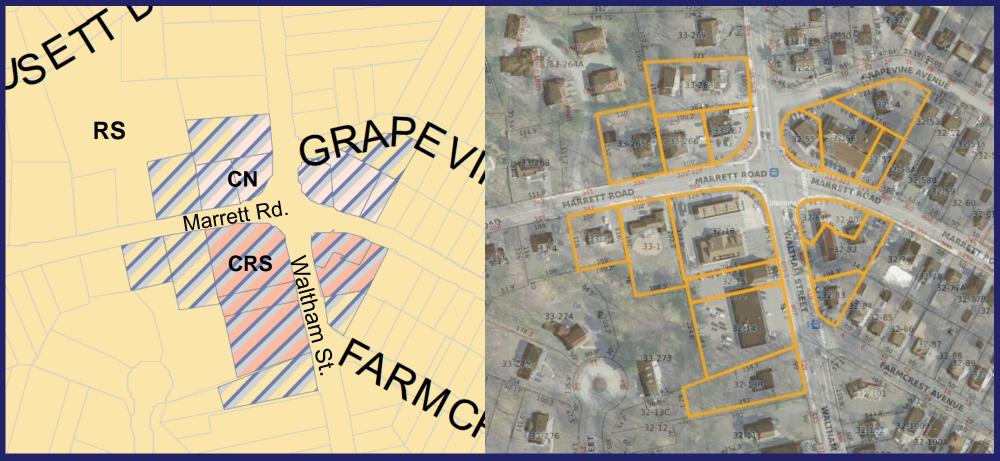
### Marrett Rd. / Waltham St.

- VLO
- Max. height = 40 ft. If only residential
- Height bonus up to 65 ft. if ground floor commercial
- Height bonus up to 55
   ft. for commercial if underlying zone is residential





### Marrett Rd. / Waltham St. - VLO



CRS = Retail Shopping, CN = Neighborhood Business, RS = One Family



# Marrett Rd. / Spring St. - VLO

- VLO
- Max. height = 40 ft. If only residential
- Height bonus up to 65 ft. if ground floor commercial
- Height bonus up to 55 ft. for commercial if underlying zone is residential







# Marrett Rd. / Spring St. - VLO

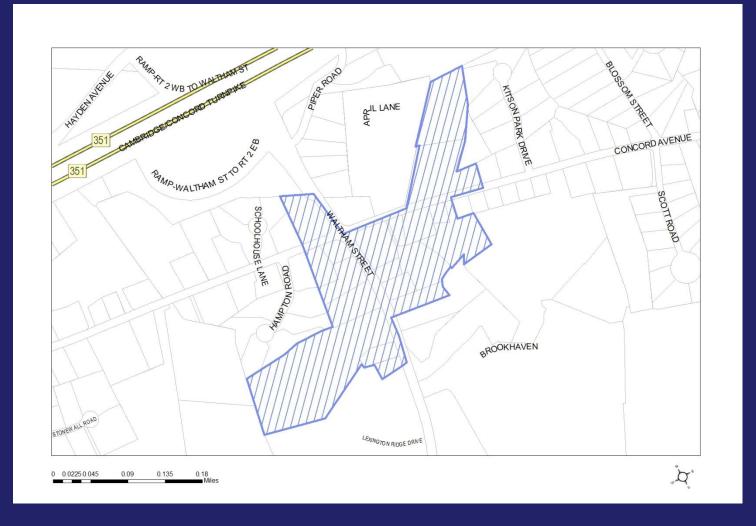


CN = Neighborhood Business, CSX = Commercial Service Expanded, RS = One Family



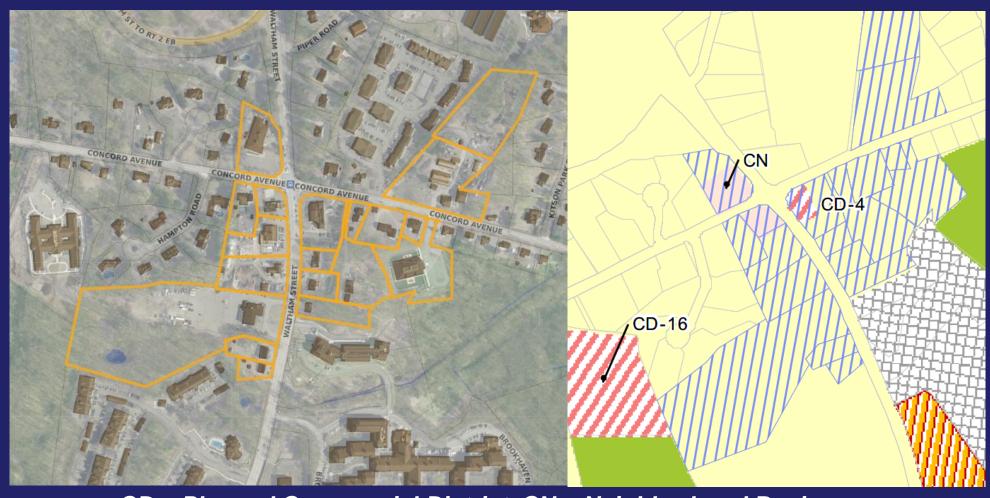
### Concord St. / Waltham St.

- VLO
- Max. height = 40 ft.
   If only residential
- Height bonus up to 65 ft. if ground floor commercial
- Height bonus up to 55 ft. for commercial if underlying zone is residential





### Concord St. / Waltham St.

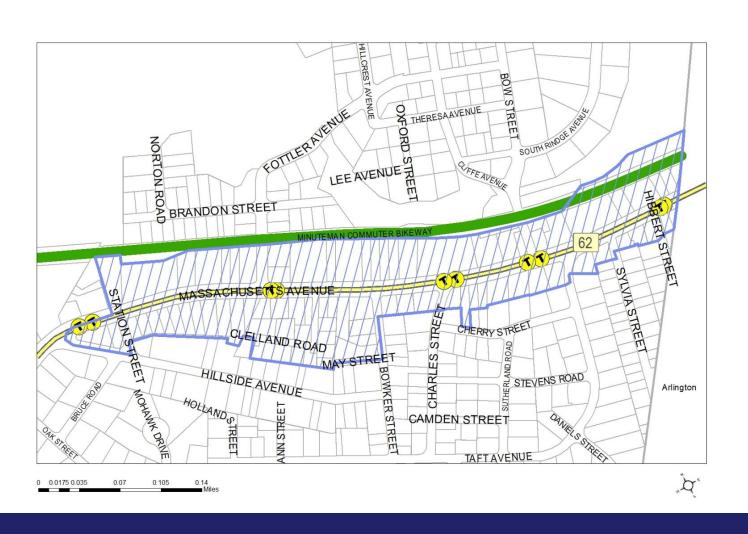


CD = Planned Commercial District, CN = Neighborhood Business



# **East Lexington - VLO**

- VLO
- Max. height = 40 ft. If only residential
- Height bonus up to 65 ft. if ground floor commercial
- Height bonus up to 55 ft. for commercial if underlying zone is residential



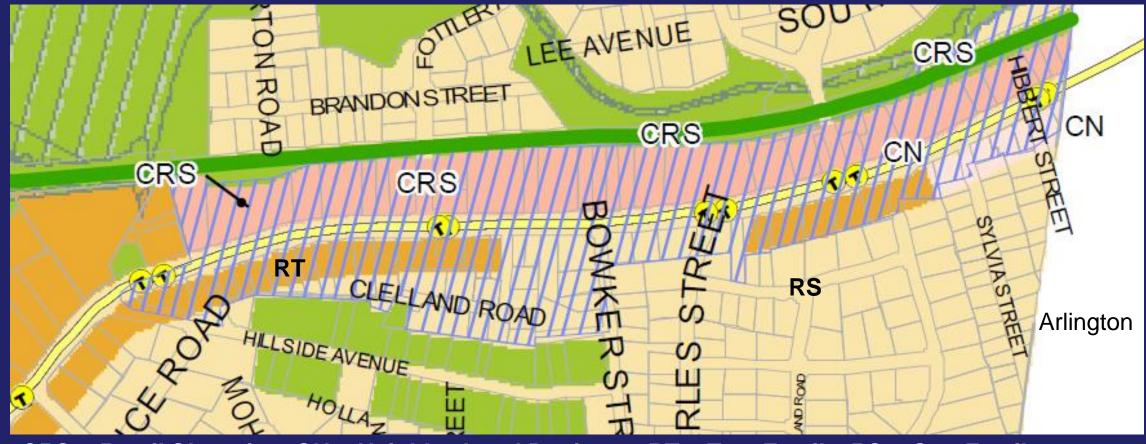


# **East Lexington - VLO**





## **East Lexington - VLO**



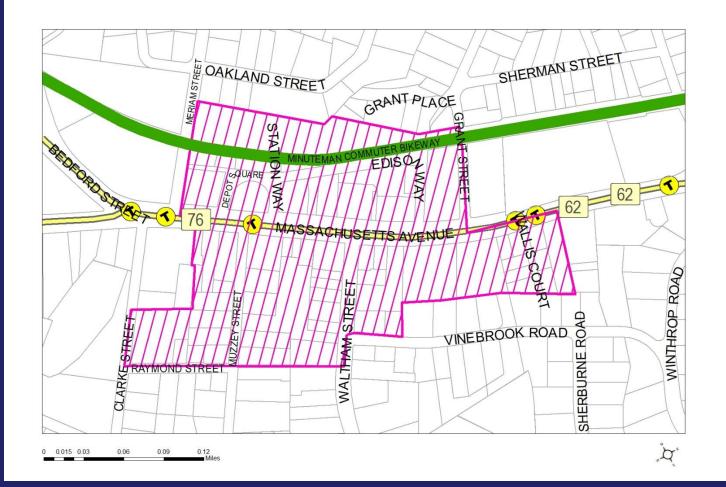
CRS = Retail Shopping, CN = Neighborhood Business, RT = Two-Family, RS = One Family, GC = Government Civic Use



# Lexington Center

- VMO
- Up to 60 ft. height
- Requires
   Commercial (CB)
   uses on first floor







# **Lexington Center**



Planning Board Hearing 02.01.23
Articles 34 & 35



# **Lexington Center**

CB = Central Business

GC = Government Civic

CD = Planned Commercial Development

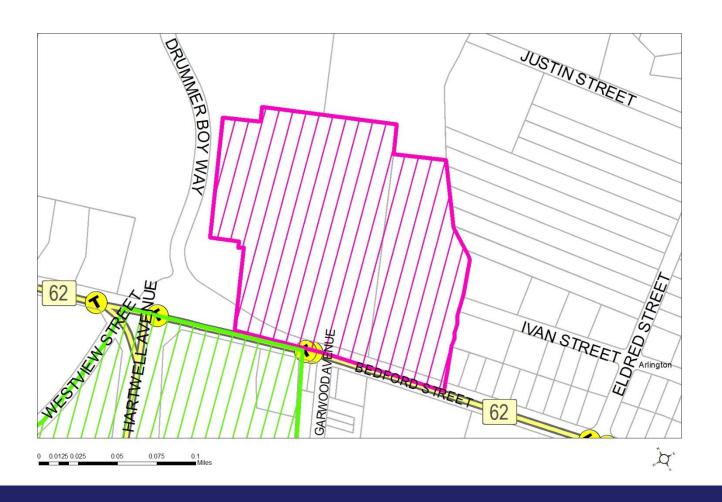




### **Bedford Street (North)**

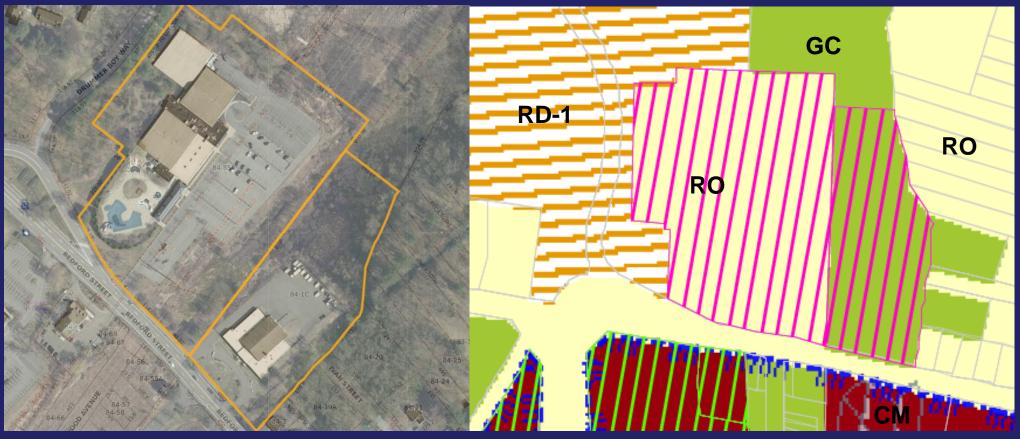
- VMO
- Max. height 60 ft.
- Residential only







# **Bedford Street (North)**



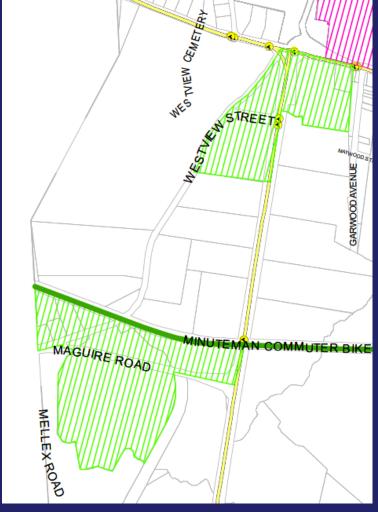
RD = Planned Residential Development, GC = Government Civic, CM – Manufacturing, RO = One Family



### Hartwell Ave. & Maguire Rd.

- VHO
- Up to 70 ft. height
- Allows uses in underlying CM district







# Hartwell Ave. & Maguire Rd.

- VHO
- Up to 70 ft. height
- Allows uses in underlying CM district





## Inclusionary Housing

15% of dwellings in projects with 8+ dwellings to be inclusionary, 10% included on the SHI

Example: 25 unit building = 3 inclusionary units

Combine Articles 34 & 35, can withdraw article 35



## Village Overlay Districts (VOD)

Sec. 7.5 – Village Overlay Districts added to Zoning Bylaw

#### Sets Standard Requirements for Planning Board Application Process

- Site Plan Review permit application
- Planning Board public hearing process with abutter notification
- Heights, setbacks, parking, site circulation, trash, lighting, architecture reviewed
- 15% of proposed units required to be inclusionary
- 85% units are market rate



### Articles 34 & 35

- Ensures compliance with state law and guidelines
- Eligible for grant programs, competitive advantage
- Advances Select Board's goal for more affordable and accessible housing and vibrant mix of businesses
- Consistent with Lexington NEXT Comprehensive Plan recommendations:
  - Housing, Economic Vitality, Transportation,
  - Diversity & Inclusion, Sustainability & Resiliency,
  - Land use



## **Public Hearing**

# **Board Questions Public Questions and Comments**



## Comparison – Reading, MA

Downtown Zoning:

4 Stories 55 ft. height

2009 Town Meeting Zoning Approval

- Site Plan Review
- 9 Projects in 14 years
- 246 units created
- 20% Inclusionary









## Comparison - Westwood

- Zoning adopted 2013 2015
- Produced 480 Units
- 15% affordable, 40-60 ft. height









## Height Example, Wellesley

590 Washington St. Wellesley, MA

46 ft.4 StoriesCommercial first floor





## Height Example, Beverly

131 Rantoul St.

Beverly

55 ft.5 stories1st floor retail



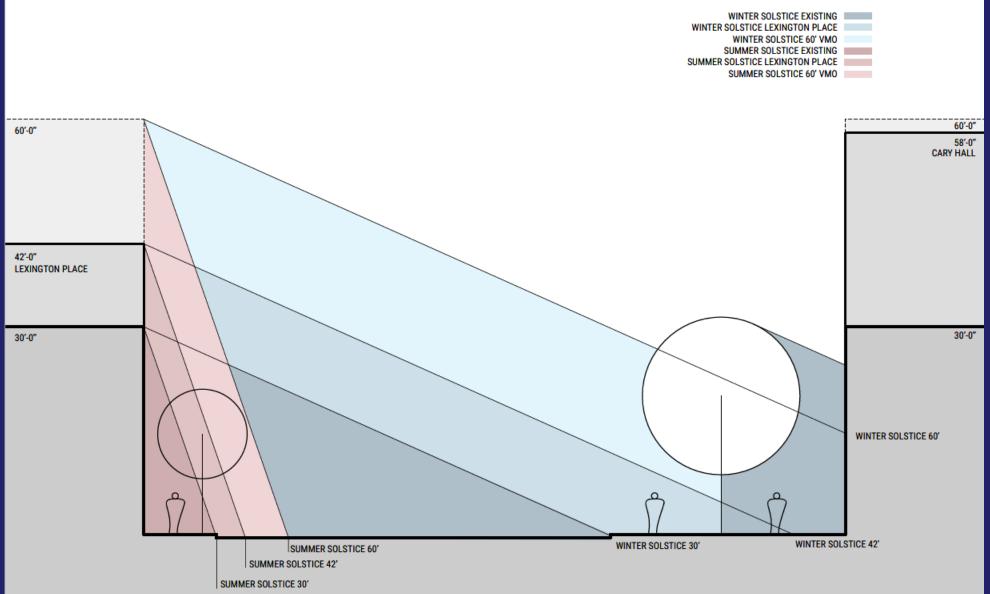


## **Housing Terms**

- Inclusionary Dwellings Requires dwelling units with sale price/rent limit restrictions based on earnings
- Subsidized Housing Inventory (SHI) Households earning 80% of the Area Median Income (AMI)
  - Household Income 1 = \$78,550 (monthly rent 2 bd. \$1,900 or \$252K condo)
- "Workforce Housing or Moderate Income" Households with incomes of 80% to 150% of Area Median Income
  - Household Income 1 = \$147,250 to \$210,300 for family of 4



## Lexington Center



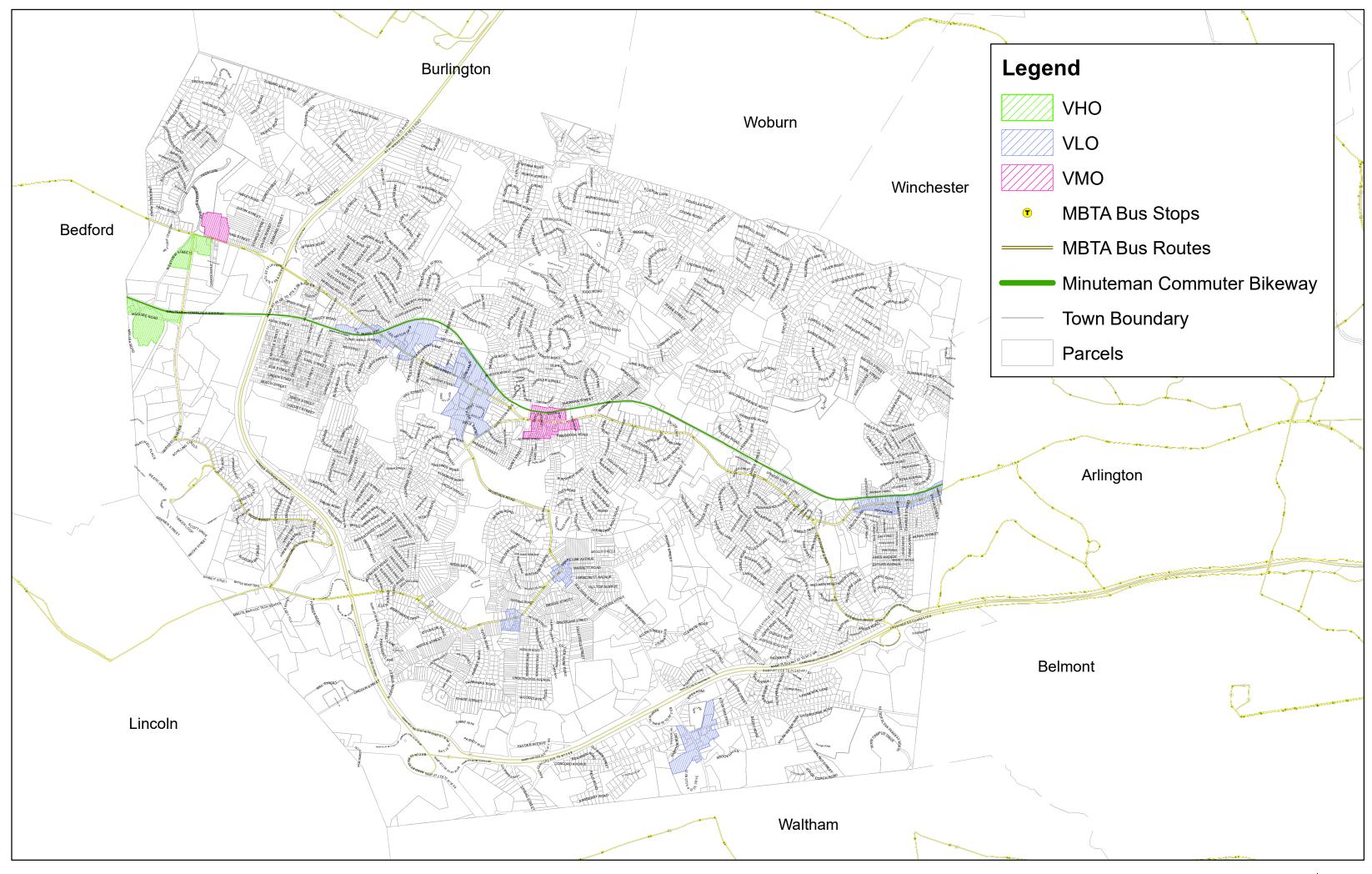


## Measuring Building Height

From average natural grade to upper elevation to the highest point of any ridge gable, roof surface, or parapet



## **Village Overlay Districts**





#### **ARTICLE 34**

#### AMEND ZONING BYLAW AND MAP **MULTI-FAMILY HOUSING FOR MBTA COMMUNITIES**

To see if the Town will vote to amend the Zoning Bylaw and Map to create districts permitting multi-family housing or mixed-use developments by right; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

#### **DESCRIPTION:**

This article implements the requirements of M.G.L. c. 40A § 3A by establishing new overlay zoning districts on the Zoning Map and amending the Zoning Bylaw to permit multi-family housing and mixed-use developments with an as-of-right approval process within those new districts.

#### MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, and Zoning Map 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 rows to the table in § 135-2.2.5 (Overlay Districts) as follows:

VLO	Village Low-Rise Overlay
VMO	Village Mid-Rise Overlay
VHO	Village High-Rise Overlay

2) In § 135-10.0, add a new definition as follows:

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

The Massachusetts Department of Housing and Community Development.

- 3) Add a new § 135-7.5 as follows:
  - **VILLAGE OVERLAY DISTRICTS.** 7.5
  - 7.5.1 Purpose. The purposes of the Village Overlay (VLO, VMO, and VHO) Districts are:
    - 1. To provide family housing and ensure compliance with MGL c. 40A § 3A
    - 2. To promote multi-family housing near retail sales and services, office, civic, and personal service uses;
    - 3. To reduce dependency on automobiles by providing opportunities for upper-story and multifamily housing near public transportation such as bus stops, the Minuteman Commuter Bikeway, and major transportation routes;
    - 4. To ensure pedestrian-friendly development by permitting higher density housing in areas that are walkable to public transportation, shopping, and local services;
    - 5. To respond to the local and regional need for affordable housing by permitting a variety of housing types with inclusionary housing requirements;
    - 6. To encourage economic investment in the redevelopment of properties;
    - 7. To encourage residential and commercial uses to provide a customer base for local businesses; and
    - 8. To meet the goals of the housing element of the 2022 LexingtonNEXT Comprehensive Plan.

- **7.5.2** Overlay District. Village Overlay Districts shall not replace existing zoning districts but shall be superimposed over them. The provisions of this section apply only to developments on a lot located entirely within Village Overlay Districts where the property owner has elected to comply with the requirements of the Village Overlay District, rather than complying with those of the underlying zoning district.
- **7.5.3** Procedures and Regulations. Development under this section requires Site Plan Review by the Planning Board under § 9.5. The Planning Board may adopt regulations to facilitate site layout, building design, and outdoor amenity spaces. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and DHCD's current *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* as amended.

#### **7.5.4** Permitted Uses.

- 1. All developments under this section shall include multi-family housing. All residential uses under this section shall be multi-family housing.
- 2. Developments may also include uses permitted in an underlying zoning district.
- 3. Where the underlying zoning district is the CB District, at least 30% of the net floor area of the center storefront shall be occupied by uses permitted on the center storefront in the CB District.
- 4. Developments in the VLO district may contain other nonresidential uses on the ground floor and basement to the extent permitted in either the CRS or CB zoning district, except that:
  - a. The following uses are not permitted:
    - i. Medical clinic for outpatient services
    - ii. Motor vehicle sales or rental
    - iii. Sale of fuel, motor oil, or other motor vehicle parts or accessories
    - iv. Cleaning, maintenance, and repair of motor vehicles
    - v. Private postal service
    - b. Nonresidential uses in the CRS or CB District that require a special permit shall require a special permit.
    - c. The development standards for office uses in Table 1 (Permitted Uses and Development Standards), G.2.0 shall not apply.
- 5. Accessory Uses for residential uses are permitted to the same extent they would be permitted in the RO District.
- **7.5.5** Dimensional controls. The dimensional controls of § 4.0 are modified as follows for developments under this section:
  - 1. § 4.1.4 (One Dwelling Per Lot) does not apply.
  - 2. § 4.2.2 (Lot Regularity), § 4.2.3 (Lot Area), and § 4.2.4 (Lot Frontage) do not apply to lots with existing buildings.
  - 3. § 4.3.5 (Height of Dwellings Near Lot Lines) does not apply.
  - 4. § 4.4 (Residential Gross Floor Area) does not apply.
  - 5. Nonresidential FAR is not restricted.
  - 6. The minimum required front yard in feet is the lesser of that required in the underlying zoning district or 15 feet, except that where 50% or more of the front façade of the street floor is

occupied by nonresidential principal uses, no front yard is required. Minimum required front yard areas shall be used as amenity space available for residences and semi-public uses such as landscaping, benches, tables, chairs, play areas, public art or similar features. Parking spaces are not permitted in the minimum required front yard.

7. The minimum required side yard in feet is the lesser of that required in the underlying zoning district and that shown below:

If Actual Lot Frontage Is	Side Yard Must Be At Least	
More than 100 feet	15 feet	
More than 75 feet but not more than 100 feet	12 feet	
More than 50 feet but not more than 75 feet	10 feet	
More than 0 feet but not more than 50 feet	7.5 feet	

- 8. The minimum required rear yard in feet is the lesser of that required in the underlying zoning district and 15 feet.
- 9. The site coverage is not restricted.
- 10. The maximum height in feet of buildings is:

District	VLO	VMO	VHO
Height in feet	40	60	70

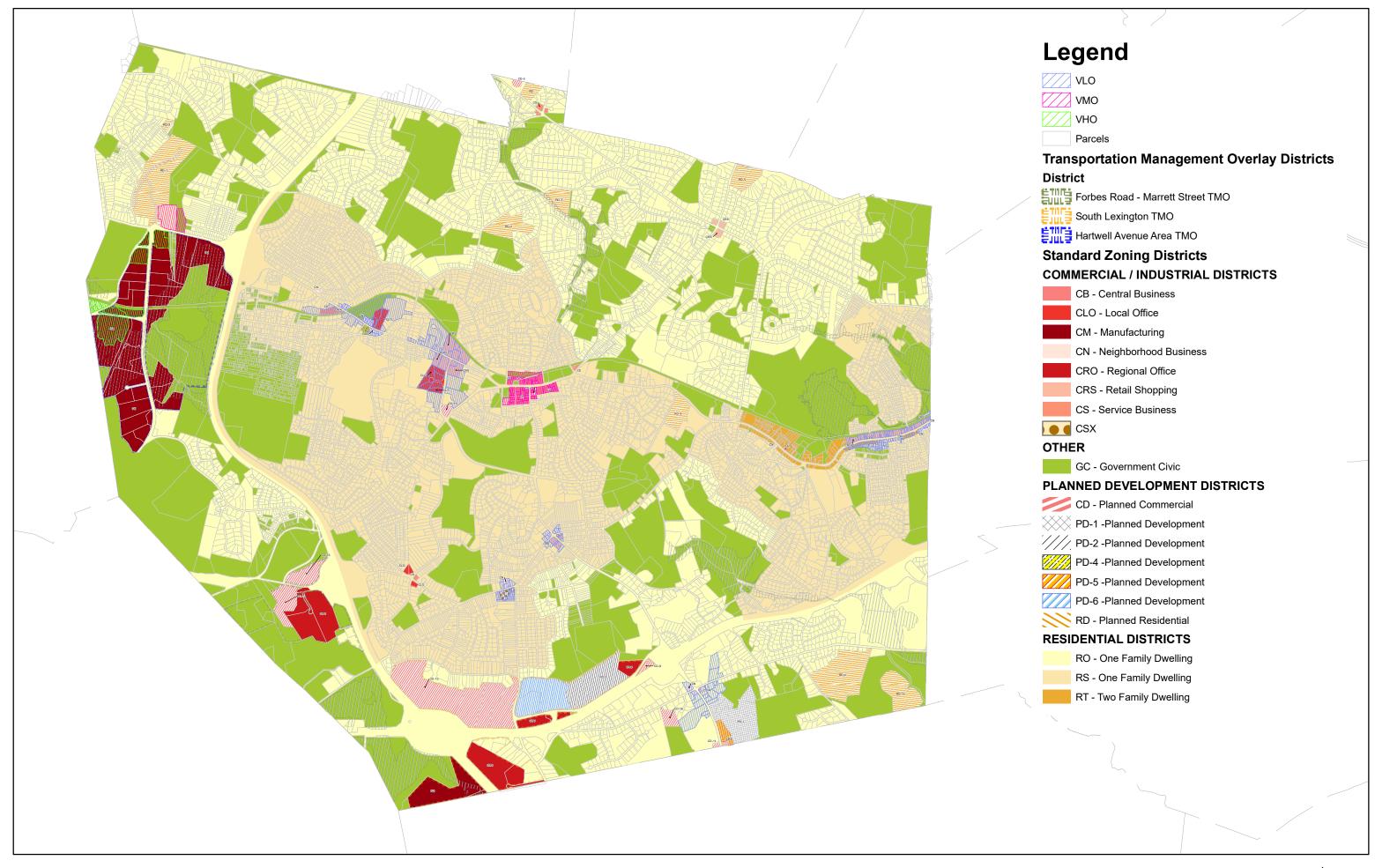
- 11. In the VLO District:
  - a. where at least 15% of the total net floor area of the development is occupied by nonresidential principal uses on street floors permitted in the underlying district, the maximum height is 65 feet.
  - b. If the nonresidential uses are not permitted in the underlying district, the maximum height is 55 feet.
- 12. The number of stories is not restricted.
- **7.5.6** Off-Street Parking and Loading. The provisions of § 5.1 (Off Street Parking and Loading) are modified as follows:
  - 1. The parking factor for dwelling and rooming units is 0.5 per unit.
  - 2. The parking factor for other uses shall be the same as in § 5.1.4 (Table of Parking Requirements) for the CB District.
  - 3. Developments under this section may provide fewer parking spaces where, in the determination of the Planning Board, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination the Planning Board may develop regulations to evaluate any parking reduction requests to consider complementary uses, proximity to public transportation, transportation demand management (TDM) measures, and shared parking arrangements at the Board's discretion.

- **7.5.7** § 5.5 (Traffic Standards) does not apply.
- **7.5.8** §7.4.4 (Sustainable Design) does not apply.
- **7.5.9** The provisions of § 5.3 (Landscaping, Transition and Screening) and §5.3.5 (Required Depth or Width (in feet) of a transition area are modified as follows:
  - Transition areas, as specified under § 5.3.4 (Transition Areas), are required only along the boundary of the VLO District and shall have a depth of five (5) feet.
- **7.5.10** The provisions of § 7.3 (Planned Development Districts) are modified as follows:
  - 1. Notwithstanding § 7.3.2.3 (Compliance Required) and § 7.3.3 (Existing RD and CD Districts), development under this section, development of related accessory structures and improvements, and removal of existing structures and improvements need not conform to a preliminary site development and use plan.
- 7.5.11 Nonconforming Off-Street Parking and Loading. The provisions of § 8.7 are modified as follows:
  - 1. § 8.7.1.2 (Increase in Floor Area) does not apply.
  - 2. § 8.7.2 (Reconstruction or Replacement of a Building) does not apply.
- **7.5.12** Inclusionary Housing.
  - 1. In any development containing eight (8) or more dwelling units, at least 15% of the dwelling units of which two-thirds shall be Inclusionary Dwelling Units with a household income at 80% of the Area Median Income and eligible for inclusion on the DHCD's Subsidized Housing Inventory. Where a fraction of a dwelling unit is required for this calculation, the amount of required dwelling units shall be rounded down, provided that if DHCD determines in writing that the Town has not shown this requirement to be feasible, at least 10% of the dwelling units in any development containing ten (10) or more units must meet the same standard.
  - 2. Inclusionary dwelling units shall be substantially similar in size, layout, parking, construction materials, fixtures, amenities, and interior and exterior finishes to the other dwelling units in the same dwelling.
  - 3. Inclusionary dwelling units shall be proportionally dispersed throughout the development and not concentrated within particular sections of a dwelling or within particular dwellings.
  - 4. Occupants of inclusionary dwelling units shall have the same 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.
  - 5. The Planning Board, in consultation with the Select Board, the Housing Partnership Board, and the Commission on Disability, may adopt regulations consistent with DHCD's Compliance Guidelines and this section to facilitate equitable size, physical characteristics, location, and access to services for the inclusionary units and the form of required legal restrictions.
  - Certificate of occupancy. No certificate of occupancy for a residence in a development permitted under this section shall be issued until the regulatory agreements for any inclusionary dwelling units are recorded.
- **7.5.13** Playground and Recreation Areas. Any development containing forty (40) or more dwelling units shall provide an outdoor play area or common space appropriate for use by families with

children which may include features such as swings, jungle-gyms, slides, tables, chairs, benches and similar features. Areas shall incorporate universal design standards.

- **7.5.14** Conditions. The Planning Board may impose reasonable terms and conditions, consistent with the parameters established by DHCD's Compliance Guidelines, to promote these objectives and serve the purposes of this section. Approval may reasonably regulate matters such as vehicular access and circulation on site, architectural design of a building, site design, and screening for adjacent properties. The Board may require a performance guarantee to ensure compliance with these conditions.
- 4) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VLO District:
  - a. East Lexington
  - b. Bedford Street/Worthen Road
  - c. Bedford Street/Reed Street
  - d. Marrett Road/Waltham Street
  - e. Marrett Road/Spring Street
  - f. Concord Avenue/Waltham Street
- 5) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VMO District:
  - g. Lexington Center
  - h. Bedford Street North
- 7) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VHO District:
  - i. Hartwell Avenue
  - j. Maguire Road

## **Village Overlay Districts**



1.5

0.25 0.5



#### AGENDA ITEM SUMMARY

#### LEXINGTON PLANNING BOARD

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

Continued Public Hearing: Article 36 Amend Zoning Map – Central Business District

PRESENTER:

ITEM

NUMBER:

**Board Discussion** 

#### **SUMMARY:**

Continued Public Hearing. The hearing was opened on February 1st and continued to February 8.

This article would move several properties adjacent to the Central Business (CB) District into the district to facilitate consistent development. The properties proposed include the Meriam Street parking lot, areas between that parking lot and the existing CB District used for parking or recreation, the medical building at 16 Clarke Street, and the adjacent residential property.

Amend the Zoning Map to rezone the following areas into the CB District as shown on the map below:

- a. Lot 36A on assessor's map 48;
- b. Lots 5A, 79, and 80 on assessor's map 49; and
- c. All portions of the area bounded by Massachusetts Avenue, Meriam Street, the northern sideline of the Minuteman Commuter Bikeway, and Grant Street not currently located in the CB District.

#### **SUGGESTED MOTION:**

The Board should discuss further. If there are no further comments the Board may vote to close the public hearing. Staff would then prepare a report with the Board's recommendation for review at the Board's February 15 meeting.

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

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

2/8/2023

#### **ATTACHMENTS:**

Description Type

□ Draft Motion and Map to Expand CB Exhibit

□ Presentation Arts. 36-39 Presentation

#### AMEND ZONING BYLAW AND MAP CENTRAL BUSINESS DISTRICT

To see if the Town will vote to amend the Zoning Map to rezone areas adjacent to the CB District into the CB District; amend the Zoning Bylaw to modify dimensional controls and parking standards in the CB District to allow additional housing; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

#### **DESCRIPTION:**

This article would move several properties adjacent to the Central Business (CB) District into the district to facilitate consistent development. The properties proposed include the Meriam Street parking lot, areas between that parking lot and the existing CB District used for parking or recreation, the medical building at 16 Clarke Street, and the adjacent residential property. It would also modify dimensional controls and parking requirements to permit additional mixed-use development.

#### **MOTION:**

That the Zoning Map 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. Amend the Zoning Map to rezone the following areas into the CB District:
  - a. Lot 36A on assessor's map 48;
  - b. Lots 5A, 79, and 80 on assessor's map 49; and
  - c. All portions of the area bounded by Massachusetts Avenue, Meriam Street, the northern sideline of the Minuteman Commuter Bikeway, and Grant Street not currently located in the CB District.

#### Existing:









# Planning Board Zoning Amendments Public Hearings

February 1, 2023, cont. to February 8

Articles 36 - 39



## Article 36: Expand CB District

#### **Existing Zoning**



#### **Proposed Zoning**





#### **Article 37: Extend Site Plan Review Deadline**

...Shall review and act upon the site plan, requiring such conditions as necessary to satisfy the Review Standards and the Zoning Regulations, and notify the applicant of its decision. The decision shall be in writing and shall be rendered within 60 days for a minor site plan review and within 150 days for a major site plan review from the date of submission of a complete application.



## Article 38: Minor Modifications to Approved Permits

- Adds provisions for Zoning Board of Appeals (ZBA) & Planning Board to approve minor modifications
- At public meeting vs. a public hearing
- For projects already approved/permitted only
  - Easements
  - Timing
  - Clarifications
  - Underground utility changes
  - Patio changes



#### **Article 39: Technical Corrections**

- Amend § 135-9.5.5.3 as follows:
  - reactional recreational design;
- Amend § 135-6.7.3.2 as follows:

The owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units as a primary residence, except for temporary absences as provided herein. For the purposes of this section, the "owner" shall be one or more individuals—who constitute a family, who hold title directly or indirectly to the dwelling,—and for whom the dwelling is the primary residence.

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### **Public Hearing**

# Board Questions Public Questions and Comments

#### AGENDA ITEM SUMMARY

#### LEXINGTON PLANNING BOARD

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

Continued Public Hearing: Article 37 Extend Action Deadline for Major Site Plan Review

PRESENTER:

ITEM

NUMBER:

**Board Discussion** 

#### **SUMMARY:**

#### **Continued Public Hearing on Annual Town Meeting Warrant Article 37:**

The public hearing was opened on February 1st and continued to February 8. This article would extend the Planning Board's current 60-day application action deadline for Major Site Plan Review applications.

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

- 1. Amend §135-9.5.4.4 as follows:
  - 4. The Planning Board or its designee shall review and act upon the site plan, requiring such conditions as necessary to satisfy the Review Standards and the Zoning Regulations, and notify the applicant of its decision. The decision shall be in writing and shall be rendered within 60 days (for a minor site plan review) and 150 days (for a major site plan review) from the date of submission of a complete application.

#### **SUGGESTED MOTION:**

The Board should discuss further. If there are no further comments the Board may vote to close the public hearing. Staff would then prepare a report with the Board's recommendation for review at the Board's February 15 meeting.

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

#### DATE AND APPROXIMATE TIME ON AGENDA:

#### **ATTACHMENTS:**

Description

Draft Zoning Motion Art 35 02.03.23

Presentation Arts. 36-39

Type

Exhibit

Presentation

#### **ARTICLE 37**

#### AMEND ZONING BYLAW ACTION DEADLINE FOR MAJOR SITE PLAN REVIEW

To see if the Town will vote to amend Section 9.5.4 of the Zoning Bylaw to modify the action deadline for Major Site Plan Review applications; reference the Planning Board's Zoning Regulations; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

#### **DESCRIPTION:**

This article would extend the Planning Board's current 60-day application action deadline for Major Site Plan Review applications.

#### **MOTION:**

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

- 1. Amend §135-9.5.4.4 as follows:
  - 4. The Planning Board or its designee shall review and act upon the site plan, requiring such conditions as necessary to satisfy the Review Standards and the Zoning Regulations, and notify the applicant of its decision. The decision shall be in writing and shall be rendered within 60 days (for a minor site plan review) and 150 days (for a major site plan review) from the date of submission of a complete application.



# Planning Board Zoning Amendments Public Hearings

February 1, 2023, cont. to February 8

Articles 36 - 39



## Article 36: Expand CB District

#### **Existing Zoning**



#### **Proposed Zoning**





#### **Article 37: Extend Site Plan Review Deadline**

...Shall review and act upon the site plan, requiring such conditions as necessary to satisfy the Review Standards and the Zoning Regulations, and notify the applicant of its decision. The decision shall be in writing and shall be rendered within 60 days for a minor site plan review and within 150 days for a major site plan review from the date of submission of a complete application.



## Article 38: Minor Modifications to Approved Permits

- Adds provisions for Zoning Board of Appeals (ZBA) & Planning Board to approve minor modifications
- At public meeting vs. a public hearing
- For projects already approved/permitted only
  - Easements
  - Timing
  - Clarifications
  - Underground utility changes
  - Patio changes



#### **Article 39: Technical Corrections**

- Amend § 135-9.5.5.3 as follows:
  - reactional recreational design;
- Amend § 135-6.7.3.2 as follows:

The owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units as a primary residence, except for temporary absences as provided herein. For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence.

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# **Public Hearing**

# Board Questions Public Questions and Comments

#### LEXINGTON PLANNING BOARD

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

Continued Public Hearing: Article 38 Minor Modifications to Approved Permits

PRESENTER:

NUMBER:

**Board Discussion** 

#### **SUMMARY:**

Continued Public Hearing for Annual Town Meeting Warrant Article 38 - Amend Zoning Bylaw for Minor Modifications to approved permits. The public hearing was opened on February 1st and continued to February 8.

Amend Sections 9.2 and 9.4 of the Zoning Bylaw to create a process for minor modifications to projects that have received prior Board of Appeals or Planning Board approval.

This amendment would establish a process that would allow the Board of Appeals or Planning Board to consider requests for minor modifications to projects that have received prior approval at a public meeting without requiring a new public hearing.

#### **SUGGESTED MOTION:**

The Board should discuss further. If there are no further comments the Board may vote to close the public hearing. Staff would then prepare a report with the Board's recommendation for review at the Board's February 15 meeting.

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

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

2/8/2023

#### **ATTACHMENTS:**

Description Type

☐ Draft Zoning Motion Language 02.03.23

Exhibit

Presentation Arts. 36-39

Presentation

#### **ARTICLE 38**

### AMEND ZONING BYLAW MINOR MODIFICATIONS TO APPROVED PERMITS

To see if the Town will vote to amend Sections 9.2 and 9.4 of the Zoning Bylaw to create a process for minor modifications to projects that have received prior Board of Appeals or Planning Board approval; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

#### **DESCRIPTION:**

This amendment would establish a process that would allow the Board of Appeals or Planning Board to consider requests for minor modifications to projects that have received prior approval at a public meeting without requiring a new public hearing.

#### PROPOSED 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 § 135-9.2.2(5) as follows:
  - 5. To consider and approve minor modifications to an approved special permit, appeal, variance, or comprehensive permit. Minor modifications shall be limited to changes that do not have a material impact on the project permitted by the special permit, appeal, variance or comprehensive permit, and do not grant any zoning relief not originally requested or approved. Minor modifications shall be consistent with the Zoning Bylaw. Minor modifications may be authorized by a majority vote of the Board of Appeals. If the Board of Appeals in its review determines that a requested modification constitutes a major modification, it shall require the submission of an application for amendment requiring a new public hearing pursuant to M.G.L. c. 40A.
- 2) Add new § 135-9.4.7 as follows:

#### 9.4.7 Modifications.

Any modification to an approved special permit requires prior approval from the SPGA. Certain requests may be considered as a minor modification, authorized by a majority vote of the SPGA. Minor modifications shall be limited to changes that do not have a material impact on the project permitted by the special permit, appeal variance or comprehensive permit, and do not grant any zoning relief not originally requested or approved. Minor modifications shall be consistent with the Zoning Bylaw. If the SPGA in its review determines that a requested modification constitutes a major modification, it shall require the submission of an application for amendment requiring a new public hearing pursuant to M.G.L. c.40A.



# Planning Board Zoning Amendments Public Hearings

February 1, 2023, cont. to February 8

Articles 36 - 39



# Article 36: Expand CB District

#### **Existing Zoning**



#### **Proposed Zoning**





## Article 37: Extend Site Plan Review Deadline

...Shall review and act upon the site plan, requiring such conditions as necessary to satisfy the Review Standards and the Zoning Regulations, and notify the applicant of its decision. The decision shall be in writing and shall be rendered within 60 days for a minor site plan review and within 150 days for a major site plan review from the date of submission of a complete application.



# Article 38: Minor Modifications to Approved Permits

- Adds provisions for Zoning Board of Appeals (ZBA) & Planning Board to approve minor modifications
- At public meeting vs. a public hearing
- For projects already approved/permitted only
  - Easements
  - Timing
  - Clarifications
  - Underground utility changes
  - Patio changes



## **Article 39: Technical Corrections**

- Amend § 135-9.5.5.3 as follows:
  - reactional recreational design;
- Amend § 135-6.7.3.2 as follows:

The owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units as a primary residence, except for temporary absences as provided herein. For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence.

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# **Public Hearing**

# Board Questions Public Questions and Comments

#### LEXINGTON PLANNING BOARD

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

Continued Public Hearing: Article 39 Technical Corrections

PRESENTER:

ITEM
NUMBER:

**Board Discussion** 

#### **SUMMARY:**

Continued Public Hearing for Annual Town Meeting Warrant Article 39 - Technical Corrections. The hearing was opened on February 1st and continued to February 8.

This article would not change the Zoning Bylaw in any substantive way, but would correct any typos or errors discovered during the course of the public hearings for zoning amendments.

- 1. Amend § 135-9.5.5.3 as follows:
  - 3. Open space, natural features, and the landscape, emphasizing the function of natural, aesthetic, social, and <del>reactional</del> recreational design;
- 2. Amend § 135-6.7.3.2 as follows:
  - 2. An owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units as a primary residence, except for temporary absences as provided herein. For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence.

#### **SUGGESTED MOTION:**

The Board should discuss further. If there are no further comments the Board may vote to close the public hearing. Staff would then prepare a report with the Board's recommendation for review at the Board's February 15 meeting.

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

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

#### **ATTACHMENTS:**

Description Type

□ Draft Zoning Art 39 02.03.23 Exhibit
□ Presentation Arts. 36-39 Presentation

To see if the Town will vote to approve certain amendments to the Zoning Bylaw that are clerical in nature to correct typographical errors, create consistency; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

#### **DESCRIPTION:**

This article would not change the Zoning Bylaw in any substantive way, but would correct any typos or errors discovered during the course of the public hearings for zoning amendments.

#### PROPOSED MOTION:

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

- 1. Amend § 135-9.5.5.3 as follows:
  - 3. Open space, natural features, and the landscape, emphasizing the function of natural, aesthetic, social, and reactional recreational design;
- 2. Amend § 135-6.7.3.2 as follows:
  - 2. An owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units as a primary residence, except for temporary absences as provided herein. For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence.



# Planning Board Zoning Amendments Public Hearings

February 1, 2023, cont. to February 8

Articles 36 - 39



# Article 36: Expand CB District

#### **Existing Zoning**



#### **Proposed Zoning**





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# **Public Hearing**

# Board Questions Public Questions and Comments

#### LEXINGTON PLANNING BOARD

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

Staff U	Jpdates –	Conflict	of interest	law and	ethics	training	reminder
~ ****	Permi	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~	01 1110101	100 11 001107	••••		

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PRESENTER:			<u>ITEM</u> NUMBER:
SUMMARY:			
SUGGESTED MO	TION:		
FOLLOW-UP:			
DATE AND APPR	OXIMATE TIME ON AG	ENDA:	
2/8/2023			

#### LEXINGTON PLANNING BOARD

AGENDAITEM TITLE:	
Board Member Updates	
PRESENTER:	<u>ITEM</u> <u>NUMBER:</u>
SUMMARY:	
SUGGESTED MOTION:	
FOLLOW-UP:	
DATE AND APPROXIMATE TIME ON AGENDA:	
DATE AND AFFROAIMALE TIME ON AGENDA:	
2/8/2023	

#### LEXINGTON PLANNING BOARD

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

Upcoming Meetings: 2/15, 3/1, 3/15

PRESENTER:	<u>ITEM</u> NUMBER:
SUMMARY:	
SUGGESTED MOTION:	
FOLLOW-UP:	

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

2/8/2023

#### LEXINGTON PLANNING BOARD

Review of Meeting Minutes: 1/6, 1/12, 1/18 (tentative)	
PRESENTER:	ITEM NUMBER:
SUMMARY:	
SUGGESTED MOTION:	
FOLLOW-UP:	
DATE AND APPROXIMATE TIME ON AGENDA:	
2/8/2023	

#### LEXINGTON PLANNING BOARD

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

The meeting will continue until all items are finished. The estimated adjournment time is 9:30 pm

PRESENTER:	<u>ITEM</u> <u>NUMBER:</u>
SUMMARY:	
SUGGESTED MOTION:	
FOLLOW-UP:	
DATE AND APPROXIMATE TIME ON AGENDA:	
2/8/2023	