



Town of Lexington

PLANNING BOARD

1625 Massachusetts Avenue
Lexington, MA 02420
Tel (781) 698-4560

planning@lexingtonma.gov
www.lexingtonma.gov/planning

Ginna Johnson, Chair
Bob Creech, Vice-Chair
Robert D. Peters, Clerk
Richard L. Canale
Charles Hornig
Michael Leon, Associate

RECOMMENDATION REPORT

ARTICLE 38 – AMEND ZONING BYLAW 186 Bedford Street (Owner Petition)

RECOMMENDATION

This report was unanimously accepted by the Planning Board on March 27, 2019.

At its meeting of March 20, 2019, the Planning Board, by a vote of 3-1, recommended that the motion under Article 38 be **REFERRED TO THE PLANNING BOARD**. Mr. Peters was unable to vote as he was not a member of the Planning Board when the public hearing commenced.

The Board felt that while the project is likely to be beneficial to the Town there were still a few key items that were unresolved and should be further worked out before Town Meeting votes to approve it. A minority of the Board felt that the project was beneficial to the Town and was ready for Town Meeting approval.

The Board feels that the project's potential benefits do not currently outweigh the potential negative impacts on the Town and the neighborhood, due to the proposed scale of the project as well as information unknown at the time of the vote. The Board feels that by taking the additional time required to revise the plan, the following critical issues could be addressed and provide Town Meeting with the information it needs to make an informed decision. In this regard, the Board is adhering to the requirements of the Zoning Bylaw and the purpose of Planned Developments, specifically Chapter 135 Section 7.3.1(3): "Permit the use of development standards more detailed than the more general standards elsewhere in this bylaw"; and Section 7.3.1(4): "Provide information for the Town to evaluate the potential impacts of a proposed development and to enable the Town to require adherence to such site development plans".

For 2019 Special Town Meeting the Board would like the applicant to:

- Provide landscape transition zones as required by the Zoning Bylaw, Chapter 135 Section 5.3. Landscape Transition zones are setbacks that protect abutters from impacts and these requirements and standards have been specifically excluded from the PSDUP and the regulatory plans. Landscape transition zones protect direct abutters from nuisances.
- Focus the list of potential uses and/or reduce the size of the commercial space to minimize impacts to traffic congestion on Bedford Street. There is currently insufficient open space for parking, tree planting in parking areas, snow storage, dumpsters, and

loading bays. Moreover, as the commercial uses are now unknown, the parking requirements and deliveries could exacerbate heavy rush-hour traffic on Bedford Street.

- Provide a plan to address the Town’s Net-Zero Energy goals. There has been no commitment by the applicant to reduce non-renewable energy emissions.
- Present a signed Memorandum of Understanding (MOU) in advance of the Planning Board vote for consideration and comment by both the Board and the public.

Given that:

- the proposal is a significant zoning change from current zoning (RS) single family housing;
- the project proposes the removal of mature canopy trees and doubles the amount of gross floor area from the existing special permit use, impacting Town character at an important Town gateway; and
- the fiscal benefits (not updated but currently estimated at \$88,000) are negligible as regards the Town budget;

the Board would like to improve the project so that it meets Zoning requirements and Town goals and minimizes adverse impacts to the Town.

PROJECT BENEFITS

The Board unanimously believes the project can be beneficial to the Town for the following reasons:

- The project will create four (4) affordable dwelling units;
- The project will help diversify Lexington’s housing stock by providing 12 one-bedroom and one studio rental dwelling units that can accommodate first-time renters, small families, and older persons;
- The project re-develops and re-uses a currently vacant site while preserving a historic building and barn;
- A positive fiscal benefit to the community is projected;
- The incremental traffic impact from the project on the roadway network surrounding the site will be addressed through a Traffic Mitigation Plan;
- The Applicant has addressed parking concerns by showing that 49 spaces is sufficient if the mix of tenants is controlled and the Applicant commits to providing employee parking, if needed, off-site; and
- The Town will benefit from additional mitigation in connection with the project in the form of a Memorandum of Understanding (MOU) negotiated between the Town and the Applicant.

PROJECT DEFICIENCIES

The Board believes that the intensity of the proposal is currently not offset by the proposed zoning and mitigation. The applicants stated they do not wish to include certain safeguards in the PSDUP because they wish to have flexibility to change the proposed project. Therefore, the proposed zoning does not provide adequate safeguards to ensure that what is built is what is verbally proposed. The Planning Board has identified specific deficiencies in the project, some of which are enumerated in the applicant's commitment letter dated March 13, 2019. The Board believes that some combination of those deficiencies needs to be adequately addressed in the PSDUP before a positive recommendation should be given. Key issues include:

- The size of the parcel makes it challenging to accommodate the intensity of development while maintaining appropriate screening for the residential neighbors;
- The scale of the development is not compatible for the neighborhood; i.e. the number of dwelling units and size of the building is too big for the lot;
- The PSDUP eliminates Landscaping, Transition and Screening provisions from the zoning text which removes an expectation of safeguards that neighbors would have if this were in a town-wide zoning district;
- The PSDUP Sign provisions should be more detailed given the small site and multiple uses;
- The Memorandum of Understanding, listing special conditions, was not final at the time of the Planning Board vote;
- Some potential uses of the commercial space, such as instruction in the arts and music, could contribute to congestion issues at the site;
- Some members of the Board felt that commercial uses should be limited to create a vibrant retail project;
- The proposed project will remove substantially large and mature canopy trees;
- The project does not provide enough green space to meet the town's past practice for tree plantings in parking areas; and
- The fiscal analysis has not been updated.

SUMMARY

This Article is an owner petition, and as such the actual motion presented at Town Meeting may differ from the proposal presented to the Planning Board.

Because of these outstanding deficiencies, the Board believes that the proposed project does not provide adequate benefit to the Town at this time. The Board further believes that these deficiencies can be addressed and a revised PSDUP can be ready for a Fall 2019 Special Town Meeting. A minority of the Board believes that the proposed project is beneficial to the Town as it stands and that most of the identified issues are better addressed in the Site Plan Review process.

The Planning Board's basis for its recommendation is mandated in the Planning Board Zoning Regulations. The information to base its decision are materials submitted by the Applicant prior to the closing of the public hearing and the information presented at the public hearing. To arrive at this conclusion, the Board used the documents and plans listed below, as well the public testimony presented at the public hearing and through letters and emails to the Planning Office. This report is not a substitute for the submitted materials. The documents cited below are viewable on the Town's website at <https://www.lexingtonma.gov/planning-office/pages/186-bedford-street-plans-submitted-spring-town-meeting>.

- The original Preliminary Site Development and Use Plan (PSDUP), dated December 20, 2018. The PSDUP provides the zoning rules and requirements for a comprehensive rezoning of a site and is comprised of both regulatory and non-regulatory material. The non-regulatory material is there to substantiate and justify the reasons for the rezoning and guide the Town's actions on site plan review and other related matters. The regulatory material includes the proposed zoning text, the zoning map amendment, and operational site plans and architectural renderings that will govern the site and project; and will guide the Board through the site plan review process should Town Meeting create the new zoning district.
- The revised PSDUP and plan set, dated February 21, 2019. The Applicant made changes to the plan and clarified, and in some cases eliminated, proposed uses.
- The revised PSDUP, dated March 7, 2019. The Applicant refined the proposed uses and made adjustments to the plan.
- The revised PSDUP, dated March 15, 2019 and plans dated March 13, 2019. The Applicant refined the proposed uses and made adjustments to the plan.
- The letter of additional commitments dated March 13, 2019.
- The Memorandum of Understanding (MOU), is being negotiated by the Board of Selectmen and Applicant as of the writing of this report. An MOU is a voluntary, binding contract used by the Town to refine the scope, substance, and certain special conditions of proposed developments seeking a rezoning. It is an agreement between the Town, through the Board of Selectmen, and the Applicant. The MOU is being negotiated on behalf of the Town by senior staff. The MOU generally contains non-zoning items related to the redevelopment of the site, memorializing community benefit items and mitigation payments.

EXISTING CONDITIONS AND SURROUNDING LAND USE

The 1.36-acre property has an existing 2.5 story structure and a one-story accessory barn with access driveways and parking. It is bounded by Bedford Street (a public way) to the east; Reed Street (a public way) to the west; and Vaille Avenue (a private way) to the north.

This location is an intersection of several zoning districts. To the north and west, the properties are zoned RS-One Family Dwelling and are developed with single-family homes. The properties immediately to the south and across Bedford Street are zoned CN - Neighborhood Business and host small businesses such as a barber shop, salon and spa, dry cleaners, mini-mart, and pizzeria. The properties diagonally across the street are zoned CLO - Local Office and host small offices

such as a dentist, computer consulting, Knights of Columbus, and the Lexington Fire Department.

SITE AND DEVELOPMENT

The PSDUP proposes to rezone the property from the RS One Family Dwelling District to a Planned Development District to allow the renovation and expansion of the existing building and to allow mixed commercial and residential use. The applicant proposes to demolish a wing (built in 1969) of the existing main structure, build a new addition and renovate the main/historic building and barn. The 2.5 story structure will contain 12 one-bedroom apartments and one studio apartment on the second and third floors; 8,340 square feet of retail on the first floor and 1,500 square feet of office space in the renovated barn located in the rear.

The applicant has revised the submitted Plans in response to comments. The present revised site plan configures the parking and site circulation with 49 spaces, locates the addition approximately 15 feet behind the face of the original house, and provides an outdoor patio for residents.

Vehicle access from Bedford Street is provided by two driveways; the entrance is located at the northeast corner of the property and the exit is located at the southeast corner of the property. A gated, opaque emergency egress is proposed onto Reed Street.

RELATION TO NATURAL FEATURES

While most of the development is located on areas already disturbed by the existing structures and impervious pavement, some grading will be needed at the northwestern portion of the property.

The proposed project increases the impervious surface by 23% from 27,740 square feet to 34,214 square feet.

Of the existing twenty-three mature trees (>6" caliper) on site, six (6) will be removed. The Applicant proposes to plant eight (8) deciduous trees; six (6) ornamental trees and two (2) shade trees. In addition, numerous coniferous trees are proposed around property perimeter to infill between existing trees and to supplement screening.

DIMENSIONAL STANDARDS

The proposed dimensional standards for the project can be found in the PSDUP.

ADEQUACY OF VEHICULAR AND PEDESTRIAN CIRCULATION

Traffic and parking considerations were reviewed and discussed by the Board, the public and the Applicant during the public hearing.

The proposed Transportation Demand Management (TDM) policies for the project are an Appendix to the PSDUP.

The Traffic Analysis dated December 17, 2018 conducted by the Applicant's consultant MDM Transportation Consultants concluded that the resulting traffic increase is incremental and is not expected to materially impact roadway operations. However, to help mitigate traffic and

encourage residents to use transit the Applicant will be providing Transportation Demand Management assistance as outlined in the Appendix to the proposed PSDUP zoning. In addition, the Applicant will be providing additional monies through the MOU with the Board of Selectmen for transportation demand and management improvements.

The Applicant proposes a gated emergency egress for the rear of the property to Reed Street. Public safety officials from the Fire and Police Departments have approved this limited access.

Parking is a great concern to neighbors particularly because of the Ciampa Salon's success. There was concern that parking would overflow into the neighborhoods. The Applicant proposes one parking space per dwelling unit where current zoning would require 1.5 spaces for dwelling units with two bedrooms or less in a multi-family dwelling. Transportation professionals support this number. The Applicant has designed six (6) extra parking spaces for future build. The Board believes that the on-site parking must be capped at 49 spaces. The Applicants has committed to providing off-site parking to all employees, if needed.

ON-SITE ENVIRONMENTAL EFFECTS

There are wetlands across Reed Street. The 100-foot wetland buffer zone may extend on to the project site resulting in that portion of the site falling under Conservation Commission jurisdiction. An evaluation and determination of the wetland boundary and the associated wetland buffer zone will need to be conducted before the Planning Board approves the site plan should Town Meeting approve this Planned Development.

POTENTIAL EFFECTS ON NEARBY PROPERTIES

The Board's review identified the proposal's proximity to abutting residents as a significant concern. In response, the Applicant proposes a locked gate accessible for public safety. The Applicant has committed to designing this gate as a "fence gate" so that it looks like a continuation of the fence and will block headlights from shining into the neighborhood.

The Applicant proposes to augment the existing vegetative screening. The Board remains concerned about the dumpster location and has asked for the dumpster to be moved. The Planning Board believes that a specific transition area must be delineated on the Plan and that portion of the existing bylaw be included in the PSDUP. In addition, a reduction in project size and the number of dwelling units would better showcase the historic building and reduce the impacts on neighbors.

QUALITY OF THE PROPOSED DESIGN

The Planning Board is pleased with the effort to date to restore the existing historic barn and house. The Board was very concerned that the new proposed addition would diminish the historic nature of the property. Since the original plan submittal in December, the Applicant has pushed back the new addition to better highlight and "bring forward" the historic building.

The Historical Commission reviewed and has approved the proposed addition.

The Board believes that the size and bulk of the proposed structures in relation to the small site and its impact on nearby properties is still problematic without written safeguards.

IMPACT ON PUBLIC FACILITIES AND SERVICES

The proposed project will connect to Town water and sewer on Reed Street.

ANALYSIS OF TOWN FISCAL CONSIDERATIONS

The Applicant included an analysis of the fiscal impacts on the Town, prepared by Fougere Planning & Development, Inc. The analysis points to a net benefit of approximately \$88,000 per year of additional tax revenue. The changes in the PSDUP should be reflected in the fiscal impact analysis.

PUBLIC ACCESS AND RECREATION

The Minute Man Bikeway is less than 1000 feet from the project site. The Applicant, in the draft MOU, commits to a small payment to the Recreation Department for nearby park improvements to benefit the neighborhood.

POLICY ANALYSIS

This project is consistent with Lexington's housing goals in the 2014 *Housing Production Plan*. While there are a number of needs in the community, this project will address one goal by providing additional housing options in Lexington. In terms of affordability, the Applicant has agreed to provide four (4) affordable dwelling units out of the proposed thirteen (13) dwelling units (32.5%). This is a substantial number of affordable units for this sized project and will enable the Town to count all units towards Lexington's subsidized housing inventory. The Board believes this will have a positive impact on the Town's affordable housing inventory. The Board also believes that mixed uses of residential and low impact commercial uses are appropriate at this site.

PURPOSES OF REZONING

The Applicant submitted a narrative explaining why they are seeking approval of this development at this location (see the cover letter of the PSDUP). The Board believes that this project could strike an appropriate balance between land use, protection of adjoining uses, and advancement of planning and policy goals which includes expanding housing options. The Board believes it could recommend approval of rezoning once a sufficient number of the Planning Board's requested changes are incorporated into the Plans.

COMPARISON OF EXISTING VERSUS PROPOSED ZONING

The property is currently zoned RS and the proposed uses are a departure from what is currently allowed. Three new single family houses could be built by-right. In addition, a number of exempt uses could occur here as they could in any district. The most recent use, a community health center, operated under a special permit in a residential zone. The proposed permitted uses for this Planned District are most similar to those of the CN District which is the zoning district immediately adjacent to the site to the south and across Bedford Street. There are some differences: business and professional office, bank, travel agency, restaurant, radio and television studio, and caterer uses which are allowed under this proposal but are not allowed in the nearby CN District. Retail uses are limited in size in the CN District and the proposed zoning has a different limit on size.

SUMMARY OF PUBLIC HEARING

The public hearing on this application opened on February 6, 2019, and was continued to February 27, 2019, March 13, 2019, and March 20, 2019. The hearings were very well attended and public comment robust. The minutes of these meetings are on file with the Planning Office and summarized below.

February 6, 2019

The public hearing opened at 7:08 p.m. Present were Ed Grant, attorney, the applicants Philip Ciampa, Joe Ciampa and Tony Ciampa; Doug Harnett, of Highpoint Engineering, Robert Michaud, of MDM Transportation, Michael McKay of McKay Architects, Mike Radner of Radner Design, and Howard Levin, attorney. Mr. Grant said that they are requesting to rezone the parcel from RS to a Planned Development District. He presented the history of the property and described the changes that have been made since the sketch PSDUP was submitted in the fall such as: reducing the number of dwelling units to 13 and preserving the historic building and barn, and the project's benefits. Mr. Harnett presented information about the site drainage, utilities, and access. Mr. McKay presented the architecture plans and floor plans. Mr. Radner presented the landscape plan and tree mitigation. Mr. Michaud explained the results of the traffic study.

The Board generally felt that this proposal was better than what was originally proposed. But some wanted to see a smaller project that made the historic building more prominent. They expressed concern that the scale of the new addition dwarfs the historic building. They suggested more green space and more snow storage space. The proposed uses were also discussed. Some members were concerned that office use could fill the space and retail use was preferred.

There were many residents who commented. Most were concerned that there was not enough parking and would overflow into the neighborhoods. Many did not like the proposed emergency access on to Vaille Avenue and the loss of trees. Many were concerned about deliveries, idling trucks, and noise and light pollution. A few residents spoke in support of this project because it offers Lexington a diverse housing option.

February 27, 2019

Attorney Edward Grant introduced himself, his team and the Applicants and provided updated information to the Board. He reported that the Historical Commission voted 5-0 in favor of the proposed demolition of the addition and proposed project. The proposed development will be LEED qualified. The Applicant provided an overview of the changes since the last presentation. The Applicant believes it's a better plan for several reasons: increased setback, a larger green space, more tree preservation along the property edges, parking and emergency egress changes, a better circulation pattern, and additional snow storage space. The project's architect discussed design changes made to the back side of the project and emphasized that many of the mature trees will remain.

Board members liked the project improvements such as the new parking layout and emergency egress. The Board commented on signs, size of the project, traffic, parking, and headlight shine. The Board continued to discuss the proposed uses. The Board said that they and the neighbors want to know what could move in as the neighbors are looking for certainty to understand and mitigate the potential impacts.

Many residents spoke against the project because of parking concerns, views from Reed Street and the potential for retail space to be vacant. Many residents were uneasy about the unknown businesses that could move in. Many asked that the Planning Board wait for the comprehensive plan to be completed. A few residents spoke in support because the project preserves a historic building and provides needed affordable housing.

March 13, 2019

Chair, Ms. Johnson, opened the continued public hearing at 7:24 p.m. with approximately 60 people in the audience. Representing the Ciampa family was Howard Levin, attorney, Doug Hartnett, principle engineer, Mike McKay, architect, Mike Radner, landscape architect, and Dan Dumas, transportation planner.

Mr. Hartnett reviewed the proposed changes to the project which included a driveway shift, enlarged loading area for a second loading dock, a gated dumpster, adjusted site lighting and landscape treatments, and screening gate at Reed Street. In addition the plans can provide six parking spaces of overflow parking, if needed. Mr. McKay explained that the barn is not really a real estate office but rather a business office. Mr. Dumas presented information on residential and retail parking demands. Mr. Radner discussed the landscape updates and showed the dumpster fence.

The Board discussed the proposed uses. Both the Board and the Applicant discussed the off-site parking options should they be needed. Members offered their opinions on what they would like to see in the project.

The public continued to raise concerns of parking and traffic. Some residents expressed their support for the project.

March 20, 2019

The Applicant presented adjustments to the proposed zoning, the commitment letter, and items to be included in the MOU. The Board discussed particular uses, parking and site amenities. Parking was again discussed by neighbors. Some neighbors asked that this project go through a peer review before voting on a recommendation to Town Meeting. The Planning Board voted to close the hearing and deliberated.

In addition to the public hearing, the Planning Office received 35 emails and/or letters from 31 different residents. 25 of which were against and 6 were in support of the project. These were all forwarded to the Planning Board.