

MINUTES OF THE PLANNING BOARD

April 27, 2021

ZOOM MEETING

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

STAFF: Paula Vaughn-MacKenzie, Jennifer Curtin

7:00 PM Presentation and opportunity for questions for Town Meeting 2021 warrant articles:

1. Accessory Apartment Zoning Bylaw Revision, Section 14.3.2

The Planning Board is proposing three revisions to the Accessory Apartment Zoning Bylaw:

1. Delete 14.3.2(c) Age of Structure
2. Add a cap on the total number of accessory apartments permitted to 5% of all residential dwellings as stated in the most recent Federal Census.
3. Add a provision requiring a minimum rental term of 30 days where either the accessory apartment or the principal dwelling is occupied as a rental unit

MO narrated a power point presentation that will be posted on the Town's webpage dedicated to Town Meeting 2021. This presentation will be recorded, and the video will be available to residents to view. This proposal will require a 2/3 vote at Town Meeting to pass. The changes are intended to make it easier for residents to create accessory apartments in response to changing family circumstances and housing needs. The current bylaw is restrictive and can often leave longtime residents within smaller homes with no practical option to expand their home to accommodate an accessory apartment. These changes will keep the existing regulatory framework, add restrictions on short-term rentals to avoid Airbnb issues, and is also structured in a way as to not jeopardize the Town's SHI.

2. Illicit Discharge + Stormwater Management General Bylaw

Nick Cristofori, of CEI narrated the power point presentation explaining the proposed General Bylaw. This presentation will also be posted on the Town's webpage dedicated to Town Meeting 2021 and the recorded video will be available for residents to view.

Lincoln is one of 260 Massachusetts communities regulated under the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) and the 2016 Massachusetts Small MS4 General Permit. The EPA has identified land disturbance and polluted storm water runoff as a major source of water pollution. Under this permit, Lincoln is required to work on a range of measures to address regulation requirements which include adoption of a Storm Water Management Bylaw.

Article I - Illicit Discharge Detection - The Board of Selectmen will administer and enforce Article I which prohibits

pollutants and other non-stormwater discharge from indoor drains, sinks, toilets or washing machines from being discharged into the storm drain system or into a water course.

Article II – Stormwater Management Bylaw - The Planning Board will administer the Stormwater Management program and adopt accompanying Rules and Regulations. The Stormwater Management Bylaw includes requirements such as erosion control during construction, the use of low impact development techniques, and inspections throughout construction for projects that disturb over one (1) acre of land surface. The Stormwater Management Rules and Regulations will establish the permit process and requirements. Following Town Meeting, the Planning Board will hold a Public Hearing to adopt the Stormwater Management Rules and Regulations.

7:30 PM SLPAC Report

PVM said that the Village Center survey was discussed at the April 20th SLPAC meeting and a few changes that were discussed will be made to the survey prior to sending it out. A town-wide postcard will be sent out with the link to the survey and information on how to request a paper copy.

BD asked if SLPAC got into the B-2 zoning issue.

PVM said that Committee voted to take out the Ridge Court Condos and the Ridge Road Condos out of the survey and discussed having a joint discussion with the ZBA at the Planning Board Meeting about the B-2 zoning. She added that she has been in touch with David Henken from the ZBA to advise him that this will be scheduled at an upcoming Planning Board meeting.

7:40 PM Site Plan Review, Sections 13.6.4 and 17.7: ReVision Energy, 125 South Great Road, Parcel 160-10-0. Site Plan Review for the construction of a ground mounted solar array. Vote Expected.

LD recused herself from the discussion as she is the applicant.

The Project: The applicant proposes the construction of a pole-mounted 6.6kW Solar PV system consisting of (20) REC 330W Solar Modules, (20) Enphase microinverters, and a MT solar pole mount racking system. The array will be pitched at a 35-degree angle with a height of 11' 6" at full tilt. The array will be located 125 feet from the side lot line and 100 feet from the front lot line. It will be in the backyard of the property behind an existing shed with a tree line obstructing the view from South Great Road.

Submissions:

1. Application Cover Form dated March 31, 2021
2. Residential Site Plan Review Application
3. Plot Plan by ReVision Energy dated March 4, 2021
4. Site Plan by ReVision Energy dated March 4, 2021
5. Module Layout by ReVision Energy dated March 4, 2021
6. Pole Mount Reference Diagram
7. One Line and Equipment Specifications by ReVision Energy dated March 4, 2021
8. Safety Sheet by Revision Energy dated March 4, 2021
9. Certified Abutter's list

Zoning:

13.6.4 Design Standards in Residential Districts

(c) Ground-Mounted Solar Energy Systems

Ground mounted Solar Energy Systems shall be treated as an accessory structure and require site plan review under Section 17.7.

Ground-mounted Solar Energy Systems shall comply with all minimum setback requirements. Ground-mounted Solar Energy Systems shall not be located within the front yard, defined as the area between the front façade of the dwelling extended to the side property lines and extending to the street line (corner lots have two (2) front facades). The project complies with the zoning requirements for pole mounted solar installations as follows:

1. It is not located within the front yard. It is located 100 feet from the front lot line.
2. It complies with side setback for accessory structures. It is located 125 feet from the side lot line.
3. Ground- or pole-mounted Solar Energy Systems shall not exceed the maximum height of twelve feet without a waiver from the Planning Board. This pole mount system measures 11.5 feet at full tilt..
4. Abutters were property notified and none expressed comments on the project.

MO said that it looks like a reasonable project as the setbacks are considerable and it is behind a shed.

SG moved to approve the plan as submitted. MO seconded. Roll Call: MO aye, SG aye, BD aye.

7:50 PM Site Plan Review, Section 17: Peter and Molly Hussey, 6 Page Farm Road, Parcel 146-6-0. Site Plan Review for the construction of a screened porch in a cluster subdivision. Vote Expected.

The Project: The owners would like to construct a 15' x 15' screened porch with an associated 4'x4' landing and rebuilt steps off the north side of the proposed porch. The porch floor will be at existing house floor grade.

This project is subject to site plan review because the lot is part of a cluster subdivision.

Submission:

1. Application Cover Form dated April 8, 2021
2. Residential Site Plan Review Application
3. Site Plan by Snelling & Hamel Associates, Inc. showing the proposed porch and landing dated March 4, 2021
4. North, South, East, & West Elevation Sheets
5. Certified Abutters list

Lot area: The lot area is 42,980 sq. ft.

Cluster documents: The cluster development was approved by special permit of the Zoning Board of Appeals on December 17, 1970 and the project meets all the specific setbacks contained therein. There are no special conditions contained in the cluster documents that would affect this project.

Zoning: This is a cluster subdivision and the cluster documents require the following setbacks.

1. Front yard: 40 feet
2. Side yard and rear yard: 30 feet

Setbacks: The porch is attached to the principal structure. It is 75' from the side lot line at the closest point and 102' 9" from the rear lot line at the closest point.

Landscape/Grading: The porch floor will be at existing house floor grade. There are no landscape changes proposed.

Lighting: No new lighting is proposed.

Abutters: Abutters were duly notified, and the Planning Department did not receive any comments.

MO said that she looked at the submission documents and that the project looked innocuous.

MO moved to accept the plan as submitted. LD seconded. Roll Call: MO aye, BD aye, LD aye, SG aye.

8:00 PM Business

- Approval of April 13, 2021 minutes.

MO moved to approve the minutes as amended. SG seconded. MO aye, BD aye, LD aye, SG aye.

- Discussion of the content of the Planning Department's Housing Choice Act information page.

MO said that information has been added to the page to specify the penalty for noncompliance with the legislation.

BD suggested adding to the beginning of the lead sentence the following language: "To access specific state grant programs related to housing MBTA community must conform..." He said that the current introduction is not as informative to the public as it could be.

MO said that the wording of the act is "shall" and goes on to say, "the penalty is limited to". The sense of that is different than saying "in order to access certain funding sources". She added that her understanding is that this is not just a fiscal control mechanism as BD's proposed change makes it appear to be. The purpose of the legislation is to get communities to provide housing around the train station, not to limit certain kinds of funding.

BD said that the penalties are integral part, and it is strictly a fiscal related statute. Someone may think from the first sentence that a judge will have the authority to redo zoning in Town.

LD said that BD's suggestion changes the meaning of the statute.

Sara Mattes said that what appears on the website should be consistent with what town counsel said at the March 16th Planning Board/SLPAC meeting on the Housing Choice Act which was that the Town is not required to do anything, and the only penalty of noncompliance is the loss of access to certain funding sources.

MO said that Ms. Mattes is correct and that those are the formal consequences which are limited. She added that this is a separate issue but as we try to get the increased service and amenities from the MBTA she does not think that being in noncompliance will help the Town's case. She agrees that making the penalty more prominent would be helpful.

PVM suggested bolding the penalty sentence to make it more obvious. All the information on the webpage came from the State website and there is more detailed information on the page available through links. More guidance

will be given by DHCD in the coming months, and this is the beginning of the conversation with the information that has been provided.

BD said that the penalties are inherent in the legislation and are limited to what the legislation specifies. He suggested bolding the sentence and adding the word “only” before the word “penalty”.

MO said that she would support that change.

LD said that the language is neutral as it stands and supports the proposed change.

PVM will make the changes and will continue to update the page as more guidance comes out.

SG moved to make the final bullet point bolded and add the word “only” before the word “penalty”. MO seconded.

Roll Call: SG aye, MO aye, BD aye, LD aye.

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

Approved May 11, 2021