

ZONING BY-LAW
for the
TOWN OF LEXINGTON

Amended at the 1937 Annual Town Meeting
held
March 15, 1937

and at an adjourned session thereof
held
March 22, 1937

Approved by the Attorney General
on
June 24, 1937

Section 1. For the purposes set forth in General Laws, Chapter 40, sections 25 to 30A inclusive (as amended by Statute 1933, Chapter 269) and under the authority thereof, and of General Laws, Chapter 143, and any other laws it thereto enabling, the inspection, materials, construction, alteration and repair, height, area, location and use of buildings and structures, and the use of land in the Town of Lexington are hereby regulated as herein provided, and the Town is divided into types of districts as hereinafter defined, and as shown on the Zoning Map prepared by J. Henry Duffy, Town Engineer, and filed with the Town Clerk, March 17, 1924, and all amendments thereto which Map as amended is hereby made a part of this By-Law.

Section 2. Definitions. In this by-law, the following terms shall have the meanings hereby assigned to them:-

(a) A one-family Dwelling is a detached dwelling intended and designed to be occupied by a single family.

(b) A two-family Dwelling is a detached dwelling intended and designed to be occupied by two families.

(c) An accessory use or building is a use or building customarily incident to and located on the same lot with the use or building to which it is accessory.

(d) A non-conforming use or building is an existing use or building which does not conform to the regulations for the district in which such use or building exists.

(e) A street, as used in this by-law, shall be interpreted to mean any public way for vehicular traffic or any private way laid out for or used as a public way for such traffic.

(f) A throughway is any State Highway primarily developed for through traffic, with a general Right of Way not less than 100 feet in width.

Section 3. Districts Defined. (a) On the map:-

R. 1 indicates one-family-dwelling residence districts;
R. 2 indicates two-family-dwelling residence districts;
T. 1 indicates trunk-highway districts with specially restricted uses, located adjacent to a throughway.

C. 1 indicates commercial districts - retail stores and other permitted businesses; and

M. 1 indicates manufacturing districts - light manufacturing.

(b) Supplementing the map said districts are defined as follows:

R. 1 DISTRICTS

Every part of the Town not shown upon the zoning map as amended and not hereinafter specifically designated as R.2, T.1, C.1 and M.1 Districts.

R. 2 DISTRICTS

1. A district beginning at the extreme easterly point of the Town, adjoining the town of Winchester, thence extending southwesterly along the boundary line between Lexington and Winchester and between Lexington and Arlington to the Arlington Reservoir, thence northwesterly along said Arlington Reservoir to Munroe Brook, thence along said Brook to a junction therewith of a brook commonly known as Reeds Brook, thence northeasterly along said brook to the boundary between Lexington and Winchester, thence southeasterly along said boundary line to the point of beginning.

2. Except the business district or districts hereinafter specifically designated therein, everything between the easterly line of Massachusetts Avenue and the Railroad property from the northerly line of Bow Street northerly along said Avenue to the southerly line of Fottler Avenue.

3. Except the business district or districts hereinafter specifically designated therein everything along the westerly side of Massachusetts Avenue from the northerly line of Sylvia Street to a line 100 feet distant, southerly from the southerly line of Charles Street, and of a depth of 100 feet westerly from the adjacent side line of Massachusetts Avenue.

4. On the westerly side of Massachusetts Avenue beginning at the northerly line of Lisbeth Street and extending northerly along said Avenue to the southerly line of Oak Street and of a depth of 100 feet westerly from the adjacent side line of Massachusetts Avenue.

5. Except the business district or districts hereinafter specifically designated therein everything between the easterly line of Massachusetts Avenue and the Railroad property from Robbins Cemetery northerly along said Avenue to a point opposite the northerly boundary of Follen

Road, excepting the single family residence district on the easterly side of Massachusetts Avenue beginning opposite the northerly boundary of Follen Road and extending southerly along said Avenue to a point opposite the southerly line of Oak Street and of a depth of 100 feet inward from the easterly line of Massachusetts Avenue.

6. Except the business district or districts hereinafter specifically designated as located therein, everything between the easterly side line of Massachusetts Avenue and the Railroad property, from a point on Massachusetts Avenue opposite Follen Road, northerly along said Avenue to a line 100 feet distant, southerly from the southerly line of Maple Street, and along the westerly side of Massachusetts Avenue from the northerly line of Follen Road to the southerly line of Plainfield Street and of a depth of 100 feet westerly from the adjacent side line of Massachusetts Avenue.

7. Woburn Street; beginning at the westerly line of Utica Street, and at a point on Woburn Street opposite said line, along both sides of Woburn Street westerly to the Railroad property, except the business districts hereinafter specifically designated as embraced therein and a depth of 100 feet inward from the southerly line of Woburn Street and on the northerly line of Vine Street for a depth of 100 feet in therefrom together with the entire area embraced between Woburn Street and Vine Street, except such portions as are hereinafter specifically designated as business districts therein, and on both sides of Cottage Street for a depth of 100 feet except the business district hereinafter specifically designated as embraced therein.

8. On both sides of Hayes Lane, Fletcher Avenue, Sheridan Street, Grant Street, and Sherman Street for a depth of 100 feet in from each and including all land that lies between any two of said streets, and from any one of them to the Railroad Property.

9. On Bedford Street, from the most southerly business districts thereon hereinafter specifically designated, extending northerly to Revere Street and Hill Street and embracing both sides of Tewksbury Street, of Shirley Street, and of Sargent Street, and extending in each instance to a depth of 100 feet in from the adjacent boundary line of said streets.

10. On the easterly side of Massachusetts Avenue from Cedar Street extending northerly to Lake Street and

embracing everything between and on both sides of Cedar and Lake Streets extending in an easterly direction to the westerly side of Columbus Street.

T. 1 DISTRICTS

1. Beginning at a point 200 feet easterly of the junction of the easterly line of Blossom Street with the southerly line of the new Concord Highway, thence easterly along the southerly line of the Concord Highway 200 feet, and of a depth of 100 feet throughout.

C. 1. DISTRICTS

1. Beginning at the Arlington Line, on the easterly side of Massachusetts Avenue extending northerly to Bow Street, and embracing everything between Massachusetts Avenue and the Railroad property.

2. Upon the westerly side of Massachusetts Avenue extending from the Arlington Line northerly to a point 100 feet beyond the northerly line of Sylvia Street and of a depth throughout of 100 feet from the westerly line of Massachusetts Avenue.

3. Upon the easterly side of Massachusetts Avenue beginning at the northerly corner of Bow Street and extending northerly for a distance of 120 feet, thence easterly for a distance of 110 feet, thence southerly for a distance of 115 feet to Bow Street, thence westerly 110.2 feet to the point of beginning.

4. Beginning at Fottler Avenue on the easterly side of Massachusetts Avenue extending northerly to and embracing both sides of the private way leading in to East Lexington Station and embracing everything between Massachusetts Avenue and the Railroad Property.

5. Upon the easterly side of Massachusetts Avenue beginning at a point 200 feet more or less south of the southerly exterior boundary of Curve Street, said point being the present boundary line between property of the Standard Oil Company of New York and property of Mary E. Barnes, thence along the easterly side of Massachusetts Avenue to the southerly boundary of the northerly entrance to Curve Street, and of a depth of 100 feet inward from Massachusetts Avenue throughout.

6. Upon the westerly side of Massachusetts Avenue

beginning at the southerly side of Independence Avenue and extending southerly along the westerly side of Massachusetts Avenue to a point opposite the southerly termination of the business district upon the opposite easterly side of Massachusetts Avenue and of a depth inward of 100 feet from the westerly line of Massachusetts Avenue.

7. Upon the northerly side of Massachusetts Avenue beginning at Vine Brook and extending westerly to the easterly line of Meriam Street, throughout its length extending northerly to the Railroad property.

8. Upon the westerly side of Massachusetts Avenue beginning at the northerly line of Winthrop Road and extending northerly to a point opposite the southerly line of Meriam Street and of a depth of 100 feet from the westerly line of Massachusetts Avenue, throughout.

9. On both sides of Waltham Street extending westerly from Massachusetts Avenue, the plot on the southerly side extending to the easterly line of Vine Brook Road, and the plot on the northerly side extending to a point opposite the easterly line of Vine Brook Road, each plot of a depth of 100 feet from the adjacent side line of Waltham Street.

10. On the westerly side of Bedford Street from the southerly line of the present Colonial Garage property, and from a point directly opposite on the easterly side, and extending northerly along both sides of Bedford Street, to the present northerly line of Custance Brothers' Yard on the westerly side of Bedford Street, and to a point directly opposite on the easterly side, the former plot being of a depth of 100 feet westerly from the westerly side of Bedford Street, and the latter plot extending to the Railroad property on the easterly side of Bedford Street.

11. On the easterly side of Bedford Street the property known as the Carbarn property, extending from Bedford Street to the Railroad property, and on the westerly side of Bedford Street extending southerly from a point opposite the northerly boundary of the Carbarn Property to Reed Street and of a depth of 100 feet from the westerly line of Bedford Street.

12. On the easterly side of Bedford Street beginning at the Railroad property and extending 150 feet more or less northerly along Bedford Street and embracing the property formerly known as the William L. Burrill property and of a depth of 100 feet easterly in from the easterly side line of

Bedford Street, and on the westerly side of Bedford Street beginning at its junction with the railroad property and extending along the railroad property for a distance of 500 feet and extending easterly to the brook known as the North-Lexington Brook.

13. At the junction of Bedford Street and North Hancock Street upon the easterly side of Bedford Street and northerly side of North Hancock Street, extending 200 feet northerly along Bedford Street and 250 feet easterly along North Hancock Street, and of a depth of 100 feet from the adjacent side line of each.

14. At the junction of Woburn and, Lowell, Streets business districts upon each of the corners of 100 feet in depth and extending for a distance of 200 feet along each street from the junction points of the side lines of the streets.

15. At the junction of Waltham Street and Concord Avenue, business districts upon the four corners of the crossing extending 200 feet along each street from the crossing points of the side lines of the streets, and of a depth of 100 feet.

16. At the junction of Waltham Street and Marrett Road, formerly Middle Street, business districts upon the four corners of the crossing extending 200 feet in each instance from the crossing points of the side lines of the streets along said streets and each of a depth of 100 feet.

17. At the junction of Marrett Road, formerly Middle Street, Spring and Bridge Streets, business districts extending from the junction points of the side lines of and upon both sides of the intersecting streets for a distance of 150 feet and of a depth of 100 feet from the adjacent street lines in each instance.

18. At the junction of Marrett Road, formerly School Street, Lincoln and School Streets commonly known as "The Five Forks" a business district extending from the junction points of the side lines of and upon both sides of the intersecting streets for a distance of 200 feet and of a depth of 100 feet from the adjacent street line in each instance.

19. At the junction of Lowell Street and North Street as follows: On both sides of Lowell Street a distance of 300 feet northerly and 300 feet southerly from the point of

intersection of the center lines of Lowell Street and North Street, and on both sides of North Street a distance of 250 feet northwesterly from the point of intersection of the center lines of Lowell and North Streets, and on both sides of North Street northeasterly a distance of 200 feet from the intersection of the center lines of Lowell and North Streets.

20. Upon both sides of Woburn Street, beginning on the northerly side, at Vine Street and extending easterly to the westerly line of Manley Court, and upon the southerly side, beginning at the easterly property line of the Railroad and extending easterly to the westerly boundary of the most easterly entrance to Cottage Street, each plot of a depth of 100 feet inward from the adjacent side line of Woburn Street.

21. Upon the easterly side of Pleasant Street beginning at a point 100 feet southerly from the intersection of the Concord Turnpike extending 150 feet along Pleasant Street and of a depth of 200 feet throughout.

22. Beginning at a point in the northeasterly side line of Bedford Street, said point being southeasterly and distant 219.04 feet from the southeasterly terminus of a curve of radius 1513.11 feet; thence running northeasterly distant 200 feet; thence turning and running northwesterly distant 300 feet; thence turning and running southwesterly distant 250 feet to the northeasterly side line of Bedford Street; thence turning and running by said side line of Bedford Street, southeasterly distant 247 feet to the point of beginning and comprising $1 \frac{3}{8}$ acres of land more or less.

(The following paragraph was inserted by vote at the Special Town Meeting of September 21, 1936. There was no item or paragraph number shown.)

A triangular parcel of land bounded on the northwest by Fletcher Avenue distant 183.90 feet, on the southwest by Woburn Street distant 320.22 feet, and on the northeast by the Boston and Lowell Railroad Corp. right of way distant 317.40 feet, containing about 27,994 square feet.

(The following paragraph was inserted by vote at the Special Town Meeting of September 21, 1936. There was no item or paragraph number shown.)

At the junction of the Concord Turnpike and Watertown Street the parcel bounded easterly by the curve at said

junction 55.98 feet; southerly by said Turnpike 277.50 feet; westerly by a line at right angles to said Turnpike 98.97 feet; northwesterly by a line at right angles to said Watertown Street 98.97 feet; and northeasterly by said Watertown Street 286.96 feet.

M. 1 DISTRICTS

1. Beginning on the easterly line of the Railroad property at the northerly side line of Fottler Avenue and extending along the easterly line of the Railroad property for a distance of 2,700 feet, thence easterly inward from said Railroad property a distance of 300 feet, thence southerly parallel with said Railroad property to a point opposite the point of beginning, thence westerly to the point of beginning.

2. A plot 250 feet wide upon each side of the Railroad property extending from Westview Street, formerly known as Summer Street, in a southerly direction to the northerly line of Centre Street.

Section 4. Permitted Uses. In the following districts the designated buildings and structures and alterations and extensions thereof and uses accessory thereto are permitted also the designated uses of lands, buildings, structures, or parts thereof, and no others:-

In R. 1 Districts:-

1. One-family detached houses.
2. The taking of boarders or the letting or renting of rooms by a resident family in a dwelling; but no dwelling so used shall be constructed or enlarged for the purpose unless specially permitted under provisions of Section 9.
3. Churches, public libraries and parish houses.
4. Farms and customary uses accessory thereto only, and truck gardens.
5. Real estate signs of not over six square feet in area advertising the sale or rental of only the premises on which they are located, and bulletin boards and/or signs accessory to uses specified in paragraphs 3, 4, and 6 under R. 1 districts; but in single subdivisions large signs may be erected but subject to the provisions of Section 9.

6. Subject to the provisions of Section 9, the following:-

(a) Greenhouses and nurseries, trucking and/or express business.

(b) Hospitals, sanatoria, physicians offices, charitable institutions, public and private schools, halls, clubs and meeting places, cemeteries and telephone exchanges.

(c) Public parks, playgrounds, recreation buildings, water towers and reservoirs.

(d) Passenger stations, fire and police stations, landing fields and radio and other public service sites, buildings and/or uses not elsewhere covered.

In R. 2 Districts:-

All uses that are permitted under R. 1 but subject to any conditions and restrictions set forth therein, and the following:-

1. Two-family dwellings.

2. Subject to the provisions of Section 9, hotels, boarding and lodging houses.

In T.1 Districts:-

All uses that are permitted under R.1 and R.2, but subject to any conditions and restrictions set forth therein and the following subject to the provisions of Section 9.

1. Retail gasoline, oil and greasing stations.

2. Sale and installation of tires and other automobile accessories.

In C. 1 Districts:-

All uses that are permitted under R. 1 and R. 2 but subject to any conditions and restrictions set forth therein and the following:-

1. Apartment houses, subject to other laws and by-laws.

2. Retail stores and shops for custom work or the making only of articles to be sold at retail on the premises.

3. Business or professional offices and banks.

4. Restaurants and other places for serving food.

5. Places of business of a seller of bakers' products, barber, caterer, clothes cleaner and presser, confectioner, decorator, dressmaker, retail dyer, electrician, florist, furrier, hair dresser, hand laundry, manicurist, milliner, news-dealer, optician, painter, paper hanger, photographer, shoemaker, shoe repairer, shoe shiner and tailor.

6. Subject to the provisions of Section 9:-

(a) Blacksmith, builder, carpenter, contractor, mason, plumber, printer, publisher, roofer, tinsmith, upholsterer, undertaker; and similar uses which may, as provided under Section 9, in specific instances be found to be compatible with the uses above mentioned.

(b) Theatres, moving picture shows, bowling alleys, skating rinks, billiard rooms and similar commercial amusement places.

(c) Retail gasoline and oil stations, garages for storage and repair, salesrooms for motor vehicles and stables.

(d) Billboards, as regulated by law and by laws.

(e) Retail dealers in ice, grain, fuel, lumber and structural Materials, milk depots and other commercial non-manufacturing uses not hereinbefore specified.

In M. 1 Districts (light manufacturing);-

All buildings and uses permitted under R. 1, R. 2, and C. 1, but subject to any conditions and restrictions set forth therein and the following:-

Light manufacturing, employing only electricity and/or other substantially noiseless and unoffensive motive power, utilizing hand labor and/or quiet machinery and processes, free from neighborhood disturbing odors and/or agencies.

HEIGHT REGULATIONS

Section 5. Residence Districts:-

(a) The limit of height in all residence districts

shall be two and one-half stories not to exceed forty feet, except that schools, municipal buildings and hotels may contain three full stories and may go as high as forty-five feet.

(b) The limitations of height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other accessory features usually carried above roofs, nor to domes, towers or spires of churches and other buildings, if such features are in no way used for living purposes.

AREA REGULATIONS

Section 6. (a) In R. 1 and R. 2 districts no dwelling shall be erected upon land laid out for houselots after the adoptions of this by-law unless there be provided for each such dwelling a lot frontage of not less than 75 feet upon the frontage street, and an area of not less than seven thousand five hundred square feet. On each side of each dwelling or other permitted main structure there shall be provided a side yard of at least ten feet in width, which shall be kept open from the front line of the main structure to the rear line thereof.

This paragraph shall not apply to lots of less than 75 foot frontage duly recorded by plan or deed at the time this by-law is adopted.

(b) Where a corner lot has its corner bounded by a curved line connecting other bounding lines which if extended would intersect, the frontage and area shall be computed as if such bounding lines were so extended.

Section 7:-

(a) In residence districts designated as R.1 and R.2, and T.1, and in C.1 Districts designated at the following points, namely, junction of Waltham Street and Marrett Road, known as Grape Vine corner; junction of Marrett Road and Spring Street; junction of Lincoln and School Streets and Marrett Road, commonly known as "The Five Forks", junction of Waltham Street and Concord Avenue; of Woburn and Lowell Streets and the junction of Lowell and North Streets, and in C.1 Districts hereafter created, a yard of at least twenty feet in depth between the exterior line of the street, and not less than forty feet from the center line of such street, whether accepted or not, and the adjacent line of

any porch or building, shall be provided for every lot of land, and no new building or structure shall be constructed and no building or structure shall be moved, altered, reconstructed, enlarged or rebuilt in such districts so that a yard less in depth shall result; except that this section shall not apply to buildings fronting on streets on which building lines shall have been specially established according to law during or subsequent to the year 1924.

(b) Dwellings hereafter erected on land not fronting on a street shall have not less than the minimum lot area as provided in this by-law, and an approach street established under the Board of Survey Act, and in any event only by application under the subject to the provisions of Section 9.

ACCESSORY USES

Section 8:-

(a) Accessory uses which do not alter the character of the premises on which they are located, or impair the neighborhood shall be permitted.

(b) Private garages for not more than three cars shall be permitted as accessory uses, but subject to the provisions of paragraph (a).

(c) Where the term "accessory" applies to manufacturing of any kind, it shall be restricted to such light manufacturing as is incidental to a permitted use and where the product is customarily sold on the premises by the producer to the consumer.

(d) Hotels, as distinct from apartment houses, where permitted under this by-law, shall contain no arrangements of any description for private cooking or housekeeping.

EXCEPTIONS

Section 9:-

Permits by Board of Appeals Required as a Condition Precedent. When in its judgment the public convenience and welfare will be substantially served, and where such exception will not tend to impair the status of the neighborhood, the Board of Appeals may in a specific case, upon written petition, a hearing of which fourteen days'

public notice as provided for in Section 17 shall have been given, and subject to appropriate conditions and safeguards, determine and vary the application of the regulations here established in harmony with their general purposes and intent as follows:-

(a) Permit any uses referred to this section by other sections hereof.

(b) Permit variations from the provisions of Section 6 and 7 where topography or other conditions make it necessary.

(c) Permit the alteration of a one-family house or building wherever located to accommodate more than one family.

(d) Permit temporary structures and uses that do not conform to the uses and regulations herein prescribed, with such conditions as will protect the community, provided that no such permit shall be for more than a one-year period.

(e) Permit for yearly terms production of articles in whole or substantial part from materials excavated or grown upon the premises.

(f) Permit for yearly terms a roadside stand for the sale of only the products of the land of the owner that is within the town, provided that the front yard regulations and all other conditions imposed by the Board of Appeals are complied with.

(g) Permit in any district any use obviously intended, or that is harmonious or compatible with or accessory to the uses or any of them herein mentioned, or necessary for public convenience or benefit, but which has not been specifically mentioned, or which may have developed since the framing of this by-law.

(h) The building inspector shall grant no permit under this section except as directed by the Board of Appeals following the procedure laid down herein, and in conformity with the decision of the Board of Appeals.

GENERAL PROVISIONS

Section 10. Existing Uses and Buildings. Any use or building or part of a building which, at the time of the

adoption of the original Lexington Zoning By-Law was and still is being put to a non-conforming use, may continue to be used for the same purpose, and may be repaired or structurally altered; but no such building, if destroyed to the extent of 90 per cent of its insurable value, shall be rebuilt, nor shall such building be extended or enlarged, nor shall it be used for a different purpose except subject to the provisions of Section 9.

Section 11. District Boundaries. The district boundaries shall be as shown on the zoning map, supplemented by the definitions thereof in Section 3, paragraph (b). When boundaries not otherwise defined run between streets and approximately parallel to them, they shall be deemed to follow a mean line between said streets, except that any such boundary when bounding the rear of a business district or where paralleling a street through an undeveloped area, shall be not more than one hundred feet inward from the building line of such street.

Section 12. Conflict of laws. Where this by-law imposes a greater restriction upon the use of buildings or premises than is imposed by existing provisions of other by-laws of the town, the provisions of this by-law shall control.

Section 13. Plats. Applications of building permits shall be accompanied in each instance by a plan of the lot in duplicate drawn to scale, showing the dimensions of the lot and the exact location and size of buildings already upon the lot, and of the buildings to be erected, together with streets and alleys on and adjacent to the lot. A record of such applications and plats shall be kept on file in the office of the building inspector.

Section 14. Enforcement. Except as otherwise provided, this by-law shall be administered by the building inspector. He shall approve no application of any kind, plans and specifications and intended use for which are not in all respects in conformity with this by-law.

Section 15. Occupancy Permit. No building erected, altered or in any way changed as to construction or use under a permit, shall be occupied or used without an occupancy permit signed by the building inspector, which permit shall not be issued until the building and its uses and accessory uses comply in all respects with this by-law.

Section 16. There shall be a Board of Appeals of five

members who shall be appointed by the Selectmen for terms of five years each, the term of one appointee to expire each year. The terms of the members of the Board first appointed after the adoption of this by-law shall expire in such order as the Selectmen shall designate. The Selectmen shall also appoint annually two associate members of the Board of Appeals one or both of whom may be designated by the Selectmen from time to time to take the place of a regular member or members of the Board of Appeals as to cases arising under this by-law in case of vacancy, inability to act or interest.

Section 17. Amendments. The Planning Board, upon vote of the Town, upon petition signed by owners of 50 per cent in valuation of the property designated or accepted by the Planning Board as affected by the respective proposed amendments, or upon its own initiative, shall hold public hearings, 14 days' public notice of which shall be given in a local paper and upon notice by mail to such interested parties as the Board shall designate, for consideration of all proposed amendments to this by-law, and report to the Town its recommendations as to what action should be taken, and no amendments shall be made to this by-law except pursuant to the provisions of this section.

Section 18. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof.

Section 19. This by-law shall take effect upon its approval by the Attorney General and publication according to law.

Section 20. Any building, structure or use of premises not herein expressly permitted, is hereby forbidden.

Section 21. No owner shall knowingly permit violation of the provisions of this by-law by any tenant or occupant of his premises.

Lexington, Mass., July 25, 1983.

This is to certify that the foregoing is a true and exact copy of the Zoning By-Law of the Town of Lexington as amended at the 1937 Annual Town Meeting held March 15, 1937 and at an adjourned session thereof held March 22, 1937 and as approved by the Attorney General on June 24, 1937.

Mary R. McDonough

Mary R. McDonough, Town Clerk
Lexington, Massachusetts