

# **LYNNFIELD PLANNING BOARD MEETING MINUTES - April 27, 2022**

## **1. 7:01pm - Call to Order**

Chair Brian Charville called the regular, monthly meeting to order at 7:01pm and stated 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 and Planning & Conservation Assistant Jennifer Welter were present and that the meeting was being recorded.

## **2. 7:02pm - Election of Officers**

Chair Charville noted the April 12 Town election and his re-election to the Board, and asked members for nominations to elect officers.

*Chair Charville asked for a nomination for PB Chair; Ms. Kate Flaws made the motion to nominate Mr. Brian Charville as Chair which was seconded by Ms. Page Wilkins. The motion passed 5-0 in favor.*

*Chair Charville asked for a nomination for PB Vice Chair; Chair Charville made the motion to nominate Ms. Kate Flaws as Vice Chair which was seconded by Mr. Champy. The motion passed 5-0 in favor.*

*Chair Charville asked for a nomination for PB Clerk; Ms. Kate Flaws made the motion to nominate Mr. Ed Champy as Clerk which was seconded by Chair Charville. The motion passed 5-0 in favor.*

Chair Charville thanked members and announced the board would hear agenda item #4, followed by #3. He noted that #5 – the Public Hearing for Vallis Way would be continued, at the applicant's request.

## **4. 7:05pm - ZBA Case 22-7 – 25 Pinewood Road – Special Permit Sec. 5.5 Raze & Rebuild**

Applicant Vinicius Silva and his attorney Andrew Delory presented the project. The applicant would like to expand the home to approximately 3,300 sq. ft., which will require a special permit from the Zoning Board. He noted if this was a vacant lot, or if he used the existing foundation, the applicant would be able to build this project by right, but that the increased size is the trigger for the zoning board relief required, scheduled to be heard by the ZBA the following week.

Chair Charville noted that the plans had been posted on the website and asked for a summary from Mr. Delory. Mr. Delory said that the applicant has renovated several homes in Lynnfield.

Mr. Champy asked if the project was a raze & rebuild, to which Director Cademartori provided clarification. Originally, there was a question about the project being a special permit for an increase of a nonconforming structure, or a special permit for a raze and rebuild. It was posted as a raze and rebuild. It will also require a Tree Preservation Bylaw permit.

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Mr. Champy asked if the lot is nonconforming, to which Director Cademartori said the lot (specifically the side yard) and the structure are both nonconforming. Mr. Champy said the plans in the board's packets are different from those presented during the meeting. Mr. Champy asked for confirmation about the setbacks, to which Director Cademartori responded that the lot will still be non-conforming due to the size of the lot and the frontage, but the new house will be conforming. Director Cademartori noted that the neighborhood's very small lots have changed and been combined in unusual ways over the years. Director Cademartori said that the project as razed represents an improvement in terms of conformity and increased setbacks.

Ms. Flaws asked about the 48" DBH tree behind the house, which would fall under the Tree Bylaw. Mr. Delory noted a desire to retain the tree. A new, expanded septic will be installed.

Tree Committee Chair Jane Bandini asked about the depth of the public way, and if street trees could be added. Some discussion ensued as to the applicant's interest in planting street trees, the number, spacing and size, the distance of the public way, interference of the overhead power lines, etc. Director Cademartori said that the Tree Permit will be considered by the Planning Board. Mr. Delory would prefer to see the full scope of the project before considering specifics of the trees.

Chair Charville said that the Planning Board can include tree discussions as notes to their recommendation to the ZBA. Director Cademartori noted that a permit for demo or construction cannot be provided without a Tree Permit, which can be channeled through office staff. Ms. MacNulty suggested the applicant connect early with Ms. Bandini for her guidance for tree plantings.

Chair Charville asked for a motion to recommend that the ZBA condition the special permit on the addition of street trees and reminding the applicant to comply with the Tree Preservation Bylaw. Ms. Wilkins asked if a minimum number of street trees should be specified.

*Chair Charville asked for a motion, as amended by Ms. Wilkins to recommend that the ZBA condition the special permit on the addition of a minimum of 2 street trees and reminding the applicant to comply with the Tree Preservation Bylaw; Ms. Wilkins motioned in favor and Mr. Champy seconded the motion. The motion passed 5-0 in favor.*

Director Cademartori opined that she believed the ZBA would not take the case next week, because the plans were not properly submitted, and the applicant had missed the submission deadline. She will include this information in her memo to the ZBA.

### **3. 7:31pm – ZBA Case #22-5 - 800 Main Street Special Permit Conversion to Two-Family**

Atty. Tim Doyle noted that the project was originally put before the Planning Board as a special permit to build an in-law apartment, to which there was no board rejection. However, because the lot size is twice the size required for the zoning district, the applicant wanted to explore the possibility of conversion to a two-family structure.

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The submitted materials do not differ within the dwelling. There will be a few new building code requirements, such as addition of a firewall. Utilities should not change. Chair Charville asked how the assessor would split the land parcel, to which Atty. Doyle said it would remain a single tax parcel.

*Chair Charville asked for a motion to NOT oppose the requested special permit for 800 Main Street converting the existing structure to a two-family; Ms. Wilkins motioned in favor and Mr. Champy seconded the motion. The motion passed 5-0 in favor.*

### **5. 7:39pm - Sagamore Place Definitive Subdivision Extension**

*(Mr. Champy recused himself)*

Chair Charville noted that in February 2022, the board had granted time until May 31 to complete the project, with an update site meeting to take place April 5. Atty. Robert Lavoie provided a memo to board members in their packets, detailing project progress to date. He also formally requested an extension for project completion until September 30, 2022.

Atty. Lavoie introduced Mr. Chris Ryder, an officer of Delory Construction. Atty. Lavoie noted that the site visit was attended by homeowners Ms. Jill Larsen (#5 Sagamore) and Dr. Prokopis (#6 Sagamore), Director Cademartori, several Town officials, Bill Jones of Linden Engineering, Town Engineer Patrick McAlpine, applicant engineer Scott Cameron, and Chris Ryder.

Atty. Lavoie said that the stormwater work might be best to be conducted in dry weather such as mid-August, with paving to be done after all construction vehicles leave the site. He noted that Dr. Prokopis has put his home's site work out to bid, and the site contractor Delory Construction won't be doing any more site visit on his site.

Chair Charville asked Mr. Ryder if Delory Construction was doing any home construction, to which he said they were doing excavation contracting for #2 Sagamore (Gandhi), and #1 Sagamore (Hatzis). Director Cademartori reported that she understands that the pool and hardscape construction for #6 Sagamore is slated for installation in May, with home occupancy expected in August. She also said that a vote on the extension might be premature for this April meeting, and better suited for the May meeting. The street tree plan is not ready for review. Mr. Ryder said that the streetlight infrastructure is in place, including the lamps. The poles and bases are still in transit. Cademartori reminded the board that the sidewalks, grading and seeding would be completed on the right side but held off on the left side. Mr. Ryder said that May 16<sup>th</sup> is the new date to resolve a street tree species availability issue.

Director Cademartori also said that the site work on #1 Sagamore has been delayed as the homeowner needs an ANR in order to do his pool construction, and asked Mr. Ryder if that would create any problems in terms of road construction. Mr. Ryder said he will update Director Cademartori on Thursday, April 28. If there is a delay, the pool that is now sitting in the road will need to be moved to accommodate sidewalk construction.

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Chair Charville thanked Atty. Lavoie and Mr. Ryder for the update and informed them that the May meeting will be moved up to Tuesday, May 24.

Director Cademartori noted that in a memo from the peer reviewer in response to Mr. Ryder's April 15 memo, there are a number of outstanding issues, although not major, including; construction fence around a sediment forebay that is holding water, continued discussion around maintenance and clean-out of the forebay and potential redesign, stabilization of soil stockpiles that aren't being used, stabilization of the property at #1 Sagamore if the pool installation is delayed, and continued monitoring of the performance of the double catch basin during summer heavy storm events.

Director Cademartori noted that Ms. Larsen at #5 Sagamore has been complaining about water pooling at the base of her driveway. However, she had asked for a second curb cut to accommodate a circular drive, which the developer installed. Since it impacted the original road design, it's become a problem as water is not properly and completely being directed to the catch basins. Mr. Ryder said that his firm will continue to monitor and tweak the problem.

*(Mr. Champy rejoined the PB meeting.)*

### **6. 8:00pm - Continued Public Hearing – 109 Lowell Street (“Vallis Way”) Proposed Subdivision Plan**

***Chair Charville asked for a motion to re-open the public hearing; Ms. Wilkins motioned in favor and Ms. Flaws seconded the motion. The motion passed 5-0 in favor.***

Chair Charville reported that the applicant's attorney Jay Kimball formally requested a continuation of the public hearing until May 24 and that the timeframe for action on the subdivision be extended through June 30, 2022. Atty. Kimball said that the developer Mr. Caggiano reviewed a sketch and wanted Hayes Engineering to provide additional work.

Director Cademartori said that Mr. Atty. Kimball requested “no testimony”, so that board comments would not be formally noted. She also added that she believed this was a missed opportunity to provide helpful feedback to them.

Ms. Flaws indicated that she was happy with the plans as she has seen them. Chair Charville indicated that the length of the street is not defined, only that it is “shorter”. Ms. Macnulty indicated that owner Ms. Vallis' driveway is not shown as connecting to the new road, to which Director Cademartori thinks that she did not agree to any connection. Director Cademartori commented that the entrance to the road has been moved a bit south, similar to the Tuttle Lane subdivision. She added that the basin outflow now goes to the golf course, instead of a Smith Farm Trail abutter. Under the Tree Bylaw, every lot will get a tree permit. And, prior to the road construction, perhaps a tree permit would be triggered by the road itself because the only trees under PB control during road construction are those in the future setbacks of the future homes.

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*Chair Charville asked for a motion to grant the approval extension timeline until June 30, 2022; Mr. Champy motioned in favor and Ms. Wilkins seconded the motion. The motion passed 5-0 in favor.*

*Chair Charville asked for a motion to continue the Public Hearing for Vallis Way to May 24, 2022; Ms. MacNulty motioned in favor and Mr. Champy seconded the motion. The motion passed 5-0 in favor.*

### **9. 8:19pm - Administrative Matters**

Chair Charville announced that Town Meeting will be Monday, May 16 at the Lynnfield Middle School, and asked that all PB members attend if possible.

Chair Charville also noted that it has been requested that Town Meeting take no action on the Citizens' Petition for Ramsdell Way.

Chair Charville said that the PB article is still pending for Sagamore Place and asked about the performance bond, and whether the board needed for the deadline to first expire. Director Cademartori said that the developer should have told Ms. Larsen at #5 Sagamore that the second curb cut could not be done. She further suggested to the board that the Town Meeting article go forward, and come the August timeframe, if the board is not satisfied, there is time to pave before winter. She added that if the PB was going to take and spend the bond's entire \$167,000, then this article becomes important, as bonds under \$100,000 do not need to go to Town Meeting. Mr. Champy suggested a number of challenges that would delay the timing and jeopardize the bond funds. He suggested that the full funds represent appropriate pressure, to which Director Cademartori added that the residents had asked for this, as well.

Director Cademartori noted that the Richardson Green closing is set for May 2, 2022. She also reported that a funding source has been identified for the design of a comprehensive trails network design for Willis Woods. A formal proposal from a design consultant was received earlier in the day. Greenbelt has indicated that a donor may be willing to fund the subsequent construction of this design.

Ms. MacNulty questioned if the abutter to the Richardson Green parcel, currently owned by Mr. Delory, and planned for build and resale, has full knowledge of the planned Greenbelt entrance and parking area, to which Director Cademartori said yes.

### **7. 8:33pm - Discussion of Bylaw Initiatives**

**Solar Bylaw:** Ms. Flaws said that she sent her Solar Bylaw draft to Director Cademartori earlier in the day, and distributed copies to members. The draft is patterned after Watertown's bylaw, and governs commercial properties more than 10,000 sq. ft. Watertown also requires solar for residential structures over 5,000 sq. ft. Ms. Flaws deleted the residential requirements, but added municipal structures. She

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said that municipal structures are destined to be included in the future and this is an opportunity to get out ahead of the issue.

Ms. Flaws also added that she thought Hingham had tried to adopt a solar bylaw but it was defeated. The Watertown bylaw version is modeled after a California bylaw.

Mr. Champy said that the bylaw “gets very tricky on residential”. Ms. Macnulty asked if there were any solar structures in town – free standing, not on roofs. No one was aware of any. Mr. Champy said that it is very difficult to recoup the savings on residential properties in our region. The only way this is improved if the solar infrastructure “tracks” the sun, such as the “Smart Flower” which mounts on a freestanding base in yards. These cost \$30K and are 20’ tall. Ms. Flaws expressed regret that the new elementary school building additions did not include solar arrays. Ms. Bandini added that she thought that building structural changes help to make solar more financially attractive, not the arrays by themselves.

Ms. MacNulty commented that Ms. Flaws work is in the right direction and the PB needs to do more in the way of citizen education. And, if the State requires solar, the PB would not need to do much work, as it would be mandated. Ms. Wilkins suggested starting with municipal buildings. Mr. Champy suggested the option of building to a solar ready level in order to take advantage of decreasing installation costs and any available future tax credits. Chair Charville suggested members read the bylaw and provide feedback to Ms. Flaws at the next meeting.

### **Scenic Road Bylaw:**

Ms. Wilkins said that she did not distribute the draft to members as she wanted to run it by Jane Bandini beforehand but will provide it at the next meeting. Ms. Flaws also said that she wanted to provide an update on a draft ADU (Accessory Dwelling Unit) Bylaw.

### **Tree Preservation Bylaw:**

Director Cademartori reported that there is a growing concern around the tree planting list with respect to Arborvitae. TP Bylaw regulations includes Arborvitae because they can in fact grow to become trees. In some cases, arborvitae are becoming the only mitigation measures that some applicants are choosing. Current PB documents “encourage” that no species be any more than 25% of total mitigation. Ms. Bandini said the Arborvitae is desirable because people want a big screen. Director Cademartori would like to strengthen the language. Chair Charville suggested that the word be changed to “require” rather than “encourage”. He also noted that the PB always has the ability to approve any planting plan, to which Director Cademartori said that it would be helpful to provide guidance for the applicant ahead of time. Ms. Flaws asked about timing of oversight or enforcement, particularly when the home is ready for occupancy during winter months. Mr. Champy suggested the use of a cash bond,

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which Director Cademartori said she is considering. Members acknowledged that execution of the TP Bylaw will be a work in process for some time yet.

### **8. 9:05pm - Approval of Minutes – March 30, 2022**

*Chair Charville requested a motion to approve the March 30, 2022 meeting minutes as corrected; Mr. Champy motioned in favor and Ms. MacNulty seconded the motion, which carried 5 – 0.*

### **9. 9:17pm – Discussion of Topics for Next Meeting**

Chair Charville listed the following for the May 24, 2022 meeting: 1) Sagamore Extension request, 2) resume Vallis Way Public Hearing, 3) further discussion of Solar, Scenic Road and ADU bylaws.

### **10. 9:12pm – Adjournment**

*Chair Charville asked for a motion for the PB to adjourn the meeting; Ms. Flaws motioned in favor, and Mr. Champy seconded the motion, which carried 5 – 0.*

Respectfully submitted,  
Jennifer Welter