

**TOWN OF LINCOLN**  
**MINUTES OF THE PLANNING BOARD**

**JANUARY 12, 2016**

**TOWN OFFICES**

**PRESENT:** Margaret Olson (Chair) (MO), Bryce Wolf (Co-Chair) (BW), Lynn DeLisi (LD), Richard Rundell (RR), Gary Taylor (GT)

**STAFF:** Paula Vaughn-MacKenzie

**7:05PM PUBLIC HEARING FOR SITE PLAN REVIEW: Skenderian, 24 Sunnyside Lane, Parcel 113-18-0.** Application to add a second floor bedroom to an approved site plan. 1/12/2016.

MO opened the public hearing.

Mr. Skenderian appeared before the Board and presented his proposal to add a bedroom to the second floor of the house where there is an existing deck. The project is also subject to ZBA approval. The ZBA had to continue its hearing after the February meeting because it did not have a quorum to vote on the project. The remaining issue is the calculation of the floor area. The ZBA requested that Mr. Skenderian revise his calculation by not including the deck area in the existing floor area and to include the area of the new bedroom in the proposed floor area in order to show the increase. Mr. Skenderian will go back to the ZBA in March for final approval. In the event that the ZBA requires any further changes to the project, Mr. Skenderian has been informed by Planning Department staff that he will need approval by the Planning Board as well.

The Board reviewed the proposal. There was a discussion of whether or not the addition of the bedroom changed the mass of the house. RR stated that he thought it did change the massing of the house but that he did not have any objections to the addition. He noted that massing was important to look at and gave the example of a house where the garage is pulled significantly forward creating awkward massing. GT stated that the addition would hardly be visible from the street and that he had no objections. LD and MO agreed.

BW made a Motion to close the public hearing. RR Seconded. Passed 5-0.

GT made a Motion to approve the addition as submitted and shown on plans by Nashawtuc Architects dated 9/16/2015 pages A1-01 through A1-03, and A2-01 through A2-04 and a Site Plan, 24 Sunnyside Lane by Snelling & Hamel dated October 26, 2015 subject to the applicant receiving final approval from the ZBA. RR Seconded. Passed 5-0.

**7:20PM DETERMINATION OF MINOR CHANGE: Liu, 130 Lexington Road, Parcel 132-3-0.** Application of add a fence to an approved site plan. 1/12/2016.

Jamia Liu appeared before the Board and presented the proposal. BW noted that the fence has already been built. Mrs. Liu admitted that the fence has been built and that she took a risk having it constructed before approval. She explained that the fence company was going to shut down for the winter and that the neighbors were throwing garbage along their property line. She showed the Board photos of the garbage which included a stuffed bear with a swastika marked on its chest. She stated that she has contacted the police who said that they cannot do anything. The Board suggested that Mrs. Liu contact the Selectmen regarding the unsightly mess on the bordering property created by the neighbor. BW noted that her only objection to the fence was that it was built before permission was given by the Board.

Mrs. Liu stated that the fence is located twenty feet back from the front lot line and that it runs along the side property line between 130 and 134 Lexington Road approximately 128 feet in two large sections in order to keep a large tree. The fence is located approximately 2 feet from the side lot line on the Liu's property and is six feet tall and made of white vinyl to match the white color of her house. She presented a photograph of the fence.

LD made a Motion to determine the addition of the fence to be a minor change to the approved site plan. GT Seconded. Passed 4-0. BW abstained.

LD made a Motion to approve the fence as submitted. GT Seconded. Passed 4-0. BW abstained.

LD noted that the addition of this fence does not require any kind of permit under the Zoning Bylaw. She expressed concern that the continuing obligations with respect to properties subject to site plan review may be overly restrictive, and suggested that the Board discuss at a later date the issue of changes that are permitted by right on properties not under site plan review and changes that require Board approval only because a property has had site plan review.

**7:35PM DETERMINATION OF MINOR CHANGE: Traynor, 16 Todd Pond Road, Parcel 162-13-0.** Application to make changes to an approved site plan. 1/12/2016.

RR recused himself from the determination as an abutter to the property.

Mr. Charles Rose, the architect for the project, appeared before the Board to present the changes. The Board has previously approved minor changes on September 9, 2015 and September 15, 2015. Mr. Rose submitted a new complete set of plans which reflect those changes and the current request for 5 new changes. The Conservation Commission held Public Hearings on October 28, 2015 and November 18, 2015 where they amended and extended their order of conditions and requested a decrease in the impervious area. Four of the requested changes have been approved by the Conservation Commission to address their concerns.

1. The terrace to the south of the living room is decreased in size by moving the southern edge north by 10 inches.
2. The terrace between the house and the pool is decreased in size by moving the eastern edge in by 12 inches.
3. The entry stair to the southwest of the house has been decreased in width by 12 inches.

4. The condenser equipment pad at the north of the house has been eliminated from the buffer zone and relocated to the northeast corner of the house adjacent to the northeast site stairs.

The Board had no objections to the first four changes. RR speaking as an abutter asked the Board to be cognizant that any requested change is consistent with preserving the easement on the property for access to the pond and the greenbelt as previously discussed by the Board. GT noted that these changes are consistent with the concerns regarding the trail as they move the structure away from the buffer area and increase the available area for the walking trail.

5. Add a basement level trash alcove at the north side of the tractor garage.

The Board had no objections to the addition of the trash alcove.

BW made a Motion to determine the four changes reducing the impervious area requested and approved by the Conservation Commission and the addition of the trash alcove to the tractor garage to be minor changes to the approved site plan. GT Seconded. Passed 4-0.

BW made a Motion to approve the changes as shown on a revised site plan by GPR dated November 16, 2015. GT Seconded. Passed 4-0.

Mr. Rose also presented a request to redesign the gate at the Meadow Dam entrance.

The Board discussed the proposed redesign of the gate at the Meadow Dam entrance. The Board noted that there had been discussion regarding the gate during the site plan review. The neighbors were concerned about the view of the gate from Meadow Dam Road. The applicant had stated that the entrance from Meadow Dam was going to be used infrequently for landscapers to bring in lawn equipment. The Board's approval relocated the original gate to be farther away from the road in order to minimize the view from Meadow Dam Road. GT asked if the new proposal is in the same location as previously approved. Mr. Rose said only the design is proposed to be changed. The Board noted that the redesigned gate is much taller and bigger than the originally approved gate. Mr. Rose presented photographs of an abutter's gate and suggested that the new design was similar in height. The Board responded that the abutter's gate is located some distance up the driveway and not visible from the road.

BW made a Motion to determine that the change to the design of the gate is a minor change to the approved site plan. GT Seconded. Passed 4-0.

BW made a Motion to deny the request to redesign the approved gate located at Meadow Dam Road. GT Seconded. Passed 4-0.

### **7:50PM Business**

**Minutes:** BW made a Motion to approve the December 15, 2015 minutes as amended. GT Seconded. Passed 5-0.

**7:55PM DETERMINATION OF MINOR CHANGE: Herthel, 199 Concord Road, Parcel 160-9-0.** Request for Planning Board determination that a submitted plan complies with site plan approval and request for an extension for time of completion. 1/12/2016

Lynn DeLisi recused herself as an abutter to the property.

Mr. Herthel and Mr. Charles Budnick from CABCO Consult appeared before the Board. Mr. Herthel presented a revised site plan that he hopes the Board will determine complies with its Site Plan Approval dated May 13, 2014. The Site Plan Approval contains nine Special Conditions which were discussed individually as follows:

1. Consistent with the Planning Board's mandate to minimize grade changes on a site, the first floor of the carriage house shall be lowered 9 inches.

The Board agreed that this condition had been met with a previously submitted site plan as well as the current plan dated rev. December 7, 2015.

2. Consistent with the Planning Board's mandate to minimize grade changes on a site, the existing contours shall be maintained to the sides of the carriage house, and the retaining walls at the rear of the property shall be constructed at the absolute minimum necessary to maintain the natural grade of the land.

Mr. Herthel's revised plan shows that the top of the wall to the right side of the right garage door next to the rear entrance has been lowered five feet from the previous plan. The concrete walkway is faced with segmented block wall a little over two feet in height and the walkway has been lowered one foot. The long segmental block wall has been relocated to conform to setback requirements. Mr. Herthel pointed out the long segmental wall was separated from the wall that runs along the rear stairway. In addition the long wall's shape has been changed from angular to a radius and steps down to 2.44 feet.

The Building Inspector had raised an issue in regards to the segmental wall and requested the Board's comment to the question of whether the long wall was part of the structure because it allowed the use of the garage area by holding the grade. The Board noted that there was ample precedent that if there is separation from the structure then it is not part of the structure. In this case the plan shows that the long segmental wall is separated from the wall along the stairway and therefore is not part of the structure.

The retaining wall along the northern border has been shortened and is approximately half the length that was originally proposed. The current site plan shows a fence surrounding the garden area in place of the original retaining wall.

3. The site where the carriage house and garage have been removed shall be re-graded consistent with the contours existing now at the proposed new location of the carriage house.

Mr. Herthel noted that the existing septic tank has been relocated and the entire area has been re-graded as close as possible to natural grade. Mr. Herthel also proposed a 3'X40'X18" rip rap trench with 2"-4" of stone to control erosion.

The Board noted that although the new septic tank would be relocated to the applicant's property, the leaching pit would remain on the adjacent lot 4 currently owned by the applicant. The Board noted that it could not approve a plan showing this septic configuration unless it had been approved by the Board of Health. Mr. Herthel stated that the Board of Health had said that this configuration was acceptable as long as there was a recorded easement allowing it. The Board noted that it could only approve a plan showing the septic system if Mr. Herthel provided a Board of Health approval along with evidence of an easement. In the alternative, Mr. Herthel could remove the septic system from the plan and come back to the Board once he had an approval from the Board of Health. The Board also stated that the easement should be shown on the plan.

BW voiced her concern regarding the proposed rip rap that crosses the lot line. Mr. Herthel responded that it was necessary to control erosion but would not be any kind of an obstacle as it is not a structure above grade level.

4. The berm and trench along with the arborvitae planting shall be extended to the north to the construction limit line indicated on the proposed Landscape Plan.

This condition was met on a previous landscape plan dated 1/2/2014 and revised 8/25/2014. The Board discussed the berm and plantings and noted that it was very close to the lot line. BW voiced her concern and asked if the applicant would be able to construct the berm as proposed without encroaching on the neighbor's property. Mr. Budnick stated that the berm was two feet from the lot line and he believed it could be constructed without encroachment. Mr. Budnick noted that the plan calls for erosion control fencing to be installed along the property line where the berm will be located. BW suggested that the Board require that the erosion control fencing be installed prior to any work being done and that the fencing be maintained throughout the duration of construction as part of an approval.

RR noted that the landscape plan did not show that the plantings will be on top of the berm and requested that a revised plan show this detail in a section.

5. Drywells shall be added to the west side of the carriage house to manage roof runoff.

Mr. Budnick showed that a drywell had been added to the west side of the carriage house and that roof runoff would be managed by four downspouts and three drywells and a dry well/infiltration trench as shown on the plan.

6. Construction work hours shall be limited to the hours of 7:00am to 4:00pm, Monday through Friday.
7. The stairway at the rear of the carriage house shall be designed to be consistent with the foregoing conditions.

The stairway has been redesigned so that the top of the wall has been lowered five feet.

8. Not Applicable

The Board next discussed the driveway into the garage. The Board noted that the plan showed a gravel driveway approximately 20 feet wide and stated that this was unacceptable. BW noted that a residential driveway is generally 12-14 feet wide with accommodation made for a turn around. Both BW and RR requested that a driveway be delineated on the plan that complies with the normal dimensions of a residential driveway. The Board also noted that there should be ten feet between the lot line and the driveway.

RR asked if the driveway were redesigned to meet the 12-14 width, would it be possible to remove some of the long segmental wall and grade the area that would no longer require a retaining wall. Mr. Budnick stated that he would take a look at the area again in light of a narrower driveway.

The Board also requested that the plan depict any other areas that would have a surface treatment other than vegetative. The Board asked what the material and color of the walls will be. Mr. Herthel responded that the walls would be constructed of typical landscape type cement block in a light brown color. All of the walls would be the same.

Attorney Tim Taylor asked why the existing carriage house's location is not shown on the plan. Mr. Budnick replied that a plan showing existing conditions had been submitted to the Board on a separate page because the proposed site plan was so crowded with detail.

The Board addressed the Building Inspector's concern regarding whether or not the height of the barn should include the cupola. BW noted that the height does not include the cupola unless the space is habitable.

9. All construction shall be completed by September 9, 2015 and all landscape work shall be completed by December 31, 2015.

The Board next discussed the applicant's request for a determination of minor change to extend the time for completion. Mr. Taylor asked that the Board consider what would happen if the work was not completed within the allotted time and requested that the Board impose a time certain for completion. Mr. Herthel requested that the Board give a reasonable time period. Mr. Herthel stated that it would take time to install the new foundation and that it was difficult to find a suitable contract or that could move the carriage house. MO asked if September would be a reasonable time with landscaping to be completed by the end of December. If Mr. Herthel ran into problems he could come back to the Board for an extension. Mr. Herthel did not think this would be enough time. The Board noted that it did not want this process to drag on. MO noted that after a review of this latest plan, the Board has requested some additional information and changes. She suggested that the requested changes be done quickly so that an approval could be given and the applicant could receive a building permit. Town Counsel suggested that the Board could identify progress points that the applicant would have to meet. RR stated that he was unwilling to have the Board manage the project. RR suggested that the Board extend the date for completion to December 31<sup>st</sup> with all landscaping to be completed by the spring. The Board also asked the applicant to submit a

revised plan in time for their next meeting on January 26, 2016 that would comply with tonight's review as follows:

- The plan should have a narrower driveway 12-14 feet wide and a turn-around is acceptable.
- All areas that will have a surface treatment that is non-vegetative must be shown.
- The edge of the driveway must be ten feet from the lot line.
- The landscape plan must show a section detailing the arborvitae planting on top of the berm.
- If the septic system is shown on the plan, the applicant must submit an approval from the Board of Health along with evidence of a recorded easement.
- The Board would prefer that part of the long segmental block wall that is not necessary due to the redesigned driveway be removed and the area re-graded.

BW made a Motion to determine that an extension for time of completion is a minor change to the site plan approval. RR Seconded. Passed 4-0.

BW made a Motion to require construction to be completed by December 31, 2016 and all landscape work be completed by April 30, 2017. RR Seconded. Passed 4-0.

BW made a Motion that a revised plan showing the requested information be resubmitted for the Board's next meeting on January 26, 2016. RR Seconded. Passed 4-0.

**9:00PM ZONING WORKSHOP:** Proposed zoning amendments to Sections 6.1 and 6.2 to add agricultural uses and parties permitted by right on parcels less than five acres and to clarify agricultural uses requiring a special permit on parcels containing less than five acres, as proposed by the Agricultural Commission. 1/12/2016

Joel Bard, Town Counsel and members of the Agricultural Commission joined the Board for the workshop. The Board discussed the latest draft of the proposed amendment. One suggestion was to add the proposed new section 6.1 (e) and then renumber the subsections rather than add the new subsection to the end of the section. Joel Bard suggested that the word "majority" be substituted for the current word "substantial" in 6.1 (d). The word substantial has no specific meaning where the word majority means more than 50%.

The discussion then turned to enforcement of the proposed amendment. All present agreed that enforcement would be triggered as a result of a complaint being investigated by the Building Inspector. The Board discussed the difficulty in getting documentation that would prove an individual's activities generated \$5,000.00 per acre or more in sales. Karen Seo noted that people are mostly concerned with noise and manure. She thought that the sales number would inherently limit the number of animals someone would keep on a parcel of less than five acres. Other members of the Agricultural Commission noted that if someone had horses or a stable, it would be very easy to cross the \$5,000.00 per acre threshold. Mr. Bard noted that the current Zoning Bylaw provisions are contrary to State law and that the proposed amendment was an attempt to carve out a regulation for parcels less than five acres.

There was a discussion regarding the boarding of dogs and the Board agreed that the boarding of dogs should always require a special permit and thought that this should be in a separate section 6.2 (e).

RR suggested that the language in 6.1 (e) should track the language of 6.2 (j) for clarity.

P V-M will draft language that reflects the discussion and forward it to Mr. Bard for final review.

**10:10PM ZONING WORKSHOP:** Proposed zoning amendments to Sections 13.5 and 23 to add definitions and require design standards for exterior lighting including color , output and glare restrictions. 1/12/2016

The Board will submit a proposed amendment similar to the one proposed for Town Meeting 2015 except that the section restricting the maximum output of lumens will be deleted.

**10:15PM**

LD made a Motion to Adjourn. RR Seconded. Passed 5-0.

Submitted by Paula Vaughn-MacKenzie

Approved as amended February 9, 2016