

**TOWN OF LINCOLN
MINUTES OF THE PLANNING BOARD
JANAURY 28, 2020
TOWN OFFICES**

PRESENT: Margaret Olson (Chair), Gary Taylor, Stephen Gladstone

STAFF: Paula Vaughn-MacKenzie, Jennifer Burney

7:00 PM South Lincoln Village District Zoning and Guidelines update from SLPIC.

MO opened the Planning Board meeting.

Minutes: GT made a motion to approve the January 14, 2020 minutes as amended. SG Seconded. Passed 3-0.

GT called the SLPIC meeting to order.

Jennifer Burney had copies of the following meeting material available to the public.

Meeting Material:

South Lincoln Village District Zoning FAQ's

South Lincoln Village District Revised 01/24/20 #9

South Lincoln Village District Design Guidelines 01/24/20

Gary Taylor asked Jennifer Burney, Director of Planning and Land Use to give a brief overview of the Zoning & Design Guidelines Updates. JB gave the following overview:

Town Counsel has reviewed the proposed zoning, draft #7 and provided comments

Zoning and design guidelines were presented at SOTT and the draft #8 has been circulated for comment.

The latest Revision #9 includes Town Counsel's comments and recommendations from the Zoning Team. Revisions include:

- Formula Business (chain stores) added to Special Permit Business Subarea
- Formula Business added to Design Guidelines
- New definitions for formula retail, art studio/craft workshop, and live/work
- Under Special Permit Application, added a Housing Commission recommendation. Allen Van der Meulen wanted to make sure that the Housing Commission would not be burdened with any associated costs. Jen will report back.

- Lot coverage increase from 60% to 100% for business subarea by Special Permit – Discussed having no limit, just rely on Site Plan Review. Explained that lot coverage under the Lincoln Zoning Bylaw includes the gross square footage of the building not just the first floor. Jen will speak to MAPC about making this change.
- Within the 50' setback 2-1/2 stories adjacent to less intense residential uses as well as abutting R1 District.
- Circuit Breaker (waiting for Town Counsel Language).
- New Sustainability section in design guidelines as requested by the Green Energy Committee.
- 10' side and rear yard (required for by right, or can be waived with SP)
- Café and Brew Pub square footage limit of 3,000 by right and anything over needs Special Permit. Discussed using occupancy or seat count as the criteria. Jen will work with Town Counsel and MAPC and report back. MO noted that 3000 square feet seems like a low number.

SLPIC discussed the Studies Currently Underway

- Buildout Analysis – MAPC (will be presented at upcoming public Forum February 5).
- Fiscal Analysis – MAPC (underway)
- Traffic Analysis – Ron Muller & Associates (underway)

Both the Planning Board and SLPIC discussed postponing bringing the proposed zoning revision to the March ATM until a Fall Special Town Meeting to allow more time to review the studies, focus on current initiatives and continue public engagement and outreach. In addition, the format of a special town meeting will give more time for presentation and discussion. James Craig noted that it may be beneficial to take a phased approach. MO stated that she favors a complete plan and that taking a piece meal approach to the center would not be a good planning solution. CJ Doherty and others agreed. CJ noted that the intent of the zoning is to change the look and feel of the district. Changing the zoning to the original district with a circuit breaker would give the best chance for something to happen. GT noted that there may need to be different approaches to the commercial zone and the residential zone. MO noted that if there are remaining issues, lets review them and work through them in order to bring the best plan forward.

Studies

- 3 studies currently underway (fiscal analysis, buildout analysis, traffic)

Sustainability

- Continue working on the Green Energy Committee's recommendations to include green energy/net zero for new building in the SLVD. A sustainability section was added to the design guidelines. Town Counsel's provided an opinion stating that the town cannot require more stringent requirements than the State's Building Code except for municipal buildings. SLPIC discussed that it will explore adding green energy as a density bonus.

Affordability

- SLPIC discussed whether the affordable housing requirement of 15% (80% AMI) and 10% up to (120% AMI) is the right mix for all situations? It may be too high in the business district where ground floor commercial is required. Also, if SLPIC adds sustainability as a condition for a density bonus, does the affordability need to be reduced to reflect the higher development costs? How much discretion do we have, given our Inclusionary Zoning Bylaw? Need further review to address how to accommodate competing objectives. Discussed having a different housing affordability requirement for the business and village districts. Will explore further.

Addressing Overreach Concerns

- Circuit Breaker - Work with Town Counsel on language to limit the level of development before seeking TM approval to proceed further.
- Scope Limitations – Reduce the initial scope of the rezoning and require TM approvals for further expansion.

Revisions

- Consider further revisions e.g. height, density and set back in the residential subarea.

Design Contest

- Conduct a design contest (RFQ) in the spring

Outreach/public engagement

- Postponing will allow the SLPIC Team to conduct further outreach: public forums, coffee meet ups, walks, and neighborhood meetings.

SLPIC and Planning Board opened it up to public comments. Some of the comments by residents and abutters expressed concern about trees, traffic, density, 3-1/2 stories, and setbacks. SLPIC and Planning replied that they are taking all concerns under consideration.

Cathy Moritz, 43 Green Ridge asked if a developer could take down all the trees. Margaret Olson, Planning Board Chair replied that under Site Plan Review, projects have a limit of work line and a developer cannot disturb the area outside this limit. In addition, drainage, screening and landscaping are reviewed in detail. The Planning Board often utilizes consultants to review the application and project at the applicant's cost. MO also noted that the density bonus can be effectively used by the Planning Board to shape a project. The proposed zoning keeps the by right development density so low that it will force a developer to go through the special permit process.

A question about lot coverage was asked. "Can a project cover the entire property?" SLPIC and Planning replied that Lincoln's definition of lot coverage is a mechanism to regulate the square footage of the building and not the lot coverage. Many Towns use Floor Area Ratio. Any project is limited by setbacks, parking, septic, open space and public amenity requirements.

Bob Domnitz inquired about the 5 years sunset provision for site plan that was recently approved by Town Meeting. Planning responded that this only applied to single family homes under site plan with special conditions maintained even after the 5-year sunset provision.

Kim Emanuel expressed concern that there might be a conflict of interest of SLPIC Members who own businesses in the village center.

Jennifer Burney responded to the conflict of interest comment, stating that when SLPIC and the SLPIC Teams were created, Town Counsel provided a legal opinion regarding Conflict of Interest. Under Mass General Law Chapter 268A, Section 19.1 the Planning Board reviewed the Conflict of Interest Forms submitted by SLPIC and Team Members on April 10, 2018, and voted that they reviewed the matter and determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee. The matter advanced a public purpose and addressed a general policy and purpose that is shared with a portion of the Town's population. It is noted that SLPIC and Teams are appointed by the Planning Board and serve in an advisory capacity reporting back to the Planning Board. MO noted that none of the Planning Board members own property in the Village Center.

Kim Emanuel also expressed that she just wanted her voice to be heard and was worried that the condos that she currently lives in will be redeveloped and she will not be able to live in Lincoln any longer.

Richard Olson stated that he moved to Lincoln because of the complexion and the character of the town. He wants to make sure that any changes are done smartly.

Sara Mattes voiced her agreement that it would be wise to delay and bring the zoning to a fall special town meeting.

June Mathews and John Dorr expressed their concern about the impact that new development would have on the current residents, the trees and the quiet.

SLPIC Vote: Gary Taylor made a motion, seconded by James Craig to recommend to the Planning Board that they pass over the South Lincoln Proposed Zoning until a Fall Special Town Meeting. Vote 7/0/0

Planning Board Vote: Gary Taylor made a motion, seconded by Steve Gladstone to pass over the proposed zoning until a Fall Special Town Meeting. Vote 3/0/0

Public Forum Discussion

SLPIC Discussed the Public Forum Format.

The public forum is scheduled for Feb 5th (Wed.) 7-8:30pm in the Donaldson Room. Snow date is February 12 (Wed.) at 7:00pm at the Hartwell Multi-Purpose Room

Suggested Public Forum Meeting Format

Welcome (Jen) (5 minutes)

Power Point Presentation (20 minutes)

Gary – Zoning

MAPC buildout & Design Guidelines (need a volunteer or Gary or MAPC can present)

Stations (30 minutes) (need 1-2 volunteers for each station) Jen, Paula and Alexis will be walking around to help facilitate

- Community History
- Sustainability
- Visualization (retro viewers)
- TOD – FAQ's and MAPC booklet
- Proposed Zoning 101- Margaret
- Housing – Allen

Panel Discussion (30 Minutes)

Need one person to be the moderator to field questions to the panel. Panel could include: Zoning Team (Ken, Gary, Craig, James and Sujit), Margaret representing Planning, James representing BOS, Allen SLPIC Housing representative.

SG made a motion to adjourn. GT Seconded. Passed 3-0.

The SLPIC meeting was also adjourned

Approved as amended February 11, 2020.

