

PUBLIC HEARING - LYNNFIELD PLANNING BOARD

SPECIAL MEETING – October 19, 2022

1. 7:01pm - Call to Order

Chair Brian Charville called the special meeting for a Public Hearing to order at 7:01 pm and identified all Planning Board (PB) members in attendance, including himself, Vice Chair Kate Flaws, Clerk Edward Champy, III, and members Amy MacNulty and Page Wilkins. Chair Charville also introduced Planning and Conservation staff in attendance as Director Emilie Cademartori and Administrative Assistant Sondria Berman and stated that the meeting was being recorded by audio and video.

2. 7:02pm – Public Hearing – Zoning Warrant Articles

Chair Charville requested a motion to open the public hearing for the proposed zoning amendment warrant articles; Vice Chair Flaws motioned in favor and Ms. MacNulty seconded the motion. The motion carried 5-0.

Chair Charville requested Director Cademartori read aloud the public hearing notice, detailing the proposed amendments to the warrant articles (see notice attached).

Chair Charville requested a motion to waive reading the remainder of the public hearing notice; Clerk Champy motioned in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.

Chair Charville invited petitioner Richard Luff, Trustee for the Sagamore Spring Real Estate Trust (SSRET), to address the PB regarding the warrant articles' proposed changes to the zoning bylaws. Mr. Luff began by explaining some of the history of ownership for Sagamore Spring Golf Course, and reviewed a map of the golf course parcels. He explained the two articles seek to amend the following:

1) To amend the Zoning District Map of the Town of Lynnfield entitled "Zoning District Map of the Town of Lynnfield September 18, 2019" by changing from Residential D (RD) to Elderly Housing (EH), the parcel land on Main Street, Lynnfield, shown as Lot 1 on a plan entitled "Plan of Land Main Street Lynnfield, Mass" dated October 25, 2021, drawn by Hayes Engineering, Inc. recorded in the Essex South Registry of Deeds as Plan Book 40797, Page 69 being Assessor's Map 13, Parcel 1000, a copy of which is on file with the Town Clerk;

2) To amend Section 11.5 titled Definitions Individual Meanings by deleting the definition of "Housing for the Elderly" in its entirety and replacing said section with the following: Housing for the Elderly - Buildings which contain one or more dwelling units consisting of a room or suite of rooms, its own bath and toilet facilities, and its own kitchen facility. A building may also include central kitchen and dining facilities for providing meals to residents thereof and their guests but not to the public and may also provide lounge rooms and recreational facilities for the common use of residents and their guests. In one of the such buildings, a unit may be included for occupancy by the manager of the project and his

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immediate family, one room of which may be used as an office, and except for the unit to be occupied unless at least one person who is 55 years of age or over. No housing of the elderly development shall contain more than 136 independent dwelling units. Children under the age of 18 years of age are prohibited from occupying or residing in any of the elderly housing dwelling units on a permanent basis.

Mr. Luff stated the two warrant article changes to zoning bylaws are necessary in order to successfully move forward with a development agreement between the Town of Lynnfield, Lynnfield Center Water District (LCWD), and the SSRET to build 66 detached elderly housing units. Mr. Luff acknowledged the current development project addresses the Town's concerns from the previously proposed development project in 2018 that ultimately did not pass at town meeting, citing a smaller scope of 66 versus over 150 units and improved water quality and access with LCWD. Mr. Luff emphasized the project strikes a balance between private and public interests, noting the development agreement benefits all parties. He expressed additional benefits for the town should the articles be adopted and the development project proceed; specifically, the addition of new, different housing stock in the town, increased tax revenue for the town, and minimal impact on town services and resources, protections for groundwater supply and the issuance of development restricted land.

Chair Charville asked Director Cademartori to explain why the Trust's proposed development includes 66 units; Director Cademartori cautioned the public hearing's focus is not to consider the details of the proposed development agreement but instead the two proposed article changes to the zoning bylaw. She noted that the development agreement will only proceed if both zoning articles pass at town meeting. She continued that it was likely decided to build 66 units because of Title 5 regulations for septic systems.

Chair Charville informed audience members that even if both zoning articles pass at town meeting, the development project will still need to obtain a special permit through the PB after detailed review.

Chair Charville asked Mr. Luff if the front 9 holes and back 9 holes of the golf course would remain operational for the next ten years or more; Mr. Luff confirmed the SSRET values keeping the golf course operational, provided circumstances allow.

Chair Charville asked for any further questions or comment from the PB; Ms. Wilkins asked to review the aerial map of Sagamore Spring Golf and confirmed that the new proposed parcel to be developed is smaller in scope than the previous development proposed to the town in 2018, with only 36 acres of land to be developed under the current proposal. Mr. Luff concurred. Ms. Wilkins asked if the development agreement allocated any land on the eastern side of the Golf course, outside of the proposed parcel for 66 units, to be protected from future development; Mr. Luff stated that the remainder of land on the east side did not have any restrictions placed on it for future development.

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Ms. Wilkins stated that the property on the eastern side of main street is currently zoned as RD, permitting single family development. She stated as the property owners, the SSRET could choose by right to develop the land with an estimated 82 single-family homes should the re-zoning be adopted at town meeting; Mr. Luff concurred. Ms. Wilkins questioned if the development agreement stipulates a limit of 66 detached single-family units; Attorney Susan Murphy, representing SSRET, stated the development agreement states “not more than 66 units” should both articles pass at town meeting. Ms. Wilkins asked why the development agreement does not specify 66 detached single-family units; Atty. Murphy indicated although the agreement does not describe the units as such, that the developer intends to build detached single-family units given the request to amend the EH zoning definition.

Chair Charville stated that should the Town vote to pass only one article to re-zone the parcel, the development agreement by its own terms would terminate and there could be another project proposed with more or less units and an altered design. Vice Chair Flaws echoed Chair Charville’s concerns, adding the Town could be left with a re-zoned parcel open to a number of significantly larger development projects that are not conditioned to include the benefits of water quality and land conservation found in the current development agreement.

Atty. Murphy explained that the success of the development agreement relies on both articles passing at Town meeting; Ms. Flaws reiterated her concerns regarding the risk of a re-zoned parcel open to any development.

Atty. Murphy redirected the conversation to consider the fundamental question of re-zoning the parcel to EH; she asked the PB to consider if, outside of the development agreement, the re-zoning of the parcel to EH was a beneficial act for the town instead of its current RD designation. She emphasized the long-standing conversations that have taken place to put together a development agreement that speaks to this fundamental question.

Vice Chair Flaws asked to amend the development agreement to remove the word “detached” from the conditioned “66 detached homes” to allow for a total of 66 units to be built whether they are detached or attached; Atty. Murphy cited that the development agreement was reached after nine months of deliberation and sacrifices made on all sides to reach a beneficial compromise, and she said that the SSRET would refuse any changes to the development agreement now that the SB had approved it. She added that the Town needs to understand the development agreement requires the two zoning articles to pass in order for it to proceed.

Chair Charville echoed Ms. Flaws concerns about the single re-zoning article passing at Town Meeting without the EH zoning definition change, prompting the development agreement to terminate; Director Cademartori suggested reordering the articles so that the EH zoning definition change would be voted on first, followed by the re-zoning of the parcel. Director Cademartori stated that the PB can make a

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formal request to the Select Board to specify recommended order of the articles to be presented at town meeting.

Ms. MacNulty asked Director Cademartori to discuss the PB's special permit review process; Director Cademartori stated that under the Zoning Bylaw, any EH project is subject to a special permit approval from the PB as well as approval from the Board of Health for septic and wastewater. She added that the EH project would also be subject to Conservation Commission review and approval as well as the newly enacted Tree Preservation Bylaw. She cited it would likely be a multi-board and multi-step process.

Ms. MacNulty inquired about Chapter 61, as the proposed parcel of land to be developed would need to change this status to enable development to take place. Director Cademartori explained Chapter 61 allows public and private land to be taxed at a lower rate in exchange for keeping the land undeveloped. At the time one chooses to opt-out of the Chapter 61 status to allow for development, the town has the right of first-refusal to purchase the land. Although the town has chosen not to purchase this particular parcel of land, Director Cademartori indicated future parcels under the Chapter 61 designation would also be subject to the right of first refusal, thereby allowing the town to consider purchasing lands from the golf course in the future.

Shawn Nuckolls from Toll Brothers addressed the PB and provided a brief history and description of the Toll Brothers business and its more recent focus on developing age-restricted, active adult communities across the country and in a number of communities in Massachusetts. He reiterated the two article changes proposed are required for the development to move forward, as these changes will allow Toll Brothers to build the type of units and amenities most desirable to their demographic.

Scott Cameron, P.E. of the Morin-Cameron Group, addressed the PB on the potential next steps should the zoning articles pass and the development agreement proceed. He noted the required site evaluations and engineering calculations will be completed as part of the PB special permitting process to ensure compliance with all town, state and federal regulations. He stated that per the development agreement, approximately 9.4 acres abutting the Richardson Green parcel would be issued a permanent conservation restriction, and the remaining western parcel would be issued a 25-year development restriction. Mr. Cameron referenced the PB's expressed preference for cluster development housing and stated the proposed EH development will reflect this, with roughly 50% of total land being developed and the remainder left to open space and/or preservation purposes.

Regarding wastewater, Mr. Cameron stated the proposed development would include a single wastewater treatment system and leaching field, referencing estimated calculations of 150 gallons of wastewater flow per day for the proposed 66 two-bed, age-restricted units. He noted that the total

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wastewater amount for the proposed development is estimated to be roughly equivalent to the alternative single-family development should the parcel be developed instead for single-family use.

Mr. Cameron added the LCWD will receive significant benefits from the proposed development, bringing more properties into the district through the water main extension and improving water flow, treatment, and safety practices.

Chair Charville asked Mr. Cameron if there exists a development agreement between the SSRET and the LCWD; Mr. Luff answered that there is a memorandum of agreement between LCWD and the SSRET with Toll Brothers serving as the specified developer.

Ms. MacNulty asked if the water lines depicted on the aerial map are final and included in the development agreement; Atty. Murphy responded the development agreement requires a water main extension loop design but there exist several possible design configurations wherein this loop design can be implemented.

Ms. Wilkins inquired about an allowed easement on the western parcel to address future development and PFAS treatment concerns; Atty. Murphy specified that should the LCWD vote in favor of the development agreement at the October 20, 2022 meeting, the easement on the western parcel would be granted.

Robert Dolan, Lynnfield Town Administrator, addressed the PB and announced the Town of Lynnfield successfully signed a development agreement with SSRET and LCWD. He read aloud a letter to the PB from the Select Board endorsing the proposed zoning article amendments and development agreement (See attached: Letter to the Planning Board from the Select Board).

Chair Charville inquired about the responsibility of trash pickup and recycling in the development agreement; Director Cademartori stipulated that the development agreement does not speak to trash and recycling planning. She added that private roads/streets do not receive trash and recycling pickup from the Town, and that the PB would have discretion during their special permit review to specify trash and recycling responsibilities. Clerk Champy stated he assumed trash and recycling considerations would be a part of an HOA agreement and calculated as part of Toll Brothers' development planning costs. Mr. Nuckolls stated the roads, landscaping services, and plumbing, trash and recycling would all remain private and included in an HOA agreement, which he welcomed the PB review during the special permitting process.

Ms. Wilkins stated there had been calculations done for 82 single family homes developed over the entire golf course, but asked if there had been any calculations done for select parcel developments should they remain single-family by right. Mr. Cameron responded that the proposed EH parcel could become 16 single-family homes, the bottom right east-facing parcel 32-36 single family homes, and

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25-year restricted western parcel 30 homes.

Ms. Wilkins asked about the 25-year conservation restriction and whether or not a longer time frame was allowed; Director Cademartori stated the maximum number of years allowed for a conservation restriction without a perpetual designation is 30 years. She added that the 25-year designation was chosen to allow the next generation of SSRET trustees the opportunity to develop the land.

Vice Chair Flaws asked if the development agreement could be changed to remove the word “detached” so that only 66 units could be built as attached or detached, should only one article pass at town meeting.

Director Cademartori stated that the development agreement had many iterations, but that the current agreement does not prohibit more than 66 units if only one article passes at town meeting. Atty. Murphy stated that the change in language proposed by Vice Chair Flaws is a substantive one that her client did not wish to make as part of the agreement. She reiterated the development agreement reflects satisfactory terms agreed upon by both the Town of Lynnfield and SSRET.

Robert Curtin, Assistant Town Administrator, stated that while there exists a theoretical concern that one, but not both, articles could pass at town meeting, the likelihood of this circumstance occurring is low. Mr. Curtin cited the responsibility of town officials to explain to the voters the consequence and significance of voting for only one article. Vice Chair Flaws asked why the amendment she proposed could not be adopted to the agreement; Atty. Murphy stated the agreement reflects the interests of all parties and a change to this would no longer make the terms of the agreement suitable for her client.

John Scenna, LCWD Superintendent, addressed the PB and read aloud a letter of support for the zoning article amendments and, subsequently, the proposed development agreement (See attached: Letter to the PB from the LCWD). Mr. Scenna cited support of the Select Board’s letter, indicating zoning articles will allow for the development agreement to proceed and in turn, deliver several benefits, including: new infrastructure access and customers to LCWD, improved water flow and quality via a new loop system, improved safety resources (hydrants and access lines) for Lynnfield Fire Department, and zero cost to LCWD customers for the design and construction of approximately 1 mile of new water main. Mr. Scenna noted that in addition to these benefits, the development agreement includes a provision to allocate 9.4 acres to the Town for preservation- land which had previously been owned and protected by LCWD. He added the LCWD worked with CDM Smith Engineering to run various models to vet existing conditions to ensure there existed sufficient water flow for the proposed water main extension without relying on MWRA water supplementation. Mr. Scenna brought forward the proposed development agreement to the LCWD Commissioners, who voted unanimously in support of the motion. He indicated the next step would be a district wide vote at a meeting scheduled for October 20, 2022 at 6pm at the Merritt Center.

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Ms. MacNulty raised the topic of net-zero water use, and suggested the LCWD and Toll Brothers consider water conservation measures when designing irrigation and other water-related projects. Mr. Luff confirmed that the golf course uses its own irrigation system that does not use LCWD water.

Chair Charville invited audience members to speak. John Thomas of 1385 Main Street asked if the proposed roadway connecting into Friendship Lane would serve as a new street access to the proposed development; Mr. Cameron stated that the roadway would be used for gated emergency access and that a fire hydrant would be installed at the end of Friendship Lane at the start of the emergency access road. Mr. Thomas asked about the entrance to the development and the proposed traffic and signaling plans along Main Street; Mr. Cameron stated that there would be a series of traffic studies conducted during the PB special permit process to design a traffic light(s) and intersection needs to ensure safe entrance and egress.

Patricia Campbell of 7 Patrice Lane questioned the definition of Elderly Housing specifically as it related to the minimum age specification of 55yrs; Chair Charville and Ms. Wilkins confirmed the Lynnfield Zoning Bylaws define elderly housing as 55 years and up. Ms. Campbell asked if the elderly housing zoning change would allow up to 136 independent dwelling units; Vice Chair Flaws stated that this was her concern should the development agreement of 66 units fail.

Ms. Campbell stated she remains skeptical about mitigation plans for traffic issues on Main Street, as she believes traffic concerns have only worsened since 2018. She requested the town conduct its own traffic study prior to the development moving forward. Additionally, Ms. Campbell expressed concerns about worsening drought conditions and the impact of a new development on limited water supply.

Ms. Campbell commented that the estimated price per unit for the proposed housing development is \$1.2 million; she noted that while Lynnfield does not have enough elderly housing stock to meet the growing demand of older residents looking to downsize, the price-point for this particular EH development will not address the issue. She stated most elders in Lynnfield are not able to afford million-dollar homes, and claimed the proposed EH development is not a substitute for L.I.F.E.

Atty. Murphy emphasized her client intends to develop the designated parcel on Sagamore Spring Golf Course. She stated the only question before the Town is whether or not it should support the amendments to the zoning articles to gain potential benefits from the proposed development agreement or abandon them for a by-right development without benefits to the Town.

Patricia Fabbri of 344 Pillings Pond asked about wastewater treatment considerations as the development parcel resides within the groundwater protection district. She cited studies which claim the greatest contributors of PFAS to drinking water supplies come from underground septic systems. Mr. Cameron stated that any wastewater treatment system for the development would need to meet the

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highest standards of Mass DEP and Title 5 regulations. Mr. Cameron added the septic considerations for wastewater for both single family development and the elderly housing development of 66 units is equal in terms of the total amount of wastewater placed on the parcel as a whole. He stated single-family home septic systems do not need to meet the more stringent treatment designs for larger development projects such as the proposed 66-unit EH development. He added that there is significantly more oversight and proof of maintenance for larger septic units than septic systems for single-family homes.

Ms. Fabbri asked how the development would allow for improved treatment of PFAS in the water supply; Mr. Scenna explained the easement afforded to LCWD through the development agreement enables LCWD to treat water on the west parcel as well as establish a long-term system for treatment of PFAS for adjacent areas including Glen Drive. He also stated that the easement is at no cost to the LCWD and does not require the installation of additional water mains through public roads that would otherwise be a nuisance to neighbors.

Ms. Fabbri stated she remains concerned about water supply; Mr. Cameron stated that wastewater estimates reflect double the expected usage, at approximately 10,000 gals per day for the site. Mr. Scenna added that CDM engineering reviewed the proposed demand on the LCWD water supply and confirmed the LCWD would have sufficient supply without relying on MWRA. Scenna also stated that the by-right alternative use for the land- that of a new subdivision with single-family homes and wells, would likely tax the water supply far more as well water can be used without cost and in unrestricted quantities.

Ms. Campbell asked who will complete the construction of the water main for Lynnfield; Mr. Nuckolls responded that they will put out a bid to contractor firms to complete the work. Ms. Campbell asked about the water main construction plans; Ms. Wilkins stated that there are several designs being considered to create a loop for the water main installation.

Chair Charville asked for further public comment. Hearing none, he asked Mr. Luff if he would share the reasons for not moving forward with a perpetual conservation restriction on the western parcel versus the 25-year restriction; Mr. Luff stated that he did not wish to make a such a permanent decision for the next generation of trustees of the SSRET.

Chair Charville asked the PB to consider making a recommendation to the Select Board at the public hearing versus waiting until closer to town meeting; Ms. Wilkins stated the PB could issue a recommendation based on the current development agreement but condition their recommendation as subject to change should the development agreement change before town meeting. Ms. Flaws advocated to condition the PB recommendation on the development agreement removing the word

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“detached” to limit the development to 66 units even if the EH definition amendment does not pass at town meeting.

Director Cademartori recommended the PB issue a recommendation on the two zoning articles at the current meeting to allow the Select Board time to consider their recommendation ahead of the warrant article deadline.

Chair Charville asked the Board if there was support to adopt Ms. Flaws condition to the motion. Ms. Wilkins asked for clarification on Ms. Flaw’s request to amend the motion, to which Ms. Flaws stated she wanted the development agreement to be stronger before issuing her approval.

Director Cademartori indicated that a citizens petition can request the parcel be re-zoned again through town meeting. She added that should both articles pass at town meeting, the development agreement prohibits the SSRET from developing anything other than EH units. She added the petition to change the EH definition is being put forth by the Select Board.

Atty. Murphy shared with the PB the development agreement states there will remain a development restriction on future development should the two articles pass at town meeting. She reiterated that in exchange for the Town’s approval of the two zoning article changes, her client has issued several concessions and development restrictions.

Ms. Wilkins and Vice Chair Flaws stated that the development agreement evolved since it was last discussed at a previous PB meeting, and therefore, the PB must consider all ramifications of the current agreement.

Clerk Champy discussed a hypothetical scenario wherein both articles pass, but the particular development agreement between the Trust and Toll Brothers fails enabling a larger quantity of homes to be built. He emphasized this could be a concern for voters at town meeting. He added that re-zoning a given parcel of land is a significant process and therefore the PB seeks to support re-zoning amendments that provide long-standing benefits the town.

Mr. Cameron stated that the current parcel will not hold 136 units due to septic constraints; Clerk Champy responded that the question of exactly how many units could be permitted on the parcel is unknown.

Chair Charville stated re-ordering the order of articles presented at town meeting could mitigate the risk that only one article would pass and another be adopted.

Mr. Cameron stated that the parcel to be re-zoned is within the groundwater protection district (Zone 2) and therefore bound by wastewater limitations, which would limit the total number of units allowed to

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be built to roughly 70 units. Director Cademartori stated that wastewater treatment plants are not allowed in groundwater protection districts, however, she was unsure if two leeching fields would be permissible on 36 acres. Mr. Cameron echoed his previous statements that the development parcel would not be able to hold the capacity for 136 units based on septic regulations.

Ms. Wilkins and Clerk Champy emphasized the importance of the public hearing discussion at hand and the PB's responsibility to ask questions to clarify and explain the zoning articles for the Town.

Chair Charville asked if there was a motion the PB recommend to Town Meeting to adopt the two aforementioned zoning articles at the upcoming November 14, 2022 town meeting, on the conditions that: the Housing for the Elderly definition article be taken prior to the zoning change article; that the LCWD Board signs a memorandum of agreement (MOU) on terms consistent with what was presented to the PB at the PB's public hearing; and that the parcels on the east side of Main Street be admitted into the LCWD. Clerk Champy motioned in favor; Ms. MacNulty seconded the motion.

Chair Charville asked for further debate on the motion; Ms. MacNulty issued a comment recommending the town and the petitioner make efforts to inform voters about the project and the zoning articles ahead of town meeting. Ms. Wilkins extended her appreciation to town officials, LCWD officials, and the petitioner and his development team for all the hard work that went into preparing the development agreement.

The motion carried 4-1, with Vice Chair Flaws opposed.

Chair Charville requested a motion to close the public hearing; Ms. MacNulty motioned in favor and Clerk Champy seconded the motion. The motion carried 5-0.

Chair Charville requested a motion to adjourn; Ms. Wilkins motioned in favor and Clerk Champy seconded the motion. The motion carried 5-0. The meeting adjourned at 9:14 p.m.

Respectfully submitted,
Sondria Berman