

LYNNFIELD PLANNING BOARD MEETING March 27, 2019

1. Call to Order

A meeting of the Planning Board (PB) was held on Wednesday, March 27, 2019 in the Al Merritt Media and Cultural Center at 600 Market Street. Present: Chairman Brian Charville, Vice-chairman Michael Sheehan, and Katherine Flaws; Clerk Charlie Wills was on an excused absence. Chairman Charville called the meeting to order at 7:02 PM and announced it was being recorded with audio.

2. 7:00 Continued Public Hearing – Sagamore Place (formerly Janet Way) – Proposed Definitive Plan Modifications

Ms. Flaws motioned to reopen the Public Hearing (PH), and Mr. Sheehan seconded; the motion carried 3 – 0. Atty. Jay Kimball requested a continuance of the hearing until May 29, 2019. Mr. Sheehan made the motion and Ms. Flaws seconded it; the motion carried 3 – 0, and Chairman Charville said the PH would be held at 7:00 PM in the Maney Room at Town Hall.

3. 159 Salem Street – BOA Case #19-04

Atty. Kimball said this case will be heard by the Board of Appeals (BOA) next week. The applicant seeks to construct a new, nonconforming dwelling in a RB zone on a legal, nonconforming lot that is 15,238 sq. ft. in area and has 105' of frontage. Chairman Charville asked if the new house would be further back from the road; Atty. Kimball answered yes and added that the proposed 4 BR (currently a 2 BR) home meets all Board of Health requirements and will now be conforming to setback requirements. Chairman Charville asked what the change in square footage of the home will be; Atty. Kimball said the new home is planned to be 2 ½ stories and 2400' vs. the existing 1 story, 1560' home. Mr. Sheehan asked how the new dwelling is more conforming than the old; Atty. Kimball said the location of the house will conform to setback rules. Chairman Charville requested a motion that the PB recommends the ZBA grant the Special Permit and Variance under the sections referenced. Ms. Flaws motioned, and Mr. Sheehan seconded; the motion carried 3 – 0.

4. 6 Witham Street – BOA Case #19-05

Atty. Tim Doyle spoke on behalf of the petitioner and said this case would be heard by the BOA next week. The site is the location of the former Perley Burrill station for which the PB approved a Definitive Subdivision Plan in June of 2018. Atty. Doyle explained that neighbors of the project were concerned about drainage and his client acquired the Witham St. lot in hopes of using it as a driveway for the 2nd lot, thereby avoiding the drainage problem. Additional benefits include increased imperviousness and no need to build a street, while still adhering to

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the plan of only 2 homes and no street sign. All other requirements of the plan will be honored including lot size; the only change will be the driveway access point. Chairman Charville asked what relief is needed; Atty. Doyle said the frontage would be only 106.5' vs. the required 110', and added that if the BOA approves the Variance, the PB will still be required to approve the revised Subdivision Plan. Mr. Sheehan asked if this would create a separate, buildable lot; Atty. Doyle said no. Ms. Flaws asked about input from neighbors; Atty. Doyle said the new plan is preferred to the original. Atty. Doyle noted the previous approval would be rescinded and approval for the new lot of record is needed. Chairman Charville requested a motion that the PB recommends the ZBA grant the requested petition; Ms. Flaws made the motion, and Mr. Sheehan seconded; the motion carried 3 – 0.

5. Design Standards Waiver Request – Anoush'ella, Market Street (Agenda Item #7)

Mr. Alex Bakhrakh, owner of restaurant Anoush'ella which will open in the former Roxy's location, said the existing Design Standard penalizes him as his sign is predominantly lower case letters. Architect James Piatt added that the sign as it is currently planned is only 4 sq. ft. over the allowed sign area. Chairman Charville said it may be possible to use a different methodology to calculate the sign area and requested Mr. Piatt to contact Mr. Adams to inquire about this. Mr. Piatt said the original sign request was submitted to the landlord which resulted in a time delay. Chairman Charville asked if the leaf shown in the sign served as an apostrophe; Mr. Bakhrakh answered yes, and that is was also their logo. He added that the sign will not be overly visible due to their location being off the main road. Resident Wallace McKenzie asked if there would be any lighting changes; Mr. Piatt said no. Chairman Charville said the only negative feedback regarded size of the sign. Resident Alan Dresios asked for the square footage of the sign and was told it is 2.75 sq. ft. in excess of the limit. Mr. Dresios commented that having a sign standard is very important and recalled that a similar waiver had been requested by Charles Schwab.

Chairman Charville said that either the applicant could contact Mr. Adams to attempt to solve this or the PB could vote on the waiver. Chairman Charville suggested contacting Mr. Adams and reporting on this at the upcoming April 2nd meeting. Mr. Dresios added that the posted sign review specifications contain an error and submitted a copy of his findings to the PB.

6. 7:30 Continued Public Hearing “Road A”, 333, 339, & 349 Summer Street – Proposed Definitive Plan of Subdivision.....Williams & Sparages

Chairman Charville motioned to reopen the PH and Mr. Sheehan seconded; the motion carried 3 – 0. The request to continue the PH from Atty. Regnante was read. Mr. Sheehan motioned to

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continue the PH until April 24, 2019 at 7:30 in the Maney Room at Town Hall; Chairman Charville seconded and the motion carried 3 – 0. Chairman Charville noted the applicant's request to extend the deadline for approval of the definitive plan until 6/1/2019 and motioned to do so. Mr. Sheehan seconded the motion which carried 3 – 0.

7. Board of Appeals Case #17-02 – 24 – 38 Broadway

Atty. Jay Kimball explained the property was the site where the Ship restaurant was razed and is in a LI zone. He said the Site Plan and the Special Permit were both approved for the planned shopping center under §4.5.1.2 which states that use shall be 50% Retail and 50% Consumer Services. Atty. Kimball said that on the Site Plan, Areas #1A and #1B had been labeled "Proposed Retail" and he is requesting these to be designated as "Retail and Consumer Services" (which is allowed). He added that the appearance of the buildings will not change and the prospective tenants include a dentist and a beauty salon. Chairman Charville requested a motion to recommend the requested clarification to the plan. Mr. Sheehan motioned, and Ms. Flaws seconded; the motion carried 3 – 0.

8. Recreational Path Committee Presentation

Recreational Path Committee (RPC) member Rob Almy distributed copies of their presentation and said the RPC has reviewed 2 prior studies which focus on Rail Trail (RT) use. Mr. Almy said the RPC has tried to take no position on the project as they develop their information. The proposed Wakefield Lynnfield Rail Trail project is currently at the 25% design phase which means that preliminary engineering has been completed. The next phase will encompass environmental issues. Mr. Almy said the construction cost is \$10.2 million, and the total sum will be paid by the state. Costs to the town are estimated at \$330K for engineering and permits, and a grant of \$100K towards this has already been obtained. Maintenance costs are estimated at \$8K annually. Mr. Almy explained that construction will necessitate some temporary Right of Ways (ROW) being established, and this will cost \$40K. Mr. Almy said any contamination found along RTs is usually low level. Chairman Charville asked if the intent is for the whole project to be built at once; Mr. Almy said yes. Mr. Almy said that screening the RT will become an important issue if the project goes forward.

Chairman Charville informed that the Town Charter states that the PB shall make recommendations on "all matters concerning the physical, economic, and environmental development of the Town", and that the RT is a matter of great importance which will be voted on at the town election on April 9th. Mr. Almy said that the RT is a recommendation of the 2002

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Master Plan (MP). Mr. Almy added that while there are no current plans to connect the RT to other pathways, the DOT does favor this.

Vince Inglese of The Friends of the Lynnfield Rail Trail spoke on behalf of this advocacy group and stated:

- The \$10.2 million cost includes screening and fencing for abutters.
- Danvers had several failed RT votes and when it was finally approved there was no funding for screening for 350 abutters. In Lynnfield there are 60 homes abutting.
- Even if a No vote prevails, this issue will not disappear.

Mr. Inglese encouraged the PB to voice their opinion and said that as advisers to our residents, the Board could offer peace of mind. Ms. Flaws voiced concern about maintaining the RT when currently our town sidewalks are in disrepair. Mr. Almy said the RT will be built differently than the sidewalks, and therefore not subject to the same damage. Chairman Charville asked if the budget for annual maintenance was \$8 - \$10K. Marc Mosca of the RPC said this amount accounts for 1st generation maintenance. Mr. Inglese said the asphalt RT in Florence, MA is 34 years old and in good working order. He added that the RT surface would not be plowed and would have no trucks using it. Mr. Sheehan asked about security issues if no vehicles are allowed on the RT. Mr. Almy said he had spoken to Fire, Police, and EMT contacts and that the RT surface will be capable of handling light emergency vehicles. Atty. Kimball asked if the RT is approved, would that remove the need for the proposed bike path on Summer Street. Mr. Almy said the Summer Street project focuses on safe streets. Chairman Charville noted that the DOT considers this a transportation project rather than a recreational one. Mr. Dresios said that the Highway Department requires the addition of bike lanes if Safe Street funding is awarded. Mr. Dresios stated concerns about the RT, including:

- Environmental impacts as there are many sites along the RT that have had pesticide and herbicide contamination; he submitted a list of those sites. Mr. Dresios would like to have a LSP supervise the RT and also submitted a list regarding this.
- MP survey results showing 62% in favor vs. 38% against are raw numbers and need to be normalized.
- DOT shows road crossings with flashing yellow lights which are not allowed in town.
- Fencing choices should be a public discussion.
- The Danvers RT received no town funding; volunteers secured it.

Resident Ken McNulty said the comment on insurance was misleading and the correct type must be secured to make environmental claims. Mr. Dresios said carrying the insurance was a

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mandatory state law; no work could begin without it. Randy Russell of the RPC said that last week's DOT hearing raised many concerns and questions, and that answers will be provided if we move to the next phase of the project.

Chairman Charville said that all concerns raised are valid. He added that the DOT hearing showed how very experienced they are with RTs, and he is therefore convinced that any issues could be handled. Chairman Charville said the funding is available and the town should not miss out on it. Chairman Charville had reviewed the current MP and found many examples supporting this; he added there is a section in the MP devoted to a potential trail system. In conclusion, Chairman Charville said that moving ahead with the RT is an obvious choice. Ms. Flaws agreed and Mr. Sheehan felt it was acceptable to move forward. Chairman Charville moved "that the Lynnfield Planning Board recommend the Wakefield Lynnfield Rail Trail project and encourage town voters to vote in favor of the town continuing to pursue efforts to develop that recreational path on April 9th." Ms. Flaws seconded the motion; and the vote was 3-0 in favor.

9. Zoning Bylaws – Status of Technical Review

Director Cademartori was attending the Conservation Commission meeting so this item will be reviewed at a future meeting. Atty. Kimball suggested using the old bylaws until the recodified version has been updated. Mr. Dresios said there are numerous errors in the bylaws and that the 2015 version is likely the most valid. He added that the current bylaw is so erroneous that Ms. Cademartori is correct in her approach of thoroughly reviewing them. Chairman Charville agreed.

10. Approval of Minutes – February 27, 2019

Chairman Charville requested a motion to approve the minutes as amended. Ms. Flaws motioned; Mr. Sheehan seconded and the motion carried 3 – 0.

11. Administrative Matters/Topics for Next Meeting

Topics for the April 2nd meeting will include:

- Anoush'ella sign revisions

Topics for the April 24th meeting will include:

- Continuation of the Road A Public Hearing
- Violet Circle request for extension

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Topics for the May 29th meeting to include:

- Sagamore Place (formerly Janet Way) plan revisions

Mr. Sheehan motioned to adjourn the meeting at 9:16 PM; Ms. Flaws seconded, and the motion was approved 3 – 0.

Respectfully submitted,

Susan Lambe, Planning Office