

LYNNFIELD PLANNING BOARD MEETING – FINAL May 24, 2022

1. 7:00pm - Call to Order

Chair Brian Charville called the regular, monthly meeting to order at 7:00pm and stated the Planning Board (PB) was in attendance, including himself, Vice Chair Kate Flaws, members Amy MacNulty and Page Wilkins; he added that Clerk Edward Champy, III, was delayed but expected to arrive shortly. Chair Charville also introduced Planning and Conservation staff in attendance including Director Emilie Cademartori and Administrative Assistant Sondria Berman and stated that the meeting was being recorded by audio.

2. 7:02pm – ZBA Case # 22-8 26 Pinewood Road Special Permit Sec. 5.5 Raze and Rebuild

Chair Charville introduced agenda item two as a corrected re-submission of a prior ZBA case presented by applicant Vinicius Silva and attorney Andrew Delory at the April 24, 2022 PB meeting. Director Cademartori explained the applicant withdrew and resubmitted his proposal to the ZBA after discovering the plans did not match the proposal filed; she added the applicant is presenting the corrected proposal under a new ZBA case number and is asking for a review confirmation from the PB.

Chair Charville asked if the PB had any objections to the updated plan dated January 2022; none objected. Director Cademartori recommended the PB send an additional memo to the ZBA confirming their review and endorsement of the corrected application and plan under the new ZBA case number to avoid any confusion; the PB consented.

3. 7:08pm – ANR Fee in Grayland Road

(Clerk Champy arrived at the meeting and was seated at the dais.) Chair Charville introduced the third agenda item as the ANR plan for Grayland Road; Director Cademartori explained Grayland Road serves as an unaccepted private right of way, wherein the applicant to the north and abutting neighbor to the south (2 Bridle Path) each own to the middle of the Grayland roadway; she added the applicant and owner, Mr. Guy Ciolfi of 221 Chestnut Street, is seeking to purchase the other half of Grayland Road from his neighbor at 2 Bridle Path. Mr. Peter Ogren of Hayes Engineering explained Grayland Road was formerly used in the past to connect Chestnut Street to land in the back (previously named Picarillo Parcel), but said road no longer serves this purpose since the development of the adjacent Bridle Path roadway. Director Cademartori stated she shared the ANR proposal with Town Counsel Tom Mullen, who confirmed the ANR was permissible because both properties remain zoning compliant and no new lots would be created as a result of the ANR. Chair Charville inquired if the applicant currently uses Grayland Road as a driveway for his property; Mr. Ciolfi responded that his property has another driveway on Chestnut Street, and Grayland Road serves as an access point to the backyard area of his property. Clerk Champy inquired if the applicant was acquiring the additional land with the intention to consider expanding his existing home; Mr. Ciolfi concurred and stated the additional land would allow him to expand his septic and therefore increase the number of allowable bedrooms. Clerk Champy confirmed both the applicant and owner at 2 Bridle Path were in agreement

LYNNFIELD PLANNING BOARD MEETING – FINAL May 24, 2022

about the fee transfer; Director Cademartori said both parties had signed the ANR affidavit. Director Cademartori reminded the applicant that the property is within the groundwater protection district, and that the new paved road, if kept, would count towards the total percentage of impervious area allowed on his property. She noted that if the applicant requests a building permit in the future, this could require certain site plan modifications to address stormwater management.

Chair Charville invited comments from the audience and the board.

Chair Charville asked for a motion to endorse the Grayland Road ANR; Clerk Champy motioned in favor and Ms. MacNulty seconded the motion. The motion passed 5-0 in favor.

4. 7:18pm – ANR Fee 1 & 2 Sagamore Place

Mr. Costas Hatzis presented his ANR proposal to the PB for his home at 1 Sagamore Place. Mr. Hatzis explained his intention to acquire a small amount of additional land to meet zoning setback regulations for the installation of his pool. He added the additional land would be purchased from abutting neighbor Jill Larsen of 5 Sagamore Place, and confirmed the acquisition would not impact the leeching fields, septic areas or frontage requirements for either property. Director Cademartori noted that the ANR proposal was anticipated by the Planning and Conservation department to accommodate the pool installation. Chair Charville inquired if both Ms. Larsen and Mr. Hatzis were in agreement regarding the proposed ANR; Director Cademartori responded they were. Director Cademartori asked Mr. Ogren if a separate plan from the ANR plan presented was to be created for Land Court use; Mr. Ogren said the same plan would be used for Land Court as well. Chair Charville asked if there were any comments from the Board or audience; no comments were made.

Chair Charville asked for a motion to endorse the ANR plan for 1 & 5 Sagamore Place; Clerk Champy motioned in favor and Ms. Flaws seconded the motion. The motion passed 5-0 in favor.

5. 7:24pm - Sagamore Place Definitive Subdivision – Extension of Completion Deadline

(Mr. Champy recused himself)

Chair Charville introduced the next agenda item to be presented as a request for an extension of the completion deadline for Sagamore Place subdivision.

Attorney Robert Lavoie, representing applicant Dave Delory of Delory Construction, Co., said that since the last PB meeting on April 27, 2022, there has been steady progress towards completion of outstanding items for street acceptance. Attorney Lavoie requested the PB extend the completion deadline for Sagamore Place to September 30, 2022 to allow for seasonal work to begin mid-August. He added that by this time much of the paving and planting will be completed, per the itemized timeline for completion included in their memo.

LYNNFIELD PLANNING BOARD MEETING – FINAL May 24, 2022

Chair Charville asked for PB comments. Ms. Wilkins asked for an update on routine street cleaning, as it had been reported as a concern by some of the homeowners; Mr. Chris Ryder of Delory Construction responded that there had been some clean-up on an as-needed basis. Ms. Flaws asked if any driveway changes or corrections had been made to adjust stormwater run-off the end of the cul-de-sac; Mr. Ryder said that there is currently no pooling, but that it was determined at a prior street meeting that such corrections were to be addressed in August 2022. Ms. Flaws asked about the street tree planting plans; Mr. Ryder said an initial plan was submitted to the Town for approval but sent back with comments and adjustments. Director Cademartori clarified that tree species have been approved, but not tree locations for planting; she added the tree warden had requested the trees be more equally spaced and distanced from street lights. Director Cademartori recommended one master plan be produced that includes all street tree plantings for all the lots. Mr. Hatzis commented that he planted a row of arborvitaes for privacy on his lot, but is flexible to move trees as needed based on the town's recommendations.

Chair Charville asked Director Cademartori for the current legal deadline for completion of Sagamore Place; Director Cademartori confirmed it was May 31, 2022. A discussion among PB members ensued over an appropriate time frame for an extension. Ms. Wilkins and Ms. Flaws noted many of the items for completion cannot begin earlier than August of 2022 and therefore to consider an end of August extension date. Chair Charville asked Mr. Hatzis' opinion as to what would be an appropriate extension date for completion. Mr. Hatzis concurred that much of the work will need to be done in August and September to accommodate planting schedules and additional home and street construction schedules, noting that the last house will not be complete for some time. He recommended waiting until the end of September before a final street paving was done so as to avoid damage from heavy machinery.

Chair Charville asked if there was a motion to extend the completion date for Sagamore Place to August 31, 2022. Ms. Wilkins motioned in favor but required a condition that the applicant meet with the town engineer on site on or before August 15th to confirm things are on schedule. Mr. Ryder agreed, adding that there may be delays to the electrical work due to supply shortages and shipping delays nationwide.

Director Cademartori also noted that an August 2022 deadline would not be able to accommodate the recommended street tree planting schedule of September and October. Chair Charville noted there may be some exceptions to the August 2022 completion date but that the date would remain as an overall benchmark for completion.

Chair Charville asked for any additional debate, and requested Director Cademartori reach out to Ms. Larsen and Dr. Prokopis to inform them of the PB update. Director Cademartori advised the PB that most owners on Sagamore Place have not yet been briefed on street tree locations; she cautioned there could arise disagreement between the town tree warden and homeowners over the placement of said

LYNNFIELD PLANNING BOARD MEETING – FINAL May 24, 2022

trees wherein the PB may be called upon to reconcile any disputes. A discussion amongst PB members, Director Cademartori, and Mr. Hatzis touched upon the importance of having an on-site meeting between homeowners, developer, and the tree warden to agree upon tree placement for the street as a whole.

Chair Charville noted to the audience that the previous month's Town Meeting granted the PB authority to appropriate funds pertaining to the bond held by the town for Sagamore Place, should the PB need to do so.

Chair Charville asked if there was a motion to extend the completion date for Sagamore Place to August 31, 2022 with the condition that an on-site meeting between the applicant and town engineer take place before August 15th to provide the PB with an update on progress for completion of outstanding items. Ms. Wilkins motioned in favor and Chair Charville seconded the motion. The motion passed 4-0.

(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 invited Mr. Ogren of Hayes Engineering to discuss the new proposed lotting plan for Vallis Way. Mr. Ogren noted that some of the PB's requested changes had been included in the present plan, including the retention pond moving further away from the abutting Smith Farm Trail, and adjustments to lot frontages to shorten the street. Mr. Ogren stated the plan represents a good compromise for all interested parties: a reduction of 10ft in the street length, increased distance of the retention pond from the street and zoning compliance for all lots. Mr. Ogren noted that the entrance was moved back towards Peabody as well; he added if the alignment can be agreed upon and a street length variance approved, then Mr. Ogren could proceed with drawing up a definitive plan for the PB. Mr. Ogren also stated the plan includes stormwater drainage system on Ms. Vallis' property; he added that he wanted to receive comments from town engineer consultant, Bill Jones. Director Cademartori explained that Mr. Jones did not think there were any new plan calculations to review, but would reach out to Mr. Jones to confirm.

Chair Charville noted at the April 27th 2022 PB meeting the PB found it favorable that the road was shorter and that the shape of Lot 5 was improved. Chair Charville asked if the curb cut for Ms. Vallis' driveway was to be relocated to Vallis Way. Ms. Vallis stated she did not feel it necessary to move her driveway access to Vallis Way. Director Cademartori along with Ms. Flaws clarified that the consideration to move Ms. Vallis' driveway at previous meetings was to avoid another curb cut on

LYNNFIELD PLANNING BOARD MEETING – FINAL May 24, 2022

Lowell Street and minimize the loss of significant trees along Lowell Street. Director Cademartori noted that based on the current plan it is unclear if the shift south versus north will protect more or fewer significant trees.

Mr. Caggiano noted that the current proposed street plan encroaches slightly onto Lot 5 to shorten the street, but doesn't encroach into the hill, which the PB requested remain undisturbed. Ms. Flaws stated the goal of protecting the hill and significant trees on Lot 5 would only remain in perpetuity if a conservation restriction was issued on the deed. Ms. Vallis stated that she reached an agreement with the owners of 4 Mohawk Ln to purchase a portion of Lot 5 for their abutting property. Ms. Flaws noted that although the purchase would place lot 5 below the minimum square footage for a buildable lot, this could easily be reversed if other abutting properties on Lowell Street sold land to Lot 5 to make it zoning compliant and therefore buildable.

Chair Charville asked for feedback from PB members about the street length for Vallis Way and the location of the basin. Director Cademartori noted that the basin drains to the golf course; Ms. Flaws stated she felt this was a better design.

Director Cademartori inquired about the water line to Smith Farm Trail. Mr. Ogren stated that at the last meeting he attending in March, that the PB requested the water line be moved, but Mr. Ogren believes the LCWD letter stated moving the water line would not deliver a quantifiable improvement. Director Cademartori noted that LCWD letter recommended a loop design was preferable, and that the Fire Department concurred with this preference. Clerk Champy asked where the location of the draw would be on the street and if the LCWD had completed adequate flow and pressure tests; Mr. Ogren answered the draw would be at the dead end for the last two houses and that the tests had shown adequate flow and pressure. Director Cademartori confirmed that Mr. Ogren is in favor of the loop provided that the PB approve the easement necessary to do it correctly.

Chair Charville asked the PB to consider what is before the PB and who is before the PB, noting that what is being presented on paper is an easement over Smith Farm Trail which is an agreeable option; He recommended the PB approve what is already presented as an agreeable option. Director Cademartori noted that the decision would be in line with the LCWD February 16th 2022 memo recommendations for the water line for the subdivision.

Chair Charville asked if there was a motion that the Planning Board waive the requirement for an easement and/or the construction of a water line from Vallis Way to the existing water line on Smith Farm Trail, noting that the motion does not speak to the proposed easement connecting Vallis Way to Sagamore Golf Course. Mr. Champy motioned in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.

Chair Charville inquired about a vote on the street length waiver for Vallis Way. Mr. Ogren explained that without waiver, calculations for a definitive plan could not proceed. Mr. Ogren said the street

LYNNFIELD PLANNING BOARD MEETING – FINAL May 24, 2022

length waiver seems to be tied to an agreement between the applicant and the PB over the Lot 5 conservation restriction.

Chair Charville asked Mr. Caggiano and Ms. Vallis if they are in agreement regarding the May 5th 2022 plan presented; both Mr. Caggiano and Ms. Vallis concurred. Chair Charville asked about their agreement on a conservation restriction for Lot 5; Attorney Doyle responded that he and Ms. Vallis would need to discuss whether the matter of a conservation restriction on Lot 5 further. Clerk Champy explained that Ms. Vallis would still be able to sell portions of Lot 5 with a conservation restriction in place to abutting lots on Lowell Street and/or Mohawk to increase their land area. Attorney Doyle asked for time to discuss options with Ms. Vallis and report back to the PB at the next meeting.

Tom Murphy, abutter at 7 Lowell Street, addressed the PB and shared that he and Atty. Kimball spoke about a driveway easement from his property onto Vallis Way. Mr. Murphy indicated that he would keep his existing two curb cuts on Lowell Street which lead to his attached garage; the additional driveway easement from Vallis Way would be a convenience-based decision to access his detached garage located to the back left of his property. Mr. Murphy also noted there are existing issues with erosion and drainage adjacent to his existing driveway that will abut the proposed street for Vallis Way. Chair Charville noted that tree preservation was an important consideration to the PB; Mr. Murphy stated there was a separation along the line of trees that follow his property line that could possibly be wide enough for driveway access to his property without disrupting existing trees. Ms. Wilkins confirmed Mr. Murphy already possessed paved access to both the attached and detached garages on his property. Ms. Flaws raised concerns over stormwater drainage for Vallis Way should an additional driveway to Mr. Murphy's property be done; Mr. Ogren stated that additional calculations would need to be done to explore the grading of the ditch between the properties and the drainage plans to direct water away from the street before any adverse impact could be determined. Director Cademartori noted using the town's contour mapping system it appeared there was a slope of 4 ft between 7 Lowell Street and Vallis Way. Chair Charville noted a conversation to confirm plans for driveway easements onto Vallis Way should be conducted between Mr. Murphy and Ms. Vallis and/or her representing attorney Mr. Doyle.

Ms. MacNulty raised concern over the number of curb cuts on Lowell Street, and inquired if the PB could make any recommendations to reduce the number of curb cuts so as to improve the safety and flow of traffic on Lowell Street. Chair Charville noted that the plan did shift the driveway based on a PB recommendation to save additional significant street trees; Mr. Champy noted that the curb cut for Mr. Murphy's property is a horseshoe driveway which assists in safe exit and entry onto Lowell Street.

Ms. Flaws requested the PB continue the hearing until the following month, wherein appropriate engineering calculations could be completed; Director Cademartori added that it is important to note that the plan presented include some kind of conservation restriction to protect the hill and trees on Lot 5 in perpetuity. Atty. Doyle commented that he and Ms. Vallis would discuss the conditions for a

LYNNFIELD PLANNING BOARD MEETING – FINAL May 24, 2022

conservation restriction on Lot 5, with the understanding that it will help advance the street-length waiver towards a final approval from the PB. Mr. Champy recommended Mr. Ogren include any potential driveway easements on the final plan presented to the PB. Mr. Ogren inquired what the time for action would be. Chair Charville answered that during the April 2022 PB meeting, it was agreed the time for action deadline was through June 30th, 2022. Chair Charville noted that Atty. Kimball emailed the PB requesting an extension through July 29th, 2022.

Chair Charville asked if there was a motion to grant the applicant's request to extend the time for action deadline through July 29th, 2022. Ms. Wilkins motioned in favor; Ms. MacNulty seconded the motion. The motion passed 5-0.

Director Cademartori confirmed that there would be a quorum for the June 29th, 2022 PB meeting; Chair Charville conferred with PB members to confirm. Chair Charville asked Mr. Ogren to update Atty. Kimball on the information discussed at the meeting, as Atty. Kimball had been unable to attend.

Chair Charville asked if there was a motion to continue the public hearing on Vallis Way to the next monthly PB meeting on June 29th, 2022. Ms. MacNulty motioned in favor and Ms. Flaws seconded the motion. The motion passed 5-0 in favor.

7. 8:38pm - Discussion of Bylaw Initiatives

Scenic Road Bylaw:

Director Cademartori stated that Ms. Jane Bandini and Ms. Wilkins continued to work on revisions to the Scenic Road Bylaw (SRB); she stated that Ms. Bandini believed the Bylaw's authority could be expanded, whereas Ms. Wilkins questioned if the enabling state statute afforded broader regulatory powers to the PB. Ms. Wilkins stated that she redlined the existing local Bylaw to more closely resemble the language and powers within the state law. Director Cademartori noted that it is possible that some local Bylaws can be more stringent than their state enabling legislation; she added she would confer with town counsel to determine if this same practice is applicable to the Scenic Roads Bylaw. The PB engaged in a discussion on the legal definitions of terms and concepts located within the SRB state statute- specifically, the definition of a scenic road and whether or not the law was applicable to aesthetic scenic structures on private property or solely within the right of way.

8. 8:55pm- Approval of Minutes – April 27, 2022

Chair Charville asked the PB if the minutes were correct as written, to which Ms. Wilkins noted one mis-typing on page six, wherein it was Ms. Flaws who had stated she would work on the Accessory Dwelling Unit (ADU) Bylaw and not Ms. Wilkins.

Chair Charville requested a motion to approve the April 27, 2022 meeting minutes as corrected; Ms. Wilkins motioned in favor and Clerk Champy seconded the motion, which carried 5 – 0.

LYNNFIELD PLANNING BOARD MEETING – FINAL May 24, 2022

9. 9:05pm - Administrative Matters

Director Cademartori updated the PB that the capital budget request of \$10,000.00 was approved at the April 2022 Town Meeting for the master plan assistant grant.

Director Cademartori noted that the department's deliverables for grants are almost fully complete; she noted that Jennifer Welter, Conservation Assistant, has been working diligently on the MVP monthly reports, citing that within the next month the town will be eligible for grant reimbursement funds.

Ms. MacNulty inquired about Greenbelt's efforts to prepare the Richardson Green parcel for parking and other public access; Director Cademartori responded that they will need to cut down trees to create a safe entryway for access. Ms. MacNulty asked if a name had been given to the property; Director Cademartori noted that a list had been shared with Greenbelt and that it was likely to include the town's name.

Director Cademartori also noted that the Conservation Commission is assisting with the costs for the mapping of trails for Willis Woods. She noted that during a visit with consultants, Director Cademartori witnessed a number of motorized vehicles having caused extensive damage to paths and trails. She added that along with restoration work, signage prohibiting such vehicles as well as police enforcement would be necessary going forward to develop Willis Woods.

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,
Sondria Berman