

SELECT BOARD MEETING

Monday, February 3, 2025

Select Board Meeting Room, 1625 Massachusetts Avenue, Lexington, MA 02420 - Hybrid Participation*
6:00 PM

AGENDA

PUBLIC COMMENTS

Public comments are allowed for up to 10 minutes at the beginning of each meeting. Each speaker is limited to 2 minutes for comment. Members of the Board will neither comment nor respond, other than to ask questions of clarification. Speakers are encouraged to notify the Select Board's Office at 781-698-4580 if they wish to speak during public comment to assist the Chair in managing meeting times.

SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS

1. Select Board Member Announcements and Liaison Reports

TOWN MANAGER REPORT

1. Town Manager Weekly Update

CONSENT AGENDA

1. Approve Select Board Minutes
 - November 20, 2024 Financial Summit
 - December 16, 2024 Select Board
 - January 6, 2025 Select Board
 - January 13, 2025 Select Board
2. Water and Sewer Adjustments
 - Water & Sewer Adjustments per WSAB 12/13/24
3. Approve: One-Day Liquor License - Munroe Center for the Arts
 - Seasonal Suites Community Gathering - February 7, 2025 from 7:00 - 9:00 pm
4. Approve Bedford/Hartwell Complete Streets Reconstruction Project to Advance to 25% Design
5. Approve and Sign Local Initiative Program (LIP) Application for Local Action Units for at 89-91-93 Bedford Street

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Discussion - Special Town Meeting 2025-1 Select Board Article Discussion and Positions 6:15pm
2. Presentation - 2025 ATM Warrant Article - Prohibition of Second-Generation Anticoagulant Rodenticides (Citizen Petition) 6:30pm
3. Discussion and Determination - The Historic Districts Commission Certificate of Appropriateness for the Lex250 Monument 6:40pm

4. Discussion - Bicycle Advisory Committee Memo Regarding Safety Recommendations on Worthen Road 6:55pm
5. Discussion - 2025 ATM Select Board Article Presenters, Discussion and Positions 7:00pm

ADJOURN

1. Anticipated Adjournment 7:05pm

Meeting Packet: <https://lexington.novusagenda.com/agendapublic/>

*Members of the public can attend the meeting from their computer or tablet by clicking on the following link at the time of the meeting:

<https://lexingtonma.zoom.us/j/82013535294?pwd=mGvKYC9PHOT8ByUHHa0a18jNRhRXpf.1>

iPhone one-tap: +13017158592,,82013535294#,,, *848540#

Phone +1 646 876 9923

Meeting ID: 820 1353 5294

Passcode: 848540

An Act Relative to Extending Certain State of Emergency Accommodations:

<https://www.mass.gov/the-open-meeting-law>

A work session of the Select Board will be held on Friday, February 14, 2025 at 9:00am via in-person participation.

The next regularly scheduled meeting of the Select Board will be held on Monday, February 24, 2025 at 6:30pm via hybrid participation.

*Hearing Assistance Devices Available on Request
All agenda time and the order of items are approximate and
subject to change.*



AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Select Board Member Announcements and Liaison Reports

PRESENTER:

Doug Lucente, Chair

ITEM NUMBER:

LR.1

SUMMARY:

Under this item, Select Board Members can provide verbal updates, make announcements, as well as comment on any additional points or concerns. There are currently no written updates or announcements for the February 3, 2025 meeting.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/3/2025

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Town Manager Weekly Update

PRESENTER:

Steve Bartha, Town Manager

ITEM NUMBER:

TM.1

SUMMARY:

Under this item, the Town Manager can provide verbal updates, make announcements, as well as comment on any additional points or concerns.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/3/2025

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve Select Board Minutes

PRESENTER:

Doug Lucente, Chair

ITEM NUMBER:

C.1

SUMMARY:

Category: Decision-Making

The Select Board is being asked to approve the following set of minutes:

- November 20, 2024 Financial Summit
- December 16, 2024 Select Board
- January 6, 2025 Select Board
- January 13, 2025 Select Board

SUGGESTED MOTION:

To approve and release the following minutes:

- November 20, 2024 Financial Summit
- December 16, 2024 Select Board
- January 6, 2025 Select Board
- January 13, 2025 Select Board

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

2/3/2025

ATTACHMENTS:

Description	Type
📄 DRAFT 11202024-Financial Summit Minutes	Backup Material
📄 DRAFT 12162024 Select Board Minutes	Backup Material
📄 DRAFT 01062025 Select Board Minutes	Backup Material
📄 DRAFT 01132025 Select Board Minutes	Backup Material

Finance Summit III
Select Board, School Committee, Appropriation Committee, Capital Expenditures Committee,
November 20, 2024

The Finance Summit was called to order by Select Board Chair Doug Lucente at 7:00 p.m. on Wednesday, November 20, 2024, via remote meeting services.

Present for the Select Board (SB): Mr. Lucente, Chair; Mr. Pato; Ms. Hai; Mr. Sandeen and Ms. Barry (8:00pm arrival) as well as Mr. Bartha, Town Manager; Ms. Axtell, Deputy Town Manager; Ms. Kosnoff, Deputy Town Manager for Finance; Ms. Impink, Budget Officer; and Ms. Katzenback, Executive Clerk

Present for the School Committee (SC): Ms. Jay, Chair; Ms. Sawhney; Ms. Lenihan; and Mr. Freeman

Present for the Appropriation Committee (AC): Mr. Parker, Chair; Mr. Bartenstein; Mr. Levine; Mr. Michelson; Mr. Ahuja; Ms. Verma; and Mr. Padaki

Present for the Capital Expenditures Committee (CEC): Mr. Lamb, Chair; Mr. Kanter; Ms. Beebee; Mr. Cole; Ms. Rhodes; Mr. Boudett

Also Present: Ms. Kosnoff, Assistant Town Manager for Finance; Ms. Impink, Budget Officer; Dr. Hackett, Superintendent of Schools; David Coelho, Assistant Superintendent for Finance and Operations

All boards and committee called their groups to order with a roll call of attendance.

ITEMS FOR INDIVIDUAL CONSIDERATION

1. FY2026 Financial Summit III
 - School Building Committee update

Ms. Jay recused herself from this item.

Dr. Hackett gave a brief update on the High School project. She explained that the School Building Committee (SBC) made a determination regarding its preferred massing concept as the C5B Bloom, which is a build on fields project. The plan is to have the children remain in the current High School during construction. When the new construction is complete, the children will move over. The current High School will then be demolished with fields built in its place. The base project shows 460,000 s.f. for the new High School. The SBC also voted on the add/reno field house version, with 48,000 s.f. instead of the 34,000 s.f. proposed in the renovation only version. The proposed field house has 1,500 bleacher seats, and potentially a 200-meter track. This item can be part of the debt exclusion vote. The SBC decided not to reserve land for a new larger field house, after receiving input from various boards and committees.

Dr. Hackett explained that a letter was sent to the MSBA requesting reconsideration of some calculations for enrollment as it relates to financing. Specifically, the request asked for credit for building in ways to expand and flex the project, and consideration to credit the LABBB space with consideration for the reimbursement rate of some of the over 70 other communities served by the program. There was also a request to consider reimbursing the Town for the square footage of the field house, as well as the square footage designated for Central Office/additional classrooms. A meeting was held with the MSBA, and they indicated that to entertain a change in design enrollment numbers, the Tow would need to go back to the beginning of the process, which would slow the project and have no guarantees of increased enrollment allowance. The delay could cost approximately \$20M which would likely exceed any amount

of money that could be received through any additional enrollment allowed. It does not seem prudent to go back to eligibility, so the recommendation is to proceed with the current design enrollment of 2,395 students.

- Superintendent's Budget Drivers

Dr. Hackett stated that, for FY26, a total School allocation of \$147,500,319 is proposed. This is for a level services budget. Approximately 85% of the budget is in salaries and approximately 15% is in expenses. For the next five years, the budget will manage to stay less than a 5% increase. Lexington's per pupil costs are \$23,842 for FY23. Adding out of district students to that leads to a per pupil cost of \$25,167.

The budget assumes that there will be a COLA for negotiated contracts through the current expiration date of their collective bargaining agreement. The budget assumes that there will be an average increase of approximately 4.56%-4.75%. The budget also projects a \$1.1M turn back in the budget and anticipates circuit breaker reimbursement of approximately 6.6 million.

Dr. Hackett explained that some of the budget drivers include Special Education, which has been increasing both for in district and out of district students. Contract negotiations, and displaced student impacts are also drivers. She stated that there is approximately \$750,000 in the Special Education Reserve Fund, and the proposal is to use \$500,000 of that for net supplemental positions. This would increase the total budget by \$500,000 and the total allocation in that case would increase from \$147,500,319 to \$148,319,000.

Dr. Hackett reviewed the current enrollment numbers. There is a large decline being seen in K-5 elementary enrollment. Enrollment for grades 6-8 is projected to remain flat. Enrollment at the High School seems to be increasing just slightly.

Dr. Hackett stated that there will likely be a potential funding gap between \$1.37M-approximately \$2M. The total allocation would be in the range of approximately 3.45%-4.7% through the revenue allocation model. In order to bridge the gap, the Schools can look at either increasing revenues or decreasing expenses.

In response to a question from Mr. Kanter (CEC), Ms. Kosnoff explained that the turn backs from prior years become free cash, which is considered a one-time revenue. The line items that are generating the turn backs could be tightened up a bit in the regular budget. It is not the Town's practice to use free cash from a prior year in order to balance the current year's operating budget.

Mr. Levine (AC) stated that the proposal to use \$500,000 from the Special Education Reserve Fund could be problematic if the expectation is that Special Education costs are going to increase steadily from year to year. The Fund was not built for permanent cost increases.

- FY2026 Revenue Projections

Ms. Barry joined the meeting at 8:00pm.

Ms. Kosnoff stated that, for FY26, the total projected levy limit is \$249M before exempt debt service, and with debt exempt service is \$265M. Overall, the tax levy is proposed to increase by \$9.2M or 3.8% for the year. Since FY23, the Town has had a lot of commercial growth. Residential and personal property new growth are projecting \$3.2M for FY26 and this will likely be static for the next few years. Regarding State aid, approximately \$60 per head is being set aside as expected minimum aid. For local receipts,

these are proposed to increase close to \$1M, but the intention is not to overestimate these. The free cash estimate is currently projected to be \$23M, which is by far the highest amount of free cash that the Town has ever had.

- FY2026 Revenue Allocation Model

Ms. Kosnoff stated that the total projected general fund revenue for FY26 is \$310,899,763. In starting off with a revenue of \$310M, removing a number of shared expenses and other set asides, and beginning with last year's budgets, the new revenue that is able to be allocated is \$6.7M. This is split between the municipal and school departments according to our formula. For the municipal side this equals a \$1.7M increase to provide a level service budget, plus any potential program improvements. On the school side, this is \$4.95M of new incremental revenue. Both of those are 3.5% increases over last year's budget. Free cash is then set aside for one-time expenses. Regarding Dr. Hackett's projection to use some of the Special Education Reserve Fund to balance the budget for FY26, the proposal is to take an equal amount of free cash and put it back into the Reserve Fund. Using the \$500,000 to essentially balance the operating budget with a one-time revenue is not generally a great idea but can be done to close the gap this year. This year there are \$22.5M of general fund requests which means that, even with the extraordinary amount of free cash, there would still be a need to debt finance \$4M-\$5M. She suggested not allocating all of the free cash amount this year. This would lead to closely considering the capital budget and deferring certain items.

- Update on Capital Stabilization Fund & Debt Service Projections

Ms. Kosnoff explained that the projection for the Capital Stabilization Fund at the end of FY25 is \$41M. For the next two fiscal years, the intention is to continue to set aside \$6.5M for new growth projects. For FY26 and 27, the Town will continue to put money aside into the Capital Stabilization Fund for the High School project. FY28 will depend on the construction schedule, FY29 is when the debt service is going to hit the maximum peak, and the Town will want to start drawing down larger amounts from the Capital Stabilization Fund to mitigate the impact to the taxpayers.

DOCUMENTS: FY26 LPS Budget Summit II_11-14-2024, FY2026 Preliminary Revenue Report, FY2026 Summit II Presentation, FY2026 Preliminary Revenue Allocation Model

ADJOURN

Upon a motion duly made and seconded, the Select Board voted 5-0 by roll call to adjourn the meeting at 9:27p.m. The Appropriation Committee, Capital Expenditures Committee and School Committee followed suit.

A true record; Attest:
Kristan Patenaude
Recording Secretary

SELECT BOARD MEETING
December 16, 2024

A meeting of the Lexington Select Board was called to order at 6:30p.m. on Monday, December 16, 2024, via a hybrid meeting platform. Mr. Lucente, Chair; Mr. Pato, Ms. Barry, Mr. Sandeen, and Ms. Hai, were present, as well as Mr. Bartha, Town Manager; Ms. Axtell, Deputy Town Manager; and Ms. Katzenback, Executive Clerk.

TOWN MANAGER REPORT

1. Town Manager Weekly Update

Mr. Bartha stated that December 23, 2024, at 1pm is the deadline to submit citizens petitions in the Select Board Office.

DOCUMENTS: Weekly Update 12-13-2024

PUBLIC COMMENTS

CONSENT AGENDA

1. 2025 Class II/III License Renewals

To approve the 2025 Annual Class II/III License Renewals for the following businesses:

CLASS II

Auto Engineering - 436 Marrett Road
Minutemen Auto Haus - 6 Fulton Road

2. 2025 Common Carrier License Renewals

To approve the 2025 Annual Common Carrier License Renewals for the following business to operate the Lexpress buses:

COMMON CARRIER

M+L Transit Systems Inc. #160 - 60 Olympia Avenue, Woburn
M+L Transit Systems Inc. #161 - 60 Olympia Avenue, Woburn
M+L Transit Systems Inc. #162 - 60 Olympia Avenue, Woburn
M+L Transit Systems Inc. #163 - 60 Olympia Avenue, Woburn

3. 2025 Common Victualler License Renewals

To approve the 2025 Annual Common Victualler License Renewals for the following businesses:

COMMON VICTUALLER

Akame Nigiri and Sake - 1707 Massachusetts Avenue #2
Alexander's Pizza - 180 Bedford Street
Avenue Deli - 1806 Massachusetts Avenue
BIY Foods - 317 Woburn Street
Great Harvest Bakery & Café - 23 Massachusetts Avenue
Inn at Hastings Park - 2013-2027 Massachusetts Avenue

Ixtapa Cantina - 177 Massachusetts Avenue
Love at First Bite Thai Kitchen - 1710 Massachusetts Avenue
McDonald's - 690 Marrett Road
Nick's Restaurant of Lexington Inc. - 197 Massachusetts Avenue
Peet's Coffee & Tea - 1749 Massachusetts Avenue
Pine Meadows Golf Club - 255 Cedar Street
Royal India Bistro - 7 Meriam Street
Taipei Gourmet - 211 Massachusetts Avenue
Wicked Bagel - 171 Massachusetts Avenue

4. 2025 Entertainment License Renewals

To approve the 2025 Annual Entertainment License Renewals for the following businesses:

ENTERTAINMENT

Inn at Hastings Park - 2013-2027 Massachusetts Avenue
Spirit of India - 321 Marrett Road

5. 2025 Innholder License Renewals

To approve the 2025 Annual Innholder License Renewals for the following businesses:

INNHOLDER

Aloft Lexington - 727 Marrett Road A
Element Lexington - 727 Marrett Road B
Inn at Hastings Park - 2013-2027 Massachusetts Avenue

6. 2025 Liquor License Renewals

To approve the following 2025 Annual Liquor License Renewals:

ALL ALCOHOL/ RESTAURANTS

Beijing Cuisine 1709 Massachusetts Avenue
Ixtapa Cantina 177 Massachusetts Avenue

ALL ALCOHOL/ INNHOLDER

Aloft Lexington - 727 Marrett Road A
Element Lexington - 727 Marrett Road B
Inn at Hastings Park 2013-2027 Massachusetts Avenue

PACKAGE STORES

Nicks Wine and Spirits 1666 Massachusetts Avenue

CLUBS

Knights of Columbus 177 Bedford Street

7. Approve Design Advisory Committee Charge

To approve updated Design Advisory Committee Charge.

DOCUMENTS: DAC charge - 12.12.2024, DAC Charge Update REDline

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve the Consent Agenda.

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Future Precinct Consolidation Plan

Mary de Alderete, Town Clerk, explained that the proposal is to consolidate polling location precincts in Town to optimize resource allocation, improve voter experience, and enhance overall election efficiency. The Town currently has nine precincts spread across five different locations. Precincts 1 and 5 are located at the School Administration building, currently slated for demolition, and must be moved within the near future. Staff at the Bowman School, which houses precinct 2, have expressed concerns with student safety and holding elections in a school building, as well as lack of parity due to not being able to use the gym during election days. Lastly, precinct 7, located in the lower level of the Community Center, has expressed some voter frustration in finding their precinct within that building, leading to possible voter disenfranchisement. This proposed phased consolidation will involve merging precincts 1, 2, 5, and 7 into the Cary Memorial Building while ensuring accessibility and convenience for all voters, and planning for future, further consolidation. The Cary Memorial Building was chosen due to its central location for all precincts, the fact that it is ADA compliant, and due to it being conveniently adjacent to the Town Office building. The intention is to use the parking lot at the Town Office building complex in order to mitigate both accessibility and parking issues.

Mr. Pato agreed that eventual full consolidation will be needed.

Bob Pressman, 22 Locust Avenue, stated that he has voted for 50 years at the Bowman School. He stated that this proposal will choke the Center with traffic.

Susan Rockwell, 366 Lowell Street and election official, stated that the Center seems like a logical place for precinct 1 to move to. This should not be a huge problem.

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve the precinct consolidation plan to move Precincts 1, 5 (School Administration Building), 2 (Bowman School) and 7 (Lower Level Community Center) to the Cary Memorial Building, 1605 Massachusetts Avenue, for all future elections and to authorize the Town Clerk to notify voters in these precincts of the change.

DOCUMENTS: Proposed Polling Consolidation, Precinct Consolidation Presentation

2. Update on the Munroe Center for the Arts Project

Mike Cronin, Director of Facilities, explained that this project was approved in April 2023, at Annual Town Meeting. A number of design options were brought to cost estimation, but the cost estimated budget was not able to be reached. The board at the Monroe Center for the Arts then decided to change direction and brought Greg Burchard, Jones Architecture, on board. The addition has since been made a bit smaller, and more efficient, and is now on budget. According to the Integrated Building Design Policy, this is a phase update to the Board.

Greg Burchard, Jones Architecture, explained that there are two goals for this project, accessibility improvements and replacing the mechanical system in the existing building. Due to this work, there is an obligation to bring the entire existing facility up to code for ADA and Mass Architectural Access Board. The existing chimney and boiler will be replaced with a new electrified heat pump system, leading to a

decarbonization of the building. The proposed addition will include an elevator and new restrooms. The existing building is approximately 21,000 s.f. and the proposed addition is less than 2,000 s.f. The intention is to have the construction documents completed by the end of February 2025 next year, in hopes of starting the project in the spring.

Mr. Sandeen asked about the current scope of work versus the original. Mr. Cronin stated that the scope of work is basically identical, but the main difference is the lack of the three-floor stairwell in the addition.

Mr. Lucente asked if the building will be usable during construction. Mr. Burchard stated that the intention is to keep the building occupied but this may be a logistical issue. Mr. Lucente asked about the finished product of the building. Mr. Burchard stated that the restrooms will be demolished and built new. The ventilation system fans will be located in the attic of the existing building. Mr. Cronin stated that the hope is to have some leftover funding for finish work.

Mr. Pato asked if the project has gone to the Historic District Commission for a Certificate of Appropriateness on this plan. Mr. Burchard stated that this is upcoming.

DOCUMENTS: Munroe Center Slide Deck (Dec 2024)

3. Economic Development Advisory Committee and Center Committee Recommendations from Center Charette Report

The Board reviewed the recommendations from the EDAC/Center Committee.

Bridger McGaw, Vice Chair of the Economic Development Committee, explained that the goal of this is to achieve flexible solutions, allowing the community to succeed as it evolves.

The four recommendations include:

1. Prioritize decision(s) regarding the use of town-owned land in Lexington Center.
2. Focus on ways to create more welcoming and inviting entryways from key access points (the parking lots, bike paths, Visitor Center, etc.).
3. Convene a forum of relevant municipal bodies and committees to ensure alignment around the application of new bylaws (signage, MBTA zoning, etc.).
4. Evaluate options for supporting Lexington Center programming.

Mr. Sandeen stated that housing is a critical aspect of revitalizing the Center and also a critical aspect of how Town land is used. He would like to keep that as an option. There are very few Town-owned parcels for housing, and these are two of them. He suggested that recommendation #1 should be coordinated with the Housing Partnership Board and the Affordable Housing Trust.

Ms. Barry asked about a landlord roundtable, as part of the third recommendation. People come through the Center because it is easy to walk there, and it would be nice to have some points of interest to look at along the way. Any possible housing will likely need to be balanced with whatever else occurs in the Center.

Ms. Hai suggested thinking about how any changes would impact the traffic and Parking Management Plan. These items will need to be coordinated with the Parking Management group, and potentially with Traffic Safety Group.

Mr. Pato stated that recommendations #2-4 should be set as high priority activities and completed. Recommendation #1 is a longer-term activity. The existing zoning and private sector real estate redevelopment that is occurring need to be considered before pursuing public sector development in this area. These two locations represent significant hurdles in creating housing due to the challenges of the land.

Mr. Lucente reiterated the importance of addressing the maintenance and upkeep of properties in the Center.

Mr. McGaw stated that the Committee was very clear that any of the properties that are not up to snuff in the Center need to be directly addressed.

Elaine Tung, Chair of the Affordable Housing Trust, stated that the Town owned parcels on the Depot lot, Edison Way lot, and 173 Bedford Street are the only current Town owned parcels left that are suitable for truly affordable housing. The Town has the ability to create a sizable number of affordable homes to address those at income levels ranging down to 30% AMI. To create a meaningful number of affordable homes, while leveraging Town resources, Town owned parcels are invaluable. Before any decisions are made on these lots, she respectfully requested that the Board obtain input from all applicable stakeholders, including the Affordable Housing Trust and the Housing Partnership Board.

Susan Rockwell, 366 Lowell Street and Lexington Historical Society Board, emphasized the parking issue in this area.

Maragaret Heitz, 335 Marrett Road, stated that the applicable stakeholders should be invited to be involved in the housing discussion on this topic. She would like for there to be a day when parking could be considered outside of Town, with other transport options to bring people to the Center, instead of desperately seeking more parking.

DOCUMENTS: EDAC Recommendations

4. Update on the Draft of Bill H5126 An Act Authorizing the Town of Lexington Ten Additional Licenses for the Sale of Wine and Malt Beverages.

Mr. Bartha explained that the Board should review the language in HB 5216 - An Act Authorizing the Town of Lexington Ten Additional Licenses for the Sale of Wine and Malt Beverages (as modified by the Committee on Consumer Protection and Professional Licensure), prior to its advancement to the Committee on Third Reading. Town Meeting requested ten Sale of Wine and Malt Beverages licenses to be issued without strings attached. The legislature came back with wanting to see specific addresses assigned to these licenses. Of the ten licenses reflected in this Bill, three of them are assigned to specific venues. The Board would be free to issue the other seven licenses within any of the three zoning districts. One unique circumstance is that the licenses that are tied to the businesses are actually tied to the locations. If one of the three named businesses were to vacate the location, a new license could be issued at that location but not taken by the business to a new location. Any of the seven licenses within the three districts can be reissued within those districts, not necessarily at the same location. The licenses also have a shelf life. If unissued within three years, any license would go back to the State and the Town would be free to re-request it.

Mr. Lucente expressed disappointment with this item. The Town requested something simple to help improve its economic situation and give some flexibility. The legislature took away every ounce of flexibility and made it somewhat impractical. He is disappointed at the lack of transferability, at the time constraint of the three years, and at tying this to specific MBTA zones.

Mr. Pato agreed with Mr. Lucente but noted that he believes the Board should accept this and move forward. There was consensus on the Board to accept the changes and move forward with this item.

DOCUMENTS: House Bill 5126 (final version), Draft version of Bill (in redline)

5. Discuss Noise Bylaw Revisions Suggested by the Zoning Board of Appeals

Ralph Clifford, Chair of ZBA, explained that there are two primary issues to be addressed. The higher priority is the effect of Section 3.2.1 on zoning matters. Section 3.2.1 regulates “accessory uses.” Among the language in the Section, it instructs that all accessory uses must comply with all other Town bylaws. In further reviewing this, there are at least 18 other chapters in the bylaws that could suddenly become relevant to Zoning Board of Appeals decisions. Most of these reviews would thus require expert opinions. As an example, as a consequence of this, the ZBA will have to request that anyone doing any kind of special permit or variance submit an expert's report, indicating that there will not be any violation of the Noise Control bylaw. The request is to change the bylaw so that it no longer refers to all the other Town bylaws. The second area of concern is in terms of how the Noise Control bylaw defines noise, because it does not. The request is to better define this, as it is currently unenforceable.

Mr. Sandeen explained that the Board has received numerous complaints from residents that the current Noise bylaw is not adequately protecting Lexington residents from highly disruptive noise that ruins their quality of life, prevents their ability to enjoy their home in peace, their kids from sleeping, and their ability to work from home. Any revision of the Noise bylaw should focus primarily on improving protections for Lexington residents, rather than removing protections. The ZBA suggested establishing a noise standard of 70 dBA. While the NIH, EPA, and World Health Organization have determined that noise levels must be less than 70 dBA to prevent hearing loss, that is an inadequate standard to protect the health, safety and welfare of Lexington residents. The Federal Highway Administration has determined that 70 dBA is the equivalent noise of an interstate highway 50’ away. A study following more than 4 million people for more than a decade found that the risk of dying from cardiovascular disease increased by 2.9% for every 10 dB noise increase and the risk of dying from a heart attack increased by 4.3% for every 10 dB increase in noise for noise levels well under 70 dBA. The latest science shows that noise injury can occur even when a reasonable person does not perceive the noise as harmful. He suggested that any change to the Noise bylaw should continue to provide for lower noise standards during the evening and night hours. Any revision to the Noise bylaw should account for different standards for where this noise is occurring. The proposal seems to read that any noise event of any amount will be allowed to occur between the hours of 11pm-6am. He requested that the Noise Advisory Committee review other municipal noise bylaws and their effectiveness. While he understands that the ZBA has difficulties in addressing noise issues in their role, he does not believe that changing the Noise bylaw protections for residents is the way to address that concern.

Mr. Pato stated that he does not believe the specific changes requested to the Noise bylaw should be acted on at this time. He suggested that the Noise Advisory Committee take the concerns raised by the ZBA and use them as part of their direction for how to craft a new bylaw that is more clearly enforceable and addresses many of the concerns Mr. Sandeen raised. He noted that there also needs to be consideration as to the role the ZBA plays in this process. He asked if removing this reference to the bylaws will somehow limit the ZBA’s ability to determine if a request will create burdensome noise.

Barbara Katzenberg, Chair of the Noise Advisory Committee, stated that the Committee would like to spend time understanding the changes that were made at Town Meeting, to determine how those changes are working, what the problems are, what kind of complaints are being received, and overall reviewing it more holistically.

Jim Kelly, Building Commissioner, suggested bringing the Health Department further into the discussion.

Ms. Barry asked about any difficulties for the ZBA in not acting on this right away. Mr. Clifford explained that the ZBA would like to see Section 3.2.1. changed as soon as possible. This has the potential to be very expensive and slow processes down. Ms. Barry asked how to get Section 3.2.1. brought to Town Meeting. Mr. Bartha stated that this will need to go through the Planning Board. Ms. Barry suggested taking a position on Section 3.2.1. to forward it along to the Planning Board. Mr. Bartha stated that this would be communicated to Planning Staff.

Ms. Hai stated that the content of the Noise bylaw is under the purview of the newly reconstituted Noise Committee. It should be divorced from the ZBA at this point. However, there should be confirmation that the proposal will not leave the ZBA unable to deny a special permit or a variance, if they would obviously, violate the Noise bylaw.

Mr. Lucente stated that all of the changes need to be reasonable at the end of the day.

Mr. Clifford noted that the ZBA does not want to change the Noise bylaw but specifically wants a bylaw that works.

DOCUMENTS: Zoning Board of Appeals Memo-Noise bylaw

6. Review the Establishment of the Crematory Study Committee

The Board discussed a draft charge for the Ad Hoc Crematory Study Committee created by the November 2024 Special Town Meeting (Article 9). Mr. Bartha stated that the charge was modified slightly regarding the makeup of the Committee. Also, it will be important to have someone from the Facilities Department weigh in throughout this process.

There was consensus to leave the makeup as seven members, with a Select Board liaison, and to have five community reps. Mr. Bartha stated that he would update the draft with the comments heard.

DOCUMENTS: Draft Charge - Ad Hoc Crematory Study Committee (Dec 2024)

7. Review Amendments to the Lexington Human Rights Committee Charge

The Board reviewed amendments to the Lexington Human Rights Committee Charge. Mr. Sandeen explained that the current charge included a requirement that several Town employees be appointed as voting members of the LHRC. This draft charge changes those Staff members to liaisons, at the request of Town Staff. This provided an opportunity to lower the number of members from nine to 5-7. He reviewed all of the additional proposed amendments.

There was consensus to leave the non-voting liaison language as it is. There was agreement to set the number of members to seven.

Staff agreed to review the draft in terms of the comments made this evening and bring it back to the Board at a future meeting.

DOCUMENTS: LHRC Charge updates Memo, Changes redline version, Changes clean version

8. Review of Final ARPA Spending

Ms. Kosnoff reviewed the proposals for the final ARPA funds. There is currently approximately \$34,000 of unallocated ARPA funds. There are three projects still out to bid right now: the East Lexington Bike Path, the wayfinding signs for Greenville Alley and the Lex250 sound and video project. Bids for the bike path project were originally due last Thursday but none were received on time. The bid has been put back out and is due on December 31st.

Dawn McKenna, 9 Hancock Street, stated that she previously heard Board members say that Staff should be bold and courageous, to find things that provide economic development and revenue for the Town. She also heard the majority of people say that they wanted a study done for MBTA, but not by using ARPA funds. Yet, what came back is an ARPA funded proposal. Funding could be placed into the Visitor Center Revolving Fund and encumbered to potentially make the part-time Visitor Center Assistant Manager full-time which will be needed for the 250th celebration.

Jay Luker, Precinct 1 Town Meeting Member, stated that he supports using the ARPA funding for the MBTA study.

VOTE: Upon a motion duly made and seconded, the Select Board voted by roll call 5-0 to allocate the remaining balance of the \$500,000 approved for the Lex250 celebration to support all FY2025 overtime expenses for Police, Fire, and DPW; and
To approve up to \$40,000 of remaining ARPA funds, if available upon project close-out, for a professional study of the impacts of MBTA Zoning; and
To allocate any additional unencumbered ARPA funds as of 12/31/2024 to support the townwide compost collection program through 12/31/2026.

DOCUMENTS: ARPA Project Spending Summary_12.16.24 Update

ADJOURN

VOTE: Upon a motion duly made and seconded, the Select Board voted by roll call 5-0 to adjourn at 9:28pm.

A true record; Attest:
Kristan Patenaude
Recording Secretary

SELECT BOARD MEETING
January 6, 2025

A meeting of the Lexington Select Board was called to order at 6:30p.m. on Monday, January 6, 2025, via a hybrid meeting platform. Mr. Lucente, Chair; Mr. Pato, Ms. Barry, Mr. Sandeen, and Ms. Hai, were present, as well as Mr. Bartha, Town Manager; Ms. Axtell, Deputy Town Manager; and Ms. Katzenback, Executive Clerk.

PUBLIC COMMENTS

Christina Burwell, 6 Albemarle Avenue and representing the Monroe Center of the Arts, invited the Board to Illumination Night this Saturday at 4:30pm at the Depot. The anchor to the program is projection mapping which will be illuminated onto the Depot Building. A Police detail is only available for ten minutes of the event and she asked for suggestions as to how to lengthen this support if possible. Mr. Lucente recommended speaking with the Town Manager's Office.

Dawn McKenna, 9 Hancock Street, noted the passing of Pat Costello. Pat Costello was one of the initial Liberty Ride guides. She expressed appreciation for Pat Costello and her contributions to the Town. Mr. Lucente stated that the Board echoes these comments.

SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS

1. Select Board Member Announcements and Liaison Reports

Mr. Lucente paused to honor the memory of former President Jimmy Carter, who passed away on December 29, 2024, at the age of 100. There was a moment of silence in honor.

TOWN MANAGER REPORT

1. Town Manager Weekly Update

Mr. Bartha noted that the Town's Director of Equity & Inclusion, Hemali Shah, will be leaving soon to take a position as the Director of the Council on Aging in Billerica. He thanked Ms. Shah for all of her work with the Town.

Mr. Bartha explained that two of the Town's proposed Home Rule petitions were approved by the legislation. One was a commercial development surcharge for community housing. The second was a digital legal notices bill.

Mr. Bartha stated that the Town has engaged a consultant to review the service impact from residential development for some recent projects as well as some previously approved and built. There will be a kickoff meeting with the senior management team and the consultant team. This will likely be approximately an eight-week engagement project.

DOCUMENTS: 12-20-2025 Weekly Update; 1-3-25

CONSENT AGENDA

1. 2025 Class III License Renewal

To approve the 2025 Annual Class III License Renewals for the following businesses:

CLASS III

John P. Carroll Company Inc. - 700 Waltham Street

2. 2025 Common Victualler License Renewals

To approve the 2025 Annual Common Victualler License Renewals for the following businesses:

COMMON VICTUALLER

Coco Fresh Tea and Juice - 1764 Massachusetts Avenue

Lexington House of Pizza - 399 Lowell Street

Spirit of India - 321 Marrett Road

Tatte Bakery & Cake - 1777 Massachusetts Avenue

The Hangar (Chef Louie's) - 103 Hartwell Ave

3. Approve: Water and Sewer Commitments and Adjustments

Move to approve the Consent.

DOCUMENTS: Water Sewer Items for 1-6-25

4. Approve: One-Day Liquor License – Spectacle Management, Inc., 1605 Massachusetts Avenue

- Concert Series at Cary Memorial Building:
 - January 25, 2025 - Esperanza Spalding
 - February 20, 2025 - John Lodge
 - March 27, 2025 - Chazz Palminteri
 - April 13, 2025 - Black Violin
 - May 10, 2025 - Ari Shapiro

To approve five One-Day Liquor Licenses for Spectacle Management, Inc. to serve beer and wine in the lobby of Cary Memorial Building, 1605 Massachusetts Avenue, for the purpose of their concert series.

5. Approve: Battle Green Use Request(s) – Lexington Minute Men - 18th Century Military Drill(s)

- Saturday, January 11, 2025, from 9:00am -11:00am
- Saturday, March 1, 2025, from 11:am - 4:00pm

To approve the request of the Lexington Minute Men to use the Battle Green for two separate dates for the purpose of 18th-century military drills and musket blank-firing demonstrations in preparation for the 250th Anniversary of the Battle of Lexington.

6. Approve: Select Board Meeting Minutes

To approve and release the following minutes:

- November 18, 2024, Select Board
- December 4, 2024, FY2026 Department Budget Presentations
- December 5, 2024, FY2026 Department Budget Presentations
- December 9, 2024, Select Board
- December 10, 2024, FY2026 Department Budget Presentations

DOCUMENTS: DRAFT 11182024 Select Board minutes, DRAFT 12042024 Department Budget Presentation Minutes, DRAFT 12052024 Department Budget Presentation minutes, DRAFT 12092024 Select Board minutes, DRAFT 12092024 Select Board minutes

7. Approve: Select Board Committee Appointment
 - Town Celebrations Subcommittee - Brianna Bennett-Karshbaum
 - Design Advisory Committee - Danit Netzer

To appoint Brianna Bennett-Karshbaum to the Town Celebrations Subcommittee to the unexpired term ending June 30, 2025, to be effective immediately.

To appoint Danit Netzer to the Design Advisory Committee to fill an unexpired term ending on September 30, 2025, to be effective immediately.

DOCUMENTS: Brianna Bennett-Karshbaum Application - Redacted

8. Approve: 2025 Ad-Hoc Crematory Study Committee Charge

Move to approve the charge, as proposed, to establish a new Ad-Hoc Crematory Study Committee.

DOCUMENTS: Updated Draft Committee Charge (Crematory)

9. Approve Expenditure of Funds for Gift of Cash Received by Fire Department

To approve the use of the gift funds donated anonymously to the Fire Department for the purpose of screening for early detection of cancer as proposed.

DOCUMENTS: MGL Chapter 44 Section_53A (1)

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 to approve the Consent Agenda.

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Call for Special Town Meeting 2025-1 and Vote and Sign Special Town Meeting 2025-1 Warrant

Mr. Lucente explained that the Select Board received a citizen petition requesting a Special Town Meeting (STM) to address a zoning article, as provided for under Massachusetts General Law Chapter 39, Section 10, and Chapter 40A, Section 5. This citizen's petition was formally received by the Select Board on Monday, December 23, 2024, and in accordance with State law, the Select Board is required to take the following actions:

- **Special Town Meeting Deadline:**
Per MGL Chapter 39, Section 10, the Special Town Meeting must be held no later than 45 days from the receipt of the petition. This establishes a deadline for the STM 2025-1 to begin by Friday, February 7, 2025.
- **Submission to Planning Board:**
Under MGL Chapter 40A, Section 5, the proposed zoning article must be submitted to the Planning Board for review within 14 days of its receipt.
Accordingly, we have submitted the article to the Planning Board on 12/26/2024 in compliance with this statutory requirement.

Mina Makarios, Town Counsel, explained that the earliest that Town Meeting can vote is the earlier of either a Planning Board report or 21 days after the hearing deadline ended.

Mr. Bartha stated that the Planning Board is considering their February 12th meeting to begin the public hearing process for all of the zoning articles for both Annual and Special Town Meeting. The second hearing would likely be February 26th, and the Planning Board would then vote its recommendations on March 12th, with distribution to Town Meeting Members by March 14th.

Mr. Sandeen asked what happens if the Attorney General's Office reviews and approves this item and the Executive Office of Housing and Livable Communities (EOHLC) determines it is noncompliant. Attorney Makarios stated that, if noncompliant, the statute, at a minimum, would disqualify the Town from certain State funding. The idea is to pass something that keeps the Town in compliance.

Mr. Sandeen asked what steps property owners should take if they want to protect their rights under the current MBTA zoning law. Attorney Makarios stated that there is a provision in Chapter 48 to freeze zoning under different circumstances. This would have to go before the Planning Board.

John Bartenstein, 46 Sanderson Road and member of the Appropriation Committee, explained that there is not a request in the draft motion for a moratorium. There are two requests. The first is a request to make amendments to the existing bylaw, Section 7.5, which would pare down the capacity to something closer to what the EOHLC has indicated is required for the Town. The second part is a resolution that would call on the Select Board to create a process to examine the impact of Section 7.5 and other zoning bylaws on the Town, and the implications for the Town, and how best to deal with them.

Patrick Mehr, 31 Woodcliffe Road, asked to review the charge given to the consultant who has already been hired. He asked if the Board understands what the longest period of time could be until both the AG and EOHLC rulings would become effective. Attorney Makarios stated that the Attorney General's Office has 90 days and can request limited extensions. The EOHLC is not subject to that same requirement. The town can consult with the EOHLC ahead of time to try to get questions answered. The beginning date is at the notice of the public hearing by the Planning Board, which has not yet been set. Zoning bylaw changes then take effect when voted by Town Meeting.

VOTE: Upon a motion duly made and seconded, by roll call the Select Board voted 5-0 to call for a Special Town Meeting to begin on Monday, February 3, 2025, at 7:30 p.m. in Battin Hall of the Cary Memorial Building, to accept the Moderator Request Letter dated, December 30, 2024, and include in the warrant and Move to accept the warrant as presented for Special Town Meeting 2025-1 and authorize staff to make non substantive edits as necessary or recommended by Town Counsel or Bond Counsel.

DOCUMENTS: 2025-1 Special Town Meeting Moderator Letter, 2025-1 Special Town Meeting Warrant

2. Review Draft List of Warrant Articles 2025 Annual Town Meeting

Kelly Axtell, Deputy Town Manager, reviewed the draft list of articles proposed for 2025 Annual Town Meeting.

Ms. Kowalski explained that the 116 Vine Street proposed Warrant Article allows the Select Board to seek affordable housing development proposals from affordable housing developers for the Vine Street property. In 2009, Town Meeting approved the acquisition of Vine Street for conservation and for Community Housing. Several design development studies explored densities and façade designs at Vine Street. LexHAB is interested in pursuing development on this site but cannot at this time as the Board has not yet authorized to seek an affordable housing developer for the site. This is what the proposed Warrant Article would allow for.

Ms. Axtell reviewed the proposed citizen's petitions.

DOCUMENTS: 2025 Draft Article list updated 1.6.25

3. Review ACROSS Lexington Line-of-March Signs Request

Mr. Lucente explained that the Lexington Greenways Corridor Committee/ACROSS Lexington is seeking Select Board support for a project to mark the historic Line-of-March taken by the British soldiers on April 19, 1775, through Lexington with signs along the route. The 86 proposed signs will be on metal backings and attached either with screws to telephone pole locations or with metal bands to metal poles. The signs measure 3.5" wide x 4.5" tall. The installation is intended to be permanent. Installation of these signs will be along Massachusetts Avenue from the Arlington line to the Battle Road Trail in the Minuteman Historical Park at Wood Street. The Board also reviewed the standard ACROSS Lexington form of sign that will be the basis of the sign for the 1775 Line-of-March. The design for the final signs is being worked out and plans to feature the Lexington 250 logo along with the text: "*British Line of March, April 19, 1775.*"

Ms. Barry stated that AROSS Lexington presented this idea to the Semiquincentennial Commission and the Commission was unanimously in support of this project.

Dawn McKenna stated that there is no reason for the Board to not unanimously support this proposal. She originally had a concern regarding some of the original locations for the signs but was able to walk the route with the proponent and discovered alternate acceptable poles which have been included in this proposal.

VOTE: Upon a motion duly made and seconded, by roll call the Select Board voted 5-0 to approve the Lexington Greenways Corridor Committee/ACROSS Lexington proposed project to mark the historic line of march taken by the British soldiers on April 19, 1775, through Lexington with signs along the route.

DOCUMENTS: Line of March Signs proposed locations, Basic concept of Signage

EXECUTIVE SESSION

1. Exemption 6: To Consider the Purchase, Lease, Value of Real Property - East Lexington Fire Station Options and To Not Reconvene in Open Session

VOTE: Upon motion duly made and by roll call, the Select Board voted 5-0 to enter into Executive Session at 8:10pm. Under Exemption 6: To Consider the Purchase, Lease, Value of Real Property - East Lexington Fire Station Options and Exemption 2 –Preparation for Negotiations with Nonunion Personnel Interim Town Manager. Further, it was declared that an open meeting may have a detrimental effect on the negotiating position of the Town.

ADJOURN

VOTE: Upon a motion duly made and seconded, the Select Board voted 5-0 from the Executive Session to adjourn both the Executive Session and Regular Meetings at 8:10p.m.

A true record; Attest:
Kristan Patenaude
Recording Secretary

SELECT BOARD MEETING
January 13, 2025

A work session of the Lexington Select Board was called to order at 6:30p.m. on Monday, January 13, 2025, via a hybrid meeting platform. Mr. Lucente, Chair; Mr. Pato, Mr. Sandeen, and Ms. Hai, were present, as well as Mr. Bartha, Town Manager; Ms. Axtell, Deputy Town Manager; Ms. Katzenback, Executive Clerk; and Town Counsel Mina Makarios.

EXECUTIVE SESSION

1. Exemption 6: To Consider the Purchase, Lease, Exchange, Value of Real Property - Parcel 68-44 Located on Lowell Street

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 4-0 at 6:32pm that the Board go into Executive Session under Exemption 6: Exemption 6: To Consider the Purchase, Lease, Exchange, Value of Real Property - Parcel 68-44 Located on Lowell Street. Further, Mr. Lucente declared that an open meeting discussion on this item may have a detrimental effect on the bargaining position of the Town.

The Select Board exited Executive Session at 6:59pm and reconvened to open session.

CONSENT AGENDA

1. 2025 Class II License Renewal

To approve the 2025 Annual Class II License Renewals for the following businesses:

CLASS II

Auto and Diesel Sales - 75 Westview Street
Lexington Auto Center, Inc. - 1095 Massachusetts Avenue
Lexington Auto Sales - 542 Massachusetts Avenue
Lexington Auto Service, Inc. - 39 Bedford Street

2. 2025 Common Victualler License Renewals

To approve the 2025 Annual Common Victualler License Renewals for the following businesses:

COMMON VICTUALLER

When Pigs Fly Bread - 1756 Massachusetts Avenue

3. Approve: Battle Green Permit – MLK Day Commemoration Committee
 - 12th Annual Martin Luther King Jr. (MLK) Day of Service Unity Walk
 - Road Closure for Parade on Massachusetts Avenue

To approve the request from the MLK Day Commemoration Committee to use the Battle Green on Monday, January 20, 2025, from 1:00pm to 2:00pm for the purpose of a gathering as part of a Unity Walk for the 12th Annual MLK Day of Service and 32nd Commemoration of Martin Luther King, Jr. Day.

To approve the request from the MLK Day Commemoration Committee for one lane of Massachusetts Avenue from the Battle Green to Cary Memorial Building, 1605 Massachusetts Avenue, be closed to all but resident emergency traffic from 12:45pm to 2:00pm on Monday, January 20, 2025, for the purpose of a Unity Walk as part of the 12th Annual MLK Day of Service and 32nd Commemoration of Martin Luther King, Jr. Day.

DOCUMENTS: 2025LexingtonMLK- Day Flyer

4. Approve Town Celebrations Committee Request to Send the 2025 Patriots' Day Parade Sponsorship Letters

To approve the Town Celebrations Committee request to send out Patriots' Day sponsorship letters, as proposed, allowing for any formatting and necessary edits.

DOCUMENTS: 2025 Patriots' Day Parade Sponsor Request Letter, 2025SponsorshipForm, List for TCC mailing of Patriots' Day Sponsor request letter

VOTE: Upon a motion duly made and seconded, the Select Board voted 4-0 to approve the Consent Agenda.

ITEMS FOR INDIVIDUAL CONSIDERATION

1. SELECT BOARD WORK SESSION - Lexington High School Project Update
 - Article 97 Discussion

Town Counsel, Mina Makarios, explained that the key to Article 97 is that, if land is covered by the scope of the article, it cannot be conveyed or the purpose of it cannot be changed, except with a 2/3 vote of Town Meeting, and also with a 2/3 vote of both houses of the legislator. There was, however, a policy intended to essentially serve as an advisory basis to the legislator, to tell the legislator how to consider some of these parcels. Some of the items from the policy were codified into the Public Land Protection Act (PLPA). The Town has been working to meet the intent and goals of the 1:1 replacement policy in terms of the replication of the fields project. Town Meeting must decide whether to change the use of the land by a 2/3 vote, and there will also be a request for special legislation. MEPA is triggered by a variety of thresholds, including the need for Article 97 legislation. A project that has Article 97 also often has a MEPA process.

Mr. Pato asked about the process for the Article 97 vote and the debt exclusion vote. Town Counsel Makarios stated that it is rare for Article 97 legislation to be disapproved by the legislature. The key is making sure that what the Town wants to do has substantial support both through the Town vote and the debt exclusion vote, before sending a request to the legislature, in order to not make a request of them twice.

Ms. Hai asked if the legislative authority has an expiration. Town Counsel Makarios stated that this is not typical unless the facts on the ground change to be out of scope.

Ms. Hai asked if a part of the land on which the High School itself sits was originally Article 97. Town Counsel Makarios stated that it appears to be, but this is not clear. There would need to be further due diligence into this item.

Mr. Lucente asked if a unanimous vote of the Park Commissioners and of the Conservation Commission is required. Town Counsel Makarios stated that there is no case law on this. Unanimous means unanimous, however, the point of the policy to date has been to obtain these unanimous votes before making the request of the legislature. This is a policy and not likely an enforceable position. There seems to be plenty of time to obtain these votes.

There was discussion regarding the alternative analysis. Town Counsel Makarios stated that the Town Manager, through the Department of Public Facilities is responsible for carrying this out, but that the

alternative analysis has not yet been completed. Mr. Sandeen stated the alternative analysis language seems to set a high bar and he would like to understand more detail about how the Town intends to meet this standard. He specifically requested more information about the Town's plan for securing and responding to public comment. In answer to a question, Mr. Makarios stated that the Town has already been in consultation with the EEA regarding the Article 97 process.

In response to a question from Mr. Sandeen, Mr. Pato stated and Mr. Cronin concurred, that the School Building Committee has not yet taken a position on the Article 97 process.

DOCUMENTS: Memo from Counsel (12.5.2024)

4. Special Town Meeting 2025-1 and Article 2 - Amend Section 7.5 of the Zoning Bylaw to Reduce Multi-Family Dwelling Unit Capacity Discussion *The Board agreed to amend the order of the agenda to take up item #4 at this time.*

Mr. Lucente explained that this is an update to the Board regarding the Special Town Meeting schedule and to discuss Article 2 - Amend Section 7.5 of the Zoning Bylaw to Reduce Multi-Family Dwelling Unit Capacity. He addressed a potential appearance of a conflict of interest related to his participation in this matter. He consulted with Town Counsel, and as such filed the disclosure of an appearance of conflict of interest with the Town Clerk. He noted that his participation in this discussion is in line with the State's ethics guidelines to ensure that the board can fulfill its advisory responsibilities to the community.

The Board reviewed the Special Town Meeting calendar. Special Town Meeting 2025-1 is set for Monday, February 3, at 7:30pm. The article 2 will be taken up and a vote will be taken to recess until March 17, at 7:30pm. This is to allow for the statutory requirement of the Planning Board hearings and report to Town Meeting to take place. Mr. Bartha explained that the Planning Board has hearings scheduled for February 12, 2025 and February 26, 2025, with an anticipation to vote on recommendations on March 12, 2025. The proponents of Special Town Meeting article 2 will make a presentation to the Select Board at a future meeting.

Jay Luker, 26 Ridge Avenue and Precinct 1 Town Meeting Member, asked about the extra beer and wine licenses there are to be awarded to the Town and expressed concern the licenses will be limited to only being assigned within the MBTA Zoning Overlay Districts. Mr. Lucente stated that the legislative body had not acted on it in the 2024 legislative session and is being refiled in 2025. As such there are no new licenses yet.

DOCUMENTS: Copy of Special Town Meeting 2025-1 Warrant

2. FY2026 Budget - Health Insurance, Capital Plan, Follow-up Select Board Comments

Carolyn Kosnoff, Assistant Town Manager for Finance, presented the FY2026 level service budget request for Employee Benefits and Insurance and the FY2026 Recommended Capital Plan. Regarding the contributory retirement item, the amount that is requested for FY26 is based on the existing funding schedule. The contributory retirement has been increased by \$750,000 a year, plus 2.5% of the one-time, unexpected revenue the Town previously received from Takeda. It is likely that the total unfunded liability will increase, and currently the intention is to be fund fully funded for pension in 2030. She noted that Medicare is a 5% projection. Currently, health insurance is overall projected to go up 10.17%. Dental insurance is projected to go up 8.29% based off a 10% increase in premiums. Life insurance is level funded as is unemployment and workers compensation. Overall, the entire employee benefits and insurance budget is projected to be \$53.3M.

Mr. Lucente expressed concern regarding increasing health insurance trends. He asked how this can be sustainable in the long run.

Mr. Pato asked how the existing incentive program for employees who do not take Town insurance is doing. Ms. Kosnoff stated a drop off in this has not been seen. The savings from this program are not quite as great as one would expect.

In answer to a question from Mr. Sandeen, Ms. Kosnoff stated that the underlying health premium increase was approximately 11% this year, and that other factors had lowered the overall budget impact to approximately 8%.

Ms. Hai suggested that there be an annual expectation of unexpected additional head count for new employees.

Patrick Mehr, 31 Woodcliffe Road, asked about the percentage of health premium paid for School and Town employees. Ms. Kosnoff explained that this is 82% or 85% depending on the program. Mr. Mehr asked what large local employers pay for premiums for their employees. Ms. Kosnoff stated that the private sector is likely different from the public. Mr. Mehr stated he feels that these numbers would be far lower suggested that more consideration be given to lowering the percentage the Town pays.

Ms. Kosnoff reviewed the capital summary. She stated that the total FY26 recommended capital budget is approximately \$687,134,000. There are three non-government project requests. Outside of those non-Town requests, there are \$683.5M worth of requests. Out of the \$683M request, \$654M of that is for the High School project. Outside of the High School project, there are \$29.5M of requests, of which \$21.5M are for the General Fund. It is believed that all of those projects should be able to be funded with cash capital this year, and the Town should not have to debt finance any of them. She reviewed each of the project requests.

Regarding the Harrington fields capital item, Mr. Pato stated that he believes it will be essential for the Board to see the design work and the outcome of the community engagement. Ms. Hai stated that she would like to hear from the Recreation Committee and Recreation Department on this item.

Ms. Kosnoff noted that there is also \$3.5M in the budget for demolition of the Central Administration building. The demolition and the construction of fields was supposed to happen simultaneously. The intention is to move forward with the funding for the demolition, but it is possible that the demolition may have to be delayed until the outcome of the fields is determined. The demolition appropriation will simply leave a hole in the ground without any site work. Mike Cronin, Director of Public Facilities, explained that the cost for the demolition includes the abatement of all materials, leaving a rough site.

DOCUMENTS: FY2026 Benefits & Insurance Budget Request, FY2026 Recommended Capital Plan

3. Review Draft 2025 Annual Town Meeting Warrant

Kelly Axtell, Deputy Town Manager, reviewed the 2025 Draft Annual Town Meeting Warrant. There was discussion regarding on which dates the Articles will be presented to the Board. The Board discussed if the Article 97 Warrant Article should be included at this time. There was agreement to not place this item on the Warrant at this time.

DOCUMENTS: 2025 ATM Draft Warrant

ADJOURN

VOTE: Upon a motion duly made and seconded, the Select Board voted 4-0 to adjourn at 9:13p.m.

A true record; Attest:
Kristan Patenaude
Recording Secretary

DRAFT

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Water and Sewer Adjustments

PRESENTER:

Doug Lucente, Select Board Chair

ITEM NUMBER:

C.2

SUMMARY:

Category: Decision-making

Water & Sewer Adjustments per WSAB 12/13/24 \$16,466.77

SUGGESTED MOTION:

To approve the Water & Sewer Adjustments per WSAB 12/13/24 for the total amount of \$16,466.77

Move to approve the consent.

FOLLOW-UP:

Treasurer / Collector.

DATE AND APPROXIMATE TIME ON AGENDA:

2/3/2025

ATTACHMENTS:

Description	Type
□ SB 2-3-25 WS Adj	Cover Memo



FY 2025
 ADJUSTMENTS TO WATER/ SEWER
 AS RECOMMENDED BY THE WATER AND SEWER ABATEMENT BOARD

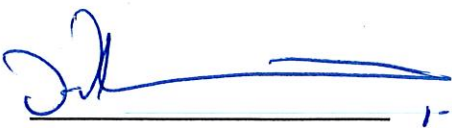
WSAB- DECEMBER 13, 2024; SELECT BOARD MEETING FEBRUARY 3, 2025

ACCOUNT	NBR	STREET	WATER	SEWER	TOTAL	BILL	YEAR	NOTES
0100217200	56	GRAPEVINE AVE	\$ (657.30)	\$ (2,327.85)	\$ (2,985.15)	1116183		TOILET LEAK
0100264000	50	POTTER POND	\$ (114.47)	\$ (424.55)	\$ (539.02)	1116789		TOILET LEAK
0200578000	27	EDGEWOOD ROAD	\$ (31.46)	\$ (144.98)	\$ (176.44)	1122005		TOILET LEAK
0300901500	42	WACHUSETT DRIVE	\$ (669.69)	\$ (2,378.09)	\$ (3,047.78)	1127001		TOILET LEAK
0200473000	259	WOBURN STREET	\$ (448.38)	\$ (1,569.36)	\$ (2,017.74)	1120410		TOILET LEAK
0300728200	449	BEDFORD STREET	\$ (77.88)	\$ (257.63)	\$ (335.51)	1124660		MULTI LEAKS
0301005200	6	ROYAL CIRCLE	\$ (1,233.93)	\$ (3,532.48)	\$ (4,766.41)	1128185		TOILET AND IRR ON DOM
0200580300	38	OAKMOUNT CIRCLE	\$ 91.96	\$ (1,007.94)	\$ (915.98)	1122040		IRR ON DOM
0200357700	9	FOREST STREET	\$ 31.78	\$ (219.26)	\$ (187.48)	1118788		IRR ON DOM
0300876602	511	MARRETT ROAD	\$ (19.17)	\$ -	\$ (19.17)	1126648		IRR LEAK
0300649602	106	SCHOOL STREET	\$ (1,099.08)	\$ -	\$ (1,099.08)	1123574		IRR LEAK
0200517602	9	BROWN ROAD	\$ (191.70)	\$ -	\$ (191.70)	1121050		IRR LEAK
0100972602	1	LOTHROP CIRCLE	\$ (185.31)	\$ -	\$ (185.31)	1117497		IRR LEAK
0200311200	1749	MASSACHUSETTS AVE	NA	NA	NA	1118072		INTEREST ONLY
0200475302	303	WOBURN STREET	NA	NA	NA	1104788		INTEREST ONLY
			\$ (4,604.63)	\$ (11,862.14)	\$ (16,466.77)			

It is the recommendation of the Water and Sewer Abatement Board that the Town Collector be authorized to waive interest that has accrued on the bills included herein, unless stated here otherwise, from the due date of the bill until 30 calendar days after the date of written notification to applicant of the Selectmen's action.

THE SUM SET AGAINST THE ABOVE ACCOUNTS IS HEREBY ADJUSTED.

WATER SEWER TOTAL
 \$ (4,604.63) \$ (11,862.14) \$ (16,466.77)

 1-24-25

DIRECTOR OF PUBLIC WORKS

SELECT BOARD February 3, 2025

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve: One-Day Liquor License - Munroe Center for the Arts

PRESENTER:

Doug Lucente, Chair

ITEM NUMBER:

C.3

SUMMARY:

Category: Decision-Making

Monroe Center for the Arts:

Monroe Center for the Arts, 1403 Massachusetts Avenue, is requesting a One-Day Liquor License to serve beer and wine for the purpose of their Seasonal Suites Community Gathering being held on February 7, 2025, from 7:00 pm - 9:00 pm.

SUGGESTED MOTION:

To approve a One-Day Liquor License for the Monroe Center for the Arts, 1403 Massachusetts Avenue, to serve beer and wine from 7:00 pm to 9:00 pm on Friday, February 7, 2025 for their Seasonal Suites Community Gathering.

Move to approve the consent.

FOLLOW-UP:

Select Board Department.

DATE AND APPROXIMATE TIME ON AGENDA:

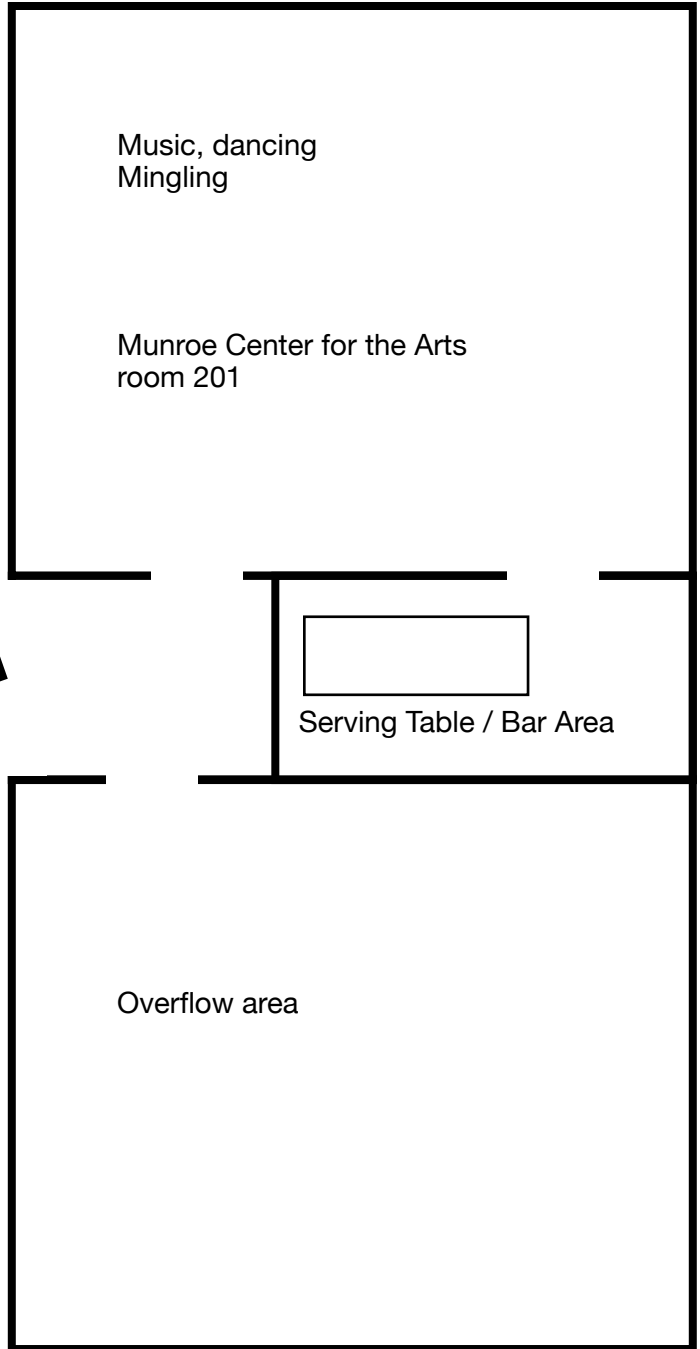
2/3/2025

ATTACHMENTS:

Description

Type

Exit down half
flight of stairs to
front door of
building



Music, dancing
Mingling

Munroe Center for the Arts
room 201

Serving Table / Bar Area

Overflow area

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve Bedford/Hartwell Complete Streets Reconstruction Project to Advance to 25% Design

PRESENTER:

Doug Lucente, Chair

ITEM NUMBER:

C.4

SUMMARY:

Category: Decision-making

The Board was in agreement at their 1/27/2025 meeting for a vote to be placed on the 2/3/2025 agenda to approve Bedford/Hartwell Complete Streets Reconstruction Project to Advance to 25% Design as proposed for the following areas:

- Bedford Street from Eldred Street to the Bedford Town Line
- Hartwell Avenue from Bedford Street to the Hanscom Airforce Base gates

SUGGESTED MOTION:

to approve advancement of the Bedford/Hartwell Complete Streets Reconstruction Project Concept Design, as presented at the January 27, 2025 Select Board meeting to 25% design.

Move to approve the consent

FOLLOW-UP:

Engineering Department

DATE AND APPROXIMATE TIME ON AGENDA:

2/3/2025

ATTACHMENTS:

Description



Proposed Concept Presentation Bedford-
Hartwell_Complete_Streets_1.27.25_

Type

Backup Material

Bedford/Hartwell Complete Street Project

Select Board Meeting
January 27, 2025

Prepared by: Lexington Engineering Division,
Planning Office

January 2025



LEXINGTON
MASSACHUSETTS

Agenda

- Purpose of Meeting
- Project Goals
- Project Study Area
- Development of Preferred Alternatives
- Project Progress and Funding
- Next Steps



Purpose of Meeting

Endorse the Advancement of
Concept Design to Preliminary
Design



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Project Goals

- Improve mobility and accessibility for all users of the circulation and transportation systems, including public transit, pedestrians, bicyclists and motor vehicles
- Make Bedford Street and Hartwell Ave more walkable and bikeable
- Improve safety for all users
- Improve the look and feel of the corridor
- Minimize impacts on residential streets
- Use a clear, inclusive, and transparent design process



Project Study Area



Project Study Area



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Project Study Area



LEXINGTON
MASSACHUSETTS

Development of Preferred Alternatives

Public Engagement

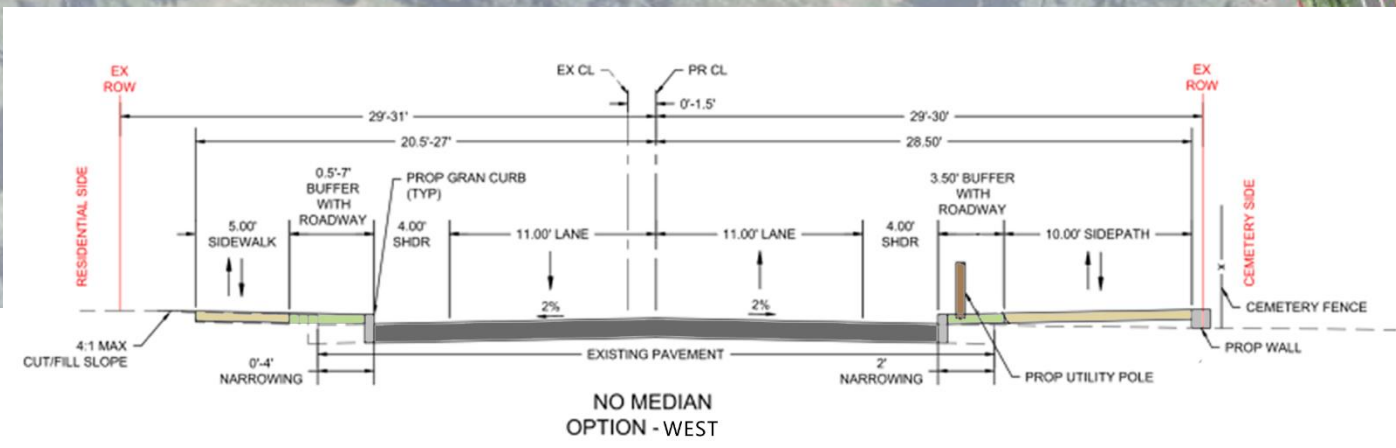
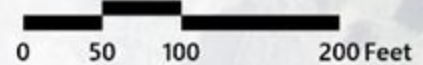
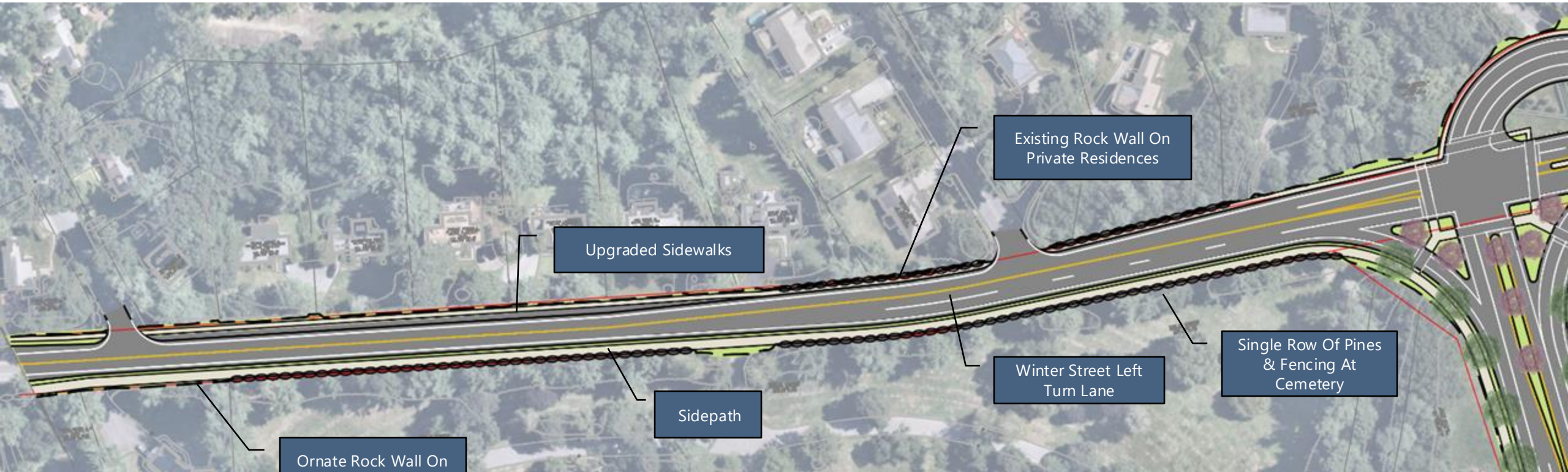
- **October 19, 2021 Virtual public meeting 1** with 93 participants
- **November 16, 2023 Virtual public meeting 2** with 51 participants
- **October 24, 2024 Virtual public meeting 3** with 78 participants
- **November 19, 2024 In Person Open House** with 39 participants
- **Virtual public meeting room**, October 2021 to present
- **Online survey** with 346 responses – available October 18, 2021, to January 4, 2022
- **Working Group meetings**
 - November 12, 2020
 - May 17, 2021
 - October 5, 2021
 - November 9, 2023
 - September 12, 2024
- **Commercial Property Owner meeting**
 - September 23, 2021
- **MassDOT/MPO meetings**, December 2023 to October 2024 (6 meetings)
- **Conservation Commission meeting**, December 2, 2024

Contributing Factors

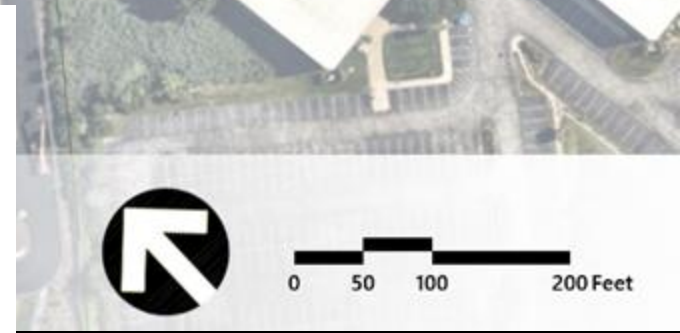
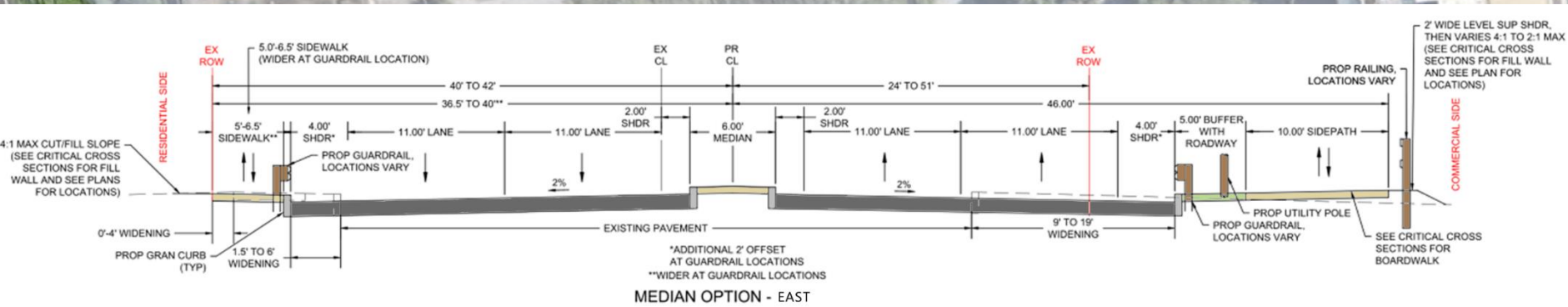
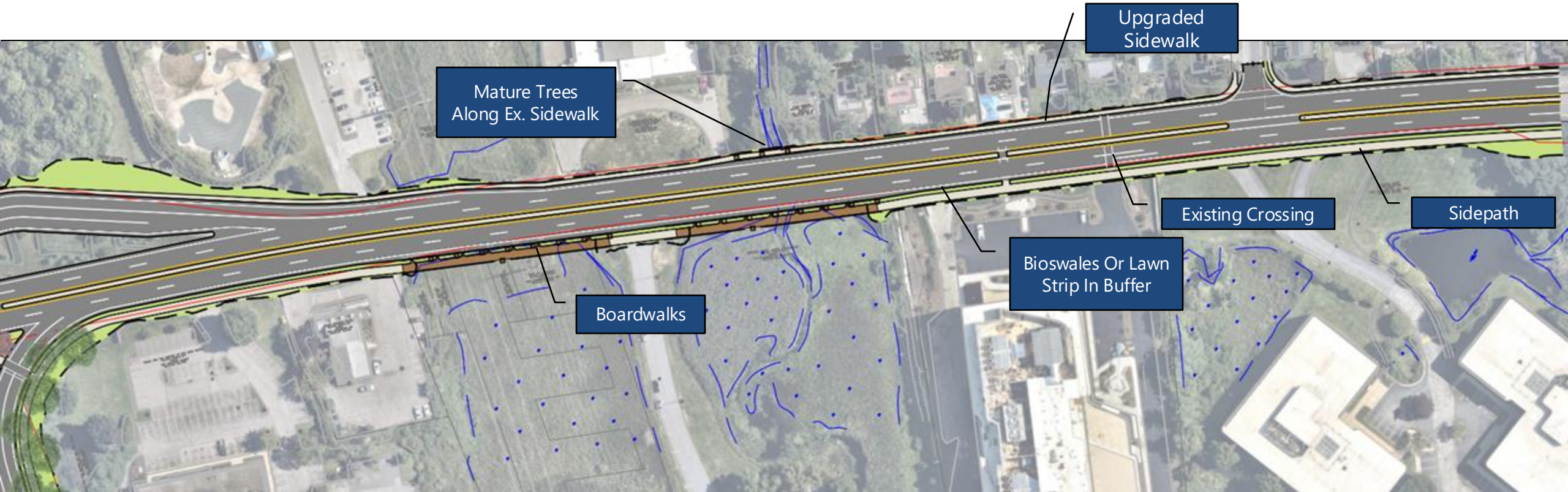
- Public Engagement
- Traffic Analyses
- Build–out Analysis
- Federal Highway standards
- MassDOT standards
- Right-of Way Constraints
- Safety
- Environmental Constraints
- Complete Streets Concept



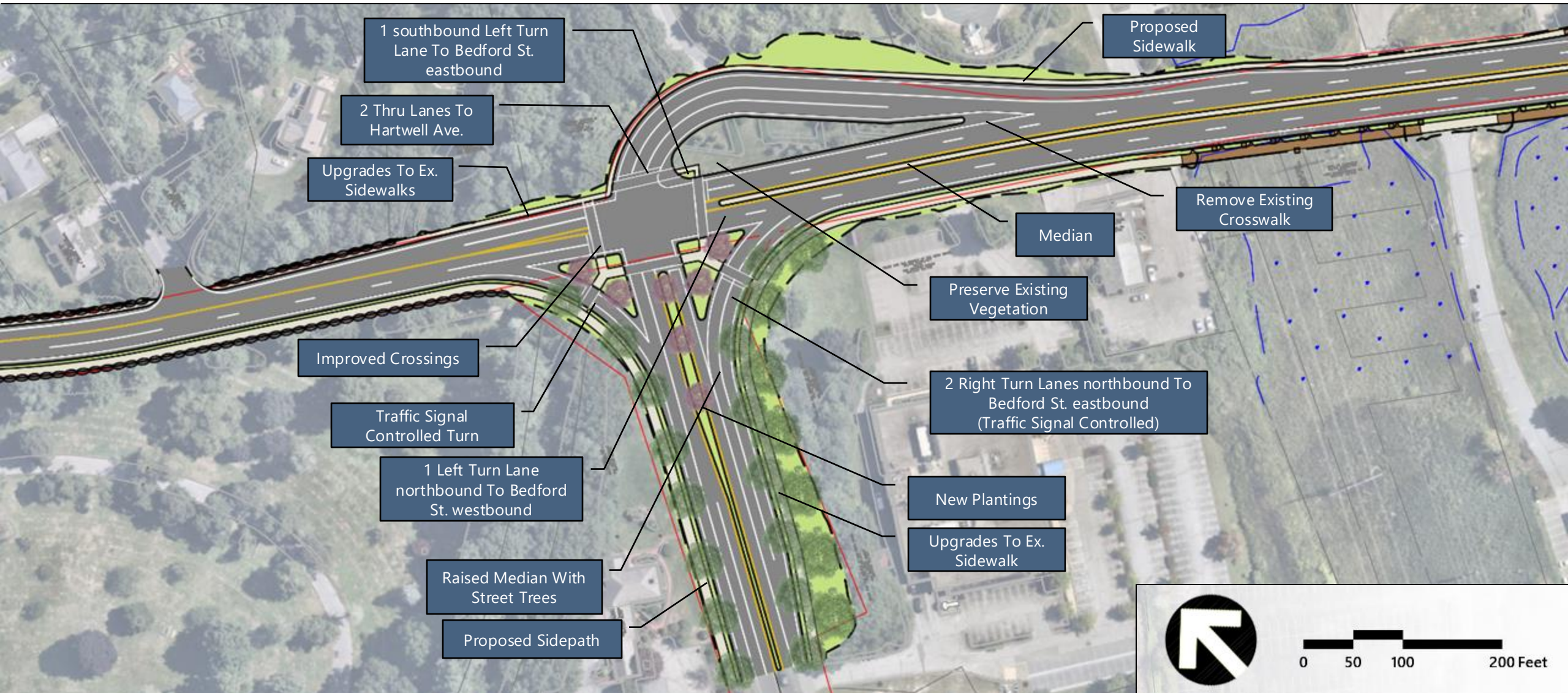
Bedford Street - West of Hartwell Avenue



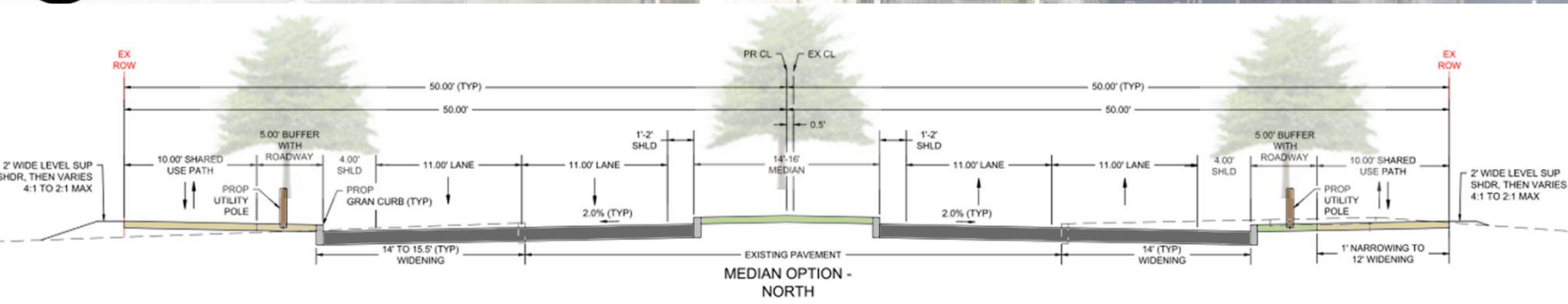
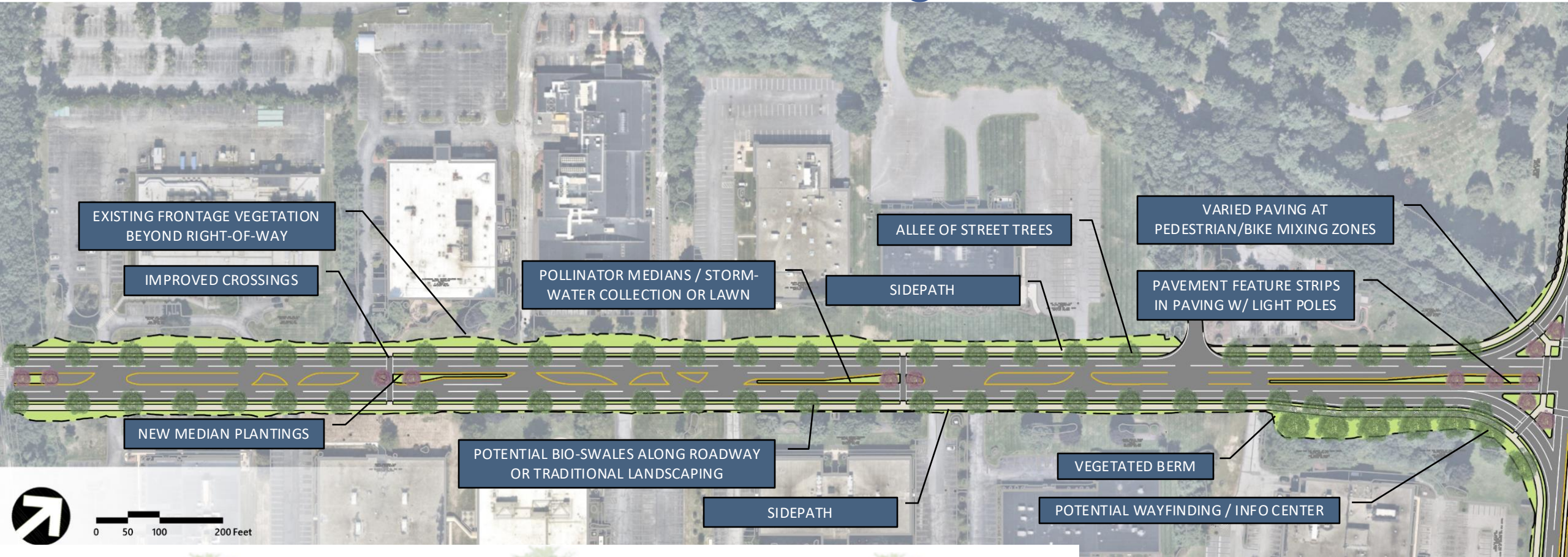
Bedford Street - East of Hartwell Avenue



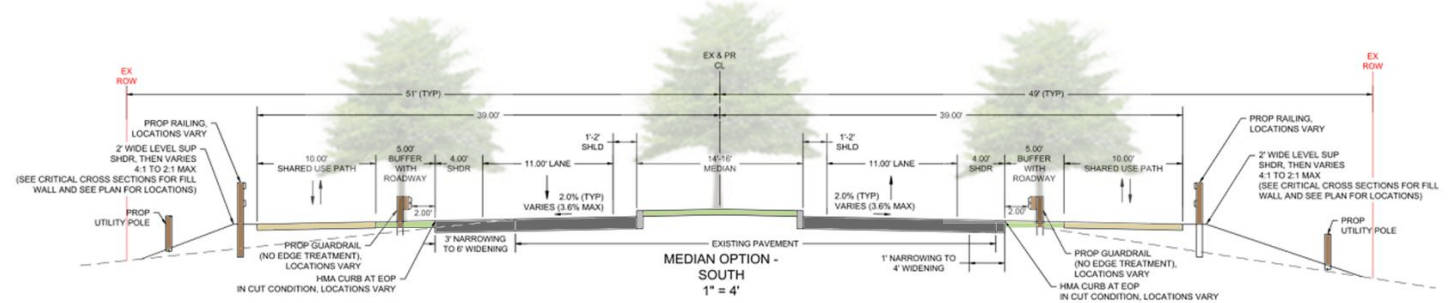
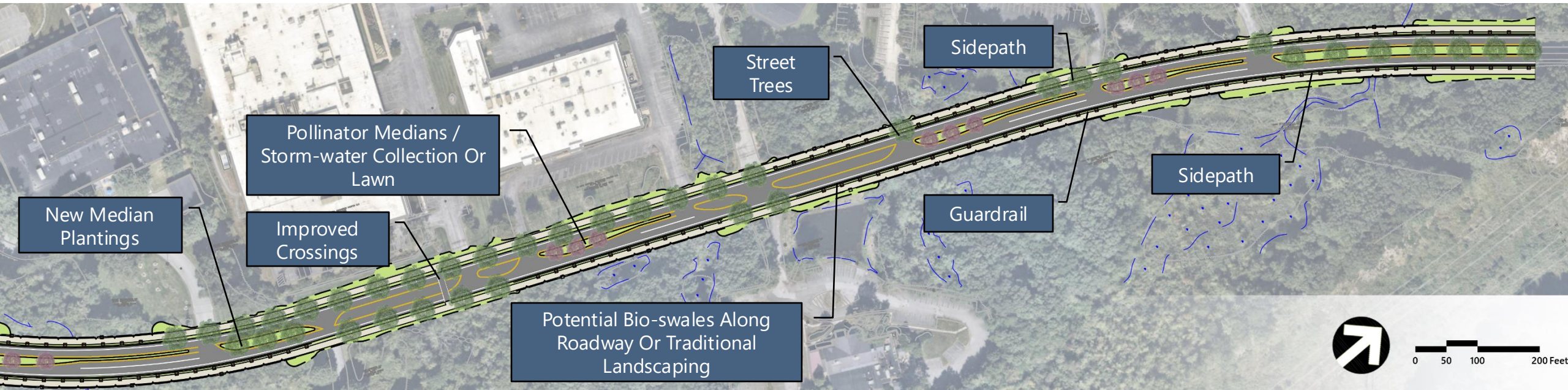
Bedford Street at Hartwell Avenue



Hartwell Avenue - North of Maguire Road



Hartwell Avenue - South of Maguire Road



Next Steps

- Select Board votes their endorsement of plan
- MassDOT Pre-25% Design
 - Submit Intersection Control Evaluation
 - OTS meeting to discuss project goals
- MassDOT 25% submittal
 - Submittal meeting with DOT
- MassDOT 25% Design hearing
- Continue MPO advocacy and TIP coordination to secure construction funding



Thank you!

Project Website: [LexingtonMA.gov/BedfordHartwell](https://www.LexingtonMA.gov/BedfordHartwell)

Virtual Meeting Room: <https://bit.ly/lex-hartwell-vmr>

(note: all lowercase if typing)

Meghan McNamara: mmcnamara@lexingtonma.gov

Ross Morrow: rmorrow@lexingtonma.gov



LEXINGTON
MASSACHUSETTS

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve and Sign Local Initiative Program (LIP) Application for Local Action Units for at 89-91-93 Bedford Street

PRESENTER:

Doug Lucente, Chair

ITEM NUMBER:

C.5

SUMMARY:

Category: Decision-making

The Board is being asked to approve and sign the Local Initiative Program (LIP) Application for 89-91-93 Bedford Street. This Bedford Street development is permitted under the Lexington local Village and Multi-Family overlay bylaw. Full development of the 93 Bedford Street development includes 30 ownership condominium units in a new 30-unit three-story residential condominium building, and the interior of the two-family historic house will be renovated for two one-bedroom dwelling units. There are 32 units total. 4 units are proposed for Local Action certification. The affordable units will be regulated as a Local Action Unit by EOHLIC and the Town of Lexington and deed restricted under that program.

SUGGESTED MOTION:

To approve the Local Initiative Program application (LIP) for the Local Action Units located at 89-91-93 Bedford Street and further to authorize Select Board Chair to sign the LIP application form.

Move to approve the consent

FOLLOW-UP:

Carol Kowalski/Liz Rust

DATE AND APPROXIMATE TIME ON AGENDA:

2/3/2025

ATTACHMENTS:

Description

Type

▣ LIPApplication for Local Action Units - Bedford Street

Backup Material

LOCAL INITIATIVE PROGRAM APPLICATION FOR LOCAL ACTION UNITS

Introduction

The Local Initiative Program (LIP) is a state housing initiative administered by the Executive Office of Housing and Livable Communities (EOHLC) to encourage communities to produce affordable housing for low- and moderate-income households.

The program provides technical and other non-financial assistance to cities or towns seeking to increase the supply of housing for households at or below 80% of the area median income. LIP-approved units are entered into the subsidized housing inventory (SHI) pursuant to Chapter 40B.

Local Action Units (LAUs) are created through local municipal action *other than* comprehensive permits; for example, through special permits, inclusionary zoning, conveyance of public land, utilization of Community Preservation Act (CPA) funds, etc.

The Department shall certify units submitted as Local Action Units if they meet the requirements of 760 CMR 56.00 and the Local Initiative Program Guidelines, which are part of the Comprehensive Permit Guidelines and can be found on the EOHLC website at www.mass.gov/eohlc.

To apply, a community must submit a complete, signed copy of this application to:

**Executive Office of Housing and Livable Communities
100 Cambridge Street, Suite 300
Boston, MA 02114**

**Attention: Alyxandra Sabatino, LIP/HOP Coordinator
Telephone: 617-573-1328
Email: alyxandra.sabatino@mass.gov**

Community Support Narrative, Project Description, and Documentation

Please provide a description of the project, including a summary of the project's history and the ways in which the community fulfilled the local action requirement.

The 93 Bedford Street development is permitted under the Lexington local Village and Multi-Family Overlay bylaw. Full development of the 93 Bedford Street development includes 30 ownership condominium units in a new 30-unit three-story residential condominium building, and the interior of the two-family historic house will be renovated for two one-bedroom dwelling units. There are 32 units total.

The affordable unit will be regulated as a Local Action Unit by EOHLIC and the Town of Lexington and deed restricted under that program. .

The Planning Board granted site plan approval consistent with their master plan *2022 Lexington NEXT Comprehensive Plan*, goals to provide a range of housing types as well as protecting the exterior of a historic home.

Signatures of Support for the Local Action Units Application

Chief Executive Officer:

defined as the mayor in a city and the board of selectmen in a town, unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter

Signature: _____

Print Name: Doug Lucente, Chair Select Board

Date: _____

Chair, Local Housing Partnership: (as applicable)

Signature _____

Print Name: Wendy Manz, Chair Lex Housing Partnership

Date: _____

Municipal Contact Information:

Chief Executive Officer: Doug Lucente

Town Office Building, 1625 Mass Ave, Lexington, MA 02420

Phone: (781) 698-4580

Email: selectmen@lexingtonma.gov

Town Administrator/Town Manager/Mayor: Name: Steve Bartha

Town Office Building, 1625 Mass Ave, Lexington, MA 02420

Phone: (781) 698-4540

Email: sbartha@lexingtonma.gov

City/Town Planner: Name: Abby McCabe

Town Office Building, 1625 Mass Ave, Lexington, MA 02420

Phone: (781) 698-4562

Email: amccabe@lexingtonma.gov

Town Counsel: Name: Mina Mankarious

Anderson Krieger LLP1

Phone: _____

Email: mmakarious@andersonkreiger.com

Chair, Local Housing Partnership (if any): Name: Wendy Manz

Town Office Building, 1625 Mass Ave, Lexington, MA 02420

Phone: _____

Email: wendy_manz@yahoo.com

Community Contact Person: Name: _____

Address: _____

Phone: _____

Email: _____

The Project:

Developer:	Name: FK Partners Lexington, LLC
	Address: 181 Bedford St, Lexington MA 02420 _____
	Phone: 781.257.2594
	Email: bfinnegan@finnegandevelopment.com , jbrickmansw@gmail.com _____
Project Site:	Address: The Lex 93 Bedford Street, Lexington _____

Is your municipality utilizing any HOME or CDBG funding for this project? Yes _____ No X

Local tax rate per thousand \$ 12.25 _____ For Fiscal Year FY24 _____

Site Characteristics: proposed or existing buildings by design, ownership type, and size.

<u>Project Style</u>	<u>Total Number of Units</u>	<u>Number of Units Proposed for Local Action Units Certification</u>
Detached Single-family house	_____	_____
Row house/townhouse	_____	_____
Duplex	<u>2</u>	<u>0</u>
Multifamily house (3+ family)	_____	_____
Multifamily rental building	_____	_____
Other (Condominium building)	<u>30</u>	<u>4</u>

Unit Composition

<u>Type of Unit (Condo/Fee Simple/ Rental)</u>	<u># of Units</u>	<u># of BRs</u>	<u># of Baths</u>	<u>Gross Square Feet</u>	<u>Livable Square Feet</u>	<u>Proposed Sales Prices/Rents</u>	<u>Proposed Condo Fee/ Utility Allowance</u>
Affordable:	3	2	2	1468-1477	1468-1477	\$294,200	\$154
	1	3	2	1735	1735	\$325,500	\$181
Market:	2	1BR	NA	NA	NA	NA	NA
	15	2BR	2	1413-1521	1413-1521	\$1.2M - \$1.5M	\$612-\$673/mo
	11	2+BR	2	1642-1781	1642-1781	\$1.5M - \$1.8M	\$727-\$784/mo
Total:							

Please attach the following documents to your application:

1. Documentation of municipal action (e.g., copy of special permit, CPA funds, land donation, etc.)
2. Long-Term Use Restrictions (request documents before submission):

For ownership projects, this is the Regulatory Agreement for Ownership Developments, redlined to reflect any proposed changes, and/or the model deed rider.

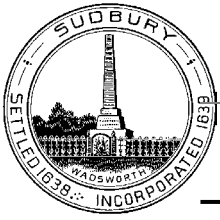
For rental projects, this is the Regulatory Agreement for Rental Developments, redlined to reflect any proposed changes.

For HOME-funded projects, this is the HOME covenant/deed restriction. When attaching a HOME deed restriction to a unit, the universal deed rider cannot be used.

3. Documents of Project Sponsor's (developer's) legal existence and authority to sign the Regulatory Agreement:
 - appropriate certificates of Organization/Registration and Good Standing from the Secretary of State's Office
 - mortgagee consents to the Regulatory Agreement
 - Trustee certificates or authorization for signer(s) to execute all documents
 - Copy of Site Plan
4. For Condominium Projects Only: The Master Deed with schedule of undivided interest in the common areas in percentages set forth in the condominium master deed
5. For Rental Projects Only: A copy of the lease with lease addendum and Local Housing Authority's current Utility Allowances
6. Affirmative Fair Marketing and Lottery Plan, including:
 - ads and flyers with HUD Equal Housing Opportunity logo
 - informational materials for lottery applicants
 - eligibility requirements
 - lottery application and financial forms
 - lottery and resident selection procedures
 - request for local preference and demonstration of need for the preference
 - measures to ensure affirmative fair marketing, including outreach methods and venue list
 - name of Lottery Agent with contact information

See Section III of the Comprehensive Permit Guidelines at: <http://www.mass.gov> (enter LIP 40b guidelines in Search field) for more information.

PLEASE contact our office if you have any questions: 617-573-1328.



TOWN OF SUDBURY

SUDBURY HOUSING TRUST

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776
978-639-3387

<http://www.sudbury.ma.us>

MARKETING PLAN
FOR LOTTERY OF

The Lex
Lexington 93 Bedford Street
Homeownership Condominium Unit
Lexington, MA

JANUARY 2025

Table of Contents

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Sales Prices..... **5**
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Eligibility and Preferences **7**
 Income.....7
 Assets –7
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 Other Eligibility Criteria8
 Household Size Preference.....8
Lottery Procedures **8**
Affordability Restrictions **9**

Developer Certification:

As authorized representative of _ FK Partners Lexington LLC_, I have reviewed this plan and agree to implement this AFHMP, which shall be made effective as of the approval date.

Further, by signing this form, _____ agrees to review and update its AFHMP as necessary to comply with all applicable statutes, regulations, executive orders and other binding EOHLC requirements pertaining to affirmative fair housing marketing and resident selection plans reasonably related to such statutes, regulations, executive orders, as same may be amended from time to time.

I hereby certify that all the information stated herein, as well as any information provided herewith, is true and accurate.

Authorized Representative

PURPOSE OF PLAN

The Lexington 93 Bedford Street development (“**The Lex**”) is permitted under the Lexington local Village and Multi-Family Overlay Districts bylaw.

Full development of The Lex development consists of 32 ownership condominium units, including: 30 units, including four affordable inclusionary units, in a three-story residential building, with 39 underground parking spaces and 15 surface level parking spaces, and renovations of the historic house for two one-bedroom market rate dwelling units with the attached garage and a bicycle shed to host a total of 48 bicycles. The affordable units will be regulated as Local Action Units by EOHLIC and the Town of Lexington and deed restricted under that program.

This marketing plan addresses the requirements of the inclusionary deed-restricted ownership units.

This marketing plan describes the project, and the marketing and outreach efforts in compliance with Fair Housing requirements, the eligibility criteria and the lottery and buyer selection process. The application material describes the unit and the process in more detail.

The lottery plan will implement the income restrictions and any and all other procedures set forth below in compliance with the EOHLIC Affirmative Fair Housing Marketing Plan guidelines updated December 2014.

KEY CONTACTS

Developer:

FK Partners Lexington, LLC
181 Bedford Street
Lexington, MA 02420
Ben Finnegan/Jason Brickman
bfinnegan@finnegandevlopment.com
jbrickmansw@gmail.com

Lottery Agent:

Elizabeth Rust, Jen Pontes
Agent for Sudbury Housing Trust
278 Old Sudbury Rd
Sudbury, MA 01776
housing@sudbury.ma.us

EOHLIC, LIP LAU Program Administrator:

Alyxandra Sabatino
EOHLIC, LIP LAU Program
100 Cambridge Street, suite 300
Boston, MA 02110
Phone: (617) 573-1328
alyxandra.sabatino@mass.gov

PROJECT DESCRIPTION

The Lex is a community of 32 condominium units, consisting of 2 and 3 bedrooms, as well as a two-family home, consisting of two one-bedroom dwelling units close to local businesses and Lexington center. The development is within walking distance to Lexington Center and a quarter mile to the Worthen/Bedford Street shopping area and Minuteman Bikeway.

In total, the project proposes new construction of a 30-unit, 3-story condominium residential building consisting of 18 two-bedroom dwelling units and 12 two+-bedroom dwelling units with 39 underground and 15 surface level parking spaces, and renovation of the historic two-family home for two one-bedroom dwelling units with attached garage and new build of a bicycle shed for 48 bicycle parking spaces.

The historic two-family home and garage will be relocated to the front of the lot with interior renovations for two one-bedroom dwelling units, and the garage in the historic home will host parking spaces for 20 bicycles. A bicycle shed will be built to host 28 bicycles. The bicycle shed will have electrical outlets to charge electric bicycles.

When complete, the 30-unit condominium building will include 4 affordable dwelling units, 39 underground parking spaces including 2 ADA spaces and 3 EV charger spaces as well as 15 surface level parking spaces.

The four (4) affordable units will consist of three two-bedrooms and one three-bedroom as follows:

Unit 102 - 1,735 SF, three bedrooms on first floor level

Unit 204 - 1,468 SF, two bedrooms on second floor level

Unit 209 - 1,475 SF, two bedrooms on second floor level

Unit 305 - 1,477 SF, two bedrooms on third floor level

The four affordable units will include two bathrooms, an open kitchen, an open living/dining area, balcony, laundry room, mudroom and an underground parking space. The Lex is an all-electric building with state-of-the-art energy efficiency features to meet Phius standards. The interiors will feature modern millwork and solid core doors. Shaker style painted cabinetry will include dovetail drawers and soft close hardware. Countertops will be granite with undermount sinks and backsplash. Kitchen appliances will be GE stainless steel consisting of refrigerator, dishwasher, electric range and microwave. Flooring will be hardwood in the living and kitchen areas, tile in the bathrooms, and carpet in the bedrooms. Safety features include automatic sprinklers pursuant to NFPA specifications and ceiling smoke detectors with battery back up located as required by code. The primary bath will feature one comfort height toilet, two undermount sinks and one fiberglass shower. The guest bath will feature one comfort height toilet, one undermount sink and a fiberglass tub/shower unit. Kitchen sink will be undermount stainless steel. Each unit will have its own circuit breaker panel and individual electric meter. Prewiring for one electric car outlet near underground space, outlet installation and car charger supplied/installed by buyer. Switches and outlets will be decora style white. The laundry will include a GE washing machine and electric dryer located in the utility room or laundry closet depending on residence type.

The marketing of the units will start during construction.

SALES PRICES

The 80% affordable units will be offered under the Local Initiative Program (LIP), as a Local Action Unit (LAU).

Sale prices of LAUs are set so that a household earning 70% of area median income would not expend more than 30% of income for housing.

The sales price shown uses the parameters in effect 12.18.24, including the 2024 income limits, and current 30-year fixed interest rate, and municipal tax rate.

The monthly Condominium fee for the two-bedroom units is estimated at \$154 per month, and \$181 for the three-bedroom units.

three-bedroom units, which represents a proportional value of the total condominium expenses.

The condominium fee covers: Admin Expense: Management Fee, Insurance Expense, Landscaping and Groundskeeping, Snow Plow, Legal, Pest Control, Professional Fees, Fire Sprinkler /Alarm, Elevator, Trash Pickup, Common Electric, Water Irrigation.

The homeowner will also pay monthly real estate taxes.

Lexington - 89 Bedford St (12/18/24)		Lexington - 89 Bedford St (12/18/24)	
Housing Cost:		Housing Cost:	
Sales Price	\$294,200	Sales Price	\$325,500
5% Down payment	\$14,710	5% Down payment	\$16,275
Mortgage	\$279,490	Mortgage	\$309,225
Interest rate	6.85%	Interest rate	6.85%
Amortization	30	Amortization	30
Monthly P&I Payments	\$1,831.38	Monthly P&I Payments	\$2,026.23
Tax Rate	\$12.25	Tax Rate	\$12.25
monthly property tax	\$300	monthly property tax	\$332
Hazard insurance	\$98	Hazard insurance	\$109
PMI	\$182	PMI	\$201
Condo/HOA fees (if applicable)	\$154	Condo/HOA fees (if applicable)	\$181
Monthly Housing Cost	\$2,565	Monthly Housing Cost	\$2,849
Necessary Income:	\$102,618	Necessary Income:	\$113,960
Household Income:		Household Income:	
# of Bedrooms	2	# of Bedrooms	3
Sample Household size	3	Sample Household size	4
HUD 80% AMI	\$117,250	HUD 80% AMI	\$130,250
Target Housing Cost (80%AMI)	\$2,931	Target Housing Cost (80%AMI)	\$3,256
10% Window	\$102,594	10% Window	\$113,969
Target Housing Cost (70%AMI)	\$2,565	Target Housing Cost (70%AMI)	\$2,849

MARKETING PLAN

A marketing plan for an affordable housing lottery demonstrates and ensures Fair Housing regulations are complied with and that the units are made available to a wide audience of qualified people.

The marketing and outreach activities are intended to communicate and advertise these opportunities. In general, the plan includes sending notices or flyers to local groups and organizations, notices for website publications, and advertisements in newspapers and periodicals. In accordance with the guidelines, the marketing period will start at least 60 days before the application period closes, and all advertisements will run twice.

During the general marketing period, the Developer and the lottery administrator will offer one 'informational session' for each lottery members of the public to educate them about the Units and the lottery process. This will take place in a publicly accessible location.

Group	What to send
MetroWest Daily news	Ad
Lexington wicked local	Ad
Sampan Newspaper	Ad
O Jornal/O Jornal Brasileiro	Ad
El Mundo	Ad
Bay State Banner	Ad
Lexington Civic Groups, churches, temples	Flyer
Lexington Housing Authority	Flyer

Group	What to send
Local Housing Authorities	Flyer
Town of Lexington E-Newsletter, social media	Notice
Notice to Lexington Committees and employees	Email notice
Interested Person database	Email Notice/Flyer
Town of Lexington website	Website
Veterans' Services District	Flyer
Council on Aging	Flyer
Youth & Family Services	Flyer
Metrolist Clearinghouse	Flyer
MyMassHome	Website
Fair Housing Center of Boston	
Massachusetts Affordable Housing Alliance	Website
Metropolitan Boston Housing Partnership	Flyer
South Middlesex Opportunity Council	Flyer
Community Teamwork	Flyer

ELIGIBILITY AND PREFERENCES

INCOME

Income eligibility, as stated in the Guidelines, is governed by the rules and standards employed by the Department of Housing and Urban Development (“HUD”) in the selection of income-eligible tenants for publicly subsidized housing, as determined in the manner described in 24 CFR 5.609. The provisions of this section are intended to complement and not to override or supersede any applicable fair marketing regulations of DHCD, the Massachusetts Commission Against Discrimination, or any Local regulation with jurisdiction and like purpose, to provide low and/or moderate-income housing.

The applicant household is required to be at or less than 80% of the Boston Region Area Median Income (AMI) as published by HUD for total Gross Annual Household Income. Gross Annual Household Income includes all income prior to any deductions from all adult household members. An imputed income amount of **.4% of assets will be added to income for assets over \$50,000**. The current income limits will be used, currently the 2024 limits:

1 person- \$91,200, 2 person- \$104,200, 3 person- \$117,250, 4 person- \$130,250,
5 person- \$140,700, 6 person- \$151,100, 7 person-\$ 161,550, 8 person- \$171,950

ASSETS –

Household assets shall not exceed \$75,000 in value for the affordable unit. Assets include, but are not limited to all cash, cash in savings accounts, checking accounts, certificates of deposit, bonds, stocks, cash value of retirement accounts, value of real estate holdings and other capital investments. The value of necessary personal property (furniture, vehicles) is excluded from asset values.

Assets that are included conform to the guidance from EOHLC and include retirement and pension funds amounts that can be withdrawn less penalties or transaction costs.

FIRST-TIME HOMEBUYER

All qualified applicants shall be first-time homebuyers and must not have had an ownership interest in a residential property for the preceding 3 years, including in trust, with exceptions made for:

1. displaced homemakers, where the displaced homemaker (an adult who has not worked full-time, full year in the labor force for a number of years but has, during such years, worked primarily without remuneration to care for the home and family), while a homemaker, owned a home with his or her partner or resided in a home owned by the partner;
2. single parents, where the individual owned a home with his or her partner or resided in a home owned by the partner and is a single parent (is unmarried or legally separated from a spouse and either has 1 or more children of whom the individual has custody or joint custody, or is pregnant);
3. households where at least one household member is 55 or over;
4. households that owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; and
5. households that owned a property that was not in compliance with State, local or model building codes and that cannot be brought into compliance for less than the cost of constructing a permanent structure.

OTHER ELIGIBILITY CRITERIA

Individuals who have a relationship to the Developer or who have a financial interest in the Project and their families shall not be eligible to participate in the lottery.

HOUSEHOLD SIZE PREFERENCE

The objective of these State subsidy programs is to provide housing to appropriate sized families, and to that end, there will be preference given in the lotteries with respect to the number of bedrooms needed.

A “household” is defined as two or more persons who will regularly live in the unit as their primary residence and who are related by blood, marriage, law or who have otherwise evidenced a stable inter-dependent relationship, or an individual.

Within an applicant pool, first preference shall be given to households requiring at least the total number of bedrooms in the unit based on the following criteria:

1. There is at least one occupant per bedroom.
2. A husband and wife, or those in a similar living arrangement, shall be required to share a bedroom.
3. Other household members may share but shall not be required to share a bedroom.

LOTTERY PROCEDURES

The main objective of the lottery process is to ensure that all winners are able to close on the unit while conducting Fair Housing practices. To that end, qualifications and eligibility are verified prior to entering the lottery.

Applications will be available on-line and sent to any requesting party. The application form and package is attached and provides ample detail on the procedures and process, including a description of the eligibility requirements, as well as the date of lottery and how the lottery winners will be chosen.

Key elements of the lottery process include:

- Only qualified eligible applicants will enter the lottery.
- Applicants will be notified of their standing and drawing results.
- The lottery will be held in a public setting, and the results posted.
- Records will be retained for audit purposes.

The ballots are randomly drawn and placed in the order drawn. Units are awarded to households based on bedroom sizes, by proceeding down the list of lottery winners to the first household which is of appropriate size for the unit.

A general list will be created through this lottery and maintained with ranking, contact information, and #BR needed until the unit is sold, or all persons have declined to purchase.

Applicants selected in the lottery who require special accessibility or reasonable accommodation features or modification will be given the opportunity to request such modifications.

Before Purchase and Sale Agreement has been signed, final income and assets will be verified to ensure the **buyer's** verified income meets the eligibility income limits, if over 60 days.

Current mortgage requirements include:

1. The loan must have a fixed interest rate through the full term of the mortgage.
2. The loan must have a current fair market interest rate, no more than 2 percentage points above the current MassHousing rate.
3. The loan can have no more than 2 points.
4. The buyer must provide a down payment of at least 3%; **half must come from the buyer's own funds.**
5. The loan must be from a financial institution.
6. The buyer may not pay more than 38% of their monthly income for the housing costs.
7. Non-household members shall not be permitted as co-signers of the mortgage.

AFFORDABILITY RESTRICTIONS

It is important that the potential homeowner be advised and is fully aware of the restrictions on the property, and four documents assist the purchaser in understanding the complexities in the deed restriction.

1. There is the deed rider itself, which is available in hard copy in the office and on the EOHLC website at [LIP Deed Rider](#)
2. The terms of the deed restriction are detailed in the disclosure section of the application, and acknowledgement signatures are required.
3. The restrictions are also covered in the Information Session, though attendance is not a requirement for application.
4. The Homeowner Disclosure Statement, provided by EOHLC, will be given to all lottery winners prior to signing the reservation form. The lottery winner process requires this to be signed and witnessed prior to closing.



Information and Application for Affordable Homeownership New Construction Condominium Units The Lex at 93 Bedford Street Lexington, MA 02420

Three 2-Bedroom Units - \$294,200
One 3-Bedroom Unit - \$325,500

This packet contains specific information for the purchase of four deed restricted condominium units in Lexington, MA, including the eligibility requirements, the selection process, and a lottery application form.

The key milestones for this housing opportunity:

- Application Period opens TBD
- Information Session TBD, 6pm <https://us02web.zoom.us/j/3497197633>
- Application Deadline TBD, 1pm
- Lottery TBD, 11am, ***via online meeting – details for joining meeting provided to eligible applicants via email***

This application is a first step in the lottery process and does not assure you a home. Applicants must secure approval for a mortgage loan, submit evidence of such approval together with the application, and be ready to buy.

Please contact the agent below for any questions or to submit your application:

Jenicia Pontes
Regional Housing Services Office
37 Knox Trail, Acton, MA 01720
(978) 287-1091
JenP@rhsousing.org

Project description

The Lex is a community of 32 condominium units, consisting of 2 and 3 bedrooms, as well as a two-family home, consisting of two one-bedroom dwelling units close to local businesses and Lexington center. The development is within walking distance to Lexington Center and a quarter mile to the Worthen/Bedford Street shopping area and Minuteman Bikeway.

In total, the project proposes new construction of a 30-unit, 3-story condominium residential building consisting of 18 two-bedroom dwelling units and 12 three-bedroom dwelling units with 39 underground and 15 surface level parking spaces, and renovation of the historic two-family home for two one-bedroom dwelling units with attached garage and new build of a bicycle shed for 48 bicycle parking spaces in total.

The historic two-family home and garage will be relocated to the front of the lot with interior renovations for two one-bedroom market rate dwelling units, and the garage in the historic home will host parking spaces for 20 bicycles. A bicycle shed will be built to host 28 bicycles. The bicycle shed will have electrical outlets to charge electric bicycles.

When complete, the 30-unit condominium building will include 4 affordable dwelling units, 39 underground parking spaces including 2 ADA spaces and 3 EV charger spaces as well as 15 surface level parking spaces.

The Lex – 93 Bedford Street, Lexington, MA - Housing Application

The four (4) affordable units will consist of 3 two-bedrooms and 1 three-bedroom as follows:

Unit 102 - 1,735 SF, three bedrooms on first floor level

Unit 204 - 1,468 SF, two bedrooms on second floor level

Unit 209 - 1,475 SF, two bedrooms on second floor level

Unit 305 - 1,477 SF, two bedrooms on third floor level

The four affordable units will include two bathrooms, an open kitchen, an open living/dining area, balcony, laundry room, mudroom and an underground parking space. The Lex is an all-electric building with state-of-the-art energy efficiency features. The interiors will feature modern millwork and solid core doors. The kitchens consist of shaker style painted cabinetry, granite countertops, GE stainless steel refrigerator, dishwasher, electric range and microwave. Flooring will be hardwood in the living and kitchen areas, tile in the bathrooms, and carpet in the bedrooms. Each unit will have its own circuit breaker panel and individual electric meter. Prewiring for one electric car outlet near underground space, outlet installation and car charger supplied/installed by buyer. Switches and outlets will be decora style white. The laundry will include a washing machine and electric dryer.

The marketing of the units will start during construction.

The purchase price to an eligible buyer for a 2BR is \$294,200 and for a 3BR is \$325,500 and set to be affordable to a buyer at or below 80% of the Boston Area Median Income. Homeowners are also required to pay monthly real estate taxes, and the Lexington tax rate is \$12.25 per \$1,000 of valuation. The estimated monthly sales tax for a 2-bedroom is \$301 and for a 3-bedroom it is \$332. The condominium fee is currently \$154/month for the 2BR units and \$181/month for the 3BR units, and the Condominium Association has rules and regulations for all owners that describe the operation of the condominium.

This property is offered at a discounted rate and, as such, this and all future sales of the property will be in accordance with those guidelines and Deed Rider to the unit. This property will be sold below the market price with deed restrictions which protect the property in perpetuity using resale price limitations.

We invite you to read this information and submit an application, with the supplemental information. This application can be downloaded from the RHSO website and can be sent to you upon request.

Lottery Description:

1. The application for this housing opportunity will be generally available, including on-line, in hardcopy at the Regional Housing Services Office and Concord town office, and sent to anyone interested in the lottery. Notice of the lottery will be advertised, and communicated widely through local, regional and state channels.
2. Applications are to be submitted with all required information by the deadline. Applications can be mailed to or dropped off at the address above. Applications that are dropped off should be placed in the big black metal mailbox outside the RHSO office building. Applications may also be emailed, but accompanying documentation must be compiled such that the total submission email/s has no more than 5 attachments, with the applicant consolidating the information. Applicants are encouraged to complete the checklist as an aide to the process.
3. The applicant's household size will be determined from the application, and the required number of bedrooms as indicated on the application. Priority shall be given to households requiring at least the number of bedrooms in each unit. Smaller households are encouraged to apply.
4. The maximum gross household income will be verified and compared to the HUD 2024 published income limits.
1 person- \$91,200, 2 person- \$104,200, 3 person- \$117,250, 4 person- \$130,250,
5 person- \$140,700, 6 person- \$151,100, 7 person- \$161,550, 8 person- \$171,950
5. Assets: Household assets shall not exceed \$75,000 in value for the affordable unit. Assets include, but are not limited to all cash, cash in savings accounts, checking accounts, gifts, certificates of deposit, bonds, stocks, cash value of retirement accounts, value of real estate holdings and other capital investments. The value of necessary personal property (furniture, vehicles) is excluded from asset values. Assets that are included conform to the guidance from EOHLC, and include retirement and pension funds amounts that can be withdrawn less penalties or transaction costs.

6. Eligible applicants must be a First-time Homebuyer. This is further defined as a household that has not owned a home within three years, including in trust, preceding the application, with the exception of displaced homemaker, single parents and senior households (at least one household member is 55 or over). Any previously or currently owned home must be sold prior to purchase of the affordable unit.

A displaced homemaker is an individual who is an adult, who has owned a home only with a spouse, who is legally separated from a spouse, and who does not currently own the home previously owned with a spouse.

Single parents are individuals who owned a home with his or her partner or resided in a home owned by the partner and is a single parent (is unmarried or legally separated from a spouse and either has 1 or more children of whom the individual has custody or joint custody, or is pregnant);

Additional exceptions are made for households that owned a principal residence not permanently affixed to a permanent foundation, and households that owned a property that was not in compliance with State, local or model building codes.

Eligible applicants cannot own residential property, whether for primary, secondary or investment purposes.
7. Persons must submit all the necessary information by the application deadline. Late applications (applications mailed and/or received after the above date) and applications that are incomplete will not be accepted. No faxed or emailed applications will be accepted.
8. All applicants will be screened for eligibility. Applicants who have been deemed ineligible will be notified in writing of the decision and given time to contact the lottery agent in writing to disagree with the determination.
9. Once the Lottery Agent has verified the information contained in the application and confirmed eligibility, a lottery number or numbers and lottery form will be issued, and the applicant will move forward to the lottery.
10. A final lottery eligibility letter will be mailed to each applicant indicating their final eligibility determination and the lottery specifics (date/time).
11. The lottery numbers will be pulled randomly in a public setting. Lottery numbers will be assigned a number in the sequence in which they are drawn and recorded in the order of selection on the Lottery Drawing Lists. The list of numbers drawn will be posted and letters will be mailed within three business days to the winners.
12. Once the tickets have been randomly drawn and listed in the drawn order, the units are then ranked based on bedroom size. The top ranked household needing at least the number of bedrooms in the unit will be offered the opportunity to purchase the unit. The household size preference shall be given to households based on the following criteria.
 - There is at least one occupant per bedroom.
 - A husband and wife, or those in a similar living arrangement, shall be required to share a bedroom.
 - Other household members may share but shall not be required to share a bedroom.
13. The lottery agent shall maintain all Lottery Drawing Lists. In the event that any of the applicants withdraw for any reason, or do not comply with the guidelines, the next qualified applicants in the lottery pool ranked by bedroom size need, will be offered the unit.
14. As the Monitoring Agent, EOHLC will then review the buyer's income, assets and other criteria before the buyer can proceed to purchase the unit. Approved applicants will be given 5 days to agree to purchase the unit before the next person can be offered the opportunity.
15. Upon the satisfaction of the qualification requirements of both the Lottery and Monitoring Agent, the qualified buyer is then able to move forward and execute the Purchase and Sale with the seller. The qualified buyer will be given reasonable time to sign a Purchase and Sale, 3 weeks, and provide a nominal deposit with the P&S.
16. All potential buyers are encouraged to attend a First Time Homebuyer Class prior to closing. Organizations offering these classes can be found at www.chapa.org.
17. The State programs and bank products have specific closing and financing requirements. Current mortgage requirements include:
 - The loan must have a fair and fixed interest rate through the full term of the mortgage.

The Lex – 93 Bedford Street, Lexington, MA - Housing Application

- Family mortgages are not approved for this project.
 - The loan can have no more than 2 points.
 - The buyer must provide a down payment of at least 3%; half must come from the buyer's own funds.
 - Non-household members shall not be permitted as co-signers of the mortgage.
 - The buyer may not pay more than 38% of their monthly income for monthly housing costs.
 - Loans from non-institutional lenders will not be accepted.
18. The Fair Housing Act prohibits discrimination in housing because of Race or color, National origin, Religion, Sex, Familial status. An applicant who believes that they have been discriminated against in the buyer selection and sales process may contact: the Massachusetts Commission Against Discrimination; and/or the United States Department of Housing and Urban Development.
19. Disabled persons are entitled to request reasonable accommodation of rules, policies, or services, or reasonable modification of housing.
20. Resale process: The Monitoring Agents (EOHLC and Town of Lexington) have up to 90 days after you give notice of your intention to sell the home to close on a sale to an Eligible Purchaser, or to close on a sale to a Monitoring Agent, or to a buyer that one of them may designate. This time period can be extended, as provided in the LIP Deed Rider, to arrange for details of closing, to locate a subsequent purchaser if the first selected purchaser is unable to obtain financing, or for lack of cooperation on your part. If you attempt to sell or transfer the home without complying with the LIP Deed Rider requirements, the Monitoring Agents may, among their other rights, void any contract for such sale or the sale itself.

The Lex – 93 Bedford Street, Lexington, MA - Housing Application

AFFORDABLE HOUSING APPLICATION

Applicant Legal Name _____ Phone Number _____

Address _____ City _____ State/Zip _____

Email (please write legibly*) _____

Applicant Legal Name _____ Phone Number _____

Address _____ City _____ State/Zip _____

Email (please write legibly*) _____

***Note: Email will be main method of communication. Please provide an email address and remember to write clearly.**

I learned of this Housing Opportunity from (check all that applies):

Website: _____ Letter: _____ Advertisement: _____ Other: _____

THIS APPLICATION IS NOT COMPLETE IF NOT SUBMITTED WITH:

_____ Completed application signed by all individuals over the age of 18.

_____ Copy of 2021, 2022 and 2023 Federal tax returns, as filed, with W-2's and schedules for 2023 tax return, for every current or future person living in the household over the age of 18. State returns are not required.

- **If you do not have copies of your Federal tax returns, you must complete form 4506-T & submit to the IRS for transcripts of your tax return or verification of non-filing. Obtain a copy of the form at irs.gov.**

_____ Copy of five most recent consecutive pay stubs.

_____ Current statements and documents that indicate the payment amounts from all other sources of income of all members listed on the application, i.e. family support, alimony, child support, Social Security benefits, pensions, unemployment compensation, workman's compensation, disability and any other form of income. Equivalent of IRS form Schedule C (current within 6 months) for self-employment income.

_____ Current statements (last 3 consecutive months for each account) of all assets, including international assets, showing current value including all bank accounts, investment accounts, cash life insurance policies, retirement accounts:

- **On financial institution letterhead, Include all pages**
- **Please explain any non-payroll deposits over \$500 by notation on the statement.**

_____ Mortgage pre-approval and proof of adequate assets to cover down payment and closing costs. These units are not eligible for family loans, and applicants cannot spend more than 38% of their monthly income for monthly housing costs.

_____ Documentation regarding current interest in real estate, if applicable.

_____ No Income Statement, signed and notarized, for any household member over 18 with no source of income, if applicable, containing the language "Under penalties of Perjury."

_____ No Child Support Statement, signed and notarized, if applicable, containing the language "Under penalties of Perjury."

_____ Gift Letter, signed by donor, if applicable, indicating that there is no expected repayment of the gift.

The Lex – 93 Bedford Street, Lexington, MA - Housing Application

Household Information - List all members of your household including yourself. Number of Bedrooms Needed: _____

	Names of all Persons to Reside in Dwelling (First Name, Middle Initial, Last Name)	Relation to Head	Age	Date of Birth	Social Security Number
1					
2					
3					
4					
5					
6					
7					
8					

Property - Do you own or have an interest in any real estate, land and/or mobile home? Yes () No ()

Address: _____ Current Value: _____

If Yes: Current assessment is \$_____ [provide statement from Town]

Outstanding mortgage is \$_____ [provide statement from Lender]

Have you sold real estate or other property in the past three years? Yes () No () If yes, attach settlement statement

When: _____ Address: _____

Sales Price: _____, [Provide sales settlement form]

Purchase Price plan: Purchase price is \$294,600 – 2 Bedroom ; \$325,000 – 3 Bedroom

- Amount and source of Down Payment: _____
- Amount and source of Gift: _____
- Amount of Mortgage: _____
- Available funds for Closing Costs: _____

The Lex – 93 Bedford Street, Lexington, MA - Housing Application

Income - List all income of all members over the age of 18 listed on application to reside in the unit, such as wages, child support, Social Security benefits, all types of pensions, employment, Unemployment Compensation, Workman's Compensation, alimony, disability or death benefits and any other form of income; including rental income from property. Adults with no income are required to submit a notarized statement. If additional space is needed, please attach another sheet.

Please include a copy of last consecutive three months of pay stubs, for all salaried employed household members over 18.

#	Source of Income	Address/Phone# of Source	Amount per Year
1			
2			
3			
4			
5			
TOTAL			

Assets - List all checking, savings accounts, CD's, stocks, bonds, retirement accounts, savings bonds, any gifts expected and any other investments below. If additional space is needed, please attach another sheet. Household assets do not include necessary personal property.

Please include copies of last consecutive three months statements of all assets showing current value including all bank accounts, investment accounts, retirement accounts, on organization letterhead with all pages

#	Type of Asset	Bank/Credit Union Name	Account No	Value, Balance
1	Checking account			
2	Savings account			
3	Retirement account			
4	Other: _____			
5	Other: _____			
6	Other: _____			
7	Other: _____			
TOTAL				

The Lex – 93 Bedford Street, Lexington, MA - Housing Application

APPLICANT(S) CERTIFICATION

I/We certify that our household size is _____ persons, as documented herein.

I/We certify that our total household income equals \$ _____, as documented herein.

I/We certify that our household has assets totaling \$ _____, as documented herein.

I/We certify that the information in this application and in support of this application is true and correct to the best of my/our knowledge and belief under full penalty of perjury. I/We understand that false or incomplete information may result in disqualification from further consideration.

I/We certify that I am/we are not related to any party of this project.

I/we understand that it is my/our obligation to secure the necessary mortgage for the purchase of the home and all expenses, including closing costs and down payments, are my/our responsibility.

I/We understand that if I/we do not obtain a mortgage commitment and sign a purchase and sale agreement within forty-five days after the lottery, the unit will be offered to the next eligible applicant on the waiting list.

I/We understand the provisions regarding resale restrictions and agree to the restriction. You must notify the Monitoring Agent when you wish to sell. The unit cannot be refinanced without prior approval of EOHLC or the Monitoring Agent, no capital improvements can be made without the Monitoring Agent pre-approval; the unit must be owner's primary residence; the resale price is calculated according to the deed rider; and an increase in equity is very minimal to ensure affordability over time; the deed rider remains in effect in perpetuity. All prospective buyers are advised to review the deed rider with their own attorney to fully understand its provisions.

I/We have been advised that a copy of the Local Initiative Program Deed Rider is available from the RHSO, and on the EOHLC website: [LIP Deed Rider](#).

I/We understand that if I/we are selected to purchase a home, I/we must continue to meet all eligibility requirements of the Lottery/Resale Agent and any participating lender(s) until the completion of such purchase. I/We understand that I/we must be qualified and eligible under any and all applicable laws, regulations, guidelines, and any other rules and requirements. I/We understand that the Lottery/Resale Agent makes no representation on the availability or condition of the unit.

Your signature(s) below gives consent to the Lottery/Resale Agent or its designee to verify information provided in this application. The applicant agrees to provide additional information on request to verify the accuracy of all statements in this application. No application will be considered complete unless signed and dated by the Applicant/Co-Applicant.

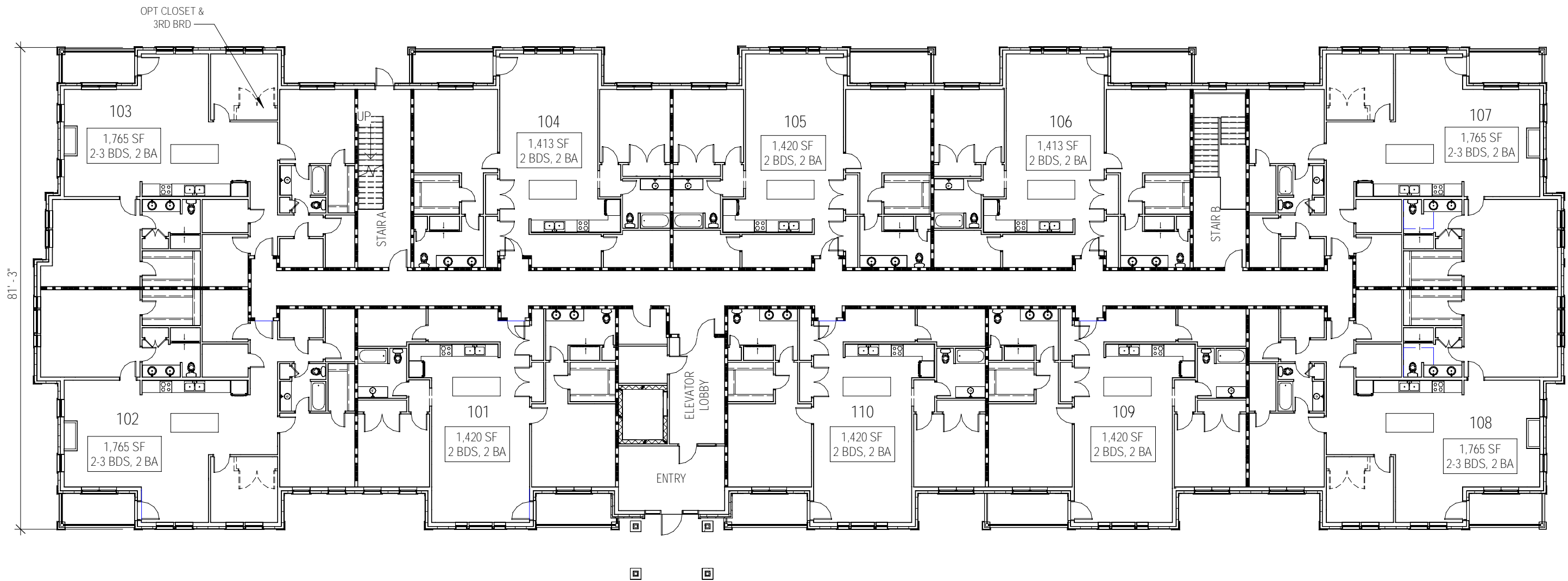
Applicant Signature

Date

Co-Applicant Signature

Date

THIS IS APPLICATION IS ONLY FOR THESE SPECIFIC UNITS.



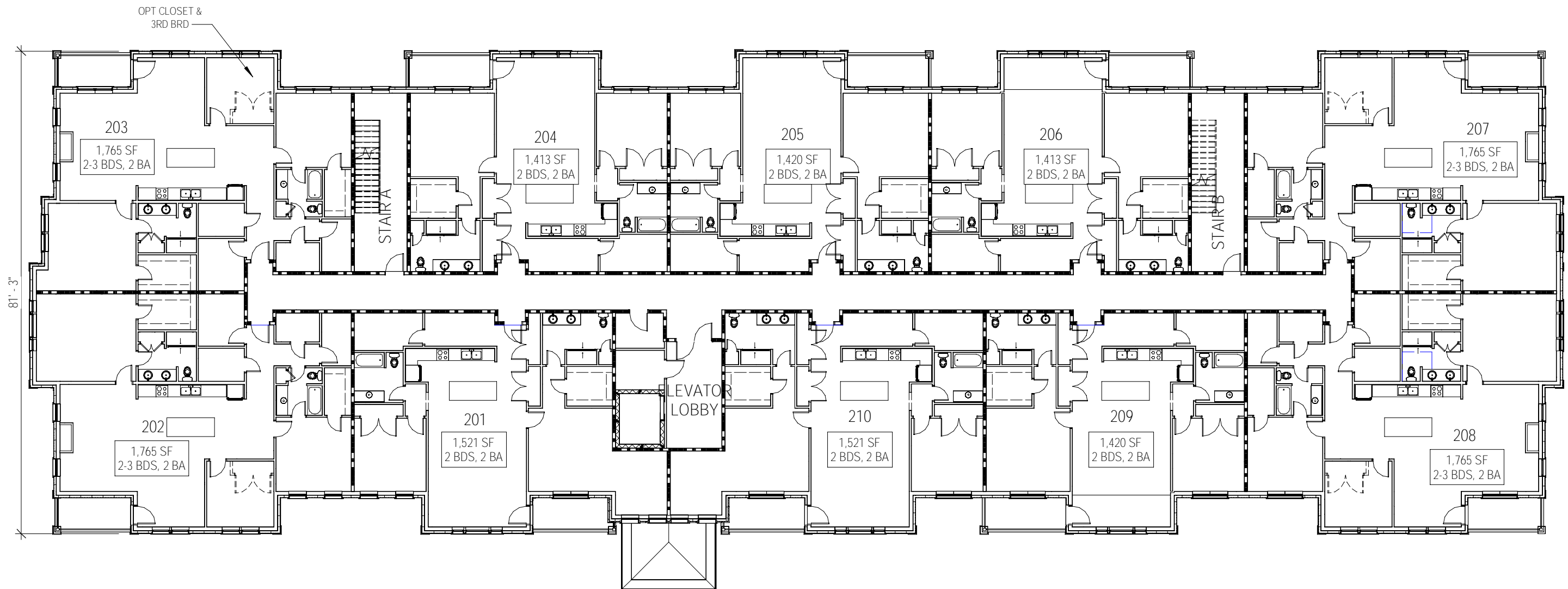
PROJECT NOTES

- Levels: 3 + Basement
- Unit Area: unit areas are measured from inside face of exterior wall to center of interior demising walls
- Unit Mix
 - Total Units: 30
 - 2 Bedroom: 6 per floor = 18
 - 2-3 Bedroom: 4 per floor=12
- Garage
 - 40 parking spaces, including 2 ADA
 - 33 storage units

LEVEL 1
89 BEDFORD ST

SCALE: As indicated
 4/12/2024





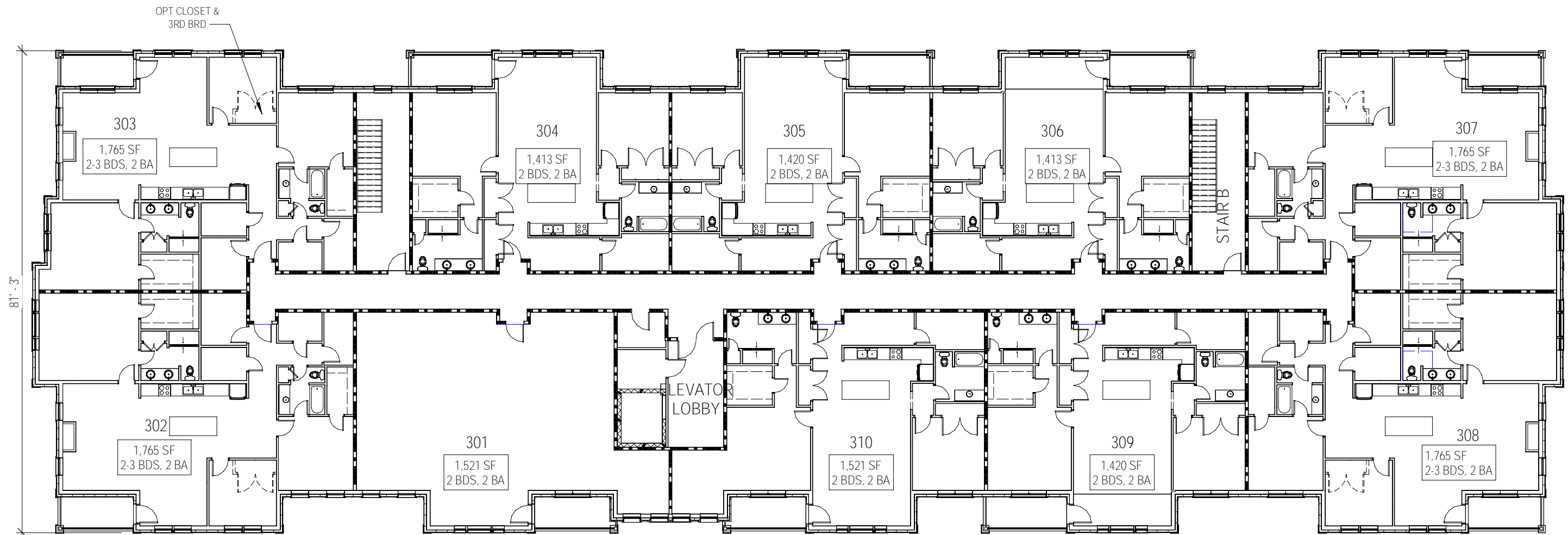
PROJECT NOTES

- Levels: 3 + Basement
- Unit Area: unit areas are measured from inside face of exterior wall to center of interior demising walls
- Unit Mix
 - Total Units: 30
 - 2 Bedroom: 6 per floor = 18
 - 2-3 Bedroom: 4 per floor=12
- Garage
 - 40 parking spaces, including 2 ADA
 - 33 storage units

LEVEL 2
89 BEDFORD ST

SCALE: As indicated
 4/12/2024





PROJECT NOTES

- Levels: 3 + Basement
- Unit Area: unit areas are measured from inside face of exterior wall to center of interior demising walls
- Unit Mix
 - Total Units: 30
 - 2 Bedroom: 6 per floor = 18
 - 2-3 Bedroom: 4 per floor=12
- Garage
 - 40 parking spaces, including 2 ADA
 - 33 storage units

LEVEL 3
89 BEDFORD ST

SCALE: As indicated
 4/12/2024



LOCAL INITIATIVE PROGRAM
REGULATORY AGREEMENT
AND
DECLARATION OF RESTRICTIVE COVENANTS
FOR
OWNERSHIP PROJECT

This Regulatory Agreement and Declaration of Restrictive Covenants (the "Agreement") is made this ____ day of _____ 20__ by and among the Commonwealth of Massachusetts, acting by and through the Executive Office of Housing and Livable Communities ("EOHLC"), pursuant to G.L. c. 23B §1 as amended by Chapter 7 of the Acts of 2023, the City/Town of Lexington ("the Municipality"), and FK Partners Lexington LLC, a Massachusetts corporation/limited partnership/limited liability company, having an address at 181 Bedford St, Lexington MA 02420, and its successors and assigns ("Project Sponsor").

WITNESSETH:

WHEREAS, pursuant to G.L. c. 40B, §§ 20-23 (the "Act") and the final report of the Special Legislative Commission Relative to Low- and Moderate-Income Housing Provisions issued in April 1989, regulations have been promulgated at 760 CMR 56.00 (the "Regulations") which establish the Local Initiative Program ("LIP");

WHEREAS, the Project Sponsor intends to construct a housing development known as _____ The Lex _____ at a 1.59-acre site on 93 Bedford Street Street/Road in the Municipality, more particularly described in Exhibit A attached hereto and made a part hereof (the "Project");

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WHEREAS, such Project is to consist of a total number of 30 condominium units/detached dwellings (the "Units") and 4 of the Units will be sold at prices specified in this Agreement to persons or households with incomes at or below eighty percent (80%) of the regional median household income (the "Low- and Moderate-Income Units");

WHEREAS, ~~[For comprehensive permit projects add: upon application of the Chief Executive Officer of the Municipality (as that term is defined in the Regulations) and the Project Sponsor, EOHLC made a determination of project eligibility pursuant to 760 CMR 56.04 and the Project Sponsor has received a comprehensive permit from the Zoning Board of Appeals of the Municipality, which permit is recorded/filed at the _____ Registry of Deeds/Registry District of the Land Court (the "Registry") in Book _____, Page _____/as Document No. _____ (the "Comprehensive Permit)] [For Local Action Units add: the Chief Executive Officer of the Municipality (as that term is defined in the Regulations) and the Project Sponsor have made application to EOHLC to certify that the units in the Project are Local Action~~

Units (as that term is defined in the *Comprehensive Permit Guidelines* (the “Guidelines”)) published by EOHLC with the LIP Program; and

WHEREAS, in partial consideration of the execution of this Agreement, ~~for comprehensive permit projects add: EOHLC is issuing its final approval of the Project within the LIP Program pursuant to Section 19 of this Agreement, and has given and will give technical and other assistance to the Project~~ ~~for Local Action Units add: EOHLC has given and will give technical and other assistance to the Project~~;

NOW, THEREFORE, in consideration of the agreements and covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which each of the parties hereto hereby acknowledge to the other, EOHLC, the Municipality, and the Project Sponsor hereby agree and covenant as follows:

1. The Project Sponsor agrees to construct the Project in accordance with plans and specifications approved by the Municipality (the “Plans and Specifications”) ~~for comprehensive permit projects add: and in accordance with all terms and conditions of the Comprehensive Permit~~. In addition, all Low- and Moderate-Income Units to be constructed as part of the Project must be indistinguishable from other Units in the Project from the exterior (unless the Project has an approved “Alternative Development Plan” as set forth in the *Comprehensive Permit Guidelines* (the “Guidelines”)) published by EOHLC, and must contain complete living facilities including but not limited to a stove, refrigerator, kitchen cabinets, plumbing fixtures, and washer/dryer hookup, all as more fully shown in the Plans and Specifications.

- of the Low- and Moderate-Income Units shall be one-bedroom units;
- 3 of the Low- and Moderate-Income Units shall be two-bedroom units;
- 1 of the Low- and Moderate-Income Units shall be three-bedroom units; and,
- of the Low- and Moderate-Income Units shall be four-bedroom units.

All Low- and Moderate-Income Units to be occupied by families must contain two or more bedrooms. Low- and Moderate-Income Units must have the following minimum areas:

one-bedroom units	-	700 square feet
two-bedroom units	-	900 square feet
three-bedroom units	-	1200 square feet
four-bedroom units	-	1400 square feet

The Project must fully comply with the State Building Code and with all applicable state and federal building, environmental, health, safety and other laws, rules, and regulations, including without limitation all applicable federal and state laws, rules and regulations relating to the operation of adaptable and accessible housing for persons with disabilities. ~~For comprehensive permit projects add: Except to the extent that the Project is exempted from such compliance by the Comprehensive Permit,~~ ~~the Project must also comply with all applicable local codes, ordinances and by-laws.~~

Each Low- and Moderate-Income Unit will be sold for no more than the price set forth in Exhibit B attached hereto and made a part hereof to an Eligible Purchaser. An Eligible Purchaser is a Family (i) whose annual income does not exceed eighty percent (80%) of the Area median income adjusted for family size as determined by the U. S. Department of Housing and Urban Development and (ii) whose assets do not exceed the limits specified in the Guidelines. A “Family” shall mean two or more persons who will live regularly in the Low- or Moderate-Income Unit as their primary residence and who are related by blood, marriage, or operation of law or who have otherwise evidenced a stable inter-dependent relationship; or an individual. The “Area” is defined as the Boston-Cambridge-Quincy MSA/HMFA/County.

2. Upon the occurrence of one of the events described in 760 CMR 56.03(2), the Project will be included in the Subsidized Housing Inventory as that term is described in 760 CMR 56.01. Only Low- and Moderate-Income Units will be counted as SHI Eligible Housing as that term is described in 760 CMR 56.01 for the purposes of the Act.

3. (a) At the time of sale of each Low- and Moderate-Income Unit by the Project Sponsor, the Project Sponsor shall execute and shall as a condition of the sale cause the purchaser of the Low- and Moderate-Income Unit to execute an Affordable Housing Deed Rider in the form of Exhibit C attached hereto and made a part hereof (the “Deed Rider”). Such Deed Rider shall be attached to and made a part of the deed from the Project Sponsor to the Unit Purchaser. Each such Deed Rider shall require the Unit Purchaser at the time he desires to sell the Low- and Moderate-Income Unit to offer the Low- and Moderate-Income Unit to the Municipality and to EOHLIC at a discounted purchase price more particularly described therein. The Municipality and EOHLIC shall have the option upon terms more particularly described in the Deed Rider to either purchase the Low- and Moderate-Income Unit or to find an Eligible Purchaser. The Deed Rider shall require the Unit Purchaser and the Eligible Purchaser to execute at the time of resale a Deed Rider identical in form and substance to the Deed Rider then in effect with respect to the Low- and Moderate-Income Unit which will be attached and made a part of the deed from the Unit Purchaser to the Eligible Purchaser, so that the affordability of the Low- and Moderate-Income unit will be preserved each time that subsequent resales of the Low- and Moderate-Income unit occur. (The various requirements and restrictions regarding resale of a Low- and Moderate-Income Unit contained in the Deed Rider are hereinafter referred to as the (“Resale Restrictions”). If upon the initial resale or any subsequent resale of a Low- and Moderate-Income Unit, the Municipality and EOHLIC are unable to find an Eligible Purchaser for the Low- and Moderate-Income Unit, and the Municipality and EOHLIC each elect not to exercise its right to purchase the Low- and Moderate-Income Unit, then the then current owner of the Low- and Moderate-Income Unit shall have the right to sell the Low- and Moderate-Income Unit to any person, regardless of his income (an “Ineligible Purchaser”) at the Maximum Resale Price and subject to all rights and restrictions contained in the Deed Rider, and provided that the Unit is conveyed subject to a Deed Rider identical in form and substance to the Deed Rider then in effect with respect to the Low- and Moderate-Income Unit which will be attached and made part of the deed from the Unit Purchaser to the Ineligible Purchaser.

(b) For each sale of a Low- and Moderate-Income Unit, EOHLC must approve the terms of the Eligible Purchaser's mortgage financing as evidenced by EOHLC's issuance of the Resale Price Certificate described in the Deed Rider.

(c) The Municipality agrees that in the event that it purchases a Low- and Moderate-Income Unit pursuant to its right to do so contained in the Deed Rider then in effect with respect to such Low- and Moderate-Income Unit, that the Municipality shall within six (6) months of its acceptance of a deed of such Low- and Moderate-Income Unit, either (i) sell the Low- and Moderate-Income Unit to an Eligible Purchaser at the same price for which it purchased the Low- and Moderate-Income Unit plus any expenses incurred by the Municipality during its period of ownership, such expenses to be approved by EOHLC, subject to a Deed Rider satisfactory in form and substance to EOHLC and the recording of an Eligible Purchaser Certificate satisfactory in form and substance to EOHLC, the method for selecting such Eligible Purchaser to be approved by EOHLC or (ii) rent the Low- and Moderate-Income Unit to a person who meets the income guidelines of the LIP Program, upon terms and conditions satisfactory to EOHLC and otherwise in conformity with the requirements of the LIP Program. If the Municipality fails to sell or rent the Low- and Moderate-Income unit as provided herein within said six (6) month period, or if at any time after the initial rental of the Low- and Moderate-Income Unit by the Municipality as provided herein the Low- and Moderate-Income Unit becomes vacant and remains vacant for more than ninety (90) days, then such Low- and Moderate-Income Unit shall cease to be counted as SHI Eligible Housing, and shall no longer be included in the Subsidized Housing Inventory.

(d) Each Low- and Moderate-Income Unit will remain SHI Eligible Housing and continue to be included in the Subsidized Housing Inventory for as long as the following three conditions are met: (1) this Agreement remains in full force and effect and neither the Municipality nor the Project Sponsor is in default hereunder; (2) the Project and Low- and Moderate-Income Unit each continue to comply with the Regulations and the Guidelines as the same may be amended from time to time; and (3) either (i) a Deed Rider binding the then current owner of the Low- and Moderate-Income Unit to comply with the Resale Restrictions is in full force and effect and the then current owner of the Low- and Moderate-Income Unit is either in compliance with the terms of the Deed Rider, or the Municipality is in the process of taking such steps as may be required by EOHLC to enforce the then current owner's compliance with the terms of the Deed Rider or (ii) the Low- and Moderate-Income Unit is owned by the Municipality and the Municipality is in compliance with the terms and conditions of the last preceding paragraph, or (iii) the Low- and Moderate-Income Unit is owned by EOHLC.

4. Intentionally Omitted~~For comprehensive permit projects where the Project Sponsor is a for-profit entity add:~~

~~(a) Effective August 7, 2007, EOHLC has adopted the policies, procedures, and forms for determining limited dividend compliance set forth in the MassHousing document entitled "Preparation of Cost Certification upon Completion of Homeownership 40B Project for Which MassHousing Serves as Project Administrator: Guidance to Developers and Municipalities" (the "MassHousing Guidance"). The MassHousing Guidance shall govern the cost certifications obligations of the Project Sponsor under this Agreement.~~

~~_____ (b) _____ The Project Sponsor shall be a limited dividend organization as defined by 760 CMR 56.01. Project Sponsor agrees that the aggregate profit from the Project which shall be payable to Project Sponsor or to the partners, shareholders or other owners of Project Sponsor or the Project shall not exceed twenty percent (20%) of total development costs of the Project, which development costs have been approved by EOHLC (the “Allowable Profit”).]~~

~~_____ (c) _____ Within one hundred eighty (180) days after Substantial Completion of the Project (as that term is defined in the MassHousing Guidance) or, if later, within sixty (60) days of the date on which all units in the Project are sold, the Project Sponsor shall deliver to the Municipality and to EOHLC an itemized statement of total development costs together with a statement of gross income from the Project received by the Project Sponsor to date in form satisfactory to EOHLC (the “Certified Cost and Income Statement”) prepared and certified by a certified public accountant satisfactory to EOHLC. EOHLC requires the prequalification of the certified public accountant hired by the Project Sponsor as more particularly set forth in Article IV (D) of the Guidelines. If all units at the Project have not been sold within twenty four (24) months of Substantial Completion, a sale price for the remaining unsold units shall be imputed in an amount equal to the average of the last three (3) arms length sales of comparable units, and a final Certified Cost and Income Statement shall be required within sixty (60) days thereafter. Prior to EOHLC’s acceptance of the Certified Cost and Income Statement and for a period of 30 days after EOHLC provides the Municipality with its determination of compliance with the limited dividend requirement, the Municipality shall have the option of having the Certified Cost and Income Statement evaluated for accuracy (e.g., absence of material errors) applying the same standards as EOHLC by an independent auditor selected by the Municipality. EOHLC will reasonably review any inaccuracies identified by the Municipality during this period and shall thereafter make a final determination of the Project Sponsor’s compliance with the limited dividend requirement.~~

~~_____ (d) _____ All profits from the Project in excess of the Allowable Profit (the “Excess Profit”) shall be paid by the Project Sponsor to the Municipality. The Municipality agrees that upon the receipt by the Municipality of any Excess Profit, the Municipality shall deposit any and all such Excess Profit into an affordable housing fund, if one exists in the Municipality, and otherwise into a fund established pursuant to G.L. c.44 §53A to be used by the Municipality for the purpose of reducing the cost of Low and Moderate Income Units to Eligible purchasers upon resale or for the purpose of encouraging, creating, or subsidizing the construction or rehabilitation of housing for persons and families of Low and Moderate Income elsewhere in the Municipality. The expenditure of funds from the Affordable Housing Fund shall be reported on an annual basis to EOHLC. For so long as the Project Sponsor complies with the requirements of this Section 4, the Project Sponsor shall be deemed to be a limited dividend organization within the meaning of the Act.]~~

~~_____ [For comprehensive permit projects where the Project Sponsor is a non-profit entity add: Within one hundred eighty (180) days after Substantial Completion of the Project or, if later, within sixty (60) days of the date on which all the units in the Project are sold, the Project Sponsor shall complete and deliver to the Municipality and to EOHLC the section of the Local Initiative Program Application for Comprehensive Permit Projects entitled “Project Feasibility—Ownership Projects” (ownership pro forma, profit analysis, and cost analysis), documenting the actual development costs of and income from the Project, prepared and signed by the Chief~~

~~Financial Officer of the Project Sponsor. Substantial Completion shall be deemed to have occurred when construction of the Project is sufficiently complete so that the Unit may be occupied and amenities may be used for their intended purpose, except for designated punch list items and seasonal work which does not interfere with the residential use of the Low- and Moderate-Income Units.]~~

5. (a) Prior to marketing or otherwise making available for sale any of the Units, the Project Sponsor must obtain EOHLIC's approval of a marketing plan (the "Marketing Plan") for the Low- and Moderate-Income Units. Such Marketing Plan must describe the buyer selection process for the Low- and Moderate-Income Units and must set forth a plan for affirmative fair marketing of Low- and Moderate-Income Units and effective outreach to protected groups underrepresented in the municipality, including provisions for a lottery, consistent with the Regulations and Guidelines. At the option of the Municipality, and provided that the Marketing Plan demonstrates (i) the need for the local preference (e.g., a disproportionately low rental or ownership affordable housing stock relative to need in comparison to the regional area), and (ii) that the proposed local preference will not have a disparate impact on protected classes, the Marketing Plan may also include a preference for local residents for up to seventy percent (70%) of the Low- and Moderate-Income Units, subject to all provisions of the Regulations and Guidelines, provided that any local preference shall apply only to the initial unit sales by the Project Sponsor. When submitted to EOHLIC for approval, the Marketing Plan should be accompanied by a letter from the Chief Executive Officer of the Municipality (as that term is defined in the Regulations) which states that the buyer selection and local preference (if any) aspects of the Marketing Plan have been approved by the Municipality and which states that the Municipality will perform any aspects of the Marketing Plan which are set forth as responsibilities of the Municipality in the Marketing Plan. The Marketing Plan must comply with the Regulations and Guidelines and with all other applicable statutes, regulations and executive orders, and EOHLIC directives reflecting the agreement between EOHLIC and the U.S. Department of Housing and Urban Development in the case of *NAACP, Boston Chapter v. Kemp*. **If the Project is located in the Boston-Cambridge-Quincy, MA-NH MSA, the Project Sponsor must list all Low- and Moderate-Income Units with the Boston Fair Housing Commission's MetroList (Metropolitan Housing Opportunity Clearing Center); other requirements for listing of units are specified in the Guidelines.** All costs of carrying out the Marketing Plan shall be paid by the Project Sponsor.

(b) The Project Sponsor may use in-house staff to draft and/or implement the Marketing Plan, provided that such staff meets the qualifications described in the Guidelines. The Project Sponsor may contract for such services provided that any such contractor must be experienced and qualified under the standards set forth in the Guidelines. A failure to comply with the Marketing Plan by the Project Sponsor or by the Municipality shall be deemed to be a default of this Agreement. The Project Sponsor agrees to maintain for at least five years following the sale of the last Low- and Moderate-Income Unit, a record of all newspaper ads, outreach letters, translations, leaflets, and any other outreach efforts (collectively "Marketing Documentation") as described in the Marketing Plan as approved by EOHLIC which may be inspected at any time by EOHLIC. All Marketing Documentation must be approved by EOHLIC prior to its use by the Project Sponsor or the Municipality. The Project Sponsor and the Municipality agree that if at any time prior to or during the process of marketing the Low- and Moderate-Income Units, EOHLIC

determines that the Project Sponsor, or the Municipality with respect to aspects of the Marketing Plan that the Municipality has agreed to be responsible for, has not adequately complied with the approved Marketing Plan, that the Project Sponsor or Municipality as the case may be, shall conduct such additional outreach or marketing efforts as shall be determined by EOHLC.

6. Neither the Project Sponsor nor the Municipality shall discriminate on the basis of race, religion, color, sex, sexual orientation, familial status, age, disability, marital status, national origin, genetic information, ancestry, children, receipt of public assistance, or any other basis prohibited by law in the selection of buyers for the Units; and the Project Sponsor shall not so discriminate in connection with the employment or application for employment of persons for the construction, operation or management of the Project.

7. (a) The Project Sponsor agrees to comply and to cause the Project to comply with all requirements of the Regulations and Guidelines and all other applicable laws, rules, regulations, and executive orders. EOHLC and the Chief Executive Officer of the municipality shall have access during normal business hours to all books and records of the Project Sponsor and the Project in order to monitor the Project Sponsor's compliance with the terms of this Agreement.

(b) Throughout the term of this Agreement, the Chief Executive Officer shall annually certify in writing to EOHLC that each of the Low- and Moderate-Income Units continues to be occupied by a person who was an Eligible Purchaser at the time of purchase; that any Low- and Moderate-Income Units which have been resold during the year have been resold in compliance with all of the terms and provisions of the Deed Rider then in effect with respect to each such Low- and Moderate-Income Unit, and in compliance with the Regulations and Guidelines and this Agreement; and that the Project and the Low- and Moderate-Income Units have otherwise been maintained in a manner consistent with the Regulations and Guidelines, this Agreement, and the Deed Rider then in effect with respect to each Low- and Moderate-Income Unit.

8. Upon execution, the Project Sponsor shall immediately cause this Agreement and any amendments hereto to be recorded/filed with the Registry, and the Project Sponsor shall pay all fees and charges incurred in connection therewith. Upon recording or filing, as applicable, the Project Sponsor shall immediately transmit to EOHLC and the Municipality evidence of such recording or filing including the date and instrument, book and page or registration number of the Agreement.

9. The Project Sponsor hereby represents, covenants and warrants as follows:

(a) The Project Sponsor (i) is a Limited Liability Company, duly organized under the laws of the Commonwealth of Massachusetts, and is qualified to transact business under the laws of this State, (ii) has the power and authority to own its properties and assets and to carry on its business as now being conducted, and (iii) has the full legal right, power and authority to execute and deliver this Agreement.

(b) The execution and performance of this Agreement by the Project Sponsor (i) will not violate or, as applicable, has not violated any provision of law, rule or regulation, or

any order of any court or other agency or governmental body, and (ii) will not violate or, as applicable, has not violated any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the Project Sponsor is a party or by which it or the Project is bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.

(c) The Project Sponsor will, at the time of execution and delivery of this Agreement, have good and marketable title to the premises constituting the Project free and clear of any lien or encumbrance (subject to encumbrances created pursuant to this Agreement, any loan documents relating to the Project the terms of which are approved by EOHLC, or other permitted encumbrances, including mortgages referred in paragraph 10, below).

(d) There is no action, suit or proceeding at law or in equity or by or before any governmental instrumentality or other agency now pending, or, to the knowledge of the Project Sponsor, threatened against or affecting it, or any of its properties or rights, which, if adversely determined, would materially impair its right to carry on business substantially as now conducted (and as now contemplated by this Agreement) or would materially or adversely affect its financial condition.

10. (a) Except for sales of Low- and Moderate-Income Units to Eligible Purchasers and sales of other Units to unit owners in the ordinary course of business as permitted by the terms of this Agreement, the Project Sponsor will not sell, transfer, lease, or exchange the Project or any portion thereof or interest therein (collectively, a "Sale") or (except as permitted under Section (d) below) mortgage the Property without the prior written consent of EOHLC and the Municipality.

(b) A request for consent to a Sale shall include:

- A signed agreement stating that the transferee will assume in full the Project Sponsor's obligations and duties under this Agreement, together with a certification by the attorney or title company that it will be held in escrow and, in the case of any transfer other than a transfer of Beneficial Interests, recorded in the Registry of Deeds with the deed and/or other recorded documents effecting the Sale;
- The name of the proposed transferee and any other entity controlled by or controlling or under common control with the transferee, and names of any affordable housing developments in the Commonwealth owned by such entities;
- A certification from the Municipality that the Project is in compliance with the affordability requirements of this Agreement.

(c) Consent to the proposed Sale shall be deemed to be given unless EOHLC or the Municipality notifies the Project Sponsor within thirty (days) after receipt of the request that either

- The package requesting consent is incomplete, or

- The proposed transferee (or any entity controlled by or controlling or under common control with the proposed transferee) has a documented history of serious or repeated failures to abide by agreements of affordable housing funding or regulatory agencies of the Commonwealth or the federal government or is currently in violation of any agreements with such agencies beyond the time permitted to cure the violation, or
- The Project is not being operated in compliance with the affordability requirements of this Agreement at the time of the proposed Sale.

(d) The Project Sponsor shall provide EOHLC and the Municipality with thirty (30) day's prior written notice of the following:

- (i) any change, substitution or withdrawal of any general partner, manager, or agent of the Project Sponsor; or
- (ii) the conveyance, assignment, transfer, or relinquishment of a majority of the Beneficial Interests (herein defined) in the Project Sponsor (except for such a conveyance, assignment, transfer or relinquishment among holders of Beneficial Interests as of the date of this Agreement).
- (iii) the sale, mortgage, conveyance, transfer, ground lease, or exchange of the Project Sponsor's interest in the Project or any party of the Project.

For purposes hereof, the term "Beneficial Interest" shall mean: (i) with respect to a partnership, any partnership interests or other rights to receive income, losses, or a return on equity contributions made to such partnership; (ii) with respect to a limited liability company, any interests as a member of such company or other rights to receive income, losses, or a return on equity contributions made to such company; or (iii) with respect to a company or corporation, any interests as an officer, board member or stockholder of such company or corporation to receive income, losses, or a return on equity contributions made to such company or corporation.

Notwithstanding the above, EOHLC's consent under this Section 10 shall not be required with respect to the grant by the Project Sponsor of any mortgage or other security interest in or with respect to the Project to a state or national bank, state or federal savings and loan association, cooperative bank, mortgage company, trust company, insurance company or other institutional lender made at no greater than the prevailing rate of interest or any exercise by any such mortgagee of any of its rights and remedies (including without limitation, by foreclosure or by taking title to the Project by deed in lieu of foreclosure), subject, however to the provisions of Section 14 hereof.

The Project Sponsor hereby agrees that it shall provide copies of any and all written notices received by the Project Sponsor from a mortgagee exercising or threatening to exercise its foreclosure rights under the mortgage.

11. Until such time as decisions regarding repair of damage due to fire or other casualty, or restoration after taking by eminent domain, shall be made by a condominium association or trust not controlled by the Project Sponsor, (or if the Project consists of detached dwellings, by homebuyers) Project Sponsor agrees that if the Project, or any part thereof, shall be damaged or destroyed or shall be condemned or acquired for public use, the Project Sponsor will use its best efforts to repair and restore the Project to substantially the same condition as existed prior to the event causing such damage or destruction, or to relieve the condemnation, and thereafter to operate the Project in accordance with the terms of this Agreement, subject to the approval of the Project's lenders, which lenders have been approved by EOHLC and the Municipality.

12. This Agreement shall be governed by the laws of the Commonwealth of Massachusetts. Any amendments to this Agreement must be in writing and executed by all of the parties hereto. The invalidity of any clause, part, or provision of this Agreement shall not affect the validity of the remaining portions hereof.

13. All notices to be given pursuant to this Agreement shall be in writing and shall be deemed given when delivered by hand or when mailed by certified or registered mail, postage prepaid, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate by written notice:

EOHLC: Executive Office of Housing and Livable Communities
Attention: Local Initiative Program Director
100 Cambridge Street, Suite 300
Boston, MA 02114

Municipality:

Town of Lexington
1625 Massachusetts Ave
Lexington Ma 02420
Attn: Town Manager

Project Sponsor:

FK Partners Lexington, LLC
181 Bedford St
Lexington MA 02420

14. (a) This Agreement and all of the covenants, agreements and restrictions contained herein shall be deemed to be an affordable housing restriction as that term is defined in G.L. c. 184, § 31 and as that term is used in G.L. c. 184, § 26, 31, 32 and 33. This Agreement shall bind, and the benefits shall inure to, respectively, the Project Sponsor and its successors and assigns, and EOHLC and its successors and assigns and the Municipality and its successors and assigns. EOHLC has determined that the acquiring of such affordable housing restriction is in the public interest. The term of this Agreement shall be perpetual, provided however, that this

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Agreement shall terminate if (a) at any time hereafter there is no Low- and Moderate-Income Unit at the Project which is then subject to a Deed Rider containing the Resale Restrictions, and there is no Low- and Moderate-Income Unit at the Project which is owned by the Municipality or EOHLIC as provided in Section 4 hereof, ~~For comprehensive permit projects add: or (b) if a Comprehensive Permit is not granted to the Project Sponsor for the Project by either the Municipality's Board of Appeals (as that term is defined in the Regulations) or by the Housing Appeals Committee (as that term is used in the Act) within a period of eighteen months from the date of execution of this Agreement, or (c) if at any time the Comprehensive Permit is revoked and all applicable appeal periods with respect to such revocation have expired].~~The rights and restrictions contained in this Agreement shall not lapse if the Project is acquired through foreclosure or deed in lieu of foreclosure or similar action, and the provisions hereof shall continue to run with and bind the Project.

(b) The Project Sponsor intends, declares and covenants on behalf of itself and its successors and assigns (i) that this Agreement and the covenants, agreements and restrictions contained herein shall be and are covenants running with the land, encumbering the Project for the term of this Agreement, and are binding upon the Project Sponsor's successors in title, (ii) are not merely personal covenants of the Project Sponsor, and (iii) shall bind the Project Sponsor, its successors and assigns and enure to the benefit of EOHLIC and its successors and assigns for the term of the Agreement. Project Sponsor hereby agrees that any and all requirements of the laws of the Commonwealth of Massachusetts to be satisfied in order for the provisions of this Agreement to constitute restrictions and covenants running with the land shall be deemed to be satisfied in full and that any requirements of privity of estate are also deemed to be satisfied in full.

(c) The Resale Restrictions contained in each of the Deed Riders which are to encumber each of the Low- and Moderate-Income Units at the Project pursuant to the requirements of this Agreement shall also constitute an affordable housing restriction as that term is defined in G.L. c. 184, §31 and as that term is used in G.L. c. 184, §§26, 31, 32, and 33. Such Resale Restrictions shall be for the benefit of both EOHLIC and the Municipality and both EOHLIC and the Municipality shall be deemed to be the holder of the affordable housing restriction created by the Resale Restrictions in each of the Deed Riders. EOHLIC has determined that the acquiring of such affordable housing restriction is in the public interest. To the extent that the Municipality is the holder of the Resale Restrictions to be contained in each of the Deed Riders, the Director of EOHLIC by the execution of this Agreement hereby approves such Resale Restrictions in each of the Deed Riders for the Low- and Moderate-Income Units of the Project as required by the provisions of G.L. c. 184, §32.

15. The Project Sponsor and the Municipality each agree to submit any information, documents, or certifications requested by EOHLIC which EOHLIC shall deem necessary or appropriate to evidence the continuing compliance of the Project Sponsor and the Municipality with the terms of this Agreement.

16. (a) The Project Sponsor and the Municipality each covenant and agree to give EOHLIC written notice of any default, violation or breach of the obligations of the Project Sponsor or the Municipality hereunder, (with a copy to the other party to this Agreement) within seven (7) days of first discovering such default, violation or breach (a "Default Notice"). If EOHLIC

becomes aware of a default, violation, or breach of obligations of the Project Sponsor or the Municipality hereunder without receiving a Default Notice from Project Sponsor or the Municipality, EOHLC shall give a notice of such default, breach or violation to the offending party (with a copy to the other party to this Agreement) (the "EOHLC Default Notice"). If any such default, violation, or breach is not cured to the satisfaction of EOHLC within thirty (30) days after the giving of the Default notice by the Project Sponsor or the Municipality, or if no Default Notice is given, then within thirty (30) days after the giving of the EOHLC Default Notice, then at EOHLC's option, and without further notice, EOHLC may terminate this Agreement, or EOHLC may apply to any state or federal court for specific performance of this Agreement, or EOHLC may exercise any other remedy at law or in equity or take any other action as may be necessary or desirable to correct non-compliance with this Agreement.

(b) If EOHLC elects to terminate this Agreement as the result of a breach, violation, or default hereof, which breach, violation, or default continues beyond the cure period set forth in this Section 16(a), then the Low- and Moderate-Income Units and any other Units at the Project which have been included in the Subsidized Housing Inventory shall from the date of such termination no longer be deemed SHI Eligible Housing for the purposes of the Act and shall be deleted from the Subsidized Housing Inventory. The foregoing sentence shall not apply to Low- and Moderate-Income Units that have been conveyed in compliance and remain in compliance with Section 3 of this Agreement.

17. The Project Sponsor represents and warrants that it has obtained the consent of all existing mortgagees of the Project to the execution and recording of this Agreement and to the terms and conditions hereof and that all such mortgagees have executed the Consent and Subordination of Mortgage to Regulatory Agreement attached hereto and made a part hereof.

18. EOHLC may delegate to the Municipality any of its oversight and enforcement responsibilities under this Agreement, with the agreement of the Municipality, by providing written notice of such delegation to the Project Sponsor and the Municipality.

~~[For comprehensive permit projects add:~~

~~19. (a) When executed by EOHLC, this Agreement shall constitute Final Approval of the Project as described in 760 CMR 56.04(7). EOHLC hereby reaffirms and incorporates by reference in this Agreement each of the findings with respect to project eligibility required by 760 CMR 56.04(1) made in the Site Eligibility Letter for the Project dated _____.] ~~[[If the Project Sponsor is a for profit entity add: The Project Sponsor hereby explicitly acknowledges its obligation to comply with the cost examination requirements defined in 760 CMR 56.04(8).]~~~~

~~[[If the Project Sponsor is a for profit entity add:~~

~~(b) The Project Sponsor has provided financial surety in a form and in the amount required by the Guidelines to ensure completion of the cost examination to the satisfaction of the EOHLC and the distribution of excess funds as required at 760 CMR 56.04(8)(e). EOHLC will provide a copy of this Agreement to the Municipality's Board of Appeals as required by 760 CMR 56.04(7).]~~

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Executed as a sealed instrument as of the date first above written.

PROJECT SPONSOR

By: _____
Its:

EXECUTIVE OFFICE OF HOUSING AND
LIVABLE COMMUNITIES

By: _____
Its:

MUNICIPALITY

By: _____
Its:

Attachments: Exhibit A - Legal Property Description
Exhibit B - Prices & Location of Low & Moderate Income Units
Exhibit C - Form of Deed Rider

Consent forms signed by any and all mortgagees whose mortgages are recorded prior to this Regulatory Agreement must be attached to this Regulatory Agreement.

© EOHLC When used in the Local Initiative Program, this form may not be modified without the written approval of the Executive Office of Housing and Livable Communities.

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF _____, ss.

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding document, as _____ of the _____ [Project Sponsor], and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF SUFFOLK, ss.

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding document, as _____ for the Commonwealth of Massachusetts acting by and through the Executive Office of Housing and Livable Communities, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF _____,ss. _____, 20__

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding document, as _____ for the City/Town of _____, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**CONSENT AND SUBORDINATION OF MORTGAGE
TO REGULATORY AGREEMENT**

Reference is hereby made to a certain Mortgage dated _____ given by _____ to _____, recorded with the _____ Registry of Deeds at Book _____, Page _____ (“Mortgage”).

The Undersigned, present holder of said Mortgage, hereby recognizes and consents to the execution and recording of this Agreement and agrees that the aforesaid Mortgage shall be subject and subordinate to the provisions of this Agreement, to the same extent as if said Mortgage had been registered subsequent thereto. The Undersigned further agrees that in the event of any foreclosure or exercise of remedies under said Mortgage it shall comply with the terms and conditions hereof.

[NAME OF LENDER]

By: _____
Its:

(If the Project has more than one mortgagee, add additional consent forms.)

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF _____, ss. _____, 20__

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding document, as _____ of _____ Bank, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Re: _____
(Project name)

(City/Town)

(Developer)

Property Description

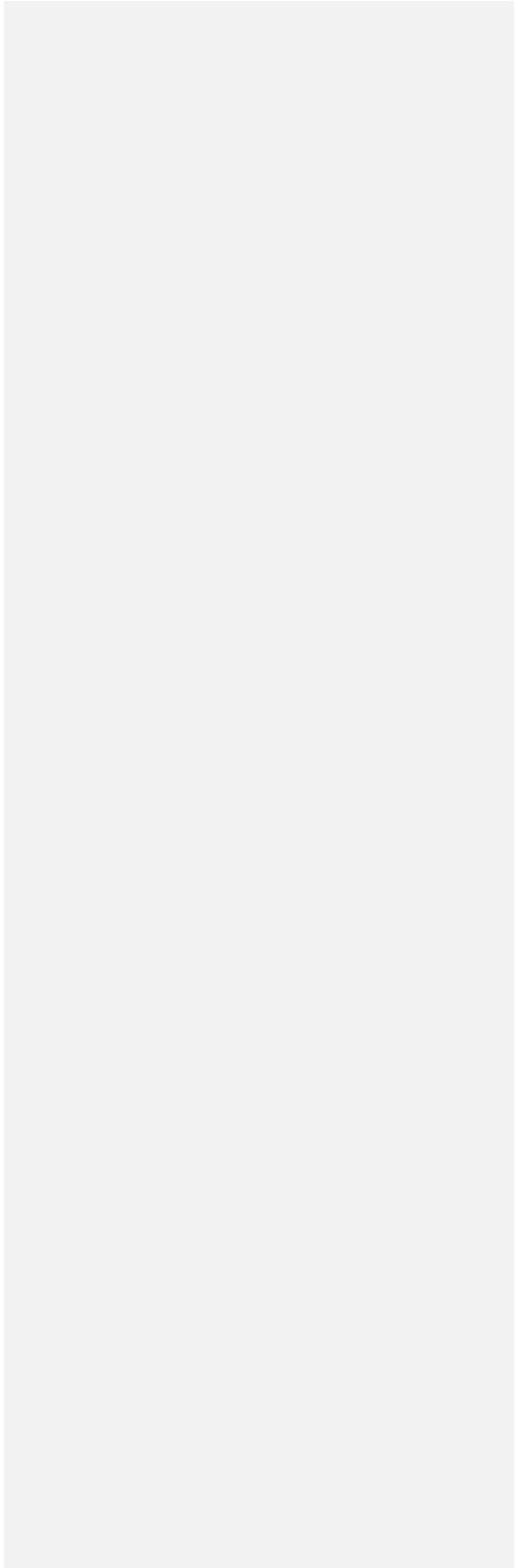


EXHIBIT B

Re: _____
(Project name)

(City/Town)

(Developer)

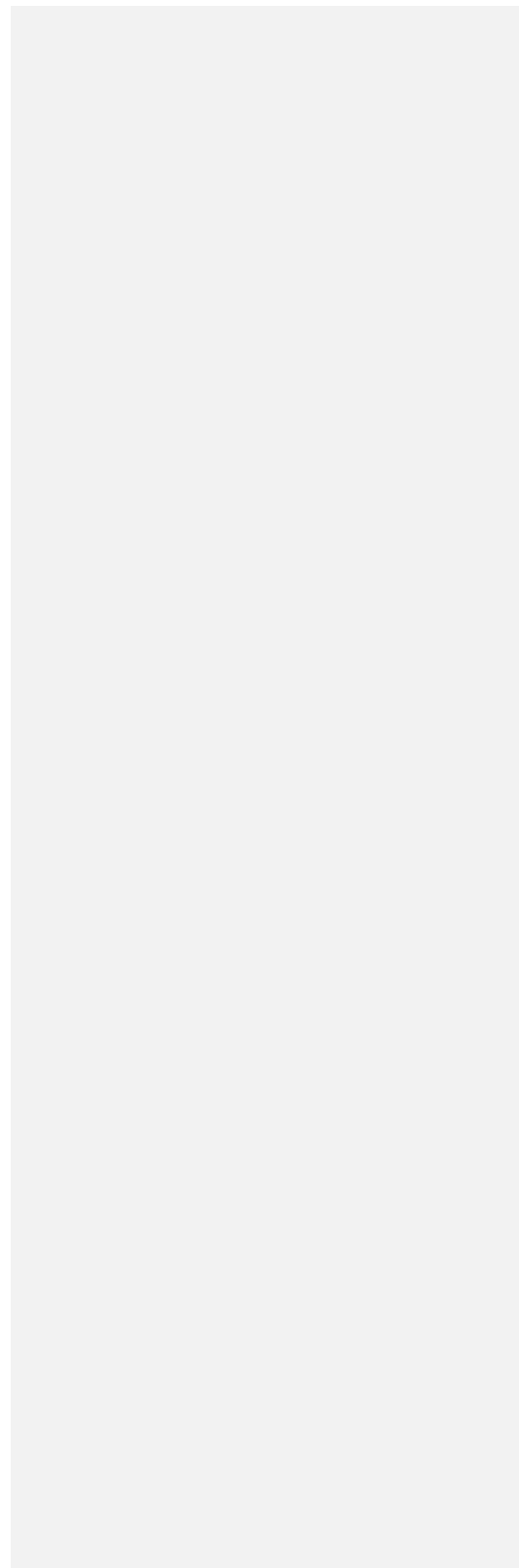
Maximum Selling Prices, Initial Condominium Fees, and Percentage Interest Assigned to Low- and Moderate-Income Units

	<u>Sales Price</u>	<u>Condo Fee</u>	<u>% Interest</u>
One-bedroom units	\$ _____	\$ _____	_____
Two-bedroom units	\$ _____	\$ _____	_____
Three-bedroom units	\$ _____	\$ _____	_____
Four-bedroom units	\$ _____	\$ _____	_____

Location of Low- and Moderate-Income Units

The housing units which are Low- and Moderate-Income Units are those designated as lot/unit numbers _____ on:

- a plan of land entitled _____ recorded with the _____ Registry of Deeds in Book ____, Page ____.
- floor plans recorded with the Master Deed of the _____ recorded with the _____ Registry of Deeds in Book ____, Page ____.





MEMBERS OF THE PLANNING BOARD:

MICHAEL SCHANBACHER, CHAIR, ROBERT CREECH, VICE CHAIR
MELANIE THOMPSON, CLERK, CHARLES HORNIG, ROBERT D. PETERS,
MICHAEL LEON, ASSOCIATE MEMBER

**DECISION OF THE LEXINGTON PLANNING BOARD
MAJOR SITE PLAN REVIEW & STORMWATER PERMIT**

**89 Bedford Street
Map 64, Lot 161**

August 14, 2024

APPLICANT: FK Partners Lexington, LLC
181 Bedford Street
Lexington, MA 02420

PROPERTY OWNER(S) Lester & Nancy Savage
9 Meriam Street, Suite 10
Lexington, MA 02420

PROPERTY LOCUS: 89 Bedford Street (Map 64, Lot 161)
Lexington, MA 02420

APPLICATION DATE: Filed with the Town Clerk on April 30, 2024

PUBLIC HEARING INFORMATION: Notice of public hearing published in the *Lexington Minuteman* newspaper on May 16, 2024 and May 23, 2024.
Notice of public hearing posted by the Town Clerk on April 25, 2024.
Public hearing was held on June 5, 2024, continued hearings were held on July 17, 2024, and August 14, 2024.

PROJECT SUMMARY & DESCRIPTION

The Planning Board held public hearings to review the application of FK Partners Lexington, LLC for Major Site Plan Review pursuant to §135-7.5 (Village and Multi-Family Overlay Districts) and §135-9.5 (Site Plan Review) of the Zoning Bylaw. The application also incorporates a stormwater management review pursuant to Article VI, §181-71 of the Code of Lexington under the above-threshold project classification.

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The applicant proposes to relocate the historic house to the southwest corner of the lot to construct a new 30-unit three-story residential condominium building, including four inclusionary dwelling units, with parking for 39 vehicles under the building in a garage and 15 surface parking spaces. The interior of the two-family historic house will be renovated for two one-bedroom dwelling units and the garage will be renovated to provide parking for 20 bicycles. A bicycle shed for 28 bicycles is proposed including outlets for e-bike charging. The property will be accessed through a curb cut on Bedford Street. An existing shared driveway with 81-83 Bedford Street will be formalized with an access easement. Stormwater runoff will be collected and treated in two subsurface infiltration systems.

The property is 1.59 acres containing an existing two-family dwelling listed as the John Davis/Hosea Holt House on the Lexington Historical Commission's Inventory of Historic Structures. The property is in the RS (One Family) and the VO (Village & Multi-Family Overlay) districts.

BACKGROUND

On February 21, 2024, the Historical Commission held a public hearing on the relocation request, determined that the structure at 89-91 Bedford Street was preferably preserved, and approved partial demolition to allow the relocation of the historic house on the property.

STATEMENT OF FINDINGS

PROCEDURAL HISTORY:

1. A Development Review Team (DRT) meeting was held on March 20, 2024, pursuant to §176-9.2.1 of the Planning Board's Zoning Regulations.
2. The applicant held neighbor meetings in April 2024. A summary of the neighbor meetings was submitted with the application as required by §176-9.2.1.4 of the Planning Board's Zoning Regulations.
3. The application was submitted by FK Partners Lexington, LLC and stamped in by the Town Clerk on April 30, 2024.
4. On May 28 and 29, 2024, Planning Board members, Planning staff, and the applicant visited the site of the proposed project.
5. The Planning Board caused notice of the public hearing to be published in the *Lexington Minuteman*, a newspaper of general circulation in Lexington, on May 16, 2024 and again on May 23, 2024. Notice of the public hearing was posted with the Town Clerk and on the official town website commencing on April 25, 2024 and continuing through the opening of the public hearing on June 5, 2024. Said notice of public hearing was mailed postage prepaid to all Parties in Interest including abutters and the Planning Boards of abutting cities and towns on May 7, 2024.
6. The public hearing opened on June 5, 2024. Continued public hearings were held on July 17, 2024 and August 14, 2024. The hearings were held remotely via Zoom, pursuant to MGL c. 30A §§18-25, c. 20 of the Acts of 2021, c. 107 of the Acts of 2022, and c. 2 of the Acts of 2023, further

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amending the extension of remote access provisions through March 31, 2025. The Planning Board accepted public comments via Zoom, mail, and e-mail.

7. Planning Board members Charles Hornig, Robert Creech, Robert Peters, Melanie Thompson, and Michael Schanbacher participated in all the public hearings. Board Member Melanie Thompson submitted the certification confirming she has reviewed the video recording and all meeting material for the missed hearing on July 17 pursuant to M.G.L. c. 39, §23D. The Board closed the public hearing on August 14, 2024.
8. Planning Board members Robert Peters, Charles Hornig, Robert Creech, Melanie Thompson, and Michael Schanbacher deliberated on the application at a meeting on August 14, 2024.

PROJECT SPECIFIC FINDINGS:

In the course of the public hearing process, the Planning Board took under advisement all information submitted by the applicant, various municipal departments, and comments made and submitted by members of the public. After reviewing all the plans and material filed by the applicant and its representatives and considering the analysis, supplemental information provided during the course of the public hearings, correspondence, and testimony from staff, the public, and from all other interested parties, and based on §135-9.5 (Site Plan Review) and §135-7.5 (Village and Multi-Family Overlay Districts) of the Zoning Bylaw and Chapter 176 the Board's Zoning Regulations, the Planning Board makes the following findings:

1. The Planning Board finds that the property is zoned VO (Village Overlay) and that multi-family housing is a permitted use in the district requiring Site Plan Review pursuant to §135-7.5.4 of the Zoning Bylaw.
2. The project proposes to add 30 new ownership dwelling units, including 18 two-bedroom dwelling units and 12 two-bedroom dwelling units with space for an office, den, or third bedroom, with 39 parking spaces in the underground garage. The dwelling units in the new building range from 1,413-1,781 SF and each dwelling unit has two bathrooms and a private balcony. The project proposes to relocate the two-family historic house to the front of the lot with interior renovations for two one-bedroom dwelling units. The project also includes 15 surface parking spaces, a shared patio area, and bicycle storage for 48 bicycles in a shed and in the garage of the historic house. The bicycle shed will have electrical outlets to charge electric bicycles.
3. Consistency with Comprehensive Plan & Housing Diversity Goals. The Board finds the project is consistent with the 2022 *Lexington NEXT* Comprehensive Plan's Housing objective 2.1 by providing a range of housing types; objective 2.2 by increasing the supply of subsidized housing; and objective 2.4 by protecting the exterior of a historic home.
4. Inclusionary Housing. The project includes the creation of four (4) inclusionary dwelling units, affordable in perpetuity, available to households earning no greater than 80% of the Area Median Income, and eligible to be included on the Subsidized Housing Inventory (SHI). One inclusionary dwelling unit is proposed on the first floor, two on the second floor, and one on the third floor as follows:

Unit 102 – 1,642 SF, three bedrooms with closets

Unit 204 – 1,413 SF, two bedrooms

Unit 209 – 1420 SF, two bedrooms

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Unit 305 – 1,420 SF, two bedrooms

5. Residential Diversity. The 30 new dwelling units vary in size from 1,413-1,765 SF and are smaller than Lexington's average size for new dwelling units, which exceeded 6,000 SF in 2022-2024. The historic house will include two one-bedroom dwelling units.
6. Siting of Facilities & Location. The project proposes a new ~82,557 SF building set back ~100-ft. from Bedford Street in the location of the existing historic house. The historic house will be relocated closer to Bedford Street in the southwest corner of the lot. The property is located 0.25 mile from the Bedford Street and Worthen Road commercial area, 0.3 mile to the access the Minuteman Bikeway, 0.5 mile from Lexington Center, and along the MBTA bus route with a bus stop directly in front of the property. Bus service is on Rte. 62 to Alewife and outbound to Bedford VA, and the Rte. 76 to Alewife and to Lincoln Labs via Hanscom Airport. The project provides multi-family housing near retail, office, and personal service uses.
7. Provide a customer base for local businesses. The project will add 30 new dwelling units within walking distance to local businesses on Bedford Street, Worthen Road, and in Lexington Center.
8. Historic Significance. The project will maintain the historic two-family house for two one-bedroom dwelling units after relocation from its current location set back 104 feet from Bedford Street to be 20 feet from Bedford Street.
9. Sustainable Design. In compliance with the energy code and local bylaws, the building will be all electric with three EV parking spaces, designed to support future electric vehicle charging stations, and solar ready. The lighting is LED and dark sky compliant. The new building will be built to the Passive House standard.
10. Public Facilities, Circulation, and Safety. The project proposes a bus shelter and public access easement at the front of the lot on Bedford Street where there is an existing MBTA bus stop.
11. Dimensional Standards, §135-7.5.5 of Zoning Bylaw. As proposed, the project complies with the minimum yard and setback requirements of §135-7.5 of the Zoning Bylaw with a 20-foot front yard setback for the historic house and 15.25-foot side and rear yard setbacks. The new building complies with the maximum height limit of 40 feet and three-stories at 39.96 feet pursuant to §135-7.5.5.10 of the Zoning Bylaw. The Building Commissioner has confirmed the height based on the submitted height and average natural grade forms submitted, which will also be reconfirmed at time of the building permit.
12. Ecosystem function. The preliminary site preparation plan and landscape planting plan revised through July 29, 2024 includes saving four prominent mature trees at the front of the property. The proposed plantings are native and listed on Lexington's Tree Management Manual and Lexington's Preferred Planting List.
13. Reduce Dependency on Automobiles and efficient transportation systems and the adverse impacts of motor vehicle transportation. This project is not expected to have adverse impacts on the transportation system once completed. The development is located within walking distance (half a mile) to Lexington Center and a quarter mile to the Worthen Road/Bedford Street shopping area and the Minuteman Bikeway. An MBTA bus stop with service to Alewife, Bedford VA, and Lincoln Labs via Hanscom is directly in front of the property. The applicant has agreed to assist with providing engineered design plans for a crosswalk, accessible ramps, and a rectangular rapid flashing beacon (RRFB) on Bedford Street, if the Town pursues grant funding. The total contribution shall not exceed \$25,000.00. If the Town has not applied for the grant prior to final

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occupancy of the last unit, the applicant is not obligated to contribute to the design work. The project proposes 3 short term bicycle spaces and 48 long-term bicycle parking spaces (28 in a bicycle shed and 20 in the historic house's garage), and 54 vehicle parking spaces (39 in the garage and 15 surface), more than the minimum 1 parking space per dwelling unit required in §135-7.5.6 of the Zoning Bylaw.

14. Distance of Basement, Slab or Crawl Space from Groundwater (§135-4.5 of Zoning Bylaw and §176-12.9.5 of the Planning Board's Zoning Regulations). The applicant has performed four test pits to confirm the minimum 2-foot distance between the finished basement floor and the estimated seasonal high groundwater table and to verify the soil suitability.
15. Protection of surface and groundwater quality. The project was reviewed for compliance with Lexington's Stormwater Management Regulations for an above threshold project classification and the MA Stormwater Management Standards. The Stormwater Permit is consolidated into this site plan review, pursuant to Article VI of Chapter 181, §71.

The project will collect and treat stormwater into two subsurface infiltration systems. Four test pits were performed to confirm soil assumptions for groundwater infiltration and to confirm that the 2-foot separation is provided between the estimated seasonal high groundwater table and the bottom of the systems. The project provides more than the required 60% Total Phosphorus (TP) and 90% Total Suspended Solid (TSS) average annual load removal. A groundwater mounding analysis was not required because the infiltration system has been designed with a 4 foot buffer between the infiltration system bottom and the estimated seasonal high groundwater. The Board finds that the stormwater management plan and submission package as revised through July 30, 2024, with the modifications made as conditions of this decision, comply with the Town's Stormwater Management Requirements.
16. Social, equity, diversity, public health, or community needs and impacts. The project adds 30 ownership dwelling units, including four inclusionary dwelling units, in a multi-family development near public transportation and near retail services consistent with the objectives of the 2022 Comprehensive Plan and stated purposes of the Village and Multi-Family Overlay District.
17. Signage: The project includes a standing sign to identify the property.
18. Potential Adverse Effects of Development: The proposed lighting is dark sky compliant and the photometric lighting plan does not show any light trespass on adjacent properties after modifications made as a condition of this decision.

Waiver Requests

The Planning Board may waive any of its Rules and Regulations if the Board finds the waiver is in the public interest. In addition, for sites under the jurisdiction of the Planning Board, the Board may waive the application of the Tree Bylaw, in part or in full, if it deems it appropriate. On August 14, 2024, the Board granted the following waivers.

1. Pursuant to §120-4B of the Tree Bylaw, the Board waives the Tree Bylaw in full and no separate tree permit is required. The Board finds the site plan review process has considered the amount of tree loss pursuant to the Tree Bylaw, including 18 trees consisting of 262 inches protected by the

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Tree Bylaw, and determines that the project is best mitigated with the landscape planting plan submitted with this development as revised through July 29, 2024 showing tree replacement of 471 inches, which exceeds the 334 inches required by the Tree Bylaw. Mitigation is met through replanting on the property and no funding into the tree fund is required.

CONDITIONS OF APPROVAL

The Planning Board finds that the application, plans, and supporting material submitted by the applicant, along with the following conditions of approval, comply with applicable provisions of Lexington's Zoning Bylaw and applicable regulations relevant to this review. Accordingly, the Planning Board votes to approve the plan entitled "Permit Site Plan 89 Bedford Street, Lexington, Massachusetts", prepared for FK Partners Lexington, LLC, prepared by Hancock Associates, revised through July 30, 2024 consisting of 17 sheets, the architectural plans prepared by JSA revised through July 29, 2024, and all submitted material subject to the following conditions:

Prior to Any Site Work:

1. The site development plan set entitled "Permit Site Plan 89 Bedford Street, Lexington, Massachusetts", prepared for FK Partners Lexington, LLC, prepared by Hancock Associates, revised through July 30, 2024, shall be submitted to the Planning Office for review and approval showing the following revisions:
 - a. Revise the grading in the northwest corner of the building to prevent ponding (contour elevation 229 to 228.5).
 - b. Add a rip-rap area at the eastern end of the pathway to reduce the velocity of any runoff along the walkway surface and edge.
 - c. Update the lighting plan to reduce the level at the property line from 0.1 to 0.0 near the bike shed.
 - d. Update the plan set to include an easement plan that shows property lines, private and public areas, the driveway access easement for 81-83 Bedford Street, the public access easement for the bus stop, and annotate that the recently placed survey benchmark will be replaced.
 - e. Update the Construction Management plan to include a soil management plan.
 - f. Update the landscape plan to match the final site plans, replace the Yellowwood with a coniferous tree, and add more 8-10-foot evergreens for screening as shown on cross section B. Relocate evergreens higher up on the slope or plant more 6-8 ft. trees to provide more screening on cross section A.
 - g. Provide transition curbing with a 7.5-8% slope at the driveway's opening on the plan and detail sheets.
 - h. Relocate the bus shelter to the west to provide clear sight visibility.

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2. The architectural plans by JSA Design shall be updated to note on plans the garage clearance to be 8 feet 2 inches through to the accessible van parking and show the location of the 3 EV charging spaces and the location of the EV ready spaces.
3. The applicant shall submit a Tree Protection Plan prepared by an arborist certified by the International Society of Arboriculture or through the MA Arborists Association showing protection of all trees proposed to be retained on the project site and protections for any trees on any nearby abutting properties, and trees within the public right of way if recommended by the arborist. The critical root zones (CRZ) of trees to be retained shall be protected to the drip line. The applicant may choose to encroach within the CRZ or the drip line of a retained tree; however, such proposed action shall require the applicant to submit a maintenance plan for the tree, to be prepared, dated and signed by a Certified Arborist as part of the Tree Protection Plan. In these instances, the fenced area may be reduced to protect only those areas of the CRZ or drip line not proposed for encroachment. The certified tree protection plan shall be submitted to the Planning Office for review and approval.
4. **Pre-Construction Site Visit.** Prior to any land disturbance other than installing erosion controls, the limits of work (for land clearing and regrading), erosion controls, and the tree protections shall be reviewed in the field by the applicant and Planning staff.
5. **Limit of Work.** The limit of work line shall be demarcated around the entire site. The limit of work line shall be marked with highly visible orange fencing, chain link construction fencing, or both.
6. **Erosion Controls.** Fencing for erosion controls and tree protection shall remain in place until the completion of project construction. The erosion control and limit of work lines shall be surveyed in place. Additional erosion controls such as silt socks and check dams may be required by staff. Strap boards and construction fencing shall be installed around trees to be saved to demarcate a root protection area to be equal to the larger of the drip line or six times the trunk diameter of each identified tree within the limit-of-work and along the limit of work boundary.
7. All erosion control matting, netting and tubing shall be bio-degradable. Plastic and bio-degradable plastic is prohibited. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt socks filled with compost, bio-degradable natural fiber erosion control blankets without any plastic components, stone riprap, filter berms, or any other devices planned for use during construction.
8. **Noise Mitigation.** If the site work approaches the limit outlined in the Town's Noise Bylaw (c. 80), the applicant shall submit to the Building Commissioner, prior to exceeding the seven-day limit, a noise mitigation plan prepared by a noise consultant pursuant to the Town's Noise Bylaw §80-8 of the Code of Lexington, as revised through 2024 Annual Town Meeting. The noise mitigation plan shall include monitoring provisions and monitoring data reporting.
9. The applicant shall submit to the Planning and Building Offices a list of the name, address, and emergency contact telephone number and email of the individuals responsible for all activities on site and who can be reached twenty (24) hours a day, seven days a week. This list shall include a specific contact for monitoring and inspection of stormwater systems and erosion controls.
10. The applicant shall submit a rodent and pest management plan to the health department.

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Prior to Demolition or Partial Demolition Permit:

11. The applicant is responsible for submitting any required material to the Historical Commission associated with any proposed exterior changes to the historic structure not previously approved by the Historical Commission.

Prior to Issuance of Foundation Permit:

12. **Inclusionary Dwelling Units.** The applicant shall hire a certified lottery agent to manage the Inclusionary Dwelling Units described above through the Local Initiative Program (LIP) as a LAU (Local Action Unit) for inclusion on the Subsidized Housing Inventory (SHI).

Prior to first Building Permit for the new building:

13. **Inclusionary Dwelling Units.** The applicant shall submit the LIP-LAU application package to Planning staff and the Regional Housing Services Director for review and approval, then submit to the Chair of the Select Board or Town Manager, the Housing Partnership Board Chair, and finally to the MA Executive Office of Housing & Livable Communities (EOHLC) for review prior to the first building permit. The LIP-LAU package shall include:
 - a. A project narrative;
 - b. The unit mix in tabular form;
 - c. The approved site plan;
 - d. Floor plans with dimensions of the rooms;
 - e. An Affordable Fair Housing Marketing Plan per EOHLC guidelines;
 - f. A sales price/rate calculator;
 - g. Condominium details (master deed condominium association documentation);
 - h. A Regulatory Agreement with perpetual affordability.
 - i. Inclusionary dwelling units shall be available to households earning no greater than 80% of the AMI; and
 - j. Parking for the inclusionary dwelling units shall be in the garage.
14. The applicant shall coordinate address assignments with engineering and public safety staff.
15. The applicant shall submit to the Building Commissioner surveyor's certifications demonstrating that building(s) and the existing residence do not exceed 40 feet or three-stories in height.
16. The applicant shall submit an updated lighting plan once the balcony lights are selected and provide cut sheets for each light fixture to building and planning staff for review and approval.
17. The applicant shall provide documentation to the Fire Department, in a form acceptable to the Fire Department, to confirm that the infiltration systems can withstand the load of emergency vehicles.

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18. The project shall be constructed substantially in conformance with the approved plans, including the site development plan set revised July 30, 2024, the architectural plans revised through July 29, 2024, and as further modified by this decision.
19. A copy of this decision shall be kept on the site in a location that is highly visible and accessible during construction.
20. A professional land surveyor or engineer shall be on-site during construction to locate utilities prior to backfill.
21. Planning staff or other agents of the Planning Board shall have the right to enter the site with notification to the Owner to gather any information, measurements, photographs, or other materials needed to ensure compliance with this decision. Agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations, and directives of the applicant and the applicant's contractors.
22. No equipment on-site shall be started prior to the start of the allowed construction hours or hours outlined in the Noise Control General Bylaw, Chapter 80 of the Code of Lexington, amended at 2024 Annual Town Meeting and as may be further amended, including hours of operation for construction work and any work related to ledge work or blasting.
23. Trucks shall not stand or queue on Bedford Street or Lois Lane. Construction vehicles shall park on the project site and shall not park on streets.
24. The applicant shall perform daily cleanup of construction debris, including soil on streets within two hundred (200) yards from the entrance of the site driveways caused by construction relative to the Project. Any debris or sediment shall be removed from any town drainage structure within 72 hours.
25. The applicant shall check all stormwater features prior to and at the end of each construction day. In the event a multiple day storm event occurs, the project manager shall check the stormwater features each day to ensure they are functioning properly and have not exceeded their capacity. Any necessary repairs, adjustments, or deficiencies that are identified shall be commenced immediately and completed promptly.
26. The applicant shall provide appropriate straw bales or organic hessian fabric burlap filled with compost erosion control methods around material stockpiles. The use of haybales and plastic stabilization netting is prohibited.
27. Dust shall be minimized, controlled, and managed on site in accordance with accepted industry standards with potable water. Calcium Chloride shall not be used for dust control.
28. The applicant shall repair or replace to Town standards any damage caused to the public street, sidewalk, or any features in the public right of way after approval by public works.
29. The applicant shall designate a qualified professional civil engineer (PE), or Certified Professional in Erosion and Sediment Control (CPESC), to act as an erosion control monitor and to oversee compliance with this decision at the site. The erosion control monitor shall be responsible for any emergency placement of erosion controls and regular inspection or replacement of erosion and sedimentation control devices. The name and phone number of the erosion control monitor must be provided to the Planning Office so that this person may be contacted, due to an emergency at

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the site, during any 24-hour period, including weekends and holidays. This person shall be given authority to stop construction for noncompliance with this decision, especially in regards to erosion control and wetland protection. The erosion control monitor will be required to inspect all such erosion control devices and to oversee the cleaning and the proper disposal of waste products. Cleaning shall include removal of any entrapped silt and sediments every 72 hours or more frequently if needed and after any rainfall of 0.25 or greater. Weekly monitoring reports shall be submitted to the Planning Office.

30. At least once every week and after major storm events (events greater than 0.25 inches within 24 hours) while construction activities occur on site and for as long thereafter that the ground remains unstabilized, a report, with representative photos, shall be submitted to the Planning Office from the erosion control monitor certifying that, to the best of their knowledge and belief based on site inspections, all work is being performed in accordance with this decision and, if not in compliance, stating the activities that are not in compliance and the steps necessary to correct the problem.

General Provisions

31. All construction activities relative to this decision shall comply with the Zoning Bylaw, Planning Board Zoning Regulations, General Bylaw, and other municipal requirements except as specifically modified or waived by this decision.
32. No material corrections, additions, substitutions, alterations, or changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the prior written approval of the Planning Board or their designee. Any request for a material modification of this decision shall be made in writing to the Planning Department for review and approval by the Planning Board or their designee and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation. Upon receipt of request, the Planning Department may, in the first instance, decide in writing to authorize a de minimus field change to the site plans, or the Planning Director may refer the matter to the Planning Board, which may consider and approve minor modifications at a regularly scheduled Planning Board public meeting. In the event the Planning Board determines the change is major (e.g., resulting in material changes, newly identified impacts, etc.), the Planning Board shall consider the modification at a noticed public hearing pursuant to the procedures for Site Plan Review in §135-9.5.4.
33. No trees shall be removed except as shown on the approved plan. Trees to be retained shall be protected in the field during construction in compliance with the approved tree protection plan. Any request for substantial changes may need to return to the Planning Board as a modification request at a public meeting.
34. In the event that the site plan review is not exercised or substantial use thereof has not commenced within three (3) years of the date of approval, except for good cause as determined by the Planning Board, the permit may be rescinded. The applicant may request an extension for the Board's consideration.
35. The applicant shall obtain any other permits or approvals that may be required by other town, state, or federal entities.

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Prior to Occupancy

36. The applicant shall submit written confirmation that the project is consistent with the approved LAU-LIP application package and verifying that the inclusionary dwelling units are substantially similar to the market rate dwelling units. This shall be submitted to the Planning Office and Building Commissioner for review and confirmation prior to occupancy of the inclusionary dwelling units.
37. A copy of the approved and Registry recorded Regulatory Agreement for the inclusionary dwelling units shall be submitted to the Planning Office prior to occupancy of any of the market rate units.
38. The lottery for the inclusionary dwelling units shall be held prior to an occupancy permit for the tenth (10th) market rate unit in the development.
39. The bus shelter easement shall be offered to the Select Board, and if accepted, recorded at the South Middlesex Registry of Deeds.
40. The applicant shall submit the easement plan showing the driveway access easement shared with 81-83 Bedford Street and the public access easement for the bus stop to the Registry for recording.
41. The applicant shall submit to the Planning Office staff the Condominium Association Documents and the Master Deed incorporating the ongoing conditions of this permit and which also include the following:
 - a. Trash and recycling for all units in the development shall be by private removal.
 - b. Dwelling units are subject to the Zoning Bylaw, including prohibition and restrictions on short-term rentals pursuant to §6.10.3.2.iii of the Zoning Bylaw.
 - c. Owners shall remove snow from all driveways and walkways. The use of calcium chloride is prohibited for snow removal and de-icing.
 - d. Owners are responsible for maintenance of the stormwater management facilities as detailed in the approved long-term Operation & Maintenance (O&M) Plan, including allocating an annual budget for maintenance and annual certification of maintenance tasks.
 - e. Owners are responsible for the maintenance of all landscaping as shown on the approved plan.
 - f. Condominium Association fees shall be based on the fair market value of the units, which shall include a reduced contribution for the inclusionary dwelling units.
 - g. Occupants of the inclusionary dwelling units shall have the same access to the common areas as the other occupants of the development.
 - h. Exterior lighting, other than low level security lighting, shall be turned off between 11:00 pm and 6:00 am.
 - i. Lighting on the unit decks and balconies shall not shine into abutting properties.
 - j. Smoking is prohibited on the exterior of the property or in common areas.

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42. All landscaping and plantings shall be installed prior to the occupancy permit for the last dwelling unit. If occupancy is expected in the winter months, plantings shall occur in the first available growing season (between April 15-June 30 and September 15-November 30).
43. When any inclusionary dwelling unit receives an occupancy permit, the applicant shall notify the Planning Office staff and Regional Housing Services Director so it may be added to the SHI.

Prior to Final Certificate of Occupancy:

44. The certifying professional engineer shall perform a final inspection of the site and submit written documentation to the Planning Office that a final inspection was performed, temporary controls have been removed, stabilization is complete, all stormwater facilities have been installed and function according to the approved stormwater management plan, and that the project was completed as designed.
45. The applicant shall install the bus shelter as shown on the revised plan out of the sightline triangle.
46. The applicant shall submit a sign permit application consistent with §135-5.2 of the Zoning Bylaw with prior administrative approval from Planning Office staff. The standing sign shall have a wooden appearance.
47. The final master deed and condominium association documents shall be submitted to the Planning Office for the Planning Board's file.
48. A final O&M Plan revised to incorporate any modifications shall be submitted prior to final occupancy, if any modifications were made during construction.
49. The applicant shall provide the Planning Office with an "As-Built Plan" stamped by a Professional Engineer or Land Surveyor registered in Massachusetts certifying that all improvements are completed in accordance with the approved plans. The as-built plan shall be submitted in electronic formats (PDF and AutoCAD) to the Planning Office for review. The plan shall include, but not be limited to, site utility improvements and tie-in dimensions to all pipes and connection points, fencing, landscaping, all roads, ways, and structures. The as-built information shall be submitted to the Planning Office a minimum of fourteen (14) business days in advance of the applicant seeking a final Certificate of Occupancy sign-off to allow time for the staff to review and approve the submitted information.

On-Going & Continuous

50. Any exterior condensers, transformers, and generators shall be enclosed by an opaque fence for noise buffering. Such a fence shall be tall enough to prevent direct line of sight to the mechanical unit from any windows or doors on abutting properties.
51. Any maintenance testing of the generator shall take place mid-day and mid-week to reduce noise impacts.
52. The Inclusionary Dwelling units shall be perpetual, eligible for inclusion on the Town's Subsidized Housing Inventory (SHI), and available to households earning no more than 80% of the Area Median Income.

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TOWN CLERK
LEXINGTON MA

53. The historic house is on the Historical Commission's Historic and Cultural Inventory. Any substantial demolition may be subject to the Demolition Delay Bylaw Chapter 19 of the Code of Lexington.
54. The owners shall arrange for private removal of trash and recycling. Empty trash and recycling receptacles shall be removed within 12 hours after collection.
55. The owners shall remove snow from all driveways and walkways. The use and storage of calcium chloride or road salt is prohibited for snow removal and de-icing. This condition shall supersede and take precedence over any reference and citations in the stormwater report.
56. The dwelling units are subject to the Zoning Bylaw, including prohibition and restrictions on short-term rentals pursuant to §135-6.10.3.2.iii.
57. The inclusionary dwelling units shall have annual verification by the monitoring agent (the Town through the Regional Housing Services Office and the EOHLC).
58. Maintenance of the landscaping in accordance with the final approved landscape plan revised shall be perpetual, with the owners replacing in kind any landscape that does not survive throughout the life of the project. Any plantings that do not survive shall be replaced in the first available growing season (between April 15-June 30 and September 15-November 30).
59. The stormwater systems shall be monitored and maintained by the owners in accordance with the approved post construction Operation & Maintenance Plan (O&M Plan), including annual certification and pavement sweeping at least two times per year. The Planning Board or Stormwater Agency may require that the owners make corrections or improvements to the stormwater system if it is found not to be performing based on storm conditions.
60. Exterior lighting, other than low level security lighting, shall be turned off between 11:00 pm and 6:00 am.
61. If the person or contact information for the person responsible for annual certification and implementation of the stormwater system changes, the Planning Office shall be notified in writing within 48 hours with the contact information of the new person or party that will be responsible.
62. The grill in the shared patio area shall have an automatic shutoff or timer.
63. The bicycle shed shall include electrical outlets for charging of electric bicycles.

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TOWN CLERK
LEXINGTON MA

RECORD OF VOTE

On August 14, 2024, the Planning Board voted five (5) in favor, none (0) opposed, to approve a Major Site Plan Review with conditions at 89 Bedford Street.

- Charles Hornig – Aye
- Robert D. Peters - Aye
- Robert Creech – Aye
- Michael Schanbacher - Aye
- Melanie Thompson – Aye



Michael Schanbacher, Chair Approval: _____ Date: August 16, 2024

EXHIBITS

The applicant has filed with the Planning Board various plans and reports required under the Lexington Zoning Bylaws and Planning Board Zoning Regulations. During the course of the public hearing review process, the following materials were submitted to the Board by the applicant, various municipal departments, and the public. This material is hereby incorporated into this decision by reference.

Civil site plan set titled “Permit Site Plan 89 Bedford Street Lexington, Massachusetts”, prepared for FK Partners Lexington, LLC, prepared by Joseph Peznola of Hancock Associates, dated April 19, 2024, revised May 22, 2024, revised June 21, 2024, and last on revised July 30, 2024, consisting of 17 pages.

Stormwater Report in support of Permit Site Plan for 89 Bedford Street prepared by Joseph Peznola of Hancock Associates, prepared for FK Partners Lexington, LLC, dated April 19, 2024, revised June 21, and July 30, 2024, consisting of 66 pages.

Summary of neighborhood meetings titled ”89-91 Bedford Street 300’ Abutter Meetings” consisting of 5 pages.

Residential Alternative Development Plan, prepared by Hancock Associates for FK Partners Lexington, LLC, dated October 25, 2023.

Historical House Architectural Plan titled “Proposed Relocation of 89-91 Bedford St”, prepared, signed and stamped by Architect Benjamin Nickerson, No. 3749, dated March 22, 2024, consisting of 7 pages.

Full Narrative titled “Zoning Narrative in Support of A Site Plan Approval Application”, prepared by Hancock Associates, prepared for FK Partners Lexington, LLC, dated April 2024, consisting of 33 pages

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LEXINGTON MA

Site Plan Review Design Regulation Checklist, prepared by Ben Finnegan of FK Partners Lexington, LLC, consisting of 23 pages

New Building Architectural Plan, prepared by Architects JSA Design for FK Partners Lexington, LLC, dated April 12, 2024, revised on May 21 and July 29, 2024, consisting of 15 pages.

Construction Mitigation Plan, prepared by Hancock Associates for FK Partners Lexington, LLC, 3 pages

Major Site Plan Review Checklist, prepared by Ben Finnegan of FK Partners Lexington, LLC, consisting of 5 pages.

LEED Core & Shell Checklist titled "Zoning Narrative In Support of A Site Plan Approval Application, prepared by Hancock Associates, prepared for FK Partners Lexington, LLC, dated April 2024, consisting of 4 pages, revised June 24, 2024.

Zoning Narrative titled Zoning Narrative In Support of A Site Plan Approval Application, prepared by Hancock Associates, prepared for FK Partners Lexington, LLC, dated April 2024, consisting of 6 pages.

Sites V2 Checklist, dated October 2, 2023 consisting of 6 pages revised June 24, 2024.

Inclusionary Summary titled "Zoning Narrative In Support of A Site Plan Approval Application", prepared by Hancock Associates for FK Partners Lexington, LLC, dated April 2024, consisting of 3 pages.

Solar & Energy Efficiency Strategy titled "Zoning Narrative In Support of A Site Plan Approval Application", prepared by Hancock Associates for FK Partners Lexington, LLC, dated April 2024, consisting of 3 pages.

DRT Response Summary titled "Zoning Narrative In Support of A Site Plan Approval Application", prepared by Hancock Associates for FK Partners Lexington, LLC, dated April 2024 consisting of 7 pages.

Historic House Construction Memo prepared and stamped by Benjamin Nickerson, no 3749, addressed to the Town of Lexington, dated May 1, 2024, revised June 19, 2024, consisting of 2 pages.

Construction Mitigation Plan titled "Zoning Narrative in Support of a Site Plan Approval Application", prepared by Hancock Associates for FK Partners Lexington, LLC, dated April 2024, consisting of 3 pages.

Bike Shed Plan prepared by Architects JSA Design for FK Partners Lexington, LLC, dated May 8, 2024, consisting of 3 pages.

Traffic Study prepared by Vanasse & Associates, Inc for FK Partners Lexington, LLC, dated May 13, 2024, consisting of 34 pages.

Building height forms including Elevations form and Average Natural Grade Worksheet, prepared, stamped, and signed by Gregory Gould No 51280 dated May 22, 2024, consisting of 3 pages.

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TOWN CLERK
LEXINGTON MA

Updated Architectural Exhibit prepared by Architects JSA Design for FK Partners Lexington, LLC, dated June 21, 2024, consisting of 15 pages.

Town Clerk Stamped Public Hearing Notice dated May 23, 2024.

Comments from Bicycle Advisory Committee, dated May 16, 2024, consisting of 2 pages.

Comments from RHSO Director Elizabeth Rust for inclusionary housing dated May 30, 2024.

Peer Review Memo prepared by Nitsch Engineering, consisting of 4 pages, dated May 31, 2024.

Staff memo prepared by Sheila Page, Assistant Planning Director, consisting of 15 pages, dated May 31, 2024.

Memo from Transportation Safety Group dated June 4, 2024.

Headlight Glare Cross Section prepared by James K Emmanuel Associates dated June 21, 2024.

Infiltration System Live Load Analysis prepared by ADS consisting of 2 pages, dated June 18, 2024

Architectural Memo of revisions prepared by Architects JSA Design for FK Partners Lexington, LLC, dated June 21, 2024

Applicant's response to Staff Memo dated May 31, 2024, responded on June 24, 2024, consisting of 20 pages.

Applicant's response to Planning Board comments, dated June 24, 2024.

Applicant's response to Peer Review comments, consisting of 4 pages, dated June 24, 2024

Permit Site Plan dated June 19, 2024, marked up by Town of Lexington Building Commissioner.

Staff Memo -2- from Sheila Page, Assistant Planning Director, dated July 11, 2024, consisting of 7 pages.

Peer Review Memo -2- from Nitsch Engineering dated July 12, 2024, consisting of 7 pages.

Landscape Cross Section A dated July 30, 2024.

Landscape Cross Section B dated July 30, 2024.

Light Fixture Cut Sheets dated July 30, 2024, consisting of 10 pages.

Applicant's response to Peer Review Memo -2- from Nitsch Engineering dated July 12, 2024, responded on July 30, 2024.

Sign specifications dated July 30, 2024.

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TOWN CLERK
LEXINGTON MA

Applicant's response to Staff Memo -2- from Sheila Page, Assistant Planning Director, dated July 11, 2024, responded on July 30, 2024.

Tree Removal Analysis dated July 30, 2024.

Town Clerk Stamped Mullin Rule Certification for Planning Board Member Melanie Thompson, dated August 8, 2024.

Memo #3 from Peer Review Consultant William Maher of Nitsch Engineering, dated August 8, 2024.

Owner Authorization letter signed by Lester Savage dated January 16, 2024.

Submitted written public comments:

1. Hand delivered mail from Marcia Steere to Abby McCabe and Planning Board members, dated May 15, 2024
2. Electronic Mail from Matthew Paulson to Kiruthika Ramakrishnan, Subject: Message to Planning Board, dated May 16, 2024
3. Electronic Mail from Richard Ruben to Planning Department, Subject: 6/5 Planning Board Meeting, dated May 17, 2024
4. Electronic Mail from Rudy Landry to Planning Department, Subject: 6/5 Planning Board Meeting, dated May 17, 2024
5. Electronic Mail from Janine Cohen Subject: Proposed 89 Bedford Street, dated May 19, 2024
6. Electronic Mail from Doug Cohen, Subject: Enclosed Comments, dated May 19, 2024
7. Electronic Mail from Barbara Katzenberg to Planning Director, Subject: 89 Bedford Street-crosswalk idea, dated May 17, 2024
8. Electronic Mail from Tom Shiple to Planning Director, Subject: comments from LBAC on 5 Piper and 89 Bedford applications, dated May 16, 2024
9. Electronic Mail from Cheryl Meadow to Planning Committee, Subject: 89-91 Bedford St, dated May 23, 2024
10. Electronic Mail from Pamela Fowler to Members of the Lexington Planning Board, Subject: 89-Bedford Street project- citizen comments prior to 6/5/24 hearing, dated May 24, 2024
11. Electronic Mail from Joan Dassule to members of the Planning Board, Subject: proposed 89 Bedford Street residence, dated May 28, 2024
12. Electronic Mail from Matt Paulson to Planning Board members, Subject: 89 Bedford Street Condo Project, along with a petition with signatures, and a letter (2 pages) dated May 28, 2024
13. Electronic Mail from Mary Kate Franchetti, Subject: 89 Bedford Street- Virtual Public Hearing, with a 4 page letter, and 3 pictures, dated May 30, 2024
14. Electronic Mail from Mary Kate Franchetti, Subject: 89 Bedford Street- Virtual Public Hearing, with a video and a letter titled 89 Bedford Street Village Comments for Public Hearing dated May 30, 2024
15. Electronic Mail from Ivan Lee, to Members of Planning Board, Subject: 95 Bedford Street dated May 30, 2024
16. Electronic Mail from Paul and Janice Koch, to Members of Planning Board, Subject: 89 Bedford Street dated May 31, 2024

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TOWN CLERK
LEXINGTON MA

17. Electronic Mail from Kate Cochrane, to Planning Board, Subject: 89 Bedford Street dated May 31, 2024
18. Electronic Mail from Cerise Jalelian, to Planning Board, Subject: 89 -91 Bedford Street Lex HEARING JUNE 5, 2024 dated May 31, 2024
19. Electronic Mail from Alex Wahl, Subject: Comments:89 BEDFORD STREET VILLAGE & MULTI-FAMILY SITE PLAN REVIEW dated May 29, 2024
20. Electronic Mail from Pamela Lyons, to Sheila Page Subject: 89 Bedford Street dated June 2, 2024
21. Electronic Mail from David Lees, Subject: Comments for June 5, 2024 meeting dated June 3, 2024
22. Electronic Mail from Barbara Tarrh, to Abigail McCabe dated June 7, 2024
23. Electronic Mail from Kunal Botla, to Mr. Schanbacher, Subject: 89 Bedford Street,231 Bedford Street, and 5-7 Piper Road Comments dated June 12, 2024
24. Electronic Mail from Jay Luker, to Planning Board and Staff Subject: 89 Bedford parking location and arrival dated June 11, 2024
25. Hand delivered mail from Marcia Steere to Abby McCabe and Planning Board members dated June 29, 2024
26. Electronic Mail from Cerise Jalelian, to Planning Board Subject: Hearing/July17,2024 re 91 Bedford Street, Lexington dated July 10,2024
27. Electronic Mail from Mary Kate Franchetti, Subject: 89 Bedford Street- Public Hearing dated July 11,2024
28. Electronic Mail from Deborah Ramirez, to Planning Board Subject: Comments on the planned development at 89 Bedford Street dated July 15,2024, along with an attachment
29. Electronic Mail from Richard Ruben, to Lexington Planning Board Members Subject: 89-91 Bedford Street dated June 12, 2024
30. Electronic Mail from Cerise Jalelian, to Planning Board Subject: 91 Bedford/ August 14,2024 Hearing/ Jalelian Letter dated August 5, 2024, along with an attachment
31. Electronic Mail from Lexington Bicycle Advisory Committee to Planning Director Abby McCabe, Subject : LBAC Feedback on 89 Bedford Street and 331 Concord dated July 22,2024, along with two attachments
32. Electronic Mail from Mary Kate Franchetti Subject: 89 Bedford Street – Public Hearing dated August 8,2024, along with an attachment
33. Letter from Marcia Steere, received via US mail, to Planning Director and Planning Board Members dated August 7, 2024, received on August 9, 2024.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Discussion - Special Town Meeting 2025-1 Select Board Article Discussion and Positions

PRESENTER:

Board Discussion

ITEM NUMBER:

I.1

SUMMARY:

Category: Informing

The Board may discuss Special Town Meeting 2025-1, it's schedule, STM Articles, and any positions the Board may want to express at this time.

Town Website - Special Town Meeting 2025-1
Special Town Meeting 2025-1

SUGGESTED MOTION:

n/a

FOLLOW-UP:

n/a

DATE AND APPROXIMATE TIME ON AGENDA:

2/3/2025

6:15pm

ATTACHMENTS:

Description	Type
☐ Clean version STM Art 2	Backup Material
☐ Redlined Motion STM Art 2	Backup Material

Town of Lexington
Motion
Special Town Meeting 2025-1

ARTICLE 2

**AMEND ZONING BYLAW AND MAP
MULTI-FAMILY HOUSING FOR MBTA
COMMUNITIES (Citizen Petition)**

MOTION

a) That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, and Zoning Map be amended as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

1) Amend the Zoning Map to delete the following areas shown on maps on file with the Town Clerk from the VO District:

a. Bedford Street/Worthen Road except for the following properties:

Map 64 Lot 161 located at 89 Bedford St.

Map 57 Lot 135 located at 3 Militia Dr.

Map 57 Lot 133A located at 4 Militia Dr.

Map 57 Lot 134 located at 5 Militia Dr.

b. Bedford Street/Reed Street except for the following properties:

Map 64 Lot 73A located at 185 Bedford St.

Map 64 Lot 72 located at 187 Bedford St.

c. Bedford Street/Bike Path except for the following property:

Map 71 Lot 33 located at 231 Bedford St.

d. Marrett Road/Waltham Street

e. Marrett Road/Spring Street

2) Amend the Zoning Map to delete the following areas shown on maps on file with the Town Clerk from the MFO District:

f. Lexington Center

g. Bedford Street North

3) Amend the Zoning Map to delete the following areas shown on maps on file with the Town Clerk from the VHO District:

i. Hartwell Avenue/Westview Street except for the following properties:

Map 84 Lot 81 located at 7 Hartwell Avenue

Map 84 Lot 80A located at 17 Hartwell Avenue

- j. Maguire Road
- k. Hartwell Avenue/Wood Street

4) Add a new subsection § 135-7.5.15 as follows:

“7.5.15 Number of dwelling units. The maximum number of dwelling units in any development under this section shall be fifteen (15) times the area of the development in acres, rounded to the nearest whole number, except that this provision shall not apply to the following properties:

- Map 13 Lot 375 located at 217 Massachusetts Ave.
- Map 13 Lot 374 located at 229 Massachusetts Ave.
- Map 13 Lot 373 located at 233 Massachusetts Ave.
- Map 13 Lot 372 located at 241 Massachusetts Ave.
- Map 64 Lot 161 located at 89 Bedford St.
- Map 57 Lot 135 located at 3 Militia Dr.
- Map 57 Lot 133A located at 4 Militia Dr.
- Map 57 Lot 134 located at 5 Militia Dr.
- Map 64 Lot 73A located at 185 Bedford St.
- Map 64 Lot 72 located at 187 Bedford St.
- Map 71 Lot 33 located at 231 Bedford St.
- Map 10 Lot 58A located at 5 Piper Rd.
- Map 10 Lot 59A located at 7 Piper Rd.
- Map 10 Lot 31A located at Concord Ave.
- Map 10 Lot 31B located at 331 Concord Ave.
- Map 10 Lot 31C located at Concord Ave.
- Map 9 Lot 11B located at Concord Ave.
- Map 84 Lot 80A located at 17 Hartwell Ave.
- Map 84 Lot 81 located at 7 Hartwell Ave.”

b) That the Town adopt the following resolution:

WHEREAS the Town of Lexington has been a leader in the implementation of the MBTA Communities Act, M.G.L. c. 40A, § 3A (the “MBTA Act”), and is committed to doing its part to alleviate the housing shortage in the greater Boston area; and

WHEREAS in 2023, the Executive Office of Housing and Livable Communities (EOHLC) specified a target capacity for Lexington’s required zoning under the MBTA Act of 1,231 multifamily dwelling units, representing 10% of the Town’s existing dwelling units, and set a deadline for compliance of December 31, 2024; and

WHEREAS Town Meeting voted at the 2023 Annual Town Meeting to adopt Article 34, which added to the Lexington Zoning Bylaw a new Section 7.5 creating twelve overlay districts in which multifamily housing can be built as of right, and establishing dimensional and other standards that allow development densities significantly higher than required by the MBTA Act; and

WHEREAS EOHLC subsequently determined that the capacity created by Section 7.5, calculated in accordance with a model which all MBTA communities are required to follow, is 12,546 dwelling units, ten times the minimum requirement and a number which, if fully built out, would double the number of dwelling units in Lexington; and

WHEREAS the rate at which new developments have been proposed and the number of dwelling units proposed for inclusion in such developments have substantially exceeded the rate and number originally projected at the time that Section 7.5 was adopted; and

WHEREAS responsible planning for Lexington's future growth requires careful consideration of the consequences of an increase of greater than 10% in housing units within the next three to five years and continuing thereafter; and

WHEREAS it would be prudent for the Town to limit the capacity for the creation of as-of-right multifamily housing under Section 7.5 at a level closer to the MBTA Act's requirement of 1,231 units for a sufficient time to permit the Town to evaluate the impacts of developments already approved, in the permitting pipeline, or that may be proposed in the future under Section 7.5.

NOW, THEREFORE, BE IT RESOLVED, that Town Meeting requests the Select Board to create a broadly representative process, engaging the whole community, to evaluate and study the financial and other impacts of Section 7.5 on Town services, infrastructure, residents, and businesses; and

BE IT FURTHER RESOLVED, that Town Meeting requests the Planning Board, in conjunction with the Select Board, to consider appropriate means to manage prudent and responsible growth in housing going forward, informed by the process described above, including, but not limited to, a reexamination of the appropriate number and size of overlay districts, setbacks, height limits, density limits, and parking requirements under Section 7.5.

Town of Lexington
Motion
Special Town Meeting 2025-1

ARTICLE 2

**AMEND ZONING BYLAW AND MAP
MULTI-FAMILY HOUSING FOR MBTA
COMMUNITIES (Citizen Petition)**

MOTION

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Map 13 Lot 373 located at 233 Massachusetts Ave.
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~~b.a.~~ Bedford Street/Worthen Road except for the following properties:
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Map 57 Lot 133A located at 4 Militia Dr.
Map 57 Lot 134 located at 5 Militia Dr.

~~e.b.~~ Bedford Street/Reed Street except for the following properties:
Map 64 Lot 73A located at 185 Bedford St.
Map 64 Lot 72 located at 187 Bedford St.

~~d.c.~~ Bedford Street/Bike Path except for the following property:
Map 71 Lot 33 located at 231 Bedford St.

~~e.d.~~ Marrett Road/Waltham Street

~~f.e.~~ Marrett Road/Spring Street

2) Amend the Zoning Map to delete the following areas shown on maps on file with the Town Clerk from the MFO District:

~~g.f.~~ Lexington Center

~~h.g.~~ Bedford Street North

Proposed Motion as of 1/22/25- (marked to show changes)

3) Amend the Zoning Map to delete the following areas shown on maps on file with the Town Clerk from the VHO District:

i. Hartwell Avenue/Westview Street except for the following properties:

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Map 84 Lot 80A located at 17 Hartwell Avenue

i.j. Maguire Road

j.k. Hartwell Avenue/Wood Street

4) Add a new subsection § 135-7.5.15 as follows:

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b) That the Town adopt the following resolution:

WHEREAS the Town of Lexington has been a leader in the implementation of the MBTA Communities Act, M.G.L. c. 40A, § 3A (the “MBTA Act”), and is committed to doing its part to alleviate the housing shortage in the greater Boston area; and

WHEREAS in 2023, the Executive Office of Housing and Livable Communities (EOHLC) specified a target capacity ~~of 1,231 multifamily dwelling units~~ for Lexington’s required zoning

Proposed Motion as of 1/22/25- (marked to show changes)

under the MBTA Act ~~of 1,231 multifamily dwelling units, representing 10% of the Town's existing dwelling units,~~ and set a deadline for compliance of December 31, 2024; and

WHEREAS Town Meeting voted at the 2023 Annual Town Meeting to adopt Article 34, which added to the Lexington Zoning Bylaw a new Section 7.5 creating twelve overlay districts in which multifamily housing can be built as of right, and establishing dimensional and other standards that allow development densities significantly~~far~~ higher than required by the MBTA Act; and

WHEREAS EOHLC subsequently determined that the capacity created by Section 7.5 calculated in accordance with a model which all MBTA communities are required to follow, is 12,546 dwelling units, ~~ten times the minimum requirement amount required by the MBTA Act~~ and a number which, if fully built out, would double the number of dwelling units in Lexington; and

WHEREAS the rate at which new developments have been proposed ~~under the MBTA Act~~ and the number of dwelling units proposed for inclusion in such developments have ~~in the aggregate, substantially~~ far exceeded the rate and number originally projected at the time that Section 7.5 was adopted; and

WHEREAS responsible planning for Lexington's future growth requires careful consideration of the consequences of an increase of greater than 10% in housing units within the next three to five years and continuing thereafter~~in the immediately foreseeable future~~; and

WHEREAS it would be prudent for the Town ~~to~~ limit the capacity for the creation of as-of-right multifamily housing under Section 7.5 ~~at~~ a level closer to the MBTA Act's requirement of 1,231 units for a sufficient time to permit the Town to evaluate the impacts of developments already approved, in the permitting pipeline, or that may be proposed in the future under Section 7.5.

NOW, THEREFORE, BE IT RESOLVED, that Town Meeting requests the Select Board to create a broadly representative process, engaging the whole community, to evaluate and study the financial and other impacts of Section 7.5 ~~on the growth in the number of dwelling units and~~ on Town services, infrastructure, residents, and businesses; and

BE IT FURTHER RESOLVED, that Town Meeting requests the Planning Board, in conjunction with the Select Board, to consider ~~in conjunction with the Planning Board,~~ appropriate means to manage prudent and responsible growth in housing ~~and population~~ going forward, informed by the process described above, including, but not limited to, a reexamination of the appropriate number and size of ~~MBTA Act~~ overlay districts, setbacks, height limits, density limits, and parking requirements under Section 7.5.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Presentation - 2025 ATM Warrant Article - Prohibition of Second-Generation Anticoagulant Rodenticides (Citizen Petition)

PRESENTER:

Marci Cemenska, Citizen Petitioner

ITEM NUMBER:

I.2

SUMMARY:

Category: Informing

Marci Cemenska will present an overview of the Citizen petition she is bringing to Annual Town Meeting and answer questions.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/3/2025

6:30pm

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Art 24 AUTHORIZE THE TOWN OF LEXINGTON TO PROHIBIT OR RESTRICT THE APPLICATION OF SECOND GENERATION ANTICOAGULANT RODENTICIDES (Citizen Petition) motion	Backup Material
<input type="checkbox"/> Art 24 presentation	Backup Material

Town of Lexington

Motion

2025 Annual Town Meeting

ARTICLE 24 AUTHORIZE THE TOWN OF LEXINGTON TO PROHIBIT OR RESTRICT THE APPLICATION OF SECOND GENERATION ANTICOAGULANT RODENTICIDES (Citizen Petition)

MOTION: That the Select Board be authorized to petition the Massachusetts General Court to enact legislation in substantially the form below, and further that the Select Board be authorized to approve amendments to said act by the General Court before its enactment that are within the general objectives of this motion:

Section 1. Purpose

The purpose of this Act is to allow the Town of Lexington to prohibit or restrict the use of Second-Generation anticoagulant rodenticides under a future bylaw approved by Town Meeting.

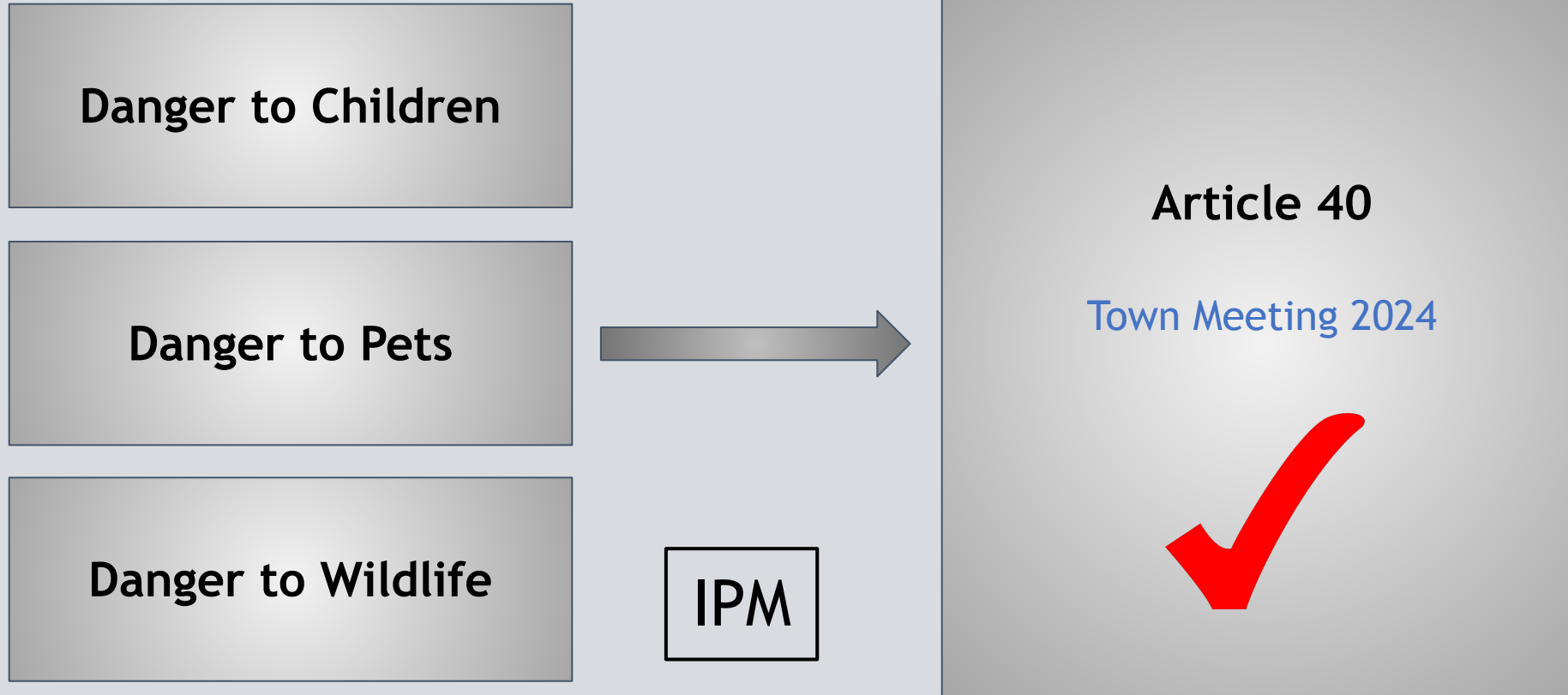
Section 2. Notwithstanding Chapter 132B of the General Laws or any other general or special law to the contrary, the Town of Lexington may, by bylaw, prohibit or restrict the application of second-generation anticoagulant rodenticides within the Town of Lexington, including the application of such pesticides by licensed commercial applicators as defined in 333 C.M.R. 10.00.

Section 3. This Act shall take effect upon passage.

(01/28/2025)

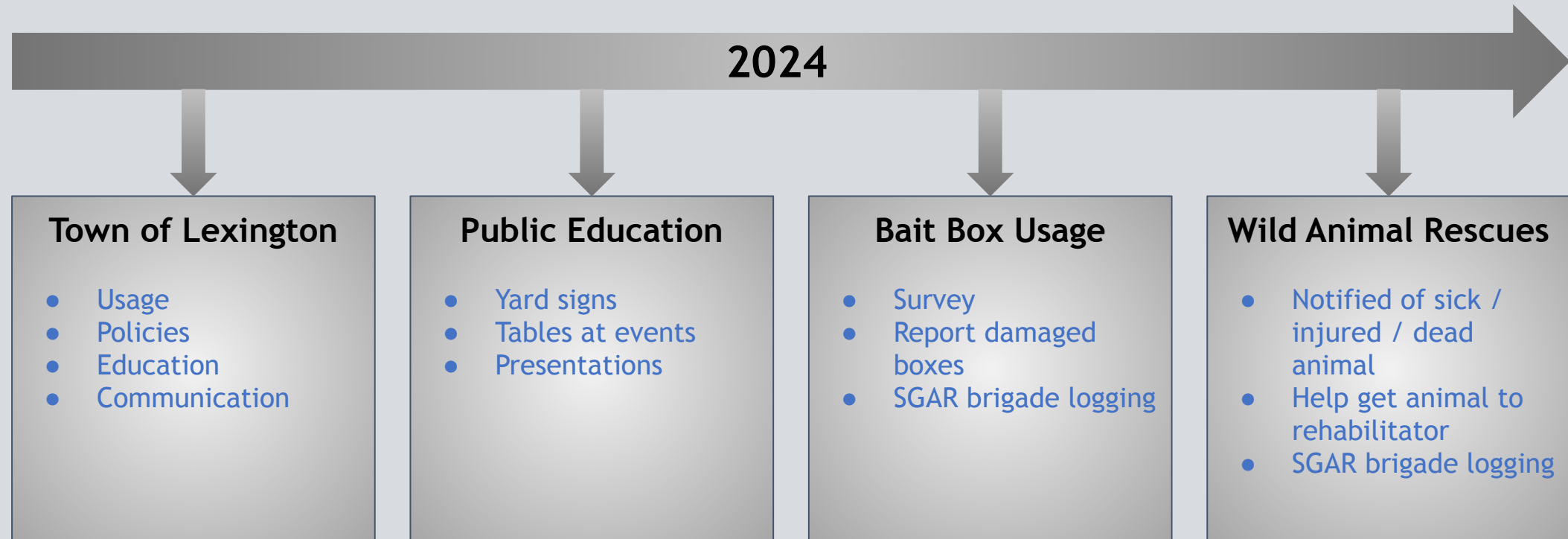
**AUTHORIZE THE TOWN OF LEXINGTON TO
PROHIBIT OR RESTRICT THE APPLICATION
OF SECOND-GENERATION ANTICOAGULANT
RODENTICIDES (Citizen Petition)**

Recap: Town Meeting 2024



Article passed with overwhelming support: 157-1

Progress: Partnership with Town



Working in the Community

The Danger Persists

200 exposures
in 3 years

People



Wildlife



60+ documented cases
in our region

Dozens of pets
per year

Pets



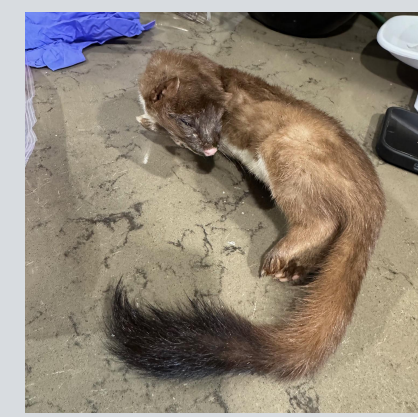
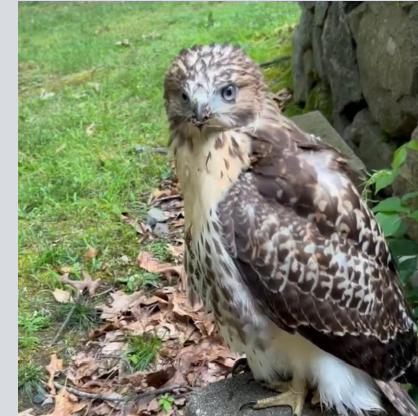
Environment



Half-life up to 1 year
in soil and water

Unnecessary Risk

Wildlife Cases in Lexington since May, 2024



Perfectly healthy animals dying

Pervasive Bait Box Usage on Private Land



Counted 338 bait boxes on commercial land
Estimate 450+ on non-public land

Numerous Alternatives to SGARs

- Prevention, Prevention, Prevention!
- Exclusion
- Repellants
- Monitoring
- Traps
- CO₂
- Birth control
- Non-anticoagulant poisons
- And more!

Integrated Pest Management (IPM)

What should we do?

- Control of pesticides resides at state level
 - Efforts at State Legislature
 - Legal Petition

→ LIMITED SUCCESS

- Action on Municipal Land
 - Lexington, Lowell, Newbury, Arlington, Somerville, Boston (except for sewers), Watertown, Belmont, Brookline, Newton, and others

- Home Rule Petitions
 - 7 other communities have passed similar petitions - Arlington, Newbury, Newton, Brookline, Orleans, Eastham, and Wellfleet
 - More in the works - Belmont, Grafton, and possibly others

Many cities and towns are taking action

Our Article

To determine if the Town will authorize and request the Select Board to petition the General Court of the Commonwealth for Home Rule Legislation to allow the Town of Lexington, notwithstanding the provisions of Chapter 132B of the General Laws or any other general or special law to the contrary, to adopt a bylaw that would prohibit or restrict the application and use of second-generation anticoagulant rodenticides within the Town of Lexington, including the application of such pesticides by licensed commercial applicators as defined in 333 C.M.R. 10.00 or to take any action in relative thereto.

Does not bind us to any future policy or action

The Appeal

- Lexington prioritizes the health and welfare of its residents and the environment
- Wildlife don't adhere to private / public boundaries
- Danger to people, wildlife, pets and environment
- Number of bait boxes in town
- Readily available alternatives

Let's work together to reduce poisons in our town

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Discussion and Determination - The Historic Districts Commission Certificate of Appropriateness for the Lex250 Monument

PRESENTER:

Board Discussion

ITEM NUMBER:

I.3

SUMMARY:

Category: Informing and Decision Making

The Select Board will discuss the Historic Districts Commission (HDC) Certificate of Appropriateness (CofA) for the 250th Monument and potential next steps.

The CofA for the 250th Monument was not the result of an affirmative vote by the HDC. Instead, it became effective by default due to the 60-day rule, which states that if the HDC does not issue a formal determination within 60 days of the application being deemed complete, the CofA is automatically approved.

The HDC held multiple public hearings, including a special meeting in September, to accommodate the proponents and seek a compromise. However, the application remained incomplete, and the HDC could not reach a formal decision within the 60-day window.

The default CofA approval occurred despite the HDC's efforts to engage with the proponents and address some HDC member concerns about the incompleteness of the application.

The Select Board will discuss potential next steps:

- support moving forward with the current CofA (despite its default status). Select Board would then take up the 250th Monument design details at our next meeting on February 14th at 9:00 AM.
- not support the current CofA. The proponents would then have the option to either return to the HDC for a determination as a continuation or step away from the project.

SUGGESTED MOTION:

n/a

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/3/2025

6:40pm

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Discussion - Bicycle Advisory Committee Memo Regarding Safety Recommendations on Worthen Road

PRESENTER:

Board Discussion

ITEM NUMBER:

I.4

SUMMARY:

Category: Informing

Mr. Bartha will discuss potential next steps in response to the Bicycle Advisory Committee's memo regarding their safety recommendations for Worthen Road.

SUGGESTED MOTION:

N/A

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

2/3/2025

6:55pm

ATTACHMENTS:

Description	Type
□ 2025.01.27 LBAC Letter to Select Board	Cover Memo



Town of Lexington, Massachusetts

Bicycle Advisory Committee

BETTY GAU, CHAIR
DAVID ARMSTRONG
JONATHAN BERNAYS
JAMES CADENHEAD
SUZAN CHEN
SARAH HEWS
RAM REDDY
JONATHAN SCHWARZ
THOMAS SHIPLE

Date: January 25, 2025

To: Select Board
CC: Steve Bartha, Town Manager
Re: Worthen Rd Bicycle/Car Crash

The Bicycle Advisory Committee (BAC) is charged with advising the Select Board with all matters relating to bicycle routes and general bike policy. Ensuring safety for all Lexington bicyclists is the Committee's primary focus.

The BAC would like to bring the bicycle/car accident on Worthen Road this past Thursday, Jan 16th, at 6:30 pm to the attention of the Select Board. A Lexington High School (LHS) student riding their bike across Worthen Rd, near the softball fields, was hit by a car. This resulted in the student suffering a serious leg injury and being transported to the hospital. The police arrived after the crash and determined the crash was not caused by the motorist, rather it was caused by inattention and lack of bike safety of the cyclist.

This is the third accident in recent months involving a Lexington student being hit by a car while riding a bike to or from school. A young Hastings student was hit on the way to school while riding their bike in the crosswalk at School Street and Mass Ave, and a student was hit by a car while biking in the crosswalk in front of the DPW building.

The Bicycle Advisory Committee is very concerned about everyone, including our vulnerable youth, having safe bike routes to school and around town. This year, we have heard recommendations from the Select Board that children ride their bikes on the sidewalk. All of these accidents occurred while children were exiting from sidewalks. The best way to provide safe routes is to create safe cycling infrastructure, such as dedicated and protected bike lanes.

Worthen Road has been identified as a particularly dangerous road where many students bike, walk and scooter to LHS. The speed limit on Worthen Rd is 35 mph for cars, and there is no cycling infrastructure from Mass Ave to Waltham Street. The Bicycle Advisory Committee has been reviewing Worthen Road safety for over 2 years, and it is the highest priority project in the Town's Bicycle/Pedestrian Plan. (See the recommendation to implement Separated Bike Lanes - page 63, Lexington Town-wide Bicycle and Pedestrian Plan, April 2024.)

With Worthen Rd as the town's top priority for biking and pedestrian safety, the Bicycle Advisory Committee has started a Worthen Road Bikeway Working Group to study proposals to implement the bike lane for safe travel to and from LHS. Our first recommendation is to designate the area a School District and reduce the traffic speeds along the roads near LHS. Once we have identified the safest options to implement infrastructure, we will be providing a detailed recommendation and report to the Select Board.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Discussion - 2025 ATM Select Board Article Presenters, Discussion and Positions

PRESENTER:

ITEM NUMBER:

I.5

SUMMARY:

Category: Informing

The Board may take up discussion on the 2025 Annual Town Meeting Articles, Select Board presenters and/or Select Board article positions.

Town Website - Annual Town Meeting 2025-1
Annual Town Meeting 2025-1

SUGGESTED MOTION:

N/A

FOLLOW-UP:

N/A

DATE AND APPROXIMATE TIME ON AGENDA:

2/3/2025

7:00pm

ATTACHMENTS:

Description	Type
☐ Select Board Working Document - Positions 2025 ATM	Backup Material

Select Board Positions
Working Document

#	Article Name	PLACEHOLDER FOR AN UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (PC)	Possible IP (?)	DL	JP	JH	MS	
12 (cont.)	d) Sidewalk Improvements		JP							
	e) Hydrant Replacement									
	f) Street Improvements									
	g) Stormwater Management Program									
	h) New Sidewalk Installations - Study and Design									
	i) Intersection Improvements - Adams St. at East St. & Hancock St.									
	j) DPW Building Improvements									
	k) Lincoln Park Parking Lot - Design									
	l) Municipal Technology Improvement Program									
	m) Network Redundancy & Improvement Plan									
	13			Appropriate For Water System Improvements.						
14	Appropriate For Wastewater System Improvements									
15	Appropriate For School Capital Projects And Equipment									
16	Appropriate For Public Facilities Capital Projects		JP							
	a) Public Facilities Bid Documents									
	b) Public Facilities Interior Finishes									
	c) School Paving and Sidewalks									
	d) Municipal Building Envelopes and Associated Systems									
	e) Central Administration Building Demolition									
	f) Estabrook Elementary School Nurse Bathroom Renovation									
17	Appropriate To Post Employment Insurance Liability Fund		JP							
18	Rescind Prior Borrowing Authorizations									
19	Establish, Amend, Dissolve And Appropriate To And From Specified Stabilization Funds		TBD							
20	Appropriate For Prior Years' Unpaid Bills									
21	Appropriate For Authorized Capital Improvements.									
General Articles										

