

PLANNING BOARD MINUTES

MEETING OF MARCH 5, 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 6:05 p.m. by Chairman Hornig with members Canale, Galaitsis and Manz and planning staff McCall-Taylor, Henry and Kaufman present. Mr. Zurlo arrived at the meeting at 6:25 p.m. and left at 8:05 p.m.

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

Mr. Smith came to the Planning Board to present the proposed updates on Article 53 –60 for Town Meeting.

Article 53, CM District Floor Area Ratio: There were no changes.

Article 54, Mixed Uses in the CM District

- Eliminating some of the proposed uses permitted and changing uses such as convenience, food and retail from Yes to Special Permit;
- Eliminating stores greater than 2,000
- Will add "Y" reference under CM to line 8.33 in Table 1 that permits sales inside.

Article 55, CRO District Floor Area Ratio

- Not changing the FAR in the CRO District; and
- Changing light manufacturing to an accessory use, with a 25 % limit on the lot, only in the CRO district.

Ms. Manz said she was trying to envision manufacturing as an accessory use. Mr. Smith said they would make the pieces and then assemble them. It is predominately office space use.

Article 59, Parking and Bicycle Facility Standards for Office Use: The changes proposed were as follows:

- Changing the parking ratio of 1 per 250 square feet to a minimum of 1 per 333 square feet;
- Leaving the CB District alone;
- Taking out the maximums;
- Adding a new subsection of preferential carpool and vanpool parking; and
- Removing the option of eliminating car spaces in exchange for bicycle parking.

Mr. Zurlo joined the meeting.

Mr. Hornig asked if this figure was based on the net or gross floor area (GFA). Mr. Smith said it was based on GFA, but converted to net for consistency. Mr. Hornig said he would like to see a ratio for carpool spaces spelled out. Mr. Hornig asked what was the reason for a maximum bicycle parking of 40 spaces. Ms. McCall-Taylor said she assumed that since it was based on the trading off of car spaces for bicycle spaces and they didn't want to have too many bicycle spaces in relation to car space.

Article 56, Traffic Bylaw: Mr. Smith said there were no actual modifications to the language as of now. The 50,000 square feet would be a trigger for a special permit. He was trying to come up with a definition of "Yes" to be consistent and he was moving toward a special permit as opposed to as of right. There would need to be a determination of what would be the correct threshold and what would work.

Mr. Hornig said to make the special permits in Articles 53, 56 & 57 and Mr. Zurlo's proposal have consistent triggers.

Article 58, Transition Areas and Setbacks: There were no changes as of yet, but Colin Smith, who is working on it is considering modifying it to just apply to the CM District. It would go from 50 feet to 25 feet. Ms. McCall-Taylor said that change may be out of scope.

Article 60, Parking Standards for Retail Sales: This involves a parking ratio change. It is the intent that they meet with the Center Committee and expand the analysis, get an update and then withdraw the Article.

Mr. Galaitis said the EDTF is looking into this with a broader representation of stakeholders. He wondered why Mr. Smith wouldn't wait for the report and come back with a joint proposal. Mr. Smith said he joined the EDTF two years ago, participated in its brainstorming, and had offered a feasible economical development plan. He did an analysis of each parcel and given the data he felt waiting wasn't the answer. This is the voice of the business community.

Article 52, Countryside Plaza Rezoning: The Board received a letter from the applicant's attorney agreeing to do certain site work should the rezoning passed. This work would be done immediately, and

not wait for the additional building. There was also a letter received from Jane Current an abutter that expressing her concerns.

Mr. Zurlo said there were a number of attributes that are improvements but he wondered about the issue of non-conforming use, such as the lack of a loading area.

Mr. Hornig said there were many nonconforming situations and if they wanted to expand they would be required to correct them or get waivers from the Zoning Board of Appeals. Mr. Galaisis said he wanted to explore the possibility of the two pieces being considered separately. He had difficulty with converting the piece in the RS district with the residential home and wanted it left to serve as a buffer to the residential units. The house could be rented instead of losing it as an affordable unit. Mr. Hornig said it would serve no advantage to the applicant at that point. The buffer would eat up the small piece of land that would be rezoned.

Mr. Canale said the retail areas that serve a great part of Town need to be vibrant and the clustering of uses needs to be efficient. He wondered if this rezoning would be more efficient and help with the total operation in it's service to the Town. There is no documentation to substantiate the need for more retail at this location, from the Chamber of Commerce or elsewhere. While it was nice to see the commitments of the proposed improvement, the concern would be if rezoning at this point offered a benefit to the Town.

Ms. Manz said the improvements were good and if the rezoning was turned down what would be the incentive for the applicant to improve the site? The need for a better sidewalk on Woburn Street, the marginal increase in tax revenue to the Town, and removing the possibility of a 40-foot high home being built and instead having a 25 foot commercial building with buffers were all positive benefits.

Mr. Hornig said that people were saying this house is an affordable unit; do we know the rent amount? Mr. Hornig said he felt this proposal was reasonable. Technically the piece of property that expanded into the residential zone was an isolated piece of land and the benefit of rezoning would be that this site would create larger commercial site that would be closer to conformity with loading zones, aisles and parking sizes at a minimal cost to the Town.

Mr. Zurlo said more information would be needed in order to support the change in zoning. He would

need to see the location and relationship of the building sites to the residential property; and have a sense of how this property would be developed. Mr. Hornig said that the purpose of zoning a property is setting down rules, which would allow the owner to build if it conformed. Zoning is suppose to produce good results and not about a specific project.

Mr. Zurlo stated that the Board should only focus on the zoning and relationship to the area and not on the improvements the applicant offered. Mr. Hornig said that some improvements would be required with expansion even without a written commitment.

Mr. Canale said the intersection was not the proponent's responsibility and the expanding of the retail area was not a problem, but with the conditions as they exist he would not support this rezoning.

Mr. Galaitis said he was uncomfortable supporting this rezoning with the information that is before the Board at this point.

On a motion duly made and seconded, it was voted, 3-2, (Mr. Galaitis and Mr. Canale opposed) to support the Article 52 at Town Meeting.

Article 53, CM District Floor Area Ratio: Mr. Hornig said they made progress on a proposal to mitigate the increase in the FAR by special permit mechanisms with certain findings and were still working on that concept.

Mr. Canale said he was opposed to all the commercial articles except for the one that dealt with setbacks. He would be speaking against all the other articles since they were not in the Town's best interest. These articles give a density bonus without equitable return to the Town.

Mr. Hornig said they would try to continue working on this article and the Board should defer the discussion until then.

Mr. Zurlo said impacts from an increase to .35 seemed reasonable for development, but there would need to be more discussion of the impacts. Special permits would go before the Planning Board to mitigate impacts. Mr. Hornig said an idea brought to Larry Smith was to allow an increase in the FAR to .35

through a special permit with site plan review from the Planning Board as the Special Permit Granting Authority. Mr. Canale asked which special permit would this take away from the Zoning Board of Appeals?

Mr. Hornig said this one only, anything related to one-stop shopping. He said it has not yet been discussed with the Zoning Board of Appeals. Mr. Smith said he questioned the ability to put in place economic development in the time needed.

Ms. McCall-Taylor said the Board could support the Article or offer its own amendment if desired even without the applicant's consent.

Mr. Galaitis said he liked the one-stop shopping concept but was hesitant to support it without the views of the EDTF to see a more balanced approach.

Mr. Zurlo said Mr. Smith's work was in direct parallel with the EDTF, but he wanted a faster time line. It was agreed that while it may be a reasonable increase to the FAR, that it would be used as a base line for an impact study. Mr. Galaitis asked Mr. Smith if one year would make a difference? Mr. Smith said the time is now. Mr. Hornig asked would there be any interest in refining the special permit process before taking a position? Ms. Manz and Mr. Zurlo said yes.

Article 54, Mixed Uses in the CM District: There were fewer uses proposed and the size was scaled back. Ms. Manz said she liked the proposal with the addition of line 8.33. What would prevent a strip mall? Mr. Hornig said they could build as many 2,000 square foot businesses as they want on a lot. Mr. Zurlo said the uses article would need further review. Mr. Canale said the problem was that it was being done in a patchwork way without knowing the outcome. The Board needs to be proactive in determining future uses and kind of uses.

Ms. McCall-Taylor asked if the vision was of a single use within a larger building or occupying the entire ground floor? Ms. McCall-Taylor said the Board would not have to make a written report now and could delay their recommendation to the night of the Town Meeting vote if needed in order to see the final version.

No position was taken at this time.

Article 55, CRO District Floor Area Ratio: Ms. Manz said the Board should postpone the discussion of whether or not to support this article to allow further discussion with the applicant. Mr. Hornig said the Board would put aside the commercial articles for now.

Mr. Zurlo left the meeting.

Article 30, Stormwater Bylaw: On a motion duly made and seconded, it was voted, 4-0, to support the Article 30 at Town Meeting.

***** MINUTES *****

Review of Minutes: The Board reviewed and corrected the minutes for the February 20, 2008. On a motion duly made and seconded, it was voted, 3-0-1 (Mr. Galaisis abstained), to approve the minutes as amended.

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

Mr. Canale said he emailed Mr. Bialecki's proposal with revisions and interpretation to the Board and the MAGIC meeting is tomorrow in Estabrook Hall at 7:00 p.m.

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

The TMMA Bus Tour will be on Sunday, March 9, 2008. Mr. Canale and Mr. Hornig will attend and speak to Articles 5, 13, and 16. The Starwood site visit is on March 20, 2008 at 1:00 p.m. and Ms. Manz, Mr. Canale and Mr. Hornig will attend.

On a motion duly made and seconded, it was voted to adjourn the meeting at 8:20 p.m.

Wendy Manz, Clerk