

**TOWN OF LINCOLN**  
**MINUTES OF THE PLANNING BOARD**  
**JANUARY 26, 2016**  
**TOWN OFFICES**

**PRESENT:** Margaret Olson (Chair) (MO), Lynn DeLisi (LD), Gary Taylor (GT)

**STAFF:** Jennifer Burney, Paula Vaughn-MacKenzie

**7:00 PM PUBLIC HEARING: Proposed Zoning Amendment for Town Meeting 2016.**

Proposal by the Agricultural Commission to amend the Zoning Bylaw sections 6.1 and Sec. 6.2 to add parties permitted to farm by right, add agricultural uses 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. 1/26/2016

MO opened the public hearing.

The hearing was well attended by members of the Agricultural Commission as well as members of the public. MO explained that the purpose of the zoning amendments was to make the Zoning Bylaw consistent with the Town's support of the right to farm. The amendments will be presented and submitted to Town Meeting 2016 by the Agricultural Commission with the support of the Planning Board. MO then described the proposed changes.

The changes to Section 6.1 are as follows: 1. The amendment would make it legal for lessees and licensees of land to farm parcels less than five acres. Currently the zoning bylaw only allows residents and tenant farmers. 2. The amendment would require that a majority of the proceeds from sales of produce must be raised within the Town. 3. The amendment would add a new section (e) which lists agricultural uses permitted on parcels less than five acres without a special permit. This change is an effort to distinguish between intensive commercial enterprises and small commercial enterprises such as raising a small number of chickens and selling the eggs. The Agricultural Commission had done an analysis of general costs and proceeds and concluded that the \$5,000.00 per acre threshold was a good number which would enable people who have a hobby to sell some product. The amendment includes language which mirrors the state statute to include the animals listed as agricultural in the state statute.

The changes to 6.2 are as follows: 1. Agricultural uses that require a special permit from the Board of Appeals with a recommendation of the Planning Board will now also require a recommendation from the Agricultural Commission. This is an effort to bring agricultural expertise to the special permit process. 2. Commercial greenhouses located on parcels less than 5 acres will be permitted with a special permit. 3. Section 6.2 (e) will be amended to continue to require a special permit for

the boarding of dogs other than for the residents' own use as pets or farm animals (e.g. sheep dogs). The boarding of dogs is not considered an agricultural use under the state statute. The boarding of dogs should not be confused with the raising, breeding, or training of dogs which is considered an agricultural use and is addressed in Sections 6.1 (e) and 6.2(f). 4. A new section 6.2(f) is added which mirrors the language of 6.1 (e) and allows agricultural uses on a commercial basis on parcels less than five acres which generate sales of \$5,000.00 or more per acre, annually only with a special permit issued by the ZBA with advice of the Planning Board and the Agricultural Commission.

The Board then opened discussion to the members of the public. Bob Domnitz noted that it has been a long effort by the Agricultural Commission to bring these amendments to Town Meeting. He stated that during last year's discussion, the Board had asked what activities the Ag Comm cannot do under the current Bylaw that they would like to do. Ari Kurtz responded that the changes allowed agricultural uses regarding animals that were are not allowed under the current bylaw. In addition, the proposed changes allow small scale commercial sales of farm animals and products without a special permit. Karen Seo agreed that the proposed amendment expanded the list of agricultural activities to include animals that are listed in the state statute. Under the current bylaw, the list is limited and did not provide an avenue to apply for a special permit for animals that were not specifically listed in the bylaw. In Ms. Seo's case, the ZBA was unable to issue a special permit to her because sheep are not listed in the current bylaw.

The discussion then turned to the proposed new section 6.2(e) which would require a special permit for the boarding of dogs. GT noted that this section is necessary as a separate section because the boarding of dog is not considered an agricultural use under the state statute. MO added that the proposed amendments legalize much farming activity that already exists in Town.

Mr. Domnitz noted that state law always trumps local law. He suggested that the Ag Comm not emphasize that the reason for the amendments is to bring the bylaw in line with the state law. He feels that people will think that the amendments will result in the relinquishment of local control.

GT added that it is important to clarify what may take place on parcels less than five acres. Mr. Kurtz stated that there may be some confusion because the state statute defines commercial agriculture as generating sales greater than \$1,000.00 per year. MO noted that the intent of these amendments is to clarify how agricultural uses will be treated on parcels that are less than five acres. The reason the amendments regulate agricultural uses on parcels less than five acres is that the state statute clearly does not allow a special permit process for agricultural uses on parcels that are more than five acres.

Tim Taylor noted that the addition of section 6.2(e) will require a special permit even if you board only one dog and suggested that the Board think about specifying the number of dogs. The Board declined this suggestion. Mr. Taylor also suggested that the words "majority portion" in 6.1 (d) be changed to "majority portion of the proceeds of such sales" for clarity. The Board agreed with this suggestion. Lynn Bower suggested that the order of the words "breeding, or training" in both 6.1 (e) and 6.2(f) be reversed. The Board agreed with this suggestion. The Board also agreed that the word "annually" in both 6.1 (e) and 6.2(f) be changed to "per calendar year".

Another issue raised during the discussion was whether anyone on any parcel regardless of acreage could lease their backyard to a licensee or lessee who could raise animals. Members of the audience emphasized that people at Town Meeting will want to know how these amendments will affect them. Karen Seo noted that as soon as someone reaches the \$5,000.00 per acre threshold, a special permit will be required. It will be a question that the Ag Comm will need to be prepared to answer at Town Meeting. Ms. Seo noted that the Ag Comm had done some analysis of how different activities would reach the \$5,000.00 threshold and that they felt comfortable that this threshold would be relatively easy to reach. Ms. Seo suggested that different scenarios could be presented at Town Meeting as examples. MO noted that after many meetings with the Ag Comm, the Board became more comfortable with the threshold. The Ag Comm had discussed various scenarios that reach the \$5,000.00 threshold fairly quickly. Activities that would not reach the threshold did not seem to be intensive enough to cause problems for the neighbors. .

Mr. Domnitz asked why create a list of animals in the bylaw. He suggested that swine and roosters be removed from the list as they may be problematic for neighbors. MO responded that they are trying to give a clear list of animals that are considered agricultural and then have a catch all in case they missed any that are defined as agricultural in the state statute. Pigs will be permitted but clearly cannot become a nuisance for the neighbors. She noted that this is the direction the Ag Comm wishes to go and that they can present their amendments at Town Meeting and see how the public responds.

The revised amendments will be forwarded to Town Counsel for review and then put up on the Planning Department webpage.

GT made a Motion to support the Agricultural Commission's proposed amendments to Sections 6.1 and 6.2 of the Zoning Bylaw as revised by tonight's discussion to be presented to Town Meeting 2016. LD Seconded. Passed 3-0.

**7:50 PM ADMINISTRATIVE REVIEW: Herthel, 199 Concord Road, Parcel 160-9-0.** Request for a Planning Board determination that a submitted plan complies with site plan approval. Vote expected.

This agenda item was rescheduled for February 9, 2016.

**7:50 PM PRELIMINARY MEETING: Deck, 30 Silver Hill Road, Parcel 151-5-0.** Preliminary meeting regarding site plan review of a tear down of an existing home and construction of a new home. 1/26/2016.

Mark and Tricia Deck appeared before the Board with their architects, Charles Meyer and Alice Dunn and their landscape architects, Jim Henderson and Nancy Striker. Mr. Deck explained the project which is a tear down of the existing house and the construction of a new house. The Lincoln Land Conservation Trust holds a Conservation Restriction on the property which restricts the land and also restricts the house size, design and building envelope. Geoff McGean, Executive Director of the LLCT submitted a memo stating that the current plans satisfy the requirements of the

restriction. P V-M explained that the plans were complete and that the applicant has submitted all required information on the site plan review checklist. There are wetlands across the road with the Buffer Zone extending onto the property. The Conservation Department has reviewed the plans and has confirmed that no wetland permitting is required. The Conservation Department requested that the Board add a condition to their approval requiring the installation of construction and silt fencing along the 100 foot buffer zone. The Board noted that the applicant was well prepared for the public hearing.

Mr. Deck explained that he would like to do some repair and maintenance on the existing barn. The proposed work on the barn is detailed in a memo submitted by Mark Deck on January 21, 2016 and includes the following:

- Add necessary reinforcements (per structural engineering report) to garage floor joists to support cars and to the roof rafters to support snow load after insulation
- Frame in the proposed Versalift (to ease moving sewing equipment from the main level to the upper level)
- Re-roof barn, repair cupola, and add skylights (best to add when re-roofing, other repairs require secure roof)
- Remove knob and tube wiring, replace with new wiring (in the course of doing this, we will move the main meter to the barn to minimize the ugly run from street to house, and then run a sub panel to the house when we build it. This has the blessing of the electrical inspector in town)
- Insulate roof rafters and floor joists of top floor workshop (wiring needs to be roughed in and inspected before and after insulating)
- Close in / finish insulated ceiling and walls on top floor (planning to use barn board to preserve look of barn)
- Repair stair treads, add railing, and close in railing at top of stairs
- Install proposed Versalift

The Board had no objections to this work being done before the site plan review process was completed.

LD made a Motion to approve applicant's request to do repair and maintenance work on the existing barn as detailed in the memo dated January 21, 2016 prior to the completion of the site plan approval process for the remainder of the property. GT Seconded. Passed 3-0.

Jim Henderson, the landscape architect for the project noted that he would be making small changes to the drainage detail. He will submit the plans to the Planning Department in time for the public hearing.

**8:30 PM      PRELIMINARY MEETING: Kelleher, 91 Weston Road, Parcel 164-22-0.**

Preliminary meeting regarding site plan review of a tear down of an existing home and construction of a new home.

Mr. Kelleher and his architect, John Chapman appeared before the Board. The project will be the tear down of an existing home and the construction of a new home. The home is being demolished because of a severe mold problem. The site is a very large parcel comprised of 13+ acres. There are wetlands on the property but after review of the Conservation Department, no wetland permitting is required. The Conservation Department requested that the Board add a condition to their approval requiring the installation of an erosion control barrier as depicted on the Site Plan C-3 dated 12/30/2015 and to add black silt fencing or construction fencing upslope from the silt sock.

The Board noted that the application was complete. Mr. Chapman requested that the Board allow the use of average natural grade to determine the height of the structure. There is a walk out portion to the basement and the highest portion of the structure is away from the walk out. The Board noted that in this case, the design of the house and the sloping topography was appropriate for the use of average natural grade to measure the height of the structure.

GT made a Motion to allow the use of average natural grade to measure the height of the structure. GT Seconded. Passed 3-0.

**8:50 PM      DETERMINATION OF MINOR CHANGE: Furfine, 221 Lincoln Road, Parcel 172-14-0.**

P V-M explained to the Board that there were some very minor changes to the approved site plan for 221 Lincoln Road that the building inspector had made her aware of when the applicant submitted his application for a building permit. Because the project had gone before both the Planning Board and the ZBA, the building inspector requested that the changes be reviewed by both Boards.

The changes were outlined in a memo from Matt Hall, Mattworks, LLC dated 1/19/2016 and shown on elevations pages A5 dated 9/1/2015, A.6 dated 9/1/2015, and the window and door schedule page A.8 dated 12/21/2015. The Board reviewed the changes and noted that these changes did not warrant bringing the applicant in to a meeting.

GT made a Motion to determine the proposed changes as minor changes to the approved site plan. LD Seconded. Passed 3-0.

GT made a Motion to approve the changes as submitted and detailed in the memo from Matt Hall, Mattworks, LLC dated 1/19/2016 and shown on revised elevations pages A5 and A6 dated 9/1/2015 and the window and door schedule page A8 dated 12/21/2015. LD Seconded. Passed 3-0.

**9:00 PM      Business**

Proposed Lighting Amendment: MO asked that the language of the proposed lighting amendment be revised to delete the reference to lumens and to change the CCT requirement from 3,000 to

3300. P V-M will make the revisions and send the amendment to the members of the Board and to Town Counsel for review.

**9:15 PM** GT made a Motion to Adjourn. LD Seconded. Passed 3-0.

Submitted by Paula Vaughn-MacKenzie

Approved as amended February 16, 2016