

# TMMA Warrant Information Report



*March 23, 2016*

This report has been prepared by the Town Meeting Members Association to provide information to Town Meeting members concerning the articles of the warrants for Special Town Meeting 2016-3 and the Annual Town Meeting beginning March 21, 2016. TMMA thanks town officials, town staff, and members of boards and committees for their assistance in providing information for this report.

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For new and updated information, please refer to the  
TMMA website at

[www.LexingtonTMMA.org](http://www.LexingtonTMMA.org)

## **Conflict of Interest Guideline for Town Meeting Members**

In 1976, Town Meeting adopted the following non-binding Conflict of Interest Resolution:

***Resolved, that Town Meeting Members abstain from voting in any particular matter in which to his knowledge, he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has any economic interest in the particular matter under consideration.***

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Please note that Town Meeting Members are specifically excluded from the responsibilities posed by the State conflict of interest statute, Chapter 268A.

### **Notes**

**Please note that all dollar amounts listed in this report are NOT final. The final dollar amounts will be provided in motions presented at the Annual Town Meeting starting on March 21.**

Also note that the information provided in this report was current as of the publication date; some circumstances may have changed since then. See the TMMA web site for new and updated information.

Also note that the entire text of the Annual Town Meeting Warrant is included in this report. The Warrant text appears at the beginning of the write-up for each article and appears in 10-point font. TMMA information appears in 12-point font.

***Special thanks to:***

***Christopher Bing for the cover artwork***

***Peet's Coffee and Tea for their generous donation of  
coffee and supplies for the edit session***

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## **Warrant for the Annual Town Meeting**

### **ARTICLE 29**

### **AMEND GENERAL BYLAWS – NEIGHBORHOOD CONSERVATION DISTRICTS**

To see if the Town will vote to amend its General Bylaws to enable the creation of neighborhood conservation districts, or act in any other manner in relation thereto.

*(Inserted at the request of the Planning Board)*

DESCRIPTION: A neighborhood conservation district (NCD) is a tool used to preserve, protect, and enhance significant areas within a community beyond what is specified in the zoning bylaw. The conservation regulations are applied in addition to standard zoning regulations and will usually take precedence. NCD regulations will differ from neighborhood to neighborhood depending on the area's character and needs. Because they do not regulate as strictly as historic districts, NCDs are typically used as an alternative to them in areas where alterations have already occurred but protection of the overall scale, streetscape, and significant buildings is necessary.

### **TMMA OVERVIEW**

Neighborhood Conservation Districts (NCDs) are a voluntary means of maintaining and preserving neighborhood character through a delineation of districts that are proposed by residents and approved by Town Meeting.

Article 29 is an enabling bylaw which, if passed by a majority vote of Town Meeting, will permit the creation of Neighborhood Conservation Districts (NCDs) in Lexington. The bylaw sets forth the process for creating these NCDs, and it describes how they will be governed. No actual NCD is created by Article 29, but passage of the bylaw is required before such a District can be created.

Unlike Historic Districts, an NCD is concerned with neighborhood characteristics, rather than the architectural details of individual buildings. Unlike zoning districts, an NCD doesn't create dimensional or numerical standards. Rather, an NCD, through design guidelines tailored to meet its particular needs, and through administration by its own NCD Commission, encourages construction and alterations consistent with its character.

### **TMMA Questions:**

**Question #1:** Are all properties in a neighborhood required to be included in an NCD if 75 % of them wish an NCD designation?

**Answer #1:** No. Each property owner will be given a clear choice to exempt themselves from the district and be excluded from being in the NCD. The NCD will consist only of properties that have not opted out.

**Question #2:** Will this place an undue burden of Town services?

**Answer #2:** Fees to cover administrative costs will be borne by applicants. The majority of actual work will be carried out by volunteer boards: The Historical Commission, who will bear the major workload, and the Planning Board support this bylaw.

**Answer #3:** The Town of Wellesley has an NCD, began in 2008, in which several properties were sold. Although the sample size is small, the two most recent sales suggest that inclusion within the NCD did not harm their value. Both properties sold over asking in less than 20 days. Those figures are significantly better than sales town-wide. Furthermore, there have been four sales of properties in the Area that did not opt in. These sales suggest that the establishment of an NCD does not harm the value of properties that opt out of the district.

An NCD cannot require review and approval of many exterior changes, including storm windows, doors and screens; color; small accessory buildings; elements of a structure not visible from a public way, or ordinary maintenance, repair, and in-kind replacement. But it does review total demolition and new construction, as well as substantial changes such as major additions or total roof/window/siding replacement.

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Article 31 asks for approval to extend the term of contracts for specific categories to:

<u>Contract Type</u>	<u>Max. Years</u>
Lease of public lands	20
Lease of public buildings	30
Waste disposal and recycling	20
Water supply	20
Leases, licenses, power purchase agreements for installing solar energy facilities and purchasing solar electricity	22
Payment in lieu of taxes agreements with owners of solar energy facilities (on town land)	20

## **ARTICLE 35**

## **LEXPRESS RESOLUTION (Citizen Article)**

Whereas, the Lexington Selectman convened an Information Meeting to ask for support for a community-based local transportation system, eventually to be called Lexpress.

Whereas, at that meeting, a concerned resident asked "What if there is low ridership on a route, and what if a route does not have enough paying riders, will the route be cancelled?"

Whereas, a Selectman responded "No, we will not cancel it, we will treat all neighborhoods equally."

Whereas, walking uphill with a package for a distance of 1.5 or 2 miles to or from a bus is age discrimination. A resident should not have to walk more than approximately  $\frac{3}{4}$  mile to or from the bus and it should not be uphill, so as to facilitate the ability to conduct shopping.

Whereas, this is the sense of Town Meeting, no Town employee, contractor, or subcontractor shall enter into any contract which subverts this intent. If such a contract should be signed, it shall be null and void and no termination fees shall be paid. Those responsible shall be Immediately Terminated for malfeasance and fraud and shall forfeit any town pension.

*(Inserted by Roy Glasser and 9 or more registered voters)*

DESCRIPTION: An action to ensure equal access for every resident, both now and in the future.

## **TMMA OVERVIEW**

The article sponsor has decided to offer this article as a resolution specifying maximum distances to Lexpress routes

### **TMMA Questions:**

**Question #1:** Aren't Lexpress routes adjusted based on usage rates?.

## **ARTICLE 36**

## **AMEND ZONING BYLAW – NATIONAL FLOOD INSURANCE DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw and Zoning Map to update the National Flood Insurance District, or act in any other manner in relation thereto.

*(Inserted at the request of the Planning Board)*

DESCRIPTION: This article updates the National Flood Insurance District bylaw and map to reflect a recent update to the Shawsheen River watershed.

### **TMMA OVERVIEW**

This article brings the bylaw in compliance with the numbering format of the Code of Lexington.

## **ARTICLE 37**

## **AMEND ZOING BY-LAW – TECHNICAL CORRECTIONS**

To see if the Town will amend the Zoning Bylaw to correct internal references, remove unreferenced definitions, and reformat sections of the Bylaw to help clarify the intent of the Bylaw to its readers, or act in any other manner in relation thereto.

*(Inserted at the request of the Planning Board)*

DESCRIPTION: These changes are corrective in nature and are not intended to change interpretation in any substantive way.

### **TMMA OVERVIEW**

This article brings the bylaw in compliance with the numbering format of the Code of Lexington.

## **ARTICLE 38**

## **AMEND ZONING BYLAW – GOVERNMENT-CIVIC DISTRICT(S)**

To see if the Town will vote to amend the Zoning Bylaw and Zoning Map by defining a new district or districts, including establishing allowed uses, dimensional standards and transition and screening requirements and amend the Zoning Map by rezoning parcels owned by governmental bodies held for public use into the new district, or act in any other manner in relation thereto.

*(Inserted at the request of the Planning Board)*

DESCRIPTION: The Governmental & Civic Use (GC) zoning district is proposed to recognize the public nature of particular parcels of land and provide standards and guidelines for their continued use while ensuring that the use of these properties is related to the policies of the community, and that any development in the district, if any, will be compatible with surrounding districts and uses.

## TMMA OVERVIEW

This article will ask town meeting to approve a new zone for government owned land. The zone would be government/civic use district: GC.

Land under government control for public use is neither residential nor commercial, although the underlying zoning is still residential or commercial. A new zone will give the town more control over the land, should the land be sold. (ie, Massachusetts, or Arlington, or Lincoln could possibly sell land within the town of Lexington. This proposed new zone would establish limits on what could be done with the land.) Under current law, if sold the use might revert to default zoning of that area, such as RO.

Passage of the article requires a 2/3 vote by town meeting, as it is a zoning article.

A new GC zone will permit Municipal, institutional, and agricultural uses. Residential, and most commercial uses are not permitted. Special permits (SP) may be obtained from the Planning Board, for special uses. (Note: Planning Board will be responsible for special permits, not the Board of Selectmen.)

Table 1 of the proposed zoning bylaw specifying Permitted Uses and Development Standards, is very long and comprehensive. Housing, most tax title land, planned development districts, remnants and rights of way, also potential housing sites will not be zoned GC.

### **TMMA Questions:**

**Question #1:** Why is this article being revisited again this year, when it failed to get 2/3 vote last year?

**Answer #1:** The Planning Board was asked to bring this article forward this year. The Planning Board made a few changes to the article, based on feedback from Town Meeting Members. The new district will not affect neighboring districts, and will not change or limit current uses of government land.

**Question #2:** Where is the list of all the parcels to be put in Government/Civic District?

**Answer #2:** The list of parcels to be rezoned to Governmental/Civic Use District may be found at: [http://www.lexingtonma.gov/sites/lexingtonma/files/pages/gc\\_map-lot\\_list\\_rev.pdf](http://www.lexingtonma.gov/sites/lexingtonma/files/pages/gc_map-lot_list_rev.pdf)