

TOWN OF LINCOLN, MASSACHUSETTS

**ANNUAL TOWN MEETING**  
**Saturday, March 29, 2025**  
**MOTIONS**



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**Consent Calendar:** MOTIONS under article #s 5 – 20 are to be found on the green CONSENT CALENDAR. Due to their relatively non-controversial or routine subject matter, Consent Calendar items are voted together in one motion to expedite the business of Town Meeting. Voters are free to hold out any CONSENT CALENDAR item for questions or discussion.

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**MOTION under ARTICLE 2            Select Board**

**Moved:** That Andy Payne and Kim Rajdev be elected Fence Viewers, and that Anita Spieth, Ari Kurtz, and Ephraim Flint be elected Measures of Wood & Bark for the ensuing year.

**MOTION under ARTICLE 3            Select Board**

**Moved:** That the Town vote to use this article as an electronic voting (a.k.a. “clicker”) demonstration vote to help our voters assess the benefits of incorporating electronic voting into our Town Meeting vote counting procedures.

**MOTION under ARTICLE 4            Select Board**

**Moved:** That the Town vote to amend its General Bylaw, Article II (Town Meeting), Section 8, as follows, with text to be deleted shown in strikethrough and text to be inserted in underline:

## Section 8. Questions

When a question is put, the Moderator shall determine the sense of the meeting by whatever mechanism/s the Moderator believes, in the Moderator's discretion, is best suited for establishing a clear result of the vote, and the Moderator shall declare the vote as it appears to the Moderator. The Moderator shall notify Town Meeting as to the manner of voting on a particular question. The mechanisms available to the Moderator for the initial vote, and any subsequent votes that the Moderator deems necessary, shall include, without limitation, voice votes, electronic voting, show of hands, standing votes, and/or by prior arrangement, paper ballots. If seven or more voters immediately question the moderator's determination of the vote, the Moderator shall take another vote using such method as the Moderator may decide; and, provided further, that once the vote is questioned, the Moderator's new determination of the vote may not again be questioned other than by the Moderator at the Moderator's sole discretion. ~~sense of the meeting shall be determined by voice vote unless otherwise provided by law, and the Moderator shall declare the vote as it appears to the Moderator. If the Moderator is in doubt as to the result of such voice vote, or if the Moderator's decision is immediately questioned by seven or more voters rising in their places for that purpose, the Moderator shall call for another vote to be taken, as the Moderator may decide, by show of hands, by standing vote, by use of the check list, or by ballots. Whenever a two-thirds vote of a town meeting is required by statute the Moderator may declare the motion passed by voice vote without a count if it appears that the two-thirds vote has been obtained, provided that if seven or more voters question the Moderator's declaration, another vote shall be taken in the manner prescribed in this Section~~

### **MOTION under ARTICLE 21      Select Board**

**Moved:** That the Town vote, as it did on March 20, 1775, as follows:

That the sum of fifty-two pounds four shillings be granted to provide for those persons who have enlisted as minute men, each one a bayonet belt, cartridge box, steel rammer, gun stock, and knapsack; they to attend military exercise four hours a day twice in a week till the first day of May next.

*Note: Minute Men Budget Equivalency 1775 vs 2025:*

	<b>1775</b>	<b>2025</b>
<i>Budget Allocation for the Minute Men</i>	£52	\$16 million
<i>Total Town Budget</i>	£165	\$49 million
<i>% Allocated to Minuteman</i>	32%	32%

**MOTION under ARTICLE 22 Finance Committee**

**Moved:** That the Town vote to adopt as the FY 26 budget appropriation the recommendations listed in the report of the Finance Committee, printed on pages 49-54 inclusive of the Financial Section & Warrant for the 2025 Annual Town Meeting, with the following exceptions:

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-** \$13,500 to be transferred from the Wetlands Protection Fees-Receipts Reserved for Appropriation.
- Dept. 1290            **Town Offices- Personnel Services-** \$286,400 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. 61451            **Water Department**
  - Personnel Services-** \$792,402 to be transferred from the Water Enterprise Fund
  - Expenses-** \$915,300 to be transferred from Water Enterprise Fund
  - Debt Service-** \$148,400 to be transferred from Water Enterprise Fund and \$250,000 from Water Enterprise Retained Earnings.
- Dept. 614513            **Water Department- Emergency Reserve-** \$75,000 to be transferred from Water Enterprise Retained Earnings (Water Surplus).

**MOTION under ARTICLE 23 Capital Planning Committee**

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

<b>FY26 CAPITAL PROJECTS</b>				
	<b>ITEM</b>	<b>\$ AMOUNT</b>	<b>SPONSOR</b>	<b>FUNDING SOURCE</b>
A	To fund the purchase of a compact utility tractor and any related equipment, for use by the Conservation Department, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$57,154	Select Board	Raise and appropriate by taxation

B	To fund the purchase of a Bobcat work machine/tractor, 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.	\$88,000	Select Board	Raise and appropriate by taxation
C	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.	\$37,000	Select Board	Raise and appropriate by taxation
D	To fund the purchase of a paving hot box, 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.	\$30,000	Select Board	Raise and appropriate by taxation
E	To fund drainage improvement work along a section of Trapelo Road, and any related expenses, by the Department of Public Works.	\$180,000	Select Board	Raise and appropriate by taxation
F	To fund the purchase of a Brush Truck, and any related equipment, for use by the Fire Department, and to authorize the disposal of, by sale or otherwise, any related excess vehicles or equipment.	\$198,334	Select Board	Raise and appropriate by taxation
G	To fund the purchase of end user hardware upgrades, and any related equipment, by the Information Technology Department, and to authorize the disposal of, by sale or otherwise, any related excess vehicles or equipment.	\$45,000	Select Board	Raise and appropriate by taxation
H	To fund the purchase and installation of a separate law enforcement agency information systems network, and any related equipment, by the Information Technology Department, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$75,000	Select Board	Raise and appropriate by taxation
I	To fund the purchase and installation of network cabling and public address system replacement hardware in the Hartwell Building, and any related expenses, by the School Department, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$49,280	Lincoln School Committee	Raise and appropriate by taxation

J	To fund the purchase and installation of upgraded and expanded Mini-split systems in the Hartwell Building, and any related expenses, by the Lincoln School Committee, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$50,000	Lincoln School Committee	Raise and appropriate by taxation
K	To fund the purchase of two sewer ejection pumps, and any related expenses, by the Lincoln School Committee, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$40,000	Lincoln School Committee	Raise and appropriate by taxation
L	To fund the purchase of a heavy-duty pickup truck, for use by the Parks and Recreation Department and Department of Public Works, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$75,000	Select Board	Raise and appropriate by taxation
M	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.	\$70,812	Select Board	Raise and appropriate by taxation
N	To fund the purchase and equipping of one replacement unmarked 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.	\$47,888	Select Board	Raise and appropriate by taxation
O	To fund the purchase and installation of a replacement file cabinet system, and any related expenses, for the Finance Department, and to authorize the disposal of, by sale or otherwise, any related excess equipment.	\$9,240	Select Board	Raise and appropriate by taxation
	<b>Total Cash Capital Appropriations</b>	<b>\$1,052,708</b>		

## Article 23 Explanations

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This article proposes projects recommended by the Capital Planning Committee. The descriptions of the proposed projects/actions are contained below:

- A. **Compact Utility Tractor and Attachments for use by the Conservation Department** - The Conservation Department is requesting funds to replace its existing 4 Series John Deere Tractor with mower attachment. The current 4-Series tractor is over 18 years old and has exceeded the end of its service life. Replacing this tractor is essential for the ongoing maintenance of our 20 biodiversity fields throughout town. The tractor is also used throughout the year to handle various trail management projects.
- B. **Bobcat work machine / tractor, and any related equipment** - This new Machine will replace the Department's existing 2011 Bobcat Work Machine. The new Work Machine will serve as both a general construction vehicle as well as being a critical piece of equipment during winter maintenance operations. The Machine will be used on a continued and daily basis and will be used to support Department functions including general DPW related loading functions, roadside vegetative management, emergency and critical DPW response, roadway winter maintenance including clearing snow and ice from sidewalks and roadside paths and plowing parking lots.
- C. **Hook Truck Modular Dump Body** - Hook trucks are versatile and flexible vehicles that can switch quickly between multiple different bodies (containers, dump bodies, flatbeds, water tanks, etc.) and support multiple functions in the same day. They are highly efficient compared to traditionally specialized trucks, allowing for a reduced fleet size. The Department fleet has been converting to Hook Trucks over the past few years. This Dump Body will be used frequently to haul various types of DPW related material.
- D. **Paving Hot Box** - This new Paving Hot Box will serve as a replacement to the Department's existing diesel-powered Hot Box for work items such as pothole fillings and other pavement repairs. The new Hot Box will be more efficiently powered by propane. The Paving Hot Box will be used to transport hot mix asphalt from the asphalt plant to our work sites. The Hot Box will keep the asphalt mix pliable, thereby allowing the DPW crews to more effectively install and spread the mix. This process also allows for better compacted installation.
- E. **Trapelo Road Drainage Improvements** - This project will implement drainage improvements needed along a section of Trapelo Road. These improvements will improve the drainage characteristics, reduce sediment, erosion, and scouring of the roadside edge and limit overflow into adjacent properties.
- F. **Fire Department Brush Truck** - A brush fire truck is a durable pickup truck sized apparatus that can carry water, tools, hose and a pump into the woods to combat vegetation or brush fires. Despite Lincoln being protected with fire hydrants, several miles of trail exist that require accessing area in tough terrain. This truck will reuse an existing water tank and water pump.
- G. **End User Hardware Upgrades** - Approximately 40% of current employee desktops are unable to receive the necessary Windows upgrades, and approximately 35% of town printers no longer qualify for manufacturer support. This request would allow the Information Technology Department to purchase 35 PCs to refresh the townwide stock, and replace 6 printers, while also consolidating printers to reduce the number of units needing support.

- H. **Law Enforcement Network Separation** - The Department of Criminal Justice Information Services (CJIS) requires that law enforcement agency information systems be completely separated from other municipal information systems. This project will split the Police Department from the town network with only a few secure points of access. Police will also require more robust security auditing than the rest of the town network. Currently the Police Department shares network, servers, domain, and software access with the town.
- I. **Hartwell Network Cabling and Public Address System Replacement** - The Hartwell Building network cabling, network closet, and public address (PA) system has been cobbled together through different projects over many years. It is believed much of the data cabling in the building is at least 25 years old. The data cabling in the building that was partially renovated in 2021 is new and does not need to be replaced. The PA system includes some cabling and wiring that is believed to be 30 or more years old. Both the cabling and the PA system are beyond their reasonable life and have been identified as needing replacement for several years now but were deferred while the community decided on the Community Center project.
- J. **Installation of Upgraded and Expanded Mini-split Systems in the Hartwell Building** - This request will remove the current AC unit in the Hartwell conference room and replace it with a ductless mini split system which will provide heat and AC through a fully electric heat pump. It will also use the same exterior heat pump to power a unit in an adjacent conference room that is currently without AC. This project will contribute to the long-range goal of decarbonizing the Hartwell Main building.
- K. **Sewer Ejection Pumps** - The Ballfield Road campus has 7 sewer ejector pumps, 3 of which are at least 15 years old and are close to their end of life. Pump replacements are built to order outside the country and can take up to 6 months, so funds are being requested to have 2 pumps on hand in the event of failure.
- L. **Heavy Duty Pickup Truck** - This pickup truck will replace the current F350, a critical asset for both the Parks and Recreation Department and the DPW/Highway Department. For Parks and Recreation, it enables the transport of equipment, supplies, and materials needed to maintain parks and recreational facilities, and supports the execution of seasonal programs and events aligning with the department's mission to provide high-quality activities and spaces for the community. For the DPW/Highway Department, the truck's primary function is plowing, ensuring roads are kept clear and safe during winter storms, which is essential to maintaining the town's infrastructure and public safety. The current truck needs such extensive repairs that further maintenance is not recommended.
- M. **Replacement of Marked Hybrid Cruiser** - The Police Department is requesting funds to replace a 2020 marked police utility, hybrid vehicle with a 2025 marked police utility, hybrid vehicle. Police vehicles turn over routinely due to round-the clock use and idle time and become prohibitively expensive to maintain. This request is in accordance with the department's fleet maintenance plan.
- N. **Replacement of Unmarked Hybrid Cruiser** - The Police Department is requesting funds to replace a 2017 unmarked Ford Edge SUV cruiser with a 2024 Ford Hybrid SUV or equivalent, for use by the Lieutenant. During this replacement, the Lieutenant's existing 2019 Ford Edge (with over 80,000 miles plus idle hours) will transition to become the auxiliary use vehicle for routine business (travel to training, traffic details, etc.) The current 2017 auxiliary vehicle will either be traded-in or transitioned to another town department.

- O. **Replacement File Cabinet system** - The Finance Department is requesting funds to replace nine 4-drawer vertical file cabinets that store critical town records. The existing cabinets predate the current Town Hall building and are over 25 years old. Much of the hardware is failing, making it difficult to open, close and secure the file cabinets.

**MOTION under ARTICLE 24            Community Preservation Committee**

**Moved:** That the Town vote to accept the report of the Community Preservation Committee and that the following amounts (Items A - R) be appropriated or reserved from Fiscal Year 2026 Community Preservation Fund Revenues, or transferred from prior year’s revenues for Community Preservation purposes as specified:

<b>FY26 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 FY26 debt service payment for the 2011 Town Offices renovation bond.	\$283,860	\$283,860 from FY26 CPA Projected Revenues
B	To fund, for community housing purposes, year seven of the Rental Assistance Program for residents at risk.	\$97,356	\$97,356 from FY26 CPA Projected Revenues
C	To fund, for community housing purposes, regional housing support services.	\$ 42,000	\$42,000 from CPA Housing Reserve
D	To fund, for community housing purposes, the transfer of CPA funds to the Municipal Affordable Housing Trust Fund.	\$500,000	\$500,000 from general CPA Fund Balance
E	To fund, for historic preservation purposes, the conservation of Flint - Chapin Family historical records.	\$28,000	\$28,000 from FY26 CPA Projected Revenues
F	To fund, for affordable housing purposes, the purchase and installation of electric “green” appliances in certain public housing units.	\$9,550	\$9,550 from FY26 CPA Projected Revenues
G	To fund, for affordable housing purposes, consulting support to update the Town’s 2014 Housing Production Plan.	\$50,000	\$50,000 from FY26 CPA Projected Revenues
H	To fund, for historic preservation purposes, the exterior painting & limited carpentry of 6 public units.	\$40,000	\$40,000 from FY26 CPA Projected Revenues
I	To fund, for historic preservation purposes, exterior painting and carpentry repairs at the Pierce House.	\$115,000	\$115,000 from general CPA Fund Balance

J	To fund, for historic preservation purposes, a survey of significant buildings for Massachusetts Historical Commission.	\$5,500	\$5,500 from the historic reserve
K	To fund, for recreation purposes, the reconstruction of two clay tennis courts.	\$ 102,700	\$102,700 from FY26 CPA Projected Revenues
L	To fund, for historic preservation purposes, the restoration of the Dallin Statue in the Lincoln Cemetery.	\$ 25,000	\$25,000 from general CPA Fund Balance
M	To fund FY26 debt service payments due on permanent borrowing for previously voted CPA projects.	\$99,550	\$99,550 from FY26 CPA Projected Revenues
N	To fund CPC administrative expenses.	\$3,500	\$3,500 from FY26 CPA Projected Revenues
	<b>Project Appropriation Subtotal</b>	<b>\$1,402,016</b>	
	<b>Reserves:</b>		
O	Housing Reserve	\$0.00	From additional FY25 state revenue and FY26 CPA projected revenues
P	Open Space/Land Acquisition Reserve	\$51,196	From additional FY25 state revenue and FY26 CPA projected revenues
Q	Historic Preservation Reserve	\$0.00	From additional FY25 state revenue and FY26 CPA projected revenues
R	Recreation Reserve	\$0	From additional FY25 state revenue and FY26 CPA projected revenues
	<b>Reserves Subtotal</b>	<b>\$51,196</b>	
	Additional Appropriation:	<b>\$0</b>	
	<b>Grand Total of all CPA funded Appropriations</b>	<b>\$1,453,212</b>	

## Article 24 Explanations

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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 \$283,860. The Committee is again recommending that the project's annual debt service be funded via CPA funds. There are 15 years remaining on the bonds.
- B. **Housing Rental Assistance Program** - At the March 2019 Annual Town Meeting, voters approved the first year of funding for this program. Funds will continue to be used to support community housing by offering the opportunity for low-income residents who are homeless or who are at risk of homelessness to remain in our community through assistance in paying rent on affordable housing units or by providing emergency shelter until permanent affordable housing can be arranged.
- C. **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), to provide 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 complex and is beyond the capabilities and capacities of our local housing organizations and staff. The RHSO provides support to eight of our neighboring towns.
- D. **Municipal Affordable Housing Trust Fund** - The Town's Affordable Housing Trust was established in 2006, providing an available funding source for housing projects that come up unexpectedly. The Trust works in collaboration with the Town's Housing Commission, and other key Town boards and stakeholders to identify potentially worthwhile projects. The Trust's ready access to Town funds enables it to partner with developers and help shape projects so that they meet the Town's affordability goals. The current balance in the Trust is \$1,201,917. This transfer is the second of several, aiming to increase the balance in the Trust to \$2 million over the next two years.
- E. **Town Archives Flint - Chapin Family Historical Records** - The Chapin Family began their history in Lincoln with brothers, Henry and James Lorin Chapin. Henry Curk Chapin (b. 1815 – d. 1878) was born to James and Apama (Parsons) Chapin in Sturbridge, Massachusetts. He was the first of 10 children. His brother, James Lorin Chapin (b. 1824 – d. 1902) was the sixth of 10 children. James L. Chapin attended the Munson Academy and spent his winters teaching. At age 23, James L. Chapin married Emily (Emilie) F. Smith, daughter of Cyrus and Tryphena Smith, at the First Parish Church in Lincoln on 4 April 1848. James moved into his in-laws' home in North Lincoln and worked as a farmer. Both brothers were actively involved in Lincoln's civic life. Henry was elected Selectman in 1848 and was Town Clerk until he died in 1878. James served as Selectman for sixteen years, from 1852 to 1875, and succeeded Henry as Town Clerk until he died in 1902. This portion of the collection contains information on the Bond and Indentured Records (1823-1833), Overseer of the Poor (1816), Assessors Records (1768-1831), and Meeting Minutes (1756-1842). Preservation of this collection is important because it allows one to see Lincoln's government grow over 74 years. It gives one a glimpse into the significant issues of time and the financial reality of life during this historical moment.

- F. **Installation of Higher Efficiency Electric Appliances in Affordable Housing Units** - The Lincoln Housing Commission (LHC) facilitates affordable housing in Lincoln. This project will upgrade existing gas ranges and stoves, as well as older dishwashers to more current, energy-efficient, electric options. This will improve the quality of the homes for economically diverse tenants, reduce their overall utility charges, and support our community's stated commitment to deploying greener energy alternatives whenever prudent.
- G. **Housing Production Plan** - Maintaining and expanding housing diversity is central to the Town's mission statement and is consistent with decades of town-wide planning, and town meeting votes to amend zoning. The 2014 Housing Production Plan provided the data, analysis and strategies for keeping the Town in compliance with 40B and for achieving our housing diversity goals. It is especially important to periodically update the Plan as the 40B target (10% of all housing units) is adjusted every ten years at the time of the federal census (2030 next). By the time the Plan update is completed, we will have 5+/- years to take whatever action is required to maintain compliance. Five years is not an overly generous timeframe within which to find partners, funding, suitable property/ies, and develop community support. The Plan update will help focus these activities.
- H. **Exterior Painting and Limited Carpentry of Public Homes**- The Lincoln Housing Commission (LHC) facilitates affordable housing in Lincoln. This project will address necessary exterior carpentry and painting work on certain public homes, to maintain their quality and reduce the need for annual maintenance.
- I. **Pierce House Exterior Carpentry Repairs**- The Pierce House is an iconic element of Lincoln's town center, hosting many public and private events. The committee has invested considerable funds to repair the exterior of the home, and these funds would be used for any remaining carpentry work prior to a complete painting of the exterior.
- J. **Historical Commission Survey of Significant Buildings** - The Massachusetts Historical Commission (MHC), the state entity charged with historic preservation, encourages municipal historical commissions to retain architectural historians to research and prepare written and photographic documentation of buildings, structures, and neighborhoods that have historical, architectural, or cultural significance to the municipality. Consistent with the MHC's encouragement, and through the generous support of the CPC and the Town, the Lincoln Historical Commission (LHC) is engaged in preparing a comprehensive set of surveys documenting the Town's significant buildings and neighborhoods/areas. The surveys are publicly available as part of the Town's archives and the MHC's database. The surveys assist the LHC in making informed decisions regarding proposed restorations or demolitions of buildings and structures in Town and assist scholars in research the rich history of Lincoln's built environment. For FY 2026, the LHC proposes surveying approximately 16 buildings and neighborhoods/areas of Town as set forth in the attached appendix.
- K. **Reconstruction of Two Clay Tennis Courts** - The Parks & Recreation Department provides the town with well-maintained, safe recreational facilities, including the six clay tennis courts located on Ballfield Road on the Lincoln School campus. This request will reconstruct the surface of courts 3 & 4 and would assist in preserving the facility for its intended use. Overall, clay tennis courts are an asset to the town. The facility allows residents to participate in both structured tennis play & instruction as well as passive play, which promotes community, health, and wellness.

- L. **Restoration of the Dallin Statue in the Lincoln Cemetery** - The Dallin Statue, which dates to 1923, graces the entrance to the Lincoln Cemetery on Lexington Road. It is a beloved sculpture, titled "Man and Dog", and was given by Helen Osborn Storrow in memory of her late husband, James. Mrs. Storrow commissioned renowned sculptor Cyrus Dallin to create a sculpture of his choice, but she directed him to have it speak to all people, not just those who followed a particular religion. Cyrus Dallin created remarkable works, including the famous, "Appeal to the Great Spirit" that stands outside the Museum of Fine Arts in Boston. It is a treasured feature in the Lincoln Cemetery and a priceless gift to the Town. This restoration work will be done on site to eliminate the expense of transporting the statue to a restoration specialist.
- M. **FY26 Debt Service Payments** - Debt payment costs associated with the ninth 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.
- N. **Administrative Expenses** - These funds will be used primarily to pay the annual membership dues for 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 FY26 will be returned to the CPA fund.
- O. **Housing Reserve** - The CPA requires that a minimum of 10% of annual revenues be spent or set aside for affordable housing.
- P. **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.
- Q. **Historic Preservation Reserve** - The CPA requires that a minimum of 10% of annual revenues be spent or set aside for historic preservation.
- R. **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 25      Finance Committee**

**Moved:** That the Town appropriate and transfer from Free Cash the sum of \$4,070,000 to add funds to the Debt Stabilization Fund so-called, previously established pursuant to the March 26, 2022 Town Meeting, Article 19, in accordance with Massachusetts General Laws, Chapter 40, Section 5B, for the purpose of funding future capital expenditures and debt service payments; and to transfer to the Debt Stabilization fund the sum of money appropriated under appropriated under Article 22 that exceeds the final Lincoln assessment voted no later than July 31<sup>st</sup>, by the Lincoln Sudbury Regional High School Committee for the Fiscal Year 2026, in accordance with law.

**MOTION under ARTICLE 26      Select Board**

**Moved:** That the Town vote act on the recommendation from the Select Board and present the annual Bright Light Award to the School Building Committee for leading an innovative, consensus-driven public process that resulted in a fully renovated pre K-8 school that will serve Lincoln’s students for generations, and is centered on community values: educational excellence, energy efficiency and sustainability, community, and respect for Lincoln’s cultural and Modern architectural history; and to appropriate and transfer from Free Cash the sum of \$500 to support this award.

**MOTION under ARTICLE 27      Finance Committee**

**Moved:** That the Town vote to appropriate and transfer from Free Cash the sum of \$902,000 to reduce the FY26 amount of debt service raised by taxation.

**MOTION under ARTICLE 28      Finance Committee**

**Moved:** That the Town will 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 22 of this Warrant, or any other article of this Warrant authorizing the appropriation of funds from taxation.

**MOTION under ARTICLE 29      Water Commissioners**

**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:

Item	Category	Description	Amount	Funding Source
A	SCADA Upgrade	The final piece of our SCADA Upgrade is to replace the PLC (computer) controlling the filter units.	\$38,000	Bonding
B	Smart Water Meter Upgrade	Initial phase to include data collection tower of smart water meter upgrade – will be a multi-year project to improve water use efficiency.	\$250,000	Bonding
C	Bedford / Lincoln Road Water Main Replacement	Final installment for Bedford / Lincoln Road Water Main replacement	\$6,200,000	Bonding
D	Vacuum Trailer	To efficiently perform 2-point investigations of service line materials to comply with MA DEP Lead Service Line Inventory requirements.	\$100,000	Bonding
		Total Water Capital Projects	\$6,588,000	

and that to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow \$6,588,000 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 water 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 Town body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary or convenient to carry out the projects.

**MOTION under ARTICLE 30        Select Board**

**Moved:** That the Town vote to hear a report from the Town Meeting Study Committee (TMSC) and act on any initial recommendations.

**MOTION under ARTICLE 31        Planning Board**

**Moved:** That the Town vote to amend its Zoning Bylaw, by inserting a new Section 14.4, entitled “Accessory Dwelling Units in a Single Family Residential Zoning District”, to comply with the provisions of Sections 7 and 8 of Chapter 150 of the Acts of 2024, the Affordable Homes Act (“Act”), amending G.L. c.40A, §§1A and 3, and implementing regulations promulgated by the Executive Office of Housing and Livable Communities, Section 760 CMR 71.00, which allow Accessory Dwelling Units as defined in the Act as “not larger in Gross Floor Area than ½ of the gross Floor area of the Principal Dwelling or 900 square feet, whichever is smaller”, by right with text to be deleted shown in strikethrough and text to be inserted in underline as follows:

*14.4        Accessory Dwelling Units in a Single Family Residential Zoning District*

*14.4.1     Definitions: For purposes of this section 14.4, the following definitions shall apply.*

*(a)        Accessory Dwelling Unit (ADU). A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and (iii) is subject to additional restrictions as may be imposed by this bylaw.*

*(b)        Gross Floor Area. The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units, but excluding crawl spaces, garage parking areas, attics, enclosed porches, and similar spaces. Where there are multiple Principal Dwellings on the Lot, the Gross Floor Area of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.*

*(c)        Principal Dwelling. A structure, regardless of whether it, or the Lot it is situated on, conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.*

(d) Protected Use ADU. An attached or detached Accessory Dwelling Unit that is located, or is proposed to be located, on a Lot and which is protected from Prohibited Regulations and or Unreasonable Regulations pursuant to M.G.L. c. 40A, s. 3, para.11 and 760 CMR 71.00.

(e) Single Family Residential Zoning District. Any Zoning District where Single-Family Residential Dwellings are a permitted or an allowable use, including any Zoning district where Single-Family Residential Dwellings are allowed as of right or by special permit.

(f) Transit Station: A subway station, commuter rail station, ferry terminal, or bus station as defined in EOHLC regulations 760 CMR 71.00.

#### 14.4.2 Requirements for Accessory Dwelling Units (ADUS).

A building permit shall be granted for one Protected Use ADU on a Lot within a Single-Family Residential District whether attached or detached provided that the Protected Use ADU meets the requirements of this section.

In all cases, if the addition of a Protected Use ADU 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 Site Plan Approval must be submitted to the Building Department as part of the building permit application.

Notwithstanding the threshold required for Site Plan Review pursuant to Sections 4.6 or 6.02, all proposed Protected Use ADUs that are detached from the Principal Dwelling shall be subject to Site Plan review pursuant to Section 17.7 and a recorded copy of such Site Plan Approval must be submitted to the Building Department as part of the building permit application.

Where the Lot or Principal Dwelling is nonconforming, prior to the issuance of a building permit, Section 4 of this Bylaw shall apply and a finding by the Zoning Board of Appeals, acting on a majority vote, that the accessory dwelling unit will not be substantially more detrimental than the existing nonconformity to the neighborhood shall be required but shall not be subject to a special permit.

(a) Gross Floor Area: the Protected Use ADU shall not exceed ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller.

(b) Legal Ownership: The Protected Use ADU shall not be legally separated or conveyed apart from the Principal Dwelling.

(c) Plans: Dimensional floor plans of the Protected Use ADU shall be filed with the building permit application. In addition, a site plan at measurable scale shall be submitted with the application to the Building Inspector showing the location of the Protected Use ADU, the setbacks, the height, and the location of parking if required.

(d) Setback and Height: A Protected Use ADU within the Principal Dwelling unit shall meet the setbacks and height requirements of the Zoning Bylaw for primary structures.

A Protected Use ADU within a detached structure shall meet the setbacks and height requirements of the Zoning Bylaw for accessory structures.

(e) Sewage: Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such Protected Use ADU in accordance with the requirements of the Board of Health, as certified by a written report from the Board of Health.

(f) Access and Parking: Adequate provision shall be made for ingress and egress to the Protected Use ADU from the outside of the structure or by a separate entrance through an entry hall or corridor shared with the Principal Dwelling as required by the Building Code. One parking space shall be provided for the Protected Use ADU on the lot except where the Lot is located within a .5-mile radius of a Transit Station.

(g) Number of Units: There shall be no other ADU or Accessory Apartment on a Lot on which the Protected Use ADU is to be located except by Special Permit from the Board of Appeals pursuant to Section 14.3.3 above.

(h) Appearance: The Principal Dwelling, after the creation of an attached Protected Use ADU shall retain the appearance of a single-family structure.

(i) Minimal Rental Period: Where the ADU or the Principal Dwelling is occupied as a rental unit, the minimum occupancy or rental term shall be seven days.

and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Town of Lincoln Zoning Bylaw.

#### **MOTION under ARTICLE 32 Planning Board**

**Moved:** That the Town vote to amend its Zoning Bylaw, Section 14, Special Housing Provisions, with text to be deleted shown in strikethrough and text to be inserted in underline as follows:

#### 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. **An Accessory Apartment shall be larger in Gross Floor Area than an Accessory Dwelling Unit as defined in 760 CMR 71.02 and Zoning Bylaw Section 14.4.1(a) with a maximum Gross Floor Area of the Accessory Apartment being 1,200 square feet.**

(b) Affordable Accessory Apartment: An Accessory Apartment **as defined in 14.3.1 (a) above** that is affordable to low and moderate income households, as defined by the Massachusetts Department of Housing and Community Development (“DHCD”) **Executive Office of Housing and Livable Communities (EOHLC)**, and that meets ~~DHCD~~**EOHLC** 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, ~~A~~accessory ~~A~~apartments will be permitted according to this section.

A building permit shall be granted for one ~~A~~accessory ~~Apartment~~ 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.~~

In all cases, if the addition of an ~~A~~accessory ~~A~~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 ~~A~~accessory ~~A~~apartment unit shall not be legally separated or conveyed apart from the single-family dwelling.

(e) Plans: Dimensional floor plans of the ~~A~~accessory ~~A~~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 ~~A~~accessory ~~A~~apartment, the setbacks, the height, and the location of the parking space on the property.

(f) Setback and Height: An Accessory Apartment within the primary structure shall meet the setbacks and height requirements of the Zoning Bylaw for primary structure.

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

(g) 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.

(h) Access and Parking: adequate provision has been made for ingress and egress to the Accessory Apartment from the outside of the structure. One parking space shall be provided for the Accessory Apartment on the lot.

(i) 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) Appearance: The principal structure, after the creation of the Accessory Apartment, shall retain the appearance of a single-family structure.

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

(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.

#### 14.3.4 Affordable Accessory Apartments

The intent of this section of the bylaw is to increase the availability of moderately priced housing that qualifies for inclusion on the Town's Subsidized Housing Inventory, thus developing a variety of housing to meet the needs of low and moderate income families, town employees, the young and the elderly.

The Affordable Accessory Apartment Program is a public/private partnership to maintain local control over housing development and to increase the town's supply of low and moderate income housing.

The Board of Appeals may approve a Special Permit for an Affordable Accessory Apartment, according to the same procedures as in Section 14.3.3, above. An Affordable Accessory Apartment shall meet the requirements set forth in Section 14.3.2 above, with the following conditions:

- (a) The Affordable Accessory Apartment shall be approved by LIP and comply with LIP requirements, including but not limited to those contained within the Comprehensive Permit Guidelines: M.G.L. Chapter 40B Comprehensive Permit Projects - Subsidized Housing Inventory, in effect on the date of application for a Special Permit and as may be amended from time to time thereafter;
- (b) Before the Affordable Accessory Apartment may be occupied, the owner(s) of the property shall execute a Regulatory Agreement and Declaration of Restrictive Covenants for Affordable Accessory Apartment Rental (“Regulatory Agreement”), enforceable by ~~DHCD~~ EOHLC and the Town, or other form of affordable housing restriction as may then be in effect under the Local Initiative Program. The Regulatory Agreement shall be recorded with the Middlesex South Registry of Deeds;
- (c) The Regulatory Agreement shall have a minimum term of 15 years;
- (i) The Agreement shall terminate upon sale of the property, which, for purposes of this subsection, shall not include:
  - (1) A mortgage deed to secure repayment of a loan: or
  - (2) An inter-spousal transfer for nominal consideration where the transferor retains at least a fifty- percent ownership interest in the property; or
  - (3) A transfer to a trust for minimal consideration where the owner holds at least a fifty-percent beneficial interest in the property.
- (ii) An owner may voluntarily terminate the Regulatory Agreement prior to its expiration with 60 days’ notice, in accordance with the restrictions in such agreement. The owner shall notify the Town and ~~DHCD~~ EOHLC, and record a notice of cancellation of the Special Permit at the Registry of Deeds. The termination of the Regulatory Agreement shall not take effect until the expiration of the current lease between the owner and the tenant occupying the Affordable Accessory Apartment.
- (d) Upon termination of the Agreement, additional restrictions shall apply regarding repayment to the Town of any funds received from the Town pursuant to a grant or loan agreement.
- (e) An Affordable Accessory Apartment may not be rented to an owner’s family member (currently defined in ~~DHCD~~ EOHLC regulations and guidelines as a parent, grandparent, son, daughter, uncle, aunt, niece, nephew, or sibling);
- (f) The Affordable Accessory Apartment shall be subject to ~~DHCD~~ EOHLC regulatory requirements, including requirements relative to pricing, tenant

income eligibility, affirmative fair housing marketing and tenant selection plan, and maintenance. In particular, the Affordable Accessory Apartment shall be rented to income-qualified tenants selected through an open process established in accordance with the affirmative fair housing marketing plan, and the monthly rent shall not exceed the maximum affordable rent for a household of the appropriate size, as prescribed in the LIP affordable accessory apartment program guidelines and other applicable state regulations and requirements.

(g) The Lincoln Housing Commission, or other entity designated by the Select Board, shall act as the Local Project Administrator if approved by ~~DHCD~~ EOHLC in accordance with ~~DHCD~~ EOHLC guidelines and requirements.

#### 14.3.5 Multiple Accessory Apartments

The Board of Appeals may issue a Special Permit under this section for more than one Accessory Apartment per lot (in which case Section 14.3.2(g) shall not apply) provided that, as a condition of the Special Permit:

- (a) for each Accessory Apartment in excess of one, the owner shall designate a tract of land as "Open Space" contiguous to the lot on which the Accessory Apartments are to be constructed;
- (b) the Open Space shall contain a minimum of 80,000 square feet for each Accessory Apartment in excess of one;
- (c) prior to the commencement of any construction with respect to the Accessory Apartment, the Open Space shall be:
  - (i) designated as a separate lot and conveyed to the Town of Lincoln or the Lincoln Land Conservation Trust; or
  - (ii) placed under a conservation easement running to and enforceable by the Town or the Lincoln Land Conservation Trust.
- (d) the Open Space shall be restricted to any one or more of the uses allowed in the C-Open Space District except that, subject to the approval of the Board of Health, the Board of Appeals may permit the Open Space to be used for subsurface waste disposal where it finds that such use would not be detrimental to the character or quality of the Open Space.
- (e) the owner shall demonstrate to the satisfaction of the Board of Appeals that the Open Space meets all the applicable requirements to permit a dwelling to be constructed if the tract were subject to the restrictions of the R-1 Single Family Residence District for each apartment in excess of one.

**14.3.6 Termination of Accessory Apartment Special Permits upon Sale of the Property**

- (a) The rights granted under the Special Permit for either an Accessory Apartment (including Multiple Accessory Apartments) or, an Affordable Accessory Apartment shall terminate upon sale of the property, which, for purposes of this subsection, shall not include:
  - (i) A mortgage deed to secure the repayment of a loan; or
  - (ii) An inter-spousal transfer for nominal consideration where the transferor retains at least a fifty-percent ownership interest in the property; or
  - (iii) A transfer to a trust for nominal consideration where the owner holds at least a fifty-percent beneficial interest in the property.
  - (iv) A transfer to a new owner where the new owner applies to and obtains from the Board of Appeals approval of the transfer of the Special Permit.
- (b) A sale or transfer of title shall not dispossess the then-tenants of the Accessory Apartment or Affordable Accessory Apartment for the duration of their current tenancy. Any transfer or extension of a Special Permit for an Accessory Apartment or Affordable Accessory Apartment shall not be denied solely for the reason that the unit or property fails to comply with amendments made to Section 14.3 after the granting of the original Special Permit.
- (c) In granting Special Permits under this Section 14.3, the Board of Appeals may impose restrictions as to manner and duration of use, in accordance with (and without limiting) Section 20.2(e).

**14.4 New Section 14.4 see ARTICLE 31 above**

**14.5 Development Bonus**

14.5.1 An owner or owners of land in an R-1, R-2 or R-3 District may, in connection with the submission of an application for a special permit to the Board of Appeals or of a plan to the Planning Board, pursuant to the requirements for particular uses within such districts, apply to the Board of Appeals for a special permit to increase the number of dwelling units which would otherwise be permitted under this By-law up to a maximum of the lesser of 20% of the units otherwise permitted on the tract under this By-law or ten (10) units, provided that the applicant demonstrates to the satisfaction of the Board of Appeals that at least 50% of such additional dwelling units to be constructed in the development will be made available on a continuing basis to persons of low or moderate income.

14.5.2 No development shall take place pursuant to a special permit granted by the Board of Appeals under this Section 14.45 until and unless a site plan is submitted to and approved by the Planning Board under Section 17 below.

14.5.3 In the event that a special permit for a development bonus is granted under this Section 14.45, the lot area, frontage, width of lot at building and yards of the development shall be as shown by a site plan submitted to and approved by the Planning Board under Section 17 below, which site plan shall conform

generally to the pattern of development permitted in the district in which the land lies with such deviations as are reasonable, in the judgment of the Planning Board, to permit the increased density.

#### 14.6 Inclusionary Housing

14.6.1 Purpose and Intent – The purpose of this Bylaw is to increase the supply of housing in the Town of Lincoln that is available to and affordable by low or moderate income households who might otherwise have difficulty in finding homes in Lincoln, and to ensure that such housing is affordable in perpetuity and provided in accordance with the Town of Lincoln Consolidated Housing Plan, M.G.L. Chapter 40B Sec. 20-23 as amended and other ongoing programs within the Town. It is intended that the affordable housing units that result from Special Permits issued under this Bylaw subsequently be approved as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the ~~Department of Housing and Community Development (DHCD)~~ EOHLC or its successor and that such units count toward the Town’s Subsidized Housing Inventory (SHI) in perpetuity. It is intended that this bylaw provide a mechanism to compensate for those decreases in the Town’s percentage of affordable housing that are directly caused by increases in the Town’s overall housing stock.

And further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Town of Lincoln Zoning Bylaw.

#### **MOTION under ARTICLE 33 Planning Board**

**Moved:** That the Town vote to amend its Zoning Bylaw and Map, Section 12.3, entitled “Flood Plain District” as follows: By deleting the existing section 12.3 in its entirety and replacing it with new text and references to updated Maps to comply with the Federal Emergency Management Agency’s standards for the National Flood Insurance Program, updated in 2020 with new text to be inserted in underline as follows:

##### Section 12.3 FP-FLOOD Plain District

The purpose of the Floodplain Overlay District is to:

- Ensure public safety through reducing the threats to life and personal injury
- Eliminate new hazards to emergency response officials
- Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- Eliminate costs associated with the response and cleanup of flooding conditions
- Reduce damage to public and private property resulting from flooding waters

The following definitions apply solely to this section 12.3.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, or AE.. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

### **Definitions of Flood Zones**

*The community shall use the pertinent definitions for flood zones delineated within the community. All of these terms are defined in the US Code of Federal Regulations, Title 44, Part 64.3.*

ZONE A means an area of special flood hazard without water surface elevations determined

ZONE AE means area of special flood hazard with water surface elevations determined

ZONE X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard.

### **12.3.1 Flood Plain District/Maps**

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 or AE, on the Middlesex Flood Insurance Rate Map (FIRM) dated July 8, 2025 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Middlesex Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, and Conservation Commission.

#### 12.3.2 Floodplain Administrator

The Town of Lincoln hereby designates the position of Building Inspector to be the official floodplain administrator for the Town.

#### 12.3.3 Permitting Requirements:

An applicant seeking proposed Construction or other Development in the Floodplain District, including new Construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other Development that might increase flooding or adversely impact flood risks to other properties, must first obtain a Floodplain Permit from the Building Inspector in accordance with this Bylaw and applicable provisions of the State Building Code.

The Town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed Development in the Floodplain District. The proponent must demonstrate that all necessary permits have been acquired.

#### 12.3.4 Floodway Encroachment

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.

In Zone AE, along watercourses that have a regulatory floodway designated on the Middlesex County FIRM Map encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

#### 12.3.5 Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

### 12.3.6 Subdivisions and Development.

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

(a) Such proposals minimize flood damage.

(b) Public utilities and facilities are located & constructed so as to minimize flood damage.

(c) Adequate drainage is provided.

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

### 12.3.7 Recreational Vehicles

In AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

### 12.3.8 Watercourse alterations or relocations in riverine areas

In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator

Massachusetts Department of Conservation and Recreation

- NFIP Program Specialist

Federal Emergency Management Agency, Region I

### 12.3.9 Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- NFIP State Coordinator
- Massachusetts Department of Conservation and Recreation NFIP Program Specialist
- Federal Emergency Management Agency, Region I

### 12.3.10 Variances to Building Code Floodplain Standards

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of

insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

#### 12.3.11 Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

#### 12.3.12 Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

#### 12.3.13 Disclaimer of liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

#### 12.3.14 Severability

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of this section shall be effective.

#### 12.3.15 Enforcement

The provisions of this section shall be enforced by the Building Inspector in accordance with Section 19 of the Zoning By-Laws and G.L. c. 40A, § 7. Each day or portion thereof that such violation continues shall constitute a separate offense.

### **MOTION under ARTICLE 34      Select Board**

**Moved:** That the Town vote to accept Clause Twenty-second I of Massachusetts General Law, Chapter 59, Section 5, Clause Twenty-second I, added by Section 23 of chapter 178 of the Acts of 2024, An Act Honoring, Empowering and Recognizing Our Service Members and Veterans, known as the Hero Act, for the purpose of expanding property tax exemptions available to qualifying military veterans under existing state law.