

PLANNING BOARD MINUTES  
MEETING OF OCTOBER 17, 2005

A regular meeting of the Lexington Planning Board held in Estabrook Hall, Cary Memorial Building, was called to order at 7:35 p.m. by Chairman Manz with members Galaitsis, Hornig, Canale, Harden and planning staff McCall-Taylor, Schilt, Tapper and Tap present.

\*\*\*\*\* 2005 SPECIAL TOWN MEETING \*\*\*\*\*

Article 2 - CB to CD, 1720 Massachusetts Avenue, Battle Green Inn Conversion: Ms. Manz opened the public hearing on the property owner's proposed rezoning of the Battle Green Inn property from CB, Center Business district to CD, Planned Commercial Development district, for the purpose of redeveloping the site for residential condominiums and street level commercial space. Mr. Eric Shapiro, the owner; Mr. Erik Rhodin, partner and architect, Line Company. Waltham; and Mr. John Farrington, attorney, presented the proposal and answered questions. Twenty-six people were in the audience.

Mr. Shapiro thanked the residents and committees who have made suggestions and offered support for the proposed rezoning over the past two years during which the development team reached out to and met many times with town boards and committees and neighborhood groups. The recent Center Charrette endorsed the addition of housing to the Center. He said that they have all helped shape the proposal offered tonight. Mr. Shapiro expressed his belief that the new structure would be a "jewel" in Lexington Center and that the new residents and stores would contribute to the vibrancy of the center business district. He emphasized the following points:

- Approval of this rezoning would not set any precedent. Future proposals would face the same process and scrutiny.
- Every aspect of the development would be of high quality.
- It would be fiscally advantageous to the town.
- Traffic impacts would be minimal; less than the current temporary housing use and much less than a successful hotel use.
- The underground garage would provide all required parking spaces.
- Empty-nesters are the target market.
- Three affordable dwellings, representing ten percent of the proposed 30 residential units, would be provided.

Mr. Rhodin explicated the plans and pointed out the revisions made since the proposal was presented to the 2005 Annual Town Meeting.

- The architecture overall is less articulated, and so is less costly.
- The change of the entrance to Waltham Street is still seen as much preferable to the Mass. Avenue entrance, for many reasons, including traffic flow, and especially in terms of safety considerations.
- The east façade would be 23 feet from the property line, with no loss of plantings and privacy for the units on that side. The south façade remains 12 feet from the lot line.
- The cornices on both street facades are no higher than the adjacent buildings' cornice lines.
- The Waltham Street façade is "gentler" and relates more to the style of the two older buildings flanking it. It has been "notched" to relieve the visual mass of the building.
- Two lifts render the building handicapped accessible from Waltham Street and Mass. Avenue.
- A loading area on Waltham Street could be provided with the Board of Selectmen approval.
- Relative to site drainage, lot coverage is currently 98 percent; proposed lot coverage is 76 percent.

**Board Questions and Comments:** Board members had a number of questions and comments about figures represented in the PSDUP text and on the plans, as the numbers did not always agree. Mr.

Farrington said he would address that issue and make sure they do agree in a revised PSDUP. He used some estimated numbers to allow the slight "wobble-room" always needed in a proposal this size. The Board advised adjusting them to be less liberal, for its comfort and that of town meeting members. Mr. Canale requested that the required text on justification for rezoning and on fiscal information be added as an appendix Mr. Farrington agreed to do so. Mr. Hornig requested that the PSDUP make more clear the areas in which the proposal is within Zoning Bylaw standards, e.g., lighting, wireless communications antennae, etc., as is done with traffic counts. Mr. Farrington emphasized that the proposal adheres generally to the rules for the CB district in the Zoning Bylaw, except for the proposed residential use and the height of the building.

Mr. Galaisis stated his disapproval of the proposal, citing his understanding of the intent of the Housing Element of the Comprehensive Plan when the Board wrote it in 2002. He supported adding residential uses to the center but did not envision "an apartment building", with a small amount of commercial space. And when he said during the 2005 Annual Town Meeting that he wanted a story to be removed, he did not mean the partial fourth floor, which is the only floor not shown in this plan; the building is too massive

Mr. Harden's concerns had to do with the loading zone, which is outside of the area to be rezoned on Town property, and with the allocation of parking spaces, especially the use of tandem parking for the businesses. He believes the commercial uses should have more spaces available to them as the residential condominiums have more than enough. Mr. Farrington indicated that the team would examine this issue further. Mr. Harden also pointed out the discrepancy between the PSDUP text and the data on the drawings regarding the number of bedrooms in the affordable units. The correct numbers are two 2-bedroom units and one 1-bedroom unit.

The Board requested that the applicant revise the October 14 PSDUP to make specific changes on providing missing information and clarifications.

**Audience Questions and Comments:** Comments from the audience included:

- Mr. Richard Michelson, town meeting member (TMM), stated that many people have called him to say they do not want this proposal to be approved due to its size and other perceived negative impacts and the precedent they believe it would set.
- Mr. Frank Sandy, TMM, objected to the preponderance of residential units, though he supports mixed uses in the Center and said he would not support the proposal this time as he would prefer only commercial and parking uses on the first floor.
- Mrs. Iris Wheaton, resident, asked again for the affordable units to be identified on the drawings, having made the request at the October 5 informal meeting. She also indicated that the affordable units should be much like the market rate units. Mr. Rhodin responded that all of the units would be spacious and attractive. Mrs. Wheaton also felt that commercial should be the main use.
- Mr. Rod McNeil did not want to lose the hotel use and thought there ought to be only enough housing to finance the building upgrade. Several people commented that residential use should not occur on the first floor.
- Mr. Julian Bussgang, 4 Forest Street, listed conditions he thought should be imposed if the proposal is approved, including no left turns allowed out of the driveway, and preferably, no left turns into the property. He was assured the town would have the right of first refusal when the affordable units change hands. He asked that his written comments be made a part of the public record.
- Ms. Pamela Lyons, resident, expressed her strong support for the project and her fear that it would suffer the long, drawn out miserable fate of the Fan Pier in Boston. She noted the many residents who want to downsize yet stay in Lexington, for whom these units, close to amenities and transportation, would work well, and asked that the market be allowed to decide what will succeed

in Lexington Center.

- Ms. Mary Jo Bohart, Chamber of Commerce, noted that non-sidewalk facing stores often fail, lacking needed visibility, and indicated that the amount of retail space proposed seems appropriate.
- Ms. Dawn McKenna, Tourism Committee, indicated that lodging for tourists is still needed in the Center.
- Mr. Colin Smith, chair of the Design Advisory Committee, read the committee's statement of support for the proposed building in terms of design and for the relocation of the entrance to Waltham Street. The committee asked that its written comments be made a part of the public record.
- Mr. Steve Heinrich, resident, asked about home occupations relative to condominium residents. Ms. McCall-Taylor referred him to the provisions of the Zoning Bylaw, which for home occupations are impact based.
- Responding to Mr. Canale's question relative to sustainable development principles, Mr. Rhodin described the proposed building as highly energy efficient and said it exceeds Energy Star standards.

The public hearing was closed at 9:20 p.m.

#### Discussion of Draft Report to Town Meeting on Article 2

Mr. Galatsis opened the discussion by stating that on the basis of what had been said to date he will vote no on the proposal. When the Planning Board voted for the comprehensive plan and in favor of residential in the downtown, he never expected it to be in a new building but rather over existing businesses. He also felt size was an issue. He wanted retail to be the primary use and housing secondary. The details didn't matter.

Mr. Canale said he agreed with Mr. Sandy and Ms. Baci that ground floor should be retail use but he found this acceptable. He wants a thriving dynamic center and, for that, some minimum density of housing is needed. He did not see it as an experiment and did not feel the Board needed to see how it played out prior to considering another request for housing in the center.

Mr. Hornig said that he would rather see housing on upper floors and a better solution for loading but in this case he could not see retail in the back or parking on the ground floor. A loading bay requiring backing in or out is not what he would want and a drive-through bay doesn't work on this site. In the context of this site, what is proposed is okay. As to the issue of height, since he was in favor of increasing the height in the CB district, he had no objection to the height proposed for the CD.

Ms. Manz said that what is there now is a seedy motel and residential use. She is comfortable with more height in the center and the proposed density is in keeping with what is there. The odd shape of the lot makes this a unique situation. She did not feel that 30 units would change the nature of the center.

Mr. Harden agreed that this is a very difficult site and he said he feared that it might suffer the same fate as the Fan Pier as noted by someone at the public hearing. He felt that it was extremely thoughtfully done and the public hearing comments were picking at the little stuff. He felt this proposal represents an exceptional opportunity.

Mr. Canale said that the Board might have to do a supplemental report when the final figures are submitted.

The Board then began a long discussion of the parking spaces and how they should be allocated between the commercial uses and the residential uses. Mr. Harden felt that the special permit should have a

condition that there be at least 18 spaces for retail use and that any tandem spaces should be for residential uses. He also said that a restaurant using the CB standards would need 23 spaces and that would break down to 23 commercial spaces, 47 residential spaces and 5 tandem spaces. Mr. Harden said that the ground floor was only as big as it is and they should deal with those spaces. If too many spaces were allocated to retail use it would mean the loss of the delivery, guest and zip car spaces. After further discussion it was the consensus of the Board that 18 in and out parking spaces be reserved for retail use, 47 for residential, 5 for service vehicles, guests and a zip car and the 4 tandem could go to whoever would buy them.

On a motion duly made and seconded, it was voted to recommend approval of Article 2, the rezoning of the Battle Green Inn, to Town Meeting. The vote was four in favor and one, Mr. Galaitsis, opposed.

On a motion duly made and seconded, it was voted to adjourn the meeting at 11:20 p.m.

Anthony G. Galaitsis, Clerk