



## ***Town of Lexington***

### **PLANNING BOARD**

Gregory Zurlo, Chair  
Richard L. Canale, Vice Chair  
Michelle Ciccolo, Clerk  
Charles Hornig  
Wendy Manz

1625 Massachusetts Avenue  
Lexington, MA 02420  
Tel (781) 862-0500 Ext. 245  
Facsimile (781) 861-2748

## **REPORT TO THE 2011 ANNUAL TOWN MEETING**

### **ARTICLE 40**

### **Zoning Map Amendment**

**March 2011**

The Planning Board Report to Town Meeting conveys the Planning Board's positions on the articles. It contains details regarding the proposals that are intended to inform decision-making and to provide helpful knowledge to the public and all interested parties.

<b>Article</b>	<b>Description</b>	<b>Recommended Action</b>
40	RS to CRS, 1095 Massachusetts Avenue	<b>DISAPPROVE</b>

**RECOMMENDATION**

The Planning Board recommends that the motion under Article 40 be **DISAPPROVED**.

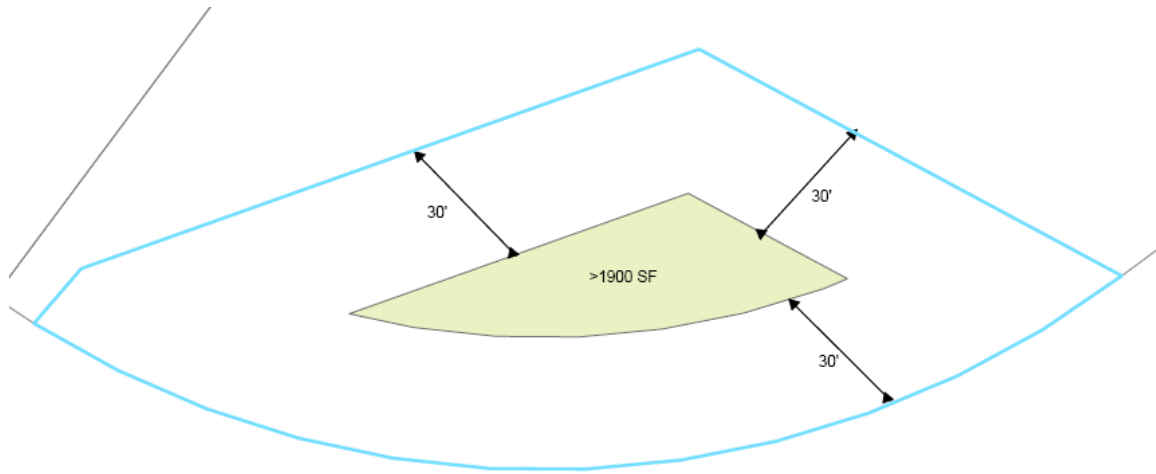
**BACKGROUND**

This is a petition by the owner of the land at 1095 Massachusetts Avenue to rezone the land from an RS residential zone to a CRS commercial zone. The 13,700 square-foot lot is used as a gas station, a non-conforming use. The 1924 Town Report shows that it was used as a gas station prior to 1924, the date of the first Zoning Bylaw in Lexington. There is a 2,700 square-foot building on the lot, located in the back corner, with gas pumps, parking and circulation to the front of the lot. There are large curb cuts onto Massachusetts Avenue and Maple Street.

Current RS Zone If the property is not rezoned the use as a gas station can be continued, but neither the use nor structure could be expanded. Under certain conditions, it is possible the owner could seek a special permit for the substitution of a non-conforming use from the Zoning Board of Appeals. Residential uses could also be established on the property.

CRS Zone The CRS district has a minimum lot size of 15,500 square feet and minimum frontage of 125 feet. 1095 Massachusetts Avenue would be non-conforming due to size. The setbacks, because all lot lines would be adjacent to a residential district, would be 30 feet on all sides. Due to the size and shape of the lot, there would be little buildable area left on the lot (less than 1,900 square feet). (See map below). A tear-down and rebuild on this property would require a variance from the Zoning Board of Appeals to deal with the non-conforming lot. Retaining the existing structure for a different use might require a special permit, although there are circumstances

where the use could be changed as of right. Additions to the existing structure are likely to require a variance unless the addition does not utilize any area within the required setbacks.



A CRS district does not permit residential uses, but would permit most of the uses listed in the Table of Uses under "Office Uses," "Personal, Business Services," "Sales or Rental of Goods, Equipment," "Eating, Drinking, Transient Accommodations," "Commercials Recreation, Amusement, Entertainment," and "Motor Vehicle Related Sales and Service Uses." There are 55 different uses permitted within these categories, ten of which require a special permit, the remaining 45 are by right. All motor vehicle related sales and service, including a service station, would require a special permit.

The Planning Board feels that a CRS district is not appropriate for this site for the following reasons:

- 1) Upon rezoning, the lot, building and use will remain nonconforming.
- 2) The small site will not adequately support many of the uses allowed by right in the CRS district
- 3) Many of the potential uses discussed by the proponent could be allowed through the substitution of nonconforming uses as proved for in §135-28C of the Zoning Bylaw upon the issuance of a special permit by the Board of Appeals. This would allow more control of a site that is surrounded by residential uses.

## **PUBLIC HEARING**

A duly advertised public hearing was held on March 9, 2011 in the Selectmen's Meeting Room in the Town Office Building.

Mr. Tom Fenn, the attorney for the owner Mr. Douglas Chapman, gave an overview of the proposal. He said that there were no immediate plans to redevelop or sell the property, but they would like to have more flexibility as to how the site is used to enhance its attractiveness to potential future owners. Mr. Fenn pointed out other gas stations that were zoned commercial in predominantly residential areas.

Board members questioned why a CD district, which had the ability to make the property conforming, had not been requested. Mr. Fenn said the process was costly and they didn't have specific plans for future use of the site. He felt it would circumvent the ability of the neighbors to weigh in on potential reuses and as well as the Board of Appeals process.

There was discussion of the number of uses in a CRS zone that are allowed by right. Board members expressed discomfort with such an expansive list of allowed uses in a constrained site adjacent to residential uses.

Two residents from the neighborhood spoke, one in favor of the proposal and one opposed. There being no other comments or questions, the public hearing was closed.

The Board deliberated on the matter. They discussed appropriate uses for the site and what would be the most appropriate zoning for this site. There was a desire to allow more uses, but there did not appear to be a way to allow a limited set of uses without a CD rezoning, which is a costly and complex process, not really suited for a small property. The Board expressed their desire to work with the owner to see if some other approach would serve the owner's needs and protect the neighbors.

After deliberations, the Planning Board voted 5 to 0 to recommend unfavorable action on Article 40.

## **MOTION**

This is an owner's petition and the Planning Board is not responsible for the motion. The Board believes the motion will be essentially as it appears in the Warrant.

This report was accepted by vote of the Planning Board on March 9, 2011.

Gregory Zurlo, Chair

Richard Canale, Vice Chair

Michelle Ciccolo, Secretary

Charles Hornig

Wendy Manz