



Town of Lexington

PLANNING BOARD

1625 Massachusetts Avenue
Lexington, MA 02420
Tel (781) 698-4560

planning@lexingtonma.gov
www.lexingtonma.gov/planning

Robert Creech, Chair
Robert D. Peters, Vice Chair
Ginna Johnson, Clerk
Richard L. Canale
Charles Hornig
Michael Leon, Associate

ANNUAL TOWN MEETING 2021

ARTICLE XX AMEND ZONING BYLAW – HISTORIC PRESERVATION INCENTIVES JANUARY 21, 2021

To see if the Town will vote to amend the Zoning By-Law to allow additional flexibility in permitting under § 6.2, Historical Preservation Incentives, or act in any other manner in relation thereto.

(Inserted at the request of the Planning Board)

DESCRIPTION: This article would allow special permits for historical preservation under § 135-6.2 to permit additional uses where necessary to preserve historic elements.

MOTION: That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington be amended as follows, and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Lexington:

1. Replace § 135-6.2 with the following:

6.2 HISTORIC PRESERVATION INCENTIVES

6.2.1 Purpose.

The general objectives of this section are to:

1. Encourage preservation of buildings, structures, sites and settings, and elements of historical or architectural significance.
2. Establish eligibility criteria for buildings, structures, sites and settings, and elements attaining protected status under § 6.2.2.
3. Expand economic options for the owner/investor, by broadening the permitted uses in various zoning districts and removing barriers presented by development standards governing those permitted uses.
4. Permit the flexibility of development options by modifying dimensional requirements that might be an impediment to historic preservation.
5. Provide incentives to preserve contributory elements of historic or architectural significance, such as settings and sites, objects, monuments, trees or other elements.

6.2.2 Historic Eligibility Defined.

Any historic buildings, other structures and outbuildings, sites and settings, objects, monuments, trees or any element of historical, architectural and/or cultural significance that indicates their contributory value in establishing

historical context, may qualify for eligibility under this section, if it is included on any of the following lists or surveys:

1. National Register of Historic Places;
2. State (Commonwealth of Massachusetts) Register of Historic Places;
3. Inclusion by the Lexington Historical Commission in its Comprehensive Cultural Resources Survey; or
4. Pending nominations in good standing to the National or State Register.

6.2.3 Special Permit.

The SPGA, after making the findings required by § 6.2.4 below, may grant a special permit to authorize certain uses and activities, outlined below, that would allow the renovation, repair, adaptive reuse or, in limited instances, removal of historic or architecturally significant buildings:

1. Permit uses permitted in another district
2. Modify the operating or development standards contained in Table 1, provided that any negative impacts to the surrounding area can be feasibly mitigated
3. Modify the standards for bed-and-breakfast homes (6.5), conversion to a congregate living facility (6.6), and accessory apartments (6.7)
4. Modify the dimensional controls of § 4.0
5. Modify the off-street parking and loading requirements in § 5.1
6. Modify the landscaping, transition and screening requirements in § 5.3

6.2.4 Findings Required.

In order to grant a special permit, the SPGA shall determine that:

1. the uses or the modification of standards and requirements authorized in § 6.2.3 are necessary to maintain the historic or architecturally significant building, structure or element;
2. the proposed renovation, repair, adaptive reuse or removal preserves, to the maximum extent feasible, the historical and architectural features of the building, structure or element;
3. moving of buildings, structures and elements to other locations is considered only if no other preservation measures are practical or reasonable on the existing site, or if the proposed removal is to return a building, structure or element to an original or more historically accurate location;
4. the historical and architectural features of the building, structure or element will be preserved for the duration of the special permit;
5. failure to grant the special permit is likely to result in inappropriate use or physical modification or pursuit of a demolition permit; and
6. the proposed use will not generate negative impacts to the surrounding area or

zoning district or that any negative impacts generated may be feasibly mitigated.

6.2.5 Contributory Lots.

For one or more lots that do not otherwise qualify under § 6.2.2, above, the SPGA may grant a special permit to modify: the standards in Table 2, Schedule of Dimensional Controls; the standards in §§ 3.3, 4.4, 6.3, 7.1, 7.2, and 7.3; the dimensional and intensity controls in § 4.0; the landscaping, transition and screening requirements in § 5.3, Landscaping, Transition and Screening; or the off-street parking and loading requirements in § 5.1, Off-Street Parking and Loading; provided the SPGA makes a finding that such modifications are necessary to make historic preservation feasible on another lot within the same development on which an historic element, as defined in § 6.2.2, is located.