

LYNNFIELD PLANNING BOARD MEETING May 5, 2021

1. Call to Order

Chair Charville announced at 6:00 PM that a quorum of Planning Board (PB) members, including himself, Ed Champy, and Kate Flaws was being awaited before beginning in order to comply with the so-called “*Mullin Rule*” for the continued Public Hearing (PH). At 6:15 on Wednesday, April 28, 2021, Chair Charville called the special meeting to order, said PB members were awaited, and the meeting was being held remotely via Zoom per current Massachusetts emergency regulations, and was being recorded. It was decided to review agenda items out of order while awaiting Ms. Flaws.

3. Tree-Preservation Bylaw

Chair Charville said the draft had been reviewed by TC, submitted to the Select Board (SB) as a Warrant Article, and the Warrant would close on May 10. Chair Charville said the public information campaign would now begin in earnest, including a Vimeo to answer questions about the bylaw, a 1-page flyer for the website, and a public forum allowing for other Boards and the public to weigh in. Additional PR efforts discussed included a mailer and social media outreach.

5. Administrative Matters/Topics for Next Meeting

Chair Charville said the 1st PH for the Vallis Way Subdivision would be held at the May 26th meeting; this necessitates a Legal Ad and a contract for the Peer Review Engineer. The agenda will also include an ANR for the subdivision of a lot on Taylor Terrace.

Chair Charville asked Atty. Kimball if he wished to continue the PH for 271 Main St. until the May 26th meeting; the answer was no, and the meeting was recessed until 6:45. At 6:45, Chair Charville recessed the meeting until 7:00. During this time the Zoom meeting did not end or close, and the Chair and Planning staff remained in the meeting.

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

At 7:00 PM, Chair Charville called the meeting back to order, and said this proposed Definitive Plan had been discussed monthly since November and announced that a subset of PB members (Charville, Champy, and Flaws) would be acting on this decision due to

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the Mullin Rule. Mr. Champy motioned to reopen the PH and Ms. Flaws seconded the motion; the vote was taken via roll call: Charville-Aye, Champy-Aye, and Flaws-Aye. Chair Charville noted the entire applicant team was present and reviewed highlights, including:

- Biggest concern raised with the plan is that the PB is acting without the prior approval of the Conservation Commission (CC) and the Board of Health (BOH)
- Updated written feedback from the BOH shows no objection to the plan
- Both the CC and BOH must complete their own reviews after the PB acts, and prior to any land disturbance or building permits being issued
- The PB purview does not include acting before either of these Boards weigh in.
- Concerns raised last week resulted in an updated proposed Definitive Plan which was received today
- The PB has begun a draft written Decision on the subdivision application

Atty. Kimball said the final HOA update had been received by Town Engineer (TE) Charlie Richter and Peer Reviewer Bill Jones today, and the only remaining issue was the review of the requested waivers. Chair Charville said the waivers would be discussed individually by the PB at this meeting.

Chair Charville addressed the engineers, reminding them that the overarching concerns about the project were wetlands and water issues; and asked, “In layman’s terms, how will our action tonight affect the water situation for any other lot in that area”? The applicant’s Engineer Peter Ogren said the project will have no effect as stormwater regulations required by the Subdivision Rules and Regulations have led to infiltrating the area. Chair Charville asked Mr. Jones if abutters to the project should feel confident about this answer; Mr. Jones said yes, as both the road and the home have 2 planned runoff systems sized for 100-year storms with all runoff water being put into the ground. Chair Charville asked if the water problems may get worse after the new home is built and Mr. Jones said they should not; abutter Robin Yannone, 15 Village Row, expressed concern that this was not “guaranteed”. John Yannone asked if a storm occurred when the ground was already saturated, where the additional water would go. Mr. Jones said it would go into the ground to make its way to the wetlands. Mr. Yannone asked how the saturation from the septic system would affect this; Mr. Jones said that all required

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separation standards have been met. Arthur Katz, 11 Village Row, asked about the septic system sign off and if the 22 issues raised at the last meeting had been resolved; Mr. Ogren said the BOH and TE would approve the septic, and Mr. Jones said all issues had been addressed on a revised plan that has been posted. Further discussion included collection of excess water, Reedy Meadow water levels, and more explanation of the underground system designed to protect homeowners.

Atty. Sheila Petrillo, representing abutter Elaine Howard of 259 Main St., said the problem with the plan is determining if the locations of the proposed stormwater systems are correct. Chair Charville asked Atty. Petrillo to correct her misstatement that “the applicant requests a waiver from final, unappealable CC approval”, given that no such waiver is requested in the applicant’s filings; Atty. Petrillo said she would require a recording of the prior meeting. Atty. Petrillo stated concern that the plan does not show delineated wetlands boundaries; Mr. Jones said the boundaries shown used all available information and were reasonable, and added that the CC would confirm this as part of their review and could require any needed alterations, therefore, the PB waiver of this requirement was appropriate. Atty. Petrillo asked how this process works; Chair Charville said the PB decision will state that the applicant must return to the PB if the CC requires any changes. Mr. Jones added that any CC decision can be appealed. Additional discussion about water issues ensued.

Chair Charville informed that the PB has always been open and transparent in PHs, and this Board allowing Q&A between the public and an applicant’s engineer, etc. (instead of only one-way comments from speakers) is the exception for many boards’ and commissions’ public hearings, not the rule. Former Town resident Karen Wilkinson Crawford asked who is responsible for maintaining and monitoring the water impact on Main St. and the wetlands. Atty. Kimball explained that this is a procedural process per state regulations; impact to wetlands cannot be determined without a specific project in place and approved, and only then can the CC be approached. Atty. Kimball said the roadway will be private and maintained by the HOA which is recorded on all deeds. Mr. Jones added that this plan has a 50’ no-disturb zone to the wetlands, and thereby exceeds the standards required by both the state Wetlands Protection Act and the Lynnfield Bylaw. Mrs. Crawford said she was a former resident of 479 Main St. and now resides at 43244 Oakway Court in Leonardtown, MD. Atty. Petrillo inquired about the BOH review

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of the plan; Chair Charville referred to the BOH letter and said the PB had considered the BOH's input. Mrs. Yannone said she had notified the Building Inspector about the 18-wheeler truck parked behind 271 Main St.; Mr. Yannone said it had been moved that day. Chair Charville added that the PB decision states that 271 Main St. must be compliant with all Lynnfield Zoning Bylaws, and this would protect from commercial vehicles on residential property. Elaine Howard, 259 Main St. said she has repeatedly visited Town Hall about all the vehicles parked at 271 Main St. with no result, and said she is very concerned about potential tree removal along her property line. Atty. Petrillo again referred to the BOH and possible septic issues; Chair Charville said the BOH has all oversight for the septic system.

Chair Charville requested a motion that the PB approve the requested waivers as follows; each motion was made and/or seconded by Ms. Flaws and Mr. Champy, and each vote was taken by roll call: Charville-Aye, Champy-Aye, Flaws-Aye. 2 Waivers were not approved; they are listed at the end.

Plan Waivers:

- 6.4.A(13) To not have a locus at a scale of 1"=40' (the Town Engineer and the Planning Board's peer review engineer did not object to this waiver).
- 6.4.C.2.k To not have an approved wetland boundary (wetland boundaries are shown on the Definitive Plan, and no construction activities will occur on the property until the Lynnfield Conservation Commission, following this Decision of the Lynnfield Planning Board, has approved a wetland boundary and acted upon a Notice of Intent regarding the site and issued the requisite Order of Conditions).
- 6.4.B(8) To not show regulated resources within 150' from the subdivision (resources are shown on the subdivision property itself, and the owner/applicant must obtain all requisite approvals from the Lynnfield Conservation Commission prior to commencing any construction activity on the subject property).
- 6.4.C(1)(d) To have the scale of the plan be 1"=20' horizontal and 1"=2' vertical (the Town Engineer and the Planning Board's peer review engineer did not object to this waiver).

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- 6.4.C(2)(d) To not show abutting houses (the Town Engineer and the Planning Board's peer review engineer did not object to this waiver).
- 6.4.D(8) To not show top and bottom of curb elevations (the Town Engineer and the Planning Board's peer review engineer did not object to this waiver).
- 6.4.D(11) To not show stormwater detail on the Topographic Plan (the Town Engineer and the Planning Board's peer review engineer did not object to this waiver).
- 6.4.D(12) To not show sight distances (the Town Engineer and the Planning Board's peer review engineer did not object to this waiver).
- 6.4.G(1) To not show the following details on the Detail Plan (given that the Definitive Plan creates only one new lot which will contain one new single-family home):
- (g) spillway cross section;
 - (h) detention basin embankment;
 - (m) wood/steel guardrail installation;
 - (p) wheelchair ramp;
 - (r) streetlight control box;
 - (s) streetlight pole; and
 - (t) streetlight.

Sheet Waivers:

- 6.4.E To not require a street lighting plan (the new street will be private and serve only one new house).
- 6.4.F To not have an erosion control plan *per se* (erosion controls are shown on the combined Topographic Plan and Erosion Control Plan, Sheet 4 of 6).

Design Waivers:

- 6.11 To not have a street sign (the new street will be private and serve only one new house).

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- 7.1.A(10) To have an entrance rounding less than 25 feet (the new street will be private and not built to full street width and specifications, as it will serve only one new house).
- 8.2.B(1) To reduce pavement width to 20 feet and to allow the pavement centerline to not coincide with the centerline of the roadway (the new street will be private and will serve only one new house).
- 8.2.B(2) To utilize a turn-out configuration in place of a cul-de-sac (the new street will be private, will serve only one new house, and the Lynnfield Fire Department informed the Planning Board that the applicant agreed to the following requirements and the Lynnfield Fire Department approves of these: place a fire hydrant in the vicinity of Road A's intersection with Main Street, in no event further than 500 feet from the new home; create a "hammerhead" to allow for ingress and egress of fire apparatus; and install sprinklers within the new home).
- 8.2.B(6) To not have curbing along the entire roadway (because the drainage off the roadway is designed to flow off the pavement and into a grass swale).
- 8.2.B(8) To not have stone bounds at the start and end of every curve (the Town Engineer and the Planning Board's peer review engineer did not object to this waiver).
- 8.2.B(11) To have no sidewalks adjacent to the roadway (the new street will be private and not built to full street width and specifications, as it will serve only one new house).
- 8.3.B(1) To allow HDPE drain pipes in place of RCP and reduce cover below 3 feet (the Town Engineer and the Planning Board's peer review engineer did not object to this waiver).
- 8.3.B(2) To allow a different casting (East Jordan Iron Works Model OMS552000024 or approved equal, because the required Lebaron is no longer in business).

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- 8.5 To not have street lighting (the new street will be private and serve only one new house).
- 8.7.A To not have underground electricity service (the Plan creates only one new lot).

The 2 waivers not approved were:

- 6.4.D(2) Mr. Ogren said this was no longer needed
- 6.4.G(1)(u) Designating the Tree Protection Zone. Ms. Flaws motioned the PB not grant this plan waiver; Chair Charville seconded, and the vote was taken via roll call: Charville-Aye, Flaws-Aye, Champy-Aye. Mr. Ogren agreed to add the Tree Protection Zone detail to the plan.

Chair Charville shared the draft decision and reviewed it in detail with the PB and the audience via Zoom; he informed that compliance to the Zoning Bylaw and Scenic Road Bylaw had been added. Atty. Kimball said he would delete from Form G the statement about deeding the road to the Town as a public way. Mr. Champy motioned to approve this decision as drafted and revised, and Ms. Flaws seconded the motion. Chair Charville explained that the PB would approve the decision, send it to the Town Clerk, and then sign the final plan after the 20-day appeal period ended without an appeal being filed. Mr. Champy motioned to amend the pending motion to approve both the drafted decision as revised at this meeting and the proposed Definitive Subdivision Plan dated 8/13/20 and revised on 3/24/21, 4/28/21, and 5/5/21 and Ms. Flaws seconded the motion; the vote was taken via roll call: Charville-Aye, Champy-Aye, and Flaws-Aye. The vote on the original motion was also taken via roll call: Charville-Aye, Champy-Aye, and Flaws-Aye.

Chair Charville requested a motion to approve the Hickman HOA Trust Declaration of Protective Covenants for 271 Main St. as revised 5/5/21; Mr. Champy made the motion and Ms. Flaws seconded it. The vote was taken via roll call: Flaws-Aye, Champy-Aye, and Charville-Aye.

Ms. Flaws motioned to close the PH and Mr. Champy seconded the motion; the vote was taken via roll call: Flaws-Aye, Champy-Aye, and Charville-Aye.

3. Tree-Preservation Bylaw

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Chair Charville reiterated that since the prior meeting, the Tree Preservation Bylaw (TPB) had been approved by TC, and was submitted to the Select Board for the Warrant which closes on May 10th. Public outreach was discussed, including: recording a Vimeo, the 1-page flyer, and a public forum. Ms. MacNulty opined on Lynnfield social media sites, and a meeting to further discuss all PR efforts will be scheduled.

5. Administrative Matters/Topics for Next Meeting

Chair Charville said Agenda Item #4, 2021 Initiatives, would be discussed at the next meeting. Other topics will include: ANR for Taylor Terrace, the PH for Vallis Way, potential ZBA cases, and the TPB public forum.

Mr. Champy motioned to adjourn the meeting at 9:32 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