

TOWN OF LINCOLN

MINUTES OF THE PLANNING BOARD

JUNE 14, 2016

TOWN OFFICES

PRESENT: Margaret Olson (Chair) (MO), Lynn DeLisi (Co-Chair) (LD), Gary Taylor (GT), Steve Gladstone (SG)

STAFF: Jennifer Burney, Paula Vaughn-MacKenzie

7:00 PM PUBLIC HEARING, Section 17 Site Plan Review: DeNormandie, Old Winter Street & Silver Hill Road, Parcels 150-52, 56 & 58. Site Plan Review of a common driveway to service three lots. 6/14/2016

MO Opened the public hearing.

Tom DeNormandie and David Giangrosso, his attorney appeared before the Board and presented the project. Mr. DeNormandie explained that an ANR plan created three lots where two of the lots have frontage on Silver Hill Road and one lot has frontage on Old Winter Street. The initial plan was to have two driveways off of Silver Hill Road to access the two lots that front Silver Hill. Mr. DeNormandie filed a Notice of Intent with the Conservation Commission who encouraged Mr. DeNormandie to seek other means of access because of the wetlands. Mr. DeNormandie also noted that the Conservation Commission thought that one shared driveway would be more desirable to protect the character of Silver Hill Road.

Mr. DeNormandie filed an ANR plan by Snelling & Hamel dated February 5, 2014 which was endorsed by the Planning Board. The plan has 3 lots and a driveway restriction 60 feet wide which would not have allowed a driveway off of Winter Street. This restriction has expired by operation of law and is no longer valid. Therefore, the current plan shows a shared driveway for the three lots off of Old Winter Street.

At the Preliminary Hearing held on July 28, 2015, the Board made several suggestions and requests as follows:

1. A driveway 18 feet wide
2. A ten foot buffer along on the lot line.
3. Two five foot wide areas along the driveway to provide for utilities.
4. Total driveway easement width to be 38 feet.
5. Approval by the Fire Department that the driveway was adequate for a fire truck to access the three lots and turn around, as well as an approved location for a fire hydrant.

6. Approval by the Water Department regarding adequate water connection and adequate water for the new fire hydrant.
7. Adequate drainage plan for the driveway.
8. Evidence of an easement agreement to be recorded detailing liability of land owners for the maintenance and repair of utilities and drainage facilities.

MO questioned why constructing one large and long driveway would better retain the character of a road than two driveways off of Silver Hill. SG was concerned that adding three more houses to Old Winter would increase the traffic that is already a problem due to commuters using Old Winter as a cut through. GT noted that he had conducted a site visit and thought the sight lines were adequate where the S curve slowed traffic coming from the right and there is a straight sight line to Winter Street looking to the left. GT thought the addition of the driveway would not be a detriment. Mr. DeNormandie added that it is most likely that cars exiting the driveway would turn left to go to Trapelo Road as Trapelo Road provides access to other major routes. He did not think that there would be much of an additional impact to the neighborhood.

MO noted that this long stretch of asphalt seemed excessive to preserve a streetscape that one sees only from a car. She thought the lots fronting Silver Hill should have their driveway there. LD agreed. GT noted that the applicant can develop by right off of Silver Hill but the Conservation Commission has asked for a solution which is available off of Old Winter Street. Mr. DeNormandie noted that the amount of pavement may end up to be the same whether there is one driveway or three. He stated that a conversation could be had at a later date regarding using porous material for the driveway.

Attorney Brian Levey stated that he represents Tim Christenfeld and David Forbes the two direct abutters to the proposed driveway. He stated that he had three legal and three factual issues with the proposed driveway.

1. Mr. Levey contends that in order for the ANR to be proper, each lot must have actual frontage on the way that frontage is shown. He contends that the Conservation Commission has denied access from Silver Hill so there is no actual access.
2. There is no provision for allowing a shared driveway in the Bylaw and therefore it is not permitted.
3. It appears that the lots are in the Wetland and Watershed Protection District and therefore are subject to the process and procedure set forth in Section 12.2 of the Zoning Bylaw.

Mr. Levey stated that the three factual issues are as follows:

1. Whether the plan in fact shows a ten foot buffer zone along the lot line.

Mr. Levey later agreed that the plan shows the ten foot buffer zone.

2. Traffic safety
3. A short length of the driveway is at a 12% slope where the guidelines under the Towns rules and regulations for a minor street restrict the slope of a minor street to 10%.

Attorney Giangrasso noted that he would like the opportunity to discuss and respond to the issues. Attorney Levey stated that he thought the Board should hold the shared driveway to the standards of a minor street. The Board noted that the minor street provision of the rules and regulations applied to a street being constructed to provide frontage to new lots and thus was inapplicable here.

The Board next opened the discussion to comments from the public.

Tim Christenfeld, 50 Old Winter:

Mr. Christenfeld stated that this was the first time the neighborhood had the chance to review the proposed plan. The neighborhood has been very concerned with the traffic safety on Old Winter Street and there have been discussions with the Selectmen as well as the Roadside and Traffic Committee. He stated that cars do not slow down on Old Winter Street and that during commuting hours, the road essentially becomes one way. He also noted that there is an existing stone wall along the area where the proposed entrance to the driveway is and that the process and procedure for Scenic Roads must be considered.

Chris Murphy, 34 Old Winter:

Mr. Murphy noted that there are some inconsistencies between the FY 15 and FY16 maps on the Town's GIS system. He also noted his concerns regarding the traffic and stated that the street becomes one way during commuting hours.

Lucy Sachs, 18 Old Winter:

Mrs. Sachs stated that the proposed driveway is located at a very scary corner along Old Winter Street. She also stated that the traffic today that GT witnessed was not typical and that the cars are routinely backed up all the way to her house at the beginning of Old Winter Street. She noted that a private party can develop their land but thought that the Conservation Commission had thrown the street under the bus.

MO noted that the Board would need Town Counsel to review the memorandum submitted by Attorney Levey. GT agreed and noted that he was concerned about the commuter traffic issue and hoped that it did not become the reason that someone is prevented from developing their property. Old Winter Street is not unique in having commuter traffic issues. In fact, Silver Hill Road has similar traffic issues. The Selectmen rejected intervention on behalf of the Old Winter Street neighborhood and preferred the Town look at traffic throughout the Town rather than react to specific neighborhood concerns.

Mr. DeNormandie stated that he thought the sight lines along Old Winter Street were better than the sight lines along Silver Hill Road. He welcomed the Board to walk the land and to observe access from both roads.

Attorney Giangrasso noted that he had not had an opportunity to review the memorandum submitted by Attorney Levey. He did note that actual access did not mean that one was forced to access property from the way in which frontage was established. He noted that even though

access from Silver Hill is available, the applicant is choosing to access the lot differently. He also stated that although the Zoning Bylaw does not provide specifically for a shared driveway, that fact did not make it impermissible. Finally, the review by the Planning Board is permitted by right. If the overlay district requires a special permit to build the house, then that determination is outside the purview of the Planning Board.

MO stated that the Board will send Attorney Levey's memorandum to Town Counsel for review.

LD made a Motion to continue the public hearing until July 26, 2016 at 7:00pm. GT Seconded. Passed 4-0.

8:00 PM ADMINISTRATIVE HEARING, Eligible Facilities Request: Cellco Partnership d/b/a Verizon, 295 Cambridge Turnpike (Farrington), Parcel 132-25-0. Request by Verizon to collocate and make changes to equipment for an existing wireless facility.
06/14/2016

GT recused himself stating that his wife is on the Board of Trustees at Farrington Memorial.

Attorney Michael Giaimo appeared on behalf of Verizon to present the Eligible Facilities Request.

The Special Permit for a new Wireless Facility at the site was initially approved on March 4, 2009. A modification and renewal was approved on February 10, 2015. Therefore the special permit is current. In this case, Verizon is new to the tower and wishes to collocate their equipment on the tower and to add equipment cabinets to a new 10X12 foot concrete pad located within the existing fenced enclosure. Access to the wireless site to maintain the equipment is available through an existing easement.

PV-M reported that collocation of equipment is covered by the Federal Statute known as the Spectrum Act and therefore, even though Verizon is new to the Tower, they may take advantage of an Eligible Facilities Request process as long as the collocation complies with the requirements of Section 6409 (a). Verizon does not need a new special permit. This has been confirmed with Town Counsel.

The proposed work as detailed in the submitted documents is as follows: The applicant will install three antenna mounts (each able to accommodate two antennas) and install antennas on two or more of the mounts. The applicant will install a 10X12 foot concrete pad covered by an ice canopy on which there will be a total of four equipment cabinets (a diesel generator, a power protection cabinet, a power meter, and a C-Ran equipment cabinet). There will be associated power lines and meters, and an ice bridge connecting the equipment area to the Tower. Coaxial cables connecting the antennas to the equipment cabinets will be installed inside the Tower. The applicant will be relocating an existing GPS antenna from its location on the Tower to the ice canopy. Two LED flood lights are proposed under the ice canopy to provide lighting. The lights will be controlled by a timer with an automatic shutoff and will be used only when servicing the equipment. The bulbs are 18 W and have a color temperature of 5000K.

The Statement for Qualification as an Eligible Facility Request by Robinson & Cole dated May 18, 2016 outlines how the installation complies with the six requirements of the Federal Statute.

1. There will be no increase in the height of the Tower.
2. The antenna mounts and the antennas will not protrude more than twenty feet nor by more than the width of the Tower at the height of the equipment.
3. The installation will be a standard cell site installation. There will not be more than four equipment cabinets.
4. There will be no excavation or deployment outside of the Tower Site. There will be no excavation outside of the current fenced enclosure and utility easement.
5. The installation will not defeat the concealment element of the Tower. The only concealment element required by the Special Permit is that the Tower must have a matte light grey finish (see Special Condition 2 of the original Special Permit). There will be no change.
6. The modification complies with prior conditions of the Tower. The modified and amended special permit contains the following conditions:
 - a. #6. Routine maintenance shall be restricted to the hours of 9am to 5pm, Monday through Friday.
 - b. #7. Other than within the proposed enclosure area, there shall be no cutting of trees within 200 feet of the facility without Planning Board approval.
 - c. #8. Noise from any equipment systems shall be inaudible on abutting properties.

The applicant provided an Environmental Sound Assessment report stating that the noise level created by the proposed installation will be below the ambient daytime decibel level. The generator will be located approximately 257 feet from the nearest property line which is the sideline of Route 2. The generator will be exercised for 30 minutes every two weeks and will be done remotely. The applicant also stated that the generator will be exercised during the hours of 9 am through 5 pm which is consistent with condition number 6 above to restrict routine maintenance to these hours. According to the Environmental Sound Assessment Report, the decibel level of the generator at full load (59 dba twice per year for testing) or in exercising mode (low 50s at 23 feet) will be below the ambient level at all abutting properties to comply with condition number 8 of the Special Permit. There will be no trees cut for this project to comply with condition 7 of the Special Permit.

The applicant requested that the Board render its decision promptly because their current location in Lexington was being terminated. This will leave a gap in coverage until the new equipment can be installed in Lincoln.

SG made a Motion to approve the Eligible Facilities Request by Cellco Partnership and detailed in the submitted documents. LD Seconded. Passed 4-0.

8:10 PM DISCUSSION: Proposed amendment to the Zoning Bylaw by the Housing Commission to add a new section that allows certain accessory apartments to qualify for the Town's Subsidized Housing Inventory. 6/14/2016

Diana Chirita, Chair of the Housing Commission and Pamela Gallup, consultant to the Housing Commission joined the Board for the discussion. Ms. Gallup noted that the Housing Commission is planning on offering incentives for homeowners to take part in the accessory apartment program for affordable units. The Housing Commission is discussing tax incentives as well as a loan program for up to \$25,000.00. The Housing Commission has not ironed out the details of the loan program such as when a homeowner would have to repay the loan. Forgiveness of the loan if the apartment were kept in the program for 15 years is also being discussed. Ms. Gallup noted that attendees to the Housing Forum were in favor of the loan incentive.

Ms. Gallup stated that she was looking for feedback regarding the current draft of the accessory apartment bylaw from the Board. She will be meeting with the Building Inspector, Board of Health and the ZBA for further feedback.

Jennifer Burney noted that the State was working on legislation that would give homeowners the ability to have accessory apartments of 900 square feet by right. MO noted that the development pattern in Lincoln was to create accessory apartments rather than multifamily units. Accessory apartments may also provide an opportunity for an alternative to institutional uses protected by Chapter 40A section 3 for large houses. The Board noted that it would advocate for keeping the rules consistent for all accessory apartments. They suggested that the Housing Commission focus on meaningful incentives for the program that could be reversed if a homeowner decided to leave the program.

Ms. Gallup noted that education regarding tax benefits and allowable rent would be helpful to the effort. In addition, the current Bylaw allowing the construction of an accessory apartment in an existing structure that is at least ten years old could be more lenient. The Board noted that the Bylaw language should be cleaned up and defined according to existing Bylaw language. The Bylaw should be clarified as to whether floor area is defined as gross floor area or calculated gross floor area.

Ms. Gallup stated that the Housing Trust has allocated \$5,000.00 for legal fees for the accessory apartment program. She suggested using Kathleen O'Donnell to draft the Bylaw as she has done work for the Housing Trust in the past and wrote the bylaw in Carlisle. She noted that the Housing Trust would like to submit the final draft to DHCD by September 1, 2016 so there would be enough time for their approval before Town Meeting 2017.

8:45 PM Business:

GT made a Motion to approve the May 10, 2016 and May 24, 2016 minutes as amended. SG Seconded. Passed 4-0.

24 Conant Road Stone Wall: 6/14/2016

The homeowners at 24 Conant Road wish to extend their existing stone walls that run along the property line in the front of the property along either side of the driveway. These walls will be within 20 feet of the lot line. The Board noted that a wall is considered a fence for purposes of the Zoning Bylaw and as such will require a fence permit from the building inspector. Since the portion of the wall within the twenty feet will not be greater than 3.5 feet, Planning Board approval will not be required.

First Parish Church: 6/14/2016

The First Parish Church submitted changes to their approved plan to the Planning Department which consist of: 1. some windows shortened in length by one foot, 2. portions of the siding being changed from horizontal clapboard to vertical boards, 3. the chimney material being changed from stone to stucco, and 4. the trim piece (the rake) on the ends of the main roof of the connector will extend approximately six inches on each end but will not protrude any further into the setbacks. The Board noted it is policy that these types of changes are not required to come back for review and such policy is now part of every site plan review decision.

9:00 PM LD made a Motion to Adjourn. SG Seconded. Passed 4-0.

Submitted by Paula Vaughn-MacKenzie

Approved as submitted June 28, 2016