

Selectmen's Meeting  
March 31, 2008

A regular meeting of the Board of Selectmen was held on Monday, March 31, 2008 at 6:00 p.m. in the Selectmen Meeting Room, Town Office Building. Chairman Krieger, Mr. Kelley, Mr. Cohen, Mr. Manz and Mr. Burnell; Mr. Valente, Town Manager; and Ms. Pease, Executive Clerk, were present.

Also present Planning Board members: Mr. Hornig, Chairman; Ms. Manz; Mr. Galaitsis; Mr. Canale and Mr. Zurlo; Maryann McCall-Taylor, Planning Director; and Mr. Henry, Senior Planner.

Article Positions

The Planning Board was at the meeting to answer questions on:

Article 49, Amend Zoning By-Law, Special Permit Residential Development

This article would simplify and clarify regulations concerning all residential developments, while still retaining the Planning Board's oversight under a special permit with site plan review. It will amend the parts of the Zoning By-law regulating developments commonly known as Cluster Subdivisions and Special Residential Developments.

The Planning Board supports this article 3-0 (Mr. Canale recused himself and Mr. Galaitsis was not at meeting when the vote was taken).

Article 50, Amend Zoning By-Law, Height of Buildings and Structures

This article seeks to address the concerns raised by abutting property owners to new residential development projects, including teardowns, conventional and cluster subdivisions, regarding the height of these new structures.

Mr. Kelley questioned how many old homes would become non-conforming and problems would arise when trying to sell or expand. He was also concerned about homeowners wanting to expand a third floor because it is an economical way to expand; going lateral increases the cost and the efficiency.

Mr. Hornig stated that there are currently many homes that are non-confirming. The 35 feet versus 40 feet limit is about setting a limit for what is permitted and also what the community wants.

The Planning Board supports this article 5-0.

Article 51, Associate Planning Board Member

State law provides that zoning ordinances or by-laws may provide for associate members of a planning board when a planning board has been designated as a special permit granting authority.

The Planning Board supports this article 5-0.

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Mr. Larry Smith, Cranberry Hill Associates, presented and answered questions on the following citizen articles:

Article 53, Amend Zoning By-Law – CM District Floor Area Ratio

This article would change the maximum Floor Area Ratio (FAR) in the CM district from .15 to .35. Mr. Smith believes there are numerous functionally obsolete buildings along Hartwell Avenue and the proposed increase in FAR would increase the total development on Hartwell Avenue by 607,000 square feet and add \$2.3 million in tax revenue. Currently the FAR is prohibiting expansion on Hartwell Avenue

The Planning Board unanimously disapproves of the article. They are waiting for a report from the Economic Development Task Force and hope to present zoning articles on this subject to the 2009 Town Meeting. They are also concerned about traffic issues and for pedestrians, bikers and public transportation people; the current conditions are unsafe.

Mr. Thuma, 149 Wood Street, is concerned that the article does not address green issues or traffic and urges the Selectmen not to support.

Article 54, Amend Zoning By-Law – Mixed Uses in CM District

This article would allow mixed uses in the CM district. Mr. Smith feels this would bring some small shops (sub shop, dry cleaners, etc.) to the CM district that would be appealing to the current businesses.

The Planning Board voted 4-1 to recommend disapproving this article. They are concerned it may affect the retail business in the center and that it might allow strip malls and feel the article needs to be reviewed further to make sure all issues have been addressed.

Article 55, Amend Zoning By-Law – CRO District Floor Area Ratio

This article would allow light manufacturing as an accessory use in the CRO district. Mr. Smith has seen major tenants go elsewhere because manufacturing currently is not allowed. He also feels it should not be necessary to get a special permit.

The Planning Board would support this article if it required a special permit for the manufacturing and plans to amend the motion to require a special permit.

Article 56, Amend Zoning By-Law, Traffic By-Law

This article would modify the existing language of the Traffic By-Law to allow a Special Permit Granting Authority or the Building Commissioner to grant permits if they determine that traffic capacity is adequate.

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The Planning Board voted 3-2 to disapprove this article. They see no real net effect to the changes and do not know of any Special Permit that has been denied. The proposed changes do not adequately address traffic problems. The Planning Board's intent is to bring forward articles regarding Traffic Mitigation to the 2009 Annual Town Meeting.

Mr. Thuma is concerned any action by Town Meeting that would remove traffic as an absolute measure could be interpreted by the development community and potentially by the courts as taking away from the Special Permit Granting Authority the ability to use traffic as a major factor in considering proposed developments.

Ms. Dratch, Traffic Mitigation Group (TMG), read a statement of the TMG that an integrated approach to traffic management must be part of any zoning changes.

Ms. Dratch, Transportation Advisory Committee (TAC), read a statement of TAC that the proposals in the new zoning articles are missing any reference TDM concepts as spelled out in the Planning Board TDM policies. Therefore TAC cannot support Articles 53-60. They strongly urge the Planning Board to work with the TMG to integrate and include these policies into zoning bylaws.

Mr. Smith will return to discuss Article 58, Amend Zoning By-Law – Transition Areas and Setbacks, and Article 59, Amend Zoning By-Law – Parking and Bicycle Facility Standards for Office Use. Articles 57, Amend Zoning By-Law – Development Standards, and Article 60, Amend Zoning By-Law – Parking Standards for Retail Sales, have been withdrawn and will be indefinitely postponed.

The Planning Board adjourned to Room G-1.

### Budget

In order to set up a new revolving fund at Town Meeting for the Tourism/Liberty Ride, the Selectmen have to approve. If approved there will be three amendments to Article 4 recommended by Mrs. McKenna.

Mrs. McKenna, requested that the Selectmen recommend that a Revolving Fund be established for the Tourism Liberty Ride for FY2009 to capture profits from FY2007 and FY2008. The Tourism/Revolving Fund will have \$125,630 authorized for FY2009. There will be \$17,500 in the budget available to use for startup costs. The agreement is that \$17,500 will be repaid for operations after deducting \$2,274 from 2007 surplus and what is earned in 2008 to repay the Town.

Upon motion duly made and seconded, it was voted to recommend to Town Meeting that a Revolving Fund be established for the Tourism/Liberty Ride beginning for FY2009.

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Reserve Fund Transfer

Upon motion duly made and seconded, it was voted to approve the request for a transfer from the reserve fund to the HR Legal Services Account in the amount of \$40,000 for labor counsel.

Consent Agenda

Use of the Battle Green/Parade – Patriots' Day

Upon motion duly made and seconded, it was voted 5-0 to approve the request of the Town Celebrations Committee for the Patriots' Day morning parade, Battle Green Ceremonies from 8:15 a.m. to approximately 9:15 a.m. and the afternoon parade, as outlined in a letter from the Town Celebrations Committee dated March 25, 2008 and contingent on coordination with the Lexington Minute Men and the Town.

Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the minutes of March 10, 2008, March 19, 2008 and March 24, 2008.

Executive Session Minutes

Upon motion duly made and seconded, it was voted 5-0 to approve the executive session minutes of March 10, 2008 and March 24, 2008.

Upon motion duly made and seconded, it was voted to adjourn at 7:25 p.m.

A true record; Attest:

Lynne A. Pease  
Executive Clerk