

PLANNING BOARD MINUTES

June 13, 2023

Board Members Present: Margaret Olson, Lynn Delisi, Gary Taylor, Ephraim Flint, Craig Nicholson

Staff Present: Paula Vaughn-Mackenzie

7:00 PM Housing Choice Act Zoning Working Session

PV opened the meeting to discuss the minutes of May 9th, May 16th, and May 23rd. LD suggested reviewing the minutes of May 16th to include additional comments made by MO. CN moved to approve the minutes of May 9th and May 23rd as amended. EF seconded. Roll Call: CN aye, GT pass, MO aye, LD aye, EF aye.

PV noted that she had received an opinion from Town Counsel considering the Housing Choice Act to be mandatory, and advised that the Board should consider it as such going forward. The opinion noted that the penalty of losing grants does not create an either/or. PV further noted that the AG published her opinion that the legislation is mandatory and municipalities not in compliance could be subject to civil litigation under Fair Housing laws.

PV discussed using the Lexington bylaw as a template for Lincoln, saying it is useful because Lincoln will have different subdistricts within the HCA district. The subdistrict for the Mall redevelopment will be part of the rezoning but not part of the HCA so that the Town can protect the commercial space. PV mentioned how the HCA may make B2 less industrial and more incorporated into the village center. PV noted that Lexington passed their zoning package together, where one of their districts was not included in their HCA district. PV stated that she is waiting for an opinion from town council to confirm that the different zoning subdistricts can be part of one zoning change even though one of the subdistricts will not be part of the HCA district.

PV stated that she had asked Town Counsel whether there would be any risk to the people that live in a condominium development, whether they could add units if they wanted to and what kind of process that would entail. PV explained that unit owners own a percentage of interest in all the common area, as reflected in a unit owner's condominium fee. GT continued that if any action could alter the percentage of a unit owner's interest of the common area, the action must be put to vote before being taken, meaning that adding a unit would dilute the unit owners' interest and would have to be voted on. GT noted that this could be circumvented if the common area was expanded alongside the new unit so as to not dilute the shares of interest. MO inquired whether the vote had to be agreed upon unanimously or only by majority. GT cited Title 1 Chapter 183 Section 5 stating that all unit owners whose share of the common area interest is materially affected must approve. LD raised the concern that some condominium owners are worried because they are unaware of the aforementioned statute, and suggested some sort of outreach. PV stated her intention to wait until Town Counsel provided a definitive answer on the matter and said the Housing Choice Working Group will be having an informational meeting at Battle Road Farm and Minuteman Commons.

GT raised the point 50% of the HCA district area must be in one contiguous piece, and questioned if residents preferred that 50% to be around the mall and the train station or in North Lincoln. GT stated that if this could be done it would alleviate much of the pressure on North Lincoln. GT stated that PV had raised concerns about technical issues regarding that 50% being around the train station. MO asked if the issue was how to proceed without including rental properties. GT says his proposed solution would take the B1 district along Lincoln Road, including Ryan estates and possibly Mr. Chan's property. GT stated that without the row along that side of Lincoln Road, there would be no continuous link between Lewis Street and Lincoln Woods. MO raised the point that that would demarcate that area as residential. GT said they could zone the area with an overlay, which would preserve the underlying B1 zone. PV added that zoning the area with an overlay would allow for mixed use, but not mandate it. PV stated that the only area that they want to mandate mixed use or commercial part is the mall. PV stated that this is doable, but wanted to confirm that the HCA capacity requirements can be met. She noted that both the Ryan Estate's parcel and the Chan property contained mostly wetlands. MO asked whether Todd Pond Condos could work since they are contiguous. PV noted that the long term goal is to redevelop Lewis Street.

EF asked whether there should be outreach to the Todd Pond Condos regarding the bylaws. PV answered that it should be done for everyone, but especially Battle Road Farm and Minuteman Commons, as it is one of the main pathways that is being proposed. PV said the information would be put up on the website to educate people as to how little this would affect condos. EF raised the concern that a sit down with the condo associations would likely be more beneficial than just putting on the website. PV, GT, and LD agreed. LD raised the concern that things could become complicated if some of these condo associations have a large percentage of rental properties. PV noted that only the Flying Nuns condos have a large percentage of rental properties, and it is not being included.

PV proposed adding overlay subdistricts like the ones listed in Lexington's Article 34 to section 12.8 of Lincoln's Zoning Bylaw and moving the solar overlay district to section 12.9, noting there would be different subdistricts for zoning purposes.

PV went over Lexington's Article 34 and how it would look if adopted by the Town of Lincoln.

PV reviewed the presentation of the June 6 Multi-Board Meeting regarding the HCA to discuss the draft zoning standards, including height/story limits and setbacks. MO suggested that the Codman Corner Setbacks should be made consistent with Lewis Street.

PV stated that they would be doing a feasibility study to determine whether 15% of dwelling units should be Affordable rather than 10%.

LD moved to adjourn. MO seconded. Roll Call: MO aye, LD aye, GT aye, CN aye, EF aye.

Approved on July 11, 2023.