



Town of Lexington

PLANNING BOARD

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REPORT TO THE 2017 ANNUAL TOWN MEETING

ARTICLE 35 – NEIGHBORHOOD CONSERVATION DISTRICTS

RECOMMENDATION

At its meeting of March 15, 2017, the Planning Board voted, unanimously, to recommend **APPROVAL** of Article 35 to Town Meeting.

This report was accepted by a unanimous vote of the Planning Board on March 15, 2017.

DESCRIPTION

This article is to correct two minor issues identified over the last year with the NCD Bylaw adopted by Town Meeting at the 2016 Annual Town Meeting. Part 1 of the motion reinserts penalty language that was struck by the Attorney General's Office during their review of the Bylaw last summer. M.G.L. c. 40, § 21 limits the maximum penalty for bylaw violations to \$300, not \$500 as voted by Town Meeting.

The second part of the motion addresses concerns identified by a group of residents looking to create a small neighborhood conversation district. The current NCD Bylaw requires 10 property owners to sign the petition for a study, regardless of the proposed districts size. In this situation small NCDs are almost impossible to create. Part 2 of the motion proposes a threshold requirement of two-thirds of the property owners' consent for proposed study areas of 14 or fewer properties.

PUBLIC OUTREACH

As public hearings are not required for General Bylaw amendments, the Board held a public information session on January 18, 2017, in Battin Hall, in the Cary Memorial Building. The Board presented the proposed motion. The proposal was also discussed on March 15, at the Town Meeting Members Association's Information Meeting.

PROPOSED MOTION

Part 1. Amend Chapter 78 of the Code of the Town of Lexington, Neighborhood Conservation Districts, Section 9(b) of the Code of Lexington, by inserting the following text as the first line in the section:

Anyone found in violation may be fined not more than \$300 for each day such violation continues, each day constituting a separate offense.

Part 2. Amend Chapter 78 of the Code of the Town of Lexington, Neighborhood Conservation Districts, by:

- a. Inserting “, or for an NCD Area consisting of 14 or fewer properties, the signatures of two-thirds of the property owners in said area,” after the word “owners,” in the definition of “PETITION” under Section 78-2;
- b. Inserting “, or for an NCD Area consisting of 14 or fewer properties, the signatures of two-thirds of the property owners in said area,” after the word “owners” in the first paragraph of Section 78-3;
- c. Inserting “, or for an NCD Area consisting of 14 or fewer properties, the two-thirds of the property owners in said area,” after the word “owners” in the first sentence of Section 78-3.I.