

Motion under ARTICLE 31 Planning Board

Moved: That the Town pass over this article.

Motion under ARTICLE 32 Planning Board

Moved: That the Town amend the Zoning Bylaw Sections 7,8,9, and 10, as follows:

Note: Proposed deletions to the by-law language are shown in ~~striketrough-text~~ and additions shown in ***bolded italic text***.

7.3.1 Height - ~~The height of any s~~Structures shall not exceed 36 feet ***in height and 2-1/2 stories***.

8.3.1 The development regulations for the R-1 Single Residence District shall apply to any development in the R-3 or R-4 Districts unless an owner or owners of land (or their agent) in an R-3 or an R-4 district submits a site plan meeting the requirements of Section 17 below to the Planning Board for its approval. After notice and public hearing, the Planning Board may approve such site plan, in accordance with Section 8.3.2, in which case the area of lots, the street frontage, and yard sizes and the widths of lot at building shall be as shown on the site plan as approved; provided, however, that ***structures*** ~~the height of buildings~~ shall not exceed 36 feet ***in height and 2-1/2 stories***.

9.3.1 Height - ~~The height of any s~~Structures shall not exceed ~~25~~**36** feet ***in height and 2-1/2 stories***.

10.4.1 Height - ~~The height of any s~~Structures shall not exceed ~~25~~**36** feet ***in height and or two 2 -1/2 stories***.

Motion under ARTICLE 33 Planning Board

Moved: That the Town amend the Zoning Bylaw Paragraph 13.2.6, as follows:

Note: Proposed deletions to the by-law language are shown in ~~striketrough-text~~ and additions shown in ***bolded italic text***.

13.2.6 In the event of an irregularly shaped lot and a question as to the identification of side ***and rear*** lot lines ~~for the foregoing measurements~~, the matter shall be decided by the Building Inspector with the advice of the Planning Board. The rear lot line is, ***in general***, the line which is furthest from and most nearly parallel to the front yard line. All other lot lines are side lot lines. Triangular and irregularly shaped lots may have no rear lot line ***or more than one rear lot line***.

Motion under ARTICLE 34 Planning Board

Moved: That the Town amend the Zoning Bylaw Section 5, as follows:

Note: Proposed deletions to the bylaw language are shown in ~~striketrough~~ text and additions shown in ***bolded italic text***.

SECTION 5 ~~NEW CONSTRUCTION AND NEW USES~~ ***APPLICABILITY***

To the extent not inconsistent with the laws of the Commonwealth of Massachusetts, ~~No new~~ ***no*** structures shall be erected, constructed, established, altered, repaired, enlarged or moved, and no land shall be put to new use or shall be occupied except in conformity with the requirements, character and conditions laid down for each of the several districts established by this By-law. Any use not specifically listed herein or otherwise permitted in a district shall, to the extent permitted by law, be prohibited, provided that:

- 5.1 The use of land or the expansion, reconstruction or construction of structures for the primary purpose of commercial and non-commercial agriculture, horticulture, floriculture, aquaculture, silviculture, or viticulture on parcels of five acres or more shall not be prohibited in any district. Land divided by a public or private way or a waterway is construed as one parcel.
- 5.2 ~~Nothing in this By-law shall be construed to regulate or restrict the interior area of a single-family residential building.~~
- 5.3 ~~Nothing in this By-law shall be construed to prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a non-profit educational corporation.~~
- 5.4 ~~Notwithstanding the foregoing, land or structures described in paragraphs 5.1, 5.2 and 5.3 of this section shall conform to all regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, frontage, open space, width of lot through the building, signage, parking and building coverage of the district in which the land lies, provided however, that in the case of land or structures referred to in paragraph 5.3, such development regulations may be determined by the Planning Board to be inapplicable in whole or in part pursuant to Section 19.1(e) below~~
- 6.1 Uses Permitted:
 - (a) one building containing one dwelling unit used as a single family residence;
 - (b) rooming or boarding house for not over three lodgers;
 - (c) museums and libraries owned and operated by the Town or by a public charitable organization with respect to which the Town elects or appoints members of the governing board, and parks, playgrounds, conservation area, water supply areas and land owned and operated for the public enjoyment or service by a public or semi-public agency;

(d) preservation of a lot in its natural conditions; fields, pastures and wood lots; orchards, nurseries, truck gardens and farms, but not including piggeries or farms operated in substantial part for disposal of garbage, sewage, offal or renderings; greenhouses for private uses; keeping of pets and farm animals for residents' use; sale or the offering for sale of farm produce by an owner or resident tenant of the land in the Town providing that a substantial portion of such produce is raised within the Town;

(e) accessory uses on the same lot, if entirely auxiliary to uses as permitted in **6.1(a) through 6.1(d)**;

(f) professional office, studio, laboratory, and workshop accommodating occupations customarily conducted in Lincoln in a residence or building accessory thereto by a person residing on the premises, provided that:

- i. such use is clearly incidental and secondary to the use of the premises for residential purposes;
- ii. not more than one person other than residents of the premises is engaged in the conduct of the home occupation, whether as an employee or otherwise;
- iii. no offensive noise, vibration, smoke, dust, odors, heat, glare or unsightliness is produced;
- iv. there is no public display of goods or wares and there are no signs except as permitted in **Section 16**;
- v. there is no exterior storage of material or equipment (including the parking of more than one commercial vehicle) and no other exterior indication of such use or variation from the residential character of the premises;
- vi. there are adequate off-street parking spaces for employees and for visitors in connection with the home occupation which does not substantially alter the appearance of the premises as a single family residence.
- vii. such use does not require the parking of more than four vehicles used by persons engaged in the occupation, clients, customers or patients on a regular basis;
- viii. traffic generated by such use is not inconsistent with traffic usually associated with a single family residence.

~~(g) religious or educational uses governed by **M.G.L. c. 40A, s. 3** (see Section 19.1.e)~~

~~(h) other uses that cannot be prohibited under **M.G.L. c.40A, s.3**.~~

9.1 Uses Permitted: provided that no building permit for the uses listed below **(a - h)** shall be issued unless a site plan has been submitted and approved in accordance with the provisions of **Section 17 below**:

(a) store for retail sale of merchandise where all display and sales are conducted within a building, except as hereinafter provided in **subparagraph (h)** below, and

where no significant manufacturing, assembly or packaging occur on the premises;

(b) barber shop, beauty shop, laundry and dry cleaning pick up agency, shoe repair, and other similar retail service establishment;

(c) business or professional office, or bank;

(d) rail or bus station or terminal;

(e) Post Office;

(f) uses accessory to the foregoing;

(g) retail establishments may, subject to such conditions as the Planning Board may impose, conduct outdoor sales periodically pursuant to a plan, including a site plan, submitted to and approved by the Planning Board showing the area in which the sale is to take place, the proposed dates and hours of operation, and any other pertinent facts.

~~(h) Religious or educational uses governed by **G.L. c. 40A, s 3.** (subject to **Section 19.1.e**)~~

19.1 Building Permits.

(a) No application to the Building Inspector for a building permit shall be approved unless the plans, specifications and intended use set forth in said application conform in all respects with this By-law, or unless the applicant has secured a written permit from the Board of Appeals, pursuant to **Section 20** below.

(b) Any application for a building permit for a new or altered use of land or structure or for the construction, reconstruction, alteration or relocation of a building shall be accompanied by plans and specifications with a specific reference to the subject lot as recorded in the Registry of Deeds and showing the actual shape and dimensions of the lot to be built upon or to be assigned to the proposed use, the names of all present owners of record, the exact location of all buildings or structures already on the lot, all abutting streets, the lines within which all buildings or structures are to be erected, and such other information as may be necessary to provide for the administration of this By-law.

(c) Two copies of the plan of the lot shall be filed and one copy referred by the Building Inspector to the Planning Board.

(d) A record of all such applications, plans, building permits and certificates of occupancy shall be kept on file by the Building Inspector, together with a record of non-conforming uses and buildings or structures.

(e) In conjunction with any application for a building permit involving land or structures ~~devoted to religious or educational uses governed by **G.L. c. 40A, s. 3,** for~~ **which one or more exemptions from development regulations may be available under the laws of the Commonwealth of Massachusetts**, the applicant may also submit a written request for **such exemptions** ~~from any one or more, or all, of the development regulations relating to the bulk and height of structures, yard sizes, lot area, setbacks, frontage, open space, width of lot, signage, parking and building coverage for the district in which the applicant's land lies.~~ Such request shall be accompanied by appropriate information in the form of a site plan pursuant to **Section 17.1 - 17.6** ~~for any of the above-~~

~~listed development regulations~~, and other information that may include financial information concerning costs, which demonstrates that the regulations(s) from which an exemption is requested would be unreasonable as applied to such land or structures. Upon receipt of such an exemption request, the following procedure shall apply:

(1) The Building Inspector shall promptly transmit a copy of the building permit application, together with the site plan and all additional information submitted by the applicant, to the Planning Board for its review.

(2) The Planning Board shall consider at a public hearing whether the applicant has adequately demonstrated that compliance with the development regulations from which exemption is sought would substantially diminish or detract from the usefulness of the proposed structure, or impair the character of the applicant's setting or campus, without appreciably advancing the purposes of this By-law. ~~and if~~ **If** the Planning Board determines that such an effect has been so demonstrated, the Planning Board shall determine the extent to which one or more of such development regulations shall ~~be deemed~~ not to apply to the proposed project. The Planning Board shall report its determination in writing to the Building Inspector within thirty (30) days of the close of the public hearing.

(3) To the extent that the Planning Board's written determination concludes that one or more development regulations shall not apply to the proposed project, the Building Inspector shall include such approval of exemption in any issuance of a building permit.

Motion under ARTICLE 35 Planning Board

Moved: That the Town amend the Zoning Bylaw Section 13 by adding a new Paragraph 13.7, as follows:

Note: Proposed deletions to the by-law language are shown in ~~striketrough text~~ and additions shown in ***bolded italic text***.

13.7 Site Plan Review Specifically described uses that generate 50 or more trips per day according to the ITE Trip Generation Manual shall be subject to Site Plan Review by the Planning Board in accordance with Section 17.7 in the R1 district and Sections 17.1-17.6 in all other districts.

Motion under ARTICLE 36 Planning Board

Moved: That the Town amend the Zoning Bylaw Paragraph 6.0.2, as follows:

Note: Proposed deletions to the by-law language are shown in ~~striketrough text~~ and additions shown in ***bolded italic text***.

6.0.2 No site alteration or development work on a lot including, but not limited to: removal of vegetation, excavation, stockpiling of fill, or grading, shall occur prior to Planning Board

approval of a site plan in accordance with Section 17.7 of this By-law in preparation for, or anticipation of, construction, of any proposed alteration, extension, reconstruction, or renovation of an existing a structure above grade when (a) the proposed calculated gross floor area for the structures on the lot exceeds 4,000 square feet or 8% of the lot area, whichever is greater; or (b) the proposed calculated gross floor area of the structures on the lot equals or exceeds 6,500 square feet.

Motion under ARTICLE 37 Planning Board

Moved: That the Town amend the Zoning Bylaw Section 12, as follows:

Note: Proposed deletions to the by-law language are shown in ~~strikethrough text~~ and additions shown in ***bolded italic text***.

~~12.3 FP-FLOOD PLAIN DISTRICT. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Lincoln designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the 2010 Middlesex County FIRM that are wholly or partially within the Town of Lincoln are panel numbers 25017C0379E, 25017C0383E, 25017C0384E, 25017C0386E, 25017C0387E, 25017C0388E, 25017C0389E, 25017C0391E, 25017C0392E and 25017C0393E. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the 2010 Middlesex County Flood Insurance Study (FIS) report. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Inspector. The FIRM is hereby incorporated as part of the Zoning Map of the Town of Lincoln.~~

~~— The following Development Regulations apply in the FP-Flood Plain District:~~

~~12.3.1 Within Zone AE, all new construction and substantial improvements (the cost of which equals or exceeds 50 percent of the market value of the structure) of residential and non-residential structures shall have the lowest floor, including basement, elevated to or above the base flood elevation (100-year flood elevation designated on the FIRM).~~

~~12.3.2 Within Zone A, where the base flood elevation is not provided on the FIRM, the Building Inspector shall obtain and review any already existing base flood elevation data. If the data are reasonable, they shall be used to require compliance with **Section 12.3.1** above.~~

~~12.3.3 Located within the FP-Flood Plain District are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:~~

~~— (a) there shall be no encroachments, including fill, new construction, substantial improvements, or other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the 100-year flood;~~

~~— (b) if **Section 12.3.3(a)** above is satisfied, all new construction and substantial improvements shall comply with all provisions of **Section 12.3**.~~

- ~~12.3.4 Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.~~
- ~~12.3.5 Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 5 acres within unnumbered A zones.~~
- ~~12.3.6 Notification of Watercourse Alteration. In a riverine situation, the Conservation Director shall notify adjacent communities, the NFIP State Coordinator at Massachusetts Department of Conservation, the NFIP Program Specialist at the Federal Emergency Management Agency, Region I, and other governmental authorities as may from time to time have jurisdiction, of any alteration or relocation of a watercourse.~~

12.3 FP-FLOOD PLAIN DISTRICT. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Lincoln designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the 2010 Middlesex County FIRM that are wholly or partially within the Town of Lincoln are panel numbers 25017C0379F, 25017C0383F, 25017C0386F, 25017C0387F, 25017C0388F, 25017C0389F dated July 7, 2014; and 25017C0384E, 25017C0391E, 25017C0392E and 25017C0393E dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the July 7, 2014 Middlesex County Flood Insurance Study (FIS) report. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Inspector. The FIRM is hereby incorporated as part of the Zoning Map of the Town of Lincoln.

The following Development Regulations apply in the FP-Flood Plain District:

- 12.3.1 Within Zone AE, all new construction and substantial improvements (the cost of which equals or exceeds 50 percent of the market value of the structure) of residential and non-residential structures shall have the lowest floor, including basement, elevated to or above the base flood elevation (100-year flood elevation designated on the FIRM).**
- 12.3.2 Within Zone A, where the base flood elevation is not provided on the FIRM, the Building Inspector shall obtain and review any already existing base flood elevation data. If the data are reasonable, they shall be used to require compliance with Section 12.3.1 above.**
- 12.3.3 Located within the FP-Flood Plain District are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:**
- (a) there shall be no encroachments, including fill, new construction, substantial**

improvements, or other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the 100-year flood; (b) if Section 12.3.3(a) above is satisfied, all new construction and substantial improvements shall comply with all provisions of Section 12.3.

12.3.4 Floodway Data. *In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.*

12.3.5 Base Flood Elevation Data. *Base flood elevation data is required for subdivision proposals or other developments greater than 5 acres within unnumbered A zones.*

12.3.6 Notification of Watercourse Alteration - *In a riverine situation, the Conservation Director shall notify adjacent communities, the NFIP State Coordinator at Massachusetts Department of Conservation, the NFIP Program Specialist at the Federal Emergency Management Agency, Region I, and other governmental authorities as may from time to time have jurisdiction, of any alteration or relocation of a watercourse.*

Motion under ARTICLE 38 Planning Board

Moved: That the Town amend the Zoning Bylaw Section 15, as follows:

Note: Proposed deletions to the by-law language are shown in ~~struckthrough text~~ and additions shown in ***bolded italic text***.

15.3.2.2 Parking spaces, maneuvering aisles, and interior driveways are subject to the following minimum setbacks:

(1) 5 feet from walls of buildings;

(2) For residential uses within residential districts: 10 feet from a lot line;

(3) For non-residential uses, other than farming, within residential districts: 25 feet from a private way or vehicular access easement; 50 feet from a lot line or public way;

15.4 Exceptions. ~~The Board of Appeals~~ ***Planning Board*** may grant special permits pursuant to ~~Section 20 of the By-law and~~ pursuant to the provisions of this paragraph making exceptions to the provisions of this Section either upon appeal or upon written request of the owner of a parcel of land in any case, where, after a public hearing thereon, it shall find that literal enforcement would cause a substantial hardship, or that literal compliance is impractical because of the size, width, shape or grade of the lot, or the use to which it is to be put, or because a lesser area would, except in unusual circumstances, accommodate the motor vehicles of all persons at any time using the building, or less stringent requirements would carry out the other purposes of this Section, or because of factors peculiar to the

lot or building involved not generally affecting the zoning district in which it is located.

Motion under ARTICLE 39 Planning Board

Moved: That the Town pass over this article.