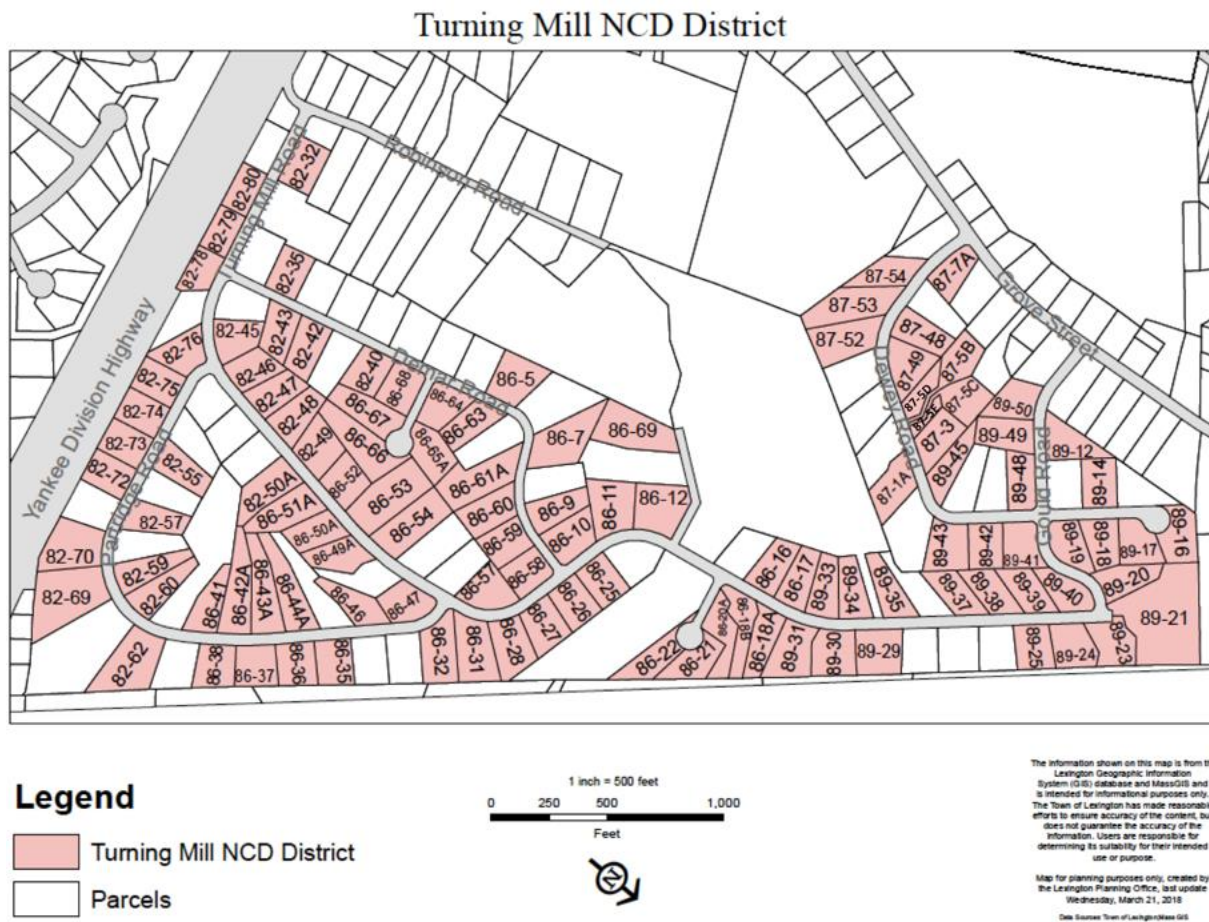


**ARTICLE 39 AMEND GENERAL BYLAWS- TURNING MILL NEIGHBORHOOD
CONSERVATION DISTRICT**

MOTION: That the General Bylaws of the Town be amended as set forth in the report of the Planning Board and the Lexington Historical Commission on this article, a copy of which is on file with the Town Clerk and the Planning Board, and further that the 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.

(Revised 04/10/2018)

Complete Bylaw for Informational Purposes



TURNING MILL NEIGHBORHOOD CONSERVATION DISTRICT
Chapter 78A. Turning Mill Neighborhood Conservation District

§ 78A-1. PURPOSES

Pursuant to Chapter 78 of the Code of the Town of Lexington, this Chapter establishes the Turning Mill Neighborhood Conservation District (Turning Mill NCD) for the following purposes:

- A. to recognize the unique and distinctive character of the Turning Mill neighborhood including the architectural design consistency and modest scale of its Mid-Century Modern Buildings and their materials, and the careful siting of Buildings in a woodland landscape that retains the natural topography, augmented with native trees, shrubs and plantings that help sustain wildlife and provide a feeling of privacy and seclusion;*
- B. to conserve and preserve Turning Mill’s existing Buildings and encourage Construction and Alteration that complements and is compatible with those Buildings and Structures, and their Setting and character;*
- C. to provide residents and property owners with the opportunity to participate in planning the future and dynamic improvement of the Turning Mill neighborhood;*
- D. to promote wider public knowledge and appreciation for the Turning Mill neighborhood by serving as an information resource on the history of the neighborhood and on compatible materials, methods, and options for caring for and maintaining Mid-Century Modern houses and landscapes; and*
- E. to enhance the public welfare by offering current and future residents of Lexington the opportunity to live and work in a significant and historic Mid-Century Modern neighborhood.*

§ 78A-2. Boundaries

The Turning Mill NCD shall comprise the area shown on the boundary map of the NCD as recorded with the Middlesex South Registry of Deeds pursuant to Chapter 78-4A.

§ 78A-3. Definitions

The following terms shall mean as follows when used in this Chapter. All capitalized terms not defined in this Chapter are used as defined in Chapter 78 of the Code of the Town of Lexington.

Commission – The Turning Mill NCD Commission established pursuant to Chapter 78A-4.

Privacy Screening – Natural plantings to enhance privacy by, among other things, planting a mix of perimeter trees with understory shrubs like mountain laurel, rhododendrons and azaleas, contributing to privacy and enhancing the characteristic woodland aesthetic. The existence of trees and understory bush and shrubs that serve to partially “hide” the sight of neighboring property elements thus creating the illusion of being surrounded by open space. Where sloping land is involved, upslope properties may be able to provide the most effective privacy screening.

Protected Tree – Shall mean any tree considered a Protected Tree under the Town’s Tree Bylaw, Chapter 120 of the Code of the Town of Lexington. In addition, Protected Trees shall also include any tree located outside of a setback area that otherwise meets the definition of a Protected Tree under Chapter 120.

Setback Area – The minimum setback area around a lot shall be measured in accordance with the larger dimension of 30 feet from the front and 15 feet from the two sides and from the rear of

the lot, and the minimum front yard, side yard and rear yard dimensional requirements under the Zoning Bylaw of the Town of Lexington. For the purposes of establishing the setback area in which the provisions of this Chapter shall apply, the measurement shall be from any point on any property line of the lot, to points along an imaginary line drawn representing the setback area as specified.

§ 78A-4. TURNING MILL NCD COMMISSION

The Commission shall be appointed pursuant to the terms of the Chapter 78-4, and the following additional requirements:

- A. Members of the Commission appointed by the Town Manager shall be selected from a pool of candidates nominated by Property Owners in the NCD.*
- B. Notwithstanding the provisions of Chapter 78A-4.B, no neighbor representative member of the Commission may serve more than two consecutive terms. A member of the Commission may serve additional terms provided at least a year has elapsed since that member last served on the Commission.*

§ 78A-5. REVIEW OF CONSTRUCTION AND ALTERATIONS

- A. Commission review shall be required for the following unless otherwise exempted from review pursuant to this Chapter or Chapter 78:*
 - 1. Demolition of an existing Building, or of a Structure over 200 square feet of floor area or over 10 feet in height;*
 - 2. Construction of a Building or Alteration of an existing Building, or of a Structure over 200 square feet of floor area or over 10 feet in height if the Building or Alteration would be visible from a public way;*
 - 3. Alteration of an existing Building or of a Structure that would involve the removal and replacement of the Building or Structure's siding, windows, and trim with materials not matching or not substantially similar in dimensions, texture, proportion, design, thickness, scale, and exposure only if the Alteration would be visible from a public way;*
 - 4. Construction of a Building or Structure that would require excavation to modify the existing topography, or erection of retaining walls of more than 4 feet of vertical exposure; and*
 - 5. the removal of any Protected Tree in conjunction with Construction or Alteration of a Building or of a Structure unless either documented by a licensed arborist to be necessary because of imminent demise or hazard, or evident to the untrained eye to be irreparably damaged.*
- B. The following shall be exempt from review under this Chapter:*
 - 1. Any Building, Structure, Setting or activity exempt from review pursuant to Chapter 78.5.C.*
 - 2. Skylights and solar panels installed parallel to, and in close contact with, the plane of the roof;*
 - 3. Handicapped-accessible ramps; and*

4. *Plant material replaced in kind or similar in type or function.*

C. *Except as otherwise provided in this Chapter or Chapter 78 no Building or Structure, within the Turning Mill NCD shall be Constructed, Demolished or Altered in any way unless the Commission has issued a Certificate of Compatibility, a Certificate of Non-Applicability, or a Certificate of Hardship in accordance with Chapter 78 and this Chapter.*

D. *Review Guidelines:*

The Commission shall apply the criteria in Chapter 78-6 and the following guidelines in reviewing applications pursuant to this Chapter and Chapter 78. The Commission may, in its discretion, permit variances from these Guidelines where necessary to comply with the Americans with Disabilities Act, the Fair Housing Act, or any other applicable Federal or State law, or where the Commission determines that such variances do not substantially detract from the purposes of this Chapter.

1. *Landscaping: All landscaping Alterations in conjunction with new Construction, home additions and complete home Demolition and replacement and visible from a public way are reviewable by the Commission in accordance with the following:*

a) *Applicants shall submit a before and after landscaping plan to the Commission before the commencement of any excavation, re-grading, Construction or tree removal. For additions, the required plan scope should include the limited area of development. For reconstruction, a full landscape plan of the lot is required.*

b) *Privacy Screening is encouraged. Informal, naturalistic plantings to enhance privacy and the retention of mature, healthy landscape materials are preferred. Formal hedges, straight line hedges, regular spacing of shrubs, and defining boundaries with hedges should be avoided. A heavily wooded front yard is not required, but modest front yard screening is preferred to preserve the woodland character. Installation of lawns should be in addition to, but not instead of, trees and shrubs.*

c) *Plants native to or adaptive in the woodland zone are preferred, including eastern hardwoods (oak, hickory, beech, red maple, birch) and pines. Hearty and drought tolerant plants and broadleaf evergreen shrubs (laurel, rhododendron) are preferred for understory plantings with shade and drought tolerant fescues for lawn areas. Invasive species (such as Norway Maple) and species under threat of disease (such as hemlock) should not be used.*

2. *Tree Removal: Protected Trees within the Setback Area are governed by Chapter 120 and shall not be subject to Commission review. Where removal of a Protected Tree is proposed outside of the Setback Area, the Commission may require its replacement with a tree measuring at least three inches in diameter at breast height (“DBH”) as defined in Chapter 120. Additionally, if a Protected Tree is removed during the 12 months preceding an application to the Commission, a tree removal and mitigation proposal regarding the Protected Trees previously already removed must submitted to the Commission.*

3. *Exterior siding: The Commission will consider the use of original materials to replace existing siding appropriate. In addition, the Commission may also approve the use of*

modern alternatives such as cement shingles and other materials with contemporary design principles.

4. *Windows: Windows should be replaced with windows of a similar style, shape, and external appearance as existing windows. However, changes to the overall appearance of windows and surrounding architectural features of Buildings and Structures in which they are located may be accepted where such changes are otherwise consistent with the purposes of this Chapter.*
5. *Panel and trim details: When replacing damaged plywood, flat, exterior grade plywood or flat, painted PVC panel material are permitted. Use of materials such as zinc, copper, or aluminum to achieve modern or contemporary design appearance is also acceptable.*
6. *Garage and storm doors: Wooden or paintable doors with a flat profile are preferred. Paneled or embossed or vinyl doors should not be used.*
7. *Roofing: EPDM/rubber membrane roofing in gray or black, shingle and metal roofing are acceptable replacements for existing tar and gravel roofs. Copper and aluminum drip edges are also acceptable.*
8. *Roof design: The design of the roof either should be a shallow pitch of up to 4:12 or an asymmetric roof line which can have a slightly steeper pitch.*
9. *Fencing: Stone walls and split rail or other open wood fencing are preferred. Fencing should be minimal. Vinyl or PVC materials, and defining boundaries with walls and fences should not be used.*
10. *Paving: Asphalt paving is acceptable. Pervious paving materials could be considered if possible and appropriate for the site, including washed stone, washed stone on brick base, compacted stone and stone dust, bank run gravel, and rolled aggregate.*
11. *Demolitions. In addition to all other applicable criteria, the Commission may consider the following with respect to applications for Demolition:*
 - a) *The likelihood that either the owner or some other person is willing to purchase, preserve, rehabilitate or restore the Building or Structure at issue; and*
 - b) *Whether the owner has made reasonable efforts to locate a purchaser, or other person, to preserve, rehabilitate, and restore the Building or Structure.*