

# Resident's *Quick* Guide for the Survey on the Proposal

2018 ATM Article 38

Proposal of March 16, 2018

Keep Our Lexington  
[KEEPOURLEXINGTON.ORG](http://KEEPOURLEXINGTON.ORG)  
March 17, 2018

# How to Use this *Quick* Guide

- Skip directly to Tables 1, 2, 3 and 4, which are largely self-explanatory
- Use the background information as needed to supplement the Tables
- Most of the information you'll need is contained in the four Tables and the Survey itself
- Start the Survey and return to this slide presentation as a reference as needed

# Purpose

**To provide residents with a *quick* overview of the highly complex analyses needed to plan a new neighborhood commercial zone in Lexington**

**To provide residents with sufficient information such that they may provide feedback to the owner on his proposal as well as to their Town Meeting members and other elected officials (e.g., Planning Board, Board of Selectmen)**

# Overview of the Proposal

- Meets the Lexington Board of Selectmen's goal of increasing intensity (i.e., commercial activity) without development
- Provides an opportunity for neighborhood benefit in this neighborhood commercial district now and in other such districts in the future
- Is low risk to the neighborhoods and Town, with any potential risks of a particular Use mitigated by requiring a Special Permit for that use (which is not a by right use)
- Preserves the residential character of our neighborhoods and Town
- Provides an opportunity to revitalize and energize this neighborhood commercial district and offers the same opportunity to other similar districts in Town

# Disclaimer

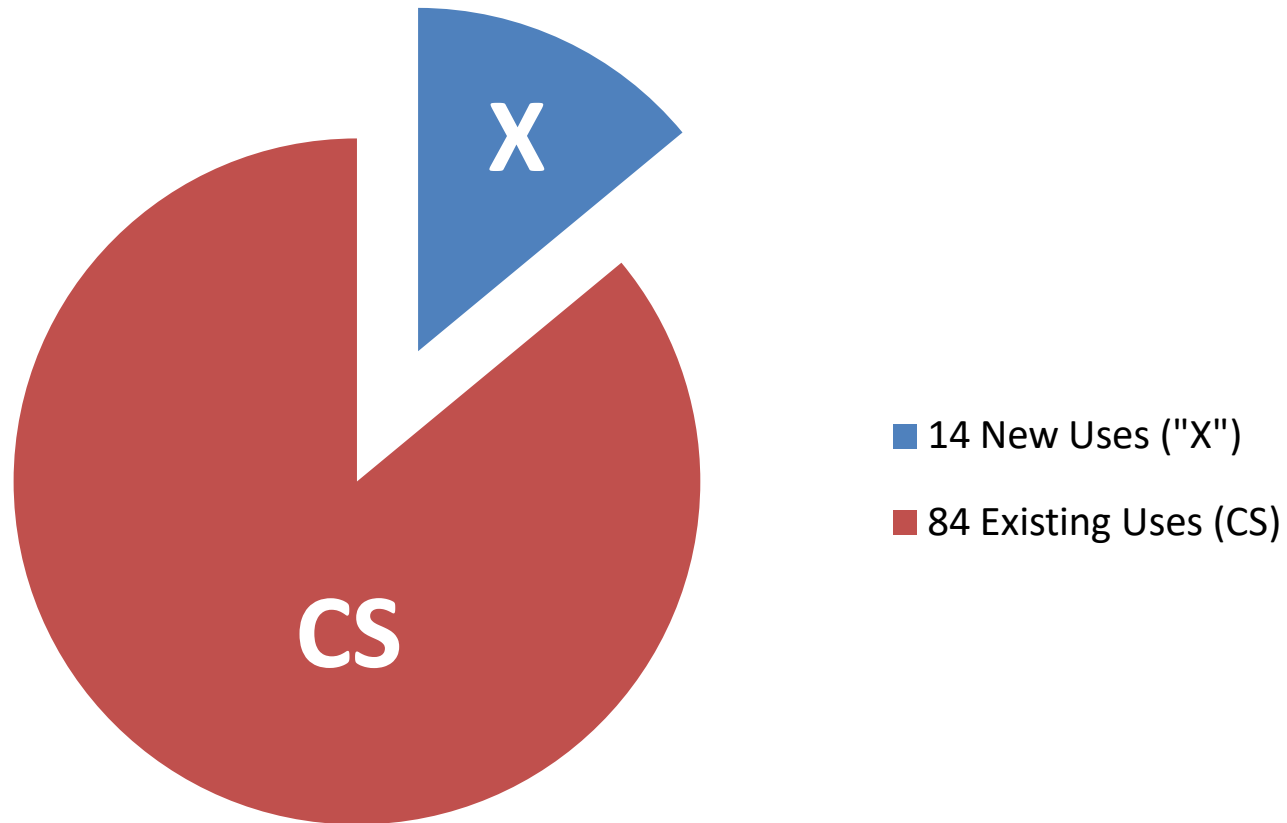
- This analysis was not done by planning professionals.
- The proposal does not come from the Planning Board, as it should (they are elected to do this job), and the Planning Board has rightly voted to recommend that Town Meeting refer Article 38 (earlier version of February 28, 2018) back to the Board.
- Notwithstanding the above, according to the Planning Office Director, planning a neighborhood commercial zone is highly subjective, there is little or no science to it and ultimately, it comes down to what the neighborhood and Town want. That is what the owner and Keep Our Lexington, working collaboratively, are trying to achieve with this new proposal. Naturally, the proposal will need to gain the support of the community to accomplish its goal.
- The proposal comes before the updated Comprehensive Plan, which would address the issues herein, because the owner says that he faces leasing challenges today and cannot wait two years or more for the Plan.
- Residents have had their voices diminished or eliminated entirely in this matter by the process the owner has followed, partly due to lack of proper guidance from the Town on how and to what extent community outreach should be conducted.
- Nevertheless, the Board of Selectmen have stated their goal that Article 38 should be presented to Town Meeting “incorporating neighborhood feedback”.
- This analysis and survey is part of Keep Our Lexington’s and the owner’s attempt to fill the vacuum and collect neighborhood feedback in response to the Board of Selectmen’s charge. The owner and Keep Our Lexington will conduct other outreach to residents as well.
- Please keep in mind that this survey is not intended to be a substitute for residents contacting their Town Meeting members and other elected officials through normal communication channels. Rather, it is intended to provide an additional source of information on the “pulse” of the neighborhoods and Town as a whole.

# Summary of Proposal of 3/16/18

- The owner proposes to transplant 14 Principal Uses from other neighborhood commercial zones into a CS zone
- Only 6 (43%) of the new Principal Uses are currently allowed in the CN zone across the street
- One of the Principal Uses, Artisan Work, is not allowed in any neighborhood commercial zone in Lexington
- The proposal is akin to embedding a new “X” (for “extended”) zone in a CS zone and calling it “CSX” for convenience and consistency with the Zoning Bylaw
- Thus, in the proposal, the standards applied to the 14 Uses in “X” will be separate and distinct from those applied to all other Uses currently allowed in the CS zone. In that manner, the rest of the CS zone will remain “as is” with respect to zoning.

# Summary of Proposal of 3/16/18

Chart 1, New & Existing Principal Uses in "CSX"



# Orientation to Tables 1 and 2

## Risk Analysis

### Purpose

- To analyze the potential benefits, risks and costs of the 14 proposed new Principal Uses alongside associated General Standards of Use, Development Standards and Operating Standards

### Methodology

- Employ criteria including:
  - Owner’s stated need for 11 new Principal Uses to meet short-term leasing needs (column 2)
  - Board of Selectmen’s goal of increasing intensity (i.e., commercial activity) without creating development opportunities (column 3)<sup>1</sup>

<sup>1</sup> Letter of March 8, 2018 from the Board of Selectmen to the Planning Board



# Orientation to Tables 1 and 2

## Risk Analysis

### Methodology (cont'd)

- Employ criteria including:
  - Key consensus criteria of what Lexington wants<sup>1</sup>:
    - Sustainable economic growth (column 4)
      - will the Use be successful in this zone for the long term?
    - Neighborhood benefit (column 5)
    - Benefit/Risk to Neighborhood & Town (column 6)
      - Are potential costs & risks (e.g., increased traffic congestion & decreased pedestrian safety) outweighed by potential benefits?
      - Can risks be mitigated without great cost to the Town?
    - Preserve residential character of neighborhood (column 7)

<sup>1</sup> Based on the tenets and underlying framework of the 2002-2003 Comprehensive Plan, *The Lexington We Want*, the updated Comprehensive Plan process and 20/20 Vision

# Orientation to Tables 1 and 2

## Risk Analysis

### Methodology (cont'd)

- Assessed 14 proposed new Uses against whether or not allowed in other neighborhood commercial zones<sup>1</sup>:
  - CN (Commercial Neighborhood Business) zone across the street in the same neighborhood commercial district (column 8)<sup>2</sup>
  - CRS (Commercial Retail Shopping) zones (e.g., Bedford St. & Worthen Rd. with Walgreens, Stop & Shop) (column 9)<sup>3</sup>
  - CLO (Commercial Local Office) zones (e.g., Bedford St. near Reed St. and Worthen Rd. near Bedford St.) (column 10)
    - CLO is designed **not** to have retail or food services (thus, that aspect in CLO is not germane to this analysis and it is not colored in the Table)

<sup>1</sup> According to the Planning Office and the Zoning Map, there are CS zones at Marrett Rd. & Spring St.; Marrett Rd. & Lincoln St.; Bedford St. & Minuteman Bikeway; Lowell St. & North St.; and Woburn St. & Fletcher Ave.

<sup>2</sup> According to the Zoning Map, there are, at least in part, CN zones at Marrett Rd. & Spring St.; Marrett Rd. & Waltham Ave., Bedford St. between Reed & Ledgelawn; and Waltham St. & Concord Ave.

<sup>3</sup> There is retail shopping in the Central Business (CB, downtown) district but that is **not** a neighborhood commercial zone

# Orientation to Tables 1 and 2

## Risk Analysis

### Key to the symbols in Table 1

 = Likely to meet criterion (columns 1 – 7); allowed in designated zone type (columns 8 – 10)

 = May not meet criterion; some information on potential adverse impacts or insufficient information (columns 1 – 7)

 = Likely **not** to meet criterion (columns 1 – 7); **not** allowed in designated zone type (columns 8 – 10)

 = Allowed by Special Permit in designated zone type; **not** a by right Use (columns 8 – 10)

Table 1, Criteria for assessing benefits, risks and costs of proposed new Principal Uses

Proposed New Principal Uses for CS zone	Criteria for Assessing Benefits, Risks and Costs of New Principal Uses						Allowed in other Neighborhood Commercial Zones		
	Owner's Original Stated Leasing Needs	Increase Intensity in Near Term without Development	Sustainable Economic Growth	Neighborhood Benefit	Benefit/Risk to Neighborhood & Town	Preserve Residential Character	CN (Neighborhood Business)	CRS (Retail Shopping)	CLO (Local Office)
Business Office	✓	✓	✓	N	✓	✓	N	✓	✓
Medical/Dental office; not a clinic	✓	✓	✓	✓	✓	✓	✓	✓	✓
Medical Office plus Lab; not clinic	✓	?	✓	✓	?	✓	N	✓	✓
Real Estate Sales	✓	✓	✓	✓	✓	✓	✓	✓	✓
Travel, Insurance, Ticket Agency	✓	✓	?	✓	✓	✓	N	✓	✓
Apparel	✓	✓	✓	✓	✓	✓	✓	✓	N
Artisan Work	N	✓	?	?	?	?	N	N	N
Department Store	✓	✓	?	✓	✓	✓	N	✓	N
Furniture Store	✓	✓	?	✓	✓	✓	N	✓	N
Grocery Store	✓	✓	✓	✓	✓	✓	✓	✓	N
Liquor Store	N	✓	?	✓	?	?	N	SP	N
Other Retail/Pharmacy	N Pharmacy	? Pharmacy	? Pharmacy	✓	? Pharmacy	? Pharmacy	✓	✓	N
	✓ Other	✓ Other	✓ Other		✓ Other	✓ Other			
Fast-food	✓	✓	✓	✓	?	?	SP	SP	N
Restaurant/Bar	N	✓	?	✓	?	?	N	✓	N

Table 2, Summary risk assessment of 14 proposed new Principal Uses in CS zone

Proposed New Principal Uses for CS zone	Overall Relative Level of Risk to the Neighborhood and Town	Risk Mitigation Strategy	Risk to Neighborhood and Town after Mitigation
Business Office	LOW	N/A	LOW
Medical/Dental office; not a clinic	LOW	N/A	LOW
Medical Office plus Lab; not clinic	MODERATE	Special Permit	LOW
Real Estate Sales	LOW	N/A	LOW
Travel, Insurance, Ticket Agency	LOW	N/A	LOW
Apparel	LOW	N/A	LOW
Artisan Work	HIGH	Special Permit	LOW
Department Store	LOW	N/A	LOW
Furniture Store	LOW	N/A	LOW
Grocery Store	LOW	N/A	LOW
Liquor Store	MODERATE	Special Permit	LOW
Other Retail/Pharmacy	HIGH (Pharmacy Only)	Special Permit	LOW
	LOW (Other)	N/A	
Fast-food	MODERATE	Special Permit	LOW
Restaurant/Bar	HIGH	Special Permit	LOW

# Summary Conclusions

## Risk Analysis

The findings, as shown in Table 1, may be summarized as follows (see Table 2):

- 9 Principal Uses are low risk for the neighborhood and Town (assuming Pharmacy is separated out from Other Retail)
- 5 remaining Principal Uses plus Pharmacy (separated out from Other Retail) are relatively moderate or high risk
- Risks are mitigated in the proposal for these 5 Principal Uses plus Pharmacy by requiring Special Permit (SP, not a by right Use; requires professional and public review)

# Orientation to Tables 3 and 4

## Summary of the Proposal

- Standards Applied to 14 new Principal Uses
  - General Standard of Use (Table 1, column 3)
  - A key Development Standard (Table 1, columns 4)
    - Allowable gross floor area in a building for one company (reduces risk of a “mini office park”)
  - Three (3) applicable Operating Standards
    - Outdoor operations during business hours
    - Permanent outdoor storage of equipment
    - Permanent outdoor product displays
- Standards for other Principal Uses in CS today will remain the same in CSX

# Orientation to Tables 3 and 4

## Summary of the Proposal

Key to the symbols in Tables 2 and 3

**Y = Yes**, means permitted **by right** with **no future opportunity** for residents to stop the use or apply a different Standard.

**SP = Special Permit**, means **not permitted by right** and instead requires professional and public review and approval by the Zoning Board of Appeals or Planning Board.

**N = No**, means prohibited.



Table 3, General Standards and a New Development Standard for proposed 14 new Principal Uses in CS zone<sup>1</sup>

General Use Category (Bylaw Table 1 code)	Proposed New Principal Use for CS zone	General Standard for Principal Use	New Development Standard
		Owner Proposal	Owner Proposal: Maximum Gross Floor Area for one company
Commercial Office (G)	Business Office	Y	7,500 sf
	Medical/Dental office, but not a clinic	Y	7,500 sf
	Medical Office plus Lab, but not a clinic	SP	7,500 sf
General Services (H)	Real Estate Sales	Y	7,500 sf
	Travel, Insurance, Ticket Agency	Y	7,500 sf
Sales or Rentals (I)	Apparel	Y	7,500 sf
	Artisan Work	SP	7,500 sf
	Department Store	Y	7,500 sf
	Furniture Store	Y	7,500 sf
	Grocery Store	Y	7,500 sf
	Liquor Store	SP	7,500 sf
	Other Retail/Pharmacy	SP for Pharmacy only; Y for other Uses	7,500 sf
Eating & Drinking (J)	Fast-food	SP	7,500 sf
	Restaurant/Bar	SP	7,500 sf

<sup>1</sup> New Development Standard applies only to 14 new Principal Uses to be added to CS zone; all other Development Standards for current CS apply to all Principal Uses in new CSX

Table 4, Applicable Operating Standards for proposed 14 new Principal Uses in CS zone<sup>1</sup>

General Use Category (Bylaw Table 1 code)	Proposed New Principal Use for CS zone	Outdoor Operations (business hours)	Permanent Outdoor Equipment Storage	Permanent Outdoor Product Displays
		Owner Proposal	Owner Proposal	Owner Proposal
<b>Commercial Office (G)</b>	<b>Business Office</b>	SP	N	N
	<b>Medical/Dental office, but not a clinic</b>	SP	N	N
	<b>Medical Office plus Lab, but not a clinic</b>	SP	N	N
<b>General Services (H)</b>	<b>Real Estate Sales</b>	SP	N	N
	<b>Travel, Insurance, Ticket Agency</b>	SP	N	N
<b>Sales or Rentals (I)</b>	<b>Apparel</b>	SP	N	N
	<b>Artisan Work</b>	SP	N	N
	<b>Department Store</b>	SP	N	N
	<b>Furniture Store</b>	SP	N	N
	<b>Grocery Store</b>	SP	N	N
	<b>Liquor Store</b>	SP	N	N
	<b>Other Retail/Pharmacy</b>	SP	N	N
<b>Eating &amp; Drinking (J)</b>	<b>Fast-food</b>	SP	SP	N
	<b>Restaurant/Bar</b>	SP	SP	N

<sup>1</sup> Operating Standards apply only to 14 new Principal Uses to be added to CS zone; all current Operating Standards for current CS apply to all other Principal Uses in new CSX