

PLANNING BOARD MINUTES
MEETING OF JANUARY 30, 2008

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 Canale, Galatsis and Manz and planning staff McCall-Taylor, Henry and Kaufman present. Mr. Zurlo was absent.

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

PUBLIC HEARINGS

Countryside Plaza, 303 Woburn Street Rezone from RO to CRS: At 7:30 p.m., Mr. Hornig opened the public hearing on the petition of property owners Vazken Melkisetian, Jack H. Bejakian and Samuel Bejakian to rezone two properties 303 Woburn Street and 400 Lowell Street (Countryside Plaza) from the RO zone to CRS zone. Attorney John Farrington and Eliza Weeks from Larson Associates presented the information on the proposed rezoning. The first property, 303 Woburn Street, is a 13,590 square foot lot with a 1,100 square foot ranch, which immediately abuts the Countryside Plaza. The second property 400 Lowell Street (Countryside Plaza) is in two zoning districts CRS and RO. The rezoning would result in Countryside Plaza being entirely in the CRS zone as well as the 303 Woburn Street property. The rezoning will also allow the addition of approximately 2,600 square feet of additional retail space with adequate parking on the site.

Board Questions and Comments:

Mr. Canale asked is it two or three parcels? Mr. Farrington said two parcels, but one is in two zones. Mr. Canale asked what are the uses of the RO zoned portions? Mr. Farrington said it was used exclusively as commercial parking. Mr. Canale asked if it could be divided as two separate questions at Town Meeting? Mr. Farrington said he filed the warrant article with two separate legal descriptions and he could amend it at Town Meeting, but then it would not meet the objective. Mr. Canale asked what would the rezoning allow? Mr. Farrington said that it would allow for 2,600 square feet additional retail space along with the increased FAR and adequate parking. Ms. Weeks said there 58 spaces on site and 11 more parking spaces would be added. Mr. Canale asked if the applicants had met with the neighborhood to discuss the impacts? Mr. Farrington said not yet.

Ms. Manz asked Mr. Farrington to discuss the current traffic patterns and any possible changes. Mr. Farrington said if this gets rezoned he would go to the Zoning Board of Appeals and address those issues then.

Mr. Galaitsis said the current house is now a one-story ranch and if rezoned could have the potential to be a two-story structure or be attached to the existing building. Mr. Farrington said the rezoning to a CRS zone would limit it to two-stories and 25 feet in height. If it remains in the RO zone it can be up to 40 feet tall. Mr. Galaitsis asked about what the plan is for the current buffer area. Mr. Farrington said a 30-foot buffer area between the commercial property and driveway would be maintained with extra vegetation added.

Audience Questions and Comments:

Mr. Joe Romano, 15 Appletree Lane, questioned if the addresses 311- 425 Lowell Street in the ad were wrong? The Harrington Park Office is located at 425 Lowell Street and is not part of the rezoning proposal.

Ms. Judy Crocker, 5 Currier Court, had several concerns including:

- The traffic by the Harrington School crossing the intersection is dangerous;
- Has there been a traffic study of the intersection and its impacts?;
- The direction of the traffic;
- The cut through of Countryside and the pedestrian path;
- Desire for a crosswalk at Woburn and driveway;
- Sidewalks when plowed are blocked by snow;
- Losing green area in front of 303 Woburn Street; and
- Vehicle idling.

Ms. Jane Current, 296 Woburn Street, said crossing the intersection is dangerous and it no longer feels residential. This should be a place where people want to stroll and ride their bikes. There needs to be a comprehensive redesign of the intersection.

Ms. Nancy Simonian, 13 Appletree Lane, is concerned about the expansion of the commercial zone.

Mr. Hornig asked, if rezoned, would there be more than 10,000 square feet on the property? Mr. Farrington responded approximately 9,500 square feet total, but they would still go before the Zoning Board of Appeals.

Mr. Jordan Maderno, 285 Woburn Street, asked what is the position of the housing authority?

Mr. Steve Heinrich, 11 Potter Pond, asked if it is proper to use a RO zone for parking. Mr. Farrington said the property goes back to the 1950's and it is preexisting. Mr. Hornig said at one time parking was allowed in residential zones for commercial properties.

Mr. Bob Barkley, 295 Woburn Street, said traffic is horrendous. Countryside Plaza always has more than 40 cars in and out of the parking lot. The Dunkin Dounuts truck has knocked the power lines down three times resulting in a loss of power.

Mr. Hornig asked where are the sidewalks on Woburn Street and Lowell Street? Eliza Weeks said the Woburn Street extends to the intersection and on Lowell Street the sidewalk starts just beyond the parking lot; before that there are only curb cuts and an island. Mr. Canale said it would be wise to have a dialogue with the neighbors. He then asked what do you see as concerns to address with the neighbors? Mr. Farrington responded there is poor signaling at the intersection of Lowell Street and Woburn Street, lack of idling signs and striping, and management of current activities. He agreed they needed to have a meeting with Countryside and abutters on some issues while other issues will need to be addressed by the Zoning Board of Appeals.

Mr. Patrick Mehr, 31 Woodcliffe Road, wants to mitigate increased traffic by getting rid of the utility poles.

Ms. Amy Szalow, Leonard Road, said the applicant should speak with more than just the immediate abutters. These changes are heading in the wrong direction.

Mr. Hornig closed the public hearing at 8:25 p.m.

Height of Buildings and Structures: At 8:33 p.m., Mr. Hornig opened the public hearing on the Height of Buildings and Structures. Mr. Hornig explained there are three parts to this proposal; reducing the height from 40 feet to 35 feet; remove the phrase "from the average natural grade" in §135-39 regarding basements/cellars and measure height in stories from the same point of measure as height in feet; and to measure the height from the average natural grade at the corners of the building, removing the option of using the natural grades at the four extreme corners of the lot.

Audience Questions and Comments:

Mr. Todd Cataldo, developer, asked if there was an effective date on this? Mr. Hornig said the Board did not discuss a date yet. Mr. Cataldo said an offshoot of this would be people putting their houses lower in the water table and affecting the hydrology of the neighborhood. The four corners of the lot was instituted for lots flat at the street and then sloped, allowing houses to have a positive pitch and not be built in holes. The enforcement of this was only started in the last year and we are seeing lower houses.

Ms. Jeanne Zerhoffer, who spoke on behalf of her parents Mr. & Mrs. Derban who could not attend, asked what is the purpose of the height restriction and what general service to the public does it offer? Mr. Hornig responded that it would help to control the impacts of construction on neighborhoods. Ms. Zerhoffer said the only thing it affects is the value of the potential teardowns.

Mr. Ed Cain, a builder from Bedford who builds in town, asked about a phase-in date and is opposed to the changes. He said it limits the flexibility, which allows builders to do a good job. It will limit the ability to fix water problems. There will be unintended changes such as larger footprints since they would lose a whole story.

Mr. Canale, Planning Board Member, said he wished to make a statement. He may be developing his own land and had recused himself from the discussion of the Special Permit Residential Development discussion but had thought this article would not be a problem, but is now recusing himself from the consideration of this article.

Ms. Karen Addelson, 16 Winchester Drive, said this would limit what landowners can do with their land and lower the value of the land. Who would pay the landowners for their losses?

Mr. Patrick Mehr, 31 Woodcliffe Road, asked how are the measurements made? Look at 11 Marlboro Road.

Mr. Canale, Shade Street, said he is speaking as a resident and he felt 35 feet is more than generous.

Ms. Edith Sandy, 353 N. Emerson Road, said she heard about the loss of property values if you can't do 40 feet in height, yet there are neighbors who lose the enjoyment of their properties when they lose their views.

Mr. Bill Herring, 20 Ward Street, said there was a recent change and questioned why is it not enforced.

The changes are difficult to understand and interpret. Lets give it time to digest the recent changes and look at the comprehensive zoning and the size and mass of buildings and structures.

Mr. David Kaufman, 152 Burlington Street, said if trying to simplify the interpretation, use four corners of a minimum rectangle that includes the building.

Mr. Glen Comeau, 2627 Massachusetts Ave., said grade issues would limit a property owner's rights and the ability to build on their land. The Minutemen fought to protect property owner's rights.

Mr. Doug Orr, 34 Bow Street, stated that if you were standing in the street you couldn't distinguish between the five feet.

Mr. Cain said in this situation a previous owner dug a hole and the house was built too low causing a deficit and that five feet would allow a lot of flexibility to do the right things.

Mr. Frank Sandy, 353 N. Emerson Road, said the limit of two and one half stories with ten feet for each story, is more than enough. If you need more than 35 feet you are building a monstrosity.

Mr. John Himmel, 66 Hancock Street, asked how much more restrictive is this than Weston? Talking about it without a visual makes it more difficult to understand the changes.

Mr. Bill Herring, 20 Ward Street, said other towns height limits don't mean anything unless we have definitions of how it is measured.

Mr. Mehr, 31 Woodcliffe Road, said he is disturbed that builders dig in and why isn't the special permit for removal of cubic yard enforced? Ms. McCall-Taylor said that the special permit for removal of fill did not apply to lots that had an active building permit.

Mr. Hornig closed the public hearing at 9:25 p.m.

Planning Board Associate Member:

At 9:30 p.m., Mr. Hornig opened the public hearing on the Planning Board Associate Member. Mr. Canale explained the reason this was being brought forward was because there have been members of the Planning Board this year who had to recuse themselves. Special permits require four votes and out of

fairness to the applicants, this would allow a full Board to hear special permit issues. Town Meeting accepted the provision of the Mullins Rule for a Planning Board Member to act on applications if missing one meeting after review of the transcript for that meeting. This was used once this year. The Planning Board Associate Member would only be used for sitting on special permits.

Audience Questions and Comments:

Mr. David Kaufman, 152 Burlington Street, said he approves of the general intent. What would be done if the chair of the Planning Board had to recuse himself/herself? Mr. Hornig said then the vice chair takes over.

Mr. Frank Sandy, 353 N. Emerson Road, said if the Planning Board doesn't appoint an associate at the first meeting does it stay vacant until the end of the year?

Mr. Nyles Barnet, precinct 4, asked since the Planning Board Members are elected why not the same for the associate? Mr. Hornig said then you would have to change the charter to make it by election.

Mr. Steven Heinrich, 11 Potters Pond, asked how would it work? Is the Associate Member to sit for all the special permits? Mr. Hornig said they would be asked to sit on all the special permits hearings and vote only if needed and had to attend all the sessions. The primary motivation for this appointment is because of possible recusals by the Planning Board Members.

Mr. Canale said the current way of filling the vacancies is through a vote by the Planning Board and Board of Selectmen.

Mr. Hornig closed the public hearing at 9:40 p.m.

***** MINUTES *****

Review of Minutes: Ms. Manz made an attempt to consolidate the minutes of January 16, 2008. The Board deferred discussion of the January 16, 2008, minutes until the next meeting to allow the Board Members a chance to review the updates. On a motion duly made and seconded, it was voted, 4-0, to defer the discussion of the minutes.

*****PLANNING BOARD ORGANIZATION SCHEDULE*****

On February 7, 2008, there will be a Planning Board Meeting, if needed, to allow the continuation of the public hearing for the commercial amendments if necessary. Mr. Smith will be requested to limit the time for his presentation to that would be allowed at Town Meeting.

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

88-110 Shade Street, Endorsement of Updated Plans and Easement: Land Court required new plans to be endorsed due to a notation error. On a motion duly made and seconded, it was voted, 3-1, (Mr. Galaitis opposed) to endorse the plans.

On a motion duly made and seconded, it was voted 3-1, (Mr. Galaitis opposed) for the Board to accept and endorse the Grant of Easement for drainage.

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

Mr. Canale said on Friday the Route 128 Stakeholders group is reviewing the impacts of the former Polaroid Development.

***** STAFF REPORTS*****

Mr. Henry said there is a sketch plan on 341 Marrett Road and a meeting needs to be set for either February 20 or 27.

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

Special Permit Residential Developments: Mr. Canale recused himself from the discussion of the Article IX amendments. The Board discussed the public information meeting to determine the scope of the warrant article. The Board decided they are comfortable staying with the 7,200 square feet Gross Floor Area.

Mr. Hornig asked about lowering the numbers for 50% of the units from 4,700 square feet to 3,500 square feet and the 25 % from 3,500 square feet to 2,400 or 2,500 square feet. The other option is to only specify the smaller units and not have two maximums.

On a motion duly made and seconded, it was voted to adjourn the meeting at 10:40 p.m.

Wendy Manz, Clerk