

TOWN OF LINCOLN
MINUTES OF THE PLANNING BOARD

JULY 28, 2020

ZOOM MEETING

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

STAFF: Paula Vaughn-MacKenzie

TOWN COUNSEL: Joel Bard

7:00 PM Determination of Minor Change, Section 17 Site Plan Review, de Cordova Museum, 51 Sandy Pond Road, Parcel 135-2-0. Request to change the design and lighting of entry signs.

The Project: The de Cordova Museum is requesting approval to change the design and lighting of its three entry signs. The dimensions of the signs are the same as the existing ones and the locations are the same as well. The lighting will be changed from non-compliant up lights to an LED bar placed under an overhang on the sign.

Dimensions: The overall sign dimensions are 6'-8 ¾" long by 3' ¾" tall. The sign itself is 6'-1" by 12". The sign has a 6 1/8" cap where the lighting bar is mounted.

Materials: Wooden frame and printed vinyl.

Locations: The three proposed signs will replace three existing entry signs in the same locations. The applicant submitted photos showing the three locations. One of the existing signs has been removed due to storm damage. The locations are also shown on a submitted site plan.

Lighting: The signs will be lit by a slimline step light that is housed underneath the 6" wide cap. The light has a color temperature of 2200K and emits 22.8 or 38 lumens per foot depending on which model they choose. This would equal approximately 157 or 266 lumens over 7'. The new lighting will replace old up lights.

Submission:

1. Application Cover Form dated July 22, 2020
2. Sign Permit Application
3. de Cordova entry sign drawings

4. de Cordova site plan with sign location detail
5. photos of existing conditions and renderings of proposed signs
6. Specification sheet for RSL slimline step light

The Board had no objections to the new signage and voiced their support for the new design.

BD made a motion to determine the new signs and lighting a minor change to the approved site plan. GT Seconded.

Roll call: SG aye, BD aye, LD aye, GT aye, MO aye. The motion passed 5-0.

BD made a motion to approve the new signage and lighting as submitted. GT Seconded.

Roll call: SG aye, BD aye, LD aye, GT aye, MO aye. The motion passed 5-0.

Business:

Minutes: MO made a motion to approve the July 14, 2020 minutes. SG Seconded.

Roll call: SG aye, BD aye, LD aye, GT aye, MO aye. The motion passed 5-0.

Planning Board release of parcel 84-1 from 1984 Subdivision Covenant.

In 1984 there was a 2-lot subdivision approved by the Planning Board. As part of that approval, a covenant was recorded allowing for a release of the lots, if an owner requested it. Neither owner of the two lots ever asked for a release. The owner of 131 Lincoln Road is now selling his house and the bank's attorney is asking for release of the lot pursuant to the covenant. Joel Bard has reviewed the covenant and has drafted the release.

The covenant requirements pertain to the other lot (841.01) except for provision 3 which pertains to both lots and provides that the Board of Water Commissioners has the right to enter and perform repair or maintenance of the water installation if the owner or owners fail to do so. The release reserves this language.

MO made a motion for the Planning Board to authorize release of lot 84-1 from the 1984 Subdivision Covenant as drafted by Town Counsel. LD Seconded.

Roll call: SG aye, BD aye, LD aye, GT aye, MO aye. The Motion passed 5-0.

Signing of Planning Board approvals and other documents.

PV-M had asked Town Counsel if the Planning Board can authorize a single individual to sign documents on behalf of the Board in an effort to streamline the Board's signatory process, especially due to the constraints of the current pandemic during which the Board is not meeting in person.

Attorney Joel Bard explained that the law is different in each context. Regarding documents such as a plan or other documents required under the Subdivision Control Law, the Board may authorize any person to sign a document after the Board has voted its approval. A majority of the Board will be required to sign the vote and a copy must be sent to the Registry and the Land Court.

The Board discussed who would be the appropriate person to nominate and all agreed that Gary Taylor would be best as he lives within walking distance to the Town Hall. GT accepted.

MO moved that the Board authorize Gary Taylor, member of the Planning Board to endorse Approval Not Required Plans under G.L. c. 41, Sec. 81P, Subdivision plans and all other documents as may be required under the Subdivision Control Law, as permitted under G.L. c. 41, Sec. 81X, and further moved that a letter be transmitted to the Register of Deeds and Recorder of the Land Court as required by the statute. SG Seconded.

Roll Call: SG aye, BD aye, LD aye, GT aye, MO aye. The motion passed 5-0.

Regarding Special Permits, Mr. Bard explained that Section 11 of the Zoning Act, G.L. c. 40A provides that a decision granting a special permit must be “certified” by the special permit granting authority. The decision may be signed by the Board members themselves, by the chair, or other member of the board or by a named staff person because the decision principally serves as a record of the board’s vote. There is no requirement that all board members personally sign the decision. Mr. Bard recommended that the Board vote to authorize either an individual by name or by position. Regarding Site Plan Review decisions, Mr. Bard noted that since site plan review is not statutory, there are no statutory directives for signing of such plans or decisions and it is his opinion that the Board may choose to authorize the signing of site plan documents in a manner similar to those for special permits.

The Board thought GT would be the best person to authorize for the same reason of proximity to Town Hall.

MO made a motion to authorize Gary Taylor, member of the Planning Board to sign all special permits and site plan review documents on behalf of the Board after the Board votes to approve. SG Seconded.

Roll Call: SG aye, BD aye, GT aye, LD aye, MO aye. The motion passed 5-0.

Electronic Signatures

The Board next considered electronically signing documents in cases where GT was unavailable. Mr. Bard explained that an Amendment to the Massachusetts Deed Indexing Standards of 2018 was adopted to allow electronic signatures on recordable documents (except for documents pertaining to registered land). The Amendment dated April 17, 2020, and titled No. 13-7. “Electronic Signatures by Municipal Boards” (Amendment) requires that prior to any municipal board executing documents by electronic signature in accordance with G.L. c. 110 G, a vote must be made at a properly called meeting, stating that the board recognizes and accepts the provisions of G.L. c.

110G, and that executed documents by members with electronic signatures or with wet ink signatures will carry the same legal weight and effect. The Certificate of Vote must be notarized.

PV-M noted that the Agenda for this meeting included an agenda item of "Discussion and possible adoption of G.L. c. 110G, regarding the use of electronic signatures by the Planning Board members pursuant to Amendment 13-7 to the Massachusetts Deed indexing Standards 2018." The Board agreed to adopt the use of electronic signatures.

MO made a motion that the Town of Lincoln Planning Board recognizes and accepts the provisions of G.L. c. 110G, and that executed documents by members with electronic signatures or with wet ink signatures will carry the same legal weight and effect. GT Seconded.

Roll Call: SG aye, BD aye, LD aye, GT aye, MO aye. The motion passed 5-0.

The Board next discussed the current requirement for a 20-day appeal period for site plan review decisions similar to the statutory requirement for special permits. Mr. Bard noted that there is no statutory requirement for an appeal period and that the proper process for appealing a site plan review decision is to first appeal to the Board of Appeals and not Superior Court. The right to appeal to the Board of Appeals arises once a building permit is issued and has nothing to do with the site plan approval decision. Mr. Bard acknowledged that the Board should still require that a site plan approval be recorded. GT was concerned that the applicant and members of the public be informed of the correct appeal process. The Board requested that Mr. Bard draft language that would give the applicant and the public the correct appeal process. Going forward, this language should be put at the end of Site Plan Decisions and appeal periods should no longer be required.

Proposed Amendment to SLPAC charge specifying that all meetings begin no earlier than 7:00pm on weekdays.

BD made a motion to amend the SLPAC charge to require all meetings to begin no earlier than 7:00pm on weekdays. He asked for a second and LD seconded the motion.

BD stated that at the last Board meeting, it was noted that there had been good participation at morning meetings. After the Board meeting, he took it upon himself to e-mail six people in the South Lincoln area to ask them whether they wanted morning or evening meetings. The six people responded that they wanted evening meetings. BD noted that for tonight's meeting, the Board received a petition signed by approximately 30 South Lincoln residents that they prefer evening meetings. In an effort to be inclusive, and to get wide participation, evening meetings would be preferable. He noted that evening meetings are an extra burden on staff but that minutes could be taken from a video.

MO noted that her concerns regarding the staff remain because staff does much more than take minutes. She noted that this was the third time the Board was discussing this topic and that is why the Board specified in the charge that the Planning Board members of SLPAC must report to the Planning Board once a month. This made it possible for a monthly evening meeting. She thought it very important that the members of the committee itself should decide when they can meet. It is not reasonable to dictate meeting times in the charge and is opposed to the amendment. SG agreed

that the committee should decide when to meet and should not be hamstrung as to when they must meet. SG understands the residents' point of view and would encourage the committee to meet in the evening. MO stated that there would certainly be times when the committee would need to meet in the morning such as when it meets with consultants and/or staff. She did not think the meeting time should be mandated. LD thought that there should be some flexibility and compromise that can be made for meeting times and stated that since at the last meeting it seemed that it was decided by consensus for the SLPAC meetings to be mornings, she could not volunteer to continue on the committee, given her work schedule, and she would have volunteered otherwise. GT stated that mandating meeting times should not be in the charge. The members of the committee are already committed to other night meetings and the Board does not yet know when they will be able to meet. GT thought that the new committee would be as flexible as possible to get broad based feedback and input from all stakeholders. He noted that right now the Board is hearing from a small group of people. The appropriate way to address this is for the SLPAC committee to meet and discuss the best way to develop public outreach. LD agreed with GT but said at the last meeting, before it was decided who was on the committee, it was decided that all meetings would be in the morning. It would be best to have the minutes reflect that we will be flexible on meeting times and that the committee, once formed will have a discussion on public outreach. MO said that those are the principals we can all agree on. Members of the committee will need to decide when they can meet, outreach is critical, some of the outreach was mandated in the charge through the monthly reporting back to the Planning Board. MO noted that this effort only succeeds if there is a lot of outreach. BD disagreed and noted that four of the five members of the new committee already meet in the evening. BD thought that if the Board does not vote for requiring evening meetings, it will be seen as suppressing public participation. MO responded that the meetings will be recorded, there will be monthly reporting to the Planning Board in the evenings, and if there is not enough outreach, they will not be successful. Also, there should not be the situation where the public must regularly attend all SLPAC meetings to know what is going on. SG noted that there were members of the public present and that the Board should hear from them.

Connie Ohlsten: Connie said that at the July 14th meeting, it was decided that meetings would be in the morning and Lynn did not run for a seat on the committee. The request for a South Lincoln resident seat was not accepted and this is a request that the meetings take place at a time preferred by South Lincoln residents.

Jessica Packineau: Jessica agreed with Connie and said 30 people signed a petition requesting meetings take place in the evening. Participation in the meetings is key and people want to attend the meetings when decisions are made. They do not want to hear about it through glossy forums once decisions are made. The public wants to be part of the discussion and participate in the meetings.

MO agreed that recording the meetings is important for people to see what happened in any meeting. She also thinks it is important to find a way for continuous feedback that is broad across the Town. It is a tremendous challenge. The previous proposal got too far along before its problems were uncovered. She noted that it was a frustrating process for the people who did not

like the proposal and the people who worked on it. Our interests are aligned to get this to a successful place.

Jessica noted that the people who are most affected are the ones commuting into Boston to work.

Sara Mattes: Sara noted that time for meetings is not normally put in the charge. She thought that more people would be able to meet in the evening. She thought that it would be best to have a predictable schedule of meetings. Meeting in the evening would give the maximum amount of public exposure. She thought that people wanted to witness the “sausage making” and the Board should be aware of optics.

John Dorr said that he wants to be at the meetings and can only go in the evening.

Richard said he works full time and wants to be engaged and attend the meetings. If the only concern is the taking of minutes, then that can be resolved.

MO said the concern for staff was not just the taking of minutes. Staff contributes valuable work and expertise.

GT noted that the monthly reporting out to the Planning Board provides an opportunity for discussion that the public can participate in. The Planning Board makes the decisions and that is where the “sausage will be made”. South Lincoln residents are very well organized, and every person does not need to come to every meeting. LD asked what the resistance is to evening minutes. GT said he is not resistant to different times but is resistant to mandating meeting times in the charge. LD stated that the Board should encourage evening meetings when more people can come.

BD stated that this was not a way to get LD appointed back on SLPAC. LD said that she did not want to revisit the Planning Board seats on the committee.

Jeanine Taylor: Ms. Taylor said she agreed with Bob and thought it would be better to meet in the evening, especially if people need to get children off to school.

SG stated that he was glad to hear from members of the community and agreed that every effort should be made to have the meetings in the evening, but the Board should not hamstring the committee and should not mandate the meeting time. He cannot vote for an amendment to require it. MO agreed that the committee should lean towards having evening meetings but that they need flexibility and a mandate of evening meetings should not be in the charge.

LD said it does not need to be in the charge, but the Board could vote on preferring meetings in the evening.

GT stated that we have heard the preference of some people. The fact that we have had the discussion is enough said on the subject.

MO noted that the Board has BD’s motion which was seconded. The Board should vote on his motion and if LD wants to raise a second motion, the Board will hear her motion.

Roll Call: SG nay, BD aye, LD aye, GT nay, MO nay. The motion failed 3-2.

LD made a motion to encourage SLPAC to meet in the evening whenever possible. SG Seconded.

Roll Call: SG aye, BD aye, LD aye, GT aye, MO aye. The motion passed 5-0.

BD made a motion to adjourn. BD Seconded.

Roll Call: SG aye, BD aye, LD aye, GT aye, MO aye. The motion passed 5-0.

Approved August 11, 2020