

## **AMEND ZONING BYLAW**

## **ARTICLE 39**

### **LIMITED SITE PLAN REVIEW**

#### **RECOMMENDATION**

The Planning Board unanimously recommends the motion under Article 39 be **APPROVED**.

#### **SUMMARY**

The purpose of this proposed zoning amendment is to provide a clear means of limited site plan review to the extent allowed by law for educational, religious, and child care uses protected under Massachusetts General Law Chapter 40A Section 3 (the ‘Dover Amendment’). Under state law, these uses must be permitted in all districts and may be regulated only to a limited extent. The proposed bylaw change would allow for public notice and limited review of the bulk and height of structures, yard sizes and setbacks, lot area, open space, parking, and building coverage, all under regulations to be adopted by the Planning Board. Other protected uses such as agriculture and solar energy would not be affected.

The protections of state law would continue to their full extent. Dimensional controls and other standards in the Zoning Bylaw and Planning Board regulations would apply only to the extent they are reasonable in each particular case. Signs, landscaping, lighting, and traffic would not be regulated at all.

#### **PUBLIC HEARING**

The Planning Board held a duly advertised public hearing on February 13, 2019 in the Selectmen’s Meeting Room in the Town Office Building. At the public hearing, Ms. Jeanne Krieger, the citizen petitioner, gave a brief presentation and the public provided comments.

Representatives of the religious uses in Lexington expressed concern that the new regulations would add significant costs for small religious groups with limited resources.

Several South Lexington residents cited a project that would have benefited from site plan review.

All speakers but one supported the proposed zoning amendment. Several speakers cited past childcare facility projects as having detrimental impact on their neighbor and how in site plan review neighbors and the developer could have worked together to understand and reduce certain impacts such as a headlight shine and inappropriate parking.

- This warrant article would make abutters part of the process and made aware of the projects entering their neighborhoods.
- If neighbors were aware and were able to comment on the projects certain aspects of the plans could have been modified to avoid potential issues once the project was built.
- A review could prevent safety issues, impacts like headlights beaming into abutter's living room, and encourage appropriate and effective screening.

### **PROPOSED MOTION**

The motion for this citizen's article will be provided by the proponent.