

SELECT BOARD MEETING MINUTES – Final
Public Health Emergency Response Update Virtual Meeting
Pursuant to Governor Baker's March 12, 2020 Order
Suspending Certain Provisions of
Open Meeting Law.
Zoom Meeting ID# 938 4860 9485
Monday January 31, 2022
6:30 P.M.

PARTICIPANTS: Jonathan Dwyer, Select Board Chair
(Virtually) Jennifer Glass, Select Board Member
James Craig, Select Board Member
Tim Higgins – Town Administrator
Peggy Elder – Administrative Assistant

WELCOME & INTRODUCTIONS:

Mr. Dwyer opened the meeting at 6:30 pm and noted that this meeting is being held remotely in a way that is consistent with Virtual Meeting Pursuant to Governor Baker's March 12, 2020 Order, as Extended on June 15, 2021, with the Governor's signing of Senate Bill # 2475, Suspending Certain Provisions of the Open Meeting Law. He noted that this meeting is being recorded and that attendees are participating via video conference.

ANNOUNCEMENTS:

- Ms. Glass congratulated Fire Chief Brian Young on his graduation from the Firefighter Management Program.
- Mr. Craig acknowledged and thanked the DPW and Public Safety for all that they do to get the Town up and running again so quickly after the latest storm.

APPOINTMENTS:

- DeCordova – Mr. Craig made a motion to open the public hearing to consider the application by the deCordova Sculpture Park & Museum for their liquor license. Ms. Glass seconded the motion. With no further discussion, the motion was approved unanimously with a roll call vote: Craig: Aye; Dwyer: Aye; Glass: Aye.

Mr. Dan Eck is the Interim Property Director at deCordova Sculpture Park & Museum, and if the application is approved, he will be the Manager of the Liquor License. Mr. Higgins reported that deCordova submitted an application to change the person listed as manager, and responsible party, on the liquor license. Mr. Higgins said that Mr. Eck is regularly on site and fully qualified to fulfill the responsibilities as Manager for purposes of the license. Mr. Eck reported that Twisted Tree is currently running the Café for food service, and they are not currently serving alcohol. He added that while it is unrelated to this current amendment application, deCordova may apply for transfer of the liquor license to Twisted Tree.

Ms. Glass made a motion to close the public hearing to consider the application by the deCordova Sculpture Park & Museum for liquor a license. Mr. Craig seconded the motion. With no further discussion, the motion was approved unanimously with a roll call vote: Craig: Aye; Dwyer: Aye; Glass: Aye.

Mr. Craig made a motion to approve the amendment to deCordova Sculpture Park & Museum's liquor license naming Daniel Eck as Manager. Ms. Glass seconded the motion. With no further discussion, the motion was approved unanimously with a roll call vote: Craig: Aye; Dwyer: Aye; Glass: Aye.

- Boston Post Cane – Abby Butt, Director of the Council on Aging & Human Services, presented background on the Boston Post Cane that was established in 1909 by Edwin Grozier, publisher of the Boston Post. At that time 700 canes were sent to New England towns to be presented to the oldest male citizen. They were made of ebony and 14K gold by J.F. Fradley & Company in New York. In 1930, women were finally recognized with this award. There are 500 known canes still in existence, with 150 of them in Massachusetts. Ms. Butt added that Lincoln's Boston Post Cane is in Bemis Hall along with a plaque with the names of previous Lincoln recipients. She noted that this year they are honoring Jane Bartter who is 100 years old and Barbara Davis who will turn 100 soon.

Ms. Glass noted that Jane Bartter and her daughter Pam were in attendance. Ms. Bartter was born July 10, 1921, in Marion, MA. Over her life she served in Naval Intelligence as a "Code Girl" in World War II, married her husband Fred Bartter in 1946, raised three children, and worked as an early childhood teacher and administrator. After moving to Lincoln in 2010, she has been an active volunteer at Codman Farm, the Lincoln schools, and with St. Anne's Service League.

Ms. Glass noted that Barbara Davis was born February 24, 1922. Over her life she served many roles. She was an Army nurse in World War II for 2 years, a wife to Ronald Davis, and a mother to five children. She became a Lincoln resident in 1954, and she and her husband ran the Thoreau Walden Bed & Breakfast for many years. She has been an active volunteer with the Council on Aging as well as St. Anne's Service League.

- Joint Meeting with Planning Board & South Lincoln Planning Advisory Committee (SLPAC) - Mr. Dwyer welcomed everyone to the meeting and asked Margaret Olson, Chair of the Planning Board, to call their meeting to order and make introductions. Ms. Olson called the Planning Board meeting to order with members Gary Taylor, Lynn DeLisi, Steve Gladstone, and Bob Domnitz in attendance. Gary Taylor, chair, called the meeting of SLPAC to order with Rachel Drew, Margaret Olson, and James Craig in attendance. The purpose of the meeting is to update the Board on the State's Housing Choice Act.

Ms. Olson presented the new Housing Choice Act (HCA) for Massachusetts and the current draft compliance guidelines. The Housing Choice Act addresses zoning and housing density. She noted that it will have a significant impact on the Town whether we choose to comply or not. Her goals for this evening were to share the Planning Board's current understanding of what Housing Choice Act is, what the guidelines ask of the Town, and to provide an overview of the State's timelines and due dates. She added that whether the Town creates a zoning district that

complies with the HCA is a longer and more complex discussion. At this point they are trying to understand the legislation and the draft guidelines, and are preparing feedback to the State about the logistic and fiscal challenges these guidelines present for Lincoln and other small towns. Ms. Olson stated that all towns are currently considered to be in compliance, and to remain in compliance for 2022, the Town needs to: 1) present the HCA to the Select Board; and 2) complete a form for the State. This will preserve Lincoln's options and give us time as a town to figure out what we would like to do. She thanked Paula Vaughn, Director of Planning and Land Use, for all her work prepping for this meeting. Ms. Olson shared a PowerPoint presentation that explained the Housing Choice Act for MBTA Communities. She explained that the HCA is about zoning and what is permitted of right. It is not about housing production and does not require the Town to produce the housing. She went on to explain what defines an MBTA community. She then clarified the general principals of compliance. The State is soliciting feedback on the draft guidelines and the Town is preparing to submit them. Ms. Olson explained that MBTA communities are divided into four categories: Rapid Transit; Bus Service; Commuter Rail; and Adjacent Community. Lincoln is currently categorized as a Bus Service Community because the No. 77 bus stops at Hanscom. She noted that Lincoln could ask for a reclassification to Commuter Rail as it better reflects the primary mode of public transportation in town. Also, the timeline for Commuter Rail towns is longer, which is important for public process.

Housing Choice Legislation for MBTA Communities

- Enacted as part of the economic development bill in January 2021, new Section 3A of M.G.L. c. 40A (the Zoning Act) requires that an MBTA community shall have at least one zoning district of "reasonable size" (currently defined as 50 acres) in which multi-family housing is permitted as of right and meets other criteria set forth in the statute:
 - o Minimum gross density of 15 units per acre
 - o Not more than ½ miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable
 - o No age restrictions
 - o Suitable for families with children

What is an MBTA Community?

"MBTA community" is defined by reference to M.G.L. c. 161A, sec. 1:

- one of the "14 cities and towns" that initially hosted MBTA service;
- one of the "51 cities and towns" that also host MBTA service but joined later; **Lincoln is listed as one of these 51**
- other "served communities" that abut a city or town that hosts MBTA service; or
- a municipality that has been added to the MBTA under G.L. c. 161A, sec. 6 any special law relative to the area constituting the authority.

In total, 175 MBTA communities are subject to the new requirements of Section 3A of the Zoning Act.

What are the General Principles of Compliance?

DHCD is tasked with providing guidance on the legislation.

- What it means to permit multi-family housing by right
- How to determine if a multi-family district is “of reasonable size”
- How to determine gross density of 15 units per acre, subject to wetlands and title V
- The meaning of “such multi-family housing shall be without age restrictions and shall be suitable for families with children”
- Parameters of choosing the location of the multi-family district.

What is Lincoln’s MBTA Community Category?

- Categories: Rapid Transit; Bus Service; Commuter Rail; Adjacent Community
- Current Regulations categorize Lincoln as a “Bus Service Community” Any community with a bus stop – The 77 bus stops at Hanscom
- Lincoln can try for reclassification as a Commuter Rail community.
- Even if a town is classified as an adjacent community (within .5 miles of a transit station in another community), it is still subject to the law.
- As of now, there are conflicting statements on the state’s website about the definitions.

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What is “As of Right”?

- Construction and occupancy of multi-family housing is allowed without discretionary permit of approval i.e. No Special Permits.
- Site Plan Approval is allowed.
- May regulate vehicular access and circulation, architecture and design, screening of adjacent properties.
- Site Plan Review may not impose conditions that make it infeasible or impractical to proceed.

How Do We Comply for 2022?

- By 5:00pm on May 2, 2022, we must:

- Hold a public presentation of the Draft Guidelines in a meeting of the Select Board, City Council or Town Council, as applicable;
- Complete and submit the MBTA Community Information Form, found here: www.mass.gov/forms/mbta-community-information-form; and
- Submit updated GIS parcel maps to MassGIS if the most recent updated parcel maps were submitted prior to January 1, 2020. DHCD will contact each of the 14 MBTA communities that need to submit updated GIS parcel maps.

Ms. Olson made a motion that the Planning Board meeting adjourn. Mr. Taylor seconded the motion. With no further discussion, the motion was approved with a roll call vote: Olson: Aye; Taylor: Aye. The Planning Board meeting is adjourned.

Mr. Taylor made a motion that the SLPAC meeting adjourn. Ms. Olson seconded the motion. With no further discussion, the motion was approved with a roll call vote: Olson: Aye; Taylor: Aye; Craig: Aye; Drew: Aye. The SLPAC meeting is adjourned.

TOWN ADMINISTRATOR’S REPORT:

- ARPA Working Group Update – Mr. Higgins reported that the ARPA Working Group met a major milestone in the process at their last meeting. The group deliberated on the project applications and concluded that all eleven of the applications meet the criteria and are worthwhile investments for Lincoln. They voted that the whole slate of eleven projects should move forward with the preliminary approval of the ARPA working group. Later this week they will host a public meeting to share their deliberations with residents. He noted that they will finalize their recommendations for the Board once they have the chance to process any public feedback, and then present them for the Board’s review and approval later in February.
- Collective Bargaining Update – Mr. Higgins reported that all three of our collective bargaining agreements expired in June. The Board approved the DPW/Water Dept. agreement a few months ago. Mr. Higgins noted that he and Assistant Town Administrator, Dan Pereira, have reached an Agreement in Principle with the Police and that they will present to the Board. He added that he believes the Board will find the terms of the agreement reasonable and comparable with the terms of the DPW/Water staff agreement and consistent with the benefit increases that they are contemplating for non-union employees. Mr. Higgins reported that the Fire Department agreement remains in negotiations. They have made good progress in the past few meetings, and he anticipates bringing an agreement in principle to the Board for its approval.
- Oriole Landing – Mr. Higgins reported that the Board recently voted to approve the sale of Oriole Landing under the terms of the housing restrictions that the Town had in place to secure its interest in the affordable units in perpetuity. In addition, the Planning Board had to authorize the sale as well. That has taken place, and all of the necessary documentation for the transaction has been signed and distributed. At this point there is no further action required of the Town to allow the transfer of ownership of Oriole Landing. Mr. Higgins noted that at a staff level, the Town will be reaching out to the management of the new ownership group to make sure that we establish good lines of communication.

- The Commons – Mr. Higgins reported that the Board voted recently to allow the transfer of ownership of The Commons to go forward. He noted that the conversation was complicated due to the change in tax status. The new ownership is proposing to change it from a for-profit model to a not-for-profit model, which could have an impact on property taxes. The Board vote to approve the transaction to go forward was contingent on the new ownership meeting early on in their ownership of the property to evaluate their qualifications for exemption from property taxes. If that inquiry proves that they have a good basis for that exemption from property taxes, we will then go forward with a conversation and negotiations on a payment in lieu of taxes (PILOT) agreement. He added that the Board is aware of how complicated this is and will coordinate these discussions with Town Counsel as well as the Board of Assessors.

DISCUSSION:

- FY 23 Budget – Mr. Higgins reported that the Finance Committee has voted, following its January 18th Workshop, to support and recommend the Board’s Preferred Budget as presented. The budget included requests totalling \$257,000 over and above the base budget guidance of 2.5%. We were able to pare down the initial request by \$137,000 due to the recommendations that came forward from the ARPA Working Group. The largest item was \$100,000 to help the Inclusion, Diversity, Equity, and Anti-Racism (IDEA) Committee hire a consultant to provide a solid year one foundation. The remaining \$37,000 would go to fund the work of the Council on Aging & Human Services allowing us to increase social workers hours to support Human Services. Mr. Higgins added that the net preferred budget that the Finance Committee has voted to support is \$119,000 above the 2.5% base budget which translates into an overall budget increase of 3.6%.
- Town Meeting Planning – Mr. Higgins reported that later in the meeting the Board will vote to close the 2022 Annual Town Meeting Warrant. He noted that there are currently 40 Articles expected to be brought forward to Town Meeting. Most of the articles are routine, but there are several by-law petitions and there is one citizen petition. Mr. Higgins has sent his summary to Town Counsel for his review and remarks. The one citizen petition is a Home Rule petition requesting that the state Legislature allow a bylaw stating that going forward, new building and major construction in Lincoln would be fossil fuel free. Mr. Higgins stated that after the warrant has been closed, they will begin drafting the final warrant to be signed by the Board at the end of February and included in the Finance Report.

Mr. Higgins reported that the Property Tax Circuit Breaker initiative that was approved at the 2021 Annual Town Meeting needs to be approved by a second vote of Town meeting after it makes its way through the initial legislative process and is approved. Lincoln’s legislative representatives have been keeping the Town updated on the progress of the bill. Mr. Higgins reached out to Sen. Barrett and Rep. Stanley’s offices for an update, and he will share that with the Board when he receives it.

- Select Board Annual Report – After a few minor edits, the report will be ready for submittal.
- Liaison Reports –

South Lincoln Planning Advisory Committee (SLPAC) - Mr. Craig reported that SLPAC held a joint meeting with the Planning Board to hear from Wright-Pierce, the engineer that is handling the septic system evaluation. Wright-Pierce gave a presentation of their findings and final report, which is available on the Town website. He added that his takeaway from the meeting

was the expansion potential of the septic treatment plant. According to their report, 72 additional bedrooms could be added at a cost of roughly \$100,000. To bring expand it to handle 199 additional bedrooms would cost roughly \$1.5 million. It would take a \$5.8 million investment to be able to handle 290 bedrooms; and it would cost \$7.0 million to allow up to 391 bedrooms.

Climate Action Planning – Ms. Glass reported that she continues to meet with the Climate Action Planning committee as well as Green Energy committee. She thanked Jennifer Curtin, Assistant Director of Planning & Land Use, who submitted a letter of interest for an MVP grant that would give the Town substantial resources to hire a consultant to help the Town create a climate action plan.

School Building Committee – Ms. Glass reported that SBC will be meeting in a couple of weeks. She noted that the project has gotten the last of the steel on site so they can finish framing the project. Steel was one of the materials that was a challenge to get due to supply chain issues.

Landfill Solar System – Mr. Higgins reported that some residents have inquired as to the status on Landfill Solar. He noted that this will be revisited once Town Meeting is relatively settled.

IDEA – Ms. Glass reported that they have been continuing to work and based on the possible availability of ARPA funds they have been discussing what a Request for Proposal for those services might look like. In addition, what scope of work would they like to include.

Capital Planning Committee – Mr. Dwyer reported that they had finished their decision making as to what would be included in this year's warrant.

Bicycle Pedestrian Advisory Committee (BPAC) – Mr. Dwyer reported that they have been busy prioritizing projects that help improve the safety of vulnerable road users on both roadway paths and offroad trails.

Complete Streets Working Group – Mr. Dwyer reported that the group has a representative from the Roadway Traffic Committee and BPAC as well as Paula Vaughn, Tim Higgins, Department of Public Works, and the Town's consultant. They are working to select a project in order to take advantage of remaining Complete Streets funds that are available to the Town with the hopes that Lincoln gets chosen again. The deadlines for submission are soon.

Battleroad Scenic Byway Committee – Mr. Dwyer reported that they met last Thursday to submit some opinions to Mass Dept. of Transportation (MassDOT) regarding the Route 2A resurfacing project. He noted that Bob Dominitz did a great job summarizing the Town's point of view. He felt that with minor differences of opinion, the letter to the State represented Lincoln's position well.

OPEN FORUM:

- Jim Hutchinson joined the meeting and asked whether the work that Lincoln has done already with Affordable Housing would be considered when looking at MBTA Community status. Mr. Craig noted that he believed that Lincoln could get credit for existing affordable housing units at Lincoln Woods.

ACTION ITEMS:

- Close the Annual Town Meeting Warrant - Mr. Craig made a motion to close the Warrant for the 2022 Lincoln Annual Town. Ms. Glass seconded the motion. With no further discussion, the motion was approved unanimously with a roll call vote: Craig: Aye; Dwyer: Aye; Glass: Aye.
- Town Constable Appointment - Mr. Craig made a motion to appoint Joseph Topol as Constable for the Town of Lincoln for 2022. Mr. Dwyer seconded the motion. With no further discussion, the motion was approved unanimously with a roll call vote: Craig: Aye; Dwyer: Aye; Glass: Aye.
- Council On Aging & Human Services Appointment - Mr. Craig made a motion to appoint Peter von Mertens to the Board of the Council on Aging & Human Services. Mr. Craig seconded the motion. With no further discussion, the motion was approved unanimously with a roll call vote: Craig: Aye; Dwyer: Aye; Glass: Aye.

CORRESPONDENCE:

- None

WARRANTS:

- Ms. Glass made a motion to approve the warrants dated January 24, 2022 and February 7, 2022. Mr. Craig seconded the motion. With no further discussion, the motion was approved unanimously with a roll call vote: Craig: Aye; Dwyer: Aye; Glass: Aye.

MINUTES:

- Minutes for October 4, 2021 - Ms. Glass made a motion to approve the minutes of October 4, 2021. Mr. Dwyer seconded the motion. With no further discussion, the motion was approved unanimously with a roll call vote: Craig: Aye; Dwyer: Aye; Glass: Aye.
- Minutes for October 18, 2021 - Ms. Glass made a motion to approve the minutes of October 18, 2021. Mr. Dwyer seconded the motion. With no further discussion, the motion was approved unanimously with a roll call vote: Craig: Aye; Dwyer: Aye; Glass: Aye.
- Minutes for December 16, 2021 - Mr. Craig made a motion to approve the minutes of December 16, 2021. Ms. Glass seconded the motion. With no further discussion, the motion was approved unanimously with a roll call vote: Craig: Aye; Dwyer: Aye; Glass: Aye

Mr. Craig made a motion to adjourn. Ms. Glass seconded the motion. With no further discussion, the motion was approved unanimously with a roll call vote: Craig: Aye; Dwyer: Aye; Glass: Aye.

The meeting adjourned at approximately 8:53 P.M.

Submitted by Peggy Elder

Approved 4/21/22