

LYNNFIELD PLANNING BOARD MEETING MINUTES  
WEDNESDAY, SEPTEMBER 27, 2017

The regular meeting of the Planning Board was held on Wednesday, September 27, 2017 in the Selectmen's meeting room. Co-Chairman John W. Faria called the second half of the meeting to order at 7:00pm. Board members present: Co-Chairman John W. Faria, Co-Chairman Heather T. Sievers, Charles B. Wills, Michael Sheehan, and Brian Charville.

**DISCUSSION OF RECODIFICATION OF ZONING BYLAW RECODIFICATION**

Attorney Mark Bobrowski, Consultant to the Planning Board

Attorney Mark Bobrowski, the Planning Board's consultant on the Zoning Bylaw Recodification Project discussed the process of taking Lynnfield's current zoning bylaws, a prose document with a pyramidal structure, and turning it into a more current and useful reference tool. While Bobrowski has many recommendations for improvements to Lynnfield's zoning bylaws, the goal set for him was to update the format and language of the document, and to bring the code into compliance with current Massachusetts general laws and case law, but to otherwise leave the content the same as he found it. Given these restrictions, Bobrowski's most major changes were to make parts of the prose format into land use tables for easy reference; also, where definitions were missing, Bobrowski added them from a stock list of definitions that he maintains, and he moved the definitions to the end of the document.

Section 1: Scope, Authority, Purpose

This section was mostly unchanged, except for the removal of the verbiage about maintaining the value of land and buildings, since this wording can set the town up for future liability where it is unable to prevent diminuation of property values.

Section 2: Districts

(Definitions were moved to the end of the document.) Bobrowski added no new districts in this section, and he removed Greenbelt Zoning from the list of Districts, since Greenbelt Zoning is a development, not a district. Also, within this section was a paragraph on lots that are split between districts, but there was no reference to lots that are split by town boundaries; Bobrowski added the paragraph on lots split by town boundaries. Finally, the Zoning Map was not included in Bobrowski's assignment, but he notes that Lynnfield's Zoning Map has a 1953 map as a base, and from there, the town should have been checking and updating its map every 3, 4 or 5 years.

Section 3: Use Regulations

Much of the information in this section has been moved to Use Permit Tables in Appendix A, along with the Accessory Uses from the original Section 5.) Bobrowski left the Home Occupation Section the same, but he recommends that the section

eventually be changed so that home occupations that have no one coming to the house are 'as of right.'

#### Section 4: Dimensional and Density Regulations

(Formerly Section 10.) No numbers here were changed; formatting was changed to be more tabular. The subsection on Size Exceptions creates a liability for the Town, so it was left out.

#### Section 5: Nonconforming Uses and Structures

The residential carve-outs policy required adaptation to make it consistent with current case law. Teardowns would require a special permit if adding to the volume of a structure or building on a new footprint. Section 5.8 would allow family members to be easily added to a deed, since this is something that is done all the time, despite the fact that the practice is not strictly legal.

#### Section 6: General Regulations

This section covers Signs, Parking, Vehicular Access, Outdoor Lighting, and Enclosure and Screening. These requirements did not change. Bobrowski recommends simply introducing special permits for bigger signs or more signs. In addition, special permits can reduce the amount of parking required for those who won't use the required amount. Bobrowski has found special permits to be effective in regulating signs, parking and landscaping.

#### Section 7: Special Regulations--Earth Removal, Medical Marijuana, Adult Uses and Radio Telecommunications

These sections remain the same. [I believe Bobrowski said he added or changed a preamble in the Adult Uses section, but no change is apparent on 10/2/17 draft.]

#### Section 8: Special Residential Regulations

Greenbelt Residential Development, which had been classified as a Use, has been changed to a Development and located here, in addition to Assisted Living Residences and Accessory Apartments in Residence Districts.

#### Section 9: Special Districts

This section includes Flood Plain Districts, Wetland Buffer Zone Districts, Groundwater Protection Districts, and Planned Village Development Districts (PVDDs).

#### Section 10: Administration and Enforcement

This section covers Building Permits and Occupancy Permits, including enforcement (Building Commissioner) and penalties. The penalty provision is now \$300. Bobrowski recommends the Town strike out the Noncriminal Disposition paragraph in this section.

The Zoning Board of Appeals, its powers and duties and rules and regulations are also discussed in this section, as is the Planning Board, its powers and duties, and rules and regulations.

Special Permits are covered in Section 10 as well, with a new overview on standards and criteria.

Site Plan Approval is not quite finalized, but is also in this section. Bobrowski notes that most towns leave the responsibility for Site Plan Review with their Planning Boards, but Lynnfield has the ZBA handle this. Site Plan Review is NOT a special permit. A decision must be WRITTEN and filed with the Town Clerk. Bobrowski added a note in this area that the Board can hire consultants as necessary to help them reach a decision, and can charge reasonable administrative and technical review fees for applications. A paragraph on Special Permit Lapses was also added. Permits will lapse 24 to 36 months after they are filed. For a non-start of construction the limit is 6 to 12 months; for non-use 24 to 36 months. An Appeals Provision was added to Site Plan Approval. Bobrowski assumes that non-compliant structures—for example a noncompliant 3-family, a non-conforming structure, which has had no complaints in 10 years becomes a regular non-conforming structure. A section on non-conformance for Dover-related cases (ie. Childcare, educational institutions, etc.) is included in Section 10. Finally an opioid abuse clause has been added.

#### Section 11:Definitions

Self-explanatory.

Attorney Bobrowski has tried to create a new Zoning Bylaw that is logically organized. This will allow the book to be expanded appropriately and logically, rather than having additions just slapped on the end of the document.

Wherever additions have been made, these have been taken from the Best Practices that Bobrowski has seen in his years of assisting towns across the state update their Zoning Bylaws. Should Lynnfield require further assistance, Bobrowski is more than willing to assist.

A brief period for questions and comments followed Bobrowski's presentation, followed by a quick Board vote to adjourn at 8:30pm.

Respectfully submitted,

Heather T. Sievers, Vice Chairman