

Minutes of the Lexington Planning Board

Held on Wednesday, August 9, 2023, Virtual Meeting at 6:00 pm

Planning Board members present: Robert Peters, Chair; Melanie Thompson, Clerk; Robert Creech, Charles Hornig.

Also present were: Abby McCabe, Planning Director; Molly Belanger, Planner; Carol Kowalski, Assistant Town Manager for Development; and Kiruthika Ramakrishnan, Planning Coordinator.

Robert Peters, Chair of the Planning Board, called to order the meeting of the Lexington Planning Board on Wednesday, August 9, 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.

Executive Session

Pursuant to M.G.L.c30A, §21 (3) To discuss pending litigation if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Board and the Town: Appeals in the Superior and Land Courts of the Site Plan Approval with Conditions issued to Tracer Lane II, LLC by Tracer Lane II, LLC, the City of Cambridge, the City of Waltham, and abutters.

The chair declared that an open meeting discussion may have a detrimental effect on the litigation process

Ms. Thompson moved that the Planning Board go into Executive Session under exemption 3 to discuss pending litigation with respect to the Appeals in the Superior and Land Courts of the Site Plan Approval with Conditions issued to Tracer Lane II, LLC by Tracer Lane II, LLC, the City of Cambridge, the City of Waltham, and abutters. Mr. Creech seconded the motion. The Planning Board voted in favor of the motion 4-0-0 (Roll call: Creech – yes; Peters – yes; Hornig-yes; Thompson – yes). MOTION PASSED

The Planning Board reconvened to open session at 6.30 p.m.

Development Administration

149 & 151 Old Spring Street, Chinese Bible Church of Greater Boston – Public hearing for a limited site plan review. Proposal to raze the meeting hall and construct a new 2-story multi-purpose building.

Mr. Peters opened the Public Hearing for a limited site plan review for 149 & 151 Old Spring Street and gave a brief overview of the project at 149 & 151 Old Spring Street, Chinese Bible Church of Greater Boston, explaining that the proposal was to raze the meeting hall and construct a new 2-story multi-purpose building. Mr. Al Loomis from Mackenzie Engineering represented the applicant. Also present was Mr. Gareth Hoffman from Callahan Hoffman, the general contractor for the project. Ms. McCabe shared the plans and Mr. Loomis went over the presentation and explained the details of the site development plan and the existing conditions. Mr. Loomis then went over the proposed grading plans and the details of the proposed building and the proposed roadway. Mr. Loomis went over the turning template which accurately depicted where the vehicles can go in all possible scenarios.

Mr. Hornig wanted to know if anything was proposed that was beyond what was permitted by the zoning bylaw. Mr. Loomis responded saying that to his knowledge, everything was compliant with the zoning bylaw. Mr. Creech raised concerns communicated by a few neighbors regarding people driving into their driveways and speeding in a residential neighborhood and asked the people coming into the church be notified through email or on the church website against doing so. Mr. Creech added that placing signs at appropriate places would help guide churchgoers. Mr. Creech also wanted to know if there would be any disturbance to the tree buffer. Mr. Loomis assured that there is a substantial buffer of trees that will remain after the grading and added that additional signs can be posted to regulate the traffic. Mr. Peters added that the communication regarding traffic has to be repeated to make sure they are always followed. Mr. Peters also wanted clarification on the change in parking spaces and the alternate parking plan. Mr. Loomis stated that 20 spots would be removed and 3 spots will be added and they currently have viable options for parking.

Ms. Belanger informed the applicant about the reports required by the health and fire departments and suggested that the applicant discuss the planned signage with the abutters to make sure their concerns are addressed.

Public comments

Ricki Pappo, 16 Blossom Crest Road, had questions for the applicant regarding not using fossil fuels in the building and if the building will have solar panels. Mr. Hoffman said that the building will be solar-ready and will add solar panels when the church has sufficient funds and currently the building will be using electricity for cooling and natural gas for heating.

Dean Fantini, 153 Old Spring Street, expressed his concern about the elevation of the new building and asked for additional tree buffers and some fencing to minimize light trespass. Mr. Fantini also wanted to know details of the construction schedule and wanted to know if the access road for emergency vehicles will also be used on a regular basis. Mr. Loomis said that signage prohibiting the access road for regular

use can be placed and was willing to provide an additional buffer if it becomes a real concern. Mr. Loomis said the proposed building will be tucked into the existing building.

Rick Caruso, 152 Old Spring Street, expressed his concerns regarding speeding and parking.

Joe George, 157 Old Spring Street, repeated the concerns about speeding and parking and asked for appropriate road signs to regulate traffic.

Mr. Creech asked the applicant to share the proposed communication plan from the church that would regulate the traffic of the churchgoers, at the next meeting. Mr. Peters and Ms. Thomson agreed with Mr. Creech and asked the applicant to come up with creative solutions to the speeding and parking problems. Mr. Hornig reminded everyone that this was a limited site plan review and as the applicant was not seeking any waivers, asked the staff to have a draft decision for the next meeting and hoped that the applicant responded to the comments from the abutters.

Ms. Thompson moved to continue the public hearing for the limited site plan review for 149 & 151 Old Spring Street to Wednesday, August 30 at 6:00 pm on Zoom. Mr. Creech seconded the motion. The Planning Board voted in favor of the motion 4-0-0 (Roll call: Creech – yes; Peters – yes; Hornig-yes; Thompson – yes). MOTION PASSED

Board Administration

Continued Public Hearing to amend the Planning Board’s Zoning Regulations Chapter 176 of the Code of Lexington sections on: General Regulations, Fee Schedule, Submission Material, Special Permits, Site Plan Review, Site Plan Review Design Regulations, Open Space Residential Developments, and create new Inclusionary Dwelling section

Mr. Peters opened the Continued Public Hearing to amend the Planning Board’s Zoning Regulations Chapter 176 of the Code of Lexington sections on: General Regulations, Fee Schedule, Submission Material, Special Permits, Site Plan Review, Site Plan Review Design Regulations, Open Space Residential Developments, and create new Inclusionary Dwelling section.

Ms. McCabe reminded the Board about the Board’s progress to amend the Planning Board’s zoning regulations in the last meeting and presented the recommended revisions based on suggestions from staff and Town Counsel.

Ms. McCabe first presented the staff’s recommendations in Section 3 through Section 6 and went over the changes since the last meeting.

Ms. McCabe reminded the Board members about the Board’s intent to update the fee schedule in an earlier meeting and went over the suggested updates to the provisions of Section 4 pertaining to the fee schedule. Mr. Peters wanted to know if the fees are representative of the amount of staff time that would

be spent on these applications. Ms. McCabe said that it would be representative of the staff time and at the same time would not be exorbitant to discourage applicants, keeping in mind that peer review expenses were to be borne by the applicant.

Ms. McCabe detailed the other item that would appear in Section 5 – the new requirement for a construction management plan.

Ms. McCabe then went over the changes in Section 9 and reminded the Board about their discussion on stormwater management in their last meeting and the suggestions from Town Counsel. Ms. McCabe said that the stormwater regulations have been revised to be consistent with the Select Board's stormwater regulations. The Planning Board's recommendation now is to request the Select Board to amend the stormwater management performance standards for certain projects disturbing less than one-acre of land area. Ms. McCabe went over Section 12 and Section 9.3.2 and went over the updates related to stormwater management. Mr. Hornig said that it was important for the zoning regulations to be consistent with the regulations from the Select Board. Ms. McCabe then explained the changes to regulations relating to the SITES checklist. Ms. McCabe explained the revisions related to the list of entities to which the application will be circulated. Ms. McCabe added that based on Town Counsel's suggestion, the language pertaining to neighborhood meetings was updated from 'shall' to 'should'.

Public Comments

Doris Wong, 12 Drummer Boy Way, wanted to know the rationale behind the updates related to neighborhood meetings. Town Counsel explained that within the regulations, 'shall' is used where there is a mandatory requirement, and failure to comply with it without a waiver could result in denial. Town Counsel agreed with the comments of the members that a neighborhood meeting should be strongly encouraged but felt that it was not something that the Planning Board could force to happen.

Barbara Katzenberg, 37 Moon Hill Road, wanted to know why the Conservation Commission was not included in the list of entities to which the application will be circulated. Ms. McCabe said that she will add the Conservation Commission to that list.

Keranie Thodosiou, 38 Drummer Boy Way, had a question regarding stormwater management, taking the recent flooding and extreme weather conditions into consideration, and in particular areas like East Lexington where there could be large developments in smaller lots and was wondering why the threshold was not lowered. Ms. McCabe said that the Planning Board did not have the sole authority to impose stricter stormwater regulations since the Select Board was the stormwater authority and their regulations would apply, hence the need for the Select Board to amend the stormwater regulations, as discussed earlier.

Mr. Creech suggested that a summary of any proposed solar or sustainable features that are incorporated can be submitted by applicants.

The Board recessed at 8:08 p.m. and reconvened at 8:13 p.m.

Ms. McCabe explained the suggested revisions in Section 12, site plan review design regulations. Ms. McCabe reminded the members about their discussion in the previous meeting regarding removing the reference to all other sections of the zoning bylaw and town regulations since they would always apply.

Ms. McCabe went over the changes in Section 12.4 regarding biking and access parking.

Public Comments

Susan Murphy, an attorney with Dean Torpy, made a comment related to section 12.4 saying that section 5.1.8.1 of the bylaw does not extend to bicycles and other types of vehicles or strollers and wanted to ask the Board if the regulations can require some things that are not provided for in the bylaw. Town Counsel clarified that the only place where changes have to be made is regarding the number of long-term bicycle spaces per unit and there is flexibility in designing the exact location of bike spaces and they would fit in, in multiple ways in the bylaw.

Doris Wong, 12 Drummer Boy Way, wanted to know if interim regulations were adopted and in the event of the Board making any changes to the regulations at a later date, what would hold good for developments planned based on the interim regulations. Town Counsel clarified that the rules at the time the application was made would govern, but the Boards will take into consideration the changes in regulations when considering waiver requests made later in the process. Ms. Wong said that she preferred to have a final draft adopted instead of adopting an interim bylaw and amending it later.

Ms. McCabe went over the addition regarding footpaths and trails to Section 12. Ms. McCabe detailed the changes made to Section 12.5.3 regarding the occupancy of the retail tenants. Ms. McCabe went over the revisions made to the building heights and building massing sections based on feedback from Town Counsel.

Ms. McCabe reminded the Board about the discussion in the previous meeting to remove section 12.5 which detailed the sustainability requirements, because the Planning Board did not have the authority to require them. Ms. McCabe added that staff will work with the applicants and, the sustainability and resilience officer, to guide applicants related to sustainable options.

Public Comments

Ricki Pappo, 16 Blossomcrest Road, expressed her concerns about removing sustainability requirements from the regulations, but was happy that the applicants will be working with staff to incorporate sustainable options in their plans.

Ms. McCabe went over the changes in Section 12.6.1, Site Design, and the level to which SITES has to be required

Public Comments

Charlie Wyman, 66 Harding Road, wanted to know if, with the change in language, the Planning Board had the authority to require certifiability at the gold level for SITES, if a project required a special permit. Town Counsel said that requiring a specific level of sustainability score would be problematic and reminded everyone about the pending approval with the state for the inclusion of various sustainability requirements for the fossil fuel-free bylaw. Town Counsel concluded that the existing language would be appropriate for the aforementioned reasons and added that with respect to special permits, there may be more flexibility to include that in a special permit, provided that it is a regulation that is consistent with the specific criteria in the bylaw, required for that special permit.

The Board members discussed the provisions of Sections 12.6.1 and 12.6.3 and came up with recommendations related to trees. Ms. McCabe shared the revised language for Section 12.6.9 related to Outdoor gathering and Amenity Space and Section 12.9 pertaining to Drainage and Stormwater Management, which was based on the Board's discussion in the last meeting.

Public Comments

Ms. Murphy felt that the language of the bylaw should be more concise and applicants should not be made to ask for waivers for things that do not apply to them. Ms. McCabe said that Site Plan Review is a by-right committed use and the regulations are not intended to stop any development and are written to give the Planning Board the authority to review in the context of the specific proposed site.

Ms. Wong had a comment on the construction management plan from Section 5, wanting to know if provisions for managing ground vibrations due to blasting, could be included. Town counsel said he would not recommend this inclusion at this point and added that it was in the fire chief's jurisdiction.

Ms. Theodosiou had questions about outdoor lighting and raised concerns about light trespass. Mr. Hornig said that the zoning bylaw requires that outdoor lighting not spill into abutting properties.

Ms. McCabe shared the suggested revisions for Section 13 relating to Open Space and Special residential Developments.

Ms. McCabe then shared the recommended revisions pertaining to Section 14- Inclusionary Dwelling Units and explained the provisions briefly. Mr. Peters wanted to know if the costing model from LexHAB was the best way to arrive at the metric for the payment in lieu calculation.

Ms. Kowalski said that the payment in lieu is supposed to be related to construction cost and wanted to have more details regarding the calculation and was wondering if the conventional Lexington Residential development costs were considered for this amount. Ms. Kowalski also wanted to know if the Board was prepared to revisit annually to make the calculation as the costs go up each year.

Public Comments

Ms. Pappo wanted to know the basis for the calculation of the cost and wanted to know if it is actually possible to produce some affordable housing with the contribution from payment in lieu. Mr. Hornig responded that the intent was that the payment would be a prorated share of the actual cost for the affordable housing trust, to arrange for the creation of a dwelling unit and explained the estimated construction costs based on the project in Vine Street by LexHAB.

Ms. Murphy wanted clarification on Section 14.2.4 – Household Income, Price, and Rent. Mr. Hornig explained the provisions in detail.

The Board members decided to adopt the regulations and make amendments to some provisions if the need arises.

Ms. Thompson moved to adopt the Planning Board's Zoning Regulations for Sections 3,4,5,6,9,12,13, & 14 as amended through August 9. Mr. Creech seconded the motion. The Planning Board voted in favor of the motion 4-0-0 (Roll call: Creech – yes; Peters – yes; Hornig-yes; Thompson – yes). MOTION PASSED

Ms. Thompson moved to continue the public hearing on all sections of the Board's Zoning Regulations to Wednesday, August 30 2023 at 6:00 pm on Zoom. Mr. Creech seconded the motion. The Planning Board voted in favor of the motion 4-0-0 (Roll call: Creech – yes; Peters – yes; Hornig-yes; Thompson – yes). MOTION PASSED

Board Administration

Board Member Updates

Mr. Hornig informed the Board about the Town's draft Climate Action and Resilience Plan being presented to the public on August 10, 2023, and encouraged those interested to attend and pass on their feedback.

Mr. Peters reminded the Board about the Vision for Lexington Committee's interest in collecting ideas for creating the Town-wide survey.

Upcoming Meetings: August 30, September 13, September 27

Mr. Peters reminded the Board about the upcoming meetings scheduled for August 30, September 13, and September 27.

Review of Meeting Minutes: 7/19/23

Ms. Thompson moved that the Planning Board approve the Minutes of the July 19,2023 meeting as presented. Mr. Creech seconded the motion. The Planning Board voted in favor of the motion 4-0-0 (Roll call: Creech – yes; Peters – yes; Thompson – yes; Hornig – yes). MOTION PASSED

Adjourn

Ms. Thompson moved that the Planning Board adjourn the meeting of August 9, 2023. Mr. Creech seconded the motion. The Planning Board voted in favor of the motion 4-0-0 (Roll call: Creech – yes; Peters – yes; Thompson – yes; Hornig – yes). MOTION PASSED

Meeting adjourned at 9.45 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. 149 & 151 Old Spring Street:** Engineering Staff memo from Ms. Liggiero dated August 3, 2023, Planning Staff memo from Planner Ms. Belanger dated August 4, 2023 (7 Pages)
- 2. Public Hearing to amend the Planning Board's Zoning Regulations Chapter 176 of the Code of Lexington:**
 - Letter to Planning Board from Susan C. Murphy of Dain|Torpy, related to Planning Board Regulations, 6 pages, dated August 4, 2023
 - Memo to Planning Board from Planning Director, RE: Changes Since July 19 Meeting, dated August 3, 2023
 - Memo to Planning Board from Planning Director, Summary of Overview of Amendments to Planning Board's Zoning Regulations, dated August 4, 2023
 - Sections 3, 4, 5, 6 REDLINED dated August 7, 2023 (30 pages)
 - Section 9 Site Plan Review REDLINED, dated August 4, 2023 (9 pages)
 - Section 12 Site Plan Review Design Regulations REDLINED, dated August 7, 2023 (23 pages)
 - Section 13 Open Space Residential & Special Residential REDLINED, dated August 4, 2023 (8 pages)
 - Section 14 Inclusionary Dwelling Units, dated August 4, 2023 (3 pages)
 - Design Development Estimate for LexHAB's 116 Vine St Lexington, dated 2.27.22 (27 pages)