

LYNNFIELD PLANNING BOARD MEETING April 28, 2021

1. Call to Order

The regular monthly meeting of the Planning Board (PB) was held on Wednesday, April 28, 2021. Chair Charville called the meeting to order at 7:02 PM with full attendance of the PB and said the meeting was being held remotely via Zoom per current Massachusetts emergency regulations, and was being recorded. Chair Charville welcomed newly elected Board members Page Wilkins and Amy MacNulty and added that both were well versed in current PB issues.

2. Election of Officers

Clerk Katherine Flaws motioned that Chair Charville remain as PB Chair; this was seconded by Ed Champy. The vote was taken via roll call: Charville-Aye, Champy-Aye, Flaws-Aye, MacNulty-Aye, and Wilkins-Aye. Chair Charville motioned that Ms. Flaws be elected Vice-Chair; this was seconded by Mr. Champy. The vote was taken via roll call: Charville-Aye, Champy-Aye, Flaws-Aye, MacNulty-Aye, and Wilkins-Aye. Ms. Flaws then motioned that Mr. Champy be elected Clerk, and this was seconded by Chair Charville. The vote was taken via roll call: Charville-Aye, Champy-Aye, Flaws-Aye, MacNulty-Aye, and Wilkins-Aye.

3. Tuttle Lane – Partial Bond Release

Chair Charville said he had memos from both the Town Engineer (TE) and LCWD approving reduction of the bonds based on work completed. Developer Brian Hannon said he had posted \$468K in August of 2020, and since then had completed all roadwork and utilities, and that he planned to finish all remaining infrastructure before next winter. TE Charlie Richter said the Town was pleased with the project to date and with Mr. Hannon's ongoing plan. Mr. Champy moved to authorize the PB reduce the total bond amount by \$112,261 to \$351,092. This was seconded by Ms. Flaws and the vote was taken via roll call: Charville-Aye, Champy-Aye, Flaws-Aye, MacNulty-Aye, and Wilkins-Aye. Mr. Champy then moved to authorize the PB reduce the LCWD bond amount by \$5,000, and Ms. Flaws seconded the motion. The vote was taken via roll call: Charville-Aye, Champy-Aye, Flaws-Aye, MacNulty-Aye, and Wilkins-Aye.

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4. Market Street – Burton's Grill Site

Katie Wetherbee of WS Development displayed the designs and plans for the new restaurant, including a unique louvred patio which can provide sun or shade, and parking, lighting, landscaping, and elevation details. The patio will have seating for 60, and there will be 238 indoor seats allowing 25 sq. ft. per seat which is consistent with other Market Street (MS) restaurants. Ms. Wetherbee also reviewed the sidewalk area and dimensions for Burton's and other MS restaurants. Architect Bill Whitlock gave further details, including:

- The uniqueness of the patio structure featuring an operable louvre system
- The integral gutter system
- The recessed lighting and heating
- Minimalistic décor
- No encumbrances on the sidewalk as it is narrow

Chair Charville asked Mr. Whitlock if there would be changes to existing building lights and if there would be exterior signage; Mr. Whitlock said no and that main Burton's signage would be at the top edge of the canopy as at Temezcal. Ms. MacNulty asked about ventilation issues with having office space above a restaurant; Mr. Whitlock said the building was designed to include a mechanical exhaust shaft to the roof and a fresh air system. Ms. MacNulty then asked about soundproofing; Mr. Whitlock said all industry standards, including acoustical ceilings, had been met and there would be no sound system outside. Mr. Champy asked if the tree in the rendering reflected the actual landscaping plan; Ms. Wetherbee said it did. Chair Charville asked what specifics the PB was acting upon; Ms. Wetherbee said the location of the tree, the dimension of the sidewalk, and the rendering of the patio. Chair Charville asked if there were any additional curb cuts or parking shifts beyond what the PB had been asked to review for the minor site plan modification in February 2021; Ms. Wetherbee said no.

Wallace McKenzie, 4 Debston Lane, asked if there were any future outside sound systems planned; Mr. Whitlock said there were no plans for outdoor speakers and Ms. Wetherbee agreed. Mr. Champy asked if other restaurants had outdoor speakers; Ms. Wetherbee said MS has outdoor speakers for background music, but they are turned down by restaurants. Mr. Champy asked if the Burton's Andover location had outdoor

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speakers; Ms. Wetherbee said Burton's would engage a sound engineer before any such plans were discussed. Chair Charville said the sidewalk modification had been approved at the February PB meeting and this was a courtesy update being provided to the PB by WS. Mr. McKenzie said there was no regulation of noise at MS; Chair Charville said the limitation is 9 decibels measured at the property line. Mr. McKenzie said this regulation is unenforceable and expressed concern about possible future outdoor speakers. Ms. Wetherbee said any project would provide plans to the Building Inspector, and Chair Charville asked to be included on any further changes or updates.

5. Continued Public Hearing, 271 Main Street, Proposed Definitive Subdivision Plan

Chair Charville cited the so-called "*Mullin Rule*" with regard to this Public Hearing (PH); he explained that missing more than 1 meeting of a PH disqualified a Board member from voting and therefore, new PB members Ms. MacNulty and Ms. Wilkins would not vote. Chair Charville said the PB still had the required quorum of 3 members needed to vote on the decision. Ms. Flaws motioned to reopen the PH and Mr. Champy seconded the motion; the vote was taken via roll call: Charville-Aye, Champy-Aye, and Flaws-Aye. Chair Charville said the Definitive Plan of 3/24/21 had been updated based on feedback from peer review engineer Bill Jones, and the new plan was received today. Mr. Jones outlined the issues still outstanding on the new plan, including: the location of the proposed road in relation to the abutting property and its existing garage, some details in the HOA, and the need to notate the soil test done for the roof recharge system on the plan and in the HOA. Building Inspector Joe O'Callaghan stated that he had met with Town Counsel (TC) Tom Mullen who said the proposed plan does not create a nonconformity for the location of the garage; Mr. Ogren said the 23" side setback was adequate. Mr. Champy and Ms. Flaws agreed with this based on Atty. Mullen's approval.

Atty. Sheila Petrillo appeared representing the Howards next door at 259 Main St. and said she had only been retained the day before, and was pleased to see the updated waiver list on the plan, but requested more detail on the dimension of the roadway. Chair Charville asked whether the Howards have any other concerns; Atty. Petrillo said curb cuts, the dimension between the new roadway and her client's driveway, and all required wetlands designations. Mr. Ogren said the roadway would be 20' wide and involve no new curb cuts, the distance between the road and driveway was 10' at the street line, and the wetlands were shown on the plan, but not to the full extent required as the PB had

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waived that requirement because the ConCom would conduct a future, thorough review before any building activity could occur.

Atty. Petrillo said the PB approving this 1-lot subdivision would set a dangerous precedent for the town; she also questioned the moving of a Reading Municipal Light Department (RMLD) utility pole, and Mr. Ogren told her the utility pole was owned by Verizon. Mr. Ogren also said this was originally 1 property and was divided into 2 lots by an ANR, and the roadway easement was purposefully included for the possibility of creating back lots. Atty. Petrillo said she would request a letter from RMLD, and she expressed concern about the buffer area between the roadway and her client's property.

Atty. Kimball requested to extend the PH and final action on the Definitive Plan until 5/5/2021, and Chair Charville requested Atty. Petrillo to contact Atty. Kimball. Ms. Flaws stated that the PB does have precedent for such a subdivision already, and added that both owners knew the nature of their properties when they were purchased. Mr. Champy said the "land is legally allowed" to subdivide as proposed, and wide enough that it would not require a Variance. Mr. Richter said the ROW was used to minimize impact on the neighbors. Mr. Champy motioned to extend the PH and final action on the Definitive Plan until 5/5/2021 at 6:00 PM. Ms. Flaws seconded the motion, and the vote was taken via roll call: Charville-Aye, Champy-Aye, Flaws-Aye.

6. Tree-Preservation Bylaw Draft

Chair Charville said the draft had been reviewed by TC and the only significant issue raised was the description of the use of the tree planting fund. If trees are purchased from public funds, they should be limited to use on public property; this was in turn revised in the draft. Chair Charville said the public information campaign would be addressed soon.

7. Approval of Minutes – March 31, 2021 and April 7, 2021

Mr. Champy motioned to approve the March 31, 2021 and April 7, 2021 meeting minutes as circulated, and Ms. Flaws seconded it. The vote was taken via roll call: Charville-Aye, Champy-Aye, Flaws-Aye, MacNulty-Aye, and Wilkins-Aye.

8. Administrative Matters/Topics for Next Meeting

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Chair Charville said the 1st PH for the Vallis Way (109 Lowell Street) Subdivision would be held at the May 26th meeting; this necessitates the Legal Ad and a contract for the Peer Review Engineer. Ms. Flaws asked if OSRD zoning and a review of Accessory Apartment zoning could be discussed. Chair Charville requested the agenda for the Special Meeting on April 7th include:

- OSRD
- Accessory Apartments
- Review of a model Zoning Bylaw for use as a template
- Revision of the Subdivision Rules & Regulations
- Tree Preservation Bylaw marketing strategy prior to Town Meeting

Mr. Champy motioned to adjourn the meeting at 8:51 PM; Ms. Flaws seconded the motion. The vote was taken via roll call: Charville-Aye, Champy-Aye, Flaws-Aye, MacNulty-Aye, and Wilkins-Aye.

Respectfully submitted,

Susan Lambe, Planning Office