

TOWN OF LINCOLN
MINUTES OF THE PLANNING BOARD
JANUARY 26, 2021
ZOOM MEETING

PRESENT: Margaret Olson (Chair), Lynn DeLisi (Vice-Chair), Gary Taylor, Steve Gladstone, Bob Domnitz

STAFF: Paula Vaughn-MacKenzie

7:00 PM SLPAC Report

GT reported that there has only been one meeting since the second meeting of the month was cancelled. At the last SLPAC meeting there was a discussion of scope regarding the septic treatment plant. Packy Lawler, a resident with expertise in wastewater treatment facilities suggested that the committee invite other engineering firms to submit letters of interest for the Town to receive competitive bids. In addition, the Request for Proposals should look at three levels of evaluation. First, to look at what the current system is capable of handling, second to see if the current system can be expanded and third to contemplate a Town owned new system if The Community Builders system does not work out. Once a final draft of the RFP is completed, GT will bring it to the Planning Board. GT noted that he has spoken to Tim Higgins and there is a certain amount of money available in FY 21 and a certain amount that will become available in FY 22. The RFP would be done in phases to coordinate with funding.

The next steps would be to finalize the draft of the RFP, and to finalize the scope of the Village Center Zoning area. The current thinking is to exclude the Ridge Court Condominiums (aka the Flying Nun apartments) and the Ridge Road Condominiums. There is also the need for further discussion of Lewis Street which may not be included in the Village Residential or Village Commercial Zoning but there may be revision of the B2 zoning by allowing more flexibility and simplifying the permitting process. The scope of the zoning area has been put in flux because of the new requirements of the recently passed Housing Choice Act. Of particular interest to Lincoln is the mandate that an MBTA community have a zone of reasonable size within a half mile radius that allows multifamily housing of 15 units per acre by right. Multifamily housing is defined as at least 3 units per building. The Town may be able to still have site plan review. The particulars of how the requirements will be interpreted and enforced have not yet been issued by DHCD.

PV-M will invite KP Law to a Planning Board or SLPAC meeting to discuss the legislation and its impact on Lincoln. GT noted that the consequences of not complying are being locked out of any state grants opportunities. Andrew Glass also commented that if the Town does not follow through with new required zoning it would be a signal to the MBTA to not support the Lincoln MBTA

station. BD noted that non-compliance is not something the Town would be penalized for, but it is more of an incentive for communities. He thought Lincoln could comply by rezoning Lincoln Woods which would be subject to wetlands and septic constraints. We need to wait until KP Law tells us exactly what the legislation means. MO thought that the rezoning would be key in keeping the train station and service. She hoped that the definition of a reasonable area would not be far off from what SLPAC was considering.

BD asked if SLPAC had converged on the specific area of rezoning. GT responded that the committee was leaning towards leaving out the Ridge Court Condominiums and the Ridge Road Condominiums. The Mall area, the Town commuter lot, and the businesses on the other side of Lincoln Road would be included in the zoning. There also needs to be further discussion regarding Lewis street.

BD asked for clarification of the funding for the septic evaluation. GT noted that there is approximately \$30,000.00 available this year and \$50,000.00-\$60,000.00 available in the next fiscal year. Approval from Town Meeting would not be necessary as it is part of the Town's consulting budget. BD asked if there had been discussion with The Community Builders. GT responded that there had been initial discussions but there needed to be more discussion about their willingness to work cooperatively with the Town.

BD asked if SLPAC was working on local transportation options. GT noted that there has been discussion regarding regional transportation shuttles. PV-M noted that Minuteman National Historical Park had received a grant for a feasibility study for a shuttle service that would include the Park, Lexington, Lincoln, and Concord. This would shuttle visitors and residents along the tourist sites in all the Towns. The final report should be coming out and when it is completed, she will distribute it to the Board. The report will include approximate costs for operating such a shuttle. Stops in Lincoln include the MBTA station, de Cordova Museum and Drumlin Farm.

BD also asked if the Town would consider direct financial contribution to the RLF to sustain the Mall. GT noted that that should be a last resort. MO thought that direct financial assistance to the Mall at this point was not practical due to the costs of the new school and the pandemic. BD thought that the viability of the Mall is the absolute priority and that after reviewing the financials, the deficit of \$100,000.00 per year would not be a large amount of money for the Town. He thought any redevelopment project at the mall would take four to five years and financial assistance from the Town could be short term. GT noted that a discussion about Town direct assistance to the RLF for the Mall should be done in executive session. BD responded that he was not suggesting a discussion by the Planning Board but that it was something that JC as the BOS representative to SLPAC should look into as described in the SLPAC charge, "Explore options for supporting the financial viability of the Mall at Lincoln Station, including, e.g., grants, public-private partnerships, purchase by a municipal entity, etc.;"

GT mentioned that the Traffic Study report done by Ron Muller and associates will be presented at the next Planning Board meeting of February 9th.

LD noted that the new legislation will impact the survey and thought the survey should address it.

7:20 PM Discussion: Review of proposed revision of Accessory Apartment Bylaw to delete the 10-year age requirement of the structure.

PV-M showed a short power point showing the number of residential units from the 2010 Census, and the approximate current number of residential units. She worked with Ellen Meadors who put a spread sheet together for the Tax Study Committee. She noted that the official number of residential units would be known once the 2020 Census was released.

The 2010 Census shows Lincoln having 2130 year-round residential units. With 298 affordable units, the Town's Subsidized Housing Inventory (SHI) is 13.99 %. Based on current assessor's data, there are currently 2423 residential units including 64 accessory apartments, which would give a current SHI of 12.29%. To stay above the required 10%, the Town can add about 377 new residential units. The Town added 17 new single-family residences in the last 10 years.

The current 64 accessory apartment number does not include apartments built prior to the enactment of the accessory apartment bylaw or illegal apartments. The number comes from the Administrative assistant to the ZBA. There have been 11 new apartments approved by the ZBA in the last five year. The Town adds 2-3 new apartments per year.

At 2800 residential units, the Town would still be over 10% SHI. Any new multifamily development would be subject to inclusionary zoning so that the Town's SHI would not be at risk.

PV-M noted that the pros of accessory apartment are they address lack of housing choice, provide smaller houses, are more environmentally friendly and provide flexibility for different stages in peoples lives. It allows older residents to stay in their homes, provides smaller housing for single people and small families. Accessory apartments add some density that is dispersed throughout the Town. They allow aging residents supplemental income to stay in their homes, place for a caregiver, or adult children. It allows multigenerational living and creates moderately priced housing without subsidy. Some obstacles include the permitting process and neighbor concerns. The current permitting process requires a recommendation to the Planning Board and a special permit from the ZBA which needs to be renewed after a certain number of years or change in ownership.

The requirement that the Board is reviewing now is that the structure must be at lease ten years old. MO noted that with so much room to add units, removing the 10 year requirement does not create any kind of affordable housing risk. She thought the requirement should be removed as it is an obstacle to aging in place. GT noted that the rest of the requirements would still be in place. The size of the accessory apartment is limited, and they will not make a big difference in terms of appearance.

BD cautioned against cutting down on the Town's safety margin too quickly.

Sara Mattes asked if anyone had spoken to the COA regarding how seniors are aging in place and whether they need accessory apartments.

BD noted that in terms of presentation to Town Meeting, a power point should also include cons of accessory apartments. For instance, would there be any negative fiscal impact to the Town or an increased burden on the schools. He suspected any risk would be extremely low, but people will ask the question.

David Henken, Chair of the ZBA noted that the Town could not anticipate a change in the requirement by the State for Subsidized units. He asked if we know why the 10 year requirement was put in. BD and PV-M had researched the history of the accessory apartment bylaw. BD noted that the bylaw was amended about seven or eight times and always allowed accessory apartment in structures that existed at the time of the latest amendment. Finally, instead of revising the bylaw, they put in the requirement that the structure needed to be ten years old. These amendments were a way to say the Town was not opening the floodgates. He noted that the prevailing view of the Board is that since there are so few accessory apartments the requirement does not really make sense. DH noted that he did not strongly feel one way or the other. He thought that only a few applications had been denied because of the requirement. He thought that the Board should make sure they were not creating other issues by deleting this requirement. BD noted that aging in place was one motivation for accessory apartments but not the only one.

MO noted that there were many families that bought houses with existing apartments just so they have a place for a family member. She did not understand why it is a problem in a new house. DH thought the family situation was the best reason to relax the requirement but noted the Town could not distinguish between tenants and it would be tough to police.

GT noted that he has an accessory apartment in his house. He has rented it to single people who needed moderately priced housing while they were in school or starting out. People can start out in accessory apartments and then move on to single family homes. He did not understand what people are concerned with. All the other requirements and constraints remain as is.

Julian Huertas is a new member of the ZBA. He just wanted to know if parking for accessory apartments would require more asphalt impacting stormwater. DH responded that there would still be the requirement of a special permit and parking is part of the review.

Sarah Cannon Holden wanted to follow up on GT's comments. She grew up in Lincoln and always had accessory apartments. She found her tenants to be wonderful. She has had young couples and older couples. Some tenants have gone on to buy homes in Lincoln and serve on Boards and Committees. They become friends and neighbors. Her tenants have been all kinds of people with different backgrounds and educations. They have all been terrific. She thinks accessory apartments are a great thing. She does not think waiting ten years is a reasonable requirement. She does not believe accessory apartments will explode. It is a way of having moderate priced housing that is spread around town. She urged the Planning Board to get rid of this requirement.

MO asked if any Board members objected to going forward with this amendment? BD stated he was fine with going forward but wanted to see the final draft prior to the public hearing.

PV-M asked if the Board wanted to require a minimum lease term to prevent very short-term leasing such as Airbnb. MO agreed. LD asked if the minimum lease should be longer than 30 days.

SG noted that he has also been a landlord for 25 years. In Massachusetts, there is tenant at will which requires 30-days' notice, so 30 days is a reasonable minimum lease term. GT also thought 30 days was reasonable to prevent the Airbnb situation. GT noted that the Board had previously talked about a capping the number of accessory apartments to 10% of residential units. BD agreed that a cap would make people relax when they see what is being proposed. SG noted that the Board had agreed that 10% was a good number. MO agreed and noted that there was ample room in the 10% cap. DH asked that if a cap is included that the Board make it very clear how it is to be calculated.

The Board decided to review the final language at their next meeting on February 9th and push back the public hearing on the zoning amendments to the second meeting in March.

8:30 PM Business

- Approval of January 12, 2021 minutes.

GT made a motion to approve the minutes. SG Seconded. Roll Call: SG aye, LD aye, GT aye, BD aye, MO aye. The motion passed 5-0.

GT made a motion to adjourn. LD Seconded. Roll Call: SG aye, LD aye, GT aye, BD aye, MO aye. The motion passed 5-0.

Approved as amended February 9, 2021