



TOWN WARRANT
Town of Lexington
Special Town Meeting

Commonwealth of Massachusetts

Middlesex, ss.

To any of the Constables of the Town of Lexington

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Lexington qualified to vote in elections and in Town affairs to meet at Cary Memorial Building, in said Town on November 9, 2009 at 7:30 p.m., at which time and place the following articles are to be acted upon and determined exclusively by the Town Meeting Members in accordance with Chapter 215 of the Acts of 1929, as amended, and subject to the referendum provided for by Section eight of said Chapter, as amended.

ARTICLE 1

REPORTS OF TOWN BOARDS, OFFICERS, COMMITTEES

To receive the reports of any Board or Town Officer or of any Committee of the Town.

(Inserted by the Board of Selectmen)

ARTICLE 2

ZONING BYLAW - AMENDMENT TO PRELIMINARY SITE DEVELOPMENT AND USE PLAN LEXINGTON TECHNOLOGY PARK, 125, 131, AND 141 SPRING STREET (N/K/A 125 SPRING STREET, 200, 300, 400 and 500 PATRIOT WAY) CD-10 DISTRICT

To see if the Town will vote to amend the previously approved Preliminary Site Development and Use Plan approved during the May 2004 Special Town Meeting for the property known as Lexington Technology Park, by amending the zoning provisions as follows: to increase the Floor Area Ratio from .15 to .24 which will permit the development of an additional 380,000 gross square feet of research/office space beyond the originally approved gross floor area, together with related surface parking and 510,000 square feet of structured parking spaces, provide off-site mitigation, standards for development, dimensional standards, and other provisions contained within the amended PSDUP. In addition, the dimensional standards applicable to the amended PSDUP would permit an increase in the maximum permitted height at specified locations as detailed within the amended PSDUP. The proposed site alterations are further detailed on the plans entitled "Lexington Technology Park, Spring Street, Lexington, Massachusetts, Preliminary Site Development and Use Plan revised to June 19, 2009 prepared by Symmes, Maini & McKee Associates" (the "PSDUP") which is on file with the Planning Board and the Town Clerk; or act in any other manner in relation thereto.

(Submitted by Patriot Partners Lexington LLC, 200 Patriot Way, LLC
and Shire Human Genetic Therapies, Inc., the Property Owners)

DESCRIPTION: The proposed zoning amendment would amend the previously approved PSDUP known as Lexington Technology Park within this existing Planned Commercial Development District. This would allow construction of an additional 380,000 gross square feet of research/office space and 510,000 gross square feet of structured parking in excess of the originally approved square footage on the 95.6 acre site together with additional surface parking and other improvements as shown on the amended PSDUP and noted above.

ARTICLE 3

ZONING BY-LAW, AMENDMENT TO PRELIMINARY SITE DEVELOPMENT AND USE PLAN CUBIST PHARMACEUTICALS, INC., 45, 55 AND 65 HAYDEN AVENUE, CD-9 DISTRICT

To see if the Town will vote to amend the previously approved Preliminary Site Development and Use Plan approved during the November 1997 Special Town Meeting for the property known as 45, 55 and 65 Hayden Avenue, by amending the zoning provisions as follows: to increase the Floor Area Ratio from 0.185 to 0.26 which will permit the development of an additional 110,000 gross square feet of research/office space beyond the originally approved gross floor area, together with related surface parking and 180,000 square feet of structured parking spaces, provide off-site mitigation, standards for development, dimensional standards, and other provisions contained within the amended PSDUP. The proposed site alterations are further detailed on the plans entitled "Cubist Pharmaceuticals, 45, 55 and 65 Hayden Avenue, Lexington, Massachusetts, Preliminary Site Development and Use Plan" dated July 24, 2009 prepared by Cubellis Associates (the "APSDUP") which is on file with the Planning Board and the Town Clerk; or act in any other manner in relation thereto.

(Submitted by Cubist Pharmaceuticals, Inc. and The Realty Associates Fund VI, LP, the Property Owners)

DESCRIPTION: This proposed zoning amendment will revise the Preliminary Site Development and Use Plan for Planned Commercial District (CD-9). The amendment will allow for the development of an additional 110,000 gross square feet of research/office space and an additional 180,000 gross square feet of structured parking on site in excess of the previously approved square footage. Additional improvements to the site are referenced in the amended PSDUP and noted above.

ARTICLE 4

AMEND ZONING BY-LAW

To see if the Town will vote to amend Chapter 135 of the Code of the Town of Lexington, the Zoning By-Law, by:

1. Amending the permitted uses in the Central Business (CB) District;
2. Adding definitions thereto including STREET LEVEL FLOOR and ARTISAN WORK;
3. Exempting the Central Business (CB) District from Section 135-71 B (Article XII, Traffic); and,
4. Making technical corrections to maintain consistency with the above changes and updating references.

All as set forth in a document on file with the Town Clerk; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Lexington Center Committee)

DESCRIPTION: This article proposes to permit additional uses in the Central Business (CB) District as well as add new definitions. The proposed changes will exempt the CB District from Section 135-71 B of the Zoning Bylaw, which requires the Special Permit Granting Authority to make a determination of adequate street and intersection capacity prior to the issuance of a building permit. In addition, proposed amendments include technical corrections required for consistency.

ARTICLE 5

AUTHORIZE MUNROE SCHOOL DISPOSITION

To see if the Town will vote to authorize the Selectmen to sell or lease the Munroe School building and the land it is situated on to a buyer or lessee approved by the Selectmen; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: This article addresses the sale or lease of the Munroe School.

ARTICLE 6

APPROVE LOCAL OPTION MEALS EXCISE

To see if the Town will vote to accept G.L. c. 64L, § 2(a), as enacted by Section 60 of Chapter 27 of the Acts of 2009, to impose a local meals excise; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: Acceptance of this statute would impose an excise of .75% on the sales of restaurant meals originating within the Town. Revenue from this excise will be collected by the State and returned to the Town.

ARTICLE 7

APPROVE LOCAL OPTION ROOM OCCUPANCY EXCISE

To see if the Town will vote to accept G.L. c. 64G, § 3A, as amended by Section 51 of Chapter 27 of the Acts of 2009, to impose a local room occupancy excise at the rate of six percent; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: Acceptance of this statute will allow the Town to impose an excise on the rental of rooms in hotels and motels of up to a maximum of 6%. Previously, the maximum rate was 4%.

ARTICLE 8

CONTRACTS FOR SOLAR ENERGY

To see if the Town will vote to authorize the Town Manager to enter into a contract for the purchase of solar power for a term of 20 years; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: The by-law currently limits energy purchases to five year contracts. If approved, this article would authorize the Town to enter into a contract for the purchase of solar energy for a period of up to 20 years.

ARTICLE 9

APPROPRIATE FOR SISTER CITY PROGRAM

To see if the Town will vote to raise and appropriate a sum of money for expenses associated with the visit of officials from the Town's Sister City of Antony, France, to be spent under the direction of the Town Manager; determine whether the money shall be provided by the tax levy, by transfer from available funds, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Tourism Committee)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: The Town is planning for a visit by officials from the Town's Sister City of Antony, France in the spring.

ARTICLE 10

APPROPRIATE TO TRAFFIC MITIGATION STABILIZATION FUND

To see if the Town will vote to raise and appropriate a sum of money to the Traffic Mitigation Stabilization Fund in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws, determine whether the money shall be provided by the tax levy, by transfer from available funds, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: \$35,000

DESCRIPTION: As part of its CD rezoning, The Beal Companies agreed to contribute \$35,000 to the Town of Lexington - Traffic Mitigation Stabilization Fund to allow the Town, acting by and through the Board of Selectmen, to undertake a traffic master plan for the Hayden and Spring Street Corridors. The traffic master plan will evaluate and address transportation issues within the corridor based upon actual and projected development and the attendant traffic impacts. This article will reserve this \$35,000 in the Traffic Mitigation Stabilization Fund, as required by Department of Revenue regulations. Expenditure of these funds will require an appropriation by Town Meeting.

ARTICLE 11

APPROPRIATE TO STABILIZATION FUND

To see if the Town will vote to raise and appropriate a sum of money to the previously created Stabilization Fund in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws; determine whether the money shall be provided by the tax levy, by transfer from available funds, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: Money may be appropriated into the existing Stabilization Fund that may be invested and the interest may then become part of the fund. The use of these funds may later be appropriated, by a two-thirds vote of an Annual or Special Town Meeting, for any lawful purpose.

ARTICLE 12

APPROPRIATE FOR WALTHAM STREET PEDESTRIAN CROSSING

To see if the town will vote to appropriate a sum of money from the Traffic Mitigation Stabilization Fund in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws, for a pedestrian crossing in the vicinity of 1010 Waltham Street; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: \$25,000

DESCRIPTION: Money for this project was paid by the Watertown Savings Bank as part of their Traffic Mitigation Agreement.

ARTICLE 13

AMEND FY2010 OPERATING BUDGET

To see if the Town will vote to amend the FY2010 operating budget or make supplementary appropriations, to be used during the current fiscal year in conjunction with money previously appropriated under Article 4 of the warrant for the 2009 Annual Town Meeting, or make any other adjustments to the current fiscal year budget and appropriations that may be necessary; to determine whether the money shall be provided by the tax levy or by transfer from available funds; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article will permit adjustments to current fiscal year (FY2010) expenditures.

ARTICLE 14

AMEND FY2010 ENTERPRISE FUNDS BUDGETS

To see if the Town will vote to amend the FY2010 enterprise fund budgets or to make supplementary appropriations, to be used during the current fiscal year in conjunction with money previously appropriated under Article 5 of the warrant for the 2009 Annual Town Meeting, or make any other adjustments to the current fiscal year enterprise fund budgets and appropriations that may be necessary; to determine whether the money shall be provided by receipts, transfer from available funds; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article will permit adjustments to current fiscal year (FY2010) expenditures.

Hereof fail not and make due return of this warrant, with your doings thereon, to the Town Clerk, on or before the time of said meeting.

Given under our hands this 5th day of October 2009.

Norman P. Cohen
Jeanne K. Krieger
Peter C.J. Kelley
Hank Manz
George A. Burnell

Selectmen
of
Lexington

A true copy, Attest:
Richard W. Ham, Jr.
Constable of Lexington

Town of Lexington
Lexington, MA 02420

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Warrant - Special Town Meeting – November 9, 2009

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