

SELECT BOARD MEETING

Wednesday, March 22, 2023

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

AGENDA

PUBLIC COMMENTS

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

SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS

1. Announcement: 2023 Annual Town Meeting began on Monday, March 20, 2023.
2. Select Board Member Concerns and Liaison Reports

TOWN MANAGER REPORT

1. Town Manager Weekly Update

CONSENT AGENDA

1. Application: One-Day Liquor License - Spectacle Management, Inc., 1605 Massachusetts Avenue
 - Garrison Keillor Tonight
2. Application: One-Day Liquor License - Lexington Symphony, 1605 Massachusetts Avenue
 - Post-Concert Reception
3. Application: Battle Green Permit - Lexington Historical Society
 - Annual Children's Reenactment of the Battle of Lexington

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Request to Approve Tree Planting on Buckman Tavern Grounds in Commemoration of the Semiquincentennial 6:10pm
2. 2023 Annual Town Meeting - Select Board Article Discussion and Positions 6:20pm

ADJOURN

1. Anticipated Adjournment 6:40pm

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

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

<https://zoom.us/j/92482764382?pwd=SFFvYWw0MmVkODF1aG5ETmNsRDVoZz09>

iPhone one-tap:

+13092053325,,92482764382#,,, *380743# US

+13126266799,,92482764382#,,, *380743# US (Chicago)

Telephone:

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 924 8276 4382

Passcode: 380743

An Act Relative to Extending Certain State of Emergency

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

The next scheduled meeting of the Select Board will be held on Monday, March 27, 2023 at 6:30pm via hybrid participation and prior to the start of Annual Town Meeting.

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 March 22, 2023 meeting. Under this item, Select Board Members can also comment on any additional points, reports and concerns.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/22/2023

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Select Board Concerns and Liaison Reports - March 22, 2023	Backup Material

Select Board Concerns and Liaison Reports – March 22, 2023

Joe Pato:

Concerns

- At our Monday 3/10/2023 meeting, I reported the following concerns verbally but was unable to display the recorded videos. Below is the same information with links to the videos:

I met with residents at 7:30am on Friday 3/7/2023 to observe what was going on at the 69 Pleasant Street development project. The following videos were taken from the sidewalk on the public way at 8am.

Two items seemed out of line:

- 1) Rock crushing/sifting and loading onto trucks:
https://dropbox.zpato.net/bos/PXL_20230310_132010259.TS.mp4
- 2) Drilling/hole digging for blasting:
https://dropbox.zpato.net/bos/PXL_20230310_131231230.TS.mp4

“In addition to the above restrictions, blasting and the use of powered equipment used in the breaking of rock and pavement, including but not limited to hydraulic or pneumatic hammers, by contractors and residents is permitted on weekdays only between the hours of 9:00 a.m. and 5:00 p.m. and is not permitted on Saturdays, Sundays, and legal holidays.”

It is hard to understand how the observed activity doesn't conflict with our bylaw.

Mark Sandeen:

Lexington School Master Planning Advisory Committee

- The School Committee meeting on March 14, 2023 was postponed.

The Central Administration Office relocation discussion that was expected to take place on the 14th has been moved to the March 28, 2023 School Committee meeting. This agenda item is slated to begin around 7:45 p.m.

Please click the link below to join the webinar: <https://lexingtonma-org.zoom.us/j/93994532672>

Here is a link to the [Central Office Relocation presentation](#) that was expected to be presented to the School Committee on March 14th.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Town Manager Weekly Update

PRESENTER:

Jim Malloy, Town Manager

ITEM NUMBER:

TM. 1

SUMMARY:

Attached please find the weekly update for the week ending:

- 3/17/23

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/22/2023

ATTACHMENTS:

Description	Type
3-17-23 Weekly Update	Cover Memo



Town of Lexington

Town Manager's Office

James J. Malloy, Town Manager
Kelly E. Axtell, Deputy Town Manager

Tel: (781) 698-4540
Fax: (781) 861-2921

MEMORANDUM

TO: Select Board
FROM: Jim Malloy, Town Manager
DATE: March 17, 2023
RE: Weekly Update

The following is an update of activities for the week ending March 17, 2023:

Town Manager Updates:

- I've been asked by the National Conference on Citizenship to participate in a "community of practice" which will be a quarterly brainstorming session on democratic innovations for better public meetings. I've attached a one-page summary of this project, which lists the partner organizations that are participating.
- Town Meeting Items:
 - In case you have not seen it yet, attached is the order of Articles for this year's Annual Town Meeting from the Moderator.
 - Article 16i – I realize there has been some discussion/concern over the parcel that staff for HDC used for the abutter notification (police station parcel) and whether it would have been better for them to use the Fletcher Park parcel. I've attached copies of both abutter maps for the Board's information. Had the HDC used the Fletcher Park parcel, different abutters would have been notified, but there would have been fewer (18 vs. 12) abutters notified. There was also public notice advertised in the Minuteman on August 18, 2022 for the public hearing that commenced on September 1, 2022 and then was continued as the HDC requested different design iterations. This information has been posted on the TMMA listserv. I am also completing an economic analysis using some information Mark Sandeen provided, information from Maggie Peard and Mike Cronin that will be posted by end of business today on the TMMA listserv as there have been a number of questions regarding the economics of this project.
 - Article 21 – As previously provided to the Select Board, the Police Department has seen additional overtime costs associated with having several officers out for an extended period due to Injured on Duty claims where shifts needed to be backfilled (at overtime costs) that the Assistant Town Manager for Finance, Police Chief and their staffs have estimated the cost overage being \$130,000. We are also keeping an eye on the Fire Department overtime costs

but are hopeful this can be managed so that it is minimal and can be addressed through a year-end transfer if required. The motion for Article 21 is attached.

- Article 27 - Article 27 (Amend Fossil Fuel Bylaw – Compliance with DOER Regulations and Guidance) remains on the warrant to provide flexibility for the Town to apply for the Fossil Fuel Free Demonstration Program. The motion will ask the Town to either amend Lexington's existing fossil fuel free bylaw to comply with DOER guidance or adopt DOER's model bylaw, but the decision of which path to go down can't be made until staff and Town Counsel have seen DOER's final model bylaw. DOER has indicated it will be released at the end of March. Staff will move forward with preparing the article materials as soon as DOER releases its model bylaw. If DOER's bylaw is not released in time for an article to be brought forward at Town Meeting, the article will be postponed until Special Town Meeting.
- Article 40 – There are two issues that I would like to point out to the Select Board related to this article. As the Board is aware, I've indicated that articles that are generated from outside of Town staff should have a financial impact analysis undertaken so that the Select Board members and Town Meeting understands the potential financial impact of any proposal. Attached please find a fiscal analysis that I requested our Finance and Zoning staff undertake in relation to this Article and how it may affect the Town's finances vis-à-vis new growth revenues. There are two analysis attached, one that Carolyn Kosnoff undertook (more detailed) and one that I undertook that came to relatively similar conclusions (both analyses use the actual homes that were built during 2021 so that we had the new construction values established as of January 1, 2022). The analysis I undertook found there would be a loss of approximately \$490,000 in new growth revenues which is approximately 32% of single-family new growth and 12% of net total new growth. Carolyn Kosnoff's analysis found a loss of approximately \$610,000 or 39% of single-family new growth/15% of net total new growth. Another concern we noted is that the motion calls for the following categories regulating single-family homes:

Lot Area

0-5,000 s.f.
5,000 – 7,500 s.f.
7,500-10,000 s.f.
10,000-15,000 s.f.
15,000-30,000 s.f.
30,000 s.f. +

The problem with this scale is that each level contains homes that could fall into two categories. The correct scale should be:

0-4,999
5,000-9,999
10,000-14,999
15,000-29,999
30,000+

- Town Counsel has provided the following guidance related to the SJC decision we discussed a few weeks ago:

Last week, the SJC handed down a major decision on speech at public meetings, *Barron v. Kolenda*. At this point, all Boards and Committees (particularly those with “public comment” as part of their agendas) should be made aware of the import of the *Barron* decision (which is attached).

There are three key takeaways:

- “[C]ivility restraints on the content of speech at a public comment session in a public meeting are forbidden.” Slip op. at 3. “[D]iscourteous, rude, disrespectful, or personal speech about government officials and governmental actions” is constitutionally protected. Id. at 19. This includes, but is not limited to, even such things as comparisons to Hitler as was the case in *Barron*. Id. at 26.
- “What can be required is that the public comment session be conducted in an ‘orderly and peaceable’ manner, including designating when public comment shall be allowed in the governmental meeting, the time limits for each person speaking, and rules preventing speakers from disrupting others, and removing those speakers if they do.” Id. (emphasis added); see also id. at 24-25.
- Importantly, towns may also “hold public meetings limited to a particular subject without violating [the freedom of assembly], so long as the town provides other opportunities to exercise this right” Id. at 19 n. 10. The court did not elaborate on what would constitute adequate “other opportunities.”

The SJC noted but did not decide whether restrictions on volume or slander would be permissible. Id. at 18 ns. 8, 9. Moving forward, it may be prudent for the Board to limit public comment to a specific topic, if the meeting is so limited. For instance, if there is a budget meeting, it is reasonable to limit public comments to those on the budget, but that it only ok if the public comment portion of the Select Board meeting is an open avenue to discuss any topic. However, the Board should balance whether the potential avoidance of rude or out of line comments in doing so outweighs the benefit of hearing frank (and, yes sometimes uncomfortable) comments on any topic within a board’s jurisdiction.

Mary DeAlderete had reached out to Town Counsel to begin scheduling Open Meeting Law trainings for boards and committees once Town Meeting is over and Town Counsel will include guidance on these issues at that training as well.

- 69 Pleasant Street – This is to update the Board that after consultation with the Health Department, Jim Kelly indicated that crushing is allowed as of 7 AM along with other construction activity, not including hammering or blasting. They took additional sound measurements on 3/15 and all readings were in compliance with the Town Bylaws. Jim Kelly offered (and I asked him to do this) to meet with residents in the area to explain the bylaw and discuss his determination.

- Attached please find the agenda tracker for upcoming Select Board meetings.

Police:

- In honor of Women's History Month, the Lexington Police Department is proud to announce we have joined hundreds of law enforcement agencies across the country in signing the 30x30 pledge. The Pledge is the foundational effort of the 30x30 Initiative – a coalition of police leaders, researchers, and professional organizations who have joined together to advance the representation and experiences of women in all ranks of policing across the United States. The 30x30 Initiative is affiliated with the Policing Project at NYU School of Law and the National Association of Women Law Enforcement Executives (NAWLEE).

The Pledge includes actions that help policing agencies assess the current state of a department with regard to gender equity, identify factors that may be driving any disparities, and develop and implement strategies and solutions to eliminate barriers and advance women. These actions address recruitment, assessment, hiring, retention, promotion, and agency culture. The ultimate goal of the 30x30 Initiative is to reach 30 percent of women in police recruit classes by 2030, and to ensure our agency is truly representative of the community we serve. While 30x30 is focused on advancing women in policing, these principles are applicable to all demographic diversity, not just gender.

For more information on the pledge, please access the link below. <https://30x30initiative.org/the-30x30-pledge/>

Land Use Health and Development:

Conservation

- Parker Meadow Story Walk: At the March 6, 2023 Conservation Commission Meeting, the Commission established a working group comprised of two Commissioners, Kevin Beuttell and Ruth Ladd, Library representatives, and conservation staff to explore feasible options for the Story Walk panels to potentially mitigate the concerns that people perceive with their current location and density for recommendation to the Conservation Commission within a 6 month timeframe. In the meantime, the Commission supported keeping the existing Story Walk panels in place to allow for continued observation in all seasons, and until such time the Commission makes a final decision on the Story Walk.
- Community Garden: Returning gardeners registration will be finalized Friday, 3/17, but know at this time that there are 161 people on the "waiting list" for available plots. Staff expects to have only 5 to 7 half plots available for new gardeners when the wait list lottery conducted on 3/28. With the stepping down of longstanding Garden Coordinator Allie Lawler at the end of the 2022 season, the new co-coordinators, Julia Sedykh and Vivek Joshi, have been very involved and helpful in the registration process.
- Seasonal Field Crew Recruitment: The 2023 seasonal field crew positions are posted and active recruitment initiated through various conservation professional organizations and colleges. The crew performs much needed trail maintenance, including mowing, pruning, and debris clearing,

community garden maintenance, footbridge and boardwalk construction and replacement, invasive species management and native plant restoration activities.

Health

- National Public Health Week is just around the corner. The list of activities planned will be posted on the Public Health page this week. They include a guided tour through Parker Meadow, Yoga, Zumba, Wellness Clinic, Medical Waste collection and more.

LUHD

- The Assistant Town Manager for Development coordinated a first meeting of the new Affordable Housing Trust on March 15 for the purpose of formally approving the Declaration of Trust. It's official: Lexington now has an Affordable Housing Trust! The Housing Trust also voted to recommend the Town Meeting warrant articles that will provide initial funding for the Trust, Articles 7, 10n and 19 f and g.

Planning

- The Planning Board continued the public hearing for the Tracer Lane Solar Site Plan Review Project to Wednesday, May 3.
- The Planning Board reviewed the updated Transportation Demand Management Overlay District Plan for Hartwell Ave. on March 15 and continued the review to May 17.
- On April 4, 2023 the first of three public meetings to develop the Town-wide Bicycle and Pedestrian Plan will be held at 7 PM at the Community Center.

Recreation and Community Services:

Capital – Center Recreation Restroom/Maintenance Building

- The contractor for the Center Recreation Restroom/Maintenance Building project mobilizing in the coming weeks. Below is an overview of the plan for addressing storage and restrooms during the project. Thank you to Marc Valenti, Chris Filadoro, Peter Coleman and Principal Andrew Stephens for meeting on site and thoughtfully creating this plan along with representatives from LLL and LYL.
 - The (5) storage trailers that are located next to the restrooms will be relocated by Friday, March 17th as they are currently within the construction zone.
 - The LLL (1) and LYL (1) trailers will be relocated next to the Center #4 Little League Field (Fitzgerald Field) and run parallel to the right field fence (see photo below). The LYL trailer will be up against the fence and the LLL trailer will be placed next to it. The trailers will be placed so the doors open towards the Center Track.



- The two LHS trailers will be placed by where the old shot put area used to be (see photo below). This is to the right of the path that leads to C2 and doors will open towards the path.



- The Town trailer is going to be emptied and removed from the site altogether
- These locations for the LHS, LYL, and LLL trailers are temporary and will be reassessed once the Center Recreation Restrooms and Gallagher/Farias Courts projects have been completed.
- The Recreation Enterprise Fund will be providing (6) portable toilets at the Center Recreation Park (4 standard and 2 ADA-accessible). They will be located at the end of the Park Drive cul-de-sac where the path that leads from Park Drive to C2 begins (see photo below). The portable toilets will be delivered as close to March 20th as conditions allow.



Democracy Innovations for Better Public Meetings

In many places, official public meetings no longer work. Most of the official interactions between citizens and local governments, school systems, planning boards, and police departments are full of frustration, conflict, and mistrust.

Bad public meetings are damaging because they:

- Lower public trust and confidence in government, making it harder to implement policies and maintain financial stability.
- Increase frustration and stress for public officials and staff.
- Lead to delays and erratic decision-making, which further erodes trust and wastes public funds.
- Worsen inequities because meeting participants are not representative of the communities most affected by policies.



Better public meetings are possible, sustainable, and measurable.

- There are proven tools and practices that can ensure civil, productive dialogue among people who have different backgrounds and interests.
- These practices can be adopted as part of official public meetings, in full accordance with open meetings laws.
- Before and after public meetings, supplementary tools and practices can reach broader audiences: providing information, gathering input, and reporting on decisions.
- Public satisfaction with public meetings, and the state of local democracy generally, can be measured through digital tools.



Understanding the local context is critical. Local leaders should take stock of the history, social capital, and civic assets of their communities in order to strengthen meetings and the relationship between government and citizens.

The new “**Democracy Innovations for Better Public Meetings**” project, led by the Center for [Democracy Innovation](#) and supported by the AAA-ICDR Foundation, will help communities take stock of the local context, gauge citizen attitudes, and adopt better civil discourse practices in public meetings.



The project will include a community of practice of local leaders to help choose pilot communities, refine tools and practices, and disseminate results.

Partner organizations: International City/County Management Association, National League of Cities, Bloomberg Center for Public Innovation, Participedia, Kettering Foundation, Cities Fortifying Democracy, Democracy Cities, and National Civic League.

FYI, here's what I just sent to the TMMA email list:

Good morning, Town Meeting members!

Below this email you will find a proposed schedule for our upcoming Annual Town Meeting. A few important things to note:

This schedule is subject to change.

After each session of Town Meeting, the Deputy Moderator and I will update this proposed schedule to reflect what has actually transpired.

Some items on this schedule are designated **DATE CERTAIN**. **For these items, we intend to protect the proposed date** unless there are completely unforeseen circumstances that prevent adherence to this schedule.

Please note the deadlines for submitting proposed amendments or requests to divide a question. These deadlines are firm! In particular, note that we've established an earlier deadline for submitting proposed amendments/division requests **for Articles 33, 34, and 40 - that deadline is 5pm Monday, April 3.**

Your submission of a proposed amendment/division request will be considered **on-time only if submitted on/before the 5pm deadline on the date indicated, as follows:**

by email to: amendment (at) tm.lexingtonma.net [replace (at) with @]

AND by email to the TMMA email list

Finally, if you are contacted by residents who wish to observe our meeting and possibly speak for or against a motion, please provide them with my email address so I can provide helpful information about the process.

As always, feel free to reach out with any questions or concerns.

Best,
Deborah
617-512-7901

Proposed schedule for ATM 2023

Monday March 20, 2023 (*Proposed amendments/divisions due 5pm Thursday, March 16*)

- Article 2 - vote to ratify nomination of Deputy Moderator
- Article 2 - report of Cary Lecture Series
- Article 3 - Cary Lecture Committee
- Article 2 - report of Cary Library Trustees
- Article 31 - Fair Trade Restrictions - Fur Products (Citizen Petition)
- Article 32 - Dunback Meadow Sewer Easement (Citizen Petition)

Time permitting:

- Article 26 - Amend General Bylaws - Municipal Opt-In Specialized Stretch Energy Code
- Article 28 - Amend General Bylaws - Tree Bylaw - Increase Protected Tree Look-Back Period
- Article 29 - Amend General Bylaws - Tree Bylaw - Changes to Tree Committee

Wednesday March 22, 2023 *(Proposed amendments/divisions due 5pm, Monday, March 20 - but earlier is better for Zoning articles!)*

- Article 2 - report of Minuteman H.S. Superintendent (with opportunity for questions)
- Article 36 - Amend Zoning Bylaw and Map - Central Business District
- Article 37 - Amend Zoning Bylaw - Action Deadline for Major Site Plan Review
- Article 38 - Amend Zoning Bylaw - Minor Modifications to Approved Permits
- Article 39 - Amend Zoning Bylaw - Technical Corrections

Time permitting:

- Article 25 - Amend the General Bylaws - Demolition Delay
- Article 2 - report of Town Manager
- Continue any unfinished business from previous session

Monday March 27, 2023 *(Proposed amendments/divisions due 5pm Thursday, March 23)*

- Article 2 - report of Town Manager (if not delivered 3/22/23)
- Article 2 - report of Appropriation Committee
- Article 2 - report of Lexington Schools Superintendent
- Article 2 - Report of the Lexington High School Building Committee
- Consent agenda
- Article 4 - Appropriate FY2024 Operating Budget
- Article 8 - Evaluation of Archaeological Resource Potential (Citizen Petition)

Time permitting:

- Article 5 - Appropriate FY2024 Enterprise Fund Budgets
- Article 6 - Establish Qualifications for Tax Deferrals
- Article 9 - Establish and Continue Departmental Revolving Funds
- Continue any unfinished business from previous sessions

Wednesday March 29, 2023

(Proposed amendments/divisions due 5pm, Monday, March 27)

- Article 2 - report of Capital Expenditures Committee
- Article 2 - report of Community Preservation Committee
- Article 10 - Appropriate for the FY2024 Community Preservation Committee Operating Budget and CPA Projects (items not on consent agenda):

DATE CERTAIN:

- 10i - Lincoln Park Field improvements including lighting

- 10a - Stone Building design and repairs
- 10b - Munroe Center for the Arts
- 10c - Hancock-Clarke barn restoration
- 10e - First Parish Church clock restoration
- 10f - East Village clock at Follen Church restoration
- 10g - Willard Woods site improvements
- 10m - Transforming trees into art, Birds of New England
- 10o - LexHab property acquisition prefunding

Time permitting:

- Article 7 - Appropriate to Affordable Housing Trust
- Article 19 - Establish, Amend, Dissolve and Appropriate to and from Specified Stabilization Funds
- Unfinished business from previous sessions

Monday April 3, 2023 (*Proposed amendments/divisions due 5pm Thursday, March 30*)

- Any unfinished items from Article 10
- Article 12 - Appropriate for Municipal Capital Projects and Equipment (items not on consent agenda):
 - 12a - All Terrain Vehicle - Forestry
 - 12b - TMOD Implementation - Permit and progress tracking
 - 12d - Bedford St and Hartwell Ave long-range transportation improvements
 - 12l - Municipal parking lot improvements
 - 12m - New sidewalk installations
- Article 13 - Appropriate for Water System Improvements

Time permitting:

- Article 21 - Amend FY2023 Operating, Enterprise and CPA Budgets
- Article 23 - Establish Special Education Reserve Fund

Wednesday April 5, 2023 - no meeting (1st night of Passover)

Monday April 10, 2023 (*Proposed amendments/divisions due 5pm, Monday, April 3 for Articles 33, 34 and 40 - **Note earlier deadline!!***)

DATE CERTAIN:

- Article 33 - Amend Zoning Bylaw - Special Permit Residential Development
- Article 34 - Amend Zoning Bylaw and Map - Multi-Family Zoning Housing for MBTA Communities

Time permitting: Unfinished business from previous sessions

Wednesday April 12, 2023 (*Proposed amendments/divisions due 5pm, Monday, April 10 **except for Article 40 - which has due date of 5pm Monday April 3***)

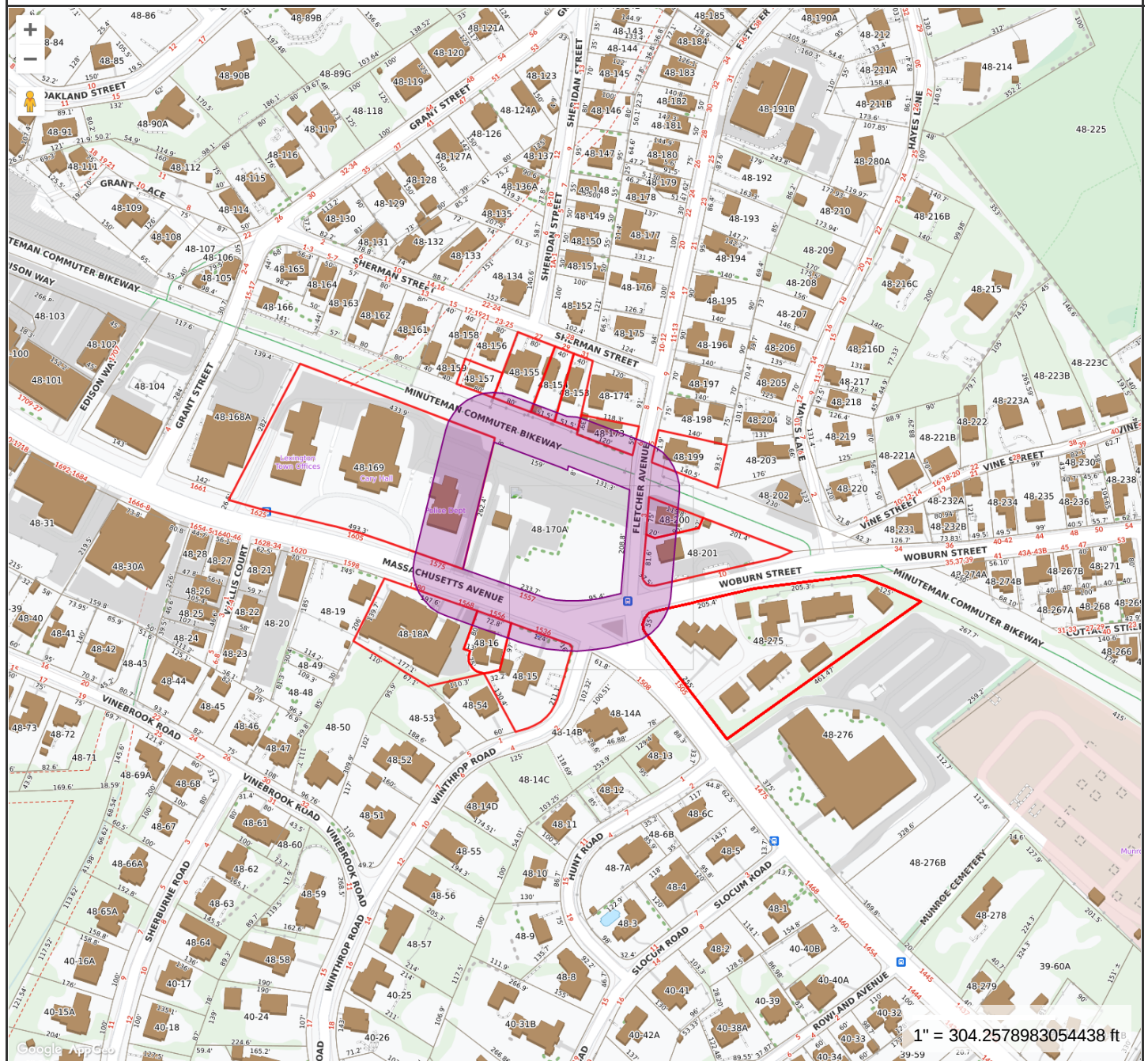
DATE CERTAIN:

- Article 16 - Appropriate for Public Facilities Capital Projects (items not on consent agenda):
 - 16g - Pine Meadows clubhouse renovation - design
 - 16h - 173 Bedford Street renovation - design
 - 16i - Solar canopy & system - Police Station
 - 16j - East Lexington Fire Station - feasibility study
- Article 40 - Amend Section 135-4.4 of the Zoning Bylaw - Reduce Residential Gross Floor (Citizen Petition)
- Article 27 - Amend Fossil Fuel Bylaw - Compliance with DOER Regulations and Guidance
- Unfinished business from previous sessions

No meetings Monday, April 17 and Wednesday April 19 (school vacation week)

*****Hold Monday April 24 and Wednesday April 26 for (inevitable) unfinished business*****

100 foot Abutter Map - Fletcher Park



**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 on a daily basis
Data updated on a daily basis

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

1" = 246.11831489843547 ft

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

Article 40 - Financial Impact Analysis
Jim Malloy, Town Manager

Address	Structure Value	GFA	GLA	Lot Size	Structure Value Per S.F.	Maximum Structure Size Under Article 40	Estimated Value Under Article 40	FY23 Tax Residential Tax Rate	Tax Loss/Gain	Cumulative Tax Loss
38 CHARLES ST	\$ 503,000	3,245	1,687	4,738	\$ 155.01	3,601	\$ 558,164	\$ 13.00	\$ -	\$ -
118 CEDAR ST	\$ 1,145,000	5,112	3,001	4,913	\$ 223.98	3,734	\$ 836,325	\$ 13.00	\$ 4,013	\$ 4,013
10 LISBETH ST	\$ 552,000	2,751	1,849	4,940	\$ 200.65	3,754	\$ 753,337	\$ 13.00	\$ -	\$ 4,013
70 WARD ST	\$ 849,000	4,652	2,432	5,000	\$ 182.50	3,800	\$ 693,508	\$ 13.00	\$ 2,021	\$ 6,034
7 BUTLER AVE	\$ 704,000	3,279	1,796	5,197	\$ 214.70	3,883	\$ 833,623	\$ 13.00	\$ -	\$ 6,034
299 MARRETT RD	\$ 1,151,000	4,832	3,088	5,750	\$ 238.20	4,115	\$ 980,208	\$ 13.00	\$ 2,220	\$ 8,254
309 MARRETT RD	\$ 460,000	4,857	2,810	5,965	\$ 94.71	4,205	\$ 398,278	\$ 13.00	\$ 802	\$ 9,057
25 RANGEWAY	\$ 479,000	2,618	1,632	6,036	\$ 182.96	4,235	\$ 774,875	\$ 13.00	\$ -	\$ 9,057
56 SCHOOL ST	\$ 749,000	4,520	2,614	6,176	\$ 165.71	4,294	\$ 711,537	\$ 13.00	\$ 487	\$ 9,544
24 DONALD ST	\$ 599,000	5,300	2,826	6,300	\$ 113.02	4,346	\$ 491,180	\$ 13.00	\$ 1,402	\$ 10,946
23 RANGEWAY	\$ 415,000	2,529	1,823	6,558	\$ 164.10	4,454	\$ 730,945	\$ 13.00	\$ -	\$ 10,946
260 MARRETT RD	\$ 739,000	3,744	1,864	7,042	\$ 197.38	4,658	\$ 919,337	\$ 13.00	\$ -	\$ 10,946
36 CHARLES ST	\$ 352,000	3,142	1,595	7,275	\$ 112.03	4,756	\$ 532,761	\$ 13.00	\$ -	\$ 10,946
106 SCHOOL ST	\$ 1,205,000	5,762	3,161	7,310	\$ 209.13	4,770	\$ 997,586	\$ 13.00	\$ 2,696	\$ 13,642
15 CRESCENT HILL AVE	\$ 428,000	2,858	1,792	7,500	\$ 149.76	4,850	\$ 726,312	\$ 13.00	\$ -	\$ 13,642
103 SCHOOL ST	\$ 1,352,000	7,135	3,505	7,790	\$ 189.49	4,885	\$ 925,613	\$ 13.00	\$ 5,543	\$ 19,185
57 LIBERTY AVE	\$ 1,390,000	6,452	4,006	7,957	\$ 215.44	4,905	\$ 1,056,684	\$ 13.00	\$ 4,333	\$ 23,518
42 FREEMONT ST	\$ 1,166,000	6,390	3,443	8,000	\$ 182.47	4,910	\$ 895,941	\$ 13.00	\$ 3,511	\$ 27,029
44 PAUL REVERE RD	\$ 1,684,000	5,468	3,410	8,014	\$ 307.97	4,912	\$ 1,512,668	\$ 13.00	\$ 2,227	\$ 29,256
1 LEROY RD	\$ 989,000	7,798	3,947	8,024	\$ 126.83	4,913	\$ 623,088	\$ 13.00	\$ 4,757	\$ 34,013
8 OXFORD ST	\$ 1,179,000	6,246	3,136	8,100	\$ 188.76	4,922	\$ 929,081	\$ 13.00	\$ 3,249	\$ 37,262
14 ELLISON RD	\$ 1,069,000	7,792	3,554	8,798	\$ 137.19	5,006	\$ 686,750	\$ 13.00	\$ 4,969	\$ 42,231
30 ROCKVILLE AVE	\$ 1,216,000	6,168	3,411	9,215	\$ 197.15	5,056	\$ 996,734	\$ 13.00	\$ 2,850	\$ 45,082
24 GRASSLAND ST	\$ 1,201,000	6,940	3,482	9,271	\$ 173.05	5,063	\$ 876,093	\$ 13.00	\$ 4,224	\$ 49,305
19 COTTAGE ST	\$ 1,692,000	6,736	3,863	9,280	\$ 251.19	5,064	\$ 1,271,914	\$ 13.00	\$ 5,461	\$ 54,767
8 SUTHERLAND RD	\$ 371,000	2,348	1,392	9,562	\$ 158.01	5,097	\$ 805,430	\$ 13.00	\$ -	\$ 54,767
7 STEVENS RD	\$ 1,141,000	6,622	4,039	9,840	\$ 172.30	5,131	\$ 884,060	\$ 13.00	\$ 3,340	\$ 58,107
5 KIMBALL RD	\$ 1,653,000	6,118	3,750	9,966	\$ 270.19	5,146	\$ 1,390,357	\$ 13.00	\$ 3,414	\$ 61,521
371 MARRETT RD	\$ 1,154,000	5,417	3,048	10,547	\$ 213.03	5,210	\$ 1,109,938	\$ 13.00	\$ 573	\$ 62,094
11 SHERMAN ST	\$ 1,842,000	6,659	4,410	11,329	\$ 276.62	5,296	\$ 1,465,022	\$ 13.00	\$ 4,901	\$ 66,995
53 GRANT ST	\$ 714,000	4,843	2,632	11,550	\$ 147.43	5,321	\$ 784,397	\$ 13.00	\$ -	\$ 66,995
26 COLONY RD	\$ 966,000	7,438	3,766	11,580	\$ 129.87	5,324	\$ 691,421	\$ 13.00	\$ 3,570	\$ 70,564
19 BERTWELL RD	\$ 555,000	5,583	3,383	11,850	\$ 99.41	5,354	\$ 532,186	\$ 13.00	\$ 297	\$ 70,861
581 LOWELL ST	\$ 1,574,000	9,113	4,310	11,915	\$ 172.72	5,361	\$ 925,893	\$ 13.00	\$ 8,425	\$ 79,286
254 LINCOLN ST	\$ 1,054,000	7,628	3,999	12,176	\$ 138.18	5,389	\$ 744,676	\$ 13.00	\$ 4,021	\$ 83,307
121 CEDAR ST	\$ 1,270,000	7,027	4,229	12,370	\$ 180.73	5,411	\$ 977,884	\$ 13.00	\$ 3,798	\$ 87,105
573 MARRETT RD	\$ 994,000	6,680	3,727	12,500	\$ 148.80	5,425	\$ 807,253	\$ 13.00	\$ 2,428	\$ 89,533
81 HILL ST	\$ 780,000	3,937	2,461	12,500	\$ 198.12	5,425	\$ 1,074,803	\$ 13.00	\$ -	\$ 89,533
18 PINE KNOLL RD	\$ 1,235,000	6,335	3,338	12,600	\$ 194.95	5,436	\$ 1,059,741	\$ 13.00	\$ 2,278	\$ 91,811

Lot Area		Max GFA	
-	5,000		0.76
5,001	7,500	3,800	0.42
7,501	10,000	4,850	0.12
10,001	15,000	5,150	0.11
15,001	30,000	5,700	0.1
30,001	+	7,200	0.1

Article 40 - Financial Impact Analysis
Jim Malloy, Town Manager

Address	Structure Value	GFA	GLA	Lot Size	Structure Value Per S.F.	Maximum Structure Size Under Article 40	Estimated Value Under Article 40	FY23 Tax Residential Tax Rate	Tax Loss/Gain	Cumulative Tax Loss
155 SHADE ST	\$ 1,729,000	8,739	4,886	12,680	\$ 197.85	5,445	\$ 1,077,247	\$ 13.00	\$ 8,473	\$ 100,284
11 NORTON RD	\$ 1,535,000	8,908	4,159	12,781	\$ 172.32	5,456	\$ 940,146	\$ 13.00	\$ 7,733	\$ 108,017
140 GRANT ST	\$ 1,061,000	4,960	3,212	12,958	\$ 213.91	5,475	\$ 1,171,246	\$ 13.00	\$ -	\$ 108,017
197 CEDAR ST	\$ 1,892,000	7,558	4,488	13,000	\$ 250.33	5,480	\$ 1,371,813	\$ 13.00	\$ 6,762	\$ 114,779
5 MUNROE RD	\$ 1,242,000	6,755	4,058	13,000	\$ 183.86	5,480	\$ 1,007,574	\$ 13.00	\$ 3,048	\$ 117,827
19 HUDSON RD	\$ 1,561,000	7,544	4,792	13,027	\$ 206.92	5,483	\$ 1,134,533	\$ 13.00	\$ 5,544	\$ 123,371
32 OUTLOOK DR	\$ 969,000	6,665	3,470	13,236	\$ 145.39	5,506	\$ 800,491	\$ 13.00	\$ 2,191	\$ 125,562
378 WOBURN ST	\$ 1,488,000	7,052	4,108	13,250	\$ 211.00	5,508	\$ 1,162,104	\$ 13.00	\$ 4,237	\$ 129,798
43 LACONIA ST	\$ 991,000	6,659	3,911	13,304	\$ 148.82	5,513	\$ 820,516	\$ 13.00	\$ 2,216	\$ 132,014
59 LACONIA ST	\$ 1,336,000	6,629	3,887	13,366	\$ 201.54	5,520	\$ 1,112,546	\$ 13.00	\$ 2,905	\$ 134,919
8 HAYES AVE	\$ 2,224,000	9,080	5,133	13,386	\$ 244.93	5,522	\$ 1,352,638	\$ 13.00	\$ 11,328	\$ 146,247
28 RAWSON AVE	\$ 849,000	4,514	2,740	13,423	\$ 188.08	5,527	\$ 1,039,438	\$ 13.00	\$ -	\$ 146,247
37 WOODLAND RD	\$ 2,108,000	8,101	4,043	13,750	\$ 260.21	5,563	\$ 1,447,445	\$ 13.00	\$ 8,587	\$ 154,834
483 WALTHAM ST	\$ 1,364,000	7,235	4,125	13,980	\$ 188.53	5,588	\$ 1,053,457	\$ 13.00	\$ 4,037	\$ 158,871
9 FAIR OAKS DR	\$ 1,002,000	7,050	4,127	14,315	\$ 142.13	5,625	\$ 799,418	\$ 13.00	\$ 2,634	\$ 161,505
7 HOLTON RD	\$ 1,171,000	7,886	3,850	14,880	\$ 148.49	5,687	\$ 844,439	\$ 13.00	\$ 4,245	\$ 165,750
2 ROLFE RD	\$ 974,000	6,325	3,841	15,136	\$ 153.99	5,714	\$ 879,849	\$ 13.00	\$ 1,224	\$ 166,974
22 HAYES LN	\$ 720,000	3,531	2,177	15,170	\$ 203.91	5,717	\$ 1,165,743	\$ 13.00	\$ -	\$ 166,974
68 COLONY RD	\$ 2,593,000	8,049	4,665	15,500	\$ 322.15	5,750	\$ 1,852,373	\$ 13.00	\$ 9,628	\$ 176,602
19 FAIRBANKS RD	\$ 2,224,000	8,092	5,291	15,500	\$ 274.84	5,750	\$ 1,580,326	\$ 13.00	\$ 8,368	\$ 184,970
9 BATTLE GREEN RD	\$ 1,957,000	9,829	5,918	15,500	\$ 199.10	5,750	\$ 1,144,852	\$ 13.00	\$ 10,558	\$ 195,528
300 BEDFORD ST	\$ 1,532,000	8,732	4,637	15,500	\$ 175.45	5,750	\$ 1,008,818	\$ 13.00	\$ 6,801	\$ 202,329
92 CEDAR ST	\$ 1,293,000	10,144	5,487	15,500	\$ 127.46	5,750	\$ 732,921	\$ 13.00	\$ 7,281	\$ 209,610
15 PHINNEY RD	\$ 1,426,000	7,716	5,021	15,500	\$ 184.81	5,750	\$ 1,062,662	\$ 13.00	\$ 4,723	\$ 214,334
17 PHEASANT LN	\$ 1,335,000	6,378	3,434	15,500	\$ 209.31	5,750	\$ 1,203,551	\$ 13.00	\$ 1,709	\$ 216,043
38 PHILIP RD	\$ 528,000	4,716	1,627	15,500	\$ 111.96	5,750	\$ 643,766	\$ 13.00	\$ -	\$ 216,043
32 ELIOT RD	\$ 1,938,000	7,440	4,258	15,501	\$ 260.48	5,750	\$ 1,497,808	\$ 13.00	\$ 5,722	\$ 221,765
57 PAUL REVERE RD	\$ 573,000	5,247	2,939	15,724	\$ 109.21	5,772	\$ 630,376	\$ 13.00	\$ -	\$ 221,765
135 WORTHEN RD	\$ 2,296,000	8,580	5,135	15,936	\$ 267.60	5,794	\$ 1,550,362	\$ 13.00	\$ 9,693	\$ 231,458
9 PATRIOTS DR	\$ 617,000	5,012	2,931	15,936	\$ 123.10	5,794	\$ 713,219	\$ 13.00	\$ -	\$ 231,458
6 HAYES AVE	\$ 1,312,000	10,812	5,027	16,219	\$ 121.35	5,822	\$ 706,468	\$ 13.00	\$ 7,872	\$ 239,330
6 BLINN RD	\$ 923,000	3,890	2,648	16,371	\$ 237.28	5,837	\$ 1,384,998	\$ 13.00	\$ -	\$ 239,330
429 LOWELL ST	\$ 1,270,000	8,595	4,282	16,371	\$ 147.76	5,837	\$ 862,492	\$ 13.00	\$ 5,298	\$ 244,628
19 PATTERSON RD	\$ 1,028,000	7,384	4,088	16,553	\$ 139.22	5,855	\$ 815,174	\$ 13.00	\$ 2,767	\$ 247,395
5 PATRIOTS DR	\$ 992,000	7,318	4,122	16,807	\$ 135.56	5,881	\$ 797,165	\$ 13.00	\$ 2,533	\$ 249,928
2 PATRIOTS DR	\$ 1,324,000	7,408	4,926	16,807	\$ 178.73	5,881	\$ 1,051,032	\$ 13.00	\$ 3,549	\$ 253,476
10 CONSTITUTION RD	\$ 1,627,000	8,165	4,528	17,000	\$ 199.27	5,900	\$ 1,175,664	\$ 13.00	\$ 5,867	\$ 259,343
55 WOOD ST	\$ 1,228,000	6,019	3,371	17,242	\$ 204.02	5,924	\$ 1,208,659	\$ 13.00	\$ -	\$ 259,343
96 LOWELL ST	\$ 1,359,000	7,828	4,251	17,242	\$ 173.61	5,924	\$ 1,028,486	\$ 13.00	\$ 4,297	\$ 263,640
2 HAYES AVE	\$ 2,512,000	7,508	4,741	17,493	\$ 334.58	5,949	\$ 1,990,496	\$ 13.00	\$ 6,780	\$ 270,420
10 KAY TIFFANY WAY	\$ 2,898,000	8,194	4,824	17,591	\$ 353.67	5,959	\$ 2,107,575	\$ 13.00	\$ 10,276	\$ 280,695
18 WINTHROP RD	\$ 1,582,000	9,416	4,181	17,678	\$ 168.01	5,968	\$ 1,002,661	\$ 13.00	\$ 7,531	\$ 288,227

Article 40 - Financial Impact Analysis
Jim Malloy, Town Manager

Address	Structure Value	GFA	GLA	Lot Size	Structure Value Per S.F.	Maximum Structure Size Under Article 40	Estimated Value Under Article 40	FY23 Tax Residential Tax Rate	Tax Loss/Gain	Cumulative Tax Loss
9 HAWTHORNE RD	\$ 1,611,000	8,184	4,398	17,678	\$ 196.85	5,968	\$ 1,174,747	\$ 13.00	\$ 5,671	\$ 293,898
3 MEADOW BROOK AVE	\$ 1,832,000	7,650	4,093	18,305	\$ 239.48	6,031	\$ 1,444,167	\$ 13.00	\$ 5,042	\$ 298,940
5 MEADOW BROOK AVE	\$ 1,819,000	6,789	4,206	18,308	\$ 267.93	6,031	\$ 1,615,853	\$ 13.00	\$ -	\$ 298,940
8 KAY TIFFANY WAY	\$ 1,417,000	7,365	4,877	18,357	\$ 192.40	6,036	\$ 1,161,247	\$ 13.00	\$ 3,325	\$ 302,265
8 MARTINGALE RD	\$ 1,270,000	6,420	3,666	18,549	\$ 197.82	6,055	\$ 1,197,776	\$ 13.00	\$ 939	\$ 303,203
25 OXBOW RD	\$ 1,597,000	8,280	4,951	18,860	\$ 192.87	6,086	\$ 1,173,834	\$ 13.00	\$ 5,501	\$ 308,705
212 CONCORD AVE	\$ 1,385,000	7,609	3,924	18,985	\$ 182.02	6,099	\$ 1,110,057	\$ 13.00	\$ 3,574	\$ 312,279
32 MIDDLE ST	\$ 1,482,000	7,404	4,508	19,856	\$ 200.16	6,186	\$ 1,238,123	\$ 13.00	\$ 3,170	\$ 315,449
19 HASTINGS RD	\$ 1,137,000	7,556	3,771	19,915	\$ 150.48	6,192	\$ 931,675	\$ 13.00	\$ 2,669	\$ 318,118
51 BERTWELL RD	\$ 1,556,000	7,360	4,120	20,098	\$ 211.41	6,210	\$ 1,312,833	\$ 13.00	\$ 3,161	\$ 321,280
8 PADDOCK LN	\$ 593,000	5,126	2,239	20,292	\$ 115.68	6,229	\$ 720,623	\$ 13.00	\$ -	\$ 321,280
279 CONCORD AVE	\$ 1,200,000	7,239	4,053	20,727	\$ 165.77	6,273	\$ 1,039,818	\$ 13.00	\$ 2,082	\$ 323,362
7 BATES RD	\$ 1,592,000	8,604	4,308	21,598	\$ 185.03	6,360	\$ 1,176,755	\$ 13.00	\$ 5,398	\$ 328,760
7 BIRD HILL RD	\$ 1,001,000	6,446	3,238	22,034	\$ 155.29	6,403	\$ 994,385	\$ 13.00	\$ 86	\$ 328,846
13 APPLETREE LN	\$ 1,359,000	9,410	4,348	22,470	\$ 144.42	6,447	\$ 931,081	\$ 13.00	\$ 5,563	\$ 334,409
71 WEBB ST	\$ 1,285,000	8,815	5,060	22,629	\$ 145.77	6,463	\$ 942,124	\$ 13.00	\$ 4,457	\$ 338,867
24 SWAN LN	\$ 933,000	5,454	1,787	23,050	\$ 171.07	6,505	\$ 1,112,792	\$ 13.00	\$ -	\$ 338,867
286 WOBURN ST	\$ 862,000	8,380	4,013	24,648	\$ 102.86	6,665	\$ 685,568	\$ 13.00	\$ 2,294	\$ 341,160
295 WOBURN ST	\$ 1,134,000	6,224	3,311	25,905	\$ 182.20	6,791	\$ 1,237,215	\$ 13.00	\$ -	\$ 341,160
3 PATTERSON RD	\$ 829,000	3,660	2,570	26,390	\$ 226.50	6,839	\$ 1,549,052	\$ 13.00	\$ -	\$ 341,160
25 WYMAN RD	\$ 2,185,000	9,040	5,102	27,261	\$ 241.70	6,926	\$ 1,674,063	\$ 13.00	\$ 6,642	\$ 347,802
28 BARBERRY RD	\$ 568,000	3,515	1,539	27,697	\$ 161.59	6,970	\$ 1,126,256	\$ 13.00	\$ -	\$ 347,802
3 WHEELER RD	\$ 2,198,000	10,339	4,923	29,875	\$ 212.59	7,188	\$ 1,528,013	\$ 13.00	\$ 8,710	\$ 356,512
10 CARRIAGE DR	\$ 1,336,000	10,326	5,417	29,875	\$ 129.38	7,188	\$ 929,934	\$ 13.00	\$ 5,279	\$ 361,791
60 SHADE ST	\$ 1,595,000	7,741	4,362	29,875	\$ 206.05	7,188	\$ 1,480,954	\$ 13.00	\$ 1,483	\$ 363,274
9 CART PATH LN	\$ 2,728,000	10,912	7,090	29,875	\$ 250.00	7,188	\$ 1,796,875	\$ 13.00	\$ 12,105	\$ 375,378
9 FRANKLIN RD	\$ 2,987,000	10,017	5,410	29,905	\$ 298.19	7,191	\$ 2,144,157	\$ 13.00	\$ 10,957	\$ 386,335
10 LORING RD	\$ 1,461,000	7,934	4,144	30,345	\$ 184.14	7,235	\$ 1,332,191	\$ 13.00	\$ 1,675	\$ 388,010
22 HOLMES RD	\$ 2,214,000	10,624	6,093	30,435	\$ 208.40	7,244	\$ 1,509,517	\$ 13.00	\$ 9,158	\$ 397,168
30 SANDERSON RD	\$ 1,467,000	11,681	6,671	30,435	\$ 125.59	7,244	\$ 909,701	\$ 13.00	\$ 7,245	\$ 404,413
90 MAPLE ST	\$ 912,000	9,991	4,434	30,435	\$ 91.28	7,244	\$ 661,202	\$ 13.00	\$ 3,260	\$ 407,673
20 COOKE RD	\$ 1,891,000	13,144	6,657	30,435	\$ 143.87	7,244	\$ 1,042,107	\$ 13.00	\$ 11,036	\$ 418,709
22 SADDLE CLUB RD	\$ 498,000	4,020	2,240	30,871	\$ 123.88	7,287	\$ 902,730	\$ 13.00	\$ -	\$ 418,709
7 FULTON RD	\$ 2,632,000	12,805	5,716	31,306	\$ 205.54	7,331	\$ 1,506,766	\$ 13.00	\$ 14,628	\$ 433,337
127 NORTH ST	\$ 1,567,000	9,157	4,804	32,178	\$ 171.13	7,418	\$ 1,269,378	\$ 13.00	\$ -	\$ 433,337
10 WHEELER RD	\$ 1,374,000	8,520	3,778	32,178	\$ 161.27	7,418	\$ 1,196,251	\$ 13.00	\$ -	\$ 433,337
3 DIAMOND RD	\$ 685,000	4,378	2,035	33,049	\$ 156.46	7,505	\$ 1,174,248	\$ 13.00	\$ -	\$ 433,337
137 WOBURN ST	\$ 2,054,000	107,212	5,965	33,920	\$ 19.16	7,592	\$ 145,450	\$ 13.00	\$ 24,811	\$ 458,148
21 WHEELER RD	\$ 2,589,000	9,537	5,826	34,356	\$ 271.47	7,636	\$ 2,072,829	\$ 13.00	\$ 6,710	\$ 464,858
137 WOOD ST	\$ 1,191,000	7,786	3,816	34,791	\$ 152.97	7,679	\$ 1,174,648	\$ 13.00	\$ 213	\$ 465,071
6 MILL BROOK RD	\$ 2,944,000	10,324	5,131	36,534	\$ 285.16	7,853	\$ 2,239,482	\$ 13.00	\$ 9,159	\$ 474,230
8 FULTON RD	\$ 1,754,000	9,506	5,591	36,534	\$ 184.52	7,853	\$ 1,449,070	\$ 13.00	\$ 3,964	\$ 478,194

Article 40 - Financial Impact Analysis
Jim Malloy, Town Manager

Address	Structure Value	GFA	GLA	Lot Size	Structure Value Per S.F.	Maximum Structure Size Under Article 40	Estimated Value Under Article 40	FY23 Tax Residential Tax Rate	Tax Loss/Gain	Cumulative Tax Loss
3 JOSEPH COMEE RD	\$ 974,000	9,622	4,724	36,534	\$ 101.23	7,853	\$ 794,971	\$ 13.00	\$ 2,327	\$ 480,521
537 LOWELL ST	\$ 898,000	6,340	3,659	37,405	\$ 141.64	7,941	\$ 1,124,695	\$ 13.00	\$ -	\$ 480,521
20 INGLESIDE RD	\$ 1,268,000	9,741	4,931	38,276	\$ 130.17	8,028	\$ 1,044,964	\$ 13.00	\$ 2,899	\$ 483,421
11 KAY TIFFANY WAY	\$ 2,006,000	8,586	4,509	38,755	\$ 233.64	8,076	\$ 1,886,729	\$ 13.00	\$ -	\$ 483,421
18 BLUEBERRY LN	\$ 3,114,000	9,552	5,199	40,454	\$ 326.01	8,245	\$ 2,688,042	\$ 13.00	\$ 5,537	\$ 488,958
54 ROBINSON RD	\$ 1,426,000	9,354	4,807	43,939	\$ 152.45	8,594	\$ 1,310,124	\$ 13.00	\$ 1,506	\$ 490,464
72 KENDALL RD	\$ 881,000	4,188	2,764	47,734	\$ 210.36	8,973	\$ 1,887,671	\$ 13.00	\$ -	\$ 490,464
22 PEACHTREE RD	\$ 1,193,000	5,661	2,930	50,037	\$ 210.74	9,204	\$ 1,939,589	\$ 13.00	\$ -	\$ 490,464
11 VOLUNTEER WAY	\$ 1,623,000	9,588	4,452	52,651	\$ 169.27	9,465	\$ 1,602,196	\$ 13.00	\$ 270	\$ 490,735
2 BACON ST	\$ 1,270,000	6,350	3,225	69,430	\$ 200.00	11,143	\$ 2,228,600	\$ 13.00	\$ -	\$ 490,735
45 LINCOLN ST	\$ 7,178,000	17,629	9,467	145,434	\$ 407.17	18,743	\$ 7,631,750	\$ 13.00	\$ -	\$ 490,735
18 BACON ST	\$ 335,000	2,859	1,554	174,183	\$ 117.17	21,618	\$ 2,533,099	\$ 13.00	\$ -	\$ 490,735

		2023 Valuation Data						Article 40 Calculation						
Address	Lot Size	Total Assessed Value	Assessed Value - Building Only	Gross Living Area (GLA)	Gross Floor Area (GFA)	Ratio of GLA/GFA	Building Assessed Value per Sq.Ft. GFA	Zoning Band	Maximum	GFA	Reduction in	Prior Year	Estimated Tax Loss	
									Structure Size Under Article 40	Difference Over Max	Estimated Value Under Article 40	Residential Tax Rate (FY22)		
56 GRANT ST	36,805	3,310,000	2,502,000	7,166	12,486	1.74	\$ 200.38	6	7,729	4,757	\$ 953,309	\$ 13.80	\$ 13,156	
45 HILLCREST AVE	18,985	2,000,000	1,232,000	3,743	6,712	1.79	\$ 183.55	5	5,801	911	\$ 167,179	\$ 13.80	\$ 2,307	
8 ELIOT RD	17,558	3,237,000	2,299,000	5,530	9,098	1.65	\$ 252.69	5	6,040	3,058	\$ 772,785	\$ 13.80	\$ 10,664	
6 JOHN HOSMER LN	100,006	2,602,000	1,707,000	4,843	9,248	1.91	\$ 184.58	6	7,405	1,843	\$ 340,219	\$ 13.80	\$ 4,695	
1312 MASSACHUSETTS AVE	17,926	2,333,000	1,514,000	3,939	6,669	1.69	\$ 227.02	5	5,797	872	\$ 197,985	\$ 13.80	\$ 2,732	
9 FRANKLIN RD	22,905	3,950,000	2,984,000	5,410	10,017	1.85	\$ 297.89	5	6,132	3,885	\$ 1,157,406	\$ 13.80	\$ 15,972	
18 BLUEBERRY LN	40,329	3,955,000	3,114,000	5,199	9,552	1.84	\$ 326.01	6	7,435	2,117	\$ 690,087	\$ 13.80	\$ 9,523	
7 FULTON RD	31,182	3,464,000	2,632,000	5,716	12,805	2.24	\$ 205.54	6	7,761	5,045	\$ 1,036,870	\$ 13.80	\$ 14,309	
68 COLONY RD	15,500	3,367,000	2,593,000	4,665	8,049	1.73	\$ 322.15	5	5,935	2,114	\$ 681,061	\$ 13.80	\$ 9,399	
6 MILL BROOK RD	36,409	3,761,000	2,944,000	5,131	10,324	2.01	\$ 285.16	6	7,512	2,812	\$ 801,758	\$ 13.80	\$ 11,064	
19 FAIRBANKS RD	15,500	2,998,000	2,224,000	5,291	8,092	1.53	\$ 274.84	5	5,939	2,153	\$ 591,674	\$ 13.80	\$ 8,165	
21 WHEELER RD	34,231	3,404,000	2,589,000	5,826	9,537	1.64	\$ 271.47	6	7,434	2,103	\$ 570,981	\$ 13.80	\$ 7,880	
197 CEDAR ST	13,000	2,628,000	1,892,000	4,488	7,558	1.68	\$ 250.33	4	5,415	2,143	\$ 536,489	\$ 13.80	\$ 7,404	
2 HAYES AVE	17,493	3,356,000	2,512,000	4,741	7,508	1.58	\$ 334.58	5	5,881	1,627	\$ 544,423	\$ 13.80	\$ 7,513	
3 MEADOW BROOK AVE	18,305	2,588,000	1,823,000	4,093	7,950	1.94	\$ 229.31	5	5,925	2,025	\$ 464,349	\$ 13.80	\$ 6,408	
9 BATTLE GREEN RD	15,500	2,712,000	1,957,000	5,918	9,829	1.66	\$ 199.10	5	6,113	3,716	\$ 739,893	\$ 13.80	\$ 10,211	
11 SHERMAN ST	11,329	2,561,000	1,842,000	4,410	6,659	1.51	\$ 276.62	4	5,316	1,343	\$ 371,501	\$ 13.80	\$ 5,127	
3 WHEELER RD	29,875	3,008,000	2,198,000	4,923	10,339	2.10	\$ 212.59	5	6,164	4,175	\$ 887,597	\$ 13.80	\$ 12,249	
45 LINCOLN ST	145,309	7,999,000	7,170,000	9,467	17,629	1.86	\$ 406.72	6	8,243	9,386	\$ 3,817,479	\$ 13.80	\$ 52,681	
7 BATES RD	21,598	2,292,000	1,592,000	4,308	8,604	2.00	\$ 185.03	5	5,990	2,614	\$ 483,595	\$ 13.80	\$ 6,674	
22 HOLMES RD	30,310	2,907,000	2,214,000	6,093	10,624	1.74	\$ 208.40	6	7,542	3,082	\$ 642,193	\$ 13.80	\$ 8,862	
135 WORTHEN RD	15,936	3,104,000	2,296,000	5,135	8,580	1.67	\$ 267.60	5	5,988	2,592	\$ 693,617	\$ 13.80	\$ 9,572	
11 NORTON RD	12,781	2,269,000	1,535,000	4,159	8,908	2.14	\$ 172.32	4	5,563	3,345	\$ 576,335	\$ 13.80	\$ 7,953	
8 HAYES AVE	13,386	3,043,000	2,224,000	5,133	9,080	1.77	\$ 244.93	4	5,582	3,498	\$ 856,705	\$ 13.80	\$ 11,823	
44 PAUL REVERE RD	8,014	2,300,000	1,682,000	3,410	5,468	1.60	\$ 307.61	3	4,924	544	\$ 167,289	\$ 13.80	\$ 2,309	
11 KAY TIFFANY WAY	38,763	3,014,000	2,006,000	4,509	8,586	1.90	\$ 233.64	6	7,339	1,247	\$ 291,438	\$ 13.80	\$ 4,022	
8 FULTON RD	36,409	2,452,000	1,754,000	5,591	9,506	1.70	\$ 184.52	6	7,431	2,075	\$ 382,943	\$ 13.80	\$ 5,285	
10 KAY TIFFANY WAY	17,591	2,898,000	1,960,000	4,824	8,194	1.70	\$ 239.20	5	5,949	2,245	\$ 536,907	\$ 13.80	\$ 7,409	
8 KAY TIFFANY WAY	18,357	2,359,000	1,417,000	4,877	7,365	1.51	\$ 192.40	5	5,867	1,499	\$ 288,306	\$ 13.80	\$ 3,979	
5 MEADOW BROOK AVE	18,308	2,584,000	1,818,000	4,206	6,789	1.61	\$ 267.79	5	5,809	980	\$ 262,457	\$ 13.80	\$ 3,622	
300 BEDFORD ST	15,500	2,065,000	1,532,000	4,637	8,732	1.88	\$ 175.45	5	6,003	2,729	\$ 478,759	\$ 13.80	\$ 6,607	
127 NORTH ST	32,053	2,160,000	1,567,000	4,804	8,038	1.67	\$ 194.95	6	7,284	754	\$ 147,031	\$ 13.80	\$ 2,029	
30 SANDERSON RD	30,310	2,160,000	1,467,000	6,671	11,681	1.75	\$ 125.59	6	7,648	4,033	\$ 506,486	\$ 13.80	\$ 6,990	
483 WALTHAM ST	13,980	1,996,000	1,364,000	4,125	7,235	1.75	\$ 188.53	4	5,379	1,856	\$ 349,842	\$ 13.80	\$ 4,828	
37 WOODLAND RD	13,750	2,869,000	2,108,000	4,043	8,101	2.00	\$ 260.21	4	5,475	2,626	\$ 683,426	\$ 13.80	\$ 9,431	
10 WHEELER RD	32,053	2,187,000	1,373,000	3,778	8,520	2.26	\$ 161.15	6	7,332	1,188	\$ 191,446	\$ 13.80	\$ 2,642	
55 WOOD ST	17,242	1,875,000	1,228,000	3,371	6,019	1.79	\$ 204.02	5	5,732	287	\$ 58,574	\$ 13.80	\$ 808	
25 WYMAN RD	27,261	2,985,000	2,185,000	5,102	9,040	1.77	\$ 241.70	5	6,034	3,006	\$ 726,561	\$ 13.80	\$ 10,027	
137 WOOD ST	34,666	1,884,000	1,191,000	3,816	7,786	2.04	\$ 152.97	6	7,259	527	\$ 80,675	\$ 13.80	\$ 1,113	
155 SHADE ST	12,680	2,462,000	1,729,000	4,886	8,739	1.79	\$ 197.85	4	5,545	3,194	\$ 631,970	\$ 13.80	\$ 8,721	
20 INGLESIDE RD	38,151	1,967,000	1,268,000	4,931	9,741	1.98	\$ 130.17	6	7,454	2,287	\$ 297,689	\$ 13.80	\$ 4,108	
581 LOWELL ST	11,915	2,205,000	1,574,000	4,310	8,534	1.98	\$ 184.44	4	5,522	3,012	\$ 555,485	\$ 13.80	\$ 7,666	
212 CONCORD AVE	18,985	2,076,000	1,385,000	3,924	7,609	1.94	\$ 182.02	5	5,891	1,718	\$ 312,731	\$ 13.80	\$ 4,316	
25 OXBOW RD	18,860	2,287,000	1,597,000	4,951	8,280	1.67	\$ 192.87	5	5,958	2,322	\$ 447,854	\$ 13.80	\$ 6,180	
10 CARRIAGE DR	29,875	2,028,000	1,336,000	5,417	10,326	1.91	\$ 129.38	5	6,163	4,163	\$ 538,670	\$ 13.80	\$ 7,434	
71 WEBB ST	22,629	1,933,000	1,285,000	5,060	9,585	1.89	\$ 134.06	5	6,089	3,497	\$ 468,754	\$ 13.80	\$ 6,469	
30 ROCKVILLE AVE	9,215	1,912,000	1,216,000	3,411	6,168	1.81	\$ 197.15	3	5,008	1,160	\$ 228,658	\$ 13.80	\$ 3,155	
92 CEDAR ST	15,500	1,845,000	1,293,000	5,487	10,144	1.85	\$ 127.46	5	6,144	4,000	\$ 509,807	\$ 13.80	\$ 7,035	
15 PHINNEY RD	15,500	2,071,000	1,426,000	5,021	7,716	1.54	\$ 184.81	5	5,902	1,814	\$ 335,321	\$ 13.80	\$ 4,627	
19 COTTAGE ST	9,280	2,284,000	1,692,000	3,863	6,736	1.74	\$ 251.19	3	5,076	1,660	\$ 416,891	\$ 13.80	\$ 5,753	
279 CONCORD AVE	20,727	1,766,000	1,200,000	4,053	7,239	1.79	\$ 165.77	5	5,854	1,385	\$ 229,606	\$ 13.80	\$ 3,169	
7 STEVENS RD	9,840	1,712,000	1,141,000	4,039	6,622	1.64	\$ 172.30	3	5,063	1,559	\$ 268,685	\$ 13.80	\$ 3,708	
103 SCHOOL ST	7,790	1,966,000	1,351,000	3,505	6,705	1.91	\$ 201.49	3	5,073	1,632	\$ 328,915	\$ 13.80	\$ 4,539	
5 MUNROE RD	13,000	1,852,000	1,242,000	4,058	6,755	1.66	\$ 183.86	4	5,327	1,428	\$ 262,640	\$ 13.80	\$ 3,624	
299 MARRETT RD	5,750	1,707,000	1,151,000	3,088	4,832	1.56	\$ 238.20	2	4,233	599	\$ 142,579	\$ 13.80	\$ 1,968	
7 HOLTON RD	14,880	1,783,000	1,172,000	3,850	7,886	2.05	\$ 148.62	4	5,451	2,435	\$ 361,890	\$ 13.80	\$ 4,994	
13 APPLETREE LN	22,470	1,993,000	1,359,000	4,348	9,410	2.16	\$ 144.42	5	6,071	3,339	\$ 482,221	\$ 13.80	\$ 6,655	
14 ELLISON RD	8,798	1,642,000	1,069,000	3,554	7,792	2.19	\$ 137.19	3	5,203	2,589	\$ 355,185	\$ 13.80	\$ 4,902	
19 PATTERSON RD	16,553	1,521,000	1,028,000	4,088	7,384	1.81	\$ 139.22	5	5,868	1,516	\$ 211,002	\$ 13.80	\$ 2,912	
254 LINCOLN ST	12,176	1,614,000	1,054,000	3,999	7,628	1.91	\$ 138.18	4	5,423	2,205	\$ 304,734	\$ 13.80	\$ 4,205	
1 LEROY RD	8,024	1,557,000	987,000	3,947	7,798	1.98	\$ 126.57	3	5,204	2,594	\$ 328,355	\$ 13.80	\$ 4,531	
573 MARRETT RD	12,500	1,499,000	994,000	3,727	6,680	1.79	\$ 148.80	4	5,318	1,362	\$ 202,624	\$ 13.80	\$ 2,796	
19 HASTINGS RD	19,915	1,961,000	1,136,000	3,771	7,556	2.00	\$ 150.34	5	5,886	1,670	\$ 251,135	\$ 13.80	\$ 3,466	
2 ROLFE RD	15,136	1,505,000	974,000	3,841	6,325	1.65	\$ 153.99	5	5,763	563	\$ 86,621	\$ 13.80	\$ 1,195	
11 VOLUNTEER WAY	52,526	2,454,000	1,623,000	4,452	9,588	2.15	\$ 169.27	6	7,439	2,149	\$ 363,804	\$ 13.80	\$ 5,020	
10 LORING RD	30,310	2,272,000	1,454,000	4,144	7,934	1.91	\$ 183.26	6	7,273	661	\$ 121,063	\$ 13.80	\$ 1,671	

Article 40 Proposed GFA				
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Band	Lot Area		Max GFA	
1	-	5,000	0.76	*items in green can be changed to evaluate impact
2	5,001	7,500	3,800	
3	7,501	10,000	4,850	
4	10,001	15,000	5,150	
5	15,001	30,000	5,700	
6	30,001	+	7,200	

Properties listed captured new growth in FY2023

Assumptions/Methodology

- Gross Floor Area (GFA) is basis for calculating density (GLA is used for Assessment)
- Value per sq.ft. = Assessed Value (Building Only)/GFA
- Estimated Value Differential Under Article 40 = \$/sq.ft. x GFA delta
- Value per sq.ft. will remain constant with changes in sq.ft.
- Changes in building size/value will not impact land value

Article 40 - Financial Impact Analysis
Carolyn Kosnoff, Assistant Town Manager for Finance

106 SCHOOL ST	7,310	1,701,000	1,205,000	3,161	5,762	1.82	\$ 209.13	2	4,624	1,138	\$ 237,980	\$ 13.80	\$ 3,284
60 SHADE ST	29,875	2,405,000	1,595,000	4,362	7,741	1.77	\$ 206.05	5	5,904	1,837	\$ 378,485	\$ 13.80	\$ 5,223
43 LACONIA ST	13,304	1,603,000	991,000	3,911	6,659	1.70	\$ 148.82	4	5,316	1,343	\$ 199,868	\$ 13.80	\$ 2,758
26 COLONY RD	11,580	1,688,000	966,000	3,766	7,438	1.98	\$ 129.87	4	5,402	2,036	\$ 264,464	\$ 13.80	\$ 3,650
32 OUTLOOK DR	13,236	1,707,000	969,000	3,470	6,665	1.92	\$ 145.39	4	5,317	1,348	\$ 196,032	\$ 13.80	\$ 2,705
9 FAIR OAKS DR	14,315	1,712,000	1,002,000	4,127	7,050	1.71	\$ 142.13	4	5,359	1,691	\$ 240,338	\$ 13.80	\$ 3,317
18 WINTHROP RD	17,678	2,521,000	1,582,000	4,181	9,416	2.25	\$ 168.01	5	6,072	3,344	\$ 561,899	\$ 13.80	\$ 7,754
378 WOBURN ST	13,250	2,130,000	1,488,000	4,108	7,052	1.72	\$ 211.00	4	5,359	1,693	\$ 357,183	\$ 13.80	\$ 4,929
286 WOBURN ST	24,648	1,418,000	861,000	4,013	8,380	2.09	\$ 102.74	5	5,968	2,412	\$ 247,820	\$ 13.80	\$ 3,420
19 HUDSON RD	13,027	2,297,000	1,561,000	4,792	7,544	1.57	\$ 206.92	4	5,413	2,131	\$ 440,875	\$ 13.80	\$ 6,084
90 MAPLE ST	30,310	1,501,000	910,000	4,434	9,991	2.25	\$ 91.08	6	7,479	2,512	\$ 228,789	\$ 13.80	\$ 3,157
32 MIDDLE ST	19,856	2,253,000	1,482,000	4,508	7,404	1.64	\$ 200.16	5	5,870	1,534	\$ 306,969	\$ 13.80	\$ 4,236
10 CONSTITUTION RD	17,000	2,407,000	1,627,000	4,528	8,165	1.80	\$ 199.27	5	5,947	2,219	\$ 442,070	\$ 13.80	\$ 6,101
7 BIRD HILL RD	22,034	1,667,000	1,001,000	3,238	6,446	1.99	\$ 155.29	5	5,775	671	\$ 104,262	\$ 13.80	\$ 1,439
57 LIBERTY AVE	7,957	2,092,000	1,390,000	4,006	6,452	1.61	\$ 215.44	3	5,042	1,410	\$ 303,715	\$ 13.80	\$ 4,191
59 LACONIA ST	13,366	1,948,000	1,336,000	3,887	6,629	1.71	\$ 201.54	4	5,313	1,316	\$ 265,287	\$ 13.80	\$ 3,661
9 CART PATH LN	30,046	3,351,000	2,728,000	7,090	10,912	1.54	\$ 250.00	6	7,571	3,341	\$ 835,200	\$ 13.80	\$ 11,526
137 WOBURN ST	33,795	2,746,000	2,052,000	5,965	10,721	1.80	\$ 191.40	6	7,552	3,169	\$ 606,528	\$ 13.80	\$ 8,370
18 PINE KNOLL RD	12,600	2,136,000	1,235,000	3,338	6,335	1.90	\$ 194.95	4	5,280	1,055	\$ 205,603	\$ 13.80	\$ 2,837
8 MARTINGALE RD	18,549	2,056,000	1,270,000	3,666	6,420	1.75	\$ 197.82	5	5,772	648	\$ 128,187	\$ 13.80	\$ 1,769
5 KIMBALL RD	9,966	2,357,000	1,653,000	3,750	6,118	1.63	\$ 270.19	3	5,002	1,116	\$ 301,485	\$ 13.80	\$ 4,160
295 WOBURN ST	25,954	1,809,000	1,134,000	3,311	6,224	1.88	\$ 182.20	5	5,752	472	\$ 85,925	\$ 13.80	\$ 1,186
118 CEDAR ST	4,913	1,758,000	1,144,000	3,001	5,112	1.70	\$ 223.79	1	3,885	1,227	\$ 274,560	\$ 13.80	\$ 3,789
24 DONALD ST	6,300	1,143,000	599,000	2,826	5,300	1.88	\$ 113.02	2	4,430	870	\$ 98,326	\$ 13.80	\$ 1,357
56 SCHOOL ST	6,176	1,238,000	749,000	2,614	4,520	1.73	\$ 165.71	2	4,102	418	\$ 69,200	\$ 13.80	\$ 955
5 PATRIOTS DR	16,807	1,927,000	992,000	4,122	7,318	1.78	\$ 135.56	5	5,862	1,456	\$ 197,397	\$ 13.80	\$ 2,724
42 FREEMONT ST	8,000	1,851,000	1,166,000	3,443	6,390	1.86	\$ 182.47	3	5,035	1,355	\$ 247,287	\$ 13.80	\$ 3,413
260 MARRETT RD	7,042	1,215,000	739,000	1,864	3,744	2.01	\$ 197.38	2	3,776	-	\$ -	\$ 13.80	\$ -
24 GRASSLAND ST	9,271	1,898,000	1,201,000	3,482	6,940	1.99	\$ 173.05	3	5,101	1,839	\$ 318,282	\$ 13.80	\$ 4,392
3 PATTERSON RD	26,390	1,476,000	829,000	2,570	3,660	1.42	\$ 226.50	5	5,496	-	\$ -	\$ 13.80	\$ -
2 BACON ST	69,431	1,959,000	1,270,000	3,225	6,350	1.97	\$ 200.00	6	7,115	-	\$ -	\$ 13.80	\$ -
54 ROBINSON RD	43,814	2,249,000	1,426,000	4,807	9,354	1.95	\$ 152.45	6	7,415	1,939	\$ 295,536	\$ 13.80	\$ 4,078
8 OXFORD ST	8,100	1,865,000	1,179,000	3,136	6,246	1.99	\$ 188.76	3	5,018	1,228	\$ 231,889	\$ 13.80	\$ 3,200
140 GRANT ST	12,958	1,598,000	1,061,000	3,212	4,960	1.54	\$ 213.91	4	5,129	-	\$ -	\$ 13.80	\$ -
2 PATRIOTS DR	16,807	2,259,000	1,324,000	4,926	7,408	1.50	\$ 178.73	5	5,871	1,537	\$ 274,737	\$ 13.80	\$ 3,791
81 HILL ST	12,500	1,483,000	780,000	2,461	3,937	1.60	\$ 198.12	4	5,017	-	\$ -	\$ 13.80	\$ -
17 PHEASANT LN	15,500	1,980,000	1,335,000	3,434	6,014	1.75	\$ 221.98	5	5,731	283	\$ 62,732	\$ 13.80	\$ 866
53 GRANT ST	11,550	1,241,000	713,000	2,520	4,843	1.92	\$ 147.22	4	5,116	-	\$ -	\$ 13.80	\$ -
19 BERTWELL RD	11,850	1,280,000	552,000	3,383	5,583	1.65	\$ 98.87	4	5,198	385	\$ 38,102	\$ 13.80	\$ 526
10 LISBETH ST	4,940	1,001,000	552,000	1,849	2,751	1.49	\$ 200.65	1	2,091	660	\$ 132,480	\$ 13.80	\$ 1,828
3 DIAMOND RD	32,924	1,366,000	685,000	2,035	4,378	2.15	\$ 156.46	6	6,918	-	\$ -	\$ 13.80	\$ -
24 SWAN LN	23,050	1,602,000	933,000	1,787	5,454	3.05	\$ 171.07	5	5,675	-	\$ -	\$ 13.80	\$ -
9 HAWTHORNE RD	17,678	2,393,000	1,611,000	4,398	8,184	1.86	\$ 196.85	5	5,948	2,236	\$ 440,072	\$ 13.80	\$ 6,073
28 RAWSON AVE	13,423	1,449,000	849,000	2,740	4,514	1.65	\$ 188.08	4	5,080	-	\$ -	\$ 13.80	\$ -
3 JOSEPH COMEE RD	36,409	1,811,000	974,000	4,724	9,622	2.04	\$ 101.23	6	7,442	2,180	\$ 220,653	\$ 13.80	\$ 3,045
96 LOWELL ST	17,242	1,927,000	1,359,000	4,251	7,828	1.84	\$ 173.61	5	5,913	1,915	\$ 332,493	\$ 13.80	\$ 4,588
38 CHARLES ST	4,738	994,000	503,000	1,687	3,245	1.92	\$ 155.01	1	2,466	779	\$ 120,720	\$ 13.80	\$ 1,666
309 MARRETT RD	5,965	896,000	460,000	2,810	4,857	1.73	\$ 94.71	2	4,244	613	\$ 58,062	\$ 13.80	\$ 801
6 BLINN RD	16,371	1,681,000	923,000	2,648	3,890	1.47	\$ 237.28	5	5,519	-	\$ -	\$ 13.80	\$ -
8 PADDOCK LN	20,292	1,418,000	593,000	2,239	5,126	2.29	\$ 115.68	5	5,643	-	\$ -	\$ 13.80	\$ -
70 WARD ST	5,000	1,361,000	849,000	2,432	4,652	1.91	\$ 182.50	1	3,536	1,116	\$ 203,760	\$ 13.80	\$ 2,812
22 HAYES LN	15,170	1,345,000	719,000	2,177	3,531	1.62	\$ 203.63	5	5,483	-	\$ -	\$ 13.80	\$ -
6 HAYES AVE	16,219	2,151,000	1,302,000	5,027	10,812	2.15	\$ 120.42	5	6,211	4,601	\$ 554,036	\$ 13.80	\$ 7,646
22 PEACHTREE RD	49,912	1,901,000	1,193,000	2,930	5,661	1.93	\$ 210.74	6	7,046	-	\$ -	\$ 13.80	\$ -
51 BERTWELL RD	20,098	2,328,000	1,556,000	4,120	7,360	1.79	\$ 211.41	5	5,866	1,494	\$ 315,851	\$ 13.80	\$ 4,359
20 COOKE RD	30,310	2,722,000	1,891,000	6,657	13,144	1.97	\$ 143.87	6	7,794	5,350	\$ 769,636	\$ 13.80	\$ 10,621
57 PAUL REVERE RD	15,936	1,125,000	573,000	2,939	5,247	1.79	\$ 109.21	5	5,655	-	\$ -	\$ 13.80	\$ -
72 KENDALL RD	15,500	1,530,000	881,000	2,764	4,188	1.52	\$ 210.36	5	5,549	-	\$ -	\$ 13.80	\$ -
38 PHILIP RD	15,500	1,173,000	528,000	1,627	4,716	2.90	\$ 111.96	5	5,602	-	\$ -	\$ 13.80	\$ -
25 RANGEWAY	6,036	1,032,000	479,000	1,632	2,618	1.60	\$ 182.96	2	3,304	-	\$ -	\$ 13.80	\$ -
23 RANGEWAY	6,558	944,000	415,000	1,823	2,529	1.39	\$ 164.10	2	3,266	-	\$ -	\$ 13.80	\$ -
8 SUTHERLAND RD	9,562	939,000	371,000	1,392	2,348	1.69	\$ 158.01	3	4,550	-	\$ -	\$ 13.80	\$ -
371 MARRETT RD	10,547	1,758,000	1,154,000	3,048	5,417	1.78	\$ 213.03	4	5,179	238	\$ 50,623	\$ 13.80	\$ 699
15 CRESCENT HILL AVE	7,500	992,000	428,000	3,648	5,882	1.61	\$ 72.76	2	4,674	1,208	\$ 87,867	\$ 13.80	\$ 1,213
36 CHARLES ST	7,275	903,000	352,000	1,595	3,142	1.97	\$ 112.03	2	3,524	-	\$ -	\$ 13.80	\$ -
121 CEDAR ST	12,370	1,863,000	1,270,000	4,229	7,027	1.66	\$ 180.73	4	5,356	1,671	\$ 301,917	\$ 13.80	\$ 4,166
18 BACON ST	174,058	1,086,000	297,000	1,554	2,859	1.84	\$ 103.88	6	6,766	-	\$ -	\$ 13.80	\$ -
537 LOWELL ST	37,280	1,475,000	894,000	3,659	6,340	1.73	\$ 141.01	6	7,114	-	\$ -	\$ 13.80	\$ -
28 BARBERRY RD	27,697	1,424,000	558,000	1,539	3,515	2.28	\$ 158.75	5	5,482	-	\$ -	\$ 13.80	\$ -
32 ELIOT RD	15,501	2,867,000	1,938,000	4,258	7,440	1.75	\$ 260.48	5	5,874	1,566	\$ 407,918	\$ 13.80	\$ 5,629
22 SADDLE CLUB RD	30,746	1,365,000	498,000	2,240	4,020	1.79	\$ 123.88	6	6,882	-	\$ -	\$ 13.80	\$ -
7 BUTLER AVE	5,197	1,213,000	704,000	1,796	3,279	1.83	\$ 214.70	2	3,581	-	\$ -	\$ 13.80	\$ -
9 PATRIOTS DR	15,936	1,548,000	617,000	2,931	5,012	1.71	\$ 123.10	5	5,631	-	\$ -	\$ 13.80	\$ -

Article 40 - Financial Impact Analysis
Carolyn Kosnoff, Assistant Town Manager for Finance

429 LOWELL ST	16,371	1,929,000	1,270,000	4,282	8,595	2.01	\$	147.76	5	5,990	2,606	\$	384,990	\$	13.80	\$	5,313		
1.83																			
																	\$	604,014	
Total Count of FY2023 SFR New Growth Properties																	140		
Count of New Growth Properties (would have been) Impacted by Article 40																	114	\$	1,537,375
																	81%		39.3%
																		\$	2,339,923
																			25.8%

NOTICE: All slip opinions and orders are subject to formal revision and are superseded by the advance sheets and bound volumes of the Official Reports. If you find a typographical error or other formal error, please notify the Reporter of Decisions, Supreme Judicial Court, John Adams Courthouse, 1 Pemberton Square, Suite 2500, Boston, MA, 02108-1750; (617) 557-1030; SJCRreporter@sjc.state.ma.us

SJC-13284

LOUISE BARRON & others¹ vs. DANIEL L. KOLENDA² & another.³

Worcester. November 2, 2022. – March 7, 2023.

Present: Budd, C.J., Gaziano, Lowy, Cypher, Kafker,
& Wendlandt, JJ.

Open Meeting Law. Municipal Corporations, Open meetings, Selectmen, Governmental immunity. Constitutional Law, Right to assemble, Right to petition government, Freedom of speech and press. Governmental Immunity. Massachusetts Civil Rights Act. Civil Rights, Availability of remedy, Immunity of public official. Declaratory Relief.

Civil action commenced in the Superior Court Department on April 3, 2020.

The case was heard by Shannon Frison, J., on a motion for judgment on the pleadings.

The Supreme Judicial Court on its own initiative transferred the case from the Appeals Court.

Ginny Sinkel Kremer for the plaintiffs.
John J. Davis for the defendants.

¹ Jack Barron and Arthur St. Andre.

² Individually and as a member of the board of selectmen of Southborough.

³ Town of Southborough.

The following submitted briefs for amici curiae:
John Foskett for Massachusetts Association of School Committees.

Ruth A. Bourquin for American Civil Liberties Union of Massachusetts, Inc.

Maura E. O'Keefe, Town Counsel, & Rosemary Crowley for Massachusetts Municipal Lawyers Association.

Frank J. Bailey, Selena Fitanides, & John C. La Liberte for PioneerLegal, LLC.

KAFKER, J. After objecting to open meeting law violations and other municipal actions in a public comment session at a meeting of the board of selectmen of Southborough (board), the plaintiff Louise Barron was accused of violating the board's "public participation at public meetings" policy (public comment policy or civility code) and eventually threatened with physical removal from the meeting. Thereafter, she and two other plaintiffs brought State constitutional challenges to the policy, claiming in particular that she had exercised her constitutionally protected right under art. 19 of the Massachusetts Declaration of Rights "to assemble, speak in a peaceable manner, and petition her town leaders for redress."

In the plaintiffs' request for declaratory relief, seeking to have the public comment policy declared unconstitutional, they also used terminology associated with free speech claims brought under art. 16 of the Massachusetts Declaration of Rights, as amended by art. 77 of the Amendments to the Constitution, and the First Amendment to the United States Constitution, although they voluntarily withdrew their First

Amendment and other Federal claims, eliminating the Federal constitutional basis that had justified removal of the case from State to Federal court. Finally, Barron claims that the threat to remove her from the meeting for exercising her State constitutional rights violated the Massachusetts Civil Rights Act (MCRA), G. L. c. 12, §§ 11H-11I.

For the reasons set forth infra, we conclude that the public comment policy of the town of Southborough (town) violates rights protected by art. 19 and, to the extent it is argued, art. 16. Under both arts. 19 and 16, such civility restraints on the content of speech at a public comment session in a public meeting are forbidden. Although civility, of course, is to be encouraged, it cannot be required regarding the content of what may be said in a public comment session of a governmental meeting without violating both provisions of the Massachusetts Declaration of Rights, which provide for a robust protection of public criticism of governmental action and officials. What can be required is that the public comment session be conducted in an "orderly and peaceable" manner, including designating when public comment shall be allowed in the governmental meeting, the time limits for each person speaking, and rules preventing speakers from disrupting others, and removing those speakers if they do. We have concluded that such time, place, and manner restrictions do not violate either

the right to assembly under art. 19 or the right to free speech under art. 16. See Desrosiers v. Governor, 486 Mass. 369, 390-391 (2020), cert. denied, 142 S. Ct. 83 (2021) (permitting time, place, and manner restrictions under art. 19); Mendoza v. Licensing Bd. of Fall River, 444 Mass. 188, 197-198 (2005) (discussing time, place, and manner restrictions under art. 16).

Furthermore, when Barron alleged that the chair threatened to have her physically removed from a public comment session of a public meeting after she criticized town officials about undisputed violations of the open meeting laws, she properly alleged that he threatened to interfere with her exercise of State constitutional rights protected by arts. 16 and 19 in violation of the MCRA. There is also no qualified immunity, as there is a clearly established State constitutional right under arts. 16 and 19 to object (and even to do so vigorously) to the violation of the law by government officials in a public comment session of a public meeting. We therefore reverse the Superior Court judgment entered in favor of board member Daniel L. Kolenda. We also direct the Superior Court to enter a judgment declaring the town's public comment policy unconstitutional in violation of arts. 19 and 16.⁴

⁴ We acknowledge the amicus briefs submitted by the Massachusetts Association of School Committees; American Civil Liberties Union of Massachusetts, Inc.; Massachusetts Municipal Lawyers Association; and PioneerLegal, LLC.

Background. 1. Public meeting. We draw the facts from the plaintiffs' complaint, while also considering the board's public comment policy and the video recording of the board's December 4, 2018 meeting, both of which were included in the record and considered by the judge below. See Mullins v. Corcoran, 488 Mass. 275, 281 (2021), quoting Schaer v. Brandeis Univ., 432 Mass. 474, 477 (2000) ("In deciding [a motion for judgment on the pleadings], all facts pleaded by the nonmoving party must be accepted as true. . . . We also may rely on 'matters of public record, orders, items appearing in the record of the case, and exhibits attached to the complaint'"); Rosenberg v. JPMorgan Chase & Co., 487 Mass. 403, 408 (2021) (in reviewing motion to dismiss, we may consider extrinsic documents plaintiff relied on in framing complaint).

Barron is a town resident and a longtime participant in local government. The board consists of five elected members. Kolenda was a longtime member of the board. The board is subject to "the Massachusetts open meeting law, G. L. c. 30A, §§ 18 and 20 (a), which generally requires public bodies to make their meetings, including 'deliberations,' open to the public." Boelter v. Selectmen of Wayland, 479 Mass. 233, 234 (2018). The board's public comment policy outlines the public comment portion of its meetings where town residents may address the

board.⁵ In 2018, the Attorney General determined that the board had committed dozens of open meeting law violations and ordered

⁵ The public comment policy states in full:

"The [board of selectmen] recognizes the importance of active public participation at all public meetings, at the discretion of the [c]hair, on items on the official agenda as well as items not on the official agenda. All comments from the public should be directed to or through the [c]hair once the speaker is recognized, and all parties (including members of the presiding [b]oard) act in a professional and courteous manner when either addressing the [b]oard, or in responding to the public. Once recognized by the [c]hair, all persons addressing the [b]oard shall state their name and address prior to speaking. It is the role of the [c]hair to set time limitations and maintain order during public meetings, as it is important that the [b]oard allow themselves enough time to conduct their official town business.

"If included on the meeting agenda by the [c]hair, '[p]ublic [c]omment' is a time when town residents can bring matters before the [b]oard that are not on the official agenda. Comments should be short and to the point, with the [c]hair ultimately responsible to control the time available to individual speakers. Except in unusual circumstances, any matter presented under '[p]ublic [c]omment' will not be debated or acted upon by the [b]oard at the time it is presented.

"All remarks and dialogue in public meetings must be respectful and courteous, free of rude, personal or slanderous remarks. Inappropriate language and/or shouting will not be tolerated. Furthermore, no person may offer comment without permission of the [c]hair, and all persons shall, at the request of the [c]hair, be silent. No person shall disrupt the proceedings of a meeting.

"Finally, while it true that State law provides that the [c]hair may order a disruptive person to withdraw from a meeting (and, if the person does not withdraw, the [c]hair may authorize a constable or other officer to remove the person from the meeting), it is the position of the [board] that no meeting should ever come to that point."

each member of the board to attend in-person open meeting law training.

Barron attended the board's meeting on December 4, 2018, where Kolenda was acting as the chair. The board members discussed a number of topics, including the town budget, which, if approved, would result in increased real estate taxes for town residents. The board also discussed the possibility of elevating the town administrator to the position of town manager. The board also briefly addressed the open meeting law violations. During the discussion on this point, Kolenda stated that the board is "a group of volunteers," and further characterized its members as "public servants" who "do their best."

After approximately two and one-half hours of business, Kolenda announced that the board would be moving to public comment. Kolenda then stated, paraphrasing from the public comment policy:

"And before we go to public comment, just a reminder for anyone who wants to make public comment. It's a time when town residents can bring matters before the board of selectmen that are not on the official agenda. We do have these posted for all boards and committees. Comments should be short and to the point and remarks must be respectful and courteous, free of rude, personal, or slanderous remarks, and the guidelines go on for a couple of pages, but if anyone has any questions on that feel free to ask us. If not, public comment please."

Barron then approached the podium holding a sign that stated

"Stop Spending" on one side and "Stop Breaking Open Meeting Law"

on the other. Barron began her comments by critiquing the proposed budget increases, opining that the town "ha[d] been spending like drunken sailors" and was "in trouble." She argued for a moratorium on hiring and inquired about the benefits of hiring a town manager as opposed to a town administrator.

Kolenda responded that questions would not be answered as the board was "not going to have a back and forth discussion during public comment." Barron began moving to her next topic of concern but another board member responded to her question, indicating that the issue of a town manager would be considered by a committee and "ha[d] nothing to do with [the] upcoming town meeting."

After the board member's response, Barron began to critique the board for its open meeting law violations. Barron and Kolenda then had the following exchange:

Barron: "And the next thing I want to say is you said that you were just merely volunteers, and I appreciate that, but you've still broken the law with open meeting law, and that is not the best you can do. And . . . when you say that . . . this is the best we could do, I know it's not easy to be volunteers in town but breaking the law is breaking the law and --"

Kolenda: "So ma'am if you want to slander town officials who are doing their very best --"

Barron: "I'm not slandering."

Kolenda: "-- then then we're gonna go ahead and stop the public comment session now and go into recess."

When Kolenda said the word "now," Barron interjected and, simultaneously to Kolenda saying, "go into recess," Barron stated, "Look, you need to stop being a Hitler." Barron continued: "You're a Hitler. I can say what I want." After Barron's second reference to Hitler, Kolenda said: "Alright, we are moving into recess. Thank you."

The audio recording on the public broadcast then stopped. A message on the screen stated, "The Board of Selectmen is taking a brief recess and will return shortly," but the video recording continued to show the board members for approximately thirteen seconds.

Kolenda turned off his microphone, stood up, and began pointing in Barron's direction, repeatedly yelling at her, "You're disgusting!" Kolenda told Barron that he would have her "escorted out" of the meeting if she did not leave. Concerned that Kolenda would follow through with his threat, Barron left the meeting.

2. Procedural history. In April 2020, Barron, her husband, and a third resident of the town filed a complaint in the Superior Court alleging both Federal and State causes of action relating to the board's December 4, 2018 meeting. The defendants removed the case to Federal court, but it was remanded to the Superior Court after the plaintiffs withdrew the Federal claims. The plaintiffs' amended complaint sought a

judgment declaring that a portion of the policy was unconstitutional under the Massachusetts Declaration of Rights to the extent that the policy disallows criticism of the board members and their decisions. They also sought relief against Kolenda in his individual capacity under the MCRA, G. L. c. 12, §§ 11H-11I, for violation of art. 19.⁶ Article 19 is the only provision of the Declaration of Rights that is expressly referenced in the complaint, although the request for declaratory relief is more open-ended and uses the terminology associated with free speech claims.

Prior to discovery, the defendants filed a motion for judgment on the pleadings. The motion was allowed as to all counts, and the plaintiffs appealed. We transferred the case here on our own motion.

Discussion. In the instant case, we are confronted with a State, not a Federal, constitutional challenge. It is also a

⁶ The plaintiffs also brought an MCRA claim against Kolenda in his official capacity; MCRA claims against two other board members in their official and individual capacities; and claims against the board members for violating the open meeting law. Barron individually brought several common-law claims against Kolenda. The judge dismissed all of Barron's and the plaintiffs' claims. On appeal, the plaintiffs challenge only the dismissals of their claim for a declaratory judgment and the MCRA claim against Kolenda. The plaintiffs do not argue against the dismissal of the MCRA claim against Kolenda in his official capacity. Consequently, we do not review the dismissal of the other claims. See Lyons v. Secretary of the Commonwealth, 490 Mass. 560, 593 n.42 (2022) (claims not argued in brief are waived).

challenge expressly premised on art. 19, a provision that has not been the focus of much attention in recent case law, despite its illustrious past. Notably, this provision has served an important, independent purpose for much of the history of Massachusetts government, as there was no free speech provision in the original Declaration of Rights. In fact, such a provision was not added to the Massachusetts Constitution until 1948, when it was amended to include express free speech protections. See art. 16 of the Massachusetts Declaration of Rights, as amended by art. 77 of the Amendments to the Constitution.

As the text of art. 19, which was drafted by John Adams with some assistance from his cousin Samuel Adams,⁷ along with its illuminating constitutional history, is directly applicable and dispositive of the claims here, we focus on art. 19 first. Because the request for declaratory relief is more open-ended and uses the terminology associated with art. 16 and First Amendment claims, we address art. 16 as well.

1. Standard of review. "We review the allowance of a motion for judgment on the pleadings de novo." Mullins, 488 Mass. at 281. We accept as true "all facts pleaded by the

⁷ The Adams cousins were two of the three members of the subcommittee at the constitutional convention charged with drafting the Massachusetts Constitution. See S.E. Morison, *History of the Constitution of Massachusetts* 20 (1917).

nonmoving party" and "draw every reasonable inference in [that party's] favor" to determine whether the "factual allegations plausibly suggest[]" that the nonmoving party is entitled to relief. Id., quoting UBS Fin. Servs., Inc. v. Aliberti, 483 Mass. 396, 405 (2019). This standard applies to our review of the allowance of the motion for judgment on the pleadings with regard to the claim of a violation of the MCRA. Our review of the request for a declaratory judgment, however, differs. The plaintiffs seek a declaration that the town's public comment policy is unconstitutional. We review this as a facial challenge based on the uncontested language of the policy itself. This presents a question of law for the court requiring de novo review. See Commonwealth v. McGhee, 472 Mass. 405, 412 (2015) (facial challenge to statute "present[s] questions of law that we review de novo").

2. Article 19. The text of art. 19 provides: "The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer." As written, this provision expressly envisions a politically active and engaged, even aggrieved and angry, populace.

The text of art. 19 thus encompasses the plaintiffs' complaint here. Barron assembled with others at the public comment session of the board meeting to request redress of the wrongs they claimed had been done to them and the grievances they claimed to have suffered by town official actions, including the town's noncompliance with the open meeting law.

The text of this provision has also not been interpreted to be limited to State representatives or legislative bodies, despite some wording to that effect, but rather has been interpreted to be directed at the people's interaction with government officials more generally, including in particular town officials. See Kobrin v. Gastfriend, 443 Mass. 327, 333 (2005) (statutory right to petition is coextensive with art. 19 and applies where "a party seeks some redress from the government"); MacKeen v. Canton, 379 Mass. 514, 521-522 (1980) (evaluating whether town meeting procedures were consistent with art. 19); Fuller v. Mayor of Medford, 224 Mass. 176, 178 (1916) (right to assemble under art. 19 "enable[s] the [town] voters to have full and free discussion and consultation upon the merits of candidates for public office and of measures proposed in the public interests").

The provision also has a distinct, identifiable history and a close connection to public participation in town government that is uniquely informative in this case. As more fully

explained infra, art. 19 reflects the lessons and the spirit of the American Revolution. The assembly provision arose out of fierce opposition to governmental authority, and it was designed to protect such opposition, even if it was rude, personal, and disrespectful to public figures, as the colonists eventually were to the king and his representatives in Massachusetts.

Our interpretation of the text, history, and purpose of art. 19 is further informed by the words and actions of Samuel and John Adams, who not only theorized and commented upon the right, but were historic actors well versed in its application during the revolutionary period, particularly in the towns. Both Adams cousins emphasized in their correspondence and their actions the importance of the right to assemble. See Bowie, *The Constitutional Right of Self-Government*, 130 Yale L.J. 1652, 1727-1728 (2021). Samuel Adams wielded it to great effect in his attempt to "procure a Redress of Grievances" when the British governor of the colony attempted to exercise control over assemblies after the Boston Massacre. Id. at 1680, quoting Report of the Committee to Prepare an Answer to Thomas Hutchinson's Speech (July 31, 1770), in 47 *Journals of the House of Representatives of Massachusetts 1770-1771*, at 63, 69 (1978).

More philosophically, John Adams explained that the right of assembly was a most important principle and institution of self-government, as it allowed "[every] Man, high and low . . .

[to speak his senti]ments of public Affairs." Bowie, supra at 1708, quoting Letter from John Adams to Edmé Jacques Genet (May 28, 1780), in 9 Papers of John Adams 350, 353 (G.L. Lint et al. eds., 1996). Town inhabitants, he wrote, "are invested with . . . the right to assemble, whenever they are summoned by their selectmen, in their town halls, there to deliberate upon the public affairs of the town." Letter from John Adams to the Abbé de Mably (1782), in 5 Works of John Adams 492, 495 (C.F. Adams ed. 1851). "The consequences" of the right of assembly, in Adams's words, were that "the inhabitants . . . acquired . . . the habit of discussing, of deliberating, and of judging of public affairs," and thus, "it was in these assemblies of towns . . . that the sentiments of the people were formed . . . and their resolutions were taken from the beginning to the end of the disputes . . . with Great Britain." Id. Alexis de Tocqueville made a similar point in *Democracy in America*: "Town-meetings are to liberty what primary schools are to science; they bring it within the people's reach, they teach men how to use and how to enjoy it." 1 A. de Tocqueville, *Democracy in America* 55 (H. Reeve trans. 1862).

Our own case law interpreting art. 19 confirms Adams's insights regarding the critical role of the right of assembly in the towns in cultivating the spirit and practice of self-

government. As Justice Rugg wrote in Wheelock v. Lowell, 196 Mass. 220, 227 (1907):

"It is hard to overestimate the historic significance and patriotic influence of the public meetings held in all the towns of Massachusetts before and during the Revolution. No small part of the capacity for honest and efficient local government manifested by the people of this Commonwealth has been due to the training of citizens in the form of the town meeting. The jealous care to preserve the means for exercising the right of assembling for discussion of public topics . . . demonstrates that a vital appreciation of the importance of the opportunity to exercise the right still survives."

From the beginning, our cases have also emphasized that "the fullest and freest discussion" seems to be "sanctioned and encouraged by the admirable passage in the constitution," Commonwealth v. Porter, 1 Gray 476, 478, 480 (1854), so long as the right is exercised in "an orderly and peaceable manner," id. at 478. In fact, the drafters of art. 19 tracked the language of the Pennsylvania Constitution but with the specific addition of the clause providing that such assembly shall be done "in an orderly and peaceable manner." Bowie, 130 Yale L.J. at 1707.

Further clarifying the type of limitations that ensure an "orderly and peaceable" assembly, our more recent case law has drawn on well-understood First Amendment principles and provided for reasonable time, place, and manner restrictions. As we stated:

"States may impose reasonable restrictions on the time, place, or manner of protected speech and assembly 'provided the restrictions "are justified without reference to the content of the regulated speech, that they are narrowly

tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.""

Desrosiers, 486 Mass. at 390-391, quoting Boston v. Back Bay Cultural Ass'n, 418 Mass. 175, 178-179 (1994).

3. The application of art. 19 to the civility code. The question then becomes whether the enforcement of the town's civility code passes muster under art. 19. The code provides:

"All remarks and dialogue in public meetings must be respectful and courteous, free of rude, personal, or slanderous remarks. Inappropriate language and/or shouting will not be tolerated. Furthermore, no person may offer comment without permission of the [c]hair, and all persons shall, at the request of the [c]hair, be silent. No person shall disrupt the proceedings of a meeting."

As explained supra, the text, history, and case law surrounding art. 19 provide for the "fullest and freest" discussion of public matters, including protection of fierce criticism of governmental action and actors, so long as that criticism is done in a peaceable and orderly manner and is consistent with time, place, and manner restrictions. Porter, 1 Gray at 478. See Desrosiers, 486 Mass. at 390-391. "Peaceable and orderly" is not the same as "respectful and courteous." There was nothing respectful or courteous about the public assemblies of the revolutionary period. There was also much that was rude and personal, especially when it was directed at

the representatives of the king and the king himself.⁸ See Bowie, 130 Yale L.J. at 1677 ("in London, a columnist called Boston's town meetings a 'declaration of war' and criticized Boston's leaders for 'working up the populace to such a frenzy of rage'").

Here, the town expressly provided a place for public comment: the meeting of the board. The town also set the time, after the conclusion of the regular meeting, as was the town's right. Barron presented her grievances at the established time and place.⁹ The town nonetheless then sought to control the content of the public comment, which directly implicates and restricts the exercise of the art. 19 right of the people to request "redress of the wrongs done them, and of the grievances

⁸ The policy's prohibition on slander raises a different set of questions that we need not resolve here. In Commonwealth v. Surridge, 265 Mass. 425, 427 (1929), this court expressly carved out slander from protection under art. 19. However, at least under First Amendment principles, slander directed at public officials requires actual malice. See Edwards v. Commonwealth, 477 Mass. 254, 263 (2017), S.C., 488 Mass. 555 (2021), citing New York Times Co. v. Sullivan, 376 U.S. 254, 279-280 (1964).

⁹ A manner regulation restricts the way in which a speaker communicates, i.e., the medium of communication or aspects of that medium like the size of signs or the volume of audio. See Regan v. Time, Inc., 468 U.S. 641, 656 (1984) (plurality opinion) (manner regulations include "size and color limitations" on photographs, "decibel level restrictions," and "size and height limitations on outdoor signs"); Back Bay Cultural Ass'n, 418 Mass. at 183 (ban on "forms of entertainment" that "create the type of noise the city legitimately seeks to eliminate" would be permissible). We are not presented with disputed manner restrictions in the instant case.

they suffer."¹⁰ The content sought to be prohibited -- discourteous, rude, disrespectful, or personal speech about government officials and governmental actions -- is clearly protected by art. 19, and thus the prohibition is impermissible. In sum, the town's civility code is contradicted by the letter and purpose of art. 19.¹¹

¹⁰ This is not a case in which the public meeting was limited to a particular item or items. Although that would be content based, in order to function efficiently, towns must be able to hold public meetings limited to a particular subject without violating art. 19, so long as the town provides other opportunities to exercise this right, as it did in the instant case. Cf. Madison Joint Sch. Dist. No. 8 v. Wisconsin Employment Relations Comm'n, 429 U.S. 167, 175 n.8 (1976) ("Plainly, public bodies may confine their meetings to specified subject matter and may hold nonpublic sessions to transact business").

¹¹ Given the detailed and emphatic text, history, and case law, there is no reason to conclude that the State constitutional right protected by art. 19 would be any less protective than the right of assembly protected by the First Amendment. Throughout most of its history, the right of assembly clause in the First Amendment, although not interpreted as being "identical" to the right of free speech, has not been given much independent significance. See National Ass'n for the Advancement of Colored People v. Claiborne Hardware Co., 458 U.S. 886, 911-912 (1982); Thomas v. Collins, 323 U.S. 516, 530 (1945) (rights to freedom of speech, assembly, and press, "though not identical, are inseparable"). See also Blackhawk, *Lobbying and the Petition Clause*, 68 Stan. L. Rev. 1131 (2016); Bowie, 130 Yale L.J. at 1655; El-Haj, *The Neglected Right of Assembly*, 56 UCLA L. Rev. 543 (2009); Inazu, *The Forgotten Freedom of Assembly*, 84 Tul. L. Rev. 565, 570 (2010). Although the Supreme Court's more recent decision in Duryea v. Guarnieri, 564 U.S. 379, 394 (2011), somewhat reinvigorated the provision, Blackhawk, *supra* at 1181, the vigor of art. 19 is unquestionable as reflected in its text, history, and case law. Indeed, the clear thrust of that text, history, and case law interpreting art. 19 compels the conclusion that the town's civility code is unconstitutional.

4. Article 16. Assuming that the request for declaratory relief also includes a claim based on art. 16, as well as art. 19, we also conclude that art. 16 is violated.

In their request for declaratory relief, the plaintiffs state:

"The [c]ourt should declare that the [d]efendants may not regulate protected speech during any time period designated for speech by the public based on the content of the message of the speaker, the view point of the speaker, or their desire to avoid criticism, ensure 'proper decorum', or avoid 'personal' or derogatory or even defamatory statements, unless such regulation is the least restrictive means necessary to achieve a compelling government interest."

Our cases interpreting art. 16 clearly support this request for relief. They also do so without any need to survey, as the parties do, the contested Federal case law distinguishing limited and designated public forums and the different standards of review applicable to these forums under the First Amendment. As this court expressly stated in Walker v. Georgetown Hous. Auth., 424 Mass. 671, 675 (1997): "We need not decide whether we would find the [United States] Supreme Court's public, nonpublic, and limited public forum classifications instructive in resolving free speech rights under our Declaration of Rights" in the instant case. Indeed, "we need not enter that fray because, under our Declaration of Rights, the applicable standard for content-based restrictions on political speech is clearly strict scrutiny." Commonwealth v. Lucas, 472 Mass. 387,

397 (2015). See Massachusetts Coalition for the Homeless v. Fall River, 486 Mass. 437, 441-442 (2020) (holding that strict scrutiny applies to content-based regulation of protected speech); Bachrach v. Secretary of the Commonwealth, 382 Mass. 268, 276 (1981) ("As a substantial restriction of political expression and association . . . the legislation at bar should attract 'strict scrutiny'").¹²

There is no question that this civility code is directed at political speech, as it regulates speech in a public comment session of a meeting of the board, and that it is content based, as it requires us to examine what was said. See Opinion of the Justices, 436 Mass. 1201, 1206 (2002) ("if the applicability of

¹² As we apply strict scrutiny here, the protection provided by the State Constitution is at least as great if not greater than the protection provided by the First Amendment for content-based governmental restrictions. As noted supra, we are not confronted with a public meeting limited to a particular item or items. We recognize that even though a public meeting limited to a particular purpose may require a content-based restriction on comments, government must be able to hold such meetings to function efficiently. Whether the government's right to hold such meetings satisfies strict scrutiny or some lesser standard under art. 16, we need not decide. Cf. Rowe v. Cocoa, 358 F.3d 800, 803 (11th Cir. 2004) ("There is a significant governmental interest in conducting orderly, efficient meetings of public bodies," which may be done via "confin[ing] their meetings to specified subject matter"); White v. Norwalk, 900 F.2d 1421, 1425 (9th Cir. 1990) ("the Council does not violate the first amendment when it restricts public speakers to the subject at hand"); Smith vs. Middletown, U.S. Dist. Ct., No. 3:09-CV-1431 (D. Conn. Sept. 1, 2011), *aff'd sub nom. Smith v. Santangelo*, 518 Fed. Appx. 16 (2d Cir. 2013) ("The restriction of public comment to items on the agenda is also reasonable because it . . . facilitate[s] the official business of the Council").

the bill's requirements can only be determined by reviewing the contents of the proposed expression, the bill is a content-based regulation of speech"). As such, it must withstand strict scrutiny, which means it must be "both 'necessary to serve a compelling [S]tate interest and . . . narrowly drawn to achieve that end.'" Lucas, 472 Mass. at 398, quoting Opinion of the Justices, supra. It is neither. Although civility can and should be encouraged in political discourse, it cannot be required. In this country, we have never concluded that there is a compelling need to mandate that political discourse with those with whom we strongly disagree be courteous and respectful. Rather, we have concluded that political speech must remain "uninhibited, robust, and wide-open." Van Liew v. Stansfield, 474 Mass. 31, 39 (2016), quoting New York Times Co. v. Sullivan, 374 U.S. 254, 270 (1964). This civility code is also drafted with an extraordinarily broad brush. It is certainly not narrowly tailored.

Finally, the policy's requirement that the speech directed at government officials "be respectful and courteous, [and] free of rude . . . remarks" appears to cross the line into viewpoint discrimination: allowing lavish praise but disallowing harsh criticism of government officials.¹³ As the Supreme Court has

¹³ At the same time, as between members of the public taking opposite positions, a requirement that the comments be respectful and courteous appears not to be viewpoint based, but

explained, "[w]hen the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant." Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819, 829 (1995). See Shurtleff v. Boston, 142 S. Ct. 1583, 1587 (2022) ("When the government encourages diverse expression -- say, by creating a forum for debate -- the [right to free speech] prevents it from discriminating against speakers based on their viewpoint"). Although we have not been required to precisely define what constitutes viewpoint discrimination in our case law, art. 16, like the First Amendment, certainly does not permit viewpoint discrimination. See Roman v. Trustees of Tufts College, 461 Mass. 707, 716-717 (2012); Opinion of the Justices, 430 Mass. 1205, 1209 (2000).¹⁴

A provision "that public officials [can] be praised but not condemned" is "the essence of viewpoint discrimination." Matal v. Tam, 582 U.S. 218, 249 (2017) (Kennedy, J., concurring). Speech that politely praises public officials or their actions is allowed by the policy, but speech that rudely or

rather only content based. An example would be if a town official told both sides debating a tax increase to fully express their views but to do so courteously. Although still impermissible, because it is content based, the restriction would not be viewpoint based.

¹⁴ The same is true for art. 19.

disrespectfully criticizes public officials or their actions is not. This constitutes viewpoint discrimination.

In sum, this civility code is unconstitutional under art. 16 as well as art. 19.

5. Overbreadth, vagueness, and permissible restrictions.

In the instant case, we have not been asked, nor should we attempt on our own, to separate the unconstitutional from the constitutional aspects of the town's civility code. We conclude that it is so overbroad, so vague, and so subject to manipulation on its face that it is not salvageable or severable. See Massachusetts Coalition for the Homeless, 486 Mass. at 447 (statute declared facially invalid under art. 16 in its entirety because we discerned an "unacceptable risk of a chilling effect"); Lucas, 472 Mass. at 404 (statute declared unconstitutional in its entirety because "even under a narrow construction, there is a genuine risk that the operation of [statute] will cast an unacceptable chill on core political speech").

This is not to say that restrictions cannot be imposed on public comment sessions consistent with arts. 16 and 19. Reasonable time, place, and manner restrictions could include designating when and where a public comment session may occur, how long it might last, the time limits for each person speaking

during the public comment session, and rules preventing speakers from disrupting others and removing those who do.

6. MCRA claim. We also have no difficulty concluding that the dismissal of the MCRA claim should be reversed. Taking the facts in the light most favorable to the plaintiffs, Kolenda "interfere[d]" with Barron's clearly established constitutional right under arts. 19 and 16 via "threats, intimidation or coercion." G. L. c. 12, § 11H. As such, there was a violation of the MCRA and no qualified immunity.

"To establish a claim under the [MCRA], 'a plaintiff must prove that (1) the exercise or enjoyment of some constitutional or statutory right; (2) has been interfered with, or attempted to be interfered with; and (3) such interference was by threats, intimidation, or coercion.'" Glovsky v. Roche Bros. Supermkts., Inc., 469 Mass. 752, 762 (2014), quoting Currier v. National Bd. of Med. Examiners, 462 Mass. 1, 12 (2012). In the instant case, the video recording shows that, first, Barron complained about the open meeting law violations; then, Kolenda accused her of slander and said, "[W]e're gonna go ahead and stop the public comment session now"; next, Barron said, "[Y]ou need to stop being a Hitler"; and finally, Kolenda ended the meeting and the audio stopped. Subsequently, Kolenda stood up and started yelling and aggressively pointing at Barron. The plaintiffs' complaint alleges that Kolenda shouted, "You're disgusting," and

threatened to have her "escorted out" of the meeting. The video recording does not show Barron after the end of the audio portion.

Taking the facts, including the video recording, in the light most favorable to the plaintiffs, Barron exercised her constitutional right under arts. 19 and 16 to address the meeting of the board and complain about the open meeting law violations. Her comparison between Kolenda and Hitler was, at least in the light most favorable to the plaintiffs, simply hyperbole, describing Kolenda as behaving in a dictatorial manner, that is, domineering or authoritarian. Although a comparison to Hitler is certainly rude and insulting, it is still speech protected by art. 16.¹⁵

¹⁵ We note that personally insulting comments may rise to the level of fighting words, that is, "face-to-face personal insults that are so personally abusive that they are plainly likely to provoke a violent reaction and cause a breach of the peace," which are not protected speech. O'Brien v. Borowski, 461 Mass. 415, 423 (2012). See also Cohen v. California, 403 U.S. 15, 20 (1971) (fighting words are "personally abusive epithets which, when addressed to the ordinary citizen, are, as a matter of common knowledge, inherently likely to provoke violent reaction"). We have also explained that "the fighting words exception [to free speech] is 'an extremely narrow one.'" O'Brien, *supra*, quoting Johnson v. Campbell, 332 F.3d 199, 212 (3d Cir. 2003). We further emphasize that elected officials are expected to be able to respond to insulting comments about their job performance without violence. See Commonwealth v. Bigelow, 475 Mass. 554, 562 (2016) ("personal insults and allegations concerning [selectman's] alleged criminal past" were "constitutionally protected political speech" because "central thrust is criticism of him as a selectman"). Although not presented in the instant case, we recognize that fighting words from one public speaker may trigger a disturbance from another

In addition, the plaintiffs' allegations plausibly suggest that Barron's rights were interfered with via threats, intimidation, or coercion. Kolenda's response is not fully captured by the video recording, but, accepting the plaintiffs' account as true, Kolenda told Barron to stop speaking, started screaming at her, and threatened to have her removed from the meeting in response to her protected speech. If this is proved at trial, she could establish a violation of the MCRA. See Batchelder v. Allied Stores Corp., 393 Mass. 819, 823 (1985) ("sufficient intimidation or coercion" where "security officer ordered [plaintiff] to stop soliciting and distributing his political handbills"); Sarvis v. Boston Safe Deposit & Trust Co., 47 Mass. App. Ct. 86, 93 (1999) (third element of MCRA satisfied where "defendants attempted to interfere with the plaintiffs' right to a summary process hearing by threatening them with arrest and then bringing about their arrests").

On the facts alleged, Kolenda is also not entitled to qualified immunity. As we have explained: "[G]overnment officials performing discretionary functions, generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have

member of the public, which may require action by government officials.

known." LaChance v. Commissioner of Correction, 463 Mass. 767, 777 (2012), S.C., 475 Mass. 757 (2016), quoting Rodrigues v. Furtado, 410 Mass. 878, 882 (1991). More specifically, "[a] right is only clearly established if, at the time of the alleged violation, 'the contours of the right allegedly violated [were] sufficiently definite so that a reasonable official would appreciate that the conduct in question was unlawful.'" LaChance, supra, quoting Longval v. Commissioner of Correction, 448 Mass. 412, 419 (2007). Nevertheless, "it is not necessary for the courts to have previously considered a particular situation identical to the one faced by the government official." Caron v. Silvia, 32 Mass. App. Ct. 271, 273 (1992). "It is enough, rather, that there existed case law sufficient to clearly establish that, if a court were presented with such a situation, the court would find that the plaintiff's rights were violated." Id., quoting Hall v. Ochs, 817 F.2d 920, 925 (1st Cir. 1987). In the instant case, the contours of the rights are sufficiently clear, and a reasonable public official would understand that his response to the exercise of those rights was unlawful.

As discussed supra, the "full and free" discussion in town meetings protected by art. 19 has a long and distinguished history in Massachusetts. Fuller, 224 Mass. at 178. It is also well established that restrictions on the content of political

speech must be "necessary to serve a compelling [S]tate interest and . . . narrowly drawn to achieve that end" to satisfy the requirements of art. 16, Opinion of the Justices, 436 Mass. at 1206, and that viewpoint discrimination is absolutely prohibited, Rosenberger, 515 U.S. at 829.

At a public comment session in a meeting of the board, a resident of the town thus clearly has the right to accurately complain about violations of law committed by town officials and object to other town actions, including its spending practices, and to express her views vehemently, critically, and personally to the government officials involved. Such a right is clearly protected by art. 19 as well as art. 16 for the reasons discussed supra. When a government official responds to a resident's exercise of those rights by accusing her of slandering the board, screaming at her, and threatening her physical removal, it should be clear to him that his conduct is unlawful. Thus, there is no basis for qualified immunity.

Conclusion. The order of judgment on the pleadings is reversed, and the case is remanded for further proceedings consistent with this opinion, including entry of a judgment declaring that the town's public comment policy is unconstitutional.

So ordered.

Agenda Tracker

ITEM NAME	PROPOSED DATE	MINUTES	Item #	DESCRIPTION
Select Board Committee Appointment & Resignation	20-Mar-23	0	0	Mina Makarious/Anderson & Krieger LLP to be appointed as Town Counsel - term expires on 3/31; Donna Leary resigning from LexHAB effective immediately
Approve and Sign Proclamations - Autism Awareness and Acceptance Month; National Public Safety Telecommunicators Week; National Public Health Week (NEW)	20-Mar-23	0	0	April is Autism Awareness and Acceptance Month; National Public Safety Telecommunicators Week 4/9-4/15 (annual proclamations); NEW - National Public Health Week 4/3-4/9
Appoint Select Board Member to Nominating Committee for the Executive Board of the Cary Memorial Library Board of Trustees	20-Mar-23	0	0	The Select Board is being asked to identify one of its members to serve on the nominating committee for the Executive Board of the Cary Memorial Library Board of Trustees; Mark Sandeen volunteered.
ATM 2023 Select Board Article Discussion and Positions Approve Select Board Report to Town Meeting	20-Mar-23	15	1	6:00 start time prior to Town Meeting
EV Charger Overnight Parking Regulation Approval	20-Mar-23	15	2	This is to consider allowing EV's to park at metered EV charging stations overnight.
Approve One-Day Liquor License - Spectacle Management	22-Mar-23	0	0	Spectacle Management x1 event at Cary: Garrison Keillor Tonight 4/27
Approve One-Day Liquor License - Lexington Symphony	22-Mar-23	0	0	Lexington Symphony x1 event at Cary: Post-concert reception 4/15
Battle Green Use Request - Lexington Historical Society	22-Mar-23	0	0	The Lexington Historical Society is requesting to use the Battle Green on 4/19 (rain date 4/20) for the Annual Children's Reenactment of the Battle of Lexington as part of Patriots' Day activities (Police; DPW; Fire - all OK)

Request for Tree Planting & Plaque Installation (at a later meeting date - need more finalized details) on Buckman Tavern Grounds in Commemoration of the Semiquincentennial	22-Mar-23	10	1	The Lexington Chapter NSDAR is requesting to plant a tree on the grounds of Buckman Tavern in commemoration of the Semiquincentennial. They are requesting to plant a tree on/for Arbor Day (4/28). Commemorative plaque installation with dedication ceremony to follow.
ATM 2023 Select Board Article Discussion and Positions Approve Select Board Report to Town Meeting	22-Mar-23	20	2	
Approve Select Board Meeting Minutes	27-Mar-23	0	0	2/6/2023; 2/13/2023, 2/27/2023, 3/2/2023
Annual Discovery Day Request - May 27, 2023 10:00am-3:00pm	27-Mar-23	10	1	Eric Michelson submitted a request letter on behalf of the Lexington Retailers Association to the Select Board Office for the annual Discovery Day street fair on 5/27. (Police - OK; Fire - OK; DPW; TMO; Engineering - Battle Green construction may impact sidewalks and roadways in the area & sidewalks to be impacted due to expansion of the Center Streetscape Project on Meriam Street, both sides of Depot and along Edison Way limiting use in those areas; Health - Temporary Food Permits required for any food vendors)
ATM 2023				
Select Board Article Discussion and Positions	27-Mar-23	5	2	
PLACEHOLDER - Change of Manager Bertucci's Liq Lic amendment application	27-Mar-23	5		not a hearing, does not require advertis
Open Space and Recreation Plan Approval	27-Mar-23	15		This has already been presented to the Board in draft form and this is the final presentation seeking approval/letter of support.
Town Manager Committee Reappointments x2	29-Mar-23	15	0	Conservation Commission; Historical Commission (terms ending on 3/31)

ATM 2023				
Select Board Article Discussion and Positions	29-Mar-23	5	3	
PLACEHOLDER - Discuss Select Board Committee Recruitment for May 2023 & Possible Committee Recruitment Fair Event for 2024	29-Mar-23	10	4	Plan for next recruitment to fill board or committee vacancies after Annual Town Meeting; start discussion and process planning for a possible in-person recruitment fair to fill vacancies on board and committees (involvement and availability of committees and/or chairs)
Review and Approve 2022 Town Manager Integrated Performance Review	29-Mar-23	5		Review and approve final document
Dissolve Affordable Housing Trust Study Committee?	3-Apr-23	0	0	Affordable Housing Trust approved at Town Meeting; recruitment is in place for members of the Trust - to be dissolved once Trust has been established (outstanding minutes were requested by the Town Clerk's Office on 3/3)
Select Board Committee Reappointment	3-Apr-23	0	0	Gordon Jones III seeking reappointment to the Registrars of Voters - term expires on 3/31
Placeholder Grant of Location - Verizon - Stedman Road	3-Apr-23	10	1	1/18/22 Request submitted - Engineering requested more detail, waiting for new plan submission
Preliminary Request for Reenactment of 200th Anniversary of Lafayette's Visit to Lexington	3-Apr-23	15	2	4/3/23 Date confirmed with Marsha Baker from the Lexington Historical Society. to present their idea to have a Re-enactment of Lafayette's visit to Lexington at the Board . She plans to attend the meeting in person
ATM 2023 Select Board Article Discussion and Positions	3-Apr-23		3	
Approve and Sign Awards for Patriots' Day 2023	10-Apr-23	0	0	Minuteman Cane Award; Outstanding Youth of Lexington Award (to be signed prior to awarding at Patriots' Day)
Approve and Sign Proclamations - National Library Week; Arbor Day	10-Apr-23	0	0	National Library Week 4/23-4/29; Arbor Day 4/28 (annual proclamations)
Place holder - Approve Select Board Meeting Minutes	10-Apr-23	0	0	
ARPA Requests/Decisions	10-Apr-23	20	1	This will be the quarterly ARPA request coming before the Select Board for decision making as per previous discussions.
ATM 2023 Select Board Article Discussion and Positions	10-Apr-23	5	2	

Limousine License Renewals	24-Apr-23	0	0	2022 licenses expire on 5/1 - Boyadjian Limousine Service; D&O Limo LLC d/b/a D&O Limo
PLACEHOLDER FOR POST-ATM - Energy Use Disclosure Update	24-Apr-23	15		Kelly spoke with Maggie Peard who was at a Sustainability meeting with Mark Sandeen on 11/15 and he suggested she come to a SB meeting in Jan/Feb to update on the energy use disclosure
Tiffany Way Easements	24-Apr-23	10	1	Todd Cataldo has worked with Planning and Engineering on easements for Tiffany Way and is ready to request that the Select Board accept the easements.
PLACEHOLDER FOR POST-ATM - Green Vehicle Policy Update	24-Apr-23	15		Maggie Peard will provide an update on where the Town is in tracking the vehicle type and replacement
Placeholder Grant of Location - Eversource - Pelham Road	24-Apr-23	10	2	Waiting on Verizon to submit a petition to move a pole this is related to the conduit work Eversource has a petition submitted for
Accept Easement From the Masons as part of the Battle Green Streetscape (Roundabout)	24-Apr-23	15	3	As part of the proposal of adding a roundabout at the Harrington/Hancock/Bedford Street Intersection portion of the Battle Green Master Plan required the Town obtaining a small easement from the Mason's at the corner of Hancock and Bedford Street. Town Counsel has worked with the Town Engineer and the Masons and the easement document and plan are ready for review/approval by the Select Board.
Residential Solid Waste Regulation Amendment Discussion	24-Apr-23	15	4	This is to amend the Solid Waste Regulations to all the Select Board to set a fee for curbside pickup of bulky items and white goods and to adopt fees starting on July 1, 2023.
Tree Canopy Study	24-Apr-23	20	5	Presentation on the results of the Tree Canopy Study -- not ready for 3/8 meeting because the Tree Committee will not discuss this topic until 3/9 meeting
PLACEHOLDER - Presentation Statement of Concern for Lexington's Trees	24-Apr-23	20	6	Jill confirmed with CW that group will do the outreach and then come to the Board in April after TM to present. (email 1/18)

Reorganization of the Board & Annual Update to Select Board Liaison Assignments	8-May-23	10	1	The Chairman of the Board is elected annually after the dissolution of the Annual Town Meeting
Residential Solid Waste Regulation Amendment Vote	8-May-23	10		This is to amend the Solid Waste Regulations to all the Select Board to set a fee for curbside pickup of bulky items and white goods and to adopt fees starting on July 1, 2023.
PLACEHOLDER - Discuss Deposit Location(s) for Charitable Funds Donated to Town for "Where It's Needed Most"	8-May-23	15		Carolyn suggested that we add this to an agenda for discussion to vote to direct all funds to one place
Discussion on establishing a Committee to review the Integrated Building Design and Construction Policy	8-May-23	10		The policy adopted by the Select Board and School Committee in 2020 requires that the Select Board and School Committee jointly appoint a Committee to review the policy every three years (2023 is the third year). The Select Board should vote to create the Committee and then invite the School Committee into a discussion to determine how to make the joint appointment.
Discussion on Community Engagement Policy	8-May-23	30		This is related to the Town Manager's request to have a discussion on developing a community engagement policy to provide clearer guidance to staff moving forward to meet the SB expectations.
Discuss Update to the Integrated Building Design & Construction Policy	8-May-23	10		This is to have a discussion on the Select Board's preference on establishing a process to update the Integrated Building Design & Construction Policy. The Policy adopted in 2019 recommended that it be updated every three years and it's 2022 (2022-2019 = 3).
Request for Select Board approval for submission of application of the Stone Building as a National Historic Landmark	8-May-23			Jeff Howry submitted request on 2/6/23 seeking to come before the Select Board seeking approval to submit an application for the Stone Building to be considered as National Landmark

Joint Meeting with School Committee, Select Board, Capital Expenditures Committee and Appropriation Committee to discuss 173 Bedford Street	15-May-23	120	1	This joint meeting is to discuss the future use of 173 Bedford Street
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Town of Lexington
Police Department

Michael A. McLean
Chief of Police

TEL: (781) 862-1212
FAX: (781) 863-1291

March 13, 2023

Maureen Q. McGough
Policing Project at NYU School of Law
40 Washington Square South, Suite 302
New York, NY 10012
maureen.mcgough@nyu.edu

Re: Letter of Intent to participate in the 30x30 Pledge to increase the recruitment, retention, and promotion of women in policing.

Dear Ms. McGough:

The Lexington Police Department is writing to confirm our intent to participate in the 30x30 Pledge for law enforcement agencies to improve the representation and experiences of women in policing.

Our participation in the pledge will comprise the following activities:

- Submitting baseline data and policies outlined in the pledge;
- Pursuing all “essential” data collection and actions outlined in the pledge;
- Exploring additional pledge elements and pursuing those that are relevant to our department’s needs and can reasonably be achieved; and
- Reporting on data and progress bi-annually.

We acknowledge that this pledge is not intended to be an accountability mechanism, but rather is a framework for how our agency can improve the representation and experiences of women officers. We understand that the goal of the pledge is to not only inform agency progress, but also to identify and understand barriers to progress such as resources, capacity, or authority.

In addition to confirming our participation in the pledge, this letter serves as consent to include our agency as a signatory on the 30x30 website. We acknowledge that the Policing Project will seek additional consent before making any agency reports, policies, or data public, and reserve the right to refuse at that time.

I have assigned Captain John Mazerall to be your point of contact for pledge activities. -
781-863-9252 They can be reached at jmazerall@lexingtonma.gov

We look forward to this partnership, and our participation in the 30x30 pledge.

Sincerely,

A handwritten signature in blue ink, appearing to read 'McLean', with a long, sweeping horizontal stroke extending to the right.

Michael McLean
Chief of Police
Lexington Police Department

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Application: One-Day Liquor License - Spectacle Management, Inc., 1605 Massachusetts Avenue

PRESENTER:

Doug Lucente, Select Board Vice-Chair

ITEM NUMBER:

C.1

SUMMARY:

Category: Decision-Making

Spectacle Management:

Spectacle Management, Inc. has requested a One-Day Liquor License to serve beer and wine in the lobby outside of Battin Hall on the main level of Cary Memorial Building, 1605 Massachusetts Avenue, for the purpose of the Garrison Keillor Tonight performance on Thursday, April 27, 2023 from 6:30pm to 10:30pm.

The request has been reviewed by the Department of Public Facilities with no concerns.

SUGGESTED MOTION:

To approve a One-Day Liquor License for Spectacle Management, Inc. to serve beer and wine in the lobby outside of Battin Hall on the main level of Cary Memorial Building, 1605 Massachusetts Avenue, for the purpose of the Garrison Keillor Tonight performance on Thursday, April 27, 2023 from 6:30pm to 10:30pm.

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/22/2023

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Application: One-Day Liquor License - Lexington Symphony, 1605 Massachusetts Avenue

PRESENTER:

Doug Lucente, Select Board Vice-Chair

ITEM NUMBER:

C.2

SUMMARY:

Category: Decision-Making

Lexington Symphony:

Lexington Symphony has requested a One-Day Liquor License to serve wine in the lobby outside of Estabrook Hall on the lower level of Cary Memorial Building, 1605 Massachusetts Avenue, for the purpose of a post-concert reception on Saturday, April 15, 2023 from 9:30pm to 10:30pm.

The request has been reviewed by the Department of Public Facilities with no concerns.

SUGGESTED MOTION:

To approve a One-Day Liquor License for Lexington Symphony to serve wine in the lobby outside of Estabrook Hall on the lower level of Cary Memorial Building, 1605 Massachusetts Avenue, for the purpose of a post-concert reception on Saturday, April 15, 2023 from 9:30pm to 10:30pm.

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/22/2023

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Application: Battle Green Permit - Lexington Historical Society

PRESENTER:

Doug Lucente, Select Board Vice-Chair

ITEM NUMBER:

C.3

SUMMARY:

Category: Decision-Making

Lexington Historical Society:

The Lexington Historical Society has requested permission to use the Battle Green on Wednesday, April 19, 2023 from 10:00am to 2:00pm for the purpose of their annual Battle of Lexington Reenactment for children. The event will run in two groups at 10:00am and 12:30pm, beginning at Buckman Tavern and ending with a reenactment on the Battle Green. There will be intermittent use of the Battle Green between the times of 10:45am to 11:15am and 1:15pm to 1:45pm. They are requesting a rain date of Thursday, April 20, 2023 with the same times.

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

SUGGESTED MOTION:

To approve the request of the Lexington Historical Society to use the Battle Green on Wednesday, April 19, 2023 from 10:00am to 2:00pm for the purpose of their annual Battle of Lexington Reenactment for children with a rain date of Thursday, April 20, 2023 with the same times.

Move to approve the consent.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

3/22/2023

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

Request to Approve Tree Planting on Buckman Tavern Grounds in Commemoration of the Semiquincentennial

PRESENTER:

Cindy Woolworth, Treasurer of
Lexington Chapter of Daughters of the
American Revolution

ITEM NUMBER:

I.1

SUMMARY:

Category: Decision-Making

The Lexington Chapter of the Daughters of the American Revolution (DAR) is requesting to plant a tree on Buckman Tavern grounds to commemorate the Semiquincentennial (America 250). They are requesting to plant an American Elm, *Ulmus americana* 'Princeton', at one of two proposed locations on the Tavern grounds. The tree would be purchased from Village Green Nurseries and a request has been put in for a 3-4" DBH tree. The Lexington Chapter DAR has planted four trees since 1929 on the Tavern grounds. Please see the attached map for the two proposed sites for planting. The sites were determined with the help of the Tree Committee.

The requester has been working with the Superintendent of Public Grounds/Tree Warden and he has offered to assist with the tree planting and watering. He stated that both sites work, but the preference would be for Site 1 to fill in the gap between two maple trees. They are aiming to make this tree planting part of the annual Arbor Day ceremony, if approved. Arbor Day takes place on April 28, 2023.

Please note that the requester is looking to return before the Select Board at a future meeting date for the approval of a plaque to be installed with the tree. They are currently working with other committees on the approval.

SUGGESTED MOTION:

Move to (approve/not approve) the request of the Lexington Chapter of the Daughters of the American Revolution to plant a tree on Buckman Tavern Grounds at proposed Site (1/2), as outlined in the attached map, in commemoration of the Semiquincentennial.

FOLLOW-UP:

Select Board Office; Superintendent of Public Grounds/Tree Warden

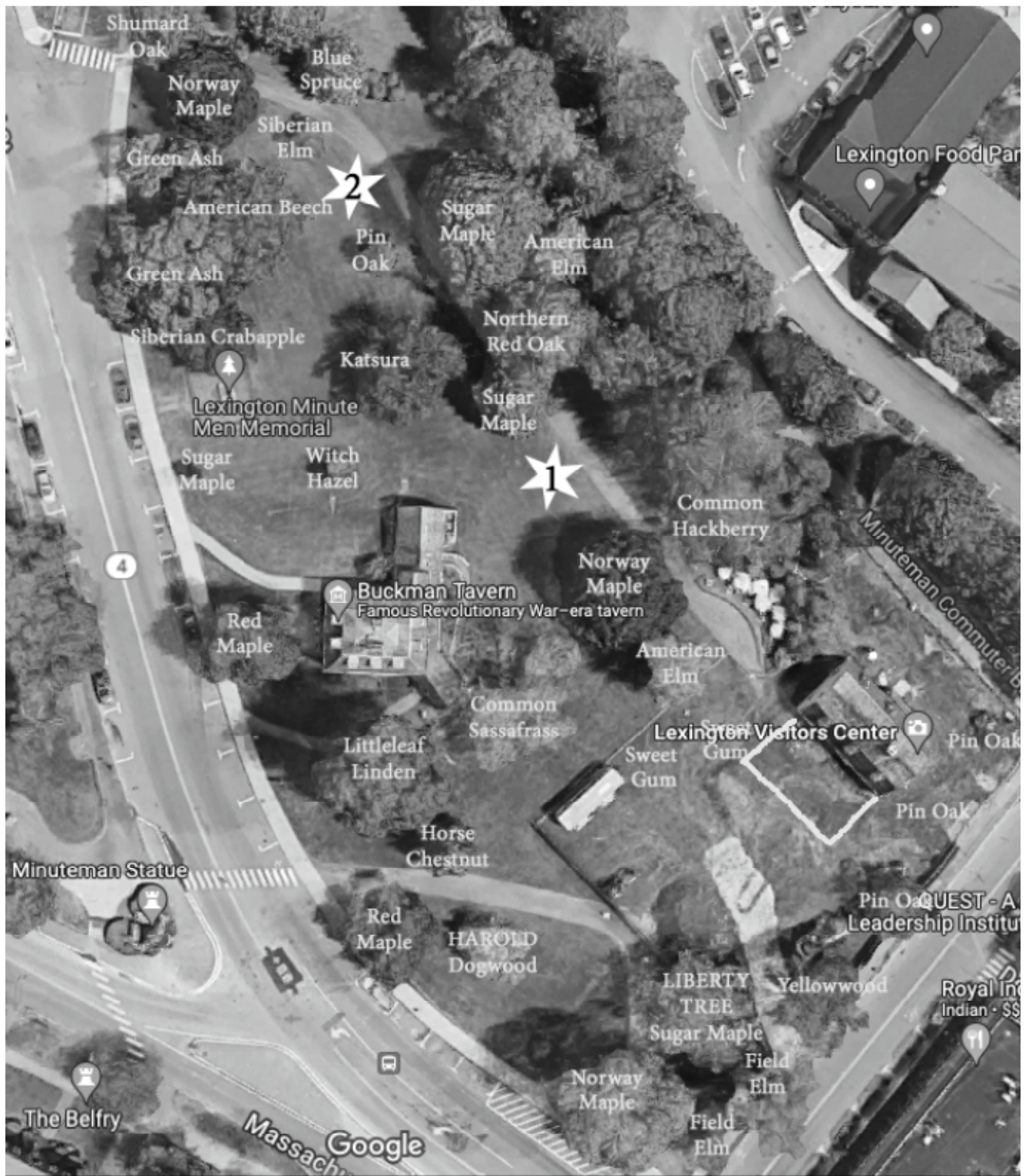
DATE AND APPROXIMATE TIME ON AGENDA:

3/22/2023

6:10pm

ATTACHMENTS:

Description	Type
☐ Map of Proposed Tree Planting Sites	Backup Material
☐ Lexington Chapter DAR Request Letter/Email - Tree Planting on Buckman Tavern Grounds in Commemoration of Semiquincentennial	Backup Material



Stacey Prizio

From: Select Board
Sent: Tuesday, March 7, 2023 9:08 AM
To: Stacey Prizio
Subject: FW: Request to plant tree for Semiquincentennial
Attachments: 2treesites-Buckman.jpg; bicentennial_plaque.JPG

From: Cindy Woolworth [REDACTED]
Sent: Monday, March 6, 2023 9:14 PM
To: Select Board <selectboard@lexingtonma.gov>
Cc: Cindy Woolworth [REDACTED]; Peggy Borucki [REDACTED]
Subject: Request to plant tree for Semiquincentennial

USE CAUTION: This email came from outside the Town of Lexington. **Do not** click links, open attachments or respond to the email unless you recognize the sender, you are expecting the communication and you know the content is safe.

Hello Select Board,

As a representative of Lexington Chapter DAR (Daughters of the American Revolution) I am requesting to present a proposal to the Select Board to plant a tree on Buckman Tavern grounds, and install a plaque saying the planting is by our chapter for the Semiquincentennial (America 250).

Here are the details:

Lexington Chapter DAR proposes to plant an American Elm, *Ulmus americana* 'Princeton', on the grounds of Buckman Tavern; we are getting the tree from Village Green Nurseries, and we have asked for a 3-4" DBH tree. Our chapter has planted four trees since 1929 on the tavern grounds. With assistance from Jim Wood, we determined two possible sites for the tree, numbered 1 and 2 on the attached map.


I have been working on this project with Chris Filadoro, Superintendent of Public Grounds and Tree Warden, and he has offered that the DPW will plant the tree for us; we are aiming for Arbor Day this spring. We plan to work with Chris to ensure the tree is watered regularly for the first year.

In addition, we would like to install a commemorative plaque at the base of the tree for 2025. The Tree Committee is reviewing our proposal. I have spoken with Linda Davis of Monuments & Memorials, and I am filling out their application form. I have emailed the Tourism Committee through the LexMA website as well as emailing Carol Ward directly. I have also sent an email to the Historic Districts Commission through the LexMA website informing them of this project. Proposed text for the plaque (not final):

LIBERTY TREE
PLANTED BY
LEXINGTON CHAPTER NSDAR
COMMEMORATING
LEXINGTON SEMIQUINCENTENNIAL
1775 - 2025

FYI, this text is very similar to an existing DAR bicentennial tree (1975) near the Visitors' Center (plaque picture attached). I have been in contact with Newton Memorial Arts to discuss an estimate for the new plaque, but as some details are undecided, we do not yet have a final estimate. In any case, a plaque installation and dedication ceremony would occur later, closer to 2025. The dedication would be coordinated with the Town's Semiquincentennial Commission.

Our first priority is to plant the tree; the plaque is secondary. If necessary, we can revisit the plaque approval later. I hope that you can fit this planting proposal into an upcoming Select Board meeting early enough so that we have time to organize the planting in late April.

Please let me know if there is any more information I could collect before the presentation. Thank you for your time,
Cindy Woolworth
Treasurer, Lexington Chapter NSDAR


When writing or responding, please be aware that the Massachusetts Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

LIBERTY TREE

PLANTED BY

LEXINGTON CHAPTER DAR - 1975

COMMEMORATING

LEXINGTON BICENTENNIAL

1775 - 1975

FLORENCE TOWNE BERNIER, REGENT

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA ITEM TITLE:

2023 Annual Town Meeting - Select Board Article Discussion and Positions

PRESENTER:

Board Discussion

ITEM NUMBER:

I.2

SUMMARY:

Category: Decision-Making

The Select Board will discuss 2023 Annual Town Meeting articles as well as continue to take positions.

SUGGESTED MOTION:

FOLLOW-UP:

DATE AND APPROXIMATE TIME ON AGENDA:

3/22/2023

6:20pm

ATTACHMENTS:

Description	Type
❏ Art 25 Amendment	Backup Material
❏ Moderator's Proposed schedule for ATM 2023 - updated March 21, 2023	Backup Material
❏ Select Board Working Document - Positions 2023 ATM	Backup Material

ARTICLE 25

AMEND THE GENERAL BYLAWS - DEMOLITION DELAY

PROPOSED AMENDMENT:

That the motion under Article 25 be amended as follows, underlined text to be inserted:

That Section 19-3(3)(F)(3)(Buildings, Demolition of) of the Code of the Town of Lexington be amended by striking the figure “12” and substituting therefor “21”, and adding the following at the end of this subsection: “provided that if the requested demolition permit is for a lot which has received site plan approval, a special permit or a building permit for the creation of Multifamily Housing or Inclusionary Dwelling Units as defined in Chapter 135-10.1, said period shall be reduced to 12 months.”; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town Lexington.

(03/17/2023)

From: Deborah Brown
Subject: [LexTMMA] Updated Town Meeting schedule
Date: March 21, 2023 at 4:43:34 PM EDT
To: LexTMMA

This is an updated schedule as of March 21, 2023. *Changes/additions are underlined & italicized.*

- **This schedule is subject to change.** After each session of Town Meeting, the Deputy Moderator and I will update this proposed schedule to reflect what has actually transpired.
- Some items on this schedule are designated **DATE CERTAIN**. **For these items, we intend to protect the proposed date** unless there are completely unforeseen circumstances that prevent adherence to this schedule.
- **Please note the deadlines for submitting proposed amendments or requests to divide a question. These deadlines are firm!** In particular, note that we've established an earlier deadline for submitting proposed amendments/division requests **for Articles 33, 34, and 40 - that deadline is 5pm Monday, April 3.**
- Your submission of a proposed amendment/division request will be considered **on-time only if submitted on/before the 5pm deadline on the date indicated, as follows:**
 - **by email to: amendment (at) tm.lexingtonma.net [replace (at) with @]**
 - **AND by email to the TMMA email list**
- ***The Town Clerk has provided an amendment submission form that you can download here or find on the right hand side of the 2023Town Meeting webpage. Please fill in and save with a new name and submit as described in the bullet point above.***

Finally, if you are contacted by residents who wish to observe our meeting and possibly speak for or against a motion, please provide them with my email address so I can provide helpful information about the process.

As always, feel free to reach out with any questions or concerns.

Best,
Deborah

Proposed schedule for ATM 2023 - updated March 21, 2023

Wednesday March 22, 2023 (Deadline for amendments has passed)

- Article 2 - report of Minuteman H.S. Superintendent (with opportunity for questions)
- Article 36 - Amend Zoning Bylaw and Map - Central Business District
- Article 37 - Amend Zoning Bylaw - Action Deadline for Major Site Plan Review
- Article 38 - Amend Zoning Bylaw - Minor Modifications to Approved Permits
- Article 39 - Amend Zoning Bylaw - Technical Corrections
- Time permitting:
 - Article 25 - Amend the General Bylaws - Demolition Delay
 - Article 2 - budget report of Town Manager
 - Continue any unfinished business from previous session:
 - ***Article 29 - Amend General Bylaws - Tree Bylaw - Changes to Tree Committee***

Monday March 27, 2023 (*Proposed amendments/divisions due 5pm Thursday, March 23*)

- Article 2 - **additional** report of Town Manager
- Article 2 - report of Appropriation Committee
- Article 2 - report of Lexington Schools Superintendent
- Article 2 - Report of the Lexington High School Building Committee
- Consent agenda
- Article 4 - Appropriate FY2024 Operating Budget
- Article 8 - Evaluation of Archaeological Resource Potential (Citizen Petition)
- Time permitting:
 - Article 5 - Appropriate FY2024 Enterprise Fund Budgets
 - Article 6 - Establish Qualifications for Tax Deferrals
 - Article 9 - Establish and Continue Departmental Revolving Funds
 - Continue any unfinished business from previous sessions

Wednesday March 29, 2023 (*Proposed amendments/divisions due 5pm, Monday, March 27*)

- Article 2 - reports of Capital Expenditures Committee
- Article 2 - report of Community Preservation Committee
- Article 10 - Appropriate for the FY2024 Community Preservation Committee Operating Budget and CPA Projects (items not on consent agenda):
 - **DATE CERTAIN:** 10i - Lincoln Park Field improvements including lighting
 - **DATE CERTAIN:** 10a - Stone Building design and repairs
 - 10b - Munroe Center for the Arts
 - 10c - Hancock-Clarke barn restoration
 - 10e - First Parish Church clock restoration
 - 10f - East Village clock at Follen Church restoration
 - 10g - Willard Woods site improvements
 - 10m - Transforming trees into art, Birds of New England
 - 10o - LexHab property acquisition prefunding
- Time permitting:
 - Article 7 - Appropriate to Affordable Housing Trust
 - Article 19 - Establish, Amend, Dissolve and Appropriate to and from Specified Stabilization Funds
 - Unfinished business from previous sessions

Monday April 3, 2023 (*Proposed amendments/divisions due 5pm Thursday, March 30*)

- Any unfinished items from Article 10
- Article 12 - Appropriate for Municipal Capital Projects and Equipment (items not on consent agenda):
 - 12a - All Terrain Vehicle - Forestry
 - 12b - TMOD Implementation - Permit and progress tracking
 - 12d - Bedford St and Hartwell Ave long-range transportation improvements
 - 12l - Municipal parking lot improvements
 - 12m - New sidewalk installations
- Article 13 - Appropriate for Water System Improvements
- Time permitting:
 - Article 21 - Amend FY2023 Operating, Enterprise and CPA Budgets
 - Article 23 - Establish Special Education Reserve Fund

Wednesday April 5, 2023 - no meeting (1st night of Passover)

Monday April 10, 2023 (*Proposed amendments/divisions due 5pm, Monday, April 3 for Articles 33, 34 and 40 - **Note earlier deadline!!***)

- **DATE CERTAIN:** Article 33 - Amend Zoning Bylaw - Special Permit Residential Development

- **DATE CERTAIN:** Article 34 - Amend Zoning Bylaw and Map - Multi-Family Zoning Housing for MBTA Communities
- Time permitting: Unfinished business from previous sessions

Wednesday April 12, 2023 (*Proposed amendments/divisions due 5pm, Monday, April 10 **except for Article 40 - which has due date of 5pm Monday April 3***)

- **DATE CERTAIN:** Article 16 - Appropriate for Public Facilities Capital Projects (items not on consent agenda):
 - 16g - Pine Meadows clubhouse renovation - design
 - 16h - 173 Bedford Street renovation - design
 - 16i - Solar canopy & system - Police Station
 - 16j - East Lexington Fire Station - feasibility study
- Article 40 - Amend Section 135-4.4 of the Zoning Bylaw - Reduce Residential Gross Floor (Citizen Petition)
- Article 27 - Amend Fossil Fuel Bylaw - Compliance with DOER Regulations and Guidance
- Unfinished business from previous sessions

No meetings Monday, April 17 and Wednesday April 19 (school vacation week)

*****Hold Monday April 24 and Wednesday April 26 for (inevitable) unfinished business*****

Select Board Positions
Working Document

#	Article Name	UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (PC)	Possible IP (?)	DL	JP	SB	JH	MS
1	Notice of Election									
2	Election of Deputy Moderator and Reports of Town Boards, Officers and Committees									
3	Appointments To Cary Lecture Series.					Y	Y	Y	Y	Y
Financial Articles										
4	Appropriate FY2024 Operating Budget		JH			Y	Y	Y	Y	Y
5	Appropriate FY2024 Enterprise Funds Budgets		SB			Y	Y	Y	Y	Y
6	Establish Qualifications for Tax Deferrals	2/6/2023	DL			Y	Y	Y	Y	Y
7	Appropriate To Affordable Housing Trust		MS			Y	Y	Y	Y	Y
8	Evaluation of Archeological Resource Potential (Citizen Petition)	1/23/2023	SB			N	N	N	N	N
9	Establish and Continue Departmental Revolving Funds		JP			Y	Y	Y	Y	Y
10	Appropriate The Fy2024 Community Preservation Committee Operating Budget And CPA Projects	1/23/2023								
	a) Stone Building Design and Repairs- \$400,000					Y	Y	Y	Y	Y
	b) Munroe Center for the Arts- \$6,635,191					Y	Y	Y	Y	Y
	c) Hancock-Clarke Barn Restoration- \$118,419					Y	Y	Y	Y	Y
	d) Archives and Record Management- \$35,000 - CONSENT			PC		Y	Y	Y	Y	Y
	e) First Parish Church Clock Restoration- \$12,000					Y	N	Y	Y	Y
	f) East Village Clock at Follen Church Restoration- \$9,600					Y	N	Y	Y	Y
	g)Willard Woods Site Improvements 1,211,675					Y	Y	Y	Y	Y
	h) Whipple Hill Trail Repair, Fire Access- \$300,000 CONSENT			PC		Y	Y	Y	Y	Y
	i)Lincoln Park Field Improvements including Lighting- \$3,391,500				MS	Y	W	Y	Y	W

Select Board Positions
Working Document

#	Article Name	UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (PC)	Possible IP (?)	DL	JP	SB	JH	MS
10 (cont.)	j)Park and Playground Improvements, Bridge School- \$285,000 - CONSENT	1/23/2023		PC		Y	Y	Y	Y	Y
	k) Park and Playground Improvements, Justin Park- \$155,000 - CONSENT			PC		Y	Y	Y	Y	Y
	l) Public Grounds Irrigation Improvements- \$200,000 - CONSENT			PC		Y	Y	Y	Y	Y
	m) Transforming Trees into Art, Birds of New England- \$22,000					N	Y	Y	N	Y
	n) Affordable Housing Trust Funding- \$1,500,000 - CONSENT			PC		Y	Y	Y	Y	Y
	o) LexHAB Property Acquisition Prefunding- \$400,000					Y	Y	Y	Y	Y
	p) LexHAB Rehabilitation/Preservation and Installation of Solar Panels- \$345,125 - CONSENT			PC		Y	Y	Y	Y	Y
	q) Projected Debt Service- \$1,788,900 - CONSENT			PC		Y	Y	Y	Y	Y
	r) Administrative Budget-\$150,000 - CONSENT			PC		Y	Y	Y	Y	Y
11	Appropriate For Recreation Capital Projects - CONSENT		SB	PC		Y	Y	Y	Y	Y
12	Appropriate For Municipal Capital Projects And Equipment		JH							
	a) All Terrain Vehicle (ATV)- Forestry					Y	Y	Y	Y	Y
	b) TMOD Implementation - Permitting and Progress Tracking					Y	Y	Y	Y	Y
	c) Transportation Mitigation - CONSENT			PC		Y	Y	Y	Y	Y
	d) Bedford St. and Hartwell Ave. Long-Range Transportation Improvements					Y	Y	Y	Y	Y
	e)Townwide Culvert Replacement - CONSENT			PC		Y	Y	Y	Y	Y
	f) Equipment Replacement - CONSENT			PC		Y	Y	Y	Y	Y
	g) Sidewalk Improvements - CONSENT			PC		Y	Y	Y	Y	Y
	h) Storm Drainage Improvements and NPDES compliance - CONSENT			PC		Y	Y	Y	Y	Y
	i) Comprehensive Watershed Stormwater Management - CONSENT			PC		Y	Y	Y	Y	Y
	j) Street Improvements - CONSENT			PC		Y	Y	Y	Y	Y

Select Board Positions
Working Document

#	Article Name	UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (PC)	Possible IP (?)	DL	JP	SB	JH	MS
12 (cont.)	k) Hydrant Replacement Program - CONSENT			PC		Y	Y	Y	Y	Y
	l) Municipal Parking Lot Improvements					Y	Y	Y	Y	Y
	m) New Sidewalk Installations					Y	Y	Y	Y	Y
	n) Network Core Equipment Replacement - CONSENT			PC		Y	Y	Y	Y	Y
	o) Network Redundancy & Improvement Plan - CONSENT			PC		Y	Y	Y	Y	Y
	p) (there is <i>no item associated with letter p</i>)									
	q) Scanning - Electronic Document Management - CONSENT			PC		Y	Y	Y	Y	Y
13	Appropriate For Water System Improvements.		MS			Y	Y	Y	Y	Y
14	Appropriate For Wastewater System Improvements - CONSENT		SB	PC		Y	Y	Y	Y	Y
15	Appropriate For School Capital Projects And Equipment - CONSENT		JP	PC		Y	Y	Y	Y	Y
16	Appropriate For Public Facilities Capital Projects		DL							
	a) Public Facilities Bid Documents - CONSENT			PC		Y	Y	Y	Y	Y
	b) Public Facilities Interior Finishes - CONSENT			PC		Y	Y	Y	Y	Y
	c) Public Facilities Mechanical/Electrical/Plumbing Replacements - CONSENT			PC		Y	Y	Y	Y	Y
	d) School Paving and Sidewalks - CONSENT			PC		Y	Y	Y	Y	Y
	e) Municipal Building Envelopes and Associated Systems - CONSENT			PC		Y	Y	Y	Y	Y
	f) School Building Envelopes and Associated Systems - CONSENT			PC		Y	Y	Y	Y	Y
	g) Pine Meadows Clubhouse Renovation- Design					Y	Y	Y	Y	Y
	h) 173 Bedford Street Renovation- Design;					W	W	W	W	W
	i) Solar Canopy & System - Police Station					W	W	W	W	Y
	j) East Lexington Fire Station- Feasibility Study					Y	Y	Y	Y	Y

Select Board Positions
Working Document

#	Article Name	UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (PC)	Possible IP (?)	DL	JP	SB	JH	MS
17	Appropriate To Post Employment Insurance Liability Fund - CONSENT		JP	PC		Y	Y	R	Y	Y
18	Rescind Prior Borrowing Authorizations - CONSENT		MS	PC		Y	Y	Y	Y	Y
19	Establish, Amend, Dissolve And Appropriate To And From Specified Stabilization Funds		DL			Y	Y	Y	Y	Y
20	Appropriate For Prior Years’ Unpaid Bills - CONSENT		SB	PC		Y	Y	Y	Y	Y
21	Amend Fy2023 Operating, Enterprise And CPA Budgets.		DL			Y	Y	Y	Y	Y
22	Appropriate For Authorized Capital Improvements.		DL			Y	Y	Y	Y	Y
23	Establish Special Education Reserve Fund		JH			Y	Y	Y	Y	Y
General Articles										
24	Select Board To Accept Easements - CONSENT		MS	PC		Y	Y	Y	Y	Y
25	Amend The General Bylaws - Demolition Delay		SB			W	Y	W	W	Y
26	Amend The General Bylaws - Municipal Opt-In Specialized Stretch Energy Code		JP			Y	Y	Y	Y	Y
27	Amend Fossil Fuel Bylaw - Compliance With DOER Regulations And Guidance	2/6/2023	JP							
28	Amend General Bylaws - Tree Bylaw - Increase Protected Tree Look-Back Period	2/6/2023	JP			W	Y	Y	W	Y
29	Amend General Bylaws - Tree Bylaw - Changes To Tree Committee Composition	2/6/2023	JP			Y	Y	Y	Y	Y
30	Humane Pet Store Bylaw Correction - CONSENT		SB	PC		Y	Y	Y	Y	Y
31	Fair Trade Restrictions - Fur Products (Citizen Petition)	2/27/2023	DL			Y	Y	Y	Y	Y
32	Dunback Meadow Sewer Easement (Citizen Petition)	1/23/2023	MS			Y	Y	Y	Y	Y
	- Proposed Amendment - Morse Fortier submitted 3/16/2023					N	N	N	N	N
Zoning Articles										

Select Board Positions
Working Document

#	Article Name	UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (PC)	Possible IP (?)	DL	JP	SB	JH	MS
33	Amend Zoning Bylaw - Special Permit Residential Development	2/13/2023	JH			Y	Y	Y	Y	Y
34	Amend Zoning Bylaw And Map - Multi-Family Zoning Housing For MBTA Communities	2/27/2023	JH			W	Y	W	Y	W
35	Supplemental Inclusionary Zoning Requirements For Village Overlay Districts - Refer Back to Planning Board - CONSENT	2/27/2023	JH	PC		RB	RB	RB	RB	RB
36	Amend Zoning Bylaw And Map - Central Business District	2/27/2023	SB			Y	Y	Y	Y	Y
37	Amend Zoning Bylaw - Action Deadline For Major Site Plan Review	2/27/2023	JP			W	Y	Y	Y	Y
38	Amend Zoning Bylaw - Minor Modifications To Approved Permits	2/27/2023	MS			Y	Y	Y	Y	Y
39	Amend Zoning Bylaw - Technical Corrections	2/27/2023	JH			Y	Y	Y	Y	Y
40	Amend Section 135 - 4.4 Of The Zoning Bylaw-Reduce Residential Gross Floor (Citizen Petition)	2/13/2023	DL			N	Y	N	N	Y
	- "Refer To" Planning Board					RT	W	RT	RT	W