



TOWN OF LINCOLN
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PLANNING BOARD

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Proposed Motion Articles: Changes in *bold italics*, ~~deletions~~

ARTICLE 34: To see if the Town will accept for the Board of Selectmen, the Planning Board, the Zoning Board of Appeals and the Conservation Commission, the provisions of G. L. c. 39, S. 23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting solely due to that member's absence; the board member is absent from a single session of an adjudicatory hearing; there is an available recording or transcription of the hearing at which a member is absent; the absent member reviews the evidence submitted at the missed hearing, including the recording or transcript, and files a certification to said effect, and the member certifies that he or she has examined all evidence received at the missed session; provided further, however that such acceptance shall be applicable to all adjudicatory hearings opened on or after the effective date of the vote taken hereafter.

ARTICLE 35: To see if the Town will amend several sections of the Zoning Bylaw as follows to require site plan review for religious and educational uses listed under Section 3 G.L. c. 40A, or take any other action relative thereto: (note: additions are shown in bold italicized type and deletions are crossed out)

- 6.1 (g) religious or educational uses governed by G.L. c. 40A, s. 3. *(subject to Section 19.1.e)*
- 9.1 (h) religious or educational uses governed by G.L. c. 40A, s. 3. ~~(which are permitted without the requirement of a site plan)~~. *(subject to Section 19.1.e)*
- 19.1 (e) In conjunction with any application for a building permit involving land or structures devoted to religious or educational uses governed by G.L. c. 40A, s. 3, the applicant may also submit a written request for exemption from any one or more, or all, of the development regulations

relating to the bulk and height of structures, yard sizes, lot area, setbacks, frontage, open space, width of lot, signage, parking and building coverage for the district in which the applicant's land lies. Such request shall be accompanied by appropriate information ***in the form of a site plan pursuant to Section 17.1-17.6 for any of the above listed development regulations, and other information that*** ~~which~~ may include financial information concerning costs, which demonstrates that the regulations(s) from which an exemption is requested would be unreasonable as applied to such land or structures. Upon receipt of such an exemption request, the following procedure shall apply:

(1) The Building Inspector shall promptly transmit a copy of the building permit application, together with ***the site plan and*** all additional information submitted by the applicant, to the Planning Board for its review.

(2) The Planning Board shall consider ~~and determine at a public hearing~~ whether the applicant has adequately demonstrated that compliance with the development regulations from which exemption is sought would substantially diminish or detract from the usefulness of the proposed structure, or impair the character of the applicant's setting or campus, without appreciably advancing the purposes of this By-law, and if the Planning Board determines that such an effect has been so demonstrated, which one or more of such development regulations shall be deemed not to apply to such religious or educational land or structures. The Planning Board shall report its determination in writing to the Building Inspector within ~~(twenty-eight (28) days of its receipt of the exemption request and appropriate supporting information)~~ ***thirty (30) days of the close of the public hearing.***

ARTICLE 36: To see if the Town will amend the Zoning Bylaw Section 12.6 to require all cell tower applicants to submit correspondence between the FAA and applicants to the Planning Board for review, as well as additional special permit conditions that Planning Board may be impose, or take any other action relative thereto: (note: additions are shown in bold italicized type and deletions are crossed out)

Add a new Section 12.6.4 (i): ***Copies of all written or electronic communications that occurred prior to the pre-application conference between the applicant and the FAA concerning the proposed site.***

Add a new Section 12.6.4.2: *Unless waived by the Planning Board, the applicant shall electronically transmit to the Planning Board or its representative a copy of all written and electronic communications to be submitted by the applicant to the FAA at least 14 days prior to such submission. The applicant shall electronically transmit to the Planning Board or its representative a copy of all written and electronic communications received from the FAA within three days of receipt by the applicant.*

Insert a new sentence in Section 12.6.6 (f) before the final sentence: *The Planning Board may require installation of a cutoff fixture to limit the projection of stray light below the horizon.*

Add a new Section 12.6.6 (q): *Acoustic emissions shall be inaudible on neighboring parcels in residential zoning districts.*

Add a new Section 12.6.6 (r): *In the event the FAA requires aviation safety lighting, the applicant shall file an application with the FAA to waive such requirement. Communications to and from the FAA shall comply with Section 12.6.4.2.*

ARTICLE 37: To see if the Town will amend several sections of the Zoning Bylaw by making various housekeeping corrections as follows, or take any other action relative thereto: (note: additions are shown in bold italicized type and deletions are crossed out)

- 1) Amend the Table of Contents and Section 12 to replace the words “~~North Lincoln Planning District~~” with the words “**North Lincoln Overlay District**”.
- 2) Amend Section 6.3 (a) by replacing the word “~~cellar~~” with the word “**basement**”.
- 3) Amend Section 6.5.1.b to add at the end of the paragraph “**(See figure 5 at the end of the bylaw)**”
- 4) Amend Section 12.7.2 in the first sentence by replacing the words “~~votes to approve~~” with the words “**approves by majority vote**”.
- 5) Amend Section 16.2 (b) and (c) by adding the word “**unlit**” before the words “accessory sign”.
- 6) Amend Section 16.2 (d) by adding the words “**Bedford Road and Morningside Lane,**” after the words South Great Road.

7) Amend Section 16.5 as follows:

a) All signs not described in sections 16.2, 16.3, or 16.4, require a special permit from the Planning Board and a permit from the Building Inspector.

b) In granting a special permit for a sign, the Planning Board may impose such conditions, safeguards, limitations, and restrictions as it deems appropriate and which are not inconsistent with any of the provisions of the Zoning Bylaw. ***The design (colors, font, size and style, method of lighting, and form of sign) is subject to approval by the Planning Board.*** The Board may grant a special permit if in its sole judgment the sign will not be detrimental to the public safety and welfare and will be in harmony with the general purpose and intent of the Zoning Bylaw. Special Permits shall only be issued following a public hearing in accordance with Chapter 40A of the General Laws. Special permits for signs shall be granted for a period not to exceed ***three (3)*** years and shall only be renewable upon application to the Planning Board

c) ***For special permits in the B-1, B-2, or B-3 districts, only one wall-mounted or parapet-mounted accessory sign will be permitted for each separate and distinct place of business located on the ground level of a building, provided the design (colors, font, size and style, method of lighting and form of sign) has been approved by the Planning Board.*** The area of such sign shall not exceed ***one (1)*** square foot for every linear foot of ground level storefront, such linear footage to be measured on the longest wall of storefront and not to exceed 30 square feet in any event.

8) Amend Section 23 definition Gross Floor Area, Calculated by deleting the words “~~the portion of~~” before the words “any attic space”.

ARTICLE 38: To see if the Town will vote to require a permanent conservation restriction on open space land within new cluster subdivisions by amending the zoning bylaw Section 6.6.2 (h) iii as follows, or take any other action relative thereto: (note: additions are shown in bold italicized type and deletions are crossed out)

(h) provision shall be made so that Open Land shall be owned:

- i. by the Town of Lincoln
- ii. by the Lincoln Land Conservation Trust; or
- iii. an association of the *land owners* ~~owners of the land that may be~~ approved by the Planning Board, *that grants a permanent conservation restriction to either the Town or the Lincoln Land Conservation Trust. The conservation restriction shall include* ~~with provisions for~~ *limited* easements for recreational use by the residents of the Town, *and provide sufficient rights to the town* ~~provided that the town shall have sufficient rights to enable it~~ to enforce compliance with the restrictions imposed by the Planning Board as conditions of its special permit;