

# **LYNNFIELD PLANNING BOARD MEETING June 10, 2020**

## **1. Call to Order**

A Special meeting of the Planning Board (PB) was held on Wednesday, June 10, 2020; the meeting was held virtually via the Zoom platform. All PB members were in attendance, including Chairman Brian Charville, Michael Sheehan, Charlie Wills, Kate Flaws, and Tom Wallace. Chairman Charville began the meeting by recognizing long-term Planning Board (PB) member Charlie Wills, who was attending his final meeting. Chairman Charville lauded Mr. Wills as “our Clerk, statesman, historian, reality check, voice of reason, and resource to all”. Chairman Charville also recapped Charlie’s extensive development accomplishments and thanked him for his significant contributions to the PB. Chairman of the Board of Selectmen (BOS) Phil Crawford offered heartfelt thanks and said Charlie is an “encyclopedia of the town”. Selectman Dick Dalton served on the PB when Charlie joined and said that he was a great asset who had earned the respect of the entire town. Charlie shared that he had been doing work in Lynnfield since 1947 and said he would be glad to be of assistance in the future.

## **2. Sagamore Place – Bond Determination**

Chairman Charville reviewed the 6/8/20 memo from the Town Engineer (TE) which detailed needed work and set the bond amount at \$156,372. Petitioner Angus Bruce was in attendance and was in agreement. Mr. Sheehan motioned to set the net amount of the bond, including contingencies, at \$156,372; Mr. Wills seconded the motion. Director of Planning and Conservation Emilie Cademartori asked by what mechanism the bond would be held; Mr. Bruce said it would be a surety bond. The vote was taken via roll call: Charville-Aye, Flaws-Aye, Wills-Aye, Wallace-Aye, and Sheehan-Aye. Chairman Charville asked Mr. Bruce to provide all necessary documents; Mr. Bruce agreed. Mr. Bruce informed that the HOA would be established after the first 2 lots are released, and then amended to include subsequently released lots up to a total of 20. He explained that all drainage systems would be included in the HOA and that the combined HOA would be beneficial to both the homeowners and the town as a larger reserve would be established. Mr. Bruce added that he would request an easement for the expansion of the drainage pond; Ms. Cademartori said that she and the TE preferred the existing easement be modified (rather than create a new one) as it had been a part of the original decision on the subdivision. Chairman Charville asked for confirmation that the newly planned HOA included 2 subdivisions and 2 drainage systems; Mr. Bruce said that was correct as the HOA for Janet Way [sic] would be amended to include Hannah’s View Estates (HVE).

Chairman Charville said he had contacted Town Counsel (TC) regarding the possible buyback via the Ch. 61 Right of First Refusal (ROFR) of the HVE land and was awaiting a final opinion. Ms. Flaws asked if the offer to purchase the land had been made to the town; Mr. Bruce said it

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would be resubmitted shortly with the revised Purchase and Sale Agreement. Mr. Wills asked how much the town was due to receive in back taxes; Ms. Cademartori said the amount had not been calculated yet, and added that this would be done when the initial Right of First Refusal is submitted.

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Chairman Charville announced that an additional agenda item, the peaceful protest held in town on Monday, June 8<sup>th</sup>, would now be addressed. Ms. Flaws recalled a recent ZBA case in which a homeowner stated that the deed from her 1950's home excluded minorities as owners of the home or residents of the particular neighborhood; Ms. Flaws questioned if when Lynnfield's Zoning Bylaws were created, the exclusion of minorities was a consideration. Ms. Flaws asked Mr. Wills if this type of thinking had existed; Mr. Wills said he did not recall, "but it would've been kept quiet". Mr. Wills added that he recalled nothing legally, but he wouldn't be surprised to hear that minorities had been discouraged from owning homes in Lynnfield. Ms. Flaws asked Ms. Cademartori if she had seen any evidence of discrimination in older HOAs; Ms. Cademartori said no, but most of her work has involved newer subdivisions. Ms. Flaws thought the PB should acknowledge any HOA that had a discriminatory impact. Ms. Cademartori thought since any such HOA was long outdated, it could be irrelevant. Mr. Wallace said even if such occurrences were in the past, they still impact people today and it is important to recognize mistakes and express what our current values are. Mr. Wallace suggested asking the Historical Commission for any information they may have. Ms. Flaws offered to share her drafted statement with the Board via email; Ms. Cademartori suggested that any statement focus on our current views; Chairman Charville suggested adding where things stand now. Ms. Flaws proposed a sample motion; Mr. Sheehan said more examples would be needed before certain terminology was used. Ms. Flaws said our Zoning Bylaws have an exclusionary impact due to the large lot sizes and that Chapter 40B Housing had been created as the "Anti Snob Zoning Law". Mr. Wallace noted that Lynnfield was 91% White, 4% Asian, and 2% Black; he thought a statement of our values was important and a resolution could be discussed at a future meeting. Mr. Wills said that old deeds would be unenforceable today and he had never seen a deed with an exclusionary clause. Chairman Charville directed staff to search old subdivision HOAs and Ms. Flaws to circulate a possible resolution to be discussed at the next meeting. Mr. Ed Champy of Pagos Way spoke and said it was important to stress that we welcome everyone.

### **3. Proposed Tree Bylaw – Update/Discussion**

Ms. Cademartori reviewed the flowchart created to showcase the triggering of the Tree Bylaw from an administrative standpoint and said she had tried to determine if we have adequate staff

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to monitor it. Ms. Cademartori suggested the bylaw itself be short and that the “meat and potatoes” be included in separate administrative rules and regulations. She explained the benefits could include an easier passage at Town Meeting (TM) if the bylaw is simplified, and that any needed future changes would be easier to pass as part of the regulations. Mr. Sheehan endorsed this idea as extra details cause confusion at TM, but wondered if it was fair to not fully disclose all details. Ms. Cademartori said that TC had said a balance between both was best. Mr. Wills recommended clearly defining the “tree yard” for voters. Chairman Charville said the actual fines and mitigation requirements should also be included in the bylaw. Ms. Cademartori said the Wellesley bylaw was short and the regulations were 10 pages; she added that she would like to try separating the proposed Lynnfield bylaw from the regulations. Ms. Flaws suggested leading with the definition of the tree yard and eliminating the table, and endorsed the separation of the bylaw from the regulations. Ms. Cademartori said she would use input from TC when streamlining the bylaw; she added that additional MAPC grant monies remained and Ella Wise was still working on the 1-page fact sheets. Tree Committee member Jane Bandini also agreed with separating the bylaw from the regulations and added that the requirement of replacing trees or incurring a fine for not doing so might be viewed as harsh. Ms. Cademartori said she would assess staffing needs. Mr. Champy asked if the Tree Bylaw would mirror the Zoning Bylaws if it is tied to building permits. Ms. Cademartori stressed that residents would not be told they cannot cut trees on their own property, but instead be given the option to do so and replant or pay mitigation into the “tree bank”. Mitigation amounts in various towns were discussed and Chairman Charville reminded that it was important to also include labor costs with the cost of the new tree(s).

### **4. Approval of Minutes – May 13, 2020 and May 27, 2020**

Staff noted that the roll call votes recorded in these minutes require slightly different wording. Chairman Charville requested a motion to approve the May 13, 2020 and May 27, 2020 meeting minutes as modified with the aforementioned change; Mr. Wallace made the motion and Mr. Sheehan seconded it. The vote was taken via roll call: Charville-Aye, Flaws-Aye, Wills-Aye, Wallace-Aye, and Sheehan-Aye.

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

Chairman Charville asked about the outcomes of recent ZBA cases; Ms. Cademartori informed him the ZBA meeting was postponed due to Zoom issues; future outcomes and decisions will be shared with the PB. Additional topics for the PB’s 6/24/2020 meeting will include:

- Preliminary Plan continuation – Hannah’s View Estates, including all Ch. 61 updates
- ZBA Cases

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- Proposed Resolution regarding exclusionary zoning

Mr. Sheehan motioned to adjourn the meeting at 8:38 PM; Mr. Wallace seconded the motion. The vote was taken via roll call: Charville-Aye, Wallace-Aye, Sheehan-Aye, Flaws-Aye, and Wills-Aye.

Respectfully submitted,

Susan Lambe, Planning Office