

LYNNFIELD PLANNING BOARD REGULAR MEETING– December 20, 2023

1. 8:05pm - Call to Order

Vice Chair Flaws called the meeting to order at 8:05 pm and identified the Planning Board (PB) members in attendance, including herself, Clerk Ed Champy, III, and members Amy MacNulty and Page Wilkins. Vice Chair Flaws noted that Chair Brian Charville was not expected to attend the meeting.

2. Continued Public Hearing- 200 Essex Street - Scenic Road Bylaw and Public Shade Tree Removal

Vice Chair Flaws requested a motion to re-open the public hearing at 200 Essex Street for public shade tree removal requests under the Scenic Road Bylaw; Ms. Wilkins moved in favor and Clerk Champy seconded the motion. The motion carried 4-0.

Director Cademartori stated that Andrew Delory, Esq., attorney for 200 Essex Street, requested a continuance as the discussion regarding the removal of public shade trees had not been concluded with Tree Warden Lisa DeMeo. Director Cademartori explained the original tree postings mislabeled the trees to be removed and that the current trees requested to be removed are different from the original proposal; she continued the Tree Warden requested the correct trees be posted in the field to comply with public hearing requirements. Vice Chair Flaws asked if Atty. Delory and Ms. DeMeo had been able to connect since the previous PB meeting; Director Cademartori stated there had been some communication. She added Ms. DeMeo is waiting to hear back on questions regarding the arborists report. Director Cademartori stated that a complicating factor is the original mislabeling of trees in the field coupled with subsequent revisions to the site plan and changes to selection and quantity of trees to be removed. Director Cademartori stated she expects a new public hearing for the public shade tree removal at the next PB meeting that will feature the new trees to be removed, correctly marked, and that this hearing will again be done as a joint hearing with the PB.

Vice Chair Flaws requested a motion to continue the public hearing for 200 Essex Street's public shade tree removal request under the Scenic Road Bylaw to Wednesday, January 31, 2024 at 7pm at the Al Merritt meeting room at 600 Market Street; Ms. MacNulty moved in favor and Clerk Champy seconded the motion. The motion carried 4-0.

3. Vallis Way Definitive Subdivision Plan – Request for Minor Modifications

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Vice Chair Flaws requested a motion to open the public hearing on Vallis Way's minor modification request to the definitive subdivision decision; Ms. Wilkins moved in favor and Ms. MacNulty seconded the motion. The motion carried 4-0.

Peter Ogren, P.E., of Hayes Engineering spoke on behalf of the applicant's request for four minor modifications to the original subdivision decision: 1) a change in the looped water line to a stubbed line per the Lynnfield Center Water District's decision; 2) a change in the type of drain pipe to be used; 3) final details of the retaining wall installation and 4) the removal of the gas waiver to allow for gas line installation. Mr. Ogren added that the LCWD reviewed the updated modification plan, and added additional security gates around hydrants and a line gate on Lot 5. Mr. Ogren stated the Town's peer review found no significant issues with the proposed modifications; he noted the gas company has since provided to the PB a letter approving the installation of the gas line. Mr. Ogren continued that the retaining wall plan meets the PB's recommendations, and was unclear as to why the peer reviewer took issue with the planting plan along the retaining wall.

Clerk Champy asked when the wall was approved; Director Cademartori stated that the PB approved the Shea block wall earlier in the year after a few retaining wall options showed the Shea block style as having the smallest footprint and the least amount of disturbance to the hill. She continued that to soften the wall, hanging plantings were proposed along with public shade trees to assist in camouflaging the wall.

Clerk Champy stated that there are other more attractive options to consider for the retaining wall; Vice Chair Flaws stated the reason the PB approved a Shea block material was that it was presented as the option that would create the least amount of disturbance. Clerk Champy stated that he did not agree the Shea block wall option was the best option. Director Cademartori stated she would review the minutes to confirm the PB decision on the retaining wall material, adding that the retaining wall will still require a stamped engineered plan for final PB approval.

Vice Chair Flaws asked Director Cademartori to comment on the landscaping plan presented in front of the retaining wall; Director Cademartori stated the planting plan provides a species key and other specifics. Mr. Ogren stated the plantings cannot be planted closer than two feet apart; Clerk Champy asked if a landscape architect designed the landscape plan as presented; Mr. Ogren stated it was not designed by a landscape architect and instead by a certified engineer from his company, Tony Cappuccetti. Vice Chair Flaws stated she was interested in the survivability of the trees relative to

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their placement; Ms. Wilkins stated the Green Giant trees proposed will grow quickly. Ms. Wilkins asked about the peer reviewer's concern the plan doesn't show the setback of the face of the wall from the curbing; Director Cademartori stated that the retaining wall is scalable but not labeled. Mr. Ogren stated the definitive plan has the labeled details for the retaining wall; Director Cademartori stated the modification plan doesn't have the labeled details for the retaining wall, but that the details are included on a separate plan set. Clerk Champy suggested that after the first row of Shea block is laid the area should be surveyed before continuing with construction.

Vice Chair Flaws cited the peer reviewer's concerns about the limit of work behind the wall not being depicted correctly on the revised plans; Director Cademartori stated that the revised plans show the limit of work not to exceed the 20-foot limit, but that this was not consistent with the strict 15-foot limit of work. Director Cademartori noted that some pages of the modified plan set note the 15-foot no-disturb line, while other pages show it exceeding 15-foot line to the 20-foot limit. Vice Chair Flaws stated the Vallis Way subdivision has previously violated the prescribed limit of work, and therefore the PB requires the revised modification plans to have clear and consistent depictions of the limits of work. Mr. Ogren stated the 20-foot limit was depicted on the plans as a "maximum" limit of work, but that he believed the work could stay within the prescribed 15-foot limit. Clerk Champy stated that the limit of work must be held to the agreed upon 15 feet, and if the contractor cannot stay within the limit of work, they must appear before the PB for relief.

Director Cademartori asked Mr. Ogren about the Shea wall plans that state "wall to be constructed to line and grade illustrated on plans prepared by Hayes on March 24, 2023" and where this plan is located; Director Cademartori asked for Mr. Ogren to confirm what plan the wall is referencing. Director Cademartori stated a correct plan set is essential to ensuring the subdivision is built according to the written decision.

PB members discussed correcting plan dates for reference; Clerk Champy stated he wanted to revisit the PB decision approving the Shea wall. Director Cademartori stated that because the minor modifications require a whole new definitive plan set, she recommended the PB make corrections and require the limit of work be consistent at 15 feet on all plans, that the landscaping detail be clear, and that the existing plans have the correct dates and references. She continued the PB can approve the revised plan set on the condition that the Shea wall plan corrects the date of the plan and provides the PB with final administrative approval.

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Vice Chair Flaws asked about the request to remove the gas line waiver; Director Cademartori stated that the peer review asked for a letter from the gas company confirming the location of the gas line to ensure that the revised modification plan would be accurate; she noted that while there can always be minor changes made in the field the peer reviewer felt it was better to request confirmation from the gas company to avoid major changes in the definitive plans. Director Cademartori stated that Vallis Way has their gas permit but that the proposed gas line location is still under review with National Grid. Clerk Champy suggested a conditional approval of the gas line subject to written schematic plan of the gas line location from National Grid.

Vice Chair Flaws requested a motion to approve the definitive plan modifications as outlined on Vallis Way Modification Plan set dated Dec 12, 2023, subject to all conditions and requirements outlined in the letter dated December 19, 2023 from John Scenna, Lynnfield Center Water District Superintendent, and further subject to a schematic plan from National Grid confirming the location of the gas line corresponds to the gas line depicted on the modified plan set, and further subject to an As-Built plan from National Grid after the gas line installation is completed; Clerk Champy noted the As-Built plan would be completed by the engineer on record for the development, and not by National Grid; Vice Chair Flaws accepted Clerk Champy's correction to the motion. Ms. MacNulty moved in favor and Page Wilkins seconded the motion. The motion carried 4-0. Director Cademartori told Mr. Ogren that mylar plans would be required for signature once the modified decision and plans are sent to the Town Clerk.

Vice Chair Flaws requested a motion the PB accept the retaining wall construction plan, prepared by E.F. Shea Concrete, contingent upon clarification or correction of the reference to a plan dated March 24, 2023, and the correction the date of the plan which currently reads 8-169. Ms. Wilkins moved in favor and Ms. MacNulty seconded the motion. The motion carried 4-0.

Vice Chair Flaws requested a motion to close the public hearing on the minor modification requests for Vallis Way's definitive subdivision decision; Clerk Champy moved in favor and Ms. MacNulty seconded the motion. The motion carried 4-0.

4. ZBA Case #24-1 15 Wing Road Section 9.3 Special Permit Groundwater Protection Overlay District

Attorney Tim Doyle presented a Special Permit request on behalf of the applicant for 15 Wing Road. He noted that the engineer for the applicant was not able to make some adjustments to the

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proposed site plan in time for review by the PB, therefore he requested a continuance to the next PB meeting. Atty. Doyle specified the groundwater recharge system needed to be added to the plan before the application is ready for review.

5. ZBA Case #24-2 2 Edward Ave Section 9.3 Special Permit Increasing the non-conformity of nonconforming home

Attorney Tim Doyle presented on behalf of the applicant for 2 Edward Avenue request for Special Permit to construct a pergola. Atty. Doyle noted that the property has an existing non-conforming home with existing non-conforming setbacks; he stated the addition of a pergola would extend the non-conformity of rear- and side-yard setbacks.

Vice Chair Flaws asked if the side of the home has a porch; Atty. Doyle stated the porch was an unpermitted addition. Vice Chair Flaws asked if there were any comments from abutters; Atty. Doyle stated his client spoke with abutters and shared no concerns. PB members discussed the look and location of the pergola and asked if the structure has a solid roof why the term pergola was being used. Director Cademartori stated that Town Engineer Lisa DeMeo reviewed the special permit request and determined that the fence along the corner of the property was installed in the right of way and that Ms. DeMeo will require the fence be removed and pushed back onto the private property. Ms. DeMeo also sited safety concerns regarding the fence, as it currently blocks line of sight distance for vehicles turning the corner from Main Street onto Edward Avenue.

Clerk Champy asked if there would be a foundation laid under the pergola; Atty. Doyle stated there would not be a foundation and Director Cademartori stated that there would be a patio under the pergola. Clerk Champy stated that there are footings as part of the construction, and that in addition to a special permit the applicant would need footing inspections to be done through the building inspector.

Chair Charville arrived and joined PB members on the dais.

Vice Chair Flaws asked for further comment; hearing none, Vice Chair Flaws requested a motion the PB not oppose the special permit for 2 Edward Avenue to construct a pergola; Clerk Champy moved in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.

6. Approval of Minutes – October 16 & 26, 2023 and November 29, 2023 (2 sets)

Vice Chair Flaws requested a motion that the PB approve the draft minutes from the November 29, 2023, PB regular monthly meeting; Chair Charville moved in favor and Ms. MacNulty seconded the motion. The motion carried 5-0.

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Vice Chair Flaws requested a motion that the PB approve the Vision Plan community forum draft minutes from the November 29, 2023, special meeting of the PB; Ms. Wikins moved in favor and Ms. MacNulty seconded the motion. The motion carried 5-0.

Vice Chair Flaws requested a motion that the PB approve the draft minutes from the October 26, 2023, PB meeting; Ms. MacNulty moved in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.

Vice Chair Flaws requested a motion the PB approve the draft minutes from the October 16, 2023, PB Special Meeting; Chair Charville moved in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.

Next Meeting Administrative Items

- **FY 2025 Budget:** Director Cademartori stated she expects next year's budget to be level funded, with the exception of possible grant matching opportunities where a capital request would be initiated. She noted that the Planning and Conservation office continues to review grant opportunities that could assist with town projects. Additionally, Director Cademartori stated she is in conversations with Town Engineer Lisa DeMeo to use Ms. DeMeo's ARPA funds to hire a consulting arborist. Vice Chair Flaws asked about the infrastructure bill's grant opportunities and whether the town should hire a grant writer to secure funds for the Town; Director Cademartori expressed her support for hiring a grant writer for the Town to access available infrastructure funds, as either a staff person or a contract employee noting that grant applications and post-grant administration require a lot of staff hours to complete. PB members discussed cost-saving options to fund a grant writer and/or arborist through cost-sharing contracts with other towns, and if there were state resources available to procure contract grant writers.

- **The Regency at Lynnfield:** Director Cademartori stated that the PB will continue to review the site plans and impact reports for The Regency at Lynnfield elder housing development. She noted that she has been collecting peer review proposals for the project and expects to select one for the Town shortly. Ms. MacNulty asked about a timeline for peer review; Director Cademartori stated the timeline will likely be estimated in the scope of the proposal from the peer review firm. Ms. MacNulty asked how public involvement will be done; Director Cademartori stated that the PB has the discretion to coordinate public comment at meetings. Director Cademartori suggested before it snows, the PB should walk the site. Vice Chair Flaws requested a January date to tour the project. Director

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Cademartori asked how future agenda items should be run in anticipation of presentations from Toll Brothers. Director Cademartori explained the next PB meeting will allow the PB to select a peer reviewer and ask any remaining questions of the applicant before the peer review work begins. Clerk Champy noted that focusing future meetings for Toll Brothers on specific topics will avoid duplicative conversations and to allow the public to know the topics that are to be covered at each meeting.

- Continued items: 200 Essex Street's Scenic Road Bylaw application and ZBA case review for 15 Wing Road's Special Permit (Groundwater Protection District).

10. 9:45pm - Adjournment

Vice Chair Flaws requested a motion to adjourn. Ms. MacNulty moved in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.

Respectfully submitted,

Sondria Berman,

Land Use Administrative Assistant, Planning and Conservation