

## **LYNNFIELD PLANNING BOARD MEETING – JUNE 29, 2022**

### **1. 7:03pm - Call to Order**

Chair Brian Charville called the regular, monthly meeting to order at 7:03pm and stated the Planning Board (PB) was in attendance, including himself, Vice Chair Kate Flaws, Clerk Edward Champy, III, members Amy MacNulty and Page Wilkins. 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. 7:04pm – Market Street Lynnfield- Proposed Public Art**

Chair Charville introduced agenda item two and explained that Director Cademartori had shared pictures and information about an art installation as well as other changes to signage and facades at Market Street not previously reviewed by the PB. Charlotte Woods and Katie Wetherbee from Market Street's management company, WS Development, were in attendance. Ms. Cademartori began by showcasing a slideshow of photos to which Ms. Woods narrated a description of past and current art projects displayed on Market Street facades. Citing WS Management's focus on equity, positivity, and inclusivity, Ms. Woods explained Market Street's art mural selections are based on these guiding principles. Ms. Woods referenced an example art mural installed in 2021 on the loading bay doorways behind Davio's restaurant which features a colorful, abstract drawing of people amidst clouds and rainbows. She continued with a description of the most recent art mural installation for Market Street from artist Brandon Sines featuring "Frank Ape". Ms. Woods read aloud from an online website a description of "Frank Ape" and a brief biography of Mr. Sines, sharing the "Frank Ape" art work was to be installed within the crosswalks between Davio's and the former California Pizza Kitchen restaurant as well as on the loading bay façade next to Vineyard Vines. Chair Charville asked for comments from audience members; none replied.

Chair Charville stated that the Lynnfield PB is tasked with enforcing the design standards for Market Street; he added it was important for new façade installations, such as the art murals described, to be presented to the PB for review and compliance. Chair Charville explained the historical development and approval of Market Street was tied to a compromise with the town for a consistent aesthetic of a "traditional New England village" theme. He added this theme would serve as a guiding principle for property design, and questioned if the current "Frank Ape" art installations reflect this aesthetic.

Chair Charville invited PB members to comment. Ms. Wilkins inquired if there was a mechanism by which Market Street representatives could come before the PB to propose future façade art mural installations. Director Cademartori explained that the PB's staff reviews every new sign and façade installation at Market Street to ensure compliance with the design standards. She added the PB did not have an opportunity to review and approve the art installations by Mr. Sines prior to the work starting. Ms. Woods explained that based upon WS Management's own internal review of Market Street's design standards, they did not find any regulations pertaining to public art. Ms. Woods added the

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intention was never to avoid the PB's review. She stated as a courtesy, WS Management staff reached out to Director Cademartori a year prior for the initial art mural, and followed the same procedure for the current artwork by Mr. Sines assuming both art installations were permissible and outside the confines of the design standards.

The PB discussed whether the design standard review applied to all signs and facades; Director Cademartori explained that all signs and facades fall under the purview of Market Street design standards citing the example of specific building materials to be used for facades. She questioned if "public art" is equally regulated within the design standards if the art is located on a facade. Ms. Wilkins suggested making a distinction between an art installation placed on the "green" area of Market Street, versus an art installation on the façade of a building and if this could be a differentiating factor in determining design standard applicability.

Director Cademartori explained that there is some ambiguity within the design standards, wherein some details are specific to location and materials, colors, and sizes, while other standard guidelines are couched in interpretive language such as "complementary" "traditional" and "historic".

Chair Charville read aloud Section 5B of Market Street's design standards guiding principles, stating: *"Design should be complementary to Lynnfield's historic character and to the existing architectural contexts in Town, and should provide the District a sense of 'belonging' in Lynnfield."*

Ms. Wetherbee restated there had been no formalized review process in place for previous art mural installations and assumed the same process would apply to future art installations. She added moving forward, she would put together a proposal for reviewing art installations at Market Street.

Ms. Wilkins inquired as to how long the "Frank Ape" artwork installations would remain at Market Street; Ms. Woods answered the art had been purchased by Market Street for an indefinite time frame with an anticipated one-year minimum.

Chair Charville inquired about the All Modern sign at Market Street's main entrance rotary; Ms. Woods explained that she neglected to submit the sign for approval to the PB. She stated that the sign was meant to be temporary through the end of summer to advertise the new All Modern store. Ms. MacNulty expressed her disappointment the PB was not presented with the All Modern signage for review prior to installation. Director Cademartori noted the additional art advertising for All Modern includes two seating areas and multiple crosswalk paintings. She stressed the importance of consistency and equality of advertising signage among vendors for aesthetic purposes.

Clerk Champy, on behalf of the PB, voiced support of Market Street and affirmed the PB's desire to see the development be successful; he added while advertising signage likely secures additional revenue for Market Street and vendors, there should be design parameters and procedures in place to

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avoid overreach. He added that inclusion-themed artwork is a favorable focus, but encouraged this end be achieved through the prescribed design standards for the Market Street aesthetic.

Director Cademartori stated the signage and overall façade for the All Modern store was approved by the PB, but the implementation of the façade was noticeably different with the addition of exterior ropes. Ms. Woods explained that the original proposal included balloons for the grand opening, but All Modern made a last-minute change to include rope instead of balloons as it was a more sustainable, environmentally friendly material. She added the rope is a temporary design installation.

The PB discussed the two recent table and seating installations featuring All Modern advertising signage on each. The PB emphasized the seating areas themselves are permissible provided they are compliant with other design regulations including curb and sidewalk widths; they expressed concern regarding signage advertising All Modern on these seating areas. Ms. Woods explained the signage is temporary, and proposed having a small QR code sticker on the center of the tabletop once the signage was removed the end of August; the PB consented. She added that the seating for All Modern was temporary as well with the same removal date, and stated the crosswalk All Modern advertisements would be removed the following day as they were not given permission to be installed.

Ms. MacNulty emphasized the opportunities to highlight local artists that can speak to the design aesthetic at Market Street and the values of inclusivity, positivity, and equality. Ms. Flaws suggested having a review process for both signs and façades at Market Street to ensure the design aesthetic for the Market Street complex is not compromised.

Ms. Wilkins expressed concern over the asphalt patio in front of Burton's Grill; Director Cademartori explained that what was implemented was not the approved design. Ms. Woods explained after the patio proposal was approved by the PB, Burton's experienced supply chain issues for hardscape and fabricator/design delays. Ms. Woods explained the current patio as established on asphalt is temporary in nature, and that Burton's management has a meeting in two weeks to discuss how to move forward with a new proposal for approval with construction slated for the fall. She noted the tables and planter along the border of the patio had been removed to allow for pedestrian traffic. Director Cademartori emphasized the importance of re-establishing the required ADA ramp and sidewalk access and restoring a planted tree. Clerk Champy emphasized the importance of better communication and coordination with the PB. Ms. Woods concurred, adding Legal C Bar's outdoor patio area has been moved back to its original setback limits, and Burton's patio now has a walkway for pedestrian access. She added the security team has been asked to patrol these areas three times a day to ensure safety and compliance.

Jane Bandini of 537 Essex Street, explained that she was surprised to see the artwork installation on the wall of garage doors.

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Ms. Wetherbee stated a desire to work with Ms. Cademartori on developing a review process for future artwork installations, to which the PB agreed would improve communication and avoid conflicts with design standards.

The PB reviewed the removal dates for the temporary signage installation for All Modern; Ms. Woods confirmed that the crosswalks would be removed the following day, and all other signage would be removed by the end of July. Ms. Flaws expressed concern that the rope façade for the All Modern store could draw the attention of children who wanted to climb said ropes. Clerk Champy asked to confirm how the signage for All Modern would be removed or changed from the seating, which would remain in place. Ms. Woods suggested the QR code would be a sufficient long-term “advertisement”, and the PB agreed.

Director Cademartori cautioned that façade and advertising signage needs a procedure for approval going forward, and encouraged the PB to review what, if any, advertising signs are allowed per the design standards.

### **3. 7:52pm – Sagamore Place Update**

Director Cademartori explained that the applicant/developer was not present at the meeting; she proceeded to offer the PB an update from her office. Director Cademartori explained she walked Sagamore Place the day prior to the PB meeting as there had been rainfall earlier in the week and she wanted to inspect the basin and erosion controls. She expressed disappointment from her visit, noting that she had been told sidewalk areas had been seeded and vegetated, however, during her site visit she observed this was not the case. Director Cademartori explained the shoulders are not stable and erosion continues from ongoing construction work. She explained that the last two stormwater reports indicated the site was stable and grass was growing along sidewalks which is inaccurate. Although reports have been issued that street sweeping is being done, Director Cademartori observed mud in the basin which indicates the site is not stable and street clean-up is not being done frequently enough. She also observed possible Tree Bylaw infractions pertaining to incorrect stockpiling of material and parking heavy machinery near protected tree areas.

Director Cademartori recommended the PB consider following up sooner with the applicant and site manager for Sagamore Place, ahead of the August meeting deadline. Ms. Wilkins noted that she was concerned to hear sufficient street clean-up was not being performed, as she asked about street sweeping at previous PB meetings and was told by representatives from Delory Construction Co. it was being adequately managed. Director Cademartori confirmed there is ongoing erosion and heavy equipment construction happening, so continuous erosion control measures must be enforced.

Chair Charville recommended that Director Cademartori reach out to Mr. Chris Ryder, site supervisor for Delory Construction Co., and share with him her observations of the site not being in compliance and emphasize that the PB requires they address these concerns promptly.

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Director Cademartori cautioned a number of items on the applicant's benchmarks for completion have not been met, and that unfortunately due to the season, the applicant cannot complete most of them until the fall. She noted that none of the tree plantings will not be able to be planted until late September/October and grass growth along the sidewalk will also have to be completed the fall. It was recommended by Director Cademartori that temporary stabilizations be installed until the project can be completed in the fall.

Chair Charville emphasized the importance of completing what can be done now as soon as possible-including street sweeping, the final streetlight, and staking of property lines, as necessary.

Clerk Champy circled back to Ms. Larsen's driveway issues, claiming it is incredibly difficult to prevent and/or repair drainage issues as a result of the changes made to the shape or location of a driveway. The PB discussed the difficulty inherent in Ms. Larsen's driveway drainage issues. Ms. Cademartori stated during the spring meeting at Sagamore Place, suggestions for mitigation were made to re-grade entrance of driveway. Clerk Champy anticipated that while some corrections can be made to direct water away from Ms. Larsen's driveway, it may not solve the issue in its entirety.

Ms. Cademartori stated that she is not expecting anything but a streetlight installed by the end of August, as everything else has not met the timeline benchmarks. She added that two homes have their certificate of occupancy with a third slated to be issued soon. She added the fourth house has at least a year left until it is completed.

### **4. 8:08pm – Continued Public Hearing for the Proposed Site Plan for Vallis Way**

*Chair Charville requested a motion to re-open the hearing for Vallis Way; Ms. Flaws motioned in favor and Clerk Champy seconded the motion. The motion passed 5-0.*

Chair Charville explained that a few weeks prior he, Director Cademartori, Ms. Linda Vallis and Mr. Timothy Doyle met to discuss the conservation easement for Lot 5. Atty. Doyle explained his client, Ms. Vallis, and the developer, Mr. Caggiano, agreed not to build on Lot 5; he added that it was agreed upon by Ms. Vallis that a portion of Lot 5 be protected with a conservation easement. Atty. Doyle noted that Ms. Vallis wanted to maximize the value of the land while conserving a significant amount of trees on top of the hill. Atty. Doyle showcased a blue circle outlining the area to be protected on the tree overlay map dated May 5, 2022. Atty. Doyle also indicated that abutters to Lot 5 expressed interest in purchasing some land from Lot 5, and that Ms. Vallis left a portion of Lot 5 to remain without a conservation restriction.

Chair Charville asked Atty. Doyle if any proposed land disturbance on Lot 5 would need to be brought in front of the Planning Board; Atty. Doyle confirmed this would be the case indicating the town would serve as steward in managing the conservation area and preserving its natural state. He added were a

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situation to arise in which a tree was to become hazardous, the town would be able to intervene to address maintenance.

Chair Charville noted that the outlined area on the tree overlay map features outdated lot lines; he asked for comments from PB members regarding the proposed conservation restriction.

Ms. Flaws stated the restriction appeared sufficient to preserve the hill and significant oak trees.

Chair Charville asked where the restricted building area ends for the retaining wall in relation to the conservation area; Atty. Doyle explained Mr. Ogren didn't foresee a problem to construct the retaining wall. Atty. Jay Kimball, representing the subdivision applicant Mr. Caggiano, expressed there would need to be flexibility with the conservation area should the developer need to encroach into the area to build the retaining wall. Director Cademartori explained the retaining wall was slated to be built along the Lot 5 boundary and not within the right of way. She questioned if the wall could be moved into the town's right of way and therefore be placed further from the conservation area to have less of a disturbance to the hill and trees within the conservation area. Atty. Kimball noted that allowing for only one sidewalk on the opposite side of Vallis Way would make it more likely for the retaining wall to be moved further from the Lot 5 boundary and into the town's right of way.

Director Cademartori stated it was necessary to obtain detailed information about the limit of disturbance to create the retaining wall from Mr. Ogren; she added that if the retaining wall is constructed along the boundary as proposed, a number of significant trees would be impacted. She explained that the conservation drawing needs to be updated to reflect the placement of the retaining wall on the most recent Lot Map. Atty. Kimball echoed Director Cademartori's comments and added delineating the limit of disturbance to the conservation restriction will also ensure the roadway is allowed to be built in accordance with the plan proposed.

Chair Charville requested Mr. Ogren complete the engineering calculations for the updated plan and include the dimensions and limit of disturbance for the conservation restriction on Lot 5. Director Cademartori asked for the dimensions for the conservation restriction for Lot 5 be squared off in shape so that it is easier to mark the area in the field that is protected. Clerk Champy noted that it will be important to delineate the conservation restriction with the new lot plan, as it could be possible for the restriction on Lot 5 to encroach into Lot 4.

Chair Charville asked for feedback from PB members on the Vallis Way conservation restriction for Lot 5; Ms. Wilkins stated town counsel, Attorney Mullen, would review the restriction and asked if the deed restriction required Select Board approval. Director Cademartori stated that it is not necessary to have town counsel review a deed restriction for conservation, as it does not require Select Board approval. Atty. Doyle confirmed the Town would be the beneficiary of the Lot 5 conservation area.

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Atty. Kimball shared that based on an email conversation shared with him between Mr. Ogren and Mr. Bill Jones, the PB's consulting engineer, there appeared to be concern over completing testing and calculations for a definitive plan without an approved street length waiver in place from the PB. Mr. Kimball asked the PB if they would take action on the street-length waiver pending final approval of the definitive plan.

Director Cademartori stated that the concern over the street length waiver approval had already been given a positive reception with a favorable straw vote at the last PB meeting. Mr. Kimball suggested granting the waiver subject to favorable engineering on the definitive plan to be presented. Director Cademartori noted that the previous month's plan did not have street length dimensions, so it was not possible to cast a formal vote on the street waiver until the dimensions had been calculated on the plan. Mr. Kimball asked for a vote on the most recent plan, even without dimensions, based on appearance.

***Chair Charville requested a motion to approve the street length waiver for the street length shown on Vallis Way Revised Lotting Plan dated May 5, 2022, subject to the PB's final approval of a definitive plan that includes drainage calculations and conservation restriction dimensions on Lot 5. Clerk Champy motioned in favor, seconded by Chair Charville. The motion passed 5-0.***

Mr. Kimball requested to continue the hearing until the July 27, 2022 PB meeting, and to extend the time for action on the proposed Definitive Plan to August 26, 2022. Chair Charville asked the audience for comment; Ms. Bandini of 537 Essex Street inquired if the PB had approved both Ms. Vallis' existing driveway on Lowell Street as well as the new curb cut for Vallis Way. Ms. Flaws stated that the PB had reached a conclusion to allow for Ms. Vallis to keep her existing driveway in place on Lowell Street in addition to the new roadway entrance for Vallis Way. Chair Charville noted that the new road entrance had been moved southeast to minimize the number of significant trees impacted.

Abutter Tom Murphy of 7 Lowell Street added he is concerned about drainage and erosion issues that can arise from the construction of a new subdivision, citing the example of Sagamore Place. Chair Charville acknowledged Mr. Murphy's concerns and stated that the PB's efforts to minimize the disturbance of construction around Lot 5 should reduce the risk of drainage and erosion problems impacting his property. He added it would be helpful to re-stake the lot markers for Lots 4 and 5 and the conservation area on Lot 5 prior to construction to preemptively address vulnerable areas.

***Chair Charville requested a motion to extend the deadline for the PB to act on the proposed Definitive Plan thru August 31<sup>st</sup>, 2022. Ms. Wilkins motioned in favor and Ms. Flaws seconded the motion. The motion passed 5-0.***

***Chair Charville requested a motion to continue the public hearing on Vallis Way to the next PB meeting scheduled for July 27, 2022 at Town Hall at 7:00 pm. Ms. Flaws motioned in favor and Ms. Wilkins seconded the motion. The motion passed 5-0.***

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### **6. 8:38pm - Discussion of Bylaw Initiatives**

#### **Scenic Road Bylaw:**

The PB resumed its discussion of how to improve the Town's existing Scenic Road Bylaw. Ms. Wilkins updated the PB with her research into Scenic Road Bylaws in adjacent communities. She indicated most town Scenic Road Bylaws (SRB) do not go beyond the regulation of stone walls and trees within the right of way. After town counsel's review of the state enabling statute for the SRB, however, it was suggested the PB had more authority over scenic roads than previously thought. Ms. Wilkins noted the PB could regulate beyond just the removal or alteration of stone walls and trees; any aesthetic changes within the right of way for a scenic road could fall under the Bylaw's regulatory authority. She recommended that a procedure for how to file a request for alteration be outlined and included in the SRB revisions.

Chair Charville stated that based on town counsel's review of the enabling state statute and the home rule statute, it confirmed both the Bylaw and PB authority pertained only to what existed in the right of way on a scenic road. Chair Charville asked the PB if they sought to broaden their authority to encompass any work within the right of way on a scenic road. Director Cademartori noted most driveways and mailboxes exist in the right of way, and are technically a form of encroachment wherein the town would have authority to regulate them.

Ms. Wilkins noted that Ms. Bandini advocated for the Bylaw to exercise its full authority over alterations in the right of way on scenic roads – including if the Town were to alter any scenic roads. The PB discussed the degree to which they would oversee Town projects such as the one on Summer Street, where the street is being widened. Director Cademartori also recommended the PB determine if the Town government is exempt from the Bylaw whenever Town projects involve alterations within the right of way on scenic roads.

Ms. Wilkins discussed clarifying the language of the Bylaw and possibly removing the specific reference to the alteration of stone walls and trees from the Bylaw, as well as adding scenic road designations for Pillings Pond Rd., Walnut Street, and/or Salem Street. She offered to share her drafted revisions with town counsel for review. Ms. Flaws added that updating the Bylaw will likely draw attention to it, which could create greater awareness among residents.

#### **Accessory Dwelling Unit Bylaw:**

Ms. Flaws provided the PB with an update on her research and revisions to the Accessory Dwelling Unit (ADU) Bylaw. Ms. Flaws incorporated Bylaw revisions from the town building inspector, Joe O'Callaghan, into her drafted revisions. Her revisions included broadening the tenant use to include any individual(s), removing the requirement for demolition after tenants leave, and requiring a fee-based annual inspection of the units.



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Mr. Champy voiced concerns over removing all tenant restrictions from the Bylaw, and recommended a tenant restriction allowing only family members or individuals over 55 years of age. Mr. Champy argued removing all restrictions to tenant use would encourage builders and homeowners to add these ADUs for investment, and the housing demographics of the town could shift to include more rental properties. He voiced support for modifying the existing ADU tenant restriction, but only for a specific demographic in need such as seniors or family members with disabilities/caregiving needs, etc. Ms. Wilkins seconded Mr. Champy's concerns about significant changes to the single-family demographics of the town and the potential parking issues that could result.

Ms. Flaws stated that the Bylaw as written is too restrictive and therefore homeowners do not apply for the ADU permit and instead proceed with installing their own units that could be potentially unsafe and out of compliance with other town Bylaws and regulations. She added by relaxing restrictions, more individuals would apply for permits and more routine inspections could take place.

Director Cademartori echoed Ms. Flaws safety concerns as it related to un-permitted units, and stressed the importance of revising the Bylaw to require annual inspections of the units.

Ms. Flaws stated that a number of surrounding communities have revised their ADU Bylaws to broaden their uses to address the continued housing crisis in Massachusetts.

Ms. Wilkins suggested keeping the current ADU Bylaw's limitations on size and scope of the dwelling, so as to limit the number of people living in these units and thereby limit concerns about school capacity, etc. Director Cademartori noted that while the Bylaw restricts the size that can be built, homeowners can sometimes work around this by expanding their home first, and later repurposing the expansion to afford a larger ADU unit. Ms. MacNulty reiterated Ms. Wilkins' concerns regarding off-street parking and the potential impact on population density of the town should the Bylaw's tenant restriction be modified.

Director Cademartori stated that the town's population density is likely not to have tremendous growth, as most homes in Lynnfield are at septic capacity and other zoning restrictions limit the size and scope of the units. She added expanding the use of ADUs would make the permit easier to acquire by homeowners and thereby allow for greater enforcement of safety inspections and other requirements.

*(9:10pm- Chair Charville exited the meeting.)*

Clerk Champy emphasized the importance of vetting whether or not the residents of the town would support a fundamental change to the ADU Bylaw. Ms. Flaws stated she would inquire with local town residents and local organizations such as the Lynnfield Senior Center to see what, if any, changes to the Bylaw would be helpful. She reiterated the importance of affording private property owners, and not the town, the right to choose who lives in their home.

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Director Cademartori summarized that the considerations for revision of the ADU Bylaw are functional- relating to the practice and enforcement of the Bylaw, and philosophical- determining who can live there and for how long. She added that the Building Inspector stated he wanted to expand tenant access, allow for a larger unit dwelling with design restrictions, and require annual inspections. The PB members continued to stress the importance of vetting unwanted potential changes to the town should revisions to the Bylaw take place.

*(9:21pm Ms. Wilkins exited the meeting.)*

### **8. 9:22pm- Approval of Minutes – May 24, 2022**

Clerk Champy asked PB if the minutes were correct as written, to which the PB consented.

*Clerk Champy requested a motion to approve the May 24, 2022 meeting minutes as written; Ms. Flaws motioned in favor and Ms. MacNulty seconded the motion, which carried 3 – 0.*

### **9. 9:23pm - Administrative Matters**

Director Cademartori updated the PB on the MAPC grant denial for the mini-master plan. She explained there is an additional opportunity in the fall to re-apply and other grant opportunities such as the Community Compact grant, that the PB could pursue for funding.

Director Cademartori announced the Open Space Committee is currently being formed with individual volunteers from various town boards; she inquired if anyone on the PB would consider joining the committee to represent the PB. Ms. MacNulty stated she would consider serving on the committee, and expressed interest in learning more about what would be involved.

### **10. 9:29pm – Adjournment**

*Ms. Flaws requested the PB adjourn the meeting; Ms. MacNulty motioned in favor, and Clerk Champy seconded the motion, which carried 3-0.*

Respectfully submitted,  
Sondria Berman