

LYNNFIELD PLANNING BOARD MEETING– November 29, 2023

1. 7:30pm - Call to Order

Chair Charville called the meeting to order at 7:30 pm and identified the Planning Board (PB) members in attendance, including himself, Clerk Ed Champy, III, Amy MacNulty and Page Wilkins. Chair Charville noted that Vice Chair Flaws would not be in attendance due to illness. Chair Charville introduced staff members in attendance; Director Emilie Cademartori and Administrative Assistant Sondria Berman, and stated the meeting was being recorded by video and audio to assist with the preparation of minutes.

2. 7:31pm – Continued Public Hearing- 200 Essex Street - Scenic Road Bylaw and Public Shade Tree Removal

Attorney Andrew Delory shared an update on the request for the removal of public shade trees at 200 Essex Street, a designated scenic road. He explained that his client hired an arborist to evaluate the health of four public shade trees in the right of way, two of which were newly tagged for removal based on a revised site plan and driveway design by Hayes Engineering dated November 22, 2023. He stated he met with the Town Engineer in person on November 8th, 2023 to discuss the arborist's report, and that he left the meeting with the understanding that the Town Engineer had sufficient information to render a decision ahead of the current PB meeting. He expressed frustration that moments before the current PB meeting, the Town Engineer sent him an email stating she required additional information and could not render an opinion on the removal of the public shade trees.

Atty. Delory reviewed the arborist's report with the PB; he reviewed the Public Shade Tree regulations for a hazardous tree determination. Atty. Delory stated it was his understanding the trees slated for removal met the necessary requirements to be deemed hazardous. Atty. Delory continued that based on the deliberations at the September 2023 PB meeting, he believed both he and the Town Engineer expressed safety concerns regarding the trees and entry and egress to the lot. He noted that during his November 8th meeting with the Town Engineer, the conversation included discussions about creating a singular driveway instead of the circular driveway. He stated this singular drive is reflected in Hayes' updated site plan (11/22/23), which includes a 24-foot "stopping sight distance" and the removal of an additional tree. Atty. Delory provided a history of the trees marked to be removed, which were originally three in number but incorrectly marked, and then later changed as the site plan was modified to include a total of four trees.

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Chair Charville expressed the PB's commitment to rendering a timely decision for the applicant. *Chair Charville requested a motion to re-open the public hearing for 200 Essex Street request to remove public shade trees under Ch. 213-VI of the Scenic Road Bylaw; Ms. Wilkins moved in favor and Ms. MacNulty seconded the motion. The motion carried 4-0.*

Chair Charville explained the PB's authority to render a decision is specific to the Scenic Road Bylaw, and Town Engineer, as the designated Tree Warden, has the authority to determine Public Shade Tree designations and removals. Chair Charville stated the Town Engineer must determine if a new public notice is warranted based on a change in proposed public shade tree removals. He continued that the Town Engineer's decision regarding the removal of public shade trees will inevitably impact the PB's decision regarding the Scenic Road Bylaw, and that it is to the applicant's benefit that the PB and Town Engineer work in concert with one another to arrive at a consistent decision.

Director Cademartori noted the original plan only mentioned the removal of two pines and that the current plan now requests a removal of four trees (including the two pines). Ms. Wilkins noted that the trees have existed for almost 100 years, and that there does not appear to be substantive documentation to show that the trees have been or are presently a hazard to the community. Atty. Delory stated that a "hazardous" designation by the Tree Warden would provide both the necessary and sufficient condition for removal of public shade trees.

Ms. MacNulty asked if the trees are in fact hazardous, why the DPW or other departments have not been made aware of them as such; she advocated for a second opinion from a certified arborist to review the health of the trees.

Director Cademartori stated that the Town requires a certified arborist report to deem trees hazardous; she added that there is also a standard tree hazard evaluative form by the International Society of Arborists that allows for a more comprehensive, uniform analysis of hazardous tree determinations. She noted that the Town is considering the prospect of hiring a consulting arborist to offer a second professional opinion. Ms. MacNulty echoed the importance of outlining specific standards for "hazardous" tree designations.

Atty. Delory reviewed the mitigation plantings planned for the rear portion of 200 Essex Street per the Order of Conditions from the Conservation Commission. He noted that the Tree Preservation Bylaw would likely include tree mitigation for the trees removed within the setbacks of the property.

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Chair Charville stated that if the approval to remove the public shade trees is contingent upon a hazardous determination by the Town Engineer, then it would be beneficial and fair for the Town to solicit a second opinion from a consulting arborist.

Clerk Champy noted that there are a number of distinct bylaws that need to be satisfied to develop the lot per the site plan, including compliance with the scenic roads bylaw, the public shade tree bylaw, and the tree preservation bylaw. He recommended revisiting the site plan to confirm that the design is an optimal one for the limitations of the lot. Atty. Delory noted that he has reviewed other iterations of the site plan, and in each design the septic system and driveway have been located in similar spaces on the lot.

Clerk Champy noted that the PB is tasked with upholding the bylaws of the Town, and as such, the PB must conduct a thorough standard of review. Clerk Champy stated it is the responsibility of the applicant to incorporate as much evidence to support their request as possible, such as an engineer's assessment of the lot design, an arborist's review of the trees, and any other relevant information.

Atty. Delory stated he would continue to communicate with the Town Engineer to provide her with any remaining information required for her to issue a determination.

-8:12pm Clerk Ed Champy left the dais and meeting-

Chair Charville requested audience comment; Jane Bandini of 537 Essex Street noted that the driveway's size appears excessively wide at 20ft. She also noted that the trees slow traffic down, and replacing mature trees with young trees is not an equivalent mitigation plan. She noted that the preservation of existing trees is of paramount importance, and that the Town does not have the luxury of waiting another 75 years for replacement trees to mature. She continued that one of the reasons home values are so high in Lynnfield is due to the Town's character of tree lined streets.

Attorney Delory said that the applicant was interested in continuing these matters to a future PB meeting. Chair Charville discussed a date to continue the public hearing; *Chair Charville requested a motion the PB continue the public hearing for 200 Essex Street to Wednesday, December 20th, 2023 at 8pm at the Merritt Center; Ms. MacNulty moved in favor and Ms. Wilkins seconded the motion. The motion carried 3-0.*

3. 8:16 pm – ZBA Case #23-28 24-38 Broadway §5.2 Special Permit for change in non-conforming use and § 10.6 Site Plan Approval

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Director Cademartori explained staff spoke with the attorney representing the applicant for 24-38 Broadway's request for special permit and site plan approval; she noted that the applicant is requesting a special permit to change their existing non-conforming retail use to a different, non-conforming entertainment use, for the purposes of building an indoor trampoline park and other associated sports amusements for youth. She continued that the site plan shows no exterior changes, with the exception of a change in signage. Additionally, the applicant provided a traffic study detailing the anticipated traffic should be lower than the previous tenant (Christmas Tree Shops) and require fewer parking spaces.

Ms. Wilkins noted that the traffic study anticipated improved traffic flow with a reduction in the number of cars entering and exiting the property; Chair Charville noted that with no exterior changes to the site plan except signage, there are no significant changes to the existing site.

Chair Charville requested comments from the audience; hearing none, *Chair Charville requested a motion the PB not oppose the special permit under section 5.2 and Site Plan Approval under section 10.6 of the Lynnfield Zoning Bylaws for 24-38 Broadway; Ms. MacNulty moved in favor and Ms. Wilkins seconded the motion. The motion carried 3-0.*

4. 8:21pm Sagamore Place Peer Review and Bond Reduction Request

Applicant David Deloury, accompanied by his engineer, Chris Ryder, stated the roadway for Sagamore Place had been completed over a year ago, but that due to filing delays the paperwork for street acceptance was not formally submitted by their company to the Town until August 2023. As such, the peer review process for street acceptance could not be completed ahead of the October 2023 Town Meeting. Mr. Deloury stated that he hopes for the peer review, which is ongoing, to be complete soon and the Sagamore Place roadway to be ready for a street acceptance vote at the annual spring 2024 Town Meeting. Mr. Deloury stated that he wished to obtain a bond reduction given that the street has been complete for over a year.

Director Cademartori explained the town's peer reviewer has completed only half of the review of the roadway to date; she noted that once the full review is received the Town Engineer will then review the report and decide if the conditions are satisfactory for street acceptance ahead of the next Town Meeting.

Chair Charville asked if the peer reviewer's report recommended a reduction to the existing bond; Director Cademartori stated that she did not explicitly advocate for a bond reduction, but that she

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did speak to the “completeness” of the roadway itself. Chair Charville asked for the amount of the current bond; Director Cademartori stated the bond is currently \$167,372.00. She continued that had the applicant applied and been granted street acceptance last year, the town would have released all funds with the exception of the contingency.

Chair Charville asked the applicant if he had a requested amount that the bond be reduced to; Dave Deloury requested 100% of the bond.

Chair Charville asked the PB to consider reducing the bond to the contingency of approximately \$36,917 until the peer review is complete and street acceptance granted; Ms. MacNulty asked if there have been any concerns with the street since it was completed a year ago; Director Cademartori stated the street’s stormwater systems are working normally but routine maintenance of the catch basin may still need to be done. Ms. MacNulty asked Director Cademartori if she believed the street would be accepted by the town; Director Cademartori noted the peer review report, once complete, will be reviewed by the Town Engineer who will ultimately decide whether to recommend street acceptance.

Chair Charville requested audience comment; hearing none, Chair Charville requested a motion by the PB to reduce the current bond amount for Sagamore Place subdivision from \$167,372 to the contingency amount of \$36,917; Chair Charville amended the motion to ***request a motion the PB reduce the current bond amount for Sagamore Place subdivision from \$167,372 to the contingency amount of \$36,917 until such time as street acceptance is granted by the Town; Ms. MacNulty moved in favor and Ms. Wilkins seconded the motion. The motion carried 3-0.***

Mr. Deloury requested permission from the PB to have the Town DPW take responsibility for Sagamore Place roadway’s snow and trash removal for the current winter season; he noted that his company has been paying for both trash and snow removal for the past year. Chair Charville recommended Mr. Deloury forward his request to DPW Director John Tomasz. Director Cademartori stated she recommended to Mr. Deloury that he ask the PB for a letter of recommendation to include with his request to the DPW for street maintenance responsibilities.

Chair Charville requested a motion the PB issue a letter stating the Sagamore Place roadway is substantially complete and is subject only to street acceptance by the Town; Ms. MacNulty requested the motion be amended to include the Town Engineer’s approval; Chair Charville consented to the amendment.

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Chair Charville requested motion the PB issue a letter stating the Sagamore Place roadway is substantially complete and is subject to the Town Engineer's satisfactory review of the peer review report and street acceptance by the Town; Chair Charville requested audience comment, but heard none. Ms. MacNulty moved in favor and Ms. Wilkins seconded the motion. The motion carried 3-0.

Director Cademartori recommended to Mr. Deloury that they submit a formal letter to the DPW requesting trash and snow removal for the roadway upon receipt of the complete peer review report. She added the PB would provide the applicant with a letter testifying to the substantial completeness of the roadway as outlined in the previous motion.

5. 8:35pm – MAPC Update on Lynnfield 2040 Vision Plan

Andrea Harris-Long and Sarah Scott of Metropolitan Area Planning Council (MAPC) provided a presentation summary report of the more recent community outreach efforts to youth and timeline for generating a draft vision for the PB to review.

Ms. Scott stated the engagement with social studies students at Lynnfield High School (LHS) provided a unique opportunity to solicit feedback from youth utilizing survey questions for interactive activities and group discussions. Ms. Scott stated youths expressed having a positive sense of community, but wanted the town to improve upon transportation (sidewalks and bike paths) and social, recreational, and employment-related opportunities. Youth differed in their priorities for what needed improvement in town, specifically comparing survey respondents' emphasis on improving transparency of town government, available town services and access to open space and natural resources.

Ms. Wilkins noted that when discussing Lynnfield's trail networks, students were surprised to know these recreational areas were available in town. Ms. Scott noted that youths asked for more bike-accessible ways to get around town and improved sidewalks, which was also cited as important among survey respondents. Ms. Scott added that somewhat surprising was youths concern over rising housing costs and access and affordability to healthy food options in town.

Ms. MacNulty noted that the students' responses offer insight into what younger demographics are thinking about- specifically healthy food, recreational trails as transportation avenues, and more opportunities for socialization and recreation.

Ms. Scott stated that moving forward, should the Town decide to proceed with a master plan, it would be beneficial to re-engage with the 8th and 10th graders working on civics action projects in Lynnfield Public Schools to gather feedback.

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Ms. Harris-Long asked the PB if they were comfortable with the outline for the draft vision including the three general tenets of “balanced community growth, a sense of belonging, and transparent and well-run government”; she asked if an executive summary report format would also be acceptable.

Chair Charville noted that while individual responses to the visioning survey are subjective, it is important to categorize the underlying shared values into objective goals that help guide town administration’s future decisions. Ms. Harris-Long stated feedback offered by way of qualitative responses from the survey will be incorporated into the vision plan executive summary.

Ms. Wilkins questioned if the phrase “sense of belonging” accurately captures what is described in the category as “public services and facilities, open space and recreation, and housing”. PB members discussed alternate titles; Ms. Harris-Long concluded she and her team would brainstorm a better title. She recommended the PB review the example executive reports and let the MAPC team know what aspects they like and dislike.

Ms. Harris-Long stated that once the draft report is ready to review it can be sent to the PB first before being posted on the website for public review and comment, or the draft can be submitted directly to the website for public review and comment. Chair Charville stated it was unnecessary for the PB to review the draft prior to its posting on the MAPC website, and recommended the draft be made available to the online open house as soon as possible, for PB members and the public all to see it simultaneously and then comment on it. Ms. MacNulty and Ms. Wilkins concurred. Ms. Harris-Long stated that she anticipated the draft vision being posted online in late January 2024.

Chair Charville invited audience comment; Gary Doyle of 61 Stillman Road asked if the PB would review the draft vision prior to its publication for public review on the MAPC website; Ms. MacNulty re-stated the PB agreed the draft should be posted online without preliminary review by the PB. Chair Charville reiterated the draft vision would be available simultaneously to everyone online, and that the PB members would provide their comments and feedback at the same time as the public. Mr. Doyle asked why Lynnfield “can’t stay frozen”; Ms. Harris-Long stated that communities naturally change and evolve over time, and that it is important for individuals in their respective communities to be involved in managing how such change and growth occurs.

7. 9:05pm Approval of Minutes –

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Chair Charville noted that the draft minutes for the October 26, 2023 minutes were delayed in being circulated to PB members for review. He stated PB members would receive additional time to review the draft minutes and conduct a vote at the following PB meeting scheduled for December 20, 2023.

Next Meeting Administrative Items

- Joint Meeting for Elder Housing Development by Toll Brothers at Sagamore Spring: Director Cademartori explained the upcoming PB meeting will take place on December 20, 2023 at 8pm at the Merritt Center, but will be preceded by a 7pm joint public hearing with the PB and the Conservation Commission to review the applications for special permit and Notice of Intent application from Toll Brothers, Inc.'s elder housing development. This meeting will be preceded by the Conservation Commission's regular monthly meeting at 6pm. Director Cademartori explained the joint public hearing is based on convenience- to allow interested abutters to attend one meeting instead of two and to enable both PB and Conservation Commission to ask questions in a collaborative forum.
- Modification of Vallis Way subdivision plans: Director Cademartori explained the PB will be reviewing a set of minor modifications to the Vallis Way subdivision definitive plan including an alternate pipe material and change in utilities.

10. 9:18pm – Adjournment

Chair Charville requested a motion to adjourn. Ms. MacNulty moved in favor and Ms. Wilkins seconded the motion. The motion carried 3-0.

Respectfully submitted,

Sondria Berman