

## PLANNING BOARD MINUTES

May 10, 2022

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

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

**7:00 PM Site Plan Review, Sections 6.6 & 17.7: David Goodman, 12 Brooks Hill Road, Parcel 113-43-0.** Site Plan Review for the construction of a bathroom and shed dormer on the 2nd floor of an existing single-family home in a cluster subdivision. Vote Expected.

BD opened the hearing.

Ms. Curtin presented the project as submitted by the applicant.

The project adds a shed dormer to the second floor to make room for a bathroom. It will add 167 square feet of floor space without increasing the footprint of the house. The dormer will match the style of the existing home.

The project is subject to Site Plan Review because the work adds interior square footage to a house in a cluster subdivision.

The house is 21' 8" and 2 stories tall and will not change. Setbacks will not change. The calculated gross floor area after construction will be 4,305 square feet. There will be no change/additions of lighting on the site.

### **Section 17.7.4 Site Plan Standards and Criteria**

The new shed dormer will maintain the aesthetic of the home. The existing roofline will be maintained, and a strip of the existing roof will remain between the shed dormer and the ridge to maintain the existing roof profile from the street and to minimize the mass of the dormer.

Building design will match existing and there will be no changes to Landscaping, Open Space, Circulation, or Screening.

All abutters were duly notified. Holly and Jonathan Hedlund of 21 Sunnyside Lane submitted a letter dated May 2, 2022 in support of the project. The Brooks Hill Trust submitted a letter dated May 6, 2022 stating that review or approval of projects are not required by the Homeowners Association. The Planning and Land Use Department did not receive any additional request for plans or comments on the application.

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

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

**7:15 PM Site Plan Review, Section 17.7: Berryfield Farm LLC., 131 Weston Road, Parcel 170-3-0.** Site Plan Review for the construction of 2<sup>nd</sup> floor additions to an existing accessory structure to house two accessory apartments for agricultural uses. Vote Expected.

BD opened the hearing.

Ms. Curtin presented the project as submitted by the applicant.

The project will add a second story to an existing garage and minor additions to accommodate stairways and egresses for two accessory apartments for farm hands at Berryfield Farm. The addition is 1,411 square feet. The Site Plan shows a limit of work and erosion control line surrounding the project area.

The project is subject to Site Plan Review because the existing and proposed structures on the lot are over 6,500 square feet of calculated gross floor area.

The height of the structure will be 28' 3" and 2 stories.

The lot is in the R-1 district. The lot has 9.18 acres. The garage will be 218' from the property line at the closest point. After construction the calculated gross floor area on the lot will be 21,387 square feet.

The applicant states that the new septic system has been approved by the Board of Health. The applicant must go before the Historic Commission because they are demolishing more than 25% of the roofline of the garage.

A portion of the project intrudes into the 200-foot riverfront resource area and the applicant received approval and an Order of Conditions from the Conservation Commission on April 7, 2022.

The only lighting will be at exterior doors as follows:

2x Wall Sconce on East Elevation at the Exterior Wall Entrances, 800 Lumens, 2700 k color temperature.

3x Recessed Lights on the west elevation at the entrance doors, 800 Lumens, 2700 k color temperature.

#### **Section 17.7.4 Site Plan Standards and Criteria**

There will be no substantial changes to building appearance except for added story, and the addition of entrances and stairways.

There will be no changes to Open Space, Circulation, Screening, Open Space or Drainage, except as required by the Conservation Commission.

The addition complies with dimensional requirements under the bylaw. The applicant is requesting approval for two accessory apartments stating the project is exempt from zoning because it is an agricultural use. More detail is in the accessory apartment section of the report.

All abutters were duly notified. Dorota Wysocka of 137 Weston Road submitted comments that she does not approve of the project. She stated that it will negatively impact the residential character of the neighborhood, conservation land, and wetlands. In addition, she believes that the main house could house

apartments and there is no need for new ones. Lastly, she believes that there are too many structures crowded on the lot.

Rachel and Jon Drew of 135 Weston Road submitted a letter of support dated April 28, 2022 stating that they share a driveway with Berryfield Farm and are happy to support efforts that increase housing in town and especially for farm workers to have affordable and accessible housing.

Henry Dane, agent for the applicant, stated that the housing is for the farm workers, so it counts as an agricultural use and is exempt from special permits for its use.

LD asked where the other structures are that could house apartments.

Mr. Dane said that there is a large barn, a smaller garage building, and the caretaker's house. The issue with space is that there is space in the caretaker's house for bedrooms but if the stable hands have families, they need a kitchen facilities and privacy that cannot be provided. Multiple kitchens in one house also raises similar zoning issues.

Ms. Wysocka said that the farm has been there for over 20 years and there has been no need for extra apartments. She questioned the necessity of the apartments. There will be many dwelling units in a small area.

BD said that Site Plan Review does not review the use of the structure. He asked if the two lots are to stay separate or are they joined by use since the riding ring straddles both lots.

Mr. Dane said that they are separate lots as they are owned by different LLCs.

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

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

**7:20 PM Recommendation for Accessory Apartment, Section 14.3.3: Berryfield Farm LLC., 131 Weston Road, Parcel 170-3-0.** Request for a recommendation to the ZBA for 2 accessory apartments for agricultural use. Vote expected.

MO said that it is a large lot so the apartments will not have a negative impact on the surrounding area.

LD said that the Bylaw states that there can only be one accessory apartment per lot.

PVM said that the Bylaw also has a provision that allows for more than one accessory apartment on a lot, but it requires open space in 80,000 sq ft per extra apartment. In this case the applicant states they are exempt under the agricultural exemption which will be for the ZBA to ultimately decide. Town counsel submitted an opinion that the agricultural exemption may be reasonable if the apartments are just for farm workers.

LD said that the applicant stated that families would live there.

PVM said that it is for farm workers who may have a wife and children that should be able to live with them.

LD said she is not comfortable with having two accessory apartments on the property since they could sell the property to someone who would rent them out as regular apartments.

PVM said we can request the ZBA condition that the apartments only be occupied by farm workers. If the property is sold and is not in continuing agricultural use, then one apartment would need to be decommissioned.

MO asked what the issue is with two apartments on such a large lot.

GT said there is not an issue in this case but that it sets a precedent to allow multiple apartments for agricultural operations. He added that the Board should research the laws further.

BD asked where the line is in terms of reasonable regulation. He asked Mr. Dane if the riding school would have clients stay in the apartments.

Mr. Dane said the apartments are only for workers, not students or guests. He added that the statute states that a special permit cannot be required for an agricultural use.

EF asked when does the number of accessory apartments allowed on an agricultural lot cease to be reasonable.

MO said a major problem in Lincoln is that farm workers cannot afford to live close to where they work. We will likely see more of these kinds of proposals because farms will have to provide housing.

GT said that a solution can be a condition that restricts that these units remain in agricultural use.

EF said that enforcement is an issue.

PVM said that it would be a violation of the bylaw to not comply with a condition of the special permit.

LD said that Lincoln has a big problem with enforcement.

PVM said that most people comply and try to do the right thing by calling the office to find out what steps they must go through for projects. We have had a few problems with compliance, but the Building Inspector has been able to bring them into compliance.

MO said that we cannot withhold approval because the applicant may not comply in the future.

The Board decided that they will decide on their recommendation at a joint PB and ZBA hearing in July and will invite Town Counsel to advise.

LD asked if there is a precedent already with farm workers living on the property with families.

EF said that Codman Farm has housing.

Pete Lowy said that he and his family live on the farm and his assistant lives in the accessory apartment. He agreed that it is a problem to hire staff without affordable housing options close by. Additional housing would attract workers and make them more apt to stay on the farm which benefits both the farm and the workers.

Mr. Dane said it also helps to make farming feasible.

Mrs. Drew said that she appreciates less traffic on the shared driveway and farm workers living on the property reduces traffic and she is in favor of more affordable housing in general, especially to support agriculture.

MO moved to continue to the ZBA meeting at which the project will be reviewed. EF seconded. Roll Call: MO aye, LD aye, BD aye, EF aye, GT aye.

**7:30 PM Determination of Minor Change, Section 17, Site Plan Review: Codman Community Farms, 58 Codman Road, Parcel 161-23-0.** Request for a Determination of Minor Change to an approved site plan for a paved parking area, pathway, landscape improvements and a new entryway. Vote Expected.

PVM presented the project as submitted by the applicant.

The project will repave the existing driveway, modify an entry and create ADA compliant walkways to the Codman Farm Store to increase safety and accessibility. The driveway will have 24 defined parking spaces including 2 new handicap spaces that are separated from the farm travel lanes. This project will include minimal grading to even out the driveway area and improve stormwater runoff, icing, and erosion issues. The barn forecourt will be reconfigured to be pedestrian-friendly with occasional use by farm vehicles. Low stone walls will be constructed to protect two trees adjacent to the new parking area which will match the existing walls on Magnolia Path. There is an ADA compliant path that leads to a crosswalk across Codman Road that hooks up with Magnolia Path phase 2 that will run from Public Safety to a new crosswalk to access Codman Farm. In addition, landscape plantings will be installed around the driveway, forecourt, and parking areas.

Lighting: 2x Recessed downlights in the soffit above the new entry door at 725 Lumens, 2700k color temperature.

BD said the Historic District Commission reviewed and approved the project. He asked if they imposed conditions on hours of operation for events.

MO said that usually the impact of events is on abutters and the closest abutter is Codman House which holds more events.

Mr. Lowy said the purpose of this project is not to create a new wedding venue or source of income for the Farm. The intent is to create a more welcoming space for visitors and to hold a few community events a year.

LD and MO said that conditions on hours of operation are not necessary.

MO moved to consider the change minor in nature. LD seconded. Roll Call: LD aye, BD aye, EF aye, MO aye, GT aye.

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

**7:40 PM Recommendation for Accessory Apartment, Section 14.3.3: Susan Hallstein, 90 Lexington Road, Parcel 133-37-0.** Request for a recommendation to the ZBA for an accessory apartment. Vote expected.

Ms. Curtin presented the project as submitted by the applicant.

Susan Hallstein is requesting a favorable recommendation to the ZBA for an accessory apartment to be located in a newly constructed accessory structure. The applicant would like to downsize and have family live on the site. The height of the structure will be 16'. The structure will be one story and will be connected via boardwalk to the existing garage. There will be 2 Wall Lights, one at each door at 790 lumens and 3000k color temperature.

The project is not subject to Site Plan Review because the existing and proposed structures on the lot do not meet the threshold of 6,500 square feet of calculated gross floor area. The lot area is 101,268 square feet.

The project complies with the requirements for an accessory apartment under the Zoning Bylaw section 14.3

**Requirements for an Accessory Apartment**

- (a) **Floor Area:** The apartment will be 991 square feet which is less than the maximum of 1200 square feet.
- (b) **Lot Size:** The lot size is 101,268 square feet. which exceeds the required 40,000 square feet.
- (c) **Occupancy:** The owner will occupy the accessory apartment and the main house will be occupied their daughter and family.
- (d) **Sewage:** The applicant states that the 5-bedroom septic system is adequate to service both the house and apartment. The applicant will need approval from the Board of Health prior to receiving a building permit.
- (e) **Access and Parking:** Parking will be in the existing garage and there will be two means of egress.
- (f) **Number of Units:** The accessory apartment is the only apartment on the lot.
- (g) **Appearance:** The new structure will match the aesthetics of the existing home.
- (h) **Effect on Adjacent Properties and the Neighborhood:** The lot is heavily wooded and the applicant states that there are no open views to the property from abutters.

The Planning and Land Use department received a letter from Scott and Lori Dale of 84 Lexington Road. They were concerned about lack of notice, issues with existing studio garage space being turned into an apartment in the future, ledge requiring blasting for construction, calculate gross floor area, and future occupation of the apartment by people other than family.

Ms. Curtin added that a recommendation does not require notice to abutters as they will be notified prior to the ZBA hearing in July.

Elaine Cogliano requested plans but did not submit comments.

Mrs. Hallstein added that she is sorry to her neighbors that they were not given notice early enough. She only received the agenda on Friday and made sure to notify her neighbors of the meeting herself.

BD asked about the area above the garage.

Mrs. Hallstein said that it is an art studio for her work, and it has always been her studio. The original idea was to extend it to an apartment but in order to have a living space it would reduce the space of her studio. So, the family decided to put the apartment in a new building.

LD asked if the studio has a kitchen or bathroom.

Mrs. Hallstein said that there is no plumbing.

BD asked if there is substantial ledge that would require blasting.

Mrs. Hallstein said that tests will need to be done and then they will go from there, but her intent is not to do blasting if not necessary.

Mr. Dale stated that he is concerned with the proposal and if it will impact them visually since there is no landscaping or grading plans so he is unsure of what will have to be done for clearing to situate the new structure. He added that this is the third building on the site, and it seems excessive. When he built his home in 2003, Mr. Dale stated that he discussed with Mr. Hallstein the situation of the home, and both agreed on reducing the visibility. He also expressed concern that blasting could cause damage to abutting homes. He said the definition in the bylaw of calculated gross floor area is confusing and wanted confirmation that the project is under the threshold for site plan review.

PVM said that it is reviewed by staff and has been confirmed. The assessors card includes things in floor area calculations that are not included in calculated gross floor area, like open porches and basements.

Mr. Dale said that he expects that the ZBA will review grading, landscaping, and site plans.

Mrs. Hallstein asked if it essential to have a landscaping plan at this point since it was not part of the stated requirements. She added that it was suggested to her to talk with her neighbors about the project so gave notice to them on her own.

MO said that the discussion is just for a recommendation to the ZBA. The ZBA will issue the permit for the accessory apartment, which will be the formal hearing. She added that the project is below the square footage threshold for site plan review, so some of the documentation is not pertinent such as landscaping, grading, and site plans. She is not sure what the ZBA will require, but the square footage dictates the amount of documentation required for the Planning Board.

BD said that the ZBA does not conduct a site plan review on accessory apartments, they just review criteria of section 14.3.

Mr. Dale said that he understands that the Planning Board has a limited scope, but more details should be reviewed by the ZBA. He added that the applicant states this will be a family apartment and that it should be a condition of the permit that this only be used for family and not be rented out to anyone else as he believes that is the intent of the accessory apartment bylaw. He is concerned with the ability of the Town to enforce.

GT said that accessory apartments are not restricted to family and the Planning Board has been promoting accessory apartments as affordable dwellings.

Miles Russell of 96 Lexington Road asked how often accessory apartments are in separate buildings.

BD said that the bylaw was liberalized in 2020 to allow new building to house accessory apartments, but accessory apartments have been allowed for decades in detached buildings older than 10 years old.

MO said we have been encouraging accessory apartments as they diversify housing in Town, but many applicants have requested them for families.

BD said we have a narrow mission to recommend to ZBA and compliance with regulations and this project complies.

EF moved to provide favorable recommendation to the Planning Board for the accessory apartment. GT seconded. Roll Call: LD aye, BD aye, EF aye, GT aye, MO aye.

## **Business**

### **Approve April 12, April 19, and April 26, 2022 minutes**

GT moved to approve the April 12, 2022 minutes as amended. BD seconded. Roll Call: MO aye, LD aye, BD aye, GT aye, EF aye

MO moved to approve the April 19, 2022 minutes as amended. EF seconded. Roll Call: LD aye, BD aye, EF aye, MO aye, GT aye

MO moved to approve the April 26, 2022 minutes as amended. BD seconded. Roll Call: LD aye, BD aye, EF aye, MO aye, GT aye

Additional scheduled business items will be discussed at the next meeting.

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

Approved on May 24, 2022