

SPECIAL ACTS

A201

Chapter A201

SPECIAL ACTS

This chapter contains the text of the following acts:

A. Enacted by the Senate and House of Representatives of the United States of America:

Public Law 89-335, An Act to provide that the flag of the United States of America may be flown for twenty-four hours of each day in Lexington, Massachusetts

B. Enacted by the Senate and House of Representatives of the Commonwealth of Massachusetts:

Chapter 107, Acts of 1910, An Act To Authorize the Town of Lexington To Borrow Money To Repay or Reimburse Its Trust Funds and To Provide for the Custody and Management of Its Trust Property

Chapter 147, Acts of 1914, An Act to Authorize the Park Commissioners of Lexington to Lease a Part of Buckman Tavern Park to the Lexington Historical Society

Chapter 215, Acts of 1929, An Act to Establish in the Town of Lexington Representative Town Government by Limited Town Meetings

Chapter 777, Acts of 1965, An Act Establishing the Office of Comptroller in the Town of Lexington

Chapter 753, Acts of 1968, An Act Establishing the Selectmen-Town Manager Form of Government in the Town of Lexington

Chapter 447, Acts of 1956, An Act Establishing an Historic Districts Commission for the Town of Lexington and Defining its Powers and Duties, and Establishing Historic Districts in the Town of Lexington

Chapter 374, Acts of 1982, An Act Authorizing the Town of Lexington to Sell and Convey Certain Buildings and to Lease a Certain Parcel of Park Land in Said Town

Chapter 521, Acts of 1983, An Act Establishing a Nonprofit Housing Corporation for the Town of Lexington

Chapter 558, Acts of 1985, An Act Authorizing the Chief of Police of the Town of Lexington to Hear Complaints Relating to Dogs

Chapter 412, Acts of 2000, An Act Relative to the Conservation Commission of the Town of Lexington

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Chapter 424, Acts of 2000, An Act Relative to Utility Lines in the Town of Lexington

Chapter 317, Acts of 2002, An Act Authorizing the Town of Lexington to Establish a Post Retirement Insurance Liability Fund

Chapter 7, Acts of 2004, An Act Authorizing a Ballot Question in the Town of Lexington Relative to the Granting of Certain Alcoholic Beverage Licenses

Chapter 345, Acts of 2006, An Act Designating in the Towns of Arlington, Lexington, Lincoln and Concord a Scenic Byway To Be Known as the Battle Road: the Road to Revolutions

Chapter 190, Acts of 2008, An Act Relative to Real Property Tax Deferrals in the Town of Lexington

Chapter 202, Acts of 2008, An Act Authorizing the Division of Capital Asset Management and Maintenance to Transfer Control of a Certain Parcel of Land in the Town of Lexington

Chapter 203, Acts of 2009, An Act Authorizing the Abatement of Certain Property Tax Assessments in the Town of Lexington

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Public Law 89-335
AN ACT

To provide that the flag of the United States of America may be flown for twenty-four hours of each day in Lexington, Massachusetts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any rule or custom pertaining to the display of the flag of the United States of America as set forth in the joint resolution entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", approved June 22, 1942 (36 U.S.C. 171-178), the flag of the United States of America may be flown for twenty-four hours of each day on the green of the town of Lexington, Massachusetts. The flag may not be flown pursuant to the authority contained in this Act during the hours from sunset to sunrise unless it is illuminated.

Approved November 8, 1965.

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CHAPTER 107 OF THE ACTS OF 1910

AN ACT TO AUTHORIZE THE TOWN OF LEXINGTON TO BORROW MONEY TO REPAY OR REIMBURSE ITS TRUST FUNDS AND TO PROVIDE FOR THE CUSTODY AND MANAGEMENT OF ITS TRUST PROPERTY.

SECTION 1. The town of Lexington, for the purpose of repaying or reimbursing certain trust funds received by said town and subsequently paid out and expended by it for the general expenses of the town, is hereby authorized to borrow a sum not exceeding thirty-five thousand dollars and to issue notes or bonds therefore, payable at periods not exceeding twenty-five years from the date of issue; such notes or bonds shall be signed by the treasurer and countersigned by the selectmen, shall bear interest, payable semiannually, at a rate not exceeding four and one half per cent per annum and shall be sold or disposed of in such manner, or upon such terms, as the treasurer and selectmen may determine. At the time of issuing said notes or bonds the town shall provide for the payment thereof in such annual payments as will extinguish the debt within the time prescribed in this act, and when a vote to that effect has been passed, the amount required thereby shall be raised annually by taxation in the same manner in which the other taxes are raised, without any further vote or action of the town.

SECTION 2. The town may at its next annual meeting, or at a special meeting duly called for the purpose, elect by ballot in the same manner as other town officers are elected a board of three citizens who shall serve without compensation and who shall be called Trustees of Public Trusts, one of whom shall serve until the annual meeting in the year nineteen hundred and twelve, one until the annual meeting in the year nineteen hundred and fourteen, and one until the annual meeting in the year nineteen hundred and sixteen, and at the annual meeting in the year nineteen hundred and twelve and biennially thereafter the town shall elect one trustee for the term of six years and until his successor is elected and qualified.

SECTION 3. Unless it shall be otherwise provided or determined by vote of the town or by the terms of the instrument creating the trust, said board shall take, hold, manage, invest, reinvest, administer and dispense all the estates and properties, real and personal, and the proceeds thereof, which have already been and which may hereafter be devised, bequeathed or otherwise given to or conferred upon said town of Lexington for public or charitable objects, including the trust funds referred to in section one, and also any properties devised, bequeathed or otherwise conferred upon said board for the benefit of said town or any public or charitable objects therein. Said board may invest and reinvest all of said estates and properties, real and personal, and the proceeds thereof, in such other estates and securities, real and personal, as it may deem safe and proper, having always in mind the security of the principal sums of said trusts.

SECTION 4. A vacancy in said board shall be created by the death, the removal for cause by the supreme judicial court, the removal of his legal residence from said town, or the resignation in writing delivered to the selectmen of any member of the board, and any vacancy shall be filled by the election of a new member by ballot for the remainder of the term so vacated at a meeting of the voters duly called for the purpose.

SECTION 5. Said board shall take, hold and manage all sums of money deposited with the treasurer of said town for the care and preservation of cemetery lots under the provisions of the

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laws of the commonwealth, and may invest the same in the Lexington Savings Bank or other savings banks in this commonwealth in separate accounts with each deposit and shall pay over from the income thereof to the proper persons the sums necessary to carry out the purposes of said deposits.

SECTION 6. Said board shall do all acts necessary or proper to be done for the purpose of carrying into effect the provisions of this act and shall annually make a full report to said town of the amounts and investments of all property and deposits held by them hereunder and of their doings in relation thereto.

SECTION 7. Nothing in this act contained shall be construed as restricting, enlarging or in any way changing the terms of the bequests or donations under which said estates are devised or given.

SECTION 8. This act shall take effect upon its acceptance by said town at a legal meeting duly called for the purpose.

*Approved February 21, 1910
Adopted April 12, 1910 - Article 2*

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CHAPTER 147, ACTS OF 1914

AN ACT TO AUTHORIZE THE PARK COMMISSIONERS OF LEXINGTON
TO LEASE A PART OF BUCKMAN TAVERN PARK TO THE LEXINGTON
HISTORICAL SOCIETY

SECTION 1. The park commissioners of the town of Lexington are hereby authorized to lease to the Lexington Historical Society, for the uses and purposes for which the society is incorporated, the building known as the Buckman Tavern and such part of Buckman Park in which the building stands as may be required for its proper maintenance, for such time and on such terms and conditions as the commissioners deem expedient but in accordance with the votes of the town relating thereto, passed May fifteenth, in the year nineteen hundred and thirteen.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1914.

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CHAPTER 215, ACTS OF 1929

AN ACT TO ESTABLISH IN THE TOWN OF LEXINGTON REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS

(As amended by Ch. 381, Acts of 1954; Ch. 442, Acts of 1956; Ch. 18, Acts of 1959; Ch. 179, Acts of 1978; Ch. 132, Acts of 1989; and Ch. 158, Acts of 1992; Ch. 101, Acts of 2008; Ch. 108, Acts of 2008; Ch. 117, Acts of 2019; and Ch. 3, Acts of 2020)

Section 1. Upon the acceptance of this act by the town of Lexington as hereinafter provided, the select board shall forthwith divide the territory thereof into not less than nine nor more than twelve voting precincts, each of which shall be plainly designated, and shall consist of as nearly equal population as is possible. (Amended by Chapter 3 of the Acts of 2020)

The precincts shall be so established as to consist of compact and contiguous territory, to be bounded, as far as possible, by the centerline of known streets and ways or by other well defined limits. Their boundaries shall be reviewed and, if need be, wholly or partly revised or the number of precincts changed within the aforesaid limits by the selectmen in December, once in five years, or in December of any year when so directed by a vote of a representative town meeting not later than November thirtieth of that year.

The select board shall, within twenty days after any establishment or revision of the precincts, but not later than January twentieth of the succeeding year, file a report of their doings with the town clerk, the registrars of voters and the assessors with a map or maps or description of the precincts and the names and residences of the registered voters therein. The select board shall also cause to be posted at the town hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein. They shall also cause to be posted in at least one public place in each precinct a map or description of that precinct with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the select board with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as may from time to time be determined by vote at a representative town meeting under an appropriate article in the warrant therefor, or, in default of such determination, as the select board shall in the warrants for such meetings direct. The provisions of the general laws, relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts as herein before provided. (Amended by Chapter 3 of the Acts of 2020)

Section 2. Other than the officers designated in section three as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a representation of all precincts by an equal

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number of members and which will not cause the total elected town meeting membership to exceed two hundred and four. The registered voters in every precinct shall, at the first annual town election held after the establishment thereof; or at a special town election held prior to such annual town election and at the first annual town election following any precinct revision where the number of precincts is changed, conformably to the laws relative to elections not inconsistent with this act, elect by ballot the number of registered voters in the precinct, other than the officers designated in section three as town meeting members at large, provided for in the first sentence of this section, to be town meeting members of the town. The first third in order of votes received of members so elected shall serve three years, the second third in such order shall serve two years, and the remaining third in such order shall serve one year, from the day of the annual town meeting, if elected at such election, and, if elected at a special town election, shall also serve from the date of such special town election to and including the day of the next following annual town meeting; in case of a tie vote affecting the division into thirds as aforesaid the members elected from the precinct shall by ballot determine the same; and thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect one third of the number of town meeting members to which that precinct is entitled for the term of three years, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of town meeting members in their respective precincts. Such vacancy or vacancies shall be filled, in the order of votes received at each annual town election, from among those candidates in their respective precincts who fail of election to a term of three years, and in the case of a tie vote affecting the division between those elected for three year or other terms and those elected for shorter terms, the members elected from the precinct shall by ballot determine the same. Meetings of members elected from the precinct shall, for the purpose of determining such ties, be called and held as set forth in section seven. Upon every revision of the precincts where the number of precincts is changed, the terms of office of all town meeting members from every precinct shall cease upon the election of their successors. The town clerk shall, after every election of town meeting members, forthwith notify each member by mail of his election.

Section 3. Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the voters elected under section two, together with the following designated as town meeting members at large; namely, any member of the general court of the commonwealth from the town, the moderator, the town clerk, the members of the select board and board of public works, the town treasurer, the town counsel, the chairman of the school committee, and chairs of the appropriation and capital expenditures committees. (Amended by Chapter 101 of the Acts of 2008; Chapter 117 of the Acts of 2019; Chapter 3 of the Acts of 2020)

The town meeting members, as aforesaid, shall be the judges of the election and qualifications of their members. One hundred town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time. All town meetings shall be public; and, subject to such conditions as may be determined from time to time by the representative town meeting, any voter of the town who is not a town meeting member may speak at any representative town meeting, but he shall not vote. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect upon the date of such filing. No elected member whose official position entitles him to be a member at large shall act as a member at large during such time as he remains an

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elected member. A town meeting member who removes from the town shall cease to be a town meeting member and an elected town meeting member who removes from one precinct to another or is so removed by a revision of precincts shall not retain membership after the next annual election as an elected member from the precinct from which he has or is removed. The town meeting members as such shall receive no compensation.

Section 4. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers signed by not less than ten voters of the precinct in which the candidate resides, and filed with the town clerk within such periods of time as may be provided for by law; provided, that any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk within such periods of time as may be provided for by law. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

Section 5. The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers, town meeting members, and as herein before provided, to referenda and all matters to be acted upon and determined by ballot shall be acted upon and determined by the voters in the respective meetings by precinct. All other articles in the warrant for any town meeting, beginning with the town meeting at which said town meeting members are first elected, shall be acted upon and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the select board in the warrant for the meeting, subject to the referendum provided for by section eight. (Amended by Chapter 3 of the Acts of 2020)

Section 6. A moderator shall be elected by ballot at each annual town meeting and shall serve as moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified. Nominations for and election of a moderator shall be as in the case of other elective town officers, and any vacancy in the office may be filled by the town meeting members at a meeting held for that purpose. If a moderator is absent a moderator pro tempore may be elected by the town meeting members.

Section 7. Any vacancy in the full number of town meeting members from any precinct, whether arising from a failure of the registered voters thereof to elect, or from any other cause, shall be filled until the next annual election by the selection by the town clerk of the person who received the highest number of votes as a defeated candidate for the office of town meeting member in the preceding election in the precinct where the vacancy occurs and the town clerk shall promptly notify such person of his election as a town meeting member. If for any reason such person cannot or does not accept such office, the next highest in recorded vote of the defeated candidates in that precinct shall be similarly selected. In the event of a tie vote of those who received the highest votes as such defeated candidates, or in the event there is no such defeated candidate available, the town clerk shall call a special meeting of the town meeting members from the precinct where the vacancy occurs for the purpose of so filling the vacancy from among those having the tie votes or, if no tie vote is involved, from among the registered voters of the precinct and shall cause to be mailed to every such town meeting

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member, not less than seven days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting a majority of the members from such precinct shall constitute a quorum, and they shall elect from their own number a chairman and a clerk. The choice to fill any vacancy shall be by written ballot and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the town clerk, together with a written acceptance by the member or members so chosen who shall thereupon be deemed elected and qualified a town meeting member or members, subject to the right of all the town meeting members to judge of the election and qualifications of the members as set forth in section three.

Section 8. A vote passed at any representative town meeting authorizing the expenditure of twenty thousand dollars or more as a special appropriation, or establishing a new board or office or abolishing an old board or office or merging two or more boards or offices, or fixing the term of office of town officers, where such term is optional, or increasing or reducing the number of members of a board, or adopting a new by-law, or amending an existing by-law, shall not be operative until after the expiration of five days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said five days, a petition signed by not less than 3 per cent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed with the select board requesting that the question or questions involved in any such vote which has not become operative as aforesaid be submitted to the voters of the town at large, then the operation of such votes shall be further suspended pending its determination as hereinafter provided, and the select board, within 10 days after the filing of the petition, shall forthwith call a special meeting for the purpose of presenting to the voters at large the question or questions so involved. All votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but no action of the representative town meeting shall be reversed unless at least twenty per cent of the registered voters shall vote to reverse the action. Each question so submitted shall be in the form of the following question, which shall be placed upon the official ballot: -"Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote)?" If such petition is not filed within the said period of five days, the vote of the representative town meeting shall become operative upon the expiration of the said period. (Amended by Chapter 108 of the Acts of 2008; Chapter 3 of the Acts of 2020)

Section 9. The town of Lexington after the acceptance of this act and the first election of town meeting members thereunder, shall have the capacity to act through and be bound by its said town meeting members who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meeting shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meetings shall, when taken by any representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as heretofore organized and conducted.

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Section 10. This act shall not abridge the right of the inhabitants of Lexington to hold general meetings, as that right is secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in Lexington the power finally to commit the town to any measure affecting its municipal existence or changing its government, without action thereon by the voters of the town at large, using the ballot and the check list therefor.

Section 11. This act shall be submitted to the registered voters of the town of Lexington for acceptance at any annual or special town meeting. The vote shall be taken by ballot in precincts in accordance with the provisions of the general laws, so far as the same shall be applicable, in answer to the question, which shall be placed upon the official ballot to be used for the election of town officers: "Shall an act passed by the general court in the year nineteen hundred and twenty-nine, entitled 'An Act to establish in the town of Lexington representative town government by limited town meetings' be accepted by this town?"

Section 12. So much of this act as authorizes its submission to the registered voters of the town shall take effect upon its passage, and the remainder shall take effect upon its acceptance by a majority of the voters voting thereon.

Section 13. If this act is rejected by the registered voters of the town of Lexington when submitted to said voters under section eleven it may be submitted for acceptance in like manner from time to time to such voters at any annual or special meeting in said town within three years thereafter.

Approved April 11, 1929

Ch. 215, Acts of 1929, adopted by town - November 4, 1929
Ch. 381, Acts of 1954, adopted by town - March 7, 1955
Ch. 442, Acts of 1956, adopted by town - March 4, 1957
Ch. 18, Acts of 1959, adopted by town - March 2, 1959
Ch. 179, Acts of 1978, effective upon passage - May 22, 1978
Ch. 132, Acts of 1989, effective upon passage - June 13, 1989
Ch. 158, Acts of 1992, effective upon passage - August 12, 1992
Ch. 101, Acts of 2008, effective upon passage - May 13, 2008
Ch. 108, Acts of 2008, effective upon passage - May 14, 2008
Ch. 117, Acts of 2019, effective upon passage - November 21, 2019
Ch. 3, Acts of 2020, effective upon passage - January 14, 2020

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CHAPTER 777, ACTS OF 1965

AN ACT ESTABLISHING THE OFFICE OF COMPTROLLER IN THE TOWN OF LEXINGTON

SECTION 1. There shall be in the town of Lexington a comptroller to be appointed by the selectmen. The comptroller shall be a citizen of the United States and shall have had at least three years' full-time accounting experience. He shall be subject to the supervision and control of the selectmen and shall devote his entire time to the performance of his duties and the supervision of the employees of his department. He shall be appointed for a term to run for three years from the first day of April following the acceptance of this act and until the qualification of his successor; thereafter the comptroller shall be appointed in March of every third year for a three-year term from the first day of the following April. He may be removed by the selectmen for cause and the vacancy filled by appointment for the remainder of the unexpired term.

SECTION 2. The comptroller shall have, in addition to the powers and duties conferred and imposed upon town accountants, the following powers and duties:

(a) He shall prescribe the methods of installation and exercise supervision of all accounting records of the several officers, boards, departments, committees and commissions of the town; provided, however, that any change in the system of accounts shall first be discussed with the selectmen and the officers, boards, departments, committees and commissions affected.

(b) He shall establish standard practices relating to all accounting matters and procedures and the co-ordination of systems throughout the town, including clerical and office methods, records, reports and procedures as they relate to accounting matters and shall prepare and issue rules, regulations and instructions relating thereto, which, when approved by the selectmen, shall be binding upon all officers, employees and departments of the town.

(c) He shall draw all warrants upon the treasurer for the payment of bills, drafts and orders chargeable to the several appropriations and other accounts.

(d) Prior to submitting any warrant to the selectmen, he shall examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby; and, in connection with any such examination, he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any officer, board or commission of the town, and may investigate the services or labor performed for or furnished to any such officer, board or commission. If upon examination it appears to the comptroller that any such bill, draft or order is fraudulent, unlawful or excessive, he shall immediately file with the selectmen and town treasurer a written report of the reasons for his findings.

(e) He shall be in charge of all of the accounting and business machines owned by the town, other than machines used for educational or classroom purposes, and shall allocate the use thereof among the several departments.

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(f) He shall be responsible for a continuous audit of all accounts and records of the town wherever located.

SECTION 3. If the comptroller is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation or death, the selectmen may appoint a temporary comptroller to hold such office and exercise the powers and perform the duties thereof until the comptroller who was disabled or absent resumes his duties or until another comptroller is duly appointed. Said temporary appointment shall be in writing signed by a majority of the selectmen and shall be filed in the office of the town clerk.

SECTION 4. The comptroller, with the approval of a majority of the selectmen, may appoint in writing an assistant. Unless a temporary comptroller is appointed, the assistant may, in the absence of the comptroller, perform the duties of the comptroller and when performing such duties shall have the same powers and be subject to the same requirements and penalties as the comptroller.

SECTION 5. Upon the qualification of the comptroller first appointed hereunder, the town accountant shall cease to serve as such and the office of town accountant shall thereupon be abolished.

SECTION 6. Nothing in this act or any action taken hereunder shall contravene the provisions of any statute or any rules or regulations issued thereunder.

SECTION 7. This act shall take effect upon its acceptance by the town of Lexington within two years after the passage of this act.

Approved November 30, 1965.

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CHAPTER 753 OF THE ACTS OF 1968 AN ACT ESTABLISHING THE SELECTMEN-TOWN MANAGER FORM OF GOVERNMENT IN THE TOWN OF LEXINGTON

(As amended by Chapter 284 of the Acts of 1976; Chapter 120 of the Acts of 1985; Chapter 117 of the Acts of 2019; and Ch. 3 of the Acts of 2020)

Section 1. Elected Officials

Following the acceptance of this act, the registered voters of the town of Lexington shall, in accordance with any applicable laws, by-laws and votes of the town, continue to elect the following:

- (a) town meeting members,
- (b) moderator,
- (c) select board,
- (d) school committee,
- (e) Lexington housing authority, and
- (f) planning board.

The acceptance of this act shall not affect the term of office of any such elected official or elected member of such board, committee or authority. Every other elective office, board, committee or commission of the town shall be terminated or shall become appointive as hereinafter provided, any other provision of law to the contrary notwithstanding. The term of office of any person elected to any office, board, committee or commission of the town, existing at the time of such acceptance and terminated hereunder, shall continue until the first annual town election following the acceptance of this act, and thereafter the said offices, boards, committees and commissions shall be abolished, and all powers, duties and obligations conferred or imposed thereon by law, except as provided by this act, shall be conferred and imposed upon the select board or the town manager to the extent hereinafter provided. The term of office of any person elected to any office, board, committee or commission, existing as an elected office at the time of the acceptance of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of his successor.

When a vacancy or vacancies occur in the membership of the school committee or the select board, the select board or the remaining members of the select board shall call a special town election to fill the vacancy or vacancies for the unexpired term or terms, except that if such vacancy or vacancies occur less than one hundred days prior to the annual election and not less than three members of such committee or board remain in office, the vacancy or vacancies shall remain unfilled until such annual election.

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The powers, duties and responsibilities of elected officials shall be as now or hereafter provided by applicable provisions of general laws, special acts, by-laws, and votes of the town, except as otherwise expressly provided herein.

Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available to the manager for consultation, conference and discussion on matters relating to their respective offices.

(Amended by Chapter 3 of the Acts of 2020)

Section 2. Appointed Officials

- (a) The select board shall appoint and may remove a town manager as hereinafter provided.
- (b) The select board shall appoint a board of appeals, a town comptroller, a town counsel, the trustees of public trusts, the town celebrations committee, the historic districts commission in accordance with chapter four hundred and forty-seven of the acts of nineteen hundred and fifty-six, the fence viewers, election officers, registrars of voters other than the town clerk and such other offices, boards, and committees as they shall hereafter be directed to appoint by by-law or vote of the town.
- (c) The moderator shall appoint the appropriation committee, the capital expenditures committee and such boards, committees and officers as he may now or hereafter be directed to appoint by any applicable law, by-law or vote of the town. (Amended by Chapter 117 of the Acts of 2019)
- (d) The town manager shall appoint, subject to the approval of the select board:
 1. a board of health,
 2. a conservation commission, and
 3. a recreation committee.
- (e) The town manager shall appoint a town clerk, a town treasurer, a tax collector, a permanent building committee, a board of assessors, constables, a chief of police, a fire chief, a director of civil defense, a planning director, with the approval of the planning board, a director of public works, a building commissioner, a cemetery superintendent and, except as provided in subparagraphs (a), (b), (c) and (d), all other officers, boards, committees, commissions and employees of the town with the exception of the elected officials specified in section one and secretarial assistants to the select board, employees of the school department and the housing authority and professional and semiprofessional employees of the library.
- (f) Any person so appointed under subparagraph (b), (d) and (e) who is not subject to the provisions of chapter thirty-one of the General Laws may be removed by the

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appointing authority for cause on five days notice in writing setting forth the cause of such removal; provided, however, that no removal shall be made of officers listed in subparagraph (d), except with the approval of the select board.

- (g) The retirement board as constituted by chapter thirty-two of the General Laws, and the membership of the board of library trustees shall not be affected by the acceptance of this act. The powers and responsibilities of the Trustees of Public Trusts, as prescribed by chapter one hundred and seven of the acts of nineteen hundred and ten, shall not be changed by acceptance of this act.
- (h) Any vacancy occurring in any of the offices, boards, committees or commissions referred to in this section shall be filled for the balance of the unexpired term or for a new term as the case may be by the original appointing authority.

(Amended by Chapter 3 of the Acts of 2020)

Section 3. Memberships, Terms, Powers, Duties and Responsibilities

The number of members of boards, committees and commissions appointed as provided in the preceding section, the length of the term of each member thereof and of officials and employees so appointed, and the powers, duties and responsibilities of the same shall be as now or hereafter provided by any applicable law, by-law or vote of the town except as herein otherwise provided. The board of fire commissioners shall be abolished, and its powers, duties and responsibilities shall be assumed by and devolve upon the fire chief, except those which are herein conferred upon the town manager. The board of cemetery commissioners shall likewise be abolished, and its powers, duties and responsibilities shall be assumed by and devolve upon the cemetery superintendent except those which are herein conferred upon the town manager. Upon appointment and qualification of the various officials as provided in section two, the term of office and all powers and duties of each person theretofore holding such office shall cease and be terminated, except that the terms of office of such persons who continue shall not be interrupted and the powers and duties of the board abolished herein shall be conferred and imposed upon the town manager to the extent hereinafter provided.

Officers, boards, committees and commissions appointed by the town manager shall possess all the powers and rights and shall be subject to all the duties and liabilities specifically conferred or imposed by any applicable provision of law upon them or upon officers, boards, committees or commissioners having corresponding powers and duties.

Section 4. Multiple Offices

No member of the appropriation committee, other than the town comptroller, and no member of the capital expenditures committee shall be a town officer or a town employee, other than town meeting member, nor shall he serve on any other board, committee or commission of the town or any subcommittee appointed by any other town official, board, committee or commission, except that he may serve on the joint school committee-teachers' salary advisory committee or special committees which may be created from time to time by vote of the town meeting when such vote expressly authorizes him to so serve.

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In case of vacancy, absence or disability affecting any office which he is authorized to fill by appointment, the town manager may with the approval of the select board, but without additional compensation therefor, assume the powers, duties and responsibilities of such offices, such assumption to be evidenced by and effective upon the filing with the town clerk of a written declaration of such assumption signed by the town manager, except that he shall not appoint himself as a member of any board, commission or committee. (Amended by Chapter 3 of the Acts of 2020)

Section 5. Appointment of a Town Manager

The select board shall appoint, as soon as practicable, for a term not to exceed three years, a town manager, who shall be a professionally qualified person of proven ability who has had substantial involvement with municipal government and is appropriately fitted by education, training, and by previous full-time paid experience in a responsible administrative position to perform the duties of the office. Upon expiration of such term, or upon the resignation or removal of the town manager or in the event of any vacancy in the office of town manager, the select board, as soon as practicable but, in any event, not later than nine months after the expiration of said term or effective date of resignation or removal or the occurrence of a vacancy, whichever is earlier, shall appoint a successor with the above specified qualifications. The town manager shall be appointed without regard to his party or political designation. He shall be a citizen of the United States of America. No person holding elective office in the town with the exception of town meeting members shall, within three years of holding such office, be eligible for appointment as town manager. The town manager shall not hold any elective office nor engage in any other business or occupation during his term except for part-time consultative or teaching duties, directly related to the profession of municipal management and with the specific consent of the select board. The town manager may be appointed for successive terms of office. Before entering upon the duties of his office, he shall be sworn in the presence of a majority of the select board, to the faithful and impartial performance thereof by the town clerk or a notary public. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such sureties as may be fixed or approved by the select board, the cost for which shall be borne by the town. (Amended by Chapter 3 of the Acts of 2020)

Section 6. Acting Manager

The town manager may designate, subject to the approval of the select board, by letter filed with the town clerk, a suitable person to perform his duties during his temporary absence or disability. If the town manager fails to make such appointment or the person so appointed fails to serve, the select board may appoint a suitable person to perform such duties. In the event of any vacancy in the office of town manager or the suspension of the town manager the select board shall, within seven days, appoint an acting manager to perform such duties. (Amended by Chapter 3 of the Acts of 2020)

Section 7. Removal of the Manager

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The select board may remove the town manager by the affirmative vote of at least a majority of the full membership of the board. At least thirty days before such proposed removal shall become effective, the select board shall file a preliminary resolution with the town clerk setting forth in detail the specific reasons for his proposed removal. The town clerk shall forthwith deliver a copy of such resolution to the town manager or mail the same to him by registered mail at his last known address. The manager may file with the select board, within seven days after receipt of such copy, a written request for a public hearing as to the reasons for his removal. If the manager so requests the select board shall hold a public hearing not earlier than ten days nor later than twenty days after the filing of such request. After such public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, and after full consideration, the select board, by affirmative vote of at least a majority of the full membership of the board, may adopt a final resolution of removal. In the preliminary resolution the select board may suspend the manager from duty, but in any case his salary shall continue to be paid until the expiration of at least one month and not more than three months after the date of the final resolution of removal, as the select board shall deem proper. (Amended by Chapter 3 of the Acts of 2020)

Section 8. Compensation of the Manager

The town manager shall receive such compensation for services performed by him as the select board shall determine but it shall not exceed the amount appropriated therefor by the town. (Amended by Chapter 3 of the Acts of 2020)

Section 9. Powers and Duties of the Manager

In addition to other powers and duties provided for in this act, the town manager shall have the following powers and duties:

- (a) The town manager shall supervise and be responsible for the efficient administration of all boards, committees, commissions and officers appointed by him and their respective departments. The town manager shall not, however, exercise any control over the discretionary power vested by statute in any such board, committee, commission or officer. He shall, in addition, supervise and be responsible for the efficient administration of any agency of the town not subject to his appointment and control, but only at such time and to such extent and for such period as the officials having control of such agency or activity may, with the consent of the select board, determine.
- (b) The town manager consistent with the provisions of this act and the General Laws, may, with the approval of the select board, reorganize, consolidate or abolish boards, departments, committees, commissions or offices under his supervision, in whole or in part; establish such new boards, departments, committees, commissions or offices as he deems necessary; and for such purpose transfer the duties and powers, and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one board, department, committee, commission or office to another.

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- (c) Subject to any applicable provisions of chapter thirty-one or section one hundred and eight A of chapter forty-one of the General Laws, the town manager shall, with the approval of the select board, formulate personnel practices and standards and shall fix the compensation of all town officers and employees appointed by him, within the limits of the amounts appropriated therefor by the town.
- (d) The town manager shall have jurisdiction over the rental and use of all town property, except schools and libraries. He shall be responsible for the maintenance and repair of all town property, but not including school buildings and grounds; except that upon request of the school committee he shall be responsible for the maintenance and repair of property under its jurisdiction but only to such extent and for such period as the school committee shall from time to time specify. He shall be responsible for the preparation of plans and the supervision of work on all construction, reconstruction, alterations, improvements and other undertakings authorized by the town unless otherwise assigned by the town meeting to the permanent building committee. Plans for the construction or improvement of school buildings or property shall be subject to the approval of the school committee.
- (e) The town manager shall be responsible for purchasing all supplies, materials and equipment, and shall award all contracts for all departments and activities of the town under his supervision; and he shall make all purchases for departments and activities not under his supervision but not including food for schools, school books and other instructional materials, supplies and equipment, library books and related printed and audio visual material unless otherwise specifically requested by the school committee or the library trustees and only to such extent and for such period as the school committee or the library trustees shall from time to time specify. Purchases for departments and activities not under his supervision shall be made only upon and in accordance with a requisition duly signed by the head of any such department.
- (f) The town manager shall be responsible for the implementation of town meeting votes and shall report annually in writing to the town meeting on the status of prior town meeting votes on which implementation is not complete.
- (g) The town manager shall administer, either directly or through a person or persons appointed by him in accordance with this act, all provisions of general and special laws applicable to said town and by-laws and votes of the town and all rules and regulations made by the select board. Nothing in this act shall be construed to change in any respect the provisions in the General Laws relating to the exercise of the power to take by eminent domain, or to vest such power in the town manager.
- (h) The town manager shall, with the approval of the select board, have the authority to prosecute, defend or compromise all litigation to which the town is party and to employ special counsel with the approval of the select board to assist the town counsel whenever in his judgment it may be necessary.

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- (i) The town manager shall keep the select board fully advised as to the needs of the town and shall recommend to the select board for adoption such measures requiring action by them or by the town as he may deem necessary or expedient.
- (j) The town manager shall keep the select board and the appropriation committee informed as to the financial condition of the town.
- (k) The town manager shall have access to all town books and papers for information necessary for the proper performance of his duties, and may, without notice, cause the affairs of any department or activity under his control, or the conduct of any officer or employee thereof, to be examined.
- (l) The town manager shall keep full and complete records of his office and shall render as often as may be required by the select board a full report of all operations during the period reported on.
- (m) The town manager shall be accessible and available for consultation to chairmen of boards, committees and commissions of the town, whether appointed or elected, and shall make accessible and available to them all such data and records of his office as may be requested in connection with their official duties.
- (n) The town manager shall perform such other duties consistent with his office as may be required of him by the by-laws or vote of the town or by the vote of the select board.

(Amended by Chapter 3 of the Acts of 2020)

Section 10. Approval of Warrants

Warrants for the payment of town funds prepared by the town comptroller, in accordance with the provisions of section fifty-six of chapter forty-one of the General Laws, shall be submitted to the town manager. The approval of any such warrant by the town manager, or in his absence the acting town manager, shall be sufficient authority to authorize payment by the town treasurer, but the select board shall approve all warrants in the event of the absence of the town manager or acting town manager, or a vacancy in the office of town manager. (Amended by Chapter 3 of the Acts of 2020)

Section 11. Investigation of Claims.

Whenever any payroll, bill or other claim against the town is presented to the town manager, he shall, if the same seems to him to be of doubtful validity, excessive in amount, or otherwise contrary to the interests of the town, immediately investigate the facts and report them to the selectmen who shall determine what, if any, payment should be made. Pending such investigation and determination by the select board, payment shall be withheld. (Amended by Chapter 3 of the Acts of 2020)

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Section 12. Estimate of Capital Expenditures

All boards, departments, committees, commissions and officers of the town shall annually, at the request of the town manager, submit to him and to the capital expenditures committee in writing a detailed estimate of the capital expenditures as defined by by-law required for the efficient and proper conduct of their respective departments and offices for the next fiscal year and the ensuing four year period. The town manager shall submit in writing to the select board and to the capital expenditures committee a careful, detailed estimate of the recommended capital expenditures for the aforesaid periods, showing specifically the amount necessary to be provided for each office, department and activity and a statement of the amounts required to meet the interest and maturing bonds and notes or other indebtedness of the town. The select board shall consider the capital budget submitted by the town manager and make such recommendations relative thereto as they deem appropriate and proper in the interests of the town. The select board shall transmit a copy of the capital budget together with their recommendations relative thereto to the appropriation committee and to the capital expenditures committee. The calendar dates on or before which the budget, revenue statement and tax rate estimate are to be submitted and transmitted shall be specified by by-law. (Amended by Chapter 3 of the Acts of 2020)

Section 13. Estimate of Annual Expenditures

All boards, departments, committees, commissions and officers of the town, except the school committee, shall annually, at the request of the town manager, submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments and offices during the next fiscal year. The school committee shall submit to the manager, at his request, a total budget estimate for the next fiscal year. The town manager shall submit to each member of the select board in writing an annual budget, which shall contain a careful, detailed estimate of the probable expenditures of the town for the ensuing fiscal year, including a statement of the amounts required to meet the interest and maturing bonds and notes or other indebtedness of the town, and showing specifically the amount necessary to be provided for each office, department and activity, together with a statement of the expenditures for the same purposes in the two preceding years and an estimate of expenditures for the current year. He shall also submit a statement showing all revenues received by the town in the two preceding years, together with an estimate of the receipts of the current year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year. He shall also report to the select board the probable amount required to be levied and raised by taxation to defray all of the proposed expenditures and liabilities of the town, together with an estimate of the tax rate necessary therefor.

The select board shall consider the proposed budget submitted by the town manager and make such recommendations relative thereto as they deem expedient and proper in the interest of the town. The select board shall transmit a copy of the budget together with their recommendations relative thereto to the appropriation committee and, for its information, a copy to the capital expenditures committee. The calendar dates on or before which the budget, revenue statement and tax rate estimate are to be submitted and transmitted shall be specified by by-law. (Amended by Chapter 3 of the Acts of 2020)

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Section 14. Investigation by the select board.

The select board may, by majority vote, undertake an investigation of the affairs of any board, department, committee, commission or official appointed by them or by the town manager, and in so doing they shall have access to all records and other documents which they may deem necessary. For the purpose of making investigations or surveys, the select board or the town manager shall have access to all records and other documents which they may deem necessary, and may expend such sums for the employment of experts, counsel, and other assistants, and for other expenses in connection therewith, as the town may appropriate for such purpose. (Amended by Chapter 3 of the Acts of 2020)

Section 15. By-laws, Rules, etc.

All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town or any other authority, which are in force in the town of Lexington on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue in full force and effect until otherwise provided by other laws, by-laws, votes, rules and regulations, respectively. All other laws, by-laws, votes, rules and regulations so far as they refer to the town of Lexington, are hereby suspended but such suspension shall not revive any preexisting enactment.

Section 16. Contracts

No contract existing and no action at law or suit in equity, or other proceeding pending at the time this act is accepted, or at the time of revocation of such acceptance, shall be affected by such acceptance or revocation, except that upon revocation any contract made by the town with the town manager then in office shall be terminated immediately upon such vote. The manager shall receive three months' compensation from the date of such vote.

Section 17. Submission of Act and Time of Taking Effect

This act shall be submitted for acceptance to the qualified voters of the town of Lexington at the annual town meeting to be held in the year nineteen hundred and sixty-nine in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: -- "Shall an act passed by the General Court in the year nineteen hundred and sixty-eight, entitled 'An Act establishing a selectmen-town manager form of government in the town of Lexington', be accepted?"

If a majority of the votes in answer to said question is in the affirmative, said act shall take effect immediately for the purpose of the next annual town meeting, and for all things relating thereto, and shall take full effect beginning with said next annual meeting.

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If this act is rejected when first submitted, it shall again be submitted at the annual town meeting in the year nineteen hundred and seventy, and if accepted shall take effect as hereinbefore provided.

If this act is again rejected when so submitted for the second time, it shall thereupon become null and void.

Section 18. Amendments to This Act

This act may be amended by charter amendment procedure under section ten of chapter forty-three B of the General Laws or on petition to the general court approved by a town meeting of the town of Lexington.

Section 19. Revocation of Acceptance

At any time after the expiration of three years from the date on which this act is accepted, and not less than ninety days before the date of an annual town meeting, a petition signed by not less than ten per cent of the registered voters of the town, may be filed with the select board, requesting that the question of revoking the acceptance of this act be submitted to the voters at the next annual town meeting. Notice thereof shall be published by the select board for at least two consecutive weeks in a newspaper having general circulation in the town, the last publication to be at least thirty days prior to said annual meeting. The select board shall thereupon direct the town clerk to cause the said question to be printed on the official ballot to be used at said meeting in the following form: -- "Shall the acceptance by the town of Lexington of an act passed by the General Court in the year nineteen hundred and sixty-eight, entitled 'An Act establishing a selectmen-town manager form of government in the town of Lexington', be revoked?" If such revocation is favored by a majority of the voters voting thereon, the acceptance of this act shall be revoked and this act shall become null and void beginning with the annual town meeting next following such vote, provided all town officers holding office under this act shall continue to hold office until their successors have been duly qualified. At the first annual town election following such vote of revocation the registered voters of the town shall elect by ballot all elective officers, boards, committees and commissions whose election to office was required immediately prior to the acceptance of this act; provided, however, that the town does not vote to accept other plans which provide for a different arrangement from that existing immediately prior to the acceptance of this act. It shall be the duty of the select board and the town clerk in office and any other town official upon whom by reason of his office a duty devolves when this act is revoked, to comply with all of the requirements of this section relating to elections, to the end that all things may be done necessary for the nomination and election of the officers required to be elected following the revocation of this act. The election of members of boards, committees, and commissions shall be for staggered terms as determined by the select board so as to accomplish in the shortest possible time a return to the normal rotation in office of the members of such boards, committees and commissions which prevailed immediately prior to the adoption of this act.

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The select board shall be charged with all the powers and duties of the town manager which duties and responsibilities may be discharged by themselves or by a temporary town manager appointed by them until said election has been held.

All general laws respecting town administration and town officers and any by-laws, votes, rules and regulations and special laws relative to said town, the operation of which has been suspended or superseded by acceptance of this act, shall be revived by such revocation and shall thereafter be in full force and effect. By-laws, votes, rules and regulations in force when revocation takes place which are inconsistent with such revocation shall be null and void. If such revocation is not favored by a majority of the voters voting thereon, no further petition therefor shall be filed under this section at intervals of less than three years. (Ch. 753 of 1968 approved July 24, 1968; Ch. 120 of 1985 approved July 2, 1985; Ch. 3 of the Acts of 2020)

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CHAPTER 447, ACTS OF 1956 AN ACT ESTABLISHING AN HISTORIC DISTRICTS COMMISSION FOR THE TOWN OF LEXINGTON AND DEFINING ITS POWERS AND DUTIES, AND ESTABLISHING HISTORIC DISTRICTS IN THE TOWN OF LEXINGTON

(As amended by Ch. 185, Acts of 1958, Ch. 579, Acts of 1966; Ch. 268, Acts of 1978; Ch. 375, Acts of 1982; Ch. 426, Acts of 2000; Ch. 301, Acts of 2020)

Section 1. Purpose. - The purpose of this act is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of historic buildings, places and districts through the development of appropriate settings for said buildings, places and districts and through the maintenance of said buildings, places and districts as landmarks of historic interest.

Section 2. Creation of Districts. - There are hereby established in the town of Lexington four historic districts to be known as (1) Battle Green District, (2) Hancock-Clarke District, (3) Munroe Tavern District, and (4) East Village District, bounded as follows: --

Battle Green District: Beginning at the intersection of the northerly line of Hancock Avenue with the easterly line of the railroad right of way; thence southerly and then southeasterly along the easterly and northeasterly line of the railroad right of way to a point in said northeasterly line of the railroad right of way distant two hundred feet southeasterly from the easterly line of Hancock Street; thence northerly along a line distant two hundred feet easterly from and parallel to said easterly line of Hancock Street to the northeasterly lot line of the property now numbered 6 Meriam Street; thence southeasterly along said northeasterly lot line to the northwesterly line of Meriam Street; thence southeasterly in a straight line across Meriam Street to the intersection of the southeasterly line of Meriam Street with the southwesterly line of Oakland Street; thence southeasterly along said southwesterly line of Oakland Street to the westerly lot line of the property now numbered eleven Oakland Street; thence southerly along said westerly lot line and said westerly lot line extended to a point on the northerly line of the railroad right of way; thence easterly along said northerly line of the railroad right of way to the northwesterly line of Woburn Street; thence southwesterly along said northwesterly line of Woburn Street to the easterly line of Fletcher Avenue; thence southwesterly in a straight line across Woburn Street and Massachusetts Avenue to the intersection of the southerly line of Massachusetts Avenue with the westerly line of Winthrop Road; thence southerly and then southwesterly along said westerly and the northwesterly line of Winthrop Road to a point distant two hundred fifty feet southerly from the southerly line of Massachusetts Avenue; thence westerly along a line distant two hundred fifty feet southerly from and parallel to the southerly line of Massachusetts Avenue to a point distant two hundred feet easterly from the easterly line of Waltham Street; thence southerly along a line distant two hundred feet easterly from and parallel to said easterly line of Waltham Street to the northerly lot line of the property now numbered eighty-two Waltham Street; thence westerly along said northerly lot line to the easterly line of Waltham Street; thence westerly in a straight line to the intersection of the northerly lot line of the property now numbered twenty-two Muzzey Street with the easterly line of Muzzey Street; thence westerly in a straight line across Muzzey Street to the intersection of the westerly line of Muzzey Street with the northerly line of Raymond Street; thence

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westerly along said northerly line of Raymond Street to the westerly line of Clarke Street; thence southerly along said westerly line of Clarke Street to the intersection of the northeasterly line of Forest Street; thence northwesterly to the easterly lot line of the property now numbered 43 Forest Street; thence northeasterly along said lot line to the southerly lot line of the property now numbered 11 Belfry Terrace; thence northeasterly along the easterly lot line of 9 Belfry Terrace to the southerly lot line of the property now numbered 11 Belfry Terrace; thence northeasterly along the easterly lot line to the northerly lot line of the property now numbered 11 Belfry Terrace; thence northwesterly along the northerly lot line of the property now numbered 9 Belfry Terrace to the southerly lot line of the property now numbered 1906 Massachusetts Avenue to a point three hundred feet southerly from the southerly line of Massachusetts Avenue; thence northwesterly and then westerly along a line distant three hundred feet southwest and southerly from and parallel to the southwest and southerly line of Massachusetts Avenue to the westerly line of Forest Street; thence northerly along said westerly line of Forest Street to a point two hundred feet southerly from the southerly line of Massachusetts Avenue; thence westerly along a line distant two hundred feet southerly from and parallel to the southerly line of Massachusetts Avenue to the southwest line of Parker Street; thence southwest by a straight line to the intersection of the westerly line of Worthen Road with the southerly line of Lincoln Street; thence westerly and then southwest along said southerly and the southeasterly line of Lincoln Street to a point distant four hundred and fifty feet westerly from the westerly line of Worthen Road; thence northwesterly across Lincoln Street to the intersection of the northwesterly line of Lincoln Street with the northeasterly line of Hastings Road; thence northwesterly along said northeasterly line of Hastings Road to the southeasterly line of Massachusetts Avenue; thence northwesterly in a straight line across Massachusetts Avenue to the intersection of the northwesterly line of Massachusetts Avenue with the northeasterly line of Hastings Road; thence northwesterly along said northeasterly line of Hastings Road to a point distant two hundred feet northwesterly from said northwesterly line of Massachusetts Avenue; thence northeasterly along a line distant two hundred feet northwesterly from and parallel to the northwesterly line of Massachusetts Avenue to the westerly line of Worthen Road; thence northerly and then northeasterly along said southwest, westerly and the northwesterly line of Worthen Road to the southwest line of Bedford Street; thence northeasterly in a straight line across Bedford Street to the intersection of the northeasterly line of Bedford Street with the southeasterly line of Camellia Place; thence northeasterly along said southeasterly line of Camellia Place to the southwest line of the railroad right of way; thence northeasterly in a straight line across said railroad right of way to the point of beginning.

Hancock-Clarke District: Beginning at the intersection of the northerly line of Hancock Avenue with the easterly line of the railroad right of way; thence southerly and then southeasterly along the easterly and northeasterly line of the railroad right of way to a point in said northeasterly line of the railroad right of way distant two hundred feet southeasterly from the easterly line of Hancock Street; thence northerly along a line distant two hundred feet easterly from and parallel to said easterly line of Hancock Street to the southerly lot line of the property now numbered forty-five Hancock Street; thence westerly along said southerly lot line to the easterly line of Hancock Street; thence northwesterly in a straight line across Hancock Street to the intersection of the westerly line of Hancock Street with the southerly lot line of the property now numbered forty-six Hancock Street; thence westerly along said southerly lot line four hundred and twenty-nine feet to a point; thence southwest in a straight line to a point in the easterly line of the railroad right of way two hundred and forty-eight feet distant northerly from

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the northerly line of Hancock Avenue; thence southerly along said easterly line of the railroad right of way to the point of beginning.

Munroe Tavern District: Beginning at the intersection of the southerly line of the railroad right of way with the northwesterly line of Woburn Street; thence southwesterly along said northwesterly line of Woburn Street to the easterly line of Fletcher Avenue; thence southwesterly in a straight line across Woburn Street and Massachusetts Avenue to the intersection of the southerly line of Massachusetts Avenue with the westerly line of Winthrop Road; thence southerly and then southwesterly along said westerly and the northwesterly line of Winthrop Road to a point distant two hundred feet southerly from the southerly line of Massachusetts Avenue; thence easterly and then southeasterly along a line distant two hundred feet southerly and southwesterly from and parallel to the southerly and southwesterly line of Massachusetts Avenue to the northwesterly line of Percy Road; thence southerly by a straight line across Percy Road to a point in the southeasterly line of Percy Road distant two hundred feet southwesterly from the intersection of said southeasterly line of Percy Road with the westerly line of Tavern Lane; thence southerly and then southeasterly along a line distant two hundred feet westerly and southwesterly from and parallel to the westerly and southwesterly line of Tavern Lane and said southwesterly line extended to the southeasterly line of Eliot Road; thence easterly and then southeasterly along the southerly and southwesterly line of Eliot Road to the southeasterly line of Pelham Road; thence northeasterly along said southeasterly line of Pelham Road to a point distant two hundred feet southwesterly from the southwesterly line of Massachusetts Avenue; thence southeasterly along a line distant two hundred feet southwesterly from and parallel to the southwesterly line of Massachusetts Avenue to the northerly line of Marrett Road; thence easterly along said northerly line of Marrett Road to the southwesterly line of Massachusetts Avenue; thence northerly in a straight line across Massachusetts Avenue to the intersection of the northeasterly line of Massachusetts Avenue with the northwesterly lot line of the property now numbered eleven hundred and fifty-five Massachusetts Avenue; thence northeasterly along said northwesterly lot line to a point two hundred feet distant northeasterly from said northeasterly line of Massachusetts Avenue; thence northwesterly along a line distant two hundred feet northeasterly from and parallel to the northeasterly line of Massachusetts Avenue to the southeasterly lot line of the Muzzey Junior High School Property; thence northeasterly along said southeasterly lot line to the southwesterly lot line of the Munroe Cemetery property; thence northwesterly along said southwesterly lot line to the intersection of said southwesterly lot line with the northwesterly lot line of the Munroe Cemetery property; thence northeasterly along said northwesterly lot line to the southerly line of the railroad right of way; thence westerly along said southerly line of the railroad right of way to the point of beginning.

East Village District: Beginning at the intersection of the northeasterly line of Massachusetts Avenue with the northwesterly lot line of the property now numbered eleven hundred and fifty-five Massachusetts Avenue; thence northeasterly along said northwesterly lot line to a point two hundred feet distant northeasterly from said northeasterly line of Massachusetts Avenue; thence southeasterly along a line distant two hundred feet northeasterly from and parallel to the northeasterly line of Massachusetts Avenue to a point distant two hundred feet northwesterly from the northwesterly line of Maple Street; thence northeasterly along a line distant two hundred feet northwesterly from and parallel to said northwesterly line of Maple Street to the southwesterly line of the railroad right of way; thence southeasterly along said southwesterly line of the railroad right of way to a point distant two hundred feet southeasterly from the

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southeasterly line of Maple Street; thence southwesterly along a line distant two hundred feet southeasterly from and parallel to said southeasterly line of Maple Street to a point distant two hundred feet northerly from the northeasterly line of Massachusetts Avenue; thence southeasterly and then northeasterly and easterly along a line distant two hundred feet northeasterly, northwesterly and northerly from the northeasterly, northwesterly and northerly line of Massachusetts Avenue to the westerly lot line of the property now numbered four hundred and twenty-one Massachusetts Avenue; thence southerly along said westerly lot line and said westerly lot line extended to a point distant two hundred feet southerly from the southerly line of Massachusetts Avenue; thence westerly and then southwesterly and northwesterly along a line distant two hundred feet southerly, southeasterly and southwesterly from and parallel to the southerly, southeasterly and southwesterly line of Massachusetts Avenue to the northerly line of Marrett Road; thence easterly along said northerly line of Marrett Road to the southwesterly line of Massachusetts Avenue; thence northerly in a straight line across Massachusetts Avenue to the point of beginning.

The East Village Historic District shall also include an area bounded and described as follows:

Beginning at a point on the easterly line of the 1966 East Village Historic District boundary said point being N 84°-43'-07" E distant 17.5+- feet from an iron pin as shown on a plan entitled, "Plan of Land in Lexington, Mass., Scale 1"=40', January 15, 1981, Joseph W. Moore Co.," on file with the Town engineer; thence N 84°-43'-07' E distant 188+- feet to a point; thence N 85°-31'-53" E distant 18.00 feet to a point; thence S 13°-56'-31" E distant 168.86 feet to a point; thence S 74°-50'-45" W distant 36.07 feet to a point; then S 15°-09'-15" E distant 40.93 feet to a point, thence S 66°-48'-45" W distant 171+- feet to a point on the aforesaid East Village Historic District boundary; thence by said line northwesterly 272+- feet to the point of beginning.

Wherever only part of any building or structure is within an historic district according to the boundary lines as heretofore defined in this section, there shall be included within the historic district the entire land area occupied, or to be occupied, by all of said building or structure so that the whole building or structure shall be considered to be within the historic district for the purposes of this act.

Section 3. Definitions. - As used in this act, the following words and terms shall have the following meanings: -

"Building", a combination of materials having a roof and forming a shelter for persons, animals or property.

"Building inspector", the building inspector of the town of Lexington.

"Commission", the historic districts commission established by section four.

"Erected", the word "erected" includes the words "built", "constructed", "reconstructed", "restored", "altered", "enlarged", and "moved".

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"Exterior architectural feature", the architectural style and general arrangement of such portion of the exterior of a building or structure as is designed to be open to view from a public street, way, or place including the kind, color and texture of the building materials of such portion and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such portion.

"Historic districts", the districts established by section two.

"Person", the word "person" includes an individual, a corporate or unincorporated organization or association and the town of Lexington.

"Structure", a combination of materials, other than a building, sign or billboard.

Section 4. Creation and Organization of Historic Districts Commission. - There is hereby established in the town of Lexington an Historic Districts Commission consisting of five unpaid members who shall be residents of the town of Lexington, to be appointed by the selectmen of the town as follows: - two from four candidates nominated by the Lexington Historical Society, one from two candidates nominated by The Lexington Chamber of Commerce, one from two candidates nominated by the trustees of the Cary Memorial Library and one member selected at large by the selectmen. The members initially appointed hereunder shall serve, in the case of one member appointed upon nomination of the Lexington Historical Society, for a term expiring one year; in the case of the member appointed upon nomination of The Lexington Chamber of Commerce, for a term expiring two years, in the case of the member appointed upon nomination of the trustees of the Cary Memorial Library, for a term expiring three years, in the case of the second member appointed upon nomination of the Lexington Historical Society, for a term expiring four years, in the case of the member appointed at large by the selectmen, for a term expiring five years, from January first following the year of such appointments. The selectmen also shall appoint for terms of five years from January first following the year of such appointments four associate members of the commission selected from candidates nominated by the aforesaid organizations and trustees, each such organization and trustees to nominate two each when two or more associate members are to be appointed and to nominate one each when only one associate member is to be appointed. In case of the absence, inability to act, or interest on the part of a member of the commission his place may be taken by an associate member designated by the chairman of the commission. In case of a vacancy on said commission the chairman may designate an associate member to serve as a member of the commission until said vacancy is filled as provided in this section. As the term of any member or associate member expires, his successor shall be appointed in like manner for a term of five years. Vacancies in the commission shall be filled in the same manner for the unexpired term. Every member and associate member shall continue in office after the expiration of his term until his successor is duly appointed and qualified. Any member or associate member may be removed for cause by the appointing authority upon written charges and after a public hearing. (Amended by Chapter 301 of the Acts of 2020)

The commission shall elect a chairman from its membership. In the case of absence of the chairman from any meeting, the commission shall elect a chairman pro tempore for such meeting. (Amended by Chapter 301 of the Acts of 2020)

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Section 5. Limitations. - (a) No building or structure, except as provided under section six, shall be erected within the historic districts unless and until an application for a certificate of appropriateness as to exterior architectural features which are subject to view from a public street, way, or place shall have been filed with the commission and either a certificate of appropriateness, or a certificate that no exterior architectural feature is involved, shall have been issued by the commission.

- (b) No building or structure within the historic districts shall be changed as to exterior color features which are subject to view from a public street, way, or place unless and until an application for a certificate of appropriateness as to change in such color features shall have been filed with the commission and such certificate shall have been issued by the commission.
- (c) No building or structure within the historic districts, except as provided under section six, shall be demolished or removed unless and until an application for a permit to demolish or remove the same shall have been filed with the commission, and such permit shall have been issued by the commission.
- (d) No occupational, commercial, or other sign, except as provided under section six, and no billboard shall be erected or displayed on any lot, or the exterior of any building or structure within the historic districts unless and until an application for a certificate of appropriateness shall have been filed with the commission, and such certificate shall have been issued by the commission. In the case of any such sign or billboard erected or displayed prior to the effective date of this act, there shall be allowed a period of five years, subsequent to said effective date, in which to obtain such certificate. (See note 1)
- (e) Except in cases excluded by section six: -
 - (1) No permit shall be issued by the building inspector for any building or structure to be erected within the historic districts, unless the application for said permit shall be accompanied either by a certificate of appropriateness or a certificate that no exterior architectural feature is involved, issued under section nine.
 - (2) No permit shall be issued by the building inspector for the demolition or removal of any building or structure within the historic districts unless the application for said permit shall be accompanied by a permit issued under said section nine.

Section 6. Exclusions. - (a) Nothing in this act shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any building or structure within the historic districts; nor shall anything in this act be construed to prevent the erection, construction, reconstruction, restoration, alteration, or demolition of any such feature which the building inspector shall certify is required by the public safety because of an unsafe or dangerous condition; nor shall anything in this act be construed to prevent the erection, construction, reconstruction, restoration, alteration, or demolition of any such feature under a permit issued by the building inspector prior to the effective date of this act. (See note 2)

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- (b) The following structures and signs may be erected or displayed within the historic districts without the filing of an application for, or the issuance of, a certificate of appropriateness: -
1. *Section 2, Chapter 579, Acts of 1966 provides: "In the case of any sign or billboard erected or displayed on the effective date of this act within an historic district established by this act or within any territory added by this act to an existing historic district there shall be allowed a period of five years subsequent to said effective date in which to obtain the certificate of appropriateness required by paragraph (d) of section five of chapter four hundred and forty-seven of the acts of nineteen hundred and fifty-six."*
 2. *Section 3, Chapter 579, Acts of 1966 provides: "The provisions of this act shall not be construed to prevent the erection, construction, reconstruction, restoration, alteration, or demolition of any exterior architectural feature, under a permit issued by the building inspector prior to the effective date of this act, within an historic district established by this act or within any territory added by this act to an existing historic district."*
- (1) Temporary structures or signs for use in connection with any official celebration or parade, or any charitable drive in the town, provided that any such structure or sign shall be removed within three days following the termination of the celebration, parade or charitable drive for which said structure or sign shall have been erected or displayed. Any other temporary structures or signs which the commission shall determine from time to time may be excluded from the provisions of section five without substantial derogation from the intent and purposes of this act.
 - (2) Real estate signs of not more than three square feet in area advertising the sale or rental of the premises on which they are erected or displayed.
 - (3) Occupational or other signs of not more than one square foot in area and not more than one such sign, irrespective of size, bearing the name, occupation or address of the occupant of the premises on which such sign is erected or displayed where such premises are located within an R-1 one family dwelling district as defined in the Zoning By-Law of the town of Lexington.
- (c) The exterior color of any building or structure within the historic districts may be changed to white without the filing of an application for, or the issuance of, a certificate of appropriateness.

Section 7. Applications to be Filed with Commission. - Excepting cases excluded by section six, any person who desires to erect, build, construct, reconstruct, restore, alter, move, demolish, remove, or change the exterior color features of any building or structure now or hereafter within the historic districts, or to erect or display within the historic districts any sign or billboard for which a certificate of appropriateness is required under paragraph (d) of section five, shall file with the commission an application for a certificate of appropriateness or a permit for demolition or removal,

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as the case may be, together with such plans, elevations, specifications, material and other information as shall be deemed necessary by the commission to enable it to make a determination on the application.

Section 8. Meetings, Hearings, Time for Making Determinations. - Meetings of the commission shall be held at the call of the chairman and also when called in such other manner as the commission shall determine in its rules. Five members, including associate members, of the commission shall constitute a quorum.

The commission shall determine promptly after the filing of an application for a certificate of appropriateness as to exterior architectural features, whether the application involved any such features. If the commission determines that such application involves any exterior architectural features, the commission shall hold a public hearing on such application. The commission also shall hold a public hearing on all other applications required to be filed with it under this act, except that the commission may approve an application for a change in exterior color features without holding a hearing if it determines that the color change proposed is appropriate.

The commission shall fix a reasonable time for the hearing on any application and shall give public notice thereof by publishing notice of the time, place, and purpose of the hearing in a local newspaper at least fourteen days before said hearing and also, within seven days of said hearing, mail a copy of said notice to the applicant, to the owners of all property deemed by the commission to be affected thereby as they appear on the most recent local tax list, to the planning board of the town, and to such other persons as the commission shall deem entitled to notice.

As soon as convenient after such public hearing but in any event within sixty days after the filing of the application, or within such further time as the applicant shall allow in writing, the commission shall make a determination on the application. If the commission shall fail to make a determination within said sixty days, or within such further time allowed by the applicant, the commission shall be deemed to have approved the application.

Section 9. Powers, Functions, and Duties of Commission. - The commission shall have the following powers, functions and duties:

- (a) It shall pass upon: -
 - (1) The appropriateness of exterior architectural features of buildings and structures to be erected within the historic districts wherever such features are subject to view from a public street, way, or place.
 - (2) The appropriateness of changes in exterior color features of buildings and structures within the historic districts wherever such features are subject to view from a public street, way, or place.
 - (3) The demolition or removal of any building or structure within the historic districts. The commission may refuse a permit for the demolition or removal of

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any building or structure of architectural or historic interest, the removal of which in the opinion of the commission would be detrimental to the public interest.

- (4) The appropriateness of the erection or display of occupational, commercial or other signs and billboards within the historic districts wherever a certificate of appropriateness for any such sign or billboard is required under paragraph (d) of section five.

In passing upon appropriateness, demolition or removal, the commission shall determine whether the features, demolition or removal, sign or billboard involved will be appropriate for the purposes of this act and, if it shall be determined to be inappropriate, shall determine whether, owing to conditions especially affecting the building, structure, sign or billboard involved, but not affecting the historic district generally, failure to approve an application will involve a substantial hardship to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this act. If the commission determines that the features, demolition or removal, sign or billboard involved will be appropriate or, although inappropriate, owing to conditions as aforesaid, failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without substantial detriment or derogation as aforesaid, the commission shall approve the application; but if the commission does not so determine, the application shall be disapproved.

In passing upon appropriateness the commission shall consider, among other things, the historical value and significance of the building or structure, the general design, arrangement, texture, material, and color of the features, sign or billboard involved and the relation of such factors to similar factors of buildings and structures in the immediate surroundings. The commission shall not consider relative size of buildings and structures, or detailed designs, interior arrangement and other building features not subject to public view.

In approving an application the commission may impose conditions which, if the certificate of appropriateness is acted upon, shall be binding upon the applicant, the owner of the property and his successors in title.

The concurring vote of three members, including associate members, of the commission shall be necessary to make a determination in favor of the applicant on any matter upon which the commission is required to pass under this act.

- (b) In the case of an approval by the commission of an application for a certificate of appropriateness or a permit for demolition or removal, or in the event an application is deemed approved through failure to make a determination within the time specified in section eight, the commission shall cause a certificate of appropriateness or a permit for demolition or removal, as the case may be, dated and signed by its chairman or chairman pro tempore, to be issued to the applicant.

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- (c) In the case of disapproval of an application for a certificate of appropriateness or a permit for demolition or removal, the commission shall cause a notice of its determination, dated and signed by its chairman or chairman pro tempore, to be issued to the applicant, setting forth therein the reasons for its determination, and, as to applications for a certificate of appropriateness, the commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material, color, and similar factors. The commission shall not make any recommendations except for the purpose of preventing developments obviously incongruous to the purposes set forth in this act.
- (d) In the case of a determination by the commission that an application for a certificate of appropriateness does not involve any exterior architectural feature, the commission shall cause a certificate of such determination, dated and signed by its chairman or chairman pro tempore, to be issued forthwith to the applicant.
- (e) The commission shall keep a permanent record of its resolutions, transactions, and determinations, and may make such rules and regulations consistent with this act and prescribe such forms as it shall deem desirable and necessary.
- (f) The commission shall file with the town clerk a notice of all determinations made by it, and approvals of applications through failure of the commission to make a determination within the time allowed under section eight, except that no notice of a determination that an application for a certificate of appropriateness does not involve any exterior architectural feature shall be filed.
- (g) The commission may incur expenses necessary to the carrying on of its work within the amount of its appropriation.

Section 10. Appeals. - Any person aggrieved by a determination of the commission or by an approval of an application through failure of the commission to make a determination within the time allowed under section eight, whether or not previously a party to the proceeding, or any officer or board of the town may, within fifteen days after the filing of a notice of such determination or approval with the town clerk, appeal to the superior court sitting in equity for the county of Middlesex. The court shall hear all pertinent evidence and determine the facts and if, upon the facts so determined, such determination or approval is found to exceed the authority of the commission, the court shall annul such determination or approval and remand the case for further action by the commission. The remedies provided by this section shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases.

Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted in bad faith or with malice in the matter from which the appeal was taken.

Costs shall not be allowed against the party appealing from such determination or approval of the commission unless it shall appear to the court that said party acted in bad faith or with malice in making the appeal to the court.

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Section 11. Enforcement. - Any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than five hundred dollars.

The superior court sitting in equity for the county of Middlesex shall have jurisdiction to enforce the provisions of this act and the determinations, rulings, and regulations issued thereunder and may restrain by injunction violations thereof and issue such other orders for relief of violations as may be required.

In addition to the foregoing, the town of Lexington may by by-law, not inconsistent with section 21D of chapter 40 of the General Laws, provide for the noncriminal disposition of violations of this act and the determinations, rulings and regulations issued under this act. (Added by Chapter 426 of the Acts of 2000)

Section 12. Severability of Provisions. - The provisions of this act shall be deemed to be severable; and in case any section, paragraph or part of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair the validity of any other sections, paragraphs or parts of this act.

Section 13. Effective Date of Act. - This act shall take effect upon its acceptance by the town by vote of its town meeting members at an annual town meeting or any special town meeting called for the purpose.

Approved June 11, 1956.

Chapter 447, Acts of 1956 accepted at a Special Town Meeting held November 19, 1956 (Article 5.).

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Chapter 374
THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-two

AN ACT AUTHORIZING THE TOWN OF LEXINGTON TO SELL AND CONVEY CERTAIN BUILDINGS AND TO LEASE A CERTAIN PARCEL OF PARK LAND IN SAID TOWN.

(As amended by Ch. 149, Acts of 1984)

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

Section 1. The town of Lexington is hereby authorized to sell and convey to Roger G. Trudeau and Jane A. Trudeau, with preservation restrictions, two certain buildings located in Buckman park in said town known as the Garrity House and the Carriage House, and to lease to said Roger G. Trudeau and Jane A. Trudeau, for private residential purposes, for a term of ninety-nine years a certain parcel of park land in said Buckman park on which said buildings are located, all for such consideration and upon such terms and conditions as shall be determined by the board of selectmen of said town. Said parcel of land being situated on Hancock street in said town, and shown on a plan entitled "Compiled Plan of Land in Lexington, Mass. for Garrity House Conveyance" dated March 21, 1984 and prepared by Francis T. Fields Town Engineer, on file with the town engineer, and being bounded and described according to said plan as follows:

Beginning at a point at the intersection of the easterly sideline of Hancock Street and the southwesterly sideline of land now or formerly of the Boston & Maine Railroad;

Thence running Southeasterly by said land now or formerly of Boston & Maine Railroad along the arc of a curve to the left with a radius of 2875.43 a distance of 230 feet more or less to a point;

Thence Westerly on a radial line to the easterly sideline of Hancock Street a distance of 165 feet more or less to a point in the sideline of Hancock Street;

Thence Northerly by said sideline of Hancock Street on a curve to the right with a radius of 400.00 feet, an arc distance of 39 feet more or less to a point of tangency;

Thence North 21° 25' East along said sideline a distance of 59 feet more or less to the point of beginning.

(Amended by Ch. 149, Acts of 1984, approved July 5, 1984)

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Chapter 521 THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-three

AN ACT ESTABLISHING A NONPROFIT HOUSING CORPORATION FOR THE TOWN OF LEXINGTON.

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

SECTION 1. There is hereby established a nonprofit housing corporation to be known as the Lexington Housing Assistance Board, Inc. which shall be subject to the supervision of the board of selectmen of the town of Lexington. Said board shall consist of not less than five members, who shall be appointed by the board of selectmen for staggered three-year terms as designated by said board of selectmen, such appointments to be made annually by said board of selectmen on or before May thirty-first. Members shall serve until their successors are appointed and qualified. Continuing members may act despite a vacancy or vacancies in said board and for this purpose be deemed to constitute a full board. Any vacancy in said board, however occurring, may be filled by the board of selectmen for the unexpired portion of the term.

Said board is hereby established and shall exercise its powers and perform its duties for the purpose of investigating and implementing alternatives for the provision of and providing affordable housing for persons of low, moderate and middle income, and others whose needs may be identified from time to time, in the town of Lexington. The powers and duties of said board as set forth herein are intended to be alternative and supplemental to, and not in limitation of, the powers and duties of the Lexington Housing Authority established pursuant to chapter one hundred and twenty-one B of the General Laws. The liability of said board and its members shall be limited to the same extent as the liability of a public employer and public employees as provided in section two of chapter two hundred and fifty-eight of the General Laws.

SECTION 2. Said board shall have the powers and privileges conferred by the provisions of paragraphs (a) to (i), inclusive, and paragraph (k) of section nine of chapter one hundred and fifty-six B of the General Laws, and the following powers, provided that no such power shall be exercised either in a manner inconsistent with this act or any general or special law, or to carry on any activity which is not in furtherance of the purposes set forth in this act:

- (a) to adopt, amend and repeal by-laws for the regulation and conduct of its business including but not limited to the call and conduct of its meetings, the number of members which shall constitute a quorum and the mode of voting by proxy;
- (b) to elect a chairman and vice-chairman, each of whom shall be members of said board, and a secretary and a treasurer, who need not be members of said board, and who may be the same person. The treasurer shall give bond for the faithful performance of his duties in form and amount approved and fixed by the board of selectmen, the cost of which bond shall be paid from funds of said board. The chairman and in his absence the vice-chairman shall chair meetings of said board. The secretary shall be the custodian of

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all books, documents and papers filed with said board and of the minute book or journal of said board;

- (c) with the approval of the board of selectmen, to make and execute all contracts and all other instruments necessary or convenient for the exercise of its power and functions, subject to approval of the town counsel of the town of Lexington as to form;
- (d) with the approval of the board of selectmen, to acquire or lease, by purchase or otherwise, and to own, hold and use, on such terms and conditions and in such manner as it may deem proper, and to exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security interests in, or otherwise dispose of, on such terms and conditions as it may deem proper, real, personal or mixed real and personal property or any interest, easements or rights therein, and any assets or revenues of said board, as may be necessary or appropriate to carry out its purposes;
- (e) with the approval of the board of selectmen, to enter into agreements or other transactions with the commonwealth or any political subdivision or public instrumentality thereof, the United States government or any federal, state or other governmental agency;
- (f) with the approval of the board of selectmen, to borrow money and to execute notes therefor which shall not be deemed to be debts or obligations of the town of Lexington, to hold mortgages, and to invest any funds held in reserve funds, or any funds not required for immediate disbursement in such investments as may be lawful for fiduciaries in the commonwealth. Said board shall have no stock;
- (g) with the approval of the board of selectmen, to enter into contracts or agreements with, and to employ from time to time contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and other experts, superintendents, managers and such other agents and employees as may be necessary in its judgment and to fix their compensation;
- (h) with the approval of the board of selectmen, to receive and hold funds appropriated by the town and other funds, property, labor and other things of value from any source, public or private, by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expend or utilize the same on behalf of said board for any of its purposes or to act as an agent or conduit in administering or disbursing funds or financial or other aid from any source; provided, however, that all revenues collected or received by said board in connection with its activities, investments or transactions shall be expended only with the approval of the board of selectmen of the town of Lexington;
- (i) to appear in its own behalf before boards, commissions, departments or other agencies of government, municipal, state or federal;
- (j) to procure insurance against any loss in connection with the property or activities of said board, in such amounts, and from such insurers as it may deem necessary or desirable, and, with the approval of the board of selectmen, to indemnify its members or agents if and to the extent specified from time to time in the by-laws of said board and subject to

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and in the manner provided in section six of chapter one hundred and eighty of the General Laws;

- (k) to formulate and, with the approval of the board of selectmen, carry out or monitor plans for projects involving the acquisition or operation of housing facilities of any kind or nature, and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such facilities;
- (l) with the approval of the board of selectmen, to fix and revise from time to time, and to charge and collect rates, fees, rentals and other charges and sales prices for or in connection with the use, occupancy or other disposition of any housing facility or other property or portion thereof under its ownership or control;
- (m) with the approval of the board of selectmen, to establish, impose, grant or amend, by deed, lease or any other means or method, and to hold the benefit of, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of housing facilities or other property under its ownership or control, or other facilities or property designated by the selectmen of the town, or restrictions with respect to the income of owners, tenants or occupants of such housing facilities or other property, or options and rights of first refusal with respect to such facilities or property, and to waive, release or discharge any such rights or restrictions;
- (n) with the approval of the board of selectmen, to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers or other real estate professionals or any other person relating to the providing of affordable housing for persons of low and moderate income in the town;
- (o) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act.

Said board may delegate to any committee or member of the board any action which said board is empowered to do or make. Said board may be a partner in any business enterprise which said board would have power to conduct by itself.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the income, assets and activities of said board shall be exempt from all taxes and assessments and said board shall not be subject to any of the provisions of chapter sixty-three of the General Laws or to any taxes based upon or measured by property or income imposed by the commonwealth or by any political subdivision thereof. Said board is hereby authorized and empowered to enter into an agreement or agreements with the assessor of the town of Lexington, with the approval of the board of selectmen, wherein said board shall undertake to make to the town annual payments in lieu of taxes, in connection with any real property acquired and owned by said board, the amounts of such payments to be reasonable sums stipulated in such agreement or agreements or determined in accordance with a reasonable formula so stipulated.

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SECTION 4. Without limitation of the powers of said board set forth in section two, said board is authorized to receive and to expend and utilize for its purposes all proceeds of the sale by the town of Lexington of the land and improvements known as the Muzzey junior high school, which proceeds have been appropriated by the town for such purposes. In addition, the town may appropriate other funds for the carrying out by said board of its purposes as set forth herein. Any appropriation therefor may be raised by the town by taxation. At least annually, said board shall cause independent audits to be made of the books and records of said board, which annual audits shall be filed with the board of selectmen of the town.

SECTION 5. In the event that said board shall be dissolved in accordance with law at any time, all property and interests therein, assets and rights of said board existing at such time shall be transferred to the town of Lexington by authority of this act, and title to all such property and all such rights shall vest in the town of Lexington automatically without the need for further action or instrument, and the town of Lexington shall, to the maximum extent permitted by law, and acting by and through its board of selectmen, assume, hold and exercise the powers and duties of said board set forth herein with respect to such property and rights so transferred to said town.

SECTION 6. The provisions of this act are severable and if any of its provisions shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.

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

House of Representatives, November 16, 1983.

In Senate, November 16, 1983.

Approved November 29, 1983.

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CHAPTER 558, ACTS OF 1985

AN ACT AUTHORIZING THE CHIEF OF POLICE OF THE TOWN OF LEXINGTON
TO HEAR COMPLAINTS RELATING TO DOGS

SECTION I. Notwithstanding the provisions of section one hundred and fifty-seven of chapter one hundred and forty of the General Laws or any other general or special law to the contrary, the chief of police of the town of Lexington or his designee shall carry out the functions assigned to the board of selectmen under said section one hundred and fifty-seven of said chapter one hundred and forty.

SECTION 2. This act shall take effect upon its passage.

Approved December 5, 1985.

SPECIAL ACTS

Chapter 412
THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand

AN ACT RELATIVE TO THE CONSERVATION COMMISSION OF THE TOWN OF LEXINGTON.

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

SECTION 1. The conservation commission of the town of Lexington may provide by rules for the imposition of reasonable fees for the employment of outside consultants and shall account for and expend such funds in accordance with section 53G of chapter 44 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, January 2, 2001.

In Senate, January 2, 2001.

Approved January 12, 2001.

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Chapter 424
THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand

AN ACT RELATIVE TO UTILITY LINES IN THE TOWN OF LEXINGTON.

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

SECTION 1. Notwithstanding section 22 of chapter 166 of the General Laws or any other general or special law to the contrary, the director of public works of the town of Lexington shall have the powers and duties under said section 22 to grant orders and act upon petitions for the construction of underground lateral wires and conduits within a public way from an existing pole or main to private property, and to take such action without notice of hearing. All other provisions of said chapter 166 shall govern such orders and petitions.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, January 2, 2001.

In Senate, January 2, 2001.

Approved January 12, 2001.

SPECIAL ACTS

Chapter 317

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Two

AN ACT AUTHORIZING THE TOWN OF LEXINGTON TO ESTABLISH A POST RETIREMENT INSURANCE LIABILITY FUND.

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

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Lexington may appropriate funds in order to offset the anticipated cost of premium payments for or direct payments to be made to retired employees of the town and to any eligible surviving spouse of or dependents of deceased employees of the town. Any such amounts so appropriated shall be credited to a special fund to be known as the Post Retirement Insurance Liability Fund. Any interest or other income earned by such fund shall be added to and become a part of the fund. The Lexington contributory retirement board shall be the custodian of such fund and may invest the monies held in the fund in accordance with the rules and regulations of the public employees retirement administration commission and in accordance with any applicable general law. Any amounts appropriated to or expended from such fund shall be so appropriated or expended by a majority vote of the town which vote must be taken in accordance with an actuarial schedule developed by the town. The actuarial schedule must be designed to reduce to zero any unfunded liability attributable to premium payments for or direct payments to be made to retired employees of the town and to any eligible surviving spouse of or the dependents of deceased employees of the town. The Lexington contributory retirement board may employ any qualified bank, trust company, corporation, firm or person to provide advice on the investment of amounts held in the Post Retirement Insurance Liability Fund and to prepare any required actuarial study and may pay for any such advice or service from amounts held in the fund.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, August 29, 2002.

In Senate, August 29, 2002.

Approved September 12, 2002.

SPECIAL ACTS

CHAPTER 7 OF THE ACTS OF 2004

**AN ACT AUTHORIZING A BALLOT QUESTION IN THE TOWN OF LEXINGTON
RELATIVE TO THE GRANTING OF CERTAIN ALCOHOLIC BEVERAGE LICENSES**

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

SECTION 1. Notwithstanding any limitations imposed by section and section of chapter of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Lexington shall cause to be submitted to the voters in the next regularly scheduled election, to be held at least days following the effective date of this act, the following question:

Whereas the board of selectmen is now authorized to grant licenses in the town of Lexington for the sale of all alcoholic beverages in restaurants with seating capacities of persons or more, shall the board of selectmen also be authorized to grant licenses for the sale of all alcoholic beverages including, but not limited to, licenses for the sale of wines and malt beverages, to restaurants in the town of Lexington with seating capacities of less than 99 persons?

Yes____ No____

If a majority of the votes cast in answer to this question is in the affirmative, the town shall be taken to have authorized the board of selectmen to issue licenses for the sale of all alcoholic beverages including, but not limited to, licenses for the sale of wines and malt beverages, to be drunk on the premises of restaurants in the town with a seating capacity of less than 99 persons, subject to all the other provisions of said chapter, and may further issue special licenses as provided in section of said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved January 22, 2004.

SPECIAL ACTS

CHAPTER 345 OF THE ACTS OF 2006

**AN ACT DESIGNATING IN THE TOWNS OF ARLINGTON,
LEXINGTON, LINCOLN AND CONCORD A SCENIC BYWAY
TO BE KNOWN AS THE BATTLE ROAD: THE ROAD TO REVOLUTIONS.**

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

Notwithstanding section 15C of chapter 40 of the General Laws, Massachusetts avenue, a portion of Appleton street and Paul Revere road in the town of Arlington; Massachusetts avenue, Old Massachusetts avenue and portions of state highway Route 2A, Wood street and Hancock street in the town of Lexington; North Great road in the town of Lincoln; and Lexington road, portions of Monument street, Liberty street, a portion of Lowell road and a portion of Barrett's Mill road in the town of Concord shall be designated and known as the Battle Road: the Road to Revolutions scenic byway. (Ch. 12 of 2012 approved January 19, 2012)

The Battle Road: the Road to Revolutions scenic byway shall begin in Arlington on Massachusetts avenue on the Cambridge city line and shall proceed generally northwest along Massachusetts avenue, continue along Massachusetts avenue and branches to Appleton street until Paul Revere road and Paul Revere road until merging back with Massachusetts avenue, and continue along Massachusetts avenue into Lexington, with a spur to the Hancock/Clarke house on Hancock street and continue on Massachusetts avenue to Marrett road and branches to Wood street, Old Massachusetts avenue and Massachusetts avenue, through the town of Lexington, where both branches shall merge with North Great road in the town of Lincoln and continue westward to Lexington street and Monument square in the town of Concord, where it turns northward to Monument street then southwestward to Liberty street to Lowell road, and shall include that portion of Lowell road from Liberty street to Barrett's Mill road and that portion of Barrett's Mill road from Lowell road to Barrett's Farm, terminating at Barrett's Farm. (Ch. 12 of 2012 approved January 19, 2012)

The purpose of the Battle Road: the Road to Revolutions scenic byway designation shall be to recognize, protect and enhance the unique historic, scenic, cultural and recreational resources along the byway, including preservation of the character of the corridor, expansion of economic opportunities, development of balanced tourism and a context in which to evaluate proposed roadway changes. The towns of Arlington, Concord, Lexington and Lincoln shall work in cooperation with the National Park Service to preserve the resources and improve the experience of the byway for both residents and visitors.

Approved November 8, 2006.

SPECIAL ACTS

CHAPTER 190 OF THE ACTS OF 2008

AN ACT RELATIVE TO REAL PROPERTY TAX DEFERRALS IN THE
TOWN OF LEXINGTON.

(As amended by Chapter 351 of the Acts of 2020)

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

SECTION 1. Notwithstanding the provision of the first paragraph of clause Forty-first A of section 5 of chapter 59 of the General Laws, the town of Lexington may, by vote of its town meeting and with the approval of its board of selectmen: (1) adopt a lower minimum age of eligibility than 65; (2) adopt a higher maximum qualifying gross receipts amount than \$40,000; and (3) condition eligibility for deferral of real property taxes on objective criteria of disability or other hardship for persons who would not otherwise qualify based on their age.

SECTION 1A. Notwithstanding the last paragraph of clause Forty-first A of section 5 of chapter 59 of the General Laws, interest on deferrals of real property taxes granted by the town of Lexington shall accrue at the rate provided in said clause Forty-first A of said section 5 until the conveyance of the property or, if there is no conveyance, one year after the death of the person or surviving spouse whose taxes have been deferred; provided, that after one year after the death of the person or surviving spouse whose taxes have been deferred, interest shall accrue at the rate provided in section 62 of chapter 60 of the General Laws. (Added by Chapter 351 of the Acts of 2020)

SECTION 2. This act shall take effect upon its passage.

Approved July 22, 2008

¹Editor's Note: The maximum qualifying gross receipts amount for property tax deferrals under Clause 41A of Section 5 of Chapter 59 of the Massachusetts General Laws and Chapter 190 of the Acts of 2008 was raised to \$75,000, beginning in fiscal year 2020. This provision was adopted 4-1-2019 ATM by Art. 5.

SPECIAL ACTS

CHAPTER 202 OF THE ACTS OF 2008

**AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND
MAINTENANCE TO TRANSFER CONTROL OF A CERTAIN PARCEL OF LAND IN THE
TOWN OF LEXINGTON**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the transfer of the care, custody and control of certain land in the town of Lexington, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Notwithstanding sections 40F to 40J, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner of capital asset management and maintenance shall transfer care, custody and control of a parcel of state-owned land in the town of Lexington known as the Lexington portion of Lot 1 of the former Middlesex county hospital and formerly under the care, custody and control of the Middlesex county hospital described in section 2, to the commissioner of conservation and recreation for conservation, open space preservation and natural resource protection purposes. The commissioner of conservation and recreation may enter into an agreement with the town of Lexington or a private non-profit conservation organization for restoration, management and maintenance of the parcel as public open space.

SECTION 2. The parcel to be transferred under section 1 consists of 47.499 acres and is the Lexington portion of Lot 1, Parcels 2 and 3 shown on "Plan of Land in Waltham & Lexington, (Middlesex Co.) Mass. Surveyed for Geraghty & Miller," by Roberge Associates Land Surveying, dated December 2, 1996 and recorded with the Middlesex county southern district registry of deeds as Plan No. 379 of 1997 in Book 27228, Page 430.

Approved July 24, 2008

SPECIAL ACTS

CHAPTER 203 OF THE ACTS OF 2009

**AN ACT AUTHORIZING THE ABATEMENT OF CERTAIN PROPERTY TAX ASSESSMENTS
IN THE TOWN OF LEXINGTON**

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

SECTION 1. Notwithstanding sections 2A, 2D, 18 and 38 of chapter 59 of the General Laws or any other general or special law to the contrary, the town of Lexington, acting by and through its board of assessors, shall abate or refund a portion of the taxes assessed for fiscal year 2009 on any real estate that decreased in assessed valuation by over 50 per cent as the result of fire or natural disaster that occurred during fiscal year 2009. The post-fire or post-natural disaster valuation shall be considered the assessed valuation of the property as of January 1, 2008 for purposes of assessing taxes for the fiscal year beginning on July 1, 2008.

SECTION 2. Applications for an abatement or refund shall be filed with the Lexington board of assessors on or before January 1, 2011.

SECTION 3. This act shall take effect upon its passage.

Approved January 10, 2010