

LYNNFIELD PLANNING BOARD MEETING September 25, 2019

1. Call to Order

The monthly meeting of the Planning Board (PB) was held on Wednesday, September 25, 2019 in the Maney Meeting Room at Town Hall. Chairman Charville called the meeting to order at 7:04 PM, and noted that 4 Planning Board (PB) members were present: Chairman Brian Charville, Vice-chairman Michael Sheehan, Charlie Wills, and Thomas Wallace; he added that Katherine Flaws was expected. Chairman Charville said the meeting was being recorded by audio.

2. Presentations, Public Comment and Discussion – September 26, 2019 Special Town Meeting Regarding the Proposed Lynnfield-Wakefield Rail Trail

Chairman Charville explained that group presentations would be allowed 10 minutes, and individual speakers would be allowed 2 minutes.

Town Administrator (TA) Rob Dolan said the Special Town Meeting about the Rail Trail (RT) was 24 hours away and the Finance Committee (FinCom) had voted to recommend the Warrant Article (WA) proposing the project and the Board of Selectmen (BOS) had voted against recommending. TA Dolan explained that his job is to “prepare for passage and present a sound financial plan”. TA Dolan said that 2 other significant articles would be presented at the October Town Meeting: the expansion of Jordan Park and the renovation of the LHS weight room. TA Dolan said there are accounts for one-time capital expenditures; namely, the Sale of Real Estate Fund and the Overlay Reserve Account, and these funds are restricted to one-time expenses. The Sale of Real Estate Fund contains proceeds from the sale of land at Market Street and next to the Senior Center. The Overlay Reserve Account contains funds that have been set aside for tax abatements. TA Dolan said that \$880K from the Sale of Real Estate Fund has been set aside for Jordan Park and \$475K has been released from the Overlay Reserve Account. TA Dolan said the town can definitely afford to fund the RT WA, and it is up to voters to decide if that is their priority. He explained that the BOS had advocated for \$500K from the 2018 Environmental Bond Bill and felt there would be enough time to secure that funding before the 2024 building date. Chairman Charville asked why \$475K was released from the Overlay Account if the WA amount was only \$348K; TA Dolan said it was to ensure flexibility. Chairman Charville asked how much money remained in the 2 accounts; TA Dolan said \$692K in the Overlay Account and \$2,754,000 in the Sale of Real Estate account. Mr. Wills asked if these monies could be used towards unfunded pensions and health care plans; TA Dolan said yes, but other measures were being used for those issues. Mr. Sheehan asked if the monies could be used for the one-time expenses of a new police station or library; TA Dolan said no,

LYNNFIELD PLANNING BOARD MEETING September 25, 2019

since those amounts are so large they will need to be borrowed. Mr. Wallace asked if the cost would change if we did not fund now and revisited the plan in the future; TA Dolan said the engineering cost would remain the same but the town would lose the \$100K DCR grant.

Comments from the Friends of the Lynnfield Rail Trail included:

- Patrick Curley spoke on behalf of Friends of the Lynnfield Rail Trail and requested the PB endorse Article 1 at the Special Town Meeting. Atty. Curley presented an overview of the entire project and explained that while the state would cover 100% of construction costs, the \$348K being requested at the meeting was towards engineering costs.

Mr. Wills asked if the \$10.3 million construction cost was for the entire Lynnfield Wakefield RT or just Lynnfield's portion; Atty. Curley said it covered both towns. Chairman Charville asked if the project was set to begin in 2021/2022 or 2023/2024; Ms. Cademartori said the MA DOT reevaluates projects each year, and this past spring, the RT was "pushed back", but this could be reversed in the future, and the project could revert from 2023/24 to 2021/22.

Comments from the FinCom included:

- FinCom Chairman Chris Mattia said they had voted 8 – 2 in favor of the current RT proposal, and listed the reasons as: the expiration of grant funds in 2020 if no action is taken, the large return to the town for a relatively small investment, and no real evidence of negative impact to homes along the RT. Chairman Charville asked if the FinCom was in agreement with TA Dolan on the funding for Jordan Park and the LHS weight room; Mr. Mattia said yes. Chairman Charville asked what other projects were on the horizon; Mr. Mattia said the new library and public safety buildings. Mr. Wallace asked if real estate values along the RT increased, would that result in a tax increase; Mr. Mattia said it could.

Comments from the Recreation Path Committee (RPC) included:

- RPC Chairperson Gerard Noumi said the mission of the RPC was less financial and more about the wants of townspeople. Mr. Noumi said they had researched extensively and found no negative impact from the proposed RT, and this included feedback from Chief Breen. Mr. Noumi said both the 1998 [sic] Open Space Plan and the 2002 Master Plan (MP) advocated for a RT. Chairman Charville asked if there could be public input during the permitting process; Mr. Noumi said workshops for public feedback had taken place.

Comments from the Concerned Citizens of Lynnfield and other residents included:

LYNNFIELD PLANNING BOARD MEETING September 25, 2019

- Jill Guigliano said abutting property value would be negatively affected, the needed money would be better spent on streets and sidewalks, and urged not rushing and spending money foolishly.
- David Basile, former FinCom and current Strategic Planning Committee (SPC) member, said this is not an appropriate use of overlay funding; he added that TA Dolan had been hired to secure state funding for such projects. Mr. Basile expressed concern about the use of federally protected wetland that is prone to fires, and urged waiting for the earmarked Bond Bill funds to come through and “relying on the TA” to secure these financial partnerships. Chairman Charville asked Mr. Basile’s opinion on Jordan Park and what projects the SPC was focused on. Mr. Basile said he’d just begun studying the park and that the SPC had spent \$90K assessing needs of the town. Chairman Charville knew these include public safety and the library and asked if there were any smaller scale projects that the SPC was considering; Mr. Basile said no.
- Leigh Thomas asked if the needed amount was \$248K or \$348K and noted the BOS had said \$100K was needed for legal fees. Rob Almy of the RPC said \$348K was the town’s share of engineering and permit costs and the grant would contribute \$100K toward this; he added the town will incur costs when construction begins. These will include temporary ROWs and insurance to cover costs if contamination is found.
- Peter Perlmutter said he was a proponent of the RT and he said our delays cost the state money; he added that the 2 votes taken have both passed and there was no need for stall tactics.
- Jill Jorgensen said the vote outcome would have been different if the voters had known the amount was \$348K.

Comments from the PB included:

- Mr. Wallace said his review of the 2002 MP showed the RT to be part of the vision expressed, and included the desire for “passive and active recreation” and a “network of paths to support pedestrians and bicyclists”; he added that he was concerned about Reedy Meadow.
- Mr. Wills said he had looked forward to the RT 20 years ago when it was proposed and was still in favor of it now.
- Mr. Sheehan said he saw both sides of the issue and was concerned about finances, but felt holding off on the RT again was not in the best interests of the town.
- Ms. Flaws said that while the earmarks were still a possibility, there was no guarantee and she was willing to rely on the FinCom’s input.

LYNNFIELD PLANNING BOARD MEETING September 25, 2019

- Chairman Charville said the development of the RT was consistent with the MP.
- Ms. Cademartori said if the earmark funds are awarded, they can still be used; she added that supporting the proposal would prove the town has “skin in the game” and could encourage MA DOT to move ahead.
- Chairman Charville said the MP comments from 2002 were still valid and the TA’s remarks establish that the town has funding for projects such as this one; he added that he is confident that MA DOT will protect town interests.

Chairman Charville requested a motion that the PB strongly recommends that TM adopt this “fiscally prudent” proposal. Ms. Flaws agreed and hoped this will “signal readiness to the MA DOT”. Ms. Flaws made the motion and Mr. Sheehan seconded it; the motion carried 5 – 0.

3. 4 Meadow Lane – BOA Case #19-12

Homeowner Jaclyn Prizio said the updated engineering plans on this previously heard application for a Variance showed that current impervious lot coverage was 35% vs. the allowed 15%. Ms. Prizio said the proposed garage addition would increase lot coverage to 42% and, therefore, a roof recharge system would be added at the back of the house. This would reduce imperviousness to 22%. Chairman Charville asked if the porch was included in the impervious calculation; Ms. Prizio said yes and restated that the recharge system would reduce total imperviousness to 22%. Chairman Charville asked about the requested Variance; Ms. Prizio said it was to allow for a 10’ vs. required 15’ side yard setback for the new garage and added that the existing shed was closer than 10’. Chairman Charville asked about the lot line distance to the front corner of the garage; Ms. Prizio said it was 17’. Chairman Charville asked if that was measured from the side lot line instead of the rear lot line; Ms. Prizio said yes, as it is a corner lot. Mr. Wills said the PB is usually willing to allow 10’ in an RA zone if it was done when the home was built; Mr. Sheehan agreed. Ms. Cademartori asked if a new driveway would be added; Ms. Prizio said yes, but it would be built with pervious pavers. Ms. Cademartori and Mr. Wills both said the driveway should be on the plan. Ms. Cademartori noted the street tree on Lee Rd. and asked if the driveway could be located to save the tree; she added the driveway would require DPW approval for the curb cut. Ms. Prizio agreed with both. Chairman Charville requested a motion that the PB not oppose this application for a Variance to the ZBA. Mr. Wills made the motion and Mr. Sheehan seconded it; the motion carried 5 – 0.

4. 45 Lakeview Avenue - BOA Case #19-16

LYNNFIELD PLANNING BOARD MEETING September 25, 2019

Home owner Aguiar DeFreitas spoke regarding his application for a Special Permit under Zoning Bylaws §§ 5.3 and 5.5 to build a home upon an existing foundation. Mr. DeFreitas said he had applied for a building permit to re-do the kitchen, and then inquired of the Building Inspector as to whether he could add a 2nd story on the existing footprint. He also asked the Board of Health (BOH) about upgrading the septic system, and when all permits were approved he requested a new plan from a structural engineer. Mr. DeFreitas then learned that the walls and foundation of the home were compromised and the home was razed. Chairman Charville asked if the BOH had agreed with upgrading the septic system; Mr. DeFreitas said it was approved. Ms. Cademartori said the ZBA would now decide about this raze and rebuild request; she added that this should have been permitted earlier but Mr. DeFreitas did not know that the home was structurally unsound. Chairman Charville asked what type of foundation was in place; Ms. Cademartori said cinderblock. Mr. Wills asked if the existing foundation could be utilized; Mr. DeFreitas said yes, but it would be reinforced with rebar and concrete. Chairman Charville asked if the new home would be the same size; Mr. DeFreitas said yes, but with the addition of the 2nd story. Mr. Sheehan said that razing the home was the only choice and the new structure would not be substantially more detrimental to the neighborhood. Mr. De Freitas said the other neighborhood homes were 2 stories. Ms. Flaws agreed with Mr. Sheehan. Mr. Wallace asked if the 2nd story would impact the trees; Mr. DeFreitas said no, only some branches need to be trimmed.

Chairman Charville requested a motion that the PB makes no objection to ZBA Case #19-16. Mr. Wills made the motion and Mr. Sheehan seconded it; the motion carried 5 – 0.

5. Tree Protection Bylaw update

Ms. Cademartori informed the PB that she had just received notice that Lynnfield has been awarded a grant of \$33,800 from the state comprised of \$25,350 from the Executive Office of Environmental Affairs and \$8,450 from the MAPC. The grant will be used to create a tree preservation bylaw and an open space/greenbelt subdivision bylaw and regulations. Chairman Charville suggested a press release for the PB website.

6. Approval of Minutes – August 28, 2019

Mr. Wills motioned to approve the minutes with discussed changes incorporated; Mr. Wallace seconded, and the motion carried 5 – 0.

7. Administrative Matters/Topics for Next Meeting

LYNNFIELD PLANNING BOARD MEETING September 25, 2019

- Ms. Cademartori said a request to purchase town owned property on Willow Road was received. The approximately 2000 sq. ft. lot is adjacent to that of the homeowner making the request. Ms. Flaws motioned that the PB not oppose the sale of this property and Mr. Wills seconded it; the motion carried 5 – 0.
- Ms. Cademartori informed the PB about the proposed renovation to Jordan Park and displayed the plans. Ms. Flaws questioned the need to expand the parking area as so many shade trees would be lost.
- Ms. Cademartori said the Essex County Greenbelt Association (ECGA) was interested in possible conservation of land in the Sagamore area, and that the LCWD would also be evaluating the well fields there. The Ipswich River Watershed Association (IRWA) will also discuss this with the ECGA.
- Continued IRWA discussion and speaker
- Tree Preservation Bylaw – study other communities

Mr. Sheehan motioned to adjourn the meeting at 9:10 PM; Mr. Wills seconded, and the motion carried 5 – 0.

Respectfully submitted,

Susan Lambe, Planning Office