

# LYNNFIELD PLANNING BOARD MEETING September 30, 2020

## **1. Call to Order**

The regular monthly meeting of the Planning Board (PB) was held on Wednesday, September 30, 2020. Chairman Charville called the meeting to order at 7:00 PM and said the meeting was being held virtually per Governor Baker's directive and would be recorded. Chairman Charville said a quorum of PB members were in attendance including Chairman Brian Charville, Vice Chairman Michael Sheehan, Clerk Kate Flaws, and Tom Wallace; Ed Champy joined the meeting moments after it began.

## **2. Public Hearing, Tuttle Lane (formerly known as 333, 339, & 349 Summer Street), Scenic Road Bylaw**

Mr. Sheehan motioned to open the Public Hearing (PH) and Mr. Wallace seconded it; the vote was taken via roll call: Charville-Aye, Sheehan-Aye, Wallace-Aye, Flaws-Aye, and Champy-Aye, and the PH notice was read. Engineer Chris Sparages described the proposed work detailed in the Scenic Road Bylaw (SRB) application for the Tuttle Lane subdivision:

- 3 existing driveways removed, curbing to be repaired
- Curb cut to create new roadway opening for Tuttle Lane to Summer St., to be done at site of original driveways at #339 and #349
- Repair single-row stone wall at #349 by adding stone from an existing, interior wall to ensure matching
- Use existing, interior stone to add stone walls for #333 and #349 to create a cohesive streetscape
- All sidewalk damage to be repaired
- No removal of any street trees

Mr. Sheehan asked if the existing stone wall was in the public right of way; Mr. Sparages said it was used to define the property and was therefore "right on the line". Chairman Charville asked when the stonewall work would occur; Mr. Sparages said at the end of the project when landscaping takes place. Planning and Conservation Director Emilie Cademartori asked if the Town Engineer (TE) had reviewed the sidewalk repair plan; Mr. Sparages said yes, and added that sidewalks would be consistent with PB regulations. Developer Brian Hannon said he had spoken to the TE and informed him of his plans to repair and repave all sidewalks with vertical grade curbing, but this may not be completed before winter. Chairman Charville requested that the sidewalks be made as usable as possible for the winter months. Ms. Cademartori said that all relevant components to the SRB had been addressed and improved upon.

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Resident Jane Bandini, 537 Essex St., acknowledged the protection of the 2 large Silver Maple trees along Summer St., and asked if 3-4 more trees could be added to the streetscape. Mr. Sparages said while this is not currently proposed, it could be a possibility when those lots (#s 1 and 9) are landscaped. Ms. Flaws motioned that the PB approve the SRB application and plan for 333, 343, and 349 Summer St., and Mr. Sheehan seconded it; the vote was taken via roll call: Charville-Aye, Sheehan-Aye, Flaws-Aye, Champy-Aye, and Wallace-Aye. Ms. Flaws then motioned to close the PH, and Mr. Sheehan seconded it; the vote was taken via roll call: Charville-Aye, Sheehan-Aye, Champy-Aye, Flaws-Aye, and Wallace-Aye.

### **3. 46 Oakridge Terrace – ZBA Case #20-16**

Atty. Joseph Brodigan and applicant Michael Touchette appeared to present their application for a Special Permit under Zoning Bylaw §§ 5.3 and 5.5 for a new single-family home. Atty. Brodigan said the property is adjacent to Pillings Pond, and the existing home, built in 1960 and currently 1800 sq. ft., is uninhabitable; therefore, they plan to raze it and construct an improved dwelling on the non-conforming lot. The plan by Marchionda Associates proposes moving the new home back to diminish the non-conformity and improve the property. Chairman Charville asked if the plan creates any new non-conformities; Atty. Brodigan said no. Mr. Sheehan asked if the gross floor plan was over 100% greater than the current home; Atty. Brodigan said no. Mr. Champy asked if neighbors had been consulted; Mr. Touchette said that one adjacent property was a vacant lot and he had not spoken to other neighbors; Atty. Brodigan noted that the side yard setback would be improved with the proposed plan by bringing the home's footprint further away from the lot lines on both sides. Ms. Cademartori said the current home is a 1-story ranch and asked what style home was planned; Atty. Brodigan said it would be 2-stories and meet all zoning requirements for height. Ms. Cademartori asked if additional tree removal was planned; Atty. Brodigan said there was no firm plan as of yet and added that they have a scheduled hearing with the Conservation Commission on October 20<sup>th</sup>. Ms. Cademartori noted the street trees were removed and asked if these could be replaced; Mr. Touchette said yes and this could be included in the Board's recommendation to the ZBA. Ms. Flaws asked if the home design would take into account the character of the existing, older neighborhood; Mr. Touchette said the home will blend with the existing next-door home, which is newer and he had built 10 years prior.

Mr. Champy motioned that the PB not oppose the requested Special Permit and recommended the ZBA include the agreed upon street trees in the development agreement; Mr. Wallace seconded the motion. The vote was taken via roll call: Charville-Aye, Sheehan-Aye, Flaws-Aye, Wallace-Aye, and Champy-Aye.

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### **4. 771 Salem Street, Everett Cooperative Bank – ZBA Case #20-15**

Engineer Peter Ogren said the location of the property has long created traffic issues on Salem St. and the state Highway Department agreed to allow the reopening of an entrance directly from Rte. 1 South; he added that this new entrance is easily missed, necessitating the addition of a pylon sign and a directional “Entrance Only” sign. After reviewing slides of the proposal, Atty. Jay Kimball said the ZBA would review this at their upcoming meeting and the PB must review this minor modification to the site plan and opine on the requested relief: a Variance under §§ 4.1 and 4.7 to allow the number of signs needed. Atty. Kimball added that the increased signage was to ensure improved visibility and safety.

Mr. Sheehan asked what signs currently existed; Mr. Ogren displayed them on the site plan and Mr. Sheehan asked if these were to remain. Atty. Kimball said yes; Ms. Flaws stated this project is an improvement to the site. Mr. Champy said this proposal would also help keep extra traffic off of Maple Street and Brook Drive. Ms. Bandini asked where the “No Exit” sign was located; Mr. Ogren said the existing sign says “Enter Only”. Mr. Champy asked if the pavement could be marked with directional arrows; Mr. Ogren said he would re-visit the site before the ZBA hearing to assess this. (Note: the site was found after this PB meeting concluded to have 2 existing “Do Not Enter” signs) Ms. Flaws requested a motion that the PB not oppose the applicant’s requested relief of site plan modification and signage from the ZBA; Mr. Wallace seconded the motion. The vote was taken via roll call: Charville-Aye, Sheehan-Aye, Wallace-Aye, Champy-Aye and Flaws-Aye.

### **5. Hannah’s View Estates – 1414, 1452 & 1466 Main St. & 2, 4 & 6 Sagamore Place**

Chairman Charville said the applicant had requested a ruling on the submitted Preliminary Plan tonight; he added that the Preliminary Plan (PP) is not Definitive, and that much more design work would be necessary before a Definitive would be ready for approval. Mr. Charville also noted that a subdivision is not truly “created” until a Definitive Plan is approved. Engineer Scott Cameron reviewed the PP and noted changes and additions that had taken place since the original filing in April; he said that the goal of the PP was to obtain feedback for an eventual Definitive Plan and he requested next steps from the PB. Chairman Charville said the Definitive Plan would require additional engineering, a peer review process, and lot yield information. Chairman Charville said additional questions that remain to be answered include:

- Water supply issues
- Septic system plans

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- Stub road requirement

Mr. Sheehan echoed the stated water concerns and Mr. Champy said details on the Definitive Plan must include the location of underground tanks, and all lot lines, homes, wells, septic systems, and pools. Ms. Flaws said the TE's memo raised concerns about the proposed number of lots if grading of roadways and stormwater systems need adjusting; Mr. Champy said the Definitive Plan must prove the number of allowable lots, and if the site yields fewer lots than shown on the PP, the applicant must accept that. Mr. Wallace hoped that advanced hydrology studies could be completed before approving the PP; Ms. Flaws said a PP cannot require this.

Resident Patricia Campbell, 7 Patrice Lane, said she shares all concerns stated and questioned whether the traffic study that had originally been done in January was accurate as the adjacent golf course was closed at that time. Mrs. Campbell also questioned why the project had undergone so many name changes. Resident Ken Peterson, 1477 Main St., stated his concerns about the proposed number of homes, the lack of water supply, and the septic systems; he added that there exists no fire suppression in the area. Resident John Thomas, 1385 Main St., asked for the date the PP was submitted; Ms. Cademartori said April 1, 2020 and a revision was submitted on June 19<sup>th</sup>. Mr. Thomas asked if 18 perk tests had been successful; Mr. Cameron said yes, each lot had passed two 4-hole perk tests and the soil quality was consistent. Mr. Cameron said that approval for a roadway was being requested and individual homeowners would determine home plans and septic locations.

Chairman Charville asked developer Angus Bruce if he realized the final lot yield could be less than 18; Mr. Bruce said yes. Mr. Champy stated that he would not support any requested future zoning relief if the applicant found that such relief was necessary to achieve the 18 lots it hopes for. Ms. Cademartori stressed that the PB consider road layout and the stub issue in their decision, and said requiring the stub or not must be decided before approval. Chairman Charville asked if any Board members thought the stub was not needed; no one did. Discussion ensued about whether to disapprove the PP or approve it with conditions. Mr. Cameron said that all stated concerns could be included as conditions of the approval decision and added that the PP represented only a 25% stage of completion vs. the Definitive Plan. Chairman Charville agreed with this and said that 75% of the work remains to be done.

Chairman Charville asked if there was general support to approve the PP with conditions; 3 members agreed. Chairman Charville said it would be more constructive for the applicant to issue an approval with modifications. Ms. Flaws said such an approval would need to be done very carefully; it was agreed that all Board members would send their specific concerns (needed modifications) to Ms. Cademartori to collate and incorporate into the decision. Chairman

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Charville said an exact list of outstanding items from Section 5.4 was needed. Mr. Cameron said they were not anticipating any waiver requests; Mr. Champy asked about the use of natural gas and stated that using propane would require a waiver. Chairman Charville asked when the decision could be voted on; it was decided to reconvene on Tuesday, October 6<sup>th</sup> via Zoom to finalize and vote on the Decision. Mr. Bruce agreed to extend the application until that date and Ms. Cademartori agreed to share the draft of the decision with the Board and the applicant.

### **6. Richardson Green – Notice of Intent/Ch. 61 Sale**

Ms. Flaws said the BOS wished to know if there was broad support for this purchase, and the group was considering a survey; she added that the BOS had suggested working in conjunction with the Strategic Planning Committee and that Ken MacNulty would coordinate this. Ms. Cademartori said the BOS was looking for a formal recommendation from the PB on this matter. Chairman Charville requested information on the specific funding available through grants and the tax liability per household if the purchase was made. Ms. Flaws said the Town Accountant had estimated the tax liability at \$12 per household annually. Ms. Flaws added that she would look to the town of Boxford for guidance as they had recently completed a Ch. 61 purchase.

### **7. Proposed Tree Protection Bylaw Update**

Ms. Cademartori said the bylaw proposal had been accepted by the BOS as a Warrant Article (WA) and the Warrant was now closed; she added that Town Counsel had modified the tree and the proposed OSRD WAs, and the BOS would take both up at a future meeting. Ms. Cademartori said public information and outreach were being worked on by staff, but with only 2 weeks remaining until Town Meeting, it was important for all to spread the word. Ms. Cademartori said the Tree Bylaw would be discussed at a public forum during the planned PH for the OSRD WA on October 14<sup>th</sup>. Ms. Cademartori informed that a 3<sup>rd</sup> WA concerning the possible eminent domain taking of the property at 163 Lowell St had been referred to the PB. The petition for this WA had been submitted by the Historical Commission.

### **8. Proposed OSRD Bylaw Update**

Chairman Charville said this item had been covered during the preceding tree bylaw update.

### **9. Approval of Minutes – August 26, 2020, and September 9, 2020**

Chairman Charville motioned to approve the August 26, 2020, and September 9, 2020 meeting minutes as circulated, and Mr. Champy seconded it. The vote was taken via roll call: Charville-Aye, Sheehan-Aye, Wallace-Aye, and Champy-Aye.

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

Mr. Champy motioned to adjourn the meeting at 9:39 PM; Mr. Wallace seconded the motion. The vote was taken via roll call: Charville-Aye, Sheehan-Aye, Wallace-Aye, and Champy-Aye.

Respectfully submitted,

Susan Lambe, Planning Office