

AGENDA SELECT BOARD MEETING

Monday, March 30, 2026

Select Board Meeting Room, 1625 Massachusetts Avenue,
Lexington, MA 02420 - Hybrid Participation*
6:00 PM

CONSENT AGENDA

1. **Accept: Select Board Committee Resignations**
 - Board of Appeals Associate - Patricia Nelson
 - Communication Advisory Committee - David Becker
2. **Accept Easement: 89 Bedford Street, Bus Shelter**
3. **Approve: Designee and Alternate Designee to Massachusetts Bay Transportation Authority (MBTA) Advisory Board**
 - Designee - Meghan Roche, Assistant Planning Director
 - Alternate Designee - Abby McCabe, Planning Director
4. **Approve: Select Board Meeting Minutes**
 - February 23, 2026 Select Board
 - March 9, 2026 Select Board
5. **Approve: Select Board Report to 2026 Annual Town Meeting**

ITEMS FOR INDIVIDUAL CONSIDERATION

1. **Review: Massachusetts Lottery Keno Monitor Notification - Petromart, 396 Waltham Street** 6:10pm
2. **2026 Annual Town Meeting Select Board Article Discussion and Positions** 6:20pm

ADJOURN

1. Anticipated Adjournment 7:00pm

MEETING INFORMATION

1. Meeting Information
Meeting Packet: https://lexingtonma.granicus.com/ViewPublisher.php?view_id=5

*Members of the public can attend the meeting from their computer or tablet by clicking on the following link at the time of the meeting:
<https://lexingtonma.zoom.us/j/86343561893?pwd=oXKQDdIdatm6cK4k5pbTMMCVODdQYya.1>

join.zoom.us
Meeting ID: 863 4356 1893
Passcode: 436053

An Act Relative to Extending Certain State of Emergency Accommodations:
<https://www.mass.gov/the-open-meeting-law>

The next scheduled meeting of the Select Board will be held on Monday, April 6,

2026 at 6:00pm via hybrid participation.

AGENDA ITEM SUMMARY
LEXINGTON SELECT BOARD MEETING

AGENDA SECTION TITLE:

CONSENT AGENDA

AGENDA ITEM TITLE:

Accept: Select Board Committee Resignations

PRESENTER:

Jill Hai, Chair

ITEM
NUMBER:

1

SUMMARY:

Category: Decision-Making

Resignation:

Board of Appeals Associates

The Select Board is being asked to accept the resignation of Associate member Patricia Nelson from the Board of Appeals, effective immediately.

Communications Advisory Committee

The Select Board is being asked to accept the resignation of David Becker from the Communications Advisory Committee effective immediately.

PROPOSED MOTION:

To accept the resignation of Patricia Nelson from the Board of Appeals Associates & David Becker from the Communications Advisory Committee, effective immediately.

Move to approve the consent.

ATTACHMENTS:

[2026.03.24 Patricia Nelson - Board of Appeals Associates_Redacted.pdf](#)

[2026.03.13 David Becker - Communications Advisory Committee_Redacted.pdf](#)

RE: ZBA Appointment

From Patricia Nelson < >
Date Tue 3/24/2026 8:52 AM
To Select Board <selectboard@lexingtonma.gov>
Cc EmmaJean Anjoorian < >

To the Select Board, Town of Lexington

Due to unforeseen circumstances, I need to submit my resignation as alternate member of the Zoning of Appeals. It has been a pleasure to work with my fellow board members and Town Staff.

Patricia S. Nelson

[Draft] (No subject)

From selectboard@lexingtonma.gov

Draft saved Mon 3/16/2026 2:56 PM

From: David Becker <

Sent: Friday, March 13, 2026 1:10 PM

To: Select Board <selectboard@lexingtonma.gov>

Cc: Ken Pogran

Subject: Resignation

Fw: I would like to resign from my membership on the Lexington Communications Advisory Committee (CAC), effective immediately. I have recently moved to "assisted living" in another community, so am unable to attend a lot of meetings in person.

Good luck to all my friends/associates on the CAC.

Dave Becker

AGENDA ITEM SUMMARY
LEXINGTON SELECT BOARD MEETING

AGENDA SECTION TITLE:

CONSENT AGENDA

AGENDA ITEM TITLE:

Accept Easement: 89 Bedford Street, Bus Shelter

ITEM
NUMBER:
2

SUMMARY:

Category: Decision-making

The installation of a bus shelter at 89-93 Bedford Street requires the Town to receive an easement from FK Partners.

Background: The MBTA Bus #62 provides service 7 days/week between Alewife station and the VA Hospital and has a stop directly in front of this property. The developers of the site, Katz Development and Finnegan Development, propose a bus shelter directly adjacent to an existing sidewalk on Bedford Street, and also propose a public access easement.

The Board is being asked to accept the easement for this bus shelter.

PROPOSED MOTION:

to approve and sign the Acceptance of an Easement from FK Partners located at 89-93 Bedford Street for the perpetual, non-exclusive right to access and maintain a bus shelter easement at shown as “Proposed Bus Shelter” on a plan entitled “Site Construction Plan” dated April 19, 2024 and revised through August 27, 2024, prepared by James K. Emmanuel Associates, pursuant to the terms and provisions of the easement agreement as proposed.

Move to approve the consent

FOLLOW-UP:

Applicant will record Easement with Registry of Deeds

ATTACHMENTS:

[Staff Memo_89-93 Bedford bus shelter easement.pdf](#)
[89-93 Bedford_GRANT OF EASEMENT bus shelter](#)
[Site Construction Plan_Proposed Bus Shelter Location.pdf](#)
[Copy of PB Decision-Bedford-St-89-2014-08-18-TC Stamp.pdf](#)



Town of Lexington
PLANNING
DEPARTMENT
1625 Massachusetts Avenue
Lexington, MA 02420
Tel (781) 698-4560
planning@lexingtonma.gov
www.lexingtonma.gov/planning

Abby McCabe, Planning Director
Meghan Roche, Assistant Planning Director
Aaron Koepper, Planner
Carolyn Morrison, Planning Coordinator

Memorandum

To: Steve Bartha, Town Manager
Kelly Axtell, Deputy Town Manager
Jill Hai, Select Board Chair
Select Board Members
Kim Katzenback, Executive Clerk

From: Meghan Roche, Assistant Planning Director

Date: March 4, 2026

Re: Easement Agreement for 89-93 Bedford Street Bus Shelter

Background:

On August 14, 2024, the Planning Board issued Site Plan Review approval for the 30-unit three-story residential condominium development located at 89 Bedford Street (n/k/a 89-93 Bedford Street). The development relocated the historic house to the front right corner of the lot and includes parking, landscaping and stormwater management improvements. Access to the site is provided on Bedford Street via one entrance/exit curb cut. The MBTA Bus #62 provides service 7 days/week between Alewife station and the VA Hospital and has a stop directly in front of this property. The developers of the site, Katz Development and Finnegan Development, propose a bus shelter on private property, directly adjacent to an existing sidewalk on Bedford Street, and also propose a public access easement.

The location of the proposed bus shelter easement is shown on the plan titled "Site Construction Plan" dated April 19, 2024, and revised through August 27, 2024. It is labeled on the plan as "Proposed Bus Shelter" next to the entrance of the site, near the bottom of the plan. The bus shelter, which measures approximately 8 feet wide and 8 feet high, will include a bench and is the same shelter as the one recently installed at Emery Park/Depot Square. Planning and Engineering Staff are working with the developer to make sure the bus shelter provides the required landing zone per MBTA bus stop accessibility guidelines.

The attached draft easement has been reviewed by the Applicant, Planning Staff and Anderson Kreiger. We recommend the Board accept the easement.

Request:

The Applicant, Katz Development and Finnegan Development, is requesting the Lexington Select Board vote to accept and sign the easement agreement for the perpetual, non-exclusive right to access and maintain a bus shelter easement shown as “Proposed Bus Shelter” on a plan entitled “Site Construction Plan” dated April 19, 2024 and revised through August 27, 2024, prepared by James K. Emmanuel Associates, pursuant to the terms and provisions of the easement agreement.

Action:

The request requires the Board’s vote, signatures, and the Applicant is responsible for recording the easement and plan at the Registry of Deeds.

Exhibits:

Grant of Easement (DRAFT) and signature pages

“Site Construction Plan” dated April 19, 2024, and revised through August 27, 2024 , prepared by James K. Emmanuel Associates

Decision of the Lexington Planning Board Major Site Plan Review & Stormwater Permit, received and stamped by the Town Clerk on August 16, 2024

GRANT OF EASEMENT

FK Partners Lexington, LLC, a Massachusetts limited liability company of 7 Doris Drive, Suite 6B, North Chelmsford, Middlesex County, Massachusetts 01863 (hereinafter "FK Partners"), is the owner of Lots B & E by deed recorded with Middlesex South Registry of Deeds in Book 83328, Page 378 and shown on a Plan titled "Site Construction Plan", prepared by Hancock Associates, 34 Chelmsford Street, Chelmsford, MA 01824, Prepared for FK Partners Lexington, LLC, Dated April 19, 2024 and revised through August 27, 2024, a copy of which is attached hereto (hereinafter the "Plan") Lots, B & E hereinafter collectively referred to as (the "Property"), as a condition of the Town of Lexington Planning Board's approval of the Major Site Plan Review & Stormwater Permit dated August 14, 2024 and recorded with Middlesex South Registry of Deeds in Book 83226, Page 457, hereby grants to the Town of Lexington, a municipal corporation located in Middlesex County, Massachusetts (hereinafter "Grantee"), with quitclaim covenants, the following:

A. A perpetual, non-exclusive right and easement in gross to permit the Grantee and its invitees and licensees to construct, inspect, repair, remove, replace, renovate, enlarge, use, operate and forever maintain a bus shelter on the area shown as "Proposed Bus Shelter" on the Plan (hereinafter "Easement Area"), and to do all other acts incidental to the foregoing, for the use of the public, on, over, beneath, and through the Easement Area.

B. A perpetual, non-exclusive right and easement in gross to permit the Grantee and its invitees and licensees to access and use the Easement Area which is to be constructed in the area shown as "Proposed Bus Shelter" as shown on the Plan for all purposes for which bus shelters are used in the Town of Lexington.

TO HAVE AND TO HOLD the above-described rights and easements unto the Town and its successors and assigns forever. This Easement shall run with the Property, and it shall be binding upon all executors, administrators, devisees, heirs, successors and assigns of FK Partners Lexington, LLC as owners thereof.

All of Grantee's maintenance rights contained herein shall be rights and not obligations of the Grantee.

The Grantee shall have the right to permit the Grantee's employees, agents, contractors, guests and invitees, including members of the public, to use the Easement Area in accordance with this Easement.

The Grantor agrees not to grant any easements, leases, deeds, licenses or any other rights to the Easement Area that will unreasonably interfere with the Grantee's perpetual easement without the prior written consent of the Grantee.

The Grantor shall not have the right to relocate any part or parts of the Easement Area without the express written consent of the Grantee, which consent shall not be

unreasonably withheld. Any relocation of the Easement Area shall be at the Grantor's sole cost and expense.

For Grantor's title see deed recorded with Middlesex South Registry of Deeds in Book 83328, Page 378.

[Signatures on following pages]

EXECUTED as a sealed instrument this ____ day of _____, 2026.

FK Partners Lexington, LLC

By: _____

Eric S. Katz, Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____

On this ____ day of _____, 2026, before me, the undersigned notary public, personally appeared said Eric S. Katz proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily, and for its stated purpose as Manager of FK Partners Lexington, LLC.

Notary Public

My Commission expires:

ACCEPTANCE AND AGREEMENT
TOWN OF LEXINGTON

We, the undersigned, being a majority of the Select Board of the Town of Lexington, hereby certify that at a meeting duly held on the _____ day of _____, 2026, the Select Board voted to accept the foregoing Easement Agreement.

TOWN OF LEXINGTON

By its Select Board

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

On this _____ day of _____, 2026, before me, the undersigned Notary Public, personally appeared _____, members of the Select Board for the Town of Lexington, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding or attached document and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

2024 16 Aug, 11:48 am



LEXINGTON PLANNING BOARD
1625 MASSACHUSETTS AVENUE, LEXINGTON, MA

TOWN CLERK
LEXINGTON MA

MEMBERS OF THE PLANNING BOARD:

MICHAEL SCHANBACHER, CHAIR, ROBERT CREECH, VICE CHAIR
MELANIE THOMPSON, CLERK, CHARLES HORNIG, ROBERT D. PETERS,
MICHAEL LEON, ASSOCIATE MEMBER

**DECISION OF THE LEXINGTON PLANNING BOARD
MAJOR SITE PLAN REVIEW & STORMWATER PERMIT**

**89 Bedford Street
Map 64, Lot 161**

August 14, 2024

APPLICANT: FK Partners Lexington, LLC
181 Bedford Street
Lexington, MA 02420

PROPERTY OWNER(S) Lester & Nancy Savage
9 Meriam Street, Suite 10
Lexington, MA 02420

PROPERTY LOCUS: 89 Bedford Street (Map 64, Lot 161)
Lexington, MA 02420

APPLICATION DATE: Filed with the Town Clerk on April 30, 2024

PUBLIC HEARING INFORMATION: Notice of public hearing published in the *Lexington Minuteman* newspaper on May 16, 2024 and May 23, 2024.
Notice of public hearing posted by the Town Clerk on April 25, 2024.
Public hearing was held on June 5, 2024, continued hearings were held on July 17, 2024, and August 14, 2024.

PROJECT SUMMARY & DESCRIPTION

The Planning Board held public hearings to review the application of FK Partners Lexington, LLC for Major Site Plan Review pursuant to §135-7.5 (Village and Multi-Family Overlay Districts) and §135-9.5 (Site Plan Review) of the Zoning Bylaw. The application also incorporates a stormwater management review pursuant to Article VI, §181-71 of the Code of Lexington under the above-threshold project classification.

Major Site Plan Review – Village Overlay District
89 Bedford Street
August 14, 2024
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The applicant proposes to relocate the historic house to the southwest corner of the lot to construct a new 30-unit three-story residential condominium building, including four inclusionary dwelling units, with parking for 39 vehicles under the building in a garage and 15 surface parking spaces. The interior of the two-family historic house will be renovated for two one-bedroom dwelling units and the garage will be renovated to provide parking for 20 bicycles. A bicycle shed for 28 bicycles is proposed including outlets for e-bike charging. The property will be accessed through a curb cut on Bedford Street. An existing shared driveway with 81-83 Bedford Street will be formalized with an access easement. Stormwater runoff will be collected and treated in two subsurface infiltration systems.

The property is 1.59 acres containing an existing two-family dwelling listed as the John Davis/Hosea Holt House on the Lexington Historical Commission's Inventory of Historic Structures. The property is in the RS (One Family) and the VO (Village & Multi-Family Overlay) districts.

BACKGROUND

On February 21, 2024, the Historical Commission held a public hearing on the relocation request, determined that the structure at 89-91 Bedford Street was preferably preserved, and approved partial demolition to allow the relocation of the historic house on the property.

STATEMENT OF FINDINGS

PROCEDURAL HISTORY:

1. A Development Review Team (DRT) meeting was held on March 20, 2024, pursuant to §176-9.2.1 of the Planning Board's Zoning Regulations.
2. The applicant held neighbor meetings in April 2024. A summary of the neighbor meetings was submitted with the application as required by §176-9.2.1.4 of the Planning Board's Zoning Regulations.
3. The application was submitted by FK Partners Lexington, LLC and stamped in by the Town Clerk on April 30, 2024.
4. On May 28 and 29, 2024, Planning Board members, Planning staff, and the applicant visited the site of the proposed project.
5. The Planning Board caused notice of the public hearing to be published in the *Lexington Minuteman*, a newspaper of general circulation in Lexington, on May 16, 2024 and again on May 23, 2024. Notice of the public hearing was posted with the Town Clerk and on the official town website commencing on April 25, 2024 and continuing through the opening of the public hearing on June 5, 2024. Said notice of public hearing was mailed postage prepaid to all Parties in Interest including abutters and the Planning Boards of abutting cities and towns on May 7, 2024.
6. The public hearing opened on June 5, 2024. Continued public hearings were held on July 17, 2024 and August 14, 2024. The hearings were held remotely via Zoom, pursuant to MGL c. 30A §§18-25, c. 20 of the Acts of 2021, c. 107 of the Acts of 2022, and c. 2 of the Acts of 2023, further

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amending the extension of remote access provisions through March 31, 2025. The Planning Board accepted public comments via Zoom, mail, and e-mail.

7. Planning Board members Charles Hornig, Robert Creech, Robert Peters, Melanie Thompson, and Michael Schanbacher participated in all the public hearings. Board Member Melanie Thompson submitted the certification confirming she has reviewed the video recording and all meeting material for the missed hearing on July 17 pursuant to M.G.L. c. 39, §23D. The Board closed the public hearing on August 14, 2024.
8. Planning Board members Robert Peters, Charles Hornig, Robert Creech, Melanie Thompson, and Michael Schanbacher deliberated on the application at a meeting on August 14, 2024.

PROJECT SPECIFIC FINDINGS:

In the course of the public hearing process, the Planning Board took under advisement all information submitted by the applicant, various municipal departments, and comments made and submitted by members of the public. After reviewing all the plans and material filed by the applicant and its representatives and considering the analysis, supplemental information provided during the course of the public hearings, correspondence, and testimony from staff, the public, and from all other interested parties, and based on §135-9.5 (Site Plan Review) and §135-7.5 (Village and Multi-Family Overlay Districts) of the Zoning Bylaw and Chapter 176 the Board's Zoning Regulations, the Planning Board makes the following findings:

1. The Planning Board finds that the property is zoned VO (Village Overlay) and that multi-family housing is a permitted use in the district requiring Site Plan Review pursuant to §135-7.5.4 of the Zoning Bylaw.
2. The project proposes to add 30 new ownership dwelling units, including 18 two-bedroom dwelling units and 12 two-bedroom dwelling units with space for an office, den, or third bedroom, with 39 parking spaces in the underground garage. The dwelling units in the new building range from 1,413-1,781 SF and each dwelling unit has two bathrooms and a private balcony. The project proposes to relocate the two-family historic house to the front of the lot with interior renovations for two one-bedroom dwelling units. The project also includes 15 surface parking spaces, a shared patio area, and bicycle storage for 48 bicycles in a shed and in the garage of the historic house. The bicycle shed will have electrical outlets to charge electric bicycles.
3. Consistency with Comprehensive Plan & Housing Diversity Goals. The Board finds the project is consistent with the 2022 *Lexington NEXT* Comprehensive Plan's Housing objective 2.1 by providing a range of housing types; objective 2.2 by increasing the supply of subsidized housing; and objective 2.4 by protecting the exterior of a historic home.
4. Inclusionary Housing. The project includes the creation of four (4) inclusionary dwelling units, affordable in perpetuity, available to households earning no greater than 80% of the Area Median Income, and eligible to be included on the Subsidized Housing Inventory (SHI). One inclusionary dwelling unit is proposed on the first floor, two on the second floor, and one on the third floor as follows:

Unit 102 – 1,642 SF, three bedrooms with closets

Unit 204 – 1,413 SF, two bedrooms

Unit 209 – 1420 SF, two bedrooms

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Unit 305 – 1,420 SF, two bedrooms

5. Residential Diversity. The 30 new dwelling units vary in size from 1,413-1,765 SF and are smaller than Lexington's average size for new dwelling units, which exceeded 6,000 SF in 2022-2024. The historic house will include two one-bedroom dwelling units.
6. Siting of Facilities & Location. The project proposes a new ~82,557 SF building set back ~100-ft. from Bedford Street in the location of the existing historic house. The historic house will be relocated closer to Bedford Street in the southwest corner of the lot. The property is located 0.25 mile from the Bedford Street and Worthen Road commercial area, 0.3 mile to the access the Minuteman Bikeway, 0.5 mile from Lexington Center, and along the MBTA bus route with a bus stop directly in front of the property. Bus service is on Rte. 62 to Alewife and outbound to Bedford VA, and the Rte. 76 to Alewife and to Lincoln Labs via Hanscom Airport. The project provides multi-family housing near retail, office, and personal service uses.
7. Provide a customer base for local businesses. The project will add 30 new dwelling units within walking distance to local businesses on Bedford Street, Worthen Road, and in Lexington Center.
8. Historic Significance. The project will maintain the historic two-family house for two one-bedroom dwelling units after relocation from its current location set back 104 feet from Bedford Street to be 20 feet from Bedford Street.
9. Sustainable Design. In compliance with the energy code and local bylaws, the building will be all electric with three EV parking spaces, designed to support future electric vehicle charging stations, and solar ready. The lighting is LED and dark sky compliant. The new building will be built to the Passive House standard.
10. Public Facilities, Circulation, and Safety. The project proposes a bus shelter and public access easement at the front of the lot on Bedford Street where there is an existing MBTA bus stop.
11. Dimensional Standards, §135-7.5.5 of Zoning Bylaw. As proposed, the project complies with the minimum yard and setback requirements of §135-7.5 of the Zoning Bylaw with a 20-foot front yard setback for the historic house and 15.25-foot side and rear yard setbacks. The new building complies with the maximum height limit of 40 feet and three-stories at 39.96 feet pursuant to §135-7.5.5.10 of the Zoning Bylaw. The Building Commissioner has confirmed the height based on the submitted height and average natural grade forms submitted, which will also be reconfirmed at time of the building permit.
12. Ecosystem function. The preliminary site preparation plan and landscape planting plan revised through July 29, 2024 includes saving four prominent mature trees at the front of the property. The proposed plantings are native and listed on Lexington's Tree Management Manual and Lexington's Preferred Planting List.
13. Reduce Dependency on Automobiles and efficient transportation systems and the adverse impacts of motor vehicle transportation. This project is not expected to have adverse impacts on the transportation system once completed. The development is located within walking distance (half a mile) to Lexington Center and a quarter mile to the Worthen Road/Bedford Street shopping area and the Minuteman Bikeway. An MBTA bus stop with service to Alewife, Bedford VA, and Lincoln Labs via Hanscom is directly in front of the property. The applicant has agreed to assist with providing engineered design plans for a crosswalk, accessible ramps, and a rectangular rapid flashing beacon (RRFB) on Bedford Street, if the Town pursues grant funding. The total contribution shall not exceed \$25,000.00. If the Town has not applied for the grant prior to final

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occupancy of the last unit, the applicant is not obligated to contribute to the design work. The project proposes 3 short term bicycle spaces and 48 long-term bicycle parking spaces (28 in a bicycle shed and 20 in the historic house's garage), and 54 vehicle parking spaces (39 in the garage and 15 surface), more than the minimum 1 parking space per dwelling unit required in §135-7.5.6 of the Zoning Bylaw.

14. Distance of Basement, Slab or Crawl Space from Groundwater (§135-4.5 of Zoning Bylaw and §176-12.9.5 of the Planning Board's Zoning Regulations). The applicant has performed four test pits to confirm the minimum 2-foot distance between the finished basement floor and the estimated seasonal high groundwater table and to verify the soil suitability.
15. Protection of surface and groundwater quality. The project was reviewed for compliance with Lexington's Stormwater Management Regulations for an above threshold project classification and the MA Stormwater Management Standards. The Stormwater Permit is consolidated into this site plan review, pursuant to Article VI of Chapter 181, §71.

The project will collect and treat stormwater into two subsurface infiltration systems. Four test pits were performed to confirm soil assumptions for groundwater infiltration and to confirm that the 2-foot separation is provided between the estimated seasonal high groundwater table and the bottom of the systems. The project provides more than the required 60% Total Phosphorus (TP) and 90% Total Suspended Solid (TSS) average annual load removal. A groundwater mounding analysis was not required because the infiltration system has been designed with a 4 foot buffer between the infiltration system bottom and the estimated seasonal high groundwater. The Board finds that the stormwater management plan and submission package as revised through July 30, 2024, with the modifications made as conditions of this decision, comply with the Town's Stormwater Management Requirements.
16. Social, equity, diversity, public health, or community needs and impacts. The project adds 30 ownership dwelling units, including four inclusionary dwelling units, in a multi-family development near public transportation and near retail services consistent with the objectives of the 2022 Comprehensive Plan and stated purposes of the Village and Multi-Family Overlay District.
17. Signage: The project includes a standing sign to identify the property.
18. Potential Adverse Effects of Development: The proposed lighting is dark sky compliant and the photometric lighting plan does not show any light trespass on adjacent properties after modifications made as a condition of this decision.

Waiver Requests

The Planning Board may waive any of its Rules and Regulations if the Board finds the waiver is in the public interest. In addition, for sites under the jurisdiction of the Planning Board, the Board may waive the application of the Tree Bylaw, in part or in full, if it deems it appropriate. On August 14, 2024, the Board granted the following waivers.

1. Pursuant to §120-4B of the Tree Bylaw, the Board waives the Tree Bylaw in full and no separate tree permit is required. The Board finds the site plan review process has considered the amount of tree loss pursuant to the Tree Bylaw, including 18 trees consisting of 262 inches protected by the

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Tree Bylaw, and determines that the project is best mitigated with the landscape planting plan submitted with this development as revised through July 29, 2024 showing tree replacement of 471 inches, which exceeds the 334 inches required by the Tree Bylaw. Mitigation is met through replanting on the property and no funding into the tree fund is required.

CONDITIONS OF APPROVAL

The Planning Board finds that the application, plans, and supporting material submitted by the applicant, along with the following conditions of approval, comply with applicable provisions of Lexington's Zoning Bylaw and applicable regulations relevant to this review. Accordingly, the Planning Board votes to approve the plan entitled "Permit Site Plan 89 Bedford Street, Lexington, Massachusetts", prepared for FK Partners Lexington, LLC, prepared by Hancock Associates, revised through July 30, 2024 consisting of 17 sheets, the architectural plans prepared by JSA revised through July 29, 2024, and all submitted material subject to the following conditions:

Prior to Any Site Work:

1. The site development plan set entitled "Permit Site Plan 89 Bedford Street, Lexington, Massachusetts", prepared for FK Partners Lexington, LLC, prepared by Hancock Associates, revised through July 30, 2024, shall be submitted to the Planning Office for review and approval showing the following revisions:
 - a. Revise the grading in the northwest corner of the building to prevent ponding (contour elevation 229 to 228.5).
 - b. Add a rip-rap area at the eastern end of the pathway to reduce the velocity of any runoff along the walkway surface and edge.
 - c. Update the lighting plan to reduce the level at the property line from 0.1 to 0.0 near the bike shed.
 - d. Update the plan set to include an easement plan that shows property lines, private and public areas, the driveway access easement for 81-83 Bedford Street, the public access easement for the bus stop, and annotate that the recently placed survey benchmark will be replaced.
 - e. Update the Construction Management plan to include a soil management plan.
 - f. Update the landscape plan to match the final site plans, replace the Yellowwood with a coniferous tree, and add more 8-10-foot evergreens for screening as shown on cross section B. Relocate evergreens higher up on the slope or plant more 6-8 ft. trees to provide more screening on cross section A.
 - g. Provide transition curbing with a 7.5-8% slope at the driveway's opening on the plan and detail sheets.
 - h. Relocate the bus shelter to the west to provide clear sight visibility.

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2. The architectural plans by JSA Design shall be updated to note on plans the garage clearance to be 8 feet 2 inches through to the accessible van parking and show the location of the 3 EV charging spaces and the location of the EV ready spaces.
3. The applicant shall submit a Tree Protection Plan prepared by an arborist certified by the International Society of Arboriculture or through the MA Arborists Association showing protection of all trees proposed to be retained on the project site and protections for any trees on any nearby abutting properties, and trees within the public right of way if recommended by the arborist. The critical root zones (CRZ) of trees to be retained shall be protected to the drip line. The applicant may choose to encroach within the CRZ or the drip line of a retained tree; however, such proposed action shall require the applicant to submit a maintenance plan for the tree, to be prepared, dated and signed by a Certified Arborist as part of the Tree Protection Plan. In these instances, the fenced area may be reduced to protect only those areas of the CRZ or drip line not proposed for encroachment. The certified tree protection plan shall be submitted to the Planning Office for review and approval.
4. **Pre-Construction Site Visit.** Prior to any land disturbance other than installing erosion controls, the limits of work (for land clearing and regrading), erosion controls, and the tree protections shall be reviewed in the field by the applicant and Planning staff.
5. **Limit of Work.** The limit of work line shall be demarcated around the entire site. The limit of work line shall be marked with highly visible orange fencing, chain link construction fencing, or both.
6. **Erosion Controls.** Fencing for erosion controls and tree protection shall remain in place until the completion of project construction. The erosion control and limit of work lines shall be surveyed in place. Additional erosion controls such as silt socks and check dams may be required by staff. Strap boards and construction fencing shall be installed around trees to be saved to demarcate a root protection area to be equal to the larger of the drip line or six times the trunk diameter of each identified tree within the limit-of-work and along the limit of work boundary.
7. All erosion control matting, netting and tubing shall be bio-degradable. Plastic and bio-degradable plastic is prohibited. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt socks filled with compost, bio-degradable natural fiber erosion control blankets without any plastic components, stone riprap, filter berms, or any other devices planned for use during construction.
8. **Noise Mitigation.** If the site work approaches the limit outlined in the Town's Noise Bylaw (c. 80), the applicant shall submit to the Building Commissioner, prior to exceeding the seven-day limit, a noise mitigation plan prepared by a noise consultant pursuant to the Town's Noise Bylaw §80-8 of the Code of Lexington, as revised through 2024 Annual Town Meeting. The noise mitigation plan shall include monitoring provisions and monitoring data reporting.
9. The applicant shall submit to the Planning and Building Offices a list of the name, address, and emergency contact telephone number and email of the individuals responsible for all activities on site and who can be reached twenty (24) hours a day, seven days a week. This list shall include a specific contact for monitoring and inspection of stormwater systems and erosion controls.
10. The applicant shall submit a rodent and pest management plan to the health department.

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LEXINGTON MA**Prior to Demolition or Partial Demolition Permit:**

11. The applicant is responsible for submitting any required material to the Historical Commission associated with any proposed exterior changes to the historic structure not previously approved by the Historical Commission.

Prior to Issuance of Foundation Permit:

12. **Inclusionary Dwelling Units.** The applicant shall hire a certified lottery agent to manage the Inclusionary Dwelling Units described above through the Local Initiative Program (LIP) as a LAU (Local Action Unit) for inclusion on the Subsidized Housing Inventory (SHI).

Prior to first Building Permit for the new building:

13. **Inclusionary Dwelling Units.** The applicant shall submit the LIP-LAU application package to Planning staff and the Regional Housing Services Director for review and approval, then submit to the Chair of the Select Board or Town Manager, the Housing Partnership Board Chair, and finally to the MA Executive Office of Housing & Livable Communities (EOHLC) for review prior to the first building permit. The LIP-LAU package shall include:
 - a. A project narrative;
 - b. The unit mix in tabular form;
 - c. The approved site plan;
 - d. Floor plans with dimensions of the rooms;
 - e. An Affordable Fair Housing Marketing Plan per EOHLC guidelines;
 - f. A sales price/rate calculator;
 - g. Condominium details (master deed condominium association documentation);
 - h. A Regulatory Agreement with perpetual affordability.
 - i. Inclusionary dwelling units shall be available to households earning no greater than 80% of the AMI; and
 - j. Parking for the inclusionary dwelling units shall be in the garage.
14. The applicant shall coordinate address assignments with engineering and public safety staff.
15. The applicant shall submit to the Building Commissioner surveyor's certifications demonstrating that building(s) and the existing residence do not exceed 40 feet or three-stories in height.
16. The applicant shall submit an updated lighting plan once the balcony lights are selected and provide cut sheets for each light fixture to building and planning staff for review and approval.
17. The applicant shall provide documentation to the Fire Department, in a form acceptable to the Fire Department, to confirm that the infiltration systems can withstand the load of emergency vehicles.

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18. The project shall be constructed substantially in conformance with the approved plans, including the site development plan set revised July 30, 2024, the architectural plans revised through July 29, 2024, and as further modified by this decision.
19. A copy of this decision shall be kept on the site in a location that is highly visible and accessible during construction.
20. A professional land surveyor or engineer shall be on-site during construction to locate utilities prior to backfill.
21. Planning staff or other agents of the Planning Board shall have the right to enter the site with notification to the Owner to gather any information, measurements, photographs, or other materials needed to ensure compliance with this decision. Agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations, and directives of the applicant and the applicant's contractors.
22. No equipment on-site shall be started prior to the start of the allowed construction hours or hours outlined in the Noise Control General Bylaw, Chapter 80 of the Code of Lexington, amended at 2024 Annual Town Meeting and as may be further amended, including hours of operation for construction work and any work related to ledge work or blasting.
23. Trucks shall not stand or queue on Bedford Street or Lois Lane. Construction vehicles shall park on the project site and shall not park on streets.
24. The applicant shall perform daily cleanup of construction debris, including soil on streets within two hundred (200) yards from the entrance of the site driveways caused by construction relative to the Project. Any debris or sediment shall be removed from any town drainage structure within 72 hours.
25. The applicant shall check all stormwater features prior to and at the end of each construction day. In the event a multiple day storm event occurs, the project manager shall check the stormwater features each day to ensure they are functioning properly and have not exceeded their capacity. Any necessary repairs, adjustments, or deficiencies that are identified shall be commenced immediately and completed promptly.
26. The applicant shall provide appropriate straw bales or organic hessian fabric burlap filled with compost erosion control methods around material stockpiles. The use of haybales and plastic stabilization netting is prohibited.
27. Dust shall be minimized, controlled, and managed on site in accordance with accepted industry standards with potable water. Calcium Chloride shall not be used for dust control.
28. The applicant shall repair or replace to Town standards any damage caused to the public street, sidewalk, or any features in the public right of way after approval by public works.
29. The applicant shall designate a qualified professional civil engineer (PE), or Certified Professional in Erosion and Sediment Control (CPESC), to act as an erosion control monitor and to oversee compliance with this decision at the site. The erosion control monitor shall be responsible for any emergency placement of erosion controls and regular inspection or replacement of erosion and sedimentation control devices. The name and phone number of the erosion control monitor must be provided to the Planning Office so that this person may be contacted, due to an emergency at

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the site, during any 24-hour period, including weekends and holidays. This person shall be given authority to stop construction for noncompliance with this decision, especially in regards to erosion control and wetland protection. The erosion control monitor will be required to inspect all such erosion control devices and to oversee the cleaning and the proper disposal of waste products. Cleaning shall include removal of any entrapped silt and sediments every 72 hours or more frequently if needed and after any rainfall of 0.25 or greater. Weekly monitoring reports shall be submitted to the Planning Office.

30. At least once every week and after major storm events (events greater than 0.25 inches within 24 hours) while construction activities occur on site and for as long thereafter that the ground remains unstabilized, a report, with representative photos, shall be submitted to the Planning Office from the erosion control monitor certifying that, to the best of their knowledge and belief based on site inspections, all work is being performed in accordance with this decision and, if not in compliance, stating the activities that are not in compliance and the steps necessary to correct the problem.

General Provisions

31. All construction activities relative to this decision shall comply with the Zoning Bylaw, Planning Board Zoning Regulations, General Bylaw, and other municipal requirements except as specifically modified or waived by this decision.
32. No material corrections, additions, substitutions, alterations, or changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the prior written approval of the Planning Board or their designee. Any request for a material modification of this decision shall be made in writing to the Planning Department for review and approval by the Planning Board or their designee and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation. Upon receipt of request, the Planning Department may, in the first instance, decide in writing to authorize a de minimus field change to the site plans, or the Planning Director may refer the matter to the Planning Board, which may consider and approve minor modifications at a regularly scheduled Planning Board public meeting. In the event the Planning Board determines the change is major (e.g., resulting in material changes, newly identified impacts, etc.), the Planning Board shall consider the modification at a noticed public hearing pursuant to the procedures for Site Plan Review in §135-9.5.4.
33. No trees shall be removed except as shown on the approved plan. Trees to be retained shall be protected in the field during construction in compliance with the approved tree protection plan. Any request for substantial changes may need to return to the Planning Board as a modification request at a public meeting.
34. In the event that the site plan review is not exercised or substantial use thereof has not commenced within three (3) years of the date of approval, except for good cause as determined by the Planning Board, the permit may be rescinded. The applicant may request an extension for the Board's consideration.
35. The applicant shall obtain any other permits or approvals that may be required by other town, state, or federal entities.

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LEXINGTON MA**Prior to Occupancy**

36. The applicant shall submit written confirmation that the project is consistent with the approved LAU-LIP application package and verifying that the inclusionary dwelling units are substantially similar to the market rate dwelling units. This shall be submitted to the Planning Office and Building Commissioner for review and confirmation prior to occupancy of the inclusionary dwelling units.
37. A copy of the approved and Registry recorded Regulatory Agreement for the inclusionary dwelling units shall be submitted to the Planning Office prior to occupancy of any of the market rate units.
38. The lottery for the inclusionary dwelling units shall be held prior to an occupancy permit for the tenth (10th) market rate unit in the development.
39. The bus shelter easement shall be offered to the Select Board, and if accepted, recorded at the South Middlesex Registry of Deeds.
40. The applicant shall submit the easement plan showing the driveway access easement shared with 81-83 Bedford Street and the public access easement for the bus stop to the Registry for recording.
41. The applicant shall submit to the Planning Office staff the Condominium Association Documents and the Master Deed incorporating the ongoing conditions of this permit and which also include the following:
 - a. Trash and recycling for all units in the development shall be by private removal.
 - b. Dwelling units are subject to the Zoning Bylaw, including prohibition and restrictions on short-term rentals pursuant to §6.10.3.2.iii of the Zoning Bylaw.
 - c. Owners shall remove snow from all driveways and walkways. The use of calcium chloride is prohibited for snow removal and de-icing.
 - d. Owners are responsible for maintenance of the stormwater management facilities as detailed in the approved long-term Operation & Maintenance (O&M) Plan, including allocating an annual budget for maintenance and annual certification of maintenance tasks.
 - e. Owners are responsible for the maintenance of all landscaping as shown on the approved plan.
 - f. Condominium Association fees shall be based on the fair market value of the units, which shall include a reduced contribution for the inclusionary dwelling units.
 - g. Occupants of the inclusionary dwelling units shall have the same access to the common areas as the other occupants of the development.
 - h. Exterior lighting, other than low level security lighting, shall be turned off between 11:00 pm and 6:00 am.
 - i. Lighting on the unit decks and balconies shall not shine into abutting properties.
 - j. Smoking is prohibited on the exterior of the property or in common areas.

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42. All landscaping and plantings shall be installed prior to the occupancy permit for the last dwelling unit. If occupancy is expected in the winter months, plantings shall occur in the first available growing season (between April 15-June 30 and September 15-November 30).
43. When any inclusionary dwelling unit receives an occupancy permit, the applicant shall notify the Planning Office staff and Regional Housing Services Director so it may be added to the SHI.

Prior to Final Certificate of Occupancy:

44. The certifying professional engineer shall perform a final inspection of the site and submit written documentation to the Planning Office that a final inspection was performed, temporary controls have been removed, stabilization is complete, all stormwater facilities have been installed and function according to the approved stormwater management plan, and that the project was completed as designed.
45. The applicant shall install the bus shelter as shown on the revised plan out of the sightline triangle.
46. The applicant shall submit a sign permit application consistent with §135-5.2 of the Zoning Bylaw with prior administrative approval from Planning Office staff. The standing sign shall have a wooden appearance.
47. The final master deed and condominium association documents shall be submitted to the Planning Office for the Planning Board's file.
48. A final O&M Plan revised to incorporate any modifications shall be submitted prior to final occupancy, if any modifications were made during construction.
49. The applicant shall provide the Planning Office with an "As-Built Plan" stamped by a Professional Engineer or Land Surveyor registered in Massachusetts certifying that all improvements are completed in accordance with the approved plans. The as-built plan shall be submitted in electronic formats (PDF and AutoCAD) to the Planning Office for review. The plan shall include, but not be limited to, site utility improvements and tie-in dimensions to all pipes and connection points, fencing, landscaping, all roads, ways, and structures. The as-built information shall be submitted to the Planning Office a minimum of fourteen (14) business days in advance of the applicant seeking a final Certificate of Occupancy sign-off to allow time for the staff to review and approve the submitted information.

On-Going & Continuous

50. Any exterior condensers, transformers, and generators shall be enclosed by an opaque fence for noise buffering. Such a fence shall be tall enough to prevent direct line of sight to the mechanical unit from any windows or doors on abutting properties.
51. Any maintenance testing of the generator shall take place mid-day and mid-week to reduce noise impacts.
52. The Inclusionary Dwelling units shall be perpetual, eligible for inclusion on the Town's Subsidized Housing Inventory (SHI), and available to households earning no more than 80% of the Area Median Income.

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53. The historic house is on the Historical Commission's Historic and Cultural Inventory. Any substantial demolition may be subject to the Demolition Delay Bylaw Chapter 19 of the Code of Lexington.
54. The owners shall arrange for private removal of trash and recycling. Empty trash and recycling receptacles shall be removed within 12 hours after collection.
55. The owners shall remove snow from all driveways and walkways. The use and storage of calcium chloride or road salt is prohibited for snow removal and de-icing. This condition shall supersede and take precedence over any reference and citations in the stormwater report.
56. The dwelling units are subject to the Zoning Bylaw, including prohibition and restrictions on short-term rentals pursuant to §135-6.10.3.2.iii.
57. The inclusionary dwelling units shall have annual verification by the monitoring agent (the Town through the Regional Housing Services Office and the EOHLC).
58. Maintenance of the landscaping in accordance with the final approved landscape plan revised shall be perpetual, with the owners replacing in kind any landscape that does not survive throughout the life of the project. Any plantings that do not survive shall be replaced in the first available growing season (between April 15-June 30 and September 15-November 30).
59. The stormwater systems shall be monitored and maintained by the owners in accordance with the approved post construction Operation & Maintenance Plan (O&M Plan), including annual certification and pavement sweeping at least two times per year. The Planning Board or Stormwater Agency may require that the owners make corrections or improvements to the stormwater system if it is found not to be performing based on storm conditions.
60. Exterior lighting, other than low level security lighting, shall be turned off between 11:00 pm and 6:00 am.
61. If the person or contact information for the person responsible for annual certification and implementation of the stormwater system changes, the Planning Office shall be notified in writing within 48 hours with the contact information of the new person or party that will be responsible.
62. The grill in the shared patio area shall have an automatic shutoff or timer.
63. The bicycle shed shall include electrical outlets for charging of electric bicycles.

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TOWN CLERK
LEXINGTON MA**RECORD OF VOTE**

On August 14, 2024, the Planning Board voted five (5) in favor, none (0) opposed, to approve a Major Site Plan Review with conditions at 89 Bedford Street.

Charles Hornig – Aye

Robert D. Peters - Aye

Robert Creech – Aye

Michael Schanbacher - Aye

Melanie Thompson – Aye



Michael Schanbacher, Chair Approval: _____ Date: August 16, 2024

EXHIBITS

The applicant has filed with the Planning Board various plans and reports required under the Lexington Zoning Bylaws and Planning Board Zoning Regulations. During the course of the public hearing review process, the following materials were submitted to the Board by the applicant, various municipal departments, and the public. This material is hereby incorporated into this decision by reference.

Civil site plan set titled "Permit Site Plan 89 Bedford Street Lexington, Massachusetts", prepared for FK Partners Lexington, LLC, prepared by Joseph Peznola of Hancock Associates, dated April 19, 2024, revised May 22, 2024, revised June 21, 2024, and last on revised July 30, 2024, consisting of 17 pages.

Stormwater Report in support of Permit Site Plan for 89 Bedford Street prepared by Joseph Peznola of Hancock Associates, prepared for FK Partners Lexington, LLC, dated April 19, 2024, revised June 21, and July 30, 2024, consisting of 66 pages.

Summary of neighborhood meetings titled "89-91 Bedford Street 300' Abutter Meetings" consisting of 5 pages.

Residential Alternative Development Plan, prepared by Hancock Associates for FK Partners Lexington, LLC, dated October 25, 2023.

Historical House Architectural Plan titled "Proposed Relocation of 89-91 Bedford St", prepared, signed and stamped by Architect Benjamin Nickerson, No. 3749, dated March 22, 2024, consisting of 7 pages.

Full Narrative titled "Zoning Narrative in Support of A Site Plan Approval Application", prepared by Hancock Associates, prepared for FK Partners Lexington, LLC, dated April 2024, consisting of 33 pages

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Site Plan Review Design Regulation Checklist, prepared by Ben Finnegan of FK Partners Lexington, LLC, consisting of 23 pages

New Building Architectural Plan, prepared by Architects JSA Design for FK Partners Lexington, LLC, dated April 12, 2024, revised on May 21 and July 29, 2024, consisting of 15 pages.

Construction Mitigation Plan, prepared by Hancock Associates for FK Partners Lexington, LLC, 3 pages

Major Site Plan Review Checklist, prepared by Ben Finnegan of FK Partners Lexington, LLC, consisting of 5 pages.

LEED Core & Shell Checklist titled "Zoning Narrative In Support of A Site Plan Approval Application, prepared by Hancock Associates, prepared for FK Partners Lexington, LLC, dated April 2024, consisting of 4 pages, revised June 24, 2024.

Zoning Narrative titled Zoning Narrative In Support of A Site Plan Approval Application, prepared by Hancock Associates, prepared for FK Partners Lexington, LLC, dated April 2024, consisting of 6 pages.

Sites V2 Checklist, dated October 2, 2023 consisting of 6 pages revised June 24, 2024.

Inclusionary Summary titled "Zoning Narrative In Support of A Site Plan Approval Application", prepared by Hancock Associates for FK Partners Lexington, LLC, dated April 2024, consisting of 3 pages.

Solar & Energy Efficiency Strategy titled "Zoning Narrative In Support of A Site Plan Approval Application", prepared by Hancock Associates for FK Partners Lexington, LLC, dated April 2024, consisting of 3 pages.

DRT Response Summary titled "Zoning Narrative In Support of A Site Plan Approval Application", prepared by Hancock Associates for FK Partners Lexington, LLC, dated April 2024 consisting of 7 pages.

Historic House Construction Memo prepared and stamped by Benjamin Nickerson, no 3749, addressed to the Town of Lexington, dated May 1, 2024, revised June 19, 2024, consisting of 2 pages.

Construction Mitigation Plan titled "Zoning Narrative in Support of a Site Plan Approval Application", prepared by Hancock Associates for FK Partners Lexington, LLC, dated April 2024, consisting of 3 pages.

Bike Shed Plan prepared by Architects JSA Design for FK Partners Lexington, LLC, dated May 8, 2024, consisting of 3 pages.

Traffic Study prepared by Vanasse & Associates, Inc for FK Partners Lexington, LLC, dated May 13, 2024, consisting of 34 pages.

Building height forms including Elevations form and Average Natural Grade Worksheet, prepared, stamped, and signed by Gregory Gould No 51280 dated May 22, 2024, consisting of 3 pages.

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Updated Architectural Exhibit prepared by Architects JSA Design for FK Partners Lexington, LLC, dated June 21, 2024, consisting of 15 pages.

Town Clerk Stamped Public Hearing Notice dated May 23, 2024.

Comments from Bicycle Advisory Committee, dated May 16, 2024, consisting of 2 pages.

Comments from RHSO Director Elizabeth Rust for inclusionary housing dated May 30, 2024.

Peer Review Memo prepared by Nitsch Engineering, consisting of 4 pages, dated May 31, 2024.

Staff memo prepared by Sheila Page, Assistant Planning Director, consisting of 15 pages, dated May 31, 2024.

Memo from Transportation Safety Group dated June 4, 2024.

Headlight Glare Cross Section prepared by James K Emmanuel Associates dated June 21, 2024.

Infiltration System Live Load Analysis prepared by ADS consisting of 2 pages, dated June 18, 2024

Architectural Memo of revisions prepared by Architects JSA Design for FK Partners Lexington, LLC, dated June 21, 2024

Applicant's response to Staff Memo dated May 31, 2024, responded on June 24, 2024, consisting of 20 pages.

Applicant's response to Planning Board comments, dated June 24, 2024.

Applicant's response to Peer Review comments, consisting of 4 pages, dated June 24, 2024

Permit Site Plan dated June 19, 2024, marked up by Town of Lexington Building Commissioner.

Staff Memo -2- from Sheila Page, Assistant Planning Director, dated July 11, 2024, consisting of 7 pages.

Peer Review Memo -2- from Nitsch Engineering dated July 12, 2024, consisting of 7 pages.

Landscape Cross Section A dated July 30, 2024.

Landscape Cross Section B dated July 30, 2024.

Light Fixture Cut Sheets dated July 30, 2024, consisting of 10 pages.

Applicant's response to Peer Review Memo -2- from Nitsch Engineering dated July 12, 2024, responded on July 30, 2024.

Sign specifications dated July 30, 2024.

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Applicant's response to Staff Memo -2- from Sheila Page, Assistant Planning Director, dated July 11, 2024, responded on July 30, 2024.

Tree Removal Analysis dated July 30, 2024.

Town Clerk Stamped Mullin Rule Certification for Planning Board Member Melanie Thompson, dated August 8, 2024.

Memo #3 from Peer Review Consultant William Maher of Nitsch Engineering, dated August 8, 2024.

Owner Authorization letter signed by Lester Savage dated January 16, 2024.

Submitted written public comments:

1. Hand delivered mail from Marcia Steere to Abby McCabe and Planning Board members, dated May 15, 2024
2. Electronic Mail from Matthew Paulson to Kiruthika Ramakrishnan, Subject: Message to Planning Board, dated May 16, 2024
3. Electronic Mail from Richard Ruben to Planning Department, Subject: 6/5 Planning Board Meeting, dated May 17, 2024
4. Electronic Mail from Rudy Landry to Planning Department, Subject: 6/5 Planning Board Meeting, dated May 17, 2024
5. Electronic Mail from Janine Cohen Subject: Proposed 89 Bedford Street, dated May 19, 2024
6. Electronic Mail from Doug Cohen, Subject: Enclosed Comments, dated May 19, 2024
7. Electronic Mail from Barbara Katzenberg to Planning Director, Subject: 89 Bedford Street-crosswalk idea, dated May 17, 2024
8. Electronic Mail from Tom Shiple to Planning Director, Subject: comments from LBAC on 5 Piper and 89 Bedford applications, dated May 16, 2024
9. Electronic Mail from Cheryl Meadow to Planning Committee, Subject: 89-91 Bedford St, dated May 23, 2024
10. Electronic Mail from Pamela Fowler to Members of the Lexington Planning Board, Subject: 89-Bedford Street project- citizen comments prior to 6/5/24 hearing, dated May 24, 2024
11. Electronic Mail from Joan Dassule to members of the Planning Board, Subject: proposed 89 Bedford Street residence, dated May 28, 2024
12. Electronic Mail from Matt Paulson to Planning Board members, Subject: 89 Bedford Street Condo Project, along with a petition with signatures, and a letter (2 pages) dated May 28, 2024
13. Electronic Mail from Mary Kate Franchetti, Subject: 89 Bedford Street- Virtual Public Hearing, with a 4 page letter, and 3 pictures, dated May 30, 2024
14. Electronic Mail from Mary Kate Franchetti, Subject: 89 Bedford Street- Virtual Public Hearing, with a video and a letter titled 89 Bedford Street Village Comments for Public Hearing dated May 30, 2024
15. Electronic Mail from Ivan Lee, to Members of Planning Board, Subject: 95 Bedford Street dated May 30, 2024
16. Electronic Mail from Paul and Janice Koch, to Members of Planning Board, Subject: 89 Bedford Street dated May 31, 2024

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17. Electronic Mail from Kate Cochrane, to Planning Board, Subject: 89 Bedford Street dated May 31, 2024
18. Electronic Mail from Cerise Jalelian, to Planning Board, Subject: 89 -91 Bedford Street Lex HEARING JUNE 5, 2024 dated May 31, 2024
19. Electronic Mail from Alex Wahl, Subject: Comments:89 BEDFORD STREET VILLAGE & MULTI-FAMILY SITE PLAN REVIEW dated May 29, 2024
20. Electronic Mail from Pamela Lyons, to Sheila Page Subject: 89 Bedford Street dated June 2, 2024
21. Electronic Mail from David Lees, Subject: Comments for June 5, 2024 meeting dated June 3, 2024
22. Electronic Mail from Barbara Tarrh, to Abigail McCabe dated June 7, 2024
23. Electronic Mail from Kunal Botla, to Mr. Schanbacher, Subject: 89 Bedford Street,231 Bedford Street, and 5-7 Piper Road Comments dated June 12, 2024
24. Electronic Mail from Jay Luker, to Planning Board and Staff Subject: 89 Bedford parking location and arrival dated June 11, 2024
25. Hand delivered mail from Marcia Steere to Abby McCabe and Planning Board members dated June 29, 2024
26. Electronic Mail from Cerise Jalelian, to Planning Board Subject: Hearing/July17,2024 re 91 Bedford Street, Lexington dated July 10,2024
27. Electronic Mail from Mary Kate Franchetti, Subject: 89 Bedford Street- Public Hearing dated July 11,2024
28. Electronic Mail from Deborah Ramirez, to Planning Board Subject: Comments on the planned development at 89 Bedford Street dated July 15,2024, along with an attachment
29. Electronic Mail from Richard Ruben, to Lexington Planning Board Members Subject: 89-91 Bedford Street dated June 12, 2024
30. Electronic Mail from Cerise Jalelian, to Planning Board Subject: 91 Bedford/ August 14,2024 Hearing/ Jalelian Letter dated August 5, 2024, along with an attachment
31. Electronic Mail from Lexington Bicycle Advisory Committee to Planning Director Abby McCabe, Subject : LBAC Feedback on 89 Bedford Street and 331 Concord dated July 22,2024, along with two attachments
32. Electronic Mail from Mary Kate Franchetti Subject: 89 Bedford Street – Public Hearing dated August 8,2024, along with an attachment
33. Letter from Marcia Steere, received via US mail, to Planning Director and Planning Board Members dated August 7, 2024, received on August 9, 2024.

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA SECTION TITLE:

CONSENT AGENDA

AGENDA ITEM TITLE:

Approve: Designee and Alternate Designee to Massachusetts Bay Transportation Authority (MBTA) Advisory Board

PRESENTER:

Jill Hai, Chair

ITEM
NUMBER:
3

SUMMARY:

Massachusetts Bay Transportation Authority (MBTA)

The Select Board is being asked to appoint Meghan Roche, Assistant Planning Director, as its Designee to the Massachusetts Bay Transportation Authority (MBTA) Advisory Board, and Abby McCabe, Planning Director, as its Alternate Designee.

PROPOSED MOTION:

Move to appoint Meghan Roche, Lexington Assistant Planning Director, as the Select Board's Designee to the MBTA Advisory Board, and Abby McCabe, Lexington Planning Director, as the Select Board's Alternate Designee.

Move to approve the consent.

AGENDA ITEM SUMMARY
LEXINGTON SELECT BOARD MEETING

AGENDA SECTION TITLE:

CONSENT AGENDA

AGENDA ITEM TITLE:

Approve: Select Board Meeting Minutes

PRESENTER:

Jill Hai, Chair

ITEM
NUMBER:

4

SUMMARY:

Category: Decision Making

The Select Board is being asked to approve the following set of minutes:

- February 23, 2026 Select Board
- March 9, 2026 Select Board

PROPOSED MOTION:

To approve and release the following minutes:

- February 23, 2026 Select Board
- March 9, 2026 Select Board

Move to approve the agenda

FOLLOW-UP:

Jill Hai, Chair

ATTACHMENTS:

[DRAFT 02232026 Select Board minutes.pdf](#)

[DRAFT 03092026 Select Board minutes.pdf](#)

SELECT BOARD MEETING
Monday, February 23, 2026

A meeting of the Lexington Select Board was called to order at 6:32p.m. on Monday, February 23, 2026, via a remote meeting platform. Ms. Hai, Chair; Mr. Pato, Vice Chair; Mr. Lucente, Ms. Kumar, and Mr. Sandeen were present, as well as Town Manager, Mr. Bartha; Deputy Town Manager, Ms. Axtell; and Executive Clerk, Ms. Katzenback.

PUBLIC COMMENTS

Patrick Mehr, 31 Woodcliffe Road, stated that he recently had to renew his parking sticker for cars for residents who are over 65 years old. He feels that this procedure seems to be wasting taxpayers' money. The stickers should be made to not expire. He asked the Select Board to ask the Town Manager to report on this matter back to the Select Board.

Peter Kelley, 24 Forest Street, expressed his displeasure with the idea of removing the term "free" from the bylaw, per Article 31 - Amendment-Chapter 90, § 9 "Regulation of Refuse Disposal. He encouraged this should be brought forward through a referendum instead in the future, after it is studied by a committee.

SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS

1. Select Board Member Announcements and Liaison Reports

Ms. Hai stated that Article 97 Lexington High School land swap hearing will be at the State House next week. She asked Mr. Bartha, on the Board's behalf, to submit a letter that reiterates the Board's unanimous votes in support. There was agreement on the Board.

Mr. Pato stated that the Ad Hoc Crematory Study Committee will be holding a public listening session to gather input on people's perspectives on a crematory in Town in March.

2. Lexington High School Project Update to Board

Mr. Pato stated that there continue to be more efficiencies developed through the total value design process. There are more meetings scheduled over the next few weeks.

DOCUMENTS: Liaison Report - Joe Pato 02.23.2026

TOWN MANAGER REPORT

1. Town Manager Weekly Update

Mr. Bartha stated that the Town has officially tapped its snow budget for the year. He and the Board thanked the facilities and DPW workers for all of their work during the storm.

CONSENT AGENDA

1. Approve: One-Day Liquor License - Lexington History Museums, 1 Bedford Street
 - Annual Tavern Night Fundraiser - Saturday, March 14, 2026

To approve a one-day liquor license for the Lexington History Museums for its Tavern Night event to be held at Buckman Tavern, 1 Bedford Street, on Saturday, March 14, 2026, from 5:00 PM to 7:00 PM, with beer and cider to be served.

DOCUMENTS: Buckman's Tavern.pdf

2. Approve: One-Day Liquor License - St Brigid Parish, 1989 Massachusetts Avenue
 - 'Irish Night' Fundraiser - Saturday, March 21, 2026

To approve a One-Day Liquor License for St. Brigid Parish, 1989 Massachusetts Avenue, to serve beer and wine at its "Irish Night" event on March 21, 2026, from 6:00 PM to 10:30 PM, in accordance with all applicable regulations.

3. Approve: Patriot's Day 2026 Requests
 - Lexington History Museums & Lexington Minute Men:
 - o Reenactment of the Arrival of Paul Revere and William Dawes
 - Dress Rehearsal: Wednesday, April 15, 2026
 - Main Event: Friday, April 17, 2026
 - o Naturalization Ceremony: Tuesday, April 21, 2026
 - o Annual Children's Reenactment of the Battle of Lexington: Wednesday, April 22, 2026 (Rain date: Thursday, April 23, 2026)
 - Town Celebrations Committee –
 - Patriots Day Parade: Saturday, April 18, 2026

To approve the request of the Lexington History Museum to use the Battle Green on Tuesday, April 21, 2026, from 8:00am to 1:00pm for the purpose of the Naturalization Ceremony.

To approve the request of the Lexington History Museum to use the Battle Green on Wednesday, April 22, 2026 from 10:00am to 2:00pm for the purpose of their annual Children's Reenactment of the Battle of Lexington.

DOCUMENTS: Naturalization_Program_Agenda.pdf; SBBG_Event_Diagram.pdf; Lexington_History_Museums-2026_Paul_Revere_Ride_Road_Closures_Request_Letter.pdf

4. Approve: Select Board Meeting Minutes

To approve and release the following minutes:

- January 5, 2026 Select Board
- January 7, 2026 Summit
- January 12, 2026 Select Board

DOCUMENTS: DRAFT_01052026_Select_Board_Minutes.pdf; DRAFT_01072026-Financial_Summit.pdf; DRAFT_01122026_Select_Board_Minutes.pdf; DRAFT_01262026_Select_Board_Minutes.pdf

5. Approve: Water & Sewer Commitments

Water and Sewer Commitment Cycle 9 billing \$ 368,432.85

DOCUMENTS: Cycle 9 Billing.pdf

6. Approve: Regulatory Agreement 93 Bedford Street

To approve the regulatory agreement for 93 Bedford Street between the Town of Lexington, the

Executive Office of Housing and Livable Communities and FK Partners Lexington LLC as proposed and further to authorize the Town Manager to execute the agreement.

DOCUMENTS: Memorandum; 93 Bedford Street Regulatory Agreement

7. Approve: One-Day Liquor License(s) - Galaray House, 1720 Massachusetts Avenue
- 'First Friday' Monthly Art Show(s): Friday, March 6, 2026, Friday, April 3, 2026, Friday, May 1, 2026, and Friday, June 5, 2026

To approve 4 One-Day Liquor Licenses for the Galaray House, 1720 Massachusetts Avenue, to serve wine from 6:00 pm - 8:00 pm on Friday, March 6, 2026, April 3, 2026, May 1, 2026, and June 5, 2026, for their 'First Fridays' Event showcasing art from local residents.

VOTE: Upon a motion duly made and seconded, the Select Board voted by roll call 5-0 to approve the Consent Agenda.

ITEMS FOR INDIVIDUAL CONSIDERATION

3. Approve: Sale of General Obligation Bonds - *The Board took up this item at this time.*

Carolyn Kosnoff, Assistant Town Manager for Finance, explained that on Wednesday, February 18, 2026, the Town sold \$25,370,000 of general obligation bonds. Moody's conducted a review of the sale and rated the Bond Aaa which is the highest ratings that can be obtained by a municipality. The 10-year bond was issued to finance capital projects including the design of Lexington High School, renovations at 173 Bedford St, Police Station Solar Canopy and systems, Cary Memorial Library renovations, Pine Meadows Clubhouse renovations, sidewalks, and water & sewer improvements. Fifteen competitive bids were submitted for the bonds. The bids, based on a calculation of the true interest cost (TIC), which takes into consideration the amount of the issue, coupon rate, underwriting discount and offering premium, ranged from a high of 2.28% to a low of 2.03%. The low bidder was Fidelity Capital Markets, whose TIC of 2.03% included a net premium of \$3.13 million. This premium was applied to reduce the par value of the issuance on the day of the sale, which resulted in a net resized issuance of \$22,245,000.

VOTE: Upon a motion duly made and seconded, the Select Board voted by roll call 5-0 that the sale of the \$22,245,000 General Obligation Municipal Purpose Loan of 2026 Bonds of the Town dated February 26, 2026 (the "Bonds"), to Fidelity Capital Markets, a Division of National Financial Services LLC at the price of \$25,537,792.57 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on February 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2027	\$2,315,000	5.00%	2032	\$2,195,000	5.00%
2028	\$2,285,000	5.00%	2033	\$2,190,000	5.00%
2029	\$2,280,000	5.00%	2034	\$2,185,000	5.00%
2030	\$2,280,000	5.00%	2035	\$2,180,000	5.00%
2031	\$2,200,000	5.00%	2036	\$2,135,000	5.00%

And Further: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated February 6, 2026 and a final Official Statement dated February 18, 2026, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

And Further: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

And Further: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

And Further: that any certificates or documents relating to the Bonds (collectively, the Documents), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document, delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

And Further: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

DOCUMENTS: Summary_Bids_B-26-02-26_Lexington.pdf; B-26-02-26_Lexington_Results.pdf; B-26-02-26_Lexington_Bond_Sale_Press_Release.pdf

1. Public Hearing and Vote: Layout Willard Circle, Cart Path Lane and Stage Coach Road as Public Ways

The Board opened the hearing at 6:55pm.

Tricia Maletesta, Sr. Civil Engineer, explained that the developers have requested the Town to accept roads which have been built to the Town specification. The intent is to layout Cart Path Lane, Stage Coach Road and Willard Circle as public ways. A notice was delivered by Constable to ensure the direct abutters of these roads are aware of this February 23, 2026 Select Board hearing.

Yash Patel, 10 Cart Path Lane, asked what precipitated these to become public ways and what the pros/cons would be. He asked about snow maintenance and streetlight maintenance. Ms. Maletesta explained that the Town will be accepting responsibility for maintenance of the roads and the streetlights. The Town will continue to plow the roads. The Town will own the land that is the right of way and complete any improvements on it, as needed. The developer is turning the land over to the Town.

The hearing was closed at 7:02 p.m.

VOTE: Upon a motion duly made and seconded, the Select Board voted by roll call 5-0 to approve to layout Willard Circle, Cart Path Lane and Stage Coach Road as Public Ways and recommend acceptance at the 2026 Annual Town Meeting.

DOCUMENTS: Memo_for_Vote_to_Layout.pdf;
Willard_Circle_St_Acceptance_Plan_SB_Unsigned.pdf;

Stage_Coach_Street_Acceptance_Plan_SB_Unsigned.pdf;
Cart_Path_Street_Acceptance_Plan_SB_Unsigned.pdf; FY27_Street_Acceptance_Timetable.pdf

2. Update: Diversity, Equity & Inclusion (DEI)

Luke Burke-Fournier, Assistant Human Resources Director/Internal Equity Manager, and Juanica Buchanan, Clinical Engagement & Community Equity Officer, presented an update on the Town's Diversity, Equity & Inclusion (DEI) work.

Ms. Hai suggested a conversation with the Vision for Lexington Committee, as they are getting ready to do a community survey and there may be questions to inform of the survey questions.

In response to a question from Ms. Kumar, Mr. Burke-Fournier stated that the group meets weekly and discusses building the working base in order to best represent the community. Also, areas of overlap, such as policies that employees are partaking in that are community facing, or various training and learning that could be brought to employees, such as cultural competencies.

Mr. Lucente asked about top goals at the moment. Mr. Burke-Fournier stated that he is interested in leadership training for entry-level and mid-level supervisors. Ms. Buchanan stated that she would like to bridge some of the gaps and barriers to engaging with DEI services by engaging with other departments across the Town.

DOCUMENTS: DEI_2.0_Select_Board_Presentation.pdf

6. Update: FY27 Town Manager's Preliminary Budget – *The Board took up this item at this time*

Carolyn Kosnoff provided an update on the FY27 Town Manager's Preliminary Budget. In terms of the sidewalk from Burlington and North Street, design funds had been proposed at \$250,000. Part of the design process was to do an alternatives study, but the project was expected to lead to a fairly expensive sidewalk project. There was feedback from the Capital Expenditures Committee and Appropriation Committee that the alternatives analysis should be done prior to going for a full design. Thus, the request for the sidewalk has been revised downward to \$60,000 to incorporate only the alternatives analysis study at this time. Also, in terms of the intersection of Hancock and East Street, there was going to be a fairly significant land acquisition needed. However, there was concern from the Engineering Department that the request for the land acquisition appropriation may not cover all that is needed for the project. At this time, they have decided to continue to develop the plan and pulled the request for this year. Thirdly, Minuteman High School sent out a final assessment after the Governor's budget was proposed. This has been incorporated into the budget. Finally, in terms of debt service, the current budget is adequate to cover this and so no adjustments need to be made at this time.

4. Presentations: 2026 Annual Town Meeting Articles

- Article 27: Procurement for Online Capital Project Platform (Citizen petition)
- Article 7: Sustainable Projects
- Article 23: Appropriate for Trash/Recycling Bins
- Article 31: Amendment to Chapter 90, § 9 "Regulation of Refuse Disposal"

Maggie Peard, Sustainability and Resilience Officer, reviewed Article 7. This is a reoccurring capital request article which helps allow staff to move more quickly on sustainable projects as they arise. This has been used in the past for solar feasibility studies and electric vehicle chargers. This year, it will be used to request funds to install electric vehicle chargers within the Police Station garage. Currently, there are no chargers at the Station, and installing them will enable the Department to begin piloting EV

cruisers. This request is for two dual port Level 3 chargers and two dual port Level 2 chargers. It will also require an electric panel upgrade and a transformer to accommodate the chargers. The total project cost is \$463,000, taking advantage of a \$50,000 State incentive off the cost of the Level 2 chargers.

Ms. Kumar asked how the EV vehicles are currently charged. Ms. Peard explained that these five vehicles currently use the chargers behind the Town Offices or elsewhere around Town. Using chargers that already exist would not be a possibility if moving toward EV cruisers for the Department.

Ms. Peard discussed Articles 23 and 31. Both of these articles are coming from years of planning work by the Waste Reduction Task Force, following adoption of the Town Zero Waste Plan, which the Board adopted in 2023. Currently, 40% of Massachusetts trash is exported out of state. This is increasing Town costs. The Town's waste budget has increased 54% over the past four years, translating to the average household paying \$140 more for waste services through their taxes than they were for four years ago. These Town Meeting Articles are necessary steps to continue to make holistic adjustments to the Town's waste collection system, including expanding the food waste composting program, moving to automated collection, addressing excess waste, implementing a bulky item fee schedule, and providing more accessible diversion opportunities. Article 31 is an amendment to the Town's bylaws, and it would allow the Select Board to impose reasonable fees in connection with the disposal of waste and otherwise update that terminology. Article 23 is focused on the change to automated collection and is a request to appropriate money for the purchase of both recycling and trash wheeled carts for all households served by the municipal solid waste program. No decision has been made, or will be made by Town Meeting date, regarding what size those bins will be.

Ms. Hai noted that some comments were received concerning families with larger amounts of medical waste. Ms. Peard explained that the intention is to design a program that works for the majority of residents and then work with residents on a one-on-one basis for special situations, such as excess medical waste. The goal is to make reasonable accommodations as needed.

Mr. Lucente asked about the feedback received thus far. Ms. Peard stated that this can be provided.

Mr. Sandeen stated that he would like to know what Town staff think the economics of this proposal might be.

Steve Kaufman reviewed Article 27 for Annual Town Meeting. The focus of this item is to provide a transparency portal for the public to have regular visibility to progress on capital projects that are significant projects for the Town. There is information on some of these projects, but it is fragmented, hard to find, and there is no single current public view for project statuses. Other towns have been doing something similar for some time. He has spoken with the Town Manager, who has a draft idea for this portal. This initiative would allow the Town to study the requirements, interview other towns about their experience, evaluate external vendors that offer solutions, and generate a proposal to execute the project. The proposal is for up to \$50,000 for this project from the General Fund.

Mr. Bartha noted that staff's recommendations are not reflected in the current motion and there are still some concerns. Ms. Hai explained that Mr. Cronin will be coming to the Board on March 9th with a presentation on his proposed in-house dashboard. Mr. Kaufman stated that his Article is meant to be complimentary to Mr. Cronin's work. Input from the Town was factored into the motion.

In response to a question from Mr. Lucente, Mr. Bartha explained that the presentation talked about linking appropriations to budget statuses with a dashboard. The tool that Mr. Cronin is working on is in partnership with the Owner's Project Manager (OPM) for the high school project. This type of dashboard is not something that any of the existing financial systems can produce. Staff are skeptical that \$50,000

will allow for much more than a mirror into the existing AP systems. This will not answer the questions that the petitioner is seeking answers to. There is concern regarding where staff time will come from for the proposal. These products can do some things, but he has not seen one that does the type of budget-to-actual with links to financial documents that are described in these materials. Mr. Kaufman stated that he has reviewed the software available from other towns, and there is streamlined software at this price point that can provide these capabilities.

Mr. Bartha stated that he and the Finance Director have noted that the four financial software programs the Town is running for budget, AP, and project management do not communicate. He is suspicious if there is a plug in software product that will do the things described in this presentation. The presentation describes something much different from the dashboard that Mr. Cronin is putting together, which provides project status against contingency and timelines.

Mr. Pato stated that he would like to see a process that could mine the data from the Town's existing systems and present things more effectively, but it is unclear where this would come from .

Mr. Bartha explained that Mr. Cronin is not in favor of the proposal and would like time to examine the systems other towns may be using.

Archan Basu, Town Meeting Member Precinct 7, explained that it is obvious that the Town is moving to a much higher level of capital expenditure than it has ever undertaken. This, appropriately, requires a higher level of reporting and disclosure. It is clear that everyone loves transparency, except when it comes to offering it. It is regrettable that this proposal was not immediately embraced by staff. Information of this kind wants to be known.

Ms. Hai asked why seven projects are being proposed to be included on this dashboard. Mr. Kaufman stated that this represents the seven largest projects ongoing in the Town. This number would change each year based on the largest active capital projects undertaken that year.

Ms. Hai noted that she and Ms. Kumar spoke to many vendors at the MMMA and learned that most did not have the capacity to integrate with MUNIS and that pricing would be much higher than \$40,000 - \$50,000.

DOCUMENTS: Art_7_Presentation-_Sustainable_Projects-PDF.pdf;
Art_23_Waste_Bin_Appropriation_PDF.pdf; Art_27_Procurement_Portal_PDF.pdf;
Art_27_online_procurement_platform_motion_dated_2.3.26.pdf; Art_31
Presentation-Amendment_of_the_Regulation_of_Refuse_Disposal_Bylaw;
Art_31_regulation_of_refuse_disposal.dated_2.9.pdf-PDF.pdf

5. 2026 Annual Town Meeting - Select Board Article Discussion and Positions

The Board agreed to review this further prior to the next meeting.

DOCUMENTS: Working_Document-Select_Board_Positions.pdf

EXECUTIVE SESSION

1. Exemption 3: Discuss Strategy with Respect to Collective Bargaining (Police Superior)

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 at 8:37pm that the Select Board go into Executive Session under Exemption 3 to discuss strategy with respect to collective bargaining for the Police Superior Union, and not to reconvene in Open Session. Further, it was

declared that an open meeting discussion may have a detrimental effect on the bargaining and litigating position of the Town.

ADJOURN

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 from the Executive Session to adjourn both the Executive Session and the Regular Meeting at 8:48p.m.

A true record; Attest:
Kristan Patenaude
Recording Secretary

DRAFT

SELECT BOARD MEETING
Monday, March 9, 2026

A meeting of the Lexington Select Board was called to order at 6:00p.m. on Monday, March 9, 2026, via a remote meeting platform. Ms. Hai, Chair; Mr. Pato, Vice Chair; Mr. Lucente, Ms. Kumar, and Mr. Sandeen were present, as well as Town Manager, Mr. Bartha; Deputy Town Manager, Ms. Axtell; and Executive Clerk, Ms. Katzenback.

EXECUTIVE SESSION

Exemption 2: To Conduct Strategy Session in Preparation for Contract Negotiations with Nonunion Personnel - Town Manager

VOTE: Upon a motion duly made and seconded, by roll call, the Select Board voted 5-0 at 6:02pm that the Select Board go into Executive Session under Exemption 2: To Conduct Strategy Session in Preparation for Contract Negotiations with Nonunion Personnel - Town Manager, and to reconvene in Open Session. Further, it was declared that an open meeting discussion may have a detrimental effect on the negotiating position of the Town.

The Board exited Executive Session and returned to Open Session at 6:40pm.

PUBLIC COMMENTS

Olga Gutttag, Emerson Road, noted that the Town has recently completed installation of a pumping station at Adams and North Streets. This includes two large ugly metal boxes which contain the equipment necessary and is currently screened by feeble looking arborvitaes. Adams Street is the primary access route to Lexington from the north. The Town has done an exceptional job decorating the main access routes from the three other directions. She requested that the Board instruct the Town Manager to allocate the funds necessary to paint the ugly boxes and add a horse next to the fencing, directing people to the Green. She believes the Town could find an artist to paint the boxes pro bono. The only funds needed are for supplies. The cost of a painted horse is approximately \$6,000. She stated that she is happy to help coordinate the project.

SELECT BOARD MEMBER CONCERNS AND LIAISON REPORTS

1. Select Board Member Announcements and Liaison Reports

Ms. Hai asked about a potential draft of the Select Board report to Town Meeting. Mr. Lucente stated that he does not believe there is a need for this to be completed for the first night of Town Meeting. There was agreement that information on the Home Rule petitions, budgetary outlooks, and financial constraints would be drafted.

Mr. Pato stated that the Crematory Study Committee will hold a listening session on Thursday, March 19, 2026 at 6pm.

2. Lexington High School Project Update to Board

None at this time.

TOWN MANAGER REPORT

1. Town Manager Weekly Update

Regarding the 2026 Patriots' Day Celebration, Mr. Bartha stated that the Town recently opened two RFPs. Coventures was the only respondent for the event management component. A bid was also opened for the screen and technology, jumbotron, and there was one bid from the same company that the Town worked with last year.

Also, in regard to the 2025 Patriots' Day, Mr. Bartha reported that there were no complaints related to noise in terms of the multi-year Noise Bylaw waiver the Board allowed for early street preparations, per the DPW.

CONSENT AGENDA

1. Approve: Memoranda of Understanding (MOU) Police Superior Union

To approve the FY26-28 MOU between the Town of Lexington and the Lexington Police Superiors Association as negotiated and further to authorize the Town Manager to execute the contracts.

DOCUMENTS: Police_Superior_MOU_(FY26-28).pdf

2. Approve & Sign: Local Initiative Program (LIP) Application for Local Action Units - 7 Hartwell Avenue

To approve and authorize the Chair to sign the Local Initiative Program -Local Action Unit application for 7 Hartwell Avenue for submission to the MA Executive Office of Housing and Livable Communities (EOHLC).

DOCUMENTS: Cover Letter; 7 Hartwell LIP LAU Application

3. Approve & Sign: Letter of Support for LexHAB Application to Executive Office of Housing and Livable Communities (EOHLC)

To approve the Letter of Support for LexHab's application to the Executive Office of Housing and Livable Communities (EOHLC).

DOCUMENTS: Letter of Support

4. Approve: Eagle Scout Commendation Letter - Yu Yang Ng & Rohan Saldanha

To approve and sign letters of commendation congratulating Yu Yang Ng & Rohan Saldanha of Boy Scout Troop 160 for attaining the highest rank of Eagle in scouting.

DOCUMENTS: Eagle Letter - Yu Yang Ng -160.pdf; Eagle Letter - Rohan Saldanha -160.pdf

5. Approve: Select Board Committee Appointment & Reappointment

- Registrars of Voters - Gordon Jones III
- Town Celebration Committee - Pamela Winters

To reappoint Gordon Jones III to the Registrar of Voters for a term to expire on March 31, 2029.

To appoint Pamela Winters as a full member of the Town Celebrations Committee, effective immediately.

DOCUMENTS: Board of Registrars Recommendation - Gordon Jones III_Redacted.pdf

6. Approve: Water and Sewer Commitments and Adjustments

To approve the consent.

DOCUMENTS: W&S Finals - January 2026.pdf

VOTE: Upon a motion duly made and seconded, the Select Board voted 5-0 to approve the Consent Agenda.

ITEMS FOR INDIVIDUAL CONSIDERATION

1. Approve: Increase to Outdoor Dining Permit Fee

Mr. Bartha explained that, as in years' past, the Town has increased outdoor dining fees by 2.0%. The current fee schedule is:

- Up to 10 outdoor seats on public sidewalks \$104 per year
- Over 10 seats on public sidewalks \$260 per year

There were no Board questions or comments at this time.

VOTE: Upon a motion duly made and seconded, the Select Board voted 5-0 to approve a 2.0% fee increase for outdoor dining permits effective for permits in 2026. New outdoor dining permit fees would be:

- Up to 10 outdoor seats on public sidewalks \$106 per year
- Over 10 seats on public sidewalks \$265 per year

2. Update: Community Choice Program

Maggie Peard, Sustainability and Resilience Officer, and Paul Gromer, Peregrine Energy Group, updated the Board on potential modifications to the Community Choice program based on recent programmatic changes by ISO New England that has increased supplier costs.

Mr. Gromer explained that two issues are covered in the memo, and there is a third new one. One item is a request for an increase in the price by the program supplier, due to an increase in the costs they are incurring to supply the program. Secondly, a suggestion for modifying the content of the voluntary renewable energy in the program due to a change in the value of that renewable energy. This would lead to a price decrease. Combining these two items would lead to a net decrease.

Mr. Gromer explained that the first issue is a request for an increase in the price of the program, due to an increase in cost incurred by the program supplier. This falls into the category of a change in law, where the rules change during the course of a contract, and that change causes an increase in cost for the supplier. The supplier thus has a right to pass on those increased costs through a price increase. Almost all electricity contracts have a term like this. This request is an unusual one, because it is the second request received related to the same program. The Town dealt with this back in the summer and agreed to an increase in the price based on a projection of the cost of the program through the end of the contract. It turns out that the actual costs were more than projected, and so a second price increase has been requested to make up for the difference. This is unprecedented in his experience. The contract did not anticipate this situation. 40 other cities and towns have agreed to similar price increases, although they are in slightly

different situations because their original price increase explicitly contemplated this consideration, whereas Lexington did not agree to an explicit clause which would allow for an adjustment if the projection turned out to be wrong. This question will be dealt with specifically in the amendment.

Mr. Gromer explained that the second issue deals with the extra renewable energy provided through the program. A key feature of the Lexington program has been to provide greener electricity than customers would get otherwise, and Lexington has chosen to have two different types of renewable energy: Class 1, which is expensive, and National Wind, which is less expensive. Class 1 included an extra benefit which helped to cause new renewable energy projects to be built. Unfortunately, due to actions of the federal administration in blocking the development of new renewable energy projects, there is not enough renewable energy to even meet the state minimum, and it is projected that there will not be for the next several years. Thus, buying extra, over and above the minimum, no longer has the impact of causing more projects to be built. Sustainable Lexington discussed this supports this change. If the Town were to address both issues, the net is an overall savings and reduction in price.

Based on a question from Ms. Kumar, Mr. Gromer explained that the net reduction would be approximately \$0.01, or a 7%-8% decrease. Mr. Sandeen noted that this would equate to approximately \$7.20 per month for the average Lexington resident.

Mr. Gromer explained that the third issue is what the effect of the Iran war will be on the program and prices. Although electricity prices are going up as a result of the war, this will not affect prices in the current contract. Those are insulated from the increases, but it will affect the next contract. The Town does not need to enter into a new signed contract until about October.

The Board requested seeing underlying pricing at the next meeting during an Executive Session.

DOCUMENTS: Community Choice Memo.pdf

3. Discussion: Proposed Lexington High School Project Dashboard Demonstration

Mike Cronin, Director of Public Facilities, updated the Board on the proposed Lexington High School Project Dashboard. Mike Burton, Dore & Whittier, explained that monthly reporting is typically done through the OPM monthly report. This has, since day one, been posted on the website and will continue to be posted on a monthly basis. Once the project moves into the construction administration phase, or CA, the reporting becomes much more robust than during the design phase. The dashboard will include links to live cams and recent photos taken of the process.

Mr. Sandeen asked for a way to tie the expenditures to the expected work in a given period of time. He also suggested a color-coded system of red, green, and yellow, with yellow being used to determine what is being actively worked on to make sure things do not move into the red color.

Ms. Hai stated that she would also like to see the finances broken out as they are anticipated by phase and progress. She would like to make it easier for people to find the monthly reports. She noted that Mike Burton is currently the manager of the dashboard and asked if it is being hosted through a Lexington page or through the Dore & Whittier page. Mr. Cronin explained that it is currently on a page hosted by the Town, started by the School Department.

There was agreement that any concerns or suggestions could be sent to Town Staff.

Avram Baskin, 43 Carville Ave, noted that there are other stakeholder groups, such as Town committees, and Town Meeting members, but perhaps the biggest stakeholder group for this project are the residents,

including, residents who are not Town Meeting members or Select are planning on doing some kind of user research will be carried out with just ordinary residents. Mr. Cronin stated that there could be a public meeting on this topic. There have been open discussions throughout the process.

Deepika Sawhney stated that the current dashboard takes a static document, the current monthly report, and puts graphics around it. The structure has not moved beyond that static report. She asked that the proponents be able to meet with the team to give feedback before anything is finalized. Mr. Cronin stated that he would reach out to Ms. Sawhney.

Dawn McKenna, 9 Hancock Street, stated that she would like to see simply information regarding the budget total, what has been spent to date, and where the project process is.

Steve Kaufman, Precinct 5 Town Meeting Member, member of the Communications Committee and the Economic Development Committee, and the proponent of Article 27, stated that it is very nice to have all of the information in a central location and being updated each month. He agreed with the suggestion for red, green, and yellow colors. He suggested that the budgeting should be more detailed by phase, including the different types of expenditure in that phase.

Olga Gutttag, former School Committee member and Emerson Road, thanked everyone involved for the website. This is a huge improvement and very much appreciated. She suggested that the website have buttons for a “general overview” for the general public, and then a button “for the nerds,” who want to sift through all the data.

Jay Luker, 26 Rindge Avenue suggested presenting the information in a neutral way, as clearly as possible. As soon as color indicators are added, this communicates something additional. It interprets the data in a way and presents that instead of only the information.

The Board took a five-minute recess.

4. Discussion: Future of Liberty Ride

Mr. Bartha explained that the Board received three documents in their packets related to the discussion about the future of the Liberty Ride. One of them a Tourism Committee recommendation, one a staff memo, and one a letter from Tourism Committee member, Marsha Baker. Together, they reflect genuine disagreement about the future of the Liberty Ride. An RFP issued in June 2025 failed for various reasons. The Town is about to begin its final season of service with the current vendor. The solicitation last summer was the eighth time that the Town issued an RFP in the past five years. Each time this went out to bid, the Town received exactly one response to the RFP from the current vendor. This is a niche market. It is not a competitive market. Staff are not convinced that a ninth RFP will yield different results. The RFP last summer made it clear that a new long-term contract would increase the cost of the program with rates ranging from \$230-\$290 per hour during the life of the contract, with a five hour minimum and a requirement that the Town pay three contract years, regardless of any changes made to the service being provided. Under any scenario within that hourly rate range, Liberty Ride would generate an average annual operating loss of approximately \$125,000. That figure only covers the direct contract costs, transportation, and wages for the guides and the trolley coordinator. Those projections exclude indirect overhead. With the conservative trajectory holding revenue and ridership constant, this would likely lead to the Visitors Center fund balance reaching \$0 in roughly four years. This is not a sustainability of the program issue. This is a structural dead end from an operating expense perspective. This would undo years of staff and Tourism Committee efforts to shore up finances for the Visitors Center. This is not a conversation on whether the Liberty Ride has value, or whether staff are committed to working with the Tourism Committee to tell a Lexington story. Staff have already identified and begun executing forward-

looking strategies that will serve visitors better and cost residents less. Some of those include the virtual reality tours, expanding charter and private tour operations, animated educational content on the Black Patriots of Lexington, East Lexington tourism development, etc. The recommendation from staff at this time is to not seek a new contract.

Sandhya Iyer explained that out of the 534 trolley tours for the season, approximately April-October, 8,772 tickets were sold. This is in comparison to the charter tours and independent tours, for which the number adds up to almost 27,000 visitors.

Mr. Lucente stated that the Town has spent a lot of money marketing the Liberty Ride. He asked if those funds would also be dissolved and not redirected marketing to other activities. The users of VR headsets are not the same user base, necessarily, as someone who might take the trolley. Last year there were approximately 8,700 people that rode the Liberty Ride. He asked if there is a local economic lift from having the Liberty Ride. He is struggling to reconcile what the Town is doing as a tourism operation to keep alive different opportunities for people and the economic benefit of those opportunities. Ms. Iyer explained that the marketing budget is in the General Fund account under Economic Development, and not under the revolving budget. Staff never market specific programs. It markets Lexington.

Mr. Pato clarified that the expenses currently in the memo associated with Liberty Ride do not include marketing. The operating deficit is based purely on the direct costs associated with running the program. While the Liberty Ride provides character value for bringing tourists and exposing them to the history of Lexington, the question is what economic value it creates for the residents and Town as a whole. It appears that there could be more cost-efficient mechanisms to create economic value in the Center, while still providing educational experiences for tourists. It is unclear if the Town can afford to keep carrying this loss-making activity. He asked what the value would have to be to overcome a \$126,000 operating loss.

Ms. Kumar stated that the Liberty Ride obviously has historical value and is unique. However, having a noncompetitive market with just a single supplier gives the Town no price leverage. There needs to be a vision for tourism in Lexington that is not so dependent on Liberty Ride.

Mr. Sandeen noted that the trolley is fairly old, does not have any air conditioning, and has a noisy motor. The Town has no leverage over the quality of service it provides and that quality has been deteriorating over time. Ms. Iyer noted that the last RFP was for a 7–10-year contract for a new trolley, and the projection was between \$230-\$290 per year. This would have the same characteristics as the old trolley.

Ms. Hai stated that the discussion is around what to do at the end of the contract. Experience shows that there will be one bidder. However, there are new things happening in EV vehicles and this could be a potential for the Liberty Ride in the future. This may give a chance to pause and reflect on what could be done to enhance the experience, both in content and a physical experience.

Mr. Lucente noted that the Liberty Ride has 4.5 stars on Trip Advisor of 386 reviews. He stated that he believes once the trolley is gone, it will be difficult to bring it back in the future. He noted that the 2025 budget column showed 8,772 rides seats filled, or 55% of the available seats. The revenue from that was \$254,000. The direct expense, the trolley contract and staff salaries, was \$180,000 and the indirect expense, listed as economic development, office staffing, marketing, and conferences, was \$122,000. Ms. Iyer explained that this is why all of the indirect expenses were removed from the numbers in order to run the calculations.

Mr. Bartha explained that staff believe that the indirect costs should be considered as part of the cost to provide the service. Based on feedback and pushbacks, these costs were removed and this still leads to

operating at a deficit north of \$100,000 per year. The \$308,000 in the memo includes the trolley's direct expenses and the staff who participate in Liberty Ride, but not the general economic development staff time.

Marie Tristan Rago, 43 Forest Street and member of the Tourism Committee, stated that last summer the Ride was in the top 10 things to do outside Boston. She spoke to people on the trolley who noted interest in public transportation and that they heard about the ride from Trip Advisor.

Marsha Baker, 46 Burlington Street and member of the Tourism Committee, stated that while financial viability is not always the deciding factor, it is pertinent to this particular decision. The Liberty Ride is losing money.

Dawn McKenna, 9 Hancock Street, stated that she was the one who started and ran this operation for the Town at no charge for over 15-18 years before staff was hired. She stated that Mr. Bartha, in all the time that he has been here, has never sat and talked to the person who developed this program. She is the tourism expert for Lexington. She asked that staff sit down and hammer out these issues, so that the Board can understand how the Tourism Committee went from being a majority against keeping the Liberty Ride to understanding why it is worth going forward and finding a new solution. The Tourism Committee concluded that the trolley service plays a significant role in supporting tourism operations and sustaining the Town's position as a Massachusetts destination. As a result, the Committee believes the service should be preserved, despite the budgetary concerns raised by staff.

Dawn McKenna read a letter from Madison Robbins, owner of Crafty Yankee. It states that preserving the Liberty Ride is incredibly important to tourism in the downtown. Tourism is a vital source of revenue for downtown businesses. Visitors come to Lexington from all over the world by plane, bus, and car, to experience the history the Town has to offer. While tour buses certainly bring visitors to the area and support the Visitors Center, the Liberty Ride plays a unique role in supporting small shops and local businesses. Tour buses typically operate on tight schedules, giving visitors only a limited window of time to walk through Town before returning to their bus and heading to their next destination. The Liberty Ride, however, allows tourists to truly experience Lexington. It gives them the opportunity to spend more time downtown before and after their ride, time to walk the streets, visit the shops, dine in the restaurants, and explore the community at their own pace. That additional time translates directly into meaningful support for all small, locally owned businesses that help make Lexington such a special place. For many visitors, the Liberty Ride is not just transportation. It is a part of the historical experience that draws people here in the first place. Preserving it helps ensure that visitors continue to engage with the Town in a deeper way, benefiting both the local economy and the character of the downtown.

Ms. Kumar asked about countering the most recent proposal.

Mr. Lucente stated that he believes this is an important operation to the Town's tourism and he believes there could be a path forward. He stated that the ridership has gone up each year. Ms. Hai noted that the data showed a large increase in the number of rides, but it actually translated to a decrease in the percentage of utilization overall.

Ms. Hai stated that she does not see the Liberty Ride as fiscally viable at this time. She again suggested a pause to consider how this could be redeveloped in the future. Mr. Pato agreed and noted that the Town would be committing to a significant loss in moving forward with an extended contract. Mr. Sandeen agreed. Ms. Kumar stated that the charm of the Liberty Ride exists and it is unique to Lexington, but the financial viability is not present at this time. Tourism in Lexington should be reimaged.

Ms. Hai stated that the Board is supportive of keeping and enriching the Town's tourism offerings. She asked if staff would consider coming back in a few months with some proposals regarding enhancing, augmenting, or replacing any of these considerations moving forward.

DOCUMENTS: Tourism_Committee_Liberty_Ride_Memo_to_Select_Board.pdf;
Liberty_Ride_Memo.pdf; M._Baker_Opinion_Letter_to_Select_Board_Liberty_Ride.pdf

5. Resolution on Civil Immigration Enforcement

Ms. Hai explained that this resolution is a statement of the Board's commitment to community values, including the rule of law, as it pertains to use of municipal facilities and obligations of municipal staff and is intended to complement and reinforce prior positions issued by the Town Manager and Police Chief, as well as guidance from the Massachusetts Attorney General. She noted that the Board does not have authority to direct employees under the Town Manager's control, nor does it have the authority to supersede legitimate legal action. This resolution reinforces existing practices and policies which have been previously communicated, including that, according to state and federal law, local and state officials cannot be mandated to enforce federal regulatory programs, including immigration enforcement. The Lexington Police Department does not enforce federal immigration law, nor do they inquire into immigration status of any individual. Municipal facilities and properties exist for the benefits of and to serve the public. This resolution reaffirms that Lexington remains committed to lawful public safety practices, to respectful constitutional governance, and to maintaining the trust between municipal government and the community that it serves.

Christina Lin, 2 Eustis Street and member of the Lexington Human Rights Committee, extended appreciation for this Resolution. This is a message about protecting the community, without compromising enforcement of criminal law. She asked if the Superintendent and School Committee have already been made aware of this. She asked who is informed regarding requests for use of municipal spaces, and if the Select Board will be informed if there are efforts to use municipal facilities for unrelated enforcement or operational purposes. She asked how the Town will ensure that all staff understand the procedures. She also asked about specifics of providing guidance to residents.

Ms. Hai explained that there is a link every week in the packet to the Town's page, which links to the Attorney General's guidance on immigration rights and enforcement. This resolution will be forwarded to the School Committee once signed by the Board. Mr. Bartha explained that what is being committed to in writing is not a departure from what is currently being done. Ms. Axtell explained that the new Assistant Human Resources/Equity Officer, Police Chief, and Human Resources Director have all met regarding how best to protect staff and what their rights are.

VOTE: Upon a motion duly made and seconded, the Select Board voted 5-0 to approve the Resolution on Civil Immigration Enforcement, subject to any scrivener's errors.

DOCUMENTS: Resolution

6. 2026 Annual Town Meeting Select Board Article Discussion and Positions

The Board reviewed the draft Article presenter list and position chart.

DOCUMENTS: 2026 Annual Town Meeting Select Board Article Discussion and Positions

ADJOURN

VOTE: Upon a motion duly made and seconded, the Select Board voted 5-0 to adjourn at 10:35p.m.

A true record; Attest:
Kristan Patenaude
Recording Secretary

DRAFT

AGENDA ITEM SUMMARY
LEXINGTON SELECT BOARD MEETING

AGENDA SECTION TITLE:

CONSENT AGENDA

AGENDA ITEM TITLE:

Approve: Select Board Report to 2026 Annual Town Meeting

PRESENTER:

Board Discussion

ITEM
NUMBER:
5

SUMMARY:

Category: Decision-Making

A draft of the Select Board's report was reviewed and discussed at the Board's meeting on March 16, 2026. Since this meeting, minor edits have been incorporated and single tone was applied to the text. Attached is the updated report

PROPOSED MOTION:

T

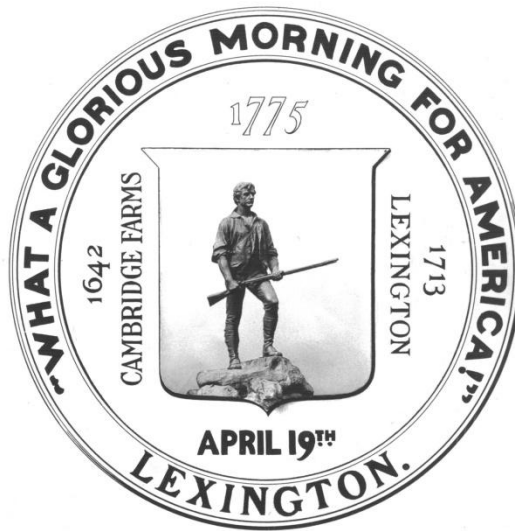
To approve Select Board Report to 2026 Annual Town Meeting, as proposed, Chair and/or Executive Clerk to make any necessary final editorial corrections.

Move to approve the consent.

ATTACHMENTS:

[Select Board Report to 2026 ATM V2 3.20.2026.pdf](#)

SELECT BOARD TOWN OF LEXINGTON



SELECT BOARD REPORT TO THE 2026 ANNUAL TOWN MEETING

MARCH 30, 2026

Select Board:

Jill I. Hai, Chair; Joseph N. Pato, Vice-Chair; Douglas M. Lucente
Mark D. Sandeen and Vineeta A. Kumar

Fiscal Challenges Ahead

Rising costs, stagnant commercial growth and sluggish state aid are putting enormous pressure on local budgets across Massachusetts.¹ Like most Massachusetts communities, Lexington faces a number of fiscal challenges in the years ahead. Historically high health insurance premium increases, continued pressures on salaries and wages, and the increasing cost of supplies and contractual services combine to squeeze our ability to maintain service delivery.

This year's proposed balanced budget is a result of targeted reductions in expenses and years of conservative budgeting practices and strong fiscal management. These practices include minimal use of one-time revenues for ongoing expenses, prioritizing paying for capital projects with cash to reduce debt and interest expenses, funding long-term Pension and Other Post Employment Benefits (OPEB), and setting-aside funds into fiscal reserves and stabilization funds.

It is our intention to convene policy discussions this year prior to the annual budget summit process to review key fiscal issues such as:

- **Funding Large Capital Projects post LHS (potential future debt exclusions):** Long term capital planning improvement needs include East Lexington Fire Station Reconstruction, Clark Middle School HVAC, Library HVAC, and Town Office Building
- **Use of Renewable Energy Rebates:** develop guidelines for redeploying rebate revenue or savings generated by investment in renewable energy
- **Pension & OPEB Funding:** develop guidelines for redeploying resources if and when the Pension liability is fully funded, including guidelines for maintaining fully funded status.
- **Potential New Fee Revenue:**
 - **Bulky & White Good Removal** – approved in 2025, will go into effect July 1, 2026
 - **Composting** -may be necessary if the cost of existing services continues to increase, or to add new services
 - **Stormwater Enterprise** – this may be necessary if the new EPA permit requires significant investment in stormwater management
 - **Other potential revenue sources to be identified by staff**
- **Planning for changes in population, and shift in tax base between Residential and Commercial properties**

In addition, we seek to identify options for revenue diversification; however, this is a process highly dependent on statewide action. To that end, we support the local-option taxes included in the Municipal Empowerment Act² currently being debated by the legislature. These options

¹ Massachusetts Municipal Association (2025), [*A Perfect Storm: Cities and Towns Face Historic Fiscal Pressures*](#)

² [Bill H.5131](#) and [Bill H.56](#), An Act empowering municipalities and local governments

include measures to more easily enact tax exemptions for seniors, veterans, and other vulnerable populations. Importantly, we also support the Mass Municipal Associations' initiative seeking an increase in Unrestricted General Government Aid – state funding to municipalities that has failed to keep pace with inflation and was sharply reduced during the Great Recession of 2008-2010, dropping from approximately 11.5% of municipal revenue vs local taxes in 2007 to 5.4% in 2024.³

Status of Home Rule Petitions

As of this report, the home-rule petitions approved by Town Meetings from 2023 through 2025 are largely pending before legislative committees of the General Court, with one petition having been enacted into law.

1. ATM 2025: Article 24 – Regulation of Second-Generation Anticoagulant Rodenticides

Bill: [House Docket No. H.4133](#) – An Act to authorize the town of Lexington to prohibit or restrict the application of second generation anticoagulant rodenticides

Status: The bill will not be advancing. A statewide version of the legislation on this topic will advance.

2. ATM 2025: Article 26 – Local Voting Rights for Lawful Permanent Residents

Bill: [House Docket No. H.4132](#) – An Act to grant the town of Lexington the authority to endow legal residents with local voting rights in municipal elections

Status: Referred to the committee on Election Laws. Pending further action.

3. STM 2025-2: Article 9 – Home Rule Legislation for New Lexington High School

Bill: [House Docket No. H.4843](#) – An Act providing for the exchange of certain park land in the town of Lexington

Status: Reported favorably out of committee by the Joint Committee on Municipalities and Regional Government. Has gone to House Steering, Policy, and Scheduling (next steps: Third Reading, Floor Vote)

4. STM 2025-2: Article 11 – Clarification of LexHab Reorganization

Bill: [House Docket No. H.4842](#) – An Act to clarify the organization of the Lexington Housing Assistance Board

Status: Reported out Favorably, currently with Steering, Policy, and scheduling.

5. ATM 2024: Article 39 – Additional Wine and Malt Beverage On-Premise Licenses

³ Massachusetts Municipal Association (2025), [Navigating the Storm: Charting a Course Toward Fiscal Stability](#)

Bill: House Docket No. H.3893 – An Act authorizing the town of Lexington to grant ten additional licenses for the sale of wine and malt beverages to be drunk on the premises

Status : The petition completed the legislative process and was enacted into law as Chapter 36 of the Acts of 2025.

6. STM 2023-1: Article 9 – Establishing the Election of Town Offices using Ranked Choice Voting

Bill: House Docket No. H.809 – An Act establishing ranked choice voting for certain offices in the town of Lexington

Status: Referred to the committee on Election Laws. Reported by committee to Clerk's Office for processing, will accompany a study order

AGENDA ITEM SUMMARY

LEXINGTON SELECT BOARD MEETING

AGENDA SECTION TITLE:

ITEMS FOR INDIVIDUAL CONSIDERATION

AGENDA ITEM TITLE:

Review: Massachusetts Lottery Keno Monitor Notification - Petromart, 396 Waltham Street

ITEM
NUMBER:

1

SUMMARY:

Category: Decision Making

The Board has received a request from the Massachusetts Lottery Commission with the opportunity to provide comment on the proposed installation of a Keno monitor at Petromart (Mobile), 396 Waltham Street, for on-site display and play of the game. The location is currently approved as a “KENO-To-Go” retailer, selling tickets without the use of in-store monitors.

While the Select Board does not formally approve or deny Keno monitors, municipalities have the right under Massachusetts General Law (Part I, Title II, Chapter 10, Section 27A) to submit a written objection within 21 days of receipt of the Lottery Commission’s notice. If the Select Board wishes to object to the installation of a Keno monitor at Petromart, a written objection must be submitted to the Lottery Commission no later than April 6, 2026. If no objection is received by that date, the Lottery Commission may proceed with issuing the license for the Keno monitor.

PROPOSED MOTION:

Move to (support) (not support) the installation of a Keno monitor at the Petromart (Mobile), 396 Waltham Street and to authorize the Chair sign a letter to be sent to the Massachusetts Lottery Commission stating the Board's position.

FOLLOW-UP:

Select Board Office

DATE AND APPROXIMATE TIME ON AGENDA:

03/30/2026 6:10pm

ATTACHMENTS:

[MA Lottery Letter to Select Board - KENO monitor to existing KENO To Go agent.pdf](#)
[For Reference - Recent Deliberations on Full Keno \(Screens\) and Keno to go.pdf](#)



Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG
Treasurer and Receiver General

MARK WILLIAM BRACKEN
Executive Director

March 13, 2026

Lexington Board of Selectman
1625 Mass Ave
Lexington, MA 02420

Dear Sir/Madam:

The Massachusetts State Lottery is offering a KENO monitor to existing KENO To Go agent/s in your city/town, to display the game at their location. In accordance with M.G.L. c 10, section 27A, as amended, you are hereby notified of the Lottery's intent to install a monitor at the following location/s in your community:

Petromart
396 Waltham Street
Lexington, MA 02421

If you object to these agent(s) receiving a monitor, you must do so, in writing, within twenty-one (21) days of receipt of this letter. Please address your written objection to Gregory Polin, General Counsel, Legal Department, Massachusetts State Lottery Commission, 150 Mount Vernon Street, Dorchester MA 02125. Should you have any questions regarding this program or any other issues relative to the Lottery, please call me at 781-849-5555. I look forward to working with you as the Lottery continues its' efforts to support the 351 cities and towns of the Commonwealth.

Estimated weekly traffic: (number of people): 500
Current No. of Cashier positions selling Lottery products: 1
Percentage of floor space currently devoted to Lottery sales: 5%
Percentage of floor space for KENO sales: 6%
Estimated annual gross revenues of current Lottery products: \$1,200,000.
Estimated additional sales generated by adding KENO: Volume to \$1,200,000 + \$300K-\$1.5M

Sincerely,

Diane Scott, MSLC Licensing Department
dscott@masslottery.com



Most Recent Board Deliberations on Keno Licenses

Selectmen's Meeting – November 9, 2015

- Elks Request for Keno Screens/Liquor License Compliance

The Massachusetts State Lottery informed the Board that the Lexington Elks has requested permission to install Keno screens in their establishment at 959 Waltham Street. Mr. Gaudet, Ms. Edwards and Mr. Reyes, representing the Elks, stated that the Elks is a non-profit charitable organization and the screens would be for members only. They currently sell Keno tickets, but members have requested the screens.

Ms. Ciccolo supports the request since it is for members only. Mr. Pato agrees because they are currently selling the tickets and only asking for the screens. Mr. Kelley is against any type of gambling; he feels it sends the wrong message and he would like the Board to take a position.

Upon motion duly made and seconded, it was voted 3-2 (Mr. Pato and Ms. Ciccolo opposed) to send a letter in opposition to the Elks' request for Keno screens.

Selectmen's Meeting – September 12, 2016

- Keno (Screen) Application for Alexandria's, 335 Woburn Street

Ms. Barry said the Board has been contacted by the Massachusetts Lottery Commission to comment on a Keno monitor application submitted by Alexandria's Convenience Store. This monitor would be an addition to Alexandria's Keno-to-Go license. The Board must respond within 21 days of receipt of the letter dated August 30, 2016, stamped as received by the Selectmen's office on September 6, 2016.

Mr. Cohen said his inclination is to continue the Selectmen's pattern/practice of denying this type of application. Mr. Pato noted that the Board had approved a similar application from a private organization, the difference being the lack of public access. He added that there is one licensed, publicly accessed location in Lexington that was granted permission some time ago. Even so, he expressed discomfort with an additional request. Mr. Cohen said that the single licensed location received approval before the law as it is now. Mr. Kelley agreed with his colleagues, saying he disapproved of anything that encouraged gambling.

On motion duly made and seconded, the Board of Selectmen voted 5-0- to not support the Keno monitor application for Alexandria's Convenience Store and to authorize the Chair to send a letter to the Massachusetts Lottery Commission stating the Board's position.

Selectmen's Meeting - December 17, 2018

- Elks Request for Keno Screens

Hector Reyes and Roger Daugherty, members of the Lexington chapter of the Benevolent and Protective Order of Elks, asked the Selectmen to support and not file an objection to the installation

of a display board/screen to facilitate existing Keno betting. Proceeds from Keno go to charitable causes. A previous request for a display board was made several years ago but denied by the Board of Selectmen at that time. The Lexington Elks have a full lottery license. Mr. Lucente asked why the previous request was turned down.

Mr. Pato recalled the sentiments at the time that were that Keno was a betting activity that the Board did not want to expand. Mr. Pato said, in his opinion, the Elks is a members-only establishment, and the addition of a screen does not unduly expand gambling. He does not oppose the current request. Mr. Daugherty clarified that guests of members would be allowed to participate in Keno, and that guests can also now purchase any lottery item the Elks carry.

Ms. Ciccolo, Ms. Hai, Ms. Barry, and Mr. Lucente supported the request because of limited, non-public access. Mr. Pato noted there is one other Keno location in Lexington that has a grandfathered license to sell to the public at large.

Upon motion duly made and seconded, the Board of Selectmen voted 5-0 to support and not file an objection the Lexington Elks' request to install Keno screens at 959 Waltham Street.

Selectmen's Meeting – Wednesday, March 27, 2019

- **Keno-to-Go Wicked Convenience 195 Massachusetts Avenue (No Screen)**

Ms. Barry resumed the role of Chair. The Board has been asked by the Massachusetts Lottery Commission to comment if to any objection it might have to the application of Wicked Convenience, 195 Mass Ave to sell KENO to-Go.

KENO screens are not a part of this program. It was noted that no other establishment in Lexington has KENO-to-Go, although several others have either KENO screen licenses and/or KENO scratch tickets.

Upon motion duly made and seconded, the Board voted 5-0 not to object to Wicked Convenience, 195 Mass Avenue, selling **KENO-to-Go** and to authorize the Chair to send a letter to the Massachusetts Lottery Commission stating the Board's position.

Keno/Keno-to-go

A **Keno-to-Go retailer** is a location that is licensed to sell **Keno tickets** but **does NOT offer on-site gameplay or viewing**.

Key differences between Keno and Keno to go:

<u>Feature</u>	<u>Full Keno Location</u>	<u>Keno-to-Go Only</u>
Sells Keno tickets	✓	✓
Has Keno monitors/screens	✓	✗
Customers can stay & watch draws	✓	✗

Existing Keno/Keno to go Retailers in Lexington

Mass Convenience	93 Mass Ave, Lexington, 02420	Keno*
Lexington Elks	959 Waltham St, Lexington, 02421	Keno
Lexington Wine & Spirits	186 Bedford St, Lexington, 02420	Kenotogo
Energy North #2134	277 Bedford St, Lexington, 02420	Kenotogo
Five Forks Sunoco	286 Lincoln St, Lexington, 02421	Kenotogo
Everest Mart	319 Woburn St, Lexington, 02420	Kenotogo
Cumberland #6735	324 Marrett Rd, Lexington, 02421	Kenotogo
Liberty Wine & Spirits	335 Woburn St, Lexington, 02420	Kenotogo
Stop & Shop #491	36 Bedford Street, Lexington, 02420	Kenotogo
Petromart	396 Waltham St, Lexington, 02421	Kenotogo
Busa Wine & Spirits	55 Bedford Street, Lexington, 02420	Kenotogo
Energy North #2118	690 Marrett St, Lexington, 02421	Kenotogo
Colbea #71	915 Waltham St, Lexington, 0242	Kenotogo

*Installation of a Keno Screen at 93 Massachusetts was sometime before the 1996 law was enacted which allows Massachusetts municipalities to object to Keno screen licenses. As such the Board did not weigh in on that.

AGENDA ITEM SUMMARY
LEXINGTON SELECT BOARD MEETING

AGENDA SECTION TITLE:

ITEMS FOR INDIVIDUAL CONSIDERATION

AGENDA ITEM TITLE:

2026 Annual Town Meeting Select Board Article Discussion and Positions

PRESENTER:

Board Discussion

ITEM
NUMBER:
2

SUMMARY:

Category: Informing

The Board may take up discussion on the 2026 Annual Town Meeting Articles and/or Select Board article positions.

[Town Website - 2026 Annual Town Meeting](#)

DATE AND APPROXIMATE TIME ON AGENDA:

03/30/2026 6:20pm

ATTACHMENTS:

[Art 6 amend FY26 budgets motion](#)

[Art 25. Revised Motion posted 3.17.26.pdf](#)

[Art 31 change in regulation of refuse disposal motion revised 03.30CLEAN](#)

[Art 31 change in regulation of refuse disposal motion revised 03.23 redlined..docx](#)

[2026 consent agenda. 3.23.26](#)

[Working Document - Select Board Positions](#)

ARTICLE 6 **AMEND FY2026 OPERATING, ENTERPRISE AND CPA BUDGETS**

Line Item	Program	From	To
8120	Legal Services	\$375,000	\$450,000
3230	Snow & Ice Removal	\$1,633,977	\$1,833,977

(03/19/2026)

Town of Lexington

Motion

2026 Annual Town Meeting

**ARTICLE 25 SURCHARGE ON SPECIFIC RESIDENTIAL DEVELOPMENT
(Citizen Petition)**

MOTION: That the Select Board be authorized to petition the Massachusetts General Court to enact legislation to establish a surcharge on specific residential development activities for the purpose of funding the creation of community housing that offsets the impact of said development activities in substantially the form below and further to authorize the Select Board to approve amendments to said act before its enactment by the General Court that are within the scope of the general objectives of this motion.

Be it enacted by the Senate and House of Representative in General Court assembled, and by the authority of the same as follows:

An Act to establish a surcharge on specific residential development activities for the purpose of funding the creation of community housing

SECTION 1: In order to mitigate the continued loss of moderate-income housing by the demand for buildable parcels of land, a residential fee, hereafter referred to as "the residential development community housing surcharge" or "the surcharge," shall be added by the town of Lexington to all new single- and two-family residential construction building permits issued by said town on parcels where an existing single- or two- family dwelling has been demolished to create a single buildable lot or multiple buildable lots.

SECTION 2: The select board of the town of Lexington shall determine the amount of the surcharge, which shall be applied on a dollars-per-square-foot basis on the total gross floor area of the structure or structures permitted by an applicable building permit. The surcharge shall apply only to newly-constructed single-family and two-family structures larger than gross floor area thresholds defined by the select board. The surcharge shall not apply to structures permitted for the creation of community housing, and to permits for reconstruction provided the new structure has the same or less gross floor area. The select board shall adjust the rate of the community housing surcharge annually for inflation.

SECTION 3: The town manager of the town of Lexington or their designee shall prepare a study at least every seven years, which may be conducted as part of other studies within town of Lexington. The study shall determine the suitability, effect, and rate ranges of the surcharge, and recommend to the select board any possible changes necessary to address changing demand for community housing. The select board shall establish an initial surcharge rate, implement the surcharge, and make the surcharge effective no later than eighteen (18) months from the effective date of this act. The town manager or their designee shall also prepare and issue a periodic report that identifies surcharge receipts and quantifies the attributes of community housing projects funded by the community housing surcharge.

SECTION 4: The select board of the town of Lexington may adopt additional requirements, exemptions, and regulations to implement or enforce said community housing surcharge, consistent with this act.

SECTION 5: The building commissioner of the town of Lexington shall not issue a certificate of occupancy for a building subject to this act before the surcharge required by this act is paid. All surcharges received pursuant to this act shall be deposited into the Town of Lexington Affordable Housing Trust Fund, in accordance with section 55C of chapter 44 of the General Laws.

SECTION 6: For the purposes of this act, "community housing" shall mean as defined under section 2 of chapter 44B of the General Laws, and "demolition" shall mean demolition of more than 50% of the primary building's shell.

SECTION 7: This act shall take effect upon its passage.

(Revised 03/17/2026)

Town of Lexington

Motion

2026 Annual Town Meeting

ARTICLE 31 Amendment - Chapter 90, Section 9 "Regulation of Refuse Disposal"

MOTION: Move that Section 90-9 of the Code of the Town of Lexington be amended as follows (additions in **bold** and deletions struck through for reference only):

The Select Board ~~members~~ shall provide and maintain under ~~their~~ **its** care and supervision ~~some~~ **a** suitable place or method for ~~free~~ public disposal for the inhabitants of the Town to deposit ~~ashes, cinders, papers and other refuse and rubbish~~ **non-hazardous solid waste. Subject to annual appropriation, each dwelling unit eligible for the Town's residential solid waste collection program shall receive a baseline level of municipal curbside collection service consisting of one standard Town-designated trash cart, or equivalent container volume established by regulation, without a separately assessed fee or charge for that baseline level of service. Such disposal and collection shall be subject to applicable state laws and regulations and in accordance with** to such rules and regulations as the Select Board may from time to time make. **The Select Board may impose reasonable fees and charges only for disposal or collection in excess of that baseline level of service, or for optional supplemental services designated by regulation. Such rules and regulations may require the separation of designated recyclable material or materials from other refuse.**

(03/30/2026)

Markup for motion

The Select Board ~~members~~ shall provide and maintain under ~~their~~ **its** care and supervision ~~some a~~ suitable place or method for ~~free~~ public disposal for the inhabitants of the Town to deposit ashes, cinders, papers and other refuse and rubbish ~~non-hazardous solid waste~~. **Subject to annual appropriation, each dwelling unit eligible for the Town's residential solid waste collection program shall receive a baseline level of municipal curbside collection service consisting of one standard Town-designated trash cart, or equivalent container volume established by regulation, without a separately assessed fee or charge for that baseline level of service. Such disposal and collection shall be subject to applicable state laws and regulations and to in accordance with such rules and regulations as the Select Board may from time to time make. The Select Board may impose reasonable fees and charges only for disposal or collection in excess of that baseline level of service, or for optional supplemental services designated by regulation. Such rules and regulations may require the separation of designated recyclable material or materials from other refuse.**

Original Bylaw text:

The Select Board members shall provide and maintain under their care and supervision some suitable place or method for free public disposal for the inhabitants of the Town to deposit ashes, cinders, papers and other refuse and rubbish in accordance with such rules and regulations as the Select Board may from time to time make. Such rules and regulations may require the separation of designated recyclable material or materials from other refuse.

Clean New Text:

The Select Board shall provide and maintain under its care and supervision a suitable place or method for public disposal for the inhabitants of the Town to deposit non-hazardous solid waste. Subject to annual appropriation, each dwelling unit eligible for the Town's residential solid waste collection program shall receive a baseline level of municipal curbside collection service consisting of one standard Town-designated trash cart, or equivalent container volume established by regulation, without a separately assessed fee or charge for that baseline level of service. Such disposal and collection shall be subject to applicable state laws and regulations and to such rules and regulations as the Select Board may from time to time make. The Select Board may impose reasonable fees and charges only for disposal or collection in excess of that baseline level of service, or for optional supplemental services designated by regulation.

Previous Motion Text:

The Select Board ~~members~~ shall provide and maintain under their care and supervision some suitable place or method for ~~free~~ public disposal for the inhabitants of the Town to deposit **non-hazardous solid waste** ~~ashes, cinders, papers and other refuse and rubbish in accordance with~~ **subject to (a) applicable state laws and regulations; (b) such rules and regulations as the Select Board may from time to time make; and (c) such reasonable fees and charges to be imposed by the Select Board.** ~~Such rules and regulations may require the separation of designated recyclable material or materials from other refuse.~~

**Town of Lexington
CONSENT AGENDA
2026 Annual Town Meeting**

(Articles 3, 5, 10 1-4, 10a, 10b, 10g, 11, 12a, 12e, 12f, 12g, 12h, 12i, 12l, 12n, 12p, 13, 14, 15, 16a, 16b, 16c, 17, 18, 20, 21, 22, 29, 32, 35)

ARTICLE 3 APPOINTMENTS TO CARY LECTURE SERIES

MOTION: That the Moderator appoint a committee of four to have the charge of the lectures under the wills of Eliza Cary Farnham and Suzanna E. Cary for the current year.
(02/03/2026)

ARTICLE 5 APPROPRIATE FY2027 ENTERPRISE FUNDS BUDGETS

MOTION: a) That the Town appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2027 under the provisions of M.G.L. Chapter 44, Section 53F½:

Personal Services	\$1,089,872
Expenses	\$694,600
Debt Service	\$1,390,315
MWRA Assessment	\$8,895,274
Total	\$12,070,061

Said sums to be funded from water receipts.

b) That the Town appropriate the following sums of money to operate the Wastewater (Sewer) Division of the Department of Public Works during fiscal year 2027 under the provisions of M.G.L. Chapter 44, Section 53F½:

Personal Services	\$502,884
Expenses	\$632,400
Debt Service	\$1,618,731
MWRA Assessment	\$9,452,343
Total	\$12,206,358

Said sums to be funded from wastewater receipts.

c) That the Town appropriate the following sums of money to operate the Recreation and Community Programs Department during fiscal year 2027 under the provisions of M.G.L. Chapter 44, Section 53F½:

Personal Services	\$1,967,722
Expenses	\$1,693,035
Total	\$3,660,757

Said sums to be funded from recreation receipts, except that \$475,000 shall be funded from recreation retained earnings, and \$267,810 shall be raised in the tax levy.

(03/04/2026)

**Town of Lexington
CONSENT AGENDA
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(Articles 3, 5, 10 1-4, 10a, 10b, 10g, 11, 12a, 12e, 12f, 12g, 12h, 12i, 12l, 12n, 12p, 13, 14, 15, 16a, 16b, 16c, 17, 18, 20, 21, 22, 29, 32, 35)

**ARTICLE 10 APPROPRIATE FOR THE FY2027 COMMUNITY PRESERVATION COMMITTEE
OPERATING BUDGET AND CPA PROJECTS**

MOTION: That the Town hear and act on the report of the Community Preservation Committee on the FY2027 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, take the following actions:

That the Town reserve for appropriation the following amounts from estimated FY2027 receipts as recommended by the Community Preservation Committee:

1. \$867,000 for the acquisition, creation and preservation of open space;
2. \$867,000 for the acquisition, preservation, rehabilitation and restoration of historic resources;
3. \$867,000 for the acquisition, creation, preservation and support of community housing;
and
4. \$6,069,000 to the Unbudgeted Reserve.

And further, that the Town make appropriations from the Community Preservation Fund and other sources as follows:

- a) That \$20,000 be appropriated for Document Conservation, and to meet this appropriation \$20,000 be appropriated from the Historic Resources Reserve of the Community Preservation Fund;
- b) That \$2,000,000 be appropriated for the Munroe Center for the Arts, to replace the existing Community Preservation Fund debt authorization approved under Article 10b of the 2023 Annual Town Meeting, and to meet this appropriation, \$1,650,000 be appropriated from the Historic Resources Reserve of the Community Preservation Fund, and \$350,000 be appropriated from the Unbudgeted Reserve of the Community Preservation Fund;
- g) That \$150,000 be appropriated for Administrative Expenses and all other necessary and proper expenses of the Community Preservation Committee for FY2027, and to meet this appropriation \$150,000 be appropriated from the Unbudgeted Reserve of the Community Preservation Fund.

(03/09/2026)

ARTICLE 11 APPROPRIATE FOR RECREATION CAPITAL PROJECTS

MOTION:

- a) That \$60,000 be appropriated for Pine Meadows Golf Course equipment, and all incidental costs related thereto; and that to meet this appropriation \$60,000 be appropriated from Recreation Enterprise Fund Retained Earnings; and

- b) that \$130,000 be appropriated for Pine Meadows Golf Course improvements, and all incidental costs related thereto, and that to meet this appropriation \$130,000 be appropriated from Recreation Enterprise Fund Retained Earnings.

(03/03/2026)

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(Articles 3, 5, 10 1-4, 10a, 10b, 10g, 11, 12a, 12e, 12f, 12g, 12h, 12i, 12l, 12n, 12p, 13, 14, 15, 16a, 16b, 16c, 17, 18, 20, 21, 22, 29, 32, 35)

ARTICLE 12 APPROPRIATE FOR MUNICIPAL CAPITAL PROJECTS AND EQUIPMENT

MOTION: That the following amounts be appropriated for the following municipal capital improvements and that each amount be appropriated as follows:

- a) Transportation Mitigation - \$80,000 for the Transportation Safety Group for certain traffic, pedestrian and bike safety improvements, including the design and construction of smaller scale safety related projects and education programs related to alternative transportation and bike safety, and all incidental costs related thereto, and that to meet this appropriation \$22,950 be appropriated from the Transportation Network Company Special Revenue Fund and \$57,050 be appropriated from the General Fund unreserved fund balance;
- e) Equipment Replacement - \$1,700,000 for the cost of equipment for the Department of Public Works and all incidental costs related thereto, and that to meet this appropriation, \$1,550,000 be appropriated from the General Fund unreserved fund balance, and \$150,000 be appropriated from Water Enterprise Fund Retained Earnings;
- f) Sidewalk Improvements - \$820,000 for rebuilding and repaving existing sidewalks, and all incidental costs related thereto, and to authorize the Select Board to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor; and that to meet this appropriation \$820,000 be appropriated from the General Fund unreserved fund balance;
- g) Hydrant Replacement - \$150,000 for the replacement of fire hydrants and all incidental costs related thereto, and that to meet this appropriation \$75,000 be appropriated from Water Enterprise Fund Retained Earnings, and \$75,000 be appropriated from the General Fund unreserved fund balance;
- h) Street Improvements - \$2,746,777 for road reconstruction, extraordinary repairs and resurfacing, and all incidental costs related thereto, and to authorize the Select Board to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor, and that to meet this appropriation \$2,746,777 be raised in the tax levy, and authorize the Town to accept and expend any additional funds provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation;
- i) Stormwater Management Program - \$2,665,000 for general stormwater management, including watershed storm management projects, constructing and reconstructing storm drains or other projects to achieve NPDES compliance, and the repair and replacement of culverts; and to authorize the Select Board to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor; and all incidental costs related thereto; and that to meet this appropriation \$2,665,000 be appropriated from the General Fund unreserved fund balance;
- l) Intersection Improvements-Adams St at East St and Hancock St. That this article be indefinitely postponed;
- n) Municipal Technology Improvement Program - \$145,000 to replace the video broadcast system in Battin Hall, and all incidental costs related thereto, and that to meet this appropriation \$145,000 be appropriated from the General Fund unreserved fund balance;
- p) Network Technology Improvements - \$120,000 to replace end-of-life access points in the Town's network, and all incidental costs related thereto, and that to meet this appropriation \$120,000 be appropriated from the General Fund unreserved fund balance.

(03/09/2026)

ARTICLE 13 APPROPRIATE FOR WATER SYSTEM IMPROVEMENTS

MOTION: That the Select Board be authorized to make water distribution system improvements,

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2026 Annual Town Meeting**

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including the installation of new water mains and replacement or cleaning and lining of existing water mains and stand pipes, conducting engineering studies and the purchase and installation of equipment in connection therewith, and to pay all incidental costs related thereto, in such accepted or unaccepted streets or other land as the Select Board may determine, subject to the assessment of betterments or otherwise, and to take by eminent domain, purchase, or otherwise acquire any fee, easement or other interest in land necessary therefor; and to appropriate \$2,381,639 for such distribution systems improvements; and that to meet this appropriation, \$1,400,000 be raised through water user fees, and \$981,639 be appropriated from Water Enterprise Fund Retained Earnings.

(03/05/2026)

ARTICLE 14 APPROPRIATE FOR WASTEWATER SYSTEM IMPROVEMENTS

MOTION: That the following be authorized, and that the following amounts be appropriated for the following capital improvements and that each amount be raised as indicated:

(a) the Select Board be authorized to install sanitary sewer mains and sewerage systems and replacements thereof, and pay all incidental costs related thereto, in such accepted or unaccepted streets or other land as the Select Board may determine, subject to the assessment of betterments or otherwise, in accordance with Chapter 504 of the Acts of 1897, as amended, or otherwise, and to take by eminent domain, purchase, or otherwise acquire any fee, easement or other interest in land necessary therefor; to appropriate for such installation and land acquisition the sum of \$1,104,080; and that to meet this appropriation, \$700,000 shall be raised through wastewater user fees, and that the Treasurer, with the approval of the Select Board, be authorized to borrow \$404,080 pursuant to M.G.L. Chapter 44, Section 8 or any other enabling authority; and further that the Treasurer, with the approval of the Select Board, be authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority and in connection therewith to enter into a loan agreement and/or security agreement; and

(b) that \$200,000 be appropriated for pump station building improvements, including replacement of HVAC and electric systems at the main wastewater pump station, and all incidental costs related thereto, and to raise such amount \$200,000 be appropriated from Wastewater Enterprise Fund Retained Earnings.

(03/09/2026)

ARTICLE 15 APPROPRIATE FOR SCHOOL CAPITAL PROJECTS AND EQUIPMENT

MOTION: That \$1,425,657 be appropriated for maintaining and upgrading the Lexington Public Schools technology systems, including the acquisition of new equipment and software in connection therewith, and all incidental costs related thereto, and that to meet this appropriation \$1,425,657 be appropriated from the General Fund unreserved fund balance.

(03/05/2026)

ARTICLE 16 APPROPRIATE FOR PUBLIC FACILITIES CAPITAL PROJECTS

MOTION: That the following amounts be appropriated for the following capital improvements to public facilities and that each amount be raised as follows:

- a) Public Facilities Bid Documents - \$125,000 for professional services to produce design development, construction documents, and bid administration services for capital projects and all incidental costs related thereto, and that to meet this appropriation

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\$125,000 be appropriated from the General Fund unreserved fund balance;

- b) Public Facilities Interior Finishes - \$486,720 for interior finishes in municipal and school buildings, and all incidental costs related thereto, and that to meet this appropriation \$486,720 be appropriated from the General Fund unreserved fund balance;
- c) School Paving and Sidewalks - \$225,000 for school paving and sidewalk improvement programs, including traffic safety improvements, and all incidental costs related thereto, and to authorize the Select Board to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor, and that to meet this appropriation \$225,000 be appropriated from the General Fund unreserved fund balance;

(03/09/2026)

ARTICLE 17 APPROPRIATE TO POST EMPLOYMENT INSURANCE LIABILITY FUND

MOTION: That \$2,133,375 be appropriated to the town of Lexington Post Employment Insurance Liability Fund established pursuant to Chapter 317 of the Acts of 2002, and that to meet this appropriation, \$3,045 be appropriated from Water Fund receipts, \$609 be appropriated from Wastewater Fund receipts, and \$2,129,721 be appropriated from the General Fund unreserved fund balance.

(03/05/2026)

ARTICLE 18 RESCIND PRIOR BORROWING AUTHORIZATIONS

MOTION: That the unused borrowing authorities as set forth below be and are hereby rescinded:

Article	Town Meeting	Project Description	Amount to be Rescinded
10H	2018 ATM	Center Track & Field Reconstruction	\$45,400
16H	2019 ATM	Hill Street New Sidewalk	\$389,310
12F	2020 ATM	Equipment Replacement	\$190,700
10B	2023 ATM	Munroe Center for the Arts	\$2,000,000

(03/12/2026)

ARTICLE 20 APPROPRIATE FOR PRIOR YEARS' UNPAID BILLS

MOTION: That the Fire Department be authorized to pay an invoice for \$10,000 to South Middlesex Hospital Association Inc. for services rendered in fiscal year 2025, and that to meet this appropriation, \$10,000 be appropriated from the General Fund unreserved fund balance.

(03/04/2026)

ARTICLE 21 APPROPRIATE FOR AUTHORIZED CAPITAL IMPROVEMENTS

MOTION: That this article be indefinitely postponed.

(03/03/2026)

ARTICLE 22 STREET ACCEPTANCE: WILLARD CIRCLE, CART PATH LANE AND STAGE COACH ROAD

Town of Lexington
CONSENT AGENDA
2026 Annual Town Meeting

(Articles 3, 5, 10 1-4, 10a, 10b, 10g, 11, 12a, 12e, 12f, 12g, 12h, 12i, 12l, 12n, 12p, 13, 14, 15, 16a, 16b, 16c, 17, 18, 20, 21, 22, 29, 32, 35)

MOTION 1: That the Select Board be authorized to take any necessary steps to accept the layout as a Town way of Willard Circle as laid out by the Select Board and to acquire the necessary rights in fee or easement therein by purchase, gift, eminent domain or otherwise, all as shown upon a plan on file in the office of the Town Clerk, dated November 19, 2025.

MOTION 2: That the Select Board be authorized to take any necessary steps to accept the layout as a Town way of Cart Path Lane and Stage Coach Road, shown on a plan set (2 pages) dated December 29, 2025; and that the Select Board be further authorized to take by eminent domain, donation or to otherwise acquire any fee, easement, or other interest in land necessary therefor, on such terms as the Board may determine.

(02/03/2026)

ARTICLE 29 SELECT BOARD TO ACCEPT EASEMENTS

MOTION: That, until July 1, 2027 the Select Board be authorized to acquire on behalf of the Town easements for the following purposes: roads, sidewalks, vehicular, bicycle or pedestrian access or passage, water, drainage and other utilities, where such easements are acquired at no cost to the Town and are required pursuant to a land use permit, site plan review, or memorandum of understanding.

(02/09/2026)

ARTICLE 32 AMEND GENERAL BYLAWS CHAPTER 35

MOTION:

That the Town amend the Town of Lexington General Bylaws Chapter 35, § 35-1 as follows: (additions in **bold** and deletions ~~strike through~~ for reference only).

§ 35-1. Purpose.

There shall be a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with the Department of Elder Affairs **Executive Office of Aging and Independence (AGE)**.

(2/03/2026)

ARTICLE 35 AMEND ZONING BYLAW – TECHNICAL CORRECTIONS

MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, where ~~struck through~~ text is to be removed and underlined text is to be added, and further that non- substantive changes to the numbering of this Bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

1. Amend § 135-7.1.6.3. as follows:

In Zones AE, along watercourses within the Town of Lexington that have a regulatory floodway designated on the Middlesex County FIRM Map, encroachments are prohibited in the regulatory floodway including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed ~~encouragement~~ encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

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(Articles 3, 5, 10 1-4, 10a, 10b, 10g, 11, 12a, 12e, 12f, 12g, 12h, 12i, 12l, 12n, 12p, 13, 14, 15, 16a, 16b, 16c, 17, 18, 20, 21, 22, 29, 32, 35)

-
2. Amend § 135-3.4.1 Table 1 Permitted Uses and Development Standards to add the following to the KEY:

GC Government Civic Use
RO One Family Dwelling
RS One Family Dwelling
RT Two Family Dwelling
CN Neighborhood Business
CRS Retail Shopping
CS Service Business
CB Central Business
CLO Local Office
CRO Regional Office
CM Manufacturing
CSX Commercial Service Expanded

3. Add the following KEY to § 135-4.1.1 Attachment 1 - Table 2, Schedule of Dimensional Controls, under the NOTES section as follows:

KEY:

GC Government Civic Use
RO One Family Dwelling
RS One Family Dwelling
RT Two Family Dwelling
CN Neighborhood Business
CRS Retail Shopping
CS Service Business
CB Central Business
CLO Local Office
CRO Regional Office
CM Manufacturing
CSX Commercial Service Expanded

(02/09/2026)

Select Board Positions
Working Document

#	Article Name	PLACEHOLDER FOR AN UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (C)	Possible IP (IP)	JH	JP	DL	MS	VK
1	Notice of Election					Y	Y	Y	Y	Y
2	Election of Deputy Moderator and Reports of Town Boards, Officers and Committees					Y	Y	Y	Y	Y
3	Appointments To Cary Lecture Series - C			C		Y	Y	Y	Y	Y
Financial Articles										
4	Appropriate FY2027 Operating Budget		JH			Y	Y	Y	Y	Y
5	Appropriate FY2027 Enterprise Funds Budgets - C		JP	C		Y	Y	Y	Y	Y
6	Amend Fy2026 Operating, Enterprise And CPA Budgets		DL			W	W	W	W	W
7	Sustainable Projects	2/23/2026	MS			Y	Y	Y	Y	Y
8	Appropriate For Vision For Lexington Survey		VK			Y	Y	Y	Y	Y
9	Establish and Continue Departmental Revolving Funds		JP			Y	Y	Y	Y	Y
10	Appropriate The FY2027 Community Preservation Committee Operating Budget And CPA Projects	2/2/2026	MS			Y	Y	Y	Y	Y
	a. Document Conservation – \$20,000 - C			C		Y	Y	Y	Y	Y
	b. Munroe Center for the Arts Cash Refinancing – \$2,000,000					Y	Y	Y	Y	Y
	c. Affordable Housing Trust Funding – \$3,200,000					Y	Y	Y	Y	Y
	d. LexHAB Affordable Housing Support, Restoration, and Preservation – \$395,355					Y	Y	Y	Y	Y
	e. Park Improvements – Athletic Fields - Harrington: Phase 2 – \$2,630,000					Y	Y	Y	Y	Y
	f. Playground Infrastructure Upgrades – \$100,000					Y	Y	Y	Y	Y
	g. Administrative Budget – \$150,000 - C			C		Y	Y	Y	Y	Y
11	Appropriate For Recreation Capital Projects - C		DL	C		Y	Y	Y	Y	Y
12	Appropriate For Municipal Capital Projects And Equipment		JH			Y	Y	Y	Y	Y
	a) Transportation Mitigation - C;			C		Y	Y	Y	Y	Y
	b) Bicycle-Pedestrian Plan Implementation: Minuteman Bikeway to LHS;					Y	Y	Y	Y	Y
	c) Townwide Bicycle-Pedestrian Plan Implementation;					Y	Y	Y	Y	Y
	d) Fire Ladder Truck;					Y	Y	Y	Y	Y
	e) Equipment Replacemen - C;			C		Y	Y	Y	Y	Y
	f) Sidewalk Improvements - C;			C		Y	Y	Y	Y	Y

Select Board Positions
Working Document

#	Article Name	PLACEHOLDER FOR AN UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (C)	Possible IP (IP)	JH	JP	DL	MS	VK
12 (cont.)	g) Hydrant Replacement - C;		JIH	C		Y	Y	Y	Y	Y
	h) Street Improvements - C;			C		Y	Y	Y	Y	Y
	i) Stormwater Management Program - C;			C		Y	Y	Y	Y	Y
	j) DPW Building Floor Repairs;					Y	Y	Y	Y	Y
	k) Burlington & North Streets Sidewalk;					Y	Y	Y	Y	Y
	l) Adams Street Intersection Improvements at East & Hancock Streets C, IP;			C	IP	Y	Y	Y	Y	Y
	m) Hartwell Training Facility Paving;					Y	Y	Y	Y	Y
	n) Municipal Technology Improvement Program - C;			C		Y	Y	Y	Y	Y
	o) Application Implementation; and					Y	Y	Y	Y	Y
	p) Network Technology Improvements - C.			C		Y	Y	Y	Y	Y
13	Appropriate For Water System Improvements - C.		MS	C		Y	Y	Y	Y	Y
14	Appropriate For Wastewater System Improvements - C		MS	C		Y	Y	Y	Y	Y
15	Appropriate For School Capital Projects And Equipment - C		JP	C		Y	Y	Y	Y	Y
16	Appropriate For Public Facilities Capital Projects		JP			Y	Y	Y	Y	Y
	a) Public Facilities Bid Documents - C;			C		Y	Y	Y	Y	Y
	b) Public Facilities Interior Finishes - C;			C		Y	Y	Y	Y	Y
	c) School Paving and Sidewalks - C;			C		Y	Y	Y	Y	Y
	d) Public Facilities Mechanical/Electrical/Plumbing Replacements; and					Y	Y	Y	Y	Y
	e) LHS Equipment Emergency Needs.					Y	Y	Y	Y	Y
17	Appropriate To Post Employment Insurance Liability Fund - C		VK	C		Y	Y	Y	Y	Y
18	Rescind Prior Borrowing Authorizations - C		JP	C		Y	Y	Y	Y	Y
19	Establish, Amend, Dissolve And Appropriate To And From Specified Stabilization Funds		DL			Y	Y	Y	Y	Y
20	Appropriate For Prior Years' Unpaid Bills - C		VK	C		Y	Y	Y	Y	Y
21	Appropriate For Authorized Capital Improvements -C, IP.		DL	C	IP	Y	Y	Y	Y	Y
22	Street Acceptance - C		VK	C		Y	Y	Y	Y	Y
23	Appropriate For Trash/Recycling Bins		MS			Y	Y	W	Y	Y

Select Board Positions
Working Document

#	Article Name	PLACEHOLDER FOR AN UPDATE AT SELECT BOARD MTG	SELECT BOARD PRSNTR	Proposed CNSNT (C)	Possible IP (IP)	JH	JP	DL	MS	VK
24	Elderly And Disabled Taxation Aid Fund & Committee (Gl C. 60, § 3d)		DL			Y	Y	Y	Y	Y
25	Surcharge On Specific Residential Development (Citizen Petition	2/9/2026	JP			W	W	N	W	W
26	Oversee Financial Expenditures Lexington High School Project (Citizen Petition)	2/2/2026	VK			N	N	N	W	N
27	Procurement For Online Capital Project Platform (Citizen Petition)	2/23/2026	DL			N	N	N	N	W
28	Speed Humps - Walnut Street (Citizen Petition)	1/26/2026	VK			N	Y	W	Y	W
General Articles										
29	Select Board To Accept Easements - C		JP	C		Y	Y	Y	Y	Y
30	Amendment To Annual Meeting Date (Election) Provisions In Town Bylaw		JH VK			Y	Y	W	Y	Y
31	Amendment-Chapter 90, § 9 "Regulation Of Refuse Disposal"	2/23/2026	VK			W	W	W	W	W
32	Amend Council On Aging Charge - C		JH	C		Y	Y	Y	Y	Y
33	Universal Design Resolution		JH JP			Y	Y	Y	Y	Y
34	Skip The Stuff (Citizen Petition)	2/2/2026	MS			Y	Y	Y	Y	Y
Zoning Articles										
35	Amend Zoning Bylaw - Technical Corrections - C		JH	C		Y	Y	Y	Y	Y