

LYNNFIELD PLANNING BOARD MEETING August 29, 2018

A meeting of the Planning Board was held on Wednesday, August 29, 2018 at 7:00 p.m. in the Maney Meeting Room at Town Hall. Present: Chairman Brian Charville, Katherine Flaws, and John Gioioso; Vice-chairman Michael Sheehan and Clerk Charlie Wills were absent. Chairman Charville called the public meeting to order at 7:00 PM and announced it was being recorded.

1. **Presentation of Town Planner position**

Town Administrator (TA) Rob Dolan stated the need for a professional Planner in Lynnfield whose primary focus would be land use purposes. He added the Planner will need expertise and sustainability. TA Dolan noted that the limited staff size at Town Hall necessitates all staff assisting one another; therefore, a combined Director of Planning and Conservation would work well. He said that Conservation Director Emilie Cademartori has been providing invaluable expertise in both areas as she was the Wenham Planning and Conservation Director for 7 years. Support staff for the Planning & Conservation department would include 2 part time (17.5 hours / week, not requiring benefits) staff, each dedicated to their respective department (Planning or Conservation), but cross trained to allow for best office coverage. TA Dolan said that after approval by the PB, Conservation Commission (ConCom), and Board of Selectmen (BOS), protocol requires posting the positions internally; he also noted that combining the departments will result in a cost savings.

Mr. Gioioso asked how it would be possible to set priorities in a combined department; TA Dolan said this will be possible as Ms. Cademartori has expertise in both areas, and with the focused staff support on Planning and Conservation, respectively, each area will have support. TA Dolan added that a Planner can save money and resources for the town, and that he thinks Ms. Cademartori will be committed to the town for the long term. Mr. Gioioso asked if the Master Plan (MP) updating process would suffer as a result of this. TA Dolan said the MP will be done primarily by a consultant and that he had met with MAPC the prior week and set a goal of having a new MP developed in 2020. Mr. Gioioso asked if Ms. Cademartori had AICP certification; TA Dolan said she has extensive qualifications and experience, and has served Lynnfield with distinction for 7 months so far and successfully completed large projects, as well as given assistance to other departments within Town Hall. Chairman Charville asked if the internal job posting would also apply for the 2 staff positions; TA Dolan answered yes, these will be union positions and filled from within if possible. Chairman Charville asked for a motion to endorse the TA's staffing plan. Mr. Gioioso made the motion and Chairman Charville seconded it. Ms. Flaws asked if the vote should wait until the entire PB was present; Chairman Charville said a quorum is present and so a vote may proceed.

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Resident and former PB member Heather Sievers said that a shared position (Conservation & Planning) had been tried unsuccessfully in the past and resulted in additional staff needs. TA Dolan said this is a different situation, and that the department would also include a staffer for site visits. Town Veterans' Agent Bruce Siegel addressed the PB and said he had dealt with Ms. Cademartori a few times and found her to be very professional and responsible. PB members discussed the plan and then moved the question, which was voted in favor of 3 – 0.

2. Market Street Lynnfield – Building #1350 – minor modification – parking spaces

Doug Straus, Senior Vice President of National Development defined a “minor modification” and said that the 5 needed criteria had been met for this proposal. Mr. Straus said the proposal will allow a parking island to be ‘flipped’ to allow for more parking adjacent to the building. The island is located by the new Lahey Building at #1350 and the tenants have requested more parking at the front doors. An additional crosswalk will be added for safety. Chairman Charville asked if there would be additional stop signs; Mr. Straus said yes, at the crosswalk. Chairman Charville asked if traffic would flow in both directions; Mr. Straus said yes. Chairman Charville asked if the number of parking spaces at MarketStreet would remain the same; the answer was they would be reduced by 2 spaces. Mr. Straus added that Bill Jones of Linden Engineering had completed the peer review for the Conservation Commission and approved the proposal. Ms. Flaws asked if impervious area would decrease; Mr. Straus answered yes, and there will be additional green space. Mr. Gioioso asked if the Police Department had looked at the plan; Mr. Straus said yes, and it was considered a safety improvement. Finding no audience questions, Chairman Charville requested a motion to approve the modification as presented. Ms. Flaws moved the question and Mr. Gioioso seconded the motion, which passed 3 – 0.

3. Market Street Lynnfield – Temporary Structure for Ice Skating Rink

Mr. Straus requested PB feedback on an “ancillary use to an approved use” in order to have a temporary structure in place from November until the end of March. A warming hut for the ice rink is needed during this time; it would be in place for 125 days vs. the allowed 180 days for any temporary structure, under the building code. Mr. Gioioso asked how the structure would look; Mr. Straus said it will be a rigid tent. Mr. Gioioso asked if it would have electric heat; Mr. Straus said yes, and the Building Inspector has no issues with this. Chairman Charville asked if signs would be displayed; Mr. Straus

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said there would be no advertising signs. Mr. Gioioso asked if the Fire Department had approved this; Mr. Straus answered yes. Resident Sandra Roulier asked who would insure the structure; Mr. Straus answered National Development. Resident Candace Orlando Siegel asked if adjacent tenants Apple and J.P. Licks were in agreement with the structure; Katie Wetherbee of WS Development said they approved of it as it brings increased traffic in. Chairman Charville asked if there would be a change in use of the previously used skate rental building; Mr. Straus said not at this time. Mr. Gioioso asked if the structure would be alarmed; the answer was no.

Chairman Charville said the plan had been endorsed by the Building Inspector and requested a motion to find this an ancillary use and acceptable for a temporary structure. Mr. Gioioso made the motion; Ms. Flaws seconded it, and the motion carried 3 – 0.

4. **74 Cresecent Avenue – Board of Appeals case #18–20**

Atty. Brian McGrail of Wakefield, who represents homeowners Norman and Erin Winsor, said this case will be heard by the ZBA at their September 11, 2018, meeting. He then gave a history of the case, including the following:

- April 2017, the ZBA granted a Special Permit to raze and rebuild a home on an existing 5750 square foot lot. The Special Permit allowed the proposed side yard setback of 1' 6" vs. the existing 3' 1".
- After the home was built, while preparing the as-built plan, it was discovered that the surveyor had made an error and the existing lot size was only 4700 square feet.
- The Building Inspector has been unable to issue an occupancy permit to the Winsors until this is resolved. Atty. McGrail has appealed this decision to the ZBA.
- The corrected survey shows a side yard setback of 1' 1" vs. the permitted 1' 6".
- Atty. McGrail said that a neighbor disputed the survey results, so Hayes Engineering was hired as an independent surveyor. Hayes found the setback to be 0.98".

Chairman Charville asked what was being asked of the ZBA in the new Special Permit. Atty. McGrail said they were seeking to "alter and extend" the existing plan. Mr. Gioioso asked if currently there was still no occupancy permit; Atty. McGrail said there was not even a temporary one issued.

Chairman Charville then opened comments to audience members. Ms. Olivia Winsor, the applicants' adult daughter, stated that this had been a very difficult time for her family and that they had been kept out of their home for 6 months. She added that the Fire Department, the Electrical Inspector, and the Plumbing Inspector had all given their

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approval; the Building Inspector was the only one who has not. Neighbor Debbi Mallett said the Winsors were 30 year neighborhood residents and had bought their mother's home. Neighbor James Mamos said that Mr. Winsor was a fellow disabled veteran and the family was excellent neighbors. Neighbor Sandra Roulier said the Winsors deserve their home. Mr. Gioioso asked what the next step towards obtaining an occupancy permit would be. Atty. McGrail said that the ZBA is the authoritative board, and the meeting on 9/11/2018 would address 2 issues:

- Appealing the decision of the Building Inspector
- The approval of a new Special Permit or the modification of the existing Special Permit

Veteran's Agent Siegel asked the Board to come up with a reasonable solution. Chairman Charville requested a motion to recommend to the ZBA to grant the Special Permit or to modify the existing Special Permit. Ms. Flaws moved the question; Mr. Gioioso seconded it, and the motion carried 3 – 0. Mr. Gioioso then asked what more the PB could do; Ms. Flaws said to make the PB's opinion known to the Building Inspector. Atty. McGrail suggested asking the ZBA to consider a temporary occupancy permit if the case is continued. Mr. Gioioso then proposed adding a friendly amendment to the motion to include copying the Building Inspector on the original recommendation. This was passed 3 – 0. Chairman Charville's letter to the ZBA reporting the PB's action will include mention of the PB's recommendation regarding the occupancy permit.

5. 333, 339, & 349 Summer Street, Road A

Chris Sparages of Williams and Sparages introduced Brian and Michael Hannon of HPI, the developers of the subject property, which consists of 3 long, narrow lots totaling 8.25 acres. Chairman Charville asked if all 3 lots border Reedy Meadow; Mr. Sparages answered yes. He said that no work is being proposed in the flood plain at the edge of Reedy Meadow, and the opposite end of the lots is Summer Street. Mr. Sparages added that the plan had been submitted to Natural Heritage for review, as 3 endangered birds nest in the flood plain. After reviewing the plan, they have issued a "no take" letter, which means the proposed plan will not endanger the birds. The land is located in Residence Zone B which requires 30,000 square foot building lots. Chairman Charville asked what the elevation change on the lots is; Mr. Sparages answered the front elevation is 108' and the rear elevation (at the flood plain) is 73'. The ConCom has issued an ORAD on May 25. Mr. Sparages said the Board of Health (BOH) had conducted perc

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tests and the sandy soil can easily support 9 septic systems. Mr. Sparages overviewed the proposed Preliminary Plan, which includes:

- 828' of roadway that ends in a cul-de-sac with a green area
- 9 building lots (an addition of 6 homes)
- Home footprints of 40' x 80' which allow all lot line restrictions to be met
- Roadway profile follows existing grade with catch basins along the road

Mr. Sparages added that the plan must meet the 10 standards of DEP stormwater regulations. Chairman Charville asked if the homes would have water recharge systems; Mr. Sparages said this was likely, but had not been completely designed yet. Chairman Charville asked about the item shown on the plan in the back of lot #7; Mr. Sparages answered that it is an existing swimming pool. Ms. Flaws asked what the number of bedrooms in the existing homes is; they have 3 each for a total of 9 existing bedrooms. The 9 new homes will have 4 bedrooms each, resulting in an increase of 27 bedrooms requiring septic systems. Ms. Flaws asked if landscape irrigation will be installed; Mr. Sparages answered yes. Ms. Flaws asked what the increase in water usage would be; Mr. Sparages said this is not yet determined.

Atty. Ted Regnante asked the PB for feedback and comments prior to submitting a Definitive Plan. He noted that the requested length of the roadway is 828' (vs. the allowed 500'), and that the plan included an easement allowing access to the adjacent Reed property. Atty. Regnante said that a peer reviewer, likely Bill Jones, would be engaged.

1. The 3 existing properties are all on the Historical Commission's (HC) Significant Structures list due to their age.
2. At the front of the property are 2 significant maple trees that are partly on the public way, and therefore come under the jurisdiction of the Scenic Road Bylaw (SRB). The tree on the Wallace property is located on the proposed roadway; Atty. Regnante said they would likely offer a mitigation package to compensate for this.

Atty. Regnante said the Wallace home (1905), though quite old, must not be preserved, and could likely be granted concessions from the HC. Chairman Charville asked Atty. Regnante what types of historical requirements were imposed regarding the Ship restaurant; Atty. Regnante answered that plaques and mementos were displayed. Chairman Charville asked if the road design could be changed to avoid removing the tree; Mr. Sparages said that an arborist will be consulted. Atty. Regnante read from a letter

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from the HC saying that they would not request a construction delay as the Wallace home “does not meet the requirements of a Significant Structure”. Atty. Regnante noted the existing right of way on Cranberry Lane between #4 and #6, and said they had no plan to use it. Chairman Charville read an email from absent PB member Charlie Wills noting that the access this easement provides should be reviewed by the Fire and Police Departments (FD, PD), and the BOS. Chairman Charville asked if requesting any other waivers (other than street length) was anticipated by the applicants; Mr. Sparages said perhaps the size of drainage pipe covers. Mr. Gioioso noted that many cul-de-sacs over 500’ in length exist throughout town. Chairman Charville asked if there were any changes at this time to the submitted Preliminary Plan, versus when it was first submitted; Mr. Sparages answered no.

Cranberry Lane resident Steven Coletta asked if some type of buffer was being planned to ensure privacy to neighbors on Cranberry Lane, and if the wetland near Lot #5 could be a vernal pool. Mr. Sparages said all minimum setbacks will be observed and homeowners may choose to plant hedges or add other buffers. He also said the area is not a vernal pool. Chairman Charville said the applicant should strive to protect trees and wetlands as much as possible, and then read an email from Jane Bandini of the Lynnfield Tree Committee regarding the 2 trees previously mentioned. Resident Alan Dresios had several comments, including:

- praise for establishing the wetlands line in advance
- building times are restricted by National Heritage
- PB should plan a site visit to inspect trees, etc.
- it could make sense to use the Cranberry Lane easement to loop the road
- recommends an HOA for all 9 homes, not just the end unit
- the island in the cul-de-sac should be discussed with the FD
- water could be supplied to this site by accessing Cranberry Lane

Chairman Charville asked Mr. Dresios about modifications to the plan and voting. Atty. Regnante said that the PB must notify the applicant and the Town Clerk within 45 days of the plan’s submission. Mr. Coletta asked if the easement meets roadway specifications; Mr. Sparages said it did as it is 40’ wide. Mr. Gioioso asked what the next step would be; Chairman Charville said a Definitive Plan would be submitted at some time after the Preliminary Plan was approved. Atty. Regnante said that if the PB would like more than 45 days to review the Preliminary Plan, they would be agreeable. Ms. Flaws said she would like feedback from the LCWD and the Town Engineer regarding the Scenic Road

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Bylaw. Mr. Gioioso requested feedback from the Town Engineer on the complete plan. Atty. Regnante said he will contact both, and send a letter stating that completing the review of the Preliminary Plan will be extended until 9/26/2018. Chairman Charville asked if Atty. Regnante represented all 3 homeowners, and could secure permission for the PB to tour the land; Atty. Regnante said he would do so.

6. New Master Plan

Mr. Gioioso informed the Board of a successful meeting he attended with TA Dolan and MAPC North Shore Coordinator Sarah Philbrick on August 16th. TA Dolan is in favor of having a professional guide the Master Plan (MP) updating process with input from volunteers. Chairman Charville asked about the rolling grant application period and Mr. Gioioso said that Ms. Philbrick will inform him. He added that the cost of a new MP is approximately \$40,000, and Ms. Philbrick said that grants could total up to \$20,000. Mr. Gioioso said that TA Dolan has requested a joint meeting of the PB and Town Department Heads which he will follow up on.

7. Facebook page for Planning Board

Ms. Flaws said that using the Lynnfield Community Facebook page was a possibility for publicizing PB info to the public. Chairman Charville asked if the PB could post to this page; Ms. Flaws said yes. Chairman Charville asked if town officials post to this page; Dan Tomasello of the Lynnfield Villager said that some do. Chairman Charville asked what type of info the Board would want to publicize, and suggested that staff could post highlights from PB meetings.

8. CAI Zoning Map Revisions

Chairman Charville said he had met with Conservation Administrator Emilie Cademartori, Town Engineer Charlie Richter, and PB staffer Susan Lambe to review the current map and assess how much work will be involved to revise it. The group determined the map had not been revised since October, 1983, and the revision would therefore be fairly extensive. Chairman Charville outlined a first step of capturing all zoning amendments since that time, and then proceeding with changes to the map itself.

9. Public Comment

Chairman Charville requested a motion to reopen the Public Hearing for Sagamore Place (Janet Way) at 9:50 PM. Ms. Flaws made the motion; Chairman Charville seconded it

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and the motion passed 3 – 0. Ms. Flaws then motioned to extend the public hearing, as requested in a letter from Hayes Engineering dated 8/29/2018 until the next PB meeting, until 9/26/2018. The motion was seconded by Mr. Gioioso and passed 3 – 0.

10. Topics for next meeting

- Continued Public Hearing for Sagamore Place
- Pagos Way Subdivision completion
- Town Meeting Warrants
- Preliminary Plan – Road A new subdivision off Summer Street
- Minutes Approval

Ms. Flaws motioned to adjourn the meeting at 9:50 PM; Mr. Gioioso seconded. The motion carried 3 – 0.

Respectfully submitted,

Susan Lambe, Planning Office