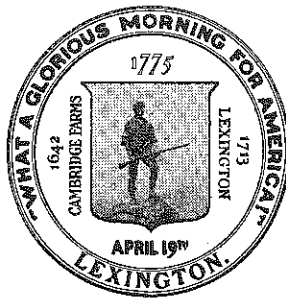
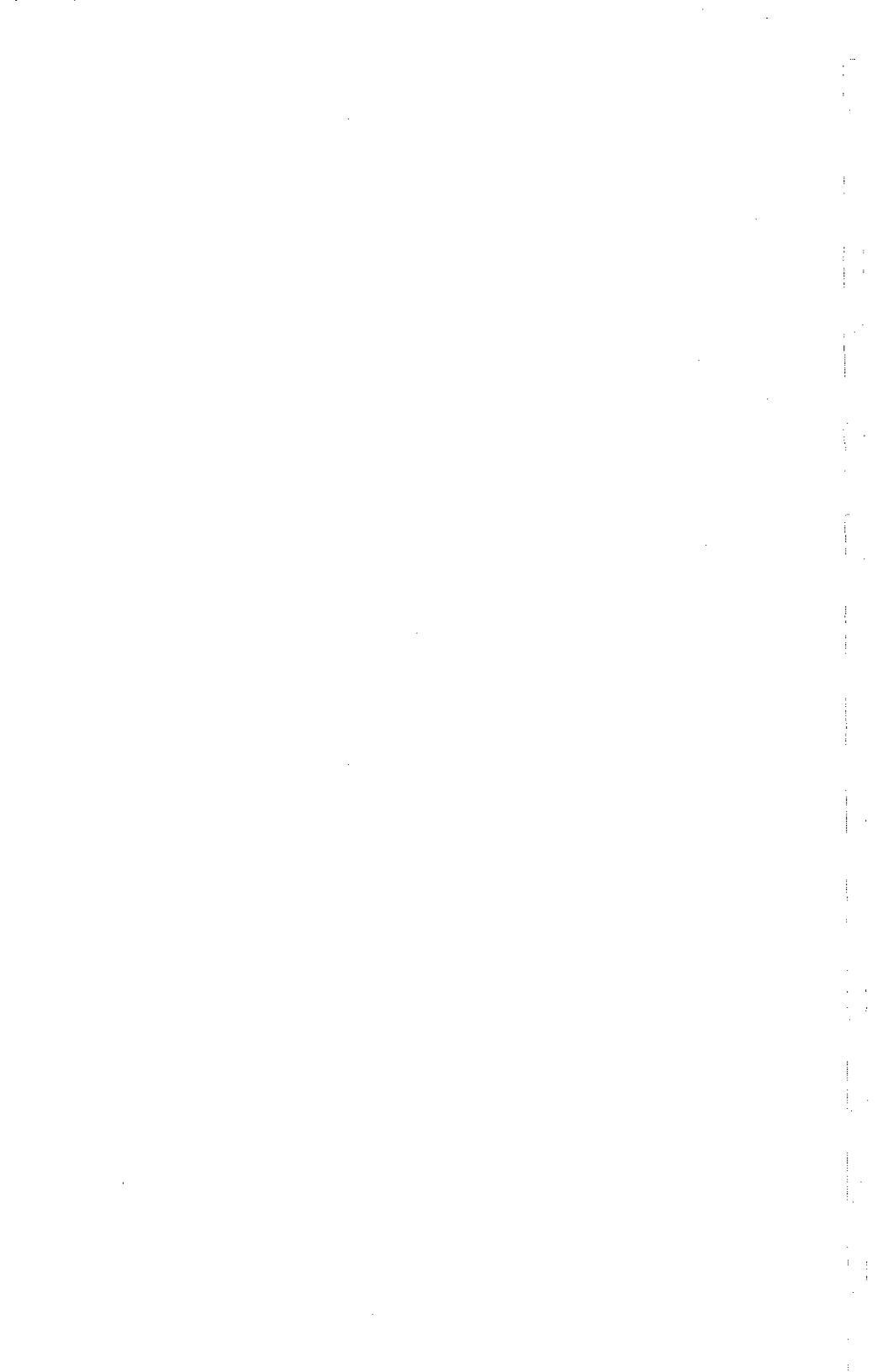


ZONING BY-LAW
OF THE
TOWN OF LEXINGTON



JAN 1 1965



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ZONING BY-LAW

of the

TOWN OF LEXINGTON

SECTION 1.

PURPOSE

For the purposes set forth in General Laws, Chapter 40, Sections 25 to 30B inclusive, and all acts in amendment thereof and in addition thereto, and under the authority thereof and of General Laws, Chapter 143, and any other enabling laws, the inspection, materials, construction, alteration and repair, height, area, location and the 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 districts as hereinafter defined and as shown on the Zoning Map prepared by William M. Burns, Town Engineer, dated 1950, and filed with the Town Clerk, which Map is hereby made a part of this By-Law.

SECTION 2.

DEFINITIONS

For the purpose of this By-Law, the following words and terms used herein are hereby defined or the meaning thereof is explained or limited:

- (a) Family. Any number of individuals living and cooking together in a single housekeeping unit.
- (b) One Family Dwelling. A detached residential building intended and designed to be occupied exclusively by a single family.

- (c) Two Family Dwelling. A detached residential building intended and designed to be occupied exclusively by two families.
- (d) Accessory Use or Building. 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 and not detrimental to the neighborhood.
- (e) Non-Conforming Use or Building. A lawfully existing use or building which does not conform to the regulations for the district in which such use or building exists.
- (f) Lot. An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose.
- (g) Street. A public way, or a private way legally open or dedicated to public use or approved by the Planning Board. A public or private way as aforesaid shall not be deemed to be a "street" as to any lot of land that does not have rights of access to and of passage over said way.
- (h) Hotel. A building or a portion thereof designed or used for serving food in a public dining room and containing fifteen or more sleeping rooms for resident or transient guests.
- (i) Building. The word "building" shall include the word "structure," unless the context unequivocally indicates otherwise.
- (j) Erected. The word "erected" shall include the words "built," "constructed," "reconstructed," "altered," "enlarged," and "moved."
- (k) Story. That portion of a building contained between any floor and the floor or roof next above it, but not in-

cluding either the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building, or the uppermost portion so contained if under a sloping roof and not designed or intended to be used for human occupancy.

- (l) Half Story. A story directly under a sloping roof in which the points of intersection of the bottom of the rafters and the interior faces of the walls are less than 3 feet above the floor level.
- (m) Recorded. The due recording in the Middlesex County South District Registry of Deeds or, as to registered land, the due filing in the Middlesex County South District Land Registration Office.
- (n) Front Yard. The open space between a building and the exterior line of each street on which the lot on which it stands abuts.
- (o) Side and Rear Yard. The open space at the sides and rear of a building between the building and the boundaries, other than streets, of the lot on which it stands.
- (p) Sanitary Sewer. A public sanitary sewer of the Town of Lexington.
- (q) Municipal. The word "municipal" means the Town of Lexington.
- (r) Public. The word "public" means the Town of Lexington.
- (s) Fire Lane. An open space in which no automotive vehicles may be parked and in which no building or structure may be erected without written permission from the Head of the Lexington Fire Department. The open space shall be between a building and a line parallel to and fifteen feet equidistant from a building.

SECTION 3.

DISTRICTS DEFINED

The Town is hereby divided into districts designated as follows:

- (a) R 1 - One family dwelling districts.
- (b) R 2 - Two family dwelling districts.
- (c) C 1 - Local business districts.
- (d) C 2 - General business districts.
- (e) T 1 - Truck highway districts.
- (f) CM 1 - Commercial and light manufacturing districts.
- (g) A 1 - Garden apartment districts.
- (h) C 3 - Special commercial districts.
- (i) CH 1 - Commercial and hotel districts.
- (j) C 4 - Small office districts

SECTION 4.

GEOGRAPHICAL DESCRIPTIONS OF DISTRICTS

In the event of any discrepancy between the boundaries of the districts as shown on the Zoning Map and as hereafter described, the descriptions set forth in this section shall govern.

(a) R 1 - One family dwelling districts. Every part of the Town not shown upon the Zoning Map or not hereinafter specifically designated as a district other than R 1 is hereby specifically made an R 1 district.

(b) R 2 - Two family dwelling districts.

1. A district on the southwesterly side of Massachusetts Avenue extending from a line westerly of and distant 100 feet from the westerly line of Sylvia Street to a line easterly of and distant 100 feet from the easterly line of Charles Street and for a depth of 100 feet throughout.

2. A district on the southwesterly side of Massachusetts Avenue extending from the westerly line of Lisbeth Street to the easterly line of Oak Street and for a depth of 100 feet throughout.

3. A district on the southwesterly side of Massachusetts Avenue extending from the northerly line of Follen Road to the southeasterly line of Plainfield Street and for a depth of 100 feet throughout with the exception of a business district designated therein.

4. A district between the northeasterly line of Massachusetts Avenue and the railroad right of way extending from the northwesterly line of the private way leading to the East Lexington Depot to a line southeasterly of and distant 100 feet from the southeasterly line of Maple Street with the exception of a business district designated as located therein.

(c) C 1 - Local business districts.

1. A district on the southwesterly side of Massachusetts Avenue extending from the Arlington line westerly to a point 100 feet beyond the westerly line of Sylvia Street and a depth throughout of 100 feet from said southwesterly line of Massachusetts Avenue.

2. A district on the easterly side of Massachusetts Avenue beginning at the intersection of the easterly line of Massachusetts Avenue with the more southerly line of Curve Street, thence easterly along said southerly line of Curve Street distant about 100 feet to a point, thence southerly by a straight line distant about 83 feet to a point, thence westerly by a straight line distant about 100 feet to a point in the said easterly line of Massachusetts Avenue, thence northerly 80.30 feet to the point of beginning.

3. A district on the westerly side of Massachusetts Avenue beginning at the intersection of the westerly line of Massachusetts Avenue with the southerly line of Independence Avenue, thence southerly along said westerly line of Massachusetts Avenue distant 88 feet to a point, thence westerly by a straight line distant 100 feet to a point, thence northerly by a straight line distant 88 feet more or less to a point in the southerly line of Independence Avenue, thence easterly along said southerly line of Independence Avenue distant 100 feet to the point of beginning.

4. A district on the northeasterly side of Bedford Street beginning at the intersection of the northeasterly line of Bedford Street and the southeasterly lot line of land now of the Middlesex & Boston Street Railway Company, thence northeasterly along said lot line and the extension of said lot line to a point in the southwesterly line of the railroad right of way, thence northwesterly along said southwesterly line of the railroad right of way to a point in the northeasterly line of Bedford Street, thence southeasterly along said northeasterly line of Bedford Street to the point of beginning.

5. A district on the southwesterly side of Bedford Street between the railroad right of way and the North Lexington Brook beginning at the intersection of the southwesterly line of Bed-

ford Street with the northeasterly line of the railroad right of way, thence northwesterly along said northeasterly line of the railroad right of way distant about 740 feet to a point, thence northeasterly distant about 152 feet to a point at the center line of the North Lexington Brook, thence southeasterly along the said center line of the North Lexington Brook about 490 feet to a point in the said southwesterly line of Bedford Street, thence southeasterly distant about 265 feet to the point of beginning.

6. A district on the easterly side of Bedford Street between North Hancock Street and Harding Road beginning at a point on the northerly line of North Hancock Street, said point being westerly and distant 64.48 feet from the westerly terminus of a curve of 281.86 feet radius, thence westerly distant 68.70 feet to a point of curvature, thence following the northerly line of North Hancock Street, the easterly line of Bedford Street and the southeasterly line of Harding Road to Lot 12 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 6988, Page 1, thence southeasterly along the southwesterly lot line of said Lot 12 distant 107.68 feet to a point, thence easterly along the southerly lot line of said Lot 12 distant 46 feet to a point, thence southerly by a straight line distant 108.96 feet to the point of beginning.

7. A district at the northeasterly corner of Marrett Road and Waltham Street beginning at a point in the northeasterly side of said Marrett Road, said point being the intersection of said street line with the lot line between Lots 80 and 81 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 274, Page 43, thence northwesterly along the northeasterly line of said Marrett Road to a point on the easterly side of said Waltham Street, thence easterly along the southerly line of Grapevine Avenue to its intersection with the rear lot line of Lot 78B as shown on a plan recorded in the Middlesex South District Registry of Deeds, Book 365, Page 32, thence southeasterly along the northeasterly lines of Lot 78B, 79 and 80 as shown on plans hereinabove referred to distant 177.35 feet to a point, thence southwesterly distant 121.71 feet to the point of beginning.

8. A district at the southeasterly corner of Marrett Road and Waltham Street beginning at a point in the easterly line of said Waltham Street, said point being the intersection of said

street line with the lot line between Lots A and D as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 7185, Page 474, thence northerly along the easterly line of said Waltham Street and southeasterly along the southwesterly line of said Marrett Road to its intersection with the lot line between Lots 22 and 23 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 273, Page 9, thence southwesterly distant 123.24 feet to a point, thence northwesterly distant 14.20 feet to a point, thence westerly distant 104.26 feet to the point of beginning.

9. A district at the southwesterly corner of Marrett Road and Waltham Street, consisting of an area 200 feet wide, running southerly from the southerly line of said Marrett Road along the westerly side of said Waltham Street distant 360.35 feet to a lot line as shown on Land Court Plan #18315A.

10. A district on the northerly side of Marrett Road beginning at a point 69.50 feet westerly of the westerly terminus of a curve of 215.47 feet radius, thence westerly along the northerly line of said Marrett Road distant 197.70 feet to a point, thence northerly distant 214.15 feet to a point, thence westerly distant 86.04 feet to a point, thence northeasterly distant 78.12 feet to a point, thence southeasterly distant 260.42 feet to a point, thence southwesterly distant 60 feet to a point, thence westerly distant 15.3 feet to a point, thence southerly distant 200.9 feet to the point of beginning, said district including Lots 193, 194 and 195 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 349, Page 49, and Lot 239 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 321, Page 5.

11. A district at the westerly corner of Marrett Road and Spring Street and running westerly along the southerly side of said Marrett Road distant 411.14 feet from the westerly terminus of a curve of 265.47 feet radius to the westerly lot line of Lot 235 as shown on a plan recorded in Middlesex South District Registry of Deeds in Book 321, Page 5, and running southwesterly along the northwesterly side of said Spring Street distant 85.19 feet from the southwesterly terminus of a curve of 32.60 feet radius to the southerly lot line of Lot 230C as shown on a plan recorded in said Registry of Deeds in Book 361, Page 20, and extending southerly from said southerly side

of Marrett Road to the southerly lot lines of Lots 230C, 230B, 230A, 231, 232, 233, 234, and 235, all of said lots being shown on said plans hereinabove referred to.

12. A district at the intersection of the northeasterly line of Lincoln Street with the easterly line of School Street extending for a distance of 200 feet southeasterly along said Lincoln Street and for a distance of 200 feet northerly along said School Street and for a depth of 200 feet from the lines of said streets.

13. A district at the southeasterly corner of Lincoln Street and Marrett Road beginning at a point in the easterly line of Marrett Road, thence bearing to the right with a curve of 60 feet radius distant 95.61 feet to a point of tangency in the southerly line of said Lincoln Street, thence $N 83^{\circ} 39' E$ distant 42.50 feet to a point of curvature, thence bearing to the right with a curve of 626.96 feet radius distant 74.60 feet to a point, thence southerly along a lot line distant 158 feet to a point, said lot line being described in a deed recorded in the Middlesex South District Registry of Deeds in Book 4491, Page 161 thence easterly along the northerly lot line of Lot 9 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 4273 at the end, distant 240 feet to a point, thence along the easterly lot lines of said Lot 9 and Lot 8 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 382, Page 2, by two courses distant 157 feet to a point, thence westerly along the southerly lot line of said Lot 8 distant 330 feet to a point in the easterly line of said Marrett Road, thence $N 7^{\circ} 39' W$ distant 304.03 feet to the point of beginning.

14. A district at the southwesterly corner of Waltham Street and Concord Avenue beginning at a point on the southerly line of said Concord Avenue, thence bearing to the right with a curve of 69.17 feet radius distant 90.99 feet to a point of tangency in the westerly line of said Waltham Street, thence $S 5^{\circ} 39' 05'' E$ distant 42.06 feet to a point of curvature, thence bearing to the right with a curve of 1945.62 feet radius distant 52.94 feet to a point, thence $N 81^{\circ} 04' 20'' W$ distant 150 feet to a point, thence $N 50^{\circ} 22' 30'' W$ distant 148.54 feet to a point in the southerly line of Concord Avenue, thence $S 81^{\circ} 01' 25'' E$ distant 96.61 feet to the point of beginning.

15. A district at the southeasterly corner of Waltham Street and Concord Avenue beginning at a point on the southerly line of Concord Avenue, thence along said southerly line S $79^{\circ} 43' 15''$ E distant 68.52 feet to a point, thence S $11^{\circ} 44' 55''$ W distant 160.45 feet to a point, thence westerly distant 99.50 feet to a point in the easterly line of said Waltham Street, thence northerly along the easterly line of said Waltham Street by a curve bearing to the left of 2005.62 feet radius distant 95.33 feet to a point of reverse curvature, thence bearing to the right with a curve of 60.97 feet radius distant 112.72 feet to the point of beginning.

16. A district 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.

17. A district consisting of a triangular area of land bounded on west by Fletcher Avenue distant 183.90 feet, on the south by Woburn Street distant 320.22 feet, and on the northeast by the railroad right of way distant 317.40 feet, containing about 27,994 square feet.

18. A district 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 and of a depth of 100 feet from the adjacent street lines in each instance.

19. A district on the westerly side of Bedford Street beginning at a point on the southwesterly side of Bedford Street, said point being northwesterly and distant 154 feet from a stone bound marking the southeasterly terminus of a curve of radius 866.4 feet and extending southeasterly along Bedford Street to the northeasterly side line of Reed Street and of a depth of 100 feet from the adjacent side line of Bedford Street.

20. A district on the easterly side of Bedford Street beginning at the Railroad property and extending 150 feet north-

erly 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.

21. A district on the southerly corner of Lincoln Street and Marrett Road and extending southwesterly along said Lincoln Street and southeasterly along said Marrett Road for a distance of 200 feet in each instance and for a depth of 100 feet from the adjacent street lines.

22. Districts at the junction of Woburn and Lowell Street upon each of the four corners and extending for a distance of 200 feet along each street from the junction points of the side lines of each street thence back at right angles to each said street until the exterior lines intersect.

23. A district on the northwesterly corner of Marrett Road and Waltham Street and extending northeasterly along said Waltham Street and northwesterly along said Marrett Road for a distance of 200 feet in each instance and for a depth of 100 feet from the adjacent street lines.

(24. Deleted 1963)

25. A district at the northwesterly corner of Waltham Street and Concord Avenue and extending 200 feet northerly along the westerly line of Waltham Street and 200 feet westerly along the northerly line of Concord Avenue from the intersection of said street lines, thence back at right angles to each said street until the exterior lines intersect.

(d) C 2 - General business districts.

1. A district on the northwesterly side of Massachusetts Avenue extending northeasterly from the Arlington-Lexington town line to the northwesterly line of the private way leading to the East Lexington Depot and extending northeasterly from Massachusetts Avenue to the railroad right of way.

2. A district on the southwesterly side of Massachusetts Avenue extending from the northwesterly line of Waltham Street to the southeasterly line of Muzzey Street and from the southwesterly line of said Massachusetts Avenue to the southwesterly lot lines of premises now numbered 73 Waltham Street and 20 Muzzey Street as shown respectively on a plan in Book 68, Page 13, and a deed in Book 6865, Page 558, at the Middlesex South District Registry of Deeds.

3. A district on the southwesterly side of Massachusetts Avenue beginning at the intersection of the southwesterly line of said Massachusetts Avenue with the northwesterly line of Muzzey Street, thence northwesterly along said southwesterly line of Massachusetts Avenue distant about 173 feet to a point, thence southwesterly distant 149.50 feet to a point, thence southeasterly distant 11 feet to a point, the last two described lines being shown on a plan recorded in the Middlesex South Registry of Deeds in Book 6130, Page 59, thence by a straight line distant about 380 feet to a point in the northeasterly line of Raymond Street, thence southeasterly distant 165 feet to the intersection of said northeasterly line of Raymond Street with the northwesterly line of Muzzey Street, thence northeasterly along said northwesterly line of Muzzey Street to the point of beginning.

4. A district on the northeasterly side of Massachusetts Avenue between the northeasterly line of said Massachusetts Avenue and the southwesterly side of the railroad property and extending from the northwesterly line of Grant Street to the southeasterly line of Meriam Street. Said district shall also include adjoining land bounded as follows: northwesterly by a part of the land described in the preceding sentence, fifty-one and 46/100 (51.46) feet; northeasterly by railroad property, twenty-four and 25/100 (24.25) feet; southeasterly by railroad property, fifty and 90/100 (50.90) feet; and southwesterly by Depot Square, thirty-two and 05/100 (32.05) feet. Said district shall also further include adjoining land bounded as follows: northwesterly by the land described in the immediately pre-

ceding sentence, fifty and 90/100 (50.90) feet, more or less; southwesterly by Depot Square one hundred twenty-one and 76/100 (121.76) feet, more or less; southeasterly by railroad property by a line parallel to the first boundary above described fifty and 90/100 (50.90) feet more or less; and northeasterly by railroad property by a line parallel to the second boundary above described one hundred twenty-one and 76/100 (121.76) feet, more or less.

5. A district on the southwesterly side of Bedford Street between the northwesterly lot line of premises now number 30 Bedford Street and said lot line extended and northwesterly lot line of property now or formerly owned by Custance Bros., Inc., and said lot line extended and for a depth of 400 feet southwesterly from the southwesterly line of said Bedford Street.

Said district shall also include adjoining land bounded as follows: Easterly by land described in the preceding sentence Three Hundred Forty-two and 93/100 (342.93) feet; Southerly by land of Rayco Realty Trust Sixteen and 37/100 (16.37) feet; Westerly by land now or formerly of Whalen Three Hundred Twenty-seven and 40/100 (327.40) feet; and Northerly by Worthen Road, Sixty-six and 69/100 (66.69) feet.

6. A district on the northeasterly side of Bedford Street between the northeasterly line of said Bedford Street and the westerly side of the railroad right of way, extending from the southeasterly lot line of land now or formerly owned by the Christopher S. Ryan Estate to the northwesterly lot line of property now or formerly owned by the Lexington Lumber Corporation.

7. A district on the southwesterly side of Massachusetts Avenue beginning at the intersection of the southwesterly line of said Massachusetts Avenue with the southeasterly line of Waltham Street, thence running southeasterly along said southwesterly line of Massachusetts Avenue distant about 800 feet to a point, thence southwesterly along a lot line distant about 295 feet to a point, thence northwesterly along the northeasterly lot lines of Lots 14B, 14A, 13, 12, 19, 20, 10 and 9, said lots being shown on Land Court Plan 9469, distant about 470 feet to a point, thence northwesterly about 215 feet to a point, thence southwesterly distant about 137 feet to a point in the north-

easterly line of Vine Brook Road, thence northwesterly along said northeasterly line of Vine Brook Road to the southeasterly line of Waltham Street, thence northeasterly along said southeasterly line of said Waltham Street to the point of beginning.

(e) T 1 - Trunk highway districts.

1. A district on the southerly side of the Cambridge-Concord Highway beginning at a point 200 feet easterly of the intersection of the easterly line of Blossom Street with the southerly line of said Cambridge-Concord Highway, thence along said southerly line of said Cambridge-Concord Highway S $87^{\circ} 26' 58''$ E distant 200 feet to a point, thence S $2^{\circ} 33' 02''$ W distant 100 feet to a point, thence N $87^{\circ} 26' 58''$ W distant 200 feet to a point, thence N $2^{\circ} 33' 02''$ W distant 100 feet to the point of beginning.

2. A district on the northerly side of the Cambridge-Concord Highway beginning at a point on the southwesterly side of Watertown Street, thence bearing to the right with a curve of 23 feet radius distant 55.98 feet to a point of tangency, thence westerly along the northerly line of said Cambridge-Concord Highway N $87^{\circ} 03' 43''$ W distant 227.50 feet to a point, thence N $2^{\circ} 56' 17''$ E distant 98.97 feet to a point, thence N $30^{\circ} 46' 47''$ E distant 98.97 feet to a point, thence southeasterly along the southwesterly line of said Watertown Street S $59^{\circ} 13' 13''$ E distant 159.16 feet to a point of curvature, thence bearing to the right with a curve of 576.55 feet radius distant 127.80 feet to the point of beginning.

(f) CM 1 - Commercial - Light manufacturing districts

1. A district on the northwesterly side of the Northern Circumferential Highway (Route 128) and bounded and described as follows: beginning at a point on the northwesterly line of the Route 4 and 225 - Route 128 Interchange, so-called, said point being 1200 feet distant and at right angle from the northeasterly side of the Boston & Maine Railroad right of way, thence southerly along the westerly line of said Interchange, thence southwesterly along the northwesterly line of the Northern Circumferential Highway (Route 128) to a point, said point being 2400 feet distant and at right angle from the southwesterly side of said Boston & Maine Railroad right of way, thence northwesterly along a line parallel to and 2400 feet distant from said southwesterly side of the Boston & Maine Railroad right of way to a point on the southeasterly line of Hartwell Avenue, thence northeasterly along said southeasterly line of said Hartwell Avenue to a point 1200 feet distant and at right angle from the northeasterly side of the Boston & Maine Railroad right of way, thence southeasterly along a line parallel to and 1200 feet equidistant from said Boston & Maine Railroad right of way to the point of beginning.

2. A district northwesterly of Hartwell Avenue and bounded and described as follows: beginning at a point on the northerly line of Wood Street at land of the United States of America, thence northwesterly, northerly, northeasterly and again northwesterly along the northeasterly, easterly, southeasterly and again northeasterly lines of said land of the United States of America to the Lexington-Bedford town line, thence northeasterly along said town line to the southerly line of Westview Street, thence easterly and northeasterly along the southerly and southeasterly line of said Westview Street to the section of said street relocated in 1959, thence southeasterly along the southwesterly line of said relocated street to Hartwell Avenue, thence southwesterly along the northwesterly line of Hartwell Avenue to Wood Street, thence westerly along the northerly line of Wood Street to the point of beginning.

(g) A 1 - Garden apartment districts.

1. A district bounded on the southwest by Massachusetts Avenue, on the north by Woburn Street, on the northeast by the Boston & Maine Railroad right of way and on the southeast by the Town of Lexington High School lot.

2. A district bounded on the north by Woburn Street, on the southwest by the Boston & Maine Railroad right of way, on the southeast by property now or formerly of the Lexington Nurseries Inc. and on the northeast by property now or formerly of Thomas A. Corcoran, Jr. which is at 91 Woburn Street.

(3. Deleted 1963)

3. A district on the easterly side of Waltham Street beginning at a stone bound situated on the easterly side line of said Waltham Street at the intersection of land now or formerly of Louise J. Carter and the Vine Brook Realty Trust, and thence running northerly along the easterly side line of Waltham Street eight hundred fifty (850) feet to a point; thence turning at right angles to said easterly side line of Waltham Street and running easterly eight hundred (800) feet to a point; thence turning and running southwesterly eight hundred fifty (850) feet, more or less, to a point in the common boundary line of land of Vine Brook Realty Trust and land now or formerly of Gaetano Franceschelli et al; and thence turning and running westerly along the center line of a ditch being the common boundary line of land of Vine Brook Realty Trust and land now or formerly of Gaetano Franceschelli et al, of Berta Franceschelli, of Dominic Petrino et al, and of Louise J. Carter five hundred fifty (550) feet to the point of beginning.

There is excepted from the foregoing, however, the land situated northerly of Worthen Road as shown on plan entitled "Vine Brook Meadows Section Two Lexington, Mass." dated June 12, 1960, Albert A. Miller-Wilbur C. Nylander, Civil Engineers and Surveyors, recorded in Middlesex South District Registry of Deeds as Plan No. 209 of 1961, Book 9762, Page 142 and filed in the Land Registration Office as Plan No. 27677 D.

4. A district on the southeasterly side of Maple Street beginning at a point on the southeasterly side line of said Street at the intersection of land of Robert Chapman and the Town of Arlington, thence running southeasterly by land of the Town of Arlington 743.7 feet, more or less, to a point; thence turning at an angle and running easterly by land of the Town of Arlington 367 feet, more or less, to a point at a brook; thence turning at an angle and continuing easterly by land of the Town of Arlington 307.7 feet more or less, to a point at the intersection of land of the Town of Arlington, land now or formerly of Lexwood Poultry Farms, Inc., and land now or formerly of Harry D. Hull; thence turning at an angle and continuing easterly by land now or formerly of Harry D. Hull 300 feet more or less to a point; thence turning at an angle and running northerly by land of Lexwood Poultry Farms, Inc. 130 feet more or less to a point; thence turning at a right angle and running westerly by the land of said Lexwood Poultry Farms, Inc. 580 feet more or less, to a point at a brook; thence turning at an angle of 35 degrees 15' more or less and running northwesterly by land of Paul Tocci, Inc., 935 feet more or less to a point on the southeasterly side line of Maple Street; thence turning at a right angle and running in a southwesterly direction along the southeasterly side line of Maple Street 350 feet more or less to the point of beginning.

The above describes an area of land approximately 480,000 sq. feet, or 11 acres, more or less.

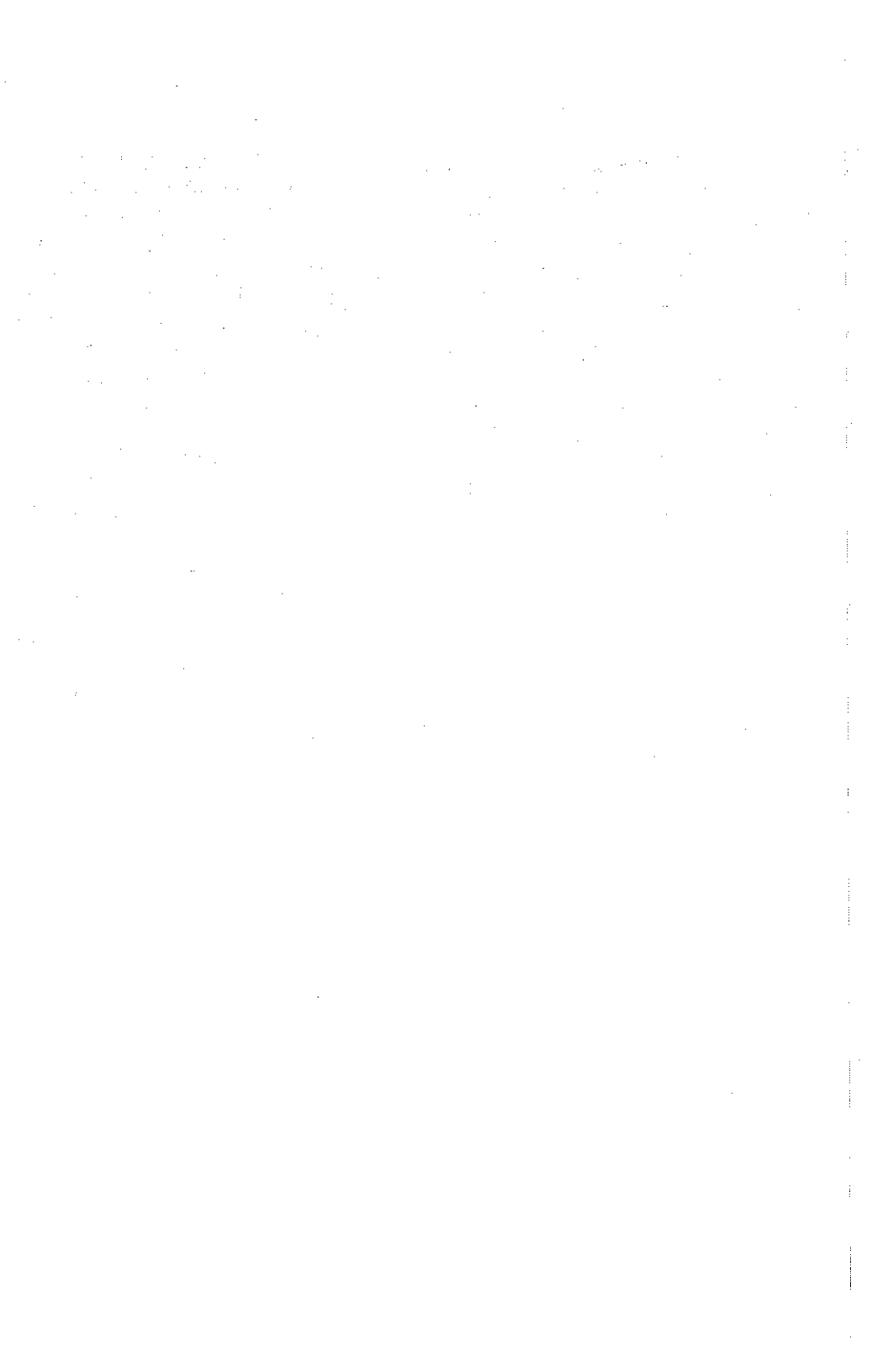
5. A district situated on the southerly side of Worthen Road, lying between Massachusetts Avenue and Bedford Street bounded and described as follows:

Northwesterly by Worthen Road, 389 feet, more or less; Northeasterly by land now or formerly of Rayco Realty Trust, 507 feet, more or less; Southeasterly by land now or formerly of John P. & Loretta B. Whalen and Town of Lexington, 389 feet, more or less; Southwesterly by land now or formerly of Roman Catholic Archbishop of Boston, 427 feet, more or less; said area containing 4.1 acres more or less.

6. A district on the Southwesterly side of Shirley Street and being shown as Lot B on a plan by Albert A. Miller and Wilbur C. Nylander, Civil Engineers and Surveyors, dated October 8, 1964 and being further bounded

and described as follows:

Beginning at a point at the Northwesterly corner of Shirley Street at land of John F. Murphy; thence running Northwesterly by said land of Murphy, 123.34 feet to a point; thence turning and running Southwesterly by Lot C as shown on said plan and by land of Mary J. Bullock, John F. Bullock, Ralph L. Bullock and George E. Bullock and by land of Arthur C. Ruge and Florence B. Ruge, 820.81 feet to other land of said Arthur C. Ruge and Florence B. Ruge; thence turning and running Southeasterly by other land of Arthur C. Ruge and Florence B. Ruge, 277.06 feet to a point; thence turning and running Northeasterly by Lot A as shown on said plan 857.98 feet to the Westerly corner of land of Custance Brothers, Inc.; thence running Northeasterly by said land of Custance Brothers, Inc. 152.35 feet to land of Alice T. McCarthy; thence turning and running Northwesterly by land of Alice T. McCarthy by two bounds, 50.36 feet and 114.20 feet and by land of Edward P. Colbert and Gloria D. Colbert, 120 feet and by land of owner unknown, 117.29 feet to land of Walter F. Spellman and Mary A. Spellman; thence turning and running Southwesterly by land of Walter F. Spellman and Mary A. Spellman and land of John R. Driscoll, Jr. and Kathleen Driscoll and by land of Albert J. Saganich, 150.75 feet to a point; thence turning and running Northwesterly by said land of Albert J. Saganich, 136.15 feet and by the Southwesterly side line of Shirley Street, 40.14 feet and to the point of beginning.



(h) C 3 - Special commercial districts.

1. A district on the northeasterly side of the Cambridge-Concord Highway (Route 2) and the easterly side of the Northern Circumferential Highway (Route 128) and on both sides of Spring Street and bounded and described as follows:

Beginning at the intersection of the northeasterly line of the Cambridge-Concord Highway (Route 2) and the easterly line of Route 2-Route 128 Interchange, so-called, thence northerly and northwesterly along the easterly and northeasterly lines of said Interchange, thence northerly along the easterly line of the Northern Circumferential Highway (Route 128) to a line parallel with and 25 feet distant at right angle southeasterly from the southeasterly line of Weston Street, thence northeasterly by said parallel line about 290 feet, thence $S 28^{\circ} 47' 10'' E$ about 85 feet to a line parallel with and 250 feet distant at right angle southwesterly from the northernmost straight section of the northeast line of Shade Street, thence $S 64^{\circ} 17' 10'' E$ by said parallel line 395 feet, thence $S 42^{\circ} 25' 10'' E$ by a line parallel with and 250 feet distant at right angle southwesterly from the northeasterly line of Shade Street 450 feet, thence $S 47^{\circ} W$ about 360 feet, thence $S 22^{\circ} E$ about 885 feet, thence $S 39^{\circ} 09' 50'' E$ along the southwesterly lines of lots 234 through 252 shown on Land Court Plan 6962C 932.40 feet, thence $N 65^{\circ} 38' 10'' E$ 206.87 feet along said lot 252, thence $S 39^{\circ} 09' 50'' E$ by a line in part parallel with and 200 feet distant at right angle southwesterly from the southwesterly line of Shade Street 620 feet, thence $S 4^{\circ} W$ 240.64 feet, thence $S 78^{\circ} E$ 262.50 feet, thence $S 39^{\circ} 19' 50'' E$ about 145 feet to Spring Street and continuing on the same course across Spring Street and for a distance of 100 feet southeasterly from the southeasterly line of Spring Street, thence due east to a line parallel with and 100 feet at right angle southwesterly from the southwesterly line of the location of old Shade Street, thence southeasterly and southerly by lines parallel with and 100 feet distant at right angle from the southwesterly and westerly lines of the location of old Shade Street to a line parallel with and 100 feet distant at right angle northerly from land now or formerly of Clarence M. Cutler, thence westerly, southwesterly and southerly by lines parallel with and 100 feet distant at right angle northerly, northwesterly and westerly from said Cutler land to the northerly line of the Cambridge-Concord High-

way, and thence westerly and northwesterly along the northerly and northeasterly lines of the Cambridge-Concord Highway to the point of beginning.

2. A district on the westerly side of Wood Street and abutting upon the Laurence G. Hanscom Field (Bedford Airport), and bounded and described as follows:

Beginning at a point in the westerly line of Wood Street, at land of the United States of America, thence running $N 63^{\circ} 34' 30''$ W by land of the United States of America, distant 348.63 feet to a point; thence turning and running $N 1^{\circ} 33' 40''$ W by land of the United States of America, distant 300.00 feet to a point; thence running $N 5^{\circ} 22' 30''$ E by land of the United States of America, distant 616.21 feet to a point in the westerly line of Wood Street; thence turning and running by a curve to the right with a radius of 594.55 feet by the westerly line of Wood Street, distant 299.26 feet to a point; thence running $S 30^{\circ} 24' 00''$ E by said westerly line of Wood Street, distant 267.61 feet to a point; thence running by a curve to the right with a radius of 474.66 feet by said westerly line of Wood Street, distant 492.09 feet to a point; and thence running $S 29^{\circ} 00' 00''$ W by said westerly line of Wood Street, distant 179.93 feet to the point of beginning.

3. A district on the southwesterly side of Marrett Road and the Northwesterly side of the Northern Circumferential Highway (Route 128) and bounded and described as follows:

Beginning at a Massachusetts highway bound at the intersection of the southwesterly line of Marrett Road and a southwesterly line of the Marrett Road-Route 128 interchange, so-called, thence South $40^{\circ} 31' 20''$ East by said southwesterly line of said interchange, distant 55.16 feet; thence South $43^{\circ} 34' 46''$ West by said interchange, distant 84.34 feet; thence South $40^{\circ} 31' 20''$ East, distant 201.06 feet; thence South $20^{\circ} 45' 22''$ East, distant 163.00 feet; thence South $47^{\circ} 16' 43''$ West, distant 60.00 feet; thence South $42^{\circ} 43' 17''$ East, distant 44.20 feet; thence South $18^{\circ} 54' 35''$ West, distant 522.71 feet; thence South $32^{\circ} 53' 53''$ West, distant 678.55 feet, all by said interchange; thence North $68^{\circ} 19' 10''$ West, distant 36.96 feet; thence North $57^{\circ} 07' 50''$ West, distant 149.01 feet; thence South $32^{\circ} 37' 30''$ West,

distant 168.32 feet; all by land now or formerly of the City of Cambridge or now or formerly of Antonio Venuti and Concetta Venuti; thence North $72^{\circ}34'00''$ West, distant 352.36 feet; thence North $27^{\circ}27'00''$ West, distant 257.35 feet; thence North $27^{\circ}24'20''$ West, distant 49.39 feet; thence North $15^{\circ}30'00''$ East, distant 58.01 feet; thence North $16^{\circ}15'30''$ East, distant 87.87 feet; thence North $26^{\circ}30'30''$ East, distant 10.76 feet; thence North $38^{\circ}43'10''$ West, distant 347.08 feet, all by land now or formerly of the City of Cambridge; thence North $18^{\circ}16'40''$ East by land now or formerly of Edwin John Lee, distant 1073.63 feet; thence South $39^{\circ}43'36''$ East by land now or formerly of Florence K. Hargrove, distant 326.17 feet; thence North $82^{\circ}25'50''$ East by land now or formerly of Bedros H. Bashian et al, distant 30.74 feet; thence North $80^{\circ}47'50''$ East, distant 77.74 feet; thence North $82^{\circ}11'10''$ East, distant 86.71 feet; thence North $85^{\circ}44'00''$ East, distant 13.15 feet; thence North $51^{\circ}48'10''$ East, distant 463.41 feet; thence South $62^{\circ}18'50''$ East, distant 70.09 feet; thence South $60^{\circ}42'20''$ East, distant 67.99 feet; thence South $70^{\circ}06'00''$ East, distant 52.36 feet to a point in the southwesterly line of Marrett Road, all by said land of Bedros H. Bashian et al; and thence running southeasterly by a curve to the left with a radius of 644.42 feet by said southwesterly line of Marrett Road, distant 174.17 feet to the point of beginning.

(i) CH 1 - Commercial and hotel districts.

1. A district on the southwesterly side of Bedford Street bounded and described as follows; Northeasterly by Bedford Street, southeasterly by the Route 4 and 225-Route 128 Interchange, southwesterly by a line parallel to and 1200 feet equidistant from the northeasterly side of the Boston & Maine Railroad right of way and northwesterly by Hartwell Avenue.

2. A district situated on the westerly side of the State highway (Route 128) and the easterly side of Marrett Road bounded and described as follows:

EASTERLY by the westerly side of the State highway (Route 128) four hundred (400) feet, more or less; NORTHERLY by other land of Frida Semler Seabury and Arthur F. Hinds et als twelve hundred sixty (1260) feet, more or less; EASTERLY by land of said Hinds one hundred seventy (170) feet, more or less; NORTHWESTERLY by land of Maurice D. Healy by two bounds, said bounds being of two hundred ninety-two (292) feet, more or less and two hundred one (201) feet, more or less respectively; SOUTHWESTERLY by Marrett Road nine hundred thirty (930) feet, more or less; SOUTHEASTERLY, SOUTHWESTERLY, SOUTHEASTERLY, SOUTHWESTERLY as shown by land now or formerly of Grigor by four bounds of twenty-eight (28) feet, more or less, two hundred three (203) feet, more or less, seventy (70) feet, more or less, three hundred seventy (370) feet, more or less; SOUTHERLY three hundred forty (340) feet, more or less. To the point of beginning at the State highway (Route 128).

(j) C 4 - Small office districts

1. A district on the easterly side of Waltham Street partly adjacent to the common boundary line of Lexington and Waltham, bounded and described as follows:

Beginning at a point on the easterly side of Waltham Street at the common boundary of Lexington and Waltham, thence running southeasterly by the Lexington-Waltham common boundary line, three hundred seventy (370) feet, more or less, to land now or formerly of Salvatore Ricci, thence running northeasterly by land now or formerly of said Ricci, three hundred seventy five (375) feet, more or less, thence running northerly by land now or formerly of said Ricci to land of Leonard V. Short, four hundred forty-two (442) feet, more or less, thence running westerly by land of said Short two hundred forty (240) feet, more or less, to Waltham Street, thence southwesterly by Waltham Street, six hundred ninety-five (695) feet, more or less, to the point of beginning.

SECTION 5.

PERMITTED BUILDINGS AND USES

In the following districts the designated buildings and alterations and extensions thereof and buildings accessory thereto and the designated uses of land, buildings, or parts thereof and uses accessory thereto are permitted. All other buildings and uses are expressly prohibited.

(a) R 1 Districts.

1. Public schools, parks, playgrounds and other municipal buildings or uses.

2. Religious, sectarian or denominational schools.

3. Churches, parish houses and rectories.

4. One family dwellings.

5. The taking of not more than four boarders or the letting or renting of rooms, without cooking facilities, to not more than four persons, or both, in a dwelling by a family resident therein, but no dwelling so used shall be erected for the purpose except with specific permission from the Board of Appeals.

6. Farms, including truck gardens, and nurseries, but only tools, equipment and vehicles incident to the actual use of the premises may be stored thereon, and provided that the commercial raising, boarding, breeding or keeping of fur-bearing animals may be operated or maintained on farms only with the permission of the Board of Appeals.

7. Subject to permission from the Board of Appeals, the following:

a.

b. Greenhouses, including conservatories.

c. Hospitals, sanitarium, nursing, convalescent and rest homes, homes for the aged, charitable institutions, private schools, non-commercial non-profit clubs, places and buildings for public assembly, and cemeteries.

- d. Private parks, playgrounds and recreation buildings of a non-commercial and non-profit nature, private water towers and reservoirs.
- e. Passenger stations, landing fields, telephone exchanges, radio and television transmitting sites and sites, buildings and uses for other public services.
- f. Open-air parking areas for use only in connection with one or more of the other permitted uses in the district.
- g. Use of a portion of a dwelling as an office of a physician, dentist or other professional person residing in the dwelling and as incidental to such residence.
- h. Golf courses with the exception of miniature golf, novelty, pitch and putt installations and golf driving ranges all of which are hereby expressly prohibited.

(b) R 2 Districts. All buildings and uses that are permitted in R 1 districts but subject to any conditions and restrictions set forth therein, and the following:

1. Two family dwellings.

(c) C 1 Districts. All buildings and uses that are permitted in R 1 and R 2 districts but subject to any conditions and restrictions set forth therein, and the following:

1. Retail stores with the exception of liquor stores which are hereby expressly prohibited.

2. 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, with the exception of diners and lunch carts, so-called, which are hereby expressly prohibited, except as hereinafter provided.

5. Place of business of a barber, caterer, cleansing and dyeing pick-up station, confectioner, decorator, dressmaker, florist, furrier, hairdresser, manicurist, milliner, optician, photographer, radio and television repair shop, hand laundry, self-service laundry, shoe repairer, or tailor.

6. Subject to permission from the Board of Appeals, the following:

a. Place of business of a baker, blacksmith, builder, carpenter, cleanser and dyer, contractor, mason, plumber, electrician, painter, paper hanger, printer, roofer, tinsmith, undertaker, upholsterer, wheelwright or diner or lunch cart, so-called.

b. Retail gasoline, oil and greasing stations and places of business for the sale and installation of tires and other automobile accessories, garages for storage and repair and salesrooms for motor vehicles.

c. Retail dealers in bottled gas, fuel, grain, ice, lumber and structural materials, milk and commercial non-manufacturing uses not hereinabove specified in this sub-paragraph 6, except uses permitted in sub-section (d) C 2 Districts sub-paragraphs 1 and 3.a.

(d) C 2 Districts. All buildings and uses that are permitted in R 1, R 2 and C 1 districts but subject to any conditions and restrictions set forth therein, and the following:

1. Billboards as regulated by law and by-law.

2. Retail dealers in bottled gas, grain, ice and milk and retail liquor stores, if otherwise lawful.

3. Subject to permission from the Board of Appeals, the following:

a. Billiard rooms, bowling alleys, dance halls, skating rinks, theatres and similar commercial amusement places.

b. Dealers in fuel, lumber, structural materials and commercial non-manufacturing uses not hereinabove specified.

(e) T 1 Districts. All buildings and uses that are permitted in R 1 and R 2 districts but subject to any conditions and restrictions set forth therein, and subject to permission from the Board of Appeals, the following:

1. Retail gasoline, oil and greasing stations and places of business for the sale and installation of tires and other automobile accessories, but major mechanical repairing, auto body repairing and the storing or selling of automobiles are hereby expressly prohibited.

(f) CM 1 Districts.

1. All buildings and uses that are permitted in R 1 districts, but subject to any conditions and restrictions set forth in Section 5, subsection (a), of this By-Law.

2. Subject to all the provisions of the three paragraphs of Section 5, sub-section (h), of this By-Law, under the caption "Finding and Determination by the Board of Appeals", the following buildings and uses:

a. All buildings and uses permitted in C 3 districts, but subject to the conditions and restrictions relating to them set forth in Section 5, subsection (h), of this By-Law, and

b. Light manufacturing, employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing odors or agencies. Any light manufacturing business, the conduct of which may be disturbing or detrimental to the health, safety or welfare of persons working in or living near the proposed location of such manufacturing, by reason of special danger of fire or explosion, pollution of waterways, corrosive, toxic or noisome fumes, gas, smoke, soot, obnoxious dust, disagreeable odors, offensive noise, or vibrations, is expressly prohibited.

c. Storage and distribution of packaged articles owned by occupant. All storage to be inside of the walls of buildings of first or second class construction. The following are expressly prohibited:

(1) Activities the conduct of which may be disturbing or detrimental to the health, safety, or welfare of persons working or living in the neighborhood by reasons of special danger of fire or explosion, pollution of waterways, corrosive, toxic or noisome fumes, gas, smoke, soot, obnoxious dust, disagreeable odors, offensive noise or vibration;

(2) Retail uses, except such uses as are permitted under paragraph a. of this subsection and except the incidental sale at retail of parts or components necessary for the maintenance or operation of articles stored and distributed;

(3) Outdoor storage; and

(4) Outdoor overnight parking of freight-carrying or material-handling vehicles and equipment except in areas specifically designated therefor in the Finding and Determination by the Board of Appeals.

(g) A 1 Districts. All buildings and uses that are permitted in R 1 districts but subject to any conditions and restrictions set forth therein, and the following:

1. Garden apartments, provided that the Board of Appeals after public hearing, shall find and determine that such buildings and use, including the site, plans and building design, constitute a desirable development in and will not be detrimental to the neighborhood, and subject further to the following conditions: there shall be at least two detached or semi-detached buildings and no such building shall contain less than four nor more than ten dwelling units, and each such unit shall have independent cooking facilities; not more than 25 per centum of the lot area shall be occupied by buildings; no living quarters shall be located below the mean finished grade of the ground adjoining the building nor above the second story; there shall be parking space for automobiles provided on the lot which shall not be less than one reasonably accessible automobile space for each dwelling unit; the buildings shall connect with a sanitary sewer; and such other conditions and restrictions as the Board of Appeals may prescribe in the interests of the Town in carrying out the purposes of this By-Law.

(2. Deleted 1963)

(3. Deleted 1963)

2. Buildings accessory to garden apartments may be erected, but only with the approval of site, plans and building design by the Board of Appeals.

3. Upon receipt of an application to determine that a proposed garden apartment building and use, including the site, plans and building design, constitute a desirable development in and will not be detrimental to the neighborhood, or an application to approve site, plans and building design of proposed buildings accessory to garden apartments, the Board of Appeals shall transmit to the Planning Board the application and plans. The Planning Board shall consider the same and shall submit a final report thereon with recommendations to the Board of Appeals. The Board of Appeals shall not

approve any such application or plans until such final report of the Planning Board has been submitted to it or until thirty days have elapsed after the transmittal to the Planning Board of the application and plans without such report being submitted.

(h) C 3 Districts.

1. All buildings and uses that are permitted in R 1 districts, but subject to any conditions and restrictions set forth in Section 5, subsection (a) of this By-Law.

2. Subject to the provisions in this Section 5, subsection (h), under the caption "Finding and Determination by the Board of Appeals", the following buildings and uses:

a. Offices for administrative, executive, professional and similar purposes.

b. Laboratories engaged in research, experimental and testing activities, including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, medicine and physics. Any laboratory, the conduct of which may be disturbing or detrimental to the health, safety or welfare of persons working or living in the neighborhood, by reason of special danger of fire or explosion, pollution of waterways, corrosive, toxic or noisome fumes, gas, smoke, soot, obnoxious dust, disagreeable odors, offensive noise or vibrations, is expressly prohibited. Permitted laboratories may manufacture, process, or store goods and materials to the extent that such manufacturing, processing or storage is a part of and relates solely to such research, experimental and testing activities, but all other manufacturing, processing and storage of goods and materials are expressly prohibited.

c. Retail uses incidental to and in support of any uses permitted in Paragraphs a. and b. above, such as cafeterias, soda or dairy bars, on the same lot as the permitted use. Any such use shall be conducted primarily for the convenience of employees, shall be wholly within a building, and shall have no exterior advertising display.

d. Operations required to maintain or support any uses permitted in paragraphs a. and b. above, on the same lot as the permitted use, such as maintenance shops, power plants, keeping of animals, antennae and machine shops.

3. Finding and Determination by the Board of Appeals

No building for any of the uses permitted by the terms of the preceding paragraph No. 2 shall be constructed or reconstructed, or substantially altered externally, or added to, unless the Board of Appeals, after a duly advertised public hearing, shall have made a finding and determination that the proposed location of buildings, the proposed major topographical changes, if any, and the planned provisions for waste disposal, surface and ground water drainage, erosion control, parking areas, loading areas, maneuvering areas, driveways, and the location of intersections of driveways and streets are such that the proposed construction, reconstruction, substantial external alteration, or addition will constitute a suitable development and will not result in substantial detriment to the neighborhood.

A person desiring such findings and determination shall file with the Board of Appeals an application therefor, together with a preliminary site plan, each in triplicate. Such application and site plan shall include the elements as to which the Board is to make a finding and determination, as hereinabove provided, with information as to the nature and extent of the proposed use of the buildings, and such further information in respect to such elements and use as the Board shall reasonably require.

The Board of Appeals, upon receiving such application for a finding and determination, shall proceed as provided in Section 14 of this By-Law under the caption "Procedure on Application for Finding and Determination".

(i) CH 1 Districts.

1. All buildings and uses that are permitted in R 1 districts, but subject to any conditions and restrictions set forth in Section 5, subsection (a) of this By-Law.

2. Subject to all the provisions of the three paragraphs of Section 5, subsection (h) of this By-Law, under the caption "Finding and Determination by the Board of Appeals", the following buildings and uses:

a. All buildings and uses permitted in C 3 districts, but subject to the conditions and restrictions relating to them set forth in Section 5, subsection (h) of this By-Law.

b. Hotels or motor hotels, subject to the following conditions: not more than twenty-five percent of the lot area shall be built upon; no sleeping rooms shall be located below the mean finished grade of the ground adjoining the building; there shall be parking space for automobiles provided on the lot sufficient to furnish one reasonably accessible automobile space for each guest sleeping room in the building plus reasonably adequate provision for persons dining or attending functions in the building; the building shall connect with a sanitary sewer. Cooking in rooms occupied by guests is expressly prohibited.

As used herein, the term "automobile space" shall mean an area available for parking one motor vehicle and having a width of not less than ten feet, and an area of not less than two hundred square feet exclusive of passageways and driveways appurtenant thereto, with free and unimpeded access to a street over an unobstructed passageway or driveway. Loading area shall not be considered to be a part of the automobile space.

c. Retail uses in support of a use permitted in preceding paragraph b., such as dining halls, restaurants, cafeterias, soda or dairy bars, and shops in the same building with the permitted use. Any such use shall be wholly within the hotel or motor hotel building. Signs shall be permitted as an accessory use, but only to the extent permitted in business areas under the Town's sign By-Law.

(j) C 4 Districts

1. All buildings and uses that are permitted in R 1 districts, but subject to any conditions and restrictions set forth in Section 5, sub-section (a) of this By-law.

2. Subject to the provisions in this Section 5, sub-section (h), under the caption "Finding and Determination by the Board of Appeals," the following buildings and uses:

- a. Office buildings.
- b. Offices for administrative, executive, professional and similar purposes.
- c. Retail uses incidental to and in support of any uses permitted in paragraph b. above, such as cafeterias, soda or dairy bars, on the same lot as the permitted use. Any such use shall be conducted primarily for the convenience of employees, shall be wholly within a building, and shall have no exterior advertising display.

SECTION 6.

ACCESSORY USES IN RESIDENTIAL DISTRICTS

In R 1 and R 2 districts, the following are hereby declared to be "accessory uses" within the meaning of this By-Law:

(a) A private garage for not more than three automobiles, one of which may be a commercial vehicle if owned or used by a person resident in the dwelling to which the garage is accessory.

(b) The exercise of personal or professional skills in the fields of music, dramatics, arts and crafts and academic pursuits and the giving of instructions or lessons for compensation in such skills, in any dwelling or building accessory thereto by residents thereof, provided there is no sign relating thereto or other advertising device erected or maintained on the premises, but no such dwelling or building shall be erected for the purpose except with specific permission from the Board of Appeals.

(c) The performance of custom work of a domestic nature, such as dressmaking, millinery and clothes-washing, in any dwelling by residents thereof, provided that equipment utilized is such as is customarily incidental to residential occupancy and that there is no sign relating thereto or other advertising device erected or maintained on the premises, but no such dwelling or building shall be erected for the purpose except with specific permission from the Board of Appeals.

(d) The erection and maintenance for each family living in a dwelling of not more than two signs, neither of which has an area of more than one square foot, bearing the name of the family or designation of the dwelling or both.

(e) The erection and maintenance on the premises of one sign not exceeding twelve square feet in area and pertaining to uses specified in Section 5(a) 1, 2, 3, 6 and 7, and Section 5(b) 2, provided that there may be more or larger signs with specific permission from the Board of Appeals.

(f) The erection and maintenance of real estate signs of not over six square feet in total area advertising the sale or rental

of the premises on which they are located; provided, however, signs not more than fifty square feet in total area and not more than ten feet in any dimension may be erected and maintained on subdivisions of land as defined in General Laws, Chapter 41, Section 81 K, to advertise solely the selling of land or buildings in said subdivisions but not more than one such sign shall face the same street.

SECTION 7.

HEIGHT REGULATIONS

(a) In R 1, R 2, T 1, C 1 and A 1 districts, buildings shall not exceed two and one half stories and a maximum height of forty feet, except that schools, municipal buildings and hospitals may contain three full stories with a maximum height of forty-five feet. In C 4 districts, buildings shall not exceed two stories and a maximum height of forty feet.

(b) In C 2, C 3, CH 1 and CM 1 districts buildings shall not exceed three full stories with a maximum height of forty-five feet.

(c) The limitations of height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other accessory structural features usually carried above roofs, nor to domes, towers or spires of churches or other buildings provided such features are in no way used for living purposes and further provided that no such structural feature shall exceed a height of sixty-five feet from the ground except with permission from the Board of Appeals.

(d) For the purpose of this By-Law, the height of any building or accessory structural feature shall be the vertical distance above the mean finished grade of the ground adjoining such building.

SECTION 8.

AREA, FRONTAGE AND YARD REGULATIONS

(a) R 1 and R 2 Districts.

1. Except as hereinafter provided, in R 1 and R 2 districts there shall be provided:

- a. For each dwelling or other permitted principal building erected after the adoption of this amendment to this By-Law in R 1 districts situated outside of the area described in Section 8 (a) 1 b., a lot containing an area of not less than 30,000 square feet and a frontage of not less than 150 feet upon the frontage street.
- b. For each dwelling or other permitted principal building erected in any R 2 districts and in R 1 districts situated within the following described area, a lot containing an area of not less than 15,500 square feet and a frontage of not less than 125 feet upon the frontage street. Said area is bounded and described as follows: The area within the following described lines: beginning at the Arlington-Lexington town line, thence along the Cambridge-Concord Highway to Wellington Lane Avenue, thence along Wellington Lane Avenue to Meadow Brook Avenue, thence along Meadow Brook Avenue to Moreland Avenue, thence along Moreland Avenue to a point opposite the southeasterly end of Buckman Drive, thence to the southeasterly end of Buckman Drive and along Buckman Drive to Locust Avenue, thence along Locust Avenue to Follen Road, thence along Follen Road to Marrett Road, thence along Marrett Road to Stedman Road, thence along Stedman Road to Brookside Avenue, thence along Brookside Avenue to Waltham Street, thence along Waltham Street to Bridge Street, thence along Bridge Street to Payson Street, thence along Payson Street to Grassland Street, thence along Grassland Street to Winston Road, thence along Winston Road to Hudson Road, thence along Hudson Road to Marlboro Road, thence along Marlboro Road to Woodcliffe Road,

thence along Woodcliffe Road to Spring Street, thence along Spring Street to Shade Street, thence along Shade Street to Weston Street, thence along Weston Street to Lincoln Street, thence along Lincoln Street to the Northern Circumferential Highway to Grove Street, thence along Grove Street to Burlington Street, thence along Burlington Street to Hancock Street, thence along Hancock Street to Coolidge Avenue, thence along Coolidge Avenue to Adams Street, thence along Adams Street to Woodland Road, thence along Woodland Road to Colony Road, thence along Colony Road to Grant Street, thence along Grant Street to Hayes Lane, thence along Hayes Lane to Woburn Street at the Boston and Maine Railroad, thence along the Boston and Maine Railroad to the northwesterly line of the private way leading to the East Lexington Depot, thence in a straight line to the southwesterly end of Bartlett Avenue at Monroe Brook, thence along Bartlett Avenue to Lowell Street, thence along Lowell Street to Summer Street, thence along Summer Street to the Arlington-Lexington town line, thence along the Arlington-Lexington town line to the point of beginning.

- c. For each dwelling or other permitted principal building and for each accessory building in R 1 and R 2 districts there shall be provided:
 - (1) A front yard of not less than 30 feet in depth on the frontage street and a front yard of not less than 20 feet in depth on each other street on which the lot abuts.
 - (2) A side yard on each side of not less than 15 feet in width.
 - (3) A rear yard of not less than 15 feet in depth.

2. The foregoing provisions in Section 8 (a) 1. as to area, frontage and side yards only shall not apply to the following:

- a. Any lot lawfully laid out and recorded by plan or deed prior to March 17, 1924.
- b. Any lot lawfully laid out and recorded by plan or deed on or after March 17, 1924 and prior to March 18,

1929, provided such lot contains an area of not less than 5,000 square feet and a frontage upon the frontage street of not less than 50 feet.

c. Any lot lawfully laid out and recorded by plan or deed on or after March 18, 1929 and prior to August 8, 1938 provided such lot contains an area of not less than 7,500 square feet and a frontage upon the frontage street of not less than 75 feet.

d. Any lot lawfully laid out and recorded by plan or deed on or after August 8, 1938 and prior to the adoption of this amendment to this By-Law, provided such lot contains an area of not less than 12,500 square feet and a frontage upon the frontage street of not less than 100 feet.

e. Any lot situated outside the area described in Section 8 (a) 1 b., lawfully laid out and recorded by plan or deed on or after December 4, 1950 and prior to the adoption of this amendment of this By-Law, provided such lot contains an area of not less than 15,500 square feet and a frontage upon the frontage street of not less than 125 feet.

3. As to all lots included within the provisions of Section 8 (a) 2, there shall be provided a side yard on each side as follows:

a. On lots having a frontage of not more than 50 feet, each side yard shall be not less than 7-1/2 feet in width.

b. On lots having a frontage of more than 50 feet but not more than 75 feet, each side yard shall be not less than 10 feet in width.

c. On lots having a frontage of more than 75 feet but less than 100 feet, each side yard shall be not less than 12 feet in width.

d. On lots having a frontage of 100 feet or more, each side yard shall be not less than 15 feet in width.

4. Any lot included within the provisions of Section 8 (a) 2, may be enlarged by combining it with an adjoining lot or lots, or fractions thereof, in the same ownership. Such enlarged lot shall not be subject to greater requirements as to area, frontage, front or rear yards by reason of such enlargement, but the side yards required by Section 8 (a) 3, shall be based on the total frontage of the enlarged lot.

5. Uses listed in subparagraphs c., d., e., f., or g. of paragraph 7 in subsection (a) of Section 5 shall meet such requirements as to building area, yards, parking, screening, population density and the like as may imposed by the Board of Appeals to make the proposed use compatible with the general character of the district. In R 1 and R 2 districts these requirements shall include but shall not be necessarily limited to, the following:

a. No more than 15% of the area of a lot shall be built upon.

b. Between the buildings and each street on which a lot abuts there shall be a front yard of at least 30 feet for lots having an area of less than one acre, a front yard of at least 40 feet for lots having an area of at least one acre but less than five acres, and a front yard of at least 50 feet for lots having an area of five acres or more.

c. There shall be side and rear yards of at least 2 feet, which minimum is to be increased 1 foot for every acre or major fraction thereof over 1/2 acre.

d. Suitable plantings, fences, hedges or screens shall be required by the Board of Appeals within side and rear yards to screen parking and loading areas from abutting residences.

e. The number of off street automobile parking spaces shall be adequate for the design capacity or intended use of buildings and land. Each parking space shall be at least 10 feet wide and 200 square feet in area, and free and unimpeded access shall be provided to each parking space. The number of driveway openings onto streets shall be kept to a minimum. There shall be no parking within the required minimum front, side or rear yards.

(b) C 1 Districts.

1. In C 1 districts there shall be provided:

a. For each permitted principal building and for each accessory building, other than those permitted in R 1 or R 2 districts:

- (1) A front yard of not less than 20 feet in depth on each street on which the lot abuts.
- (2) If a boundary of the lot abuts on land in an R 1 or R 2 district, a side yard adjoining such boundary of not less than 20 feet in width, which may be used for parking area if otherwise lawful.
- (3) A rear yard of not less than 20 feet in depth, which, may be used for parking area if otherwise lawful.

b. For each permitted principal and accessory building, other than principal buildings permitted in an R 1 or R 2 district, a parking area on the lot containing not less than one parking space, as hereinafter defined, for each 100 square feet or fraction thereof of floor area in said buildings. As used herein the term "parking space" shall mean an area available for parking one motor vehicle and having a width of not less than 10 feet and an area of not less than 200 square feet, exclusive of passageways and driveways appurtenant thereto, and with free and unimpeded access to a street over unobstructed passageways or driveways. Loading areas shall not be considered to be part of the parking area. The term "floor area," as used herein, shall mean the aggregate horizontal area in square feet of floors within the walls enclosing the building, exclusive of cellar or basement areas used only for storage or services incidental to the operation or maintenance of the building.

c. For each principal building permitted in R 1 or R 2 districts, the same lot area and frontage, and for each such building and accessory building the same front, side and rear yards as would be required if the lot were situated in an R 1 or R 2 district.

(c) C 2 Districts.

1. In C 2 districts there shall be provided:

a. For each permitted principal building and for each accessory building, other than those permitted in R 1 or R 2 districts:

(1) If a boundary of the lot abuts on land in an A 1, R 1 or R 2 district, a side yard adjoining such boundary of not less than 20 feet in width, which may be used for parking area if otherwise lawful.

(2) A rear yard of not less than 10 feet in depth, which may be used for parking area if otherwise lawful.

(3) For each such building on land abutting on Muzzey Street or on Bedford Street, a front yard on such streets of not less than 10 feet in depth.

b. For each principal building permitted in R 1 or R 2 districts, the same lot area and frontage, and for each such building and accessory building the same front, side and rear yards as would be required if the lot were situated in an R 1 or R 2 district.

(d) T 1 Districts.

1. In T 1 districts there shall be provided:

a. For each permitted principal building and for each accessory building, other than those permitted in R 1 or R 2 districts:

(1) A frontage of not less than 200 feet upon the principal highway.

(2) A front yard of not less than 30 feet in depth on each street upon which the lot abuts, and no gasoline pump or display case or any accessory equipment, except lighting poles, may be erected or maintained within said depth of 30 feet.

(3) A side yard on each side of not less than 30 feet in width.

(4) A rear yard of not less than 30 feet in depth.

b. For each principal building permitted in R 1 or R 2 districts, the same lot area and frontage, and for each such building and accessory building the same front, side and rear yards as would be required if the lot were situated in an R 1 or R 2 district.

(e) CM 1 Districts

1. In CM 1 districts there shall be provided:

- a. A lot containing an area of not less than five acres and a lot width of not less than 300 feet on each street on which the lot abuts, except that in case the lot abuts on a dead end turn-around part of a public street or of a street shown on a subdivision plan approved by the Lexington Planning Board under the Subdivision Control Law and abuts also on such street before the turn-around, the 300 feet may be measured in part along the side line of the street before the turn-around and in part along a projection of the course of such side line through and beyond the turn-around provided however that the lot shall have a frontage of not less than 60 feet on the street, including such turn-around.
- b. For each such building and accessory building:
 - (1) A yard of not less than 100 feet in depth on each street, limited access highway and R 1 district boundary on which the lot abuts. Within such 100 feet from each street and highway there shall be permitted only (1) green areas of grass, plants, shrubs and trees, (2) walks, driveways and parking facilities occupying not more than 25 per centum of the area, and (3) gates or security stations.
 - (2) A side yard on each side of not less than 50 feet in width.
 - (3) A rear yard of not less than 50 feet in depth.
 - (4) A minimum distance of 30 feet between buildings and each building shall be surrounded by a fire lane, subject, however, to the provision that buildings may be interconnected by corridors or walkways, if provision is made for access by fire apparatus to all outside walls.
- c. In particular instances, the Board of Appeals may permit such principal building to be erected on a lot containing an area or frontage, or both, of less than the minimum area or frontage requirements specified in subparagraph a. above, if at the time of the adoption of said minimum requirements such lot was law-

fully laid out and recorded by plan or deed and did not adjoin other land of the same owner available for use in connection with such lot, provided that the Board determines that such permission can be granted without substantial derogation from the intent and purpose of this By-Law. A lot resulting from a taking by eminent domain after the adoption of said minimum requirements shall be deemed for the purposes of this subparagraph to have been lawfully laid out and recorded by plan or deed at the time of such adoption, if the larger lot of which it was a part before such taking was so laid out and recorded. In granting such permission, the Board may permit front, side or rear yards of less than the minimum yard requirements specified in subparagraph b. above.

- d. For each such principal building, an open area on the lot, not occupied by any building, of not less than 75 per centum of the area of the lot, which may be used for parking area if otherwise lawful.
- e. On each lot parking, loading and unloading facilities reasonably sufficient to serve the business conducted thereon without using adjacent streets therefor and not located within 50 feet of any street or district boundary line or 25 feet from any side or rear line of a lot.
- f. Parking and loading area on the lot shall be provided with adequate driveways, not more than 25 feet in width, providing access to a street. The entrance of all driveways to a street shall be subject to approval in writing by the Planning Board.
- g. Within 50 feet of each street and district boundary line and within 25 feet of each lot line only green areas of grass, plants, shrubs, and trees, and necessary ways of access therethrough only to streets except that these requirements shall not be applicable to buildings erected adjacent to the Boston & Maine Railroad right of way.

(f) A 1 Districts.

1. In A 1 districts there shall be provided:

- a. For each lot on which garden apartments are to be erected:
 - (1) A frontage of not less than 200 feet upon the frontage street.
 - (2) For each such building and accessory building, a front yard of not less than 40 feet in depth on each street on which the lot abuts, a side yard on each side of not less than 40 feet in width, and a rear yard of not less than 40 feet in depth. These yards may be used for parking areas if otherwise lawful.
 - (3) For garden apartments, land area shall be not less than 3000 square feet per dwelling unit containing one room used for sleeping, 3500 square feet per dwelling unit containing two rooms used for sleeping, and 4000 square feet per dwelling unit containing three or more rooms used for sleeping.
 - (4) A minimum distance of 30 feet between buildings, and each building shall be surrounded by a fire lane, subject, however, to the provision that buildings may be inter-connected by corridors or walkways, if provision is made for access by fire apparatus to all outside walls.
- b. For each principal building permitted in an R 1 district, the same lot area and frontage, and for each such building and accessory building the same front, side and rear yards as would be required if the lot were situated in an R 1 district.

(g) All Districts.

In all districts, where applicable, the following provisions shall apply:

1. In determining the area and frontage of a lot there shall not be included any land within the limits of a street upon which such lot abuts, even if the fee to such street is in the owner of the lot, except that if a corner lot has its corner bounded by a curved line connecting other bounding lines which, if extended, would intersect, the area and frontage shall be computed as if such bounding lines were so extended.

2. The provisions of Section 8 requiring front yards shall not apply to that portion of a street on which building lines have been or shall be lawfully established by the Town.

3. No lot, upon which is then located any building or with respect to which a permit has been issued and is then outstanding for the erection of any building, shall be subdivided or reduced in area in any manner unless there is retained for said lot sufficient area and frontage to meet the requirements of this By-Law and unless such lot as retained, and any building or buildings thereon, meets all the other requirements of this By-Law. If land is subdivided, conveyed, devised or otherwise transferred in violation hereof, no building or other permit shall be issued with reference to said transferred land until the lot retained meets the requirements of this By-Law. Any land taken by eminent domain or conveyed for a public purpose for which the land could have been or was taken by eminent domain shall not be deemed to be transferred in violation of the provisions hereof.

4. When a lot in one ownership is situated in part in the Town of Lexington and in part in an adjacent town or city, the provisions, regulations and restrictions of this By-Law shall be applied to that portion of such lot as lies in the Town of Lexington in the same manner as if the entire lot were situated herein.

5. No porch, whether covered or uncovered, step, cornice, eave or other part of projection of a building, but not including customary summer awnings, shall be erected in or over the area required to be maintained as front, side or rear yards.

6. The construction of a fallout or blast shelter of a design approved by the local director of Civil Defense or his representative shall not be deemed to be in violation of the yard regulations provided such shelter is completely below the finished grade of the adjoining land prior to and after such construction and is covered by earth to a depth of not less than two feet, except that an entrance or exit way may be substantially flush with the ground and a ventilating pipe and cover may protrude above the ground if they are of no greater size and height than is reasonably required for the purpose.

(h) C 3 Districts.

1. In C 3 Districts there shall be provided for all uses other than those permitted in R 1 or R 2 districts:
 - a. A lot containing an area of not less than five acres and a lot width of not less than 300 feet on each street on which the lot abuts, except that in case the lot abuts on a dead end turnaround part of a public street or of a street shown on a subdivision plan approved by the Lexington Planning Board under the Subdivision Control Law and abuts also on such street before the turnaround, the 300 feet may be measured in part along the side line of the street before the turnaround and in part along a projection of the course of such side line through and beyond the turnaround, provided however that the lot shall have a frontage of not less than 60 feet on the street, including such turnaround.
 - b. A yard of not less than 100 feet in depth on each street, limited access highway and district boundary on which the lot abuts. Within such 100 feet from each street and highway there shall be permitted only (1) green areas of grass, plants, shrubs and trees, (2) walks, driveways and parking facilities occupying not more than 25 per centum of the area, and (3) gates or security stations.
 - c. On each lot a side yard on each side of not less than 50 feet in width and a rear yard of not less than 50 feet in depth.
 - d. On each lot an open area, not occupied by any building, of not less than 75 per centum of the lot, which may be used for parking if otherwise lawful.
 - e. On each lot parking, loading and unloading facilities reasonably sufficient to serve the business conducted thereon without using adjacent streets therefor and not located within 50 feet of any street, limited access highway or district boundary.

- f. Within 50 feet of each street and district boundary line and within 25 feet of each lot line only green areas of grass, plants, shrubs and trees, and necessary ways of access therethrough only to streets.
- g. No open storage of materials or equipment in any front yard, and none elsewhere unless (1) appropriately screened from view from streets and public ways and from land not in a C 3 or M 1 district, and (2) not detrimental to the appearance of an office-research area.
- h. A minimum distance of 30 feet between buildings and each building shall be surrounded by a fire lane, subject, however, to the provision that buildings may be inter-connected by corridors or walkways if provision is made for access by fire apparatus to all outside walls.

(i) CH 1 Districts

1. In CH 1 districts there shall be provided:

- a. All area, frontage and yard regulations set forth in C 3 Districts.
- b. For each such building on land abutting on Bedford Street, a front yard on such street of not less than 200 feet in depth.

(j) C 4 Districts

1. In C 4 districts there shall be provided for all uses other than those permitted in R 1 districts:
 - a. A lot containing an area of not less than 60,000 square feet and a frontage of not less than 175 feet on each street on which the lot abuts.
 - b. A yard of not less than 50 feet in depth on each street, limited access highway and district boundary on which the lot abuts. Within such 50 feet from each street, highway and district boundary, there shall be permitted only (1) green areas of grass, plants, shrubs and trees, (2) walks, driveways and parking facilities occupying not more than 50 per centum of the area, and (3) gates or security stations.
 - c. On each lot a side yard on each side of not less than 50 feet in width and a rear yard of not less than 50 feet in depth.
 - d. On each lot an open area, not occupied by any building, of not less than 75 per centum of the lot, which may be used for parking if otherwise lawful.
 - e. On each lot, a parking area on the lot, not located within 25 feet of any street, limited access highway or district boundary, and containing not less than one parking space, as hereinafter defined, for each 100 square feet or fraction thereof of usable office floor

space in said buildings. Loading areas shall not be considered to be part of the parking area. As used herein, the term "parking space" shall mean an area available for parking one motor vehicle and having a width of not less than 10 feet and an area of not less than 200 square feet, exclusive of passageways and driveways appurtenant thereto, and with free and unimpeded access to a street over unobstructed passageways or driveways.

- f. On each lot loading and unloading facilities reasonably sufficient to serve the business conducted thereon without using adjacent streets therefor, and not located within 50 feet of any street, limited access highway or district boundary.
- g. No open storage of materials or equipment in any front yard, and none elsewhere unless (1) appropriately screened from view from streets and public ways and from land not in a commercial or business district, and (2) not detrimental to the appearance of an office-building area.
- h. A minimum distance of 30 feet between buildings, and each building shall be surrounded by a fire lane, subject, however, to the provision that buildings may be inter-connected by corridors or walkways, if provision is made for access by fire apparatus to all outside walls.

SECTION 9.

USE OF LAND

(a) No land in the Town shall be put to any use other than uses enumerated in this By-Law, and uses accessory thereto, for the zoning district in which such land lies.

(b) The removal of sod, loam, sand, gravel or quarried stone, except when such removal is incidental to and in connection with the erection of a building for which a permit has been issued by the Building Inspector or when such removal is required in order to construct a street over the location from which such removal is made, is hereby expressly prohibited, unless with specific permission from the Board of Appeals.

(c) No automobile graveyard, so-called or junk yard shall, be operated or maintained anywhere in the Town.

(d) No land in an R 1, R 2 or A 1 district shall be used to provide off street parking for a business enterprise or for any other purpose not incidental to the primary permitted use of said land.

SECTION 10.

NON-CONFORMING USE

(a) Any building lawfully existing and any use lawfully being made of land or buildings which does not conform to this By-Law as adopted or as amended may be continued to the same degree and for the same purpose.

(b) Any such building may be repaired or structurally altered, but no such building if destroyed or damaged to the extent of 75% of its reproduction cost at the time of said damage shall be rebuilt or repaired except with permission from the Board of Appeals.

(c) No building or use lawfully existing as a non-conforming building or use shall be extended or enlarged nor shall it be used for a different purpose except with permission from the Board of Appeals.

(d) If land or buildings lawfully being put to a non-conforming use are changed to a use permitted in a district wherein such lands or buildings are situated, they shall not be changed back to any non-conforming use.

(e) If there be non-use of any lawful non-conforming use of land or buildings for a period of twenty-four consecutive months, such non-conforming use shall be regarded as abandoned and shall not be resumed.

SECTION 11.

APPLICATION FOR PERMITS

Applications for building permits shall be filed with the Building Inspector on forms furnished by him, as provided in the Building By-Laws. With every such application there shall be filed a plan in duplicate of the lot upon which said building is to be erected drawn to scale and showing the dimensions of the lot and the location and size of the building if any upon said lot and the building or buildings to be erected thereon and all streets upon which such lot abuts.

SECTION 12.

ENFORCEMENT

The Building Inspector appointed under the provisions of the Building By-Laws of the Town of Lexington is hereby designated and authorized as the officer charged with the enforcement of this By-Law.

If the Building Inspector is informed or has reason to believe that any provision of this By-Law is being violated, he shall make or cause to be made an investigation of the facts and inspect the property where such violation may exist.

If upon such investigation and inspection he finds evidence of such violation, he shall give notice thereof in writing to the owner and occupant of said premises and demand that such violation be abated within such time as the Building Inspector deems reasonable. Such notice and demand may be given by mail, addressed to the owner at his address as it then appears on the records of the Board of Assessors of the Town and to the occupant at the address of the premises.

If after such notice and demand the violation has not been abated within the time specified therein, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Lexington to prevent, correct, restrain or abate such violation of this By-Law.

SECTION 13.

OCCUPANCY PERMIT

No building erected, altered or in any way changed as to construction or use under a permit or otherwise shall be occupied or used without an occupancy permit signed by the Building Inspector which permit shall not be issued until the building and uses and accessory uses comply in all respects with the provisions of this By-Law and adequate means of sewage disposal have been provided.

SECTION 14.

BOARD OF APPEALS

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 Selectmen shall also appoint five associate members of the Board of Appeals, and in the case of a vacancy, absence, inability to act or interest on the part of a member of said Board, his place may be taken by an associate member designated as provided in General Laws, Chapter 40A, Section 14 and any amendments thereto.

An appeal to the Board of Appeals shall be filed within fourteen days after the order or decision appealed from has been rendered.

The Board of Appeals shall fix a reasonable time for the hearing of any appeal, petition or other matter referred to it and shall give public notice thereof by publishing notice of the time, place and purpose of the hearing in a local newspaper at least fourteen days before said hearing and also mail a copy of said notice to the petitioner and to the owners of all property deemed by said Board to be affected thereby as they appear on the most recent local tax list at least seven days before said hearing.

The Board of Appeals shall, in addition to the powers conferred upon it by General Laws, Chapter 40, Section 30, and all acts in amendment thereof and in addition thereto, have the following powers:

When in the judgment of the Board of Appeals the public convenience and welfare will be substantially served and where a requested permit will not tend to impair the status of the neighborhood, the Board may in a specific case upon written petition, a hearing, 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 and acts which the Board is authorized to permit by other sections of this By-Law.

- (b) Permit variations where topography or other conditions make it necessary.
- (c) Permit the alteration of a one family dwelling in an R 1 or A 1 district to accommodate two families provided that:
 - 1. The appearance and character of a one family dwelling shall be preserved.
 - 2. The gross habitable floor area for each family in such dwelling shall be at least 700 square feet.
 - 3. No major exterior structural changes be made except such as may be required for safety by the Lexington Building By-Laws or General Laws of the Commonwealth.
 - 4. Stairways leading to the second or any higher floor shall be enclosed within the exterior walls of the building.
- (d) Permit temporary structures and uses that do not conform to the uses and regulations herein described with such conditions as shall protect the community provided that no such permit shall be for more than a one-year period.
- (e) Permit for yearly terms the production of articles in whole or substantial part from materials excavated or grown upon the premises.
- (f) Permit for two year terms a roadside stand for the sale primarily of farm products grown within the town on land of the owner of the stand. The sale from such stand of plants, flowers and fire place wood, and of poultry, eggs, vegetables, fruits, berries, preserves and other edible farm products of a similar nature, produced or grown elsewhere than on such land of the owner of the stand, whether or not the land on which such products are produced or grown is owned by the owner of the stand, may be permitted provided that the total dollar volume of annual sales of such products shall not exceed fifty (50) per cent of the total dollar volume of annual sales of all products from such stand. Except as provided in Section 14 (g) of this By-Law,

the sale from such stand of all other products is expressly prohibited.

Off street parking must be provided, and all products must be kept under cover, except that plants, flowers and fireplace wood may be offered for sale outdoors.

- (g) Permit during the appropriate season of any year the sale of Christmas trees and Christmas wreaths.
- (h) In any instance where, by reason of any section of this By-Law, a parking area is required to be provided for a permitted building, but where the Board of Appeals determines that the complete development of the required parking area is not currently necessary, to permit the owner, for a period not exceeding two years, to limit his development of the area for present actual parking use to not less than one-half of the total required parking area.

Procedure on Application for Finding and Determination

Upon receipt of application and site plan by the Board of Appeals under the provision of Section 5, subsection (f), (h) and (i) of this By-Law, the Board of Appeals shall within three days (Saturday, Sundays and holidays excluded) transmit to the Planning Board two copies of said application and site plan.

The Planning Board shall consider the same and submit a final report thereon with recommendations to the Board of Appeals. The Board of Appeals shall not make a finding and determination upon an application until it has received the final report of the Planning Board thereon or thirty days shall have elapsed since the transmittal of said copies of the application and site plan to the Planning Board without such report being submitted.

The Board of Appeals shall hold a public hearing and, except as hereinafter provided, shall take final action on an application within forty-five days after the filing of such application with said Board of Appeals.

Such final action shall consist of either (1) a finding and determination that the proposed construction, reconstruction, substantial exterior alteration, or addition will constitute a suitable development and will not result in substantial detriment to the neighborhood, or (2) a written denial of the application for such finding and determination, stating the reasons for such denial, which reasons shall include a statement of the respect in which any elements in and particular features of the proposal are deemed by the Board to be inadequate, unsuitable or detrimental to the neighborhood. A finding and determination may be made subject to such reasonable conditions, modifications and restrictions set forth therein as the Board may deem necessary to insure that the proposed construction, reconstruction, substantial exterior alteration, or addition will constitute a suitable development and will not result in substantial detriment to the neighborhood.

In the event that the Board makes such finding and determination, such construction, reconstruction, substantial exterior alteration, or addition shall be carried on only in conformity with any conditions, modifications and restrictions to which the Board shall have made its finding and determination subject, and only in essential conformity with the application and the site plan on the basis of which the finding and determination are made.

The period within which final action shall be taken may be extended for a definite period by mutual consent of the Board of Appeals and the applicant. In the event the Board determines that the site plan and evidence presented to it at the public hearing are inadequate to permit the Board to make a finding and determination, it may, in its discretion, instead of denying the application, adjourn the hearing to a later date to permit the applicant to submit a revised site plan and further evidence, provided, however, that such adjournment shall not extend the forty-five day period within which final action shall be taken by the Board, unless said period is extended to a day certain by mutual consent.

The Board of Appeals shall file with its records a written report of its final action on each application, with its reasons therefor.

In the event the Board of Appeals shall fail to take final action on an application within forty-five days after the filing with the Board of an application for a finding and determination, or within such extended period as shall have been mutually agreed upon as herein provided, then upon the expiration of said forty-five day or extended period, said Board shall be deemed to have found and determined that the proposed construction, reconstruction, substantial external alteration, or addition will constitute a suitable development and will not result in substantial detriment to the neighborhood.

SECTION 15.

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision hereof.

SECTION 16.

Any building or use of premises not herein expressly permitted is hereby expressly forbidden.

SECTION 17.

CONFLICT OF LAWS

Where this By-Law imposes a greater restriction upon the use of land or the use of erection of buildings in the Town than is imposed by other By-Laws of the Town, the provisions of this By-Law shall control.

SECTION 18.

PENALTY FOR VIOLATION

Whoever violates any provision of this By-Law shall be punished by a fine not exceeding Twenty (\$20.00) Dollars for each offense.

SECTION 19.

AMENDMENTS

No amendment to this By-Law shall be adopted until after the Planning Board has held a public hearing thereon and has submitted a final report with its recommendations to an Annual or Special Town Meeting or until twenty days shall have elapsed after such hearing without the submission of such a report.

Notice stating the time, place and purpose of said hearing shall be given by publication in a local newspaper at least fourteen days before said hearing and, unless in the opinion of the Planning Board the proposed amendment is one of wide application in the Town, by mailing a copy of said notice to the owners of all property deemed by said Board to be affected thereby as they appear on the most recent local tax list at least seven days before said hearing.

The Planning Board shall hold such a public hearing on a proposed amendment when requested so to do by a vote of the Town, by a petition signed by not less than 100 registered voters of the Town or by a petition signed by the owners of 50% in valuation of the property designated or accepted by the Planning Board as affected by any such proposed amendment. Such a hearing may be held by the Planning Board at any time on its own initiative.

Any change in the location or boundaries of a zoning district made through the amendment of this By-Law shall be indicated by the alteration of the aforesaid Zoning Map, and the Map thus altered is declared to be a part of this By-Law thus amended. Any failure to alter or delay in altering the Map shall not postpone or otherwise affect the effectiveness of this amendment.

SECTION 20.

INTERPRETATION

This By-Law shall be deemed to constitute a re-enactment and continuance of the provisions of the Zoning By-Law in effect when it was adopted except so far as it contains changes in wording or arrangement which unequivocally constitute changes in meaning.

July 15, 1963

I, James J. Carroll, Town Clerk of the Town of Lexington, hereby certify that the foregoing is a true copy of the Zoning By-Law of the Town of Lexington adopted at an adjourned Town Meeting held on December 4, 1950 as approved by the Attorney General on February 23, 1951 and published in the Lexington Minute-man on April 26, May 7 and May 10, 1951, as it has since been altered by amendments thereof and additions thereto, all duly adopted at Town Meetings, approved by the Attorney General and published in the Lexington Minute-man, which have become effective prior to July 15, 1963.

JAMES J. CARROLL

Town Clerk

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