

PLANNING BOARD MINUTES

MEETING OF FEBRUARY 13, 2008

A meeting of the Lexington Planning Board in Estabrook Hall, Cary Memorial Building was called to order at 7:35 p.m. by Chairman Hornig with members Zurlo, Galaitsis, Manz, and Canale and planning staff McCall-Taylor, Henry and Kaufman present. Mr. Canale recused himself from the public hearing on the Special Permit Residential Development.

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

PUBLIC HEARINGS

Article 49, Special Permit Residential Development: At 7:35 p.m. Mr. Hornig opened the public hearing on the Special Permit Residential Development bylaw amendment. There were 20 people in the audience. Mr. Hornig explained that in Article VIII there were no changes, they only moved the contents of the planned residential developments (RD) from Article IX to Article VIII.

Article IX was revised and simplified. References were updated, which removed the distinction between semi-attached and two-family dwellings and useable open space was eliminated as a requirement. The new bylaw is simpler and easier to understand and went from 21 pages with 14 pages of guidelines and 4 pages of worksheets to 8 pages in total. The amount of development allowed is based on the lots in a proof plan. The targeted goals were a range of housing sizes, increased open space, and encouragement of affordable housing. There were name changes for the residential developments, they are now special residential developments and can be special permit conventional developments, site sensitive developments, which include the former reduced frontage subdivision, balanced housing developments corresponding to the cluster and special residential developments, and public benefit developments which provide impact and density bonuses in exchange for ten percent affordable units. The permit process does not change.

Audience Questions and Comments:

Ms. Vicki Blier asked about the number of units and felt that 7,200 square feet would make them enormous. Mr. Hornig said the 7,200 square feet is a gross floor area (GFA) multiplier, which is based on average new construction. The houses would be dividing the GFA among all the units they would build.

Mr. Joe Marino of Homes Development said this all hinges on the proof plan and he would encourage the Board not to change the development regulations that define the proof plan and don't make the

submission requirements too onerous early in the process.

Mr. Ken Kreutziger, Precinct 2, asked would there be the same guidelines such as 100-foot diameter? Mr. Hornig said they have to show the proof plan as defined in the zoning bylaws and development regulations without waivers.

Mr. Frank Sandy, Precinct 6, asked how would one round the numbers for the requirement that 25% of the units be a certain size. Mr. Hornig said there are no fractions and you would round up. Mr. Sandy said the assessor's database defines the GFA differently. He felt that the smaller units should be less than 2,700 square feet, making them more affordable.

Mr. Steve Heinrich, Precinct 3, asked to see how this would affect the recent clusters. It would be helpful at Town Meeting to see how the changes would impact them. Ms. McCall-Taylor said the chart would be posted on the website.

Mr. Ken Kreutziger, Precinct 2, said at the information session he had asked for diagrams and proof that the public benefit developments would work and wanted to know if that information was available. Mr. Hornig said the staff worked through the numbers and the proposal worked. Ms. McCall-Taylor's figures would be available for Town Meeting.

Mr. Andy Friedlich, Precinct 5, asked how much data on GFA, living area and occupants for each cluster was available. Mr. Hornig said living area is in the eye of the beholder - we know what was permitted not what is built and how it is used. There is no way to find out the number of non-adults in the developments. Mr. Friedlich said we could in 1996. He felt that the purpose of the cluster was to give empty-nesters affordable places to live and it would be financially beneficial to the Town to have families without children.

Ms. McCall-Taylor read from the script from the 1996 presentation Town Meeting on residential developments that dealt with the anticipated fiscal impacts of clusters. It stated " The 68% of the housing units in town that do not have children generally do not impact the Town's budget and many of them provide a positive revenue/cost ratio. From a fiscal prospective, it makes sense to increase that type of housing. Similarly it makes fiscal sense to offer more choices to developers so that they do not build only large single-family houses that have school-aged children and the greatest impact on the Town budget." She pointed out that now Mr. Friedlich was now arguing the opposite, that large single-family houses

were the revenue generators.

Mr. Hornig said the Planning Board is using current terms and figures to update the bylaw. The Board can't use what people thought 12 years ago, and they are not predicting secondary effects.

Mr. Bob Bicknell, Housing Partnership Board, asked that the words "encourage the development of affordable housing whenever feasible" previously found in section 10 be put back into the proposed version.

Mr. Sandy said when he suggested reducing the number below 2,700 square feet GFA he was not suggesting that it be reduced to 1,000 square feet. The GFA for Peacock Farm houses is 1,800 square feet and that is fine for many people.

Mr. Galaitis said he had a couple of comments. He said that a minority report gets five minutes and he would not want to split his time. He said the current bylaw needs to be fixed, as some of the words are ambiguous. The guidelines were applied for the first five to seven years and only recently are the developers being allowed to go to the maximum limits. If the bylaw is abandoning some of the impact measures, the Town should get something back. He was in favor of 7,200 square feet for the GFA and using the proof plan as the base for multipliers. He was not in favor of removing other controls. There is more open space required. One of the key things to him is comparable impacts. He also felt that the guideline of providing smaller units was being ignored.

Mr. Arthur Katz, precinct 3, said the changes are proposed because the Board is not happy with current regulations. Now they are more restrictions; why would these work? Mr. Hornig said he didn't agree that the current bylaws don't work, they are just trying to improve and simplify the bylaw while meeting the expectations of others.

Mr. Zurlo said that as a new member of the Planning Board the current zoning bylaws and regulations are hard to decipher. The revisions offer clarity to the process.

Mr. Galaitis said we got early input from businesses and he would like more input from others. Ms. McCall-Taylor said that the staff had sought early input from many boards and committees, as well as from the development community.

Mr. Steven Heinrich, Precinct 3, said when they were doing Avalon Bay the number of children in those were debated, as well as in Potters Pond, why can't that be discussed now?

Mr. Hornig said they did not have information on the number of children per unit and they cannot ban children, as it is discrimination. Ms. Manz said the proposed changes are to eliminate some measures that are shaky data and can't be justified, and that the measures retained will yield comparable results.

Ms. Edith Sandy, Precinct 6, said that as energy becomes more expensive, she was wondering if small houses will come back into fashion. Mr. Hornig said they could not predict the future, but the zoning bylaw can be revisited at a later time if it is needed.

Mr. Frank Sandy, Precinct 6, said that an agreement was made with AvalonBay and if the statistics are not available, how will we enforce the requirement on Avalon Bay to pay if they exceed the number of children in the development? Ms. McCall-Taylor said the school committee has access to the census the figures and could confirm the numbers given to them by the developer.

Mr. David Kaufman, Precinct 6, said that AvalonBay is a voluntary count.

Dawn McKenna said there are lots of ways to obtain the information. The PTA handbook could be used. Ms. McCall-Taylor pointed out that that would be a violation of the terms of use.

Mr. Hornig closed the public hearing at 8:50 p.m.

Mr. Canale joined the meeting.

***** MINUTES *****

Review of Minutes: The Board reviewed the minutes for the meeting of January 16, 2008. 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 January 23, 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 January 30, 2008. On a motion duly made and seconded, it was voted, 5-0, to approve the minutes.

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

On Saturday, February 16 at 9:00 a.m. the Planning Board will meet for the site walks at Pleasant Street and Marrett Road in preparation for the review of the sketch plans.

Ms. McCall-Taylor said there would be a Community Forum on the Stone Building, which houses the east branch of the Lexington Library. The meeting will be held on Sunday, March 16, 2008 from 1:30-3:30 p.m. at the Follen Church.

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

Article 52, Rezoning Woburn Street/Lowell Street: Mr. Canale was concerned that the applicant had not worked with the neighbors. He was not sure this was the best plan; there was a lack of cohesion.

Mr. Galaisis said he would like potentially to keep the pieces separate and keep the dwelling as is. The developer bought the property to convert it to a commercial space but it was acting as a buffer.

Mr. Zurlo wondered what was expected at these convenience zones. He felt that how this was executed was critical and the Board needed to see more fully developed plans. He commented that he had heard that the applicant was a good neighbor.

Mr. Hornig said he did not have a lot of problems with the plan, but he did not like the current site design with the traffic issues, lack of sidewalks and screening. He wants to see the problems fixed.

Ms. Manz said she does not see a problem increasing the commercial zone by one lot, but this should be an opportunity to improve the site plan. Ms. McCall-Taylor said the Planning Board wants to see a plan to be able to give a favorable recommendation.

Article 53, CM District Floor Area Ratio: Mr. Galaisis said the changes that are being suggested regard financials. With the way they were presented, that the community did not have enough input.

Mr. Canale said that Mr. Rosenberg's e-mail (advocating prompt action to increase commercial development) is only one point of view. The whole approach is opposite the Comprehensive Plan. This proposal needs to be evaluated with other input. He felt that the upcoming consultant's study wasn't going to be considered.

Mr. Zurlo, as co-chair of the EDTF, said the data from Larry Smith would help to advance the conversation, but is not in parallel with the process of the EDTF. He felt the information from the consultant would be available by summer and could be used with community input and Mr. Smith's data to develop a reasonable approach.

Mr. Canale said the Selectmen ranged from favoring allowing expansion of businesses along Hartwell Avenue as long as there is no increase in cars to allowing a .94 FAR along the entire road. In order to make a decision one needs to look at the fiscal impacts and environmental concerns.

Mr. Hornig asked if what we get in June from the EDTF's consultant would be the final information. Mr. Zurlo said the consultant is doing two presentations. Mr. Hornig said we might support the increase in the FAR sometime, but now the timing is bad, as the EDTF needs to finish its work. Density increases need to be done with a plan as how to address the infrastructure needs.

Ms. Manz said this is a rough timetable. The Town should wait for the EDTF study and plan on how to address the infrastructure needs.

Mr. Hornig said that the Board needs to address each of the articles individually for reports to Town Meeting.

Article 54, Mixed Uses in CM District: Mr. Canale said the basic premise is to increase economic development. If you want to support existing business you should expand the definition of accessory use.

Mr. Galaitsis asked what is the rationale for 7,500 square foot stores?

Mr. Zurlo said more research was needed to get the numbers right. If the additional uses are just serving the area businesses they are too large, if they are supporting businesses, then they should be accessory.

Ms. Manz said she is uncomfortable with 7,500 square feet being the right number; it seems too large.

Article 55, CRO District Floor Area Ratio: Ms. Manz said she has the same concerns here as she did with what is the appropriate FAR in the CM district.

Mr. Canale said what he finds most problematic is if it is all right to change the FAR in the CRO zone,

what is the fairness to those who went for the CDs and provided mitigation in return for an increased FAR.

Mr. Zurlo said that logic would apply to any rezoning.

Mr. Hornig said Town Meeting would decide the merits of changing this since it only affects one property and light manufacturing may not be needed.

Article 56, Traffic Bylaw: Mr. Canale said it doesn't address the issues. The capacity can't be increased to make the level of service work.

Mr. Galaitis said these changes are more radical and to change the FAR from 10,000 square feet to 50,000 square feet without considering the impacts is a concern.

Mr. Zurlo said he could see allowing 10,000 square feet without a special permit, but 50,000 square feet is so un-Lexington. You can't just ask to change the level of service by increasing the capacity. There are thresholds, and this would allow buildings up to 50,000 square feet without input such as site plan review.

Ms. Manz said it just wipes out mitigation and controls.

Mr. Hornig said the triggers for the SPS and traffic studies should be the same, and include the existing space. Perhaps one could increase the number to 20,000 square feet, but 50,000 square feet is too high and parking should be in proportion. The level of service limit is a problem and needs to be solved before making any changes.

Mr. Canale asked what are we trying to do? We need to develop reasonably across the board. We need to know what we want. The Town needs to do a traffic study, figure out what is required and assess the properties.

Ms. Manz asked if the members wanted to suggest amendments to improve the articles or did they simply want to say they unacceptable?

Mr. Hornig said the Board would support, amend or oppose. Members should think about what should be salvaged over the next week.

Article 57, Development Standards: Ms. Manz said she did not see the conflict in the current bylaw.

Mr. Galaitsis said there is no backup to explain why this is being done. Why should the Town give away these controls? He wanted more information before making any decision.

Mr. Canale said there could site plan review with by right uses, if the Town could set up specific enough parameters to create what the Town wants in the districts. What the Town wants in the districts would have to be determined.

Mr. Hornig said that section B where the changes are from SPS to Yes, it would need to have the threshold to match the traffic studies. Currently there is only a process for site plan review in conjunction with a special permit. A new process would have to be established for site plan review. Currently residential zones have approximately a 20,000 square foot threshold and that could be used for commercial development.

Article 58, Transition Areas and Setbacks: Mr. Galaitsis said he has no objections to buildings being closer to the street, but does not want to give blanket permission.

Mr. Zurlo and Ms. Manz said they agree with planning staff comments. Mr. Hornig said he has no problem, but it may be better as part of a comprehensive plan.

Article 59, Parking and Bicycle Facility Standards For Office Use: Ms. Manz said the biking facilities part is fine and there is a tendency to approve liberalization.

Mr. Zurlo said bicycle spaces could be worked on versus the number of cars. He knew it worked in Bedford. He could support this and saw nothing adverse. Mr. Galaitsis said he likes this it was evolutionary, not revolutionary. Mr. Canale said he supports anything that encourages less parking, but there need to be incentives and penalties to ensure there would be no discrimination in mobility choices.

Mr. Hornig said from personal experience having insufficient parking is bad, it encourages parking in fire lanes and access drives and there should be a parking maximum of at least four per 1,000 square feet.

Article 60, CB Parking Standards for Retail Sales: Ms. Manz said this change doesn't go anywhere; it

just complicates CB parking. Mr. Hornig said the additional complexity doesn't benefit anyone at all unless it is new construction in the center. Mr. Canale said the Board indicated they are willing to work on parking in the center but changes must be done in conjunction with policy changes that are under the control of the Board of Selectmen. The Planning Board is ready to work with them when they are ready.

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

Mr. Canale said that the MAPC Legislation Committee addressed transportation finances and recommended increasing revenues by using cost saving measures and allowing communities to charge impact fees to the developers. He also said the MAGIC meeting in March will discuss the Land Use Reform Act Proposal. Mr. Bialecki's proposal will be redrafted.

Mr. Hornig said the Conservation Commission continued the public hearing on 960-990 Waltham Street. The Historic Commission has before it 341 Marrett Road and 91-93 Hancock Street.

Mr. Zurlo said he spoke with the Ethics Commission and was advised that he would need to recuse himself from consideration of the 341 Marrett Road Development proposal.

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

Wendy Manz, Clerk