

## PLANNING BOARD MINUTES

March 22, 2022

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

**STAFF:** Paula Vaughn-MacKenzie

**7:00 PM Planning Board Meeting Opened**

**7:01 PM Executive Session** - To discuss strategy with respect to litigation because an open meeting may have a detrimental effect on the litigating position of the public body.

The Board reconvened in open session at 7:20 p.m.

BD asked Joel Bard, Town Counsel, about Article 32 being brought before Town Meeting which requires property sellers to notify potential buyers that Lincoln is has a Right-to-Farm bylaw. He asked if that provision changes how the Planning Board or ZBA would handle a dispute between an agricultural use and a neighboring residential use.

Mr. Bard said that the article is a common provision in Right-to-Farm bylaws. The point is that prospective buyers in Town are informed that there may be odors and sounds from agricultural operations. It is not meant to affect balance of interest and it is more educational for prospective buyers. It does create an arbitration mechanism, but he does not see it as having a substantive impact.

LD said that she reviewed the general bylaw of Lincoln pertaining to noise restrictions because there had been a consistent extremely loud noise in her neighborhood for several days that could be heard inside her house. She was told by the building inspector that her neighbor claimed a farming exemption for "logging" and the noise was from grinding wood. She asked if this change exempts agricultural uses from the noise ordinances."

Mr. Bard said that there are certain exemptions for agricultural activities but not from noise ordinances such as the statewide laws. Nuisance type activities are still regulated.

**7:25 PM Briefing and Request for Endorsement by Paul Shorb on Citizens Petition Town Meeting Warrant Article 31 and related motion:** To see if the Town will vote to request home rule legislation to authorize the Town to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction. Vote expected.

Mr. Shorb appeared before the Planning Board at the March 8th meeting. The Board recommended at that time for the GEC to recraft the motion to remove the bylaw language.

GT thanked Mr. Shorb for the petitioners' response to the concerns raised by the Board. There has been significant feedback and discussion in the community about this article. He added that the intent is to signal to the legislature that they have not passed a rigorous enough energy code to meet emissions reduction goals.

BD asked if wood is considered a fossil fuel and if the use of it would be restricted.

Mr. Shorb said that wood stoves and pellet stoves would not be restricted.

LD asked if gas fireplaces would be restricted.

Mr. Shorb said they could be, but those details would be decided upon when developing the bylaw. The bylaw would only apply to activities that would require a building permit.

BD asked if the generation of electricity develops more emissions than burning fuels in homes.

Mr. Shorb said that electricity in Massachusetts comes from natural gas since there are no significant coal or oil plants serving the area. Modern heat pumps are so efficient that it takes less gas to heat a house when burned at the power plant to create electricity for homes.

Roy Harvey said that Mass Save has a list of heat pumps that qualify for rebates.

LD asked of this just would apply to new construction or if doing a large addition would trigger the need to do all electric.

Mr. Shorb said it would cover new construction and major modifications. We would have to develop a bylaw definition of "major modification". For example, re-doing 75% of your floor area would potentially require replacement of your furnace which would trigger the process, but that would still need to be determined in the drafting and approval process. He added that nothing necessarily happens upon passing this article, it just opens the possibility of the Town crafting its own bylaw.

BD asked if the petitioners spoke with Senator Mike Barrett about this plan.

Mr. Shorb said that he had spoken with Sen. Barrett, who expressed frustration with the State's current stretch code and that he would welcome pressure on the state.

BD asked why the GEC is not proposing this article.

Mr. Shorb said that the Article earned its way onto the warrant by the 18 signatures on the petition, so it must be called a citizen's petition. They will state during the presentation that the article has been supported by the GEC and other groups. It was initially proposed by Trish O'Hagan who is not a member of the GEC.

SG said that he is glad this is coming up and opening conversation about these issues.

GT said that it is an ask of the legislature to give us the opportunity to craft a bylaw but the details of the bylaw itself are unclear. He added that Towns cannot enforce a building code that is more restrictive than the state's building code without the sort of approval sought in this petition.

BD asked if passing a future bylaw would scare away developers, especially within Lincoln center.

GT said that developers would not likely be in favor of each town creating their own codes.

GT moved to endorse the Citizen's Petition for Town Meeting. SG seconded.

BD asked if the GEC considered sending a resolution to Beacon Hill.

Mr. Shorb said that they could go that route, but they believed this to be a stronger statement.

BD expressed concern that this would make Lincoln an outlier in a way that would make it even harder to getting developers to propose projects in Lincoln.

Mr. Shorb said that we are a bit of an outlier but there are other towns who have tried to do this. Acton, Arlington, Brookline, Concord, and Lexington have all made similar petitions to the State. We may need to give developers a push, but it does not really cost them more to build all electric.

Mr. Harvey said that the State has done an analysis of cost of electric buildings vs. gas buildings and found that all electric was cheaper to build. Operating costs are less and so are construction costs, plus there are environmental benefits.

SG said that someone must lead the way on these issues and Lincoln is that kind of town

Roll call: LD aye, SG aye, GT aye, BD aye

## **Business**

### **Town Meeting Warrant Discussion**

BD asked if anyone has concerns about Article 32, which amends the Town's Right-to-Farm bylaw to require that newcomers to the Town be notified by sellers that Lincoln has this bylaw. Homeowners and realtors may not support this, even though it is good to let people coming into town know.

GT said the current bylaw already requires notice.

PVM said that the existing bylaw does not say that a realtor or owner is obligated to give notice. The Town only must post to the website and bulletin board. She does not agree that it should be required of the homeowner or realtor, and it is not easily enforceable.

BD said that a similar thing happened in Lexington. The FAA did a comprehensive noise study around the airport and there was a question of whether there should be notification to people buying homes in the area of the noise. The town ultimately decided not to move forward with the notice requirement due to impact on property owners. He added that he believes this is okay for notification of buyers but can see how it could be an issue.

GT agreed that there are enforcement concerns, but the Board should not take a position.

LD said that it was not brought to the Planning Board for an endorsement, so we do not need to take a position.

### **Approve Minutes**

GT moved to approve the May 8, 2022 minutes as amended. SG seconded. Roll Call: LD aye, SG aye, BD aye, GT aye.

SG moved to adjourn. GT seconded. Roll Call: LD aye, SG aye, BD aye, GT aye.

Minutes Approved on April 12, 2022