

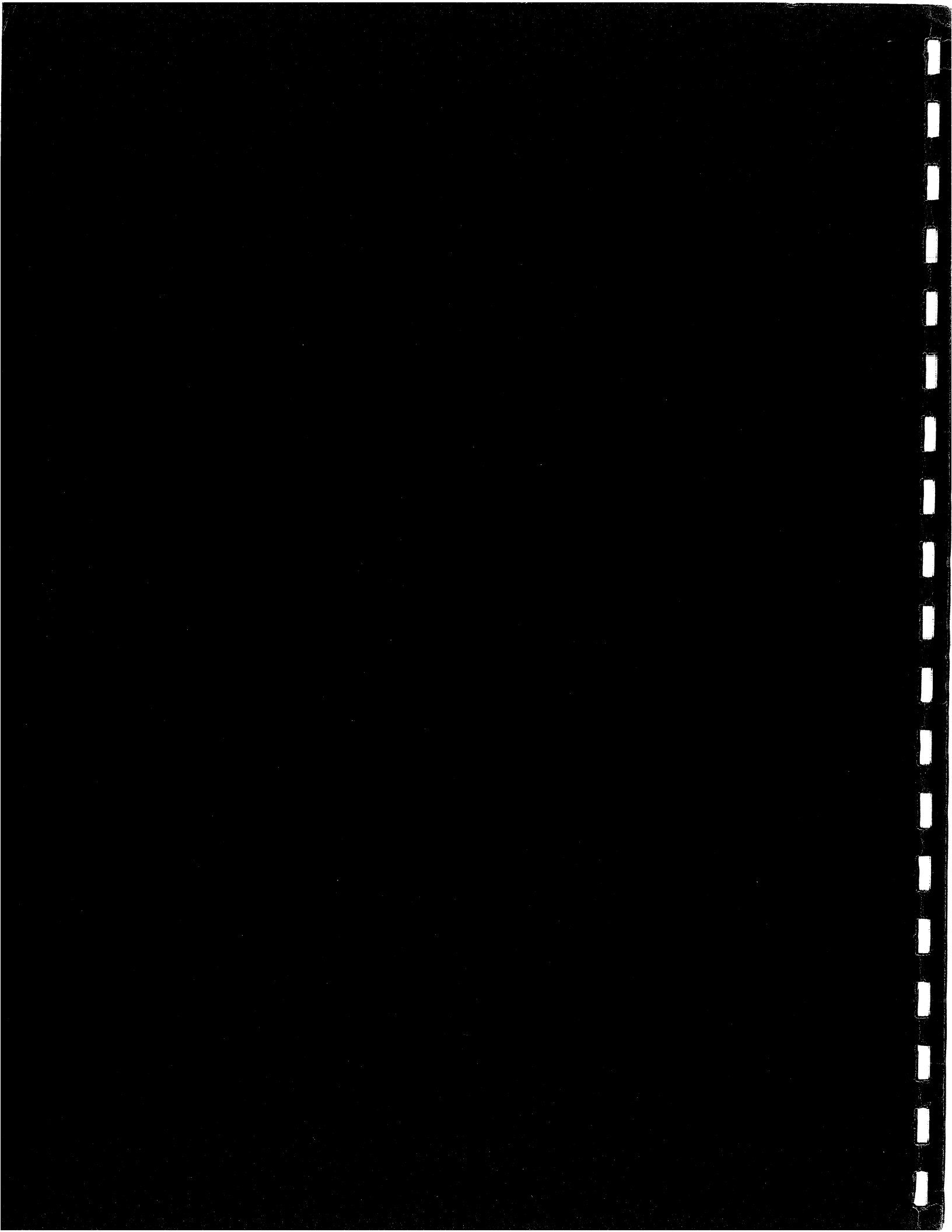
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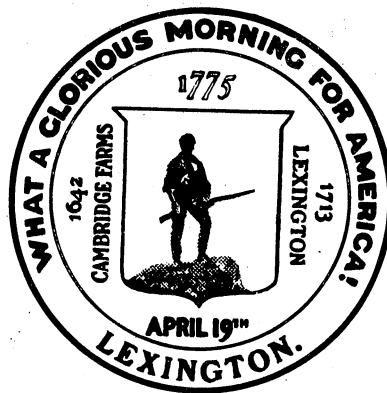
ZONING BY-LAW

OF THE

CITY OF BOSTON



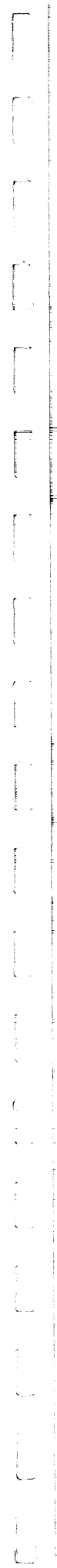
Zoning By-Law OF THE TOWN OF LEXINGTON



PUBLISHED BY
LEXINGTON PLANNING BOARD

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NOV. 1, 1973



Z O N I N G B Y - L A W

of the

TOWN OF LEXINGTON, MASS.

Adopted June 4, 1968, under Article 10 of the Warrant for the June 3, 1968 Special Town Meeting and approved by the Attorney General on July 16, 1968, and posted in the six precincts on September 16, 1968. This was a reenactment and continuance of the Zoning By-Law, originally adopted at the Adjourned Town Meeting on March 17, 1924, approved by the Attorney General on April 8, 1924, and published on April 18, 25 and May 2, 1924, and included all amendments in the period 1924 to 1968 including a major revision in 1950. Subsequent amendments in 1971, 1972, and 1973 as adopted, approved and published have been incorporated.

November 1, 1973

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PART I. ADMINISTRATION AND PROCEDURE

SECTION 10. For the purposes set forth in General Laws, Chapter 40A, Sections 1 to 22 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, repair, height, number of stories, area, size, location and the use of buildings and structures, the size of lots, yards, courts and other open spaces, 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 or referred to and shown on the Zoning District Maps and on the Zoning Map of the Town of Lexington prepared by the Planning Board and on file in the office of the Town Clerk, which Zoning District Maps and Zoning Map are hereby made a part of this By-Law. Said Zoning Districts Maps and Zoning Map may be revised from time to time by the Planning Board to show the location and boundaries of zoning districts, as voted or amended by the Town, and by addition, deletion or modification of geographical features to keep the maps reasonably current and to facilitate orientation.

Purpose

Zoning
District Maps
and
Zoning Map

SECTION 11. 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.

Enforcement
by Building
Inspector

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.

11.1 Whoever violates any provision of this By-Law shall be punished by a fine not exceeding Fifty Dollars (\$50.00) for each offense, except that the penalty for the removal of earth materials in violation of this By-Law shall be as provided for in the General By-Laws of the Town of Lexington. Every day a violation continues after its abatement has been ordered by the Town shall constitute a new offense.

Penalty for
Violation

Building
Permits
Required

11.2 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 said lot abuts.

Occupancy
Permit

11.3 A permit to erect, relocate or alter any building or structure shall be deemed a permit to occupy or use such building or structure for the use and purposes set forth in such permit when the building or structure is completed to the satisfaction of the Building Inspector in accordance with the provisions of such permit and with the plans and specifications filed with the Building Inspector, and when adequate means of sewage disposal have been provided; provided, however, that the right to occupy or use shall be subject to revocation, modification or denial in accordance with the provisions of this By-Law and other applicable laws.

Certificate
of
Compliance

11.4 The Building Inspector may, with the concurrence of the Planning Board, issue certificates of compliance with the Zoning By-Law stating that, in his opinion, an existing or proposed specific use of land, buildings or structures is or would constitute a permitted use and listing such references to the provisions of this By-Law and to restrictions or conditions as he may deem pertinent. A reasonable fee, as set from time to time by the Selectmen, may be charged for each certificate of compliance.

Board of
Appeals

SECTION 12. There shall be a Board of Appeals of five members appointed by the Selectmen for five year terms. The Selectmen shall also appoint six associate members of the Board of Appeals. The appointment, service and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in the General Laws, Chapter 40A. The Board of Appeals in existence up to the date of the adoption of this Section shall continue in office for the balance of terms for which originally appointed.

Powers of
the Board
of Appeals

The Board of Appeals shall have and exercise all the powers granted to it by said Chapter 40A and this Zoning By-Law. These powers comprise the following:

Appeals

12.1 Appeals - To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provisions of Chapter 40A, General Laws, or by any officer or board of the Town, or by any person aggrieved by any order or decision of the Inspector of Buildings or other administrative official in violation of any provision of Chapter 40A, General Laws, or of this By-Law. Such appeals shall be taken within 30 days from the date of the order or decision being appealed, by filing a notice of appeal, specifying the grounds therefor, with the Town Clerk.

12.2 Special Permits - To hear and decide applications for special permits for exceptions as provided in this By-Law, subject to any general or specific rules therein contained, and subject to appropriate conditions or safeguards imposed by the Board of Appeals. Such special permit may be granted when in the judgment of the Board of Appeals the public welfare and convenience will be substantially served thereby and where a requested permit will not tend to impair the status of the neighborhood.

Special
Permit

12.3 Variances - To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of this By-Law where, owing to conditions specially affecting such parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this By-Law would involve substantial hardship, financial or otherwise, to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this By-Law, but not otherwise.

Variances

SECTION 13. Site plan review by the Board of Appeals is required prior to approval of an application for a special permit in certain cases specified in Section 25 (designated "SPS" in the Use Regulation Schedule). In such cases, a special permit shall be issued only if the Board of Appeals makes a finding and determination that the proposed placement of buildings, major topographic changes, provisions for waste disposal, surface and ground water drainage, protection against flooding and inundation, prevention of water pollution and environmental damage, erosion control, parking areas, loading areas, maneuvering areas, driveways, and the location of intersections of driveways and streets will constitute a suitable development and will not result in substantial detriment to the neighborhood.

Site Review

13.1 A person applying for a special permit under this section shall file with the Board of Appeals three copies each of an application and a preliminary site plan. Such application and site plan shall include the elements on which the Board of Appeals is to make a finding and determination, as provided in Section 13, and shall also include 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.

Contents of
Applications

13.2 The Board of Appeals shall within three days (Saturdays, Sundays and holidays excluded) of receipt of them transmit to the Planning Board two copies of the above 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 until 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.

Planning
Board Report

13.3 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.

Public
Hearing

Finding and
Determina-
tion
Reasons and
Conditions

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.

Compliance
with Find-
ing and
Determination

13.4 In the event that the Board of Appeals approves a Special Permit under these provisions, any 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.

Extension of
Time for
Finding and
Determination

13.5 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.

Written
Report

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

Failure
to Act

13.7 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.

Amendments,
Public Hear-
ing and
Report

SECTION 14. 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.

14.1 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.

Amendment
Public Hearing
on
Petition

14.2 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.

Amendment
Notice of
Public Hearing

14.3 Any deletion, addition or 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 District Maps and Zoning Map, and the maps thus altered are declared to be a part of this By-Law thus amended. A vote of the Town adding a zoning district or changing or redefining the boundaries thereof made in the form of a verbal description shall be incorporated in this By-Law in graphic form by addition to or alteration of the Zoning District Maps and the Zoning Map, but any delay or error in altering or preparing the Zoning District Maps and the Zoning Map, or a failure to alter or prepare said maps, shall not postpone or otherwise affect the effectiveness of any amendment.

Amendment of
Zoning Map
and Zoning
District Maps

SECTION 15. The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision hereof.

Validity

SECTION 16. Where this By-Law imposes a greater restriction upon the use of land or the use or erection of buildings in the Town than is imposed by other By-Laws of the Town, the provisions of this By-Law shall control.

Other
By-Laws

SECTION 17. Any building or use of premises not herein expressly permitted is hereby expressly forbidden.

Forbidden if
Not Permitted

SECTION 18. 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.

Continuity
of By-Law

PART 2. USE AND INTENSITY REGULATIONS

Districts
Defined

SECTION 20. The Town of Lexington is hereby divided into districts designated as follows:

20.1 Residence Districts:

- RO - One family dwelling districts, (30,000 sq. ft.)
- RS - One family dwelling districts, (15,500 sq. ft.)
- RT - Two family dwelling districts
- RM - Multi-family (garden apartment) dwelling districts
- RH - Subsidized Housing Districts

20.2 Commercial and Industrial Districts:

- CR - Office and research park districts
- CH - Hotel, office and research park district
- CM - Manufacturing and research park district
- CO - Office districts
- CS - Service and trade districts
- CN - Neighborhood business districts
- CG - General business districts
- CB - Central business districts

20.3 Wetland Protection Districts:

- W - Wetland Protection District, which are superimposed on other districts, as defined in Section 37.

Descriptions SECTION 21. In the event of any discrepancy between the boundaries of the districts as shown on the Zoning Map, including the Zoning District Maps, or as hereinafter described, and the description in the vote of the town meeting establishing or amending said boundaries, the vote of the town meeting shall govern.

Geographical Descriptions SECTION 22. Geographical descriptions of residence districts.

RO Description 22.1 RO - one family dwelling districts include every part of the Town not hereinafter specifically designated or not shown upon the Zoning Map as a district other than an RO district.

RS Description 22.2 RS - one family dwelling district includes the land within the area bounded and described as follows and not hereinafter designated or shown upon the Zoning Map as a district other than an RS district:
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.

22.3 RT - two family dwelling districts are as follows:

RT Districts
Description

22.31 A district on the southwesterly side of Massachusetts Avenue as shown on the Zoning District Map No. RT-1 entitled "RT TWO FAMILY DWELLING DISTRICTS", designated thereon 22.31.

22.32 A district on the southwesterly side of Massachusetts Avenue as shown on the Zoning District Map No. RT-1 entitled "RT TWO FAMILY DWELLING DISTRICTS", designated thereon 22.32.

22.33 A district between the northeasterly line of Massachusetts Avenue and the railroad right-of-way as shown on the Zoning District Map No. RT-1 entitled "RT TWO FAMILY DWELLING DISTRICT", designated thereon 22.33.

22.4 RM - multi-family dwelling districts are as follows:

RM Districts
Description

22.41 A district at the southeasterly corner of Massachusetts Avenue and Woburn Street as shown on the Zoning District Map No. RM-1 entitled "RM GARDEN APARTMENT DISTRICTS", designated thereon 22.41.

22.42 A district on the southerly corner of Waltham Street and Worthen Road as shown on the Zoning District Map No. RM-2 entitled "RM GARDEN APARTMENT DISTRICTS", designated thereon 22.42.

22.43 A district on the southeasterly side of Maple Street at Emerson Road as shown on the Zoning District Map No. RM-1 entitled "RM GARDEN APARTMENT DISTRICTS", designated thereon 22.43.

22.44 A district on the southerly side of Worthen Road between Massachusetts Avenue and Bedford Street as shown on the Zoning District Map No. RM-3 entitled "RM GARDEN APARTMENT DISTRICTS", designated thereon 22.44.

22.45 A district on the southwesterly side of Shirley Street as shown on the Zoning District Map No. RM-3 entitled "RM GARDEN APARTMENT DISTRICTS", designated thereon 22.45.

22.46 A district off Winthrop Road southeasterly of Waltham Street as shown on the Zoning District Map No. RM-4 entitled "RM GARDEN APARTMENT DISTRICTS", designated thereon 22.46.

22.47 A district off Concord Avenue and northerly of said Concord Avenue as shown on the Zoning District Map No. RM-5 entitled "RM GARDEN APARTMENT DISTRICTS", designated thereon 22.47.

W Districts
Description

22.5 wetland protection districts:

W - wetland protection districts are shown on maps entitled "WETLAND PROTECTION DISTRICTS, LEXINGTON, MASSACHUSETTS - 1973" consisting of an index map and 12 sheets entitled Zoning District Maps numbered W-1, W-2, W-5, W-6, W-7, W-8, W-12, W-13, W-26, W-32, W-33, W-39.

SECTION 23. Geographical descriptions of commercial and industrial districts.

CR Districts
Description

23.1 CR - office and research park districts are as follows:

23.11 A district on the northeasterly side of the Cambridge-Concord Highway (Route 2) on both sides of Spring Street as shown on the Zoning Districts Map No. CR-1 entitled "CR OFFICE AND RESEARCH PARK DISTRICTS", designated thereon 23.11.

23.12 A district on the westerly side of Wood Street as shown on the Zoning District Map No. CR-2 entitled "CR OFFICE AND RESEARCH PARK DISTRICTS", designated thereon 23.12.

23.13 A district at the southwesterly side of Marrett Road west of the Northern Circumferential Highway (Route 128) as shown on the Zoning District Map No. CR-3, entitled "CR OFFICE AND RESEARCH PARK DISTRICTS", designated thereon 23.13.

23.14 A district on the southeasterly side of the Route 128 - Route 2 Interchange, so called, as shown on the Zoning District Map No. CR-4 entitled "CR OFFICE AND RESEARCH PARK DISTRICTS", designated thereon 23.14.

23.15 A district on the northerly side of Hayden Avenue as shown on the Zoning District Map No. CR-5 entitled "CR OFFICE AND RESEARCH PARK DISTRICTS", designated thereon 23.15.

23.16 A district on the northerly side of Hayden Avenue as shown on the Zoning District Map No. CR-5 entitled "CR OFFICE AND RESEARCH PARK DISTRICTS", designated thereon 23.16.

23.17 A district on the northerly side of Hayden Avenue as shown on the Zoning District Map No. CR-5 entitled "CR OFFICE AND RESEARCH PARK DISTRICTS", designated thereon 23.17.

23.18 A district on the northerly side of Hayden Avenue as shown on the Zoning District Map No. CR-5 entitled "CR OFFICE AND RESEARCH PARK DISTRICTS", designated thereon 23.18.

23.19 A district on the southwesterly side of the Route 128-Route 2 Interchange, so called, as shown on the Zoning District Map No. CR-6 entitled "CR OFFICE AND RESEARCH PARK DISTRICTS", designated thereon 23.19.

23.2 CH - hotel, office and research park districts are as follows: CH Districts Description

23.21 A district on the southwesterly side of Bedford Street between Route 128 and Hartwell Avenue as shown on the Zoning District Map No. CH-1 entitled "CH HOTEL, OFFICE AND RESEARCH PARK DISTRICT", designated thereon 23.21.

23.22 A district on the westerly side of the Northern Circumferential Highway (Route 128) and the northeasterly side of Marrett Road as shown on the Zoning District Map No. CH-2 entitled "CH HOTEL, OFFICE AND RESEARCH PARK DISTRICT", designated thereon 23.22.

23.3 CM - manufacturing and research park districts are as follows: CM Districts Description

23.31 A district between the northwesterly side of the Northern Circumferential Highway and Hartwell Avenue as shown on the Zoning District Map No. CM-1 entitled "CM MANUFACTURING AND RESEARCH PARK DISTRICT", designated thereon 23.31.

23.32 A district northwesterly of Hartwell Avenue as shown on the Zoning District Map No. CM-1 entitled "CM MANUFACTURING AND RESEARCH PARK DISTRICT", designated thereon 23.32.

23.4 CO - office districts are as follows: CO Districts Description

23.41 A district on the easterly side of Waltham Street as shown on the Zoning District Map No. CO-1 entitled "CO OFFICE DISTRICTS", designated thereon 23.41.

23.42 A district on the northwesterly side of Worthen Road as shown on the Zoning District Map No. CO-1 entitled "CO OFFICE DISTRICTS", designated thereon 23.42.

23.5 CS - service and trade districts include the land described as follows: (none) CS Districts

23.6 CN - neighborhood business districts are as follows: CN Districts Description

23.61 A district on the easterly side of Bedford Street between North Hancock Street and Harding Road as shown on the Zoning District Map No. CN-1 entitled "CN NEIGHBORHOOD BUSINESS DISTRICT", designated thereon 23.61.

23.62 A district on the northerly side of Marrett Road as shown on the Zoning District Map No. CN-1 entitled "CN NEIGHBORHOOD BUSINESS DISTRICT", designated thereon 23.62.

23.63 A district at the northeasterly corner of Lincoln and School streets as shown on the Zoning District Map No. CN-2 entitled "CN NEIGHBORHOOD BUSINESS DISTRICTS", designated thereon 23.63.

23.64 A district at the southwesterly corner of Waltham Street and Concord Avenue as shown on the Zoning District Map No. CN-3 entitled "CN NEIGHBORHOOD BUSINESS DISTRICTS", designated thereon 23.64.

23.65 A district at the southeasterly corner of Waltham Street and Concord Avenue as shown on the Zoning District Map No. CN-3 entitled "CN NEIGHBORHOOD BUSINESS DISTRICTS", designated thereon 23.65

23.66 A district on the westerly side of Bedford Street as shown on the Zoning District Map No. CN-4 entitled "CN NEIGHBORHOOD BUSINESS DISTRICTS", designated thereon 23.66.

23.67 A district on the northeasterly side of Bedford Street north of the Boston and Maine Railroad as shown on the Zoning District Map No. CN-2 entitled "CN NEIGHBORHOOD BUSINESS DISTRICTS", designated thereon 23.67.

23.68 A district at the northwesterly corner of Waltham Street and Concord Avenue as shown on the Zoning District Map No. CN-3 entitled "CN NEIGHBORHOOD BUSINESS DISTRICTS", designated thereon 23.68.

CG Districts
Description

23.7 CG - general business districts are as follows:

23.71 A district on the southwesterly side of Massachusetts Avenue northwesterly of Arlington line as shown on the Zoning District Map No. CG-1 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.71.

23.72 A district on the easterly side of Massachusetts Avenue and the southerly line of Curve Street as shown on the Zoning District Map No. CG-1 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.72.

23.73 A district at the southwesterly corner of Massachusetts Avenue and Independence Avenue as shown on the Zoning District Map No. CG-1 entitled "CG GENERAL BUSINESS DISTRICT" designated thereon 23.73.

23.74 A district on the northeasterly side of Bedford Street southwest of the Boston and Maine Railroad as shown on the Zoning District Map No. CG-2 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.74.

23.75 A district on the southwesterly side of Bedford Street between the railroad right of way and the North Lexington Brook as shown on the Zoning District Map No. CG-3 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.75.

23.76 A district at the northeasterly corner of Marrett Road and Waltham Street as shown on the Zoning District Map No. CG-4 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.76.

23.77 A district at the southeasterly corner of Marrett Road and Waltham Street as shown on the Zoning District Map No. CG-4 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.77.

23.78 A district at the southwesterly corner of Marrett Road and Waltham Street as shown on the Zoning District Map No. CG-4 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.78.

23.79 A district at the westerly corner of Marrett Road and Spring Street as shown on the Zoning District Map No. CG-5 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.79.

23.80 A district at the southeasterly corner of Lincoln Street and Marrett Road as shown on the Zoning District Map No. CG-6 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.80.

23.81 A district at the northeasterly corner of Fletcher Avenue and Woburn Street as shown on the Zoning District Map No. CG-9 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.81.

23.82 A district at the junction of Lowell Street and North Street as shown on the Zoning District Map No. CG-7 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.82.

23.83 A district at the southwesterly corner of Lincoln Street and Marrett Road as shown on the Zoning District Map No. CG-6 entitled "CG GENERAL BUSINESS DISTRICT" designated thereon 23.83.

23.84 Districts at the junction of Woburn and Lowell streets as shown on the Zoning District Map No. CG-8 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.84.

23.85 A district at the northwesterly corner of Marrett Road and Waltham Street as shown on the Zoning District Map No. CG-4 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.85.

23.86 A district on the easterly side of Waltham Street at Waltham line as shown on the Zoning District Map No. CG-9 entitled "CG GENERAL BUSINESS DISTRICT", designated thereon 23.86.

23.9 CB - central business districts are as follows:

CB Districts
Description

23.91 A district on the northwesterly side of Massachusetts Avenue northwest of the Arlington line as shown on the Zoning District Map No. CB-1 entitled "CB CENTRAL BUSINESS DISTRICT", designated thereon 23.91.

23.92 A district on the southwesterly side of Massachusetts Avenue between Waltham and Muzzey streets as shown on the Zoning District Map No. CB-2 entitled "CB CENTRAL BUSINESS DISTRICT", designated thereon 23.92.

23.93 A district on the southwesterly side of Massachusetts Avenue northwest of Muzzey Street as shown on the Zoning District Map No. CB-2 entitled "CB CENTRAL BUSINESS DISTRICT", designated thereon 23.93.

23.94 A district on the northeasterly side of Massachusetts Avenue between Grant and Meriam streets as shown on the Zoning District Map No. CB-2 entitled "CB CENTRAL BUSINESS DISTRICT", designated thereon 23.94.

23.95 A district on the southwesterly side of Bedford Street as shown on the Zoning District Map No. CB-3 entitled "CB CENTRAL BUSINESS DISTRICT", designated thereon 23.95.

23.96 A district between the northeasterly side of Bedford Street and the Boston and Maine Railroad as shown on the Zoning District Map No. CB-3 entitled "CB CENTRAL BUSINESS DISTRICT", designated thereon 23.96.

23.97 A district on the southwesterly side of Massachusetts Avenue southeast of Waltham Street as shown on the Zoning District Map No. CB-2 entitled "CB CENTRAL BUSINESS DISTRICT", designated thereon 23.97.

Permitted
Land Uses

SECTION 24. No land shall be used and no structure shall be erected or used, except as set forth in the following Use Regulations Schedule or as exempted by Section 31 or by General Laws. Use of land in a Wetland Protection District shall be governed by the requirements of Section 37, as well as the requirements of the Use Regulation Schedule.

Symbols

Symbols employed in the Use Regulations Schedule shall mean the following:

- "Yes" - permitted as of right
- "No" - prohibited
- "SP" - permitted only under a Special Permit for an exception granted by the Board of Appeals, as provided for in Subsection 12.2 of this By-Law;
- "SPS"- use permitted, but the construction, reconstruction, substantial alteration of or addition to buildings for such uses shall be subject to a Special Permit as above with the additional site plan review requirements of Section 13 hereof.

Specific
Classifi-
cation

24.1 Where an activity might be classified under more than one of the uses listed in the Use Regulations Schedule, the more specific classification shall determine permissibility; if equally specific the more restrictive shall govern.

Principal
and Acces-
sory Uses

24.2 In the following Use Regulations Schedule the uses enumerated under the captions "as a principal use" and numbered 25.10 through 25.74 inclusive are the principal uses of buildings or land; the uses enumerated under the caption "as accessory use" and numbered 25.80 to 25.92 inclusive are accessory uses within the definition of Section 40 of this By-Law; the uses enumerated under the caption "as principal or accessory use" and numbered 25.94 to 25.96 inclusive, include all uses, whether principal or accessory.

Accessory
Use to
Principal
Use

24.3 Uses and buildings not listed in the Use Regulations Schedule and not prohibited as dangerous or disturbing or detrimental (see 25.95) are permitted if accessory to a principal permitted use listed herein and conforming to all other provisions of this By-Law and not in violation of any other municipal By-Law or General Laws.

Residential
Apartments

24.4 Residential apartments under Paragraph 25.13 may only be permitted by Special Permit under Subsection 12.2 in the same structure with one or more of uses listed in Paragraphs 25.40, 25.41, 25.42, 25.62, 25.63, 25.64, 25.65, 25.66 of the Use Regulations Schedule and subject to the following conditions:

Second and
Third Floor
Apartments

24.41 There shall be no apartments on other than the second and third floors, and no other use on the same floor as apartments or on any floor above such apartments.

24.42 There shall be provided on the same lot as the apartments and reserved for use by the tenants of such apartments parking facilities equivalent to at least one parking space for each room designed for or used as a bedroom.

Parking

24.43 There shall be provided and maintained on the same lot as the apartments an open, landscaped area, available and accessible to the apartment tenants, containing an aggregate area not less than the gross floor area allocated to apartments, or one-fourth acre per permanent structure, whichever is greater, provided, however, that these conditions shall be deemed to be satisfied by the existence of public park, recreation or open space land located contiguous to such lot or separated therefrom only by a street designated for not more than two traffic lanes.

Landscaped Area

24.5 Where the Board of Appeals determines that the character of the neighborhood would not be impaired, the storage and sale of some or all of the following supplementary items in conjunction with the operation of a nursery may be permitted by Special Permit under subsection 12.2; plants grown elsewhere than on the premises, items intended to improve or preserve the life and health of plants, including without limitation pesticides, insecticides, peat moss, humus, mulches, fertilizers, and other chemicals, hand gardening tools and hand gardening equipment, garden hose, watering and spraying devices, containers for living plants, cut flowers, Christmas trees and wreaths, in season; indoors only, birdseed, birdbaths, birdfeeders, birdhouses, and ornamental or decorative items intended for use with plants.

Nurseries

The foregoing list may be expanded, in the discretion of the Board of Appeals, to include other items related to plants, gardens or gardening, but shall not include power tools, other power equipment, furniture or items generally associated with the business of a hardware store rather than with the conduct of a nursery. Provided: that a nursery granted such a special permit shall conform to the dimensional controls in Section 27 as to lot area, frontage and yards and the maximum height of buildings for the district in which located and to the following additional requirements:

Minimum lot area 2 acres; building (other than greenhouses) may cover no more than a maximum of 20% of the lot area; greenhouses shall not be used for retail sales of items other than plants; buildings (other than greenhouses) used for retail sales shall not exceed a maximum of 7,500 square feet; not less than 50% of the total land area of the nursery shall be used for the propagation or cultivation of plants in the open or in greenhouses; the Board of Appeals shall impose and may from time to time review and revise requirements for adequate off-street parking, screening, open space buffers, lighting, outdoor storage and display, hours of operation and such other requirements as the Board of Appeals may deem necessary to preserve the character of the neighborhood.

Section 25 - USE REGULATIONS SCHEDULE

Use Designation	District												
	RC RS	RH	RT	RM	CR	CH	CM	CO	CS	CN	CG	CB	
As a Principal Use													
25.10 One family dwellings	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
25.11 Two-family dwellings	No	No	Yes	No	No	No	No	No	No	No	Yes	Yes	
25.12 Garden apartments* (each must be connected to public sanitary sewer)	No	No	No	SPS	No	No	No	No	No	No	No	No	
25.13 Apartments on second and third floor of business buildings (see subsection 24.4)	No	No	No	No	No	No	No	No	No	No	No	SP	
25.14 Hotel or motor hotel (must be connected to public sanitary sewer)	No	No	No	No	No	SPS	No	No	No	No	SPS	SPS	
25.15 Dwelling conversion to two-family	SP	SP	Yes	SP	SP	SP	SP	SP	SP	SP	Yes	Yes	
*Provided that no living quarters shall be located below the mean finished grade of the ground adjoining the building, nor above the second story													
25.20 Religious, sectarian or denominational schools, buildings and uses, including parish houses and rectories; public schools, parks, playgrounds; municipal buildings and uses	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
25.21 Other schools	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
25.22 Hospitals, sanitariums, nursing, convalescent and rest homes, homes for the aged, charitable institutions, cemeteries	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
25.23 Passenger stations, landing fields, telephone exchanges, radio and television transmitting sites; sites, buildings and uses for other public services; private water towers and reservoirs	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
25.24 Private parks, playgrounds, clubs and recreation buildings of a non-commercial and non-profit nature, standard or par-three golf course	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
25.25 Miniature, pitch and putt, driving and novelty golf installations	No	No	No	No	No	No	No	No	No	No	No	SP	
25.26 Billiard rooms, bowling alleys, dance halls, skating rinks, theaters and similar commercial amusement places	No	No	No	No	No	No	No	No	No	No	No	SP	
25.27 Places and buildings for public assembly	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
25.30 Commercial raising, boarding, breeding or keeping of fur-bearing animals	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
25.31 Commercial greenhouses	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
25.32 Other farms, including truck gardens and nurseries, but only tools, equipment and vehicles incidental to the actual use of the premises may be stored thereon	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
25.33 Roadside stands (for two-year terms)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Yes	Yes	
25.34 Seasonal sale of Christmas trees and wreaths	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Yes	Yes	
25.40 Physicians, dentists, opticians, real estate brokers	No	No	No	No	SPS	SPS	SPS	SPS	No	Yes	Yes	Yes	
25.41 Offices of salesmen, agents and representatives of manufacturing, distributing, insurance and wholesale companies	No	No	No	No	SPS	SPS	SPS	SPS	No	No	Yes	Yes	
25.42 Administrative, executive, professional and similar offices	No	No	No	No	SPS	SPS	SPS	SPS	No	No	Yes	Yes	
25.50 Retail gasoline, oil and lubrication stations and places of business for the sale and installation of tires and other automobile accessories, maintenance and minor repairs of motor vehicles	No	No	No	No	SPS	SPS	SPS	SPS	No	No	Yes	Yes	
25.51 Gasoline service stations incidental to a permitted automotive repair shop	No	No	No	No	No	No	No	No	No	No	No	No	
*Where in the opinion of the Board of Appeals a clearly established need will be served thereby, and subject to such conditions, restrictions and safeguards as the Board of Appeals may impose to protect the character of neighborhood and to reduce interference with the safe and convenient flow of traffic.													

Section 25 - USE REGULATIONS SCHEDULE (Continued)

Case 6-1-75

Use Designation		District												
		RO	RS	RH	RT	RM	CR	CH	CM	CO	CS	CN	CG	CB
25.52	Automotive service	As a Principal Use												
25.53		Parking of motor vehicles (other than in connection with a use permitted in the district by this Section)												
25.54		Major mechanical repairs, auto body repairs												
25.55		Storage, retail sales and rental of automobiles, aircraft, marine craft, farm and other heavy machinery and vehicles, including the accessories thereof: commercial car wash establishments, if not detrimental to neighboring areas, particularly with regard to safe and convenient flow of traffic												
25.60		Automobile graveyards												
25.61	Retail, consumer service & trade uses	Retail dealers in bottled gas, grain, animal feed, ice and milk												
25.62		Billboards, retail liquor stores												
25.63		Drugstores, retail stores for sale of beauty and health aids, medicines, medical supplies, food not intended for consumption on the premises, smoking supplies, periodicals, books, stationery, toys, hardware, arts and crafts supplies; branch banks; service businesses primarily serving neighborhood needs, such as but not limited to barbers, hairdressers, beauticians, manicurists; watch, shoe or clothing repairs												
25.64		Retail stores other than above: banks; caterer, confectioner, decorator, hand laundry, florist, photographer												
25.65		Self-service automatic laundry and dry cleaning establishments, pick-up stations of cleansing, laundry and dyeing plants												
25.66		Radio, television and electrical appliance repairs												
25.67		Dressmaking or tailoring establishments, including those specializing in alterations, furriers, milliners, printing shops, bakeries and similar shops or trades provided that all work shall be of custom or job order type for sale on the premises and that there shall be no production for stock or for wholesale												
25.68		Sale of air conditioning, heating, refrigerating and plumbing equipment and supplies, lumber, fuel, structural and building materials and supplies; general building, building maintenance, landscaping, electrical and similar contractors, masons, carpenters, well-drillers, blacksmiths and locksmiths, reupholstering furniture and other similar repair services												
25.69		Undertakers, funeral homes												
25.70		Restaurants and other places for serving food, including those specializing in drive-in or take-out service; diners or lunch carts; treatment, boarding and care of animals; commercial non-manufacturing uses other than those enumerated elsewhere in Use Regulations Schedule												
25.71	Industrial Uses	Light manufacturing, including bakeries without retail sales												
25.72		Laboratories engaged in research, experimental and testing activities, including but not limited to the fields of biology, chemistry, electronics, engineering, geology, medicine and physics												
25.73		Storage and distribution of packaged articles owned by the occupant, provided that all storage shall be inside the walls of buildings of first or second class construction												
		Removal of earth materials												

Section 25 - USE REGULATIONS SCHEDULE (Continued)

Use Designation

	RO	RS	RH	RM	CR	CH	CM	CO	CS	CN	CG	CR
As a Principal Use												
25.74 Production of articles wholly or in substantial part from materials excavated or grown on premises (for yearly terms)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
As Accessory Use Only (see definition)												
25.80 Taking not more than four boarders or letting or renting of rooms without cooking facilities to not more than four persons, or both, in an existing dwelling by a family resident therein; * home occupation (see definition) in any existing dwelling; accessory signs subject to Sections 34 and 35 hereof and the Town Sign By-Law: Garage space for parking 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: outdoor parking of non-commercial vehicles; ** swimming pools, provided that any such pool which meets the definition of a structure shall be subject to provisions of Section 27 of this By-Law: greenhouses not intended and not used for commercial purposes and subject to regulation as a structure.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
25.81 Use of a portion of a dwelling as an office by a physician, dentist or other professional person residing in the dwelling incidental to such residence.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
25.82 Buildings normally accessory to garden apartments	No	No	No	No	No	No	No	No	No	No	No	No
25.83 Incidental sale at retail of parts or components necessary for the maintenance of articles stored and distributed	No	No	No	No	No	No	No	No	No	No	No	No
25.84 Retail uses such as cafeterias, soda or dairy bars, wholly within the same building as the principal permitted use, conducted primarily for the convenience of employees and with no exterior advertising display	No	No	No	No	No	No	No	No	No	No	No	No
25.85 Retail uses in support of a hotel or motor hotel, such as dining halls, restaurants, cafeterias, soda or dairy bars, and shops wholly within the hotel or motor hotel building and with accessory signs as permitted under the Sign By-Law	No	No	No	No	No	No	No	No	No	No	No	No
25.86 Delicatessens, lunch counters and soda fountains incidental to the permitted business of a drugstore	No	No	No	No	No	No	No	No	No	No	No	No
25.87 Wholesale of commodities accessory to the permitted retail sale of such commodities in the district	No	No	No	No	No	No	No	No	No	No	No	No
25.88 Outdoor storage of supplies and equipment incidental to permitted uses, subject to appropriate requirements for location, lighting, screening, fencing, cover and safety precautions	No	No	No	No	No	No	No	No	No	No	No	No
25.89 Outdoor overnight parking of freight-carrying or material-handling vehicles and equipment	No	No	No	No	No	No	No	No	No	No	No	No
25.90 Manufacturing, processing or storing goods and materials as a part of and related solely to research, experimental and testing activities: maintenance shops, power plants, keeping of animals, antennae and machine shops and similar operations to support permitted uses	No	No	No	No	No	No	No	No	No	No	No	No
25.91 Garage space larger than permitted under 25.80 above	No	No	No	No	No	No	No	No	No	No	No	No
25.92 Outdoor parking of commercial vehicles**	No	No	No	No	No	No	No	No	No	No	No	No
* No dwelling may be erected for the purpose of taking boarders or letting or renting of rooms without a Special Permit by the Board of Appeals												
** Outdoor parking is subject to provisions of Sections 31 and 32 and for uses permitted in RO, RS and RT districts need not be on the same lot as the principal use to which it is accessory.												

Section 25 - USE REGULATIONS SCHEDULE (Continued)

Use Designation		District												
As Principal or Accessory Use		RO	RS	RH	RT	RM	CR	CH	CM	CO	CS	CN	CG	CB
25.94	Temporary structures and uses not conforming to this By-Law subject to conditions for the protection of the community													
25.95	Any building or use not expressly permitted by this By-Law and not accessory to such permitted building or use; any structure or use, whether or not otherwise permitted or accessory to a permitted building or use, 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 water ways, corrosive or toxic fumes, heat, gas, smoke, soot, obnoxious dust or glare, excessively bright or flashing lights, electromagnetic radiation, offensive noise, or vibration	No	No	No	No	No	No	No	No	No	No	No	No	No
25.96	Junkyards (see definition) and automobile graveyards <i>(refer to page 40)</i>	No	No	No	No	No	No	No	No	No	No	No	No	No

Compliance
With
Schedule of
Dimensional
Controls

SECTION 26. A lot of land complying with the area and frontage requirements specified in Section 27 hereof under the caption Schedule of Dimensional Controls shall be provided for each dwelling or other principal use (other than an agricultural use) permitted in RO, RS, and RT residence districts and for any other use or uses permitted in other districts. Any building or structure located on a lot shall comply with the dimensional requirements of said Section 27, except where specifically provided otherwise by this By-Law or by General Laws.

No Reduction
of Lot Size

26.1 No lot upon which there is a building or for which a building permit is in force shall be subdivided or otherwise changed in size or shape, except through public acquisitions, so as to result in violation of the requirements of Section 27 Schedule of Dimensional Controls and of other applicable requirements of this By-Law, and a lot already non-conforming shall not be changed in size or shape so as to increase the degree of non-conformity or non-compliance with the 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.

Civil Defense
Shelters

26.2 The construction of a fallout or blast shelter of a design approved by the local direction 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.

RO, RS, RT
Uses in
Other Districts

26.3 Uses and buildings permitted in the RO, RS or RT districts shall, when located in a CR, CH, CO, CS, CG or CB district, be regulated by the dimensional controls of an RS district if located within the area described in Section 22.2, and otherwise by the dimensional controls of an RO district. All uses located in CM or CN districts are regulated by the dimensional controls of the district in which they are located.

Symbols

26.4 As used in the Schedule of Dimensional Controls the symbol "NR" means no requirements, "s.f." means square feet, and "ft." means linear feet.

Lesser
Requirements

26.5 Lesser requirements than those of Section 27 apply to certain lots. These are as follows:

Exemption
for Certain
Lots

26.51 In RO, RS and RT districts the following lots, if used for a dwelling or other building permitted in such districts, are exempted from the area, frontage and side yard provisions of Section 27. Any such lot 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 required side yards shall be based on the total frontage of the enlarged lot.

Lots may be
Combined

<u>Lots laid out and recorded by plan or deed</u>	<u>Area at least</u>	<u>Frontage at least</u>	
Prior to March 17, 1924	Any	Any	Exemption for Previously Recorded Lots
On or after March 17, 1924 and prior to March 18, 1929	5,000 sq.ft.	50 ft.	
On or after March 18, 1929 and prior to August 8, 1938	7,500 sq.ft.	75 ft.	
On or after August 8, 1938 and prior to December 4, 1950	12,500 sq.ft.	100 ft.	
On or after December 4, 1950 and prior to December 1, 1953 and located in RO districts	15,500 sq.ft.	125 ft.	

The following shall apply to the above lots:

<u>If actual lot frontage is:</u>	<u>Side yard must be</u>	
100 ft. or more	Not less than 15 ft.	Minimum Side Yard for Exempt Lots
More than 75 ft. but less than 100 ft.	Not less than 12 ft.	
More than 50 ft. but not more than 75 ft.	Not less than 10 ft.	
50 ft. or less	Not less than 7.5 ft.	

26.52 Certain tracts may be subdivided using the provisions of Section 33 which permit reduction of certain requirements of Section 27. Exemption Permitted in Sec. 33

26.53 In CN districts any lot which on February 21, 1965, was in ownership separate from that of adjoining land located in the same district shall be deemed to satisfy the requirements of this By-Law for area and frontage in CN districts. Exemption for Lots of Record in CN Districts

26.54 In CM districts in particular instances the Board of Appeals may permit a principal building to be erected on a lot having less area or frontage, or both, than the minimum requirements specified in Section 27, if at the time of the adoption of said minimum requirements such lot was lawfully 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 paragraph 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 Section 27. Exemption for Lots of Record in CM Districts

26.55 Where more than one half of the lot frontage is on a circular turn-around or on a curve of less than 100 ft.

radius, frontage may be reduced to not less than 60 per centum of the distance otherwise required, provided that the distance between lot boundaries measured in a line parallel to the street line and at a distance therefrom equal to the required front yard shall be not less than the frontage otherwise required and further provided that such distance at front yard depth shall be dimensioned on a plan approved or endorsed by the Planning Board.

26.56 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 features shall exceed a height of sixty-five feet from the ground except with permission from the Board of Appeals.

26.57 In CR and CH districts where a lot abuts on a dead-end turn-around part of a street 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.





26.6 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 of this By-Law shall be applied to that portion of the lot located in the Town of Lexington in the same manner as if the entire lot were situated in Lexington.

SECTION 27 - Schedule of Dimensional Controls

District	RO	RH	RS & RT	RM	CR	CH	CM	CO	CS	CN	CG	CB
Minimum Lot Area	30,000 s.f.	See Sec.36	15,500 sf.	note (a)	5 acres	5 acres	3 acres	60,000 s.f.	15,500 sf.	15,500 s.f.	NR	NR
Minimum Lot Frontage	150 ft.	See Sec.36	125 ft.	200 ft.	300 ft.	300 ft.	200 ft.	175 ft.	125 ft.	125 ft.	NR	NR
Minimum Front Yard (b)	30 ft.(c)	30 ft.(k)	30 ft.(c)	40 ft.	100 ft.	100 ft.(j)	75 ft.	50 ft.	40 ft.	30 ft.	20 ft.	NR (d)
Minimum Side Yard	15 ft.(e)	15 ft.(k)	15 ft.(e)	40 ft.	50 ft.	50 ft.	25 ft.	50 ft.	20 ft.	20 ft.	NR	NR
Minimum Rear Yard	15 ft.(e)	15 ft.(k)	15 ft.(e)	40 ft.	50 ft.	50 ft.	25 ft.	50 ft.	20 ft.	20 ft.	20 ft.	10 ft.
Minimum Side and Rear Yard Adjacent to RO, RS, RT, RM Districts	15 ft.	15 ft.(k)	15 ft.	40 ft.	100 ft.	100 ft.	75 ft.	50 ft.	40 ft.	20 ft.	20 ft.(f)	20 ft.(f)
Minimum Yard Adjacent to Other District	15 ft.	15 ft.(k)	15 ft.	40 ft.	100 ft.	100 ft.	25 ft.	50 ft.	20 ft.	20 ft.	NR	NR
Minimum % Open Area	85% (r)	N R (k)	85% (g)	75%	75%	75%	66.7%	75%	75%	note (h)	NR	NR
Maximum height Schools, Hospitals Public Buildings	3	3	3	3	3	3	3	3	3	3	3	3
Maximum height Other Buildings	2-1/2	2 1/2 (k)	2-1/2	2-1/2	3	3	3	2	2-1/2	2-1/2	2-1/2	3
Minimum Between Buildings	40 ft.	40 ft.	40 ft.	40 ft.	45 ft.	45 ft.	45 ft.	40 ft.	40 ft.	40 ft.	40 ft.	45 ft.
Minimum Between Buildings	NR	N R (k)	NR	30 ft.(i)	30 ft.(i)	30 ft.(i)	30 ft.(i)	30 ft.(i)	20 ft.	20 ft.	NR	NR

- a. 3,000 sq. ft. lot area per dwelling unit containing one room used for sleeping; 3,500 sq. ft. lot area per unit with two such rooms; 4,000 sq. ft. lot area per unit with three or more such rooms.
- b. Where lawfully adopted building lines require yards in excess of these requirements, the building line shall govern.
- c. Except 20 ft. yard on other than frontage street; for uses permitted on Special Permit, a yard of at least 30 ft. on each abutting street, and if lot exceeds 1 acre a yard of at least 40 feet on each abutting street, and if lot exceeds 5 acres a yard of at least 50 feet on each abutting street.
- d. Except 10 ft. yard on Muzzey St. or on Bedford St. for lots abutting these streets.
- e. Except for uses permitted on Special Permit, increase the required side yard to 20 feet plus 1 foot for every 1/2 acre (or fraction thereof) over 1/2 acre lot area.
- f. Only if lot abuts or is within 10 ft. of the district boundary. The 10 ft. nearest such boundary shall be unpaved and may contain only grass, plants, shrubs, trees and fences, and shall not be used for parking, driveways or outdoor storage.
- g. Applicable only to uses permitted on Special Permit.
- h. Combined floor area of all principal and accessory structures shall not exceed 3,000 sq. ft.
- i. Buildings shall be surrounded by fire lanes (see definition).
- j. Along the southwesterly side of Bedford Street between the Northern Circumferential Highway (Route 128) and Hartwell Avenue there shall be a front yard of 233 feet measured from the base line of Bedford Street as shown on the Commonwealth of Massachusetts layout 4689, dated June 3, 1958, and shown as auxiliary base line "F" on the State Highway Alteration layout 5016, dated August 30, 1960.
- k. The Board of Appeals may permit exceptions to these dimensional controls for subsidized housing in accordance with the provisions of Section 36.

EXPLANATION OF SYMBOLS:

-  MINIMUM REQUIRED FRONT YARD
-  MINIMUM REQUIRED REAR YARD
-  MINIMUM REQUIRED SIDE YARD
-  DEPTH OF FRONT, REAR OR SIDE YARD GREATER THAN THE REQUIRED MINIMUM

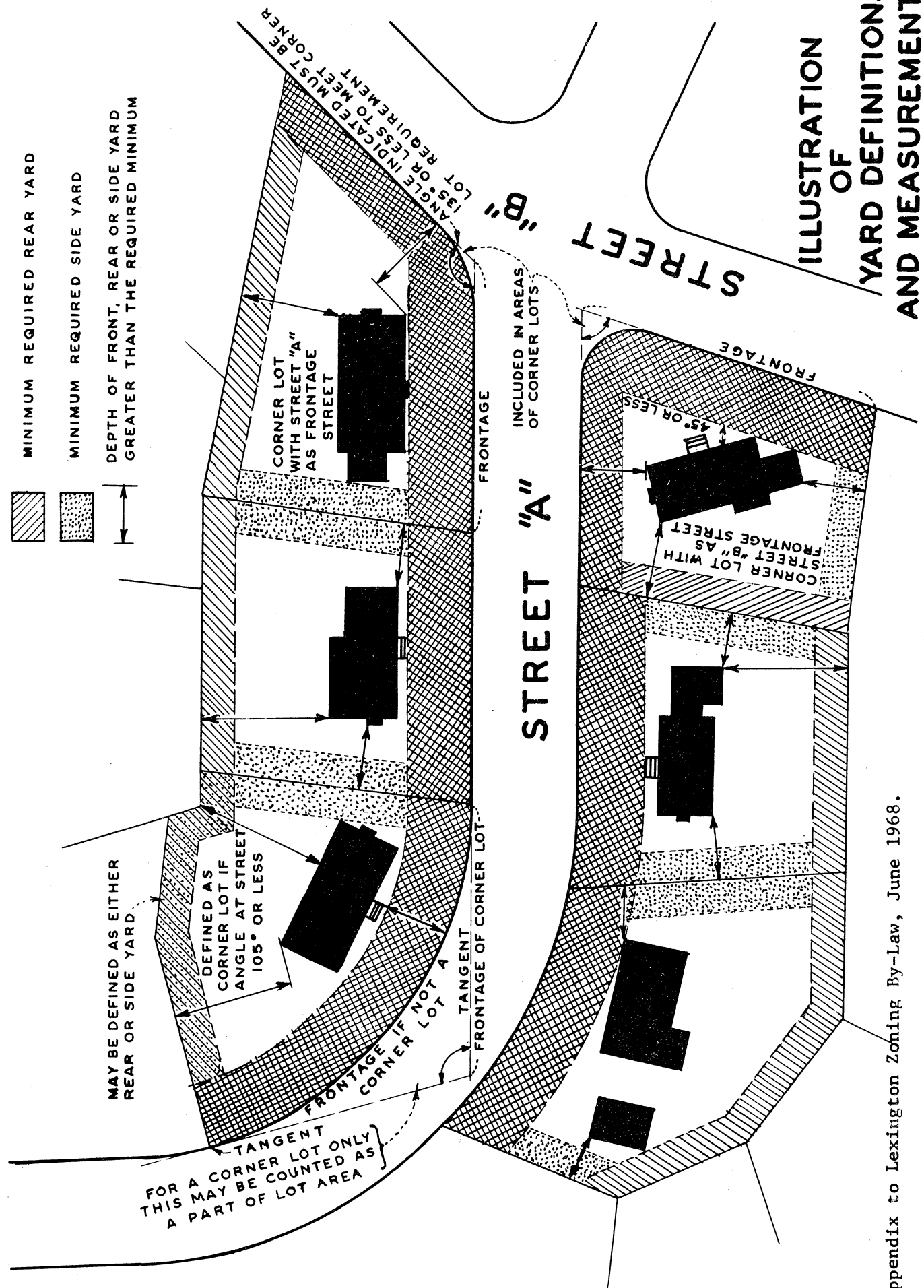


ILLUSTRATION OF YARD DEFINITIONS AND MEASUREMENTS

Appendix to Lexington Zoning By-Law, June 1968.

PART 3. GENERAL REGULATIONS

Section 30. Non-conforming uses

30.1 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. May be Continued

30.2 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, as determined by the Building Inspector, shall be rebuilt or repaired except with a special permit granted by the Board of Appeals under the provisions of Subsection 12.2 of this By-Law. May be Repaired

30.3 No building or use lawfully existing as a non-conforming building or use shall be extended or enlarged except with a special permit granted under the provisions of Subsection 12.2 of the By-Law. No Expansion Except with Special Permit

30.4 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. The non-conforming use of land or buildings may be changed with a Special Permit from the Board of Appeals to another non-conforming use which in the opinion of the Board of Appeals is no more objectionable to the neighborhood. No Reversion to Non-conforming Use
Change of Non-conforming Use

30.5 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. Abandonment of Non-conforming Use

Section 31. Parking and Loading Regulations

31.1 Not less than the required parking and loading space indicated by Subsection 32.1 of the following Schedule of Parking and Loading Regulations shall be provided to service all new buildings, additions to old buildings, or new use of existing buildings or premises. Loading areas shall not be considered as part of the parking area. Required Parking and Loading Facilities

31.11 Such required parking shall be located on the same lot as the activity it serves and shall have free and unimpeded access to a street over unobstructed passageways or driveways. Location of Required Parking

31.12 The Board of Appeals may grant a Special Permit for an exception to the requirements of Subsection 32.1 in any case where the Board of Appeals determines that the complete development of the required parking area is not currently necessary; such special permit to allow reduction of the developed parking area to not less than half that otherwise required, and to be for a period not to exceed two years. Temporary Reduction by Special Permit

31.13 Required parking and loading areas shall have adequate provisions for access, turning and exit without endanger- Access and Exit

Egress in
CM District

ing or inconveniencing the users of such areas or the traffic in the streets adjacent thereto. The number of driveway openings shall not be greater than reasonably necessary. Egress shall not require backing into the street. In the CM district, driveway width shall not exceed 25 feet, and the entrance of all driveways to a street shall be subject to approval in writing by the Planning Board.

Dimensional

31.2 All parking and loading areas shall be subject to the dimensional restrictions of Subsection 32.2 of the following Schedule of Parking and Loading Regulations, whether such parking or loading be required by this By-Law or optionally provided.

Explanation
of Symbols
Used in
Schedule of
Regulations

31.3 Symbols employed in Section 32, Schedule of Parking and Loading Regulations, Subsections 32.1 and 32.2, shall mean the following:

s.f. - square feet

ft. - linear feet

N.R. - no requirement or restriction specified

Section 32. SCHEDULE OF PARKING AND LOADING REGULATIONS

32.1 SCHEDULE OF REQUIRED PARKING AND LOADING

U S E	DISTRICT	R E Q U I R E D P A R K I N G
Use permitted as of right in RO, RS, or RT district	Any	No requirement
Use permitted on Special Permit in RO, RS or RT district (See Subsection 12.2) or in RH district (See Section 36)	Any	Reasonably sufficient
Use other than the above	CR,CM,CS	Reasonably sufficient
" " " "	CO	1 parking space per 100 s.f. floor area or fraction
" " " "	CN	1 parking space per 200 s.f. floor area or fraction
" " " "	CG	1 parking space per 150 s.f. floor area or fraction
" " " "	CB	No requirement
Garden apartments	RM	1 parking space per dwelling unit
Hotels, motels, motor hotels	CH	1 parking space per guest room plus reasonable provision for persons dining or attending functions in the building
Other than all above	CH	Reasonably sufficient
R E Q U I R E D L O A D I N G F A C I L I T I E S		
Any permitted use	CR,CH,CM CO, CS	Reasonably sufficient
Any permitted use	RO,RS,RT,RM CN,CG,CB	No requirement

32.2 SCHEDULE OF DIMENSIONAL RESTRICTIONS FOR PARKING AND LOADING

R E S T R I C T I O N	D I S T R I C T							
	RO, RS RT, RM RH	CR, CH	CM	CO	CS	CN	CG	CB
Parking or loading shall be located not less than these distances from: RO, RS, RT or RM District Boundary Other District Boundary Street line Lot line other than above But in no event shall parking occupy more than these percentages of a required front yard: Uses allowed in RO, RS or RT Districts on Special Permit (Subsection 12.2) Other Uses And in no event shall parking occupy more than these percentages of a required side or rear yard: Uses allowed in RO, RS or RT Districts on Special Permit (Subsection 12.2) Other Uses	N.R.	50 ft.	50 ft.	25 ft. ^a	40 ft.	20 ft.	10 ft.	10 ft.
	N.R.	50 ft.	N.R.	25 ft. ^a	N.R.	N.R.	N.R.	N.R.
	N.R.	50 ft.	50 ft.	25 ft. ^a	20 ft.	10 ft.	N.R.	N.R.
	N.R.	25 ft.	25 ft.	N.R.	N.R.	N.R.	N.R.	N.R.
	0%	0%	0%	0%	0%	0%	0%	0%
	N.R.	25% ^b	25%	50% ^b	50% ^b	N.R.	0%	0%
	0%	0%	0%	0%	0%	0%	0%	0%
	N.R.	N.R.	0%	N.R.	c	0%	N.R.	N.R.

- a. 50 feet for loading facilities
- b. Including walks and drives
- c. Not more than 50% of lot area may be occupied by parking and outdoor storage

SECTION 33. The Board of Appeals may grant a special permit for any tract of land of ten (10) acres or more to be subdivided as a planned unit development, subject to the requirements and conditions described below.

Planned Unit
Development

33.1 The general objectives of planned unit developments are to encourage:

General
Objectives

33.11 Preservation of open space for conservation, outdoor recreation or park purposes

33.12 Better utilization of natural features of the land through a greater flexibility of design

33.13 More efficient provision of municipal services.

33.2 The number of building lots in any tract of land for which a special permit is issued shall not exceed such number of lots usable for building and conforming to the area and frontage requirements specified for RO district in Section 27 hereof, as could be contained in 85 per cent of the area of the tract to be subdivided.

Number of
Building Lots
Permitted

33.3 At least 25 per cent of the total area of such tract shall remain unsubdivided, and, except as provided below, unbuilt upon, and shall be used for conservation, outdoor recreation or park purposes.

Portion to Re-
main Unsubdi-
vided

33.31 Such unsubdivided land may be in one or more parcels of a size and shape appropriate for its intended use as determined by the Board of Appeals after consideration of the recommendations of the Planning Board.

Sizes and
Shapes of Un-
subdivided Land

33.32 Such unsubdivided land shall be conveyed to and accepted by the Town of Lexington or to all homeowners within such tract jointly or to a trust the beneficiaries of which shall be the homeowners within such tract. Such trust shall have as one of its purposes the maintenance of such land for conservation, recreation or park purposes. The future ownership of such unsubdivided land, which may differ from parcel to parcel, shall be specified by the Board of Appeals as a condition of the special permit.

Ownership of
Unsubdivided
Land

33.33 When such unsubdivided land is conveyed to persons other than the Town of Lexington, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation, recreation or park land.

Perpetual
Easements

33.34 Access at least 40 feet wide shall be provided to each parcel of such unsubdivided land from one or more streets in the subdivision.

Access to
Unsubdivided
Land

33.35 A maximum of 20 per cent of such open land may be devoted to paved areas and structures used for or accessory to active outdoor recreation, and consistent with the open space uses of such land.

Paving and
Structures on
Unsubdivided
Land

Reduced
Frontage and
Area
Provisions

33.4 The following minimum standards shall be observed with respect to any reduction of street frontage or lot area permitted in a planned unit development:

33.41 Street frontage may be reduced to not less than 120 feet; lot area may be reduced to not less than 20,000 square feet;

33.42 The street frontage may be further reduced on curves in accordance with the provisions of Paragraph 26.55 of this By-Law.

Application
for Special
Permit

33.5 The application for a special permit for a planned unit development shall be accompanied by a preliminary subdivision plan, a copy of which shall also be submitted to the Planning Board. In addition to the information required by Rules and Regulations of the Planning Board to be shown on preliminary subdivision plans, such plan for a planned unit development shall show the following:

Soil

33.51 Soil culture of the land, such as wooded, pasture, rock outcrops or swampy.

Proposed
Landscaping

33.52 Proposed landscaping and use of land which is to be reserved for conservation, recreation or park use, including any proposed structures thereon.

Planning
Board Rec-
ommendations

33.6 The Planning Board shall submit in writing to the Board of Appeals its report and recommendations as to said application for special permit, to include at least the following:

33.61 Its determination as to the number of lots usable for building.

33.62 A general description of the tract in question and surrounding areas.

33.63 An evaluation of the appropriateness of the proposed development and the extent to which it accomplishes the objectives of planned unit development.

33.64 Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit,

Board of
Appeals
Action

33.7 The Board of Appeals shall not take any action on a petition for a permit for a planned unit development until the Planning Board shall have submitted its written recommendations to the Board of Appeals or 45 days shall have elapsed from the date of submission of the preliminary subdivision plan and application for a special permit. In determining whether to grant a special permit for a proposed planned unit development which meets the minimum standards stated herein, the Board of Appeals shall consider:

- 33.71 The report and recommendations of the Planning Board.
- 33.72 The general objectives of planned unit development.
- 33.73 The existing and probable future development of surrounding areas.
- 33.74 The appropriateness of the proposed development in relation to topography, soils and other characteristics of the tract in question.

Where its decision differs from the recommendations of the Planning Board, the Board of Appeals shall state in its decision the reasons therefor.

33.8 Nothing contained herein shall in any way exempt a proposed subdivision from compliance with the Rules and Regulations of the Planning Board, nor shall it in any way affect the right of the Board of Health and of the Planning Board to approve, with or without conditions and modifications, or disapprove a subdivision plan in accordance with the provisions of such Rules and Regulations and of the Subdivision Control Law.

Compliance With Other Rules and Regulations

33.9 The Planning Board shall not recommend and the Board of Appeals shall not grant a special permit for the subdivision of land into lots having the reduced area and frontage, as provided for in this subsection, if it appears that because of soil, drainage, traffic or other conditions the granting of such permit would be detrimental to the neighborhood or to the Town or inconsistent with the purposes of planned unit development. In granting a special permit, the Board of Appeals shall impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board or upon its own initiative.

Additional Conditions for Special Permit

33.10 Subsequent to a special permit granted by the Board of Appeals under the provisions of this Section 33, and the approval of a definitive plan of a subdivision by the Planning Board, the location of side and rear lines of lots in such subdivision may be revised from time to time in accordance with applicable laws, by-laws and regulations. Any change in the number of lots, the lines of streets, the reserved open space, its ownership or use, or any other conditions stated in the original special permit shall require a new special permit issued in accordance with the provisions of this By-Law.

Subsequent Revision of Side and Rear Lines Allowed

Other Subsequent Revisions Require New Special Permit

Sign
Regulations

Section 34. No sign shall be erected in any district except in conformity with both this By-Law and the Lexington Sign By-Law. Certain signs are prohibited in the Use Regulation Schedule, Section 25 of this By-Law, as noted at the use they pertain to. Further regulation of signs is contained in the Sign By-Law. Further regulation of signs in RO, RS and RT districts is contained in Section 35 of this By-Law.

Accessory
Signs

Section 35. Accessory signs permitted as of right in RO, RS and RT districts:

Residence
Identifica-
tion

35.1 For each family living in a dwelling: not more than two signs, neither of which has sign area of more than one square foot, bearing the name of the family or designation of the dwelling or both.

Permitted
Use
Identifi-
cation

35.2 For permitted uses other than single or two-family dwellings, taking of boarders, earth removal, or home occupations: one sign not exceeding twelve square feet in area.

Real Estate
Signs

35.3 Real estate signs not over six square feet in total area advertising the sale or rental of the premises on which they are located.

Real Estate
Signs for
Subdivisions

35.4 Real estate signs not more than fifty square feet in total area and not more than ten feet in any dimension 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.

Accessory
Signs on
Special
Permit

35.5 Accessory signs allowed in RO, RS and RT districts on special permit from the Board of Appeals:

More or
Larger Signs

35.51 More or larger signs for the uses indicated in Subsection 35.2.

More or
Larger Signs-
Commercial
Signs

35.52 For lawfully non-conforming business or commercial uses, more or larger signs than allowed in Section 35.

Section 36. Subsidized Housing District

36.1 The provisions of this section shall be applicable to RH districts only and shall be in addition to other provisions of this By-Law applying to RH and other districts.

36.11 Definition of Subsidized Housing. The term "subsidized housing" shall mean housing for people of low or moderate income which is constructed, rehabilitated, remodeled and sold, leased or rented by the Town of Lexington, the Lexington Housing Authority or by any other public agency, non-profit or limited dividend corporation or cooperative, the construction, remodeling, financing, sale, lease or rental of which housing is regulated and financially assisted by agencies of the government of the United States or of the Commonwealth of Massachusetts under programs the purpose of which is to provide housing for people of low or moderate income. The terms "low income", "moderate income", and "limited dividend corporation" shall have the meanings defined in the programs or laws administered by such agencies.

Definition of
Subsidized
Housing

36.12 Land Uses and Dimensional Control in the Absence of Special Permits. Except in the case of a special permit granted by the Board of Appeals pursuant to the procedure hereinafter described, land uses and dimensional controls in RH districts contained within the geographical limits of the RS district, as defined in subsection 22.2, shall be the same as those of the RS district, and within the geographical limits of the RO districts shall be the same as those of the RO districts.

Land Uses and
Dimensional
Control in the
Absence of
Special Permits

36.13 General Objectives. The Lexington Subsidized housing program is intended to result in the construction of sufficient dwelling units for people of low and moderate income to increase the number of dwelling units of subsidized housing in the Town to a total of approximately 950 units. The special permit procedure hereinafter established is intended to accomplish this objective while ensuring compliance with local planning standards and policies concerned with land use, building design and requirements of health, safety and welfare of residents of the Town of Lexington.

General
Objectives

36.2 Special Permit Provisions. The Board of Appeals may grant a special permit for the development of any tract of land in an RH district in which not less than 40% of the dwelling units to be constructed in such development come within the definition of subsidized housing contained herein.

Special Permit
Provisions

36.21 Where the proposed construction of subsidized housing is dependent upon obtaining approval and/or a commitment of financial assistance under relevant federal or state housing subsidy programs, it shall be a condition of any special permit issued hereunder that no building permit shall issue for any portion of the proposed development until the applicant has filed with the Board of Appeals evidence that such approval and/or commitment has been obtained.

36.22 Any special permit granted hereunder shall designate the dwelling units to be used for subsidized housing and shall impose appropriate safeguards to ensure the continued use of such designated units or equivalent units for subsidized housing.

36.23 A special permit granted hereunder may allow the construction of single family detached houses, two-family houses, two-family semi-detached houses, townhouse type dwelling units separated by party walls meeting state or federal safety requirements, garden apartments not exceeding in height three stories used for human occupancy, duplex-over-duplex type dwelling units not exceeding in height four stories used for human occupancy, or any combination of such housing types or other housing types not exceeding in height three stories used for human occupancy. Ownership of such housing may be in any form permitted by law, including condominiums.

36.24 The Board of Appeals shall have discretion to permit dwelling unit density in RH districts of up to, but not exceeding, 18 dwelling units per acre. However, in each instance in which the Board of Appeals permits such density to exceed 12 dwelling units per acre, the Board shall file with its decision the basis for its determination that such density would be appropriate and, in reaching such determination, shall consider, among other factors, soil conditions, drainage, traffic or other neighborhood conditions brought to the Board's attention, the provision of usable open space in excess of the minimum required per dwelling unit and the provision of off-street parking under or within buildings which contain dwelling units.

36.25 Front yards shall not be reduced to less than twenty feet. The minimum distance between detached buildings, including the distance to buildings permissible on adjacent properties, shall be 30 feet or the height of the taller building, whichever is greater.

36.26 For up to 24 dwelling units there shall be provided at least one direct access of adequate width, for 24 or more dwelling units there shall be provided at least two direct accesses each of adequate width.

36.27 There shall be provided at least one off-street parking space per dwelling unit, reserved for the use of such dwelling unit and within 150 feet thereof. The total number of off-street parking spaces provided shall be not less than 1 1/4 times the number of dwelling units. Such parking spaces shall be paved, contained in garages, or under or within buildings which contain dwelling units.

36.28 Not less than 1,000 square feet of permanent usable open space per dwelling unit available for outdoor activities shall be provided. Required front yards, paved vehicular areas and wetlands shall not be considered usable open space.

36.29 Any special permit granted hereunder shall incorporate by reference the building design, site development and financing plans submitted by the developer with the application. Development of the tract in question under such special permit shall be in conformance with such designs and plans, unless, after hearing, the Board of Appeals amends such special permit.

In granting a special permit, the Board of Appeals may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board or upon its own initiative. Special permits issued hereunder shall lapse if no building permit issues within two years of the date of the special permit, unless the Board of Appeals upon application extends this time.

36.3 Application Requirements. The application to the Board of Appeals for a special permit for subsidized housing under this section shall be accompanied by the following plans and supporting materials, copies of which shall also be submitted to the Planning Board.

Application
Requirements

36.31 Plan of the tract showing topography, soil culture, existing streets and structures within and adjacent to the tract.

36.32 Where a subdivision of land is involved, a preliminary subdivision plan, which may be combined with the plan required under the preceding paragraph.

36.33 Site development plans showing the proposed grading of the tract and the proposed locations, dimensions, materials and types of construction of streets, drives, parking areas, walks, paved areas, utilities, usable open space, planting, screening, landscaping and other improvements and the locations and outlines of proposed buildings.

36.34 Preliminary architectural drawings for building plans including typical floor plans, elevations and sections, identifying construction and exterior finishes.

36.35 Financing plan describing the federal or state subsidy program, the subsidizing agency, the estimated costs of land, site development, building, operation and maintenance and the planned approximate schedule of rents, leases or sale prices.

36.36 A tabulation of proposed buildings by type, size (number of bedrooms, floor area), ground coverage and a summary showing the percentages of the tract to be occupied by buildings, parking and other paved vehicular areas, and the usable open space.

36.37 Descriptive material providing information about the owner and developer, the developer's experience in building and eligibility as public, non-profit or limited dividend housing sponsor, evidence of preliminary approval under the subsidy program, the names of architect, engineer and landscape architect, if any, and other pertinent information.

36.4 Planning Board Report and Recommendations. The Planning Board shall submit in writing to the Board of Appeals its report and recommendations as to the appropriateness of the proposed development for subsidized housing, to include at least the following:

Planning
Board Report
and Recom-
mendations

36.41 A general description of the tract in question and surrounding areas.

36.42 An evaluation of the probable impact of the proposed development on Town services and facilities.

36.43 The availability of permanent public open space in the immediate vicinity.

36.44 The proximity of the proposed development to public transportation, school, recreation facilities, neighborhood shopping and service facilities.

36.45 Whether the site is sufficiently separated from other subsidized housing and housing of equivalent rental value to achieve a desirable mix of income levels.

36.46 A determination from known or estimated land and site preparation costs whether or not such costs might render the proposed subsidized development uneconomic.

36.47 A review of the proposed development, including such aspects as the type or style of buildings, the size of development (number of dwelling units) and density per acre, the arrangement or layout design of buildings and site improvements, the location and capacity of parking, the provisions for open space within the development, grading, landscaping and screening, the provisions for access, egress, and traffic within the development and on adjacent streets.

36.48 Whether or not, in the opinion of the Planning Board, the site, the proposed development layout, the proposed number, type and design of housing will constitute a suitable development compatible with the surrounding area.

36.49 Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit.

Board of
Appeals
Action

36.5 Board of Appeals Action. The Board of Appeals shall not take any action on an application for a special permit for RH district development until the Planning Board shall have submitted its written recommendations to the Board of Appeals or forty-five days have elapsed from the date of submission of the application. Where its decision differs from the recommendations of the Planning Board, the Board of Appeals shall state in its decision the reasons therefor.

Denial of
Special
Permit

36.6 Denial of Special Permit. The Board of Appeals may deny an application for special permit hereunder and base its denial upon:

36.61 A failure to meet the standards established by sub-sections 36.2, 36.3, or 36.4 hereof.

36.62 A finding that the proposed development would not be consistent with the general objectives of RH district development.

36.63 A finding that the proposed development is not likely to result in a permanent increase in the number of dwelling units of subsidized housing in the Town.

36.7 Compliance With Other Rules and Regulations. Nothing contained herein shall in any way exempt a proposed subdivision in an RH district from compliance with the rules and regulations of the Planning Board, nor shall it in any way affect the right of the Board of Health and of the Planning Board to approve, with or without modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the subdivision control law.

Compliance
With Other
Rules and
Regulations

36.8 Revisions. Subsequent to a special permit granted by the Board of Appeals under the provisions of this section and where applicable, the approval of a definitive subdivision plan by the Planning Board, minor revisions may be made from time to time in accordance with applicable laws, by-laws and regulations, but the development under such special permit shall otherwise be in accordance with the submission accompanying the developer's application for a special permit, except as modified by the decision of the Board of Appeals.

Revisions

36.9 Severability. No section or subsection of the special permit procedure established herein shall be deemed severable from other sections or subsections of the special permit procedure for the construction of subsidized housing. In the event that any section or subsection of such procedure shall later be invalidated, whether by judicial decree or otherwise, all other provisions contained herein relating to the issuance of special permits for subsidized housing shall become inoperative, except that special permits previously issued by the Board of Appeals hereunder shall remain valid.

Severability

Section 37. Wetland Protection District

37.1 Purposes of District. The purposes of the Wetland Protection District are to preserve and maintain the ground water table; to protect the public health and safety by protecting persons and property against the hazards of flood water inundation; and to protect the District community against the costs which may be incurred when unsuitable development occurs in swamps, marshes, along water courses, or in areas subject to floods.

Purposes of

37.2 District Superimposed Over Other Districts. A Wetland Protection District shall not supersede other zoning districts established by this by-law for land within the District but shall be deemed to be superimposed over such zoning districts.

District Super-
imposed Over
Other Districts

37.3 Permitted Uses. Within a Wetland Protection District no land shall be used except for one or more of the following uses; any woodland, grassland, wetland, agricultural, horticultural, or recrea-

Permitted
Uses

tional use of land or water, provided such use does not require filling of the land.

Special Permits for Structures Accessory to Permitted Uses

37.4 Special Permits for Structures Accessory to Permitted Uses. The Board of Appeals may issue a special permit for buildings and structures accessory to any of the uses permitted in Section 37.3, or for filling and excavation of the land for such uses, if the Board finds that such building, structure or filling or excavation is in harmony with the general purpose and intent of Section 37. A copy of every application for such a special permit shall be given by the applicant at the time of submission of the application to the Board of Selectmen, to the Board of Health, to the Planning Board, and to the Conservation Commission as well as all other parties required.

Special Permits for Uses in Harmony with General Purposes of the District

37.5 Special Permits for Uses in Harmony With General Purposes of the District. The Board of Appeals may issue a special permit for any use of land which would otherwise be permitted if such land were not, by operation of this section, in the Wetland Protection District if the Board finds (1) that such land within the District is in fact not subject to flooding or is not unsuitable because of drainage conditions for such use, and (2) that the use of such land for any such use will not interfere with the general purposes for which Wetland Protection Districts have been established, and (3) that such use will not be detrimental to the public health, safety, or welfare. A copy of every application for a special permit under this section shall be given by the applicant at the time of submission of the application to the Planning Board, the Board of Health, the Conservation Commission, and the Board of Selectmen. The Board of Appeals shall not hold a public hearing on the application earlier than thirty days after submission of the application. The above-named Boards shall submit reports or recommendations on the application to the Board of Appeals at or before the public hearing on the application, but failure to make such reports or recommendations shall not prevent action by the Board of Appeals.

Uses Prohibited Within "W" District

37.6 Uses Prohibited Within "W" District. Except as provided in Sections 37.4 or 37.5 there shall be in the Wetland Protection District:

- No landfill or dumping or excavation of any kind.
- No drainage work other than by an authorized public agency.
- No damming or relocation of any watercourse except as part of an overall drainage basin plan.
- No building or structure.
- No permanent storage of materials or equipment.

Preexisting Uses

37.7 Preexisting Uses. No land, building, or structure in a Wetland Protection District shall be used for sustained human occupancy except buildings or structures existing on the effective date of this section, or land, buildings or structures which comply with the provisions of this by-law. Where no filling of such land takes place, any addition, alteration, repair or reconstruction of such building or structure or the construction of any structure accessory thereto shall be exempt from the provisions of Sections 37.4 and 37.5.

37.8 No Effect on Dimensional Requirements. Notwithstanding any other provision of Section 37, if any part of a lot is within the Wetland Protection District, that part of the lot may be used to meet the area and dimensional requirements specified in Section 27 for lots in the underlying district. No Effect on Dimensional Requirements

PART 4 - DEFINITIONS

Definitions	<p><u>SECTION 40.</u> For the purpose of this By-Law the following words and terms used herein are hereby defined or the meaning thereof explained or limited:</p>
General Definitions	<p>The word "shall" is mandatory, the word "may" is permissive. The present tense includes the future tense, the singular number includes the plural and the plural includes the singular.</p>
Accessory Use or Building	<p>ACCESSORY USE OR BUILDING: 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.</p>
Billboard	<p>BILLBOARD: Any sign not an accessory sign, regardless of size.</p>
Building Height	<p>BUILDING HEIGHT: The vertical distance measured from the mean finished grade of the ground adjoining the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge, for gable, hip and gambrel roofs.</p>
Building	<p>BUILDING: A combination of materials having a roof and forming a shelter for persons, animals or property. The word "building" shall be construed, where the context allows, as though followed by words "or structure or part or parts thereof."</p>
Diner or Lunch Cart	<p>DINER OR LUNCH CART: A restaurant designed to externally resemble a railroad dining car.</p>
Drive-in Restaurant	<p>DRIVE-IN RESTAURANT: Any premises used for sale, dispensing or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may consume the food, refreshments, or beverages on the premises.</p>
Dwelling Conversion	<p>DWELLING CONVERSION: Alteration of a one family dwelling to accommodate two families, executed such that:</p> <ol style="list-style-type: none">a. The appearance and character of a one-family dwelling is preserved.b. The gross habitable floor area for each family in such dwelling is at least 700 square feet.c. No major exterior structural changes are made, except such as may be required for safety by the Lexington Building By-Law or General Laws of the Commonwealth.d. Stairways leading to the second or any higher floor are enclosed within the exterior walls of the building.
Dwelling - One Family	<p>DWELLING, ONE FAMILY: A detached residential building intended and designed to be occupied exclusively by a single family.</p>
Dwelling Unit	<p>DWELLING UNIT: Living quarters for a single family</p>
Dwelling - Two Family	<p>DWELLING, TWO FAMILY: A detached residential building intended and designed to be occupied exclusively by two families.</p>
Erected	<p>ERECTED: The word "erected" shall include the words "built," "constructed," "reconstructed," "altered," "enlarged," and "moved."</p>
Family	<p>FAMILY: Any number of individuals living and cooking together in a single housekeeping unit.</p>

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, except that buildings may be interconnected by corridor or walkways, if provision is made for access by fire apparatus to all outside walls. The open space shall be between a building and a line parallel to and fifteen feet equidistant from a building.

Fire Lane

FLOOR AREA: The aggregate horizontal area in square feet of all floors of a building or several buildings on the same lot measured from the exterior faces of walls enclosing each building, exclusive of garages, and of cellar, basement and other areas used only for storage or for services incidental to the operation or maintenance of such building or buildings. In the absence of information as to what portion of a building will be used for such storage and services, 80% of the aggregate floor area shall be deemed to be the floor area for the purposes of computing the required off-street parking.

Floor Area

FRONTAGE, LOT: A continuous portion of the boundary between a lot and an abutting street between lot lines or, in the case of a corner lot, between a lot line and the intersection of street lines or of street lines extended. The measurement of lot frontage shall not include jogs in street width, back-up strips and other irregularities in street line, and, in the case of a corner lot may at the option of the owner extend to the midpoint of the curve connecting street lines, instead of to their intersection.

Frontage Lot

FRONTAGE STREET: A street which provides the required lot frontage for a building. When a lot is bounded by more than one street, any one of them, but only one, may be designated as the frontage street by the owner, provided that the street meets the frontage requirement and that the principal permitted building on the lot is numbered on such frontage street. However, in the case of a lot bounded by two streets forming an interior angle of more than 135 degrees, their combined frontage between lot lines may be used to satisfy the lot frontage requirement.

Frontage Street

GARDEN APARTMENT: Residence for eight or more families, with at least two detached or semi-detached buildings, each containing not fewer than four nor more than ten dwelling units.

Garden Apartment

GOLF COURSE, STANDARD OR PAR THREE: Course, including customary accessory buildings, where tee to hole distance averages not less than 80 yards.

Golf Course, Standard or Par Three

HALF STORY: See "Story, Half"

HOME OCCUPATION: Certain occupations engaged in within an existing dwelling or a building accessory thereto by a resident thereof, provided that there shall be no sign, advertising device, exterior storage, or other exterior indication of the home occupation, and that such occupations are limited to the exercise of personal or professional skills in the fields of music, dramatics, arts and crafts and academic pursuit and the giving of instructions or lessons, for compensation, in such skills; and also the performance of custom work of a domestic nature, such as dressmaking, millinery, and clothes washing provided that equipment utilized is such as is customarily incidental to residential occupancy.

Home Occupation

Hotel, Motor
Hotel, or
Motel

HOTEL, MOTOR HOTEL OR MOTEL: A building or several buildings containing 15 or more sleeping rooms for resident or transient guests with a provision for serving food in a public dining room, but no cooking in rooms occupied by guests and no living quarters below the mean finished grade of the ground adjoining each building.

Junkyard

JUNKYARD: Without limiting the generality of Paragraph 25.96, the following shall be deemed to be junkyard uses: outdoor storage of two or more unregistered automobiles, except where expressly authorized in a special permit issued by the Board of Appeals for an automobile sales or repair business, or an accumulation in the open of discarded items not used or intended to be used by the occupant of the property.

Light
Manufacturing

LIGHT MANUFACTURING: Fabrication, processing, or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

Lot

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.

Lot Area

LOT AREA: Area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which such lot abuts, even if 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 street lines which, if extended, would intersect, the area may be computed as if such boundary lines were so extended.

Lot, Corner

LOT, CORNER: A lot bounded by more than one street which has an interior angle of 135 degrees or less formed by the tangents or straight segments of street lines between the side or rear lines of such lot or by an extension of such street lines. A lot bounded by one street shall be considered a corner lot when the tangents or straight segments of the street line between the side lines of the lot form, or would form if extended, an interior angle of 105 degrees or less.

Lot Frontage

LOT FRONTAGE: See "Frontage, Lot".

Motel

MOTOR HOTEL OR MOTEL: Same as "hotel".

Municipal

MUNICIPAL: The word "municipal" means the Town of Lexington.

Non-conforming
Use or
Building

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.

Nursery

NURSERY: The business of propagating plants, including trees, shrubs, vines, seed, grass, live flowers and other plants, and the storage and selling of such plants grown on the premises.

Open Area,
Percentage

OPEN AREA, PERCENTAGE: That percentage of the lot area which is not occupied by any structure.

<p>PARKING SPACE: An area in a building or on a lot available for parking one motor vehicle, 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.</p>	<p>Parking Space</p>
<p>PLANNED UNIT DEVELOPMENT: A subdivision of land for one family dwellings on lots having reduced area or frontage or both, subject to a special permit issued in accordance with the provisions of Section 33.</p>	<p>Planned Unit Development</p>
<p>PUBLIC: The word "public" means the Town of Lexington, Commonwealth of Massachusetts, United States Government or an agency thereof.</p>	<p>Public</p>
<p>REAR LINE OF A LOT: A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the frontage street. Where because of irregular lot shape, the building inspector and the lot owner cannot agree as to whether a lot line is a side or a rear line, it shall be considered a rear line.</p>	<p>Rear Line of a Lot</p>
<p>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.</p>	<p>Recorded</p>
<p>ROADSIDE STAND: The land and the structures thereon for sale of edible farm products, flowers, fireplace wood, preserves and similar products, not less than half of which (measured by dollar volume of annual sales) have been produced or grown within Lexington on land owned by the owner of the stand; no goods except plants, flowers and fireplace wood shall be stored or offered for sale outdoors.</p>	<p>Roadside Stand</p>
<p>SANITARY SEWER: A public sanitary sewer of the Town of Lexington.</p>	<p>Sanitary Sewer</p>
<p>SIDE LINE OF A LOT: A line separating a lot from other lots or from land in a different ownership, other than a street line or a rear lot line.</p>	<p>Side Line of a Lot</p>
<p>SIGN: Any device designed to inform, direct or attract attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations of this By-Law:</p>	<p>Sign</p>
<ul style="list-style-type: none"> a. Flags and insignia of any government, except when displayed in connection with commercial promotion b. Legal notices, identification, informational or directional signs erected or required by governmental bodies c. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights d. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter. 	
<p>SIGN, ACCESSORY: Any sign or other advertising device which advertises, calls attention to, or indicates the person or activity occupying the premises on which the sign is erected or that advertises the property or some part of it for sale or lease, and which contains no other advertising matter.</p>	<p>Sign, Acces- sory</p>

Sign, Non-accessory	SIGN, NON-ACCESSORY: Any billboard or sign not an accessory sign.
Story	STORY: That portion of a building contained between any floor and the floor or roof next above it, but not including 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.
Story, Half	STORY, HALF: 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 three feet above the floor level on at least two exterior walls.
Street, Road or Way	<p>STREET, ROAD, OR WAY: An area of land dedicated, approved by the Planning Board, or legally open for public travel under at least one of the following classifications:</p> <ol style="list-style-type: none"> a. A public way duly laid out by the Town of Lexington, the Middlesex County Commissioners, or the Commonwealth of Massachusetts, or a way which the Lexington Town Clerk certifies is maintained by public authority and used as a public way; or b. A way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law; or c. A way in existence on April 4, 1948, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. <p>A public or private way as afore shall not be deemed to be a "street" as to any lot of land that does not have rights of access to and passage over said way.</p>
Street Line	STREET LINE: The boundary of a street right-of-way or layout.
Structure	STRUCTURE: Anything constructed or erected, the use of which requires a fixed location on the ground, or attachment to something located on the ground, including buildings, mobile homes, billboards, tanks, or the like, or the parts thereof, and swimming pools capable of having a depth of two feet or more at any point and a surface area of more than one hundred square feet. However, this definition does not include a boundary wall or fence less than six feet in height above the mean finished grade of the adjoining ground.
Temporary Structure	TEMPORARY STRUCTURE: Tent, construction shanty; or similarly portable or demountable structure intended for continuous use for not longer than one year.
Temporary Use	TEMPORARY USE: Use, operation or occupancy of a parcel of land, building or structure for a period not to exceed one calendar year.
Way	WAY: see "Street, Road or Way."

YARD: An open space on a lot unoccupied by a building or structure or such parts thereof as covered or uncovered porches, steps, cornices, eaves and other projections; provided however that fences, gates or security stations, yard accessories, ornaments and furniture, and customary summer awnings are permitted in any yard but shall be subject to height limitations. Yard depth shall be measured from the street or lot line to the nearest point on a building in a line perpendicular or normal to such lot or street line. The minimum required yard shall be a strip of land of uniform depth required by this By-Law measured from the lot or street line and adjacent thereto.

Yard

YARD, FRONT: A yard extending between lot side lines across the lot adjacent to each street it abuts.

Yard, Front

YARD, REAR: A yard extending between the side lines of a lot adjacent to the rear line of the lot.

Yard, Rear

YARD, SIDE: A yard extending along each side line of a lot between front and rear yards.

Yard, Side

