

PLANNING BOARD MINUTES

MEETING OF April 11, 2007

A regular meeting of the Lexington Planning Board was held in Room G-1, Town Office Building, and called to order at 6:25 p.m. by Chairman Manz with members Zurlo, Canale and planning staff McCall-Taylor, Henry and Kaufman present. Mr. Hornig and Mr. Galaitsis were absent.

***** APPLICATIONS TO THE BOARD OF APPEALS*****

18 Rockville Avenue:

Ms. McCall- Taylor said the Planning Board should consider commenting on the petition before the Board of Appeals regarding 18 Rockville Avenue. The applicant Mr. Tom Costello was present to answer any questions of the Board. Mr. Costello is appealing the Zoning Enforcement Officer's Decision, dated February 21, 2007. He stated that his lot is registered with the Land Court and therefore not subject to approval by the Planning Board. Mr. Costello claims the Planning Board should have put a covenant on the lot when they endorsed the ANR in 1976, but never did, so he feels that the Planning Board lost their opportunity to have any say over any construction on this piece of land. He is now challenging what he characterizes as the Zoning Administrator's decision to "decline to rule."

Mr. Canale said his understanding is that the Planning Board has the responsibility to determine adequacy of construction and layout of a road. Ms. Manz agreed with Mr. Canale and suggested to Mr. Costello that he go through the normal protocol. She asked why he assumed the Planning Board would not approve his plans regarding the construction of this road. Mr. Costello stated he planned to follow the Town Engineer's Standards and have them supervise and approve it; however, he believed that the normal standard for existing town roads was different from the standards under the subdivision bylaw. Ms. McCall-Taylor wondered how the Planning Board would know if the road is being constructed adequately without plans being submitted first.

On a motion duly made and seconded, it was voted 3-0 to ask the Zoning Board of Appeals to uphold the Zoning Administrator's decision.

***** ZONING INITIATIVES*****

Cluster Bylaw Revision:

Ms. McCall-Taylor discussed utilizing an advisory committee to work with the consultant to help review and revise the cluster bylaw. The advisory committee should be formed by late April to early May. It

would have five to nine members, drawing from Planning Board and other boards and committees. A general invitation would be sent to TMMA to ask for participation and help get the information out before the public.

***** ARTICLES FOR 2007 TOWN MEETING*****

Article 4, Inclusionary Housing:

Ms. Manz said that Charles Lamb has suggested bringing back Article 4 for reconsideration, but he would not do so unless he felt the needed votes to get approval would be there. She felt discussion of the issue could wait until the next meeting when all Board members would be present. Ms. McCall-Taylor said that if changes were made to keep the concept of inclusionary units in the bylaw but those changes would produce virtually no affordable units, it really wasn't worth pursuing, as considerable staff time that would be needed to draft the implementation regulations. Mr. Zurlo suggested that if a petition were presented with 50 names supporting a changed bylaw, it might make it worth reconsideration. The Board felt that was a prudent move in determining if reconsideration of this article would be sensible.

Article 15, Demolition Delay:

Ms. Manz shared her speech, which she will present tonight at Town Meeting, in support of Article 15, and asked the Board for any input. Mr. Canale indicated that he would make a similar presentation as representative to MAPC.

***** BOARD REPORTS*****

Board Reports: Mr. Canale said that Bedford passed a new bylaw establishing a special permit with site review process and design guidelines for properties along the Great Road.

On a motion duly made and seconded, it was voted to adjourn the meeting at 7:10 p.m.

Gregory Zurlo, Clerk