

Land Use & Zoning

OVERVIEW

Lincoln has successfully guided development in a manner that has protected its natural beauty, preserved its historic resources, and addressed the housing, services, and social needs of its growing population. The town's land use decisions have been an important part of guiding development, both in terms of preserving open space as well as crafting innovative solutions to development opportunities. As undeveloped land becomes scarce, as redevelopment of existing properties becomes more frequent, as the needs and desires of residents evolve, and as regional issues grow in their urgency and impact, the need for creative and broadly supported land use decisions increases in importance.



Key Findings

- ❖ Compared with most communities in Massachusetts, Lincoln is fairly small. Its total area (including ponds) is 15.0 sq. mi. and its total land area is 14.4 sq. mi. (9,588 acres)
- ❖ Ninety-seven percent of the town's land area is zoned for single-family homes on 80,000 sq. ft. lots. However, a significant number of existing residential lots are less than two acres and homes on these lots are "grandfathered" using lot lines in existence prior to the current zoning requirements.
- ❖ Residential development occupies about 3,530 acres of land. The average single-family home density in Lincoln today is 0.45 units per acre.
- ❖ Together, residential, institutional, and commercial uses occupy approximately 4,850 acres of land, excluding land with community facilities or other government uses.
- ❖ The town has approximately 3,200 acres of protected open space.
- ❖ Lincoln has many non-profit charitable and educational institutions, including some with large landholdings that are not protected from future development.
- ❖ Despite its proximity to Boston, Lincoln still has 547 acres of agricultural land and several small, working farms.

- ❖ Noticeable variations in Lincoln’s land use pattern correspond with major transportation features, notably Route 2, Bedford Road and Lincoln Road, and the railroad.
- ❖ Approximately eight percent of the town’s land area is controlled by two intensive land uses, both exempt from Lincoln’s zoning: Hanscom Air Force Base (544 acres) and Massport’s Hanscom Field (117 acres).

Key Challenges

- ❖ Lincoln does not have much developable vacant land left, but some vacant parcels are fairly large and visible, where new development could have a significant impact on surrounding neighborhoods and views from the road.
- ❖ Approximately 140 single-family parcels may have enough land to support additional development. In mature suburbs, the incremental division of larger holdings with an existing house often has a more conspicuous impact on town character and views from the road than the development of remaining vacant parcels, which tend to be constrained.
- ❖ Lincoln has several properties with redevelopment potential. Some of these properties include large amounts of land. They may require carefully designed overlay districts in order to guide redevelopment toward the best possible outcomes both for the individual properties, the surrounding neighborhoods, and the town as a whole.
- ❖ There is support for a policy of controlling Lincoln’s overall buildout with two-acre zoning while being open to creative proposals for other land uses and in particular concentrating development around the train station in South Lincoln. However, the Lincoln Station area does not have sewer service, and the feasibility of shared or district-wide wastewater disposal facilities has not been determined.
- ❖ North Lincoln is challenged by the presence of major roadways, land takings for roadway projects that never materialized, and large government-owned facilities. It could change dramatically if Hanscom Air Force Base (HAFB) were closed in the future. Even without base closure, however, North Lincoln could be affected by plans to build more housing at HAFB, to expand the L.G. Hanscom Field (Hanscom Field), or by any other redevelopment of the Hanscom area.
- ❖ There is considerable uncertainty regarding whether shortages in the amount of drinking water available to Lincoln residents will limit future development.

EXISTING CONDITIONS & TRENDS

A community’s land use pattern is defined by the location, arrangement, and intensity of its residential, commercial, industrial, and institutional uses, along with transportation features, open land, and water resources. Land use patterns vary by the land and water resources that support them, the eras in which development occurred, and whether it occurred before or after the adoption of zoning. The ages of buildings in various parts of a town usually correlate with changes in land use patterns. This can be seen in Lincoln, since the arrangement of buildings, the size and shape of the lots, and the architectural styles of residences and outbuildings are quite different in the town center, South Lincoln, and the post-1950 neighborhoods found off the main roadways and along the edge of town.

Development Pattern

Lincoln's development pattern is linked to its agricultural history, topography, roads, and wetlands, and the expectations of its residents. Located in the Commonwealth's most affluent region – Boston's west suburbs – Lincoln is nearly surrounded by upper-income communities with common interests in protecting open space, maintaining high property values, preserving historic buildings and landscapes, and controlling development. Lincoln has marshaled the tools of zoning regulation, planning and site control to save large amounts of open space and still create great places for people to live. These innovations were made possible by the town's long-standing partnerships with two local organizations: the Rural Land Foundation (RLF) and the Lincoln Land Conservation Trust (LLCT).

Farming has continued to shape Lincoln's landscape since the town was first settled. The manner in which roads, farms, and housing were located and built during Lincoln's first 250 years created a rural New England landscape of unusually strong appeal. The vernacular design of buildings, ranging from the colonial to the Victorian era, reflected regional traditions expressed locally with a design character unique to Lincoln. Early industrial-age estates and homes blended in with Lincoln's rural buildings and landscapes. A dramatic change in the type and layout of new development occurred gradually during the twentieth century, but most dramatically during and after World War II. HAFB, the expansion of major highways and local roads, the emergence of suburban development patterns, building styles, and parking areas supplanted the earlier rail and horse-drawn landscapes. Many developed portions of the town include a mix of historic, older and newer development: often compatible, and sometimes not. Still, much of Lincoln's newer development has been thoughtfully sited and designed in relation to older structures and landscapes.

Lincoln residents have worked hard to preserve the town's amenities while accommodating the demands of growth. Over the past fifty years, Lincoln has protected more than 3,200 acres of open space.¹ The open space includes agricultural, forested, and undisturbed land, in large tracts and small pockets and in planned and seemingly random arrangements. Although Lincoln's housing is overwhelmingly composed of detached single-family homes, its residential architecture is hardly homogenous. Lincoln has both grand and modest homes, conventional and unusual neighborhoods, and nodes of multi-family housing – most of it consciously planned to meet social and conservation needs. Lincoln also stands out for its pleasant town center, multitude of institutional uses, and limited, carefully planned commercial development. Overall, Lincoln's existing development is low-density and small-scale.

Route 2 and the MBTA commuter rail line roughly divide Lincoln into thirds. In general, Lincoln's land use pattern changes in response to these two major transportation features, and south of Route 2 the pattern is divided further by Bedford Road/Lincoln Road, one of Lincoln's historic transportation routes. The rail line, dating back to the 1840s and featured in Thoreau's journals at Walden Pond, represents public transportation with deep historical roots. The current Route 2 is a product of the twentieth century, with far more significant visual, auditory, and land use impacts than the rail line. Despite Lincoln's many assets, the town has not been immune to intrusion from forces beyond its control, particularly in the area north of Route 2.

The development pattern in North Lincoln differs from that of the rest of town, mainly because of Route 2, Route 2A, HAFB, and Hanscom Field. North Lincoln also hosts the Minuteman National Park, Minuteman Career & Technical High School, the town's solid waste transfer station, and Lincoln's largest commercial development. Tucked around and between North Lincoln's highways and intensive land uses are its postwar and new neighborhoods, which are largely unconnected due to the layout of the road network, and Battle Road Farm, a

¹ Town of Lincoln, Open Space Committee, *Open Space and Recreation Plan* (March 2008), 34.

nationally recognized planned development. Other than HAFB and Hanscom Field, there is no defined center or focal point for development in North Lincoln.

Existing Land Uses

Table 2.1 reports the current distribution of land uses in Lincoln. The most prevalent land uses include open space and conservation land and low-density residential development. As shown in Map 2.1, the areas south of Route 2 and east of Bedford Road and Lincoln Road, and South Lincoln in general, are the most intensively developed parts of town, not including HAFB and Hanscom Field. The west side of Lincoln is less developed due to the large amounts of conservation, agricultural, and watershed protection land that exist there, together with some institutional uses that occupy large parcels. However, a few residential neighborhoods have been developed toward the northwest side of town around Crosby's Corner, on both sides of Route 2. Pockets of vacant land can be seen throughout Lincoln, some of it already protected with conservation restrictions.

Residential Development. Lincoln's primary land uses include residential development and open space. Approximately 3,530 acres have been developed for housing, mainly single-family homes, but the pattern of single-family development varies throughout town. Many large, generally irregular lots can be seen on Trapelo Road, Lexington Road, Sandy Pond Road, and in the vicinity of the town center. Conventional, evenly sized lots of regular shape define many of the subdivisions in the southern and western side of town, and deep, narrow frontage lots occur in areas such as the southern end of Tower Road. In addition, Lincoln has single-family homes in fairly new developments with open space, such as the Osborne Farm cluster and the Oak Meadow development just south of Route 2. Approximately 140 single-family home properties in Lincoln appear to have enough land to support some additional house lots.

Lincoln also has significant planned developments. Farrar Pond Village, Lincoln Ridge, Lincoln Woods, and Battle Road Farm are examples of housing built to address social objectives, such as modest homes for people seeking a smaller house and a managed residential community, or housing for moderate-income families. In addition, Lincoln has townhouses on Ridge Road, small garden-style condominiums on Ridge Road and Todd Pond Road, and three recently built developments with a variety of housing for seniors.²

Commercial Development. A remarkable feature of Lincoln is the very limited amount of land devoted to commercial uses. According to data from the assessor's office, commercial development occupies about forty-four acres of land, with less than seven acres devoted to retail businesses. Lincoln's largest commercial facility, Lincoln North, is a 138,000 sq. ft. office building in North Lincoln on a site the town acquired during the 1980s. For the most part, however, commercial uses are concentrated around Lincoln Station. A few pockets of business activity exist along South Great Road (Route 117) and Concord Road, too, but these are largely non-conforming business uses. Lincoln's former town hall on Lincoln Road is zoned for retail and service businesses.

Industrial Development. Lincoln does not have any industrial development. Although Lincoln has zoning regulations for an industrial district as recommended in the town's first master plan, no land has been zoned for industrial uses. Moreover, Lincoln's history is that of an agricultural town, not an industrial village, so it does not have the structures or development pattern of an industrial heritage landscape.

² Mark Whitehead, Town Planner, to Community Opportunities Group, Inc. See also, Chapter 7, Housing.

Charitable, Educational and Religious Uses.

Lincoln has institutional uses of regional and statewide significance. The DeCordova Museum and Sculpture Park on Sandy Pond Road and the Massachusetts Audubon Society's headquarters on South Great Road are perhaps Lincoln's most renowned non-profit charitable institutions, and the private non-profit Carroll School on Baker Bridge Road its most recognized educational institution. Lincoln also is home to the Walden Woods Project, an education and conservation advocacy organization on Baker Farm Road. In addition, the town has two other small private schools, three churches, and the Farrington Memorial (Farrington Education Center), a non-profit organization that specializes in educational, recreational, and agricultural activities for urban children.³

**Table 2.1
Land Use by Acres (2008)**

Class of Use	Acres	Class of Use	Acres
Residential Uses		Institutional Uses	
Single-Family Dwellings	3,429.0	Charitable, Education, Religious	394.6
Multi-Family Housing	101.5	Public Uses (Municipal, Other)	882.8
Mixed Uses	6.6	Public Utilities	33.4
Commercial		Undeveloped Land	
Retail	6.3	Vacant Land	799.6
Other	35.5	Chapter 61A, 61B Land	337.5
		Conservation and Parks	3,194.1

Source: Town of Lincoln FY 2008 Assessor's Parcel Database, Lincoln GIS Parcel Map.

Notes:

(1) "Single-Family Dwellings" includes about 140 single-family parcels with enough land to support additional house lots.

(2) "Multi-Family Housing" includes, in most cases, acres set aside as open space.

(3) "Public Uses" includes facilities owned or controlled by the Town of Lincoln, Hanscom AFB, and Massport (Hanscom Field).

(4) "Vacant Land" includes undeveloped parcels. It excludes parcels with an existing home and enough land to support additional lots, which are included under (1).

(5) "Chapter 61, 61A Land" acres include both the land and an existing residence or farm stand, as applicable.

(6) "Conservation and Parks" includes properties owned by the town, the federal government, and non-profit organizations. Excludes privately owned open space reported in other categories of land use.

Municipal Uses. Most of Lincoln's municipal and school facilities are located in the town center, defined generally by the convergence of Bedford Road and Lincoln Road, Sandy Pond Road, Trapelo Road, and Weston Road. Bemis Hall, the Lincoln Public Library, the Town Offices, and the Pierce House lie within walking distance of each other and form the institutional and civic heart of the town. In addition, the Lincoln School complex and recreation facilities are located less than one mile south of the Town Offices, set back from a wooded area on Lincoln Road. By choice, Lincoln has kept its core public services in one area and made it a recognizable community center separate from the commercial business area. Lincoln's other municipal facilities include a combined police and fire station on the corner of Lincoln Road and Codman Road in South Lincoln, a highway department garage on Lewis Street in South Lincoln, and a solid waste transfer station and recycling center off Route 2A in North Lincoln. Public cemeteries are located on Lexington Road and adjacent to the town center.

Agriculture and Recreational Uses. Although Table 2.1 identifies 337.5 acres of land under Chapter 61A or 61B agreements, Lincoln has more land devoted to agriculture and recreation, and not all of the acres reported in Table 2.1 are actively used for these purposes. In addition to Lincoln's remaining privately owned farmland, the town owns the Codman Farm and the Conservation Commission leases about 210 acres of conservation land for farming.⁴ Most of Lincoln's outdoor recreation facilities – playgrounds, playing fields, tennis and basketball

³ See Chapter 4, Cultural and Historic Resources, for additional information about Lincoln's non-profit institutions.

⁴ *Open Space and Recreation Plan* (2008), 4, 44.

Visual Districts and Focal Points

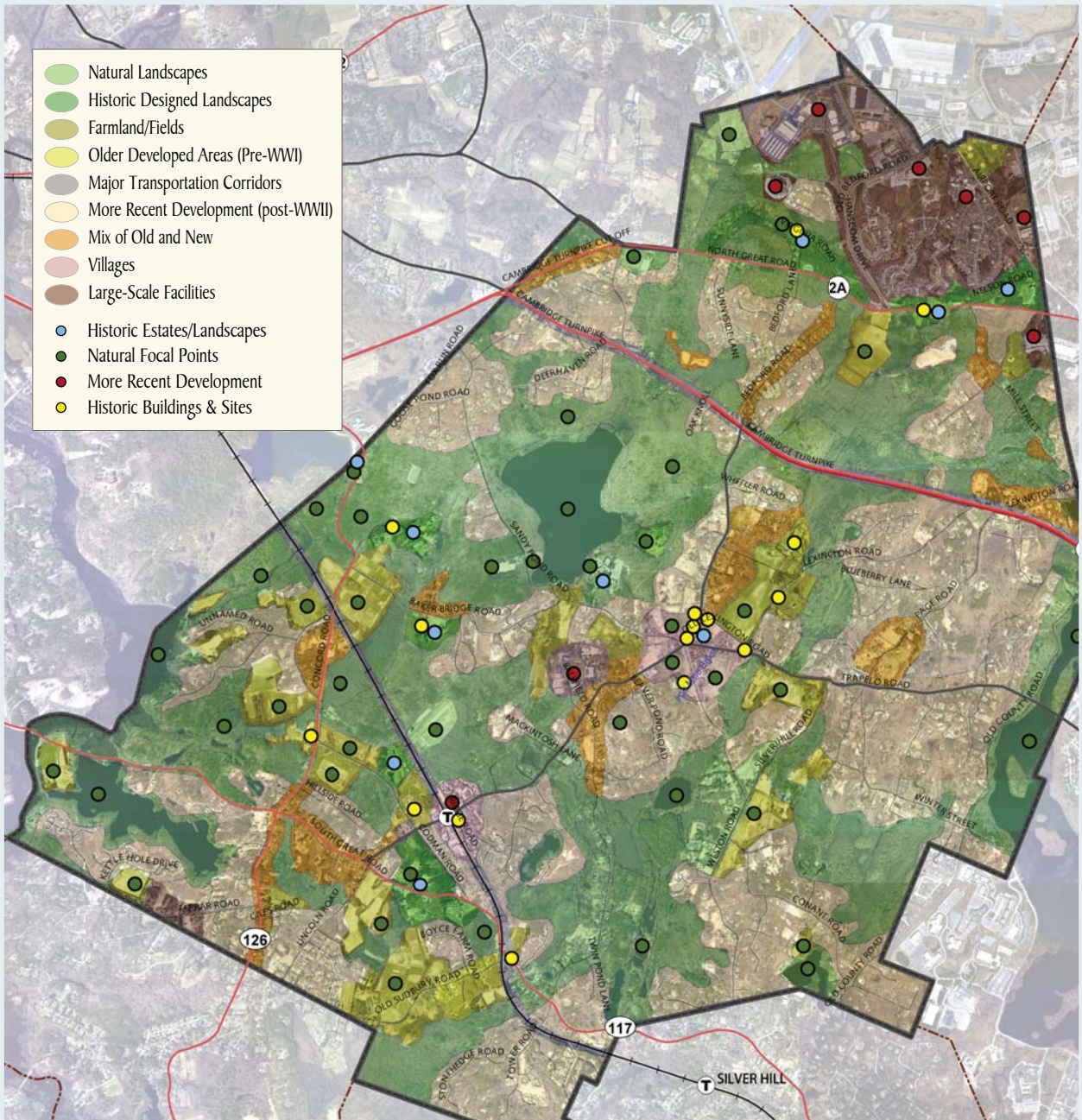
Most people do not think of “land use” as a physical arrangement of development, roads, and natural resources. They also do not think of zoning. Instead, “land use” is what people see around them – more often than not, from their cars. The view from the road conveys both instant and lasting impressions of a town. While the amount of land in various uses sheds light on a community’s development maturity and zoning, a visual inventory expresses what a land use pattern looks like, given all of its component parts.

Visual districts are distinct areas with common physical, visual, and cultural characteristics. These characteristics are relatively objective and they include a variety of features of the built and natural environment: landform, vegetation, water, land use, historic features, development type and era, settings and context. In Lincoln, cohesive visual districts can be seen in the town’s natural landscapes, post-war neighborhoods, farms, and historic estates. **Views** consist of places with vistas across an extensive area. They can be experienced from a specific point such as an overlook, from a linear corridor such as a road, or from a larger area, such as around the edges of a pond or field. Sandy Pond, the DeNormandie Sledding Hill, Beaver Pond, Minute Man National Historical Park, and the grasslands at Hanscom Field are a few examples of the unique views experienced in Lincoln today.

Focal points are highly visible objects or landscapes that occupy a prominent place in the natural or built landscape. They may consist of individual buildings, groups of buildings, or natural features such as hilltops, ponds, or prominent stands of trees. Some of Lincoln’s noteworthy focal points include the Lincoln Center, the Pierce House, Flint’s Farm, Lincoln Station, Codman Community Farm, Farrar Pond, Hanscom Field, and Lincoln North.

Though less prominent than focal points, **points of interest** attract attention because of their significance to the community. They include famous places or buildings, historic sites, and other places of meaning. Lincoln has numerous points of interest, ranging from the Carroll School to the Farrington Memorial and the DeCordova Sculpture Park and Museum. **Visual corridors** are linear routes such as highways, roads, railroads, streams and trails that provide views and a consistent visual character over an extended distance, such as Route 2A through Lexington, Lincoln, and Concord, portions of the railroad bed between Lincoln Station and the Concord town line, Old Concord Road, Baker Bridge Road, and Page Road. Some focal points are located in adjacent communities but visible from points in Lincoln, such as Walden Pond, the office developments in Waltham on the Cambridge Reservoir, and portions of HAFB.





Visual Inventory, Lincoln, Massachusetts; Fall 2007. Dodson Associates.



courts, and the town pool – are located on the grounds of the Lincoln School. Public recreation facilities also exist at the Walden Pond State Reservation off Concord Road and Minuteman Career & Technical High School in North Lincoln, and a private recreation area is located around Valley Pond.

Vacant Land. Lincoln has less than 800 acres of privately owned vacant land today, but according to the town’s assessors, only 301 acres have some development potential. Most of the land that remains vacant is currently undevelopable due to constraints such as wetlands or steep slopes on one hand, and conservation restrictions and Agricultural Preservation Restrictions (APR) on the other hand. Future changes in technology and the economy may make some of this land available for development, however. Lincoln does have some relatively large, unprotected parcels and small pockets of developable land scattered about the town.

Conservation Land and Park Land. The amount of conservation land and public park land in Lincoln has earned the town a national reputation for its environmental and land use initiatives. The 3,194 acres of public and semi-public land reported in Table 2.1 represents a subset of the total number of open space acres in Lincoln, for it includes only the town’s conservation land, land owned by the LLCT and other conservation organizations, and the Minuteman National Historical Park. Lincoln has more acres of protected open space due to conservation restrictions and APRs – land classified above as agricultural or recreation land and privately owned vacant land. As of 2008, the total amount of protected open space in Lincoln was 3,282 acres.⁵

Regional Trends

Lincoln evidences several planning and land use trends that can be seen in neighboring towns. Boston-area suburbs have different challenges than the Commonwealth’s high-growth areas along I-495, in southeastern Massachusetts and Worcester County, and on Cape Cod. Lincoln’s region may not be growing as rapidly as other parts of the state, but it has clearly changed in the past fifteen to twenty years.

New Development, Infill, and Redevelopment. With the exception of Sudbury, the communities in Lincoln’s western suburban region have been growing slowly for the past two decades. Some experienced slight declines in total population after 2000. Most of these towns have little land left to develop compared with the large amounts of vacant land available west of I-495. However, a limited supply of vacant land does not preclude new development. The recent redevelopment of Metropolitan State Hospital in Lexington, and the redevelopment of the Boston Institute for Intercultural Communications (BIIC) property and commercial expansion at Lincoln Station in Lincoln, and proposed reuse of the former Raytheon site in Wayland as a new town center all reinforce the importance of reuse and redevelopment in the evolution of older suburbs. Even though population and household growth rates may continue to accelerate in a westward path across the Commonwealth, the Route 128 suburbs will grow and change in ways that may be very challenging for them.

Teardowns and Mansionization. A good example of differences between Boston’s Route 128 suburbs from other parts of the state is the frequency of teardown and mansionization. Teardown activity has been intense in maturely developed suburbs such as Wellesley, Lexington, Winchester, and Lynnfield, which have little vacant land and very high demand for housing. Weston and Lexington have explored different ways to address mansionization, such as Weston’s design guidelines brochure, *Preserving Weston’s Rural Character*. Lexington has increased its demolition delay period to twelve months, and the Lexington Historical Commission has

⁵ Ibid, 34.

conducted public education to work with owners of houses defined as “preferably preserved” under the town’s demolition delay bylaw.⁶

Chapter 40B. Comprehensive permits affect communities along Route 128 differently than the small towns west of I-495. Most of Boston’s maturely developed suburbs fall below the ten percent statutory minimum under Chapter 40B, but their lack of vacant land does not immunize them from comprehensive permits. These communities tend to have water and sewer service, public transportation, easy access to regional employment centers, and significant redevelopment sites. As a result, comprehensive permit activity is more likely to involve properties with many abutters, whereas outlying towns are more likely to lose unprotected open space and vacant industrial land. Lincoln is regionally unique because during the 1990s, it met the ten percent minimum largely because of Battle Road Farm. Even though Lincoln fell below ten percent after Census 2000, it has restored its percentage of affordable housing through careful planning, the strategic use of planned development districts, and the work of the Lincoln Housing Commission. The possibility exists that Lincoln will need to create more affordable housing in order to remain above ten percent after Census 2010.⁷

Zoning

Like most towns, Lincoln relies on several means to regulate development: zoning, subdivision control, wetlands protection, septic system requirements, and local historic districts. Lincoln also has adopted demolition delay and a neighborhood conservation district bylaw in an effort to save the small, older homes found in neighborhoods built during the interwar years and after World War II – homes that have become targets for teardown and mansionization. While all of these regulations effectively determine what can be done – and how much can be done – on a parcel of land, land use is squarely the province of zoning. Lincoln’s very limited amount of business activity, lack of industrial development, predominantly single-family residential neighborhoods, and unique multi-family developments are, in large part, a product of zoning requirements.

EVOLUTION OF ZONING IN LINCOLN

Lincoln adopted zoning in 1929 and has amended its land use regulations several times since then. The first use districts included a single-family residence district, a general residence district for single-family, attached or two-family dwellings, a business district, and a light industrial district. For seven years, Lincoln allowed single-family homes on 10,000 sq. ft. lots, and some relatively small house lots can be seen scattered around the town. In 1936, however, Town Meeting voted to increase Lincoln’s minimum lot area to 40,000 sq. ft. and also imposed deeper front yard setbacks. In the ensuing thirteen years, Lincoln established minimum frontage and basic lot shape controls, and eventually doubled its frontage requirement (to eighty feet). The effects of these decisions can be seen in the increasing regularity of residential development in Lincoln during and immediately following the interwar years.

By the early 1950s, Lincoln had begun to experience postwar housing demand as roadside open space gave way to house lots and back land was subdivided. Residents worried about the adequacy of Lincoln’s water supply to accommodate growth and the impacts of development on wetlands. Since Lincoln does not have public sewer service, all of its homes and businesses rely on private wastewater disposal systems. Due to concerns about the effects of growth on Lincoln’s rural character and natural resources, the town doubled its minimum lot area to 80,000 sq. ft. in 1955. Town Meeting also imposed deeper front, rear and side yard setbacks and increased the minimum frontage requirement to 120 feet. By the time many towns in Massachusetts were adopting zoning for

⁶ See Chapter 5, Built Environment, for additional discussion of teardowns and mansionization.

⁷ See Chapter 7, Housing, for additional discussion of Chapter 40B.

the first time, Lincoln had dramatically changed its original land use regulations. It also had set the stage for an unusually high ratio of residential land use per capita and a development pattern which, while seemingly protective of the environment, also increased the risk of high residential water use, auto dependency, and incremental, largely invisible encroachments on wetland resources.

Within ten years of instituting two-acre lots, Lincoln took steps to liberalize its zoning, first by authorizing the Zoning Board of Appeals to approve small multi-family dwellings in the General Residence District (1960) and two years later, by allowing multi-family housing by right in the same zone, subject to modest density controls. A subsequent generation of voters embraced new ideas about zoning: flexible site planning and open space preservation, mixed residential uses, moderate-income housing development, and accessory apartments in single-family homes. The progressive zoning decisions that Lincoln residents made in the early 1970s paved the way for developments such as Farrar Pond Village and Lincoln Woods, and generally increased public awareness of the ways that zoning could accomplish more than simply restricting growth. Further, the emergence of flexible zoning in this period probably helped Lincoln deal with far greater challenges after 1978, when a hoped-for realignment of Route 2 had been abandoned by the state and Massport began to signal its interest in expanding the Hanscom Field. Lincoln responded by establishing a temporary overlay district and building moratorium throughout North Lincoln, and another new zoning era was born.

USE DISTRICTS

Lincoln's underlying zoning is fairly conventional and prescriptive. The Zoning Bylaw is dated, both in terminology and substance. It is not as attuned to current thinking about issues such as site development standards, stormwater management, and off-street parking as one would expect in a town like Lincoln. It has all of the qualities of a bylaw that has been amended incrementally over time, without a comprehensive update in many years. Still, in other ways the Lincoln Zoning Bylaw is progressive, notably its provisions for "Big House" review. The town has four residential use districts and three nonresidential use districts (Map 2.2).

The **Residence 1 Single-Family Residence District (R-1)** is what its name implies: a zoning district intended for detached single-family homes. It includes about ninety-seven percent of the town.

- ❖ Single-family homes and accessory buildings are allowed as of right under a one-house-per-lot development policy.
- ❖ The minimum lot area is 80,000 sq. ft., minimum frontage is 120 feet, and yard setbacks, fifty feet on all sides for residential buildings and seventy-five feet for nonresidential structures. Depending on the size and shape of the parcel, the front setback could be noticeably deeper due to a lot width requirement of 250 feet between side lot lines through the principal building. Lincoln also has a lot shape regulation that disqualifies small, odd-shaped fragments of land from being counted toward the minimum lot area, frontage, and other dimensional requirements.
- ❖ A developer could qualify for a twenty percent density bonus, or up to ten extra units, if at least half of the additional units were restricted as affordable housing.
- ❖ Charitable, educational and religious uses (most classified as exempt uses under the Zoning Act), small boarding houses, agriculture, and small home occupations are also allowed as of right in the R-1 District, while hospitals and nursing homes, kennels, commercial greenhouses, non-profit clubs, golf courses, municipal uses, public utilities, radio towers, larger home occupations – defined as one requiring more than

four parking spaces – and accessory apartments require a special permit from the Zoning Board of Appeals.

- ❖ Cluster developments on parcels with at least 160,000 sq. ft. are allowed by special permit from the Planning Board. Lincoln offers no density incentives to encourage R-1 cluster developments. However, almost all sub-divisions created within the past ten years have been cluster developments.
- ❖ Under the **“Big House”** bylaw (2003), site plan review applies to all new dwellings to be constructed on vacant land, or when the gross floor area of a home and accessory buildings exceeds the greater of 4,000 sq. ft. or eight percent of the lot area, or 6,500 sq. ft.

The **Residence 2 General Residence District (R-2)** applies to approximately twenty-four acres in the vicinity of Ridge Road.

- ❖ Single-family homes are allowed as of right; two-family homes and garden-style and attached multi-family units also are allowed as of right, subject to site plan review by the Planning Board.
- ❖ Other uses permitted in R-1 are also permitted in R-2.
- ❖ The minimum lot area is 12,000 sq. ft. for a single-family home, 10,000 sq. ft. per unit for a two-family or three-family home, and 8,000 sq. ft. per unit for multi-family dwellings with four or more units. However, the density of a project in the R-2 District could be increased by twenty percent, or up to ten more units, if half of the units qualify as affordable housing.
- ❖ The minimum frontage and minimum lot width are 100 feet, with yard setbacks of forty feet in front of the principal building and thirty feet on the side and rear.

The **Residence 3 Open Space Residential Development District (R-3)** and **Residence 4 Planned Community Development District (R-4)** apply to two areas of Lincoln: R-3 (143 acres), Farrar Pond Village, and R-4 (65 acres), Lincoln Woods. The R-3 District’s purpose is to encourage creative site plans that save open space and provide a mix of housing. The purpose of the R-4 District is similar, but the mix of housing must include affordable units. Unless a developer applies for permits to build under the provisions of R-3 or R-4, the R-1 single-family development regulations apply. In effect, the R-3 and R-4 Districts function as overlay districts even though the Zoning Bylaw does not designate them as such. In the R-3 and R-4 Districts:

- ❖ Single-family homes are allowed as of right, but may not exceed twenty percent of the total number of units in a development; semi-detached and multi-family dwellings are allowed by special permit from the Zoning Board of Appeals, subject to site plan review.
- ❖ A qualifying site must have at least twenty-five acres, and at least seventy percent of the site must be preserved as open space.
- ❖ Total density is capped at twice the number of units that would be allowed under R-1 regulations. In the R-4 District, however, a developer could request additional density, up to a maximum of one unit per 10,000 sq. ft. of lot area, if at least sixty percent of the additional units are affordable housing. A developer in the R-2 District could qualify for a twenty percent density bonus if half of the additional units are affordable.

- ❖ In the R-3 District, the developer is required to show that a project’s population density and traffic will not significantly exceed the population density or traffic that would be generated by the site if it were developed under the regulations of the R-1 District.

The **Business 1 Retail Business District (B-1)** applies to a total of 8.8 acres, including the Rural Land Foundation’s property around Lincoln Station, land on the opposite side of Lincoln Road, and the former town hall on Lincoln Road.

- ❖ Permitted uses include retail stores, personal service businesses, offices, banks, a post office, rail or bus terminal, and outdoor display and retail sale of merchandise on the same lot, as a use accessory to a retail establishment.
- ❖ Restaurants and other food service establishments require a special permit from the Planning Board.
- ❖ The minimum lot area is 6,000 sq. ft., with a minimum lot frontage of fifty feet.
- ❖ Yard setbacks and lot width are determined by site plan review.
- ❖ Building height is a remarkably low twenty-five feet.

The **Business 2 Service Business District (B-2)** applies to 8.9 acres of land in the vicinity of Lewis Street in South Lincoln.

- ❖ Uses permitted in the General Residence District are also permitted in the B-2 District.
- ❖ Some uses allowed by right in the B-1 District require a special permit from the Board of Appeals in B-2, such as business or professional offices and personal service businesses (e.g., barber shop, dry cleaner).
- ❖ Gas stations, craft workshops, light manufacturing, and shops for construction and landscaping contractors also require a special permit from the Board of Appeals.
- ❖ Restaurants and food service establishments require a special permit from the Planning Board.
- ❖ Lot area, frontage, and setbacks are determined by site plan review, while building height in this district is also limited to twenty-five feet.

The **Selected Light Industrial District (B-3)** establishes use and dimensional regulations for industrial development. However, B-3 is a “text-only” district because Lincoln has not zoned any land for industrial uses.

- ❖ Even though the B-3 District is intended for research buildings, offices, and light industry, the only “by right” permitted uses in this district are educational and religious uses exempt under Chapter 40A.
- ❖ Research uses, offices, light manufacturing, parking areas, banks, gas stations, and accessory uses require a special permit from the Zoning Board of Appeals.
- ❖ The minimum lot area for uses in the B-3 District is 400,000 sq. ft., and the maximum building height, thirty-six feet.

OVERLAY DISTRICTS

Since the mid-1980s, Lincoln has used overlay districts to consider major development projects on a case-by-case basis in North Lincoln and South Lincoln. Many Massachusetts towns have overlay districts today, but Lincoln's approach is unique. The **North Lincoln Overlay District**, established permanently in 1986, may include land north of Route 2 and within 100 feet south of Route 2, subject to Town Meeting approval. It creates a process for developers to present concept plans to the town, details about the size and type of project they want to pursue, building and landscaping plans, impact studies, supporting documentation, and a list of any underlying zoning regulations that are not met by the project. Under Section 12.5 of the Zoning Bylaw, the Planning Board holds a community-wide public hearing, and ultimately Town Meeting decides whether to establish a Planned Development District (PDD) with use, dimensional and other requirements based on the developer's concept plan – known as a preliminary development and use plan. By approving a PDD, Town Meeting creates a two-year window within which the Planning Board may grant a special permit and site plan approval for a detailed plan that substantially conforms to the developer's preliminary development and use plan. Depending on the detailed plan, the project may require a second community-wide public hearing process. The district designation expires if the Planning Board does not grant a special permit within two years or if the developer fails to construct under the special permit within two years of its issuance.

Although the PDD zoning model is an arduous process and may be an expensive and time-consuming proposition for developers and the town, the collaborative public process that developers and the Planning Board follow clearly embraces “the Lincoln way” of approaching issues of town-wide interest. It would be difficult to replicate in most communities, yet Lincoln has succeeded with it. The town currently has four PDDs in North Lincoln – Battle Road Farm (NL-1), the Lincoln North office development (NL-2), Minuteman Commons (NL-4), and The Groves (NL-5) – and one in the **South Lincoln Overlay District** for the Mall at Lincoln Station (SL-1).

In addition to these special planning districts, the town has a Wireless Communications Facilities Overlay District and three protective overlay districts:

- ❖ Lincoln established the **Open Space Conservation Overlay District (C)** in 1960 to protect water supply and natural features, and prohibit development in areas subject to flooding. It applies to about 212 acres, mainly the floodplain areas surrounding the Hobbs Brook and Stony Brook in the southern part of town. Permitted uses include farming, forestry, passive recreation, water conservation, boat houses and landings. Barns, stables, kennels, a town cemetery or town well is allowed only by special permit. A property owner's written consent is required in order for land to be placed in the district. A subsequent owner who believes the land is not prone to flooding has the option of presenting evidence to the Board of Appeals and obtaining permission to construct under the regulations of the R-1 District.
- ❖ The **Wetland and Watershed Protection District (W)**, adopted in 1973, serves purposes similar to those addressed by the C District, and additionally the protection of groundwater recharge areas, wetlands, wildlife habitat and open space. It applies to standing and flowing water bodies such as ponds, streams, and bogs. However, while the regulations imply that this district also includes other wetland resources, the W District bylaw does not define the wetlands it covers or refer to a wetlands map for boundary determinations. The same uses permitted by right in the C District also control in the W District, but the approach to special permitted uses is different. In the W District, the Board of Appeals may grant a special permit for any use permitted in the underlying zone if the applicant submits an environmental impact report acceptable to the Conservation Commission and the site to be developed is found not to be significant for water supply protection purposes. For land located in the W District, wetlands may be used to satisfy the underlying zone's minimum lot area requirement as long as the parcel has at least 20,000 sq. ft. of contiguous upland.

- ❖ Lincoln adopted the **Flood Plain District (FP)** in 1978 to comply with federal flood insurance requirements. The FP District includes all land in Zone A, A1-30 on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps (effective 1985). For new construction and substantial reconstruction within the FP District, the lowest floor of a building must be at or above the 100-year base flood elevation on the Flood Insurance Rate Maps (FIRM). In addition, no construction is allowed within floodway areas unless a registered professional engineer certifies that a proposed activity will not increase flood levels during a 100-year storm event.

Lincoln's parking regulations are unusually broad...In addition, Lincoln's zoning focuses on minimum parking spaces for each use class regulated by the off-street parking requirements. Today, planners emphasize maximum parking requirements and related standards to reduce pavement and increase landscaping, all toward the goal of reducing stormwater runoff.

OTHER REQUIREMENTS

Inclusionary Zoning. In 2005, Lincoln adopted an Inclusionary Housing bylaw that requires affordable housing in developments with six or more new units. Lincoln's earlier affordable housing regulations allowed an increase in density, but the Inclusionary Housing bylaw provides no authority for a special permit to award additional units or other types of cost offsets. It establishes a sliding scale of required affordable units based on the size of a project, generally fifteen percent. Developers have the option of locating the affordable units in their projects or in other parts of town, paying a fee in lieu of units to Lincoln's affordable housing fund, or donating usable land to the town so that an organization like the Lincoln Housing Commission can build affordable housing on the town's behalf.

Site Plan Review. The Zoning Act does not specifically authorize or even mention site plan review, but the courts have upheld it as a valid exercise of local authority and today, most communities have some type of site plan review procedure. Site plan review is a mechanism for reviewing projects that are likely to have an impact on surrounding land uses, natural resources, and traffic. It also provides a mechanism for placing reasonable conditions on projects prior to issuance of a building permit. However, it does not create power to disapprove permitted uses. Unlike a subdivision plan or a special permit, an approved site plan does not "grandfather" or protect any zoning rights from later changes to the Zoning Bylaw.

In Lincoln, Site Plan Review under Section 17 of the Zoning Bylaw applies to virtually all new construction, site alterations or excavation on a vacant lot, exterior alterations or expansion of nonresidential and multi-family uses, and any use requiring a special permit. Lincoln also requires limited site plan review for uses exempt from local zoning under Section 3 of the Zoning Act: uses generally referred to as "Dover Amendment" uses, such as schools, colleges, group homes and religious uses. There is disagreement within the legal community about requiring site plan review for so-called "Dover Amendment" uses, but many communities have regulations like Lincoln's. The challenge for local officials involves balancing land use policy and the interests of neighbors with the Dover Amendment's intent to protect educational and religious institutions from zoning constraints.

Off-Street Parking. Communities often use off-street parking requirements as a surrogate for controlling intensity of use, and sometimes they use it as leverage to obtain concessions from developers. These objectives are met by imposing excessive parking requirements, particularly on multi-family, commercial, and industrial development – requirements that make it very difficult to build out a site in conformance with "actual" density and dimensional controls such as building setbacks, building height, lot coverage restrictions, or floor area ratios.

The Planning Board intends to review Lincoln's current parking regulations, such as the requirement that there be a large number of parking spaces for retail uses – one space for each 140 sq. ft. of floor area for retail or service business. The noteworthy issue is that Lincoln's parking regulations are unusually broad, and not always well connected with the rest of the Zoning Bylaw. For example, the regulations include minimum parking space requirements for various uses, yet there is no standard for professional or business offices and banks – uses one would expect to find in the South Lincoln business area. In addition, Lincoln's zoning focuses on minimum parking spaces for each use class regulated by the off-street parking requirements. Today, planners emphasize *maximum* parking requirements and related standards to reduce pavement and increase landscaping, all toward the goal of reducing stormwater runoff.

NEEDS, ISSUES & CHALLENGES

Lincoln's planning needs include problems that affect all Massachusetts communities and some that are unique to the town. Since Massachusetts is a home rule state, municipalities have broad latitude to regulate development as long as their bylaws and policies do not conflict with the state constitution or state laws that limit local control. However, Massachusetts can be a challenging regulatory environment for local governments because the Zoning Act, M.G.L. c. 40A, has never been revised to reflect the principles of home rule. It is not an “enabling act,” though many people still refer to it that way. Today, efforts to improve Chapter 40A remain tangled in a political dispute. Tensions between city and town officials, planners, developers and homebuilders, legislators, and state agencies have made it difficult to reach agreement about zoning reform. Meanwhile, the legislature has approved various zoning and permitting “options” for communities to adopt if they wish, further blurring the line between home rule and state authority.

Zoning Reform

In the past several years, the legislature has considered numerous proposals to revise Chapter 40A, but invariably the proposals were referred to committee for further study. The legislature is currently reviewing a new round of zoning-related bills, including some from previous years. Of the two most widely discussed proposals, one involves a comprehensive reform and update of Chapter 40A and the Subdivision Control Law, and the other promotes a combination of some reforms and incentives for cities and towns to adopt plans and zoning consistent with regional and state growth policy objectives.

- ❖ The **Community Planning Act**, or CPA-II, promotes updating Chapter 40A to make it more like the zoning laws found in many other states. It also requires consistency between local comprehensive plans and zoning. When CPA II was submitted to the legislature in 2005, many developers and some housing advocates objected to it. Opposition from developers was reinforced by the publicity surrounding a then-recent study produced by the Pioneer Institute and the Rappaport Institute. The study asserts that zoning and other local regulations impede housing development in the Boston metropolitan area and place a damper on job growth and economic vitality.
- ❖ The **Land Use Partnership Act** (LUPA) promotes a voluntary system for communities to adopt plans consistent with state requirements, such as designating land for commercial growth and high-density housing by right and expediting the permitting process for these uses. In exchange, communities with LUPA-compliant plans would be allowed to exert more control over development by gaining access to some regulatory tools that CPA-II would provide to all cities and towns: eliminating the “Approval Not Required” process, placing limits on vested rights, adopting rate-of-growth regulations, and making zoning changes with a simple majority vote at Town Meeting. LUPA is the result of work initiated in 2007 by the Executive Office of

Housing and Economic Development (EOHED), which assembled a Zoning Task Force in order to find some middle ground between supporters and opponents of CPA-II and explore other alternatives.

Zoning Changes

By law, citizens can petition for an article to be placed on a Town Meeting warrant. If the proponents have enough signatures, the Board of Selectmen must allow the petition to proceed to Town Meeting. When the petition involves zoning, the statutory process for considering it is fairly straightforward. Under M.G.L. c. 40A, s. 5, the Board of Selectmen refers the matter to the Planning Board, which in turn is required to hold a public hearing and make a report to Town Meeting. Zoning changes also may be proposed by the Board of Selectmen, Planning Board, Zoning Board of Appeals, the regional planning agency (the Metropolitan Area Planning Council), or an individual landowner, but the Planning Board public hearing and reporting requirements still apply. Adopting or amending a zoning bylaw or zoning map requires a two-thirds vote of Town Meeting.

Lincoln has made creative use of overlay districts to provide for a variety of housing and a large office development, and in order to begin the process of encouraging a village center around Lincoln Station. The overlays “float” over a designated area until Town Meeting decides to locate a PDD within it. This involves amending the zoning map and authorizing special regulations for the PDD, as depicted on the developer’s preliminary plan. Only then does the developer gain access to a permitting process that will determine whether the project can be built. Most communities would have trouble working with a zoning scheme like the North Lincoln and South Lincoln Overlay Districts, but overall there is consensus that it has benefited the town and created a framework for vetting creative ideas. Very few zoning changes approved by Town Meeting have not worked out as local officials anticipated and in such cases the rigorous review process outlined in the Zoning Bylaw had not anticipated unforeseen future changes. For example, North Lincoln Planned Development District 3, approved in 1999, was never developed, but economic conditions at that time made such development not feasible.

In consultation with the Planning Board and other town boards, the Board of Selectmen appointed the At-Risk Properties Committee in 2005 to study six properties believed to be on the verge of sale. The Committee’s charge involved identifying plausible development and preservation scenarios and estimating the environmental, traffic, and fiscal impacts of each option. The results were published in a report, which was well received at the 2005 State of the Town Meeting. Some officials say the report helped Lincoln when Deaconess Abundant Life Communities approached the town about developing The Groves, which occupies one of the sites analyzed by the At-Risk Properties Committee.

More recently, Leggat McCall Properties inquired about rezoning land for a large office building on the Lincoln-Waltham line, just south of the Cambridge Reservoir. Known as the Arshad property, the land is in a residential neighborhood with access controlled by a one-way street designation established years ago to prevent cut-through traffic from office and industrial uses in Waltham. The Arshad property abuts one of the parcels in the At-Risk Properties Study. The Board of Selectmen reconvened the At-Risk Properties Committee to review the developer’s idea, following the same process used for the original study. This time, the process did not fare as well. As expected, neighborhood residents objected, but residents from other parts of town also criticized the At-Risk Properties Committee and the process as a whole. Some said the process should have been designed to discourage proposals that conflict with Lincoln’s traditional zoning framework. Others said the neighborhood should have had more opportunities to participate in the review, and still others questioned whether Lincoln’s tax revenue concerns had begun to outweigh other planning needs that the town had managed to balance for many years.

The office building proposal disappeared when the purchase and sale agreement expired. Still, the issues that surfaced during Lincoln's review process illustrate how difficult it can be to consider such zoning alternatives. As towns progress toward buildout under existing zoning and their population changes over time, it becomes increasingly challenging to explore new land uses.

Lincoln needs to clarify its priorities for "smart evolution" because the town has many competing needs and agendas, and they are not always compatible.

Smart Growth

Since 2003, state government has shown some interest in smart growth, a set of planning principles that emphasize environmental protection by promoting compact, mixed-use development near public transportation, more transportation options to reduce vehicle dependency, housing and employment choices for people of all income levels, and fairness in development review and permitting procedures. The state's strategy involves measures such as Chapter 40R, which offers financial incentives to communities that allow higher-density housing by right. Massachusetts also promotes green buildings and renewable energy through public education and low-interest loans and grants for commercial, industrial, and government buildings that address the state's energy and water conservation policies. In addition, Chapter 43D encourages communities to identify areas for commercial, industrial, or mixed-use development ("Priority Development Sites") and make the permitting process for those projects efficient and clear.

Lincoln thinks of smart growth as "smart evolution," and its most obvious opportunity is the area around Lincoln Station. The town has taken steps to provide for different types of land uses there, notably by adopting the South Lincoln Overlay District. One challenge for Lincoln involves determining the feasibility of providing adequate wastewater disposal facilities to serve new growth within the overlay district. A second, perhaps more difficult, challenge will be to decide how much additional development should occur in the South Lincoln business area if district-level wastewater disposal solutions can be achieved. A third issue is how best to apply "smart evolution" to other places that become candidates for development or redevelopment in the future. Some of Lincoln's non-profit institutions seem well-established in their present settings and unlikely to relocate, yet the properties without any use restrictions could change. In addition, Lincoln could inherit the homes at HAFB if it closes in the future – not to mention the portion of HAFB's land that lies within Lincoln, where there is considerable redevelopment potential for many types of uses. Reuse of existing properties is an important feature of smart growth, even without direct access to public transportation. Lincoln needs to clarify its priorities for "smart evolution" because the town has many competing needs and agendas and they are not always compatible.

Creative Development

Lincoln has had a successful history of creative development. However, in order to further expand future development possibilities, it may want to consider additional zoning tools such as transfer of development rights (TDR) and backlot development. Under a TDR bylaw, the development rights of one parcel can be transferred to another, thereby making it possible both to save open space and create compact development in areas appropriate for it. Most but not all TDR bylaws establish two types of zones: *sending and receiving areas*. *Sending areas* represent the locations from which development rights will be transferred, and *receiving areas* represent the locations designated for growth. Some TDR bylaws establish an overall development maximum for a specific district (usually an overlay district) and allow the development rights to be exercised anywhere in the district or within defined sub-districts as long as projects comply with a set of open space performance standards. Though

often practiced in other parts of the country, TDR has not gained much recognition in Massachusetts except in urban communities. Towns that have attempted to pass TDR bylaws report opposition from residents living in or near designated receiving areas, from property owners who feared that land in a sending area would be devalued, and from developers who perceived TDR regulations as onerous, complicated, and bureaucratic. Even without clearly mapped sending and receiving areas, TDR has been a hard sell in many towns. A notable exception is Groton.

When the timing of real estate transactions makes it impossible for a single private developer to obtain site control over a priority sending site and an eligible receiving site, Lincoln could use TDR to finance the purchase of critical open space. For example, the town or the RLF could acquire and “bank” zoning rights for future sale to developers who agree to create projects with significant public benefits in other locations. Due to Lincoln’s high land costs, TDR may be one appropriate way to protect large, valuable tracts of open space, such as the DeNormandie farm on Trapelo Road or the Farrington Memorial. The town also could allow developers to acquire zoning rights and propose one or more locations to “send” the development to, e.g., by using the existing North Lincoln Overlay District as a mechanism to assemble development rights north of Route 2 and reallocate them within the same area through the use of sending and receiving sub-districts. Furthermore, small towns, larger suburbs, and cities could have inter-local TDR if the legislature authorized the creation of a special district. Massachusetts has a few precedents for placing land within two or more communities in a special district with permitting, revenue, and public services administered jointly. It would not take much creativity to extend the same type of structure to a regional TDR initiative.

Future Development Potential

Nearly a decade ago, the Executive Office of Energy and Environmental Affairs (EOEAA) funded a statewide program to estimate the future growth capacity of every city and town in the Commonwealth. According to the analysis of undeveloped land in Lincoln, the town’s reserve growth capacity included 326 new housing units and about 16,500 sq. ft. of additional commercial space.⁸ This is a very low growth projection compared with that of most Massachusetts towns, including maturely developed suburbs near Boston. However, the state’s projection ignores Lincoln’s potential for redevelopment. The South Lincoln Overlay District currently contains a PDD for the South Lincoln Mall, but it allows for the possibility of more PDDs within the boundaries of the overlay district. The same applies to North Lincoln. Moreover, Lincoln has properties with redevelopment potential outside of the established overlay districts. While the state buildout study ignored these issues, Lincoln is keenly aware of them.

GOALS & RECOMMENDATIONS

Goal LU-1. Institute a comprehensive process for considering proposed zoning changes

- LU-1.1. Develop and publish the criteria that Lincoln’s town boards will use to guide their review and evaluation of future proposed zoning changes.
- LU-1.2. Charge the Planning Board with responsibility for coordinating the review process with other town boards, providing timely feedback and guidance to proponents, and providing avenues for the public to participate in the review process.

⁸ Executive Office of Environmental Affairs (now known as Executive Office of Energy and Environmental Affairs), 2001.

DISCUSSION

The Planning Board's scope of review under the Land Use Review Criteria is broad and touches on physical design, social and economic impacts, open space impacts, historic preservation, and other subjects. Under the proposed review process, the Planning Board may designate a review committee to oversee the process, drawing upon representatives of other Town boards with relevant expertise such as the Selectmen, Finance Committee, Conservation Commission, Housing Commission, and others. As envisioned by this Comprehensive Plan, the review process would consist of the following:

- ❖ The Planning Board will serve as the single point of contact for any proponent of a zoning change.
- ❖ Following an initial meeting with the Planning Board, the proponent will be asked to:
 - ◆ Provide a conceptual plan of the proposal that requires a zoning change;
 - ◆ Provide a sketch plan of the property's development potential under current zoning and the assumptions used to determine such potential; and
 - ◆ Provide a narrative analysis of the conceptual plan's responsiveness to the Land Use Review Criteria and the specific public benefits of the proposal.
- ❖ The Planning Board will conduct a preliminary review of the proponent's conceptual plan and narrative analysis in a meeting with the proponent. The Board will identify potential issues with the plan, possible tradeoffs, and the degree to which a proposed zoning change considers the Land Use Review Criteria recommended in this Comprehensive Plan.
- ❖ The Planning Board may request alternative plans to address issues identified during the initial review. If the proponent remains interested in pursuing a zoning change, the Planning Board will hold

Summary: Land Use Review Criteria

A proposed zoning change will be considered based on the degree to which it:

- ❖ Is consistent with – and preferably enhances – the rural character of Lincoln;
- ❖ Enhances the social and economic diversity of the town;
- ❖ Enhances the long-term financial stability of town government;
- ❖ Promotes the equitable sharing of burdens and enrichment among residents;
- ❖ Maintains Lincoln's strategic use of open space;
- ❖ In addition to these five priorities, additional criteria will be considered given their special focus on emerging trends or relevance to specific land uses:
- ❖ Enhances Lincoln as a "green" town;
- ❖ Creates amenities that enrich the experience of living in Lincoln;
- ❖ Maintains Lincoln's long-standing special relationship with agriculture;
- ❖ Encourages historic preservation;
- ❖ Enhances the educational orientation and resources of the town;
- ❖ Enhances social connection and civic engagement among residents and among neighborhoods;
- ❖ Helps Lincoln contribute positively to the region.

Note: Appendix B contains a complete list of the proposed Land Use Review Criteria.

a public informational meeting and inform and include all of the key policy and regulatory boards as well as neighborhood residents.

- ❖ Following the public informational meeting, the Planning Board will refer the proponent’s plan to the Board of Selectmen and Conservation Commission for review and comment. The Planning Board may also designate a review committee to oversee the process. Depending on the nature of the proposal, other boards may be asked to assist with the review process, e.g., the Historical Commission or Housing Commission. In addition, the Planning Board will refer the plan to town department heads for technical review. Town staff will coordinate the review process at the department head level and compile all departmental comments into a single submission to the Planning Board.
- ❖ The Planning Board may ask the proponent to meet with the reviewing parties in order to address their questions before they submit comments to the Planning Board.
- ❖ The Planning Board will hold a second public informational meeting once all comments have been received from the reviewing parties. The purpose of the second meeting will be for the Planning Board to consider the comments received, provide an opportunity for the proponent to respond to the comments, and provide an opportunity for residents to submit comments as well.
- ❖ If the proponent remains interested in pursuing a zoning change, the Planning Board will work with the proponent to revise the conceptual plan so that it addresses the comments received, to the extent possible, and to maximize the proposal’s public benefits to the town. Agreements reached by the Planning Board and the proponent may be referred to the Board of Selectmen for inclusion in a development agreement to be prepared by the Board of Selectmen, Town Counsel, and the proponent, if a development agreement is warranted.
- ❖ If the Planning Board and the proponent arrive at a conceptual plan that substantially addresses all of the applicable Land Use Review Criteria, the Planning Board will conduct a third public informational meeting to present the revised conceptual plan. The Planning Board will be responsible for articulating:
 - ◆ How the proposal meets or falls short of the Land Use Review Criteria;
 - ◆ The degree to which the proposal addresses comments received from reviewing parties;
 - ◆ The opportunities and challenges presented by the proposal;
 - ◆ Where applicable, why it is infeasible or inadvisable to make further changes to the proposal; and
 - ◆ The proposal’s consistency with the goals of this Comprehensive Plan.
- ❖ The Planning Board may elect to sponsor the proposed zoning change, support the zoning change if petitioned by the proponent, or recommend unfavorable action on the zoning change following a public hearing under M.G.L. c. 40A, s. 5.
- ❖ A complete set of zoning amendments to facilitate the proponent’s plan will be prepared by the proponent and submitted to the Planning Board for review. To the extent appropriate for the project, the regulatory amendments will provide for an efficient permitting process, such as a consolidated application for all approvals required from various town boards and expedited decision periods where allowed by law. Once the amendments are acceptable to the Planning Board, they will be referred to Town Counsel for review.

- ❖ The Board of Selectmen and proponent will execute a development agreement, if one is warranted for the project.
- ❖ The proposed zoning change will be presented to Town Meeting, at which time the Planning Board will present its report.
- ❖ If the zoning change is adopted by Town Meeting and subsequently approved by the Attorney General, the proponent will be eligible to apply for necessary permits and approvals as set forth in the new bylaw.

Goal LU-2. Create a compact, vital, walkable village center in the Lincoln Station area that provides more housing choices near public transportation, goods and services for residents, and opportunities for social interaction.

- LU-2.1. Conduct a public planning process that captures resident interests in, as well as concerns about, further development at Lincoln Station.
- LU-2.2. Identify potential benefits and drawbacks, if any, arising from compact, mixed-use, and transit-oriented forms of development, and determine acceptable trade-offs.
- LU-2.3. Capitalize on and reinforce existing investment at Lincoln Station in infrastructure, services, and housing choices.

DISCUSSION

The Lincoln Station area provides access to public transportation, a mix of services for residents, and a variety of housing choices. It has the potential to evolve as a higher-density, walkable neighborhood with opportunities for social interaction. The South Lincoln Overlay District includes the Lincoln Station area and promotes “enhanced mixed use, commercial, office, and residential opportunities.” Its flagship project, the Mall at Lincoln Station, has been completed. While a basic consensus plan for the Lincoln Station area was developed several years ago, Lincoln needs additional information in order to determine how much development the area can support, the types of development that residents want to see, the public improvements needed in order to achieve the overlay district’s purposes, the cost of those improvements, and options for financing them. Since sizing the capacity of a wastewater disposal facility is crucial in any development plan, it will be important for Lincoln to understand both the options available for wastewater disposal and their potential consequences. However, wastewater disposal concerns should not discourage further investigation. Lincoln’s unique process for creating PDDs will help to reduce the risk of overdevelopment because each PDD is subject to a development cap.

The cost to prepare a master plan for Lincoln Station area will depend on how much work the town expects to do in-house and how much will be contracted to consultants. Lincoln has so many residents employed in engineering, architecture, and allied professions that a group of skilled volunteers, supported by town staff, could do a considerable amount on their own. Hiring a team of consultants would be expensive because the scope of the project involves design services, but the town could consider a multi-phase master planning process that begins with an evaluation and feasibility study of wastewater disposal options and a reassessment of the zoning district’s boundaries.

In developing a master plan for South Lincoln, the town may want to consider ways that the village could support “smart evolution.” For example, density that seems unacceptable on face value might be more acceptable if it involved transferring development rights from an important tract of open space in another part of town. Density also could be advantageous to the town if it meant a substantial contribution from developers to

relocate the public works garage from Lewis Street, thereby opening highly valuable land for better use. A building height that would be unacceptable under other circumstances may be palatable if the extra height enabled a project to locate some parking below grade and provide more open space on a lot. In short, the planning process for Lincoln Station could be very beneficial to Lincoln if the goals for that area were designed to implement the broader framework set by this Comprehensive Plan.

Goal LU-3. Consider land development and preservation techniques that address local needs.

- LU-3.1. Consider land development and preservation techniques such as transfer of development rights and “by right” open space-residential development.
- LU-3.2. Evaluate the town’s approach to development review and permitting, and consider options to make the permitting process more efficient for proposals that advance the goals of this Comprehensive Plan.

DISCUSSION

Lincoln’s existing R-1 and R-1 Cluster zoning provisions have led to development that is consistent with the Town’s historical development patterns, and these development patterns are widely supported and appreciated by the Town’s residents. Lincoln also has an overlay district process for North Lincoln and South Lincoln, but other opportunities may exist to encourage creative proposals both within North and South Lincoln and in other parts of the community. The existing process for establishing PDDs is project-driven, that is, the process triggers when a landowner or developer approaches the town about a development proposal that needs special zoning. Lincoln might wish to consider providing additional alternative ways to develop property and preserve open space or historic assets. The following techniques are included as a guide for further study.

Transfer of Development Rights. There are several ways to design a TDR bylaw, but the underlying concept is the same: one area is preserved by transferring its development rights to another area. In Lincoln, TDR could be used to preserve all or a substantial portion of a priority tract of open space by acquiring the development rights and exercising them on other parcels designated for more intensive development, such as Lincoln Station. In addition, TDR could be used to establish an overall development maximum for the Lincoln Station area and allow the development rights to be “transferred” anywhere within the overlay district.

Cluster by Right and Backlot Development. Cluster subdivisions are usually preferable to conventional subdivisions because they foster preservation of relatively large tracts of open space. With very few exceptions, virtually all subdivisions approved in the last 10 years within the Town have been clusters. Even though the Town’s zoning does not provide a density bonus for cluster subdivisions, proponents voluntarily choose this option because it provides desirable flexibility in lot sizes, shapes, and building setbacks. There does not presently appear to be a need to provide additional incentives for cluster development (or disincentives for conventional subdivisions). If, at some point in the future, clusters are shunned by developers, the Town might consider allowing small clusters of two to four homes as of right, subject to site plan review, instead of the current requirement of a discretionary special permit. Another tool for small projects, backlot development, encourages developers to locate new homes far back from the road and preserve the roadside open space under a perpetual conservation restriction. Although this method of site development is common elsewhere in the country, it has been difficult to institute in Massachusetts because the “Approval Not Required” procedure for creating new lots is so attractive to housing developers. However, a few communities in Western and Central Massachusetts have adopted and successfully implemented backlot development special permit regulations by offering an extra lot in exchange for restrictions that preserve the view from the road.

Open Space-Residential Development. Many communities in Massachusetts have embraced a different approach to “cluster” development known as Open Space-Residential Development (OSRD). Unlike the early “cluster” bylaws, OSRD prescribes a specific site planning process for defining development envelopes and locating roads. In addition, OSRD bylaws often require architectural design submissions as part of the project review process in order to ensure the appropriateness of proposed buildings for the site and surrounding area. Over the past twenty years, communities throughout the state have adopted zoning that requires OSRD for subdivisions over a certain size in one or more residential districts. However, a recent Appeals Court decision makes it virtually impossible to *require* developers to apply for an OSRD special permit if they wish to subdivide a tract of land into conventional house lots. To make an OSRD bylaw attractive to developers, Lincoln may need to provide a modest density bonus, allowing a mix of residential uses (such as single-family homes and townhouses) on one site, or ways to “streamline” the project review and decision process. However, it might be preferable to place some additional areas in the existing R-3 District rather than to craft an OSRD bylaw that would apply anywhere in the R-1 District.

“Great Estates” Zoning. Several Massachusetts communities have adopted flexible zoning that allows a range of reuse possibilities and some infill development on historic estate properties. Often known as a “Great Estates” bylaw, this type of zoning places designated estates in an overlay district within which otherwise prohibited land uses may be developed under a special permit. Lincoln has not had to consider a special regulatory tool for estate properties because so many of them have been acquired and preserved by non-profit organizations with missions that largely align with the town’s desire to protect open space. Although these properties seem secure, most do not have conservation restrictions or historic preservation restrictions. Virtually all of the historic estates lie within the R-1 District and outside the North and South Lincoln Planning Districts, so if they were sold in the future, the only options Lincoln provides for them are conventional and cluster subdivisions. Estates in a local historic district would be subject to additional non-zoning controls.

“Great Estates” and similar bylaws in other parts of the state provide for a range of uses such as multi-family housing, assisted living residences and continuing care retirement communities, corporate conference centers, commercial offices and research and development facilities, and for-profit colleges or universities (which do not qualify as exempt educational uses under the Dover Amendment). An advantage to establishing an overlay district for these types of properties is that the zoning regulations and procedures would be in place, but Lincoln would not have to place any land in the district unless asked by an institutional owner – much like the North Lincoln and South Lincoln Overlay Districts. Using the process described under Goal LU-1, Lincoln could consider requests to place land in the district and negotiate for community benefits on a project-by-project basis.

Zoning Relief to Preserve Older Buildings. The effectiveness of demolition delay could be enhanced by providing “last resort” options for the reuse or relocation of older buildings. For example, some communities allow the conversion of an existing single-family dwelling to a multiple-unit dwelling if the demolition delay period fails to produce realistic alternatives to a teardown. At least one Massachusetts community allows “last resort” relocation of a single-family home to another lot with an existing house if moving the building is the only way to save it. In these cases, the relocated home becomes an accessory use to the other residence, e.g., a detached accessory dwelling, an elder cottage housing opportunity (ECHO) unit, or a miniature mixed-use arrangement that includes an accessory dwelling and office space for a home occupation. This type of zoning could be compatible with the town’s interests in protecting the environment and providing housing that meets social objectives.

Development Impact Fees. While most states grant specific authority to cities and towns to charge development impact fees, Massachusetts does not have impact fee legislation. The absence of a general law providing for impact fees, coupled with restrictions in the state constitution that limit the power of local governments to raise revenue, have made it very difficult for communities in Massachusetts to set impact fees that will survive a challenge in court. Instead, some communities rely on negotiated development agreements to obtain financial benefits from developers in exchange for approving zoning amendments or granting special permits and variances. This may change if the legislature enacts CPA-II, LUPA, or other proposals to update the Zoning Act. Lincoln could prepare for the eventuality of impact fees by reviewing its existing capital planning process, assembling the data required to document development impacts on municipal facilities and infrastructure, and developing a methodology for converting documented impacts of residential and commercial development into cost estimates that can form the basis for fees.

Goal LU-4. Maintain communication with non-profit organizations and institutions in Lincoln in order to integrate their long-range plans with the town’s plans.

- LU-4.1. Identify in a timely fashion land use and facilities development proposals that affect either the town or the institution, and their possible impacts.
- LU-4.2. Pursue cooperative efforts that leverage a non-profit or institution’s mission to the benefit of the town culturally, economically, or physically.

DISCUSSION

Lincoln has an unusually large number of non-profit organizations and non-local government agencies operating within its borders. In addition to the estimated ninety-seven non-profit organizations in Lincoln today, the National Park Service, the Massachusetts Department of Conservation and Recreation (DCR), and the City of Cambridge own or control quite a bit of land in Lincoln – excluding all of the land controlled by the federal government and Massport in North Lincoln. The Board of Selectmen periodically meets with the town’s non-profits, and the Conservation Commission frequently communicates with Cambridge, but there does not appear to be a formal process for communicating with Lincoln’s tax-exempt landowners. In most cases, activities they carry out on the properties for public, charitable, educational, or religious purposes are exempt from zoning, which means that substantial changes in use could occur with little control by the town. In addition, a decision by any of Lincoln’s larger non-profits to sell their land could lead to unanticipated land use changes. Lincoln might benefit from establishing regular meetings between non-profits and other governmental agencies with a working group of town officials, including designees of the Board of Selectmen, Planning Board, and Conservation Commission, and possibly the School Committee and Finance Committee. (*See also, Chapter 4, Cultural and Historic Resources, Goal CH-1.*)