

PLANNING BOARD MINUTES  
MEETING OF OCTOBER 5, 2005

A regular meeting of the Lexington Planning Board held in the Cary Auditorium, Cary Hall, was called to order at 7:30 p.m. by Chairman Manz with members Galaitsis, Hornig, Harden and planning staff McCall-Taylor, Schilt, Tap and Tapper present. Mr. Canale joined the meeting at 9:15 p.m.

\*\*\*\*\* MINUTES \*\*\*\*\*

Review of Minutes: The Board reviewed and corrected the minutes for the meeting of September 14, 2005. On a motion duly made and seconded, it was voted to approve the minutes as amended.

\*\*\*\*\* SPECIAL TOWN MEETING \*\*\*\*\*

INFORMATIONAL MEETING: The Battle Green Inn Preliminary Site Development and Use Plan: The applicants for the proposed rezoning of the Battle Green Inn were in attendance to discuss the Preliminary Site Development and Use Plan to go before Special Town Meeting on November 7, 2005. Mr. Eric Shapiro, applicant, Mr. Erik Rhodin, architect, and Mr. John Farrington, attorney, were present.

Mr. Shapiro stated that the new proposal for a mixed-use development at the site has been revised since the previous proposal, which was not approved by Town Meeting in the spring of 2005. The applicants have been meeting with stakeholders to gain support for the revised plan and to understand any concerns about the project. Mr. Shapiro stated that the charrette held by the Lexington Center Collaborative had shown great support for reintroducing housing in the Center. To address concerns stated at the previous Town Meeting about the scale and density of the project, the new plan now has three stories rather than four, 30 condominium units rather than 40, and approximately 5,800 square feet of ground-floor retail space with parking provided in the underground garage. The building has been redesigned to increase the setback from the Cohoes property. A new 33-foot long loading zone is provided on Waltham Street, with on-street parking relocated to Massachusetts Avenue where the current garage entrance is located. Windows that once overlooked abutting properties on Vine Brook Road have been relocated to give neighbors more privacy. The new proposal offered two alternative facades for the Waltham Street frontage, one of which has been "softened" to more closely resemble adjacent structures. The plans have been designed to minimize construction impacts. The existing retail tenants will have the option to move back in. The applicants are also proposing a mitigation package that includes three affordable housing units, \$100,000 to fund a trust for improvements in the Center, and an annual purchase of \$2,000 worth of Lexpress passes for residents of the condominiums. Mr. Shapiro stated that he had tried to make the Inn viable, but industry trends made the business economically infeasible.

Mr. Rhodin presented an overview of the plans. The site coverage of the building has been reduced by six-percent to 21,500 square-feet, with the façade overlooking Cohoes now setback 23-feet from the property line. Retail space has increased by 38%, for an additional 1,000 square-feet. The building setback facing the abutting properties on Vine Brook Road remains the same as the previous plans, but the six-foot fence has been pulled back from the property line by one-foot, and a courtyard on this side of the building has been enhanced. The new loading area on Waltham Street relocates two on-street parking spaces to Massachusetts Avenue, so there is no net loss in public parking. The parking garage provides spaces for service and delivery vans, a space for a Zip Car if feasible, 12 spaces for the retail uses at a ratio of 2 per 1,000 square feet, and spaces for the residential units at a ratio of 2 spaces for each of the 2 and 3-bedroom units, and 1 space for each 1-bedroom unit. There are a total of 75 parking spaces, which is more than the zoning requirements in the current CB district. The retail parking spaces could be available as guest parking for the residential units during non-working hours.

Mr. Rhodin stated that the building heights have been lowered by two-feet, with the highest point being 38' 6". The architecture is similar to the previous proposal, with less articulation. Mr. Rhodin stated that the applicants are still responding to concerns stated in ongoing meetings with stakeholders and Town boards and commissions. In anticipation of some concerns about the Waltham Street façade, Mr. Rhodin showed an alternative design to simplify the façade with a series of recessed bays, use of fewer pediments

and pilasters, and a series of punched windows rather than the French doors currently shown.

### **Planning Board Questions and Comments**

Mr. Galaitsis stated that he was pleased with the changes and the direction the project is heading. He inquired about the view of the abutters on Vine Brook Road of a plain wall rather than one with windows. Mr. Rhodin replied that the change was done at the request of the neighbors. Mr. Galaitsis questioned the changes in setbacks on the east side of the building, the safety of the Waltham Street garage entrance, and the floor-area-ratio of other buildings in the Center. He stated that with a building height of three stories the rooflines should be revised to be more consistent with adjacent properties.

Mr. Harden complimented the applicants on their latest design, and the alternative elevations for the frontage on Waltham Street. He noted that the parking requirements are a complex issue given that there are no pre-set dimensional standards in the CD zoning district; while the CB district requirements provide a point of reference, according to Town Counsel the PSDUP governs. Mr. Harden also questioned the loading zone and how it would be used. Mr. Rhodin stated that it would be a permanent space for any truck making deliveries to businesses in the Center; moving vans or special deliveries to residents in the new building would require the management company to reserve the time with the Town along with additional metered parking spaces if necessary. Mr. Harden questioned whether enough parking spaces were provided. Mr. Shapiro stated that under the CB zoning only 68 spaces would be required; currently there are 7-8 spaces used by the 4,800 square-foot of retail tenants, so the numbers seem about right to him. If more spaces are needed the retail tenants could rent spaces from the condominium owners. Mr. Harden suggested that more spaces should be provided for the retail tenants, and the tandem spaces identified for retail use may be more appropriate for the condominiums.

Ms. Manz stated that she appreciated the loading zone being provided, and while it is not a requirement of the CD zone, there is a need for the space in the Center. She noted her preference for more parking spaces for the retail tenants. She asked if the traffic study included calculations of vehicle trips for the commercial uses. Mr. Rhodin replied that there would not be a significant change from the current retail tenants, noting the change from a hotel to condominiums will significantly decrease the amount of traffic. Ms. Manz stated her preference for the original proposed façade on Waltham Street, and asked whether the alternative presented would decrease the square footage of the condominiums. Mr. Rhodin stated that only one unit on the third floor would be affected in size, and that the alternative façade is calmer and respects the vernacular of adjacent buildings. Mr. Shapiro added that the alternative is a consideration in anticipation of comments from the Historic District Commission, which will be reviewing the plans on November 3<sup>rd</sup>.

Ms. Manz inquired whether the entrance to the condominiums from Massachusetts Avenue is ADA compliant. Mr. Rhodin stated that the entrance is a secondary access, and the main entrance on Waltham Street is fully compliant. Ms. McCall-Taylor stated that the Town's Development Review Team had reviewed the plans and would prefer to see compliance at all entry points; disabled residents that want to visit the retail uses on Massachusetts Avenue would need to use the Waltham entrance and travel around the block, rather than go through the building. Audience member Leonard Morse-Fortier stated that he is a member of the Commission on Disability and that he had commented on the plans for the Development Review Team. He stated that with the slope between Waltham Street and the entrance at Massachusetts Avenue, the height of the garage could be lowered along the Massachusetts Avenue frontage to achieve a first-floor elevation that would be ADA compliant. Mr. Rhodin stated that the building corridors have been designed to be flat, rather than having numerous ramps in many places, which can be confusing for some disabled individuals. He added that the design gives consideration to higher elevations for the units on the first floor of the building facing the Cohoes building in order to minimize impacts from views of the parking lot. The intent of the design is to work with the existing building foundation to minimize costs and construction impacts to neighboring properties. Mr. Rhodin suggested that if accessibility were determined to be necessary for the Massachusetts Avenue entrance, they would be willing to consider

installing a lift adjacent to the stairway.

Mr. Patrick Mehr questioned the proposed sizes of the condominium units in comparison to those previously presented to Town Meeting. Mr. Rhodin stated that the unit sizes are similar and the difference is the number of units due to the reduced floor plate. Mr. Mehr questioned the economics of the project, and whether the profits lost from the reduced number of units would be recouped through higher sales prices or the use of lower quality materials. Mr. Rhodin stated that the budget for the project has been a concern, and the simpler architecture and reduced building volume helped to reduce costs, but the units on the third floor of the building would probably be increased in value. Mr. Mehr stated that the rezoning should not be a de-facto permit to allow developers to make money in light of benefits that should be provided to the town. He suggested that the proposed project was going to be a ghetto for millionaires, and the town needs more reasonably priced units.

Mr. Julian Bussgang, of the Belfry Hill Neighborhood Association, stated that the Association provided the Planning Board with a letter outlining the neighborhood's concerns, with three main points:

- the setback of the building from the properties on Vine Brook Road should be similar to that of Cohoes;
- maintaining the garage entrance on Massachusetts Avenue would be safer than having it on Waltham Street; and,
- the project should test how housing will work in the Center, and no other housing should be permitted until the impacts can be evaluated.

Mr. Bussgang further noted that controls should be in place for the affordable units to exist in perpetuity, with the Town having control over the sale of the affordable units.

Mr. Frank Sandy stated that he had supported the project at the previous Town Meeting, but has since reconsidered his decision. While he supports mixed-use development, he feels that having housing on the ground floor is not acceptable and does not reflect the principles of smart growth. Some space on the first floor should be dedicated for parking, as underground parking will not be available for retail customers.

Ms. Helen Pride asked why the setback on the Vine Brook Side was not similar to that on the Cohoes side, and what sort of noise impacts would result from the condensers on the roof. Mr. Shapiro replied that both the site and the Pride's property were zoned commercial, which has no setback requirements for side yards. He stated that the project team had to balance the financial viability with the many different concerns about the site and the many benefits that would be provided to the town. Mr. Rhodin stated that the design has increased the setbacks by one-foot or more on the upper levels, but any reduction on the ground level would result in fewer parking spaces, which the Planning Board would not support.

Ms. Manz stated that she was pleased with the applicant's proposed mitigation offerings. She reminded the audience that the Public Hearing for the project would be on October 17<sup>th</sup> and there would be sufficient time for further questions and discussion.

(Mr. Canale joined the meeting at 9:15 p.m.)

\*\*\*\*\* LEXINGTON CENTER INITIATIVES \*\*\*\*\*

Parking: Ms. Manz stated that she and Mr. Hornig have been working to draft initiatives for parking in the Center, and wanted to share her initial thoughts to get a response from the Board. She stated that the overall problem is the parking requirements in the zoning bylaw, and the need to support business development balanced with deficits in parking supply. She stated that lunch hour is the crunch time, and there are practical responses to meet the need, including providing more two-hour meters, with long-term parking elsewhere, and segregating where employee parking is permitted. The current effort is to identify where more spaces can be provided to meet immediate demands while working on a long-term solution.

Ms. Manz stated that there are a number of opportunities to gain more parking spaces, even if it is just a few. NSTAR has stated a willingness to lease a portion of its site to the town for parking, and has a plan that could provide up to 35 spaces. The Post Office was also approached to see if some of its spaces currently used for delivery trucks could be used for employee parking when the trucks are in use. There are also about 10 private lots with potential to lease some spaces for permitted employee parking. She stated that the main problem is determining who should pay for the parking; the costs to developers or property/business owners is a disincentive, and charging users may cause shoppers to go elsewhere.

Ms. Manz stated that parking ratios are based on studies of undeveloped areas where parking for new development is free; such requirements are often modeled by communities for already built areas, and do not apply to unique circumstances such as those in the Center. Growth in the Center will generate greater demand for parking, and the key will be to provide convenient parking for customers and visitors with employee parking in designated areas. The Selectmen are considering a study to determine the need for a parking structure and may form an oversight committee. The Lexington Center Committee is also considering secondary alternatives, including better connectivity, better use of parking meters, and provisions for parking on residential streets.

Mr. Hornig stated that his thoughts on parking complement those of Ms. Manz, although he feels that providing parking is ultimately the responsibility of the Selectmen, and the role of the Planning Board is to focus on zoning. Right now, new construction must be in accordance with the bylaw, but his thought is that the Town should provide parking for visitors and customers, and business owners should provide employee parking. For a parking structure to be constructed the demand must be demonstrated to justify the cost. Mr. Hornig feels that zoning for by-right parking should be tighter, with a special permit to relax the rules, but not below a certain threshold; the regulations should be based on the number of employees, not on the use or square footage as is currently done.

Ms. Manz said the Town Manager is considering issuing a request for proposals to owners of private parking lots to see if some spaces could be leased by the Town to provide more permitted parking for employees. Mr. Schilt stated that the handout provided to the Board shows the results of the parking survey thus far received, and a significant amount of the employees were already parking in private lots. He further stated that only a small number of responses have been received thus far, and that some follow up questions are needed to get better information.

Mr. Galaisis stated that he supports the concept of a parking structure committee, and the proposal by NSTAR, and feels that it is important to provide measures so that residential streets are not impacted. He further noted that the Town should take the lead and not make merchants responsible; the Town provides schools, perhaps it should provide parking. The capital expenditure should be viewed as a public benefit and should be paid for by everyone. Mr. Canale inquired about the cost to the Town to provide visitor parking, and how much should be provided.

Mr. Hornig stated that the goal should be to prevent employees from parking at metered spaces, and encourage them to park in lots. Mr. Canale inquired what the mechanism should be to determine how much employee parking should be required in a bylaw. Mr. Hornig stated that the bylaw is arbitrary, and does not take into account the number of shared trips customers and visitors make in the Center; the number of employees is a quantifiable number and the regulations can be based upon that number. He noted further that more data is needed to identify the number of employees in the Center and to compare the employee pool to the parking supply; the Town should supplement the supply to meet the demand. Mr. Harden stated that certain businesses require a special permit, which provides a mechanism to require parking to be provided; businesses allowed by-right do not go through any kind of plan review. Mr. Galaisis stated that there are probably more customers in the Center than employees, so the demand would be higher than the amount of parking that would be required if the regulations were based on the number of employees. Mr. Canale cautioned against trading one set of Byzantine regulations for another.

Mr. Richard Michelson stated that it will be difficult to enforce having businesses manage where employees park, and enforcement of parking at meters is the overall problem. He feels that a parking structure is an answer, but the problem is the cost to build one. He suggested that enforcement should be upgraded, with fines for violations increased, and that the fines should escalate for individuals who are repeat offenders. Mr. Canale suggested that a towing policy should also be considered.

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

Reduced Frontage Subdivision Policy, Impervious Surface Standards/Cluster Guidelines: Due to the late hour and additional topics to discuss on the agenda, the Board agreed to table the discussion on Planning Board Policies and Guidelines until future meetings.

\*\*\*\*\* REPORTS \*\*\*\*\*

Staff

Ms. McCall-Taylor stated that the funding has been received to start the next phase of the Marrett Road/Spring Street/Bridge Street intersection study. She stated that counts on streets not identified in the original contract would be \$200 for each additional location, but stated that Shade Street appeared to be appropriate given the street’s potential for use as a cut-through. Mr. Canale questioned whether the counts were appropriate at this time given the amount of vacancies and buildings not yet built along Hayden Avenue. Ms. McCall-Taylor stated that the counts would provide a baseline to measure against future growth and development. The Board supported payment of an additional \$200 for the additional counts.

Planning Board

Ms. Manz asked whether the Planning Board when reviewing projects should consult the Commission on Disability more often and include compliance with disability requirements early in such review. Ms. McCall-Taylor stated that Town staff recently implemented the Development Review Team to obtain input from various departments on projects, and the Commission on Disability is represented. Mr. Hornig stated that there are other regulations on accessibility for new buildings, and the Planning Board should not be responsible for areas where it is not their jurisdiction. Ms. Manz asked whether the Planning Board could rely upon certification by an architect that a project is ADA compliant. Mr. Harden noted that other departments review for compliance, and the Board should not have to consider it.

Mr. Canale reported that the HATS committee had held an executive session this evening regarding litigation over permitting at Hanscom Field. There will be another executive session on Friday, October 14. He also noted that he had attended a Clean Energy Workshop and there were a lot of good examples of resources and technologies, in addition to state grants and funding sources. Jeanne Krieger will discuss options with the Selectmen.

\*\*\*\*\* EXECUTIVE SESSION \*\*\*\*\*

At 10:30 p.m., by individual poll of the Board – Mr. Galaitsis, Mr. Harden, Ms. Manz, Mr. Hornig, and Mr. Canale – it was voted to go into Executive Session to discuss litigation regarding the Grandview Avenue Subdivision, and not to return to public session.

Anthony G. Galaitsis, Clerk