

SELECT BOARD MEETING
Monday, August 23, 2021
Conducted by Remote Participation*
7:00 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 Concerns and Liaison Reports

TOWN MANAGER REPORT

CONSENT AGENDA

1. Approve Select Board Meeting Minutes
2. Approve Theater License Renewals
3. Water and Sewer Adjustments

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Public Hearing: All-Alcohol Package Store Liquor License - Lexington Fine Wines, 7:10pm
LLC, 1686 Massachusetts Avenue
2. Public Hearing: Noise Bylaw Special Permit - Sewer Line Flushing 7:25pm
3. Public Hearing: Noise Bylaw Special Permit - Patriots' Day Cleanup Activities 7:30pm
4. Approve Fleet Electrification Policy 7:35pm
5. Approve Affordable Housing Study Committee Charge 7:45pm
6. Water and Sewer Abatement Appeal - 3 Patricia Terrace 8:00pm
7. Battle Green Use Request - Lexington Minute Men Participation in Celebration of
Life Event in Honor of Dan H. Fenn, Jr. 8:20pm
8. Hosmer House Follow Up Discussion Regarding 41 Hancock Street Location 8:25pm

ADJOURN

1. Anticipated Adjournment 8:45pm

*An Act Extending Certain COVID-19 Measures: <https://www.mass.gov/service-details/updated-guidance-on-holding-meetings-pursuant-to-the-act-extending-certain-covid-19-measures>

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

<https://zoom.us/j/91250282228?pwd=UkhzazFrT0dUMk55MEFhNFkvRVhjUT09>

iPhone one-tap:

+13126266799,,91250282228# or +19294362866,,91250282228#

Telephone: +1 312 626 6799 or +1 929 436 2866 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 912 5028 2228

Passcode: 089301

The next scheduled work session of the Select Board will be held on Monday, August 30, 2021 at 7:00pm via remote participation.

The next regularly scheduled meeting of the Select Board will be held on Monday, September 13, 2021 at 7:00pm via remote 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 Concerns and Liaison Reports

PRESENTER:

Select Board Members

ITEM NUMBER:

LR.1

SUMMARY:

Please see the attached Select Board Member Concerns and Liaison Reports for the August 23, 2021 meeting. Under this item, Select Board Members can also comment on any additional points and concerns.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

8/23/2021

ATTACHMENTS:

| Description | Type |
|--|-----------------|
| <input type="checkbox"/> Select Board Concerns and Liaison Reports - August 23, 2021 | Backup Material |

Select Board Concerns and Liaison Reports – August 23, 2021

Jill Hai:

Special Permit Residential Development (SPRD) Zoning Bylaw Amendment Ad Hoc Committee

- SPRD met on 8/17 and voted to bring their proposal to Annual Town Meeting, as a follow up to the Planning Board's OSRD (Open Space Residential Development) proposal which will be coming to Special Town Meeting in the fall.

Planning Board

- The Planning Board voted last week to ask for 5 zoning articles and 1 general article to be included in a Special Town Meeting Warrant. They will begin advertising for public hearings on 8/16, to be held in September.

Suzie Barry:

Lexington Council for the Arts (LCA) met on August 4, 2021 via Zoom

- The Council will be beginning their annual grant process over the next few weeks.
- The Council is interested in auctioning off the painted doors from the "Go Outdoors" outdoor art installation (doors are located along the bike path in 2 locations and at Lexington High School on Worthen Road) as a fundraiser this fall
- The Council expressed interest in having a booth at Discovery Day in October.
- The next outdoor art project the Council is looking to undertake is the painting of utility boxes around town. They have been in conversation with the Recreation Department about utility boxes in parks/at athletic fields, Department of Public Works and the Historic Districts Commission as they look to move this project forward.
- On a side note, I facilitated a meeting with the two co-chairs of LCA with Melissa Battite of Recreation and Community Programs, Christine Dean, Community Center Director, Melissa Interest, Director of Human Service and Koren Stenbridge, Cary Library Director to introduce everyone to each other and brainstorm ideas of how LCA can work with the above mentioned Departments to bring visual and performing arts to their locations (inside and outside) and also discussed potential collaborative program offerings. It was a great meeting with a lot of out of the box thinking and brainstorming....stay tuned!

Cultural District Small Workgroup met on August 5, 2021 in a hybrid manner.

- This meeting followed a late July meeting where key stakeholders from the Workgroup and a member from the Massachusetts Cultural Council (MCC) met to have a preliminary discussion and Q&A about Lexington's application and the process MCC requires.
- The workgroup began the discussion of defining terms and how to break down and assign the different parts of the application.

Recreation Committee met on August 18, 2021 via Zoom

- Deepika Sawhney is now the School Committee Liaison to the Recreation Committee with Kathleen Lenihan as alternate.

- Christian Boutwell was unanimously approved by the Recreation Committee to serve as the Recreation Liaison to the Greenway Corridor Committee (GCC).
- The Recreation Committee voted unanimously to amend the Athletic Field & Facility Policy to allow for the Center Track lights to stay on for 2 hours after sunset or 9 pm whichever is the earlier of the two times on Monday thru Thursday nights.
- The Recreation Committee reviewed the 5 Year Recreation Capital Plan for FY23-FY27.

Design Advisory Committee (DAC)

- The Design Advisory Committee did not hold a meeting this month but were invited to attend the Permanent Building Committee meeting on Thursday, August 19, 2021 via Zoom as individuals to hear the update on the Police Station project. I did not attend the PBC meeting so look forward to an update from Mr. Sandeen if he attended.

Mark Sandeen:

Lexington Bicycle Advisory Committee

- The Bike Advisory Committee Chair is moving out of Lexington and another committee member whose term is ending in September will not be reapplying. The Bike Advisory Committee is now looking for two new members.

Noise Advisory Committee

- The Noise Advisory Committee has scheduled a public outreach session on September 2nd at 7PM with the goal of hearing feedback from the entire community and all stakeholders on strategies and timing for phasing in the use of electric leaf blowers.

Comprehensive Plan Advisory Committee

- The Comprehensive Plan Advisory Committee will be holding a public forum on housing in Lexington on September 21, 2021 at 7:00pm. Town staff have created a website to provide information to the community on the Comprehensive Plan process. LexingtonNext.org

Permanent Building Committee (PBC)

- The Permanent Building Committee (PBC) reviewed a project timeline presented by the design team which anticipates construction start in August 2022 if the Police HQ project is approved at Annual Town Meeting. The PBC voted unanimously to request that the Town Manager give access to all the raw data coming out of the community conversation on policing conducted by the Select Board with the design team. The PBC also voted unanimously to request that the scope of work for the Police HQ design team should include the solar array, Fletcher Park utilization, and associated infrastructure.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve Select Board Meeting Minutes

PRESENTER:

Doug Lucente, Select Board Vice-Chair

ITEM NUMBER:

C.1

SUMMARY:

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

- May 17, 2021
- August 2, 2021
- August 9, 2021

SUGGESTED MOTION:

To approve and release the Select Board meeting minutes of:

- May 17, 2021
- August 2, 2021
- August 9, 2021

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

8/23/2021

ATTACHMENTS:

| Description | Type |
|---|-----------------|
| 📄 DRAFT Select Board meeting minutes 05.17.21 | Backup Material |
| 📄 DRAFT Select Board meeting minutes 08.02.21 | Backup Material |
| 📄 DRAFT Select Board meeting minutes 08.09.21 | Backup Material |

SELECT BOARD
May 17, 2021

A remote participation meeting of the Lexington Select Board was called to order at 7:02 PM. on Monday, May 17, 2021 via Zoom meeting services. Select Board Chair Ms. Hai; Vice Chair Mr. Lucente; and members Mr. Pato; Ms. Barry; and Mr. Sandeen were present, as well as Mr. Malloy, Town Manager; Ms. Axtell, Deputy Town Manager; Ms. Katzenback, Executive Clerk; and Michael Gibbons, Recording Secretary.

Ms. Hai stated that the meeting was being held in accordance with Governor Baker's March 12, 2020 Executive Order suspending certain provisions of the Open Meeting Law to allow remote participation during Massachusetts' state of emergency due to the outbreak of Covid-19.

Ms. Hai provided directions to members of the public, watching or listening via the Zoom application, regarding the procedure for making a public comment.

Ms. Hai reminded Board members, staff, and members of the public about Lexington's Standard of Conduct regarding civil discourse during Town Government meetings.

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Appoint Muzzey Administrator

This agenda item was withdrawn.

Mr. Malloy explained that, during the past week, Town Counsel spoke with Regional Housing Services Officer (RHSO) Liz Rust and determined that the course of action scheduled for discussion--that the RHSO be designated as the Muzzey Administrator—is not allowable. Mr. Malloy reported, however, that designating either the Lexington Housing Assistance Board (LexHAB) or the Town Manager would be possible. Either entity could then contract with the RHSO for service.

ACTION ITEMS: Mr. Malloy will speak with LexHAB about how to proceed. This item will come back before the Board at a later time.

2. Joint Meeting—Select Board, Planning Board, Lexington Housing Assistance Board, Housing Partnership Board, Appropriation Committee and Capital Expenditures Committee: Discuss Alternative Affordable Housing Funding and Operation Models

Present at Joint Meeting were:

Select Board (SB): Ms. Hai; Mr. Lucente; Mr. Pato; Ms. Barry; Mr. Sandeen.

Planning Board (PB): Mr. Peters; Ms. Thompson; Mr. Creech.

Lexington Housing Partnership Board (HPB): Ms. Foutter; Ms. Weiss; Ms. Haskell, Ms. Thompson; Ms. Walker; and Ms. Cole.

Lexington Housing Assistance Board (LexHAB): Mr. Burbidge; Mr. Liu; Ms. Wood; Mr. Howell; Mr. Kennedy.

Appropriation Committee (AC): Mr. Parker; Ms. Muckenhoupt; Mr. Michelson; Mr. Ahuja; Mr. Levine; Mr. Padaki; Ms. Yan; Mr. Berenstein.

Capital Expenditures Committee (CEC): Mr. Lamb; Ms. Beebe; Mr. Cole; Mr. Smith; Mr. Kanter, Ms. Manz.

Also present: Carol Kowalski, Assistant Town Manager for Development; Amanda Loomis, Town Planner; Marilyn Fenollosa, Chair of the Lexington Community Preservation Committee (CPC); Pam Hallett, Executive Director of the Lexington of the Housing Corporation of Arlington; Liz Rust, Regional Housing Services Office (RHSA); Austin Anderson, Anderson Kreiger LLP/Town Counsel; Christine Foley, Executive Director of Lexington Housing Authority.

The purpose of the Joint Meeting was to hear a presentation about two alternative operational tools for affordable housing: municipal affordable housing trusts and housing development corporations— and to collectively discuss forming a subcommittee/working group which would develop a recommendation for review by the attending boards and committees. Such a working group could include representatives from LexHAB, the Community Preservation Committee, the Regional Housing Services Office, Town Counsel, and others.

Ms. Kowalski, Ms. Rust, and Ms. Hallet presented the information to be considered.

Ms. Kowalski suggested that adopting both afore mentioned tools in tandem would provide oversight plus flexibility and also transition the brunt of responsibility from LexHAB to a newly-created affordable housing entity.

Affordable Housing Trust: Ms. Kowalski described affordable housing trusts as akin to managed bank accounts in that they can receive Community Preservation funds with Town Meeting approval and also receive linkage fees, transfer tax fees, gifts, and grants. They are municipal bodies adopted by a simple majority vote of Town Meeting. Lexington's, if created, would be operated by the Town's Finance Department. Select Board approval could be required for the real estate transactions the affordable housing trust undertakes. State Legislation requires a Select Board member to serve on the Board of Trustees. It is also required for Select Boards to appoint the trustees of affordable housing trusts.

Affordable housing trusts can provide financial support for affordable homes being constructed by developers in collaboration with the Town and trusts can also rehabilitate existing homes. A trust provides liquidity to act quickly as opportunities arise. It can also develop surplus municipal property; preserve properties that are facing expiration of their affordability; and create programs to assist first time low- and moderate-income homebuyers.

However, Ms. Kowalski said, on its own, a trust is not ideal for developing houses because, like any other Town department, a housing trust is subject to all laws, including and especially the 30B Procurement Law.

Housing Development Corporation: A housing development corporation, Ms. Kowalski said, is a better tool for developing affordable housing. Depending on how much control a Town wants, it can determine whether to have some or none of the costs and it can avoid delays that currently hinder LexHab. It can also be a 501(c)(3) tax exempt corporation.

There is no formal oversight of a housing corporation by the Select Board but the corporation does partner with the Town and it engages with the public regularly. Additionally, Town Meeting could still approve funding for major projects while smaller projects could proceed through the corporation without needing to wait for Town Meeting approval.

If, as suggested, both tools are adopted, the process would be to approve an affordable housing trust by simple majority of Town Meeting through review and approval of a bylaw. In parallel, the Select Board would appoint a board of trustees. The Town would simultaneously develop articles of incorporation for a housing development corporation, establish a board of directors, and then transition LexHab to the Housing Development Corporation.

Ms. Hallet, Housing Corporation of Arlington (HCA), related the history and trajectory of the HCA, noting that as time has gone on, the organization has changed its focus and strategies to increase the number of units it can develop and create. Ms. Hallet enumerated the many layers of funding sources that can be tapped to contribute to affordable housing development.

Ms. Hallet reported that the Housing Corporation of Arlington is a totally independent organization, a separately incorporated 501(c)(3). It has its own board of directors who meet monthly to organize, set policy, and determine where the organization is going. The HCA works very closely with the Town—especially with the Planning Department; the Redevelopment Board; the Zoning Board of Appeals; and the Select Board, particularly when Community Development Block Grants (CDBGs) are part of a project's funding portfolio. Three thousand Arlington residents are HCA members. They support the organization and generously donate funds. When annual meetings are held, over 100 people attend. Members elect the Board of Trustees. There is also a social services arm that works closely with Town social service agencies.

Ms. Hallet said she believes the blended model being proposed tonight is similar to the Housing Corporation of Arlington and would make it much easier for Lexington to design and create more affordable housing.

Mr. Liu (LexHab) asked how many board members the HCA has, how long their terms last, and what roles board members play. Ms. Hallet replied that there are ten board members with terms that range from nine to fifteen years. Members come from a variety of backgrounds: architects, attorneys, non-profit staff people, and interested community members. Executive Board officers run meetings, keep an eye on finances, take meeting minutes, and authorize loan documents, among other duties. There is also a paid staff of four.

Mr. Peters (PB) asked if the HCA had considered purchasing deed restrictions. Ms. Hallet reported that the idea had come up with regard to condominiums but the idea was ultimately rejected because the HCA would not have a large enough voice on any condominium governance board.

Mr. Peters (PB) said it seems that transitioning LexHAB to another entity would require a lengthy process.

Mr. Kanter (CEC) said that while he endorses the idea of forming a subcommittee to look into this issue, he does not like the idea of a working group because it would not have public oversight vis-a-vis Open Meeting Laws. For that reason, he prefers the formation of an ad hoc or standing committee instead. Mr. Kanter thinks that Lexington might not have the same results as Arlington in terms of housing creation because they are geographically dissimilar. He has no objection to the formation of a trust or to making funds more available than they are through the current Affordable Housing Stabilization Fund but he feels the autonomy that a housing corporation would have is a big philosophical switch for Lexington. He recommends looking into what is being proposed but not expecting identical success or forming an identical organizational/oversight structure.

Ms. Hallet clarified that all funding for HCA from CPA, CDBG etc. flows under Town Meeting oversight.

Melinda Walker (HPB) asked for more detail about what a CDBG is; how funding from multiple sources is cobbled together; and how long that process takes. She believes it is important for people to understand that the process is complicated.

Ms. Hallet explained that Community Development Block Grant funding comes to Arlington and to other municipalities through a complex State-devised formula. Using a specific project to illustrate, Ms. Hallet said Arlington has about 15 different funding sources that provided a budget of \$24M, of which \$16M is for construction costs. The funding sources in this case include CDGB, local lenders such as Leader Bank, Brookline Bank, TD Bank, PCI Loan Fund (insurance company consortium funding established to make up for redlining practices), HOME funds (federal grant), CPA, Enterprise Communities, and the Massachusetts Department of Housing and Community Development (DHCD), which is a source of low-income housing tax credits and access to secondary mortgages.

Ms. Foutter (HPB) asked Ms. Hallet to explain about becoming a certified Community Development Corporation (CDC) and the complexity of the application process for low-income tax credits through the DHCD. Ms. Hallet said there is a significant checklist to be followed for becoming a CDC which takes about 3 months to complete. Once certified, a Town gains access to the Community Investment Tax Credit program. Ms. Hallet said that the CDC has provided Arlington with an access to an increasing amount of funding over the years, including from local banks.

Mr. Padaki (AC) asked Ms. Hallet if members of Arlington's Select Board sat on the HCA board and if the HCA budget includes funds for legal support. Ms. Hallet answered both questions in the negative.

Mr. Padaki (AC) asked who would have oversight of a housing corporation. Ms. Kowalski said the Housing Corporation would have to follow the Town's zoning bylaws, including the potential for a Special Permit or a Comprehensive Permit for a friendly 40B which is a collaborative effort between a town and a developer.

Mr. Padaki (AC) asked if the Community Preservation funding that goes into the trust can be appropriated or if it goes only one way, into the trust and not back out again. Ms. Kowalski, Ms. Fenollosa, and Ms. Rust clarified that the CPA funds go through Town Meeting, like any other appropriation, and then into the project, which in this case is the funding of the trust. Rescinding of the funds by Town Meeting that are appropriated to the trust is theoretically possible, but cumbersome.

Ms. Manz (CEC) asked Ms. Hallet how the HCA was able to fund its start-up costs. Ms. Hallet said that at the beginning, the HCA had a volunteer Executive Director, then a paid part-time Director who was funded through donations. A fundraising appeal still goes out every year; the money goes into Arlington's Homelessness Prevention Fund. Typically, \$30,000 to \$50,000 is raised annually. Funds are used to help people who are behind in rent or to move those in unstable living situations into more secure arrangements.

Ms. Manz (CEC) asked what happens when a project runs up against a small but irreducible amount of opposition. Ms. Hallet said in that case, when the project enjoys the support of the Select Board, Planning Board, ZBA, Town Manager, Arlington Redevelopment Board, and Town Meeting, the project goes forward despite intransigent opposition. She reported that over time, trust has been built between the HCA, the Town, and residents so opposition has become less of a knee-jerk response to any/all proposed

affordable housing development. Town Meeting approval is required, a process which requires outreach and education.

Mr. Sandeen (SB) asked how much of the funding for a project comes from local sources and how much from outside sources. Ms. Hallet said a very small percentage of funds is local.

Mr. Sandeen (SB) asked what benefits besides financial there are to forming a CDC. Ms. Hallet said that the independence and separation from the municipality provides outside funders with a sense that you are not overly reliant on Town appropriations or too inflexible. During the pandemic, community contributions tripled to the Homelessness Prevention Fund. Also, outside funders rarely give to a Town government but they do give to a 501 c 3. Town Counsel Anderson added that non-Town entities are also not subject to procurement laws.

Mr. Burbidge (LexHAB) noted that Ms. Kowalski had stated previously that procurement rules might or might not apply, depending on the funding source in question. Ms. Kowalski confirmed this was the case, adding that some funding might come with terms and conditions that would made adherence to procurement laws obligatory.

Mr. Burbidge (LexHAB) asked if a potential donor could earmark funds for LexHab or any other entity. Ms. Rust said that property can be left to specific entities but each situation comes with its own set of particulars.

Mr. Michelson (AC) asked if Arlington has an affordable housing trust. Ms. Hallet said that Town Meeting set up such a trust just last year and passed a transfer fee. Neither has officially been established yet so there is no track record to able to draw any conclusions. However, Arlington has been able to access funding via the State's Affordable Housing Trust/Mass Housing/DHCD for second and third mortgages and soft costs. Unit costs on recent projects range between \$350,000 and \$500,000, which was deemed far less than Lexington's recent per unit cost.

Mr. Michelson (AC) asked how maintenance and upkeep costs are covered. Ms. Hallet said, in addition to the rents collected, Arlington has given the HCA its CDBG funds (about \$150,000-\$200,000/year) which supports the capital improvements program for new roofs, kitchen updates, new heating systems, insulation, etc.

Ms. Fenollosa (CPC) asked how the constraints of CPA funding are handled if the money goes into a corporation that is separated from the Town. Ms. Hallet said, regarding CPA funds, the HCA signs a very clear document that stipulates how the CPA money can be used. The document also makes clear that if funds are not used in the agreed-upon way, they can be called back. CPA funds also are not automatically sought for appropriation; they are transferred through a project-by-project requisition process. Once committed documents and grants are signed, CPA funds can be applied for.

Mr. Anderson, Town Counsel, clarified that the trust would be the recipient of the CPA funds, not the corporation. The trust would then disperse the funding to the corporation for specific purposes. Ms. Rust confirmed that the trust is obligated to follow all CPA rules. The Town could be libel to legal action if CPA funds were improperly used, but the likelihood of that occurring is minimal since the Town would have oversight of the trust.

Mr. Kennedy (LexHAB) asked how operating expenses are funded and if rental income covers all operating costs. Mr. Hallet said she fundraises for operating expenses for property management, which the corporation pays. She separately raises operational expenses.

Ms. Foutter (HPB) read a statement from absent HPB member Bob Pressman which expressed support for the creation of a trust because it is more nimble and able to act quickly on the occasion that properties of interest become available.

The Select Board determined that it had enough information to discuss the formation of subcommittee/working group at a later date.

ACTION ITEMS: The Board will discuss establishing a subcommittee or working group to discuss the pros and cons of the information and deliver a recommendation.

DOCUMENTS: Overview of Affordable Housing Trusts and Development Corporations; Alternative Affordable Housing Funding and Operation Models

ADJOURN

Upon a motion duly made and seconded, the Select Board voted 5-0 by roll call to adjourn the meeting at 9:00 p.m. All assembled boards and committees likewise adjourned.

A true record; Attest:

Kim Siebert, Recording Secretary

SELECT BOARD MEETING
August 2, 2021

A remote participation meeting of the Lexington Select Board was called to order at 7:06 PM. on Monday, August 2, 2021, 2021 via Zoom meeting services. Select Board Chair Ms. Hai; Vice Chair Mr. Lucente; and members Mr. Pato; Ms. Barry; and Mr. Sandeen were present, as well as Mr. Malloy, Town Manager; Ms. Axtell, Deputy Town Manager; and Ms. Katzenback, Executive Clerk.

Ms. Hai stated that the meeting was being conducted via Zoom as posted, with the agenda on the Town's website, as well as being broadcast live through LexMedia services. She noted that some members and staff were participating from the Select Board meeting room using the Meeting Owl Pro device to test the technology for hybrid meeting participation.

Ms. Hai provided directions to members of the public, watching/listening, regarding the procedure for making a comment via zoom at this Public Listening Session. Approximately thirty three residents connected via zoom to attend this public listening session meeting. Ms. Hai reminded Board members, staff, and members of the public about Lexington's Standard of Conduct regarding civil discourse during Town Government meetings.

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Public Listening Session Regarding the Potential to Move the Hosmer House to 41 Hancock Street

Mr. Malloy stated that the Hosmer House will need to be either relocated or demolished since it lies within the footprint of the proposed new police station. Mr. Malloy said the Town is considering putting out a new Request for Proposal (RFP) to move the Hosmer House. He said the Town previously issued a RFP in 2020 to move the Hosmer House, however no award was made to either bidder of this RFP. In early 2021, Town staff identified 70 parcels of buildable Town-owned parcels to review for appropriateness. Additionally, the owners of 41 Hancock Street indicated their interest to have their lot considered. A list of approximately 71 lots was reviewed by the Historic Districts Commission and the Historical Commission. Their recommendation upon review of this list was that two properties, 41 Hancock Street and 3 Harrington Road would be appropriate lots to consider for the Hosmer House relocation.

Mr. Malloy noted that the Select Board had voted twice before that they were not in favor of relocating the Hosmer House to 3 Harrington Road and they wanted to hear feedback from public and abutters regarding the consideration of 41 Hancock Street before putting forth a new RFP for the relocation of the Hosmer House.

Mr. Malloy said that the RFP would be to sell the Hosmer House as personal property to the successful bidder. The successful bidder, in turn, would then arrange for the Hosmer House to be removed from Town property and relocated to their site. Mr. Malloy noted that the relocation and renovation of the Hosmer House must comply with any and all Town regulations, including Zoning and Historic District Commission approvals, when it is moved to any parcel including 41 Hancock Street.

Ms. Hai opened the floor for public comment regarding the potential to move of the Hosmer House to 41 Hancock Street.

Jon Himmel, 66 Hancock Street, recommended that the RFP should include a statement of design intent and include a design of the building footprint, elevations and landscape site plan.

Cristian de la Huerta, 25 Hancock Street, said he was opposed to having the Hosmer House moved to 41 Hancock Street stating he did not feel this specific parcel of land was appropriate. Mr. de la Huerta also expressed concern to the potential of drainage issues that may occur with development on this lot.

Tom Defay, 43 Hancock Street, questioned if 41 Hancock Street met all the criteria for a house to be built on the lot. Mr. Malloy replied that the any house put onto that lot would be subject to any and all Town regulations and requirements.

Tad Dickenson, 48 Hancock Street, stated he would like more details on the process and the timeline for moving the Hosmer House.

David Kanter, 48 Fifer Lane, Capital Expenditures Committee Vice Chair, said he would like to hear what the plan will be in the event a location is not determined for the move of the Hosmer House.

Dawn McKenna, 9 Hancock Street, stated she feels that the RFP should provide flexibility to receive submissions for the Hosmer House to be moved to any parcel of land in order for the Select Board to consider all options.

Eileen Kahan, 44 Hancock Street, stated she was opposed to the Hosmer House being moved to 41 Hancock Street citing she also concerned of possible drainage issues when building on that lot.

Taylor Singh, 40 Hancock Street, stated she was in opposition of the Hosmer House being moved to 41 Hancock Street.

John Himmel, 66 Hancock Street, suggested the RFP require submission of elevation views from all sides of property as well as site walls.

Bob Pressman, 22 Locust Street, asked if the new RFP would allow bidders to propose another site under that person's control or will the RFP be limited to certain parcels.

Betsey Weiss, 8 Dover Lane, Housing Partnership Board Vice Chair, stated she was opposed to moving the Hosmer House to 41 Hancock Street and feels the Select Board should reconsider moving the Hosmer House to 3 Harrington Road.

Upon hearing no further comments, Ms. Hai, on behalf of the Board, thanked all those attended and for the feedback provided.

ADJOURN

Upon a motion duly made and seconded, the Select Board voted 5-0 by roll call to adjourn the meeting at 7:47 p.m.

A true record; Attest:

Kim Katzenback
Executive Clerk

SELECT BOARD MEETING
August 9, 2021

A remote participation meeting of the Lexington Select Board was called to order at 7:01 P.M. on Monday, August 9, 2021 via Zoom meeting services. Select Board Chair Ms. Hai; Vice Chair Mr. Lucente; and members Mr. Pato; Ms. Barry; and Mr. Sandeen were present, as well as Ms. Kosnoff, Assistant Town Manager for Finance/Acting Town Manager; Ms. Katzenback, Executive Clerk.

Mr. Malloy, Town Manager and Ms. Axtell, Deputy Town Manager were absent as they were out of town.

Ms. Hai stated that the meeting was being conducted via Zoom as posted with the agenda on the Town's website. Ms. Hai provided directions to members of the public, watching/listening via the Zoom application, regarding the procedure for making a public comment. Ms. Hai reminded Board members, staff, and members of the public about Lexington's Standard of Conduct regarding civil discourse during Town Government meetings.

PUBLIC COMMENT

Valerie Overton, 25 Emerson Gardens, said she has noticed that the standing agenda for an update on the status of Lexington's racial and social justice initiatives has dropped off recent agendas. She wondered if this was deliberate and asked the Board to consider including periodic reports on the status of racial/social initiatives, outcomes, and next steps.

SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS

In addition to her submitted written report, Ms. Hai noted that she had forwarded to the Select Board a copy of the Town of Belmont's recently passed Mask Mandate Policy for their information. Ms. Hai said she and Board of Health Chair Dr. Heiger-Bernays are scheduled to meet later in the week and would be discussing masking protocols.

Mr. Pato said he would like to have a Board discussion about a Mask Mandate Policy, preferably sometime this week, as soon as Open Meeting Law scheduling rules apply. Mr. Sandeen and Ms. Barry agreed, although Ms. Barry acknowledged that timing a meeting for this week could be difficult for her. Mr. Lucente agreed but said he feels such a meeting should be held as soon as possible.

Mr. Sandeen noted that the United Nations' Intergovernmental Panel on Climate Change has released a new report stating changes to the climate are occurring 10 years earlier than formerly predicted. Mr. Sandeen asked the Board to consider scheduling an update on what the Town of Lexington is doing vis-à-vis sustainability and Zero Emissions and to also reflect what actions the Town should take considering this acceleration.

Mr. Pato said the Sustainable Lexington Committee originally intended to schedule an update to the Board in the fall of 2021 but, in the face of the Intergovernmental Panel on Climate Change (IPCC) report, the Sustainable Lexington Committee may want to schedule the update sooner.

ACTION ITEMS: Ms. Katzenback will poll the Board for their dates of availability for a Joint Meeting with the Board of Health regarding meeting about a mask mandate policy.

DOCUMENT: Select Board Concerns and Liaison Reports—August 9, 2021

CONSENT AGENDA

1. Select Board Committee Appointments & Resignations

Resignations:

To accept the resignation of Nancy Cowen from the Town Report Committee as the Town Report Coordinator effective immediately.

To accept the resignation of Peggy Enders from the Lexington Bicycle Advisory Committee effective immediately.

On behalf of the Town of Lexington, the Select Board Members extended thanks to Ms. Cowen and Ms. Enders for many years of service to the community.

Appointments

To appoint Victoria "Vicky" Sax to the Town Report Committee at the Town Report Coordinator to fill an unexpired term set to expire on September 30, 2021.

To appoint Ram Reddy to the Lexington Bicycle Advisory Committee to fill an unexpired term set to expire on September 30, 2023.

To appoint Bertram Gresh Lattimore, Jr. to the Town Celebrations Committee to fill an unexpired term set to expire on June 30, 2022.

DOCUMENTS: Committee Applications

2. Water and Sewer Commitments:

To approve the above Water and Sewer Commitments as follows:

- Water and Sewer Commitment Cycle 9 May 2021 \$ 316,107.35
- Water and Sewer Finals June 2021 \$ 33,233.92

DOCUMENTS: Cycle 9 and June Finals

3. Approve July 26, 2021 Meeting Minutes:

To approve and release the Select Board Meeting minutes of July 26, 2021

DOCUMENTS: DRAFT Select Board meeting minutes 07.26.21

4. Town Manager Appointment

To approve the Town Manager's appointment of Susan Bennett as a full member of the Historical Commission for a term to expire March 31, 2023.

DOCUMENTS: Committee Application

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

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Grant of Location for Eversource—Hartwell Avenue & Wood Street

Ms. Hai opened the Public Hearing at 7:10 p.m.

Ms. Hai said the hearing had been requested by NSTAR Electric Company d/b/a Eversource Energy for a Grant of Location to construct a line of conduits and manholes with the necessary wires and cables therein as indicated on the plan made by T. Thibault dated December 15, 2020, to be located under the following public way or ways in the Town of Lexington. Abutters were duly notified of this Public Hearing on July 30, 2021 by Ms. Katzenback, Executive Clerk to the Select Board. Phyllis Galloway, Right of Way Agent for Eversource, was present to answer questions pertaining to the installation.

Ms. Barry noted that it appeared from maps that this work is being done under or alongside the bridge on Hartwell Avenue. She is concerned about the structural integrity of the bridge and noted that work to improve the structure has been delayed. Ms. Galloway stated that Eversource has met with the Lexington Town Engineers who did not raise any concerns with the installation.

Dave Pinsonneault, DPW Director, said that Town Engineer John Livsey would be better able to comment but he felt certain that if Mr. Livsey and his staff approved the work, it has been thoroughly vetted. The delay in the bridge work has been due to the difficulty of coordinating all the utility companies that own conduits under/beside the bridge; those difficulties are being sorted out.

Ms. Barry asked whether the Eversource work would be done in the daytime or nighttime and noted that the businesses along Hartwell Avenue appear to be about 50% back to full occupancy. Ms. Galloway stated that the work would be done during the day but she will relay the need to coordinate with the Hanscom AFB gate so as not to cause undue traffic back-ups.

Upon hearing no further comment, Ms. Hai closed the Public Hearing at 7:14 p.m.

VOTE: Upon a motion duly made and seconded, the Select Board voted 5-0 by roll call to approve a Grant of Location to NSTAR Electric Company d/b/a Eversource Energy to construct a line of conduits and manholes with the necessary wires and cables to be located under the following public ways in the Town of Lexington as follows:

Hartwell Avenue – Southwesterly from MH29060 approximately 400± feet northeasterly of Town Dump Road a distance of 800± feet conduit and install one manhole MH30992

Hartwell Avenue – Southwesterly from MH29060 approximately 400± feet northeasterly of Town Dump Road a distance of 349± feet conduit

Hartwell Avenue – Southwesterly from MH25797 approximately 380± feet northeast of Wood Street thence turning southeasterly a distance of 423± feet of Conduit and install one manhole MH30993

Wood Street – Southerly from MH30993, at Hartwell Avenue a distance of 82± feet conduit as shown on the plan made by T. Thibault dated December 15, 2020.

ACTION: Ms. Galloway to convey the need for Eversource to coordinate with Hanscom AFB regarding traffic flow and work timing.

DOCUMENTS: Eversource Petition for grant of location; Abutter Notification

2. Application: Entertainment License-Anisoptera Mercantile, LLC, 1720 Massachusetts Avenue, Unit 2

Ms. Hai noted that Anisoptera Mercantile is a new retail space specializing in wellness. It will occupy the space in Lexington Center formerly occupied by Ride Studio Café. Applicant Rosemary Austin was in attendance to answer any questions.

The request for license approval has been reviewed by the Health, Building and Zoning Departments with no concerns. The applicant will be working with the Building Department to obtain a Building Permit.

VOTE: Upon a motion duly made and seconded, the Select Board voted 5-0 by roll call to approve an Entertainment License for Anisoptera Mercantile, LLC, 1720 Massachusetts Avenue, Unit 2, for the purpose of providing radio/recorded background music and LED information screens within the retail space.

3. Review Determination of Tree Hearing—5 Fulton Road

On May 17, 2021, Mr. Doug Orr, Orr Homes LLC, submitted a request to remove the tree at 5 Fulton Road. A tree hearing was then held on July 8, 2021 at 8:00 a.m. in front 5 Fulton Road. The hearing was publicly advertised as per the requirements in MGL Chapter 87. At least nine residents who attended the hearing objected to the removal of the tree.

The Town hired a certified arborist to evaluate the tree. Upon the Tree Warden's review of this evaluation, it was determined that removing the large limb that extended over the street and pruning any dead wood would make the tree more viable and ensure the safety of people and property.

With the hazard mitigation completed, and after receiving all comments at the hearing, the Tree Warden has deemed the tree healthy enough to remain. The Lexington Tree Committee is also in support of keeping the tree.

Ms. Hai reported that the tree is on the radar of the forestry division and will receive routine monitoring by the Forestry Division. Any future mitigation or corrections will be followed and completed by the department.

However, the applicant, Mr. Orr, now asks the Board to review the determination of that tree hearing. Ms. Hai stated that she had spoken with Town Counsel regarding this matter. Ms. Hai said she and Town Counsel are in agreement that there are insufficient grounds to review the Public Hearing's determination and therefore the decision should stand. Board members did not object to this course of action.

DOCUMENTS: July 29, 2021 Tree Warden Memo with Recommendation to Select Board for 5 Fulton Road Tree; Tree Committee position—5 Fulton Road Tree; May 17, 2021 D. Orr request to Tree Warden for Tree Hearing for Removal of Tree; Culmination of some of the resident objections to the removal of the Tree.

4. Appointment of Election Officers

Mr. Pato and Ms. Barry recused themselves on this item as they both have relatives who serve the Town as Election Officers.

Ms. Hai noted that the appointment of Election Officers is an annual request made by Town Clerk Nadie Rice.

VOTE: Upon a motion duly made and seconded, the Select Board vote 3-0 to approve the list of election officers recommended by the Town Clerk and Registrar of Voters.

DOCUMENTS: Memo from Town Clerk Requesting appointment of Election Officers

Ms. Barry and Mr. Pato rejoined the meeting.

5. Liquor License—Change of Manager—Lexington Lodge #2204 B.P.O.E. of USA

All the necessary paperwork to request approval for a Change of Manager on the All-Alcohol Common Club License for Lexington Lodge #2204 B.P.O.E. of U.S.A. has been submitted. The proposed manager, Gordon R. Osgood submitted a current Alcohol Awareness Training Certificate. The required CORI check has been completed.

VOTE: Upon a motion duly made and seconded, the Select Board voted 5-0 to approve the Lexington Lodge #2204 B.P.O.E. of U.S.A's application for a Change of Manager to be Gordon R. Osgood and upon ABCC approval, issue an updated Club Liquor License for Lexington Lodge #2204 B.P.O.E. of U.S.A., located at 959 Waltham Street, reflecting the change of manager.

DOCUMENTS: Change of Manager Application—Lexington Lodge of Elks #2204 B.P.O.E

ACTION ITEM: Select Board Office to send application onto the Alcoholic Beverages Control Commission for the next step in the application process

6. **Battle Green Use Request—Celebration of Life in Memory of Dan H. Fenn, Jr.**

The applicant withdrew their request on August 6, 2021. Item did not require any Select Board Action.

7. **Dissolve Select Board Committees: Electric Utility Ad Hoc Committee; Sidewalk Committee; Sister City Committee—Russia**

The Board is being asked to dissolve the Electric Utility Ad Hoc Committee, Sidewalk Committee and the Sister City Committee—Russia. Due to inactivity and/or to re-allocated functions.

Aside from dissolving the committee, Mr. Sandeen suggested that the Town improve outreach regarding the work of the Transportation Safety Group (TSG), which has absorbed the work formerly done by the Sidewalk Committee.

Ms. Hai noted the Sidewalk Committee has been inactive for quite some time and further that the Capital Expenditures Committee's report to Town Meeting always includes a list of active sidewalk projects.

Mr. Pinsonneault said he would coordinate with Mr. Livsey, Town Engineer, to make sure the Town website has up-to-date information re: sidewalk projects. Ms. Hai recommended that Mr. Pinsonneault and Mr. Livsey coordinate as well with Mr. Dugan, the Town's Public Information Officer, to disseminate information.

Dawn McKenna, Precinct 6 Town Meeting Member, said she has no objection to dissolving the Sidewalk Committee but feels that sidewalk design should undergo a public process to ensure that sidewalks are planned and constructed in ways consistent with preserving appearance and town character.

ACTION: Mr. Pinsonneault to coordinate with Mr. Livsey and Mr. Dugan to ensure the Town website is current with sidewalk project information.

VOTE: Upon a motion duly made and seconded, the Select Board voted 5-0 by roll call to dissolve the Electric Utility Ad Hoc Committee, Sidewalk Committee, and the Sister City Committee - Russia.

8. Discussion of Possible Need for a Special Town Meeting

Mike Cronin, Director of Public Facilities was present for the discussion.

Ms. Hai said the specific items that might appear on a Special Town Meeting warrant are not up for discussion at this meeting. The focus instead is whether the Board needs to call for a Special Town Meeting (at a future Board meeting) and what the relevant deadlines would be.

Ms. Kosnoff reported that one important item to be addressed at a fall Special Town Meeting is a significant upward adjustment to the previous New Growth projection. Ms. Kosnoff said that the adjustment is important to make because New Growth is a component of the Tax Levy and it is vital to have to right numbers in place before the Tax Rate for 2022 is determined. The consequences for not adjusting New Growth numbers in the fall would be to not make the most of the Town's tax capacity; not to allow the Town to set aside approximately \$1M—\$1.5M in the Stabilization Fund; and/or not to be able to commit additional cash to Capital projects, such as the Westview Street Cemetery Building and 173 Bedford Street projects.

Mr. Cronin said that the timing of getting the temporary Police Headquarters project out to bid is important. Getting started with the appropriations process this fall would provide a favorable timeline.

Ms. Hai questioned how the timing of a Debt Exclusion vote for the full Police Headquarters construction project would work. Ms. Kosnoff said that the retrofit of 173 Bedford Street plus the full Police HQ build out could be rolled into one Debt Exclusion vote or cash could be used to cover the cost of the retrofit but not figure into the Debt Exclusion at all.

Ms. Hai noted, additionally, that there are potentially a number of Planning Board generated zoning articles pending for a fall Special Town Meeting. Also, the Mount Independence Historic District Study Committee under the Historic Districts Commission may also have business to bring forward.

Given the news that the Covid-19 Delta variant is likely to prohibit in-person meeting, a fall Special Town Meeting will most likely be virtual.

Ms. Hai noted that a fall Special Town Meeting would coincide with budget season as well, making for a hectic meeting schedule and work load.

Mr. Lucente supported the concept of having a fall Special Town Meeting while acknowledging that the heavy impact on Town staff is real. However, deferring everything until the spring would compound the difficulties of Annual Town Meeting and add to its length, which would also cause burdens on staff.

Mr. Pato, Ms. Barry, and Mr. Sandeen agreed with Mr. Lucente's comments adding that there are likely to be other items that a fall Special Town Meeting should address.

Mr. Sandeen asked if time frame could be narrowed down for when the Special Town Meeting might occur. Ms. Barry and Ms. Hai said that such a conversation needs to occur upon Mr. Malloy and Ms. Axtell return to the office.

David Kanter, Vice Chair Capital Expenditures Committee, said that while he speaks for only himself, he feels very certain that Capital Expenditures Committee would agree with the need for a fall Special Town Meeting.

Dawn McKenna, Precinct 6 Town Meeting Member, said she personally finds virtual Town Meetings to be draining. She asked the Board to strongly consider limiting the number of articles at a virtual fall Special Town Meeting in the hopes that, by spring, in-person meeting will again be possible.

ACTION: Details/consideration regarding the call for a Special Town Meeting will be drafted and brought to an upcoming Select Board meeting.

ADJOURN

Upon a motion duly made and seconded, the Select Board voted 5-0 by roll call to adjourn the meeting at 7:49 p.m.

A true record; Attest:

Kim Siebert, Recording Secretary

DRAFT

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve Theater License Renewals

PRESENTER:

Doug Lucente, Select Board Vice-Chair

ITEM NUMBER:

C.2

SUMMARY:

Lexington Theatre Project, Inc. d/b/a Lexington Venue, 1794 Massachusetts Avenue, has submitted an application, and all necessary documents, to renew two Theater Licenses for the purpose of showing movies in Cinemas 1 and 2. Their current licenses expire on September 1, 2021.

The Fire Safety inspection was completed and passed on July 20, 2021. The request has also been reviewed by the Building and Zoning Departments with no objections.

SUGGESTED MOTION:

To approve the application and issue two Theater Licenses to Lexington Theatre Project, Inc. d/b/a Lexington Venue, 1794 Massachusetts Avenue, for Cinema 1 and Cinema 2 to show movies from September 1, 2021 through September 1, 2022.

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

8/23/2021

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Water and Sewer Adjustments

PRESENTER:

Doug Lucente, Select Board Vice-Chair

ITEM NUMBER:

C.3

SUMMARY:

Adjustments to Water & Sewer per WSAB meeting July 7, 2021 \$ 11,706.44

SUGGESTED MOTION:

To approve the above Water & Sewer Adjustments as recommended by WSAB on July 7, 2021.

Move to approve the consent.

FOLLOW-UP:

Treasurer/Collector

DATE AND APPROXIMATE TIME ON AGENDA:

8/23/2021

ATTACHMENTS:

| Description | Type |
|-----------------------|------------|
| SB Water & Sewer WSAB | Cover Memo |



FY 2022
 ADJUSTMENTS TO WATER/ SEWER
 AS RECOMMENDED BY THE WATER AND SEWER ABATEMENT BOARD


WSAB JULY 7, 2021 SELECT BOARD 8/23/21

| ACCOUNT | NBR | STREET | WATER | SEWER | TOTAL | BILL | YEAR | NOTES |
|------------|------|-------------------|---------------|---------------|----------------|---------|------|----------------------------|
| 0300668400 | 37 | WOODPARK CIRCLE | \$ (129.83) | \$ (401.86) | \$ (531.69) | 1009897 | 2021 | TOILET LEAK |
| 0300688900 | 30 | CONSTITUTION ROAD | \$ (1,007.71) | \$ (3,376.62) | \$ (4,384.33) | 1010169 | 2021 | TOILET LEAK |
| 0300941900 | 73 | SPRING STREET | \$ (289.37) | \$ (951.34) | \$ (1,240.71) | 1013517 | 2021 | TOILET LEAK |
| 0200536800 | 38 | SADDLE CLUB ROAD | \$ (90.16) | \$ (278.04) | \$ (368.20) | 1007424 | 2021 | TOILET LEAK |
| 0300634000 | 4 | WELCH ROAD | \$ (54.74) | \$ (168.81) | \$ (223.55) | 1009427 | 2021 | TOILET LEAK |
| 0300931200 | 38 | WOODCLIFFE ROAD | \$ (129.83) | \$ (401.86) | \$ (531.69) | 1013367 | 2021 | TOILET LEAK |
| 0200512300 | 23 | DOUGLAS ROAD | INTEREST ONLY | | | 1007056 | 2021 | NO PAYMENT |
| 0300756900 | 125 | REED STREET | \$ (298.52) | \$ (884.03) | \$ (1,182.55) | 995926 | 2021 | ESTIMATE ADJUSTMENT |
| 0300942400 | 3 | UNDERWOOD AVE | \$ (86.54) | \$ (248.88) | \$ (335.42) | 1013524 | 2021 | ESTIMATE ADJUSTMENT |
| 0100246000 | 2 | BLOSSOM STREET | \$ (235.00) | \$ (770.20) | \$ (1,005.20) | 1002779 | 2021 | TOILET LEAK |
| 0300786300 | 39 | FIFER LANE | \$ (72.38) | \$ (243.98) | \$ (316.36) | 1011429 | 2021 | LEAK UNDER FLOOR |
| 0300786300 | 39 | FIFER LANE | INTEREST ONLY | | | 996293 | 2021 | LATE APP/DIDN'T LEAK CHECK |
| 0300872400 | 429 | MARRETT ROAD | INTEREST ONLY | | | 1012551 | 2021 | NO LEAK PROOF |
| 0300617200 | 2195 | MASSACHUSETTS AVE | INTEREST ONLY | | | 1009181 | 2021 | NO LEAK PROOF |
| 0300680200 | 50 | PAUL REVERE ROAD | INTEREST ONLY | | | 1010054 | 2021 | NO PAYMENT/NO RECEIPT |
| 0200378202 | 18 | REVERE STREET | \$ (191.88) | \$ - | \$ (191.88) | 1005216 | 2021 | IRR LEAK |
| 0200482600 | 15 | UTICA STREET | \$ (327.01) | \$ (1,067.85) | \$ (1,394.86) | 986226 | 2021 | IRR LEAK/LATE APP |
| 0100085900 | 401 | LOWELL STREET | INTEREST ONLY | | | 1000537 | 2021 | TOILET LEAK/ NO REC/PAY |
| 0200450600 | 7 | NOWERS ROAD | INTEREST ONLY | | | 1006210 | 2021 | TOILET LEAK/ NO REPAIR |
| | | | \$ (2,912.97) | \$ (8,793.47) | \$ (11,706.44) | | | |

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 |
|---------------|---------------|----------------|
| \$ (2,912.97) | \$ (8,793.47) | \$ (11,706.44) |

 7-29-21

DIRECTOR OF PUBLIC WORKS

SELECT BOARD

8/23/21

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Public Hearing: All-Alcohol Package Store Liquor License - Lexington Fine Wines, LLC,
1686 Massachusetts Avenue

PRESENTER:

Doug Lucente, Select Board Vice-
Chair

ITEM NUMBER:

I.1

SUMMARY:

Attached is application from Lexington Fine Wines, LLC for an All-Alcohol Package Store to be located at 1686 Massachusetts. All the necessary documents have been provided by the applicant for this liquor license application. The application was submitted to the relevant Town staff for review, including building, zoning and health departments, and they have no objections to the liquor license application. It was noted that the applicant must obtain any required permits or licenses from those respective departments that may be needed prior to opening the package store. In accordance with M.G. L Chapter 138, the legal notice ran in the August 12, 2021 Lexington Minuteman and the applicant mailed the required notices to abutters.

Proposed Store Hours:

Monday – Saturday: 8:00 am – 11:00 pm

Sunday: 10:00 am – 11:00pm.

Mr. Nicholas Lisotto, applicant/Manager on record, will be at the meeting to answer any questions you may have regarding his application for a package store to be located at 1686 Massachusetts Avenue.

SUGGESTED MOTION:

Move to (*approve*) the application from Lexington Fine Wines, LLC for an All-Alcohol Package Store to be located at 1686 Massachusetts Avenue for the proposed store hours of 8:00 am -11:00 pm Monday – Saturday; 10:00 am -11:00pm on Sunday and after the application has been approved by the ABCC, to issue the all alcoholic Package Store Liquor License to Lexington Fine Wines, LLC.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

8/23/2021

7:10pm

ATTACHMENTS:

| Description | Type |
|--|-----------------|
| ☐ Application for Package Store - Lexington Fine Wines, LLC - 1686 Massachusetts Ave | Backup Material |



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

| ON/OFF-PREMISES | TYPE | CATEGORY | CLASS |
|--|---|--|-------------------------------------|
| <input type="text" value="Off-Premises-15"/> | <input type="text" value="\$15 Package Store"/> | <input type="text" value="All Alcoholic Beverages"/> | <input type="text" value="Annual"/> |

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

My goal is to bring high end "Michelin" type service to retail, over delivering on the experience as well as the value of the beverages we curate. The shop will have an Italian focus as well as incredible values from underserved regions of the world. A selection of craft beer and ingredient driven spirits will round out the store. Almost more importantly; the store will not be limited to alcohol, but also showcase world renown art, artisan homemade pasta, espresso, hand blow glassware and Italian goods made from left skins of the grapes from the winemaking process.

Is this license application pursuant to special legislation? Yes No Chapter Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name FEIN

DBA Manager of Record

Street Address

Phone Email

Alternative Phone Website

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Square Footage: Number of Entrances: Seating Capacity:

Number of Floors: Number of Exits: Occupancy Number:

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name: Phone:

Title: Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

| | | | |
|------------------------|--|-------------------------------------|---|
| Entity Legal Structure | <input type="text" value="LLC"/> | Date of Incorporation | <input type="text" value="July 7, 2021"/> |
| State of Incorporation | <input type="text" value="Massachusetts"/> | Is the Corporation publicly traded? | <input type="radio"/> Yes <input checked="" type="radio"/> No |

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

| | | | |
|---|---|---------------------------------------|---------------------------------------|
| Name of Principal | Residential Address | SSN | DOB |
| <input type="text" value="Nicholas Lisotto"/> | <input type="text" value="864 VFW pkwy, West Roxbury, MA 02132"/> | <input type="text" value="REDACTED"/> | <input type="text" value="REDACTED"/> |

| | | | | |
|---|----------------------------------|--|--|--|
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| <input type="text" value="Owner and Operator"/> | <input type="text" value="100"/> | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |

| | | | |
|----------------------|----------------------|----------------------|----------------------|
| Name of Principal | Residential Address | SSN | DOB |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

| | | | | |
|-----------------------|-------------------------|--|--|--|
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| <input type="text"/> | <input type="text"/> | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |

| | | | |
|----------------------|----------------------|----------------------|----------------------|
| Name of Principal | Residential Address | SSN | DOB |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

| | | | | |
|-----------------------|-------------------------|--|--|--|
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| <input type="text"/> | <input type="text"/> | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |

| | | | |
|----------------------|----------------------|----------------------|----------------------|
| Name of Principal | Residential Address | SSN | DOB |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

| | | | | |
|-----------------------|-------------------------|--|--|--|
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| <input type="text"/> | <input type="text"/> | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |

| | | | |
|----------------------|----------------------|----------------------|----------------------|
| Name of Principal | Residential Address | SSN | DOB |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

| | | | | |
|-----------------------|-------------------------|--|--|--|
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| <input type="text"/> | <input type="text"/> | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |

Additional pages attached? Yes No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. Yes No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Name | License Type | License Name | Municipality |
|--------------------------|---------------|--------------|---------------|
| Sorrisono Vino Brookline | Package Store | Lica-21-0069 | Brookline, MA |
| | | | |
| | | | |

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Name | License Type | License Name | Municipality |
|----------------|--------------|--------------|----------------|
| Sorrisono Vino | Class A | A0200500755 | Providence, RI |
| | | | |
| | | | |

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Date of Action | Name of License | City | Reason for suspension, revocation or cancellation |
|----------------|-----------------|------|---|
| | | | |
| | | | |
| | | | |

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes No

APPLICATION FOR A NEW LICENSE

8. FINANCIAL DISCLOSURE

| | |
|---------------------------------------|----------------------|
| A. Purchase Price for Real Estate | <input type="text"/> |
| B. Purchase Price for Business Assets | 20000 |
| C. Other * (Please specify below) | 100,000 |
| D. Total Cost | \$120,000 |

*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

| Name of Contributor | Amount of Contribution |
|---------------------|------------------------|
| Nicholas Lisotto | \$20,000 |
| | |
| | |
| Total: | \$120,000 |

SOURCE OF FINANCING

Please provide signed financing documentation.

| Name of Lender | Amount | Type of Financing | Is the lender a licensee pursuant to M.G.L. Ch. 138. |
|----------------|--------|-------------------|--|
| NA | | | <input type="radio"/> Yes <input type="radio"/> No |
| | | | <input type="radio"/> Yes <input type="radio"/> No |
| | | | <input type="radio"/> Yes <input type="radio"/> No |
| | | | <input type="radio"/> Yes <input type="radio"/> No |

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

Custom Racks and Shelving \$20,000

Funding to come from account of Nicholas Lisotto as shown on attached bank statements

9. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? Yes No

Please indicate what you are seeking to pledge (check all that apply) License Stock Inventory

To whom is the pledge being made?

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be a U.S. Citizen
If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
Have you ever been convicted of a state, federal, or military crime? Yes No
If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

| Date | Municipality | Charge | Disposition |
|------|--------------|--------|-------------|
| | | | |
| | | | |
| | | | |

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

| Start Date | End Date | Position | Employer | Supervisor Name |
|------------|----------|--------------------------|----------------------------------|-----------------|
| 2017 | 2019 | F&B Director | The Bay Club at Mattapoisett | Greg Yeomans |
| | 2017 | Consulting Wine Director | Premium European Wines | Oxana Knutrud |
| 2016 | 2016 | Opening Consultant | Brelundi | Michael Columba |
| 2014 | 2016 | Executive Chef | The Racquet Club of Philadelphia | Derik Comalli |

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

| Date of Action | Name of License | State | City | Reason for suspension, revocation or cancellation |
|----------------|-----------------|-------|------|---|
| | | | | |
| | | | | |
| | | | | |

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

Yes No

If yes, please fill out section 11.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does **not** pertain to a liquor license manager that is employed directly by the entity.*

11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

| | | |
|-------------|---------|-------|
| Entity Name | Address | Phone |
| NA | | |

| | | | |
|-------------------|---------------------|-----|-----|
| Name of Principal | Residential Address | SSN | DOB |
| | | | |

| | | | | |
|-----------------------|-------------------------|--|--|--|
| Title and or Position | Percentage of Ownership | Director | US Citizen | MA Resident |
| | | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |

| | | | |
|-------------------|---------------------|-----|-----|
| Name of Principal | Residential Address | SSN | DOB |
| | | | |

| | | | | |
|-----------------------|-------------------------|--|--|--|
| Title and or Position | Percentage of Ownership | Director | US Citizen | MA Resident |
| | | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |

| | | | |
|-------------------|---------------------|-----|-----|
| Name of Principal | Residential Address | SSN | DOB |
| | | | |

| | | | | |
|-----------------------|-------------------------|--|--|--|
| Title and or Position | Percentage of Ownership | Director | US Citizen | MA Resident |
| | | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |

| | | | |
|-------------------|---------------------|-----|-----|
| Name of Principal | Residential Address | SSN | DOB |
| | | | |

| | | | | |
|-----------------------|-------------------------|--|--|--|
| Title and or Position | Percentage of Ownership | Director | US Citizen | MA Resident |
| | | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

Yes No

If yes, attach an affidavit providing the details of any and all convictions.

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Name | License Type | License Name | Municipality |
|------|--------------|--------------|--------------|
| | | | |
| | | | |
| | | | |

11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 11A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Name | License Type | License Name | Municipality |
|------|--------------|--------------|--------------|
| | | | |
| | | | |
| | | | |

11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 11A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Licensee Name | License Type | Municipality | Date(s) of Agreement |
|---------------|--------------|--------------|----------------------|
| | | | |
| | | | |
| | | | |

11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Has any of the disclosed licenses listed in questions in section 11B, 11C, 11D ever been suspended, revoked or cancelled?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Date of Action | Name of License | City | Reason for suspension, revocation or cancellation |
|----------------|-----------------|------|---|
| | | | |
| | | | |
| | | | |

11F. TERMS OF AGREEMENT

- a. Does the agreement provide for termination by the licensee? Yes No
- b. Will the licensee retain control of the business finances? Yes No
- c. Does the management entity handle the payroll for the business? Yes No

d. Management Term Begin Date e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

- \$ per month/year (indicate amount)
- % of alcohol sales (indicate percentage)
- % of overall sales (indicate percentage)
- other (please explain)

ABCC Licensee Officer/LLC Manager

Signature:
 Title:
 Date:

Management Agreement Entity Officer/LLC Manager

Signature:
 Title:
 Date:

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

My wife and I recently purchased a home in West Roxbury and are putting down roots in this part of Massachusetts. I am a certified sommelier through the court of master sommeliers. I also sat on the board of Sommeliers in Boston. My wife is a front-line worker in the medical field and is also opening a private practice here in Boston. I am looking to expand my footprint of the Sorriso Brand to Lexington.

Using the license, with your approval, I am going to open a curated Italian wine & spirits shop also showcasing underserved wine regions of the world to bring incredible value to my clients. I will have a "wine cellar" where I store and age special occasion wines that will delight even the savviest of wine collectors. I will also utilize the extensive local craft breweries to have a unique craft beer selection. In addition, I will have an eclectic spirits section focused on age worthy, rare spirits from around the world. I will provide my clients with hospitality second to none. I have worked both as a sommelier and a chef and absolutely love serving people. In addition to the elevated beverage offerings, I will offer homemade artisan pasta. All pasta will be made from freshly milled grains and will be the finest pasta available for sale within the US. The store will also showcase the artwork of Thomas Arvid, one of the preeminent still life painters in modern times, Illy espresso, handblown glassware and Prota Fiori (Sustainable vineyard haute couture shoes).

In terms of preparation, I already have one concept in Brookline and have the website built that will service both locations. My attorney will be assisting me with the licensing process. I have business insurance already set up for the business. I already have inventory for the store and would be able to be open as soon as all of the licensing went through. I already have a sommelier waiting to work with me at the location for additional staffing.

Viability of the business. I started my professional career in finance and graduated from Ohio University with an BA in Accounting. I ran an \$80,000,000 portfolio and was an executive of a bank prior to leaving finance to follow my dreams of being in hospitality world. I then went on to obtain a culinary degree from the Culinary Institute of America and several accreditations from the Court of Master Sommeliers. I have worked at some of the best restaurants in the world and have built several profitable Food and Beverage Programs. I have spent the last few years focused building wine programs and cellars while mentoring young sommeliers and beverage specialist. I use both my financial consulting background as well as my beverage background as I take on this endeavor. This business is truly the culmination of my professional life's work and I look forward to the opportunity to serve the community.

APPLICANT'S STATEMENT

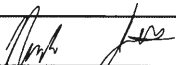
I, Nicholas Lisotto the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of Lexington Fine Wines, LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

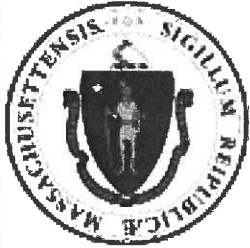
I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 04/08/2021

Title: Owner



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Certificate of Organization

(General Laws, Chapter)

Identification Number: 001518599

1. The exact name of the limited liability company is: LEXINGTON FINE WINES, LLC

2a. Location of its principal office:

No. and Street: 864 VFW PARKWAY
 City or Town: WEST ROXBURY State: MA Zip: 02132 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 864 VFW PARKWAY
 City or Town: WEST ROXBURY State: MA Zip: 02132 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

TO OPERATE A WINE AND LIQUOR STORE AND TO CONDUCT SUCH OTHER BUSINESS AS IS AUTHORIZED UNDER THE LAWS OF THE COMMONWEALTH OF MASSACHUSETTS

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: NICHOLAS LISOTTO
 No. and Street: 864 VFW PARKWAY
 City or Town: WEST ROXBURY State: MA Zip: 02132 Country: USA

I, NICHOLAS LISOTTO resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

| Title | Individual Name First, Middle, Last, Suffix | Address (no PO Box) Address, City or Town, State, Zip Code |
|---------|--|---|
| MANAGER | NICHOLAS LISOTTO | 864 VFW PARKWAY WEST ROXBURY, MA 02132 USA |

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

| Title | Individual Name First, Middle, Last, Suffix | Address (no PO Box) Address, City or Town, State, Zip Code |
|-------|--|---|
| | | |

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

| Title | Individual Name First, Middle, Last, Suffix | Address (no PO Box) Address, City or Town, State, Zip Code |
|---------------|---|--|
| REAL PROPERTY | NICHOLAS LISOTTO | 864 VFW PARKWAY WEST ROXBURY, MA 02132 USA |

9. Additional matters:

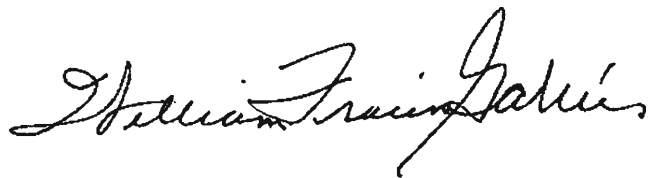
**SIGNED UNDER THE PENALTIES OF PERJURY, this 7 Day of July, 2021,
NICHOLAS LISOTTO**

(The certificate must be signed by the person forming the LLC.)

THE COMMONWEALTH OF MASSACHUSETTS

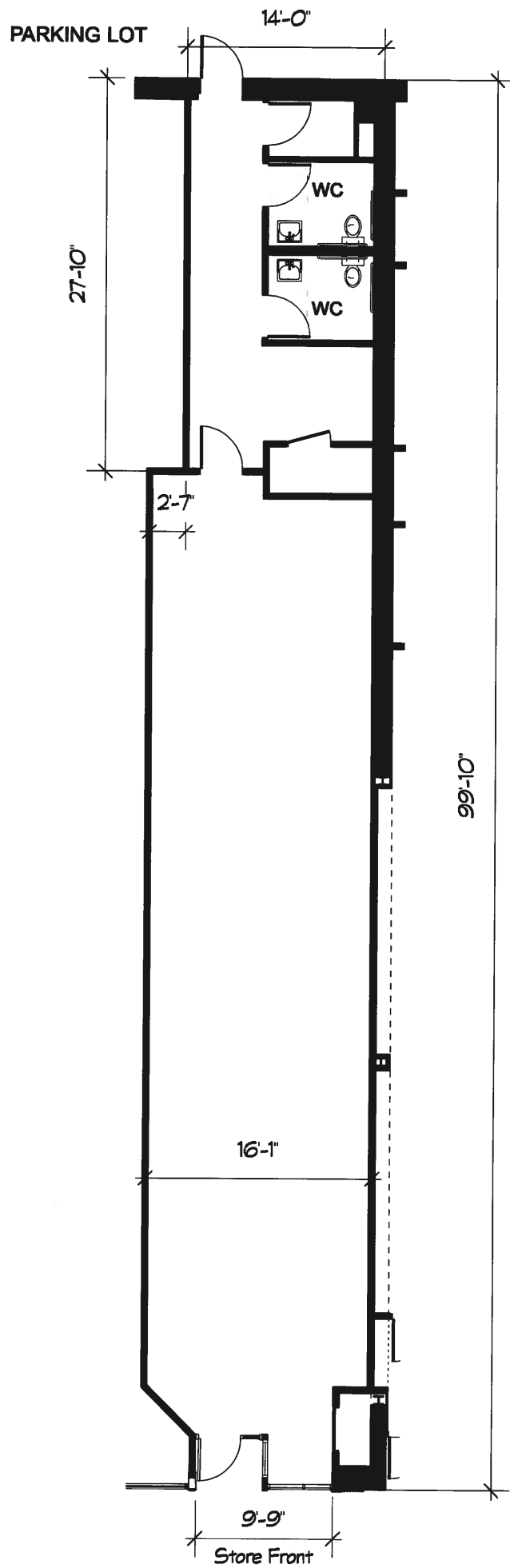
I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

July 07, 2021 03:17 PM

A handwritten signature in cursive script, reading "William Francis Galvin". The signature is written in black ink and is centered on the page.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Public Hearing: Noise Bylaw Special Permit - Sewer Line Flushing

PRESENTER:

Dave Pinsonneault, Director of Public Works

ITEM NUMBER:

I.2

SUMMARY:

This is an regular request from the DPW for a Special Permit for sewer line flushing and has been advertised and abutters have been provided notice as per the Noise Bylaw for work that is outside the permitted hours. The request is for the time period November 8th through November 19th. Beginning Monday, November 8th, through Friday November 19th the Department of Public Works is seeking to begin work earlier than the normal start time of 7 AM to flush the sewer system in the downtown area. Work is proposed to be conducted Monday through Friday starting at 5 AM in and around the center of Town where sewer mains are located from Merriam Street at Massachusetts Avenue along Massachusetts Avenue to Woburn Street. The adjacent streets that connect to Massachusetts Avenue between these two end point locations with sewer mains will also be flushed. Per the Noise Bylaw, the DPW is requesting a 3-year permit for the first two weeks of November in 2021, 2022 and 2023.

SUGGESTED MOTION:

Move to approve a 3-year Noise Bylaw Special Permit for the Public Works Department to flush sewer lines before the permitted start time of 7 AM during the first two weeks of November 2021, 2022, and 2023 and April 2022, 2023, and 2024.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

8/23/2021

7:25pm

ATTACHMENTS:

Description

Type

▣ Sewer Flushing Request

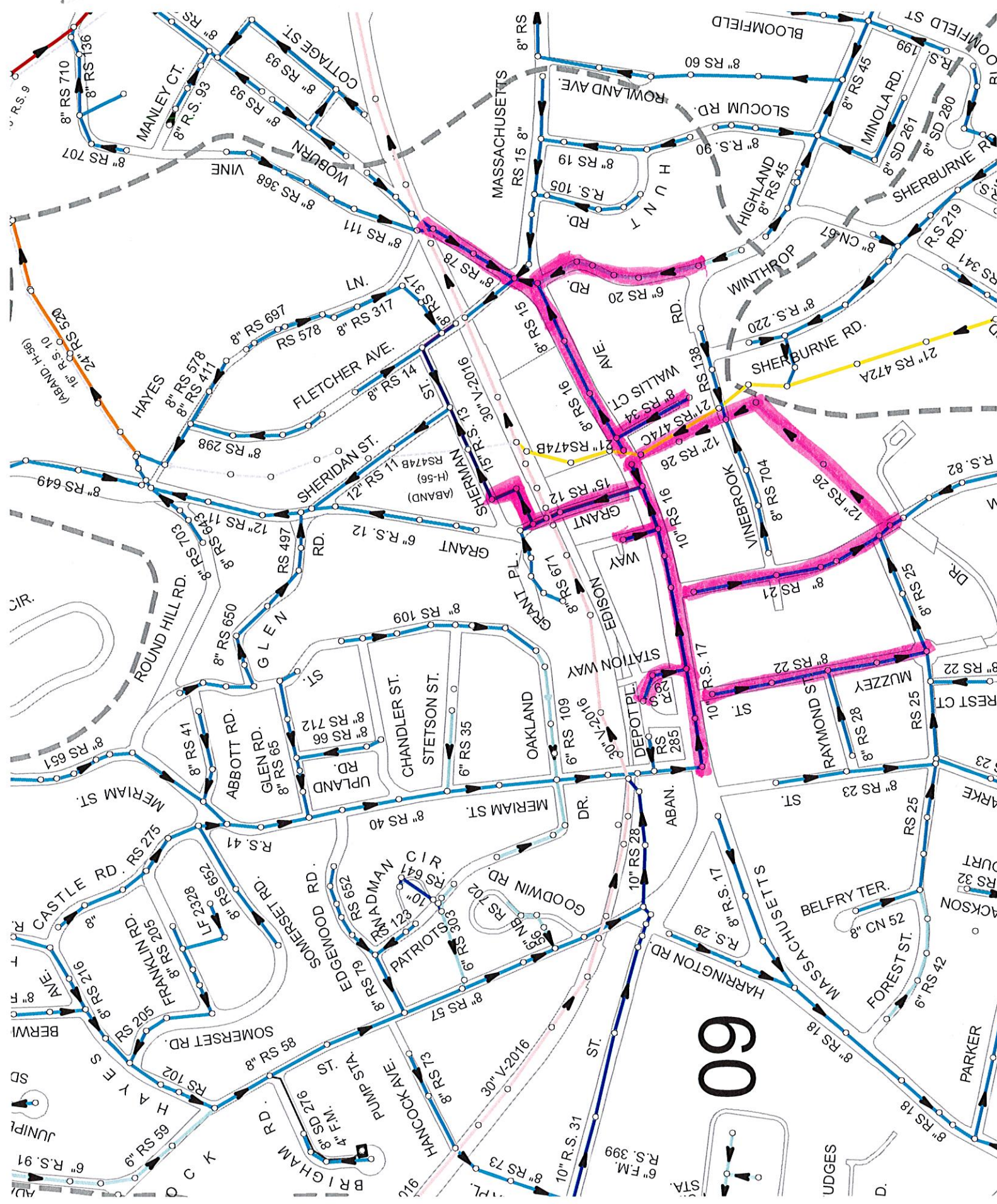
Cover Memo



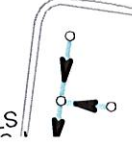
The Lexington Select Board will hold a public hearing on Monday, August 23, 2021 at 7:00 pm, via Zoom Meeting, for the purpose of considering a request by the Department of Public Works, Water and Sewer Division, for a Noise Bylaw Special Permit for two weeks in November to flush the sewer mains in the downtown area. Per the noise bylaw, the DPW is requesting a 3-year permit for the first two weeks of November in 2021, 2022 and 2023. Also for the first two weeks of April in 2022, 2023, and 2024.

Beginning Monday, November 8th, 2021, through Friday, November 19th, 2021, the Department of Public Works, Water and Sewer Division, would like to begin work earlier than the normal start time of 7:00 am, to flush the sewer system in the downtown area. Work will be conducted Monday through Friday starting at 5:00 am in and around the Center of Town where sewer mains are located from Meriam St at Mass Ave, along Mass Ave to Woburn St. The adjacent streets that connect to Mass Ave between these two end point locations with sewer mains will also be flushed. (See attached sewer map for streets to be flushed highlighted in pink.)

This public hearing will provide residents and interested parties the opportunity to provide the Select Board with comments regarding this Special Permit request. Written comments may also be sent, preferably, by August 19th, 2021 to the Select Board, 1625 Massachusetts Avenue, Lexington MA 02420.



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AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Public Hearing: Noise Bylaw Special Permit - Patriots' Day Cleanup Activities

PRESENTER:

Dave Pinsonneault, Director of Public Works

ITEM NUMBER:

I.3

SUMMARY:

This is an regular request from the DPW to be approved for Noise Bylaw Special Permit to allow the department to perform maintenance tasks associated with the Annual Patriot's Day Celebration for one week in April. The DPW is seeking a 3-year special permit. Beginning Monday, April 22, 2022 through Friday April 15, 2022 the DPW is seeking to begin work earlier than the normal start time of 7 AM to perform maintenance tasks along Bedford Street and Massachusetts Avenue in preparation for the Town's Patriot's Day Celebration. Work will be conducted Monday through Friday starting at 5 AM on these streets and adjacent areas (see attached map). Per the Noise Bylaw the DPW is requesting a 3-year permit for the week prior to Patriot's Day in April 2022, 2023 & 2024.

SUGGESTED MOTION:

Move to approve a 3-year Noise Bylaw Special Permit for the Department of Public Works for the week of Patriots day in April to begin work earlier than the normal start time of 7 AM in order to perform maintenance tasks associated with the Annual Patriot's Day Celebration in April 2022, 2023 & 2024.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

8/23/2021

7:30pm

ATTACHMENTS:

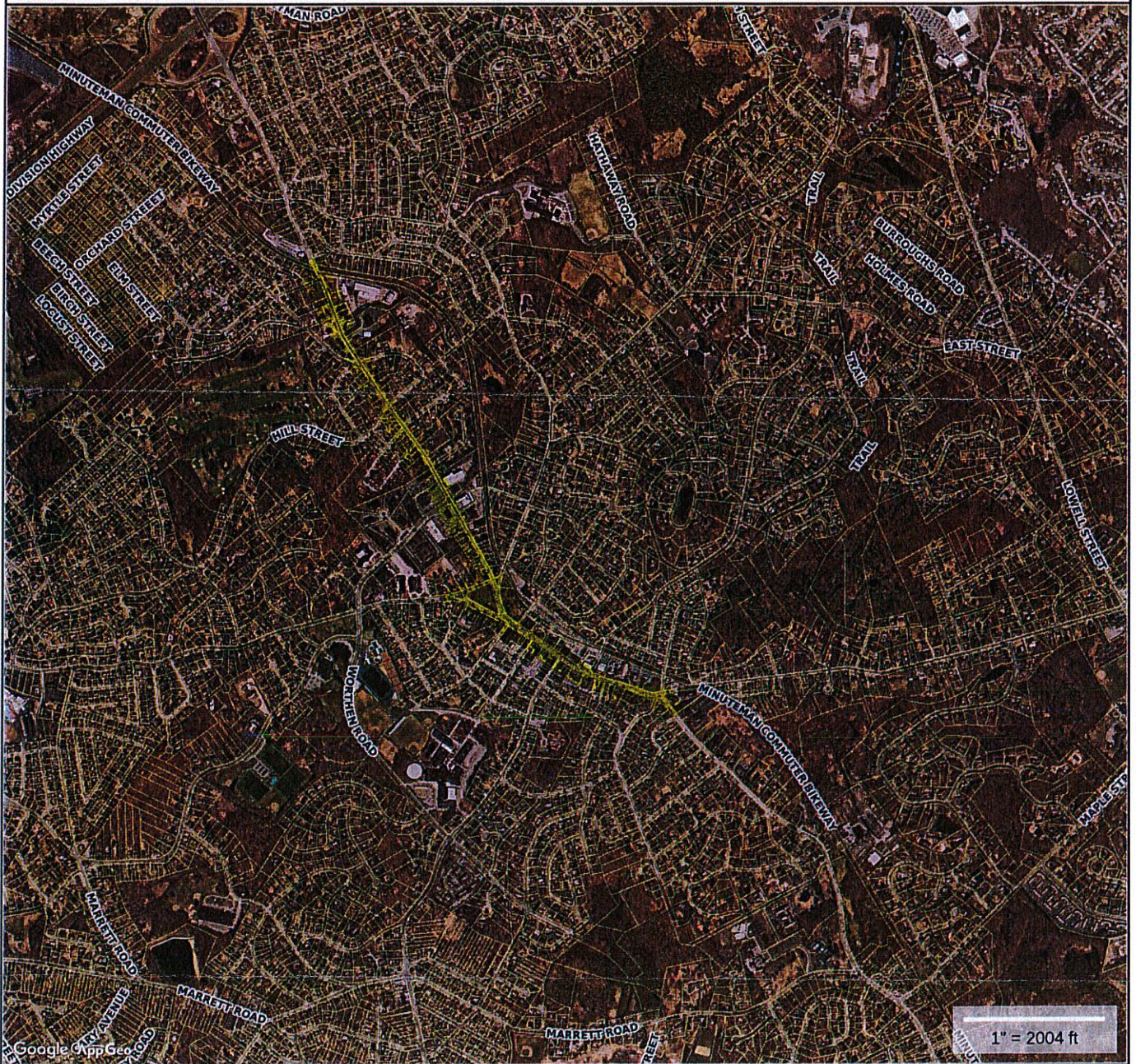
| Description | Type |
|---|------------|
|  Patriot's Day Request | Cover Memo |



The Lexington Select Board will hold a public hearing on Monday, August 23, 2021 at 7:00 pm, via Zoom Meeting, for the purpose of considering a request by the Department of Public Works, Public Grounds and Highway Divisions, for a Noise Bylaw Special Permit for one week in April to perform maintenance tasks in preparation for the Town's Patriots Day Celebration. Per the noise bylaw, the DPW is requesting a 3-year permit for the week prior to Patriots Day in April in 2022, 2023, and 2024.

Beginning Monday, April 11th, 2022, through Friday, April 15th, 2022, the Department of Public Works, Public Grounds and Highway Divisions, would like to begin work earlier than the normal start time of 7:00 am, to perform maintenance tasks along Bedford Street and Massachusetts Avenue in preparation for the Town's Patriots Day Celebration. Work will be conducted Monday through Friday starting at 5:00 am on these streets and adjacent areas (See attached map for areas highlighted in yellow.)

This public hearing will provide residents and interested parties the opportunity to provide the Select Board with comments regarding this Special Permit request. Written comments may also be sent, preferably, by August 19th, 2021 to the Select Board, 1625 Massachusetts Avenue, Lexington MA 02420.



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town of Lexington, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 7/14/2021
Data updated 7/14/2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve Fleet Electrification Policy

PRESENTER:

Jim Malloy, Town Manager

ITEM NUMBER:

I.4

SUMMARY:

Attached please find redline and clean versions from the prior draft the Select Board reviewed of the Fleet Electrification Policy. This version has been approved by the Sustainability Committee. Staff recommends adoption of the attached policy. At the last meeting where this was discussed the Select Board asked for an analysis of what is the "breakpoint" where an EV was not a viable option. Attached is a life cycle cost analysis which is based on both industry standards and actual information from vehicles and reflects what many articles about EVs vs. conventional vehicles costs. In this case, it compares the current Town Manager's vehicle (Dodge Durango) with the EV that has been ordered (a Ford Mustang Mach E, the lowest price EV under the state bid for a AWD SUV) which demonstrates that over the life of the vehicle that the higher acquisition cost is offset by the lower life cycle cost.

There is an additional clarification related to town and school department vehicles attached on 8-23-21.

SUGGESTED MOTION:

Move to approve the Fleet Electrification Policy as attached and dated August 23, 2021.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

8/23/2021

7:35pm

ATTACHMENTS:

Description

Type

- 📄 8-23-21 Additional Clarification - Redline
- 📄 Redline
- 📄 Clean
- 📄 Life Cycle Cost Analysis (Draft)

- Cover Memo
- Cover Memo
- Cover Memo
- Cover Memo



TOWN OF LEXINGTON

FLEET ELECTRIFICATION POLICY

August 23, 2021

POLICY STATEMENT

To support the Town of Lexington's Sustainable Action Plan objectives, the Select Board hereby adopts this fleet electrification policy to transition its vehicle fleet to zero emission vehicles.

PURPOSE

The Town shall establish and maintain a comprehensive inventory of all classes of vehicles owned, operated, or leased by the Town of Lexington and or on behalf of the Town of Lexington. The Town shall establish objectives for emission reductions from those vehicles and an integrated plan and timeline with objectives for transitioning each class of vehicles to zero emission vehicles, prioritizing zero emissions vehicles, monitoring progress against those objectives, and reporting the progress against those objectives on an annual basis.

The objectives of this policy are to:

- Reduce air pollution and greenhouse gas emissions from the Town's vehicles
- Increase the use of electric vehicles in the Town fleet
- Increase the average fuel economy of each vehicle
- Optimize the fleet size and minimize vehicle size, weight, and other factors affecting fuel use when appropriate
- Minimize vehicle miles traveled (VMT)
- Reduce total cost of ownership over the lifetime of the vehicle
- Reduce vehicle noise
- Maximize the use of grant funding and incentives to convert and purchase electric and emissions-reduction technology for the Town fleet and EV infrastructure.

APPLICABILITY

This Fleet Electrification Policy applies to all divisions and departments of the Town of Lexington.

GUIDELINES

The Town will establish a Vehicle Electrification Transition Plan with the following elements:

1. Fleet Inventory:

The Town will maintain and annually update a comprehensive vehicle inventory for ALL vehicles owned, leased, operated by the Town or on behalf of the Town and a plan for transitioning those vehicles to battery-electric vehicles (BEV) or plug-in electric vehicles (PHEV) vehicles.

As required by the DOER Green Communities Program, the Town will maintain an inventory of all Town [\(Municipal and –and School- Department\)](#) owned vehicles.

This inventory will include the following information: model, make, model year, month and year purchased, VIN, drive system, weight class, miles per gallon, annual miles driven, total fuel consumption, department, vehicle function.

2. Electric-first procurement Vehicle procurement should be prioritized as follows:

1. BEV
2. PHEV
3. Hybrid-electric vehicle or other alternative fuel vehicle
4. Standard vehicle

The fleet policy is electric-first, meaning that electric vehicles (EVs) shall be prioritized when the Town purchases or leases motor vehicles for its municipal operations. Beginning in FY22, all light-duty passenger vehicles purchased or leased are required to be BEVs.

Departments may request an exemption from the BEV replacement. All exemptions shall require approval by the Town Manager after a recommendation is made by the Sustainability Director.

3. Classification and Transition Objectives:

For each vehicle class defined by the Commonwealth's MOR-EV program, the Town shall establish targets for the transition of vehicles in that class to a zero emissions option every three-years.

The classifications may include: passenger vehicles, passenger vans, cargo vans, police cruisers, ambulances, fire trucks, public works vehicles, school buses and other categories of vehicles that are appropriate to effectively capture all the vehicles in the inventory.

Staff shall assess the suitability of electric vehicle options for each vehicle class, with respect to availability, range and load requirements and, any emergency response requirements, to determine practicability. When developing the transition plan, Staff shall evaluate emissions reductions, Total Life Cycle Cost as defined in the Sustainable Action Plan, including acquisition, operations, maintenance, emission fees, electric vehicle charging infrastructure, available grants, etc. The Town will develop a standardized calculation for determining life cycle costs for different classes of vehicles.

The transition plan will prioritize replacing vehicles at the end of their expected useful life.

Where the Town contracts vehicle services, the Town will provide a preference for contracts and seek out companies for competitive bidding that offer the use of electric and/or fuel-efficient vehicles.

4. Purchase, lease or contracting of standard vehicles

If the transition plan identifies that an EV is not commercially available or not suitable for a particular class of vehicles when replacement of a vehicle in that classification is required, a standard vehicle may be purchased.

If purchasing a standard vehicle, the purchase should prioritize the most fuel-efficient model available and consider fuel-reduction and emissions-reduction technology, such as diesel particle filters, selective catalytic reduction systems, exhaust gas recirculation, NOx adsorbers, oxidation catalysts, anti-idling devices, etc.

Where opportunities exist, particularly if grants and new technologies are or become available, the Town should pilot electric options for heavy-duty vehicles.

5. Evaluation of fleet and vehicle size

The Town will procure vehicles and equipment of minimum size according to assessed needs. Specifically, the Town will ensure that purchase plans require vehicle class and model of the smallest size and weight appropriate for each vehicle's tasks. All positions requiring vehicle use shall be evaluated as to the required vehicle class size necessary to conduct the job.

The Town will evaluate ways to reduce its fleet size.

Departments will also investigate whether vehicles can be shared between departments. When retiring a vehicle from the fleet, the Town will evaluate whether replacement is necessary.

6. Electric vehicle charging

Where possible, efforts will be made to install charging equipment at locations convenient for vehicle users to minimize operational inefficiencies. However, flexibility may be required of vehicle operators and Town staff to adjust procedures to accommodate charging locations.

7. Funding

The initial purchase price of policy-compliant vehicles and equipment may be more expensive than standard vehicles in the initial years, while operating costs over the life of the vehicle will be lower. Departments should estimate upfront investment required for vehicle purchases and budget accordingly in capital budget requests. The Town shall evaluate existing capital requests for vehicles and evaluate opportunities to fund additional upfront costs. The Town shall take advantage of grant funding to offset the upfront costs of electric vehicles and charging apparatus.

8. Monitoring and Reporting:

Progress against the transition objectives for each vehicle class will be monitored and reported to the Select Board on an annual basis. As part of this report, staff will identify the best date

commercially available technology options for each vehicle class and provide recommendations for adjustments to the objectives for each vehicle class.

9. Vehicle operation and maintenance

Where applicable, the Town will use available resources to build awareness and educate its employees regarding responsible vehicle operation as detailed below.

- Anti-Idling
 - Vehicle idling produces both excessive waste of fuel and air pollution. As a part of this policy the Town hereby recognizes the importance of enforcing the existing Anti-Idling Law, as allowed by M.G.L. Chapter 90 Section 16A. Additionally, Town staff should reduce idling as much as possible in vehicle operations. The Town will also incorporate anti-idling education into other public health and sustainability forums.
- Reinforce operator awareness
 - The Town and its employees will encourage energy-saving driving habits (i.e. awareness of sudden acceleration or sudden stopping), and paying attention to the need for regular preventative maintenance of vehicles.
- Reduce Vehicle Miles Travelled (VMTs)
 - The Town will reinforce employee awareness of vehicle miles travelled during work hours as well as for commuting, and will encourage alternate travel practices such as carpools, vanpools, bicycling, and walking.
- Vehicle maintenance
 - A well-maintained vehicle will optimize fuel use and reduce air pollution. Preventative maintenance that ensures optimal vehicle operation shall be performed regularly for each vehicle.
 - Vehicles will be inspected regularly and prior to extended use to ensure correct tire pressure, oil and coolant levels, and to identify possible signs of other fluid leaks.
 - The Town will dispose of hazardous materials such as waste oil, lubricants, antifreeze, and batteries safely through environmentally-responsible practices and in accordance with all applicable state and federal regulations.

Questions/ Enforcement

The Sustainability Director shall be responsible for administering this Policy. This Policy shall be enforced by the Town Manager and or their designee.



TOWN OF LEXINGTON

FLEET ELECTRIFICATION POLICY

POLICY STATEMENT

To support the Town of Lexington's Sustainable Action Plan objectives, the Select Board hereby adopts this fleet electrification policy to transition its vehicle fleet to zero emission vehicles.

PURPOSE

The Town shall establish and maintain a comprehensive inventory of all classes of vehicles owned, operated, or leased by the Town of Lexington and or on behalf of the Town of Lexington. The Town shall establish objectives for emission reductions from those vehicles and an integrated plan and timeline with objectives for transitioning each class of vehicles to zero emission vehicles, prioritizing zero emissions vehicles, monitoring progress against those objectives, and reporting the progress against those objectives on an annual basis.

The objectives of this policy are to:

- Reduce air pollution and greenhouse gas emissions from the Town's vehicles
- Increase the use of electric vehicles in the Town fleet
- Increase the average fuel economy of each vehicle
- Optimize the fleet size and minimize vehicle size, weight, and other factors affecting fuel use when appropriate
- Minimize vehicle miles traveled (VMT)
- Reduce total cost of ownership over the lifetime of the vehicle
- Reduce vehicle noise
- Maximize the use of grant funding and incentives to convert and purchase electric and emissions-reduction technology for the Town fleet and EV infrastructure.

APPLICABILITY

~~This Fleet Electrification Policy applies to all divisions and departments of the Town of Lexington and will provide the Policy to the School Department for consideration for future School Department vehicles.~~

This Fleet Electrification Policy applies to all divisions and departments of the Town of Lexington.

DEFINITIONS

Vehicle:

~~For purposes of this policy vehicle refers to an automobile; a road vehicle, typically with four wheels, powered by an internal combustion engine or electric motor and able to carry a small number of people.~~

Fuel Efficient Vehicle Types:

- ~~• ZEV= zero emission vehicle~~
- ~~• BEV= Battery electric Vehicle: Runs 100% on energy stored in the battery~~
- ~~• PHEV= Plug-in Hybrid Electric Vehicle with an all electric range of at least 25 miles. PHEVs can run short distances on the electricity stored in the battery. They have a gasoline or diesel engine that extends their range. PHEVs are not ZEVs because they produce emissions when the engine runs~~

GUIDELINES

The Town will establish a Vehicle Electrification Transition Plan with the following elements:

1. Fleet Inventory:

The Town will maintain and annually update a comprehensive vehicle inventory for ALL vehicles owned, leased, operated by the Town or on behalf of the Town and a plan for transitioning those vehicles to [battery-electric vehicles \(BEV\)](#) or [plug-in electric vehicles \(PHEV\)](#) vehicles.

~~The following information will be included in the vehicle inventory list which shall be updated on an annual basis and provided to the Green Communities report:~~[As required by the DOER Green Communities Program, the Town will maintain an inventory of all Town- and School-owned vehicles.](#)

[This inventory will include the following information: model, make, model year, month and year purchased, VIN, drive system, weight class, miles per gallon, annual miles driven, total fuel consumption, department, vehicle function.](#)

:

- | | | |
|-------------------------|--|-----------------------------|
| • Model | • Month/Year/Month Acquired | Vehicle Function |
| • Make | • Expected Retirement Date | Class |
| • Model Year | • Owned, Leased, Under Contract | |

2. Electric-first procurement Vehicle procurement should be prioritized as follows:

- ~~[1. Battery electric vehicle \(BEV\)](#)~~
- ~~[2. Plug-in hybrid vehicle \(PHEV\)](#)~~

3. Hybrid-electric vehicle or other alternative fuel vehicle

4. Standard vehicle

The fleet policy is electric-first, meaning that electric vehicles (EVs) shall be prioritized when the Town purchases or leases motor vehicles for its municipal operations. Beginning in FY22, all light-duty passenger vehicles purchased or leased are required to be BEVs.

Departments may request an exemption from the BEV replacement. All exemptions shall require approval by the Town Manager after a recommendation is made by the Sustainability Director.

3. Classification and Transition Objectives:

~~The Town shall establish classifications for the types of vehicles in the inventory. The classifications may include: passenger vehicles, passenger vans, cargo vans, police cruisers, ambulances, fire trucks, public works vehicles, school buses and other categories of vehicles that are appropriate to effectively capture all the vehicles in the inventory.~~

~~For each vehicle class, the Town shall establish three year targets for the transition of vehicles in that class to a zero emissions option.~~

For each vehicle class defined by the Commonwealth's MOR-EV program, the Town shall establish targets for the transition of vehicles in that class to a zero emissions option every three-years.

The classifications may include: passenger vehicles, passenger vans, cargo vans, police cruisers, ambulances, fire trucks, public works vehicles, school buses and other categories of vehicles that are appropriate to effectively capture all the vehicles in the inventory.

Staff shall assess the suitability of ~~zero emissions and PHEV~~electric vehicle options for each vehicle class, with respect to availability, range and load requirements and, any emergency response requirements, to determine practicability. When developing the transition plan, Staff shall evaluate emissions reductions, Total Life Cycle Cost as defined in the Sustainable Action Plan, including acquisition, operations, maintenance, emission fees, electric vehicle charging infrastructure, available grants, etc. The Town will develop a standardized calculation for determining life cycle costs for different classes of vehicles.

~~If Staff identify that BEV or PHEV options are not commercially available for a particular class of vehicles, the results of that review will be communicated in the annual report for the transition plan to justify the exemption from the zero emissions purchase.~~

~~All vehicles shall be replaced with BEV or PHEV emissions options as appropriate for the particular vehicle class.~~

The transition plan will prioritize replacing vehicles at the end of their expected useful life.

Where the Town contracts vehicle services, the Town will provide a preference for contracts and seek out companies for competitive bidding that offer the use of electric and/or fuel-efficient vehicles.

4. Purchase of standard~~4. Purchase, lease or contracting of standard vehicles~~

If the transition plan identifies that an EV is not commercially available or not suitable for a particular class of vehicles when replacement of a vehicle in that classification is required, a standard vehicle may be purchased. ~~Vehicles exempt from the fuel efficiency requirements above include:~~

- ~~• Any vehicle with emergency response capabilities (i.e. vehicles with radios, computers, emergency lights, and sirens) Note: Police cruisers are exempt, only if fuel efficient cruisers are not commercially available~~
- ~~• Heavy duty trucks, such as fire trucks, ambulances, and public works trucks~~
- ~~• Off-road vehicles All other vehicles, including pickup trucks, vans, and police/fire administrative vehicles are not exempt and therefore must comply with the fuel efficiency requirements of this policy.~~

~~All other vehicles, including pickup trucks, vans, and police/fire administrative vehicles are not exempt and therefore must comply with the fuel efficiency requirements of this policy.~~

If purchasing a standard vehicle, ~~exempt vehicle~~ the purchases should prioritize the most fuel-efficient model available and consider fuel-reduction and emissions-reduction technology, such as diesel particle filters, selective catalytic reduction systems, exhaust gas recirculation, NOx adsorbers, oxidation catalysts, anti-idling devices, etc.

Where opportunities exist, particularly if grants and new technologies are or become available, the Town should pilot electric options for heavy-duty ~~and exempt~~ vehicles.

~~Where the Town contracts vehicle services, the Town will allow for consideration of contracts and seek out companies for competitive bidding that offer the use of electric and/or fuel-efficient vehicles.~~

5. Evaluation of fleet and vehicle size

-The Town will procure vehicles and equipment of minimum size according to assessed needs. Specifically, the Town will ensure that purchase plans require vehicle class and model of the smallest size and weight appropriate for each vehicle's tasks. All positions requiring vehicle use shall be evaluated as to the required vehicle class size necessary to conduct the job.

The Town will evaluate ways to reduce its fleet size.

Departments will also investigate whether vehicles can be shared between departments. When retiring a vehicle from the fleet, the Town will evaluate whether replacement is necessary.

6. Electric vehicle charging

Where possible, efforts will be made to install charging equipment at locations convenient for vehicle users to minimize operational inefficiencies. However, flexibility may be required of vehicle operators and Town staff to adjust procedures to accommodate charging locations.

7. Funding

The initial purchase price of policy-compliant vehicles and equipment may be more expensive than standard vehicles in the initial years, while operating costs over the life of the vehicle will be lower. Departments should estimate upfront investment required for vehicle purchases and budget accordingly in capital budget requests. The Town shall evaluate existing capital requests for vehicles and evaluate opportunities to fund additional upfront costs. The Town shall take advantage of grant funding to offset the upfront costs of electric vehicles and charging apparatus.

9. Monitoring and Reporting:

Progress against the transition objectives for each vehicle class will be monitored and reported to the Select Board on an annual basis. As part of this report, staff will identify the best commercially available technology options for each vehicle class and provide recommendations for adjustments to the objectives for each vehicle class.

Questions/ Enforcement

~~The Sustainability Director shall be responsible for administering this Policy. All other inquiries should be directed to the department / division responsible for fleet management and or/ fleet procurement. This Policy shall be enforced by the Town Manager and or their designee.~~

10. Vehicle operation and maintenance

Where applicable, the Town will use available resources to build awareness and educate its employees regarding responsible vehicle operation as detailed below.

- Anti-Idling
 - Vehicle idling produces both excessive waste of fuel and air pollution. As a part of this policy the Town hereby recognizes the importance of enforcing the existing Anti-Idling Law, as allowed by M.G.L. Chapter 90 Section 16A. Additionally, Town staff should reduce idling as much as possible in vehicle operations. The Town will also incorporate anti-idling education into other public health and sustainability forums.
- Reinforce operator awareness

- The Town and its employees will encourage energy-saving driving habits (i.e. awareness of sudden acceleration or sudden stopping), and paying attention to the need for regular preventative maintenance of vehicles.
- Reduce Vehicle Miles Travelled (VMTs)
 - The Town will reinforce employee awareness of vehicle miles travelled during work hours as well as for commuting, and will encourage alternate travel practices such as carpools, vanpools, bicycling, and walking.
- Vehicle maintenance
 - A well-maintained vehicle will optimize fuel use and reduce air pollution. Preventative maintenance that ensures optimal vehicle operation shall be performed regularly for each vehicle.
 - Vehicles will be inspected regularly and prior to extended use to ensure correct tire pressure, oil and coolant levels, and to identify possible signs of other fluid leaks.
 - The Town will dispose of hazardous materials such as waste oil, lubricants, antifreeze, and batteries safely through environmentally-responsible practices and in accordance with all applicable state and federal regulations.

Questions/ Enforcement

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TOWN OF LEXINGTON

FLEET ELECTRIFICATION POLICY

August 23, 2021

POLICY STATEMENT

To support the Town of Lexington's Sustainable Action Plan objectives, the Select Board hereby adopts this fleet electrification policy to transition its vehicle fleet to zero emission vehicles.

PURPOSE

The Town shall establish and maintain a comprehensive inventory of all classes of vehicles owned, operated, or leased by the Town of Lexington and or on behalf of the Town of Lexington. The Town shall establish objectives for emission reductions from those vehicles and an integrated plan and timeline with objectives for transitioning each class of vehicles to zero emission vehicles, prioritizing zero emissions vehicles, monitoring progress against those objectives, and reporting the progress against those objectives on an annual basis.

The objectives of this policy are to:

- Reduce air pollution and greenhouse gas emissions from the Town's vehicles
- Increase the use of electric vehicles in the Town fleet
- Increase the average fuel economy of each vehicle
- Optimize the fleet size and minimize vehicle size, weight, and other factors affecting fuel use when appropriate
- Minimize vehicle miles traveled (VMT)
- Reduce total cost of ownership over the lifetime of the vehicle
- Reduce vehicle noise
- Maximize the use of grant funding and incentives to convert and purchase electric and emissions-reduction technology for the Town fleet and EV infrastructure.

APPLICABILITY

This Fleet Electrification Policy applies to all divisions and departments of the Town of Lexington.

GUIDELINES

The Town will establish a Vehicle Electrification Transition Plan with the following elements:

1. Fleet Inventory:

The Town will maintain and annually update a comprehensive vehicle inventory for ALL vehicles owned, leased, operated by the Town or on behalf of the Town and a plan for transitioning those vehicles to battery-electric vehicles (BEV) or plug-in electric vehicles (PHEV) vehicles.

As required by the DOER Green Communities Program, the Town will maintain an inventory of all Town- and School-owned vehicles.

This inventory will include the following information: model, make, model year, month and year purchased, VIN, drive system, weight class, miles per gallon, annual miles driven, total fuel consumption, department, vehicle function.

2. Electric-first procurement Vehicle procurement should be prioritized as follows:

1. BEV
2. PHEV
3. Hybrid-electric vehicle or other alternative fuel vehicle
4. Standard vehicle

The fleet policy is electric-first, meaning that electric vehicles (EVs) shall be prioritized when the Town purchases or leases motor vehicles for its municipal operations. Beginning in FY22, all light-duty passenger vehicles purchased or leased are required to be BEVs.

Departments may request an exemption from the BEV replacement. All exemptions shall require approval by the Town Manager after a recommendation is made by the Sustainability Director.

3. Classification and Transition Objectives:

For each vehicle class defined by the Commonwealth's MOR-EV program, the Town shall establish targets for the transition of vehicles in that class to a zero emissions option every three-years.

The classifications may include: passenger vehicles, passenger vans, cargo vans, police cruisers, ambulances, fire trucks, public works vehicles, school buses and other categories of vehicles that are appropriate to effectively capture all the vehicles in the inventory.

Staff shall assess the suitability of electric vehicle options for each vehicle class, with respect to availability, range and load requirements and, any emergency response requirements, to determine practicability. When developing the transition plan, Staff shall evaluate emissions reductions, Total Life Cycle Cost as defined in the Sustainable Action Plan, including acquisition, operations, maintenance, emission fees, electric vehicle charging infrastructure, available grants, etc. The Town will develop a standardized calculation for determining life cycle costs for different classes of vehicles.

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7. Funding

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8. Monitoring and Reporting:

Progress against the transition objectives for each vehicle class will be monitored and reported to the Select Board on an annual basis. As part of this report, staff will identify the best

commercially available technology options for each vehicle class and provide recommendations for adjustments to the objectives for each vehicle class.

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Where applicable, the Town will use available resources to build awareness and educate its employees regarding responsible vehicle operation as detailed below.

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Questions/ Enforcement

The Sustainability Director shall be responsible for administering this Policy. This Policy shall be enforced by the Town Manager and or their designee.

Life Cycle Cost Analysis

| <u>Category</u> | <u>Dodge Durango</u> | <u>Ford Mustang Mach E</u> | | |
|-----------------------|----------------------|----------------------------|------------|-------|
| Acquisition | \$ 34,000 | \$ 48,885 | | |
| Grant | \$ - | \$ (7,500) | | |
| Fuel | \$ 1,751 | \$ 1,110 | | |
| Maintenance | \$ 1,515 | \$ 915 | | |
| Life of Vehicle | 7 | 7 | | |
| Fuel - 7 Years | \$ 12,259 | \$ 7,770 | | |
| Maintenance - 7 Years | \$ 10,605 | \$ 6,405 | | |
| 7 Year Cost: | \$ 56,864 | \$ 55,560 | \$ (1,304) | -2.3% |

Fuel - Conventional

Fuel - EV

| | | | | |
|------------------|-----------------|----------------|-----------------------|-------------------------|
| Miles | 15,000 | 15,000 | Miles Driven Annually | |
| MPG | 20 | 0.37 | KwH Per Mile | source: fueleconomy.gov |
| Gallons Used | 750 | 5,550 | KwH Per Year | |
| Price Per Gallon | \$ 2.335 | \$ 0.20 | Cost Per KwH | |
| Annual Fuel Cost | \$ 1,751 | \$ 1,110 | Annual Electric Cost | |

Maintenance \$ 0.101 \$ 0.061 EV = \$0.061 and conventional = \$0.101 per mile
 source: Department of Energy's Office of Energy Efficiency and Renewable Energy

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Approve Affordable Housing Study Committee Charge

PRESENTER:

Carol Kowalski, Assistant Town
Manager for Development

ITEM NUMBER:

I.5

SUMMARY:

Attached please find redline and clean versions with the Select Board member's comments incorporated from the prior draft.

SUGGESTED MOTION:

Move to approve the Affordable Housing Study Committee Charge as attached and dated 8/19/21.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

8/23/2021

7:45pm

ATTACHMENTS:

| Description | Type |
|--------------------------|------------|
| ☐ Redline | Cover Memo |
| ☐ Clean | Cover Memo |
| ☐ 8-23-21 Redline update | Cover Memo |

Affordable Housing Study Committee Revised 8/21/21

Ref: https://www.mhp.net/writable/resources/documents/MAHTGuidebook_2018.pdf

Members: 5

Appointed by: ~~The~~ Select Board

Length of Term: Three years [or until completion and filing report with the Select Board.](#)

Appointments Made:

Meeting Times: Up to twice monthly.

Committee composition:

The Committee shall be composed of five members, plus a [non-voting](#) liaison of the Select Board. Other [members candidates](#) may include individuals with experience in real estate lending or finance, land use or real estate law, -real estate development, affordable housing development, housing advocacy, planning, racial equity, accessibility, sustainability/resiliency, or architecture. [The Committee members shall elect a Chair and Vice Chair.](#)

Staff support: Land Use Health & Development Department and the Regional Housing Services Office

Committee Mission/Charge:

The Committee will work in two phases:

- Phase 1 to bring a proposal to [Select Board and](#) Town Meeting to adopt a Municipal Affordable Housing Trust;
- Phase 2 to develop a proposal for a Housing Development Corporation.

Phase 1:

Review Lexington's Housing needs as detailed in the [current](#) Comprehensive Plan Update ([expected completion 2021](#)), the reports of the Special Permit Residential Development Ad-Hoc Committee, the Community Preservation Committee, and data from Lexington's housing groups and other relevant sources.

Identify Lexington affordable housing funding sources

[Evaluate and d](#)Determine whether an affordable housing trust can advance Lexington's housing Goals.

Consider and recommend roles and expected interaction between an Affordable Housing Trust and Lexington's existing housing entities (the Housing Authority, LexHab, the Housing Partnership Board, et al.) and potential future entity, i.e., a non-profit Housing Development Corporation.

Consider and recommend roles and expected interaction between an Affordable Housing Trust and the Community Preservation Committee.

[Present findings, work and recommended actions to the Select Board in advance of drafting materials for Town Meeting](#)

Develop a warrant article [for Town Meeting](#) to adopt MGL c.44 s.55C [\(See Attached\)](#).

Develop a draft bylaw for a [Municipal](#) Affordable Housing Trust to recommend to the Select Board [by June 30, 2022](#) ~~for a fall 2022 Town Meeting or 2023 Annual Town Meeting warrant article.~~

Develop a draft Declaration of Trust [for an Affordable Housing Trust](#).

Phase 2:

Analyze and evaluate the costs and opportunities, benefits and risks of creating a non-profit, non-governmental Housing Development Corporation, including a recommendation on whether such non-profit Housing Development Corporation would help Lexington produce affordable housing more quickly, efficiently and economically than is currently being produced by the Town or by private developers, and whether a Housing Development Corporation would ultimately replace LexHab. The committee may also recommend suggested initial staffing, operating budget, and annual fundraising plan.

Develop the organization's draft bylaws and articles of organization.

Committee term: This committee will terminate the sooner of the conclusion of its work through Phase 2, or by December 31, 2024 unless further extended by the Select Board.

Prior to serving as a member of this Committee, appointees are required to:

1. Acknowledge receipt of the Summary of the Conflict of Interest Statute. Further, to continue to serve on the Committee the member must acknowledge annually receipt of the summary of the Conflict of Interest Statute. Said summary will be provided by and acknowledged by the Town Clerk.
2. Provide evidence to the Town Clerk that the appointee has completed the on-line training requirement required by the Conflict of Interest Statute. Further, to continue to serve on the Committee, the member must acknowledge every two years completion of the on-line training requirement.

Affordable Housing Study Committee Revised 8/19/21

Ref: https://www.mhp.net/writable/resources/documents/MAHTGuidebook_2018.pdf

Members: 5

Appointed by: Select Board

Length of Term: Three years or until completion and filing report with the Select Board.

Meeting Times: Up to twice monthly.

Committee composition:

The Committee shall be composed of five members, plus a non-voting liaison of the Select Board. Other members may include individuals with experience in real estate lending or finance, land use or real estate law, real estate development, affordable housing development, housing advocacy, planning, racial equity, accessibility, sustainability/resiliency, or architecture. The Committee members shall elect a Chair and Vice Chair.

Staff support: Land Use Health & Development Department and the Regional Housing Services Office

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Consider and recommend roles and expected interaction between an Affordable Housing Trust and Lexington's existing housing entities (the Housing Authority, LexHab, the Housing Partnership Board, et al.) and potential future entity, i.e., a non-profit Housing Development Corporation.

Consider and recommend roles and expected interaction between an Affordable Housing Trust and the Community Preservation Committee.

Present findings, work and recommended actions to the Select Board in advance of drafting materials for Town Meeting

Develop a warrant article for Town Meeting to adopt MGL c.44 s.55C (See Attached).

Develop a draft bylaw for a Municipal Affordable Housing Trust to recommend to the Select Board by June 30, 2022.

Develop a draft Declaration of Trust for an Affordable Housing Trust.

Phase 2:

Analyze and evaluate the costs and opportunities, benefits and risks of creating a non-profit, non-governmental Housing Development Corporation, including a recommendation on whether such non-profit Housing Development Corporation would help Lexington produce affordable housing more quickly, efficiently and economically than is currently being produced by the Town or by private developers, and whether a Housing Development Corporation would ultimately replace LexHab. The committee may also recommend suggested initial staffing, operating budget, and annual fundraising plan.

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Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 44** MUNICIPAL FINANCE**Section 55C** MUNICIPAL AFFORDABLE HOUSING TRUST FUND

Section 55C. (a) Notwithstanding section 53 or any other general or special law to the contrary, a city or town that accepts this section may establish a trust to be known as the Municipal Affordable Housing Trust Fund, in this section called the trust. The purpose of the trust is to provide for the creation and preservation of affordable housing in municipalities for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of chapter 44B. Acceptance shall be by majority vote of the municipal legislative body under section 4 of chapter 4.

(b) There shall be a board of trustees, in this section called the board, which shall include no less than 5 trustees, including the chief executive officer, as defined by section 7 of chapter 4, of the city or town, but where the chief executive officer is a multi-member body, that body shall designate a minimum of 1 of its members to serve on the board. Trustees shall be appointed in a city by the mayor or by the city manager in a Plan D or Plan E municipality, subject in either case, to confirmation by the city council, and in a town by the board of selectmen, shall serve for a

term not to exceed 2 years, and are designated as public agents for purposes of the constitution of the commonwealth. Nothing in this subsection shall prevent a board of selectmen from appointing the town manager or town administrator as a member or chair of the board, with or without the power to vote.

(c) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in this act, shall include the following powers, but a city or town may, by ordinance or by-law, omit or modify any of these powers and may grant to the board additional powers consistent with this section:—

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the community preservation committee of the city or town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;

(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

(d) Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with any zoning ordinance or by-law, exaction fee, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the

trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.

(e) The trust is a public employer and the members of the board are public employees for purposes of chapter 258.

(f) The trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of chapter 268A.

(g) The trust is exempt from chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.

(h) The books and records of the trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

(i) The trust is a governmental body for purposes of sections 23A, 23B and 23C of chapter 39.

(j) The trust is a board of the city or town for purposes of chapter 30B and section 15A of chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the city or town shall be exempt from said chapter 30B.

Affordable Housing Study Committee Revised 8/19/21

Ref: https://www.mhp.net/writable/resources/documents/MAHTGuidebook_2018.pdf

Members: 5

Appointed by: Select Board

Length of Term: Three years or until completion and filing report with the Select Board.

Meeting Times: Up to twice monthly.

Committee composition:

The Committee shall be composed of five members, plus a non-voting liaison of the Select Board. Other members may include individuals with experience in real estate lending or finance, land use or real estate law, real estate development, affordable housing development, housing advocacy, planning, racial equity, accessibility, sustainability/resiliency, or architecture. The Committee members shall elect a Chair and Vice Chair.

Staff support: Land Use Health & Development Department and the Regional Housing Services Office

Committee Mission/Charge:

The Committee will work in two phases:

- Phase 1 to bring a proposal to Select Board and Town Meeting to adopt a Municipal Affordable Housing Trust;
- Phase 2 to develop a proposal for a Housing Development Corporation.

Phase 1:

Review Lexington's Housing needs as detailed in the current Comprehensive Plan Update (expected completion 2021), the reports of the Special Permit Residential Development Ad-Hoc Committee, the Community Preservation Committee, and data from Lexington's housing groups and other relevant sources.

Identify Lexington affordable housing funding sources

Evaluate and determine whether an affordable housing trust can advance Lexington's housing Goals.

Consider and recommend roles and expected interaction between an Affordable Housing Trust and Lexington's existing housing entities (the Housing Authority, LexHab, the Housing Partnership Board, et al.) and potential future entity, i.e., a non-profit Housing Development Corporation.

Consider and recommend roles and expected interaction between an Affordable Housing Trust and the Community Preservation Committee.

Present findings, work and recommended actions to the Select Board in advance of drafting materials for Town Meeting

Develop a warrant article for Town Meeting to adopt MGL c.44 s.55C (See Attached).

Develop a draft bylaw for a Municipal Affordable Housing Trust to recommend to the Select Board by June 30, 2022.

Develop a draft Declaration of Trust for an Affordable Housing Trust.

Phase 2:

Analyze and evaluate the costs and opportunities, benefits and risks of creating a non-profit, non-governmental Housing Development Corporation, including a recommendation on whether such non-profit Housing Development Corporation would help Lexington produce affordable housing more quickly, efficiently and economically than is currently being produced by the Town or by private developers, and whether a Housing Development Corporation would ultimately replace LexHab. The committee may also recommend suggested initial staffing, operating budget, and annual fundraising plan.

[Draft for the corporation's consideration](#), develop the organization's draft bylaws and articles of organization.

~~Committee term: This committee will terminate the sooner of the conclusion of its work through Phase 2, or by December 31, 2024 unless further extended by the Select Board.~~

Prior to serving as a member of this Committee, appointees are required to:

1. Acknowledge receipt of the Summary of the Conflict of Interest Statute. Further, to continue to serve on the Committee the member must acknowledge annually receipt of the summary of the Conflict of Interest Statute. Said summary will be provided by and acknowledged by the Town Clerk.
2. Provide evidence to the Town Clerk that the appointee has completed the on-line training requirement required by the Conflict of Interest Statute. Further, to continue to serve on the Committee, the member must acknowledge every two years completion of the on-line training requirement.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Water and Sewer Abatement Appeal - 3 Patricia Terrace

PRESENTER:

Peter Zmuidzinas, Appellant

ITEM NUMBER:

I.6

SUMMARY:

Peter Zmuidzinas, resident of 3 Patricia Terrace, will present his appeal to the Select Board after being denied an abatement from the Water Sewer Abatement Board.

Carolyn Kosnoff, Assistant Town Manager for Finance and Dave Pinsonneault, DPW Director will be on the meeting to answer any questions as well.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

8/23/2021

8:00pm

ATTACHMENTS:

| Description | Type |
|--|-----------------|
|  Mr. Zmuidzina Appeal summary | Backup Material |

**SELECTBOARD MEETING
AUGUST 23RD, 2021**

**PETER ZMUIDZINAS
3 PATRICIA TERRACE – APPEAL OF WATER/SEWER CHARGES**

ABATEMENT APPEAL REQUEST

| | |
|----------------------|-------------------------|
| WATER/SEWER BILL: | 11/25/2020 |
| REPORTING PERIOD: | 03/26/2020 – 09/08/2020 |
| REPORTED USAGE: | 113 HCF |
| CHARGES IN QUESTION: | |
| WATER | \$726.70 |
| SEWER: | \$1,592.12 |
| TOTAL: | \$2,318.82 |

BASIS FOR APPEAL

Based on the Town’s WSAB published *Policies and Procedures Water/Sewer Usage Charges* (as approved by the Select Board September 21, 2020), there is clear basis for approving an abatement of the charges shown above and beyond the interest only abatement decision taken in February 2020. The WSAB document states that “each application will be considered on its own set of facts” as they relate to the WSAB’s guidelines for abatement decisions. When considering the unique set of facts of our situation, there are two compelling bases within the WSAB’s guidelines for approving an abatement:

- 1) **Billing Error Abatement:** The town’s billings for 3 Patricia Terrace are interlinked with Arlington, as our water/sewer services are linked to Arlington’s system, not Lexington’s. Based on review with town staff of the billing agreement between the town and Arlington, I believe the town has clearly overcharged us for the reported usage in a manner that does not reflect actual costs incurred by the town. See attached analysis.
- 2) **Leak Abatement Methodology:** No cause has been established for the large overage in reported usage. In absence of a definitive cause for the reported usage, I believe both our long record of consistent water usage/conversation and the town’s long record of metering issues/abatements suggest that the application of the leak abatement methodology is a fair and reasonable basis for abatement. See attached analysis.

ABATEMENT REQUESTED

We request that the town reconsider its original February decision. We request an abatement amount that is fair and reasonable to both the town and to us as town residents. The amount of abatement should include (a) accurate/actual costs basis to the town, and (b) in absence of established cause for reported usage, a reasonable estimation of likely usage based on our usage history.

ABATEMENT REQUEST HISTORY

We have followed the town's outlined policies for applying for abatement, worked with town staff clarifying aspects of the abatement request and town policies and guidelines. Below outlined is the abatement request history:

| | |
|--|----------------------|
| GOOD FAITH PAYMENT | \$380.00 |
| ABATEMENT APPLICATION: | 01/2021 |
| ABATEMENT DECISION (02/21): | INTEREST ONLY |
| LEAK INSPECTION (R.P. DOMININGS PLUMBING): | 03/01/2021 |
| INSPECTION: (DYE TEST ON TOILET) | NO LEAK |
| INSPECTION: (VIEW ALL FIXTURES) | NO EVIDENCE OF LEAKS |
| COST INCURRED: | \$150.00 |
| TOWN INSPECTION/METER REPLACEMENT | 03/05/2021 |
| INSPECTION: (DYE TEST ON TOILET) | NO LEAK |
| INSPECTION: (VIEW ALL FIXTURES) | NO EVIDENCE OF LEAKS |
| METER REPLACEMENT: | 03/05/21 |
| TOWN METER TEST | 03/21 |
| INFORMATION REQUESTS/DISCUSSIONS WITH TOWN STAFF | ON-GOING |
| ABATEMENT DECISION HISTORY (10 YEAR OF WSAB MEETING MINUTES) | |
| BASIS OF WATER/SWER AGREEMENT WITH TOWN OF ARLINGTON | |

SELECTBOARD MEETING

AUGUST 23RD, 2021

PETER ZMUIDZINAS

3 PATRICIA TERRACE – APPEAL OF WATER/SEWER CHARGES

BASIS OF APPEAL 1: BILLING ERROR (OVERCHARGE)

Based on discussion with Town Staff, below I applied my understanding of the agreement between Arlington and Lexington for billing basis for our property, which, while within Town limits, is connected to Arlington's Water/Sewer system. In this specific instance, the method apparently results in a significant difference (overcharge) to us; the charge does not accurately reflect actual costs incurred by either Arlington or Lexington:

1. Lexington reports customer readings to Arlington on a quarterly basis.
2. Arlington invoices Lexington based on Arlington's tiered retail rates on a quarterly basis. Arlington includes quarterly administrative charges.
3. Lexington separately reads our meter on a semi-annual basis.
4. Lexington charges customer on a semi-annual basis based on Lexington's tiered retail rates.

Note: Absent the actual exchange of invoices and payments between towns, I have estimated Arlingtons' charges normalizing to a semi-annual basis.

| ARLINGTON (1ccf = 1 HCF) TIERED RATES FY 2020 (quarterly) | | |
|--|------------|------------|
| | water | sewer |
| Tier 1 (0 -15ccf) | \$5.36 ccf | \$6.42 ccf |
| Tier 2 (16-30ccf) | \$5.73 ccf | \$6.85 ccf |
| Tier 3 (>30ccf) | \$6.96 ccf | \$8.31 ccf |

| ARLINGTON (1ccf = 1 HCF) TIERED RATES FY 2020 (semi- annual) | | |
|---|------------|------------|
| | water | sewer |
| Tier 1 (0 -30ccf) | \$5.36 ccf | \$6.42 ccf |
| Tier 2 (31-60ccf) | \$5.73 ccf | \$6.85 ccf |
| Tier 3 (>60ccf) | \$6.96 ccf | \$8.31 ccf |

| LEXINGTON (1ccf = 1 HCF) TIERED RATES FY 2020 (semi- annual) | | |
|---|------------|-------------|
| | water | sewer |
| Tier 1 (0 -40hcf) | \$4.40 ccf | \$8.34 ccf |
| Tier 2 (41-80hcf) | \$6.59 ccf | \$13.61 ccf |
| Tier 3 (>80hcf) | \$8.70 ccf | \$21.64 ccf |

| ARLINGTON TO LEXINGTON CHARGES - ESTIMATED SEMI-ANNUAL | | | |
|--|---------|-----------------|-------------------|
| | USAGE | TIER | AMOUNT |
| water | 30 HCF | \$5.36 | \$160.80 |
| | 30 HCF | \$5.73 | \$171.90 |
| | 53 HCF | \$6.96 | \$368.88 |
| | 113 HCF | | \$701.58 |
| sewer | 30 HCF | \$6.42 | \$192.60 |
| | 30 HCF | \$6.85 | \$205.50 |
| | 53 HCF | \$8.31 | \$440.43 |
| | 113 HCF | | \$838.53 |
| subtotal | | | \$353.40 |
| administrative charge | | \$13.42 per qtr | \$26.84 |
| total | | | \$1,566.95 |

| LEXINGTON TO CUSTOMER CHARGES - ACTUAL BILLING | | | |
|--|---------|-------|-------------------|
| | USAGE | TIER | AMOUNT |
| water | 40 HCF | 4.40 | \$176.00 |
| | 40 HCF | 6.59 | \$263.60 |
| | 33 HCF | 8.70 | \$287.10 |
| | 113 HCF | | \$726.70 |
| sewer | 40 HCF | 8.34 | \$333.60 |
| | 40 HCF | 13.61 | \$544.40 |
| | 33 HCF | 21.64 | \$714.12 |
| | 113 HCF | | \$1,592.12 |
| total | | | \$2,318.82 |

| LEXINGTON NET REVENUE (CUSTOMER CHARGE - TOWN COST) | |
|---|-----------------|
| Lexington Charges to Customer | \$2,318.82 |
| Arlington Estimated Charges to Lexington | \$1,566.95 |
| Lexington Net Revenue (overcharge to customer) | \$751.87 |

PETER ZMUIDZINAS
3 PATRICIA TERRACE – APPEAL OF WATER/SEWER CHARGES

BASIS OF APPEAL 2: LEAK ABATEMENT METHODOLOGY

1. Neither the town nor we, the customer, have been able to establish a cause for the reported usage.
2. Without definite cause, town staff and WSAB were unable to categorize and recommend an abatement basis.
3. Based on discussion with town staff, leak investigation, meter replacement, review of 10 years of WSAB abatement hearings, review of 19 years of our own usage, we believe it is at least as likely, if not more likely, that the reported usage is inaccurate as opposed to attributable to an unnoticed increase in usage, undetected leaks, or other causes.
4. Outlined below are considerations why a 4-fold increase in usage over our average usage is highly unlikely, wildly inconsistent with our usage record and possibly inaccurate.
5. Leak abatement methodology as applicable to our reported usage is outlined below. This method, in our view, is applicable to this situation because it balances customer and town responsibilities. Application in this instance is also consistent with the town goals of promoting water conservation and customer due diligence.

CONSIDERATIONS IN METER REPORTED USAGE - 113 HCF

- | | |
|---|--------|
| 1. Customer's 19 year average usage | 29 HCF |
| 2. Total Bathrooms in House | 1 |
| 3. Irrigation System | No |
| 4. Evidence of Leaks - Customer hired plumber | None |
| 5. Evidence of Leaks - Town Water Department | None |
| 6. Change in number of plbg. fixtures during reporting period | 0 |
| 7. Change in occupants/use patterns during reporting period | None |
| 8. Previous metering charges abated. | Yes |

LEAK ABATEMENT METHODOLOGY (WSAB EXAMPLE)

| | | |
|---|--|-----|
| a | usage being contested (HCF) | 200 |
| b | average usage from same billing cycle (three years' worth) | 40 |
| c | excess usage | 160 |
| d | total billed at water and sewer tiered rates | 40 |
| e | total billed at water and sewer wholesale rates | 160 |

LEAK ABATEMENT METHODOLOGY (3 PATRICIA TERRACE)

| | | |
|---|---|-----------|
| a | usage being contested (HCF) | 113 |
| b | average usage from same billing cycle (three years' worth)* | 28 |
| c | excess usage | 85 |
| d | total billed at water and sewer tiered rates | 28 |
| e | total billed at water and sewer wholesale rates | 85 |

*Average Usage (3 years worth) 3 Patricia Terrace

| | |
|----------------|-----------|
| 11/12/19 | 27 |
| 11/20/18 | 28 |
| 10/27/17 | 30 |
| Average | 28 |

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Battle Green Use Request - Lexington Minute Men Participation in Celebration of Life Event in Honor of Dan H. Fenn, Jr.

PRESENTER:

Doug Lucente, Select Board Vice-Chair

ITEM NUMBER:

I.7

SUMMARY:

The Lexington Minute Men, Inc. have requested permission to use the Battle Green on Saturday, September 18, 2021 from 2:30pm to 3:30pm for their participation in a celebration of life event in memory of Dan H. Fenn, Jr., consisting of: 5 to 10 LMM Musket Company Members parading onto the Battle Green from First Parish Church, firing up to three musket volleys in salute, and marching off of the Battle Green to return to First Parish Church. The total time on the Green would be approximately 20 minutes within the 2:30pm to 3:30pm timeframe. The celebration of life event itself will take place on the grounds of First Parish Church.

The Police Department, Department of Public Works, and the Fire Department have no objections to this request.

SUGGESTED MOTION:

Move to approve the request from Lexington Minute Men, Inc. to use the Battle Green on Saturday, September 18, 2021 for approximately 20 minutes within the timeframe of 2:30pm to 3:30pm for the purpose of firing three musket volleys in salute as part of a celebration of life event in memory of Dan H. Fenn, Jr.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

8/23/2021

8:20pm

ATTACHMENTS:

| | Description | Type |
|---|--|-----------------|
| ▣ | UPDATED Battle Green Request for Celebration of Life Event for Dan H. Fenn, Jr. - Lexington Minute Men | Backup Material |
| ▣ | Use of the Battle Green Regulations | Backup Material |



The Lexington Minute Men, Inc.

POST OFFICE BOX 1775 LEXINGTON, MASSACHUSETTS 02420
CAPTAIN COMMANDING DAVID KEMPER

Select Board
Town of Lexington
1625 Massachusetts Avenue
Lexington, MA 02420

Dear Select Board,

The Lexington Minute Men have been invited to participate in a memorial service for Dan Fenn on Saturday, September 18th. The LMM is not organizing the event, but we will be guests at the memorial service that will be held on the grounds of the First parish Church. At a designated time during the service, the LMM Musket Company will march from the grounds of the First Parish Church to the Battle Green. Once on the Green, the Musket Company will fire 3 volleys in salute as part of the memorial service. The exact timing of the 3 musket volleys will be determined by the timing of the ceremony but the expectation is that the volleys would be fired between 2:30 – 3:30 PM. Once, the 3 volleys have been fired, the Musket Company will march off the Green and rejoin the ceremony. The parading onto the Green and the firing of the 3 volleys, should take no more than 20 minutes to complete. The only time the Musket Company will be on the Green is when they are going through the commands of firing the 3 volleys. At all other times during the ceremony, the LMM will be on the grounds of the First Parish Church. I would like to ask permission for 5 to 10 members of the Lexington Minute Men to fire up to 3 volleys in salute of Dan Fenn as part of that participation.

The Lexington Minute Men will make every effort to follow Federal and State guidelines remaining in effect that are related to the Covid-19 pandemic. We look forward to working with the Town of Lexington to participate in this memorial service. If there is any additional information you require from me, please let me know.

Sincerely,
Kevin Collins
Adjutant, Lexington Minute Men

“Stand your ground – Don’t fire unless fired upon; But if they mean to have a war Let it begin here.”

-April 19, 1775 – Captain Parker

BOARD OF SELECTMEN REGULATION

USE OF THE BATTLE GREEN

Date Approved by BOS:
November 19, 2018

Signature of Chair:
Suzanne E. Barry

The following rules and regulations have been adopted in accordance with the Code of the Town of Lexington, Chapter 100-10, as amended. Any otherwise legal activities not explicitly prohibited by these regulations, including the gathering of groups on the Battle Green for the sole purpose of exploring its history and which do not remain for more than four hours, are allowed. If these regulations, or portions thereof, conflict with the Code, the Code shall take precedence.

1. Definitions

- a. "Audio device" means any electronic or amplified radio, television set, computer, telephone, electronic music player, musical instrument, or other device that produces sound.
- b. "Battle Green Reenactment Organization" is a chartered group, dedicated to the reenactment of the events that occurred on the Battle Green on April 19, 1775, using historically accurate period appropriate weapons and costumes.
- c. "Compromised turf" shall mean any condition that would make the Battle Green vulnerable to excessive damage by heavy wear or use; for example, heavy rains, reseeding, and drought conditions.
- d. "Disorderly conduct" means any action intended to cause inconvenience, annoyance or alarm, or which recklessly creates a risk thereof; which includes, but is not necessarily limited to, fighting, threatening or violent behavior; unreasonable noise; abusive language directed toward any person present; wrestling in vicinity of others; throwing of breakable objects; malicious throwing of dangerous objects or stones; open fires, burning objects or spitting.
- e. "Powerless flight" means any device used to carry persons or objects through the air; for example, sailplanes, gliders, balloons, body kites, hang gliders.
- f. "Public use limit" means the maximum number of people or the amount, size, or type of equipment permitted on the Battle Green at one time, as established by the Board of Selectmen.
- g. "Responsible Party" is a person filing an application for a permit for an activity on the Battle Green, who shall be responsible for compliance with these rules and regulations.
- h. "Special event" means demonstrating, picketing, speechmaking, marching, holding of vigils, and all other similar forms of conduct which involve the active communication or expression of opinions or grievances, engaged in by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd of onlookers.

- i. "Weapon" is an instrument or device that can inflict serious bodily injury and includes but is not limited to: firearms, rifles, shotguns and antiques as defined by MGL Chapter 140, §121; air rifles and BB-guns as regulated by MGL Chapter 269, §12B; paintball guns; edged weapons; explosive material or devices; muskets and weapons that discharge an arrow or bolt.

2. Permit Required Activities

- a. The purpose for requiring permits for certain activities is to promote the use of the Battle Green in a manner consistent with its nature and history; to protect the Battle Green from harm; to ensure adequate notice of the event so that arrangements can be made to protect the public health and safety and to minimize interference with the event by the public.
- b. Permits are required for any of the following activities, singly or in combination:
 - i. Any group activity reasonably likely to exceed the public use limit established by the Board of Selectmen.
 - ii. Special events, public meetings, assemblies, gatherings, demonstrations, parades and other similar activities, not to exceed four hours in duration.
 - iii. Pageants, reenactments, entertainments or other public spectator attractions.
 - iv. Structures and/or signs in connection with special events and limited in duration to the period required for such events.
 - v. Use of public address systems, electrical lighting, or other electrical or amplified devices.
 - vi. Distribution of non-commercial printed matter.
 - vii. Possession and/or use of unconcealed weapons, in compliance with all federal, state and local laws, at events conforming to the following:
 - a) Events and ceremonies conducted by United States Armed Forces and/or law enforcement agencies;
 - b) Reenactments of the events on the Battle Green on April 19, 1775, honor guard ceremonies or related activities conducted by a Battle Green Reenactment Organization; and
 - c) The applicant shall provide evidence of training and competency in the display and use of such weapons to the satisfaction of the Board of Selectmen.
 - viii. Use or possession of fireworks or firecrackers.
 - ix. Planting of any trees/plants.
 - x. Parked or moving vehicles on any grassy areas, except those necessary for Town maintenance activities.
 - xi. Use of powered models.

3. Impermissible Activities

The following activities are strictly prohibited:

- a. Destruction, injury, defacement, removal, or disturbance of any building, sign, equipment, monument, statue, marker, animal or plant.

- b. Distribution or display of commercial advertising; or soliciting of business; or any other commercial transactions.
- c. Remaining on the Battle Green for more than four hours.
- d. Abandonment of any vehicle or personal property.
- e. Unreasonably loud operation of audio devices.
- f. Delivery of any person or thing by parachute or helicopter.
- g. Powerless flight activities.
- h. Operation, launching, or landing of an Unmanned Aerial System (UAS) or drone aircraft, except for emergency landings, unless authorized by municipal staff as designated by the Town Manager.
- i. Disorderly conduct.
- j. Use or display of unconcealed weapons, except as provided in 2b.
- k. Use of metal detecting devices.
- l. Gambling of any form or operation of gambling devices.
- m. Picnicking in groups exceeding seven people.
- n. Consumption of alcoholic beverages, marijuana, or use of unlawful substances.
- o. Use of rollerblades, scooters and skateboards.
- p. Placement on the Battle Green of any unattended structure or commemorative planting of any trees/plants by a private party.
- q. Posting signs on poles including telephone or light poles.
- r. Climbing on the Minuteman Statue, Hayes Fountain, its base, or any public monument or structure.
- s. Bicycle riding.
- t. Use of grills, open flames or any other type of cooking devices.
- u. Placement of portable restrooms.

4. Permit Process

- a. Application for permit to conduct activities on the Battle Green, specified in 2, above, shall be filed no later than two weeks prior to the requested date. Late and/or incomplete applications will be considered at the discretion of the Board of Selectmen.
- b. Permit applications shall include the following information:
 - i. Name and phone number of the Responsible Party to serve as contact
 - ii. Date and time of event.
 - iii. Nature of event.
 - iv. Expected number of participants, spectators, and vehicles.
 - v. Duration of event.
 - vi. Statement of equipment and facilities to be used.
 - vii. Section of the Battle Green desired.
- c. The Responsible Party is to keep the permit, a copy of which must be available for inspection upon request. The Responsible Party may be required by the Board of Selectmen, as a condition of issuing the permit, to pay for detail police officers if the Board determines that such officers are necessary for public safety.
- d. Permits are issued upon express condition that the Battle Green is to be left in a clean and orderly condition.

- e. The responsible party will be charged by the Board of Selectmen, as a condition of issuing the permit, for any damages directly resulting from the permitted activity.
- f. Permits are non-transferable and are only valid for date and time specified. For cause, the Police Chief or the Chief's designee may extend a permit for up to 2 hours.
- g. The Board of Selectmen may set reasonable permit conditions and restrictions, including but not limited to duration and area occupied, as are necessary for protection of the Green and public use thereof.

5. Grounds for Revocation of Permit

- a. At the discretion of the Board of Selectmen, a permit may be revoked or further conditioned upon a finding of compromised turf of the Battle Green.
- b. The Selectmen may suspend or revoke a permit to use the Battle Green based on reasonable expectations that there may be an imminent threat to public safety because of a weather or man-made event.
- c. A permit shall be revoked if a sanctioned event includes impermissible activities and may be revoked if the permit group engages in activities that are not within the specifications of the permit.

6. Grounds for Denial of Permit Request

Permit requests may be denied if an:

- a. Application creates a scheduling conflict with a previously filed application by another person or group.
- b. Event presents a clear and present danger to public health or safety.
- c. Event is of such nature or duration that it cannot reasonably be accommodated in the area applied for; or the expected number of participants exceeds the public use limit.
- d. Event will, in the opinion of the Board of Selectmen, cause unacceptable interference with use and enjoyment of the Battle Green by the general public.
- e. Event is requested for a date that conflicts with official Town events by Battle Green Reenactment organizations.
- f. Event is more appropriately held at other available Town facilities, such as recreational facilities.

7. Patriots' Day

Other than official Town-sponsored activities and permitted activities by Battle Green Reenactment Organizations, no activity or event otherwise requiring a permit shall be scheduled to take place at, nor shall any other permit be issued for use of, the Battle Green from April 1 through April 30 of each year. During such time, the Battle Green is reserved for Town activities and events, permitted activities conducted by Battle Green Reenactment Organizations and for activities for which no permit is required under Section 2.

8. Penalties

Penalties for violations of these regulations shall be in accordance with Chapter 1, Article II, Sections 1-4 and 1-6 of the Code of the Town of Lexington.

9. Severability

If any section, paragraph or part of these regulations be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

Approved by the Board of Selectmen July 15, 1986.

Amended July 24, 2000.

Amended December 21, 2009.

Amended August 1, 2011.

Revisions to the Use of the Battle Green Regulation were approved by the Board of Selectmen on February 3, 2014.

Selectmen approved minor revisions to the Use of the Battle Green Regulation on March 10, 2014.

Revisions to the Use of the Battle Green Regulation were approved by the Board of Selectmen on November 19, 2018.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Hosmer House Follow Up Discussion Regarding 41 Hancock Street Location

PRESENTER:

Board Discussion

ITEM NUMBER:

I.8

SUMMARY:

Attached please find the general location and Approval Not Required (ANR) plan for 41 Hancock Street that was the subject of the public hearing on August 2, 2021 to hear from residents on this as a potential location of the Hosmer House. As the Board is aware, this will require a full RFP process, award by the Select Board and then permitting through the ZBA (irregularity of the lot) as per Section 6.2 of the Zoning Bylaws.

SUGGESTED MOTION:

Vote to authorize the Town Manager to issue an RFP for potential relocation of the Hosmer House (by others) to 41 Hancock Street.

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

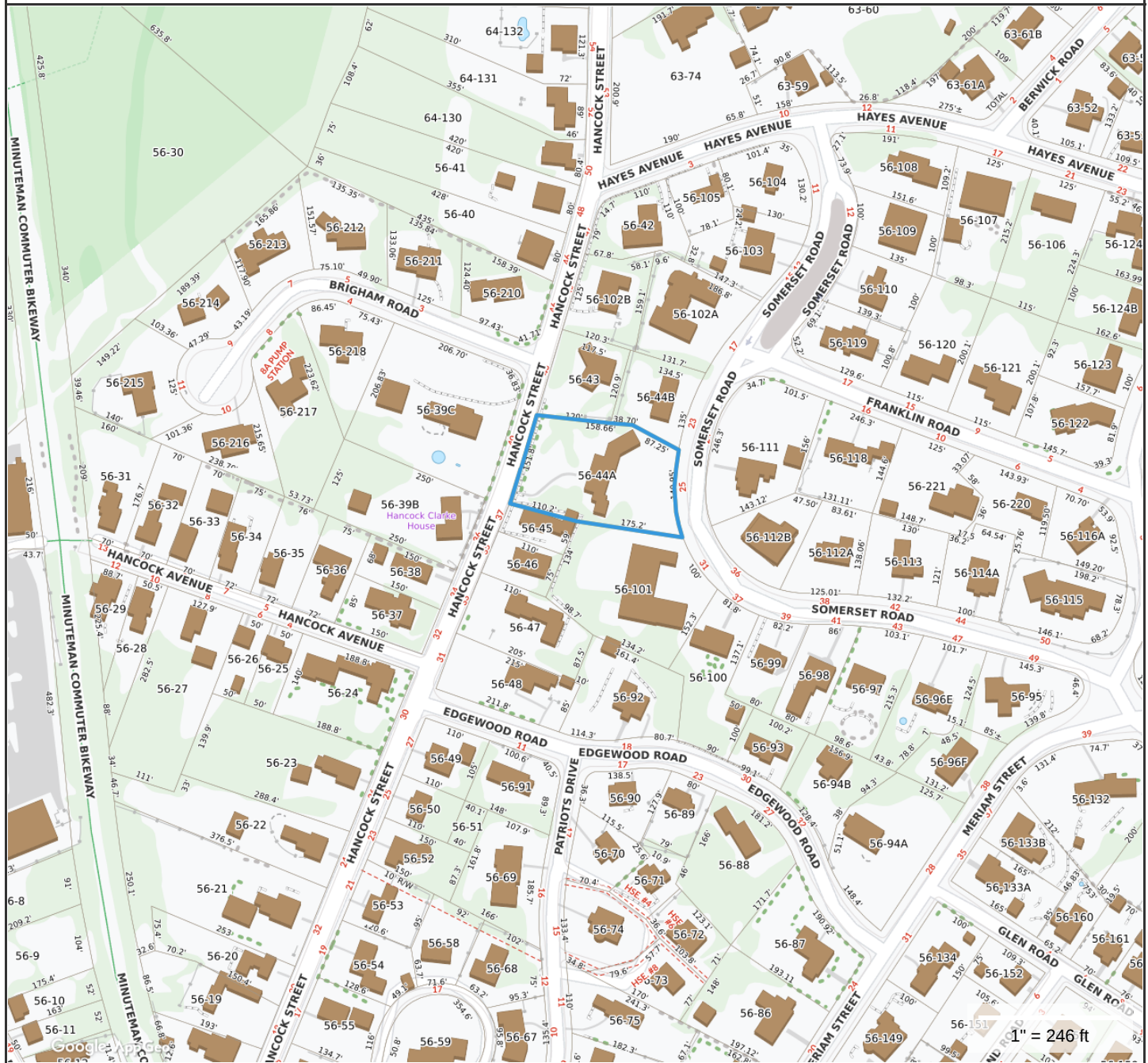
8/23/2021

8:25pm

ATTACHMENTS:

| Description | Type |
|---------------------|------------|
| ☐ 41 Hancock Street | Cover Memo |
| ☐ ANR Plan | Cover Memo |

41 Hancock



Property Information

Property ID 56-44A
Location 25 SOMERSET RD
Owner LUNDSTROM KARL ANDERS &

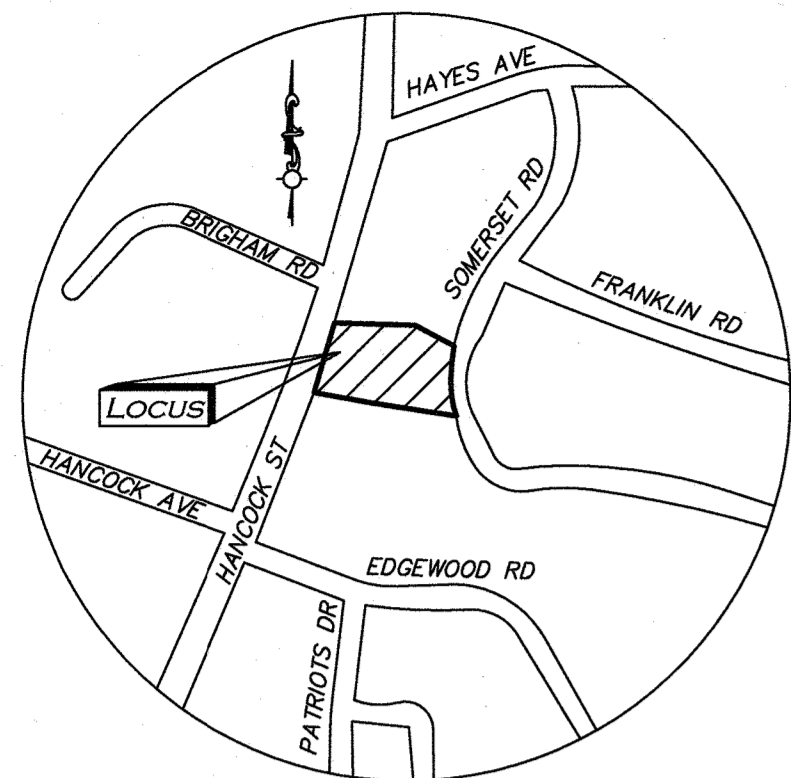


MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

Town of Lexington, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 5/30/2019
 Data updated 5/30/2019

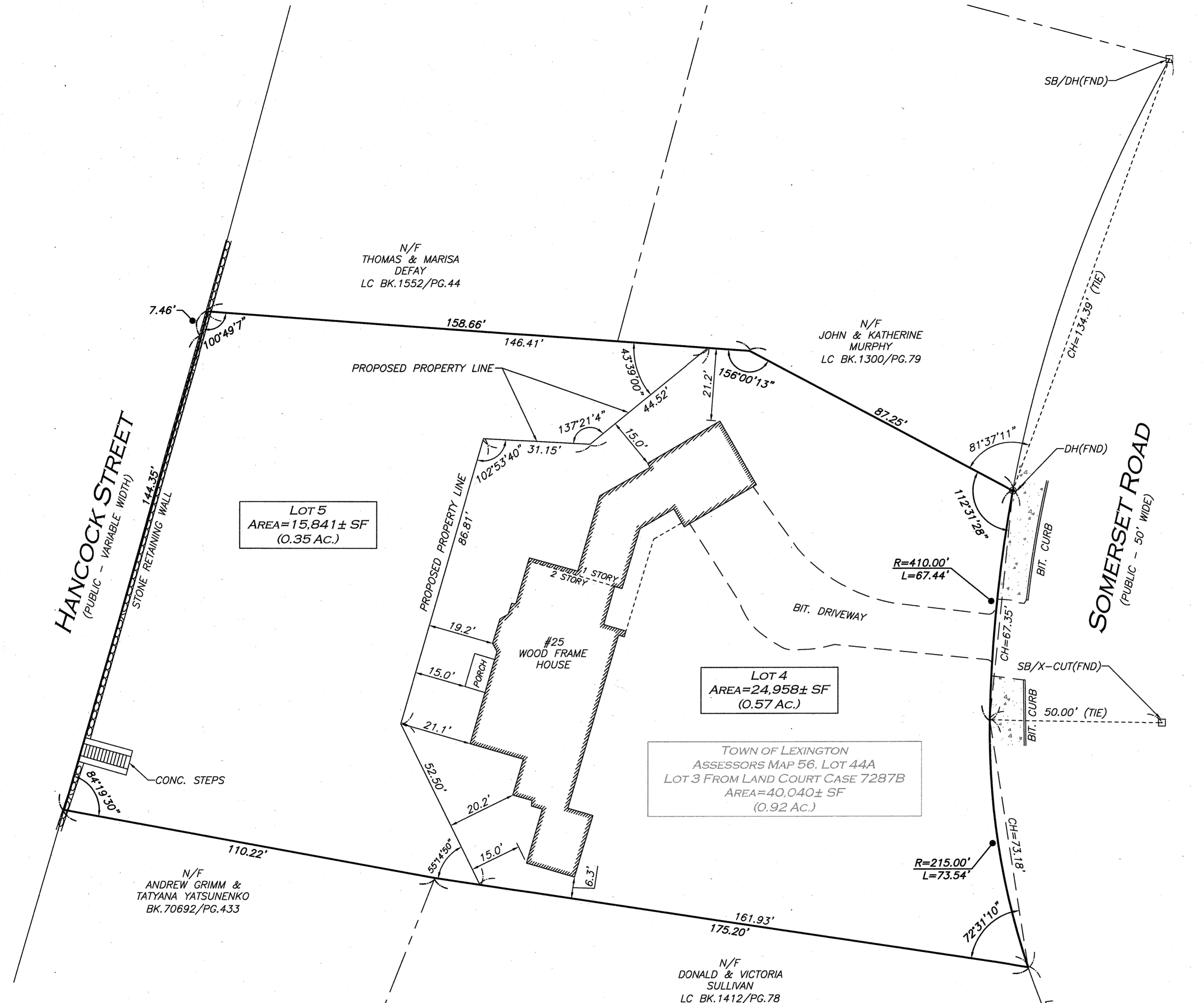
Print map scale is approximate.
 Critical layout or measurement
 activities should not be done using
 this resource.



LOCUS MAP
(NOT TO SCALE)

ZONING TABLE - RS DISTRICT

| ITEM | REQUIRED |
|--------------------------|-------------|
| LOT AREA (MIN) | 15,500 SF |
| LOT FRONTAGE (MIN) | 125' |
| FRONT YARD SETBACK (MIN) | 30' |
| SIDE YARD SETBACK (MIN) | 15' |
| REAR YARD SETBACK (MIN) | 15' |
| SITE COVERAGE (MAX) | 15% |
| BUILDING HEIGHT (MAX) | 40' |
| BUILDING HEIGHT (MAX) | 2.5 STORIES |



LEGEND

| | |
|--------------------------|--------|
| DRILL HOLE (DH) | ● |
| STONE BOUND (SB) | □ |
| CONCRETE | ▨ |
| BUILDING | ▩ |
| BUILDING OVERHANG | ▬ |
| PROPERTY LINE | — |
| ABUTTERS LINE | - - - |
| STONE RETAINING WALL | ▩ |
| EDGE OF PAVEMENT | ▬ |
| CURB | ▬ |
| BITUMINOUS | BIT. |
| CONCRETE | CONC. |
| STONE BOUND W/DRILL HOLE | SB/DH |
| FOUND | FND |
| NOW OR FORMERLY | N/F |
| BOOK | BK. |
| PAGE | PG. |
| CERTIFICATE OF TITLE | COT |
| LAND COURT | L.C. |
| LAND COURT CASE | L.C.C. |

LOCUS REFERENCES

- TOWN OF LEXINGTON ASSESSORS MAP 56, LOT 44A
- LAND COURT BOOK 1486, PAGE 38
- LAND COURT CASE 7287B
- OWNERS OF RECORD: ANDERS LUNDSTROM & HELENE SVAHNQVIST

PLAN REFERENCES

- L.C.C. 7287
- L.C.C. 5928

NOTES

- NORTH ARROW IS BASED ON MASSACHUSETTS GRID COORDINATE SYSTEM (MAINLAND ZONE) (NAD 83).
- BOOK/PAGE AND PLAN REFERENCES ARE TAKEN FROM MIDDLESEX (SOUTH) REGISTRY OF DEEDS IN CAMBRIDGE, MA.
- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE LOT 3 FROM LAND COURT CASE 7287B INTO LOTS 4 & 5 AS SHOWN HEREON.

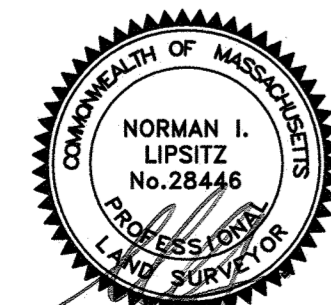
WE HEREBY CERTIFY THAT:

THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN JULY 6, 2020 AND JULY 29, 2020.

AS OF THE DATE OF THIS SURVEY, THE MONUMENTS CONTROLLING PRIOR PLANS ARE IN THE GROUND AS SHOWN AND DESCRIBED HEREON. I FURTHER CERTIFY THAT ANY ADDITIONAL MONUMENTS SHOWN HEREON HAVE BEEN SET IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 AS OF THE DATE OF THIS SURVEY.

THE PRECISION ERROR OF CLOSURE WAS 1/69,163, THE LINEAR ERROR OF CLOSURE WAS 0.01' AND THE DIRECTIONAL ERROR OF CLOSURE WAS N60°01'49"E. DISTANCES WERE OBSERVED USING A LEICA TS16 TOTAL STATION HAVING A PUBLISHED ACCURACY OF ±1mm AND ±1.5PPM.

ALLEN & MAJOR ASSOCIATES, INC.



PROFESSIONAL LAND SURVEYOR FOR ALLEN & MAJOR ASSOCIATES, INC.

CLERK OF THE TOWN OF LEXINGTON, MASSACHUSETTS HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LEXINGTON PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

TOWN CLERK

DATE

PLANNING BOARD APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED

THE ENDORSEMENT ABOVE IS NOT A DETERMINATION BY THE PLANNING BOARD AS TO COMPLIANCE WITH THE ZONING BYLAW

12/7/2020
DATE

REVISIONS

| NO. | DATE | DESCRIPTION | BY | CHK'D |
|-----|------|-------------|----|-------|
| | | | | |

APPROVAL NOT REQUIRED

25 SOMERSET ROAD
LOCATED IN
LEXINGTON, MASSACHUSETTS
(MIDDLESEX COUNTY)

PREPARED FOR
ANDERS LUNDSTROM
SCALE: 1"=20' DATE: NOVEMBER 10, 2020

SHEET No. 1 OF 1

PROJECT No. 2789-01