

**TOWN OF LINCOLN, MASSACHUSETTS
ANNUAL TOWN MEETING MOTIONS
Saturday, March 25, 2017**

Note: Motions under articles 3, 4, 5, 6, 17, 18, 19, 22, 23, 24, 26, 27, 28, 29, 30, and 31 are to be found on the green Consent Calendar.

Motion under ARTICLE 2 Selectmen

Moved: That Peter Braun and Renel Fredriksen be elected Fence Viewers, and that Jennifer Glass, JR Robinson, Laura Sander, Chris Kasper, Ruth Rothstein and Dilla Tingley be elected Measurers of Wood and Bark, for the ensuing year.

Motion under ARTICLE 7 Finance Committee

Moved: That the Town adopt as the FY18 budget appropriation the recommendations listed in the report of the Finance Committee, printed on pages 49-54 inclusive, of the Financial Section and Warrant for the 2017 Annual Town Meeting, with the following exceptions:

And that all items be raised by taxation except to the following extent:

- Dept. 1491 **Cemetery Department-Expenses-** \$5,000 to be transferred from Cemetery Perpetual Care Trust Fund Income-Expendable Trust.
- Dept. 1171 **Conservation Commission- Personnel Services-** \$15,000 to be transferred from the Wetlands Protection Fees-Receipts Reserved for Appropriation.
- Dept. 1290 **Town Offices- Personnel Services-** \$71,000 to be transferred from the Hanscom Fund.
- Dept. 1290 **Town Offices- Personnel Services-** \$60,000 to be transferred from the Water Enterprise Fund.
- Dept. 1331 **Lincoln Sudbury Regional High School- Assessment-**\$9,000 to be transferred from the PEG Access Cable Fund, contingent upon the approval of Article 27.
- Dept. 176-17754 **Debt Service- Principal & Interest-** \$16,549 to be transferred from various Premium on the Sale of Bonds accounts.
- Dept. 176-17754 **Debt Service-Principal & Interest-** \$11,441.94 to be transferred from Fund Balance Reserved for Debt Service account.
- Dept. 61451 **Water Department**
 - Personnel Services-** \$415,274 to be transferred from the Water Enterprise Fund
 - Expenses-** \$513,100 to be transferred from Water Enterprise Fund
 - Debt Service-** \$180,000 to be transferred from Water Enterprise Fund
- Dept. 614513 **Water Department- Emergency Reserve-** \$50,000 to be transferred from Water Enterprise Retained Earnings (Water Surplus).

Motion under ARTICLE 8 Capital Planning Committee

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

FY18 CAPITAL PROJECTS				
	ITEM	\$ AMT	SPONSOR	FUNDING SOURCE
A	To fund the repair of existing guardrail	\$25,000	Selectmen	Raise and appropriate by taxation
B	To fund the replacement of the IT backup system for all Town servers, and any related equipment.	\$15,000	Selectmen	Raise and appropriate by taxation
C	To fund the replacement of the operating system for the IT servers, and any related equipment.	\$30,000	Selectmen	Raise and appropriate by taxation
D	To fund the replacement of the Library public access computers, and any related equipment.	\$13,000	Selectmen	Raise and appropriate by taxation
E	To fund the additional monies needed for the installation of a ramp and stairs at the end of the Library Lane sidewalk.	\$20,000	Library Trustees	Raise and appropriate by taxation
F	To fund a design study for the use of the first floor of the Library.	\$10,000	Library Trustees	Raise and appropriate by taxation
G	To fund the replacement of the courier food service van for Lincoln Public Schools.	\$29,000	School Committee	Raise and appropriate by taxation
H	To fund the purchase and installation of instructional technology-display & audio, and any related equipment.	\$163,000	School Committee	Raise and appropriate by taxation
I	To fund the purchase and equipping of one replacement marked cruiser for the Police Department, and any related equipment, and to authorize the disposal of, by sale or otherwise, any related excess vehicles or equipment.	\$45,185	Selectmen	Raise and appropriate by taxation
J	To fund the purchase and equipping of one replacement unmarked cruiser for the Police Department, and any related equipment, and to authorize the disposal of, by sale or otherwise, any related excess vehicles or equipment.	\$34,015	Selectmen	Raise and appropriate by taxation

K	To fund the replacement and installation of two cruiser radar units, and to authorize the disposal of any related excess equipment.	\$4,820	Selectmen	Raise and appropriate by taxation
L	To fund the replacement and upgrade of the Public Safety Building video recording system, and any related equipment.	\$9,685	Selectmen	Raise and appropriate by taxation
M	To fund the purchase of a radio communications system for the Department of Public Works and Communications Department, and any related equipment.	\$25,055	Selectmen	Raise and appropriate by taxation
N	To fund the purchase of electronic vote tabulators, and any related equipment.	\$18,000	Selectmen	Raise and appropriate by taxation

Motion under ARTICLE 9 Selectmen

Moved: That the Town of Lincoln raise and appropriate the sum of \$75,000.00 by taxation for the purchase of a used bucket truck for the Department of Public Works, including all costs incidental and related thereto; provided, however, that the vote taken hereunder shall be made contingent upon the approval by the voters of the Town at an election of a “capital outlay exclusion” in accordance with the provisions of Massachusetts General Laws, Chapter 59, Section 21C (i½), otherwise known as Proposition 2½, so-called.

Motion under ARTICLE 10 Selectmen

Moved: That the Town of Lincoln raise and appropriate the sum of \$75,000.00 by taxation for the purchase of a small dump truck for the Department of Public Works, including all costs incidental and related thereto; provided, however, that the vote taken hereunder shall be made contingent upon the approval by the voters of the Town at an election of a “capital outlay exclusion” in accordance with the provisions of Massachusetts General Laws, Chapter 59, Section 21C (i½), otherwise known as Proposition 2½, so-called.

Motion under ARTICLE 11 Community Preservation Committee

Moved: That the Town: 1) authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, a portion or portions of the former Wang Family property located at 100 Bedford Road, consisting of approximately 12.6 acres, more or less, which parcels are identified on the Lincoln Assessors’ Maps as a portion of Parcel 127-11-0 (approximately 3.5 acres), a portion of Parcel 127-10-0 (approximately .70 acres), Parcel 127-9-0 (approximately 1.4 acres), Parcel 127-7-0 (approximately 2.8 acres), Parcel 127-6-0 (approximately .58 acres), and Parcel 127-19-0 (approximately 3.7 acres), a portion of the above land (approximately 3 acres) to be held by the Board of Selectmen for recreational purposes, including, without limitation, for the development of an athletic field, and the remaining portion is to be acquired for conservation purposes under the provisions of G.L. c.40, §8C; 2) appropriate \$1,800,000 to fund this acquisition and costs related thereto, \$500,000 of which shall be transferred from General Community Preservation Act Fund Balance, and the Treasurer, with the approval of the Selectmen, is authorized to borrow the remaining \$1,300,000 under and pursuant to M.G.L. c. 44B (the Community Preservation Act) or any other enabling authority; authorize the Treasurer, with the approval of the Selectmen, to borrow said funds under the provisions of G.L. c.44B, G.L. c.44 and/or any other enabling authority and to issue bonds or notes of the Town therefor; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; and 3) authorize the Board of Selectmen to grant a restriction on the portion of said land to be used for conservation purposes, and further authorize the Board of Selectmen or its designees to enter into any and all agreements and execute any and all instruments as may be necessary or convenient to accomplish the foregoing purposes.

Motion under ARTICLE 12 Housing Commission

Moved: That the Town amend the Zoning By-Law of the Town of Lincoln, deleting Section 14.3, Accessory Apartments in a R-1 District, in its entirety, and replacing it with a new Section 14.3, to be consistent with Department of Housing and Community Development (DHCD) regulations, so that affordable accessory apartment units that are added in accordance with the terms of this Bylaw may be counted in the Town’s Subsidized Housing Inventory (SHI), and by reorganizing and reformatting other provisions of this Section 14, as follows.

14.3 Accessory Apartments in an R-1 District

14.3.1 Definitions

- (a) Accessory Apartment: a distinct portion of a single-family dwelling, or a unit in an accessory structure on a single-family lot, having its own kitchen, sleeping, and bathroom facilities, and subordinate in size to the principal part of the dwelling or structure.
- (b) Affordable Accessory Apartment: An Accessory Apartment that is affordable to low and moderate income households, as defined by the Massachusetts Department of Housing and Community Development (“DHCD”), and that meets DHCD requirements for accessory apartments under the Local Initiative Program (“LIP”) and for inclusion in the Town’s Subsidized Housing Inventory.
- (c) Multiple Accessory Apartments: More than one accessory apartment per lot.

14.3.2 Requirements for an Accessory Apartment

The Board of Appeals may grant a Special Permit for an Accessory Apartment, provided that the unit meets the following requirements:

- (a) Floor Area: the Accessory Apartment shall not exceed 1200 square feet, and (for a unit included in a single-family dwelling) shall not exceed 35% of the floor area of the principal dwelling unit and Accessory Apartment combined.
- (b) Lot Size: the lot on which the Accessory Apartment and principal dwelling unit are located shall contain at least 40,000 square feet.
- (c) Age of Structure: The residential dwelling or the accessory structure in which the Accessory Apartment is to be located shall have been constructed at least ten (10) years prior to the date of application for the Special Permit. Any addition less than ten (10) years old shall be deemed to be part of the building(s), provided that the addition does not increase the floor area or volume of the original building(s) by more than 10% and does not alter the character of the building.
- (d) Occupancy: either the Accessory Apartment or the principal residence is occupied by the owner of the lot on which the Accessory Apartment is to be located, except for bona fide temporary absences. If the lot on which the Accessory Apartment is to be located is owned by the Town of Lincoln, the owner-occupancy requirement of this paragraph shall not be applicable as long as the lot and the structures thereon continue to be owned by the Town of Lincoln.
- (e) Sewage: Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such Accessory Apartment in accordance with the requirements of the Board of Health,

as certified by a written report from the Board of Health, submitted to the Board of Appeals before or at the public hearing.

(f) Access and Parking: adequate provision has been made for ingress and egress to the Accessory Apartment from the outside of the structure, and for off street parking of motor vehicles in such a fashion as is consistent with the character of a single family residence.

(g) Number of Units: There shall be no other apartment on the lot on which the apartment is to be located except as provided under Section 14.3.5, "Multiple Accessory Apartments".

(h) Appearance: The principal structure, after the creation of the Accessory Apartment, shall retain the appearance of a single-family structure. In general, any new external entrances shall be located on the side or rear of the building.

(i) Effect on Adjacent Properties and the Neighborhood: the Board of Appeals shall find that the construction and/or occupancy of the Accessory Apartment will not be detrimental to the neighborhood in which the lot is located or injurious to persons or property.

14.3.3 Procedures

(a) The applicant shall consult with the Planning Board prior to the hearing and the Planning Board shall submit, in writing, prior to the hearing, its recommendation and report to the Board of Appeals. The report of the Planning Board shall include as a minimum:

(i) a determination of the area of the lot on which the apartment is located;

(ii) a general description of the neighborhood in which the lot lies and the effect of the proposed apartment on the neighborhood;

(iii) the Planning Board's recommendations as to the advisability of granting the Special Permit and as to any restrictions which should be imposed as a condition of such permit.

(b) The applicant shall obtain and submit to the Board of Appeals a written report of the Board of Health, certifying that the conditions of Section 14.3.2(e) have been met.

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

(d) The Board of Appeals shall give due consideration to the report of the Planning Board and, where its decision differs from the recommendation of the Planning Board, shall state the reasons therefor in writing.

14.3.4 Affordable Accessory Apartments

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

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

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

(a) The Affordable Accessory Apartment shall be approved by LIP and comply with LIP requirements, including but not limited to those contained within the Comprehensive Permit Guidelines: M.G.L. Chapter 40B Comprehensive Permit Projects - Subsidized Housing Inventory, in effect on the date of application for a Special Permit and as may be amended from time to time thereafter;

(b) Before the Affordable Accessory Apartment may be occupied, the owner(s) of the property shall execute a Regulatory Agreement and Declaration of Restrictive Covenants for Affordable Accessory Apartment Rental ("Regulatory Agreement"), enforceable by DHCD and the Town, or other form of affordable housing restriction as may then be in effect under the Local Initiative Program. The Regulatory Agreement shall be recorded with the Middlesex South Registry of Deeds;

(c) The Regulatory Agreement shall have a minimum term of 15 years;

(i) The Agreement shall terminate upon sale of the property, which, for purposes of this subsection, shall not include:

(1) A mortgage deed to secure repayment of a loan: or

(2) An inter-spousal transfer for nominal consideration where the transferor retains at least a fifty-percent ownership interest in the property; or

(3) A transfer to a trust for minimal consideration where the owner holds at least a fifty-percent beneficial interest in the property.

(ii) An owner may voluntarily terminate the Regulatory Agreement prior to its expiration with 60 days' notice, in accordance with the restrictions in such agreement. The owner shall notify the Town and DHCD, and record a notice of cancellation of the Special Permit at the Registry of Deeds. The termination of the Regulatory Agreement shall not take effect until the expiration of the current lease between the owner and the tenant occupying the Affordable Accessory Apartment.

(d) Upon termination of the Agreement, additional restrictions shall apply regarding repayment to the Town of any funds received from the Town pursuant to a grant or loan agreement.

(e) An Affordable Accessory Apartment may not be rented to an owner's family member (currently defined in DHCD regulations and guidelines as a parent, grandparent, son, daughter, uncle, aunt, niece, nephew, or sibling);

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

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

14.3.5 Multiple Accessory Apartments

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

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

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

- (a) The rights granted under the Special Permit for either an Accessory Apartment (including Multiple Accessory Apartments) or, an Affordable Accessory Apartment shall terminate upon sale of the property, which, for purposes of this subsection, shall not include:
 - (i) A mortgage deed to secure the repayment of a loan; or
 - (ii) An inter-spousal transfer for nominal consideration where the transferor retains at least a fifty-percent ownership interest in the property; or

(iii) A transfer to a trust for nominal consideration where the owner holds at least a fifty-percent beneficial interest in the property.

(iv) A transfer to a new owner where the new owner applies to and obtains from the Board of Appeals approval of the transfer of the Special Permit.

(b) A sale or transfer of title shall not dispossess the then-tenants of the Accessory Apartment or Affordable Accessory Apartment for the duration of their current tenancy.

(c) Any transfer or extension of a Special Permit for an Accessory Apartment or Affordable Accessory Apartment shall not be denied solely for the reason that the unit or property fails to comply with amendments made to Section 14.3 after the granting of the original Special Permit.

(d) In granting Special Permits under this Section 14.3, the Board of Appeals may impose restrictions as to manner and duration of use, in accordance with (and without limiting) Section 20.2(e).

Motion under ARTICLE 13 Housing Commission

Moved: That the Town authorize the Board of Selectmen to petition the General Court for special legislation substantially as set forth below, authorizing the Board of Assessors to exempt from property taxation the value of any affordable accessory apartment created consistent with Section 14 of the Town's Zoning Bylaw as amended pursuant to Article 12 of this Warrant; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general purpose objectives of this petition.

An Act Relative to Property Tax Exemptions for Rental Properties in the Town of Lincoln Deed Restricted as Affordable Housing

WHEREAS, the Town desires to increase the number of rental housing units in Lincoln that are affordable;

THEREFORE, the Town's representatives in the General Court are instructed to file a home rule petition for a special act entitled, "An Act Relative to Property Tax Exemptions for Rental Properties in the Town of Lincoln Deed Restricted as Affordable Housing" to read as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, upon the approval by the Attorney General of the Town of Lincoln's Affordable Accessory Apartment Bylaw, the proportional value of affordable accessory dwelling units created under said by-law that are subject to an affordable housing deed restriction shall be exempt from taxation under Chapter 59 of the General Laws.

SECTION 2. Such exemption shall be equal to the tax otherwise owed on the property based on the assessed value of the entire property, including any accessory dwelling units multiplied by the square feet of the living space of all accessory dwelling units on the property that are restricted to occupancy by low or moderate income households, divided by the total square feet of all structures on the property. For purposes of determining the assessed value of the entire property, if by income approach to value, such assessment shall assume that all housing units are rented at fair market value.

SECTION 3. The date of determination as to the qualifying factors required by this act shall be September first of each year.

SECTION 4. This act shall take effect upon its passage.

Motion under ARTICLE 14 Community Preservation Committee

Moved: That the Town pass over this article.

Motion under ARTICLE 15 Community Preservation Committee

Moved: That the Town receive and act upon a report from the Community Preservation Committee and that the following amounts (items A - Q) be appropriated or reserved from Fiscal Year 2018 Community Preservation Fund Revenues, or transferred from prior year's revenues for Community Preservation purposes as specified:

CPA Article	Project	Total Appropriation	Source of Appropriation
Appropriations:			
A	To fund, for historic preservation purposes, the FY18 debt service payment for the town offices renovation project.	\$398,875	\$398,875 from FY18 CPA projected revenues
B	To fund, for historic preservation purposes, the restoration of the chimney at the Pierce House.	\$5,000	\$5,000 from CPA historic reserves
C	To fund, for historic preservation purposes, the renovation of two interior bathrooms at the Pierce House.	\$15,000	\$15,000 from CPA historic reserves
D	To fund, for historic preservation purposes, the replacement of the kitchen floor at the Pierce House.	\$10,000	\$10,000 from CPA historic reserves
E	To fund, for historic preservation purposes, the replacement of deteriorated exterior wood clapboards and exterior wood trim at the Pierce House.	\$10,000	\$10,000 from CPA historic reserves
F	To fund, for historic preservation purposes, the preservation of the Sophia Adams Family Register.	\$10,800	\$10,800 from FY18 CPA projected revenues
G	To fund, for historic preservation purposes, the preservation of the Lincoln School Records Box 10.	\$5,940	\$5,940 from FY18 CPA projected revenues
H	To fund, for historic preservation purposes, the preservation of the Lincoln School Records Box 7.	\$6,259	\$6,259 from FY18 CPA projected revenues
I	To fund, for historic preservation purposes, the preservation of the Poll & Estate Tax Assessments, for the years 1861, 1863, 1864, 1866	\$7,412	\$7,412 from FY18 CPA projected revenues

J	To fund, for open space purposes, a transfer of money to the Conservation Fund.	\$40,000	\$40,000 from FY18 CPA projected revenues
K	To fund CPC administrative expenses.	\$3,000	\$3,000 from FY18 CPA projected revenues
L	To fund FY18 debt service payments due on permanent borrowing for previously voted CPA projects.	\$93,150	\$93,150 from FY18 CPA projected revenues
M	To fund, for open space and recreation purposes, debt service payments, contingent upon the passage of Article 11, on a borrowing for the Wang Property land acquisition.	\$135,500	\$135,500 from FY18 CPA projected revenues
	Project Appropriation Subtotal	\$740,936	
	Reserves:		
N	Housing Reserve	\$55,257	from additional FY17 state revenue and FY18 CPA projected revenues
O	Open Space/Land Acquisition Reserve	\$0.00	
P	Historic Preservation Reserve	\$0.00	
Q	Recreation Reserve	\$0.00	
	Reserves Subtotal	\$55,257	
	Additional Appropriation:	\$0.00	
	Grand Total of all CPA Appropriations:	\$796,193	

Article 15 Explanations

This article proposes projects recommended by the Community Preservation Committee under Lincoln's Community Preservation Act (CPA) passed at the March, 2002 Annual Town Meeting and the November, 2002 Election. The descriptions of the proposed projects/actions are contained below:

- A. **Debt Service on Town Offices Renovation**- The 2011 Town Meeting approved project costs of \$6.8 million to renovate the Town Office Building. Of that total, \$1,000,000 was appropriated from CPA funds to reduce the Town borrowing. The annual debt service on the bond is \$398,875. It is recommended that CPA funds be used for this historic purpose in FY 2018.
- B. **Pierce House Chimney Restoration**- Restoration of the chimney at Pierce House to remedy deterioration of the existing structure.
- C. **Pierce House Renovation of Bathrooms**-Renovation of two interior bathrooms on the second floor, updating outdated and high-water use fixtures with low-water consumption fixtures, and remodeling all other surfaces, to reflect the House's period style.
- D. **Pierce House Kitchen Floor**-Replace the existing 20 year old kitchen floor with commercial grade sheet flooring to accommodate high foot traffic of vendors during Pierce House events.
- E. **Pierce House Exterior Wood Replacement**-Replace existing deteriorated exterior wood clapboards and wood trim to preserve the aesthetic and historic nature of the House.
- F. **Sophia Adams Family Register**-Sophia Adams, a cousin of President John Adams and President John Quincy Adams, wrought an embroidery in 1823 of her family genealogy when she was a 13 year old child living in Lincoln. Conservation and framing of Sophia Adams' Family Register will preserve it for future generations.
- G. **Lincoln School Records Box 10**-This box of records contains a variety of documents including open letters to Lincoln residents, a history of the founding of the Carroll School, yearbooks, and pamphlets about the proposed Lincoln Sudbury Regional High School dated 1954. Preservation of these records will preserve them for future generations and make them more widely accessible for researchers.
- H. **Lincoln School Records Box 7**-This box of records contains a variety of documents including new building specifications from as far back as 1852, financial records from 1931-1933, letters and meeting minutes about efforts to build new schools and new additions to schools from as far back as 1946 through 1969, meeting minutes of the Lincoln School Committee from 1999-2000, and reports about building a municipal swimming pool behind Brooks School. Preservation of these records will preserve them for future generations and make them more widely accessible for researchers.
- I. **Poll & Estate Tax Assessments**-Preservation of four volumes of poll & estate tax assessment information for the years 1861, 1863, 1864 and 1866. Each volume includes a letter from the Collector of the Town of Lincoln listing highway and State tax amounts to be collected from residents. This information is valuable to researchers who are studying Lincoln.
- J. **Conservation Fund**-The Conservation Commission has requested transfer of \$40,000 to the town's Conservation Fund for expenditures consistent with the Community Preservation Act, the Conservation Fund and the town's Open Space Plan. This will bring up the balance of the Conservation Fund to \$100,000. Monies

in the Conservation Fund allow the Conservation Commission to respond quickly when lands of conservation interest become available for purchase, to provide a purchase option deposit, or to fund expenses such as surveyors or for soil testing. CPA funds previously transferred to the town's Conservation Fund have been used to purchase the Heck property, the Booth property and the Flint property (north of Route 2).

- K. **Administrative Expenses**- These funds will be used primarily to pay the annual membership dues in the Community Preservation Coalition, a statewide organization that represents the interests of CPA communities. Other administrative expenses include costs associated with public information, mailings, and public hearings. Any funds not spent prior to the end of FY18 will be returned to the CPA Fund.
- L. **FY18 Debt Service Payments**- Debt payment costs associated with the eighth and final year of permanent financing for previously voted CPA projects pursuant to Article 8 of the April 2, 2005 Town Meeting including the Harrington Row Land Acquisition, Affordable Housing – Sunnyside Lane construction and rehabilitation, and the Library Gund Roof replacement.
- M. **Wang Property Debt Service Payments**- Debt payment costs associated with the first year of permanent financing, contingent upon passage of Article 11, for the Wang Property land acquisition.
- N. **Housing Reserve** - The CPA requires that a minimum of 10% of annual revenues be spent or set aside for affordable housing.
- O. **Open Space/Land Acquisition Reserve** - The CPA requires that a minimum of 10% of annual revenues be spent or set aside for open space/land conservation.
- P. **Historic Preservation Reserve** - The CPA requires that a minimum of 10% of annual revenues be spent or set aside for historic preservation.
- Q. **Recreation Reserve** – The CPA permits, but does not require, the Town to spend or set aside funds for recreational purposes. No funds are reserved for recreational purposes at this time.

MOTION under ARTICLE 16 Citizens' Petition

Moved: That the Town support the proposal of the Eighth Grade Warrant Article Group to purchase and install a certain number of benches at some of the Town's playing fields for use by athletic teams and others, and to transfer from Free Cash \$2,000 for such purpose, including all costs incidental and related thereto.

MOTION under ARTICLE 20 Finance Committee

Moved: That the Town raise and appropriate the sum of \$310,000 by taxation to add funds to the Debt Stabilization Fund, so called, previously established pursuant to the March 26, 2011 Town Meeting, Article 19, in accordance with Massachusetts General Laws, Chapter 40, Section 5B, for the purpose of funding future capital expenditures and debt service payments; and to transfer to the Debt Stabilization Fund the sum of money appropriated under Article 7 for the Lincoln-Sudbury Regional High School that exceeds the final Lincoln assessment for FY 2018 that is voted by the Lincoln-Sudbury Regional High School Committee for FY 2018 in accordance with law.

MOTION under ARTICLE 21 Finance Committee

Moved: That the Town raise and appropriate the sum of \$850,000 by taxation to add funds to the Group Insurance Liability Fund established by Chapter 474 of the Acts of 2008, which Fund will help offset the Town's so-called "other post-employment benefits" liability established by the Statements 43 and 45 of the Governmental Accounting Standards Board.

MOTION under ARTICLE 25 Selectmen

Moved: That the Town act on a recommendation from the Board of Selectmen and Finance Committee and present the annual Bright Light Award to the Town Clerk and her staff for their work, above and beyond, in providing an early voting option which more than 1,950 Lincoln voters availed themselves of and to transfer from Free Cash the sum of \$500 to support this award.

MOTION under ARTICLE 32 Finance Committee

Moved: That the Town transfer from free cash the sum of \$_____ to reduce the total amount to be raised by taxation pursuant to the votes previously taken under Article 7 of this Warrant, or any other article of this Warrant authorizing the appropriation of funds.

MOTION under ARTICLE 33 School Committee

Moved: That the Town amend the vote taken under Article 30 of the March 28, 2015 Town Meeting raising and appropriating the sum of \$750,000, contingent upon a Capital Outlay Exclusion, which was approved at the March 30, 2015 Town Election, for a Feasibility Study to develop building project renovation or repair choices for the Lincoln School located at Ballfield Road, only in the event the Town was invited to participate in the Massachusetts School Building Authority (MSBA) Grant Program, **to instead provide that such funds shall be used for a Feasibility Study, including all costs incidental and related thereto, conducted by a School Building Committee appointed by the School Committee, to assist the School Committee, independent of the MSBA, and including engagement with the community in an inclusive process and building on the work of previous committees, in developing building project choices for the Lincoln School, located at Ballfield Road, that will serve the District's educational goals, meet long-term facilities needs, and necessitate a MINIMUM Town investment of \$30 million.**

MOTION under ARTICLE 34 School Committee

Moved: That the Town, in order to financially support a COMPREHENSIVE RENOVATION of the Lincoln School which addresses long-range facilities needs and educational enhancement, will seek partnership with the Massachusetts School Building Authority (MSBA) by supporting the School in filing a Statement of Interest with the MSBA.

MOTION under ARTICLE 35 Selectmen

Moved: That the Town raise and appropriate the sum of \$150,000 by taxation for the purpose of funding a feasibility study and preliminary design development plans for a community center to be located within the Hartwell Complex of the Ballfield Road school campus, including all costs incidental and related thereto; provided, however, that the vote taken

hereunder shall be made contingent upon approval by the voters of the Town at an election of a “capital outlay exclusion” in accordance with the provisions of Massachusetts General Laws, Chapter 59, Section 21C(i½), otherwise known as Proposition 2 ½, so-called.

MOTION under ARTICLE 36 Selectmen

Moved: That the Town take the following actions to change the purpose for which the parcel of land known generally as the Town Landfill, described more particularly below, is held by the Town and to authorize the Board of Selectmen to enter into two types of agreements with a solar energy provider in connection with solar energy facilities on the Town landfill: (1) net metering credit or power purchase agreement, for the purchase, by the Town, of energy or energy and/or net metering credits and (2) payment-in-lieu of taxes agreement, to allow the Town to better predict the tax revenues related to solar energy facilities, as set forth below; and further authorize the Board of Selectmen to take such other actions as may be necessary or convenient to accomplish the foregoing purposes:

(1) Use of Closed Landfill for Lease to Solar Energy Provider:

Transfer the care, custody and control of the parcel of land commonly known as the Town Landfill, located at the corner of Route 2A (North Great Road) and Mill Street, and shown as Assessors Map 115, Lot 19, from the Board of Selectmen for active and passive recreation and open space purposes to the Board of Selectmen for general municipal purposes. Such purposes shall include, without limitation, for active and passive recreation and closed landfill purposes, and also for the purpose of leasing said land for solar energy purposes; and authorize the Board of Selectmen to lease said land or any interest therein to a solar energy provider for the installation and operation of solar energy facilities and to grant such easements, on such terms and conditions and for such a duration, up to twenty-five (25) years, as the Board deems appropriate, and to take such other action as may be necessary to effectuate said transfer and lease, including but not limited to seeking an amendment to the landfill closure approval as issued by the Department of Environmental Protection and the filing of a home rule petition with the General Court for purposes of authorizing the transfer of such land consistent with the provisions of Article 97 of the Massachusetts Constitution; and

(2) Power Purchase/Net Metering Agreement(s) with Solar Energy Provider:

Authorize the Board of Selectmen to enter into a renewable energy power purchase and/or net metering credit purchase agreement, including an agreement for the purchase of power and net metering credits generated by a solar energy facility, for a term of up to twenty-five (25) years, on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town; and

(3) PILOT Agreement(s) with Solar Energy Provider:

Authorize the Board of Selectmen to negotiate and enter into an agreement for payments-in-lieu-of-taxes (“PILOT”) pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, for both real property and personal property taxes associated with a privately owned and operated solar energy facility to be located on the Town’s landfill property as shown on Assessor’s Map 115, Lot 19 for a term of up to twenty-five (25) years on such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town.

MOTION under ARTICLE 37 Selectmen

Moved: That the Town accept the provisions of Massachusetts General Law, Chapter 90, Section 17C, in the interests of public safety and without further authority, to establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the Town of Lincoln on any way that is not a state highway.

MOTION under ARTICLE 38 Agricultural Commission

Moved: That the Town amend the Zoning By-Law, Sections 6.1 (uses permitted), 6.2 (special permits) and 23 (definitions) as follows, with proposed deletions to the bylaw language shown in ~~strike through text~~ and additions shown in ***bolded italic text***.

6.1 Uses Permitted:

- (a) one building containing one dwelling unit used as a single family residence;

(b) rooming or boarding house for not over three lodgers;

(c) museums and libraries owned and operated by the Town or by a public charitable organization with respect to which the Town elects or appoints members of the governing board, and parks, playgrounds, conservation area, water supply areas and land owned and operated for the public enjoyment or service by a public or semi-public agency;

(d) preservation of a lot in its natural conditions; fields, pastures and wood lots; orchards, nurseries, truck gardens and farms, but not including piggeries or farms operated in substantial part for disposal of garbage, sewage, offal or renderings; greenhouses for private uses; keeping of pets and farm animals for residents' use; sale or the offering for sale of farm produce by an owner, or resident tenant, **lessee or licensee** of the land in the Town providing ~~ed~~ that, for **parcels under five acres**, a **substantial majority of the proceeds results from the sales** ~~portion of such produce of products~~ is raised within the Town;

(e) the commercial keeping, raising, breeding or training of farm animals, except pigs, for food, fiber or other agricultural purposes on lots between 2 acres and 5 acres, generating sales less than \$5,000.00 per acre annually which shall be calculated as the average of the previous three consecutive years. Proper enclosures and generally accepted agricultural practices shall be used. Commercial animal farmers will contact the Animal Inspector to set up annual inspections.

The annual sales limit shall be adjusted in January using the CPI-U Index from December and compounded annually.

(f) commercial greenhouses on parcels between 2 acres and 5 acres, generating annual sales less than \$5,000.00 per acre. This monetary limit does not apply to off-site sales.

For purposes of 6.1 (e) and 6.1 (f) above, a lot that contains 80,000 square feet shall be considered to be 2 acres.

(e g) accessory uses on the same lot, if entirely auxiliary to uses as permitted in **6.1(a) through 6.1(f)**;

(f h) professional office, studio, laboratory, and workshop accommodating occupations customarily conducted in Lincoln in a residence or building accessory thereto by a person residing on the premises, provided that:

- i. such use is clearly incidental and secondary to the use of the premises for residential purposes;
- ii. not more than one person other than residents of the premises is engaged in the conduct of the home occupation, whether as an employee or otherwise;
- iii. no offensive noise, vibration, smoke, dust, odors, heat, glare or unsightliness is produced;
- iv. there is no public display of goods or wares and there are no signs except as permitted in **Section 16**;
- v. there is no exterior storage of material or equipment (including the parking of more than one commercial vehicle) and no other exterior indication of such use or variation from the residential character of the premises;
- vi. there are adequate off-street parking spaces for employees and for visitors in connection with the home occupation which does not substantially alter the appearance of the premises as a single family residence.
- vii. such use does not require the parking of more than four vehicles used by persons engaged in the occupation, clients, customers or patients on a regular basis;
- viii. traffic generated by such use is not inconsistent with traffic usually associated with a single family residence.

(g *i*) religious or educational uses governed by **M.G.L. c. 40A, s. 3** (see Section 19.1.e)

(~~h~~ *j*) other uses that cannot be prohibited under **M.G.L. c.40A, s.3**.

6.2 The following uses require a Special Permit from the Board of Appeals, as provided in **Section 20** below, with the written advice of the Planning Board in each case; **and when pertaining to agriculture, the additional written advice from the Agricultural Commission.** See **M.G.L. c.40A, s.3** for specifically described uses that may be exempt from this special permit requirement.

(a) hospital, sanitarium, nursing home or charitable institution other than those defined in **Section 5.3**;

(b) use of land or structure by a public utility or by the Town;

(c) community club or country club and golf course not conducted for profit;

(d) commercial greenhouses **on parcels under 5 acres generating annual sales greater than \$5,000.00 per acre**;

(e) the commercial raising ~~and~~, keeping, **breeding or training of farm animals for food, fiber, or other agricultural purposes, on parcels under 5 acres, generating sales greater than \$5,000.00 per acre annually which shall be calculated as the average of the previous three consecutive years.** ~~of poultry for other purposes than the use by the occupants of the residence, or the boarding, training, raising, or breeding of dogs other than for the residents' own use as pets or farm animals (e.g., sheep dogs), or the training, raising, breeding or offering for hire of riding horses other than for the residents' own use.~~

(f) the commercial raising, keeping, and breeding of pigs.

(~~f~~g) the boarding, training, raising, or breeding of dogs other than farm dogs or any dogs for the residents' own use as pets, or the offering for hire of riding horses other than for the residents' own use.

(~~f~~ *h*) private, non-commercial radio and television towers; provided that a permit to erect and maintain such a tower in connection with the operation of an amateur radio station shall not be denied unless the safety of the public will be endangered by such erection or maintenance;

(~~g~~ *i*) any museum or library not referred to in **Section 6.1(c)** or **6.1(~~g~~ *i*)** above;

(~~h~~-*j*) any occupation which otherwise meets the requirements of **Section 6.1(~~f~~ *h*)** but which requires the parking of more than four motor vehicles on a regular basis or with respect to which more than one person other than the residents of the premises is engaged in the conduct of such occupation;

(~~h~~-*k*) an occupation not currently customarily conducted in a residence in Lincoln which is customarily conducted in residences in other communities, and which is as consistent with the residential character of the premises as those occupations permitted under **Section 6.1(~~f~~ *h*)**, provided that the requirements of **Section 6.1(~~f~~ *h*)**, (**i - viii**) are met.

Section 23 Definitions.

***Farm Animal:* Livestock including horses, poultry, swine, cattle and other domesticated animals used for food or fiber purposes; fish, bees and fur-bearing animals.**

***Farm Produce:* for the purpose of this bylaw only, under uses permitted, Section 6.1(d), farm produce shall include all products derived from agriculture, horticulture, floriculture, silviculture, and viticulture, but not to include animals or animal products, except honey.**

***Manure Management:* Management and disposal of manure shall be done according to Generally Accepted Agriculture Practices to contain and prevent the runoff of leachate. Manure management shall comply with Section 12.4 of the Zoning Bylaw, Aquifer Protection and Watershed Protection Overlay**

Districts relating to manure management and to 310 CMR 22.02 definitions of Zone I and Zone II and accompanying regulations.

Generally Accepted Agricultural Practices: Keeping livestock healthy requires proper nutrition, appropriate shelter, and suitable containment. Refer to the guidelines of Massachusetts Department of Agriculture Resources (MDAR) for livestock owners.

MOTION under ARTICLE 39 Selectmen

Moved: That the Town amend the Zoning Bylaw of the Town of Lincoln by adding a new Section 18.6, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, as below.

Section 18.6, Temporary Moratorium on Recreational Marijuana Establishments

§1. Purpose.

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes. The law, which allows certain personal use and possession of marijuana, began to take effect on December 15, 2016 and requires a Cannabis Control Commission to issue regulations regarding licensing of commercial activities by March 15, 2018.

Currently under the Zoning Bylaw, a Recreational Marijuana Establishment, as defined in G.L. c. 94G, §1, is not a permitted use in the Town. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments.

The regulation of Recreational Marijuana Establishments raises novel legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow the Town sufficient time to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a consistent manner.

§2. Definition.

"Recreational Marijuana establishment" shall mean "a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

§3 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and other uses related to recreational marijuana. The moratorium shall be in effect through November 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and shall consider adopting a new Zoning Bylaw in response to these new uses.

MOTION under ARTICLE 40 Planning Board/Green Energy Committee

Moved: That the Town amend the Zoning By-Law, Sections 13.6.3, 13.6.4 and 13.6.5 with proposed deletions to the bylaw language shown in ~~strikethrough~~ text and additions are shown in ***bolded italic text***.

13.6 Solar Energy Systems.

13.6.1 Purpose The purpose of this Solar Energy System By-Law is to encourage investment in Solar Energy Systems in the Town of Lincoln, while providing guidelines for the installation of those systems that are consistent with the character of the Town and are necessary to protect the public health, safety and general welfare.

13.6.2 Definitions

Building-Integrated Solar Energy System - A Solar Energy System that is an integral part of a principal or accessory building replacing or substituting for an architectural or structural component of the building. Building-Integrated Solar Energy Systems include but are not limited to Photovoltaic, hot air, or hot water solar systems that are contained within roofing materials, walls, windows, or skylights.

Photovoltaic (PV) - The technology that uses a semi-conductor material to convert light directly into electricity.

Solar Collector Panel -Any part of a Solar Energy System that absorbs solar energy for use in the system's energy transformation process. The Solar Collector Panel does not include frames, supports, or mounting hardware.

Solar Energy System – A device or structural design feature, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electrical generation, or water heating.

13.6.3 General Standards

(a) A Solar Energy System shall provide power for the principal use and /or accessory use of the property on which the Solar Energy System is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not prohibit the sale of excess power generated to the local utility company.

(b) Whenever practical, all Solar Energy Systems shall be installed on an existing dwelling or building. All other systems shall require site plan review under Section 17.7.

(c) A Solar Energy System shall not be used to display advertising, including but not limited to signage.

(d) Solar Energy Systems shall be placed and arranged such that reflected solar glare shall not be directed onto adjacent buildings, properties or roadways.

~~(e) Roof mounted Solar Energy Systems shall be set back a minimum of 1 foot from all roof edges (eaves, gutterline, ridge) of the roof surface.~~

~~(f-e)~~ Appurtenant electric, piping, wiring or equipment for Solar Energy Systems shall be allowed to extend beyond the perimeter of the building on a side or rear yard exposure.

13.6.4 Design Standards in Residential Districts

(a) Building-Mounted Solar Energy Systems

Building-mounted Solar Energy Systems are permitted in the following locations:

i. On the roofs of principal and accessory structures, and/or

- ii. On side and rear building facades

The Planning Board may waive strict compliance and allow a building mounted Solar Energy System and/or appurtenant electric, piping, wiring or equipment for such Solar Energy System on the front façade of the building where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.

- iii. Building-Integrated Solar Energy Systems are also permitted on front or corner building facades

All Solar Energy System appurtenances such as, but not limited to, plumbing, water tanks, mounting structures, and support equipment shall be screened to the maximum extent possible without compromising the effectiveness of the Solar Collector Panels.

(b) Roof-Mounted Solar Energy Systems

All roof-mounted Solar Collector Panels on a sloped roof will be subject to the following height limitations:

- i. The top surface of any Solar Collector Panel mounted on a south-facing sloped roof shall not exceed 12 inches above the adjacent finished roof surface
- ii. The top surface of any Solar Collector Panel mounted on a north -, east-, or west-facing sloped roof shall not exceed 24 inches above the adjacent finished roof surface
- iii. The top most point of any Solar Collector Panel mounted on a flat roof (1/2 inch or less per foot slope) shall not exceed 30 inches above the adjacent finished roof surface on flat roofs with or without parapets

The Planning Board may waive strict compliance of these height limitations and allow a roof-mounted solar energy system to exceed such height limitations where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.

The Planning Board may waive strict compliance and allow appurtenant electric, piping, wiring or equipment for roof mounted Solar Energy Systems on the front façade of the building where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.

(c) Ground-Mounted Solar Energy Systems

Ground mounted Solar Energy Systems shall be treated as an accessory structure and require site plan review under Section 17.7.

Ground-mounted Solar Energy Systems shall comply with all minimum setback requirements. Ground-mounted Solar Energy Systems shall not be located within the front yard, defined as the area between the front façade of the dwelling extended to the side property lines and extending to the street line (corner lots have two (2) front facades).

The Planning Board may waive strict compliance and allow a ground mounted Solar Energy System to be located within the front yard where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.

Ground- or pole-mounted Solar Energy Systems shall not exceed the maximum height of ~~ten~~ **twelve** feet. The Planning Board may waive strict compliance and allow a ground- or pole-mounted Solar Energy System to

exceed such height limitation where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.

13.6.5 Design Standards in Non-Residential Districts

(a) Building-Mounted Solar Energy Systems

Building-mounted Solar Energy Systems are permitted in the following locations:

- i. On the roofs of principal and accessory structures, and/or
- ii. On side and rear building facades

The Planning Board may waive strict compliance and allow a building mounted Solar Energy System and/or appurtenant electric, piping, wiring or equipment for such Solar Energy System on the front façade of the building where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.

- iii. In addition, Building-Integrated Solar Energy Systems are permitted on front or corner building facades

All Solar Energy System appurtenances such as, but not limited to, plumbing, water tanks, mounting structures, and support equipment shall be screened to the maximum extent possible without compromising the effectiveness of the Solar Collector Panels.

(b) Roof-Mounted Solar Energy Systems

All roof-mounted Solar Collector Panels on a sloped roof will be subject to the following height limitations:

- i. The top surface of any Solar Collector Panel mounted on a south-facing sloped roof shall not exceed 12 inches above the adjacent finished roof surface
- ii. The top surface of any Solar Collector Panel mounted on a north -, east-, or west-facing sloped roof shall not exceed 24 inches above the adjacent finished roof surface
- iii. The top most point of any Solar Collector Panel mounted on a flat roof (1/2 inch or less per foot slope) shall not exceed 30 inches above the adjacent finished roof surface on flat roofs with or without parapets

The Planning Board may waive strict compliance of these height limitations and allow roof-mounted Solar Energy Systems to exceed such height limitations where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.

The Planning Board may waive strict compliance and allow appurtenant electric, piping, wiring or equipment for roof mounted Solar Energy Systems on the front façade of the building where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.

(c) Ground-Mounted Solar Energy Systems

Ground-mounted Solar Energy Systems shall be treated as an accessory structure and require site plan review under Sections 17.1-17.6.

Ground-mounted Solar Energy Systems shall comply with all minimum setback requirements. Ground-mounted Solar Energy Systems shall not be located within the front yard, defined as the area between the front façade of the main building (or structure) extended to the side property lines and extending to the street line (corner lots have two (2) front facades).

The Planning Board may waive strict compliance and allow a ground mounted Solar Energy System to be located within the front yard where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.

A ground- or pole-mounted Solar Energy System shall not exceed the maximum height of ~~ten~~ **twelve** feet. The Planning Board may waive strict compliance of this height limitation and exceed such height limitation where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.

MOTION under ARTICLE 41 Citizens' Petition

Moved: That the Town amend the General Bylaws by adopting a bylaw entitled "The Regulation of Sale and Use of Bottled Water" as follows:

Section I. Findings and Purpose

Plastic "disposable" water bottles made of polyethylene terephthalate (PET) contribute hazards to human health, societal economies, wildlife, and the environment. Examples of these problems include:

- 1) Americans discard more than 30 million tons of plastic a year. Only 8 percent of that gets recycled. The rest ends up in landfills, is incinerated, or becomes the invasive species known as 'litter.' The amount of solid waste created by one-use plastic water bottles is staggering.
- 2) Chemicals leached by plastics are in the blood and tissue of nearly all of us. Exposure to them is linked to cancers, birth defects, impaired immunity, endocrine disruption and other ailments.
- 3) There are thousands of landfills in the United States. Buried beneath each one of them, plastic leachate full of toxic chemicals is seeping into groundwater and flowing downstream into lakes and rivers.
- 4) Manufacturers' additives in plastics, like flame retardants, BPAs and PVCs, can leach their own toxicants. These oily poisons repel water and stick to petroleum-based objects like plastic debris.
- 5) Entanglement, ingestion and habitat disruption all result from plastic ending up in the spaces where animals live. In our oceans alone, plastic debris outweighs zooplankton by a ratio of 36-to-1. Plastic cannot biodegrade; it breaks down into smaller and smaller pieces over time, but is still plastic.
- 6) In the face of a growing global water crisis, water bottling corporations are turning water into a profit-driven commodity when it needs to be regarded as a human right.
The town of Lincoln has high quality tap water, and provides regular governmental reports on its quality. The recommended eight glasses of water a day, at U.S. tap rates equals about \$.49 per year; that same amount of bottled water is about \$1,400.

The purpose of this Bylaw is to protect the town's beauty, reduce litter, protect the health of present and future generations, and save the citizens of the Town money that is needlessly spent on packaged water from distant sources in one-use bottles.

SECTION II. Regulated Conduct

It shall be unlawful to sell non-reusable polyethylene terephthalate (PET) bottles of 1 litre (34 ounces) or less containing uncarbonated, unflavored drinking water in the Town of Lincoln on or after the effective date of this bylaw. Proposed effective date of this bylaw: June 1, 2017

Water may be provided for free in any form.

In the event of a declaration (by Emergency Management Director, other duly-authorized Town, Commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water to Lincoln residents, citizens and officials shall be exempt from this bylaw until seven days after such declaration has ended.

SECTION III. Enforcement

Police officers and Health Agents shall have the authority to enforce this bylaw. This bylaw may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the General Bylaws.

Violations of this bylaw are punishable by a fine of up to \$300 per violation.

If non-criminal disposition is elected, then any person that violates any provision of this bylaw shall be subject to the following penalties:

First Offense: written warning

Second Offense: \$25 penalty

Third and subsequent offense: \$50 penalty

SECTION IV.

If the Town Manager determines that the cost of implementing and enforcing this Bylaw has become unreasonable, then the Town Manager shall so advise the Board of Selectmen and the Board of Selectmen shall conduct a Public Hearing to inform the citizens of such costs. Subsequent to the Public Hearing, the Board of Selectmen may continue this Bylaw in force or may suspend it permanently or for such length of time as the Board may determine.

SECTION V.

If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this bylaw, which shall remain in full force and effect.

MOTION under ARTICLE 42 Citizens' Petition

Moved: That the Town amend the General Bylaws by adopting a bylaw entitled "Plastic Bag Ban" as follows:

Section I Findings and Purpose

Plastic check-out bags have a significant impact on the marine and terrestrial environment, including but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environments; 3) clogging storm drainage systems; 4) creating a burden for solid waste disposal and recycling facilities; 5) requiring the use of non-renewable fossil-fuel in their composition. Studies have shown that even alternative "compostable" or "biodegradable" bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic check-out bags.

The purpose of this Bylaw is to protect the Town's unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic checkout bags that are distributed in the Town of Lincoln and to promote the use of reusable bags.

Section II Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

"Check-out bag" shall mean a bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

"Health Agent" shall mean the Health Agent for the Lincoln Board of Health or his/her designee.

"Recyclable paper bag" shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of postconsumer recycled content in the bag.

"Reusable Check-out bag" shall mean a sewn bag with stitched handles that is specifically designed for multiple reuse and that (1) can carry 25 pounds over a distance of 300 feet; (2) is machine washable; and, (3) is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.

"Retail Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

"Thin-Film, Single-Use Plastic Check-Out Bags" shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

Section III Regulated Conduct

a. No Retail Establishment in the Town of Lincoln shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers after January 1, 2018, for Retail Establishments with a floor area equal to or exceeding 3,500 square feet or with at least

two locations under the same name within the Town of Lincoln that total 3,500 square feet or more, or after July 1, 2017 for Retail Establishments less than 3,500 square feet.

b. If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following:

1. Recyclable paper bag; or
2. Reusable Check-Out bag. For reusable bags, public information advising customers to sanitize reusable bags to prevent food-borne illness must be displayed at point of checkout.

c. Charges.

1. Retail Establishments which provide Recyclable Paper Bags or Compostable Plastic Bags shall charge for each such bag, a reasonable amount to cover cost. The Checkout Bag charge shall be retained by the Retail Establishment.
2. Any charge for a Checkout Bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "Checkout Bag Charge" thereon.

Section IV Exemption

Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this bylaw.

Section V Enforcement

Police officers and Health Agents shall have the authority to enforce this bylaw. This bylaw may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the General Bylaws. Violations of this bylaw are punishable by a fine of up to \$300 per violation.

If non-criminal disposition is elected, then any Retail Establishment that violates any provision of this bylaw shall be subject to the following penalties:

First Offense: written warning

Second Offense: \$50 penalty

Third and subsequent offense: \$200 penalty

Section VI Exemptions

The Board of Health may exempt a Retail Establishment from the requirements of this bylaw for a period of up to six months upon a finding by the Director that (1) the requirements of this section would cause undue hardship; or (2) a Retail Establishment requires additional time in order to draw down an existing inventory of thin-film, single-use check-out plastic bags.

Section VII Regulations

The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this bylaw.

Section VIII Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.