

TOWN OF LINCOLN
MINUTES OF THE PLANNING BOARD
AUGUST 11, 2020
ZOOM MEETING

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

STAFF: Paula Vaughn-MacKenzie

7:00 PM Recommendation for Accessory Apartment, Section 14.3.3: Morgan/Boege, 58 Tower Road, Parcel 163-21-0. Request for a recommendation to the ZBA for an accessory apartment.

The Project: Ellen Morgan, the current owner of 58 Tower Road will be selling the property to her son and daughter in law, Spencer, and Catherine Boege, in September. Ms. Morgan will be living in the accessory apartment.

The applicants are requesting a favorable recommendation to the ZBA for a new accessory apartment. The application for a special permit for the accessory apartment is in addition to their application to the ZBA for a special permit for an addition to the existing home.

The lot is 2.2 acres and is non-conforming as to width (230 feet instead of 250 feet) and one side yard to the house which is 34.1 feet instead of 50 feet. This side yard will not change due to the construction of the addition.

The height of the house will increase from 22.8' to 27.3' which is well within the zoning limit of 36 feet.

The applicant has submitted a memo detailing how the proposed accessory apartment complies with the requirements of Section 14.3 of the Zoning Bylaw as follows:

14.3.2 Requirements for an Accessory Apartment

(a) Floor Area: the Accessory Apartment shall not exceed 1200 square feet, and (for a unit included in a single-family dwelling) shall not exceed 35% of the floor area of the principal dwelling unit and Accessory Apartment combined.

- *Meets this requirement. The floor area of the proposed Accessory Apartment is 806 sq. ft., or 20% of the proposed Calculated Gross Floor Area of the house.*

(b) Lot Size: the lot on which the Accessory Apartment and principal dwelling unit are located shall contain at least 40,000 square feet.

- *Meets this requirement. The lot is currently 100,103 sq. ft.*

(c) Age of Structure: The residential dwelling or the accessory structure in which the Accessory Apartment is to be located shall have been constructed at least ten (10) years prior to the date of application for the Special Permit. Any addition less than ten (10) years old shall be deemed part of the building(s), provided that the addition does not increase the floor area or volume of the original building(s) by more than 10% and does not alter the character of the building.

- *Meets this requirement. 58 Tower Road is a single-family residence originally constructed in 1913, with no recent record of any alterations. Part of this existing structure is proposed as the Accessory Apartment.*

PV-M noted that the entire accessory apartment is wholly located within the existing footprint of the 1913 structure.

(d) Occupancy: either the Accessory Apartment or the principal residence is occupied by the owner of the lot on which the Accessory Apartment is to be located, except for bona fide temporary absences. If the lot on which the Accessory Apartment is to be located is owned by the Town of Lincoln, the owner-occupancy requirement of this paragraph shall not be applicable as long as the lot and the structures thereon continue to be owned by the Town of Lincoln.

- *Meets this requirement. The principal residence will be occupied by the owners, Spencer, and Catherine Boege. The Accessory Apartment will be occupied by Ellen Morgan, mother of Spencer Boege*

(e) Sewage: Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such Accessory Apartment in accordance with the requirements of the Board of Health, as certified by a written report from the Board of Health, submitted to the Board of Appeals before or at the public hearing.

- *Due to the increased load on the sewage system, the proposal will include a re-design of the sewage system for the number of proposed bedrooms, and we plan to submit an application to the Board of Health.*

PV-M suggested that the Planning Board's recommendation be conditioned on the Board of Health's approval of an adequate 5- bedroom septic system for the project.

(f) Access and Parking: adequate provision has been made for ingress and egress to the Accessory Apartment from the outside of the structure, and for off street parking of motor vehicles in such a fashion as is consistent with the character of a single family residence.

- *Meets this requirement. The house is accessed by a long private driveway, with parking available for 4-5 cars. From the driveway, the main entry is located straight on.*

PV-M noted that the applicant submitted a site plan showing four parking spaces.

(g) Number of Units: *There shall be no other apartment on the lot on which the apartment is to be located except as provided under Section 14.3.5, "Multiple Accessory Apartments".*

- *Meets this requirement. There are no other apartment units on the lot.*

(h) Appearance: *The principal structure, after the creation of the Accessory Apartment, shall retain the appearance of a single-family structure. In general, any new external entrances shall be located on the side or rear of the building.*

- *Meets this requirement. The proposal maintains a visual understanding of one main entrance to the house. Upon entering the main door, a shared mudroom & laundry area leads to two separate interior entrances. Both the main house and Accessory Apartment have secondary entrances accessing private decks.*

PV-M noted that the Building Code requirement of two egresses is met with the secondary entrances from the private decks.

(i) Effect on Adjacent Properties and the Neighborhood: *the Board of Appeals shall find that the construction and/or occupancy of the Accessory Apartment will not be detrimental to the neighborhood in which the lot is located or injurious to persons or property.*

- *Meets this requirement. The house is set on a small hill, shaded on all sides by mature trees, with tall pines located on the north side of the plot creating a visual separation from the closest neighbor. Furthermore, the use of the accessory apartment is planned for a family member of the owners, so the traffic impact on the neighborhood is no greater than that of an extended family occupying a single-family home.*

PV-M noted that the applicant submitted a GIS map showing the abutters as well as a site plan showing the addition. The addition faces the largest area of the lot with setbacks of 167 rear yard and 160 side yard. The addition on the non-conforming setback side has a setback of 45 feet. The existing non-conforming setback is 34'.

The project will not be subject to site plan review because the calculated gross floor area of the existing house and addition is less than 6500 square feet.

PV-M suggested that the Board's recommendation should include a requirement that all exterior lighting comply with the requirements of the zoning bylaw.

MO asked if there were any comments or questions from the Board.

SG stated that the application was straightforward and viewed the non-conforming setback as a de minimus impact on the neighbor. MO agreed and said that the project did not exacerbate the condition. BD asked the Board if the house were expanded last year and the applicant asked for a special permit for an accessory apartment a year later, would we have the same result? MO responded that it would be the same result because the accessory apartment is located in the

original part of the building. BD said as long as the accessory apartment is going into the old part then it would be ok. SG noted that the accessory apartment is within the original footprint of the house. GT asked if the 1200 square feet maximum for an accessory apartment was universal? MO responded that it was.

MO asked if there were any other people who wanted to speak to this agenda item and there were none.

SG made a motion to send a positive recommendation to the ZBA conditioned on the approval by the Board of Health of the design and installation of an adequate septic system and conditioned on all exterior lighting being compliant with the zoning bylaw. LD Seconded.

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

7:10 PM Business

July 28, 2020 minutes: MO made a motion to approve the July 28, 2020 minutes. GT Seconded.

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

Amendment of SLPAC membership.

MO noted that she had a conversation with Andy Payne of the Finance Committee who said that the Committee was down two members and has a heavy workload with pandemic related work. He did not think they had the bandwidth to take on another committee membership position. MO then reached out to Jim Henderson and Ari Kurtz, Chairs of the Conservation Commission according to a suggestion by Lynn DeLisi at previous meetings that a representative from the Conservation Commission would be a good addition to the SLPAC committee. She had not heard back from Jim Henderson. GT said he had spoken to Mr. Henderson this afternoon who said he was very interested but because he was on six other Boards and Commissions, he did not feel he could commit to a membership position. GT noted that Mr. Henderson is extremely knowledgeable both technically and historically. GT noted that septic issues are important to the discussion and will be affected by Conservation issues. GT noted that Mr. Henderson was also concerned that he would be Chair of the committee reviewing any septic plan that had an impact on conservation land as Chair of the Conservation Commission. SG said it would still be preferable to have his knowledge and expertise as a member of SLPAC. However, both Andy Payne and Jim Henderson are willing to give advice and expertise when needed but would rather have liaison position rather than membership position since they could not commit to attending every meeting. BD said that maybe the position can be for a conservation spot and not necessarily a specific person. He also said that losing a finance person is a blow to the effort. BD stated that he was fine with the committee having four members instead of five. The quorum would be the same. LD disagreed saying that five members could break the tie. She also said that she would like to have a member of the community that lives in South Lincoln on the committee. She noted that the South Lincoln residents have an organization and could choose someone to represent them.

GT thought that one person may not represent everyone who lives in South Lincoln and such a representative certainly would not represent people who could potentially move there. He also noted that the townspeople of Lincoln are much broader than just the people who live there and there would be groups all over Town with interests. MO agreed with GT. She also noted that the Board had previously agreed on the value of having elected officials. She thought having four members is practical and if the vote is split then there is a problem. A 2-2 vote would be a red flag that there is no consensus, so she was not worried about breaking a tie. Rather the advisory committee should be reporting diverse opinions to the Planning Board. BD agreed.

MO made a motion to revise the SLPAC charge to reflect a committee of four rather than five members. GT Seconded.

SG suggested that the Board hear from the members of the community that were in attendance. BD asked if the ZBA should be part of the discussion as so much of South Lincoln is non-conforming. LD agreed. MO noted that the ZBA is not a policy board, but the Board should reach out to them as they are lawyers and good with language.

MO asked if there were any more comments from the Board and there were none. She opened the floor to public comment.

John Dorr: He asked if the motion was to fill an empty seat. MO clarified that the current motion was to reduce the committee from five to four members. Mr. Dorr stated he thought that was a good idea.

Jessica Packineau: Ms. Packineau said she had nothing to add.

Connie Ohlsten: Ms. Ohlsten said that since the committee is called the South Lincoln committee, a resident from South Lincoln would be a reasonable choice to fill the fifth seat.

Richard Ohlsten: Mr. Ohlsten said he also thought there should be representation from the South Lincoln resident community but did not feel strongly about whether the committee has four or five members.

MO asked if there the Board wanted any more discussion. There was no more comment.

Roll Call: SG aye, LD nay, MO aye, BD aye, GT aye. The motion passed 4-1.

The Board will think about a list of liaisons that the Board feels will be helpful to SLPAC.

GT made a motion to adjourn. SG Seconded.

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

Approved as amended September 22, 2020