

# *Concord Square Planning & Development, Inc.*

## **Memorandum**

To: Lynnfield Planning Board

From: Angus Jennings, AICP

Date: March 21, 2008

Project: Lynnfield 40R Planned Village Development District  
Proposed Meadow Walk Development Application

Applicant: National Development  
c/o Edward Marsteiner  
2310 Washington Street  
Newton Lower Falls, MA 02462

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### ***Introduction***

This is the third in a series of reports that we will prepare as part of our agreement with the Lynnfield Planning Board to provide review services relative to the proposed “Meadow Walk” development application, and to facilitate the public hearing process in a way that is transparent to the public.

A project introduction and overview is included in our first report dated February 9, 2008, which is on file with the Planning Board and is available online at the Town of Lynnfield website at [http://www.town.lynnfield.ma.us/Pages/LynnfieldMA\\_MeadowWalk/PBDevInfo](http://www.town.lynnfield.ma.us/Pages/LynnfieldMA_MeadowWalk/PBDevInfo).

In accordance with the 40R statute and regulations and Section 9.5.12 of the Planned Village Development District Bylaw, the Planning Board is required to issue a decision on the application within the 120-day timeframe established by the 40R statute unless that date is extended at the applicant’s option. The Planning Board opened a public hearing on the proposed application on February 13, with continued public hearings held on February 27 and March 13. The public hearing will continue this Wednesday, March 26<sup>th</sup> at 8:00 PM in the Selectmen’s Meeting Room in Lynnfield Town Hall.

### ***Project Description***

A project description is included in our report dated February 9, 2008, which is on file with the Planning Board and is available online at the Town of Lynnfield website.

### ***Procedural History***

The Meadow Walk Development Application was submitted to the Lynnfield Town Clerk on January 23, 2008. At the time of application, no waivers from the Design Standards were requested. Provisions of the PVDD Bylaw may not be waived.

As the review process moves forward, written comments received by the Planning Board and additional supplemental materials as received have and will continue to be placed online on a regular basis.

On January 24, the Planning Board Secretary and Concord Square Planning & Development, Inc., the Planning Board's peer review consultant, held an informational meeting for municipal officials to discuss the application review process. The attendance list from this meeting is included in our prior report. We have continued to participate in ongoing dialogue with various municipal departments in order to field inquiries, and ensure that continued hearing dates are widely known. Most recently, an email was sent to department heads on March 17 to alert them of the continued public hearing date and to invite all comments to the Planning Board for review within the public hearing.

An additional working meeting was held on March 12 at 2:00 PM at Lynnfield Town Hall, and was attended by Angus Jennings from Concord Square, Alan Dresios and Kathy Randeale from the Planning Board, Jack Roberto from the Lynnfield Building Department, and Ed Marsteiner from National Development. The consistency review was discussed at this meeting, and it was agreed that an additional such meeting would be scheduled prior to the next public hearing to allow for resolution of some of the simpler issues raised in the consistency review.

The applicant has submitted a separate application for review with the Lynnfield Conservation Commission. The Conservation Commission has retained a specialized consultant to review, among other things, the proposed stormwater management plan. We will keep the Planning Board apprised of this review process.

The applicant filed an Expanded Environmental Notification Form (ENF) with the MEPA Office on August 31, 2007, and filed a Draft Environmental Impact Report (DEIR) dated February 15, 2008 (transmittal letter dated February 29). The MEPA review process is currently underway. Copies of the DEIR are on file in Town Hall.

### ***Materials Submitted for the Record***

#### ***From the Applicant:***

Meadow Walk Development Application. This application included a cover letter from National Development, completed development application including stated compliance with specific design standard requirements, both stamped and signed by the Applicant's landscape architect. The application was accompanied by a set of plans including site layout, residential and retail architectural renderings, stormwater management plan, lighting plan, street cross-sections and construction detail. As required by Sec. 9.5.11. of the Bylaw, the submittal included a proposed Master Affordable Housing Restriction Agreement and Rental Monitoring Services Agreement.

#### ***From Local Officials:***

As required by the Bylaw Sec. 9.5.12.2.(c), copies of the Meadow Walk application materials were sent to Town departments along with a letter inviting their comments. Concord Square contacted departments in Town Hall by email on February 6 and February 29 to inform them of upcoming Planning Board hearings on the Meadow Walk Project. Each correspondence also included a reminder to submit comments to the Planning Board and to allow as much time as possible for their concerns to be addressed.

On March 6, 2008 Concord Square received an email from Jim Nugent at the Board of Health requesting an update on the status of the sewer arrangements for the project. We were informed by the Applicant that an agreement has been reached with the MWRA and Wakefield Sewer which will allow the project to tie into the Wakefield sewer system. We understand that the process of finalizing the paperwork is underway, but that the basic terms are agreed. This information was conveyed to Mr. Nugent on March 10<sup>th</sup> along with the assurance that his office would receive an official notice of the agreement once everything is complete.

*From State Officials:*

Concord Square notified Don Schmidt and Bill Reyelt at DHCD that the Meadow Walk application was filed. An initial meeting took place on February 26<sup>th</sup> at the DHCD offices in Boston to review the draft Master Affordable Housing Restriction Agreement and Rental Monitoring Services Agreement and ensure that these documents are in the proper form to ensure addition of the housing units to the Town's Subsidized Housing Inventory (SHI).

DHCD was asked to review these documents during the meeting, which was attended by Angus Jennings from Concord Square, on behalf of the Town of Lynnfield; Ed Marsteiner from National Development; Bob Fishman, legal counsel to National; and the following personnel from DHCD: Don Schmidt, Bill Reyelt, Harriet Moss, Elaine Wijnja, and Karen Bresnahan.

Concord Square received an email from Harriet Moss at DHCD that included DHCD's comments on the draft Master Affordable Housing Restriction and on the Arborpoint Rental Monitoring Services Agreement documents on Thursday, March 6, 2008, a copy of which is attached to this report. The email cited issues they felt needed to be resolved before the Master Affordable Housing Restriction could be finalized. The email also included suggested language regarding the conditions that must be met to ensure the units will be and continue to be included in the Town's SHI. Bob Fishman is taking the lead on preparing modifications for submittal to DHCD. Concord Square will continue to monitor progress on this issue to ensure that all documents are in order.

*Public comments received:*

We are in receipt of written public comments received from Susan Havice, an abutter of the project on February 26, 2008. Susan was requested information regarding the projects plans for the right of ways between the houses from Walnut Street into the Meadow Walk Project land. The inquiry was forwarded to the Applicant, who responded with a restatement of their intention, per the requirements of the Bylaw, to restrict vehicular and pedestrian access to the District to "a single pedestrian access point to the District through a point of intersection with Walnut Street within fifty (50) linear feet of the primary vehicular access drive." The Applicant's response was forwarded to Ms. Havice on March 21.

***Completeness Review***

The Bylaw at Sec. 9.5.12.2.(d) requires that the Planning Board "shall evaluate the proposal with regard to its completeness and shall submit an advisory report in writing to the Applicant certifying the completeness of the application." At the public hearing on February 13, the Planning Board voted its finding by a vote of 4-1 (Dresios dissenting) that the application as submitted was complete.

***Development Application Review***

We have completed our review of the submitted application and plans for consistency with the District Bylaw and Design Standards. Our consistency review was submitted in a report dated March 11 identifying areas in which the plan is not consistent, or where additional information must be provided by the Applicant in order for the Board to issue a finding of consistency.

At the direction of the Planning Board, we have not reviewed the plans for consistency with the following sections of the Design Standards, pending their review by other peer reviewers retained by the Board or, in the case of stormwater management, by the Conservation Commission:

- Sec. 5.D. Landscaping
- Sec. 5.F. Lighting
- Sec. 5.G. Stormwater Management

The Planning Board has retained Lawrence Bartlett at Bartlett Design as a lighting peer review consultant, and has retained Weston & Sampson (Cheri Ruane, Project Manager) to complete a review of the proposed landscaping plan. Both consultants met with the Applicant and its representatives earlier this week, and will be in attendance at the next Planning Board public hearing to present an update on their progress to date.

It should be noted that several aspects of the proposed development, including stormwater management, are also included in the Applicant's MEPA filing, and are subject to review and approval within that process. We requested and received a copy of the Meadow Walk ENF and DEIR. We will keep these documents on file as a reference, although we have not and do not plan to review them in detail.

### ***Summary***

This Tuesday, we will participate in a working meeting with the Applicant and with one or more representatives from the Planning Board to discuss the consistency review in detail. This meeting has been scheduled for Tuesday, March 25 at 8:30 AM at Lynnfield Town Hall.

The public hearing for Planning Board review of the proposed Meadow Walk application will continue on Wednesday, March 26 at 8:00 PM. At the hearing, we will present a verbal summary of this report and our consistency review, and will invite preliminary response from the Applicant. Due to the number and nature of issues, we suggest that resolution of most issues will not be feasible this Thursday. However, we recommend setting out a timeline for completion of the consistency review. We understand that both the Planning Board lighting and landscaping consultants will be in attendance, and will provide verbal updates to the Board regarding their pending reviews.

Please feel free to contact my office at any time with questions or comments.

Thanks.