

PLANNING BOARD MINUTES

MEETING OF DECEMBER 19, 2007

A regular meeting of the Lexington Planning Board was held in the Selectmen's Meeting Room, Town Office Building, and called to order at 7:35 p.m. by Chairman Hornig with members Zurlo, Canale, Galaitsis and Manz and planning staff McCall-Taylor, Henry and Kaufman present.

***** MINUTES *****

Review of Minutes: The Board reviewed and corrected the minutes for the meeting of November 28, 2007. On a motion duly made and seconded, it was voted, 5-0, to approve the minutes as amended. The Board reviewed the minutes for the meeting of December 5, 2007. On a motion duly made and seconded, it was voted, 5-0, to approve the minutes.

*****SUBDIVISION ADMINISTRATION*****

CONTINUED PUBLIC HEARING

960-990 Waltham Street, Definitive Special Residential Subdivision: Mr. Hornig opened the continued public hearing. In attendance were Mr. Richard LeClair, attorney, Mr. Roger Kallstrom, landscape architect, and Mr. Charles Navratil, architect. Mr. LeClair said that the Board's initial concern was the size of the building and the impact on the Kasparian property, however, taking off a floor was not an option. Mr. Navratil said they changed the elevation by lowering the plate height and therefore the ridge height, which reduces the look of the mass of the building. The site sections toward Waltham Street and behind the lower cluster show changes in elevation and that the neighbors' view is pretty much over the ridgeline of the condominium. The neighbors' floor elevation is similar to that of the condominium and they only see the "two-story" side. Screening of the buildings from the abutters would be done with evergreens. A video was presented with a three dimensional view of what the planted trees will look like at maturity, which is approximately 10-15 years.

Mr. LeClair said the Kasparian home, which is presently unoccupied, would have a view from an angle looking at the two-story end of the building, which is lower than a regular home. He stated the trees would shield it completely. This project has been changed significantly since its inception in May 2006. He stated that this current plan is a good one and was developed not just by applicant, but also the Planning Board. The only change from the last submissions was the access and traffic pattern. He maintained that in ten years one will not see the project from the street or the Kasparian property. The Board has told them to move forward with the preliminary plans. Mr. LeClair said he had contacted Mr.

Kasparian who did not seem too interested in offered mitigations such as trees, fences, walls, etc.

Mr. LeClair then addressed the issues from the last meeting. Cut and fill numbers for the proof plan would be 206 cubic yards of fill, and for the cluster it would be 66 cubic yards removed. Tree replacement by caliper would be 69.8%. Another missing detail on the plan now being addressed is the walking path, which would be brought out to the right by the pump house. The sidewalks are ADA compliant (always were at 6% or less, made a mistake last time). Mr. Zurlo said it should be 5% or less with no handrails; over 5% handrails are required. Addressing the engineer's comment on the dead-end fire hydrant, Mr. Porter of VTP Associates said he spoke with Mike Flamang from engineering and discussed that the hydrant would be placed opposite unit ten where the fire department wants it. Mr. Porter had also requested MWRA plans on the gate valves and is waiting a response. The infiltration chambers for units six, seven and eight would be within eight feet of the building, but three feet below the basement, so they are fine.

There was a suggestion to move the entrance south away from the lot lines. Mr. LeClair said although it is conceivable to move it, there would be no gains in doing so. The trees would block the cars and lights. Mr. LeClair asserted that the current approach fits and works, and he will stand with what has been worked out.

Board Questions:

Ms. Manz asked why they couldn't approach replacing trees removed with an equal number of trees; couldn't they plant more? Mr. Canale said to consider that some of the trees that would come down are huge. Ms. McCall-Taylor said that they are within the standards of the Tree Bylaw, which as a 1:2 replacement standard.

Mr. Galaitsis disagreed with Mr. LeClair's statement that "this current plan...was developed not just by the applicant, but also the Planning Board". He asked Mr. LeClair to confirm that in each of the previous meetings Mr. Galaitsis had pointed out that the maximum limits calculated for this development were too large because they treated wetlands as dry land; that the impacts of the proposed development were at least 50% higher than those of a conventional development; and that the density and size of the buildings should be brought down. Mr. LeClair said the current plan is within the limits of the bylaw and is only close to reaching the maximum on the impervious surface ratio (ISR). The gross floor area and site coverage are not near the maximums. Mr. Zurlo said that it was worth noting that while he previously saw the height figures, until he saw the three dimensional pictures he didn't have a real sense of the street

perspectives and the Board only was shown elevations at the definitive stage. As a note to the board Mr. Zurlo suggested the board consider requesting street perspectives and similar drawings earlier in the process. Brookhaven, while it is large, is deep within the site. He was uncomfortable with what he saw last week from an aesthetic standpoint. Also, the walk-through showed large tree canopies, and questioned if they were depicted accurately according to their species. Mr. Navratil said what they showed is what the nursery said would be the height and width at maturity. Mr. LeClair said this is the trade-off between more open space and the units being closer to Waltham Street.

Mr. Zurlo said he recalled choices the applicant was faced with from the February meeting discussion, which included reducing the number of units. The Board had received an email from the Whitmans mentioning environmental concerns. Ms. McCall-Taylor said the only environmental concern she knows of is wetlands, which is before the Conservation Commission. Mr. Canale said he had a number of questions he expressed and had been willing to go forward, but had wanted a mid-term review so the issues could be addressed before the definitive submission. While the applicant had indicated an unwillingness to do anything with the height he wondered why there was a need for ten-foot cellars? Mr. LeClair said the architect indicated they could only lower the third floor by one foot. And again asked is they needed the ten-foot cellars? Mr. Navratil said it was aesthetic to keep the gutter and ridgelines level across the sloping site, to make it more uniform looking. Mr. Canale suggested working with the topography instead. Mr. Navratil said they are doing both and this minimizes fill. Only one unit's cellar is ten feet, the cellar on the other end unit is only seven and one half feet. Mr. Canale said they had not completed all the details and evaluated the trade-offs at the preliminary review, but noted that he had specifically said at that stage that he was concerned about the project's scale and mass as presented to the street. The Board has a responsibility to the abutters and those who pass by, and the treescape is very important, especially since this is a major gateway to Lexington. Mr. LeClair said this was discussed earlier in the process and the transition from Waltham to Lexington was considered.

Ms. McCall-Taylor said that there were two letters received today, one from the Whitmans raising concerns, and one from Mr. Cannalunga supporting the project.

Mr. Hornig stated he had a concern about parking in the lower village. Mr. Navratil said there is parking in the driveways. Mr. LeClair said they could add some parking, but the impervious surface would increase, and aesthetically it would have an impact. Mr. Hornig asked about the removal of the three existing structures and adjusting the limit of work line. Mr. Canale said less disturbance is better but there are concerns about hazardous materials. Mr. Henry said this is a subject for the Conservation Commission

to handle. Mr. Hornig asked about the overhead wires along Waltham Street. Mr. LeClair said they would relocate the two poles out of the entrance. Mr. Hornig asked about the drains under the detention basins; they must drain within 48 hours and plans need to be submitted to Engineering. Mr. Hornig said there are a number of changes and adjustments and the Board needs to consider them. Mr. Canale asked if there were any reports from engineering regarding the condition of the sidewalks and Mr. Henry said not yet, and he would follow up with them.

Public Comments and Questions:

Mr. Steve Heinrich of 11 Potter Pond and a representative of South Lexington Civic Association stated his number one concern is the issue of safety. There are two curb cuts close to Brookhaven and he suggested widening the north access drive and eliminating the southern driveway.

Mr. Malcolm Kasparian of 956 Waltham Street says his family house is right next door to the project and he is concerned with the townhouse mass, scaling and height issues related to his single-family dwelling and requests the Board deny the special permit.

Ms. Neva Reiner of 1010 Waltham Street considers this a creeping blight. There is a 300-foot creek bed between Brookhaven and the homes, which serves as a natural transition. There are also traffic issues and this is just dumping on a bad situation to make it worse.

Mr. Andrew Friedlich of 22 Young Street said this subdivision plan is troubling. He said this is counter to how the Cluster was sold at Town Meeting and to the Town's financial interest. This is purely a profit motive for the developer, otherwise they would come in for an as-of-right project, and it will have a much higher negative tax impact than a by-right development. Ms. McCall-Taylor said that the tax implications of an individual or particular development were not within the purview of the Planning Board. Mr. Hornig concurred.

Mr. Hornig asked the Board if they wanted to continue with the public hearing in order to get the plan changes incorporated.

Ms. Manz said she would like to attempt to see generally if members were willing to approve this project with appropriate changes and, if so, enumerate the changes. Mr. Canale concurs that this has been a good process and there has been plenty of movement, but is this plan acceptable? The details are critical, and the scale and massing are still key; he was not sure if these are appropriate conditions. Ms. McCall-Taylor

said the decision deadline is January 11, 2008. Mr. Zurlo had comments on traffic and circulation. Ms. McCall-Taylor said DRT reviewed the plans and had no red flags. Mr. Canale asked if instead of full curb cuts, would emergency access be possible? Also, perhaps on-street parking would reduce Waltham Street traffic speed. He said he was reluctant to require more parking. Mr. Zurlo said a point raised which should be considered is if two cars 200 feet apart attempt to turn left into each entry it could present traffic problems. He also stated he wanted to see the end unit (number five) dropped four feet, which would go a long way in reducing the scale of the building, and could be done as a condition. Ms. Manz said it should not be done as a condition because it is too substantial a change. Mr. Galaitis said the Board needs to decide if they are comfortable with the major impacts of the plan, such as the gross floor and living area square footage and make clear what they want.

Mr. Hornig asked the applicant if he wanted to continue the public hearing. Mr. LeClair said he would like to talk to his engineers and asked for a few minutes before responding.

Mr. Hornig said the Board would briefly discuss another matter on the agenda and then have Mr. LeClair respond.

Wisteria Lane Subdivision, Request to modify turn around: Mr. Joe Marino, the applicant, requested an increase to the pavement width of the turnaround, due to difficulties with parking and plowing. He is requesting this prior to completing the inside granite curbing and final paving. It was built to town standards and has the designer certification.

Mr. Canale suggested making the turn around more of a teardrop shape. The Board wanted to know whether this would cause an increase in the impervious surface ratio and what was the effect on the drainage calculations. The Board wondered if there was a problem with dimensional standards, since it was built to town standard, if so it needs to be addressed more broadly, and not just for this development. There were also questions about changes from the original plan and if the easement had been moved, as it seemed to come off the circle.

Mr. Marino said there had been one change, which was the relocation of an entrance to a garage although the driveway is still in the same place. Mr. Marino said he did not have all the facts and would return when he has them. All of the houses are still owned by Holmes, so the location of the easement could be changed if needed.

The Board felt it did not have enough information to make a decision. The applicant was asked to do further studies and return next time prepared with that information.

960-990 Waltham Street, Definitive Special Residential Subdivision:

Mr. LeClair spoke with his engineers and said they could lower the ridge two feet without going into the slope further. Mr. Canale said that this might do it for him if other things are in sync. Mr. Zurlo appreciates the consideration, and it helps that there wouldn't be an objection, but it does leave open the traffic issue.

On a motion duly made and seconded, it was voted, 5-0, to close the public hearing.

Mr. Hornig said they would deliberate later at the Planning Board meeting on January 2, 2008 since the decision is due January 12, 2008.

Shade Street, clarification of GFA and living area of individual units:

Mr. Todd Cataldo, the applicant requested changes to the living area and gross floor area of individual units. The Board needs to determine if it is a minor change, which would not require a new public hearing. If it is a minor change then the Board needs to decide whether or not to accept the changes to increase the total living area and decrease the total gross floor area.

On a motion duly made and seconded, it was voted, 5-0, to accept the changes as minor. On a motion duly made and seconded, it was voted, 4-1, (Mr. Galaitis opposed) to accept the changes for the increased living area and decreased gross floor area in the individual units as submitted.

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

Larry Smith made a presentation to the Board about the commercial zoning initiatives to get the Board's input. Mary Jo Bohart of the Chamber of Commerce was present.

Zoning Initiative 7: Reduce number of parking spaces from four to three spaces minimum per 1,000 square feet and a maximum of three and a half spaces per 1,000 square feet. There would be extra spaces provided to encourage carpool, vanpool and bicycle use.

Board Comments:

- Too little parking when offices are full
- Need more justification regarding number of 15 bike spaces per one car space over a certain limit

- Keep the extra space in reserve if needed
- Need more data on local parking use
- Concern expressed that all of these initiatives are premature, since the Town's Economic Development Task Force is only part way through a process that would enable a more thoughtful and integrated approach to commercial zoning. Changes. Most of these initiatives are counter to the consultant's preliminary report.

Zoning Initiative 8: Amend retail space parking of one space of street parking per 325 square feet to 500 square feet; one space of cellar parking per 600 square feet to 750 square feet; and one space for other parking per 400 square feet to 600 square feet.

Board Comments:

- Clarify what ITE standards are
- Explain how it works with credits and how it works with existing standards
- Lower the burden for retailers, do something with supply
- This would favor retail over restaurants

Zoning Initiative 6: In order to allow light manufacturing in CRO district and to create a more mixed environment in an effort to reduce midday traffic.

Board Comments:

- Fatal one for sure; accessory use is one thing, but the Town Task Force maybe in opposition to this one
- Not sure in favor of these uses. There are other districts as well to consider if this is compatible with this type use
- Pet related businesses and package stores seem odd
- Manufacturing is the key distinction between CRO & CM, clarify how they would be different
- Explain how uses planned would go into existing buildings

Zoning Initiative 5: Setback changes from 50 feet to 25 feet in both the CRO and the CM district, which provides better land use design especially in wetland sensitive areas.

Board Comments:

- This is premature, need to consider incremental changes, 0 feet maybe appropriate; need to consider each district individually
- Think about if only this passes or it all passes, what the isolated benefit would be

Zoning Initiative 4: Eliminate the entire traffic section as it prevents development and hasn't been enforced.

Board Comments:

- Know it is a problem, but reluctant to throw out the whole thing
- Should be a major focus within the year

Zoning Initiative 3: Redefines Yes (Y) in table uses as all nonconforming and 10,000 square foot lots and not as of right, which requires a special permit.

Board Comments:

- 10,000 square feet may not be the magic number.

Zoning Initiative 2&1: Changing the Schedule of Dimensional Controls on the line maximum Floor Area Ratio (FAR) and increasing in the CM from .15 to .35; and CRO from .15 to .30.

Board Comments:

- Explain what are the relationships of increasing the FAR and zoning, which properties hit other zoning restrictions
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Mr. Hornig discussed the need to appoint an associate member in order to provide five voting members when Planning Board members recuse themselves or are otherwise unavailable on a case. Mr. Galaisis suggested that associate members be appointed jointly by the Planning Board and Board of Selectmen, as done for resigning members. Mr. Hornig preferred that the appointing authority include only the Planning Board.

The Board discussed the deadline to close the Warrant for the 2008 Annual Town Meeting is Thursday, December 27, 2007 at 4:30 p.m. They need to vote now on the Articles they want placed on the Warrant and the descriptions will follow at a later time.

On a motion duly made and seconded, the Board voted to ask the Selectmen to place the following items on the 2008 Annual Town Meeting Warrant:

- Article A: Special Permit Residential Development;
- Article B: Height of Buildings and Structures; and
- Article C: Associate Planning Board Member.

Mr. Galaisis indicated that he was opposed to Article A.

***** BOARD MEMBER REPORTS*****

Ms. Manz said that the Community Preservation Committee public hearing is tomorrow night at 7:00 p.m. in Cary Hall, and encouraged interested Planning Board members to attend.

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

Wendy Manz, Clerk