

**EXCERPT OF THE TOWN OF LEXINGTON
SPECIAL TOWN MEETING
HELD TUESDAY, NOVEMBER 7, 2023, 7:30 P.M.
CARY MEMORIAL BUILDING – BATTIN HALL AND VIA REMOTE ACCESS
WITH ADJOURNED SESSION HELD
NOVEMBER 8, 2023**

ARTICLE 12 – AMEND ZONING BY-LAW – 2013-2027 MASSACHUSETTS AVENUE

**Petition for Rezoning
Amendments to Planned Development District CD-15 for 2013-2027 Massachusetts Avenue
(The Inn at Hastings Park)**

Motion:

Mr. Grant moves that the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, and further that non-substantive changes to the numbering of the Bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

1) Amend the Preliminary Site Development and Use Plan for the Planned Commercial District at 2013-2027 Massachusetts Avenue dated April 20, 2012 (“PSDUP”) by removing the name of Dana Home of Lexington, Inc. as a petitioner and changing the name of petitioner AB Holdings, LLC to “Trisha Perez Kennealy/AB Holdings, LLC”.

2) Replace all PSDUP references to Assessor’s Map 49, Parcel 2 (2027 Massachusetts Avenue) and Assessor’s Map 57, Parcel 12 (2013 Massachusetts Avenue) with Assessor’s Map 49, Lot 2A (2013-2027 Massachusetts Avenue).

3) Replace all PSDUP references to the 2011 Zoning Bylaw with references to the current Zoning Bylaw as follows, where ~~struck through~~ text is to be removed and underlined text is to be added:

I.A(1) Administration

- a) All references to the Zoning Bylaw herein refer to the Lexington Zoning Bylaw as may be amended, in effect as of the completion of the 2011 Annual Town Meeting.
- b) Where the PSDUP is silent with respect to any requirement of the ~~2011 Lexington~~ Zoning Bylaw applicable to this Planned Development District, the Bylaw requirement shall apply. Where the PSDUP and Bylaw conflict or are inconsistent with respect to any requirement applicable to the Planned Development District, the PSDUP shall supersede any such requirement of the Bylaw.

I.A(2) Permitted Uses

- e) Living facilities for seniors set forth in Zoning Bylaw Section 135-~~23-6.6.~~

I.A(4) Standards & Requirements for Landscaping, Transition & Screening

~~Article X of the Zoning Bylaw, Landscaping, Transition, and Screening, does not have any requirements for CD Districts. For this PDD the following standards will apply: The provisions of Section 5.3, Landscaping, Transition, and Screening, of the Zoning Bylaw do not apply to the PDD, except where noted below:~~

- a) The objectives found in ~~135-52A~~ 5.3.1 apply.
- b) The requirements of ~~135-53.B. and C~~ 5.3.3, pertaining to the Landscaping Plan apply.
- c) The provisions of Section ~~135-58~~ 5.3.11, Maintenance, and ~~135-59~~ 5.3.12, Landscaping to be completed prior to issuance of certificate of occupancy, apply.
- d) The provisions of Section ~~135-60~~ 5.3.13, Screening of other uses within the lots, apply.

I.A.(5) Standards & Requirements for Off-Street Parking & Loading

~~The Off-Street Parking and Loading provisions of Article XI Section 5.1, Off-Street Parking and Loading, of the Zoning Bylaw do not apply to the PDD, except where noted below:~~

- a) Section ~~135-62A~~, ~~Objectives~~ 5.1.1, Purpose, applies.
- b) The provisions of ~~135-63~~ 5.1.3, parking and loading plan requirements, apply.
- c) The provisions of Section ~~135-65~~ 5.1.9, Location of off-street parking and loading bays, and Section ~~135-66~~ 5.1.10, Driveways, apply.
- d) Sections ~~135-67D~~ 5.1.11 (5) and ~~F~~ 5.1.12, pertaining to screening of parking areas, apply except that the height of the screening shall be six feet at the time of planting.
- e) The following provisions, pertaining to Design Standards, contained in Sections ~~135-68B, C, E, G, and H~~ 5.1.13.1, 5.1.13.2, 5.1.13.4, 5.1.13.5, 5.1.13.6, and 5.1.13.7 apply.
- f) ~~The Special Permit Section of 135-69 C. and D.~~ 5.1.14, Special Permit, applies.
- g) For purposes of this PDD the loading area shall not be subject to the provisions of ~~135-68E~~ 5.1.13.4, markings.

I.A.(6) Standards & Requirements for Traffic

~~The provisions of Article XII Section 5.5, Traffic, of the Zoning Bylaw do not apply to the PDD. A traffic study is provided pursuant to Section 135-72.~~

I.A.(7) Standards & Requirements for Signs, Lighting, and Wireless Communication Facilities.

~~The provisions of Sections Article XIII 135-5.2, Signs, and Article XIV. 135-5.4, Outdoor Lighting, and Article XV 135-6.4, Wireless Communication Facilities, of the Zoning Bylaw apply to the PDD.~~

- 4) Amend the name of the district defined by the PSDUP from Planned Commercial District-15 (CD-15) to Planned Development District-7 (PD-7).
- 5) Amend the Zoning Map to amend the name of the district defined by the PSDUP from Planned Commercial District-15 (CD-15) to Planned Development District-7 (PD-7) for Assessor's Map 49, Map 2A.
- 6) Amend PSDUP Section I.A.1.e as follows, where ~~struck through~~ text is to be removed, and underlined text is to be added:

Any sale or transfer of rights and interest in the Property shall include a condition that successors and

assigns are bound to the terms and conditions of this PDD and of any Special Permit ~~with or~~ Site Plan Review ~~or other Special Permit~~ granted by the Board of Appeals or Planning Board for this zoning district.

- 7) Amend the first paragraph of PSDUP Section I.A.2 as follows, where ~~struck through~~ text is to be removed, and underlined text is to be added:

All uses listed below shall be subject to ~~a Special Permit~~ Site Plan Review, as described in §135-42B ~~7.3.2.6~~, and shall be consistent with and not exceed the development intensity or its equivalent with respect to dimensional controls and standards for the proposed structures and site plan approved in this PDD. Uses other than those set forth in this section of Permitted Uses are not permitted.

- 8) Replace the schedule of dimensional controls in Section I.A.3 with the following:

Section 1-A3 The Schedule of Dimensional Controls

Dimensional Regulations		Standards
LOT REGULATIONS		
	Minimum Lot Area	15,500 SF
	Minimum Lot Frontage	125 FT
SETBACK REGULATIONS		
	Minimum Front Yard	25 FT
	Minimum Side Yard	10 FT
	Minimum Rear Yard	15 FT
BULK REGULATIONS (for the zone as whole*)		
	Maximum Gross Floor Area	20,250 SF
	Maximum Floor Area Ratio	0.295

	Maximum Percentage of Site Coverage	16%
	Maximum Impervious Service Ration	0.45
HEIGHT REGULATIONS		
	Maximum Height in Stories	4
	Maximum Height in Feet	45 FT
ADDITIONAL DEVELOPMENT OF STANDARDS (for the zone as a whole*)		
	Maximum number of Guest Rooms	22
	<u>Maximum Seating Capacity of Restaurants</u>	<u>54</u>
	<u>Maximum Seating Capacity of Restaurant</u>	<u>128</u>

9) Amend the table in Section I.A.5(i) as follows where ~~struck through~~ text is to be removed, and underlined text is to be added:

*No more than one on-site parking space shall be used by employees.

Parking Regulations		Standard s
	Required Number of On-Site Parking Spaces for Inn*	1 per guest room
	Required Number of On-Site Parking Spaces for Restaurant*	1 per 6
	<u>Required Number of On-Site Parking Spaces for Restaurant*</u>	<u>1 per 12 seats</u>
	Required Number of On-Site Loading Areas for Inn and Restaurant	1

Motion to Approve Article 12 – Amend Zoning By-Law – 2013-2027 Massachusetts Avenue

Adopted by a vote of:

Yes	No	Abstain
161	5	5

MOTION CARRIES WITH MORE THAN NECESSARY 2/3RDS