

PLANNING BOARD MINUTES  
MEETING OF JANUARY 23, 2008

A meeting of the Lexington Planning Board in Estabrook Hall, Cary Hall was called to order at 7:30 p.m. by Chairman Hornig with members Zurlo, Galaitis, Manz, and planning staff McCall-Taylor, Henry and Kaufman present. Mr. Canale who has recused himself from the discussion of the Article IX amendments was absent.

\*\*\*\*\*ARTICLES FOR 2008 TOWN MEETING\*\*\*\*\*

Mr. Hornig opened the public information meeting at 7:30 p.m. on the Planning Board's proposed amendment to the Zoning Bylaw for Special Permit Residential Developments. There were 25 people in the audience.

Mr. Hornig's presentation explained the changes, based on the experience of the last 12 years, would make the Zoning Bylaw simpler and easier to understand. The presentation provided an overview of what the bylaw would require and new terminology.

Audience Comments and Questions: Mr. Patrick Mehr asked what are we really trying to achieve and why spend this time? The Floor Area Ratio (FAR) would be good to introduce now. If we want smaller houses why allow an increase in the Gross Floor Area (GFA)? Why is the Board following this practice if houses are too large, instead he proposed a friendly amendment cutting the GFA by 25%. Mr. Hornig responded the effort was to simplify the bylaw. If the bylaw were so restrictive it would make the whole bylaw entirely irrelevant because no one would use it. This is a practical alternative to large single-family homes. The FAR would need to be applied to all houses, which is not being done now. Ms. Manz said they need to work with developers or the town will get only large single-family homes as-of-right.

Mr. Arthur Katz asked if there was a way to determine if the incentive bonus would work to provide affordable housing. Mr. Zurlo said there were no specific numbers, but giving a 20% density bonus was generous and would be generous based on what we know to be typical incentives offered through other bylaws.

Mr. Joel Adler said there would be no requirement for open space, but we want to promote open space. Mr. Hornig said there was be an increase in the amount of common open space required, it was just the requirement for useable open space that would be deleted. Mr. Adler said wetlands would just be thrown

in then. Mr. Hornig responded saying no, the open space has to be uplands. Mr. Galaitis asked whether the minimum useable open space is deleted from both future cluster and conventional developments. Mr. Hornig clarified that it is.

Mr. Frank Sandy said he felt with the Balanced Housing Development while the intent is laudable, having 50% below 4,700 square feet and 25% below 3,500 square feet would not work. He said that the numbers needed to change and required units should be considerably smaller.

Mr. Ken Kreutziger asked if a prototype had been developed using four units with 32,000 square feet GFA, 10% affordable, and 33% open space. He said to make sure the numbers work if they want to achieve their objectives.

Chair of the Board of Selectmen, Ms. Jeanne Krieger, asked if the Board is encouraging sustainable developments using green housing techniques? Mr. Hornig said at this time the Board is not prepared to put that in the regulations since the techniques are too new and the Board needs to research them. The Board may ask developers to incorporate LEEDS standards, but not at this time. Ms. Manz said the Board has made a commitment to address the standards and there will be considerable research and discussion when they revisit this issue in the near future.

Ms. Gloria Bloom asked how the affordability of units would be maintained. Mr. Hornig said there would be a resale covenant that goes with the land in perpetuity.

Mr. Fred Martin said he presumed developers find it more attractive to put more units in a cluster so what would the quid pro quo be? What restrictions would be put in place to protect the abutters? Mr. Hornig said there is 33% more open space and mix of unit sizes with smaller units.

Mr. Joe Marino asked what would be the standards regarding the proof plan? Mr. Hornig said the Board is discussing changes, but nothing new right now.

Mr. Frank Sandy stated affordable housing held in perpetuity is confusing. You could purchase an affordable unit when you qualify and then your earnings increase and you no longer qualify. A requirement should be added that they can only be rental and conveyed to LexHAB so when the resident no longer meets the income restrictions another qualifying person could have the same opportunity as the previous tenant. Mr. Hornig said there are standard requirements and it is important to offer both options.

Ms. Manz said they could stay in the unit, but they won't have any incentives to stay as you would with an unrestricted home.

Mr. Robert Whitman asked about the retention of site coverage in the Site Sensitive Development? Mr. Hornig said if you eliminate a roadway it cannot be converted to a house.

Ms. Gloria Bloom asked what was the point of impervious surface, are there differences on the type of surfaces that are out there, and how are they considered? Mr. Hornig the current bylaw is black and white, a surface is either pervious or not. The Town Meeting was quite adamant about retaining the Impervious Surface Ratio limit. It is meant to retain more of the site as green and the Site Sensitive and Balanced Housing Developments are going to operate under the roughly same limits as in the conventional developments.

Mr. Andy Friedlich is concerned about the direction this was going with the living area square footage no longer regulated. He would like the Planning Board to require developers to submit floor plans. Mr. Hornig said as there will be no limit on bedrooms there is not need for floor plan. Mr. Zurlo said the overall size of the home could be limited through the GFA, but what criteria could be used to limit the number of bedrooms? Mr. Friedlich stated the living area square footage is overly liberal. The intent of the cluster bylaw approval at Town Meeting in 1996 was to encourage smaller units for empty nesters. Mr. Hornig said the current bylaw looks for a "diverse set of housing opportunity" not only for empty nesters.

Mr. Hornig said the formal public hearing is in three weeks and there may be changes to the article. If possible, the articles will be published a week before the hearing. Mr. Hornig closed the public information session at 8:55 p.m.

At next week's public hearing Mr. Canale will present the Associate Planning Board Member Article. Either Mr. Zurlo or Mr. Hornig will present the Height Article.

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

Review of Minutes: The Board reviewed and corrected the minutes for the January 2, 2008. On a motion duly made and seconded, it was voted, 4-0 to approve the minutes as amended.

\*\*\*\*\*SUBDIVISION ADMINISTRATION\*\*\*\*\*

Grandview Avenue, Acceptance of Easement: The Planning Board, pursuant to Town Counsel’s advice, endorsed the Grant of Easement as required by Land Court.

Mr. Henry advised the Board that the recording of Solly’s Way occurred at Land Court that afternoon.

\*\*\*\*\* STAFF REPORTS\*\*\*\*\*

Ms. McCall-Taylor said that she and Mr. Henry attended the LEEDS Neighborhood Development Conference. There might be something to consider using in the review of special permit projects, but not at this time, as the LEEDS standards are still in a draft form.

\*\*\*\*\* BOARD REPORTS\*\*\*\*\*

Mr. Zurlo said the EDTF is meeting with Larry Smith Friday morning at 8:00 a.m.

The Zoning Board of Appeals is meeting on the Special Permit with Site Plan Review for the Lexington Technology, CD-10 Zone, tomorrow. The Conservation Commission postponed the 960-990 Waltham Street hearing.

\*\*\*\*\*ARTICLES FOR 2008 TOWN MEETING\*\*\*\*\*

Mr. Hornig opened the discussion regarding feedback from that night’s public information session.

Ms. McCall-Taylor said the Board would need to determine the range of options on the 25% and 50% requirements on housing size; should they restrict the 50% to as little as 2,700 square feet? In addition, the Board should discuss the gross floor area standard; should they stay with the current 7,200 square feet or increase to 8,016 square feet (which should be rounded to 8,000 square fee). Mr. Zurlo said the Board is not guaranteeing the maximums; they need to look at the proof plan as referred to in the zoning bylaw with the layout of the lots and roadways. He felt open space needed to be defined better. Mr. Zurlo wanted confirmation that the 33% minimum open space doesn’t include the wetlands. Mr. Galaitis said the draft does not address his concerns about lack of adequate controls that ensure comparable development impacts. Mr. Henry said the design process would require an analysis of the site.

Mr. George Burnell asked if this changes the number of units on lots? Mr. Hornig said there would be more of the smaller units, but there are no explicit numbers.

Mr. Patrick Mehr urged the use of an FAR; he felt the use of a fixed number implies it would go up from

there. Mr. Hornig said the lot size is fixed and the GFA is 8,000 square feet. Mr. Hornig said FAR is not the issue on these; it's more appropriate on the conventional.

On a motion duly made and seconded, it was voted to adjourn the meeting at 10:07 p.m.

Wendy Manz, Clerk