

PLANNING BOARD MINUTES

MEETING OF February 6, 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 Zurlo, Canale, and Manz and planning staff McCall-Taylor, Henry and Kaufman present. Mr. Galaitis was absent.

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

PUBLIC HEARING

At 7:30 p.m. Mr. Hornig opened the public hearing on Articles 53-60, on Commercial Development. There were 30 people in the audience.

Mr. Larry Smith made a presentation about the commercial zoning initiatives. Ms. Mary Jo Bohart from the Chamber of Commerce was present.

Article 53, CM District Floor Area Ratio: This article discusses changing the maximum Floor Area Ratio (FAR) in the CM district from .15 to .35. Due to the wetland exclusion the FAR would be approximately equivalent to .30. There are numerous functionally obsolete buildings, which have various FAR constraints making the existing FAR .22. At the proposed FAR, replacing the functionally obsolete buildings would increase the development by 607,000 square feet and add \$2.3 million in tax revenue.

Article 54, Mixed Uses in CM District: This article would allow mixed uses in CM district and stores of up to 7,500 square feet. The provision of convenience services would reduce midday traffic.

Article 55, CRO District Floor Area Ratio: This article would change the maximum FAR in the CRO district from .15 to .30. It would also allow light manufacturing in the CRO district. Due to the wetland exclusion, the actual FAR would be approximately .25. Corporate headquarters density is .25.

Article 56, Traffic Bylaw: This article would replace the entire traffic section. Mr. Smith claimed that this is a tripwire preventing development and it hasn't been enforced since its inception. It would modify the existing language and allow the Special Permit Granting Authority and the Building Commissioner to grant permits even if the LOS requirement is not met.

Article 57, Development Standards: This article would allow commercial developments of more than 10,000 square feet 'as of right' with no Special Permit with Site Plan Review.

Article 58, Transition Areas and Setbacks: This article would modify the "Street Line" setback from 50 feet to 25 feet in both the CRO and CM districts and the "Minimum front yard in feet" from 100 feet and 75 feet to 50 feet, which would allow better land use, especially in sensitive wetland areas.

Article 59, Parking and Bicycle Facility Standards For Office Use: This article proposes reducing the number of required office use parking spaces from four per 1,000 square feet to three spaces as a minimum and establishes a maximum of three and a half spaces per 1,000 square feet. There would be preferential spaces for carpool, vanpool and bicycle use.

Article 60, CM Parking Standards for Retail Sales: This article would add a new category of parking standards for retail sales. It would require one parking space per 500 square feet of street level floors; one space per 750 square feet in a cellar; and one space per 600 square feet of all other floors.

Board Questions and Comments:

Mr. Canale asked if there were any formal paperwork on these articles for the Planning Board to consider for Town Meeting. He asked about how much additional square footage had been added since the "moratorium" (the reduction of FAR to .15). He said that Mr. Smith claimed the traffic bylaw had never been enforced, yet one of his own developments was subject to it. The Town is currently going through a study with the 2020 Vision Committee and the Economic Development Task Force (EDTF). Based on their endorsement of the TIF with Shire, it seems clear that Town Meeting wants to encourage economic development that will enhance revenue and minimize impacts. The EDTF has a consultant working on a report with a variety of possible changes, so he asked for an explanation of why it was being brought to Town Meeting as only one option and before the EDTF can have its discussion.

Mr. Smith said he wanted action and did not want to wait another cycle. He said the market for lab space is much more volatile than office use. Look how long it took to get the tenants for the Patriot Partners property.

Ms. Manz asked about an analysis of potential additional employees and automobile trips, if these proposals passed. Mr. Smith responded with information regarding the additional parking spaces. Ms. Manz said not parking spaces, but additional peak traffic. Traffic is an issue and an increase in traffic is a concern.

Mr. Zurlo thanked Mr. Smith for all the work he had done, and asked which properties would be limited by other restrictions before they were limited by the proposed FAR. Mr. Smith said with the wetland exclusion it would hit at about a .40 FAR.

Ms. McCall-Taylor said that Susan Yanofsky, the Economic Development Officer has begun an analysis and found open space and site coverage constraints would limit the size of development to less than the proposed FAR.

Mr. Zurlo asked what would Hartwell Avenue look like if this all passed? Mr. Smith said changes could take as long as 10 years but they would bulldoze the functionally obsolete buildings and redevelop with greener buildings.

Mr. Hornig asked if they allowed manufacturing only as an accessory use, would it meet his goals? Why did he increase the threshold from 10,000 to 50,000 square feet before a traffic study? Mr. Hornig felt that the thresholds in the various articles should be consistent. The first part of Article 57 that deletes the reference to the SPS within the definition of Yes was not the issue, but changing the SPS to Yes in line B.22 was. The bicycle parking is not listed in the new retail and service uses; was that an oversight? Mr. Smith said that it was an oversight. Mr. Hornig said setting a maximum of parking at 3.5 spaces per 1,000 square feet is a concern since it makes many of the buildings non-conforming and then any changes would be dealing with non-conforming parcels. The requirement for vanpool parking spaces needs to be clearer. Mr. Smith said he took it from the Bedford Bylaw and it works well there and it has good enforcement.

Mr. Canale asked about the intention of the mixed uses, was it to be its own use rather than accessory to each establishment? The consultant had said retail has typically the highest rents, what would be allowed by right for the series of small stores? Mr. Smith said as long as they are less than 7,500 square feet they are within the confines of the new zoning bylaw and would not require SPS and would only require a

building permit.

Town Official Questions and Comments:

Mr. Garry Rhodes, Building Commissioner, said the statements about the bylaws not being enforced concerned him. While there are some differing interpretations, before statements are made about the lack of enforcement of the bylaws, Mr. Smith should come into the office to discuss it, the door is always open.

Mr. George Burnell, Board of Selectmen, said there is a subject that is not being discussed and needs to be considered, and that is that the EDTF consultant has looked at the .9 FAR that would permit full development of the commercial property.

Mr. Nyles Barnert of the Zoning Board of Appeals said if the FAR in the CRO district is at .30 you could increase the supply, but there is already a frequent turnover of occupants. The demand may not be there and the demand has not been addressed. Mr. Smith said 6.7% vacancy is not bad. Mr. Barnert said that the hearing on Denny's replacement last week showed that you need to think about what the Town's wants and needs are so he was concerned about changing "Yes." He also wondered about the change to setbacks along Hartwell Avenue and how it would look.

Audience Questions and Comments:

Mr. Partick Mehr, Precinct 3, said if you double the FAR then you could double the floors and build up. If the Board is trying to regulate the residential districts more, then why is it regulating the commercial districts less? He heard the parking regulations aren't enforced, so why not get rid of them? He asked if Mr. Smith had studied any other possible reasons as to why the center was not vibrant. He felt a more comprehensive study might be in order.

Mr. John Rosenberg, Bloomfield Street, said density is good and the Town is better off with denser development. This could allow for more efficient transportation options and energy use, which are good ideas. It would be good to have a visual interpretation of the redevelopment in ten years and going forward. The streetscape now is bleak and with an increase in the FAR, he hoped there would be taller buildings with parking structures, leaving more open space.

Mr. Frank Sandy, Precinct 6, said some redevelopment could be desirable, but first the traffic problem needs to be addressed. There is a traffic problem now, and before rezoning, we need to know how to improve the road, how we are paying for it, and the offsets.

Ms. Dawn McKenna, Precinct 6, said every time the Planning Board brings forth a special permit, each project should contribute to Lexpress in perpetuity with inflation escalators. Parking regulations in the center are arbitrary and do not work. It would be better to work on as a separate issue. 125 Spring Street came forward and wanted to destroy the vista and the FAR was the only thing that prevented it.

Mr. Jim Osten, Precinct 8, said he tried to bike on Hartwell Avenue and it is dangerous. People get off at the bus stop and there is a wall of snow and then they walk into a pool of mud against a snow bank, there are no sidewalks and there is snow on the shoulders. He would be hesitant to approve anything that would increase traffic there.

Board Questions and Comments:

Mr. Canale said the Board and the Town know the traffic section doesn't work. It was created when one could move traffic along and that is no longer true. What can be done to reduce auto trips? It would cost approximately \$30 million to upgrade Hartwell Avenue and the jug handle, and it would not be for at least ten years unless the Town funded all the costs. The T has considered the possibility of extending the service of the red line. Mr. Canale said we need to accept the congestion and learn to deal with it if we wish to increase commercial development significantly. Putting band-aids on the situation is not enough. We need predictable enforcement and preserve the capacity we have now. He told Mr. Smith that it was very disappointing that he was putting this before Town Meeting now. There are a lot of options out there and they all need to be considered. This needs to be done correctly.

Ms. Manz said she shares Mr. Canale's concerns and that it is early for these proposals to go before Town Meeting, but she appreciated Mr. Smith's efforts in bringing them forward for discussion.. Traffic management is a big sticking point. Redoing Hartwell Avenue is expensive and not within the Town's capability. Should we increase density now or work further on details? She was also uncomfortable with the proposed changes to the SPS.

Mr. Zurlo reiterated that he appreciates the amount of work done on this and stated his concern in picking

a number. This puts pressure on the community to increase the FAR and then deal with the impact on traffic. It seems a little premature overall. The warrant goes the wrong way to get the community dialogue going. He suggested focusing on things with substance and pull back some of the articles.

Mr. Hornig said we have to look at the infrastructure such as bike lanes, sidewalks and lights. Special permits, a traffic study and maximum parking impacts are major concerns. Offices that have more parking use it.

Mr. Smith said he is not sure there will be economic development if businesses are required to do the improvements. In 1979 the Traffic Improvement Commission raised \$100,000's in many untapped areas without burdening the landowners. He does not believe this is a time to wait. The zoning bylaws haven't been fixed for 20 years and need to be updated. Lexington will miss the boat if they don't do something now.

Mr. Hornig closed the public hearing at 10:05 p.m.

*****ADMINISTRATION OF LAND DEVELOPMENT*****

PLANS NOT REQUIRING APPROVAL UNDER THE SUBDIVISION CONTROL LAW

FormA/2008-1,73 Middle Street & 378 Lincoln Street: The Board members had previously endorsed the Approval Not Required Plan for land at 73 Middle Street and 378 Lincoln Street. Due to a notation change, Land Court is requiring another endorsed copy of the plan entitled "ANR Subdivision Plan of Land in Lexington, MASS", dated July 23, 2007 prepared and certified by Metrowest Engineering, Inc., Framingham, MA, submitted by Aaron Demarderosian, applicant. The members endorsed the plan.

*****BOARD REPORTS*****

Ms. Manz said the Center Committee and Conservation Preservation Committee (CPC) had received a negative feasibility study about whether renovations to Cary Hall could make it a driver for economic development in the Center. As a result the CPC would probably not fund the Cary Hall renovations and the Town has withdrawn the request.

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

On Wednesday, February 13 the public hearing on the zoning amendment for Special Permit Residential

Developments will take place in Estabrook Hall. On February 20, 2008, two sketch plans will go before the Board. The staff will try to arrange for the site visits before then if possible.

On a motion duly made and seconded, it was voted to adjourn the meeting at 10:35 p.m.

Wendy Manz, Clerk