

TOWN OF LINCOLN
MINUTES OF THE PLANNING BOARD

APRIL 23, 2019

TOWN OFFICES

PRESENT: Margaret Olson (Chair), Lynn DeLisi (Vice-Chair), Richard Rundell, Gary Taylor, Steve Gladstone, Craig Nicholson

STAFF: Paula Vaughn-MacKenzie

6:45 PM Public Hearing, Section 12.6, Wireless Communications Facilities Overlay District: New Cingular Wireless PCS, LLC (ATT), 0 Bedford Road, Parcel 127-13-0. Special Permit to maintain an existing wireless facility for a new term and Eligible Facilities Request for a change in equipment.

RR opened the public hearing.

Ed Pare appeared before the Board and presented the application for Special Permit.

The Board noted that Legal Notice was properly advertised in the local newspaper and abutters notifications were mailed.

The Special Permit Request:

New Cingular Wireless (ATT) is requesting a new Special Permit as required by Zoning Bylaw Section 12.6. The current Special Permit had a term of five years and expired on October 11, 2016. ATT applied to change out equipment pursuant to an Eligible Facilities Request, but the application was put on hold until the applicant submitted this application for a Special Permit. The Board noted that it would review the Eligible Facilities Request after it hears and votes on whether to approve the Special Permit.

Edward Pare, Esq. appeared as agent for AT&T in connection with the application. Crown Castle leases the land for the tower from Tracey's and manages the tower. Mr. Pare submitted an authorization from Crown Castle, stating that ATT and its authorized agents may act as the "Applicant" in the processing of all applications and permits.

Compliance with Section 12.6.4 of the Zoning Bylaw:

The Board reviewed each of the Submittal Requirements required under the bylaw:

- a) Notarized statement signed by the applicant that all information included in the submittal is materially accurate, true, complete, and verifiable.

The applicant submitted a notarized narrative complying with this requirement.

- b) A map of the Town and the area within 2 miles of Lincoln's boundaries showing the locations of (1) existing Wireless facilities and proposed facilities for the next 20 months by the applicant's wireless provider; and (2) the existing and known proposed facilities of other service providers.

The Applicant requested waivers of Section 12.6.4(b) (1) and (2) as the special permit for collocation will not result in any changes in the existing monopole.

- (c) Data from field measurements of existing radio emissions levels to be taken within 45 days of the application.

The applicant provided a Radio Frequency Safety Survey Report with a Statement of Compliance.

- (d) Equipment, data and drawings, etc. describing equipment, antenna, mounts, shelters and security barriers.

The applicant submitted plans showing the change in equipment.

- (e) Plans showing location of tree cover within 500 feet of the proposed facility and other details, and topography contours.

- (f) Drawings of the proposed facility

- (g) Schedule for testing of proposed facility, height of the facility and visual impact (balloon testing)

- (h) Plan showing the facility within the overlay district including contour lines within 150 feet radius from the base, and location of trees over 20 feet tall.

- (i) Copies of all written or electronic communications between the applicant and the FAA concerning the proposed site.

The applicant requested waivers of 12.6.4 (e), (f), (g), (h), and (i) as there are no changes to the existing facility. The applicant stated that there will be no removal of vegetation associated with its modifications.

12.6.4.1 requires a pre-application conference between the applicant and the Planning Board with notice to abutters and formal advertisement. The purpose is to discuss planning, design and siting of the proposed facility.

The applicant requested a waiver to this section as the application has no impact on planning, design or siting of the proposed facility. The public hearing was formally advertised, and abutters were notified.

12.6.4.2 Unless waived by the Planning Board, the applicant shall submit copies of all written and electronic communications to be submitted by the applicant to the FAA at least 14 days prior to such submission.

The applicant requested a waiver from Section 12.6.4.2 as the proposed modification of the existing facility does not require any submittals to the FAA.

12.6.5 Special Permit: The Board can issue a special permit for a wireless facility if the Board determines that the adverse effects will not outweigh its benefits to the town. The Board must consider the following:

- (a) communications needs served by the facility;
- (b) traffic flow and safety, including parking and loading;
- (c) adequacy of utilities and other public services;
- (d) impact on neighborhood character, including aesthetics;
- (e) impacts on the natural environment, including visual impacts;
- (f) potential fiscal impact, including impact on town services, tax base, and employment;
- (g) new antenna support structures shall be considered only after a finding that existing or approved antenna support structures or facilities cannot accommodate or reasonable be made to accommodate the equipment planned for the proposed antenna support structure.
- (h) potential human health hazards to radio signal radiation from the proposed facility to the extent not contrary to federal law.

The Applicant states that AT&T's facility entails the modification of an existing wireless communications services facility which will not substantially change the physical dimensions of the existing tower and such modifications fall within the purview of an Eligible Facilities Request.

12.6.6 Conditions. All Wireless Communication Facilities shall be subject to the following conditions:

- (a) Service providers shall co-locate

ATT's facility is located on an existing antenna support structure.

- (b) The highest point of the antenna support structure or any antenna shall not exceed 10 feet above the lesser of either the preexisting tree canopy elevation or the proposed post-construction tree canopy elevation.

ATT's facility will continue to be located at the 75' AGL antenna centerline height on the exiting 90' AGL monopole. No portion of ATT's facility will exceed the height of the monopole.

- (c) Wireless Communications Facilities may be placed upon or inside existing buildings or structures.

Not applicable

(d) All structures associated with a WCF shall be removed and the site fully restored to its former condition within one year of cessation of use.

ATT acknowledges this provision of the Bylaw.

(e) Existing on-site vegetation shall be preserved to the maximum extent practicable.

No onsite vegetation shall be removed as a result of ATT's modification to its facility.

(f) The facility shall minimize adverse visual effects including painting, lighting, landscaping, screening and antenna location.

ATT's project does not include any additional lighting. The equipment is described in the Eligible Facilities Section of this report.

(g) Traffic associated with the facility shall not have a material adverse effect on public ways.

There will be no increase in traffic to and from the site as a result of the modification.

(h) Fencing may be required to control unauthorized entry.

No additional fencing will be installed.

(i) The Planning Board may limit the number of towers on a parcel.

This is not applicable to this project

(j) Additional landscape may be required for screening.

The Board received a communication from Mr. Peter Cunningham, the abutter in the rear stating that the required screening of the original special permit issued to ATT died within the first year. He also stated that there was debris and piles of sand that were never cleaned up and thought that the piles of sand had prevented the plantings from surviving.

(k) Periodic monitoring of radio frequency and acoustic emission will be required.

ATT states that it will comply with this provision to the extent not preempted by federal law.

(l) Board of Health standards

ATT states that it will comply with applicable standards to the extent not preempted by federal law.

(m) The Planning Board may limit the duration of special permits.

ATT acknowledges this.

(n) The applicant must provide a Certificate of Insurance of not less than 5 million dollars.

ATT states that it will continue to maintain insurance on its existing facility. The Board asked if ATT had confirmed the insurance recently and Mr. Pare stated that he would forward a certificate of insurance to the Planning Office.

(o) Not applicable

(p) The Planning Boar may allow a taller structure

Not applicable

(q) Acoustic emissions shall be inaudible on neighboring parcels in residential zoning districts.

ATT states that there will be no increase in acoustic emissions and that none of the equipment generates any noise. Mr. Cunningham stated in his submitted e mail that there was a loud humming noise that sounded like a fan that he could hear from the facility. Mr. Pare noted that this was probably a maintenance issue and said that he would have ATT investigate and remediate the problem.

(r) FAA safety lighting

ATT states that its modification will not require any additional lighting as there will no increase in height.

(s) Within 30 days of transfer of interest, the transferor shall notify the Town.

ATT acknowledges this provision.

(t) Setbacks of a tower

Not applicable.

List of Submissions:

1. Letter from Edward Pare, Jr. dated February 26, 2019 detailing compliance of AT&T's wireless facility with Section 12.6 of the Zoning Bylaw.
2. Notarization of letter dated February 26, 2019.
3. Planning Board Cover Form dated February 26, 2019.
4. Copy of Planning Board's Notices of Decisions dated April 11, 2001, June 4, 2008, and October 11, 2011.
5. Authorization from Crown Castle dated January 10, 2019.
6. FCC licenses.
7. FCC Regulations
8. FCC Public Notice
9. Representative Letter from Attorney General
10. Plans
11. Structural Analysis Report by Crown Castle dated July 06, 2018 stating the tower has sufficient capacity for the existing and proposed equipment.
12. Radio Frequency Safety Survey Report Prediction by Centerline dated March 6, 2019.

13. List of waivers requested.

The Board discussed the application and thought that the following conditions should be added to the approval of a special permit:

- The Applicant must submit a certificate of insurance for a minimum amount of \$5,000,000.00 as required by the Zoning Bylaw.
- The Applicant must clean up the area surrounding the fenced enclosure including the removal of any debris and sand. The applicant shall replace the sandy soil with soil suitable for plantings and the trees that were required in the original special permit shall be replanted.
- Acoustic emissions should be inaudible at the lot line as required by the zoning bylaw. The applicant must investigate and remediate the noise emanating from the site.
- The Applicant may not change out or add any equipment to the tower until the first three conditions above have been met.
- The duration of the Special Permit will be three years.

MO arrived right after the Vice-Chair opened the hearing and resumed her duties as Chair. She asked if there was any public comment and there was none.

GT made a motion to close the public hearing. LD Seconded. Passed 5-0.

GT made a motion to approve the special permit subject to the conditions described above. RR Seconded. Passed 5-0.

The Board next reviewed the Eligible Facilities Request.

The Eligible Facilities Request:

The Project:

- ATT proposed modification involves replacing the existing mounting brackets with a new mounting platform, replacing three existing panel antennas (one per sector) with an equal number of new panel antennas, collocating three additional panel antennas (one per sector) and mounting them at the same centerline height as the existing antennas (75').
- The modifications also include the relocation of existing panel antennas as necessary to achieve required separation to avoid interference.
- The addition of appurtenant equipment including remote radio units, cabling and wiring.
- The result will be a total of twelve panel antennas (four per sector) along with appurtenant equipment including remote radio units, surge arrestors, fiber boxes and connections, and power supplies.
- No additional lighting will be installed.
- The Tower is 90 feet tall and the equipment change will be made at the existing location at 75'.
- The equipment will not protrude horizontally from the edge of the Tower by more than 20 feet.

- There will be no excavation or placement of new equipment outside the existing Tower site or lease area.
- The proposed modification will not involve the installation of more than four new equipment cabinets.
- The proposed modification will not defeat the existing concealment elements of the Tower.
- The proposed modification will comply with the conditions of approval imposed on the Tower.

Submissions:

- Planning Board Application Cover Form dated February 26, 2019.
- Eligible Facilities Request Certification dated January 31, 2019.
- Notarized Statement signed by Edward Pare, Jr. stating that all material contained in the submittal is materially accurate, true, complete and verifiable dated February 26, 2019.
- Crown Castle authorization of AT&T to act on its behalf in processing applications and permits dated January 10, 2019.
- Structural Evaluation from Crown Castle, Terry Styran, Registered Engineer, dated July 6, 2018 stating that the tower and foundation are adequate to support the existing and proposed loads.
- Emission Compliance Report by Centerline Communications dated March 6, 2019 sealed by Michael MacGuire Professional Electrical Engineer.
- Addendum A stating how the modifications meet the six criteria of an Eligible Facilities Request.
- Plans including Sheets T1, GN-1, A-1, A-2, A-2.1, A-3, A-4, G-1, and RF-1 dated 2/13/2018.

The Board noted that all required documents have been submitted to show that the proposal meets the requirements of an Eligible Facilities Request.

The Board reiterated that the conditions of the Special Permit must be met before the Eligible Facilities Request work can proceed. Mr. Pare acknowledged this.

GT made a motion to approve the Eligible Facilities Request as proposed. RR Seconded. Passed 5-0.

7:00 PM Public Hearing, Section 17 Site Plan Review and 13.6, Solar Energy Systems: Rural Land Foundation, 145 Lincoln Road, Parcel 162-39-0. Public Hearing for site plan review of a proposed carport/canopy solar installation.

MO opened the public hearing.

Legal Notice was properly published in the local newspaper and abutters were notified by mail.

The RLF is proposing a carport/canopy solar installation that will span the Donelan's parking lot. It is comprised of three arrays. The project can be reviewed and approved

under our new solar bylaw that was passed at Town Meeting. In the unlikely event that the Attorney General rejects the amended bylaw then any approval by the Planning Board becomes null and void. Town Counsel has advised that this is possible but unlikely, and the RLF has been advised of this possibility.

In addition, the project encroaches on the Town of Lincoln property that borders the parking lot (The Non-Resident Commuter Lot side). The Planning Board has no jurisdiction or authority to grant an approval that includes the use of the Town of Lincoln land. The RLF is currently in discussion with the Town regarding a possible license arrangement to allow the intrusion into Town owned land. A license may allow the use and contain a right to revoke at any time subject to a notice provision. Any other type of legal arrangement such as a lease or easement would be giving an interest in the land and can only be granted by a vote at Town Meeting.

The Project: The project is comprised of three carport canopy solar arrays that will cover the parking area between the REAL Restaurant and Donelan's. Solar Canopy/Carport structures are treated as accessory structures and require site plan review.

Setbacks: Required setbacks for accessory structures are 20' from a side or rear lot line and 50' from a front lot line. This project was approved under the South Lincoln Overlay District so the Planning Board can approve any setbacks. In addition, the Solar Bylaw allows the Planning Board to grant waivers to any part of the Solar Bylaw requirements.

Capacity: The capacity of the three arrays is 277.2kW DC and 234 KW AC. All the electricity will be transferred directly to the grid. Under the amended Solar Bylaw, transferring energy directly to the grid is allowed and there is no capacity limit for commercial properties.

Height: The height of each array is 17 feet. The Zoning Bylaw allows a maximum height of 17 feet.

Shall not be allowed in the front yard: The arrays are not located in the front yard of the existing buildings.

Array C: Array C is closest to the REAL Restaurant.

- Setbacks: The closest setback to the MBTA lot line is 24' 3.9".
- The array measures 152' 6.6" X 40' 2.5" and is 6133.6 square feet.
- The building height of the Mall is 23' and the array is 17'. The adjacent building will block this array from Lincoln Woods.

Array B:

- Setback: The closest setback is 16' 2.4" from the MBTA property line.
- The array measures 149' 2.7" X 40' 2.5" and is 6,000 square feet.

Array A: Array A intrudes over the Town of Lincoln property line. This intrusion ranges from 3' 5.7" to 4' 5.7".

- Setback: The setback to the MBTA property line is 16' 10.6"
- The array measures 135' 11.5" X 40' 2.5" and is 5466 Square feet.

Landscape Plan: The Landscape Plan shows the removal of three trees that are less than 12" in diameter, one under each canopy. The plan also shows the removal of one 15' tree at the edge of Array B.

Lighting: Applicant is proposing lighting underneath the canopy. Each fixture has 2,285 lumens and has a color temperature of 3000K. Spec sheets have been submitted. The applicant has submitted a lighting plan that shows illumination of 5 foot-candles underneath the parking canopy. The lighting plan shows that the illumination drops to two foot-candles and then to 1 foot-candle. The applicant noted that the foot-candles could be decreased if requested by the Planning Board.

RR asked what the current lighting was, as it seems adequate. The applicant responded that the current lighting was approximately 1 foot-candle. The Board suggested that the lighting be decreased to 1 foot-candle in the driving lanes. In addition, the lights should be turned off by the current automatic system with the other lights of the mall which is midnight.

Drainage: The project will use existing catch basins to accommodate the runoff from the carport. The applicant has submitted a drainage plan that will manage the storm water. This plan, however, was not stamped by an engineer. The Board asked that a plan stamped by a professional engineer be submitted to the Planning Office as a condition of approval. GT noted that it was important that the drainage plan operate effectively to prevent stormwater creating icy conditions in the winter.

Utilities: To the extent feasible, electric lines will be underground. Eversource has granted approval to tie into an existing 3 phase underground loop. The Board was very concerned that the transformer was located across from the entrance to Donelan's. GT asked if it could be moved to the other end of the array. The applicant stated that Eversource determines where the transformer goes and that if they had a new request, it would result in a long delay to the project. If the project was delayed, they may lose some of the tax incentives from the State.

The Board responded that they would prefer the transformer moved and if that was not possible then at least turned so that the narrow end faces Donelan's and that screening should be added.

Noise: The project calls for

- 3 CPS SCA 50KTL converters which emit 60 dBa at 1 meter
- 3 CPA SCA 28KTL converters which emit 50 dBa at 1 meter

The applicant noted that the converters would be mounted on steel poles and would not be very audible.

The Board asked when construction was expected to begin. The applicant thought that construction would begin middle to late summer.

LD asked if any thought was given to adding electric car charging stations. The RLF responded that charging stations was not part of this project but that they could be added. Peter Watkinson, Chair of the Green Energy Committee stated that the Committee was looking at other locations at the mall to install charging stations.

The Board asked if the height of the array posed any problem for truck clearance. The RLF responded that the height allowed clearance for any trucks including grocery delivery for Donelan's.

MO asked if there was any further public comment. There was none.

LD made a motion to close the public hearing. RR Seconded. Passed 5-0.

GT made a motion to waive the setbacks for Arrays B and C as required by the zoning bylaw with respect to accessory structures. SG Seconded. Passed 5-0.

RR made a motion to approve the project as submitted subject to the following conditions:

1. The RLF and the Town of Lincoln sign an agreement allowing the RLF to use the Town of Lincoln land for Array A of the solar project.
2. The RLF shall submit a drainage plan stamped and signed by a professional engineer.
3. The RLF shall submit a revised lighting plan reducing the maximum foot-candles to one foot-candle.
4. The setbacks of the arrays B and C shall be as proposed on the site plan and shall not intrude further into any setback without prior review and approval by the Planning Board.

5. The RLF shall make reasonable efforts to have Eversource agree to move the transformer from its current location to the other end of the array or reposition the transformer so that the narrow end faces Donelan's and screen it with vegetation.

7:20 PM Public Hearing, Section 17, Site Plan Review: Mayer, 9-11 Lewis Street, Parcel 161-5-0. Public Hearing for site plan review of a proposed renovation and addition to existing structures.

MO opened the public hearing.

GT made a motion to continue the public hearing at the Applicant's request until May 28, 2019. SG Seconded. Passed 5-0.

7:30 PM Public Hearing Continued, Section 17, Site Plan Review: Bambrick, 12 Huntley Lane, Parcel 174-23-0. Public Hearing for site plan review of proposed additions to an existing house located in a cluster subdivision.

MO opened the public hearing.

GT made a motion to continue the public hearing at the Applicant's request until May 14, 2019. LD Seconded. Passed 5-0.

7:40 PM Discussion: Proposed Zoning Changes for area surrounding Lincoln Station. SLPIC and MAPC Consultant presentation of proposed zoning changes and Design Guidelines.

GT gave an introduction as the work the SLPIC Zoning Team. He noted that the zoning is intended to make the Village District more attractive for development and to provide a special permit process that provides incentives for denser housing to support the commercial center. Members of SLPIC and the Zoning Team were present to support the discussion.

Mark Racicot from MAPC gave a presentation of the proposed zoning changes.

One of the proposals for the zoning was to give an incentive for middle income housing up to 120% of median income. This is in addition to the 15% of units required by our inclusionary Zoning Bylaw for households earning 80% of median income. MO asked if the incentive for middle income was for rental units, ownership units or both. There was concern about how ownership units would be treated and monitored. MO noted that for rental units, the qualifications would be reviewed annually. Allen Vander Meulen, member of the Housing Commission, noted that ownership units have been problematic. It has been difficult to monitor and properly constrain home equity loans in these units.

RR asked if the Residential subarea could be extended to the Todd Pond Condos. Mark Racicot responded that the zoning is intending to offer a buffer between the village center and single-family housing.

Shared parking was discussed, and it was noted that parking requirements could be reduced if a valid shared parking arrangement is submitted.

A question was asked if the South Lincoln Overlay District process would still be in place after the adoption of the new zoning. The Board and the MAPC consultant responded that it would be in place for projects that did not fit into the new zoning parameters. In addition, existing uses, including the DPW use as well as uses along Lewis Street would be grandfathered and allowed to continue. It was noted that municipal uses are allowed in any district and do not need special zoning.

The discussion turned to landscaping and the need for thoughtful spaces. We said this was captured in the design guidelines. It would not be enough to just have left over space and call it open space. MO stated that lower density does not accomplish the goal of open space, rather it allows small areas of grass. She supports higher density with designed village space.

The Board asked if there would be provision for reduction in parking for shared cars such as zip car. The Board thought that shared cars would be in line with Green Energy goals of the town. Members of the Zoning Team said they would discuss it and it seemed like a good idea.

A question came up as to the type of review the Board would require. The zoning envisions a rigorous review by the Planning Board like that of a project subject to the South Lincoln Overlay requirements. The review would include peer review of engineering, drainage, traffic, and fiscal impacts pursuant to Chapter 53G.

There was discussion as to whether bakeries or other artisanal shops should be required to sell 50% of its product on site. Bakeries such as the one in Cambridge and Nashoba bakery have large off-site sales but also have a retail front. The Board thought limiting off-site sales to 50% is too restrictive. They would like to encourage artisanal uses if there is a retail component. GT agreed and said there needs to be a substantial retail component but and that the Planning Board could be flexible on what that is on a case by case basis.

Sujit Sitole noted that the number one constraint on making a viable sustainable business is demographics. Adding the density supported by the zoning will help enormously.

RR noted that the zoning was well thought out and commended the zoning team and the consultant.

8:45 PM Business

SG made a motion to approve the April 9, 2019 minutes as amended. RR Seconded. Passed 5-0.

LD made a motion to adjourn. RR Seconded. Passed 5-0.

Approved as amended May 14, 2019