

Minutes of the Lexington Planning Board

Held on Wednesday June 7, 2023, Virtual Meeting at 6:00 pm

Planning Board members Present: Robert Peters, Chair; Michael Schanbacher, Vice-Chair; Melanie Thompson, Clerk; Robert Creech, Charles Hornig, and Michael Leon, Associate Member.

Also present were: Abby McCabe, Planning Director; Molly Belanger, Planner; and Kiruthika Ramakrishnan, Planning Coordinator.

Robert Peters, Chair of the Planning Board called to order the meeting of the Lexington Planning Board on Wednesday, June 7, 2023, at 6:00 p.m. For this meeting, the Planning Board is convening by video conference via Zoom. LexMedia is filming this meeting and will record it for future viewing [here](#). Detailed information for remote participation by the public may be found on the Planning Office web page.

Mr. Peters conducted a roll call to ensure all members of the Planning Board and members of staff present could hear and be heard.

Mr. Peters provided a summary of instructions for members of the public in attendance. It was further noted that materials for this meeting are available on the Town's [Novus Packet](#) dashboard.

Board Administration

Amendments to Board's Zoning Regulations §176-7.0 Unaccepted Streets Standards by modifying the requirements for Street Adequacy Determination (SAD)

Mr. Hornig recused himself from the discussion due to a potential conflict of interest because he lives on an unaccepted road and he left the meeting as a zoom panelist. Ms. McCabe reminded the Board about the staff's recommendation of changes that were discussed in the previous meeting. Ms. Belanger summarized the existing regulations and presented the changes in more detail for the Board's consideration.

Ms. Belanger said the first recommendation was to remove the current trigger of an addition of a thousand square feet of GFA. Ms. Belanger said that the new trigger would be addition of additional units, apart from accessory dwelling units, which would be part of an ANR or sub-division or from current vacant lots. Ms. Belanger added that the staff also would like to recommend a maximum cap of 200 feet for road improvements and that the Engineering department would recommend the area of the road to be improved. Ms. Belanger also suggested the requirement of a performance guarantee when there is an addition of more than a thousand square feet of GFA on unaccepted streets for road improvements in the event of damage caused by construction trucks. Ms. Belanger said that staff from the fire, engineering and building departments had already reviewed the recommendations and agreed with the proposed recommendations.

Mr. Leon thought that the change in regulations was long overdue and it brought a lot of fairness to the process. With regards to § 7.2.1.2, Mr. Leon wondered how the regulations would affect any change in

use. Ms. Belanger said that the Board would consider Mr. Leon's suggestions. Mr. Leon said there was a lot of ambiguity regarding §7.3.1 about the period of vacancy for a new lot that would be developed and suggested making changes to refer to a previously undeveloped lot instead. Mr. Leon added that there was also ambiguity with the maximum distance required to be improved, and wanted clarification if it would be lesser of 200 feet or 200 feet plus the frontage of the lot. Ms. Belanger said the intent was for a maximum of 200 feet in total, inclusive of the frontage of the lot and said she will make the appropriate changes.

Mr. Creech said he liked the suggested amendments. Mr. Schanbacher, Ms. Thompson and Mr. Peters agreed with Mr. Creech and supported the amendments.

Mr. Fred Feldman, 24 Wachusett Dr Lexington, who had appeared before the Planning Board in an earlier meeting for the Street Adequacy Determination as part of their home construction process, wanted to know if they could get relief under the amended regulations. Ms. McCabe said their application would be governed by the regulations that were in place at the time of their approval.

The Board decided to make some further edits suggested by the members in the meeting and decided to vote on the amendment.

Mr. Schanbacher moved to approve the amendments to the Unaccepted Streets section 7 of the Board's Zoning Regulations as shown in the draft amendments dated May 12, 2023 and further revised tonight. Ms. Thompson seconded the motion. The Planning Board voted in favor of the motion 4-0-0 (Roll call: Creech – yes; Peters – yes; Schanbacher – yes; Thompson – yes). MOTION PASSED

Board Work Session - Begin developing Planning Board Zoning Regulations for new zoning adopted at Annual Town Meeting for village and multi-family overlay districts (Article 34)

Mr. Hornig rejoined the discussion as a zoom panelist. Ms. McCabe asked the Board to start discussing developing Zoning Regulations for Article 33 and Article 34 that were adopted at the Annual Town Meeting. Ms. McCabe gave a brief overview of Lexington's Zoning bylaws pertaining to Articles 33 and 34 and encouraged the Board to come up with regulations that would set clear expectations on what an applicant should submit and how they should design their plans. Ms. McCabe gave the suggestions from staff and shared her idea to have peer reviews on applications from a professional engineer and architect.

Mr. Hornig said he personally preferred §12 to be the general rule for Site Plan Review and Special Permits and reuse §13 as the section for Site Plan Review for residential developments. Mr. Hornig also said that applications for the smallest number of units should be treated differently from larger numbers of units in terms of requirements like peer reviews and suggested having a recommended threshold beyond which peer review should be required. Mr. Hornig also expressed his concern regarding requirements for color and exterior materials that will be regulated by the building code. Mr. Hornig also did not want to be prescriptive regarding the architecture of the buildings and wanted to allow a lot of flexibility as far as

architecture was concerned. Mr. Hornig also wanted storm water to be regulated by the storm water bylaw.

Mr. Schanbacher said that he preferred having separate sections at least for a foreseeable future since it would allow flexibility in the future as this zoning is new for the Town. Regarding design review, Mr. Schanbacher, felt that it is a critical part of the process and a peer review report will help the Board to ensure all the design requirements required by the Town and Board will be met. Mr. Schanbacher also suggested that requiring a neighborhood meeting will help address the concerns of abutters and neighbors.

Mr. Creech agreed with Mr. Schanbacher and also was concerned about the aesthetics of the building. Mr. Creech also wanted the neighborhood's concerns to be addressed and felt a neighborhood meeting is a good way to accomplish that.

Ms. Thompson felt that a peer review would be a good way of ensuring the requirements are met as a lot of review may be needed on the first few projects as it may be the first project in the State and to set a tone for future projects.

Mr. Peters agreed with Mr. Hornig's suggestion to have a threshold for peer review as smaller projects do not require the same level of review compared to a significantly larger project and agreed with other Board members that design and architectural peer review would be very valuable. Mr. Peters also felt that Lexington Center must have separate regulations that would warrant some distinction with other developments.

Mr. Leon agreed with the comments from the Board members and reiterated that a neighborhood meeting in the initial stages would help address the concerns of abutters and neighbors. Mr. Leon stated that construction related impacts and storm water permitting should also be addressed as part of the review process. Mr. Leon said that the concerns of abutters relating to buffer areas, screening set back, tall structures, shadow impacts could be addressed by peer reviews and shadow studies. Mr. Leon added that the impacts of having significant height and grade changes can be mitigated by some thoughtful design. Mr. Schanbacher agreed with Mr. Leon's views.

Mr. Hornig said that the focus should be on site design and conditions imposed should be tied to concrete requirements in the regulations.

Public Comments

Mr. Tom Shiple, 18 Phinney Road Lexington, said that the regulations have to be within the scope of the bylaw and wondered the extent to which universal site plan review regulations can be written. Ms. McCabe clarified saying that Article 34 stated that the Board shall adopt regulations to facilitate site layout, building design and outdoor amenity space and gives the Board the authority to review under site plan review.

Ms. Nancy Sofen, 3 Abernathy Road Lexington, a member of the tree committee, said she was pleased to see SITES included as suggested for low impact sustainable design regulations and reminded the Board that SITES is effective only if used from the earliest stages of design and asked the Board to include it as part of the application process.

Ms. Lin Jensen, 133 Reed Street Lexington, wanted to know if it was possible to require solar panels on parking lots, roofs, awnings, and keep as many impervious areas covered by solar panels as possible. Ms. McCabe thought that solar can be recommended but cannot be mandated. Mr. Hornig added that the regulations have to be consistent with the building code.

Mr. Geoff Waite, 28 Spring Street Lexington, wanted to know the safeguards that are in place to maintain the inclusionary housing in future. Mr. Peters responded saying that the requirement would be for inclusionary units to be deed restricted. Ms. McCabe added that it is a permanent restriction and Zoning and Planning departments maintain strict monitoring of inclusionary housing for the life of a structure.

Ms. Ricki Pappo, 16 BlossomCrest Road Lexington, suggested that for larger projects, an environmental impact statement should be required for both Articles 33 and 34.

Mr. Jay Luker, 26 Rindge Avenue Lexington, wondered the extent to which DHCD will scrutinize the design guidelines and site plan review regulations. Ms. McCabe clarified saying that DHCD guidelines are clear on regulating site plan review and have to be complied with.

Mr. Creech said the regulations should also focus on aesthetics, trash storage and collection and being solar ready. Mr. Hornig suggested that the regulations should be framed in a way that the multifamily regulations are not more strict than regulations for other developments that require site plan review. Mr. Hornig also added that regulations pertaining to peer reviews should have clear guidelines.

Board Member Updates

Mr. Hornig updated the Board about the Hanscom Area Towns Committee (HATS) meeting and stated that their immediate focus is a proposal for a new hangar development on the north side of the airport. Mr. Hornig also mentioned that the Waltham City Council is discussing the next steps for the Tracer Lane solar project and the upcoming meetings of the Center Committee and the Economic Development Advisory Committee.

Mr. Creech updated the Board about the Minuteman Advisory Group on Inter-local Coordination (MAGIC) and stated that the Metropolitan Area Planning Council participated and discussed about creative place making regarding allocating funds for temporary art projects in towns. Mr. Creech said that they also discussed regional trails and making them interconnected.

Staff Updates

Ms. McCabe informed the Board about the Public Forum to be held on June 8th 2023 at Cary Hall to discuss the Town wide bicycle and pedestrian plan.

Upcoming Meetings: June 28, July 19, August 9, August 30

Mr. Peters reminded the Board about the upcoming meetings scheduled for June 28, July 19, August 9, August 30 and asked them to confirm their availability for the Fall meetings.

Review of Meeting Minutes: 5/3/23, 5/17/23

Mr. Schanbacher moved that the Planning Board approve the Minutes of May 3, 2023 and May 17, 2023 meetings as presented. Ms. Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll call: Creech – yes; Peters – yes; Schanbacher – yes; Thompson – yes; Hornig – yes). MOTION PASSED

Adjourn

Mr. Schanbacher moved that the Planning Board adjourn the meeting of June 7, 2023. Ms. Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll call: Creech – yes; Peters – yes; Schanbacher – yes; Thompson – yes; Hornig – yes). MOTION PASSED

Meeting adjourned at 7.48 p.m.

[Lex Media](#) recorded the meeting.

Material from the meeting can be found in the Planning Board's [Novus Packet](#).

List of Documents

1. Amendments to Board's Zoning Regulations §176-7.0 Unaccepted Streets Standards- Draft SAD Regulation REDLINED, Planning Staff Memo dated 05.30.23
2. Begin developing Planning Board Zoning Regulations for Article 34-Memo to PB-Preliminary Regs, dated 06/02/23, Article 34 Motion
3. Draft meeting minutes for 05/03/23, 05/17/23