

LYNNFIELD PLANNING BOARD MEETING – April 26, 2023

1. 7:00pm - Call to Order

Chair Brian Charville called the meeting to order at 7:00pm and identified the Planning Board (PB) members in attendance, including himself, Vice Chair Kate Flaws, Clerk Edward Champy, III, Amy MacNulty and Page Wilkins. He noted staff members in attendance; Director Emilie Cademartori and Administrative Assistant Sondria Berman, and stated the meeting was being recorded by audio.

2. 7:01pm – Election of Officers

Chair Charville congratulated Vice Chair Flaws on her successful re-election to the PB, and noted her term was extended through 2028. Chair Charville stated that after Town Elections, the PB votes on officer roles for the coming year.

Chair Charville asked if there were any motions for PB officers; *Vice Chair Flaws motioned that Brian Charville continue to serve as Chair of the PB for the next year; Amy MacNulty seconded the motion. Chair Charville asked for debate on the motion; hearing none, the PB voted 5-0 in favor of the motion.*

Chair Charville made a motion that Kate Flaws continue to serve as Vice Chair of the PB for the next year; Ms. Wilkins seconded the motion. Chair Charville invited debate on the motion; hearing none, the PB voted 5-0 in favor of the motion.

Chair Charville asked if anyone would like to make a motion for the Clerk position; Chair Charville motioned that Edward P. Champy, III, continue to serve as Clerk of the PB for the next year; Ms. MacNulty seconded the motion. Chair Charville invited debate on the motion; hearing none, the PB voted 5-0 in favor of the motion.

3. 7:05pm – PUBLIC HEARING: Ch. 217 Article VI Scenic Road Bylaw Application for 58 Chestnut Street

Chair Charville requested a motion to open the public hearing on 58 Chestnut Street; Vice Chair Flaws motioned in favor and Clerk Champy seconded the motion. The motion carried 5-0.

Director Cademartori read aloud the legal notice for the public hearing: “*The Planning Board of the Town of Lynnfield will hold a public hearing on Wednesday, April 26, 2023 at 7pm at the Maney Meeting Room at Lynnfield Town Hall. The purpose of this hearing will be to consider the proposed alteration to an existing stone wall on Chestnut Street, a designated scenic road, along the property line at 58 Chestnut Street in accordance with the Lynnfield Scenic Road Bylaw Chapter 217 Article VI.*”

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The work is depicted on a site plan dated 4/4/23 by Hayes Engineering which is on file with the Lynnfield Planning Board 55 Summer Street Lynnfield, MA where it is available for inspection during regular business hours.”

Peter Qirici, owner and contractor at 58 Chestnut Street, discussed his application for an alteration to the stone wall and a tree removal at 58 Chestnut Street to access utilities (water, gas, and electrical) for a new single-family home. Mr. Qirici explained he would need to cut through two areas of the existing stone wall (approximately 3 feet wide) and remove one 6” tree in the right of way. He stated after the work was complete, he would restore the cuts in the stone wall using the existing stone.

Clerk Champy asked if some of the utilities would use the same access areas through the wall; Mr. Qirici said yes.

Director Cademartori noted the gas line is not shown on the plan, and asked Mr. Qirici if he knew the location; Mr. Qirici stated National Grid recently visited the property to flag the gas line. Director Cademartori stated that the engineering department’s plans show a gas line in the private way adjacent to the property, as well as along Chestnut Street. She asked which access point was preferred; Mr. Qirici stated they preferred the access line on Chestnut Street, because tapping the smaller gas line in the private way would negatively impact the gas pressure going to an abutter’s home. Director Cademartori confirmed the locations for the utility access points on the plan, noting that the lines will need to skirt the septic system already installed in the front yard.

Director Cademartori stated that the PB could condition any and all rocks found in the right of way be stacked back into it during the restoration, but without mortar or other bonding materials. Vice Chair Flaws reiterated to Mr. Qirici the PB wishes the rock wall to remain a loose-stack wall.

Chair Charville asked if one tree was to be removed; Mr. Qirici stated yes. Director Cademartori stated that there were trees on the inside of the wall that were already removed and are subject to the Tree Preservation Bylaw (TPB) and therefore will be mitigated, including those removed or damaged at the base of the septic.

Ms. Wilkins asked if there could be more species variety in tree plantings for 58 Chestnut Street instead of the proposed 60 arborvitae; Director Cademartori stated that the TPB permit stipulates no species can count for more than 25% of the total mitigation. Clerk Champy encouraged Mr. Qirici to mix tree species to allow more tree plantings to count towards mitigation costs.

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Chair Charville requested a motion the PB grant the scenic road bylaw permit for 58 Chestnut Street to alter the stone wall with two crossings of the stone wall and remove one 6” tree, on the condition that the applicant restore the dry-stacked stone wall using existing stone and without the addition of mortar. Vice Chair Flaws motioned in favor and Clerk Champy seconded the motion. Chair Charville asked for debate. Beth Aaronson of 7 Durham Drive asked if arborvitae is considered an indigenous tree; Director Cademartori stated there are some varieties of arborvitae that are approved for the area based on the TPB Approved Tree Species Planting List, provided they are spaced accordingly to allow for growth. ***The PB voted 5-0 in favor of the motion.*** Chair Charville told Mr. Qirici a letter would be sent to him with authorization from the PB according to the motion.

4. 7:19 pm ZBA Case 23-9 – 15 Hutchins Circle §5.3 & §5.5 Special Permit Extension Non-Conforming Structure

Chair Charville shared with the PB the application was previously in front of the PB for recommendation in 2020 and 2021; he noted the ZBA granted the permit previously with specific conditions. He explained the permit has since expired and a new applicant wishes to obtain the same permit previously issued using the same plan. Director Cademartori stated there is nothing new to be presented for consideration, as the same plan is being used but has a new developer, Mario Zepaj. She noted that Mr. Zepaj may decide to build a smaller project, which would increase his chances of conforming to the zoning standards.

Chair Charville noted the existing property is blighted; Director Cademartori stated that abutters voiced initial concerns regarding screening when the site was to be developed, however, after the ZBA placed conditions on the approval abutters were satisfied. Ms. Wilkins asked if the property would be subject to the TPB; Director Cademartori stated the development is not a raze and rebuild, but an addition, and therefore the TPB is not applicable.

Chair Charville requested a motion the PB not oppose the Special Permit request for 15 Hutchins Circle, on the condition that the ZBA adopt the same conditions that they did in their 2021 decision; Vice Chair Flaws motioned in favor and Clerk Champy seconded the motion. Chair Charville asked for debate and audience comments; hearing none, the PB voted 5-0 in favor of the motion.

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- 7:24pm: Chair Charville requested a motion to close the public hearing for 58 Chestnut Street; Vice Chair Flaws motioned in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.

5. 7:25pm – Market Street Outdoor Dining / Patio Review

Katie Wetherbee of WS Development presented updated patio plans at Market Street showcasing Legal C Bar's proposed patio seating. The plan included a reduced a portion of the patio seating area along the side of the restaurant to a 3ft walkway to allow for an 8ft sidewalk, with the exception of a 6ft pinch point around a light pole fixture. She noted that the 3ft walkway must be kept in order to connect the rear door access for servers to enter and exit the patio area from the restaurant.

Chair Charville noted there is a round base to the light; he asked how the patio area would be defined; Charlotte Woods of WS Development stated that they have used thin planters in the past, as well as rope connecting the planters.

Director Cademartori stated that the pinch point of 6ft for the street lamp in the sidewalk is less significant than the tree islands which are larger in size to navigate around; she added that the tenants also are eager to maximize their seating capacity. Clerk Champy also noted that the foot traffic around Legal C Bar is significantly less than other areas at Market Street, making the pinch point less significant.

Ms. Wetherbee updated the patio plan for Chicken and the Pig, reducing the patio area to accommodate an 8ft sidewalk. Director Cademartori stated although the planters are designed to enclose the patio, they have been installed too far apart and allow pedestrian access in and out of the restaurant through the patio. She advised Ms. Wetherbee that this could potentially be a violation of the liquor license if not corrected. Ms. Wetherbee stated she would reach out to Chicken and the Pig to address the issue.

Ms. Wetherbee showcased the Sweetgreen outdoor seating area, which she noted does not have an outdoor trellis to define seating nor a liquor license to require a closed-in patio area. Instead, Ms. Wetherbee explained Sweetgreen has long benches along the two sides of its storefront, and is proposing to add two-top tables and chairs along the bench seating areas. Additionally, Market Street has placed some of their own tables and chairs in the center of the larger sidewalk, in front of Sweetgreen.

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Director Cademartori noted that upon her last visit, she noticed tables and chairs had been moved around, blocking some of the sidewalk. Ms. Wetherbee stated that because the tables and chairs are movable to accommodate various groups who visit Sweetgreen, they can sometimes be placed in areas that interrupt foot traffic. She noted that Market Street security attempts to restore the tables and chairs back to their original locations in the morning, however, during the day it is harder to control and monitor.

Ms. Wilkins noted that the proposed table seating along the northern side of Sweetgreen is more problematic for pedestrians to walk safely as there are a number of tree islands along the walkway; Vice Chair Flaws concurred. Ms. Wetherbee suggested the PB allow the seating plan to proceed on an interim basis; she stated this would include only the table and chair seating to the right side of Sweetgreen. She stated she would report back to the PB on how frequently tables and chairs are moved to the other (left) side of the restaurant.

Ms. Wetherbee reviewed the Alchemy patio area; she noted that the overhead outdoor structure was presenting challenges and may or may not be completed. She noted that the pinch point planter is mounted into the sidewalk, and could not be easily moved. Director Cademartori noted that the reconfigured sidewalk maintains 8ft all around, with the exception of the 7ft. pinch point at the planter. Director Cademartori asked about the installation of an outdoor refrigerator; Ms. Wetherbee stated it would not be included in the updated patio. Director Cademartori discussed the 7ft. pinch-point in the sidewalk in front of Alchemy; she noted that with the new sidewalk design with the roadway re-configuration, the handicap ramp access will improve. Director Cademartori asked about the other handicap ramp behind Alchemy accessing the back parking lot; Ms. Wetherbee said the sidewalk is currently 8ft. but will be expanded to 13.9.

Ms. Wetherbee added that two street trees were successfully planted at Burton's patio area. Director Cademartori inquired about ramp access in front of Burton's; Ms. Woods explained the planters would be moved in closer to the patio area, and the sidewalk would be re-paved to feature two perpendicular handicap ramp accesses to the sidewalk. Director Cademartori referenced Burton's site plan modification and the relocation of the streetlight fixture. She asked what the new location of the streetlight would be; Ms. Wetherbee stated they plan to check the light levels and the bylaws to determine placement. Director Cademartori noted that the light fixture would need to be installed somewhere on the plan, and asked Ms. Wetherbee to let the PB know the location so it can be

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approved. Director Cademartori asked when construction of the patio was slated to start; Ms. Wetherbee stated that materials are expected to arrive in August 2023 with an anticipated start date of September 2023.

Chair Charville expressed appreciation to the WS Development team for their attention to the items discussed. Director Cademartori asked about COVID extensions for liquor licenses at Market Street; Ms. Wetherbee stated WS Development has not determined if they will continue to allow extended patio seating. Ms. Woods added that there are no COVID-extended patios still in existence at Market Street, and therefore the liquor licenses have reverted back to their original lease lines and terms.

Patti Fabbri of 344 Pillings Pond Road asked about the parking lot lights at Whole Foods being on during the daytime at Market Street; Ms. Woods responded that the issue is actively being corrected. Ms. MacNulty inquired if there is any solar lighting at Market Street; Ms. Woods responded there is none.

6. 7:56pm Light Pollution & Zoning Enforcement

Chair Charville welcomed Beth Aaronson of 7 Durham Drive to discuss her letter to the PB regarding light pollution. Ms. Aaronson explained she is interested in educating the Lynnfield community about light pollution and simple, cost-effective ways residents and business owners can reduce their light pollution impacts. Ms. Aaronson referenced Lynnfield's light ordinance relative to the increased amount of nighttime lighting coupled with more tree removals in her neighborhood. She asked the PB if they were capable of any kind of enforcement of the ordinance, specifically as it related to light bulb preference or turning off school field lights when not in use.

Director Cademartori stated that the overhead streetlights in town use LED bulbs but the colonial style streetlights do not. Ms. Wilkins asked Ms. Aaronson if there were specific examples in Town that Ms. Aaronson believed were potential violations of the ordinance. Ms. Aaronson said she, too, is uncertain of the exact lumens measurements but believes there are observable examples throughout the community. Ms. Aaronson asked if the PB oversees lighting plans and recommendations for new development projects that come to town; Director Cademartori stated that when the PB oversees new subdivisions, they review only the required street lighting plans to ensure they meet the DPW standards. She added that other outdoor lighting, specifically outdoor lighting

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pertaining to the town ordinance, are evaluated by the town building inspector. She added that the building inspector has enforced the ordinance before, due to a complaint he received from a resident.

Chair Charville noted that the PB recently adopted Rules and Regulations for Special Permits for Elderly Housing projects and included in the application is the requirement for lighting and photometric plans. He stated that this would allow the PB to review the proposed lighting for the development.

Ms. Fabbri added while site plan review and enforcement measures are needed, she would prefer the Town focus efforts on educating the community about the lighting ordinance, and ways homeowners can reduce their overall light pollution.

Clerk Champy stated that balanced enforcement can also be an educational tool for homeowners. Director Cademartori stated that an awareness campaign would be a practical first step, with newspaper articles discussing the topic and community groups participating in spreading information about light pollution. Ms. Aaronson suggested that the ordinance could be improved to highlight times that lights should be “on,” especially at public buildings such as the schools. Clerk Champy noted that schools and other public areas are often subject to safety regulations that require nighttime lighting.

Clerk Champy asked if Reading Municipal Light, or National Grid, offer any rebate programs or incentives for homeowners to install timers or motion sensors for outdoor lights; Director Cademartori confirmed there are some rebates and programs available through both. Ms. Fabbri noted light restrictions in more urban communities, like Cambridge, make streets darker at night than in Lynnfield. Director Cademartori discussed Market Street lighting, and noted that other than security lights, all Market Street lights have a designated “turn off” time (correlated with the close of business each day) and the Ring Road lights are reduced in wattage at a specific time overnight.

Ms. Aaronson stated that she supports incentive programs for reducing light pollution; Ms. MacNulty encouraged Ms. Aaronson to speak with Reading Municipal Light to develop light pollution audits for homeowners.

Vice Chair Flaws recommended PB members consider incorporating light pollution considerations when they review new subdivisions.

Ms. MacNulty asked Ms. Aaronson if she was interested in generating awareness about light pollution by writing something for the papers; Director Cademartori said she wished to ask the building

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inspector if he receives inquiries about the ordinance, and if the electrical permit evaluates lighting according to the outdoor light ordinance. Ms. Wilkins suggested Ms. Aaronson compile examples around town and bring them to the building inspector to see which, if any, violate the ordinance. She recommended a meeting where all could discuss the ordinance and how Lynnfield could improve on existing light pollution.

Ms. Aaronson highlighted former Lynnfield resident Dr. Mario Motta, who advocated for reduction in light pollution and moved out of town because the excessive light did not allow him to utilize his telescope for his astronomy interests. She noted that increased outdoor lighting seems to be more common with larger new construction homes that have décor lighting on patios.

Director Cademartori stated she would speak to the inspectors, look into field lighting at the public schools, and discuss light pollution with Reading Municipal Light's Executive Director at her upcoming meeting on Friday. She also welcomed Ms. Aaronson and Ms. Fabbri to send along any educational information about light pollution to the office, where staff can compile information the Planning Board webpage promote awareness.

Chair Charville commented that there is a requirement for new subdivisions that homes be served by both gas and electric utilities, yet for the past three subdivision approvals in Lynnfield, the PB encouraged a natural gas waiver. He stated that given the discussion, it would be beneficial for the PB to review the street light requirements and possibly waive or modify them if light pollution is a concern.

Clerk Champy noted that when changes are made to street light fixtures, it can be challenging for the town DPW, especially if new materials are needed for repairs. He noted that the selection of a street light fixture needs to be an intentional one, mindful of what already exists in town and what is realistic to maintain and repair. The PB discussed other means of creating energy efficiencies throughout town- specifically with electric vehicles and heat pump systems.

Vice Chair Flaws encouraged Ms. Aaronson to write a draft for the newspapers to begin generating awareness in town.

7. 8:32pm – Lynnfield Community Vision Plan- Public Engagement Update

Director Cademartori stated that the survey went "Live" on Monday, with Town Meeting serving as the launch event. She shared some feedback that completing the survey on a smartphone was challenging for some; Director Cademartori stated it might be easier to complete on a computer.

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She added paper copies of the survey are being delivered to the Senior Center, Library, and Town Clerk's office. She noted that the Town's FB page featured a link to the survey and other community FB pages have also posted the survey link.

Chair Charville suggested the PB ask Market Street to include the survey in their newsletter. Ms. MacNulty asked Ms. Berman if there was a way to share the survey with the Lynnfield Moms Group (LMG); Ms. Berman stated that she would reach out to a member of the LMG board to request the survey be included in their media outreach. Director Cademartori stated the next engagement steps include a news article by Dan Tomasello, a Letter to the Editor by Chair Charville, and the upcoming town tabling events. Director Cademartori noted there were many opportunities for PB members to participate in tabling events throughout the month of May.

The PB discussed opportunities to advertise at local youth sports practices and games and if additional signage on the town common would be beneficial for awareness. Director Cademartori mentioned Chair Charville's Town Talk segment on the visioning survey, and stated it was posted to the PB website. Ms. MacNulty asked about the Letter to the Editor; Chair Charville stated he would complete the draft and submit it to both the Lynnfield Villager and the Weekly papers. Ms. MacNulty asked if it would be authored from Chair Charville or the PB; Chair Charville stated it would be from the PB.

Administrative Matters

8. 8:53pm - Approval of Minutes- March 1, 2023

Chair Charville asked for comments or corrections to the March 29, 2023, minutes as circulated to the PB. Hearing none, *Chair Charville requested a motion to approve the March 29, 2023, minutes as circulated; Vice Chair Flaws motioned in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.*

9. 8:54pm: Next Meeting Agenda Items

- Director Cademartori noted the clubhouse at King Rail Golf at Market Street will be requesting a special hearing for site plan approval soon and that it may occur before the PB hosts its next meeting. She asked PB members if they wished to review and issue a recommendation on the proposal and if so when they could meet to conduct a special PB meeting. Vice Chair Flaws stated that based on the discussion about light pollution, it would be beneficial to do so. Director Cademartori detailed the permitting history at King Rail. Chair Charville asked if the King Rail Clubhouse site is a part of the

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Planned Village Development District (PVDD); Director Cademartori stated that the golf course parcel is specifically excluded from that district, but the driveway is within PVDD. Vice Chair Flaws asked what committee or persons oversee the design process of Town developments and if discussions around climate residency and energy efficiency are incorporated into design planning; Director Cademartori stated that there is no specific person or committee in charge of the efficiency evaluations for Town projects. The PB discussed grants and other cost-saving measures that can provide energy efficiency and sustainability for Town projects.

- Director Cademartori noted that the Library Project would be notified in early July if grant funding was allocated for the new building, after which time the library would need to raise adequate matching funds and secure Town approval.

- Director Cademartori asked the PB if they were interested in participating in “No Mow May,” an initiative promoted by the Tree Committee to allow grass to grow throughout May without mowing it, so that pollinators are able to utilize the lawn. Ms. MacNulty expressed interest in participating.

- Ms. MacNulty stated that the Open Space and Recreation Commission was alerted to another incident of vandalism in the Beaverdam Brook area. She explained the DPW plans to mow and clean out area. Local boy scout, Jack Mackey, is also working with the Conservation Commission and Open Space Committee to begin re-establishing trails with mapping and blazed trails in Beaverdam Brook. Ms. MacNulty stated that Mr. Mackey’s clean-up effort is part of larger plan to create more accessible public areas and parks in Beaverdam Brook.

10. 9:28pm – Adjournment

Chair Charville requested a motion to adjourn. Vice Chair Flaws motioned in favor and Clerk Champy seconded the motion. The motion carried 5-0.

Respectfully submitted,

Sondria Berman