

PLANNING BOARD MINUTES
MEETING OF AUGUST 10, 2005

Prior to the regular meeting of the Lexington Planning Board, the Board and planning staff went on a series of site visits to recently constructed cluster subdivisions. The purpose of the site visits was to give the Board the opportunity to determine to what extent the developments achieved the Board's intended goals for the projects. Chairman Manz, members Harden, Galaitsis, Canale and Hornig were present, and planning staff McCall-Taylor and Schilt led the tour. One member of the public attended. The tour began at 5:10 p.m. and concluded at 6:45 p.m. The subdivisions visited included Lexington Park, Johnson's Farm, Olde Smith Farm, Coppersmyth Way, and Roosevelt Road.

A regular meeting of the Lexington Planning Board held in the Selectmen's Meeting Room, Town Office Building, was called to order at 7: 30 p.m. by Chairman Manz, with members Harden, Galaitsis, Hornig, Canale and planning staff McCall-Taylor and Schilt present. Chairman Manz stated that the purpose of the meeting was to be a working session of the Board to discuss goals and a work plan for the coming year, including developing a list of priority tasks to discuss with the Board of Selectmen at an upcoming joint meeting.

***** PUBLIC COMMENT *****

Mr. George Burnell and Mr. Andy Friedlich queried the Board on whether they had plans to revise the bylaw for accessory apartments for consideration by Town Meeting next spring in order to address what might be viewed as a loophole permitting single-family homes to be converted to two-family residences. The Board noted that the purpose of tonight's meeting was to discuss what the Board felt were their priorities for next year's Town Meeting, and it would be discussed during the meeting. It was further noted that the state's Attorney General has still not approved the bylaw, and has raised some questions pertaining to language on the certificate of occupancy for approved units. No applications for accessory units have been received by the Building Department since the bylaw was approved by Town Meeting.

***** PLANNING BOARD ORGANIZATION, SCHEDULE *****

Ms. Manz stated that the joint Planning Board meeting with the Board of Selectmen and the Lexington Center Collaborative scheduled for August 17, 2005 has been rescheduled to September 7, and that the Center Collaborative's presentation might be deferred to a later date to allow them time to assemble their data. The intention of tonight's meeting is to review the Board's list of potential projects for 2005-2006. The following topics were discussed.

Center Issues (Parking, Building Height, Density, Uses, Borders/Transition): Ms. Manz noted that parking in the Center is a significant issue, and there is a need to review the parking requirements in the zoning regulations, and perhaps eliminate the parking regulations all together. She referenced a memo prepared by staff that detailed the amount of available parking in the Center compared to the number of spaces required under zoning, and stated that the current supply is not meeting the demands. Mr. Hornig stated that the Board made a commitment to Town Meeting to address issues in the Center this year, so it should be their top priority. He further noted that all of the issues pertaining to the Center (parking, density, uses, adjacent land use) were intertwined and should be addressed simultaneously, which would be a significant effort and require considerable staff time. There was consensus by the Board that evaluating the issues in the Center should be their main focus for the coming months. Ms. Manz and Mr. Canale agreed to take the lead in this area.

Housing (Inclusionary Zoning, Affordable Housing, Cluster Zoning): Mr. Harden stated that the accessory unit bylaw should be added to the list due to political dissatisfaction and difficulty to implement. Mr. Hornig noted that given the pending approval by the Attorney General, along with the current lack of activity for any new accessory units, it was probably worth waiting to see if there really is a problem with the bylaw. It was further noted by the Board that there might be a citizen's initiative to revise the bylaw that the Board would have to review. It was decided by the Board to table work on the accessory bylaw for the time being.

Mr. Hornig noted that the Board has committed to the Housing Partnership Board to work on inclusionary zoning, and felt the Board should support the work currently being done by the Partnership to develop a bylaw.

Mr. Harden stated that work is definitely needed on the cluster subdivision regulations, but it would take significant effort and time given other priorities and therefore should be tabled until next year. Ms. McCall-Taylor reminded the Board that the impact figures within the cluster bylaw do need to be updated, and that the staff has begun to update the figures. Mr. Canale suggested that the Board consider evaluation of Board policies for clusters instead of revising the regulations. This would provide applicants with a clearer picture of the Board's intentions. Mr. Galatsis added that there is a need to look at the guidelines to encourage development of smaller and lower priced housing, and not exceeding the impacts of conventional subdivisions on the same site, and more and better open space than what cannot be developed. Mr. Hornig noted that when the Board reviews cluster subdivisions there are often five different viewpoints related to the guidelines. Ms. Manz noted that the Board needs to define what they really want to achieve through the regulations. Mr. Hornig suggested that given the other priorities and commitments by the Board, and the work needed to come to consensus on their goals for clusters, that for this year it should wait. It was agreed that inclusionary zoning would be a priority, and Mr. Harden and Mr. Galatsis would take the lead. . As time permits, the Board will have further discussions regarding their general goals for cluster housing, and whether the current by-law and regulations are meeting those goals.

Land Use (Middlesex Hospital, Battle Green Inn): Ms. McCall-Taylor stated that both of these projects would require significant meeting time for the Board. She added that the Selectmen feel that evaluating the FAR for properties on Hartwell Avenue and Hayden Avenue is a high priority. Mr. Hornig noted that planning for both commercial areas will take significant time to study and should take a focused effort like the ongoing work for the Center. Mr. Canale recommended that this should be a key discussion item with the Selectmen during the meeting on September 7th. Ms. Manz suggested that a committee be formed for the Hartwell and Hayden areas, similar to the Center Collaborative, and that the process should be deferred to next year given the staffing needs to compile data and background for the effort.

Bylaws (Wireless, Trees, Scenic Roadway, Clarify Stories/Basements/Etc.): Mr. Canale stated that the Communications Advisory Committee may be drafting internal guidelines or revisions to the existing wireless communication facilities bylaw given changes in technology. The process would be minimal work for the Planning Board, but is something they should be aware of.

Ms. Manz stated that the tree bylaw needs work, but there is probably too little time delve into for the coming year. Ms. McCall-Taylor suggested that the Board might want to consider adopting a policy related to the tree bylaw for use during review of subdivisions.

Mr. Canale stated that he had suggested the scenic roadway bylaw, but given other priorities it should not be high a top priority for this year.

Mr. Hornig stated that clarifying the regulations for building heights was important, but not critical at this time. In response, Mr. Harden indicated that the issues surrounding the regulations for building stories and determining heights should be a relatively easy fix, and he would be willing to take the lead. After cautioning about the need to watch for loopholes, Mr. Hornig stated that he would work with Mr. Harden to come up with some recommendations for the Board to consider. Mr. Galatsis stated that he would work on this as well.

Traffic/Transportation (Traffic Mitigation Group, Traffic issues outside of subdivisions, Alternative Transportation): Ms. McCall-Taylor stated that the Traffic Mitigation Group concept arose from the Selectmen's desire for the Planning Board to oversee the negotiations and implementation of

commitments for traffic mitigation from developers, but the Selectmen are responsible for approving the allocation of funds received by the Town. Identification of an oversight group is needed, given the different committees in Town who have an interest in mitigation actions. Mr. Canale and Mr. Hornig stated that they were willing to lead this effort, and that it should be a topic for discussion with the Selectmen at the joint meeting on September 7th to determine the priority and who should be involved.

Mr. Hornig stated that there is a greater need for traffic impact studies for subdivisions and that the current threshold of 50 units to require a study is too high. Mr. Canale added that there is a need to review the zoning requirements for traffic impacts, evaluating the requirements in the same manner that the Board looks at the impacts on the capacity of other public facilities. He felt that this was a fairly high priority because several projects will be coming up for review that will have significant impacts but would be below the current threshold. Mr. Canale, Mr. Hornig and Mr. Galaisis agreed to work on the issues of traffic outside of subdivisions if time becomes available.

It was felt by the Board that even though discussion of policies encouraging alternative modes transportation is important, it is not a high priority given other areas in need of attention this year.

Ms. McCall-Taylor reminded the Board that the Marrett/Spring/Bridge intersection study might need to be added to this list as there is limited funding at this time for Howard Stein Hudson (HSH) to move forward with the next phase of work. However, there are several options given the current circumstances, including requesting an advance on future funding to come from Patriot Partners, or having HSH do some work within the remaining funds with planning staff doing a lot of the support work. Mr. Hornig did not feel that planning staff resources should be allocated and that pursuing additional funding was preferable.

Mr. Canale stated that Hartwell Avenue was also going to become a hot topic in the coming year given the Hanscom AFB was not on the base closing list and that the state had committed to certain improvement in the Hartwell Avenue/Bedford Street area when lobbying to keep the base open. He stated that the Developments of Regional Impact (DRI) committee is focusing on this as there are a significant amount of issues to study, especially those related to land use impacts, and that the Town has a lot of control over what the state is planning for transportation improvements in the Hanscom area. Mr. Hornig stated that there were significant opportunities for improvements, there are a lot of options that should be evaluated, and that if funding is available the Town needs to be involved to make sure that improvements are done properly. Ms. Manz suggested forming a Hartwell Avenue Collaborative to ensure that all interests were reflected in the process. Mr. Canale and Mr. Hornig stated they were willing to take the lead on this initiative.

Planning Board (Development Regulations, Transparency of Process, Confirming Policies and Guidelines, Improving Communications with Other Boards/Committees): Ms. McCall-Taylor stated that the planning staff has on-going work to identify and address technical corrections to the development regulations. Mr. Canale added that revisions to the regulations should be done in coordination with a review of Planning Board policies, and Ms. McCall-Taylor noted that a review of the policies also needs to be done. Ms. Manz stated that she will work with planning staff to devote time during upcoming meetings to review the policies.

Mr. Canale stated that meetings of elected boards will soon be televised in order to promote greater public awareness of town issues and decisions. He suggested that to enhance transparency in decision making that meeting minutes should be posted on the Town website. Ms. McCall-Taylor stated that a committee of staff was already evaluating a policy to post meeting minutes on the Internet in a manner that was achievable and equitable for all departments given different meeting schedules and workloads. The Board agreed that this was important and it should be a priority to get information out in an expedited manner. With regard to the Planning Board meeting minutes, Ms. McCall-Taylor suggested a process for expedited review of draft minutes by the Board to be done electronically. Staff could compile the edits

received from the Board, and the minutes could be approved through a consent agenda, thus saving time during meetings. The Board concurred with this suggestion.

The Board expressed appreciation for receiving the agendas for the Board of Appeals meetings. Mr. Canale asked if the Board of Appeals issues a notice of the results of their decisions, and if the Planning Board could get copies. Ms. McCall-Taylor stated that she would follow up with the Board of Appeals staff to see what could be provided.

Other Projects (Battle Road Designation): Mr. Canale stated that there is a conference on Historic Roads next April, and he is interested in giving a presentation to generate interest among others in promoting the designation of Battle Road as an historic byway.

Mr. Hornig stated that the current lack of GIS capabilities puts the Town too far behind other communities, and that the technology could significantly assist with many initiatives. Ms. Manz emphasized the importance of having GIS as a resource, and questioned whether the Board should request a line item to provide additional staffing and resources to get the system established and maintained. Mr. Canale suggested that this should be a topic for discussion with the Selectmen on September 7th.

Ms. Manz stated that she and Mr. Canale attended the Appropriations Committee meeting on August 4th where there was a presentation by the Community Preservation Act (CPA) committee, and the finance committee seemed receptive to pursuing it. The finance committee's most significant comment was how to sell CPA to the Town, and who should take the lead. The discussion with the appropriations committee included consideration of addressing the CPA as part of a package with an override or a debt exclusion vote. Mr. Canale stated that there would be a meeting in with the Capital Expenditures Committee in September to discuss project ideas. Ms. Manz stated that a ballot committee has been formed and she is willing to be a part of it, but wanted guidance from the Board on how she could support the effort. It was felt by the Board that participation as individuals was appropriate, but not to serve as a Planning Board representative. Mr. Hornig stated that the Board had taken a formal position to support CPA in the past, and that it was currently being spun as a financial tool and not as a planning tool. He said it was important that a Planning Board member should be on the committee that selects how CPA funding is used.

Ms. Manz reviewed the list of projects the Board felt were of first, second and third priority, and who will take the lead. It was agreed by the Board that at the next meeting they would discuss what should be included on the agenda for the September 7th meeting with the Board of Selectmen.

***** INCLUSIONARY ZONING BYLAW *****

Members of the Lexington Housing Partnership Board were in attendance at the meeting in order to answer any questions that the Board might have their efforts to prepare an inclusionary housing bylaw. The Partnership has contracted with consultant Phil Herr to develop the regulations and has been working over the past year. Mr. Harden, the Planning Board's representative on the Partnership, gave an overview of the draft regulation, which requires 15 percent of all units to be affordable in a development that requires a special permit for three or more dwellings, and gives options for the equivalency where fractional units would result. The new regulations do not allow for a density bonus in subdivisions where affordable units are provided. Ms. McCall-Taylor stated that the draft bylaw is currently being reviewed by legal council for input as to whether affordable housing can be required through the special permit without offering a density bonus in return. Mr. Canale inquired about whether the Partnership considered a density bonus, and Ms. McCall-Taylor stated that it wasn't part of the proposed inclusionary regulations.

Mr. Galaitis asked about how many units would be produced by the time that the Town is built-out, and how many projects would require special permits until build-out occurs. He also said that it seemed equitable that developers building single units or doing tear-downs should also shoulder some of the burden to maintain 10 percent of the Town's affordable housing supply, and that a requirement for a

fractional affordable element contribution should also be considered by all projects not just those requiring a special permit. Mr. Harden replied that the first page of the draft report includes a projection of 30 affordable units over 10 years, but that no other projection have been done. He further stated that the special permit process provides a legal foothold to require provisions for affordable housing where requirements for the same provisions through other types of permits can't be justified. Mr. Galaitis wondered how many affordables could be expected at build out. If there were few remaining parcels requiring special permit (therefore few affordable units being produced), then TM might ask why bother with it. Mr. Hornig stated that the new bylaw is essentially institutionalizing what is currently happening through approval of cluster subdivisions.

Mr. Hornig stated that benefit ratios appeared be in line with developer costs, and there should be a greater spread in the number of units for a variety of income levels. He is not sure that two units at 160 percent of median income are better than one unit at 80 percent. Mr. Canale stated that it should be determined what the needs and priorities are in the town, and how the regulations could help to provide housing at price points that are lacking. Ms. McCall-Taylor stated that it appeared that everyone agrees to the underlying principle, it is how the end result is arrived at that needs to be resolved. Mr. Harden concurred that the Housing Partnership needs to flush out the mix of units in terms of affordability requirements. Mr. Hornig stated that the 160 percent of median income seems to be too high, and more units are needed at other thresholds rather than at just 80 and 160 percent. Mr. Galaitis stated that Lexington currently enjoys a greater than 10% affordable housing (as counted by the state), which exempts the town from unfriendly 40B developments. Therefore, he would favor a mix that would, at a minimum, maintain the existing affordable housing ratio to help avoid future returns of 40Bs.

Mr. Canale asked how the inclusionary zoning would apply in the CD zoning district. Ms. McCall-Taylor replied that it would require a change for both the CD and the RD districts. Mr. Canale stated that an inclusionary zoning policy should be established to support the regulations.

Mr. Harden stated that the Partnership will continue their work after getting the legal review of the regulations by developing more underlying data, revising the numbers to provide units at varying thresholds, and probably holding public meetings to get input. Ms. McCall-Taylor noted that provisions should be explored to prevent serial development through any loopholes in the regulations. Mr. Galaitis stated that alternative provisions should be included that require all of the affordable units to be provided on-site. Mr. Canale suggested that more affordable units could be required if the developer chose to build the units off-site. Ms. Manz asked that the Partnership keep the Board updated on its progress, and suggested another meeting with the zoning subcommittee of the Partnership and Phil Herr sometime this fall.

***** CLUSTER SUBDIVISION IMPACTS *****

Planning staff distributed a memo outlining recent work to assess the impacts from cluster subdivisions built since 1996 in an effort to update the numbers used for impact calculations. The numbers show a decrease in occupancy rates, an increase in gross floor area and site coverage, and a decrease in living area.

Mr. Hornig noted that updated numbers looked promising, but thought that the 8,100 square feet for gross floor area seemed high. Ms. McCall-Taylor stated that the current figures were not final and this update was to give the Board an indication of where we are headed, and there will be further discussion on the impact revisions. Mr. Hornig stated that clusters serve many purposes, and that could be sufficient justification to approve subdivisions without doing impact analysis. Mr. Galaitis stated that it was important to assess the calculations to give fair consideration of impacts on abutters. "He further stated that some of the assumed impact numbers used to date, particularly the occupancy numbers, need to be reduced because they have been substantially higher than the conventional subdivision impacts shown by actual data}. Ms. McCall-Taylor stated that staff will keep the Board updated on the progress of assessing

the figures, and this fall would present the final figures to the Board for approval.

***** CENTER PARKING DATABASE *****

Staff distributed a memo detailing work being conducted in coordination with the Lexington Center Committee to determine the total leasable square footage, the required number of parking spaces and the number of parking spaces that currently exist in the Center. Mr. Schilt explained the findings, and noted that a summary of a parking assessment conducted in 2001 and the consultant's recommendations was attached to the memo.

Mr. Hornig stated that the deficit obtained by the number of spaces required compared to the number of spaces provided seemed insignificant as the requirements are national industry standards which aren't always applicable, especially in towns like Lexington. Mr. Schilt stated that most parking requirements are developed to accommodate demand during the worst-case scenario. Mr. Canale stated that a number of the current issues relate more to the efficiency of parking areas, and that solutions are needed. Ms. Manz stated that the current parking scheme is not serving the Town well, and the parking regulations don't correspond to the realities that exist in the Center. Audience member Jerry Michelson stated that a significant problem is that the Board of Appeals overrides the requirements in many instances, and there is a big difference between the conditions in 1984 and those at present. He stated that just increasing the supply might be the best solution to serve the needs. Mr. Galaitsis stated that, because of the perceived higher than available demand for parking, any relaxation in the aggregate parking requirement for a specific use should be backed by an equal increase in aggregate parking supply.

Mr. Canale stated he was pleased with the information, and that a range of strategies is needed to develop solutions. He stated that more information would be useful, including conducting real time surveys, determining which lots are full and at what times of the day, and who is using the parking spaces and why. Mr. Michelson stated that he is preparing a mailing to businesses in the Center and would be happy to include a survey if the Board is interested in getting feedback. He also stated that the parking enforcement officer would likely have data regarding enforcement of long-term parkers using short-term spaces, as well as information related to the times of days when parking is most in demand by visitors.

***** RELEASE OF LOTS *****

Ms. McCall-Taylor stated that the Partial Release of Covenant for the Scottish Glen subdivision listed on the agenda had to be postponed.

***** REPORTS *****

There were no additional reports from either the planning staff or the Board.

On a motion duly made and seconded, it was voted to adjourn the meeting at 10:55 p.m.

Anthony G. Galaitsis, Clerk