



Town of Lexington
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Robert Creech, Member
Charles Hornig, Member
Michael Leon, Associate Member

RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD

ARTICLE 34: AMEND ZONING BYLAW AND ZONING MAP FOR MULTI-FAMILY HOUSING FOR MBTA COMMUNITIES

RECOMMENDATION

On Wednesday, February 15, 2023, after three public hearings, the Planning Board unanimously voted five (5) in favor and none (0) opposed, to recommend that Town Meeting **approve** Article 34 to Amend the Zoning Bylaw and Zoning Map to allow multi-family housing by adding a new Section 7.5 and establishing Village and Multi-Family Overlay Districts on the Zoning Map.

DESCRIPTION OF ZONING PROPOSAL

This article implements the requirements of M.G.L. c. 40A § 3A applicable to all MBTA-served communities by establishing new Village and Multi-Family Overlay zoning districts on the Zoning Map and adding a new §7.5 to the Zoning Bylaw. Section 7.5 details the specific parameters for any future project proposal such as the permit process, permitted uses, maximum heights, minimum parking requirements, minimum setbacks, and inclusionary dwelling requirements for any future development projects.

Adoption will permit multi-family housing (buildings designed for 3 or more dwelling units) and some mixed-use (residential with nonresidential uses) developments within the overlay districts, after a major site plan review approval and public hearing with the Planning Board. No development projects are proposed or required by the Planning Board as a part of this article. Adoption of this article would allow property owners an opportunity to submit an application to the Planning Board in the following areas (a detailed boundary of these areas is shown on map titled, "Draft Overlay Districts Map"):

East Lexington
Bedford Street/Worthen Road
Bedford Street/Reed Street
Bedford Street near the Bike Path
Marrett Road/Spring Street
Marrett Road/Waltham Street
Concord Avenue/Waltham Street
Lexington Center
Bedford Street North
Hartwell Avenue/Westview Street

Maguire Road
Hartwell Avenue/Wood Street

If not in compliance with the statute, Lexington would become ineligible for MassWorks Infrastructure and Capital Project Fund state grant programs. Lexington has received \$2,670,500 in MassWorks grants over the last ten years for various intersection and sidewalk improvements. In the first year of non-compliance, the Lexington Housing Authority could lose approximately \$31,000 in State Operating Subsidy (10.6%) which support its annual budget as well as DHCHD Capital Project Funds.

JUSTIFICATION FOR RECOMMENDATION

The zoning overlay districts established under Article 34:

- Are consistent with multiple goals, objectives, and directives from the 2022 *Lexington NEXT* Comprehensive Plan:
 - Goal 1: To promote the diversity, equity, and inclusion of people visiting, living, and working in Lexington.
 - Remove barriers to living in Lexington (*objective 1.1*)
 - Goal 2: To promote a wide range of housing options:
 - Produce a range of housing types in a variety of locations throughout town (*objective 2.1*)
 - Increase the supply of subsidized housing (*objective 2.2*)
 - Increase the effectiveness of housing efforts (*objective 2.6*)
 - Affirmatively further fair housing (*objective 2.9*)
 - Goal 3: To promote a vital economy, including a variety of small and large businesses that contribute to the tax base and provide goods and services to meet the needs of residents, employees, and visitors.
 - Encourage private redevelopment in large commercial areas, making them more exciting (*objective 3.1*)
 - Improve Lexington Center so that it becomes more of a destination (*objective 3.3*)
 - Retain and support existing businesses and evaluate opportunities for commercial growth in strategic locations (*objective 3.4*)
 - Goal 7: To make traveling into Lexington safe, pleasant, and efficient with sustainable and equitable mobility options for all ages and abilities.
 - Adopt land use policies that advance the town's transportation goals (*objective 7.5*)
- Develop zoning that will create housing production. Zoning to the minimum state compliance will not create more housing nor vibrant business districts due to land and construction costs;
- Propose districts are 2% of Lexington's total land area;
- Disperse multi-family housing throughout town, on many lots, to promote gradual and incremental change;

- Advance Select Board’s goals for more affordable and accessible housing and vibrant mix of businesses;
- Address the region’s housing crisis through zoning of multi-family housing;
- Provide more housing options for the local and regional workforce by enabling density that is suitable both for sale and for rent housing;
- Require 10-15% of a project’s dwellings to be available for households with limited income and add dwelling units to Lexington’s Subsidized Housing Inventory (SHI);
- Promote economic vitality and multimodal transportation by locating districts near bus stops and bus routes, near the Minuteman Bikeway, and in areas near businesses;
- Create walkable neighborhoods with transit-oriented housing opportunities near public transportation and businesses;
- Are consistent with Lexington’s 2020 Town Meeting Systemic Racism Resolution to consider “racial and other equity impacts in all decisions and planning processes in order to work towards dismantling systemic racism and white privilege, and take action to integrate racial equity tools into policy making...”;
- Are supported by the findings of the Vision for Lexington 2022 town-wide survey;
- Create vibrant commercial areas enjoyable to current and future residents;
- Incentivize mixed uses by allowing higher heights for housing above businesses to help keep a strong commercial tax base to fund town services;
- Are consistent with the Planning Board’s long-standing goal to broaden housing opportunities;
- Provide height incentives, i.e., economic development incentives, to developers with the objectives of preserving street level small businesses where they exist today and where they contribute to the vitality of our neighborhoods; and
- Communities must adopt compliant zoning to be eligible to receive MassWorks and Local Capital Project state funds. Adoption will ensure compliance with MGL c. 40A §3A for MBTA Communities, providing a competitive advantage for all state grants, other state funding, and avoid other consequences of not following a state mandate.

PUBLIC PROCESS:

Since the last Annual Town Meeting in 2022, the Planning Board has held 23 public meetings, including a community workshop, eight public work sessions, and three public hearings and public presentations where the public, community members, property owners, and Town Meeting members were invited and encouraged to participate. At the October 25, 2022 Community Workshop, 80 residents were introduced to the law and were asked to identify general locations for housing. The resident-created maps from the workshop served as the basis for the Planning Board’s proposed districts. The Planning Board found the resident-created map locations to be logical and defensible when defining the multi-family housing districts.

On Wednesday, February 1, 2023, after publication of the legal advertisement in the Lexington Minuteman Newspaper on January 12, 2023 and January 19, 2023, the Planning Board opened the public hearing. Continued

public hearings were held on February 8 and February 15. The public hearing closed on February 15 and the Board voted to approval of Arfticle 34.

Over 200 people attended the February 1st public hearing. A total of 94 written comments were submitted during the public hearings and considered by the Planning Board. The Board carefully considered all testimony and comments to develop the zoning proposal being presented to Town Meeting.

RECORD OF THE VOTE:

Michael Schanbacher moved that the Planning Board recommend that Town Meeting **approve** the motion under Article 34 as presented. Melanie Thompson seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Creech – yes, Charles Hornig – yes, Robert Peters – yes, Michael Schanbacher – yes, Melanie Thompson – yes).

SIGNATURE OF THE PLANNING BOARD CHAIR



Robert D. Peters

Exhibits:

Resident [Created Community Workshop Map](#), combined, from October 25, 2022

Approved [Planning Board Meeting Minutes](#)

[Draft Overlay Districts Map](#)

More info: www.LexingtonMA.gov/MBTAZoning