



Town of Lexington  
**PLANNING BOARD**  
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Robert Creech, Chair  
Robert D. Peters, Vice Chair  
Ginna Johnson, Clerk  
Richard L. Canale  
Charles Hornig  
Michael Leon, Associate

1 **RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD**  
2 **ARTICLE 11: AMEND ZONING BYLAW - SITE PLAN REVIEW**

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4 **RECOMMENDATION**

5 The Planning Board **unanimously** recommends that Town Meeting **APPROVE** the  
6 motion under Article 11: Site Plan Review. On Wednesday, September 23, 2020, after a  
7 series of public hearings, the Planning Board voted to recommend favorable action with  
8 a vote of [redacted] in favor, [redacted] in opposition, and [redacted] in abstention for Article 11: Site Plan  
9 Review.

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10 **BACKGROUND**

11 To clarify the requirements for projects that will or will not require site plan review, the  
12 Planning Board prepared Article 11: Site Plan Review, to adjust the applicability of site  
13 plan review. Significantly, this amendment adds a review for off-street parking lot  
14 creation or expansion. Furthermore, the proposed amendments include procedures for  
15 public meeting notifications.

16 The Planning Board determined that development projects which meet the following  
17 criteria shall be exempt from site plan review.

- 18 • A new or expanded building or structures that results in an increase in total gross  
19 floor area or site coverage of less than 500 SF or 10% of the existing area of  
20 coverage, whichever is greater; or
- 21 • a new or expanded off-street parking lot with eight or fewer parking spaces.

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22 The difference between a public hearing compared to a public meeting relative to public  
23 notification was further discussed. Massachusetts General Law (M.G.L.) is silent on the  
24 requirements for site plan review, thereby leaving process and notification up to the  
25 municipalities. As proposed in Article 11: Site Plan Review, the Lexington Planning  
26 Board will send notices to all abutters within three-hundred (300) feet of property for  
27 major site plan review applications but will not advertise in a newspaper.

28 **PUBLIC HEARING PROCESS**

29 Due to COVID-19, all of the zoning articles initially scheduled for the Annual Town  
30 Meeting scheduled for March of 2020 were postponed to a Fall Special Town Meeting of  
31 2020. Due to the length of time between the Annual and Fall Special Town Meetings, the  
32 Planning Board was required to hold new public hearings. To ensure all information  
33 heard during the public hearings has been communicated, this section of this report  
34 provides a review of the public hearings held for the Annual Town Meeting 2020 and  
35 Fall Special Town Meeting 2020.

39 **Annual Town Meeting Public Hearing Proceedings (January – March 2020)**

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40 On Wednesday, January 22, 2020, after the publication of the legal advertisement in the  
41 Lexington Minuteman Newspaper on January 2, 2020, and January 9, 2020, and  
42 notification sent to parties of interest, the Planning Board opened its public hearing for  
43 Article 37: Site Plan Review. A series of continued public hearings were held on  
44 Wednesday, February 12 (continued without testimony); Wednesday, February 26  
45 (continued without testimony); Wednesday, March 4 (continued without testimony);  
46 and Thursday, March 5, 2020. The Planning Board voted to close the public hearing and  
47 made a favorable recommendation to the Annual Town Meeting of 2020 on Thursday,  
48 March 5, 2020.

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49 **MARCH 5, 2020**

50 The Planning Board discussed the differences between a public hearing vs. public  
51 meeting. The Planning Board identified the need to notify abutters and parties of  
52 interest. It was committed to improving the notification process, which is reflected  
53 in the proposed Article 37: Site Plan Review language. Furthermore, the Planning  
54 Board had a lengthy conversation regarding the number of off-street parking spaces  
55 that trigger a site plan review, with a final agreement on nine (9) or less would be  
56 exempt. Furthermore, the Planning Board is committed to developing regulations  
57 that will ensure all who want to know about major site plan review projects will do  
58 so.

59 On March 5, 2020, the Planning Board opened the floor for public comments. No public  
60 comments were provided. All comments can be reviewed on the video stream capture  
61 of the public hearing and the associated meeting minutes.

62 **Fall Special Town Meeting Public Hearing Proceedings (September 2020)**

63 On Wednesday, September 9, 2020, after the publication of the legal advertisement in  
64 the Minuteman Newspaper on August 20, 2020, and August 27, 2020, and notification  
65 sent to parties of interest. The Planning Board opened its public hearing for Article 11:  
66 Amend Zoning Bylaw – Site Plan Review. A continued public hearing was held on  
67 Wednesday, September 23, 2020. At such time the Planning Board closed the public  
68 hearing and made a favorable recommendation to the Annual Town Meeting of 2020.

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69 **SEPTEMBER 9, 2020**

70 The Planning Board reviewed and discussed the proposed amendments to the  
71 Lexington Zoning Bylaw, relative to Site Plan Review.

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72 Bob Creech, Chair, requested comments from the Planning Board. The following  
73 comments were made:

- 74 • Richard Canale stated his concerns regarding the lack of notice to residents. Mr.
- 75 Canale reviewed the thresholds relative to requiring site plan review, and there
- 76 should be a limit for a project over 30,000SF.
- 77 • Charles Hornig provided clarification regarding options for advertising and the
- 78 limited timeframe for a project review. Mr. Hornig further discussed thresholds and
- 79 requested language that achieves proper review of a project.

- 84 • Ginna Johnson provided a review of project threshold size by giving examples of
- 85 projects that should have Town review.
- 86 • Mr. Hornig and Mr. Canale discussed a proper timeline for legal notice to abutters.
- 87 Mr. Canale suggested notification be sent two weeks prior to the public hearing.
- 88 • Mr. Creech supported Mr. Canale's suggestion of legal notice to residents two weeks
- 89 before the opening public hearing.

90 **SEPTEMBER 23, 2020**

91 **INSERT**

92 On September 9 and 23, 2020, the Planning Board opened the floor for public  
 93 comments. **No public comments were provided.** All comments can be reviewed on the  
 94 video stream capture of the public hearing and the associated meeting minutes.

95 **ARTICLE MOTION**

96 That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as  
 97 follows, (~~struck through~~ text is to be removed and underlined text is to be added), and  
 98 further that non-substantive changes to the numbering of this bylaw be permitted in order  
 99 that it be in compliance with the numbering format of the Code of the Town of Lexington.

100 **PROPOSED LANGUAGE**

101 A. Replace § 135-9.5.2 **as follows:**

102 9.5.2 Applicability.

103 1. This section applies to activities and uses for which site plan review is  
 104 required elsewhere in this Zoning **Bylaw**. The Planning Board or its  
 105 designee will conduct site plan review in accordance with this Section of the  
 106 Zoning Bylaw and the Planning Board Zoning Regulations. The following  
 107 shall be exempt from site plan review:

- 108 a. Any new or expanded buildings resulting in an increase in total gross  
 109 floor area of less than 500 **square feet** or 10% of the existing total  
 110 gross floor area, whichever is greater;
- 111 b. Any new or expanded structures resulting in an increase in total site  
 112 coverage of less than 500 **square feet** or 10% of the existing total site  
 113 coverage, whichever is greater;
- 114 c. Any new or expanded parking areas resulting in less than nine  
 115 additional parking spaces; **and**
- 116 d. Any use of lands, **buildings** or structures for educational purposes by  
 117 the Lexington Public Schools on land owned or leased by the Town of  
 118 Lexington or Lexington Public Schools.

119 B. Amend § 135-9.5.4.3 **so that it reads:**

- 120 3. A public meeting shall be **required held** for all projects requiring major site  
 121 plan review. ~~The meeting will be advertised in the local newspaper once in~~  
 122 ~~each of two successive weeks prior to the meeting and~~. The Applicant will

**Deleted:** <#>Delete § 135-9.5.2 **as follows:**¶  
 Applicability. ¶  
 The following types of activities and uses require site plan review by the Planning Board or its designee:¶  
 Where required elsewhere in this bylaw, exterior construction or expansion of a structure resulting in an increase of 500 SF or greater of total building gross floor area or an increase in 500 SF or greater of site coverage.¶  
 Any changes to an approved site plan.¶  
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138 send a notice, will be sent to landowners within 300 feet of the affected lot  
139 and give any further notice required by the Planning Board.

140 C. Delete § 135-9.5.6.6.

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142 **Planning Board Vote**

143 [redacted] moved that the Planning Board recommend favorable action for Article 11: Amend  
144 Zoning Bylaw – Site Plan Review, as presented. [redacted] seconded the motion. The Planning  
145 Board voted in favor of the motion \_\_\_\_\_. **MOTION PASSED**

- 146
- 147 Robert Creech .....
- 148 Robert Peters .....
- 149 Ginna Johnson .....
- 150 Richard Canale .....
- 151 Charles Hornig .....

152  
153 **Record of Vote**

154 On May 13, 2020, the Planning Board voted to allow the Planning Board Chair to sign  
155 documents on behalf of the Planning Board.

156 *Charles Hornig moved that the Planning Board vote to allow the Chair of the Planning*  
157 *Board to sign all documents for the Planning Board during the COVID-19 State of*  
158 *Emergency. Robert Peters seconded the motion. The Planning Board voted in favor of*  
159 *the motion 5-0-0 (Roll Call: Robert Peters – yes; Charles Hornig – yes; Richard Canale –*  
160 *yes; Ginna Johnson – yes; and Robert Creech – yes). MOTION PASSED*

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163 **Signature of the Planning Board**

164 Signatures of a majority of the Planning Board,

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166 \_\_\_\_\_

167 Robert Creech, Chair  
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Deleted: 6. — Notwithstanding any other provision of this chapter, the use of land or structures for educational purposes by the Lexington Public Schools on land owned or leased by the Town of Lexington or Lexington Public Schools shall not be subject to site plan review pursuant to § 9.5.¶1

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