

# **LYNNFIELD PLANNING BOARD MEETING January 31, 2019**

## **1. Call to Order**

A meeting of the Planning Board was held on Thursday, January 31, 2019 at 7:00 p.m. in the Merritt Center at Market Street. Present: Chairman Brian Charville, Vice-chairman Michael Sheehan, Clerk Charlie Wills, and Katherine Flaws. Chairman Charville called the meeting to order at 7:00 PM and announced it was being recorded with audio and video.

## **2. 7:00 Public Hearing – “Road A”, 333, 339, and 349 Summer Street – Proposed Definitive Subdivision Plan**

Ms. Flaws motioned to open the Public Hearing, and Mr. Sheehan seconded; the motion carried 4 – 0. The text of the notice was read; Chairman Charville asked if there was a motion to waive the full reading of the notice. Mr. Wills made the motion and Ms. Flaws seconded it; the motion carried 4 – 0.

Attorney Ted Regnante said these properties in District Single Residence B total 8.25 acres and are under agreement to be sold. He added that the Preliminary Plan for the subdivision has been approved by the Planning Board (PB) with a modification to move the road to avoid 2 significant trees, and this has been done. Atty. Regnante said a Notice of Intent (NOI) has been filed with the Lynnfield Conservation Commission for a Public Hearing on February 12, and that the Natural Heritage Foundation has issued a “no-take letter” for the property. Atty. Regnante said the only waiver requested is for the length of the cul-de-sac which is 1813 feet (later corrected by Atty. Regnante to 813 feet) vs. the subdivision regulations’ 500 foot limit. Atty. Regnante stated that the plan does not connect to Cranberry Lane based on the request of abutters. He added that the plan does provide a stub road to the adjacent Reed property to allow for future development, and that stub will be deeded to the town. Atty. Regnante noted that since the Preliminary Plan was filed and approved within 7 months of the Definitive Plan, the Zoning Bylaws in effect at that time (7/30/2018) will apply.

Atty. Regnante said the developers have met with the Historical Commission (HC) twice. Due to the age of the homes, all 3 properties are considered significant and will require relief from the demolition delay bylaw; additionally, the HC is concerned with the potential streetscape. Atty. Regnante said the architect for the subdivision is Matt Cummings who previously worked on the renovation of the Centre Farm. The site is also subject to the Scenic Road Bylaw (SRB); therefore a Public Hearing regarding that will need to be scheduled. Atty. Regnante said the proposal from Linden Engineering for peer review of the project was acceptable, and the ConCom would also be using Linden.

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Mr. Wills asked if the deeded easement to the Reed property meant that Lot 5 would become smaller. Engineer Chris Sparages said Lot 5 was designed to stand without the easement land. Mr. Wills said if the easement is not excavated and paved it would require a waiver under Section 7.1.4., and added that Lot 6 could possibly wish to have their driveways access the stub vs. the cul-de-sac. Mr. Wills explained that when Todd Lane was built, the stub easement to Cranberry Lane was paved, thereby making it known to all abutters that a roadway was coming. Chairman Charville said this matter had been discussed during the Preliminary Plan meetings. Atty. Regnante said he did not interpret the law to read that the stub easement must be paved as a roadway by the developer. Atty. Regnante suggested that this matter be left open for further discussion later. Ms. Flaws asked how the paved easement would affect the stormwater management. Mr. Sparages said that whoever builds the easement road will have to comply with all regulations. Mr. Wills said that the street easement should be built completely in the easement area. Mr. Wills moved to add as a requirement to the definitive plan that the easement be paved and known as Road B; Ms. Flaws seconded the motion. Chairman Charville suggested seeking Town Counsel input on this; Mr. Sheehan concurred with that idea. Ms. Flaws said this matter is a public safety issue (as the Fire Chief has already stated) and the easement to Cranberry Lane remaining unused is also a public safety issue. Atty. Regnante requested that the motion be deferred. The motion failed with a split vote of 2 – 2; Mr. Wills and Ms. Flaws voted in favor, Chairman Charville and Mr. Sheehan voted against.

Mr. Sparages reviewed the physical features of the property and stated that Summer Street had an elevation of 109' while Reedy Meadow's is 72', so this will result in a gentle slope of no more than 5%. Other relevant property features include: it is in the Flood Plain District, it is in the Wetlands Buffer Zone which allows no structures within it (an NOI has been filed with ConCom), and it is subject to the SRB. Mr. Sparages said the planned cul-de-sac would include a landscape island and the road width is 26'; he plans to discuss this with the Fire Department. Mr. Sparages explained that the original plan for water from LCWD called for 3 hydrants and a connection to the water main on Summer Street. After review, the LCWD now prefers to connect through the Cranberry Lane easement (even though this will require some tree removal) because looping water supply and eliminating 2 dead-end water connections greatly improves water quality and pressure for both streets. Mr. Sparages said that RMLD has agreed to work around the 2 significant trees when constructing their utility lines. Mr. Sparages stated that the completed Stormwater Report verifies that all 10 Groundwater Protection Standards have been met; he added that each home will have a roof water recharge and infiltration system. With regards to tree management, Mr. Sparages stated that they are committed to saving as many

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large trees as possible and that in addition to the required street trees, they will provide tree screens between neighboring properties.

Chairman Charville said the peer review proposal from Linden Engineering was quoted at a flat fee of \$8750; Director of Planning and Conservation Emilie Cademartori stated this was consistent with the ConCom proposal. Chairman Charville requested a motion to approve the Linden Engineering proposal dated 1/28/19 and have Ms. Cademartori be the signatory. Mr. Wills made the motion; Ms. Flaws seconded it and the motion carried 4 – 0. Chairman Charville told Atty. Regnante the Public Hearing would be continued after Linden provides feedback; he then opened the meeting to public comments from residents. These included:

- Kirk Mansfield asked what would prevent new lot owners from cutting down trees; Mr. Sparages said they would work with each lot on a case by case basis as it is developed.
- Page Wilkins spoke representing herself and other Cranberry Lane residents; she said they adamantly oppose using the existing easement area off the Cranberry Lane cul-de-sac as a roadway and that it is unnecessary to the development. She urged the PB to reject or postpone allowing LCWD to loop water access through the easement until the tree impact can be assessed. Ms. Wilkins said that in addition to preserving trees, the PB should require additional trees be planted behind the new homes. She said a landscape plan should be submitted and the PB should require bond monies be reserved for plantings. Ms. Wilkins also requested a covenant in the HOA regarding fences.
- Jane Bandini spoke about the 2 significant trees (Silver Maples) and said that the revised roadway plan is only 15' away from one of them. Mr. Sparages said the driveways and utilities had also been shifted away from the tree. Chairman Charville asked if an arborist would be consulted as the PB would like this feedback; Mr. Sparages said yes. Ms. Bandini said the Tree Warden has also requested an arborist's opinion. Mr. Sparages added that the current plan had been determined by an arborist. Ms. Bandini said her concern is the impact of the construction on the tree, which will not be immediately apparent. Ms. Flaws asked her what she would suggest; Ms. Bandini said the road should be further away to avoid trucks driving over the roots of the tree.
- Developer Michael Hannon said he has hired an arborist to oversee construction and that he will address all these issues. Mr. Wills asked if an arborist could work in conjunction with Linden to review the work of the hired arborist. Chairman Charville requested a motion to engage an arborist to review this for the PB. Mr. Wills made the motion and Ms. Flaws seconded it. The motion carried 4 – 0. Chairman Charville amended the

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motion to include “subject to the availability of funds”; all PB members voted affirmatively on this amendment.

- Gerry Karonis questioned the location of the applicant, HPI LLC of Salem, NH, saying that her research showed them as being located in Texas. Atty. Regnante said that when the plan is approved he will create a Massachusetts based LLC.
- Nadia Axiotakis expressed concern about the potential water source loop through the Cranberry Lane easement; Chairman Charville informed her that this matter is on the agenda for the LCWD meeting on 2/11/2019. Mr. Sparages said that if the LCWD does determine to use the easement, he will work with them to ensure the least possible tree disruption.
- Atty. Jay Kimball spoke representing the Reed family who own the adjacent property immediately south of the subject site on Summer Street. Their concerns include potential damage to the retention area, potential damage to their landscaping, and loss of privacy due to tree removal. He added that his clients would prefer to have the new stub road paved off any cul-de-sac from Road A. Peter Ogren of Hayes Engineering said the retention pond could be reconfigured and grading the stub road was not a problem.
- Steve Coletta expressed concern about the environmental impact, and use of the easement. He asked for PB feedback on the water hookup; Atty. Regnante said they would work with the water district. Ms. Flaws stated that adding 9 homes would not impact the water district’s overall water supply.
- Mark Pelissier who lives adjacent to the Road A site asked what guarantee homeowners have that their property will not be harmed by the extensive construction. Chairman Charville informed him that the PB is not in a position to provide legal advice, but that Mr. Pelissier should communicate directly with the developer regarding any concerns and that Mr. Pelissier might engage counsel if he had concerns about the project.

Chairman Charville asked when the Public Hearing should continue; Atty. Regnante said if peer review is complete, the 2/27/2019 PB meeting. Ms. Flaws asked if any consideration had been given to altering Lot 5 and finding a way to shorten the road. Mr. Sparages said the road is just long enough to support the 9 lots. Ms. Cademartori said that using Summer Street as frontage for the 2 lots adjacent to it could potentially shorten the road. Mr. Sparages said he would check the Zoning Bylaws about this. Ms. Flaws asked if the stub was included in the road length. Mr. Sparages answered no and added that removing the landscape island would impact stormwater. Ms. Flaws motioned to continue the Public Hearing until Wednesday, February 27<sup>th</sup> at 7:30 PM in the Maney Room at Town Hall; Mr. Sheehan seconded it and the motion carried 4 – 0.

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### **3. 4 Pagos Way – Board of Appeals Case #19-01**

Atty. Kimball said that the Variance requested in this case was similar to the ones granted at 20 Stanley Road and 1 Wing Road. The plan to build an inground pool, spa, retention walls, and a patio requires a Variance and Special Permits. Atty. Kimball said the location of the pool is 4.5' from the Rear Yard line vs. the required 20'; he added that the abutters are in agreement with this. Atty. Kimball said that the land is in the Groundwater Protection District; therefore, a Special Permit to build an underground infiltration system is required due to the increased imperviousness. Mr. Ogren said the plan results in 26.59% imperviousness (this includes the house) vs. the limit of 15%. He said the planned design for the recharge system includes 4 infiltration areas. Chairman Charville asked Atty. Kimball if abutters were in agreement with this plan; Atty. Kimball said yes, but information is still circulating. Mr. Wills asked homeowner Ed Champy if he owned the adjacent property at 938 Main Street; Mr. Champy said he no longer owned it, but that he had added an easement to it prior to selling.

Chairman Charville asked the PB if there is a motion to recommend to the ZBA to grant the needed Variance and Special Permit. Mr. Sheehan noted that the 4.5' planned setback is very small; Mr. Wills inquired about the easement and Ms. Cademartori said it is a landscape easement. Chairman Charville revised the motion to say the PB does "not oppose" the Variance and Special Permit. Ms. Flaws made the motion; Mr. Wills seconded it and the motion carried 4 – 0.

### **4. Zoning Bylaws – Potential Revisions**

Chairman Charville said an effort was being made to further modernize the zoning bylaws and resident Alan Dresios had written a letter citing needed corrections and possible changes. Ms. Cademartori said she also had outlined potential corrections and changes. She added that when the bylaws were last revised (10/16/2017), several items (including dimensional requirements and definitions) were left out. Mr. Wills, Mr. Dresios, and Ms. Cademartori said these were likely accidental omissions. Ms. Cademartori said a complete technical review of the bylaws should be undertaken; Chairman Charville agreed. Mr. Dresios said that references for public vs. private ways should be reviewed; Ms. Cademartori said private ways do exist and Mr. Wills added that they have the legal status of a driveway. Chairman Charville suggested adding inclusionary zoning bylaws and mini greenbelt regulations; Ms. Flaws suggested adding solar panel bylaws. Chairman Charville said Ms. Cademartori will proceed with the technical review and a future meeting on just this topic will be scheduled. Ms. Cademartori said she will also

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focus on the conforming vs. nonconforming use issues that the 2018 Bali Hai proposal had revealed.

### **5. Master Plan – Ongoing Update Process**

Ms. Cademartori provided a recap of the most recent Master Plan (MP) from 2002. Ms. Flaws noted the large number smaller homes being replaced by very large dwellings; Ms. Cademartori agreed and said there have been no recent denials on any Raze and Rebuild requests. Chairman Charville said the Zoning Bylaw revisions were the PB's priority and the MP needed to be funded. Ms. Cademartori said there is a line item in the budget of \$7500 for the MP, and it was agreed that the first step would be a RFP for consulting to help with the MP update.

### **6. Planning Board Vacancy**

Chairman Charville has notified the Board of Selectmen (BOS) of Mr. Gioioso's resignation. He informed the meeting that nomination papers for the 1 year vacancy this creates have been taken out by Mr. Wills. Additionally, Mr. Dresios and Tom Wallace have obtained nomination papers for the upcoming 5 year vacancy. Chairman Charville asked if he should request the BOS to fill the vacancy for the remaining 2-3 PB meetings that will be held before the election. Mr. Dresios asked what this additional person could accomplish. The future meeting schedule was discussed; it was agreed the PB will continue with 4 members until the April election, although if the BOS expresses interest in filling the vacancy in the meantime then the PB would be open to that, depending on timing.

### **7. Approval of Minutes – December 20, 2016; January 20, 2017; February 14, 2017; February 27, 2017; December 12, 2018**

Chairman Charville requested motions to approve minutes from multiple meetings.

- 12-20-2016 - Mr. Sheehan motioned; Ms. Flaws seconded and the motion carried 4 – 0.
- 1-20-2017 - Mr. Sheehan motioned; Ms. Flaws seconded and the motion carried 4 – 0.
- 2-14-2017 and 2-27-2017 – Ms. Flaws motioned; Chairman Charville seconded and the motion carried 4 – 0.
- 12-20-2018 - Mr. Sheehan motioned; Ms. Flaws seconded and the motion carried 4 – 0.

### **8. Administrative Matters/Topics for Next Meeting**

Ms. Cademartori stated that the Annual Report for Town Meeting needed to be completed and reminded the PB that scheduling a joint meeting with the ConCom had been requested. Topics for the February 27<sup>th</sup> meeting will include:

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- Sagamore Place (formerly Janet Way) plan revisions
- Continuation of the Road A Public Hearing
- Possible Warrant Articles for Town Meeting

Ms. Flaws motioned to adjourn the meeting at 10:02 PM; Mr. Wills seconded, and the motion was approved 4 – 0.

Respectfully submitted,

Susan Lambe, Planning Office