

**TOWN OF LEXINGTON WARRANT
SPECIAL TOWN MEETING 2020-2**

Commonwealth of Massachusetts

Middlesex, ss.

To either of the Constables or Town Clerk of the Town of Lexington, in said County,

Greetings:

In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the Town of Lexington qualified to vote in elections and in Town affairs to meet by means of the audio/video conferencing platform described more particularly below on October 14, 2020 at 7:30pm, at which time and place the following articles are to be acted upon and determined exclusively by the Town Meeting Members in accordance with Chapter 215 of the Acts of 1929, as amended, and subject to the referendum provided for by Section eight of said Chapter, as amended.

Pursuant to Chapter 92 of the Acts of 2020, the Town Meeting shall be held remotely by the means requested by the Moderator as follows:

Town Meeting members will attend and vote by logging into: (1) the Zoom videoconferencing platform, (2) the online VVoter module provided by our electronic voting vendor, Option Technologies or comparable online voting tool developed by Select Board member Joe Pato, and (3) an online queuing function developed by Select Board member Joe Pato to facilitate the process of debate. Other Town residents who wish to follow the proceedings may do so via LexMedia at <https://www.youtube.com/user/LexMediaMATV>. Residents who wish to participate in the Meeting may contact the Town Clerk's Office at clerk@lexingtonma.gov and complete the online form at www.LexingtonMA.gov/Fall2020STM.

For more information, please see the Moderator's August 20, 2020 letter to the Select Board attached to this warrant as Special Town Meeting 2020-2 Appendix A.

ARTICLE 1

**REPORTS OF TOWN BOARDS, OFFICERS
AND COMMITTEES**

To receive the reports of any Board or Town Officer or of any Committee of the Town; or act in any other manner in relation thereto.

(Inserted by the Select Board)

DESCRIPTION: This article remains open throughout Town Meeting and reports may be presented at any Town Meeting session by boards, officers, or committees.

ARTICLE 2

SHORT TERM RENTAL IMPACT FEE

To see if the Town will vote to accept Massachusetts General Laws Chapter 64G, Sections 3A & 3D, Local Option Community Impact Fee of up to 3% on short term rental properties; or act in any other manner in relation thereto.

(Inserted by the Select Board)

DESCRIPTION: The article authorizes the Town to adopt a "community impact fee" of up to 3% on "professionally managed" rental units. These units are defined as accommodations where an operator runs more than one short-term rental in the same municipality with at least one of those units not located in a single-, two-, or three-family dwelling that includes the operator's primary residence.

ARTICLE 3

**AMEND GENERAL BYLAWS-
NOISE CONTROL (Citizen Petition)**

To see if the Town will vote to amend Chapter 80 of the Code of the Town of Lexington, Noise Control, to reduce the impact of construction noise, by requiring a noise mitigation plan for construction impacting residentially zoned areas as a condition for obtaining a building permit.

This article would require and enforce a noise mitigation plan as follows:

1. A noise mitigation plan will be required for construction projects which entail rock removal via heavy machinery and/or blasting, including ledge removal, rock pounding, rock crushing, rock drilling or rock cutting;
2. Such a plan will only be required for large projects where these activities are expected to be of extended duration;
3. Noise mitigation plans must include effective sound barriers surrounding the perimeter of the construction site;

or act in any other manner in relation thereto.

(Inserted by the Select Board on behalf of Varda Haimo and 9 or more registered voters)

DESCRIPTION: This article proposes revisions to the Noise Bylaw to better protect residents from noise pollution due to residential and other construction projects.

ARTICLE 4

**DECLARE CLIMATE EMERGENCY
(Citizen Petition)**

To see if the Town will adopt a resolution endorsing the declaration of a climate emergency and requesting regional collaboration for an immediate transition from fossil fuels to clean, renewable energy and further to demonstrate our commitment to making Lexington a more sustainable and resilient town.

(Inserted by the Select Board on behalf of Lily Manhua Yan and 9 or more registered voters)

DESCRIPTION: This article seeks Town Meeting approval to adopt a resolution endorsing the declaration of a climate emergency and calls for regional collaboration to reverse global warming and to move towards a more sustainable economy.

ARTICLE 5

**AMEND GENERAL BYLAWS-RUNNING
BAMBOO CONTROL (Citizen Petition)**

To see if the Town will vote to amend the General Bylaw of the Town of Lexington by adding a chapter to control the planting and presence of Running Bamboo plants-any monopodial (running) tropical or semi-tropical bamboo grasses or bamboo species, or act in any other manner in relation thereto.

(Inserted by the Select Board on behalf of Michael Reamer and 9 or more registered voters)

DESCRIPTION: This purpose and intent of this bylaw is to preserve and protect private and Town owned property and Town owned rights of way from the spread of Running Bamboo and to protect indigenous biodiversity threatened by Running Bamboo. All Running Bamboo owners shall be required to confine Running Bamboo in a manner that will prevent the Running Bamboo from encroachment onto any other private or Town owned right of way. The proposed bylaw specifies requirements, enforcement and penalties.

ARTICLE 6

**AUTHORIZE SPECIAL LEGISLATION DEVELOPMENT
SURCHARGE FOR COMMUNITY HOUSING (Citizen Petition)**

To see if the Town will vote to establish a surcharge on specific residential development activities for the purpose of funding affordable and community housing construction, renovation, associated land acquisition or easements; and

further to authorize the Select Board to petition the Massachusetts General Court to enact legislation to enable this surcharge in the Town of Lexington, and further to authorize the Select Board to approve amendments to said act before its enactment by the General Court that are within the scope of the general objectives of the petition, or act in any other manner in relation thereto.

(Inserted by the Select Board on behalf of Matt Daggett and 9 or more registered voters)

DESCRIPTION: The purpose of this article is to address the loss of moderate-income housing by developing a targeted and measured surcharge on specific residential development activities that will fund the creation of community housing that will address identified housing gaps, such as housing attainable by Lexington municipal employees.

ARTICLE 7

**RESOLUTION FOR ESTABLISHMENT OF A
MONUMENT (Citizen Petition)**

To see if the Town will vote to adopt a resolution requesting the Select Board to erect a new monument in a highly visible and public outdoor location to honor the contributions women have made to improve Lexington; that the Select Board take this request into account when preparing the next year's budget; and that the Select Board help facilitate this effort through coordination of or delegation to the relevant committees so that a recommendation will come to Town Meeting in Spring 2021, with some visible progress made by August 26, 2021, or act in any other manner in relation thereto.

(Inserted by Jessie Steigerwald, Betty Gau and 100 or more registered voters)

DESCRIPTION: This article seeks Town Meeting approval to request the Select Board to erect a new and intersectional monument in celebration of the 100th anniversary of the 19th amendment to the United States Constitution. This monument would celebrate and pay tribute to the many contributions that women have made across time to Lexington's place in history and to our community.

ARTICLE 8

**SYSTEMIC RACISM RESOLUTION
(Citizen Petition)**

To see if the Town will vote to pass a non-binding resolution to consider racial and other equity impacts in all its decisions and planning processes, in order to work toward dismantling systemic racism and white privilege, with the goal of making Lexington a truly equitable and just community; or act in any other manner in relation thereto.

(Inserted by Deborah Strod and 100 or more registered voters)

DESCRIPTION: This article seeks Town Meeting approval to adopt a resolution that seeks to make Lexington a more diverse, inclusive, equitable, and anti-racist community by actively considering racial and other equity impacts in all current and future decisions and planning processes with the goal to end systemic racism.

ARTICLE 9

**AMEND ZONING BYLAW-DISTANCE FROM BASEMENT,
SLAB OR CRAWL SPACE AND GROUNDWATER**

To see if the Town will vote to amend the Zoning Bylaw to regulate the distance between groundwater elevations and building basements, crawl space floors, or slab elevations; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This zoning amendment is in response to residents' requests to address the impacts on their property of displaced groundwater from abutting new construction being built in the water table. This will also help prevent new illegal connections to the Town system from new construction in the water table.

ARTICLE 10

AMEND ZONING BYLAW-SHORT TERM RENTALS

To see if the Town will vote to amend the Zoning Bylaw to regulate short term rentals; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This article would amend the Zoning Bylaw to regulate short term rentals.

ARTICLE 11

AMEND ZONING BYLAW-SITE PLAN REVIEW

To see if the Town will vote to amend the Zoning Bylaw of the Town of Lexington to amend applicability of, exceptions to, and notice requirements for site plan review; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This article would adjust the existing exceptions to site plan review to require review when parking areas are significantly expanded, limit it for small changes to large buildings, and modernize notice requirements.

ARTICLE 12

AMEND ZONING BYLAW-FINANCIAL SERVICES

To see if the Town will vote to amend the Zoning Bylaw of the Town of Lexington regarding the regulation of financial, drive-up, and auto-oriented services; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This article would adapt a variety of financial services regulations to be consistent with current industry practice and regulate drive-up and auto-oriented service uses consistently.

ARTICLE 13

AMEND ZONING BYLAW-SOLAR ENERGY SYSTEMS

To see if the Town will vote to amend the Zoning Bylaw to reduce restrictions on solar energy systems; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This article would encourage construction of solar energy systems by exempting these systems from certain existing setback, height, site coverage, and roof coverage standards, and permitting them in all districts.

ARTICLE 14

AMEND ZONING BYLAW-WIRELESS COMMUNICATION FACILITIES

To see if the Town will vote to amend the Zoning Bylaw to conform to changes in federal law and regulations regarding wireless communication facilities, including streamlining permitting processes and standards, adding design guidelines; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This article would update the Zoning Bylaw to reflect changes in federal law and regulations regarding wireless communication facilities. Proposed changes include streamlining permitting of wireless facilities on private property to meet federal ‘shot clock’ deadlines by not requiring special permits and expanding acceptable justifications for adding new facilities.

ARTICLE 15

AMEND ZONING BYLAW-TECHNICAL CORRECTIONS

To see if the Town will vote 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; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: These changes are clerical in nature and are not intended to change interpretation of the Zoning bylaw in any substantive way.

ARTICLE 16

AMEND ZONING BYLAW AND MAP- HARTWELL AVENUE AREA (Citizen Petition)

To see if the Town will vote to amend the Zoning Bylaw and Zoning Map to alter and supplement dimensional and other standards for the CM district to permit additional development; rezone lots not used for residential purposes near Hartwell Avenue and southwest of Bedford Street into the CM or GC districts; or act in any other manner in relation thereto.

(Inserted by the Select Board on behalf of Charles Hornig and 9 or more registered voters)

DESCRIPTION: The changes proposed under this article would allow additional desirable commercial development along Hartwell Avenue and Bedford Street.

ARTICLE 17

AMEND THE ZONING BYLAW AND MAP- BEDFORD STREET NEAR HARTWELL AVENUE (Citizen Petition)

To see if the Town will vote to amend the Zoning Map to rezone lots not used for residential purposes northeast of Bedford Street near Hartwell Avenue into the CM and TMO-1 districts, or act in any other manner in relation thereto.

(Inserted by the Select Board on behalf of Charles Hornig and 9 or more registered voters)

DESCRIPTION: This article would expand the CM (manufacturing) and TMO-1 (transportation management overlay) districts by moving the #475 (Boston Sports Club) Bedford Street property into the existing CM and TMO-1 districts to allow additional commercial development.

ARTICLE 18

AMEND ZONING BYLAW-FRONT YARD, TRANSITION, AND SCREENING AREAS (Citizen Petition)

To see if the Town will vote to amend the Zoning Bylaw to regulate front yard, transition, and screening areas along streets consistently within each district, or act in any other manner in relation thereto.

(Inserted by the Select Board on behalf of Charles Hornig and 9 or more registered voters)

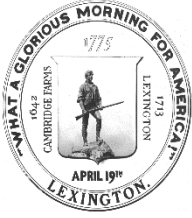
DESCRIPTION: The changes proposed under this article would allow consistent streetscapes within a zoning district by requiring consistent front yard, transition, and screening areas along a street independent of the zoning district of lots across the street.

And you are directed to serve this warrant fourteen days at least before the time of said meeting as provided in the Bylaws of the Town. Hereof fail not, and make due return on this warrant, with your doings thereon, to the Town Clerk, on or before the time of said meeting.

Given under our hands at Lexington this 14th day of September 2020.

Douglas M. Lucente, Chair	Select Board
Joseph N. Pato	
Suzanne E. Barry	of
Jill I. Hai	
Mark D. Sandeen	Lexington

A true copy, Attest:
Constable of Lexington



Town of Lexington
MODERATOR
DEBORAH BROWN

SPECIAL TOWN MEETING 2020-2
Appendix A

August 20, 2020
Delivered to Select Board via email

Dear Select Board Members,

In view of the ongoing COVID-19 pandemic and the ongoing federal, state and local advisories to practice social distancing and avoid the congregation of crowds, I request approval to conduct Lexington's upcoming Fall Special Town Meeting, scheduled to commence October 14, 2020, through remote participation. I propose to use a combination of: (1) the Zoom videoconferencing platform, (2) the online VVoter module provided by our electronic voting vendor, Option Technologies OR comparable online voting tool developed by Select Board member Joe Pato, and (3) an online queuing function developed by Select Board member Joe Pato to facilitate the process of debate.

I certify that, with the assistance of Select Board Chair Doug Lucente, Select Board member Joe Pato, Town Meeting Members' Association Chair Ben Moroze, and members of Town staff, I have tested all components of the system described above and am satisfied that this system will enable our meetings to be conducted in substantially the same manner as if they had occurred in person at a physical location. I certify that the system (i) allows the moderator, town meeting members, town officials and any other interested members of the public to identify and hear the moderator and each town meeting member who attends and participates in the remote meeting, as well as any other individuals who participate in the meeting; (ii) provides the ability to determine whether a quorum is present; (iii) allows participants to request recognition by the moderator and makes such requests visible to the meeting participants and the public; (iv) allows the moderator to determine when a town meeting member wishes to be recognized to speak, make a motion, or raise a point of order or personal privilege; (v) enables the moderator to recognize a town meeting member, town official or other individual and enable that person to speak; (vi) provides the ability to conduct a roll call or electronically recorded vote; (vii) allows any interested members of the public to access the meeting remotely through LexMedia for purposes of witnessing the deliberations and actions taken at the town meeting; (viii) allows members of the public to participate in debate through the submission of statements for or against a motion; and (ix) provides for the town meeting to be recorded and available for future viewing. I further confirm that I have consulted with Lexington's Commission on Disability regarding system accessibility.

Sincerely,

Deborah Brown
Town Moderator