

LYNNFIELD PLANNING BOARD MEETING – July 27, 2022

1. 7:00pm - Call to Order

Chair Brian Charville called the regular, monthly meeting to order at 7:00pm and identified the Planning Board (PB) members in attendance, including himself, Clerk Edward Champy, III, and members Amy MacNulty and Page Wilkins. Chair Charville also introduced Planning and Conservation staff in attendance including Director Emilie Cademartori and Administrative Assistant Jennifer Welter and stated that the meeting was being recorded by audio. He announced a reordering of the agenda; #2 ZBA Case, #5 Vallis Way, #4 Sagamore Place, #3 MarketStreet, #6, #7, #8.

2. 7:03pm – ZBA Case – 596 Salem Street, Section 10.6 Site Plan Approval

Attorney Jay Kimball, engineer David Jordan, from Greenman-Pedersen, Inc., and owner Robert Lee were in attendance to present the project. Atty. Kimball provided a brief history of the business. The proposal is for an additional bay for servicing vehicles added to the left side of the existing building. The additional bay is needed to meet demand for year-round inspections and to house additional servicing and testing equipment necessitated by more technical automotive demands. It will blend with the design of the existing structure. No other changes are proposed to the site for lighting, entrance, signage, parking. An underground waste storage tank will need to be relocated in compliance with DEP regulations.

David Jordan noted that the site plan will need to go before the Zoning Board for approval. He said that per section 10.6.4 the property use is unchanged, the addition will not be detrimental to its surroundings, pedestrian access is unchanged, curb cuts and circulation are unchanged, a dumpster will continue to be stored outside, there is no impact on sewage disposal, hazardous waste will continue to be stored inside the building, there is adequate room for loading and unloading, and there is sufficient off-street parking. There are 24 parking spaces in front with an additional 8 spaces for refueling, the additional bay provides for an extra storage space.

A MA DEP imposed activity and use limitation (AUL) is on record at the Registry concerning an on-site small area of capped contaminated soil. Any excavations less than 3' can occur without issue. Excavations for construction work is expected to be deeper than 3' and will require preparation of a soil management plan and a health and safety plan. Regulations under 310 CMR 22 drinking water standards prohibit new underground storage tanks, but none are proposed here. Hazardous waste storage will be contained and stored indoors and in accordance with fire and health regulations.

Ms. Wilkins asked if the parking design will narrow the entrance/exit road to the shopping area, to which Jordan said the proposal would allow for adequate room and a pinch point would not be created. Clerk Champy asked if the setbacks were in place to which Jordan said yes. Ms. MacNulty asked if the building inspector would inspect the project upon completion. Director Cademartori asked if the LSP (

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Licensed Site Professional) needed to report to the building inspector. Clerk Champy spoke to the strict soil testing procedures that would occur. Jordan also said that tires and other items may be able to be stored inside with the new addition. Chair Charville asked about the current price sign on the side of the building and suggested that the site plan be modified to depict any signage, recalling the Everett Bank project. Atty. Kimball said that he would inquire with the owner.

Director Cademartori asked about the existing stormwater catch basin at the edge of the driveway, as the water drains directly into Hawkes Brook. She does not believe there is any treatment there, but the project presents an opportunity to add some protection of the water supply. Jordan said he would investigate to see if there is such an improvement opportunity. Clerk Champy said that with the fair amount of site construction, this is an opportunity to better the project. Director Cademartori asked if a spill response plan was in place, such that any catch basin improvement might make the spill response plan easier to manage. Chair Charville noted that the activity is now 15' closer to the catch basin.

Chair Charville asked for a motion for the PB to recommend that the Zoning Board of Appeals approve the site plan modification for 596 Salem Street subject to compliance with the AUL, the deed restriction, 310 CMR 22.20B Surface Water Supply Protection, and evaluation of the need for stormwater treatment at the catch basin to the south; Clerk Champy motioned in favor and Ms. Wilkins seconded the motion. The motion carried 4-0.

#5. 7:28pm – Continued Public Hearing – 109 Lowell Street (“Vallis Way”), Proposed Definitive Subdivision Plan

Chair Charville requested a motion to re-open the public hearing for Vallis Way; Ms. Wilkins motioned in favor and Clerk Champy seconded the motion. The motion carried 4-0.

Attorney Jay Kimball reported that the information and request for proposal has gone out to GeoSyntec. However, in light of no response, Atty. Kimball asked for continuation of the meeting to August 31, 2022 with a final action date of September 9, 2022.

Chair Charville asked for a motion to continue the action deadline to September 9, 2022; Ms. Wilkins motioned in favor and Clerk Champy seconded the motion. The motion carried 4-0.

Director Cademartori asked Atty. Kimball to remind his client's engineer that her engineer needs 10 days to turn around the peer review.

Chair Charville asked for a motion to continue the public hearing for 109 Lowell Street to August 31, 2022; Ms. Wilkins motioned in favor and Ms. MacNulty seconded the motion. The motion carried 4-0.

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4. 7:52pm – Sagamore Place Update

Director Cademartori said that she had expected Chris Ryder to attend this meeting. However, he provided a written update which PB members received in their packets. Director Cademartori suggested that although the original continuation to August 31 would require coordination and a site visit the first week of August with the peer reviewing engineer, they should be ready to come to the August 31, 2022 PB meeting showing substantial progress. The Town Engineer reports that he visits the site regularly but continues to be unhappy with the progress, specifically the incomplete sidewalks, handicap ramps and crosswalk at Main Street. There also may be miscommunication among the “players” which could be complicating the progress. Chair Charville asked for the reason why progress has not been made. Cademartori has gone back to the May update but finds that some work is still not done. Homeowner Peter Prokopis, 6 Sagamore Place reported that the temporary lights do not work. Director Cademartori said that the permanent lights are awaiting a meter from Reading Municipal Light District. Chair Charville asked about sediment in the street and the frequency of sweeping. Director Cademartori said that the catch basin is deep enough to handle the sediment temporarily. Chair Charville also asked about the dumpster in the street. Director Cademartori asked for the dumpster to be emptied weekly instead of every 2 weeks.

Dr. Prokopis said that developer Deloury will pay “lip service” to everyone unless responding to Director Cademartori. And “nothing is done otherwise”. He added that “they haven’t shown that they are afraid of you (Town) and they haven’t shown that they care about everything that has happened and that is in the public eye. He (Deloury) is so arrogant he told me that even though the Town said it could take his bond that you never would”.

Chair Charville asked Director Cademartori what she would like to see done in the next few weeks, to which she replied doing all the work delineated in May (excepting what couldn’t be done, such as planting of trees in drought conditions) including completion of the lights with the RMLD meter, grading of 2 lots, redoing the loam and grass on the shoulders that didn’t “take” previously, and completion of the ADA ramps. In August, items to be completed would be the remaining trees, redoing the sediment forebay, cleaning out the catch basins, doing final paving and removing erosion control.

Mr. Prokopis said that he didn’t believe they could do final paving as the Gandhi’s house (#2) looks to be significantly behind schedule. Director Cademartori said that the Gandhi house has curb cuts on Main and Sagamore Place, but their future pool plans are unknown and that these plans shouldn’t delay the paving. Once the street is accepted, the Gandhi’s will need a street access permit to bring in heavy equipment for their property.

Chair Charville suggested that Director Cademartori and Town Engineer McAlpine write a letter detailing all that is required to be completed before the August 31 meeting, including the final pavement, and if they are not completed, the PB will vote on August 31 to take the bond.

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Clerk Champy noted that the house at the end of the cul-de-sac which has a second curb cut, could impact the pavement and create an ongoing problem for the Town once the street is accepted. The curb cut results in a “change to an approved plan that works”. The grade here is also very steep. Champy noted that the homeowner could install a drain at the end of the drive to divert the water into the catch basin, but the Town Engineer would need to weigh in. Ms. Wilkins asked about the PB role, to which Clerk Champy said that the PB approval needs to match the as-built. Director Cademartori recalled the Parsons Avenue Extension issue with the roadway and puddling at the end of the homes’ drives, to which the Town insisted on a fix. She noted that this problem at Sagamore Place was brought on by the homeowner and the onus should be up to the homeowner to fix any problem. Ms. Wilkins suggested that the developer and/or the homeowner be responsible for this fix, with notice that the Town will demand final paving by August 31. The homeowner will be invited to the early August site visit where the pavement issue can be discussed. Ms. Wilkins suggested that perhaps the developer and the homeowner will then open up communications on this matter.

Clerk Champy noted that final pavement will be required before winter, and Chair Charville said that this needs to be stated in the letter. Director Cademartori said that she does not want to go forward with a plan that the Town will need to fix at a later date. She also noted that the Town Engineer will not permit the Gandhi’s to have a permanent curb cut on Main Street.

Director Cademartori said that there may be an issue with revoking the bond. Chair Charville said that the Town Engineer and the Town Counsel need to work out any issue with the bond. Mr. Prokopolis commented that Deloury “is not a developer”... “there is no pride in any of this”, “you’re not dealing with someone who cares”, “his arrogance is such that he truly believes that no one is going to touch him”.

3. 8:11pm – MarketStreet Lynnfield – Public Art

Chair Charville began by asking Director Cademartori how the process was working with respect to the staff taking over review from the hired architect consultant Walter Adams. Director Cademartori said that in the past MarketStreet was concerned with the rate of retailer turnover, and how long the design review and approval process was taking. Staff then took over the process, taking Walter Adams’ checklist and creating an updated version for in-house use. Most of the time the checklist seems to be sufficient, but at times the \$3,000 price tag from Walter Adams appears to be of value, given the technical nature of the requests/checklist. Further, should any major requests surface – such as Lahey Clinic, Walter Adams’ services could still be employed. However, it’s “getting slipperier”. Nike was the beginning of the slippery slope. Actually, Nike is still waiting for Town staff to understand the signage lighting issue.

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Chair Charville noted that the site plan is aerial, to which Ms. Wilkins remarked that the design standards discuss sidewalks, facades, signs – so they reasonably contemplate that the site plan would comply with the design standards. Clerk Champy said that if public art isn't defined, then it needs to be defined. Chair Charville suggested reaching out to Concord Square Planning & Development, Inc. and ask for assistance. He added that he thought the PB authority was clearer about facades than about free-standing sculpture. Clerk Champy said that if the goal is the look of "Traditional New England Village", and the message is inclusion, then a single sign welcoming everyone with the look of "Traditional New England Village" should suffice. The developer who wants to send a message should do it on his own. Ms. Wilkins added that the content of the message was not in the PB purview. She added that the sandwich boards need to be removed, as they are not allowed. Members agreed that the sculptures already present (cows, turtles) represent the history/culture of Lynnfield. Clerk Champy opined that a different message was in play now and that it is "creeping". Ms. Wilkins added that one of the guiding principles for exterior signs is that they should allow for retail marketing and tenant uniqueness. So, if the Gap wants to put "Frank Ape" in their window, this would be more appropriate than having the management company put this out as a broad message. She said she would be in favor of disallowing these new art pieces. Further, the sign needs to come down, the sculpture is not in a gathering place...these pieces don't fall within the purpose and intention of the guiding principles, but rather for messaging by the management company. Clerk Champy and Ms. MacNulty agreed. Clerk Champy asked about the purpose of the art to which Ms. Wilkins said that the content wasn't in their purview, just the design standards - the PB shouldn't need to discuss/define/select art. Ms. MacNulty expressed concern about not choosing to use the "richness" of the plentiful cultural elements of Lynnfield or Essex County.

Chair Charville reminded board members of "the great compromise" in originally presenting the MarketStreet concept to voters and what would be allowable. He said that the sandwich boards should be removed immediately. The sculpture is not consistent with the design standards and the PB does not approve. Further board discussion involved the suitability of the seating, the flooring, backs of buildings, loading dock doors, etc. Chair Charville said he was inclined to have them remove the Frank Ape crosswalks.

Chair Charville then asked about the changes to the traffic flow. Ms. Wilkins asked for a separate meeting for MarketStreet issues. Clerk Champy suggested hiring Concord Square Planning & Development, Inc. to assess the traffic changes/flow. Director Cademartori asked how the PB should direct her to communicate a response to MarketStreet. Ms. Wilkins said the response should include denial of the sculpture and removal of the sandwich boards, with a reminder that any permanent sidewalk installations – whether they be art or seating, etc., - and façade changes – with art or otherwise need to come before the PB, as well as all traffic changes/flow. Director Cademartori also asked about suitability of the electronic signage.

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Director Cademartori reported that the All Modern marketing has been removed from the seating, and the ropes have been removed from the façade. She also added the EV charging station phone calls she was receiving were “fishing” by an outside firm that MarketStreet was unaware of, and that this is no longer a current concern. However, any proposed changing of parking spaces would come before the PB for review and approval.

Chair Charville asked if a site plan violation can be sent now asking for removal of the “temporary” traffic change barriers. Ms. Wilkins also asked if the Police should weigh in on the safety aspects of the traffic changes, to which Director Cademartori said she would need to hear from MarketStreet their justification for the changes. She added that she needs to have a discussion with MarketStreet about their stormwater compliance, so perhaps a meeting to discuss overall issues is suitable.

6. 8:49pm - Discussion of Bylaw Initiatives

Scenic Road Bylaw:

Chair Charville thanked Ms. Wilkins for circulating the revisions to the Scenic Road Bylaw, with weigh-in by Town Counsel Tom Mullen. Ms. Wilkins said that if acceptable, the PB could then lay out timing to present to the Select Board and timing for the warrant. Director Cademartori suggested preparing a bulleted listing of the bylaw changes, including the addition of the 3 new streets; Pillings Pond Road, Walnut Street and Salem Street. She suggested acting now as the warrant will open in about a month, necessitating the scheduling of a listening session and development of PR. Chair Charville asked Director Cademartori to schedule a meeting with the Select Board.

Aside warrant article discussion – Sagamore Warrant Article for October Town Meeting

Ms. MacNulty also asked about a warrant article for Sagamore for October Town Meeting. Director Cademartori responded that the Select Board expects 2 petition articles; the map change taking the ANR parcel into a new Elderly Housing district (EH), and a modification of the definition of EH housing to include the option of single-family housing (vs multi unit buildings). A development agreement is being negotiated. The project concept could be brought to the PB for initial feedback in the August 31 PB meeting, with a possible public hearing in late September. Clerk Champy asked about the unit count, to which Director Cademartori said that the unit count is driven specifically by wastewater. This project would be capped at 66 units, on roughly 32 acres. There are no affordable units proposed. Clerk Champy asked if there were any open space requirements, to which Director Cademartori said no. She added that the PB will be able to review and shape the project, given the 6 points of the special permit review criteria. The parcel is in the Groundwater Protection District, so this provides some restrictions that can control sprawl. Director Cademartori added that a change to the definition of EH housing will require 2/3 vote for passage, to which Clerk Champy again expressed

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concern about resulting sprawl. Director Cademartori added that a large area of the ANR parcel that was created is wet, the developer will be restricted somewhat by the new Tree Bylaw and the Groundwater Overlay District, a large septic system, etc. Chair Charville noted that the unit price will be maximized by the market.

Accessory Dwelling Unit Bylaw:

Chair Charville noted that Ms. Flaws was absent but is developing a revised ADU bylaw.

7. 9:03pm- Approval of Minutes – June 29, 2022

Clerk Champy asked PB if the minutes were correct as written.

Clerk Champy requested a motion to approve the June 29, 2022 meeting minutes, as amended by Director Cademartori. Chair Charville motioned in favor and Ms. Wilkins seconded the motion, which carried 4 – 0.

8. 9:11pm - Administrative Matters

Chair Charville reported that the appeal of the PB's granting of the subdivision at 271 Main Street was dismissed by agreement of the parties, with details to be learned.

Board signatures were collected for Registry purposes.

Director Cademartori reported that work is beginning on resubmission of the master plan grant application through the Community Compact program, rather than as a TAP through MAPC. MAPC has provided a draft scope and budget for \$52K, including our \$10K Town of Lynnfield match. If funded, the project would start immediately.

Director Cademartori announced that Ms. MacNulty was appointed to the Open Space & Recreation Plan Working Group Committee by the Select Board in their July 25 meeting.

Director Cademartori reported that 972 Main Street did not come before the PB, but had been given the go ahead by the Town Engineer to put a curb cut on Main Street, since there was no stone wall. Director Cademartori will follow up with the Town Engineer.

9:11pm – Adjournment

Chair Charville requested a motion to adjourn. Clerk Champy made the request which was seconded by M. Wilkins. The motion carried 4-0.

Respectfully submitted,
Jennifer Welter