

**BOARD OF SELECTMEN MEETING MINUTES**  
**Donaldson Room**  
**Monday March 19, 2018**  
**6:30 P.M.**

**PRESENT:** James Craig (Chair), Jennifer Glass, Jonathan Dwyer

**STAFF:** Timothy Higgins, Town Administrator, Peggy Elder, Administrative Assistant

**WELCOME & INTRODUCTIONS:**

- Mr. Craig opened the meeting and reviewed the agenda.

**ANNOUNCEMENTS:**

- Mr. Dwyer extended the Board's thanks to the DPW, Public Safety, as well as Town Offices staff who put in extra hours to get work done in spite of loss of power during recent storm.

**APPOINTMENTS:**

- Civico Development – Andrew Consigli (Civico), David Olivari (Civico), and John Pugh joined the meeting. Mr. Craig gave a brief overview of the Oriole's Landing project and commented that they would be touching on topics such as traffic, school enrollment impact, and financials relating to the project. Mr. Craig welcomed the Town's consultant, Lynne Sweet to the meeting. Mr. Craig also welcomed Alan Vander Muelen of the Housing Commission, Pamela Gallup, the Town's Affordable Housing consultant, as well as Jennifer Burney and Paula Vaughn of the Planning Department to the meeting.

Mr. Craig stated that at last year's Annual Town Meeting, the Housing Commission helped to focus the Town's attention on the challenge we would have as a community in developing enough affordable housing by 2020 to stay above the 10% 40B threshold. As a result the Board of Selectmen and Housing Commission formed the Housing Options Working Group to explore options for creating housing, and to serve as the facilitator of conversations between owners, developers and the Town. Shortly after HOW Group was formed, it became aware that Civico had purchased an option on 1 Mary's Way with the intention of proposing a zoning change to enable the development of a 72 unit mixed income housing development. Previously, several developers had expressed interest in doing developments of this property ranging from 150-250 units. Those concepts never evolved due to early concerns expressed by the Town as to the density and scale of the proposals. When Civico initially approached the Town, its concept was quite different from the proposal current before the Town. Civico's initial concept was for 72 units, including 12 condominiums; proposed 15% affordability; at a four-story scale; and, included no plan for traffic mitigation. As a result of a series of meetings and discussions with Town boards and with the public at large, the current proposal has been reduced to 60 units, with no condominiums; proposes 25% affordability so that all 60 units will count on the Town's affordable inventory; has been reduced in scale to three stories; and now includes a traffic

management plan.

Andrew Consigli then gave Civico's presentation reviewing the credentials and experience of himself and his team, their past experience with similar projects in other communities, and an overview of the Oriole Landing design plans.. Mr. Consigli underscored the point that the Town's consultant has reviewed Civico's financial impact analysis and has confirmed that the project should be financially net positive for the Town of approximately \$113,000. He also pointed out that Civico will be spending approximately \$100,000 to relocate and to restore the historic home located on the property. He also noted that Civico was agreeable to installing a no right turn restriction in keeping with an option that was raised by the Town's traffic engineer.

Mr. Craig thanked Mr. Consigli for his presentation and moved to a discussion of potential school impacts. Mr. Craig stated that Civico's impact study concluded that the Oriole Landing project would increase enrollment in the schools by a range of 9 – 16 and that the Town's consultant hired to do an independent financial impact analysis projects an increase of 7 students. Mr. Craig called on Mr. Higgins to summarize the thoughts of the Lincoln School Superintendent. Mr. Higgins stated that the Superintendent has understandably refrained from trying to come up with her own enrollment projection for this development. Instead, the Superintendent has underscored the fact that enrollments have been declining and that the enrollment range that is being talked about would not create unreasonable financial pressure on the District. The Superintendent reminded us that normal turnover of several single family homes could result in a similar enrollment impact. The Superintendent explained that it is likely that the school age students from Oriole Landing will likely be spread out over a number of grades. If the spread is fairly even, the students can be absorbed without significant added expense. Conversely, if several students are in the same grade, and that grade happens to already be near the District's max class size policy, it could result in the need to add a class and teacher. In the end, the School Superintendent believes the District can absorb the additional students without creating financial stress for the District.

Lynne Sweet principal of LDS Consulting Group joined the meeting. Ms. Sweet reviewed Civico's financials and the fiscal analysis that her firm did based on local data. The firm focused on the following questions:

- What is the fiscal impact from the project?
- Is the Town's \$1,000,000 necessary?

Ms. Sweet summarized her findings:

- The project will generate more revenue for the Town than it will cost the Town to provide services, resulting in a projected net positive of approximately \$113,000 annually.
- The project will be expensive to build due in large measure to the restrictions and requirements imposed by the Town.
- The projected returns for the developer is modest but within reason given current market conditions, and

- Yes, the Town's investment of \$1 million is necessary in order to ensure the financial viability of the project as currently planned.

Mr. Craig pointed out that Ms. Burney and Ms. Vaughn have put together a webpage for the Oriole Landing project that includes a comprehensive list of related materials, including an FAQ document, traffic studies and the financial impact reports. t.

- With regard to traffic, Mr. Craig asked Mr. Higgins to summarize. Mr. Higgins summarized the various traffic calming measures that had been raised and discussed, including converting Mary's Way to a one-way, creating a dead end with a cul-de-sac, installing a no right turn out of Oriole Landing, creating an all way stop at the intersection of Old Cambridge Tpk./Deerhaven, and various roadway and roadside improvements, including improved trail connections and/or a new roadside path, Mr. Higgins stated that the neighborhood indicated fairly strong opposition to any option that would restrict the free flow of traffic, undermining the quality of life improvements that resulted from the Route 2 project. Instead, there appears to be support for the imposition of a no right turn restriction during morning commuting hours to limit traffic impacts in the surrounding neighborhood. In addition, the Selectmen could focus the Town's roadway funds and complete streets funds to help improve safety concerns that have been raised. For example, if the abutters were in agreement about providing easements, the town could partner to explore the feasibility of installing a roadside path.
- Mr. Craig then asked if any of the residents in attendance had questions. The first question was focused on the consultant's methodology for her financial impact study. Ms. Sweet explained the details of her assumptions that resulted in the projected net positive to the Town of \$113,000 annually. A second question/comment expressed skepticism about the projected school impact of only 7 students. Ms. Sweet explained the comps she used from other communities where similar multi-family developments had taken place.

After additional discussion, Ms. Glass made a motion that the Board vote to support the Zoning By-Law change under Article 30 to enable the Oriole Landing project to proceed. Mr. Dwyer seconded the motion, and with Mr. Craig also voting in support, the motion was approved unanimously.

- Welcoming, Safe Town Committee – Mr. Peter Pease representing the Committee and Lincoln Police Chief Kevin Kennedy joined the meeting to discuss the Welcoming, Safe Town Committee's resolution being presented at the Annual Town Meeting. Mr. Pease reported that the Committee had been working on this for over a year and members of the group have experience in being different. Mr. Pease commented that he enjoys discussing public policy and was impressed with the policies that Chief Kennedy has implemented here in Lincoln. He added that Police Chiefs across the Commonwealth have endorsed the "Massachusetts Safe Communities Act" which is in the Legislature right now. The point of this act is to ensure that people do not fear calling the police if they need help. Mr. Pease went on to say that the Committee went to great lengths to make sure that this resolution does not violate any federal laws.

Mr. Higgins was asked to explain the difference between the proposed resolution and a bylaw. He began by stating that Lincoln has had a proud history of taking a stance at Town Meeting on public policy issues even if they are not ones that have a direct effect on the Town. Often times they are statewide or even national issues. Ordinarily, the Town expresses its views on these matters in the form of a non-binding resolution similar to the resolution now before the Town. The Welcoming, Safe Community resolution being considered calls on the Selectmen to urge the Town's legislators to support a particular piece of legislation, Senate Bill #1305, the so-called Safe Communities Act. A by-law on the other hand would be legally binding and, if passed, would create some form of required or prohibited actions/practices, that the Town's officials would be obligated to carry out.. A bylaw requires approval by the Attorney General.

Mr. Craig asked Chief Kennedy if the proposed resolution would require the Police Department to change any of its current practices regarding probable cause, arrest procedures and communications with federal authorities. The Chief confirmed that the Department's practices and policies are consistent with the spirit of the resolution and with the principals of the Safe Communities Act and that passage of the resolution would not cause a change in policy or practice.. He added that the Massachusetts Supreme Judicial Court's decision in the Lund case has been helpful to Chiefs across the Commonwealth as it set a clear legal standard that local law enforcement may not detain or arrest any individual solely on the basis of their immigration status. The Board and several audience members then engaged in a back and forth with the Chief to try to understand how in real world situations, the Lund decision and the proposed Welcoming, Safe Town resolution affect the way the Police Department and the federal immigration officials will interact. The Chief stated that the bottom line is that State Law sets the standard that local law enforcement must adhere to. In Massachusetts, we are not permitted to detain any individual on an ICE detainer unless that individual has committed a crime or has a warrant outstanding for their arrest. There was a spirited discussion between residents in the audience who were opposed to sanctuary-type actions by local governments, arguing that such policies make communities less safe, and the sponsors of the resolution who felt that current federal policy is racially biased and leads to an under-reporting of crime. Mr. Craig then asked what circumstance would lead the Lincoln Police to run an individual through the system. Chief Kennedy explained that they do not have the authority to do that now, nor have they ever had the authority to do that. Chief Kennedy added that they only time an individual would be run through the system if they violated a Massachusetts State General Law or had an outstanding warrant for their arrest. When arrested, the individual would be finger printed and be electronically submitted to the Massachusetts State Police and they would share that with the FBI and it would go through the whole Federal system. Mr. Dwyer then commented that letting the Federal government and local police do their jobs that this resolution fits the standards of the Town and it fits with good management. The Board took questions from the gallery and the conversation continued. Mr. Craig encouraged people in the audience at Town meeting to speak up and continue the conversation.

Mr. Higgins was asked whether a vote to approve the resolution could jeopardize funding the Town receives from the federal government. Mr. Higgins stated that he had consulted with Town Counsel who advised that since the resolution is non-binding, our standing for federal funding would not be jeopardized. Further, as a result of recent court cases, the federal government's ability to withhold funds appears to be limited to programs that fall under the jurisdiction of the Department of Justice thereby limiting Lincoln's exposure, recognizing that the Town's Hanscom Contract falls under the Department of Defense. Mr. Dwyer moved to endorse Article 36 – Welcoming Safe Town Resolution, Ms. Glass

seconded. It was unanimously approved.

#### **OPEN FORUM:**

- None.

#### **TOWN ADMINISTRATOR'S REPORT:**

- Storm Response – Mr. Higgins reported on the storms of March 7th and March 12th-13th. At the height of the storm on March 7th, 15 public roads were closed either fully or partially due to downed trees or wires, the schools were not serviceable, seventy percent of residents were without power and there were approximately 150 calls for service during the storm. Mr. Higgins observed the Town's response first hand and was impressed with the experience that the Town has with not only knowing their jobs and carrying them out, but also knowing how to the best of their ability influence the utility companies response which is not easy to do. He added that there were many reports of typical small town reports of neighbors helping each other out as well as those reaching out to the population who are most at risk.
- Town Meeting Assignments – Mr. Higgins reported that the updated BOS assignment list reflects changes agreed to during the previous meeting and is better balanced.

#### **DISCUSSION:**

- School Building Committee – Ms. Glass reported that Architect, Bill Maclay who specializes in sustainable and net zero buildings was brought on as an additional consultant to work with the SBC's Architect. Mr. Maclay gave a presentation on five of the proposed concepts and showed where the building is now, what a repair might look like, and what each of the concepts could look like and pointing out which of them could achieve net zero which means that the building is generating as much electricity as it is using. Ms. Glass added that Mr. MaCay's presentation is posted on the website.
- PPDC – Ms. Glass reported that the workshop was rescheduled to April 10<sup>th</sup>.
- Liaison Reports:

Town Election - Ms. Glass reminded everyone that there is a Town Election on Monday March 26, 2018. The polls are open from 7:30AM-8:00PM and there are three contested races: LSRH School Committee, Parks & Recreation, and the Cemetary Commission.

Marijuana Study Group – Mr. Craig reported that the Group had met again and are working on putting together a FAQ document as well as organizing a public forum panel discussion on April 25, 2018.

#### **ACTION ITEMS:**

- None

**CORRESPONDENCE:**

- None

**MEETING MINUTES:**

- None

A motion was made by Mr. Dwyer to adjourn. M. Glass seconded. It was unanimously approved. The meeting adjourned at 9:15 P.M.

Submitted by Peggy Elder

*Approved 04/23/18*