

# **LYNNFIELD PLANNING BOARD MEETING - DRAFT February 16, 2022**

## **1. Call to Order**

Chair Brian Charville called the regular, monthly meeting to order at 7:00pm and said the complete Planning Board (PB) was in attendance, including himself, Vice Chair Kate Flaws, Clerk Edward Champy, III, and members Amy MacNulty and Page Wilkins; he added that Planning and Conservation Director Emilie Cademartori, Planning Assistant Sondria Berman and Town Engineer Mr. Patrick McAlpine were present and that the meeting was being recorded. Chair Charville informed all in attendance that the town had rescinded the mask mandate and indicated attendees could choose to wear a mask based on individual preference.

## **2. Continued Public Hearing- 109 Lowell Street (Vallis Way), Proposed Subdivision Plan**

Chair Charville requested to re-open the hearing on 109 Lowell Street (Vallis Way); Clerk Champy motioned in favor; Ms. Wilkins seconded the motion, which carried 5-0. Chair Charville noted that this item had moved to the top of the agenda due to Mr. Kimball's, (attorney for applicant Mr. Caggiano) formal request to the PB for an extension of the time for the PB to act on the proposed Definitive Plan, citing the need for more time to review feedback from the town engineer, LCWD, and the Tree Preservation Bylaw. Chair Charville stated the applicant asked for an extension on their approval plan agreement to the next PB meeting on March 30<sup>th</sup> 2022 and cited his support in favor of the extension. Chair Charville indicated the extension and continuance of the hearing would assist with moving the discussion forward on the proposal as it related to the Tree Preservation Bylaw (TPB), and encouraged the applicant to come prepared to the next meeting with an understanding of the Bylaw and a plan detailing the preservation, removal and/or mitigation of trees for the PB to review. Director Cademartori reminded individuals in attendance that all documents received by the Board in regards to the Vallis Way proposal (with the exception of the LCWD Superintendent's memo received on February 16, 2022) are available to review on the town's website under the PB page. Chair Charville inquired if anyone in the audience wanted to speak on the proposed subdivision, followed by an inquiry to PB members for comments.

Chair Charville requested a motion to grant the applicant's request for an extension to approve the subdivision proposal for Vallis Way through Thursday, March 31<sup>st</sup>. Ms. Flaws motioned to accept the applicant's requested extension, and Ms. MacNulty seconded it; The motion carried 5-0.

Chair Charville requested a motion to continue the public hearing on Vallis Way to Wednesday March 30<sup>th</sup>, 2022 at 7pm at Town Hall for the PB scheduled monthly meeting. Ms. Wilkins motioned to continue the hearing and Ms. Flaws seconded it. The motion carried 5-0.

## **3. ANR Plan- 258 Main Street, Assessor's Map 33 Parcel 114**

Attorney Jay Kimball presented to the PB a check and formal request on behalf of applicant, Marenglen Zepaj of Zepaj Development, LLC, for the proposed Approval Not Required (ANR) plan

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for 258 Main Street. He explained the proposed plan presented had been revised at the request of Director Cademartori to showcase the ditch line and topography of the land. Mr. Kimball stated that Mr. Zepaj served as the owner of 258 Main St. and an abutting property at 244 Main Street, and provided a brief description of the topography and existing structures on each parcel. Mr. Kimball noted the plan showcases the proposed division of two lots on 258 Main: Lot B1 (approximately 40,977 sq. ft) and B2 (approximately 4,038 sq. ft), respectively. He indicated Lot B2 was to be added to the abutting property area of 244 Main Street, and therefore should not be considered a separate building lot, but rather held in common ownership with the abutting land at 244 Main Street to form a single lot totaling 30,100 sq. ft. Mr. Kimball added that while Lot B1 has adequate frontage, Lot B2, which does not have adequate frontage, is exempt given that lot B2's area is not serving as its own buildable lot but instead will be incorporated to the area of 244 Main Street, which does have adequate frontage. Mr. Kimball also noted that the ditch as depicted on the plan would not inhibit access to either of the properties.

Chair Charville asked if the PB would be presented with future ANR plan(s) from the applicant for 244 Main Street; Mr. Kimball answered the current ANR plan was sufficient for his client at the present time. Director Cademartori stated after review of the current site plan which included the additional topographic detail requested, the ANR proposed is compliant with regulations. Chair Charville requested that any potential development project for 244 Main Street by Zepaj Development, LLC echo a similar "expeditious" timeline to completion as past development projects from the company have done in Lynnfield (such as those at Zepaj Lane, off Green Street). Mr. Kimball noted to the Board that there was already a demolition delay in place for both 244 and 258 Main until an upcoming hearing in March after which an update could be provided.

Abutter Bill Thompson of 272 Main Street addressed the PB with questions regarding the ditch drainage and proximity to the wetland behind the property. Mr. Thompson asked if the applicant had done a wetland review of the ditch, whether or not the ditch could be considered a stream, and if there were any tests performed to check for oxidation. Peter Ogren, Hayes Engineering Engineer, spoke on behalf of the applicant's proposal stating that the ditch did not appear to have wetland plants or discharge from a wetland area, but deferred formal classification, further site plan review and permitting to the town's Conservation Commission. Director Cademartori noted 244 Main Street abuts the Tappan Way subdivision which features wetlands and ditches on specific parcels. Director Cademartori stated that given the distinction made on the Tappan Way subdivision parcels to indicate a ditch versus a wetland, it could be reasonably assumed the same criteria for wetland classification was applied to the ditch at 244 and 258 Main Street. Director Cademartori emphasized this conclusion was subject to further survey work and review by the Conservation Commission, to which Mr. Ogren agreed would be something to revisit in the future.

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Chair Charville asked the PB if there was a motion to endorse the site plan ANR for 258 Main Street, to which Ms. Flaws motioned in favor, and Ms. Wilkins seconded. The motion carried 5-0 and the Board Members proceeded to sign the ANR itself.

### **3. Zoning Board of Appeals Case #21-23 – 325 Broadway Special Permit & Site Plan Approval**

Attorney Mark Kornitsky, counsel for applicant Brian Kelly, Sr., introduced audience members in attendance to include Brian Kelly, Sr. Principal at Kelly Auto; Brian Kelly Jr. of Kelly Jeep Sales; Peter Almeida, Construction Supervisor; and Peter Ogren from Hayes Engineering. Mr. Kornitsky noted he filed an addendum to the application with the Lynnfield Building Department as of February 16, 2022 for a special permit, so as to provide ample notice for scheduling and consideration. Mr. Kornitsky stated that the applicant first filed with the town zoning board for a variance for a pylon sign approximately six to eight months prior for 325 Broadway, as the applicant wished to have all signage on his property consistent with adjacent and abutting properties for a more streamlined appearance from the street (Rt.1/Broadway). Mr. Kornitsky added from the December 7, 2021 Zoning Board (ZBA) meeting, it was recommended to the applicant that they consider withdrawing without prejudice their proposal and submit a new proposal for site plan approval that includes the location of the proposed new signage as well as an overall site plan for the development of the land. Mr. Kornitsky added this would also give notice to the public of the proposed new building on the site, but admitted some construction had already begun on the property to level the lot with a new pad footprint for a potential building. Mr. Kornitsky noted that the new plans reflect the applicant's desire to make the lot safer and more easily accessible. Shortly after construction began, Mr. O'Callaghan (the Town's Building Official) recommended that the applicant complete a site plan before further work on the property was done. Mr. Kornitsky said that the site plan presented does not include a stormwater plan or a permit from the Conservation Commission; he indicated the site plan's proposed building use and specifics had yet to be determined by Mr. Kelly Sr., who remains undecided about future franchise options.

Mr. Kornitsky revisited the topic of the proposed sign variance, detailing that while the size of the sign itself is within regulation parameters (double sided, 82 sq. ft) the height of the sign required a variance as well as its relocation closer to the street, consistent with abutting property signage; he added that the signage will correlate with an upcoming detailed site plan for 325 Broadway and confirm to applicable town and state regulations. Mr. Kornitsky stated he anticipated future petitions and approvals on behalf of the applicant to be presented to the ZBA and, in turn, the PB, for consideration as the project's purpose and use continue to be refined, including the use of the lot as an accessory use to the adjacent primary lot (325 Broadway).

Ms. MacNulty asked for clarification as to what specific items the applicant wanted the PB to review; Mr. Kornitsky directed the PB to review the proposed site plan and offer an endorsement. This, Mr. Kornitsky explained, would assist the applicant in moving forward with next steps and other approvals

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needed from the town. He added that there is no new stormwater management plan in place yet for the new site development plans, but that the current system is in compliance. He discussed maintaining existing greenspace and possibly adding additional greenspace with the construction of the new building.

Clerk Champy confirmed the applicant's request to review the sign variance request and issue comments and recommendations to the applicant and/or ZBA; Director Cademartori added the PB does not have site plan approval for commercial properties but can offer concerns and/or recommendations to the ZBA regarding the proposal. Director Cademartori recommended the PB direct their focus to stormwater management review, as well as the existing greenspace on the plan, which is subject to the Tree Preservation Bylaw (TPB) and ultimately site plan approval. Director Cademartori highlighted a row of pine trees depicted on the site plan and explained to the applicant if the pine trees are on the property they would need to be accounted for prior to work being done; Mr. Ogren commented that some privacy trees had been removed approximately two months prior to install the new retaining wall on the property. Mr. Almeida noted that having begun some blasting work and other construction, he was hesitant to leave the wall unsupported during the winter months. Due to safety concerns, Almeida proceeded to remove some trees and finish the wall with a special permit from the Building Department.

Mr. Kornitsky confirmed that at the December 7<sup>th</sup> ZBA meeting for the sign variance, the applicant presented the retaining wall safety issue. Director Cademartori asked for clarification as to when the building permit was issued; Mr. Almeida said he could not recall the specific date but could locate documentation and send it to the PB office. Chair Charville reminded the applicant the TPB requires commercial businesses to obtain a permit approval for the removal of trees prior to building permit approval. He recommended the applicant file for a permit and review by the Planning Office before continuing with any future work on site. Clerk Champy recommended the applicant work to document existing trees so that the permitting process and site work would move along in a timely fashion. Mr. Kornitsky agreed to speak with the abutter at 375 Broadway (Lynnfield Commons) regarding their landscape plans and follow up with the PB office to ensure the site remains in full compliance with the TPB.

Chair Charville asked the PB to recommend to the ZBA a groundwater recharge system from the roof of the proposed new building structure to ensure proper drainage underground. Mr. Ogren explained they had a few site wells denoted on the site plan, adding that the soil was not suitable for much water infiltration. Chair Charville recommended the applicant reach out to the Conservation Commission for stormwater management approval; Mr. Ogren concurred.

Mr. Kelly, Sr. stated he had an intention of creating additional greenspace and plantings as part of the proposed new building on site, to which Director Cademartori confirmed would be an excellent

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addition to the project. Mr. Kelly Sr. stated his intentions to streamline the aesthetic of the properties to include the signage, buildings, greenspace and stormwater drainage improvements.

Chair Charville requested a motion that the PB not oppose the requested relief of the Zoning Board of Appeals (ZBA) but draw the ZBA's attention to a need for groundwater recharge, subject to Conservation Commission approval, and to advise the applicant to file a Tree Preservation Bylaw application. The motion was then made by Ms. Wilkins and seconded by Ms. MacNulty. The motion passed 5-0 in favor.

### **5. Sagamore Place Definitive Subdivision – Request for Extension**

Chair Charville opened the discussion on the previously approved subdivision at Sagamore Place and Hannah's View Estates' request for an extension at the January 2022 Planning Board meeting to address outstanding items for completion, their estimated costs, and an expected timeline for completion. Chair Charville noted that the town engineer, Pat McAlpine, had reviewed the street since the January 2022 Planning Board meeting and issued a report to which the applicant had responded.

Chair Charville announced Clerk Champy elected to recuse himself from the Board for this agenda item, stating a conflict of interest due to his preexisting business relationships with the applicant, Mr. Deloury, of Hannah's View Estates. Mr. Champy proceeded to step down from the dais and sit in the audience throughout this portion of the PB meeting.

Attorney Robert Lavoie, representative for applicant, began by introducing those present for the meeting, Dave Deloury, HVE Manager; Seth Pasakarnis of Hinckley Allen and Corporate Counsel for HVE; and Chris Ryder, HVE Construction Site Manager at Sagamore Place. Atty. Lavoie referenced the two memos he submitted to the PB office, addressing the town engineer's report on Sagamore Place. Atty. Lavoie stated that the applicant's memos discuss three "levels" of project completion: requirements for street approval; planning regulations and compliance; and a proposed timeline with extension for completion. Citing an example of an item yet to be completed from the memos, Atty. Lavoie discussed the ongoing monitoring of the detention basin and plans for cleaning and inspection in the springtime; he segued to include a brief history of the Sagamore Place development and recent activities, and noted that the subdivision under the new ownership of HVE has remained in compliance and intends to remain in compliance if granted an extension to complete the outstanding items. Lavoie indicated the timeframe for completion of the subdivision is scheduled to end on February 6, 2022, and HVE's request to the PB is approval for an extension to complete the outstanding work by May 12, 2022.

Chair Charville highlighted the proposed date of completion for Thursday, May 12<sup>th</sup>, 2022, and noted additional timeline benchmarks for shoulder and tree plantings, drainage, stormwater basin maintenance, and road paving. Chair Charville commented it was important to consider the homeowners' construction plans for each of the lots; Ms. Wilkins added it is preferable to have final

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paving of the street after all heavy construction trucks and equipment have completed their work to avoid damage to the street. Atty. Lavoie said that they would be guided by the town and homeowners' preferences when deciding on a date to have the street completed.

Chair Charville asked if there was any heavy site work to still be done at Sagamore Place besides 1466 Main Street; Mr. Deloury confirmed there is still a good amount of site work to be completed, citing three homes at Sagamore Place currently under construction with ongoing driveway work and upcoming swimming pool installations.

Chair Charville invited the Board to comment on the information presented thus far, and welcomed audience responses. Ms. Wilkins recommended the PB invite Mr. McAlpine to share his thoughts and discuss items from his report on Sagamore Place. Mr. McAlpine stated his two primary concerns were: non-compliance pertaining to Americans with Disabilities Act regarding the installation of proper ramps at the intersection of Sagamore and Main streets and the absence of a crosswalk, and ostensible cracks in the roadway. Mr. Ryder noted that those three items would be remedied by the completion date noted in the applicant's memo proposal (May 12<sup>th</sup>, 2022).

Chair Charville asked the applicant if in approximately 15 months there is noticeable damage to the road (presumably from heavy trucks and machinery) prior to the street's approval, whether the applicant would be responsible for repair work to ensure the roadway would be approved by the town; Mr. McAlpine added it would be his recommendation that the developer continue to monitor damages to the roadway and discuss repair work with appropriate parties well in advance of the town's consideration for street approval.

Mr. Ryder stated that the plan for completion includes a meeting with the town engineer in April to review the street and incorporate findings into the timeline for final construction work to be done.

Ms. MacNulty asked for clarification as to when the remaining homes were scheduled to be completed; Chair Charville asked homeowner Dr. Peter Prokopis of 6 Sagamore Place if he had an estimated completion date for his home. Dr. Prokopis stated he estimates being able to move into his home in August of 2022. Chair Charville asked Mr. Deloury if he had knowledge of the other timelines for the remaining homes to be completed; Mr. Ryder answered the foundations of the homes had been installed but that there exist a number of exterior items to still be completed including hardscape and landscaping. Ms. MacNulty explained it was important to understand the timeline of house completion in relation to the paving timeline of the street; Dr. Prokopis noted he did not want any damage to the roadway as other homes continue to be finished. Dr. Prokopis discussed a number of items outstanding on his home completion that would bring heavy equipment down the street throughout the summer of 2022, and expressed his desire to avoid paving the street until all heavy machinery vehicles had left the property.

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Chair Charville stated that while the PB is able to grant the applicant's proposed extension date of May 12, 2022 to complete the roadway, homeowners such as Dr. Prokopis may decide it is in their best interest to allow a longer extension for completion until Labor Day of the current year.

Mr. McAlpine asked about street lighting, and specifically, if any duct work had been installed underground for electrical wiring. Mr. Ryder noted that a conduit had been installed across and under the street in the fall of 2021, but that final electrical plans had been unknown at the time of installation as it related to the number of lights to be installed (three versus four). Chair Charville summarized that one could assume the likelihood that more conduits would be needed to accommodate new street lights; Mr. Ryder concurred, noting that additional detail work would need to confirm location of any additional lights and their locations.

Atty. Norman Orban, representing homeowner Jill Larsen at 5 Sagamore Place, spoke to the concerns his client continues to have regarding ongoing problems and construction delays with the street development and Deloury Construction, but that the tight timeline for completion proposed by the applicant is appreciated.

Chair Charville shared that based on a previous discussion about the procedural process of pulling a bond with Director Cademartori, a number of procedural steps would need to be taken before funds would be available and scheduling could be established to pave the roadway. Chair Charville noted that the request to pull the bond and collect funds would have to be approved at the next town meeting in May of 2022; Director Cademartori added such funds would not be appropriated until July 1<sup>st</sup> of 2022 with DPW having discretion over scheduling. Chair Charville noted it was important to consider both the procedural timelines of the town as well as those proposed by the applicant in deciding who should complete the work, and how soon it could be done.

Atty. Lavoie stated that at the January 2022 monthly PB meeting the emphasis had been placed on the speed at which the action items could be completed. Considering the amount of construction left to be done on the street, he questioned if the proposed May 12, 2022 date was an appropriate choice for all parties involved.

Chair Charville noted that the role of the PB is to protect and act on behalf of the town's public interest. Considering the needs and concerns of the homeowners and the town, Chair Charville explained, he was reticent to vote on a completion date that went past May of 2022; Chair Charville suggested to keep the May 12, 2022 completion date, with the expectation that on or around May 1<sup>st</sup> 2022 homeowners and Mr. Deloury would meet and review the street's progress, plan for upcoming site work, and decide together a timeline that makes the most sense to finish the roadway.

Director Cademartori added that it would be helpful to see other outstanding items from the town's engineering report addressed and completed including the streetlights and respective conduits and the sidewalks by the proposed May 12, 2022 deadline. Noting that the outstanding items require

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construction vehicles driving on the road, Director Cademartori stated it would make sense to have said items completed prior to final paving of the road. Chair Charville added it would be advantageous for the applicant to do the outstanding work as fast as possible while maintaining quality workmanship throughout.

Chair Charville revisited the debate on pulling the applicant's bond, stating it seemed doubtful at the present time such an action would garner full support from the PB. Instead, Chair Charville recommended the goal of completing all outstanding items by the May 12, 2022 deadline with the exception of paving the road, and to revisit the deadline for the paving at the May 30<sup>th</sup>, 2022 PB Meeting.

Ms. Wilkins concurred with Chair Charville's recommended timeline, adding there should also be a condition requiring the applicant to have a meeting with the town engineer, homeowners and Mr. Deloury before April 15<sup>th</sup> to review the progress made on outstanding items at Sagamore Place; Mr. McAlpine agreed he would be able to accommodate said timeline.

Jill Larsen of 5 Sagamore Place spoke and requested the stormwater systems be reviewed in the spring, citing issues with the dry basins holding water and the design of the draining system for the roadway. Mr. Deloury cited that his engineer has monitored the basins on a weekly basis; Ms. Larsen said she has not witnessed an engineer reviewing the cite. Chair Charville recommended to Mr. Deloury it would be beneficial to bring together his engineer with Ms. Larsen on subsequent visits to the subdivision. It was agreed that a springtime evaluation of the basins would be important aspect to review in preparation for street approval.

Dr. Prokopis inquired about the engineer lighting plans for his home and driveway. Mr. McAlpine noted that he had sent back to the applicant an edited site plan, but had not heard back from the applicant. Mr. Ryder stated he sent Mr. McAlpine's plan to an engineer, adding that the applicant plans to send out the plan to homeowners to make sure the current plan will be compatible with the upcoming design plans of the homes to be built. Ms. Larson added that she believes the drainage issues have less to do with the winter weather conditions and more to do with a failed system installation. Chair Charville recommended Mr. Deloury have his engineer visit the property to address the drainage questions and concerns shared by Dr. Prokopis and Ms. Larson; Mr. Deloury agreed. Director Cademartori noted that the roadway drainage and maintenance is the developer's responsibility until the town formally accepts the roadway.

Chair Charville stated to the homeowners that while the PB is always available and ready to issue decisions on town subdivision matters such as these, it is generally recommended for parties to find a way to work collaboratively together without PB intervention. Citing the example of pulling the applicant's bond to complete the roadway, Chair Charville stated that the action to do so may not be



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more favorable to homeowners or the developer as it could take much longer for the town to execute the completion of the roadway.

Director Cademartori asked the PB to address the two lots in the definitive plan versus the three ANR lots. She noted that much of the discussion focused on the definitive plan for the approval of the roadway, but because the three ANR lots were approved as ANR lots, and at the time, Mr. Angus Bruce the original developer chose not to pull those lots into the definitive plan for roadway for the street, the approved stormwater permit for the street for does not include any potential design modifications to those lots, and could be out of compliance. She noted that the stormwater permit was issued through the Conservation Commission with the condition that the developer work with the Planning Board to ensure all ANR stormwater plans complied with the Sagamore Place definitive plan, however with the change in developer the collaboration for said compliance with the stormwater permit remains unknown and possibly non-compliant. Director Cademartori highlighted a related, additional issue with the transfer of stormwater permits from developer to homeowner upon the sale of each property; she shared that each permit should have been tied to the deed of the property and homeowners should have signed an affidavit stating they were aware of the stormwater permit conditions applicability to their property and home design. Director Cademartori reiterated her concerns that this presents a not only a problem for regulatory compliance but also for homeowners' plans to build a specific home of their choosing without permit design constraints. Director Cademartori noted that while the PB does not have jurisdiction over the Stormwater Bylaw and Permit, the permit is still a relevant piece to review given that it is a requirement for roadway approval by the town.

Atty. Lavoie said no building permits on the left side of the road could have been issued without an approved stormwater permit in place. He added that the applicant would not be able to acquire a certificate of occupancy until all permits, including the stormwater permit, are executed properly. Director Cademartori responded claiming the problem exists because of an apparent lack of disclosure relating to the transfer of the stormwater permits to homeowners, adding that it is important for homeowners to have been given this information prior to closing because it impacts so much of what they are able to do with their home and property.

Chair Charville asked Director Cademartori if, aside from compliance enforcement, her concerns included questions about transference of title and party responsibility therein. Director Cademartori qualified her concern is in part determining appropriate title and responsibility for the permit, and also the practical concerns of how to address stormwater management of the street as a whole, when individual lot home designs continue to fluctuate and there has been no proof of collective compliance with the street's definitive stormwater plan. She added that the homeowner concerns about basin management and drainage mentioned by Ms. Larson and Dr. Prokopis could potentially become worse

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should any new modifications to the design plans of the three ANR lots not be tied to the stormwater permit's conditions for approval.

Ms. Flaws asked how the HOA might address the concerns voiced by Director Cademartori and homeowners regarding the street's existing stormwater system compliance; she inquired if homeowners would each contribute to the HOA and if the HOA funds would pay to remedy the system and ensure it functioned properly.

Director Cademartori noted that the HOA agreement's primary purpose pertains to long-term management and maintenance of the stormwater system and basin, rather than a potential re-design of the system due to initial flawed or inadequate design. Director Cademartori stated it is assumed that upon transference of the stormwater permit from developer to homeowner, that the system has been built correctly according amount of water being collected; Should this not be the case and the system does not adequately serve the homeowner as intended, it is adding an unintended cost and additional burden upon the HOA. Furthermore, Director Cademartori added, the HOA's ability to adequately execute on its purpose of maintaining the stormwater system is dependent upon an accurate, collaborative relationships among the three ANR as-built plans and the two other lots from the definitive as-built plans for the street's stormwater system.

Ms. Flaws noted that given the absence of the developer who originally promised to ensure the lots would function on the street collaboratively, the emphasis should be placed on the homeowners to recognize this important issue that will impact their HOA, and will likely need to be addressed by the HOA in the future; she added so that homeowners should be informed about the stormwater permit and if the system is able to work as designed. Ms. MacNulty concurred it is an important issue for homeowners to review.

Chair Charville noted that if it is simply a matter of title, these changes can be filed and recorded as necessary and recommended that homeowners check with their own respective counsel for questions or concerns about their home's compliance with their stormwater permit.

Ms. Flaws noted that it is to the homeowners benefit they educate themselves about the stormwater plans in place. The question of disclosure prior to the home sale is a separate matter from the fact that the homeowners are subject to the permit and regulations. Ms. Flaws noted it is in the homeowners' interest to work collaboratively together on a system that will function as needed and protect the longevity of their properties.

Edward Champy of 4 Pagos Way, speaking as an audience member, added the stormwater design changes due to alterations made to the original building plan is not an unusual occurrence but rather a common one experienced by homeowners, citing examples such as changes in impervious terrain and changes in roof coverage. He commented that civil engineers can review existing plans for the street and the home, and determine if they are compatible or require modifications. Dr. Prokopis shared

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some particulars related to his home stormwater plans, to which Mr. Champy reiterated his previous overview of stormwater management system corrections, and recommended he reach out to an engineer for a specific analysis.

Director Cademartori recommended that the homeowners be given a copy of their Stormwater Permit (should it not already be in their ownership), as well as the Approved Watershed Engineering Plans for the street, so that they can begin to evaluate their respective home designs relative to the existing system. Director Cademartori added that part of the conditions for roadway approval had included proof of stormwater plan compliance, which had been requested from the applicant since the December 7, 2021 PB meeting but has yet to be submitted to the PB office. Director Cademartori was specific in noting that the approved original stormwater plan for the ANR was designed by Scott Cameron, and not Hayes Engineering (which completed the definitive two-lot street plan).

Chair Charville made a motion (Clerk Champy recused from discussion and voting) to grant the applicant's written request to extend the subdivision completion date to May 31, 2022; to require that the applicant confirm its compliance with all outstanding items; and to require the applicant to meet with the lot owners and the town engineer not later than April 15<sup>th</sup> regarding spring-season common-area work and report back to the Planning Board on updated plans for spring work and completion of common-area work, which Ms. Wilkins seconded. It carried 4-0 in favor.

Chair Charville made a subsequent motion to submit an article warrant for town meeting in the spring that would appropriate funds for FY 2023 to complete common area work at Sagamore Place subdivision in the event that the PB acts upon the bond securing Hannah's View Estates' obligations at Sagamore Place, which Ms. Flaws seconded. It carried 4-0. The Board agreed it was best to wait on assigning a dollar amount to the motion at the present time, and noted this motion was in preparation to pull the bond should it be determined by the Board as a necessary step in the months ahead.

### **6. MAPC Master Plan Grant Application Update**

Mr. Champy returned to the dais. Ms. Cademartori reported that the department successfully submitted their grant proposal to MAPC for the development of a community vision master plan, with a \$10,000 cash match with the assumption it will be awarded at the upcoming town meeting. Ms. MacNulty inquired about access to information about the grant on the town website, to which Ms. Cademartori said it is similar to previous MAPC master plan technical grants, with this being a more robust plan thanks to Town Administrator support in the project.

Mr. McAlpine added that the Friends of the Rail Trail applied for a Mass Trails grant, which will help the town defray engineering costs for the development of the Rail Trail. McAlpine confirmed that the previous year's grant was for \$100,000, and anticipates the grant amount for the upcoming FY 2023, if awarded, will be similar. Director Cademartori added that the office is looking into additional grant opportunities for a master plan for Willis Woods trails.

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With respect to solar and other green initiatives for the Town, Director Cademartori stipulated that the town is working with Reading Municipal Light Department (RMLD) to make Lynnfield eligible for a “green communities” designation- which would make the town eligible for new grants from the state. Clerk Champy asked if the designation allows for residents to take part in state rebate programs for energy efficiency, to which Director Cademartori confirmed was the case. Ms. Flaws noted that the town currently did not have a representative on the RMLD Board, which Director Cademartori noted was an open seat the town was looking to fill as part of the Green Communities approval process.

Director Cademartori mentioned Scott Gromko, former PB member, brought forth information to the PB office earlier last week about EV charging stations and grant opportunities to install these in the school parking lots and other municipal buildings currently under construction. Clerk Champy questioned if the wiring for these stations would be underground, to which Director Cademartori said in her conversations with DPW Director John Tomasz he planned to host EV stations at the school, and assumed conduits underground would be a part of the site plan to accommodate the stations.

### **6. Bylaw Initiatives – Scenic Road Bylaw**

Chair Charville asked the PB to consider the Scenic Road Bylaw (SRB) as a priority bylaw for review, noting that the law omits designations for streets with original stonewall architecture including Salem, Walnut, Pillings Pond streets – all of which have a shared aesthetic appearance endemic of the town’s historical foundations. Resident and Tree Committee member, Jane Bandini of 537 Essex Street, noted that part of the language in the SRB stipulates that a such a designation prohibits the widening and/or alteration of said streets by the town. Chair Charville noted that a possible solution would be to designate sections of streets as “scenic roads,” which would allow for other parts of the streets to modified as needed. The PB discussed the SRB as it relates to Summer Street and the ongoing development project to make it more accessible to pedestrians and cyclists alike. Mr. McAlpine noted that it was possible for some of the stone walls to be disturbed even if the roadway isn’t widened to accommodate changes in the radius and/or curvature of the street. Ms. Bandini discussed the benefit of the SRB for residents of the town, noting modifications to a scenic road must receive approval from the PB, whereas streets without this designation are not subject to board review or a public hearing before the town can modify the road. Director Cademartori and Mr. McAlpine agreed that engineering plans for streets should be approved at the 25% mark to allow for review and changes to be made.

Director Cademartori noted that her concerns about the SRB have to do with the disconnect between the stated purpose of the SRB and the regulations that follow. Director Cademartori noted that the purpose seems broad and far reaching, whereas the regulatory language is more specific and narrowly defined- thereby causing some confusion as to the scope of the SRB’s applicability. Director Cademartori cited Summer Street as an example, noting that the road had been re-paved last year despite the fact that this could be interpreted as a violation of the SRB. According the purpose, this would be in violation of the SRB- yet, looking at the regulations, it could be viewed as permissible.

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Ms. Wilkins added it isn't clear as to at what stage of the project's development an applicant should apply for a permit, and that this should also part of the SRB amendment.

Ms. Bandini stated she believed the purpose of the SRB is clearly written as an all-encompassing restriction, to which Chair Charville disagreed, noting the gap between the SRB's "policy and the mechanics," adding there exists a conceptual delta between the written purpose of the SRB and the written measures by which the PB can reference to adjudicate criteria for permissions and/or violations. Ms. Flaws noted that this incongruous language would potentially lead to the PB having a significant subjective authority on whether or not to approve alterations to scenic roads, to which Clerk Champy cited hypothetical and recent examples of scenic road street modifications that would be difficult to discuss without an improvement in the SRB's language. The PB discussed the designation of the SRB's applicability to only that which exists in the town's "right of way," and the processes by which the PB could remedy actions not in compliance with this designation.

Chair Charville recommended that clear procedures be outlined in the SRB as to how someone would begin to seek an exemption, noting that the town engineer would be a first point of contact, and subsequently thereafter, a meeting with the PB. Such procedures, Chair Charville argued, would clarify how a resident could gather information before starting any work on town property/ "right of way."

A discussion continued between PB members over the ambiguity of the SRB regulations and procedures, with PB members highlighting the example of 169 Essex Street as a complicated series of events that might have otherwise been avoided with more precise language in the SRB. Mr. McAlpine suggested that the PB amend the language of the SRB so that any work completed in the "right of way" be subject to review and approval by the PB; Director Cademartori agreed with Mr. McAlpine, adding that the SRB should also include a list of criteria for approval so that the PB is equipped with clear guidelines to make non-arbitrary decisions.

Chair Charville asked if any PB members would form a sub-committee to address amending the language of the SRB with Ms. Bandini, to which Ms. Flaws and Ms. Wilkins offered to join. Director Cademartori recommended the SRB sub-committee solicit opinions from the Historical Commission. Chair Charville asked to revisit the progress made from the SRB sub-committee at the next Planning Board meeting on March 30<sup>th</sup>, 2022.

### **8. Approval of Minutes – January 26th, 2022**

Chair Charville motioned to approve the January 26, 2022, meeting minutes as distributed, and Ms. Flaws seconded the motion, which carried 5 – 0.

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

- Vallis Project Update / continued public hearing on definitive plan

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- Discussion on Sagamore Place progress
  - Discussion on the PB's role, if any, in an applicant's request for re-zoning of a parcel. Director Cademartori indicated a question was presented to her regarding a partially completed development permitted under 40B; the developer inquired as to whether or not the PB would support re-zoning a portion of the property to EH, which would enable the developer to build market rate age-restricted housing units. Ms. Flaws inquired about the updated census data, to which Director Cademartori said remains an outstanding item. Director Cademartori noted that even with the re-zoning of the second phase of the development, the developer will have already met the affordable unit minimum of 25% with the current units that have been built. Chair Charville noted that it would require a proposal for review, and Director Cademartori added it would likely be a citizen's petition and require a public hearing. Director Cademartori said she would circle back with the developer to inquire if he still wished to pursue a re-zoning of the parcel.
  - Ms. MacNulty asked for an update on the timeline for potential rezoning of a portion of Sagamore Spring Golf Course. Director Cademartori responded that there has only been the initial discussion about regarding development ideas and what the town may ask for regarding a re-zoning request. Ms. Flaws inquired about whether or not a developer has been named, to which Director Cademartori stated there had not been a name provided as of yet; she added discussions and negotiations between the property owner, developer and the town are ongoing. Clerk Champy added that it would benefit the town to be made aware of the developer associated with the development of the project.
- Chair Charville motioned to adjourn the meeting and Clerk Champy seconded the motion, which carried 5 – 0 at 9:26 PM.

Respectfully submitted,

Sondria Berman