

TOWN OF LINCOLN, MASSACHUSETTS  
ANNUAL TOWN MEETING  
**SATURDAY, MARCH 25, 2023**

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**MOTIONS**

**Note:** MOTIONS under articles 3, 4, 5, 6, 11, 12, 14, 16, 17, 18, 19, 20 and 33 are to be found on the green CONSENT CALENDAR. Due to the nature of their relatively non-controversial or routine subject matter, Consent Calendar items are voted together in one motion to expedite the business of town meeting.

**MOTION under ARTICLE 2      Select Board**

**Moved:** That Gina Halsted, Tara Mitchell, Michele Barnes, Harold Engstrom, Heather Ring, Victoria Benalfew, Ruth Ann Hendrickson, Margit Griffith, Florence Montgomery, Gus Brown, Bob Domnitz, Rakesh Karmacharya, and Melinda Webster Loof be elected Fence Viewers, and that Jonathan Dwyer be elected Measurer of Wood and Bark, for the ensuing year.

**MOTION under ARTICLE 7      Finance Committee**

**Moved:** That the Town vote to adopt as the FY24 budget appropriation the recommendations listed in the report of the Finance Committee, printed on pages 59-64 inclusive of the Financial Section and Warrant for the 2023 Annual Town Meeting, with the following exceptions:

Dept 1310      **Local School System** -Decrease by \$194,103 from \$13,355,422 to \$13,161,319 to reflect the final K-8 Lincoln School budget voted by the School Committee after printing of the Finance Committee’s Financial Section & Warrant.

And that all items be raised by taxation except to the following extent:

Dept. 1491      **Cemetery Department-Expenses-** \$5,000 to be transferred from Cemetery Perpetual Care Trust Fund Income-Expendable Trust.

Dept. 1171      **Conservation Commission- Personnel Services-** \$21,000 to be transferred from the Wetlands Protection Fees-Receipts Reserved for Appropriation.

Dept. 1290      **Town Offices- Personnel Services-** \$71,000 to be transferred from the Hanscom Fund.

Dept. 1290      **Town Offices- Personnel Services-** \$60,000 to be transferred from the Water Enterprise Fund.

Dept. 1331      **Lincoln-Sudbury Regional High School- Assessment-**\$9,000 to be transferred from the PEG Access Cable Fund.

Dept. 176-17754      **Debt Service- Principal & Interest-** \$947 to be transferred from various Premium on the Sale of Bonds accounts.

Dept. 61451      **Water Department**  
•**Personnel Services-** \$732,990 to be transferred from the Water Enterprise Fund  
•**Expenses-** \$901,400 to be transferred from Water Enterprise Fund  
•**Debt Service-** \$340,000 to be transferred from Water Enterprise Fund

Dept. 614513      **Water Department- Emergency Reserve-** \$75,000 to be transferred from Water Enterprise Retained Earnings (Water Surplus).

**MOTION under ARTICLE 8 Capital Planning Committee**

Moved: That the Town vote to accept the report of the Capital Planning Committee and that the following amounts (Items A -S) be appropriated as stated in the table below for the following purposes, including, in each instance, all costs incidental and related thereto:

<b>FY24 CAPITAL PROJECTS</b>				
	<b>ITEM</b>	<b>\$ AMT</b>	<b>SPONSOR</b>	<b>FUNDING SOURCE</b>
A	To fund conceptual designs for certain cycling and pedestrian roadway improvements in support of the Bicycle and Pedestrian Advisory Committee’s Master Plan.	\$36,000	Select Board	Raise and appropriate by taxation
B	To fund the purchase of a pickup truck with plow and liftgate, and any related equipment, for use by the Conservation Department, and to authorize the disposal of, by sale or otherwise, any related excess vehicles or equipment.	\$72,427	Select Board	Raise and appropriate by taxation
C	To fund the purchase of a power rake tractor attachment, and any related equipment, for use by the Conservation Department, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$10,647	Select Board	Raise and appropriate by taxation
D	To fund the purchase of a pickup truck with utility body, and any related equipment, for use by the Department of Public Works, and to authorize the disposal of, by sale or otherwise, any related excess vehicles or equipment.	\$66,000	Select Board	Raise and appropriate by taxation
E	To fund the purchase of a hybrid sports utility vehicle, and any related equipment, for use by the Department of Public Works Superintendent, and to authorize the disposal of, by sale or otherwise, any related excess vehicles or equipment.	\$35,000	Select Board	Raise and appropriate by taxation
F	To fund the purchase of a new trash compactor, and any related equipment, for the Transfer Station, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$47,000	Select Board	Raise and appropriate by taxation
G	To fund the purchase of a hook truck modular dump body, and any related equipment, for use by the Department of Public Works, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$26,000	Select Board	Raise and appropriate by taxation
H	To fund the repair of the Ladder #1 “All-Steer” system, and any related equipment, for the Fire Department.	\$30,000	Select Board	Raise and appropriate by taxation
I	To fund the purchase and installation of a server upgrade, and any related equipment, by the Information Technology Department in support of Town Hall functions.	\$50,000	Select Board	Raise and appropriate by taxation

J	To fund the replacement of the damaged bluestone at the front entrance terrace of the Library with granite, and any related expenses.	\$47,300	Library Trustees	Raise and appropriate by taxation
K	To fund the purchase of a vertical lift, and any related equipment, at the Lincoln School, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$30,000	Lincoln School Committee	Raise and appropriate by taxation
L	To fund the purchase of an energy efficient heat pump unit, and any related equipment, to replace a portable wall AC unit in the Business Office at the Lincoln School, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$37,000	Lincoln School Committee	Raise and appropriate by taxation
M	To fund the purchase of additional two-way radios, and any related equipment, in support of the emergency communication plan at the Lincoln School.	\$51,644	Lincoln School Committee	Raise and appropriate by taxation
N	To fund Lincoln's share of a structural engineering study of an exterior concrete stairway at Lincoln-Sudbury Regional High School.	\$3,328	Lincoln - Sudbury Regional High School Committee	Raise and appropriate by taxation
O	To fund Lincoln's share of the replacement of the building security camera system, and any related equipment, at the Lincoln-Sudbury Regional High School, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$29,684	Lincoln - Sudbury Regional High School Committee	Raise and appropriate by taxation
P	To fund Lincoln's share of the purchase of a 15-passenger van, and any related equipment, for the Lincoln-Sudbury Regional High School, and to authorize the disposal of, by sale or otherwise, any related excess vehicles or equipment.	\$2,412	Lincoln - Sudbury Regional High School Committee	Raise and appropriate by taxation
Q	To fund the purchase of a pool slide, and any related equipment, at the Codman Pool for the Parks and Recreation Department, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$18,842	Select Board	Raise and appropriate by taxation
R	To fund the purchase and equipping of one replacement marked hybrid cruiser, and any related equipment, for the Police Department, and to authorize the disposal of, by sale or otherwise, any related excess vehicles or equipment.	\$59,092	Select Board	Raise and appropriate by taxation
S	To fund the purchase of five electronic control devices (tasers) for the Police Department, and any related equipment, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$9,000	Select Board	Raise and appropriate by taxation
	<b>Total Cash Capital Appropriations</b>	<b>\$661,376</b>		

**MOTION under ARTICLE 9            Select Board**

**Moved:** That the Town vote, in accordance with the provisions of MGL, c. 44, s. 53E ½ and Section 1. of Article XXVIII of the Lincoln General By-laws, to increase the annual expenditure limit for the Ambulance Revolving Fund to \$520,000.

**MOTION under ARTICLE 10            Community Preservation Committee**

**Moved:** That the Town vote to receive and act upon a report from the Community Preservation Committee and that the following amounts (items A-Q) be appropriated or reserved from Fiscal Year 2024 Community Preservation Fund Revenues, or transferred from prior year’s revenues for Community Preservation purposes as specified:

<b>FY24 COMMUNITY PRESERVATION PROJECTS</b>			
<b>Article</b>	<b>Project</b>	<b>Total Appropriation</b>	<b>Source of Appropriation</b>
A	To fund, for historic preservation purposes, the FY24 debt service payment for the 2011 Town Offices renovation bond.	\$296,060	\$296,060 from FY24 CPA Projected Revenues
B	To fund, for affordable housing purposes, the replacement of heating systems in town owned affordable housing units.	\$137,800	\$137,800 from FY24 CPA Projected Revenues
C	To fund, for community housing purposes, year five of the Rental Assistance Program for residents at risk.	\$96,863	\$96,863 from CPA Housing Reserve
D	To fund, for affordable housing purposes, exterior repairs at 75 Tower Road.	\$70,700	\$70,700 from FY24 CPA Projected Revenues
E	To fund, for historic purposes, repairs to the Gund Chimney at the Lincoln Library.	\$35,640	\$35,640 from general CPA Fund Balance
F	To fund, for affordable housing purposes, site improvements including driveway repair and erosion issues at 75 Tower Road.	\$32,000	\$32,000 from CPA Housing Reserve
G	To fund, for community housing purposes, regional housing support services.	\$30,700	\$30,700 from CPA Housing Reserve
H	To fund, for historic preservation purposes, the conservation of historical documents donated by the Flint Family.	\$28,274	\$28,274 from FY24 CPA Projected Revenues
I	To fund, for open space purposes, improved trailhead and wayfinding signage on Town conservation trails.	\$7,266	\$7,266 from FY24 CPA Projected Revenues
J	To fund, for historic preservation purposes, Massachusetts Historical Commission Surveys for historically and architecturally significant buildings	\$5,000	\$5,000 from CPA Historic Reserve
K	To fund, for affordable housing purposes, radon remediation at 65 & 75 Tower Road.	\$5,000	\$5,000 from CPA Housing Reserve
L	To fund FY24 debt service payments due on permanent borrowing for previously voted CPA projects.	\$107,550	\$107,550 from FY24 CPA Projected Revenues
M	To fund CPC administrative expenses.	\$3,500	\$3,500 from FY24 CPA Projected Revenues.
	<b>Project Appropriation Subtotal</b>	<b>\$856,353</b>	

	<b>Reserves:</b>		
N	Housing Reserve	\$0	From additional FY23 State Revenue and FY24 CPA Projected Revenues
O	Open Space/Land Acquisition Reserve	\$2,056	From additional FY23 State Revenue and FY24 CPA Projected Revenues
P	Historic Preservation Reserve	\$0	From additional FY23 State Revenue and FY24 CPA Projected Revenues
Q	Recreation Reserve	\$0	From additional FY23 State Revenue and FY24 CPA Projected Revenues
	<b>Reserves Subtotal</b>	<b>\$2,056</b>	
	Additional Appropriation:		
	<b>Grand Total of all CPA funded Appropriations</b>	<b>\$858,409</b>	

### Article 10 Explanations

This article proposes projects recommended by the Community Preservation Committee under Lincoln’s Community Preservation Act (CPA) passed at the March, 2002 Annual Town Meeting and the November, 2002 Election. The descriptions of the proposed projects/actions are contained below:

- A. **Debt Service on Town Offices Renovation-** The 2011 Town Meeting approved project costs of \$6.8 million to renovate the Town Office Building. And the Town Meeting has approved the Committee’s recommendation to fund the project’s annual debt service from CPA funds every year since. This year’s debt service payment is \$296,660. The Committee is again recommending that the project’s annual debt service be funded via CPA funds.
- B. **Affordable Housing Units Replacement of Heating Units-** Fossil fuel heating systems at all seven town-owned affordable housing units will be replaced with mini-split heat pumps/air handlers. Significant heating cost savings are anticipated for tenants, and lower overall electrical costs as a result of more efficient air conditioning, as most tenants currently use one or more window air conditioners for summer cooling.
- C. **Housing Rental Assistance Program-** At the March, 2019 Annual Town Meeting, voters approved the first year of funding for this program. Program participation is limited to low-income Lincoln residents who are homeless or at risk of homelessness. Assistance is provided in the form of contributions to rent, or temporary emergency shelter while permanent housing is being arranged.
- D. **75 Tower Road Exterior Repairs-** Exterior repairs are needed at this property, including the replacement of windows and doors, roof shingles, rotted trim and fascia boards, rotted cedar shingles and front porch rot and settling, and the replacement of gutters, downspouts and downspout extensions to direct water away from the foundation of the house.
- E. **Lincoln Library Gund Chimney Repair-**A leak in the Gund Chimney has caused damage in the Children’s Room ceiling. A water study was performed to determine the location of the leak, and repairs to cover the cast stone cap are needed to prevent water from flowing into the building.
- F. **75 Tower Road Driveway & Erosion Repairs-**Repairs include the removal a problematic driveway curb and converting the “loop” driveway into two single driveways that will allow separate parking for each apartment, fixing drainage and erosion problems, restoring the lawn, and adding large stones to form a border along the driveway and roadside to discourage parking on the lawn.
- G. **Housing Regional Support Services-** At the recommendation of the Town’s three housing organizations (i.e., Housing Commission, Housing Trust, and Lincoln Foundation), the Select Board contracts with a regional housing support organization (the Regional Housing Services Organization - RHSO) for technical support and to help ensure regulatory

compliance. The job of monitoring, reporting, and ensuring compliance with various federal and state housing requirements has become quite complex and is beyond the capabilities and capacities of our local housing organizations and staff. The RHSO provides support to Lincoln and eight of our neighboring towns.

- H. **Town Archives-Preservation of Flint Family Historical Documents**-Mr. Ephraim Flint donated over 70 family documents created between 1649 and 1851, including deeds, wills, land surveys and receipts. They are among the oldest documents in the Town's possession and are invaluable primary sources documenting early transactions in Lincoln's history. The condition of this collection has been evaluated by the Northeast Document Conservation Center. This funding represents The Lincoln Town Archives request to complete the preservation of 38 items from this collection, selected based on a combination of conservation treatment urgency and historical significance to Town records.
- I. **Conservation Trailhead & Wayfinding Signage**- In July 2022 the Conservation Commission adopted revised Trail Use Regulations and an implementation plan that included providing welcoming and clear messaging regarding expectations for trail users. The visions for trailhead signage are based upon (1) providing positive first and last impressions for all trailhead visitors; (2) establishing a positive visitor experience; (3) providing information about the entities that care for and manage the land, and (4) providing consistency among Lincoln's trailhead messaging. In addition to trailhead signage, the Conservation Commission is working on creating wayfinding signage at prominent trail intersections based on public comments received during the Trail Forum, as well as recommendations for improved trail intersection signage from Public Safety to help trail visitors when they get turned around or lost.
- J. **Massachusetts Historical Commission Surveys for Historically & Architecturally Significant Buildings**-The Historical Commission has embarked on a project to complete Massachusetts Historical Commission (MHC) survey forms on all historically or architecturally significant buildings in Lincoln. These surveys record the history of a building, including the important architectural elements, the background of the architect if possible, and the history of the owners of the building, who often have been important figures of the town. These surveys allow the Town to make informed decisions when a property owner proposes changes to the building either in the historic districts or under the demolition delay bylaw. The Town has surveyed hundreds of buildings already, through the support from the CPC. This request will allow the Historical Commission to work towards the completion of its inventory. The MHC has asked the Town to complete an inventory for one house in the Historic District that has not yet been inventoried. The Historical Commission has identified 5+ other houses that should be inventoried as well.
- K. **Affordable Housing -65 & 75 Tower Road Radon Remediation**- Town-owned properties at 65 Tower Rd., and 75+75A Tower Rd. were recently identified as requiring radon remediation.
- L. **FY24 Debt Service Payments**- Debt payment costs associated with the seventh year of permanent financing for previously voted CPA project pursuant to Article 11 of the March 25, 2017, Town Meeting for the purchase of land and development of an athletic field.
- M. **Administrative Expenses**- These funds will be used primarily to pay the annual membership dues in the Community Preservation Coalition, a statewide organization that represents the interests of CPA communities. Other administrative expenses include costs associated with public information, mailings, and public hearings. Any funds not spent prior to the end of FY24 will be returned to the CPA fund.
- N. **Housing Reserve**- The CPA requires that a minimum of 10% of annual revenues be spent or set aside for affordable housing.
- O. **Open Space/Land Acquisition Reserve**- The CPA requires that a minimum of 10% of annual revenues be spent or set aside for open space/land conservation.
- P. **Historic Preservation Reserve**- The CPA requires that a minimum of 10% of annual revenues be spent or set aside for historic preservation.
- Q. **Recreation Reserve**- The CPA permits, but does not require, the Town to spend or set aside funds for recreational purposes. No funds are reserved for recreational purposes at this time.

**MOTION under ARTICLE 13      Select Board**

**Moved:** That the Town vote to act on a recommendation from the Select Board and Finance Committee and present the annual Bright Light Award to Ruth Ann Hendrickson for 12 years of dedicated service to the Water Commission, and to appropriate and transfer from Free Cash the sum of \$500.00 to support this award.

**MOTION under ARTICLE 15      School Committee**

**Moved:** That the Town vote to amend the vote taken under Article 11 of the March 2022 Annual Town Meeting warrant which stated: *“That the Town vote to appropriate from Free Cash \$350,000 to remove the modular classrooms at the Lincoln School, located at Ballfield Road, and restore the ballfield surface, including demolition, breakdown, site preparation, design and engineering, including all other costs incidental thereto.”* by expanding the scope of the original vote to allow the funds appropriated thereunder to be used to complete the school building project authorized under Article 1 of the December 1, 2018 Special Town Meeting.

**MOTION under ARTICLE 21      Finance Committee**

**Moved:** That the Town vote to transfer from free cash or any other source of funds the sum of \_\_\_\_\_ to reduce the total amount to be raised by taxation pursuant to the votes previously taken under Article 7 of the Warrant, or any other article of the Warrant authorizing the appropriation of funds.

**MOTION under ARTICLE 22      Water Commission**

**Moved:** That the Town vote to appropriate the following amounts (items A – D) as stated in the table below for the following purposes, including, in each instance, all costs incidental and related thereto:

	<b>Category</b>	<b>Description</b>	<b>Amount</b>	<b>Funding Source</b>
A	Aging infrastructure	SCADA Upgrade to the Industrial Control System – hardware, software and programming	\$145,411	Bonding
B	Aging infrastructure	Phase 1 Engineering and Design Report and tests for the Bedford/Lincoln Rd. water main replacement	\$65,000	Bonding
C	Required by EPA and DEP	Lead Service Line Inventory	\$43,000	Water Retained Earnings
D	Routine vehicle replacement	Vehicle lease buyout for the Toyota Tacoma	\$25,000	Water Retained Earnings
		<b>Total Water Capital Projects</b>	<b>\$278,411</b>	

and that to meet this appropriation, i) \$68,000 is authorized to be transferred from Water Retained Earnings, and ii) the Treasurer, with the approval of the Select Board, is authorized to borrow \$210,411 under the provisions of G.L. c44 or any other enabling authority and to issue bonds or notes of the Town therefor; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Select Board determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as amended,

while any bonds or notes issued under the authority of this vote shall be a general obligation of the Town payable from any source of revenue, it is the intent of the Town, however, that the entire principal of and interest on such bonds or notes shall be paid, in the first instance, from water rates and/or surplus; that the Treasurer with the approval of the Select Board is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, as amended and in connection therewith to enter into a financing agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Select Board, Board of Water Commissioners or other appropriate local body or officials is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary or convenient to carry out the projects; and that any premium received upon the sale of any bonds or notes approved by this vote, and any prior vote authorizing debt, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**MOTION under ARTICLE 23      Water Commission**

**Moved:** To pass over this Article.

**MOTION under ARTICLE 24      Historic District Commission**

**Moved:** That the Town vote to in accordance with G.L. c.40C, s.3, to enlarge the Historic District by adding parcel # 134-10-0 - 58 Bedford Road, to the Historic District created under Section 1.1 of Article XXV (Historic District) of the Town of Lincoln General By-Laws, the location and boundary of which proposed addition are shown on plans on file with the Lincoln Town Clerk and the Massachusetts Historical Commission and to be recorded with the Middlesex South Registry of Deeds.

**MOTION under ARTICLE 25      Planning Board**

**Moved:** To pass over this Article.

**MOTION under ARTICLE 26      Planning Board**

**Moved:** That the Town amend the Zoning By-Law, Section 14.3 as follows, with proposed deletions to the bylaw language shown in strikethrough text and additions shown in ***bolded italic*** text.

14.3 Accessory Apartments in an R-1 District.

14.3.1 Definitions

- (a) Accessory Apartment: a distinct portion of a single-family dwelling, or a unit in an accessory structure on a single-family lot, having its own kitchen, sleeping, and bathroom facilities, and subordinate in size to the principal part of the dwelling or structure.
- (b) Affordable Accessory Apartment: An Accessory Apartment that is affordable to low and moderate income households, as defined by the Massachusetts Department of Housing and Community Development (“DHCD”), and that meets DHCD requirements for accessory apartments under the Local Initiative Program (“LIP”) and for inclusion in the Town’s Subsidized Housing Inventory.
- (c) Multiple Accessory Apartments: More than one accessory apartment per lot.

### 14.3.2 Requirements for an Accessory Apartment

***For the purpose of providing additional housing options to rent that will not substantially alter the appearance and character of the Town and/or the purpose of enabling owners of single-family dwellings to share space and the burdens of homeownership, accessory apartments will be permitted according to this section.***

***A building permit shall be granted for one accessory dwelling unit within a single-family dwelling provided that the unit meets the requirements of this section.***

The Board of Appeals may grant a Special Permit for an Accessory Apartment ***in a detached structure provided that the unit meets the requirements of this section.***

***In either case***, the existing number of accessory apartments (not including any Affordable Accessory Apartments as defined in Section 14.3.4 below) ***shall*** not exceed 5% of the number of residential units as stated in the most recent Federal Census. ~~and the unit meets the following requirements:~~

***In all cases, if the addition of an accessory apartment triggers the Calculated Gross Floor Area threshold for site plan review pursuant to Sections 4.6 or 6.0.2, then a recorded copy of such approval must be submitted to the Building Department as part of the building permit application.***

(a) **Floor Area**: the Accessory Apartment shall not exceed 1200 square feet, and (for a unit included in a single-family dwelling) shall not exceed 35% of the floor area of the principal dwelling unit and Accessory Apartment combined.

(b) **Lot Size**: the lot on which the Accessory Apartment and principal dwelling unit are located shall contain at least 40,000 square feet.

(c) **Occupancy**: either the Accessory Apartment or the principal residence is occupied by the owner of the lot on which the Accessory Apartment is to be located, except for bona fide temporary absences. If the lot on which the Accessory Apartment is to be located is owned by the Town of Lincoln, the owner-occupancy requirement of this paragraph shall not be applicable as long as the lot and the structures thereon continue to be owned by the Town of Lincoln.

(d) **Legal Ownership**: ***The accessory apartment unit shall not be legally separated or conveyed apart from the single-family dwelling.***

(e) **Plans**: ***Dimensional floor plans of the accessory apartment shall be filed with the building permit or special permit application. In addition, a site plan, at measurable scale, shall be submitted with the application to the Building Inspector or the Board of Appeals showing the location of the accessory apartment, the setbacks, the height, and the location of the parking space on the property.***

(f) **Setbacks and Height**:

***An accessory apartment within the primary structure shall meet the setbacks and height requirements of the Zoning Bylaw for a primary structure.***

***An accessory apartment within a detached structure shall meet the setbacks and height requirements of the Zoning Bylaw for accessory structures.***

(g) ~~(d)~~ **Sewage**: Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such Accessory Apartment in accordance with the requirements of the Board of Health, as certified by a written report from the Board of Health. ~~submitted to the Board of Appeals before or at~~

~~the public hearing.~~

~~(h)~~ ~~(e)~~ Access and Parking: adequate provision has been made for ingress and egress to the Accessory Apartment from the outside of the structure, ~~and for off street parking of motor vehicles in such a fashion as is consistent with the character of a single family residence.~~ **One parking space shall be provided for the accessory apartment on the lot.**

~~(i)~~ ~~(f)~~ Number of Units: There shall be no other apartment on the lot on which the apartment is to be located except as provided under Section 14.3.5, "Multiple Accessory Apartments".

~~(j)~~ ~~(g)~~ Appearance: The principal structure, after the creation of the Accessory Apartment, shall retain the appearance of a single-family structure. ~~In general, any new external entrances shall be located on the side or rear of the building.~~

~~Effect on Adjacent Properties and the Neighborhood~~: ~~the Board of Appeals shall find that the construction and/or occupancy of the Accessory Apartment will not be detrimental to the neighborhood in which the lot is located or injurious to persons or property.~~

~~(k)~~ ~~(i)~~ **Minimal Rental Period**: Where the accessory apartment or the principal dwelling is occupied as a rental unit, the minimum occupancy or rental term shall be seven days.

#### 14.3.3 Procedures for Accessory Apartments in Accessory Structures

~~(a)~~ ~~—————~~ The applicant shall consult with the Planning Board prior to the hearing and the Planning Board shall submit, in writing, prior to the hearing, its recommendation and report to the Board of Appeals. The report of the Planning Board shall include as a minimum:

~~(i)~~ ~~—————~~ a determination of the area of the lot on which the apartment is located;

~~(ii)~~ ~~—————~~ a general description of the neighborhood in which the lot lies and the effect of the proposed apartment on the neighborhood;

~~(iii)~~ ~~—————~~ the Planning Board's recommendations as to the advisability of granting the Special Permit and as to any restrictions which should be imposed as a condition of such permit.

~~(b)~~ ~~—————~~ The applicant shall obtain and submit to the Board of Appeals a written report of the Board of Health, certifying that the conditions of Section 14.3.2(e) have been met.

~~(a)~~ ~~(e)~~ The Board of Appeals shall hold a public hearing on the application, in accordance with the procedures specified in MGL Chapter 40A, **Section 9**.

~~(d)~~ The Board of Appeals shall give due consideration to the report of the Planning Board and, where its decision differs from the recommendation of the Planning Board, shall state the reasons therefor in writing.

***(b) The Board of Appeals shall approve the special permit if it finds that the construction and/or occupancy of the Accessory Apartment will not be substantially detrimental to the neighborhood in which the lot is located and without derogating from the intent and purpose of the Bylaw.***

**MOTION under ARTICLE 27 Planning Board**

**Moved:** To pass over this Article.

**MOTION under ARTICLE 28 Planning Board**

**Moved:** That the Town vote to amend the Zoning By-Law, Section 12.6.2 to revise the outdated parcel numbers and addresses, and by adding a new Section 12.6.5.2 regarding Eligible Facilities Requests as follows, with proposed deletions to the bylaw language shown in strikethrough text and additions shown in **bolded italic** text.

12.6 WCF - WIRELESS COMMUNICATIONS FACILITIES OVERLAY DISTRICT

12.6.1 PURPOSE. The purpose of this section is to establish areas in which Wireless Communications Facilities may be provided while protecting Lincoln’s unique community character. The WCF - Wireless Communications Facilities Overlay District (“WCF District”) has been created:

- (a) to provide for safe and appropriate siting of Wireless Communications Facilities consistent with the Telecommunications Act of 1996, and,
- (b) to minimize visual and other impacts of such facilities.

12.6.2 LOCATION. The WCF District shall consist of the following parcels:

Assessors’ Map Parcel No.	Location/Street Address	Approximate Acreage
<del>14-16</del> <b>111-12-0</b>	<del>17 Cambridge Turnpike</del> <b>Harvest Circle</b>	30.47
<del>19-4</del> <b>115-10-0</b>	Mill Street	37.15
<del>48-7</del> <b>132-25-0</b>	295 Cambridge Turnpike	83.75
<del>96-2</del> <b>161-11-0</b>	169 Lincoln Road	1.95
<del>103-6</del> <b>171-25-0</b>	30 Lewis Street	3.28
<del>44-2</del> <b>135-2-0</b>	51 Sandy Pond Road	20.46
<del>29-25</del> <b>127-13-0</b>	<b>0 Bedford Road/131 Camb Tpk</b>	1.46
<del>24-1</del> <b>111-9-0</b>	<b>37 Cambridge Turnpike /9 Mary’s Way</b>	10.21
<del>14-12.0 and 14.1201</del> <b>111-10-0, 111-11-0</b>	<del>23 Cambridge Turnpike</del> <b>Tpk/0, 1 Mary’s Way</b>	6
<del>53-14-0</del> <b>144-4-0</b>	<b>15 Bedford Road</b>	1.0

**12.6.5.2 ADMINISTRATIVE APPROVAL.** *An Eligible Facilities Request, as defined in 47 CFR 1.6100 and 47 U.S.C. s. 1455(a), shall not require a special permit and may be approved by an Administrative Approval from the Planning Board. An Eligible Facilities Request can be any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, all as further delineated in 47 CFR 1.6100. Eligible Facilities Requests shall be accompanied by documentation demonstrating eligibility under federal law and regulations, including such information, exhibits and calculations necessary to support the claim. The Planning Board may adopt regulations regarding application materials and review process. The decision on an application for Administrative Approval of an Eligible Facilities Request shall be made within 60 days of submittal of a complete application.*

**MOTION under ARTICLE 29      Select Board / Green Energy Committee**

**Moved:** That the Town vote to enact Article XI, Chapter 17.1 of the Town of Lincoln General Bylaws, entitled “Specialized Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments, or modifications thereto.

**Article XI, Section 17.1  
SPECIALIZED ENERGY CODE**

**17.1.1 Definitions**

**International Energy Conservation Code (IECC)** – The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR.

**Specialized Energy Code** – Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

**Stretch Energy Code** - Codified by the combination of 225 CMR 22 and 23, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.

**17.1.2 Purpose**

The purpose of 225 CMR 22 and 23 including Appendices RC and CC, also referred to as the Specialized Energy Code, is to provide a more energy efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code, applicable to the relevant sections of the building code for both new construction and existing buildings.

**17.1.3 Applicability**

This energy code applies to residential and commercial buildings.

**17.1.4 Specialized Energy Code**

The Specialized Code, as codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including any future editions, amendments, or modifications, is herein incorporated by reference into the Town of Lincoln General Bylaws, Article XI, Section 17.1

**17.1.5 Effective Date**

This bylaw shall take effect on January 1, 2024.

The Specialized Energy Code is enforceable by the Town of Lincoln Building Inspector.

**MOTION under ARTICLE 30      Select Board / Green Energy Committee**

**Moved:** That the Town vote to enact Article XI, Section 17.2 of the Town of Lincoln General Bylaws, entitled “Fossil Fuel-Free Demonstration” for the purpose of restricting and prohibiting new building construction and major renovation projects that are not fossil fuel-free, pursuant to the entirety of 225 CMR 24., with the Town of Lincoln as a Participating Community pursuant to 225 CMR 24.

**17.2 Participation in Department of Energy Resources Fossil Fuel-Free Demonstration**

**17.2.1 Definitions**

**Fossil Fuel-Free Demonstration** – Codified by the entirety of 225 CMR 24.00, the Fossil Fuel- Free Demonstration

**Specialized Energy Code** – Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

**17.2.2 Purpose**

The purpose of 225 CMR 24, also referred to as the Fossil Fuel-Free Demonstration is to restrict and prohibit new building construction and major renovation projects that are not fossil fuel-free.

**17.2.3 Applicability**

This restriction applies to residential and commercial buildings that qualify as new construction or major renovation, as defined in \_\_\_CMR \_\_\_. This restriction shall not apply to research laboratories for scientific or medical research, hospitals and medical offices regulated by the department of public health as a health care facility as defined in \_\_\_ CMR \_\_\_.

**17.2.4 Fossil Fuel-Free Demonstration**

The Fossil Fuel-Free Demonstration, as codified by the entirety of 225 CMR 24, is herein incorporated by reference into the Town of Lincoln General Bylaws, Article XI, Section 17 with an effective date of six months following the approval by the Department of Energy Resources of Lincoln as a Participating Community pursuant to 225 CMR 24.

**17.2.5 Amendments to the Specialized Energy Code**

With adoption of the Fossil Fuel-Free Demonstration, and upon approval by DOER, the following amendments to the Specialized Energy Code are adopted. These changes are enforceable by the Building Inspector and will go into effect for any project seeking a permit after the effective date.

- a. Low-rise Residential Code (225 CMR 22 Appendix RC)
  - 1. Sections RC102 and RC101 “Zero Energy Pathway” and “Mixed Fuel Pathway” shall not be permitted for use for new construction or major renovations.
  
- b. Commercial and All Other (225 CMR 23 Appendix CC)
  - i. Sections CC103 and CC105 “Zero Energy Pathway” and “Mixed-Fuel Pathway” shall not be permitted for new construction or major renovations, with the following exceptions:
    - 1. Research laboratories for scientific or medical research,
    - 2. Hospitals regulated by the department of public health as a health care facility,
    - 3. Medical offices regulated by the department of public health as a health care facility,
    - 4. Buildings heated with Clean Biomass Heating Systems as defined in 225 CMR 23 as the only combustion equipment,

5. Multi-family buildings over 12,000 square feet with permit application filed prior to January 1, 2027, may utilize gas or propane for domestic water heating as the only combustion equipment.

### **17.2.6 Effective Date**

This bylaw shall take effect six months after approval by the Massachusetts Department of Energy Resources.

### **MOTION under ARTICLE 31          Housing Commission**

**Moved:** That the Town vote to authorize the Select Board to petition the General Court to enact special legislation increasing the size of the Housing Commission to not more than seven members, with all members to be appointed by the Select Board for alternating three-year terms, and further defining the Commission's membership; provided, however, that the General Court may make changes of form only to such bill without approval of the Select Board, and to authorize the Select Board to approve such revisions as are consistent with the public purposes of the petition, as follows:

#### **AN ACT AMENDING THE MEMBERSHIP OF THE HOUSING COMMISSION IN THE TOWN OF LINCOLN**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 359 of the acts of 1979, authorizing establishment of a housing commission in the town of Lincoln, is hereby amended by striking section 2 in its entirety and inserting in place thereof the following section:

SECTION 2. There shall be a commission, to be known as the Lincoln housing commission, to carry out the purposes of this act. Membership on the commission shall be restricted to residents of Lincoln. With respect to the organization of the commission and the selection of its members, the following provisions shall apply:

(1) The Select Board shall appoint 7 members of the commission for staggered terms of 3 years; provided, however, that the town may, by bylaw, (a) decrease the membership to 5, whether through attrition or by terminating the terms of the 2 members with the shortest time left in their then-current appointment, or b) increase the membership back to 7. The Select Board shall also adjust the terms of any new appointees so that the terms of no more than 3 members expire in any given year.

(2) The Select Board shall endeavor to have two of the appointed positions include a) a resident selected to represent the Council on Aging and Human Services (COA & HS), and b) a resident currently living in low-income housing, or low or moderate income senior housing, or moderate income housing, as such terms are defined by section 2 of chapter 44B of the general laws.

SECTION 2. An incumbent member of the commission holding office as of the effective date of this act shall continue to serve for the remainder of their unexpired term or sooner resignation; thereafter, appointments to the commission shall be made pursuant to chapter 359 of the acts of 1979 as revised.

SECTION 3. Chapter 127 of the acts of 1990 is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

### **MOTION under ARTICLE 32          Select Board**

**Moved:** To pass over this Article.