

SELECTMEN'S MEETING
Monday, March 17, 2014
Selectmen Meeting Room
7:00 p.m.

AGENDA

- 7:00 p.m. PUBLIC COMMENTS (10 min.)**
- 7:10 p.m. SELECTMEN CONCERNS AND LIAISON REPORTS (5 min.)**
- 7:15 p.m. TOWN MANAGER REPORT (5 min.)**
- 7:20 p.m. ITEMS FOR INDIVIDUAL CONSIDERATION**
1. Authorize Town Manager to Send RFP for Comcast Renewal Process (5 min.)
 2. Planning Board Presentation on Zoning Articles for Annual Town Meeting (30 min.)
 3. Update on Center Parking (15 min.)
 4. Center Streetscape Presentation (1 hour)
 5. Shade Street Traffic Calming/ 2014 Road Reconstruction Projects (15 min.)
 6. Interim Report on School Enrollment Projections (15 min.)
 7. Article Positions/Article Presenters (20 min.)
 8. Revised Health Insurance Budget (10 min.)
 9. Appointment/Resignation- Human Rights Committee/Arts Council (5 min.)
 10. Approve and Sign Eagle Letters Congratulating Thomas Elliott, Ian Davis and David Whitman-Kinghorn (5 min.)
- 10:20 p.m. CONSENT AGENDA (5 min.)**
1. One Day Liquor License – BBQ
 2. Sign Battle Green Flag Certificate for Retiring Army Service
 3. Approve Tax Bill Insert – Solarize Lexington
 4. Minutes
 5. Executive Session Minutes
- 10:25 p.m. EXECUTIVE SESSION (15 min.)**
1. Exemption 3 – Collective Bargaining Discussion – Lexington Municipal Management Association
 2. Exemption 2 – Preparation for Negotiations – Non Union Personnel
 3. Exemption 3 – Pending Litigation Update: Sellars v Lexington et al
- 10:40 p.m. ADJOURN**

The next meeting of the Board of Selectmen is scheduled for Monday, March 24, 2014 at 6:00 p.m. in the Selectmen's Meeting Room, 1625 Massachusetts Avenue.

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE: 3/17/14

STAFF: Lynne Pease

ITEM NUMBER: I.1

SUBJECT:

Authorize Town Manager to Send RFP for Comcast Renewal Process

EXECUTIVE SUMMARY:

Dave Becker, Dave Buczkowski and Nick Lauriet, members of the Communications Advisory Committee and the Negotiating Subcommittee, will be at your meeting to request approval to have the Town Manager send a letter to Comcast Cable Communications to begin the formal renewal procedure. Attached is an email from Dave Becker explaining the process and the proposed letter for the Town Manager to send to Comcast.

Because of its size, I have not included the proposed Comcast Renewal License, but I have it on file if you wish to see it.

FINANCIAL IMPACT:

RECOMMENDATION / SUGGESTED MOTION:

Motion to authorize the Town Manager to sign and send a letter and the proposed Cable Television Renewal License to Jane Lyman, Senior Manager of Government and Community Relations.

STAFF FOLLOW-UP:

Selectmen's Office



Town of Lexington **Town Manager's Office**

Carl F. Valente, Town Manager
Linda Crew Vine, Deputy Town Manager

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

March 17, 2014

By E-Mail and U.S. Mail

Ms. Jane M. Lyman
Senior Manager of Government and
Community Relations
Comcast Cable Communications, Inc.
12 Tozer Road
Beverly, MA 01915

RE: Town of Lexington Renewal License

Dear Ms. Lyman:

On behalf of the Board of Selectmen, statutory Issuing Authority for the Town of Lexington, MA (the "Town"), I have enclosed the Town of Lexington's Cable Television Renewal License for Comcast. The Issuing Authority is transmitting this Renewal License to Comcast for response in accordance with the formal renewal procedures of the federal Cable Act, 47 U.S.C. Section 546(a)-(c). The Renewal License contains the material terms and conditions being proposed by the Issuing Authority.

The Issuing Authority conducted a public ascertainment hearing in the Town on January 26, 2012. The purpose of the hearing was to provide members of the community the opportunity to voice their concerns and identify issues in connection with the future cable-related needs and interests of the Lexington community. Proper notice of the hearing was provided.

Comcast should submit its response to the Renewal License to the Town no later than **Thursday, May 1, 2014**, by submitting one (1) original and five (5) copies, to the Selectmen's Office at the Lexington Town Hall. Comcast should also send one (1) copy of its response *directly* to the Town's outside Cable Counsel, Peter J. Epstein, 101 Arch Street, Suite 900, Boston, MA 02110-1112 by the same date referenced herein.

Ms. Jane M. Lyman
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March 17, 2014

The four-month period, mandated by Section 626(c)(1) of the Cable Act, shall commence on May 1, 2014 and expire on August 31, 2014. The current Cable Television Renewal License expires on August 31, 2014.

In the meantime, please let me know if you have any questions regarding the enclosed Renewal License.

Very Truly Yours,

Carl F. Valente
Town Manager

CAC/CFV

cc: Board of Selectmen
Communications Advisory Committee
Peter J. Epstein, Esquire

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE: 3/17/14

STAFF: Lynne Pease

ITEM NUMBER: I.2

SUBJECT:

Planning Board Presentation on Zoning Articles for the Annual Town Meeting

EXECUTIVE SUMMARY:

Charles Hornig will be at your meeting to present the zoning articles (Articles 27-32) for the Annual Town Meeting.

See attached Planning Board Reports.

Tom Fenn will also be at the meeting to discuss a proposed amendment motion for Article 30 – Amend Zoning Bylaw – Medical Marijuana Treatment Centers. His information is attached.

FINANCIAL IMPACT:

RECOMMENDATION / SUGGESTED MOTION:

STAFF FOLLOW-UP:

Selectmen's Office



Town of Lexington

PLANNING BOARD

Charles Hornig, Chair
Nancy Corcoran-Ronchetti, Vice Chair
Timothy Dunn, Clerk
Richard L. Canale
Gregory Zurlo

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REPORT TO THE 2014 ANNUAL TOWN MEETING

ARTICLES 27-29

CITIZEN PETITIONS TO AMEND THE ZONING BYLAW

MARCH 2014

The Planning Board Report to Town Meeting conveys the Planning Board's positions on the articles. It contains details regarding the proposals that are intended to inform decision-making and to provide helpful knowledge to the public and all interested parties.

| Article | Description | Recommended Action |
|-----------|---|-----------------------|
| 27 | Amend Zoning Bylaw – Allow for-profit educational uses in the neighborhood business and residential districts | APPROVE as modified |
| 28 | Amend Zoning Bylaw – Allow for-profit educational uses in the neighborhood business district and remove size limitation | APPROVE as modified |
| 29 | Amend Zoning Bylaw – Allow for-profit educational uses in the neighborhood business district | Indefinitely Postpone |

**THIS REPORT WAS ACCEPTED BY VOTE OF THE PLANNING BOARD ON
MARCH 12, 2014.**

- ARTICLE 27 Amend Zoning Bylaw – Allow for-profit educational uses in the neighborhood business and residential districts**
- ARTICLE 28 Amend Zoning Bylaw – Allow for-profit educational uses in the neighborhood business district and remove size limitation**
- ARTICLE 29 Amend Zoning Bylaw – Allow for-profit educational uses in the neighborhood business district**

BACKGROUND

These three articles are citizen's petitions from a single petitioner. They evolved over time with Article 29 being the first one submitted. When the petitioner realized the 1,500 square foot limitation on establishments in the neighborhood business (CN) district could not be amended within the scope of the original warrant article she submitted the two additional articles to accomplish her goal of allowing for-profit educational uses in more areas of town. The current bylaw limits them to commercial districts.

The warrant articles were written broadly to allow a range of options which were narrowed down as the petitioner talked with residents. The original idea was to treat nonprofit and for-profit educational uses the same. To address concerns about the expansion of this use into residential districts, the petitioner is limiting her proposal to allow only for-profit educational uses for instruction in music and the arts with a size not to exceed 3,500 square feet per establishment by special permit in the RT District and the CN District. They would continue to be allowed by right in other commercial districts. The 1,500 square foot maximum size of service establishments in the CN District could be modified by a special permit.

To accomplish this there will be;

- A motion under Article 27 to add "Instruction in Music or the Arts, not to exceed 3,500 square feet of floor space per establishment" to the Table of Uses and to allow such a use by special permit in the RT and CN districts, by right in the rest of the commercial districts, but not in the RO or RS districts.
- A motion under Article 28 to allow the development standard of 1,500 square feet for personal, business, or general service uses in the CN District to be modified by special permit.
- A motion to indefinitely postpone Article 29 as it was replaced by Article 27.

RECOMMENDATION

The Planning Board recommends that the motions under Articles 27, 28 and 29 be approved if they are as represented above.

PUBLIC HEARING

A duly advertised public hearing was held on February 26, 2014 in the Selectmen's Meeting Room. Approximately 20 people were in attendance.

The petitioner presented her proposed articles which would allow "Instruction in Music or the Arts, not to exceed 3,500 square feet of floor space per establishment" by special permit in all residential districts. This generated considerable comment with residents suggesting that such a use should not be allowed in the single-family residential zones. Some said they could support the introduction of such a use in the RT two family district, which runs along Massachusetts Avenue in East Lexington. It was felt that this was a busy street that could support such an activity. In addition, the special permit requirement could address specific concerns by imposing conditions to mitigate any impacts, or even deny the use based on the particular circumstances. After the public hearing, the petitioner indicated that she would limit her proposal to allow for-profit educational uses for instruction in music and the arts only by special permit in the RT District and the CN District and with a size limitation of 3,500 square feet per establishment.

After deliberation, the Planning Board voted 4-0 to recommend favorable action on Article 27 and 28 as modified and the indefinite postponement of Article 29. Ms. Ciccolo abstained from the vote.

The recommendation was reconsidered on March 12 to allow the new member of the Planning Board to weigh in. After deliberation, the Planning Board voted 5-0 to recommend favorable action on Articles 27 and 28 and to indefinitely postpone Article 29.

MOTIONS FOR ARTICLES 27-29

This is a citizen's petition and the Planning Board is not responsible for the motion. The final motions were not available at the public hearing as they were modified to respond to concerns raised at the public hearing. The Planning Board supports the following proposed bylaw:

| | RO | RS | RT | CN | CRS | CS | CB | CLO | CRO | CM |
|--|----|----|----|----|-----|----|----|-----|-----|----|
| H. PERSONAL, BUSINESS, OR GENERAL SERVICE USES | | | | | | | | | | |
| H.1.0 AS A PRINCIPAL USE | | | | | | | | | | |
| H.1.014 School not exempt by statute | N | N | N | N | Y | Y | Y | Y | Y | Y |
| H.1.014.1 Instruction in music or the arts, not to exceed 3,500 square feet of floor space per establishment | N | N | SP | SP | Y | Y | Y | Y | Y | Y |
| ... | | | | | | | | | | |
| H.2.0 DEVELOPMENT STANDARDS FOR PERSONAL, BUSINESS, OR GENERAL SERVICE USES | | | | | | | | | | |
| H.2.01 Services with more than 1,500 square feet of floor space per establishment | Y | Y | Y | SP | Y | Y | Y | Y | Y | Y |



Town of Lexington

PLANNING BOARD

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REPORT TO THE 2014 ANNUAL TOWN MEETING

ARTICLES 30-32

AMEND THE ZONING BYLAW

MARCH 2014

The Planning Board Report to Town Meeting conveys the Planning Board's positions on the articles. It contains details regarding the proposals that are intended to inform decision-making and to provide helpful knowledge to the public and all interested parties.

| Article | Description | Recommended Action | Report | Motion |
|----------------|--|---------------------------|---------------|---------------|
| 30 | Amend Zoning Bylaw – Medical Marijuana Treatment Centers | APPROVE | p. 1 | p. 5 |
| 31 | Amend Zoning Bylaw – Site Plan Review | APPROVE | p. 7 | p. 8 |
| 32 | Amend Zoning Bylaw – Technical corrections | APPROVE | p. 9 | p. 9 |

**THIS REPORT WAS ACCEPTED BY VOTE OF THE PLANNING BOARD ON
MARCH 12, 2014.**

ARTICLE 30 Amend Zoning Bylaw – Medical Marijuana Treatment Centers

RECOMMENDATION

The Planning Board recommends that the motion under Article 30 be approved.

BACKGROUND

At the November 6, 2012 State election, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes by patients with debilitating medical conditions through Medical Marijuana Treatment Centers (MMTCs), also known as Registered Marijuana Dispensaries (RMDs). Within the Town of Lexington, 65% of the voters who cast ballots on this question supported the law. The law, Chapter 369 of the Acts of 2012, became effective January 1, 2013, and required the Department of Public Health (DPH) to issue regulations governing its implementation. These regulations state that

“[t]he Department [of Public Health] does not mandate any involvement by municipalities or local boards of health in the regulations of RMDs, qualifying patients with hardship cultivation registrations, or any other aspects of marijuana for medical use. However, nothing in 105 CMR 725.000 shall be construed so as to prohibit lawful local oversight and regulation, including fee requirements, that does not conflict or interfere with the operation of 105 CMR 725.000.”

and that nothing in the regulations

“[r]equires any accommodation of any on-site medical use of marijuana in any place of employment, school bus or on school grounds, in any youth center, in any correctional facility, or of smoking medical marijuana in any public place.”

In brief the Department of Public Health regulations cover the following:

- There will be no more than 35 RMDs in the state and no more than 5 per county.
- Physicians who wish to prescribe medical marijuana to their patients must register with DPH. Physicians must have an established relationship with the patient to prescribe marijuana.
- Patients and personal caregivers must also register with DPH.
- Organizations looking to run an RMD must be non-profit, have a minimum of \$500,000 under their control, and apply to run no more than three RMDs.
- RMDs must cultivate their own product, although this can be done at an alternate site under their control with all transportation to the actual dispensary handled by the organization under strict transportation regulations.
- Independent laboratory testing must be performed on the marijuana.
- Security requirements including alarm systems, security cameras with retained secured videos for a minimum of 25 hours, locked storage area, marked limited access areas, no plantings outside the facility where someone could hide, outside lighting, and written emergency procedures.
- Waste disposal procedures.

- Logos and signs cannot include any reference to medical marijuana or any images of the product or symbols of associated paraphernalia and must conform to local sign ordinances.
- Siting of RMDs must conform to local requirements and cannot be within 500 feet of a school, daycare center or facility where children usually congregate unless local regulations establish a different standard.
- DPH can conduct unannounced inspections of the RMDs and any transport vehicles.
- A license is issued for the period of one year.
- DPH can grant permission for a patient with financial hardship or who does not have adequate access to an RMD to cultivate marijuana for personal use. (This is the only mechanism currently available to patients pending licensing and opening of RMDs.)

The Attorney General has determined that municipalities may not enact a total ban on MMTCs. However, cities and towns may adopt zoning by-laws to regulate such dispensaries, so long as such by-laws do not conflict or interfere with the operation of the DPH regulations.

At a special Town Meeting in June of 2013 the Town instituted a moratorium on the use of land or structures for an MMTC until no later than July 31, 2014. The temporary moratorium was intended to allow sufficient time for the Town to engage in a planning process and to adopt any bylaws and regulations the Town deemed necessary. Having received public input, the Planning Board is returning to Town Meeting to establish districts that will allow for MMTCs as well as for free-standing distribution centers. The Board of Health is considering local regulations which will further regulate these centers.

The law provides that in the first year up to 35 permits for MMTCs could be issued with at least one center in each county and no more than five in any one county. Currently there are four locations in Middlesex County provisionally approved, none of which are in Lexington. There was an initial application for a Lexington site that did not progress to the second phase.

The bylaw amendment would allow MMTCs incorporating any combination of cultivation, preparation and distribution in the CM District. This use fits with the production and manufacturing already allowed in the CM District. The CM District, which runs along Hartwell Avenue, is also near relatively few residential properties.

Distribution only of medical marijuana related products would also be allowed by special permit in the CB and CRS Districts. This is motivated by the feeling that distribution fits with the other retail uses allowed in those districts, such as pharmacies; safety is enhanced at such facilities by providing “eyes on the street”; and it would allow access for patients who use public transportation. The CB District covers Lexington Center. CRS districts are located at Lowell Street and Woburn Street, along Massachusetts Avenue in East Lexington, at Worthen Road and Bedford Street and on Waltham Street at the Waltham line.

The proposed amendment leaves local MMTCs subject to the DPH-defined 500' buffer around "facilities in which children commonly congregate". The DPH interprets "facility in which children commonly congregate" as follows:

Such a facility includes dance schools, gymnastic schools, etc. if children commonly congregate there in a structured, scheduled manner. It includes facilities where services or programs targeting children or youth take place. It includes a private home housing a family day care center, but not a private home where children happen to live. It includes a city or town park if the park includes play structures intended for children to use. It does not include other facilities, such as ice cream shops, where children may happen to congregate, but not in a structure, scheduled manner.

(DPH's "Guidance for Municipalities Regarding the Medical Use of Marijuana," updated 12/13/13)

Should the Town wish to impose different buffers, this should be done through carefully crafted Board of Health regulations, rather than through the zoning bylaw.

If the Town does nothing, the moratorium on the location of an MMTC will expire on July 31, 2014 and the use will be governed by current zoning and the state regulations. This would allow growing, production and processing in the CM District as a light manufacturing use permitted under line N.1.01 of the Zoning Bylaw and allow distribution as a medical clinic in the CRS, CB, CLO, CRO and CM Districts as permitted under line H.1.13 of the Zoning Bylaw. The DPH-defined 500' buffer would apply unless modified by other local action.

PUBLIC INPUT

Public Information Meeting September 11, 2013: The Planning Board put forward a draft proposal for discussion as follows:

- Allow all three phases (cultivation, preparation and distribution) in the CM District
- Allow distribution in the CB and CRS Districts
- No additional buffer in zoning although one could be established by the Board of Health or Board of Selectmen.

Audience Comments (*responses in italics*):

- Could all three elements be split between Towns? *Yes, but all three elements must be permitted within each municipality.*
- This use should be allowed anywhere a pharmacy would be permitted; there were more dangerous elements out there than this.
- The CB district should be excluded, based on the State's buffering regulations. *Each municipality could provide its own regulations or use the State's.*
- The evolution of zoning and licensing for operational details should be kept as open as practical and the Planning Board should recommend the location based on the operational details.
- The School Committee has not met regarding this proposal; what would be the timeline? *This would be going forward at the Spring Town Meeting.*

- Why couldn't the Town ban this use? *Other Towns have tried to ban the use, which was vetoed by the Attorney General's Office. The State would decide which municipality would get the license and there would be no local opt out allowed.*
- Manny Ferro, Captain of Operations for the Lexington Police Department, reached out to other police departments in the west and mid-west states that currently allowed this use and said there were lots of issues with assaults, vandalism and rip offs. Given that there have been rip offs locally for \$20 with pizza delivery what would happen with a \$4,000 delivery of marijuana? The Police Department recommended only allowing the use in the manufacturing zone (CM Zone), which would be better equipped for security and monitoring as opposed to the busy Lexington Center.
- Restricting the use to a CM Zone would not be good for distribution since accessibility would be restrictive for those who might need to get to the dispensary through public transportation.
- How would eligibility to allow home grown product be determined? *It would be based on financial hardship and would be determined by the State whether or not to allow product to be home grown.*
- Agreed with the Police Captain about restricting this use to the CM district at first to see how it worked out. If an expansion to other locations was to be considered the Town could revisit the matter at a later time.
- The dispensary should be in a more accessible location like the CB District.

Board Comments:

- Was there an unsafe condition presently with pharmacies and liquor stores that exist? *Captain Ferro said there was an existing problem now and the addition of this use could increase the potential for more trouble and the Board should take a conservative approach to start and expand down the road if need be.*
- This should be permitted in the CM District, but there were differences of opinion for permitting this use to be allowed in the CRS or CB District.
- This should be placed where liquor stores and pharmacies were permitted.
- The heavily targeted audience would be people that have debilitating diseases and disabilities and require accessibility by public transportation and there was no real service on Hartwell Avenue for access to a dispensary.
- What would happen with State buffers if the Town permitted the use in retail locations? *The Town would waive the State buffer regulations.* Was there any information about marijuana and alcohol use in the underage category? *There was a youth risk behavior survey that would be made available to the Board.*

Public Hearing: A duly advertised public hearing was held on February 26, 2014 in the Selectmen's Meeting Room in the Town Office Building. There were twelve people in the audience, four of whom spoke on the issue. Some advocated for making the possible locations as accessible as possible while others had concerns about having a distribution center in the CB and CRS Districts.

The Board members discussed the need to make an MMTC accessible to users while trying to avoid any possible negative secondary effects. There was concern about the possibility that allowing an MMTC in the Center would result in medical marijuana being smoked on

benches in the Center and whether or not this could be addressed by Board of Health regulations.

After deliberation, the Planning Board voted 4-1 (Ms. Ciccolo in opposition) to recommend favorable action on Article 30.

The recommendation was reconsidered on March 12 to allow the new member of the Planning Board to weigh in. There was discussion of a proposed amendment by Mr. Fenn and further comments by the Police Chief and members of the public. The recommended motion, which was changed from the one previously voted on, would leave the DPH-defined 500' buffer in effect unless and until further local action is taken and would require a special permit for distribution centers in the CB and CRS districts. After deliberation, the Planning Board voted 5-0 to recommend favorable action on Article 30.

MOTION FOR ARTICLE 30

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended, effective July 31, 2014, as follows:

- 1) Delete §135-6.10: "Medical Marijuana Treatment Centers" that imposed a moratorium through July 31, 2014 on the use of land and structures for a Medical Marijuana Treatment Center.
- 2) Insert in Definitions after "Medical, dental, or psychiatric offices" the following definition:

Medical Marijuana Distribution Center: An establishment that has been certified by the State Department of Public Health as part of a Medical Marijuana Treatment Center that sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers but does not cultivate or prepare the marijuana on site.
- 3) Replace the existing definition of a medical marijuana treatment center so that it reads as follows:

Medical Marijuana Treatment Center (MMTC): A not-for-profit establishment, registered as a Registered Marijuana Dispensary (RMD) in accordance with Massachusetts law, that acquires, cultivates, possesses, processes [including development of related products such as edible marijuana infused products (MIPs), tinctures, aerosols, oils, or ointments], transfers, transports, sells, distributes, dispenses, or administers marijuana products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.

- 4) Insert in Part I of Table 1 “Permitted Uses and Development Standards,” after line I.1.012, a new line I.1.013 so that the amended section of Table 1 will now appear as follows:

| | RO | RS | RT | CN | CRS | CS | CB | CLO | CRO | CM |
|--|----|----|----|----|-----|----|----|-----|-----|----|
| F. SALES OR RENTAL OF GOODS AND EQUIPMENT | | | | | | | | | | |
| I.1.0 AS PRINCIPAL USE | | | | | | | | | | |
| ... | | | | | | | | | | |
| I.1.013 Medical Marijuana Distribution Center | N | N | N | N | SP | N | SP | N | N | Y |

- 5) Insert in Part N of Table 1 “Permitted Uses and Development Standards,” after line N.1.02, a new line N.1.03 so that the amended section of Table 1 will now appear as follows:

| | RO | RS | RT | CN | CRS | CS | CB | CLO | CRO | CM |
|---|----|----|----|----|-----|----|----|-----|-----|----|
| F. MANUFACTURING USES | | | | | | | | | | |
| N.1.0 AS PRINCIPAL USE | | | | | | | | | | |
| ... | | | | | | | | | | |
| N.1.03 Medical Marijuana Treatment Center | N | N | N | N | N | N | N | N | N | Y |

ARTICLE 31**Amend Zoning Bylaw – Site Plan Review****RECOMMENDATION**

The Planning Board recommends that the motion under Article 31 be approved.

BACKGROUND

These articles are part of a continuing effort to encourage economic development in the Town and reverse the controls adopted by the Town in the 1980's that had the practical effect of freezing commercial development. The 2002 Comprehensive Plan pointed out that "the real limitation [on business growth] results from rules that Town has chosen for controlling such development, not from basic limitations inherent in location or the land..."¹ At that time the Plan expressed satisfaction with the status quo regarding commercial development, but the changing share of the taxes borne by residents has led to a re-evaluation of that vision for Lexington.

In 2006, the Vision 2020 Steering Committee and the Board of Selectmen established the Economic Development Task Force (EDTF) and charged it with investigating and promoting discussion of the issues surrounding economic development. The EDTF's final report, issued in August 2008, recommended zoning changes that would encourage higher value developments, make commercial development approvals predictable and equitable, and develop traffic management strategies encouraging alternative modes of transportation.²

In 2009 Town Meeting passed a series of zoning amendments focused on the Hartwell Avenue commercial district, including the removal of the requirement for a special permit with site plan review, replacing it with site plan review. Article 31 seeks to allow development in the other commercial districts in Town to utilize site plan review without having to obtain a special permit unless another special permit is triggered.

Site plan review differs from a special permit in several ways that encourage desirable commercial development by providing more certainty and expediting review:

| | Site plan review | Special permit |
|---------------------------|--|---|
| Granting Authority | Major: Planning Board (majority) Minor: Planning Director | Board of Appeals or Planning Board (2/3 vote) |
| Criteria | Specific criteria in Planning Board regulations | General criteria in Zoning Bylaw |
| Time Limit | 60 days from application to final decision | 65 days from application to hearing unlimited time for hearing 90 days from hearing to final decision |
| Denial | Denial only in exceptional cases where goal of bylaw cannot be met through conditions or changes | Denial at reasonable discretion of granting authority |

¹ The Lexington We Want, March 2002, p.65.

² Lexington Vision 2020, Economic Development Task Force, Final Report, August 2008, p. 9

Should a development also require one or more special permits, the Planning Board would become the special permit granting authority for them, as provided for in §135-9.4.1 of the Zoning Bylaw.

The proposed change does not affect residential developments (no special permit requirement), development in the CM District (already subject to site plan review), development in RD and CD districts (subject to separate provisions of the Bylaw), or developments which require review of traffic impacts under §135-5.5.

PUBLIC HEARING

A duly advertised public hearing was held on February 26, 2014 in the Selectmen's Meeting Room in the Town Office Building. There were eight people in the audience, two of whom spoke on the issue. One wanted to know the trigger for a major or minor site plan review. Another felt that site plan review did not provide adequate protection as it could only be denied in the most extreme circumstances. Board members felt that the site plan review process with its ability to impose conditions was adequate and it was an important tool in increasing certainty in the development process.

After deliberation, the Board voted to recommend the adoption of Article 31 to Town Meeting.

The recommendation was reconsidered on March 12 to allow the new member of the Planning Board to weigh in. After deliberation, the Planning Board voted 5-0 to recommend favorable action on Article 31.

MOTION FOR ARTICLE 31

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows:

In Part F of Table 1 "Permitted Uses and Development Standards," Line F.1.02 delete "SP" and replace with "R" under the columns for RO, RS, RT, CN, CRS, CS, CB, CLO and CRO Districts, so that the amended section of Table 1 will now appear as follows:

| | RO | RS | RT | CN | CRS | CS | CB | CLO | CRO | CM |
|---|----|----|----|----|-----|----|----|-----|-----|----|
| F. DEVELOPMENT STANDARDS – THE FOLLOWING DEVELOPMENT STANDARDS APPLY TO ALL USES IN SECTION G TO P, INCLUSIVE, OF THIS TABLE IN ADDITION TO ANY STANDARDS SET FORTH THEREIN | | | | | | | | | | |
| ... | | | | | | | | | | |
| F.1.02 Uses and structures with 10,000 or more square feet of gross floor area including the area of any existing structure, but not including any floor area devoted to off-street parking, on a lot | R | R | R | R | R | R | R | R | R | R |

Article 32

Amend Zoning Bylaw- Technical Corrections

RECOMMENDATION

The Planning Board recommends that the motion under Article 32 be approved.

Background

This article makes corrections to the Zoning Bylaw that are not substantive. The changes are proposed in hopes of making the bylaw clearer and more understandable. For instance the current bylaw has a category of accessory apartment called “by-right accessory apartment” yet in some instances it requires a special permit. By changing the name of the category to “basic accessory apartment” it removes this seeming contradiction without changing any of the rules about what and where such apartments are allowed.

Typos and mis-alphabetizations are also corrected. The table that follows shows the proposed changes and gives a brief comment as to why the change is proposed.

PUBLIC HEARING

A duly advertised public hearing was held on February 26, 2014 in the Selectmen’s Meeting Room in the Town Office Building. No members of the public spoke.

After deliberation, the Board voted to recommend the adoption of Article 32 to Town Meeting.

The recommendation was reconsidered on March 12 to allow the new member of the Planning Board to weigh in. After deliberation, the Planning Board voted 5-0 to recommend favorable action on Article 32.

MOTION FOR ARTICLE 32

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows:

| Reference | | | | | | | | | | | | |
|--|----------|---|-----------|-----------|-----------|-----------|------------|-----------|-----------|------------|------------|-----------|
| §135-3.4 Table 1 line A.2.01 (page 7) | Existing | | RO | RS | RT | CN | CRS | CS | CB | CLO | CRO | CM |
| | | A.2.01 Not more than 3 rooming units | Y | Y | Y | N | N | N | N | N | N | N |
| | Proposed | | RO | RS | RT | CN | CRS | CS | CB | CLO | CRO | CM |
| | | A.2.01 Rooming units (not to exceed 3) | Y | Y | Y | N | N | N | N | N | N | N |
| | Comments | Clarity | | | | | | | | | | |
| §135-3.4 Table 1 lines A.2.02 to A.2.04 (page 7) | Existing | | RO | RS | RT | CN | CRS | CS | CB | CLO | CRO | CM |
| | | A.2.02 Accessory apartment, by-right | Y | Y | N | N | SP | SP | SP | SP | SP | SP |
| | | A.2.03 Accessory apartment, special permit | SP | SP | N | N | SP | SP | SP | SP | SP | SP |
| | | A.2.04 Accessory apartment, accessory structure | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| | Proposed | | RO | RS | RT | CN | CRS | CS | CB | CLO | CRO | CM |
| | | A.2.02 Basic accessory apartment | Y | Y | N | N | SP | SP | SP | SP | SP | SP |
| | | A.2.03 Expanded accessory apartment | SP | SP | N | N | SP | SP | SP | SP | SP | SP |
| | | A.2.04 Accessory structure apartment | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| | Comments | It is confusing to require a special permit for what is called a by-right accessory apartment so the name is being changed to basic accessory apartment. It is also confusing to have a special permit for different categories of apartments, only one of which is called a special permit apartment. The text of the bylaw refers to 3 categories of accessory apartment – by-right accessory apartments, special permit accessory apartments and accessory structure apartments. The categories should be consistent between the text and the table so we are proposing to lead with the descriptive phrase, rather than putting it after a comma. | | | | | | | | | | |
| | | | | | | | | | | | | |

| | | |
|----------------------------------|----------|--|
| §135-4.4 Table 2 (page 23) | Existing | Public and institutional buildings, maximum height: |
| | Proposed | Institutional buildings, maximum height: |
| | Comments | In Table 1 Permitted Uses and Development Standards under the heading “B. INSTITUTIONAL USES” “Municipal buildings or uses” is listed as a principal institutional use, however “the Commonwealth and the U.S. government” is not listed, probably because they are exempt from municipal regulation. Municipal is the Town of Lexington, Consistency. |
| §135-5.4.5 (page 44) | Existing | 5.4.5 Lamps. Lamp types shall be selected for optimum color rendering as measured by their color-rendering index (CRI), as listed by manufacturer. |
| | Proposed | 5.4.5 Lamps. Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI), as listed by manufacturer. |
| | Comments | Remove hyphen as in the industry it is without a hyphen. Consistency |
| §135-6.6.5.5 (page 61) | Existing | 6.6.5.5 There shall be provided at least 150 square feet of usable open space for each resident. |
| | Proposed | 6.6.5.5 There shall be provided at least 150 square feet of open space for each resident. |
| | Comments | The “useable” was removed as a technical correction by Article 47 of the 2009 ATM because the requirement for usable open space was removed by Article 49 of the 2008 ATM; somehow it made it back into the document when reorganized and should be removed. |
| §135-6.7.2 (page 62) | Existing | 6.7.2. General. An accessory apartment is a second dwelling unit subordinate in size to the principal dwelling unit on a lot, located in either the principal dwelling or an existing accessory structure. The apartment is constructed so as to maintain the appearance and essential character of a one-family dwelling and any existing accessory structures. Three categories of accessory apartments are permitted: by-right accessory apartments, which are permitted as of right, and special permit accessory apartments and accessory structure apartments, which may be allowed by a special permit. |
| | Proposed | 6.7.2. General. An accessory apartment is a second dwelling unit subordinate in size to the principal dwelling unit on a lot, located in either the principal dwelling or an existing accessory structure. The apartment is constructed so as to maintain the appearance and essential character of a one-family dwelling and any existing accessory structures. Three categories of accessory apartments are permitted: basic accessory apartments, which are permitted as of right in certain residential districts and by special permit in other districts, and expanded accessory apartments and accessory structure apartments, which may be allowed by a special permit. |
| | Comments | It is confusing to require a special permit for what is called a by-right accessory apartment so the name is being |

| | | |
|-----------------------------|----------|--|
| | | changed to basic accessory apartment. It is confusing to have a category called special permit accessory apartment that does not include all accessory apartments that require a special permit so the name is being changed to expanded accessory apartment. |
| §135-6.7.6 (page 63) | Existing | <p>6.7.6 By-Right Accessory Apartment. A by-right accessory apartment shall be permitted if the requirements set forth in §6.7.3 is satisfied and the following criteria are met: ...</p> <p>5. The entire structure containing the by-right accessory apartment must have been in legal existence for a minimum of five years at the time of application for a by-right accessory apartment, except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second or third story.</p> |
| | Proposed | <p>6.7.6 Basic Accessory Apartment. A basic accessory apartment shall be permitted if the requirements set forth in §6.7.3 are satisfied and the following criteria are met: ...</p> <p>5. The entire structure containing the basic accessory apartment must have been in legal existence for a minimum of five years at the time of application for a basic accessory apartment, except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second or third story.</p> |
| | Comments | It is confusing to require a special permit for what is called a by-right accessory apartment so the name is being changed to basic accessory apartment., also correcting grammar. |
| §135-6.7.7 (pages 63-64) | Existing | <p>6.7.7 Special Permit Accessory Apartment. The SPGA may grant a special permit for a special permit accessory apartment, subject to the following: ...</p> <p>2. The gross floor area of the special permit accessory apartment shall not exceed 40% of the gross floor area of the swelling, excluding areas of structure used for parking.</p> <p>3. The special permit accessory apartment shall be located in the principal structure.</p> |
| | Proposed | <p>6.7.7 Expanded Accessory Apartment. The SPGA may grant a special permit for an expanded accessory apartment, subject to the following: ...</p> <p>2. The gross floor area of the expanded accessory apartment shall not exceed 40% of the gross floor area of the swelling, excluding areas of structure used for parking.</p> <p>3. The expanded accessory apartment shall be located in the principal structure.</p> |
| | Comments | It is confusing to have a category called special permit accessory apartment that does not include all accessory apartment that require a special permit so the category is being renamed. |

| | | |
|--------------------------------------|----------|---|
| §135-6.9.3 (page 67) | Existing | 6.9.3.1 A site sensitive development (SSD) is the development of a parcel with configurations of lots allowing flexibility and creativity in residential development through reduction in minimum lot size... 6.9.3.2 A balanced housing development (BHD)...Instead of determining density by minimum lot size... |
| | Proposed | 6.9.3.1 A site sensitive development (SSD) is the development of a parcel with configurations of lots allowing flexibility and creativity in residential development through reduction in minimum lot area... 6.9.3.2 A balanced housing development (BHD)...Instead of determining density by minimum lot area... |
| | Comments | The term lot area is used in Table 2. There is a definition of lot area but not lot size. Consistency |
| §135-6.9.16 (page 71) | Existing | 6.9.16 Accessory Apartments. The SPGA may authorize Special Permit Accessory Apartments, as described in §6.7.7 of this Bylaw, to be created within a site sensitive development... |
| | Proposed | 6.9.16 Accessory Apartments. The SPGA may authorize Expanded Accessory Apartments, as described in §6.7.7 of this Bylaw, to be created within a site sensitive development... |
| | Comments | Changed to reflect the new term used in §6.7. |
| §135-7.3.5.8 (page 80) | Existing | Revision of Special Permit and Changes of Use or Site Development Plans. After to the grant of a special permit... |
| | Proposed | Revision of Special Permit and Changes of Use or Site Development Plans. After the grant of a special permit... |
| | Comments | Correction of typo, remove “to” |
| §135-8.5.2 (page 82) | Existing | 8.5.2 Public Acquisition. If a public acquisition of land causes a lot to be rendered nonconforming... |
| | Proposed | 8.5.2 Government Acquisition. If government acquisition of land causes a lot to be rendered nonconforming... |
| | Comments | clarity |
| §135-10. Definitions (page 95) | Existing | Communications equipment Shelter: A structure designed principally to enclose equipment used in connection with wireless communication transmission and/or reception. |
| | Proposed | Communication equipment shelter: A structure designed principally to enclose equipment used in connection with wireless communication transmission and/or reception. |
| | Comments | Correct the capitalization and inconsistent spelling |

| | | |
|---------------------------------------|----------|--|
| §135-10. Definitions (page 95) | Existing | Crawl space: ... Color rendering index (CRS): ... Cutoff angle: ... |
| | Proposed | Co-location: ... Color rendering index (CRS): ... Commercial district: ... |
| | Comments | “Color rendering index (CRI)” is out of order in the definitions. |
| §135-10. Definitions (page 101) | Existing | Motel: ... Motor vehicle body work: Repairs to motor vehicle bodies, including fenders, bumper and similar components of motor vehicle bodies, but not the storage of vehicle for the cannibalization of parts |
| | Proposed | Billboard: ... Body work, motor vehicle: Repairs to motor vehicle bodies, including fenders, bumper and similar components of motor vehicle bodies, but not the storage of vehicle for the cannibalization of parts |
| | Comments | Should be listed as “Body work, motor vehicle” and re-alphabetized to follow “Billboard” (page 94); Table 1, L.1.04 and L.1.05 use “body work”, not motor vehicle body work |
| §135-10. Definitions (page 101) | Existing | One-hundred-year flood: ... Open space, common: ... |
| | Proposed | Commercial vehicle: ... Common open space: ... Communications equipment shelter: ... |
| | Comments | Common open space is listed under “open space, common”; should be under “common open space” and re-alphabetized in the definitions |
| §135-10. Definitions (page 101) | Existing | One-hundred-year flood: See “base flood” |
| | Proposed | Delete |
| | Comments | Base flood is not used or defined in the Bylaw so the reference is useless. User should refer to section 7.1 and the FEMA maps |

| | | |
|---------------------------------------|----------|--|
| §135-10. Definitions (page 101) | Existing | (There is no definition of peak period, although used in Bylaw.) |
| | Proposed | Peak period: The period in which the highest traffic counts occur, usually the two hours between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m. |
| | Comments | Based on peak hour definition. Clarity |
| §135-10. Definitions (page 101) | Existing | (There is no definition of peak traffic hours, although used in Bylaw) |
| | Proposed | Inset after Peak period: Peak traffic hours: see “peak period” |
| | Comments | Inserted for clarity |
| §135-10. Definitions (page 102) | Existing | Public: The Town of Lexington, Commonwealth of Massachusetts, United States Government or an agency thereof. |
| | Proposed | Delete |
| | Comments | When used in the Bylaw “public” is used in this sense twice in the over 76 time “public” appears in the Bylaw, and those two instances can be clarified by other means |

2014 ANNUAL TOWN MEETING

Article 30 AMEND ZONING BYLAW-MEDICAL MARIJUANA TREATMENT CENTERS

MOTION: That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended, effective July 31, 2014, as follows:

(1) Delete section 6.10: "Medical Marijuana Treatment Centers," that imposed a moratorium through July 31, 2014 on the use of land and structures for a Medical Marijuana Treatment Center.

(2) Insert in Definitions after "MEDICAL, DENTAL, OR PSYCHIATRIC OFFICES" the following definition:

MEDICAL MARIJUANA DISTRIBUTION CENTER - An establishment that has been certified by the State Department of Public Health as part of a Medical Marijuana Treatment Center that sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers but does not cultivate or prepare the marijuana on site that is sited in accordance with 105 CMR 725.110; provided that the distance in 105 CMR 725.110(A)(14) between such establishment and a school, daycare center, or any facility in which children commonly congregated shall not apply for such an establishment within the Town of Lexington; provided further that such establishment may be subject to local regulation requiring such a distance.

(3) Insert into the definition of a medical marijuana treatment center "An MMTC is to be sited in accordance with 105 CMR 725.110; provided that the distance in 105 CMR 725.110(A)(14) between such establishment and a school, daycare center, or any facility in which children commonly congregated shall not apply for such an establishment within the Town of Lexington; provided further that such establishment may be subject to local regulation requiring such a distance" so that it now reads as follows:

MEDICAL MARIJUANA TREATMENT CENTER (MMTC) - A not-for-profit entity registered as a Registered Marijuana Dispensary (RMD) in accordance with Massachusetts law, that acquires, cultivates, possesses, processes [including development of related products such as edible marijuana infused products (MIPs), tinctures, aerosols, oils, or ointments], transfers, transports, sells, distributes, dispenses, or administers marijuana products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana. An MMTC is to be sited in accordance with 105 CMR 725.110; provided that the distance in 105 CMR 725.110(A)(14) between such establishment and a school, daycare center, or any facility in which children commonly congregated shall not apply for such an establishment within the Town of Lexington; provided further that such establishment may be subject to local regulation requiring such a distance"

(4) Insert in Part I of Table 1 "Permitted Uses and Development Standards," after line I.1.012, a new line I.1.013

So that the amended section of Table 1 will now appear as follows:

| | RO | RS | RT | CN | CRS | CS | CB | CLO | CRO | CM |
|--|----|----|----|----|-----|----|----|-----|-----|----|
| F. SALES OR RENTAL OF GOODS AND EQUIPMENT | | | | | | | | | | |
| I.1.0 AS PRINCIPAL USE | | | | | | | | | | |
| ... | | | | | | | | | | |
| I.1.013 Medical Marijuana Distribution Center | N | N | N | N | Y | N | Y | N | N | Y |

(5) Insert in Part N of Table 1 "Permitted Uses and Development Standards," after Line N.1.02, a new line N.1.03

So that the amended section of Table 1 will now appear as follows:

[illegible]

2014 ANNUAL TOWN MEETING

Article 30 AMEND ZONING BYLAW-MEDICAL MARIJUANA TREATMENT CENTERS

MOTION: That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended, effective July 31, 2014, as follows:

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Deleted: provided that the distance in 105 CMR 725.110(A)(14) between . such establishment and a school, daycare center, or any facility in which children . commonly congregated shall not apply for such an establishment within the Town . of Lexington

Deleted: ;

Deleted: provided further that such establishment may be subject to local . regulation requiring such a distance.

(3) Insert into the definition of a medical marijuana treatment center "An MMTC is to be sited in accordance with 105 CMR 725.110; provided that such establishment shall not be located within 500 feet of a school, daycare center, church, playground, park or any other facility where children commonly congregate; provided further that such establishment may be subject to local regulation", so that it now reads as follows:

MEDICAL MARIJUANA TREATMENT CENTER (MMTC) - A not-for-profit entity registered as a Registered Marijuana Dispensary (RMD) in accordance with Massachusetts law, that acquires, cultivates, posses, processes [including development of related products such as edible marijuana infused products (MIPs), tinctures, aerosols, oils, or ointments], transfers, transports, sells, distributes, dispenses, or administers marijuana products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana. An MMTC is to be sited in accordance with 105 CMR 725.110; provided that such establishment shall not be located within 500 feet of a school, daycare center, church, playground, park or any other facility where children commonly congregate; provided further that such establishment may be subject to local regulation.

Deleted: provided that the distance in 105 CMR 725.110(A)(14) between such establishment and a school, daycare center, or any facility in which children commonly congregated shall not apply for such an establishment within the Town of Lexington; provided further that such establishment may be subject to local regulation requiring such a distance"

Deleted: provided that the distance in 105 CMR . 725.110(A)(14) between such establishment and a school, daycare center, or any . facility in which children commonly congregated shall not apply for such an . establishment within the Town of Lexington; provided further that such . establishment may be subject to local regulation requiring such a distance"

¶
¶
¶
¶

So that the amended section of Table 1 will now appear as follows:

(5) Insert in Part N of Table 1 "Permitted Uses and Development Standards," after Line N.1.02, a new line N.1.03

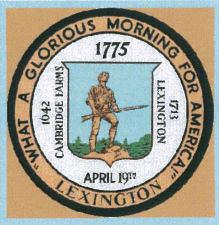
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TOWN OF LEXINGTON, MASSACHUSETTS

105 CMR: Department of Public Health
Default State Site Restrictions

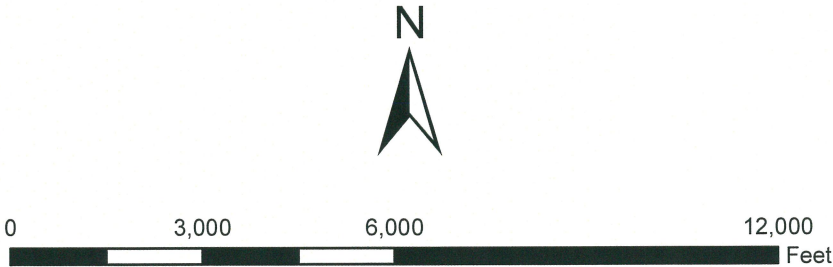
February 26, 2014

725.110 (A) (14): Security Requirements for Registered Marijuana Dispensaries (RMD) - A RMD shall comply with all local requirements regarding siting, provided however that if no local requirements exist, a RMD shall not be sited within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate. The 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD.



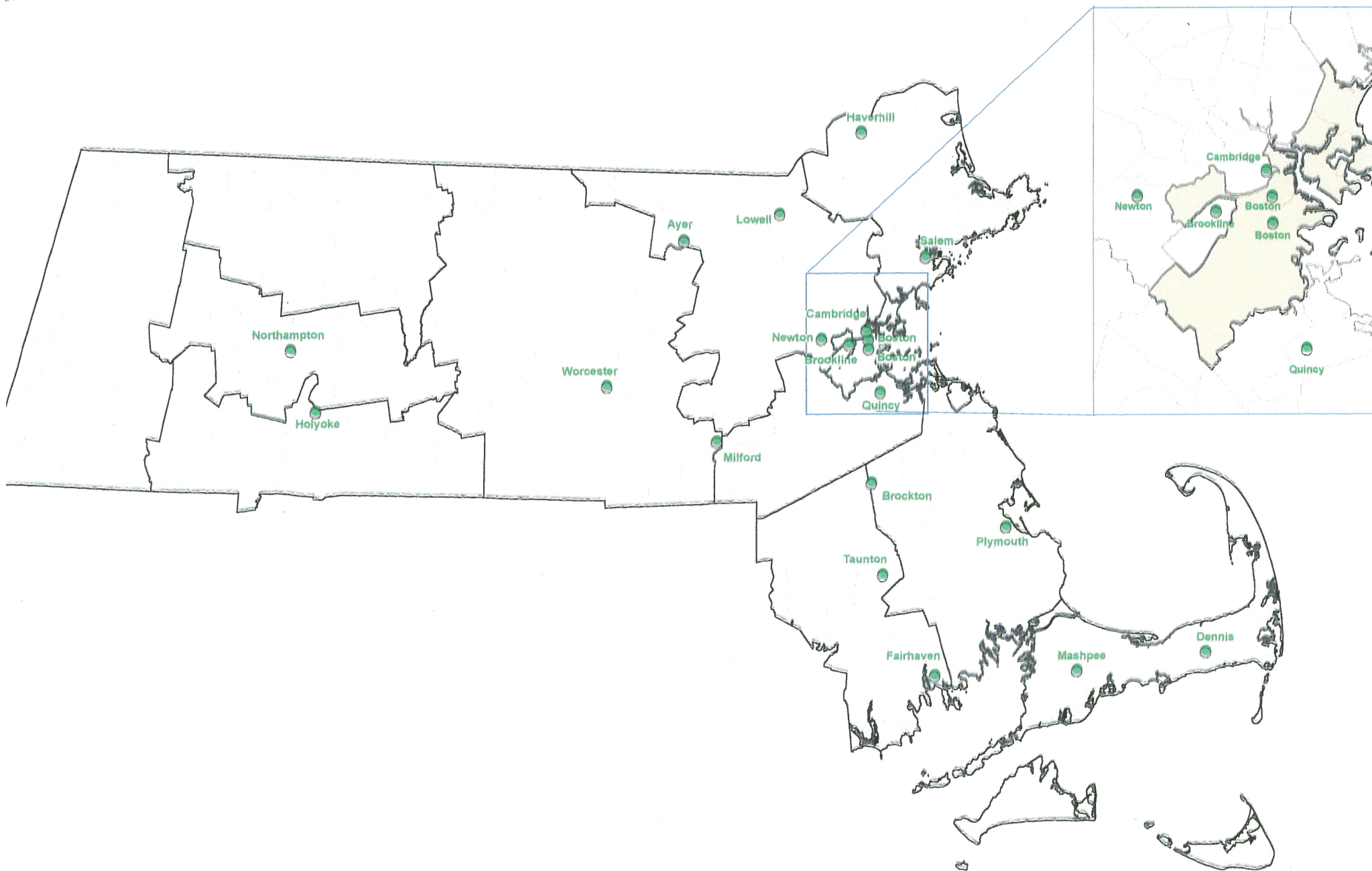
- Default State Restricted Areas 500ft Buffer
- CM Zones*
- CB & CRS Zones*
- Other Commercial Zones*

*Represents potential areas in Lexington where a facility could be located under current state regulations and local zoning bylaws without additional town action.





MASSACHUSETTS MEDICAL USE OF MARIJUANA PROGRAM

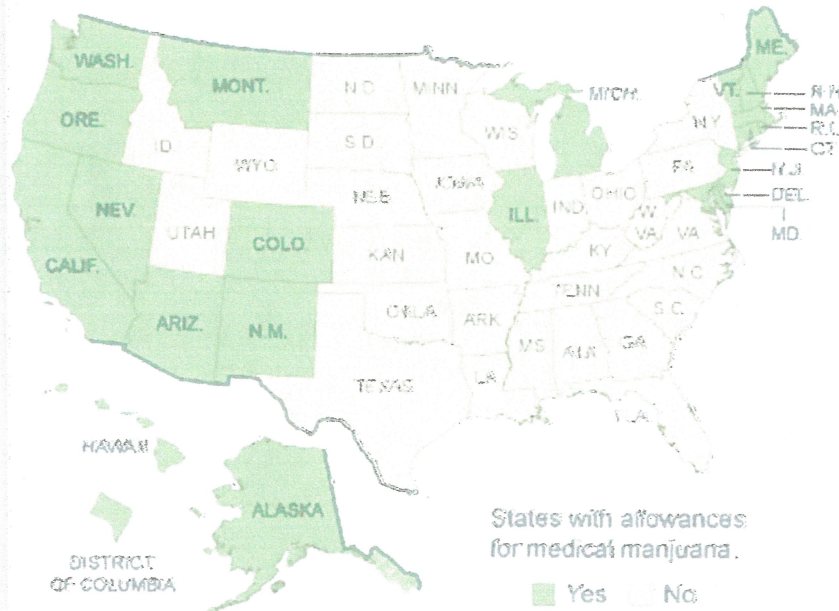


| Recommended at Proposed Location sorted by county | | | | | |
|---|---|--------------|-------------|------------|----------------------|
| DPH # | Applicant Name | Expert Score | Town | County | Population by County |
| 9 | Medical Marijuana of Massachusetts, Inc | 160 | Mashpee | Barnstable | 215,888 |
| 75 | William Noyes Webster Foundation, Inc | 147 | Dennis | Barnstable | |
| 10 | Medical Marijuana of Massachusetts, Inc. | 160 | Taunton | Bristol | 548,285 |
| 12 | Brighton Health Advocates Inc. d/b/a Compassionate Care | 152 | Fairhaven | Bristol | |
| 13 | Alternative Therapies Group, Inc. | 149 | Salem | Essex | 743,156 |
| 21 | Healthy Pharms, Inc. | 149 | Haverhill | Essex | |
| 17 | Debilitating Medical Condition Treatment Centers, Inc | 142 | Holyoke | Hampden | 463,490 |
| 62 | New England Treatment Access, Inc | 155 | Northampton | Hampshire | 158,080 |
| 3 | Patriot Care Corp. | 141 | Lowell | Middlesex | 1,503,085 |
| 23 | Central Ave Compassionate Care, Inc | 143 | Ayer | Middlesex | |
| 43 | Garden Remedies, Inc. | 149 | Newton | Middlesex | |
| 53 | The Greenway Wellness Foundation, Inc. | 144 | Cambridge | Middlesex | |
| 61 | New England Treatment Access, Inc. | 155 | Brookline | Norfolk | 670,850 |
| 99 | Ermont | 148 | Quincy | Norfolk | |
| 8 | Medical Marijuana of Massachusetts, Inc. | 160 | Plymouth | Plymouth | 494,919 |
| 27 | In Good Health, Inc. | 146 | Brockton | Plymouth | |
| 44 | Good Chemistry of Massachusetts, Inc. | 145 | Boston | Suffolk | 722,023 |
| 100 | Green Heart Holistic Health & Pharmaceuticals, Inc. | 138 | Boston | Suffolk | |
| 7 | Bay State Relief, Inc | 137 | Milford | Worcester | 798,552 |
| 45 | Good Chemistry of Massachusetts, Inc. | 144 | Worcester | Worcester | |

| | | |
|--|-----------|---------|
| Counties without a selected dispensary | Berkshire | 131,219 |
| | Franklin | 71,372 |
| | Dukes | 16,525 |
| | Nantucket | 10,172 |

The selection of dispensaries was based on the quality of the applications. This was an objective, merit-based process guided by state procurement principles. The selection committee was supported by contracted, independent experts in subject matter (ICF International) and in background investigations (Creative Services, Inc. "CSI"). An expert review by ICF International scored the applications in areas including public health, security and strength of business plan. The expert review determined the score for each applicant, based on a scale of 0 to 163 possible points. Scores of qualifying applicants were all 137 or higher. The score was not the only factor in making the final recommendations. The Department's Selection Committee considered the scores, along with geographic diversity, local support, and a strong focus on the ability to meet patient needs, while ensuring public safety. The Management Team, Board of Directors and investors of dispensaries were also subject to extensive civil and criminal background checks by CSI. Based on this process some applicants were not selected at this time. Page two (2) lists qualified applicants who were not granted their original proposed location, but will be invited to amend their application and seek a change of location to one of the counties that lacks a dispensary. Pages 3-4 list applicants who were not selected at this time.

States That Allow Medical Marijuana



Sources: Americans For Safe Access;
Marijuana Policy Project

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE:

March 17, 2014

PRESENTER:

Melisa Tintacolis, Econ. Development Dir.

ITEM NUMBER:

I.3

SUBJECT:

Update on Center Parking

EXECUTIVE SUMMARY:

Staff will provide the Board with an update on Parking Management Group's efforts to make modifications to parking regulations, rates and public parking locations.

FINANCIAL IMPACT:

NA

RECOMMENDATION / SUGGESTED MOTION:**STAFF FOLLOW-UP:**

Based on the Board's feedback, the Parking Management Group should have its final recommendations by early summer.

■ Lexington Center Parking Management Plan



March 17, 2014

N NELSON
NYGAARD

Ongoing Effort



Town of Lexington Parking Technical Assistance Summary of Findings

August 17th, 2010 Briefing



Town of Lexington, Massachusetts
PARKING TECHNICAL ASSISTANCE

Parking in Lexington



The Problems & Desired Outcomes

When people don't come to Lexington Center because they perceive they may not find parking – *we have a problem.*

The Town's Parking Management Group is working to develop new programs, policies, and infrastructure to increase the parking supply & make it easier to park in Lexington Center. We want to promote longer stays, boost merchant and restaurant business, and make it a lively place!

Town Center Streetscape & Battle Green Plans

The road traveled by history and the project that will guide the future



Please visit our [Project Meeting Materials & Minutes](#) to view a copy of the PowerPoint presentation given on Thursday, December 5th at St. Brigid Parish (6-9PM)

Parking in Lexington

- Parking is closely linked to:
 - Economic vitality
 - Local business health
 - Tourism
 - Pedestrian environment
 - Traffic patterns
 - Development potential
 - Bicycling accommodations
 - Signage and wayfinding



Lexington Parking Goals and Expectations

- Manage Parking More Effectively
- Increase Parking Availability
- Accommodate Short and Long Term Parking
- Simplify Parking System
- Support Economic Development Goals
- Integrate Solutions with Town Center Environment



Study Process

Analysis

Fall /Winter 2013

Public Process

Parking Supply and Demand Analysis

- Identify Existing Conditions
- Parking Utilization Data Collection
- Utilization Database and Mapping

Parking User Profiles

- Online Survey (550+ respondents)
- Dozen+ stakeholder interviews
- Public Open House at Depot Square



Winter/Spring 2014

Strategy Development, Policy
Analysis, Best Practices, and
Recommendations

Draft Parking Management/
Implementation Plan

Final Parking Management/
Implementation Plan

Public Meeting (Initial Strategies)

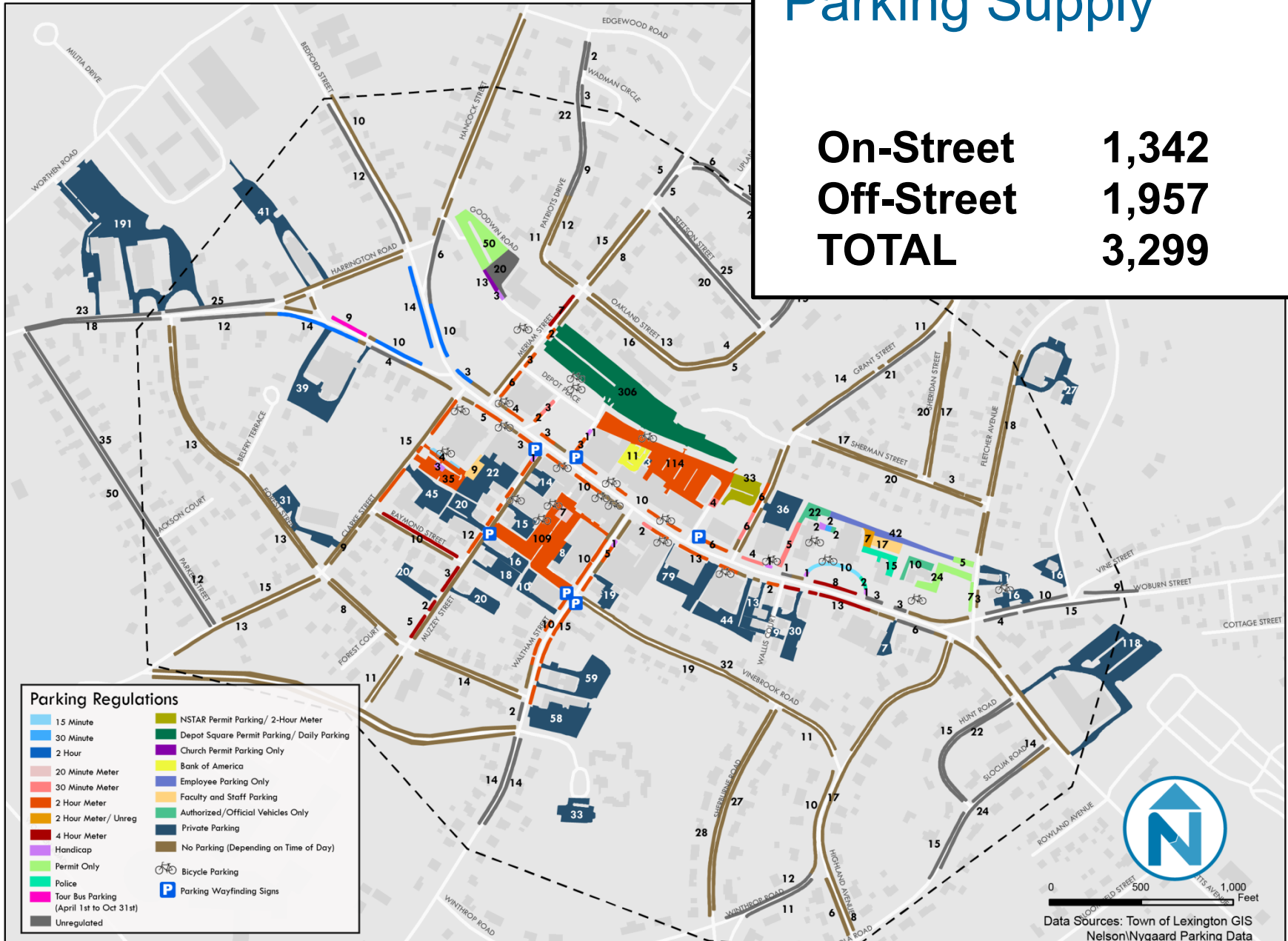
Public Meeting (Revised/Refined Strategies)

Board of Selectman Meeting



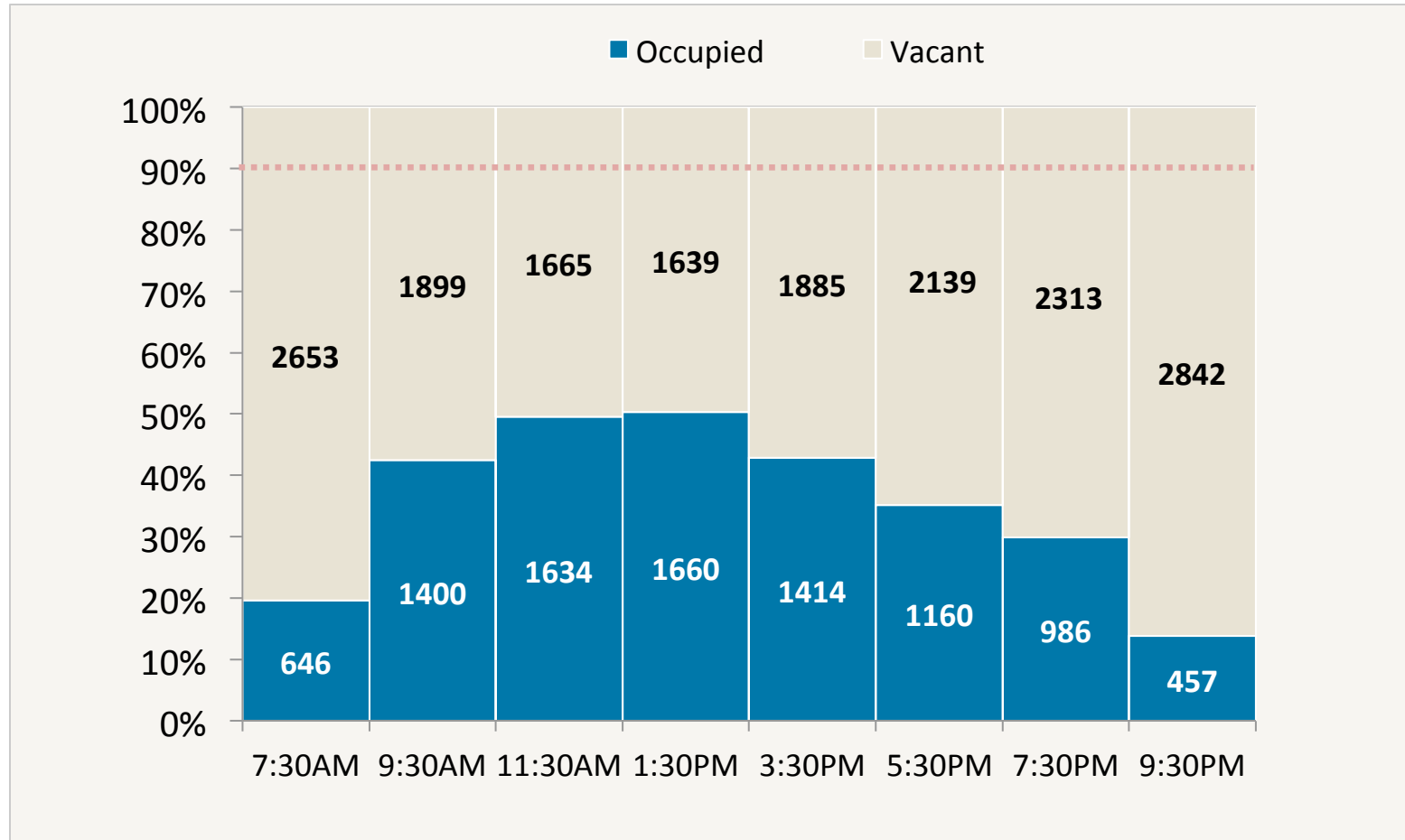
Parking Supply

| | |
|-------------------|--------------|
| On-Street | 1,342 |
| Off-Street | 1,957 |
| TOTAL | 3,299 |



Lexington Center- Study Area Boundary

Thursday



Parking Regulations

- Publicly Accessible
- Mixed Access
- Restricted Access

Publicly Accessible: Open to All

Restricted Access: Limited to particular users

0 500 1,000 Feet

Data Sources: Town of Lexington GIS
Nelson/Nygaard Parking Data

Parking Regulations

- Publicly Accessible
- Mixed Access
- Restricted Access

Publicly Accessible: Open to All

Restricted Access: Limited to particular users

Map of Lexington, Vermont, showing parking regulations by lot number and color. The map includes a legend for 'Publicly Accessible' (blue), 'Mixed Access' (green), and 'Restricted Access' (red). It also features a scale bar (0 to 1,000 feet) and a north arrow. The map is titled 'Publicly Accessible: Open to All' and 'Restricted Access: Limited to particular users'.



Parking Regulations

- Publicly Accessible
- Mixed Access
- Restricted Access

Publicly Accessible: Open to All

Restricted Access: Limited to particular users

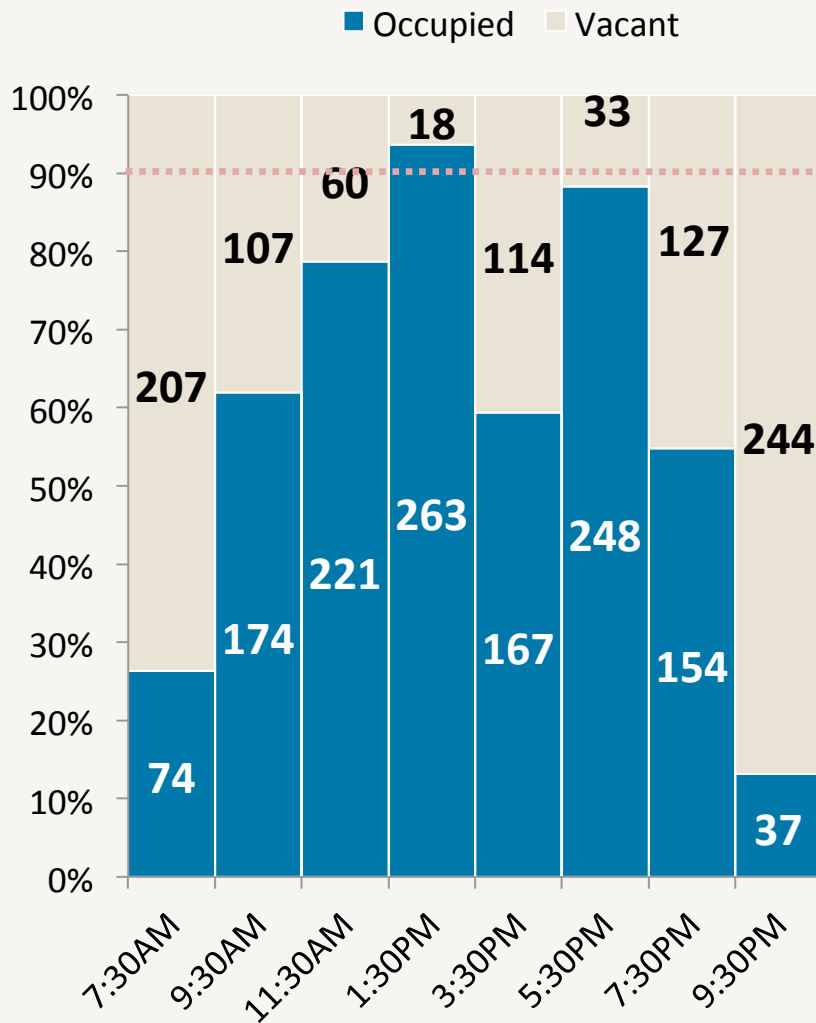
0 500 1,000 Feet

Data Sources: Town of Lexington GIS
Nelson/Nygaard Parking Data

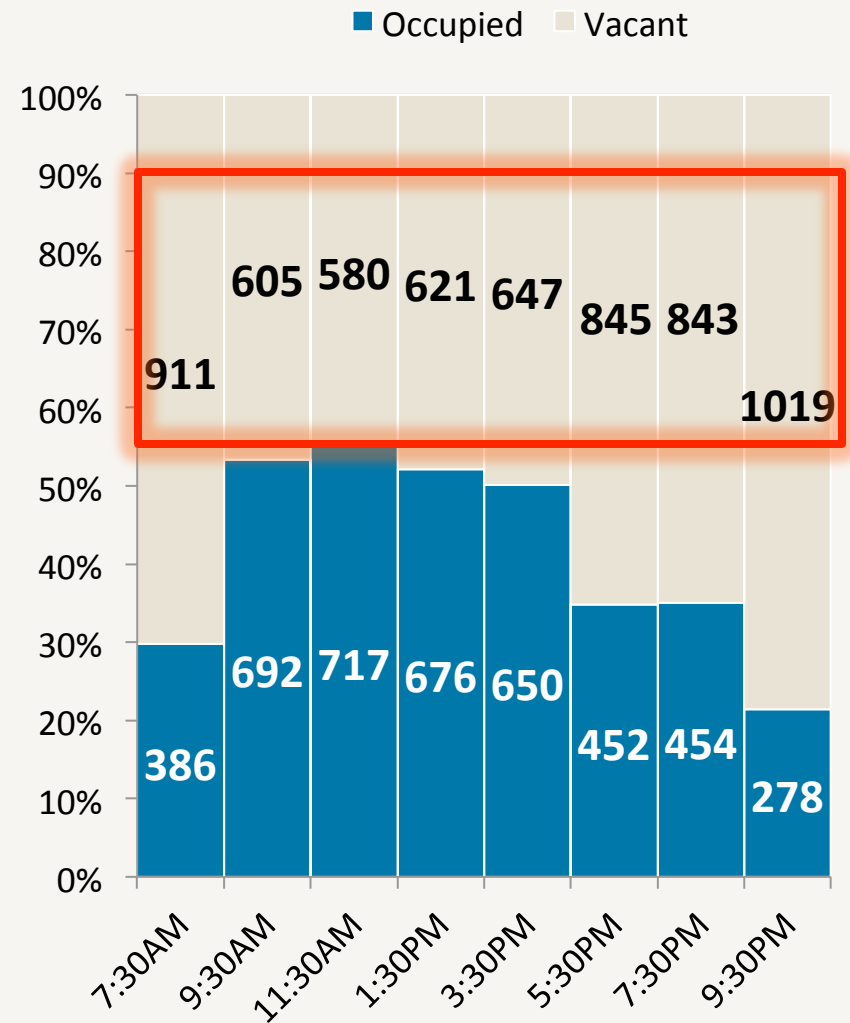
THURSDAY

Off-Street: Publicly Accessible vs. Restricted Access

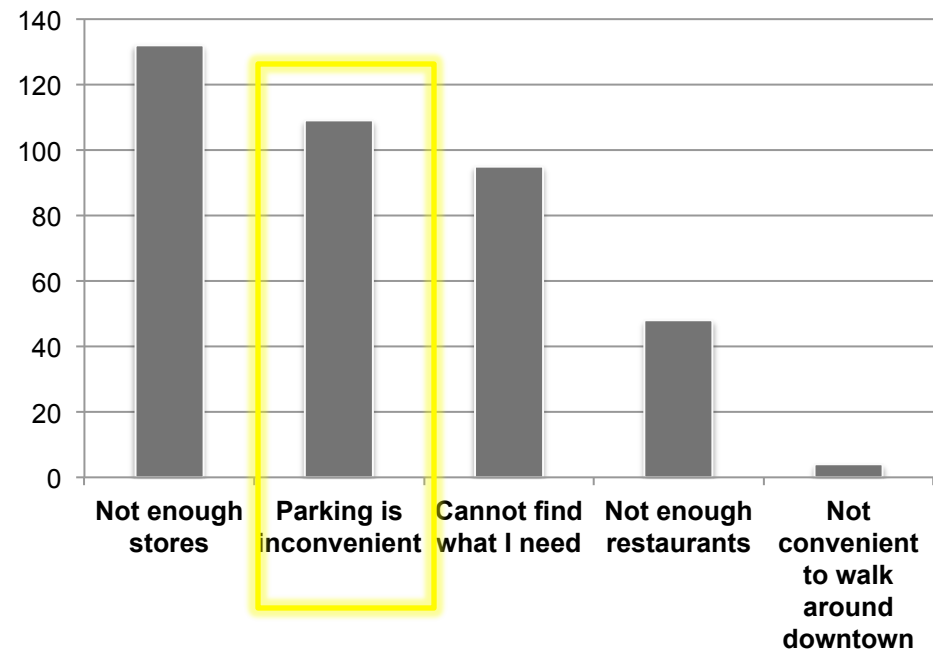
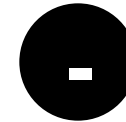
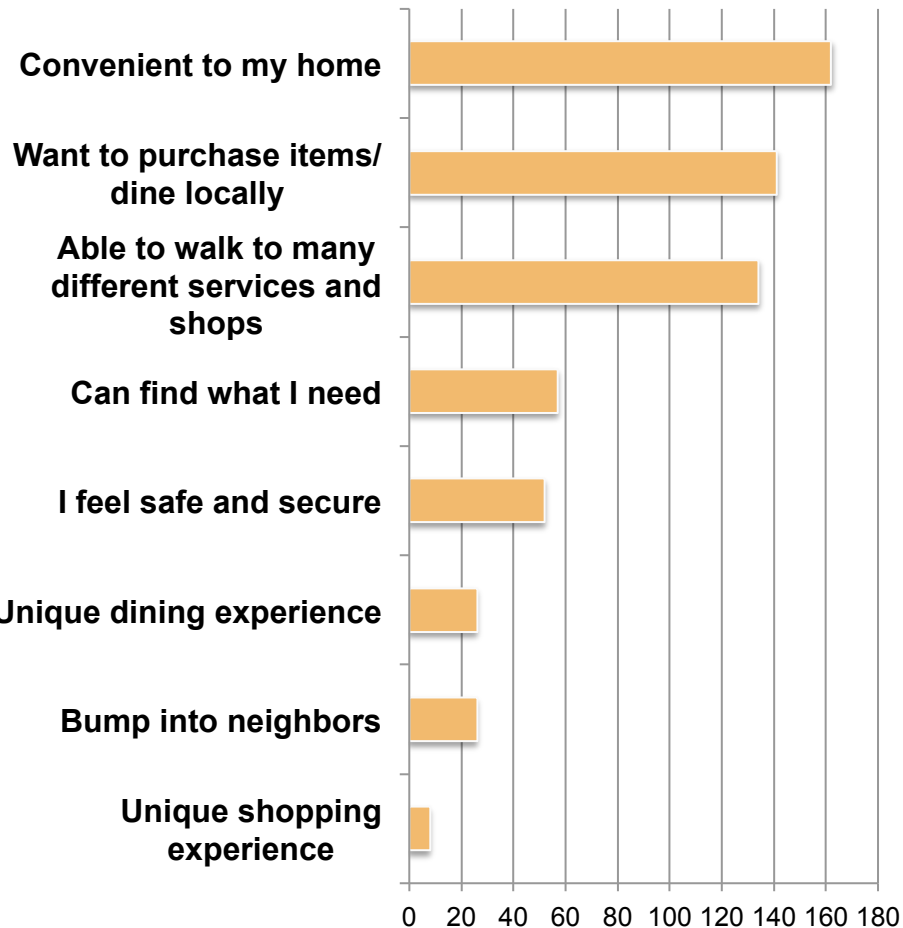
Public Access



Restricted Access



Survey: Why you do (or don't) come to the Center



Challenges

- Difficulty finding parking in core area
- Customer/visitor confusion and frustration
- Lack of visible signage
- Time limits impede customer activity
- Employees compete with customers for parking
- Payment technology is inconvenient
- Pedestrian safety challenges on Mass Ave through some lots
- Customers avoid the Center due to parking issues

Parking Management Approach

Create Available Parking

- Demand-Based Pricing
- Employee Permit Program
- Technology
- Enforcement

Improve Administration

- Information
- Shared Parking Program
- Zoning/Regulatory Updates
- Ongoing Management

Invest in the Center

- Parking District
- Access Improvements
- TDM
- Other Center Improvements

Study Process

Analysis

Fall /Winter 2013

Public Process

Parking Supply and Demand Analysis

- Identify Existing Conditions
- Parking Utilization Data Collection
- Utilization Database and Mapping

Parking User Profiles

- Online Survey (550+ respondents)
- Dozen+ stakeholder interviews
- Public Open House at Depot Square



Winter/Spring 2014

Strategy Development, Policy
Analysis, Best Practices, and
Recommendations

Draft Parking Management/
Implementation Plan

Final Parking Management/
Implementation Plan

Public Meeting (Initial Strategies)

Public Meeting (Revised/Refined Strategies)

Board of Selectman Meeting



AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE:

March 17, 2014

STAFF:

Beta
William P. Hadley, DPW Director, Dave Pinsonneault, Manager of Operations,
John Livsey, Town Engineer, Maryann McCall Taylor, Planning Director,
Melisa Tintocalis, Economic Development Director

ITEM NUMBER:

I-4

SUBJECT: Center Streetscape

EXECUTIVE SUMMARY: The Center Streetscape Project Team, along with our consultants, BETA Inc. will be updating the BOS on the progress of the Center Streetscape project. The presentation will be divided into three separate parts.

- Safety improvement issues from Woburn Street Intersection to Meriam Street
- Proposed amenities throughout the Center, and
- Battlegreen traffic and pedestrian improvements

FINANCIAL IMPACT: The Spring 2014 Town Meeting will be voting on a \$600,000 Center Streetscape project.

RECOMMENDATION / SUGGESTED MOTION:

None at this time

STAFF FOLLOW-UP:

Engineering Division – DPW – Planning – Economic Development

Town Center Streetscape & Battle Green Project Lexington, MA

Project Update

Board of Selectmen Meeting
March 17, 2014

Project Coordination Meetings

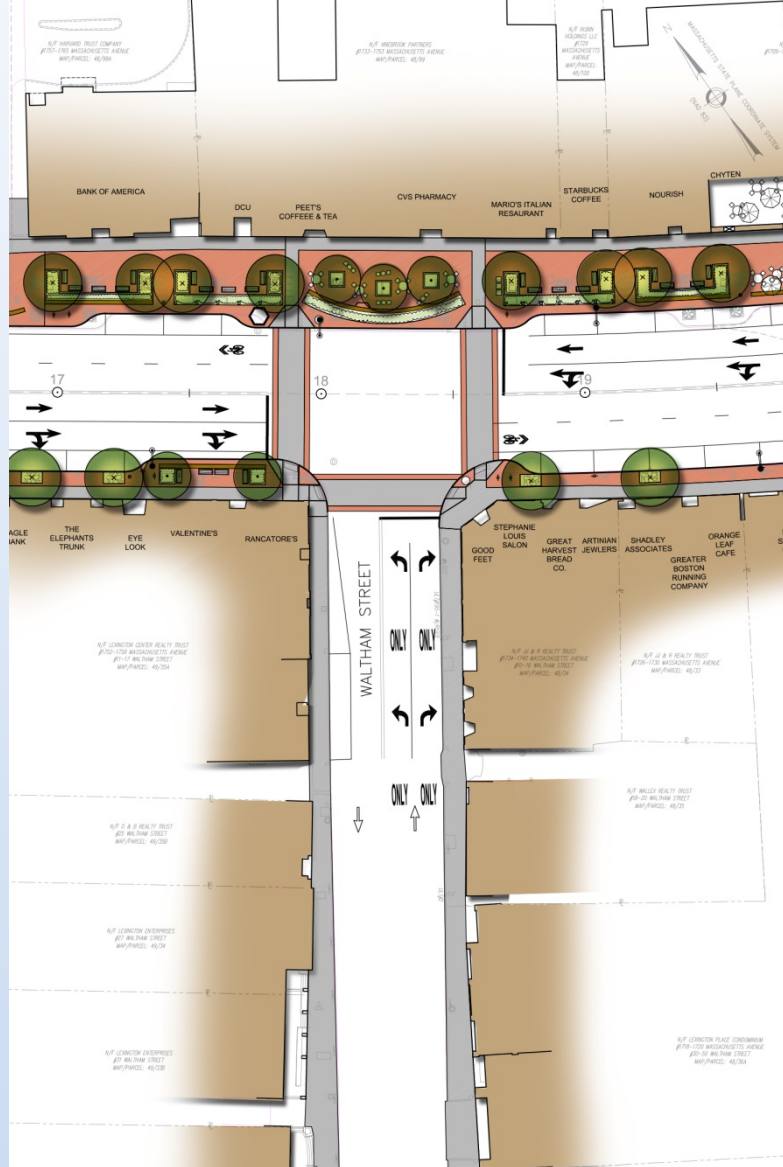
| Date | Committees |
|------------|---|
| 6/24/2013 | Transportation Forum |
| 8/8/2013 | Center Committee |
| 9/30/2013 | Streetscape Committee |
| 9/10/2013 | Streetscape Committee |
| 11/25/2013 | Streetscape Committee |
| 12/5/2013 | Public Meeting Workshop |
| 12/19/2013 | Streetscape Committee (debrief public workshop) |
| 1/9/2014 | Streetscape Committee (on Battlegreen) |
| 1/9/2014 | ADA Committee |
| 1/18/2014 | Battle Green Committee |
| 2/14/2014 | Coordination Meeting with Nelson Nygaard on Parking Study |
| 2/20/2014 | Battle Green Committee |
| 2/28/2014 | Tourism Committee |
| 3/12/2014 | Property Owners Meeting |
| 3/12/2014 | Streetscape Committee-Lighting |
| 3/11/2014 | Pre-BOS meeting with Town Manger |

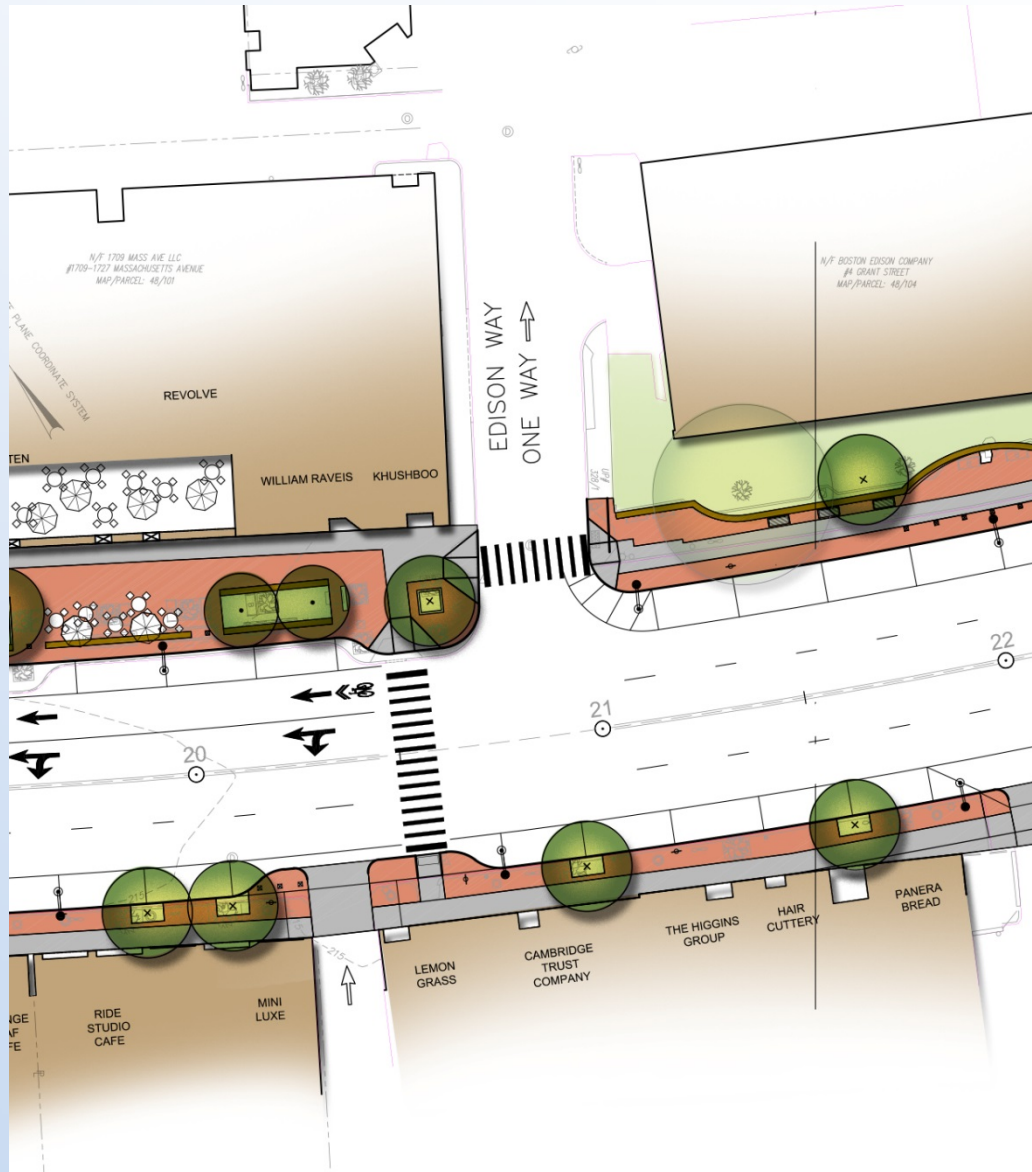
Presentation Outline

- Town Center/Battle Green
 - Traffic Safety Improvements
 - Pedestrians, Bicycles & Vehicles
 - Streetscape Improvements
 - Overall Concept
 - Walkway Treatment
 - Amenities (seating, gathering areas, trees...etc)
 - Lighting

Overall Plan







Overall Plan

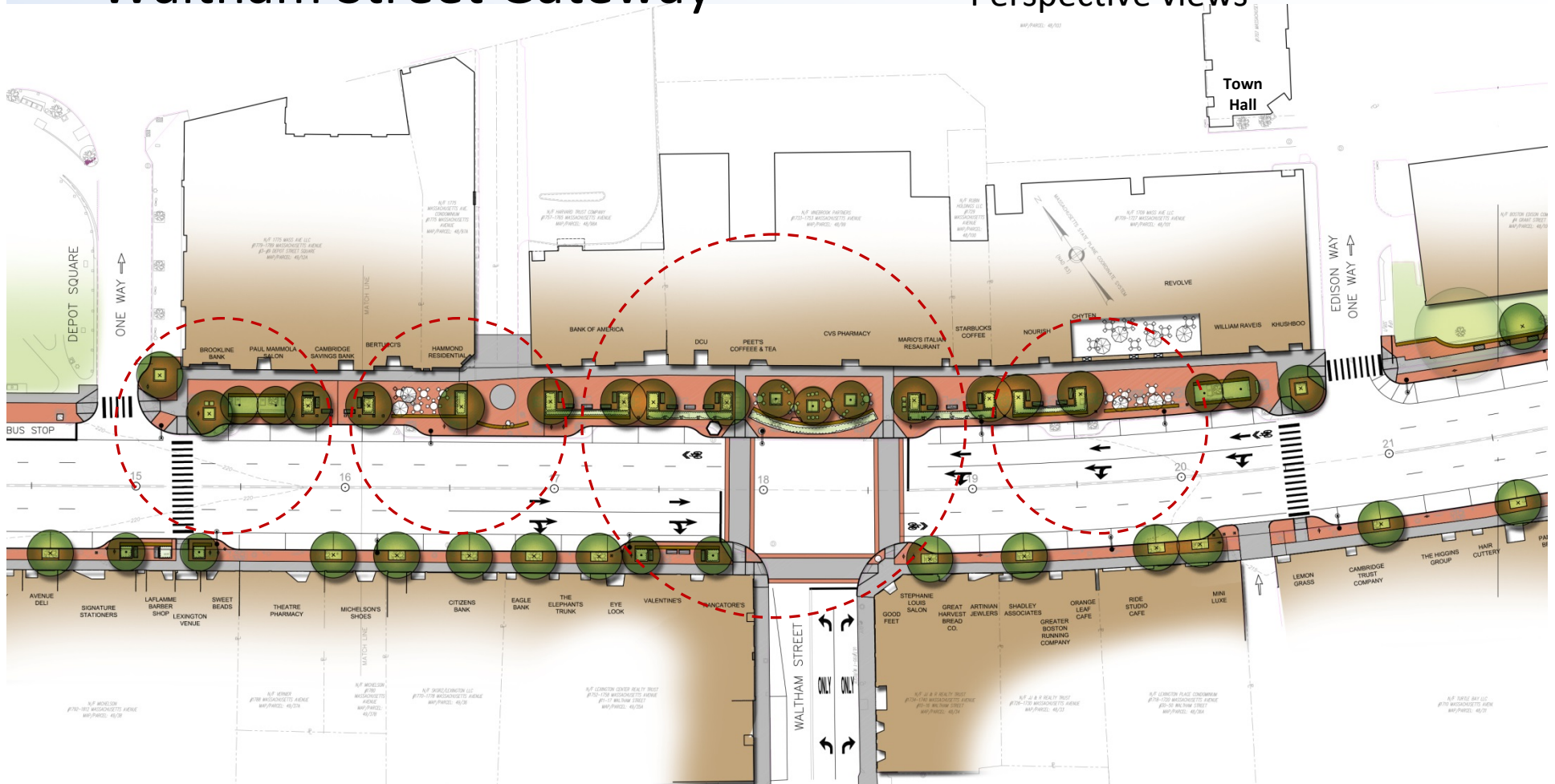
- Gateways/Clear entry to town center
- Encourage visitors to walk through town center
- Extend Historic influence of Battle Green through town center
- Unified streetscape treatments



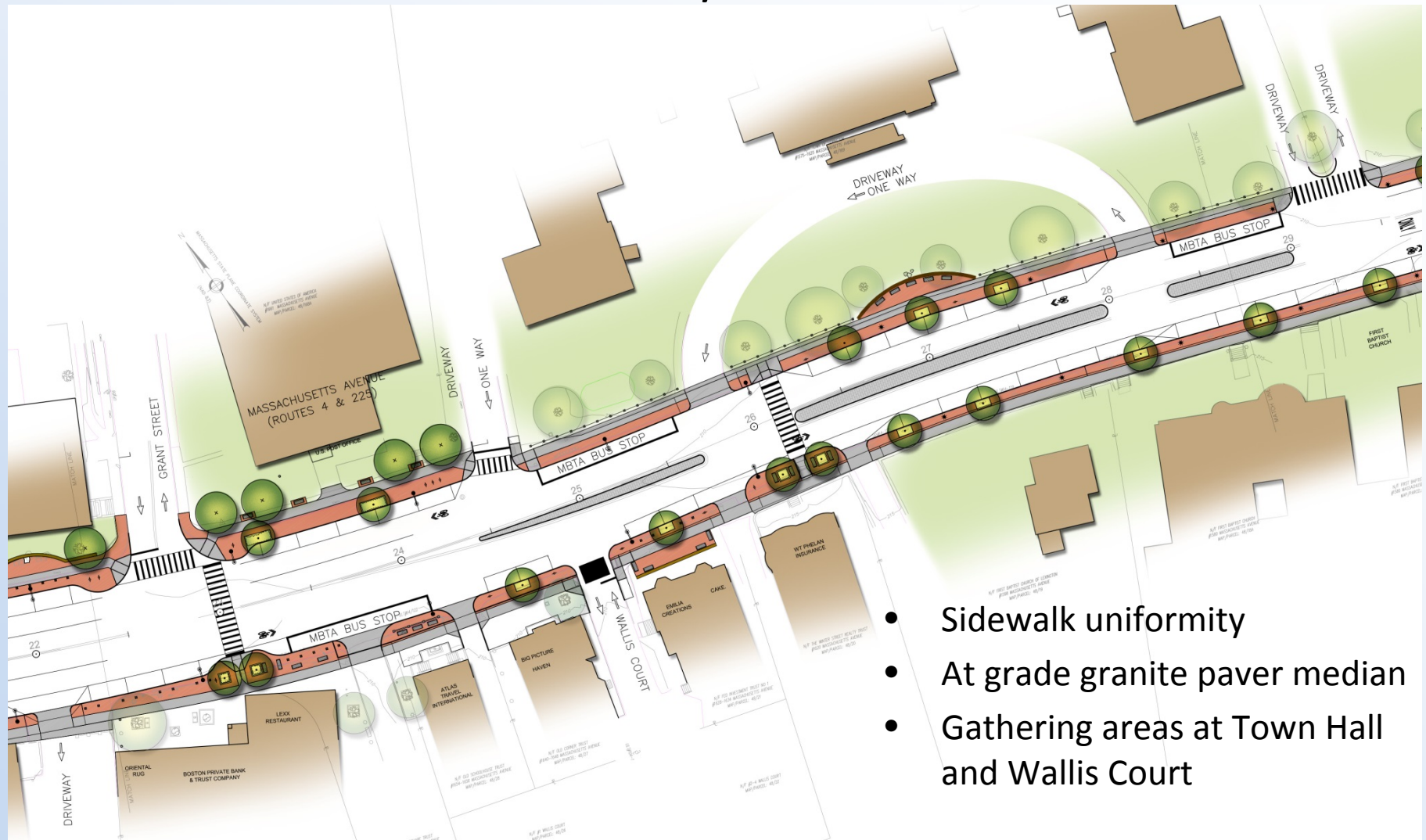
Commercial Area/
Waltham Street Gateway

- Variety in seating
- Special crosswalk treatment
- Perspective views

- Variety in seating
- Special crosswalk treatment
- Perspective views



Civic Area/Town Hall



- Sidewalk uniformity
- At grade granite paver median
- Gathering areas at Town Hall and Wallis Court

Safety at crosswalks



- Bump out configuration
- Shorten crossing distance
- Concrete pavement
- Lighting
- Detectable warning

CVS Pharmacy



- Rain Garden
- Stone Seat Wall

Grain Alley



- Gathering Area/Historic Interpretation
- Coordinate with Grain Alley

Waltham Street Gateway

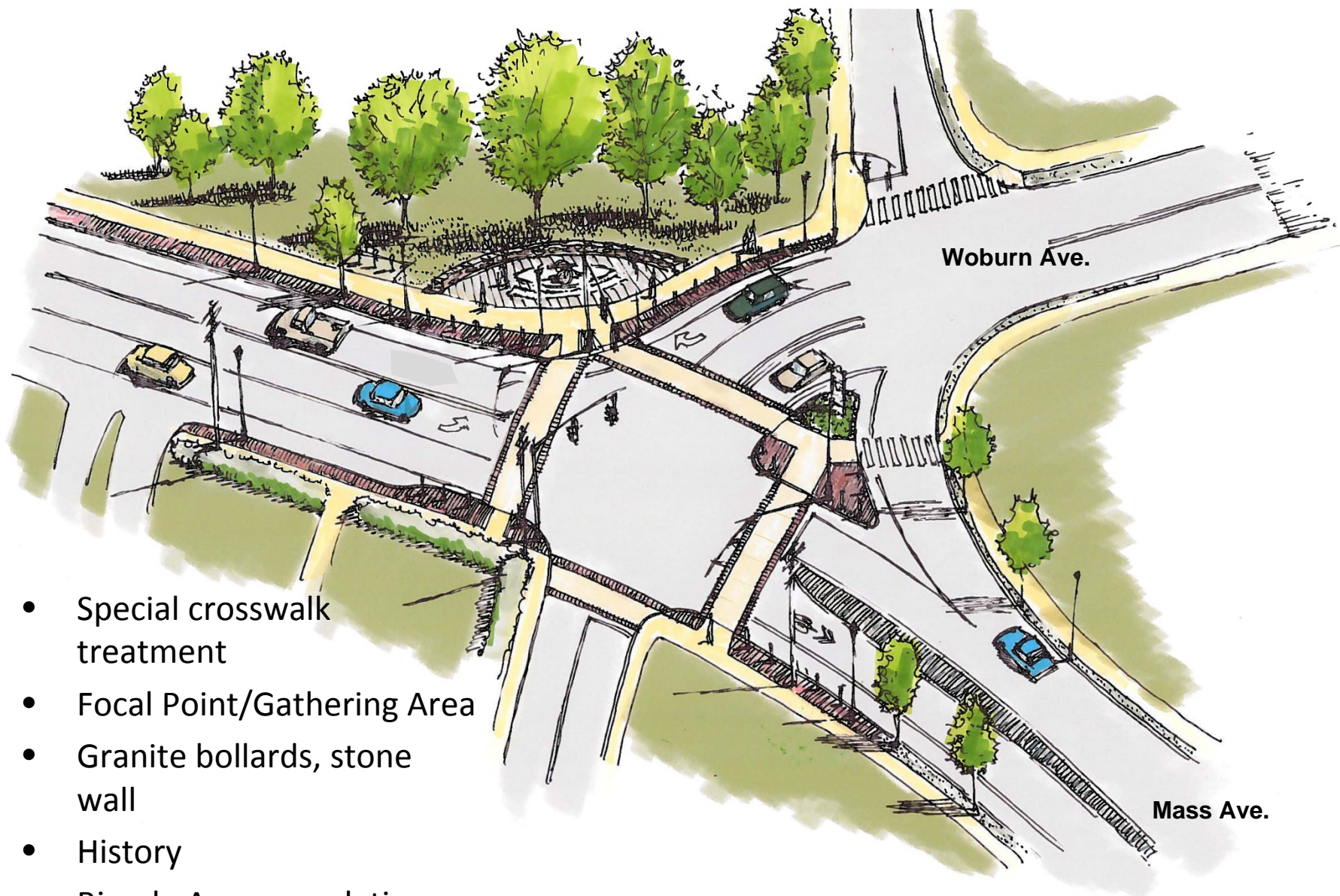


- Waltham Street Gateway wall and plant bed
- Direct pedestrians to crosswalk
- Outdoor tables

Salter Building



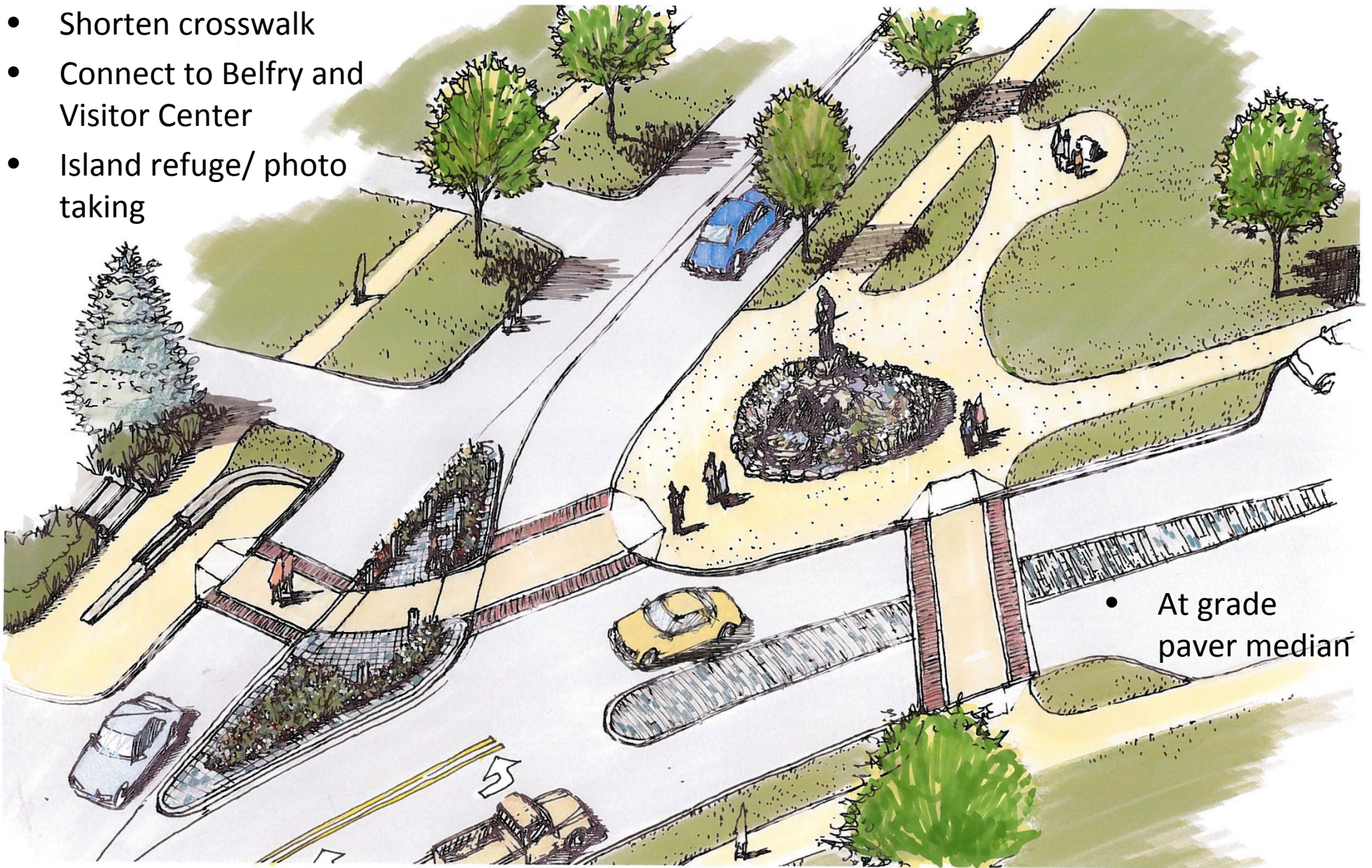
- Bench grouping
- Exposed aggregate/brick
- Snow removal



- Special crosswalk treatment
- Focal Point/Gathering Area
- Granite bollards, stone wall
- History
- Bicycle Accommodations
- Seating at Bus Stop



- Shorten crosswalk
- Connect to Belfry and Visitor Center
- Island refuge/ photo taking



- Gateway
- Driveway entrance relocated
- Ye Olde Burying Ground entrance
- Gathering/interpretive area
- Bus drop off
- Focal point





- Gateway
- Special crosswalk treatment
- Plant bed

Next Steps

- 2nd Public Meeting (March 18th)
- Complete Preliminary Design

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE:

March 17, 2014

STAFF:

William P. Hadley, DPW Director
John Livsey, Town Engineer,

ITEM NUMBER:

I-5

SUBJECT: Shade Street Traffic Calming Update & 2014 Road Construction Projects

EXECUTIVE SUMMARY: John Livsey will present an update the BOS on the Shade Street Calming Project. John will also be updating the BOS on the streets that will be paved during this upcoming construction season. A map of the streets as well as the list of streets has been included in this packet.

FINANCIAL IMPACT: The funds for paving project were approved at the Spring 2013 Town Meeting.

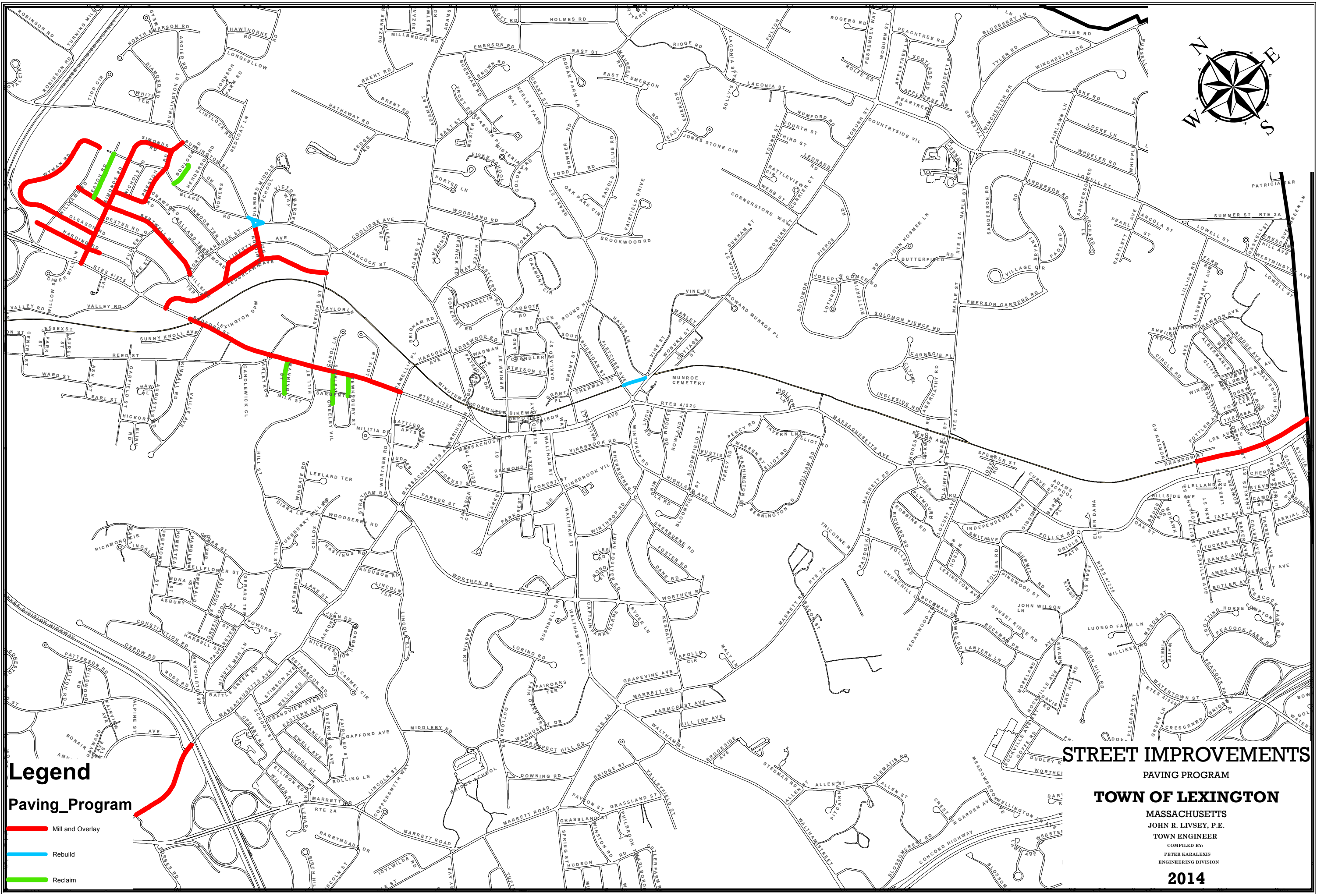
RECOMMENDATION / SUGGESTED MOTION:

None at this time as this presentation is an update.

STAFF FOLLOW-UP:

Engineering Division

| Street | From | To | TREATMENT |
|---------------------------|----------------------------|--------------------------|-------------------------|
| Minute man Trail | Fletcher | Woburn | Rebuild |
| Minute man Trail | Arlington Town Line | Fottler | Mill and Overlay |
| Diamond Roundabout | Radius | 100' | Rebuild |
| Bedford | Worthen | Minuteman Trail | Mill and Overlay |
| Bertwell | North Hancock | Williams | Mill and Overlay |
| Hamilton | Ledgelawn | North Hancock | Mill and Overlay |
| Ledgelawn | Bedford | Revere | Mill and Overlay |
| Liberty | Ledgelawn | Hamilton | Mill and Overlay |
| Manning | Bedford | Milk | Reclaim |
| Mass Ave | Route 128 | Hotel Drive | Mill and Overlay |
| Preston | Simonds | Burlington | Mill and Overlay |
| Shirley | Bedford | Greeley Village | Reclaim |
| Simonds | Bedford | Burlington | Mill and Overlay |
| Tewksbury | Bedford | Greeley Village | Reclaim |
| Wyman | Williams | Williams | Mill and Overlay |
| Harding | Williams | 200' past Simonds | Mill and Overlay |
| Eaton | Bertwell | Blake | Reclaim |
| Boulder | Blake | End | Reclaim |
| Gleason | Williams | Siamonds | Mill and Overlay |



Legend

Paving_Program

- Mill and Overlay
- Rebuild
- Reclaim

STREET IMPROVEMENTS

PAVING PROGRAM

TOWN OF LEXINGTON

MASSACHUSETTS

JOHN R. LIVSEY, P.E.

TOWN ENGINEER

COMPILED BY:

PETER KARALEXIS

ENGINEERING DIVISION

2014

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE: 3/17/14

STAFF: Lynne Pease

ITEM NUMBER: I.6

SUBJECT:

Interim Report on School Enrollment Projections

EXECUTIVE SUMMARY:

Joe will give a subset of the attached presentation on the Interim Report of the Ad Hoc Enrollment Working Group.

FINANCIAL IMPACT:

RECOMMENDATION / SUGGESTED MOTION:

STAFF FOLLOW-UP:

Selectmen's Office



Interim Report of the Ad Hoc Enrollment Working Group

11 March 2014

Recordings of the Presentation to the School Committee:

<http://joepato.com/video/20140311-lpsenrollment.wmv>

<http://joepato.com/video/20140311-lpsenrollment.mp4>



Challenges Facing Lexington

- Enrollments are approaching capacity limits
for current LPS use patterns
 - Recurrent enrollment forecast surprise
- ➔ Need to gain confidence for educational and resource planning



Presentation Objectives

- ➔ • **Outline the enrollment working group's (EWG) charter**
 - Provide overview of enrollments and current methods
 - Share findings regarding enrollment increases
 - Provide preliminary guidance on enrollment forecasting



Enrollment Working Group (EWG) History

December 2013:

- Ad Hoc Enrollment Working Group is formed to assist the school leadership in enrollment forecasting
 - Membership:
Mark Andersen, Ruth Quinn-Berdell, Rod Cole,
Tim Dunn, Dan Krupka, Joe Pato
 - Skills:
Business Forecasting, Data Privacy, Data Analysis,
Demographics, School Enrollment, Planning,
Municipal Governance



Enrollment Working Group (EWG) History

January 2014:

- The EWG reviews and recommends against outside consultant proposals
- Group agrees to undertake its own study of enrollment and forecasting

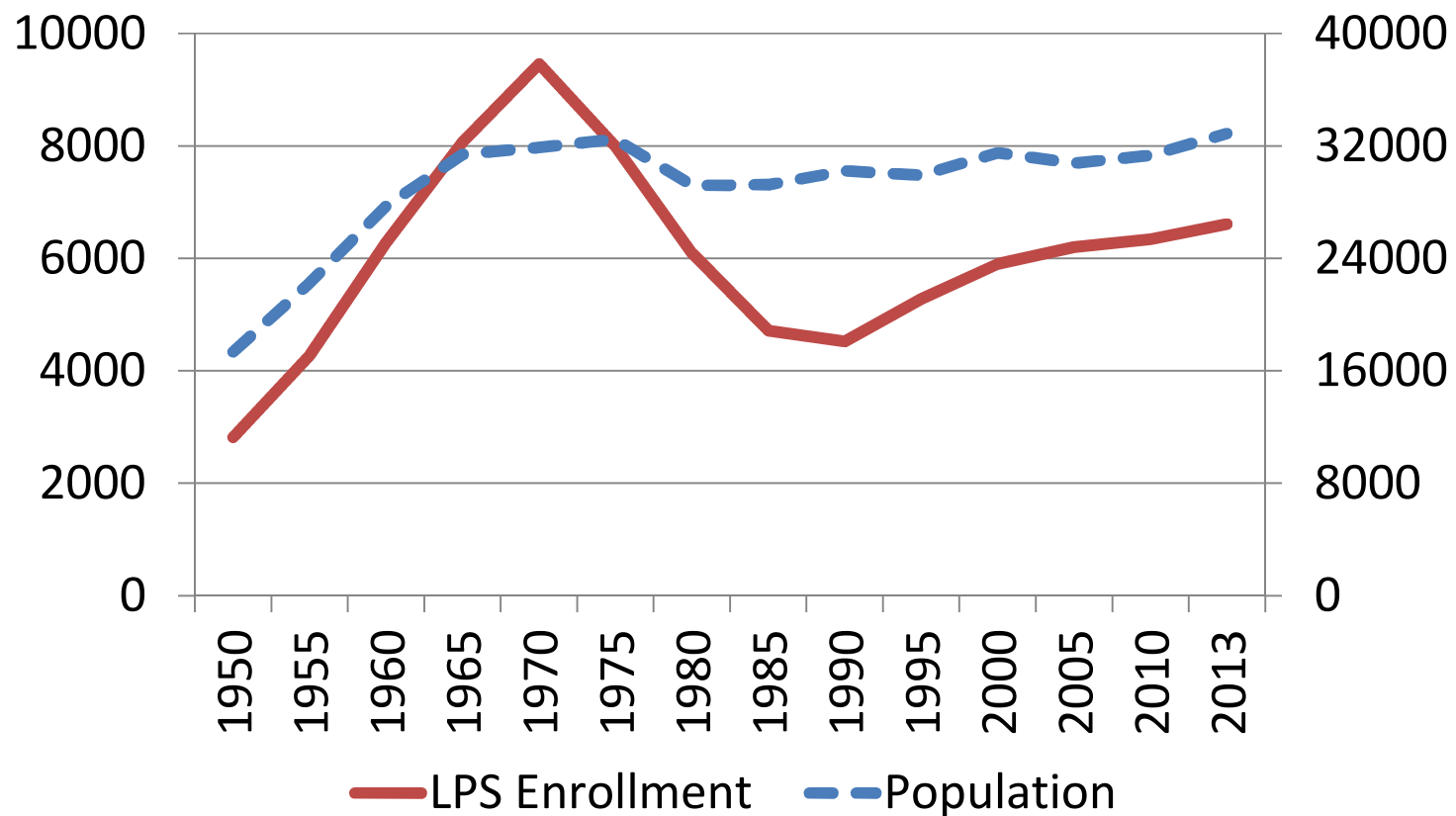


Presentation Objectives

- Outline the enrollment working group's (EWG) charter
- ➔ • **Provide overview of enrollments and current methods**
- Share findings regarding enrollment increases
- Provide preliminary guidance on enrollment forecasting



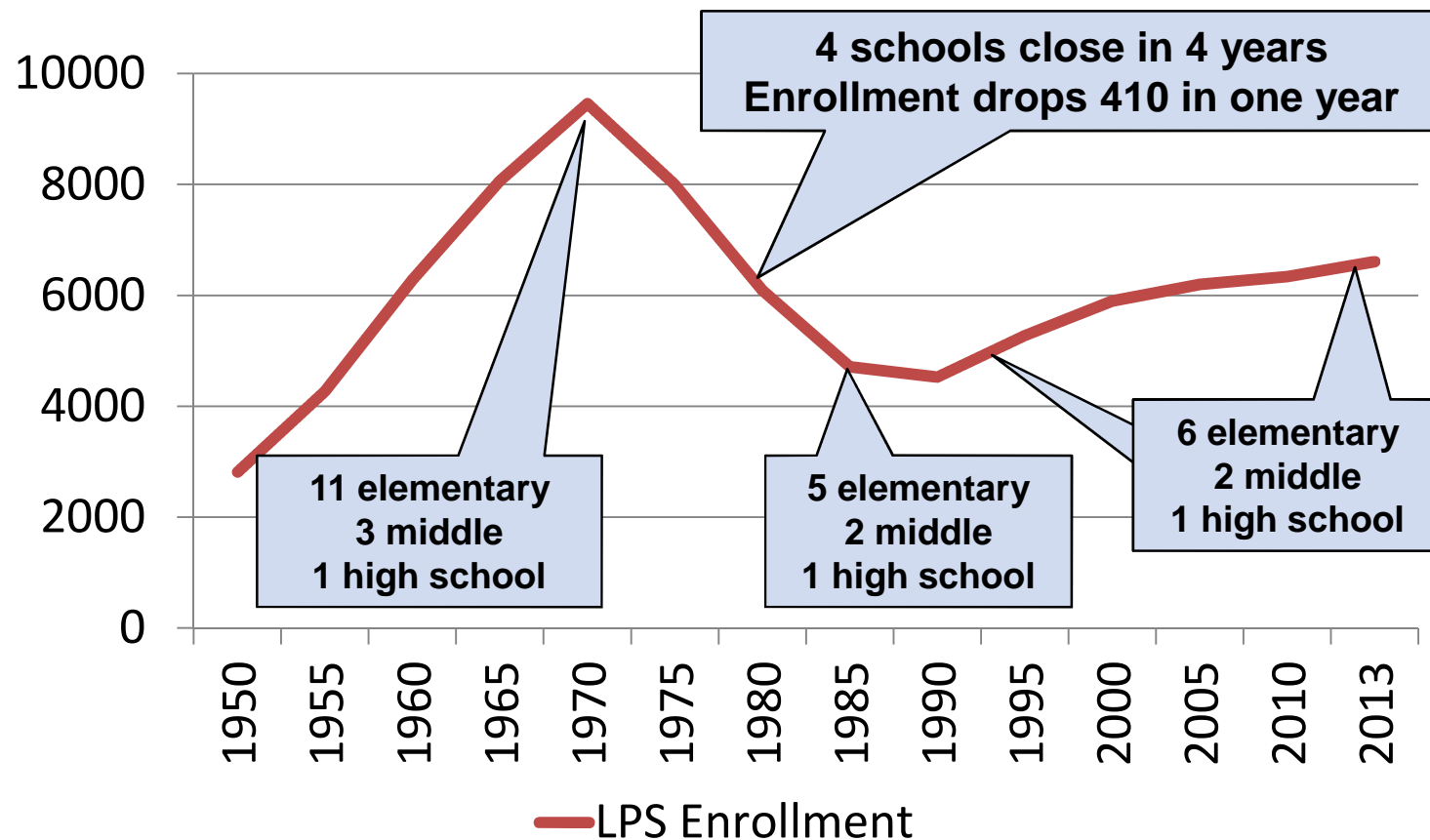
Enrollment and Population Trends Lexington, 1950 – 2013



Enrollments have greater variation than population



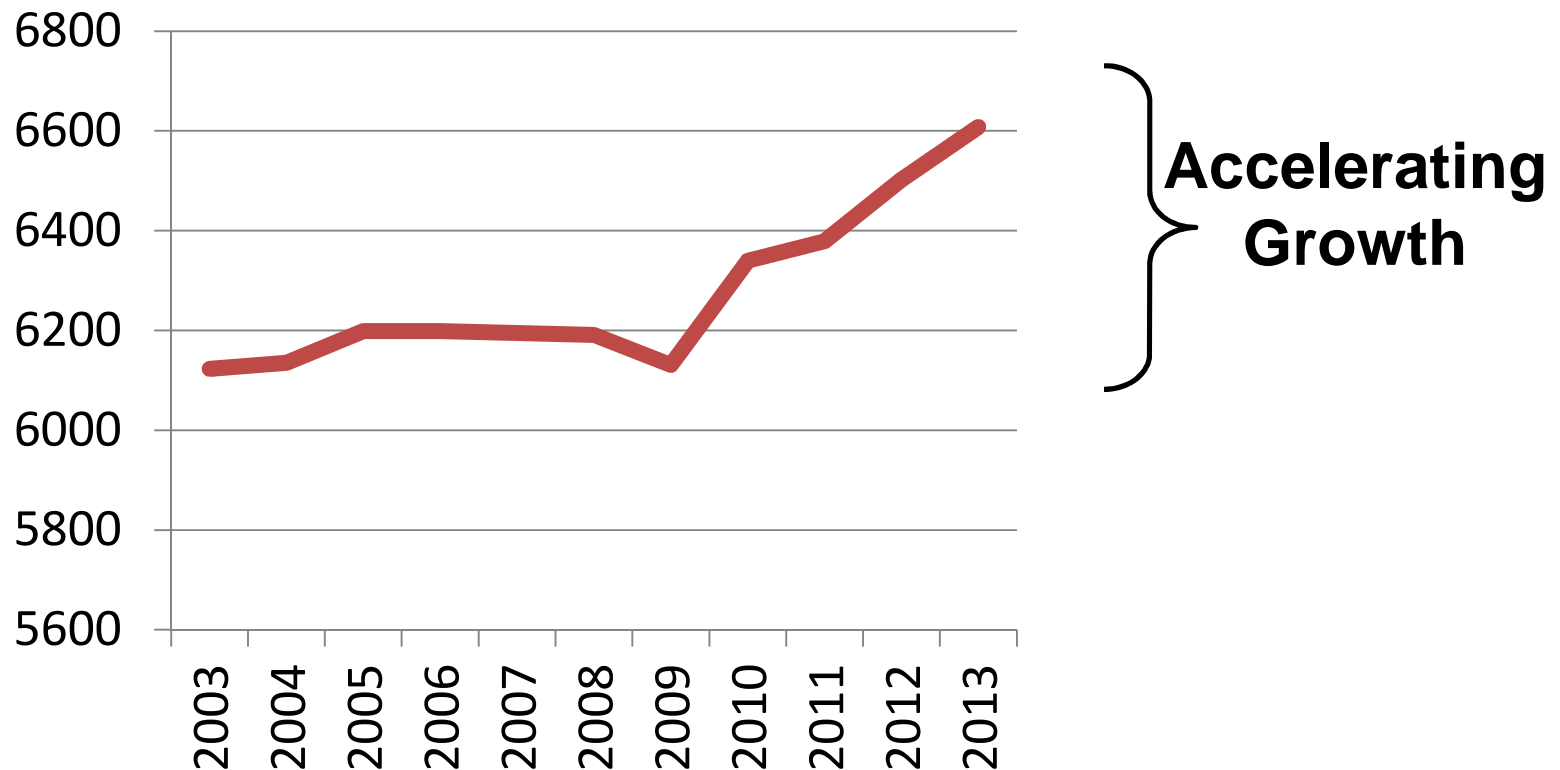
Enrollment Change Drives Resource Use





21st Century Enrollment Is Climbing

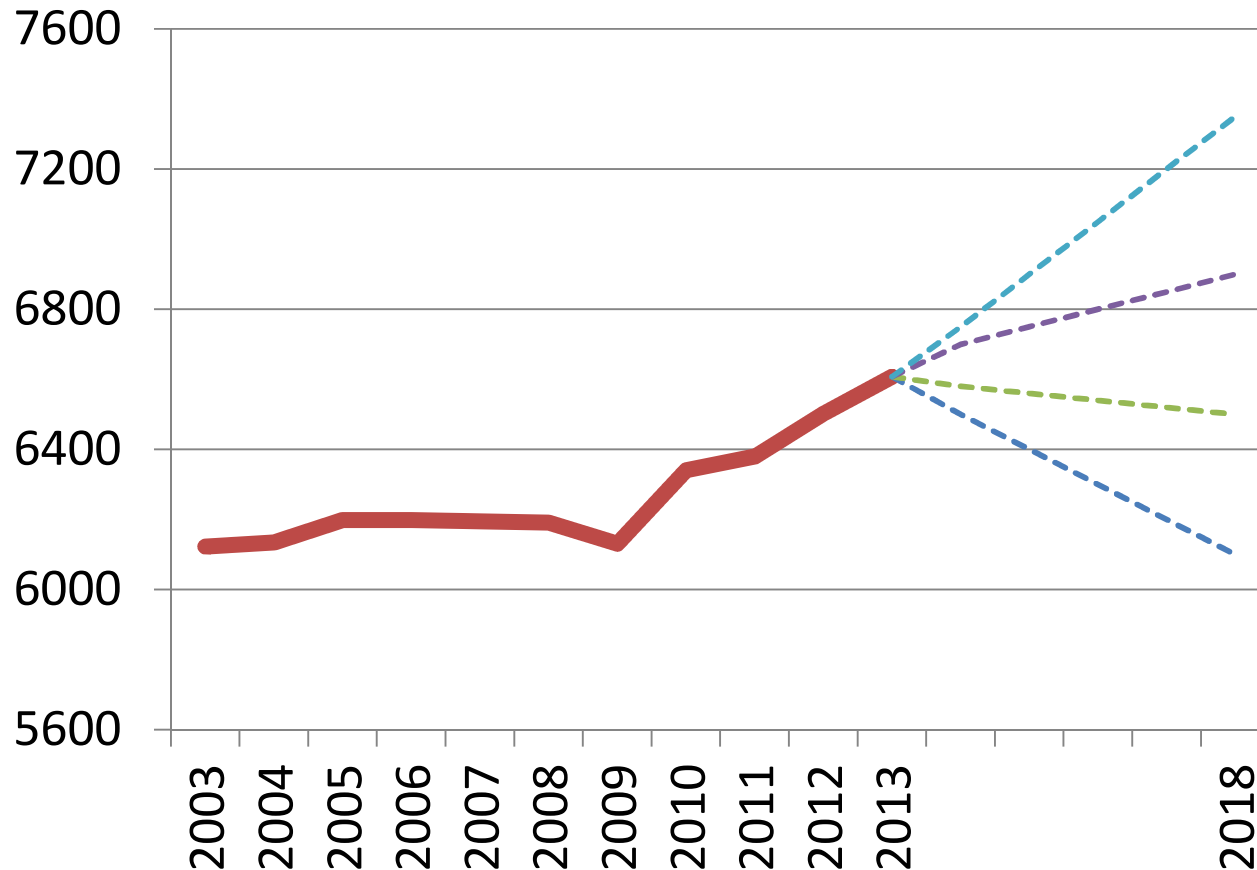
Total LPS Enrollment



Sharp and unexpected growth started in 2010



Where Will Enrollment Be in 5 Years?



• 7300 ?

• 6900 ?

• 6500 ?

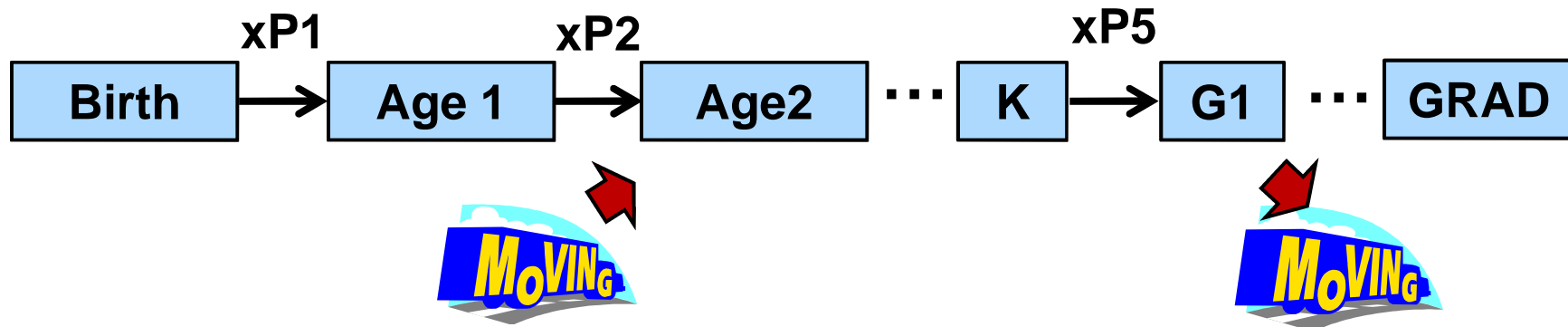
• 6100 ?

Enrollments are uncertain



Cohort Survival Model

- Model used nationally for mature communities
- Babies are born and progress forward year by year



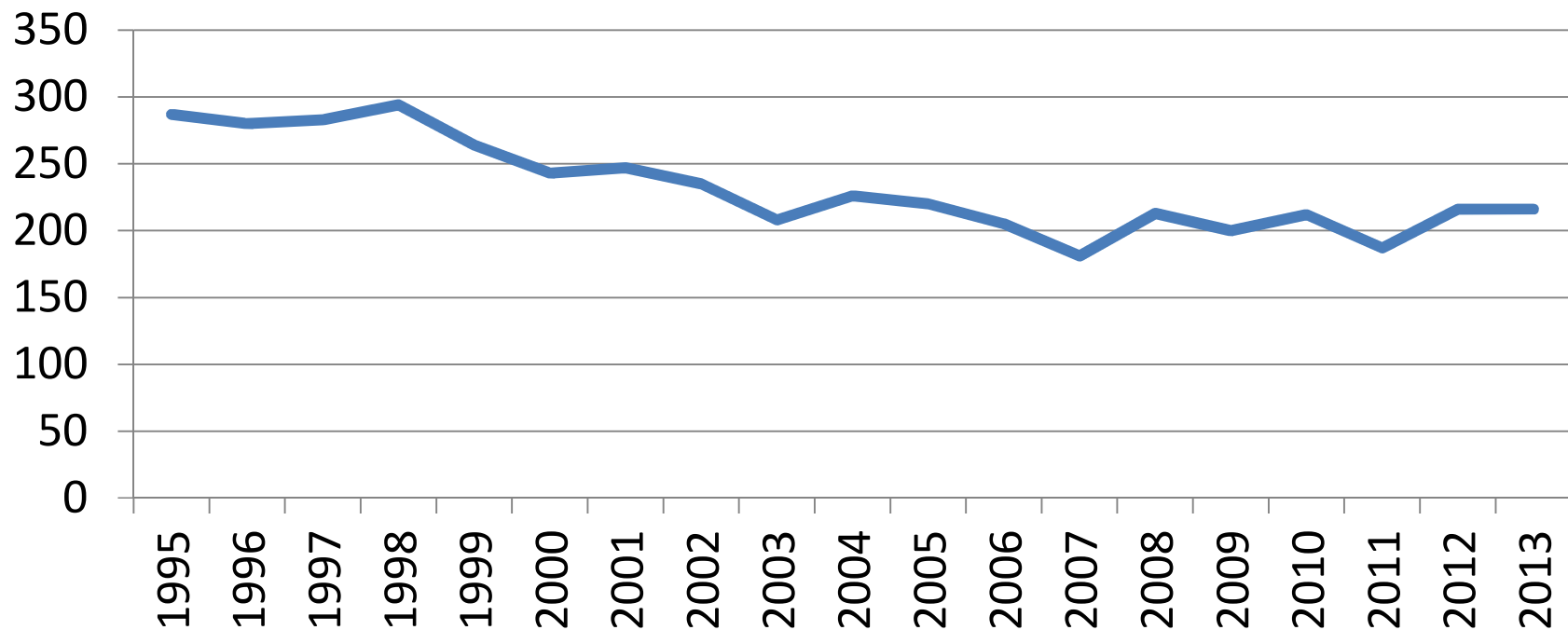
- Students also arrive and leave
 - # of 2-year-olds next year = $P2 \times \# \text{ 1-year-olds now}$
 - $P2 = 1.05$ predicts a 5% increase in 2-year-olds by next year

Lexington has used this “Cohort Survival Model”



Declining Birth Rate Suggests Fewer Students

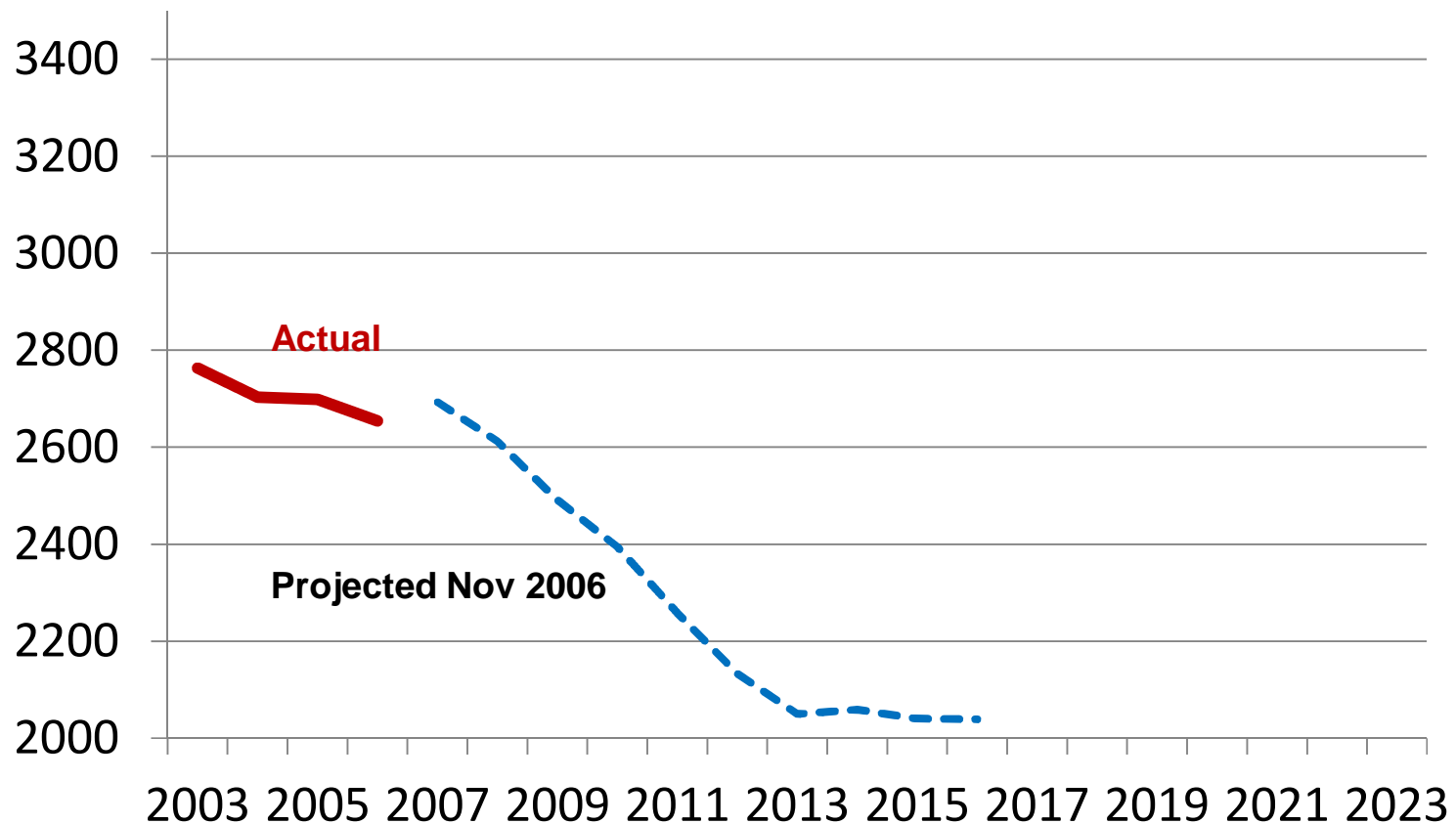
Lexington Births





Current Model Has Stopped Working in Lexington

Elementary School Projections

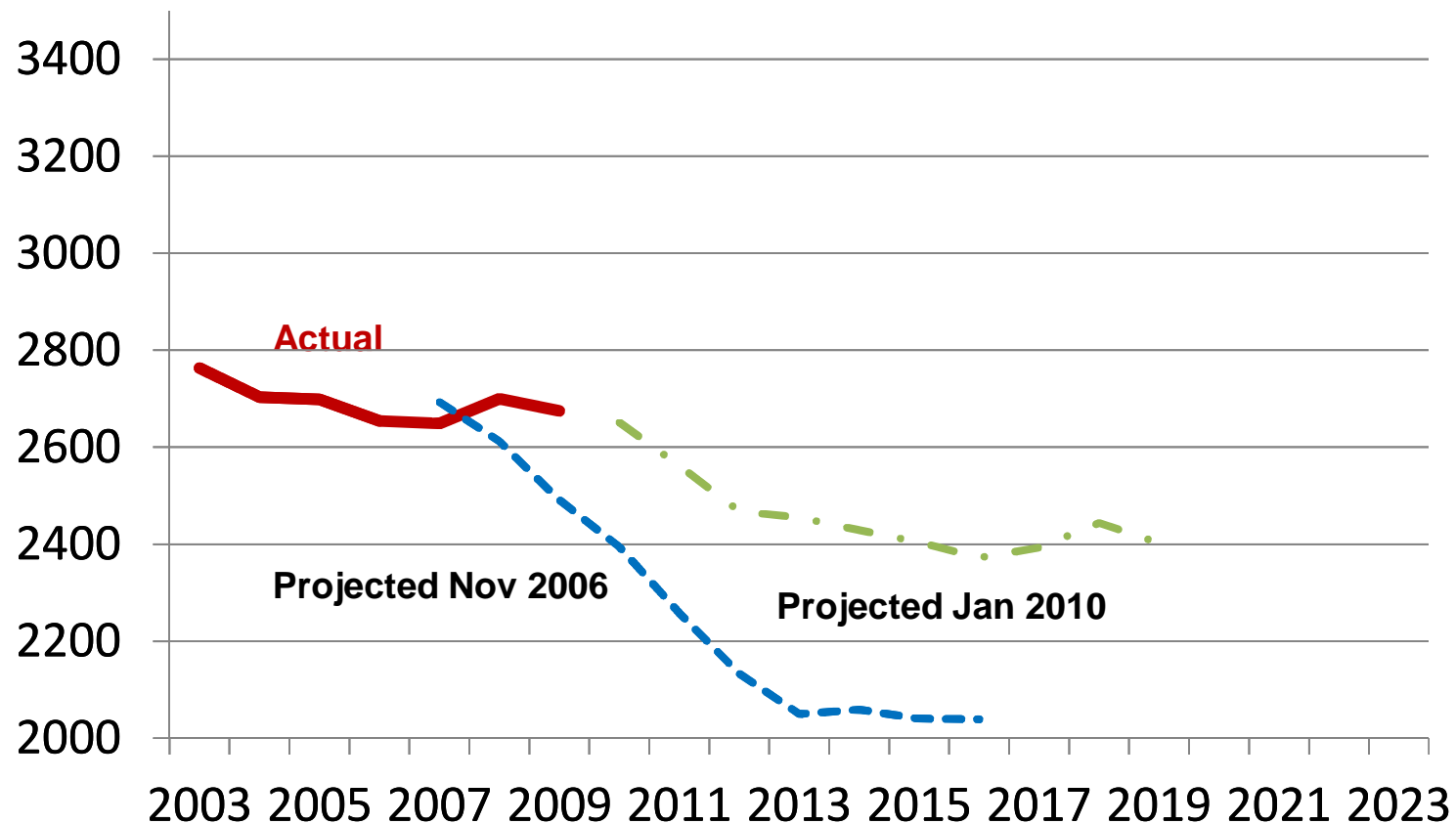


Why?



Current Model Has Stopped Working in Lexington

Elementary School Projections

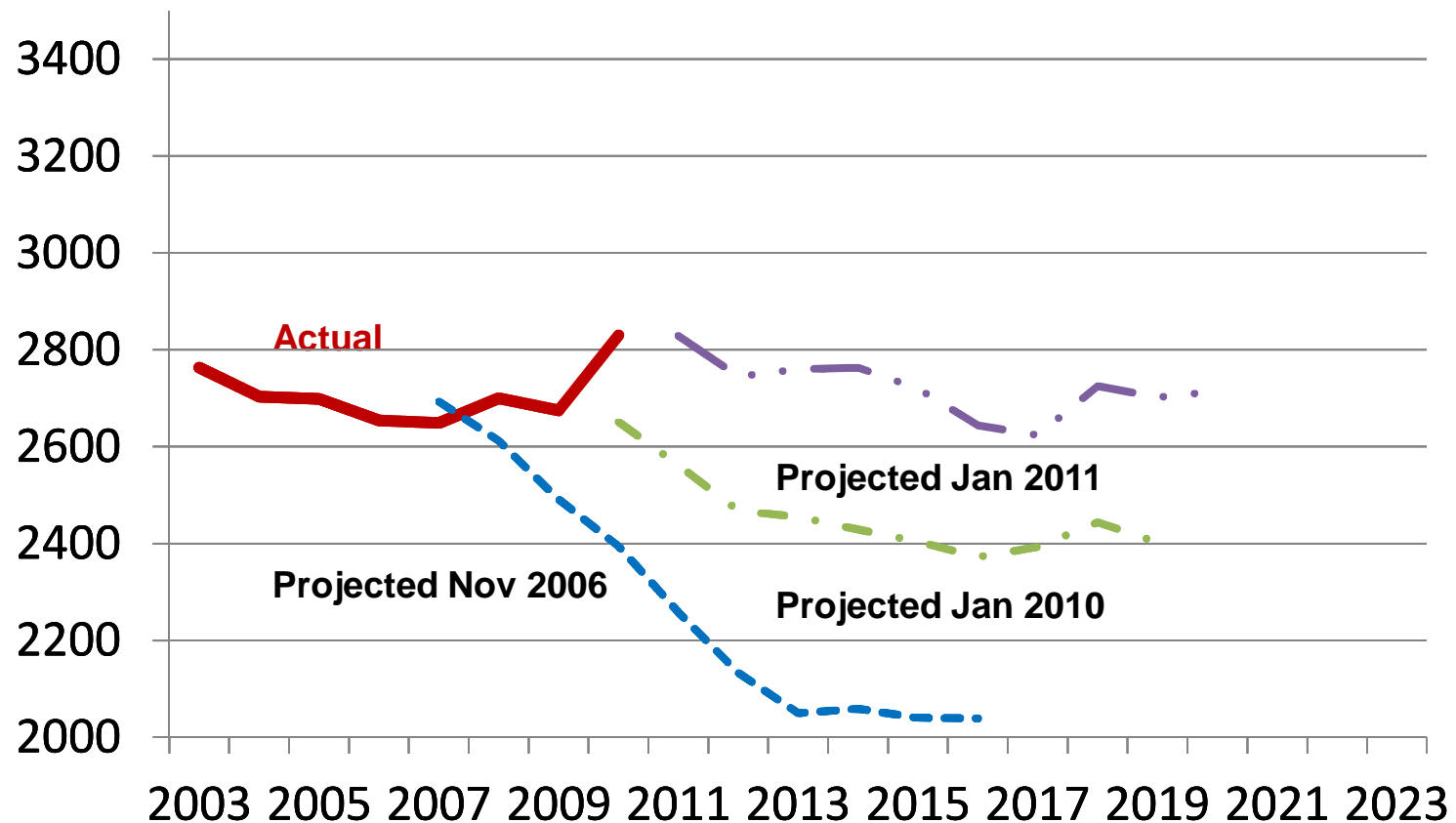


Why?



Current Model Has Stopped Working in Lexington

Elementary School Projections

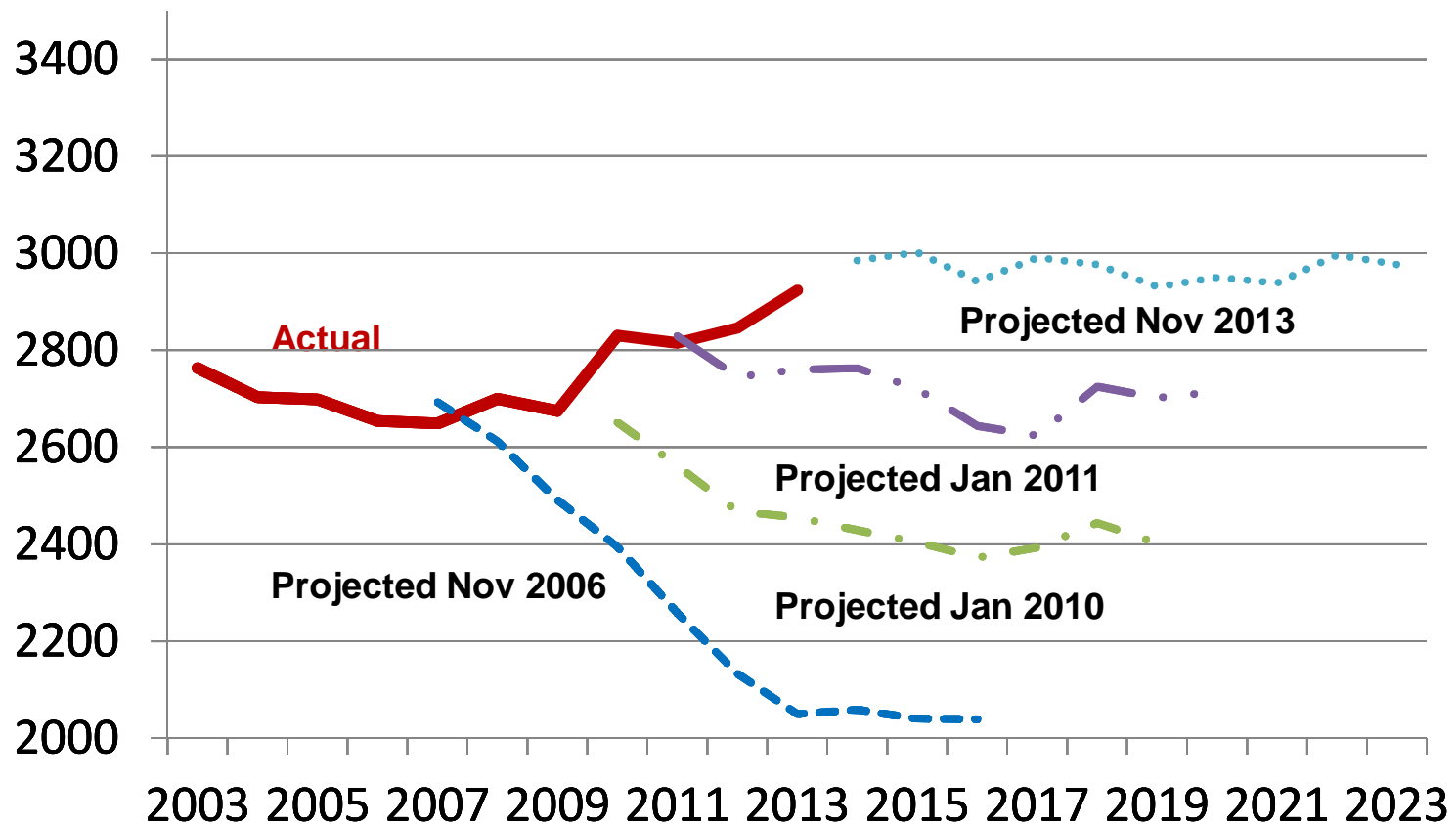


Why?



Current Model Has Stopped Working in Lexington

Elementary School Projections

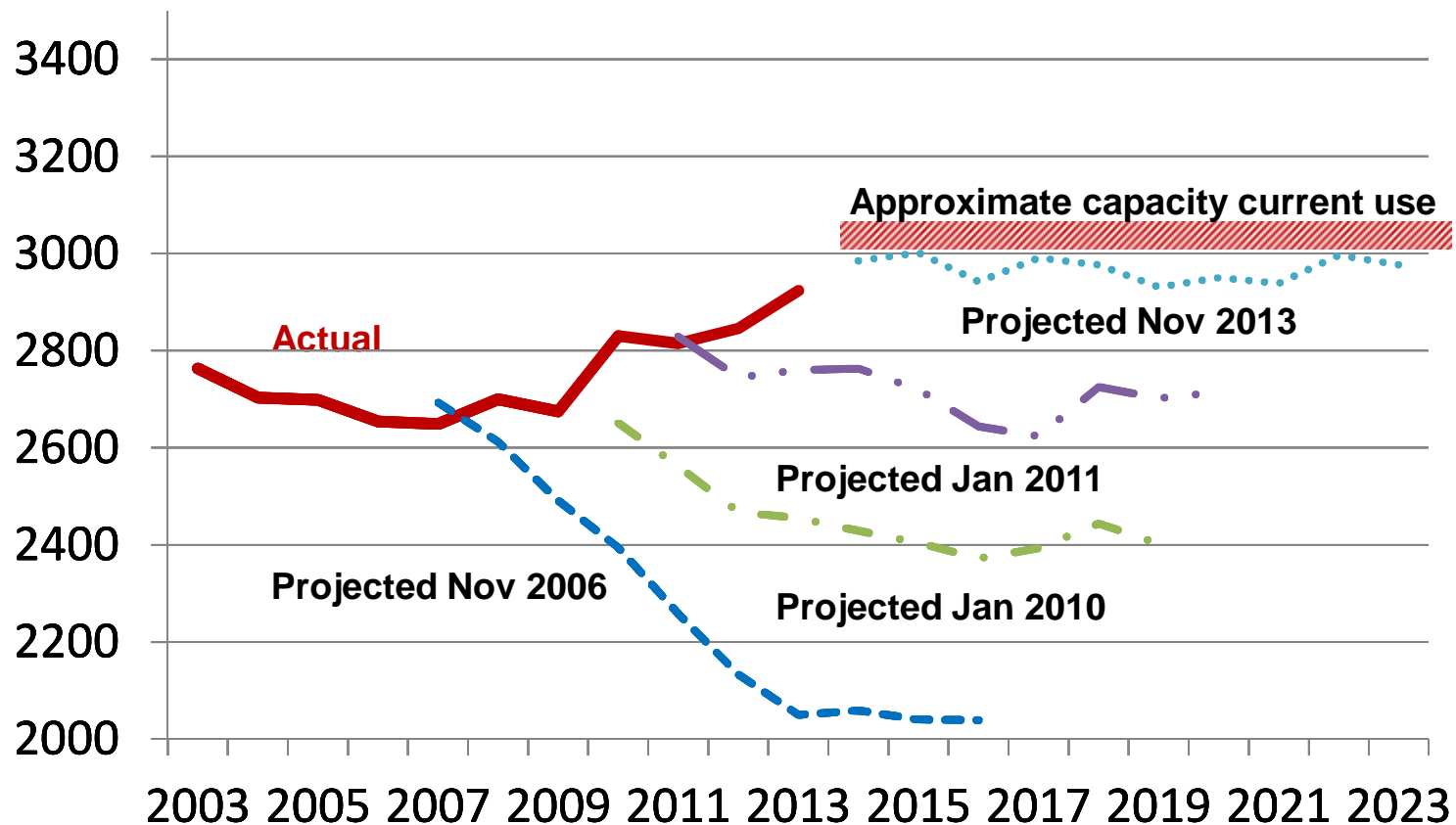


Why?



Current Model Has Stopped Working in Lexington

Elementary School Projections

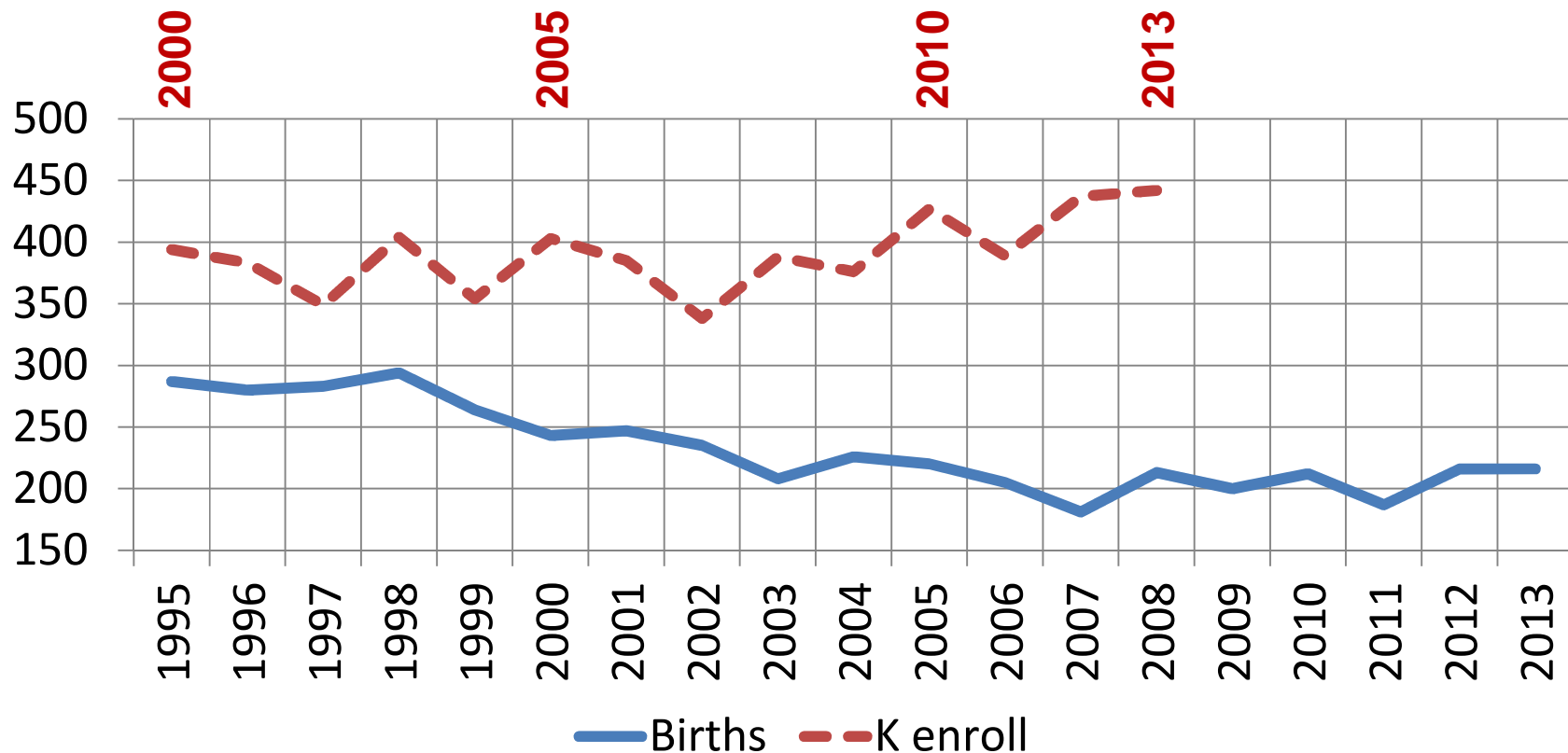


Why?



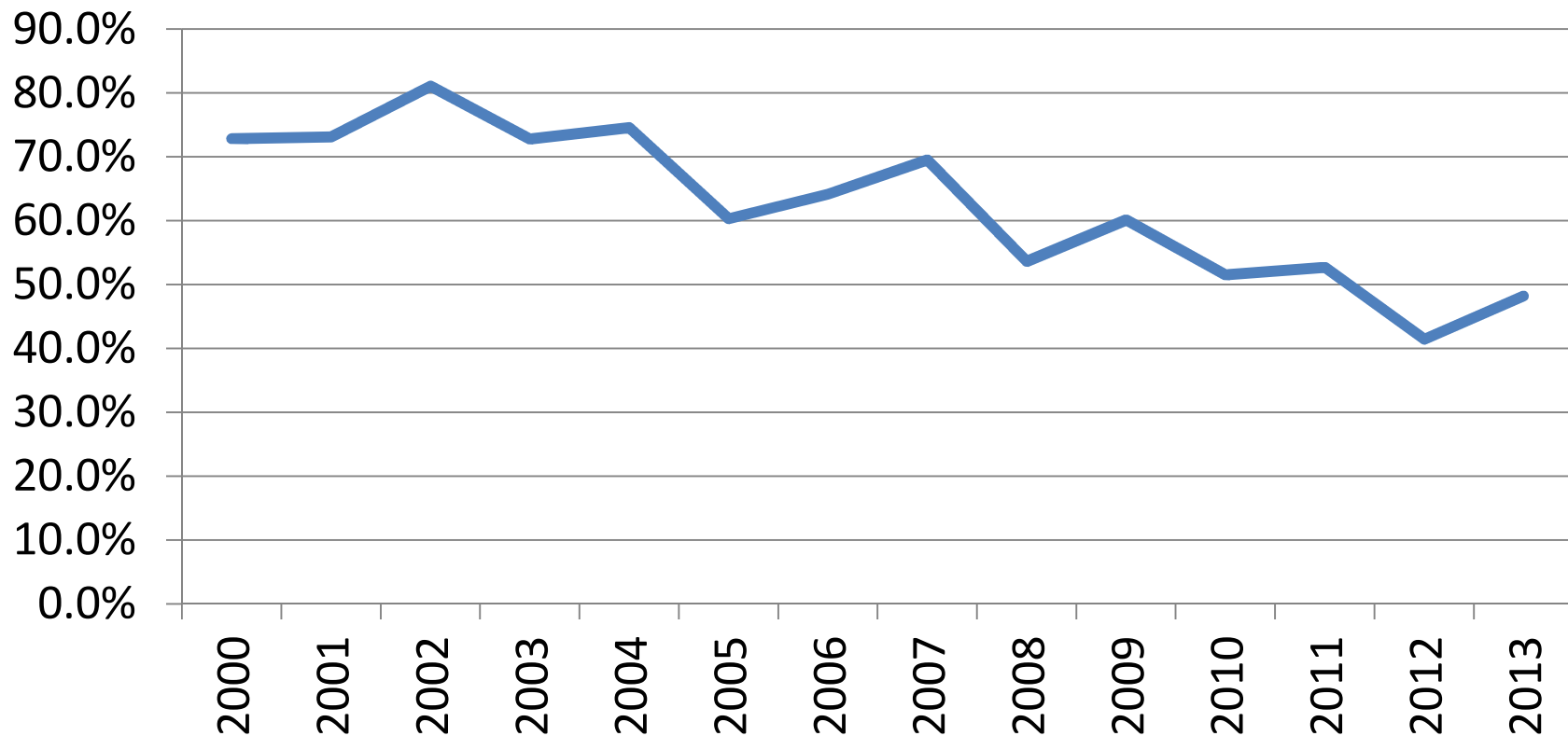
In-Migration is Dominating Births

Lexington Births & K Enrollment 5-years later



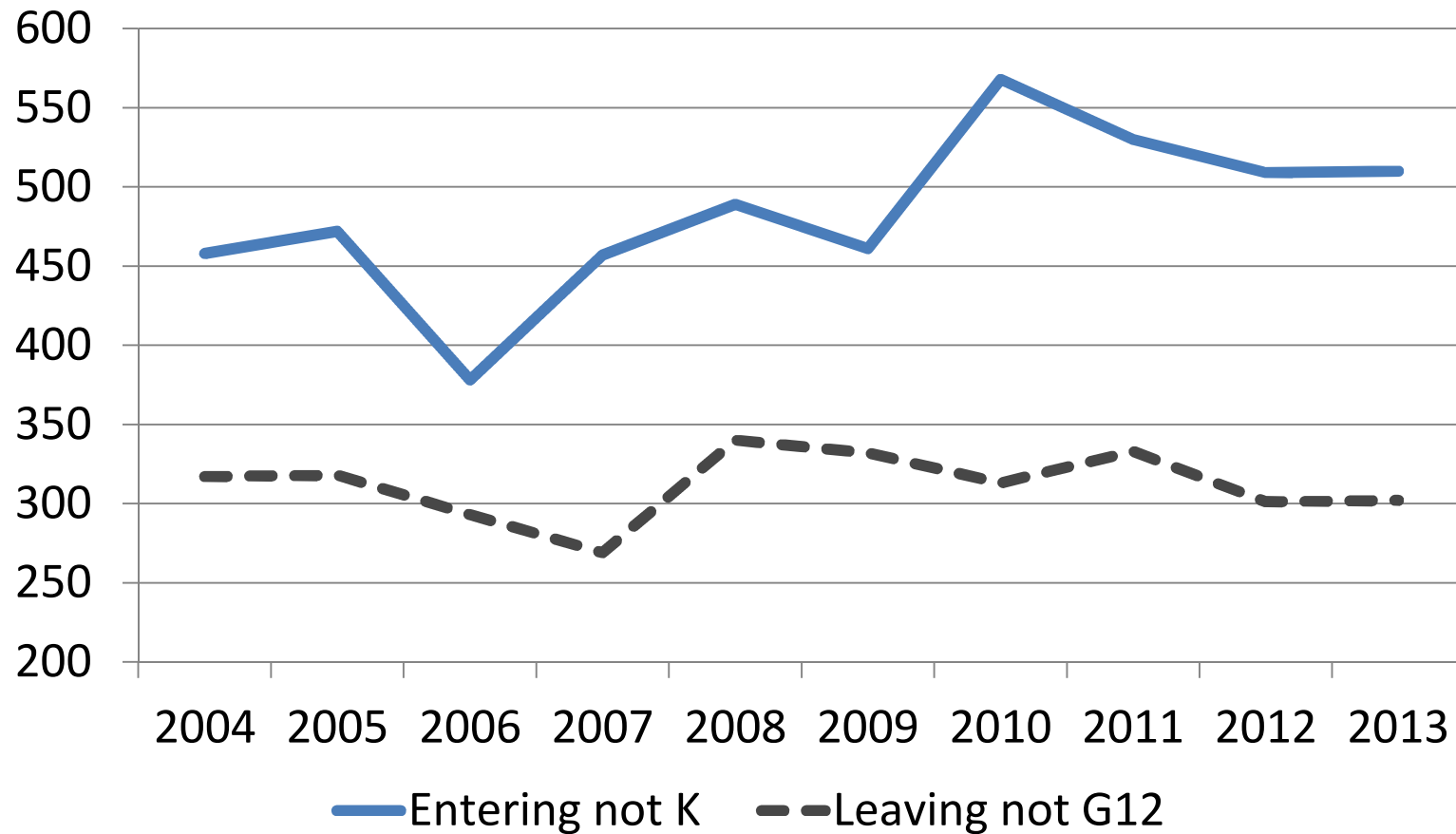


Lexington Births as Percentage of Enrolled Kindergartners





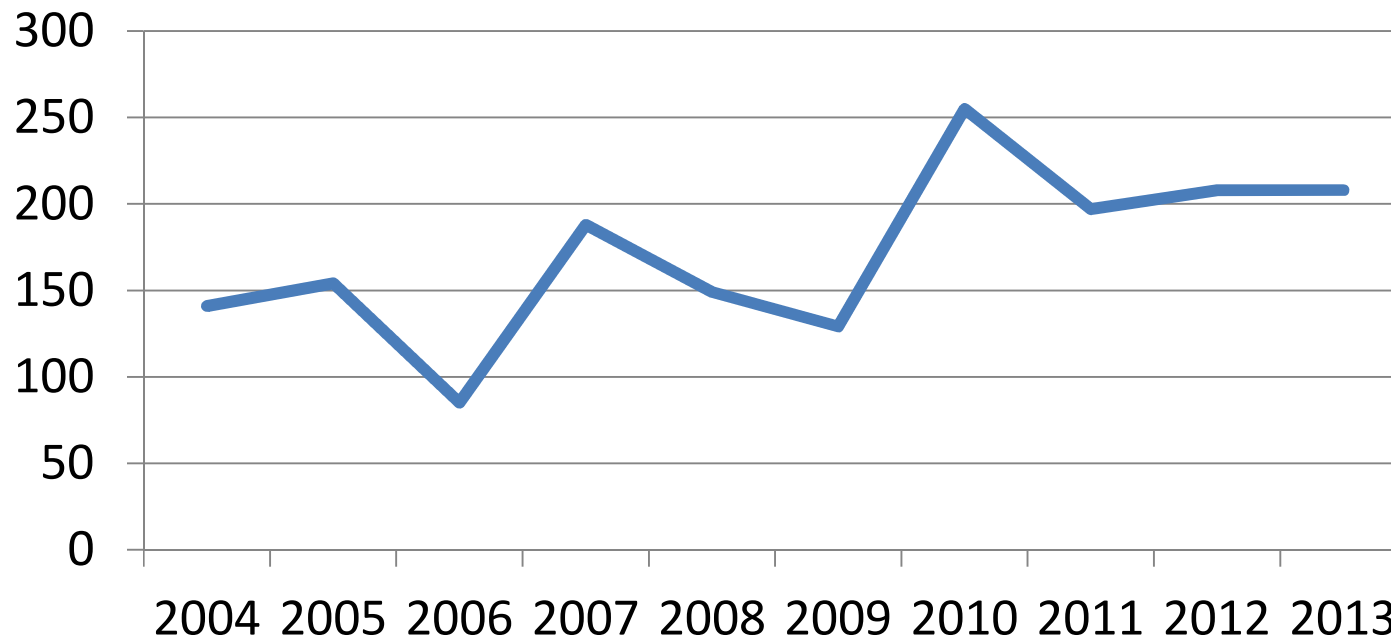
Net In-Migration is Significant in All Grades





Net In-Migration is Significant in All Grades

"Excess" Net In-Migration





Presentation Objectives

- Outline the enrollment working group's (EWG) charter
- Provide overview of enrollments and current methods
- ➔ • **Share findings regarding enrollment increases**
- Provide preliminary guidance on enrollment forecasting



Possible Growth Factors Considered

1. Changing demographics

- Family size
- Age of home buyers
- Oldest child at date of purchase

2. Mansionization

3. Accelerating growth in housing stock

- Single family
- Apartments

4. Accelerating real estate turnover rate

- Greater likelihood of families making home purchases
- Greater rate of families moving into apartments or condos

5. Movement from private schools to public schools



Findings: Accounting for Increasing Enrollment, 2003-2013

Large Factors

- More families with children in apartments and condos
- New apartments and condos (*somewhat expected*)

Small Factors

- Family size in apartments – small increase
- Family size in single family homes – small decrease



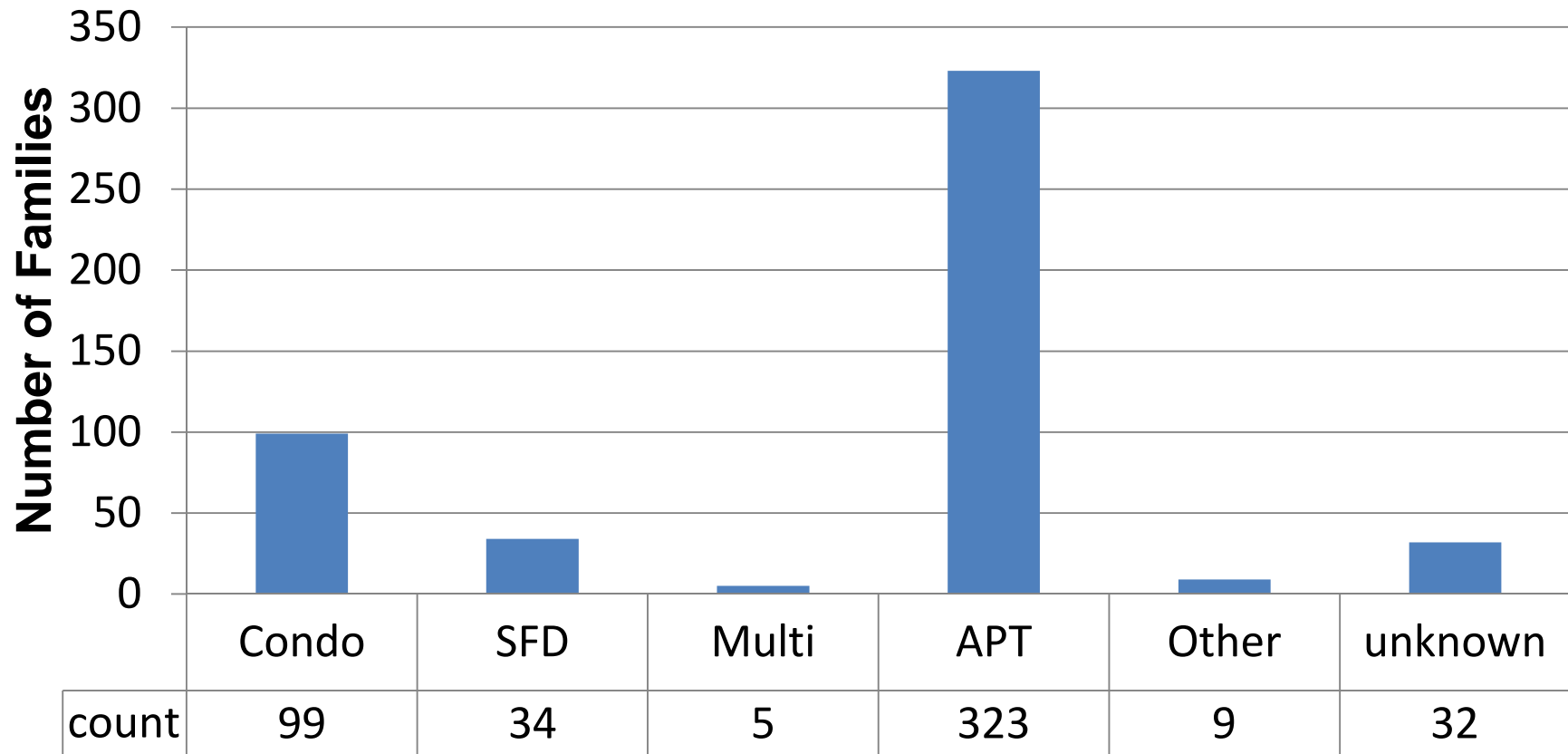
Change in Number of LPS Students by Residence Type (2003-2013)



105% of net growth attributable to condos and apartments



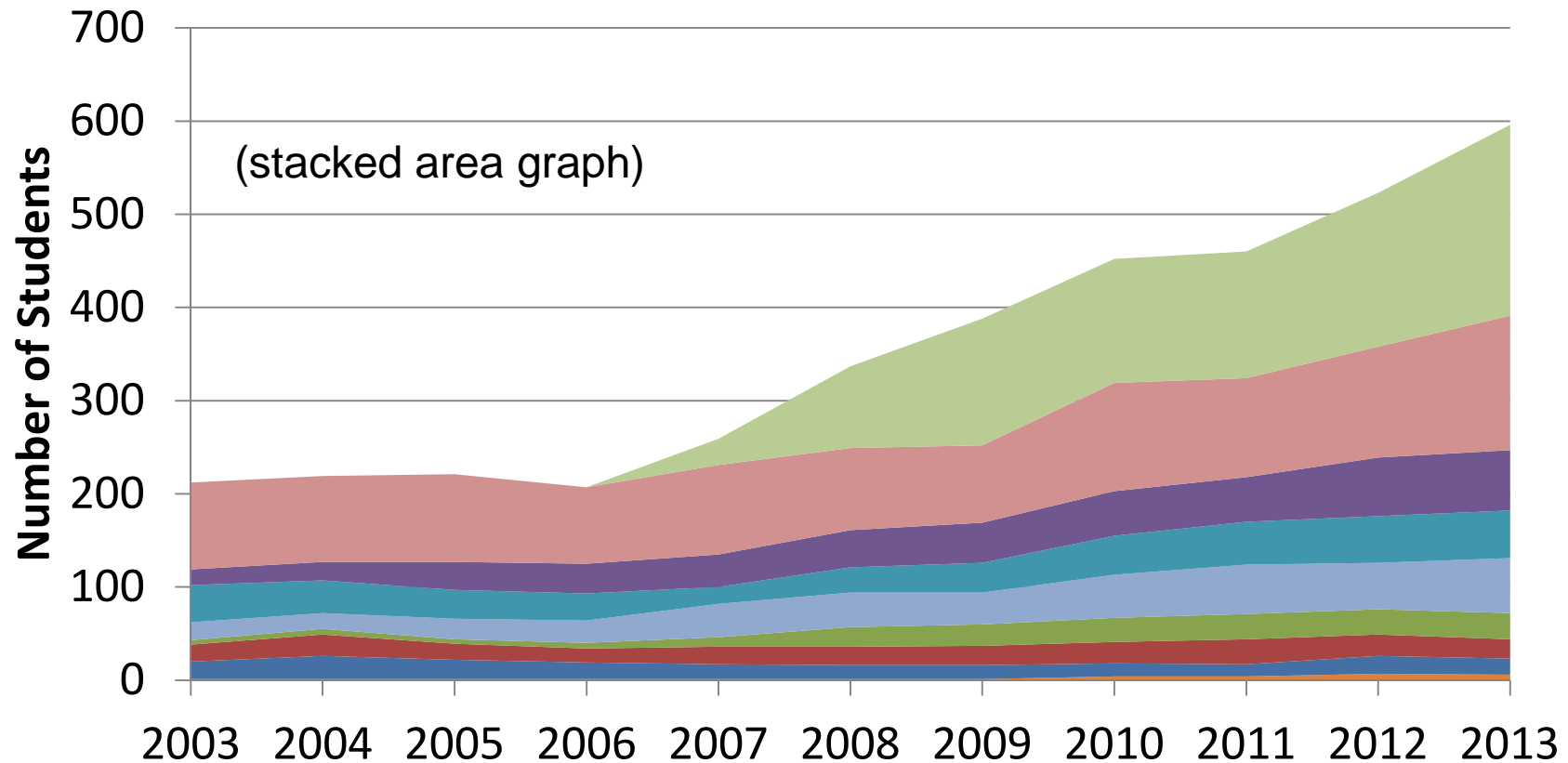
Change in Number of Families by Residence Type (2003-2013)



Number of families has increased by about 500



LPS Students by Apartment Complexes



Student growth includes new and pre-existing facilities



Finding: Unexpected Volatility in Student Tenure

- Many Students do not progress from K->Graduation
 - Nearly 50% of 10th graders did not start in Kindergarten
Almost 40% were not in 2nd grade
 - Nearly 30% of 6th graders were not in LPS for 2nd grade
- This is a corollary to in-migration at all grade levels



Presentation Objectives

- Outline the enrollment working group's (EWG) charter
- Provide overview of enrollments and current methods
- Share findings regarding enrollment increases
- ➔ • **Provide preliminary guidance on enrollment forecasting**



Major Questions

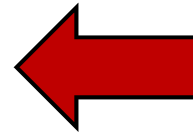
- What are the limits to enrollment growth?
- How much more room available in the faster growing apartment / condo residential category?
- How rapidly might growth occur?
- What is the potential growth in single family dwellings?



Hypotheses About Drivers

Potential Drivers

- LPS Reputation
- Economy
- Regional Housing Market
- Aging and Departure of Residents



These factors are all relative and difficult to forecast

They involve understanding regional and global trends

Even 3- to 4-year forecasts likely to have large uncertainty



Key Observation

**Flexibility is critical
when planning in the face of uncertainty**

- Consider multiple scenarios for future enrollment trends
- Create solutions that are flexible and can be adapted



Proposed Next Steps for EWG

| Process | Action |
|---|--|
| Methodology Development | <ul style="list-style-type: none">• Model drivers and estimate “headroom” for growth• Estimate uncertainty ranges• Outline low/mid/high growth scenarios |
| Elementary School Forecasting | <ul style="list-style-type: none">• Integrate school and municipal data to improve records, especially for ages 0-5; track changes on a quarterly basis |
| Middle School / High School Forecasting | <ul style="list-style-type: none">• Forecast with age progression but monitor closely for pattern change |

Forecasts are possible, although uncertain



Looking Forward



In the longer term:

Plan for a range of enrollment scenarios...

even scenarios which pose difficult questions

Key challenge for school and town leadership



What Would We Do With Enrollment Scenarios?

| Body / Function | Action |
|--------------------------------------|---|
| School Master Planning | <ul style="list-style-type: none">• Design for high variability• Design for high/med/low scenarios |
| School Committee | <ul style="list-style-type: none">• Define capacity, classroom size, and allowable facility configurations• Plan land use, capital, and operating expenditure for high/med/low scenarios |
| School and Town Financial Committees | <ul style="list-style-type: none">• Evaluate high/med/low scenarios for impact on capital and operating budgets |

Can Lexington influence out-migration, and thereby affect outcomes which occur?



Conclusions

- Migration patterns dominate births for enrollment prediction
- Housing preferences are changing
- Consider multiple scenarios for future enrollment trends
- Create solutions that are flexible and can be adapted

**Flexibility is critical
when planning in the face of uncertainty**



LEXINGTON PUBLIC SCHOOLS

The Historic Past Meets the Progressive Future

37

Discussion



LEXINGTON PUBLIC SCHOOLS

The Historic Past Meets the Progressive Future

38

Backup



Data Sets Used by EWG

Data sets:

- LPS Student Rolls: 2000 – 2013
- Town Census: 2000 – 2014 (complete, archival)
- Town Assessors data: 2007 – 2014
- Town Permit Database: 2004 – 2014
- Federal Census: 2000, 2010

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE: 3/17/14

STAFF: Lynne Pease

ITEM NUMBER: I.7

SUBJECT:

Article Positions and Selectmen Article Presenters

EXECUTIVE SUMMARY:

At this meeting you will be taking positions on as many articles as time allows. Attached is a table that lists all of the articles to be taken up at the 2014 Special and Annual Town Meeting.

FINANCIAL IMPACT:

RECOMMENDATION / SUGGESTED MOTION:

STAFF FOLLOW-UP:

Selectmen's Office

[illegible]

| ARTICLE | FINANCIAL ARTICLES (continued) | PRESENTATION | DM | PK | NC | JP | MC | AC | CEC | SC |
|------------|--|--------------|----|----|----|----|----|----|-----|----|
| Article 12 | Appropriate for Wastewater System Improvements | | | | | | | | | |
| Article 13 | Appropriate for School Capital Projects and Equipment | | | | | | | | | |
| Article 14 | Appropriate for Public Facilities Capital Projects: a) School Building Envelope and Systems b) LHS Heating Systems Upgrade – Phases 2 and 3 c) Municipal Building Envelope and Systems d) Repairs / Replacements/Upgrades: • School Building Flooring Program • School Window Treatments Extraordinary Repair • Interior Painting Program • Middle School Nurses Stations • Renovation and Update of Diamond Kitchen and Cafeteria • Clarke School Gymnasium Dividing Curtain e) School Paving Program f) East Lexington Fire Station Physical Fitness Room g) Public Facilities Bid Documents h) Middle School Science, Performing Arts and General Education Spaces i) Clarke School Elevator Upgrade j) Clarke School Auditorium Audio Visual System k) Fire Station Headquarters Design | | | | | | | | | |

| ARTICLE | ZONING/LAND USE ARTICLES (continued) | PRESENTATION | DM | PK | NC | JP | MC | AC | CEC | SC |
|----------------|--|---------------------|-----------|-----------|-----------|-----------|-----------|-----------|------------|-----------|
| Article 30 | Amend Zoning By-Law – Medical Marijuana Treatment Centers | 3/17 | | | | | | | | |
| Article 31 | Amend Zoning By-Law – Site Plan Review for Projects over 10,000 SF | 3/17 | | | | | | | | |
| Article 32 | Amend Zoning By-Law – Technical Corrections | 3/17 | | | | | | | | |

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE:

March 17, 2014

PRESENTER:

**Carl F. Valente
Rob Addelson**

ITEM NUMBER:

I.8

SUBJECT:

Revised Health Insurance Budget

EXECUTIVE SUMMARY:

Based on the recently released GIC health insurance premiums for FY15, the Town can reduce its proposed Health Insurance budget by \$1,000,000.

Options for redirecting these funds to other parts of the budget include:

- High School Modular Construction – Supplant debt financing with cash: **\$495,000.**
- Massachusetts Ave. Intersection Engineering - Supplant debt financing with cash: **\$500,000.**
- Other Post Employment Benefits Trust Fund: Increase appropriation by all or some portion of the \$1,000,000 available.
- Capital Stabilization Fund: Increase appropriation by all or some portion of the \$1,000,000 available.
- Do not appropriate funds-let revert to Free Cash.

FINANCIAL IMPACT:

NA

RECOMMENDATION / SUGGESTED MOTION:

STAFF FOLLOW-UP:

TMO and Finance

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE: 3/17/14

STAFF: Lynne Pease

ITEM NUMBER: I.9

SUBJECT:

Appointment/Resignation – Human Rights Committee/Arts Council

EXECUTIVE SUMMARY:

The Human Rights Committee has requested that Bonnie Brodner be appointed.

Victoria Campos has submitted her resignation from the Council for the Arts.

FINANCIAL IMPACT:

RECOMMENDATION / SUGGESTED MOTION:

Motion to appoint Bonnie Brodner to the Human Rights Committee for a term to expire September 30, 2016.

Motion to accept the resignation of Victoria Campos from the Council for the Arts, effective immediately.

STAFF FOLLOW-UP:

Selectmen's Office

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE: 3/17/14

STAFF: Lynne Pease

ITEM NUMBER: I.10

SUBJECT:

Approve and Sign Eagle Letters Congratulating Ian Davis, Thomas Elliott and David Whitman-Kinghorn

EXECUTIVE SUMMARY:

You are being asked to sign letters of commendation for Boy Scout Eagles Ian Davis, Thomas Elliott and David Whitman-Kinghorn. See attached letter requesting the commendation and the proposed eagle letter.

FINANCIAL IMPACT:

RECOMMENDATION / SUGGESTED MOTION:

Motion to send letters of commendation to Ian Davis, Thomas Elliott and David Whitman-Kinghorn congratulating them on attaining the highest rank of Eagle in Boy Scouting.

STAFF FOLLOW-UP:

Selectmen's Office

March 17, 2014

Thomas Elliott
Troop 160
St. Brigid Parish
2001 Massachusetts Avenue
Lexington, MA 02421

Dear Thomas,

Congratulations on attaining the highest rank in Scouting. We know the trail to Eagle has not always been an easy one and we recognize that you have had to work hard to get this far. Your time in positions of leadership within Troop 160, and the successful completion of your Eagle project, speaks to your dedication.

Being an Eagle is so much more than just another rank. It is a recognition of what you have achieved so far, but of more importance is the implied promise you have made to maintain the ideals of Scouting into your adult life.

We know that your family and fellow Scouts are proud of you and will look to you to be a leader as you continue your journey beyond Eagle.

Again, congratulations and good luck in all your future endeavors.

Sincerely,

Deborah N. Mauger, Chairman

Peter C. J. Kelley

Norman P. Cohen

Joseph N. Pato

Michelle L. Ciccolo

March 17, 2014

Ian S. Davis
Troop 160
St. Brigid Parish
2001 Massachusetts Avenue
Lexington, MA 02421

Dear Ian,

Congratulations on attaining the highest rank in Scouting. We know the trail to Eagle has not always been an easy one and we recognize that you have had to work hard to get this far. Your time in positions of leadership within Troop 160, and the successful completion of your Eagle project, speaks to your dedication.

Being an Eagle is so much more than just another rank. It is a recognition of what you have achieved so far, but of more importance is the implied promise you have made to maintain the ideals of Scouting into your adult life.

We know that your family and fellow Scouts are proud of you and will look to you to be a leader as you continue your journey beyond Eagle.

Again, congratulations and good luck in all your future endeavors.

Sincerely,

Deborah N. Mauger, Chairman

Peter C. J. Kelley

Norman P. Cohen

Joseph N. Pato

Michelle L. Ciccolo

March 17, 2014

David Whitman-Kinghorn
Troop 160
St. Brigid Parish
2001 Massachusetts Avenue
Lexington, MA 02421

Dear David,

Congratulations on attaining the highest rank in Scouting. We know the trail to Eagle has not always been an easy one and we recognize that you have had to work hard to get this far. Your time in positions of leadership within Troop 160, and the successful completion of your Eagle project, speaks to your dedication.

Being an Eagle is so much more than just another rank. It is a recognition of what you have achieved so far, but of more importance is the implied promise you have made to maintain the ideals of Scouting into your adult life.

We know that your family and fellow Scouts are proud of you and will look to you to be a leader as you continue your journey beyond Eagle.

Again, congratulations and good luck in all your future endeavors.

Sincerely,

Deborah N. Mauger, Chairman

Peter C. J. Kelley

Norman P. Cohen

Joseph N. Pato

Michelle L. Ciccolo

AGENDA ITEM SUMMARY

LEXINGTON BOARD OF SELECTMEN MEETING

DATE: 3/17/14

STAFF: Lynne Pease

ITEM NUMBER: C.1-5

SUBJECT:

Consent

EXECUTIVE SUMMARY:

1. Approve a two-day liquor license for the Steve Eastridge to serve beer at the BBQ festival on May 17, 2014, from 11:00 a.m. to 7:00 p.m., and on May 18, 2014, from 12:00 noon to 4:00 p.m. on Hastings Park. See attached plan. Police have reviewed and will require 4 police detail.
2. Approve signing a certificate that a flag was flown over the Battle Green on February 24, 2014 in recognition of Gary W. Gerst's 42 years of service in the United States Army.
3. Approve inserting in the next tax bill information on Solarize Lexington-Bedford.
4. Approve the minutes of January 13, 2014, January 27, 2014, February 3, 2014, February 12, 2014 and February 24, 2014.
5. Approve the Executive session minutes of January 13, 2014, January 27, 2014, February 3, 2014 and February 24, 2014.

See attached information.

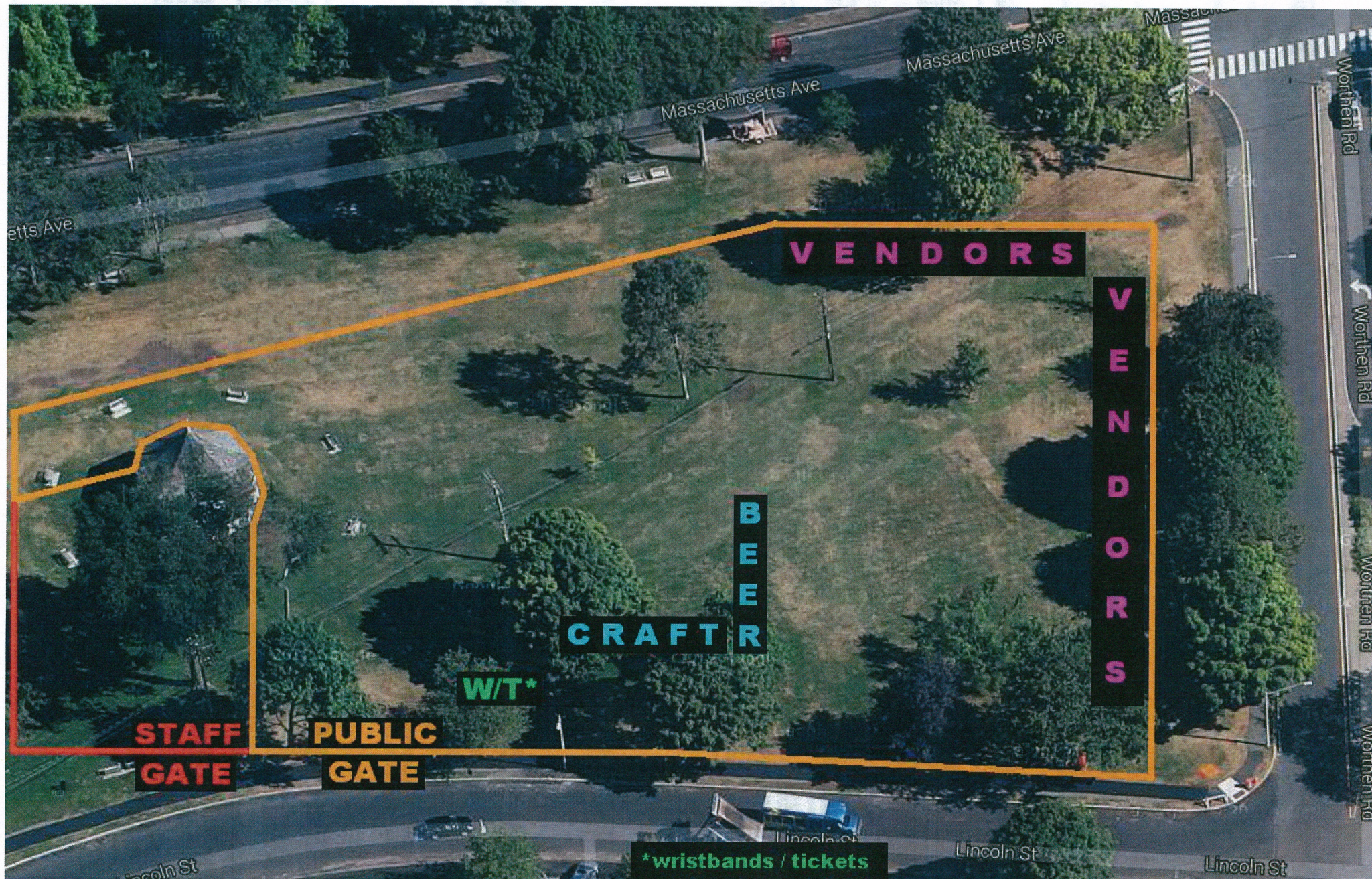
FINANCIAL IMPACT:

RECOMMENDATION / SUGGESTED MOTION:

Motion to approve the Consent Agenda.

STAFF FOLLOW-UP:

Selectmen's Office





Certificate of Authenticity

This American flag is presented to GARY W. GERST, in recognition of his 42 years of service to this nation in the United States Army. This is to certify that on February 24, 2014, the Town of Lexington, Massachusetts flew this American Flag over the Lexington Battle Green, the Birthplace of American Liberty, and the site of America's oldest war memorial where the Lexington Minutemen militia confronted the British Army on April 19, 1775 in the opening shots of the American Revolution.

Deborah N. Mauger, Chairman
Lexington Board of Selectmen

Join Your Neighbors in a Rooftop Revolution: Solarize Lexington-Bedford!

Lexington and Bedford were selected by the Commonwealth to participate in the current round of the



Solarize Mass program aimed at reducing the cost and increasing adoption of small-scale solar photovoltaic (PV) systems.

Is your home or business a good candidate for solar? The best homes for solar receive very little shade and have roofs that face toward the south. To request a free, no-obligation solar assessment for your home or business, contact our selected installer, Astrum Solar. Go to <http://go.astrumsolar.com/solarizelexingtonbedford> or call 1-800-903-6130.



Can you afford solar? Special Solarize Mass pricing, combined with government incentives and tax credits, make this a good time to go solar. Both purchase and lease options are available. The more households who purchase solar panels, the less expensive they are for everyone.



The program will run through June 30, 2014. For more information, you may **contact Lexington's Solar Coaches Marcia Gens and Fran Ludwig** at SolarizeLexington@gmail.com, or go to <http://www.lexingtonma.gov/solar>.

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