

LYNNFIELD PLANNING BOARD MEETING October 11, 2018

A meeting of the Planning Board was held on Thursday, October 11, 2018 at 7:00 p.m. in the Maney Meeting Room at Town Hall.

1. Chairman Charville called the public meeting to order at 7:00 PM. Present were Chairman Brian Charville, Michael Sheehan, Katherine Flaws, and Charlie Wills. Absent was John Gioioso.

2. **7:00 - Public Hearing – Proposed rezoning – Red Twig Lane**

Chairman Charville asked that the Public Hearing notice be read and then requested a motion to waive the full reading. Mr. Wills made the motion and Ms. Flaws seconded it; the motion carried 4 – 0.

Atty. Jason Panos introduced engineer Scott Cameron and petitioners Michael and Heidi Tourkistas; he then reviewed the location on an aerial map. Atty. Panos said they are seeking a positive recommendation from the Planning Board (PB) on a warrant article to change the zoning on a portion of the land from Residence A (RA) to Limited Business (LB). Atty. Panos presented an overview of the proposal, including:

- Approval of a development is not being sought; it is simply a zoning change
- 162 abutters were notified
- Atty. Panos presented the proposal to the Board of Selectmen (BOS) on 9/26/18.
- The entire parcel, located by Goodwin Circle on Lynnfield Street, is 3 ½ acres and zoned RA.
- The adjacent property at #932 Lynnfield Street is zoned LB.
- The allowed uses in zone LB include neighborhood retail and business or office that employs less than 5 people
- Applicants envision a 1st floor bakery/café
- Petitioners residence abuts the site; they want no negative neighborhood impact
- Current allowed use, RA, is not applicable to that location
- Any construction will need ZBA approval and PB will review complete plan

Atty. Panos said of the proposed rezoning: “this merely allows for a future proposal”. He added that they hoped to source utilities and water from Lynn, and respectfully requested a positive recommendation for Town meeting. Scott Cameron of the Morin-Cameron Group said the topography of the site allows for a vertical and horizontal divide, and that the driveway would be tucked into the hill slope. Chairman Charville asked about zoning history; Atty. Panos said it had been zoned RA since it was purchased in 1982. Chairman Charville added that the meeting was being recorded.

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Resident Jeff Floramo said his property would be most affected by the rezoning. He added that the property could not be accessed from the street without going into Dunkin' Donuts to turn around and he adamantly opposes the proposal. Resident Richard Floramo said that zoning regulations were created for a reason and they should be adhered to. He added that this would set a terrible precedent and urged the PB not to allow it. Chairman Charville noted that the topography of the proposed site gave the plan some merit.

Resident Tom Colonna agreed with the Floramos and said that Lynnfield property owners are sensitive to zoning rules and are not comfortable having a business here. Mr. Colonna asked how many businesses would be located there; Atty. Panos said that as the property had not been developed yet, they had no idea and it would be speculative to comment. Mr. Colonna asked why there had been no time for a neighborhood meeting and noted that traffic is already a major problem in the area; he also submitted traffic photos.

Resident Melissa Sorrentino listed many problems with the plan, including: requesting rezoning with no definitive plan, traffic is already too difficult, the owners live there, but could sell, and many neighbors were not informed.

Petitioner Michael Tourkistas thanked all for attending. He said he was a 35 year resident and in the food business who was now transitioning and looking for a new project. He added that letters had been sent to 162 neighbors. Mr. Tourkistas added that there is nothing to walk to in the neighborhood and their intent was to provide some services.

Resident Nick Scangas said that there must be a building plan; Atty. Panos said there was not. Atty. Panos added that mailing notices to abutters was not legally required, but, even so, they mailed notices to abutters within a 1000' radius. Resident Amy McHugh asked why the letter was received so late. Mr. Tourkistas said if a 2 story building is built, that would be the same height as a single family home; he added that the building will not be visible due to the natural buffer created by the 25' elevation and the trees. Mrs.

Sorrentino asked if past rezoning without a definite plan had been approved. Atty. Panos answered that general proposals do not always have a definitive plan, and that Lynnfield has full site plan "approval" vs. most other towns which only have site plan "review".

Resident Gerry Frost said adding a business here would result in a single, one-way street for 6 businesses as there are already 3 operating and 2 empty businesses there. Resident Kevin McHugh said he appreciated being notified and expressed several concerns, including traffic, parking, parking lot lighting, rezoning with no definite plan, the possibility the lot could be sold once rezoned, and the unsightly condition and trash at the unoccupied Good Luck Farms and medical buildings. Resident Alan Dresios stated that the Zoning Bylaws require 3 location boundaries and this plan only meets 1 of these. He

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added that none of the town's Master Plans have ever recommended a rezoning in this area. Mr. Dresios said that past experience shows that rezoning without a plan is not successful and suggested postponing this, working with the neighbors, and looking at the recommended "Village Zone" detailed in the 1955 Master Plan. Resident Patricia Campbell asked what the required length of time to hold a Public Hearing prior to Town Meeting (TM) was; Chairman Charville said this hearing had been properly advertised. Mrs. Campbell said this is a dangerous traffic area and it would be terrible for the neighborhood to add more business. She then suggested it be withdrawn from the TM Warrant and urged the PB to vote against it.

Petitioner Heidi Tourkistas said they are trying to upgrade their neighborhood and want to work with people to hear their concerns. She wants to add value by having a walkable destination which would mean less traffic. Mrs. Sorrentino said the location is not a walking area as there is too much traffic. Atty. Panos said that with any new development plan there is still a full approval process to be completed, and this is just a rezoning; he invited anyone interested to come to the property to view the site. Atty. Panos said the BOS had closed the Warrant for TM on 9/26, and there were no issues with the timing of the hearing notice. Chairman Charville said the PB could make a recommendation now or continue the Public Hearing on Monday prior to TM. Atty. Panos said they would like to continue on Monday night. Resident Charles McDonald said that rezoning from RA to LB would set a terrible precedent for this area. Mr. Scangas said the applicant stands to gain and the neighbors stand to lose; he added that he is concerned about the 2 vacant properties adjacent to the site. Resident Norman Campbell requested a show of hands on the issue; Chairman Charville said this is not procedure, and anyone wishing to speak must come to the lectern. Resident Dennis Allain said traffic is already awful, the neighborhood is used as a cut through, and changing the zoning is a terrible idea. Chairman Charville asked the PB to comment. Mr. Sheehan recused himself as his family owns property in the area. Atty. Panos asked if a quorum could be reached, Chairman Charville said yes as there were still 3 PB members present. Ms. Flaws said the PB has enough information to make a recommendation. Mr. Wills said he favored continuing the hearing. Planning Director Emilie Cademartori noted that 48 hours was needed to post a meeting; Chairman Charville said since this would be a continuation, it could be allowed. Ms. Flaws made a motion to continue the Public Hearing until 8:45 PM; Mr. Wills seconded, and the motion carried 3 – 0 (with Mr. Sheehan absent due to his recusal).

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3. Public Hearing – Corrections to Recodified Zoning Bylaws

At 8:20 Chairman Charville requested a motion to open the Public Hearing. Ms. Flaws made the motion; Mr. Wills seconded, and the motion carried 4 – 0. The clerk read the Warrant for Article 10 which contains the needed corrections. Mr. Dresios asked where in the Zoning Bylaws the corrections were located; Chairman Charville clarified this. Mr. McDonald asked if the Zoning Board had recommended these corrections; Chairman Charville said the Town Administrator had issued this. Mr. McDonald questioned the building height restrictions in the corrections; Ms. Cademartori clarified that none of the corrections in the warrant were changes; they were simply omitted by accident. Chairman Charville requested a motion that the PB recommends this warrant article to TM. Mr. Sheehan made the motion and Ms. Flaws seconded; the motion carried 4 – 0. At 8:35, Chairman Charville requested a motion to close the Public Hearing. Mr. Wills made the motion; Ms. Flaws seconded, and the motion carried 4 – 0.

4. Zepaj Lane –Performance Bond

Atty. Jay Kimball said the bond amount had been set by Town Engineer Charlie Richter and that his clients sought release of the Conditional Approval Contract by posting a cash bond. Chairman Charville requested a motion to authorize substitution of Form F-1 for Form G only after a cash bond in the specified amount has been posted. Mr. Wills made the motion; Mr. Sheehan seconded it, and the motion carried 4 – 0.

5. Market Street Lynnfield – Minor Site Plan Modification

Katherine Wetherbee of WS Development outlined the minor modification.

Mr. Dresios said he had written a 2nd letter to the PB regarding this matter; it is posted on the town website. Mr. Dresios said this is a zoning change that should be decided at TM as auto service is a prohibited use at Market Street and does not comply with the Design Standards. He added that Tesla would be selling electricity at a profit and that the “bylaws must prevail” over the Design Standards. Resident Paul Mitchell, a Tesla owner, said the proposed technology was not new and that it is proven and safe. Mr. Mitchell said that Market Street does not charge for using the stations, Tesla owners pay Tesla directly; he added that superchargers are used for long distance travelers and Tesla charges an extra fee if any vehicle stays at the charging station too long. Chairman Charville said that Town Counsel had stated that it is the PB’s decision as to whether this is a minor modification or an allowed use. Mr. Sheehan said he thinks this is a minor

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modification and is not an automobile “service” station. Chairman Charville agreed this is a minor modification, especially since this use already exists at Whole Foods. Ms. Flaws also agreed, saying that it is not a gas station and that it would be good for Lynnfield to have charging stations and gives another reason to visit Market Street. Mr. Wills asked if the charging stations were free; Ms. Wetherbee said Market Street is not charging for their use, the stations are proprietary to Tesla. Chairman Charville asked if the stations only charge Teslas; Ms. Wetherbee answered yes. Mr. Mitchell said the Tesla superchargers take 1 hour; the charger located at Whole Foods takes much longer. Director of Planning and Conservation Emilie Cademartori said a new state law requires that charging stations must now be useable for all electric vehicles. Ms. Wetherbee was not aware of that, and said if it is the law, Tesla would be required to comply. Chairman Charville asked for a motion to approve a minor modification for 12 Tesla charging stations at Market Street. Ms. Flaws made the motion and chairman Charville seconded it. The motion carried 4 – 0.

Continued Public Hearing – Proposed rezoning – Red Twig Lane

At 9:00 PM, Mr. Wills motioned to reopen the Public Hearing. The motion was seconded by Ms. Flaws and approved by a vote of 4 – 0. Atty. Panos said the current warrant article will be withdrawn, but that this is the beginning and they will come back with plans showing betterment to the neighborhood. Atty. Panos said he will speak to Ms. Cademartori tomorrow to withdraw the warrant article. Chairman Charville requested a motion stating “if the warrant article is not withdrawn, the PB does not recommend it”. Ms. Flaws made the motion and Mr. Wills seconded it; the motion carried 3 – 0; Mr. Sheehan recused himself from the vote. At 9:05, a motion to close the Public Hearing was made by Mr. Wills and seconded by Ms. Flaws; the motion carried 3 – 0.

6. Public Comment

None

7. Approval of Minutes

Chairman Charville requested a motion to approve the minutes from the 8/29/2018 PB meeting. Ms. Cademartori noted 2 misstatements to be deleted. Chairman Charville moved to accept the 8/29/2018 minutes pending the 2 deletions; Mr. Wills seconded the motion. The motion carried 3 – 0 with Mr. Sheehan abstaining as he had not attended that meeting.

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8. Topics for next meeting

- Continued Public Hearing for Sagamore Place/Janet Way
- Parsons Avenue Extension bond release
- Proposed Revisions to Tree Regulations
- Mr. Wills – review of access requirements to adjacent properties and paving of easements
- Minutes Approval

Mr. Sheehan motioned to adjourn the meeting at 9:25 PM; Ms. Flaws seconded. The motion carried 4 – 0.

Respectfully submitted,

Susan Lambe, Planning Office