

PLANNING BOARD MINUTES

MEETING OF FEBRUARY 20, 2008

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

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

Mr. Canale recused himself from the discussion on the Special Permit Residential Development.

Article 49, Special Permit Residential Development: Mr. Hornig asked the Board for their reaction to the public hearing and if they had any changes.

Ms. Manz said there was some support for further reducing the size of the required smaller houses, but no other substantive changes. Mr. Zurlo said he had no substantive changes.

Ms. McCall-Taylor said the Board might consider the possibility of waiving the 7,200 square foot gross floor area (GFA) limit on existing historic homes. Mr. Hornig said he was not sure it would be worth adding complexity to the bylaw amendment since it was unlikely to occur often. Mr. Henry said it was not just the exterior shell that had put the house on the list. Ms. Manz said that the change could get by with just a one-line change. Mr. Zurlo said that language allowing discretion would be less desirable and preferred that a house would have to be on the register to qualify.

Mr. Hornig said he opposed any changes that would make the bylaw more than eight pages.

Mr. Canale joined the meeting.

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

85A-87 Pleasant Street, Sketch Plan, Special Residential Development: Mr. Hornig said they would need to look at the proposal using the current and the proposed bylaws because if the amended bylaw passes at this Town Meeting it would apply to this development.

Ms. McCall-Taylor said part of the new process of sketch plan reviews would now include the Board looking at the existing site and then considering how the opportunities and constraints of the site influenced the site plan. Mr. Hornig suggested they try a modified version of that approach in reviewing

this submittal.

Gary Larson, landscape architect, and Lili and Isaac Silvera, applicants, were in attendance. Mr. Larson explained the primary theme of this development would be a design that would be environmentally sustainable and would comply with LEED requirements. The site has 3.3 acres in the RS zone with an approximate change in elevation of 75 feet. The site has no streams or wetlands and there are two existing homes. Hugh Stebbins designed the house on parcel one, the southern exposure site. The proof plan shows six lots. He said this would need to be reevaluated if the new bylaw were passed at Town Meeting; one or two lots could be lost.

The proposed interior drive would come out at a high point on Pleasant Street. The upper lot would contain an in-ground house with a green roof, geo-thermal heating, and would use runoff for irrigation and to flush toilets. The garage would be at a lower level with a tunnel to the home. There would be two smaller homes off Pleasant Street with solar orientation. This plan came in below the current regulation maximums.

Board Comments and Questions:

Mr. Canale asked to see the present and proposed vehicle access to the Stebbins house since none was shown on the plan. Why was it not shown on the plans? Mr. Larson said the driveway at the western side of the lot might be over the property line. Mr. Canale said the driveway would need to be accounted for and suggested keeping the access as is. Mr. Canale asked if there would be topographic issues if all access came off the interior drive. Mr. Larson said that access from the interior drive would not work with the garage under the houses. Mr. Canale asked what would the minimal grading be to get to the house at the top? Would the upper unit be handicapped accessible? Mr. Larson said the applicants would want the house on the top of the hill for the views; he is not sure how he would get a car up there and perhaps there would be a tunnel or a covered walkway with a conveyer belt to the basement of the proposed house. Mr. Canale said this development would be close to Moon Hill Road, which has low homes; would this be compatible with them? Mr. Larson responded that the house on the top of the hill would be one level and have a relatively flat roof. Ms. Silvera said she had a model with her that showed it would be compatible with the surrounding homes. Mr. Hornig said the Board should first deal with the site issues.

Mr. Zurlo said he was encouraged by the staff's recommendation to instigate a process to work with applicants to review a site's potential prior to discussing a specific proposal. He looked at the site analysis, including the character of the streetscape and the stone wall, and while the top of the hill is nice

for a view, his concern was not to impose on the privacy of Dover Lane houses. He noted that the construction would require a lot of clearing of underbrush and small trees. He felt that the geometric center of the site would be the best place for construction.

Ms. Silvera said at the top of the hill she would protect the trees, and she appreciated the stone walls and would try to keep them. She said the house would be environmentally friendly, using sustainable practices. The roof would have small plants and evergreens would be planted, both of which would minimize views of the roof. Ms. Silvera presented a model of the proposed house to the Board.

Ms. Manz said the model was helpful and asked if the orientation could be changed slightly away from Dover Lane. Ms. Silvera responded that they could not since the orientation would be strictly for a solar standpoint, but she would have lots of evergreens that would be high enough to provide privacy. Ms. Manz said the smaller houses that would face Pleasant Street should share a driveway, which would reduce the number of curb cuts. She wanted to see a sidewalk along the street.

Mr. Zurlo said it would be best if the houses off Pleasant Street were not orientated inward to an interior drive. Access from Pleasant Street may not present much of a safety hazard with a regular and predictable rhythm of driveways. Ms. Silvera said a shared driveway was less desirable; people would stop to pick up their mail and hold up traffic on the main road.

Mr. Hornig said he was interested in a sidewalk that extended across the entire frontage on Pleasant Street. Mr. Hornig said he wanted to talk about the slopes. His first reaction had been to stay away from the hill, but he understood that the whole point was to put a house on the top of the hill although it would create a lot of disturbance. The LEED standards recommend that steep slopes be left undisturbed. This might be mitigated by gaining access from Moon Hill Road with a 12-foot driveway. The berm house would be another contributor to site disturbance. If access to the top house could be gained from Moon Hill Road, the driveway could be shortened considerably and pulled off the sloped area.

Ms. McCall-Taylor said there are two LEED standards, one for site development and one for buildings. The Planning Board could consider site issues, but building standards fall under the jurisdiction of the building department, not the Planning Board. Mr. Henry said due to the concerns about site disturbance and placement the berm house may need to be sacrificed. He asked if the homes at the bottom of the site would also be built to LEED standards. Could one claim to be green if the site were destroyed in order to site a green house on the top of the hill? The applicant would need to provide a clear definition of a green

development for the Board to have clarity of what the applicant has proposed.

Mr. Zurlo said although staff and the board have had much discussion about this proposal's green attributes, it should not be a specific standard under which its merits are reviewed.

Mr. Canale said the challenges on this site would be site disturbance and runoff, which at this point would appear to be a challenge to get into a program and have it come together. By building into this hillside how many trees would be saved/removed and what would be the amount of site disturbance created?

Mr. Hornig said there could be possible disturbance of steep slopes from garages, a berm house and access to the main house. Mr. Larson said he had looked at this challenging site and the alignment of the driveway had been determined by the location of the slopes and trees. He asked if it would be worth taking this conceptual plan forward?

Mr. Hornig responded that if this had been a generic development, the Board would have wanted to keep the development to the front of the lot. The challenges that would require further discussion and consideration would be getting the main house to the top of the hill and the berm house, which may or may not work out.

Mr. Zurlo said this raised the question of what makes one parcel's existing green space more valuable than another. The Waltham Street proposal required clearing of more trees of larger caliper than what may be likely to be cleared on this property. Also, at Waltham Street a large 3-story 5-unit structure visible from the street was approved while this proposal will clear for the construction of a berm-house and a second principally green structure.

Ms. Silvera said the trees on that site are tall, skinny and very unattractive. She noted that the berm house seemed to be a sticking point. She saw it as an experiment for alternative ways people could live.

Mr. Hornig said the berm house was not the issue, but rather the 16-foot grade change across the footprint of the building.

Mr. Canale said he liked the concept, but said due to the difficulty and constraints of this site the proposed plan might need effort and redesign.

Ms. Manz suggested the applicant investigate using Moon Hill Road as access. Ms. Silvera said she

would look into it. Mr. Hornig wanted to see a limit of work line. Mr. Canale said he could foresee a number of smaller steps might be needed to try to make this an acceptable plan. He said he wanted another sketch plan with more information to be brought before the Board rather than a preliminary plan.

Mr. Zurlo asked for another sketch plan with more information showing what the property actually looked like. He felt that this would be an ideal candidate for a Sketch-Up presentation. A model like this would show the additive and subtractive elements being proposed and it could tell the story in a quick way.

Ms. McCall-Taylor asked the Board to weigh in on the number of units. Mr. Hornig said he liked the smaller houses, but there could be a problem finding good sites for the houses and finding a site for the sixth house might not be possible.

Mr. Zurlo said it was questionable whether the front of the lot could support one or two units, and would be determined by aesthetic siting design. Mr. Hornig said while the green house was interesting it would have no bearing on the site review and could not enter into the Planning Board's decision. The green construction of the building would be part of the building permit process. Mr. Zurlo said regarding diversity of the housing stock; couldn't green be a part of the diversity? Mr. Hornig said the Board was not permitted to regulate based on the building code.

A letter summarizing the issues would be sent to the applicant.

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

Article 51, Associate Planning Board Meeting: If Town Meeting approves this the Board should ask for an expedited Attorney General's review as it would be needed prior to October.

Mr. Canale asked for some sense of how the Board would seek out an Associate Planning Board Member. Mr. Hornig said the Board would follow the usual process. Ms. McCall-Taylor said the Board would need to decide what its expectation would be for the associate member's participation.

Mr. Hornig said legally the Associate would only participate in the issuance of a special permit, but the person should be involved sooner rather than later. Mr. Canale said potential candidates could be former Planning Board Members or someone who would be interested as a future Planning Board member. It

would be a good way for them to get acclimated. The general consensus of the Board was to leave the date of appointment open, but specify the length of the Associate's term. It was also suggested the associate member would participate in deliberations of a proposal beginning with the Sketch Plan. Mr. Canale would do the presentation of the Article. He asked for information on the number of recusals and how many times the Mullins rule was used.

Article 52, Countryside Rezoning: The Board should have a discussion on their position regarding this Warrant Article after the proponents make their presentation February 27, 2008.

Articles 53-60, Commercial Development (Citizens' Petition): Mr. Hornig asked how the Board should proceed. Ms. Manz suggested that the Board hold back a bit. Mr. Smith was looking forward to talking with Mr. Hornig and would be willing to make some changes in his articles, such as coming down from 50,000 square feet for by-right projects. The Board should wait for the meeting with Mr. Smith before they have any further discussion of the Board's position on these Warrant Articles.

Mr. Hornig asked the Board to either confirm or deny his impression that the only pieces the Board was considering supporting were the mixed uses in the CM district, Article 59 on Parking (with some changes), and giving the Zoning Board of Appeals discretion instead of the rigid level of services in the traffic article.

Mr. Canale said he was unlikely to support any of the proposed commercial articles, as it would send the wrong message. All the topics need to be addressed, but it would be unwise for the town to pass these articles because they are structured in ways that would not be in the town's best fiscal interests. The timing doesn't allow them to be fixed before Town Meeting occurs.

Mr. Zurlo said he agreed with Mr. Hornig's comments; the FAR was going in the wrong direction. Mr. Hornig asked the Board if they would support an increase in the FAR? Mr. Zurlo said yes with some revisions. Ms. Manz said Mr. Smith was pushing and although that could be good, he should wait for the Economic Development Task Force report, which would have an initial presentation within a week. The Town was trying to take a methodical approach to commercial development and he should wait for a more comprehensive look.

Mr. Hornig said Mr. Zurlo was open to FAR negotiations and the other three items listed were possibilities. Mr. Canale would not support them and Mr. Galatsis' opinions were currently unknown. (?). Mr. Hornig said the Board could work with Mr. Smith to amend some items or they would oppose them.

Mr. Canale said to let the people know we have not worked on these issues because the process was still ongoing.

Mr. Hornig asked about updates on the Stormwater Bylaw. Ms. McCall-Taylor said the bylaw could be found on the DPW website and a copy would be placed in the Board packets for next week.

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

On March 5, 2008, TMMA has an information session and the Board should reschedule the Planning Board Meeting to start at 6:00 p.m. On March 12, 2008, the meeting would be to discuss the Board's position of the Warrant Articles for Town Meeting. The Planning Board reports to Town Meeting should be completed by April 9, 2008.

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

Mr. Canale said the HATS continued meeting on Route 128 traffic and planning issues would be Thursday, February 28, 2008, at 7:30 p.m. in Bedford. There would also be a series of MAGIC meetings starting March 6, 2008, regarding Zoning Reform. The Bialecki draft would be revised and the intent is that a reworded document would be filed as legislation in April. If accepted, it would allow other things such as passage of zoning changes with only a majority vote of Town Meeting.

Mr. Zurlo said this Monday at the Board of Selectmen's Meeting, Susan Yanofsky, Mollie Garberg and he would be discussing the draft charter of an economic development advisory board.

Ms. Manz said the Community Preservation Committee would have its final vote on most proposals March 3, 2008, including three Conservation Commission purchases.

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

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

Wendy Manz, Clerk