

# Lexington Center Committee

*Members: T. Eric Ballard, Jr., Richard Brown, Upasna Chhabra, Katherine Huang, Frederic Johnson, Jeffery Lyon, Pamela Lyons, Innessa Manning, Jerold Michelson (Chair), Pamela Shadley, Jon Wakelin*

## MEMORANDUM to Town Meeting Members & the Lexington community

**Re: Lexington Center Committee's position on proposed amendments to Article 34**

**NOTE: This report is based on the information we had on April 7, 2023. The wording of the Burger amendment has changed on April 10, 2023 in a way that could change the opinion of the Lexington Center Committee. We plan to caucus during Town Meeting on April 12, 2023 with this new information.**

**The Burger Amendment:** Our committee feels that this amendment does not enhance the original motion in a meaningful manner.

We have long been attentive to shadow concerns posed by the possibility of taller buildings under Article 34. However, the risk of shadows covering our wider, north side, sidewalks only comes into play within 2 hours of sunset during 6-8 weeks of our winter. Do we implement zoning for areas impacted only 15% of the year, typically our coldest days, to save only the last 20% of the daylight?

Do you know how far apart our closest buildings are across Massachusetts Ave within the Center Business District? Michelson's Shoes is 100' from Bertucci's. Same for Crafty Yankee to Via Lago and Minilux to Ravies, +/- 2'. The proposed maximum height (note, not a required height) is limited to 52' which is only 10 feet higher than Lexington Place and lower than Cary Hall. If the 52' height is placed at the façade (which is not required), the key question is would it create a shadow and when? While Massachusetts Ave runs for the most part east to west, in Lexington Center it actually runs southeast to northwest., Generally speaking the sun rises behind Cary Hall and sets behind Cary Library. Therefore shadows are cast at a 30-45 degree angle towards the east, not directly across Massachusetts Ave. Under this Article 34, shadows would only touch to the sidewalk across Massachusetts Ave from the Craft Yankee/ Michelson's Shoes/MiniLuxe side of the street within 2 hours of sunset during 6-8 weeks in winter, not the most conducive time to enjoy a latte on the sidewalk benches. But if you did choose to enjoy a late afternoon latte, you could simply move 70 feet to your right or left since the 52' height is not likely to be spread across the entirety of a whole block, especially with 12 different owners of the properties on the south side of Massachusetts Ave.

While our Committee supports step backs on upper floors, we became comfortable with Article 34 as currently written once we had a clear understanding of the HDC review process and ability to consider rooflines and neighborhood setting. Unfortunately, the Burger amendment states that a step back 'may' be 6', not 'should' or 'must'. The language regarding the north facing side of the buildings on the south side of Massachusetts Ave also raises questions about its interpretation. Additionally, the amendment imposes a special permit process, which we feel is unnecessary because of the requirement for HDC review and approval.