



Town of Lexington

LAND USE, HEALTH, AND DEVELOPMENT DEPARTMENT

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To: Special Permit Residential Development Committee
From: Carol Kowalski, Assistant Town Manager for Development

Background for the Special Permit Residential Committee

What is a Special Permit?

Special Permit is a zoning option adopted by local government into local zoning bylaws to achieve certain locally-desired development types, provided that the local special permit granting authority (i.e., Planning Board) finds that standards specified in the zoning are met. Typically, local objectives are achieved by allowing the developer to design the site and structures in ways not allowed through “by-right” zoning. In exchange for providing the desired benefits, the builder is allowed to locate the structures differently, or to build more square footage, than regular zoning allows in that district. Unlike zoning variances, there is a presumption of approval (established through case law) if the given standards in the special permit zoning bylaw are met.

Examples of community benefits that Special Permits seek to achieve:

- More open space protection than a standard subdivision allows
- Affordable housing
- Preserving a historic landmark
- Mix of uses (retail, residential, office) in the same building

Lexington’s Special Permit Residential Development zoning

For forty years, Lexington’s zoning has provided for some type of Special Permit alternatives in addition to conventional residential subdivisions. Since 2008, the zoning has provided for three different types of residential Special Permits: Site Sensitive Development, Balanced Housing Development, and Public Benefit Development. Section 6.9 of the Zoning Bylaw (Chapter 135 of the Code of Lexington) provides detail on the standards that must be met by each of the three types of Special Permit Residential Developments. In addition, Section 6 of the Zoning Regulations (Chapter 176 of the Code of Lexington) provides procedures for applying for a Special Permit in Lexington.

2018 proposal to amend SPRD’s

In March 2018, Town Meeting considered a citizen-petition warrant article to amend the Special Permit Residential Development bylaw to limit the number of units allowed, and to require smaller units and more open space. Town Meeting ultimately voted to refer the article back to the Board of Selectmen. With the Planning Board, the Board of Selectmen then appointed a Special Permit Residential Design Committee to developing a warrant article for consideration.