

## PLANNING BOARD MINUTES

April 12, 2022

**PRESENT:** Margaret Olson (Chair), Lynn DeLisi (Vice-Chair), Ephraim Flint, Robert Domnitz, Gary Taylor

**STAFF:** Paula Vaughn-MacKenzie, Jennifer Curtin

**7:00 PM Site Plan Review, Section 17.7: Fairhaven Bay Lincoln LLC, 263 Old Concord Road, Parcel 156-3-0.** Site Plan Review for the construction of a pickleball court and associated accessory structure with hardscape and landscape improvements. Vote Expected.

### Project:

The Planning Board approved a Site Plan on October 15, 2021 for an addition to the existing dwelling and landscaping. Members of the Board conducted a site visit on April 11, 2022 to view the location of the proposed work. MO, LD, BD and GT were present with staff.

The project will construct a 1,486 sq. ft. calculated gross floor area 1 story, 16' 7" tall accessory structure to function as a warming hut and a 1,868 sq. ft. pickleball/paddle ball court with associated fencing, landscaping, and hardscape. There will also be a 1,624 sq. ft. patio and 8'x10' spa/hot tub constructed on the west side of the residence. There are changes to the approved driveway plan, orientation of the walkway, and additional lighting installed that differ from the first approved plan. The accessory structure will be 45' from the lot line at the closest point. The court will be 58' from the lot line at the closest point.

Three existing 250 gal. above ground propane tanks currently located at the northeast corner of the Residence will be replaced by two 1000 gal. underground tanks that will be moved to the east end of the court and residence. 4 new HVAC units have been relocated away from the main residents to adjacent to the warming hut and will produce 51-54 dba while running. The new systems more energy efficient heat pump technology units. A new upgraded septic system will also be constructed, and a new storm water management system will be installed.

Additional site work consists of expanding the previously approved parking area by approximately 7 feet to allow for the construction of the septic. The site access and staging area has also been enlarged for construction activities.

The warming hut is not considered an accessory apartment pursuant to Bylaw Section 14.3.1 (a) because it does not have a kitchen or sleeping areas.

There will be an increase in impervious surface area, however the flow is expected to be managed by four basins which are designed to collect, store and infiltrate stormwater.

The Residence is an existing non-conforming structure because it does not meet the current 20-foot side yard setback requirement, and the lot is nonconforming as it does not meet the current 120-foot frontage requirement. None of the work proposed increases the non-conforming nature of the structure or lot. The applicant received approval for a Special Permit from the Zoning Board of Appeals at their meeting on April 7, 2022.

The applicant received approval for an Order of Conditions from the Conservation Commission on January 25, 2022.

Preservation of Landscape: The applicant stated that the project minimizes grade changes and vegetation and soil removal as much as is practicable and seeks to maintain existing slopes and landforms by minimizing the need for grading.

Relation of Buildings to Environment: The applicant stated that the work will relate harmoniously to the terrain as well as the use, character, scale, and proportions of existing and proposed buildings in the vicinity. In addition the applicant stated that there are similar courts on the road; one at 231 Old Concord Road, with associated lighting, that appears to be newer and an older court located at 237 Old Concord Road, and that there are other large accessory structures in the neighborhood.

Building Design and Landscaping: The applicant stated that the design of the warming hut encourages energy conservation as the roof is pitched to take advantage of solar heat gain and maximize daylighting on the southern side. In addition, proposed landscaping is subject to the jurisdiction of the Conservation Commission, which required 1,655 square feet of mitigation plantings due to the increase in impervious surface area. Two mitigation areas are shown on the landscape plan.

Open Space & Circulation: The applicant stated that the project will have no adverse impact to the existing open space and/or circulation on the site.

Screening: The applicant provided site graphics showing that the hut and court will be blocked from Fairhaven Bay by existing vegetation. The existing screening at the site is more than 10 feet wide around the perimeter of the property except for the existing driveway on the southern border of the property parts of which go onto the adjacent property consistent with a valid easement. 27 trees 12' DBH or higher will be removed for the project. The applicant will plant 27 evergreen and deciduous trees at 8-10' minimum to replace those being removed and mitigate neighbors' views of the court in addition to 31 deciduous understory and shade trees. The applicant is also willing to increase the number of evergreen trees in these areas to address any of the neighbors' concerns about screening.

Consistency with the By-Law: The applicant believes that the proposed project meets all requirements of the Town of Lincoln Zoning Bylaw.

Generator: The existing 22 KW generator will be moved from the residence to adjacent to the proposed warming hut and a 38 KW generator will be added to service the residence. The applicant stated that the replacement and relocation of the existing generator has been designed to minimize the impact on neighbors. Generator sound ratings are 57/61 dBA.

All abutters were duly notified.

Heather McCune and Susan Hall Mygatt requested the plans.

A letter from 6 Old Concord Road neighbors dated April 8, 2022, expressed concerns about the number of lights in the patio/spa area. The letter states that the lights already approved in the October 2021 decision for additions to the main house combined with the proposed lighting is too much. Another concern is the impact of lighting on wildlife in the bay.

An April 12, 2022 letter from Heather McCune of 228 Old Concord Road also expressed concerns about the amount of lighting and the impacts on humans and wildlife.

The applicant has submitted all required documents for Site Plan Review.

Mark Curley, the applicant's representative, stated that they have met with multiple neighbors and have discussed many of the issues stated. The applicant appreciates the natural setting of the neighborhood. The applicant has reduced lighting to safety lighting only. They have pushed for heat pumps because they are more energy efficient and environmentally friendly. The generators will only run during emergencies.

Ms. Griffenberg added that the generator is behind and screened fence and screening vegetation.

The Board discussed the proposed Landscape Lighting.

There will be 14 puck lights illuminating the back patio. The applicant stated that the fixtures emit light 90-180 degrees back toward the residence so no light will be able to be seen from off property.

MO said that the puck lights are directional and will be pointed towards the house.

Annie Griffenberg, Landscape Architect for the project, said that the lights are marking steps and the walls for safety purposes to keep people from falling.

MO said that the neighbors were initially concerned with the lighting of the court, but those were removed per the ZBA.

The Board discussed the structure lighting above the doors. There will be 8 total structural downlights at 420 lumens each: 1 at the front door, 1 at the basement access door, and one per sliding door panel with 6 total, three over each door.

Jonathan Fox said that the sliding doors open the warming hut to the court. The lights are low lumen and are for safety.

LD asked if they need the exterior lights on the warming hut since the court will not be used at night.

Mr. Curley said that you must legally have at least one light per door, and this was seen as the best solution since a single light would have to be much brighter to safely cover the length of the doors to illuminate the step into the hut. He added that the applicant welcomes a condition that the warming hut lights only be on when it is in use.

MO agreed that all the landscape lighting should only be on when in use, not on a timer.

GT said that the lighting seems reasonable.

Susan Hall Mygatt said that the applicant had stated in previous discussions that the previously approved walkway lights would be removed and replaced with the currently proposed lighting.

Mr. Curley confirmed that is correct and would come back before the Board if more lights are necessary.

Ms. Mygatt said that neighbors were also concerned about the 6 lights above the doors.

MO said that it is better to have more dimmer lights than one brighter light to minimize light intrusion. All doors need a light by code and the door openings are large, so this solution is reasonable.

Ms. Mygatt said that the warming hut could be used for an accessory apartment in the future.

PVM said that the structure does not rise to the level of an accessory apartment as proposed, and if it were to be converted the applicant would require a special permit from the ZBA.

Heather McCune, the closest abutter, stated that she would like to ensure that there is robust screening to protect neighbors from light and sound.

Elizabeth Orgel said that the neighborhood utilizes the connection to the Mt. Misery trails through the property. She asked that more screening be installed along the driveway and parking area.

Kerry Hoffman said that the parking area has been expanded from the previous approval and asked that they revert the additional area to plantings.

Ms. McCune asked that extra screening be added between the driveway and her property line.

MO said that we like to avoid headlights hit neighboring buildings so that should be considered.

Mr. Curley said that the driveway and parking area would not require that anyone back into a spot. He added that he is open to adding additional screening to be determined onsite with Ms. McCune. They are also open to adding screening to the east of the court for the other neighbors. The area around the parking area will also have additional native plantings and the parking area will be pervious.

MO asked that there should be a condition that the final screening be agreed upon by the abutters.

Ms. Orgel asked why the warming hut needs a generator.

Mr. Curly said the generator is necessary to run the heat pumps for the building. There is water in the building, and it is sized for the heat pumps and minimal outlets necessary to keep the pipes from freezing.

MO added that heat pumps are the most energy efficient for heating.

GT moved to close the public hearing. LD seconded. Roll Call: BD aye, LD aye, EF aye, GT aye, Olson aye.

MO moved to approve the Site Plan with conditions as discussed. GT second. BD aye, LD aye, EF aye, GT aye, Olson aye.

**7:20 PM Determination of Minor Change, Section 17, Site Plan Review: The Carroll School, 25 Baker Bridge Road, Parcel 142-21-0.** Request a determination of minor change to an approved site plan to extend the previous approval for a modular health center to keep it in place for 5 years. Vote Expected.

The modular unit was originally approved on July 14, 2020 with an extension granted for one year on April 13, 2021 to be removed in 2022. It has been functioning as a health center in response to the ongoing COVID-19 pandemic, with an isolation area and a well area for students needing to see the nurse. With COVID concerns continuing and realizing the health & safety benefits of having a larger, separate health center for students, The Carroll School is requesting approval to keep the modular unit in place for another 5 years.

MO moved to consider the proposal a minor change and approve as submitted. LD seconded. Roll Call: BD aye, LD aye, EF aye, MO aye, GT aye.

**7:30 PM Determination of Minor Change, Section 17, Site Plan Review: Lincoln Dog Training, 145 Lincoln Road, Parcel 162-39-0.** Request for a Determination of Minor Change for new signage. Vote Expected.

The applicant requested a Determination of Minor Change to the approved Site Plan for new signage for the new business in the former Clark Gallery space.

The original Special Permit was issued on May 23, 2007.

Geoff McGean, Executive Director of the Rural Land Foundation, submitted a memorandum stating that: “The establishment will be for private and small group training for dogs and their owners run by Meghan Lytton (Lincoln resident). She will also eventually bring a small retail component to her operation. We believe this is a similar type of use to Fitness Together that operates a personal training space for people at Lincoln Station.”

In addition, in Section 9.1 (a) of the 2007 Special Permit, “other similar retail services” allows “stores for retail sale of merchandise” and Section 9.1 (b) references “other similar retail service establishments” and we believe the small group dog training should be classified as a “similar retail service establishment”

### **Signage:**

The applicant has submitted a mockup and specs of the signs. The main sign (ST\_A) will be 36” tall by 120” wide and will be green, white, and brown with the company name, logo and tagline. The sign will be made of aluminum with a white background. Other signs will be window treatments.

The applicant will be installing 3 custom gooseneck light fixtures above ST\_A, at or under 900 lumens with a max color temp of 3000k. The applicant will submit design specs one final design is determined.

MO moved to approve the signage as submitted. BD seconded. Roll Call: BD aye, LD aye, EF aye, MO aye, GT aye.

### **Business**

#### **Subcommittee and Liaison Appointments**

GT nominated MO to be chair of the Planning Board for the next year.

BD said that he believes that the chair should rotate and that he would like to be chair.

EF agreed that the chair should rotate and nominated BD for chair.

BD seconded the nomination of MO.

LD said she is conflicted about whether MO or BD should be chair, there were pro’s and con’s for each and she could not make the decision at this time. She also felt that if MO continued as chair she should not also represent the PB on SLPAC. She requested that the decision be delayed until the next meeting.

BD said that the Board is too identified with Margaret and narrows the support that the Board has.

MO said that is because she responds the most to Lincolntalk posts and that other members should also respond.

BD said that he does not want to respond publicly on Lincolntalk.

GT said the Board should develop a policy about responses to Lincolntalk.

EF said that responses to Lincolntalk should be discussed with the whole Board. He added that Housing Choice is specifically a hot topic and people are concerned.

MO said that her response are intended to clarify what the legislation says, not what the Town’s response should be.

EF said that there are a lot of unintended consequences to what the State has put in place and current residents of South Lincoln near the station are scared.

MO agreed and added that the State’s approach has been frustrating.

GT said that there has been significant pushback against the legislation and the Board needs to think about this and get a lot of public input.

EF said that the Board must focus on these issues and have a time set aside to discuss them at every meeting.

BD said that the RLF will be a partner in future development.

EF said that they have limited real-estate to develop within.

GT said another issue is how the town can cooperate with the RLF on a project. The Community Builders can also be a partner.

MO said we need to consider other ways to create more housing in town such as accessory apartments while reducing burden on residents.

EF agreed but added that will not be a complete solution to address the legislation.

MO moved to approve the following appointments for the coming year:

HATS – EF

Historic District Commission – LD, EF

Library Landscape Committee – GT

Housing Options Working Group – GT, PVM

Roadway and Traffic Committee – MO

CPC – EF

MAGIC – PVM

(2-year commitment) BRSBC – PVM, BD

EF seconded. Roll Call: LD aye, BD aye, EF aye, MO aye, GT aye.

The Planning Board Chair and Vice-Chair appointments and the discussion on the work plan, including the future of SLPAC will take place on April 19, 2022.

LD moved to approve the minutes from March 22, 2022 as amended. GT Seconded. Roll Call: LD aye, MO aye, GT aye, EF aye, BD aye,

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

Approved May 10, 2022.