

LYNNFIELD PLANNING BOARD MEETING – May 31, 2023

1. 7:00pm - Call to Order

Vice Chair Flaws called the meeting to order at 7:00pm and identified the Planning Board (PB) members in attendance, including herself, Amy MacNulty and Page Wilkins. She noted that while it was expected Chair Brian Charville and Clerk Edward Champy, III would not be in attendance, three PB members constituted a sufficient quorum to conduct the meeting. Vice Chair Flaws noted staff members in attendance; Director Emilie Cademartori and Administrative Assistant Sondria Berman, and stated the meeting was being recorded by audio.

2. 7:01pm – ZBA Case # 23-10, 4 Haywood Farm §§ 9.3.8 Special Permit Groundwater Protection District

Director Cademartori detailed she reviewed the calculations for the pool and patio at 4 Haywood Farm; she determined the infiltration proposed will offset the addition the pool and patio, but that it will not address the existing non-conforming imperviousness of the lot. Director Cademartori continued that while the Town building inspector recommended the pool and patio be infiltrated so as not to increase the existing impervious calculations of the non-conforming lot, she recommended the applicant make a more significant effort to increase the infiltration. Director Cademartori added the Conservation Commission had already issued a permit for the project.

Vice Chair Flaws stated there are no grounds for “grandfathering” the non-conforming lot, as the initial home construction was likely zoning compliant. Director Cademartori stated the addition and extension of driveway caused the percent of impervious area to exceed the allowable 15%, and a request for Special Permit was never filed. Vice Chair Flaws asked if other homeowners with a similar history were required to meet the Groundwater Protection District impervious requirements; Director Cademartori stated determinations are site specific and depend on the options available. Ms. Wilkins asked what methods were available to the applicant to infiltrate beyond the pool and patio; Director Cademartori stated the home has an existing infiltration system that could be potentially modified to recharge more water into the ground.

Vice Chair Flaws suggested the PB not oppose the special permit with conditions requiring the applicant to explore greater infiltration measures for the lot; Director Cademartori added it is equally important the infiltration systems are maintained by the homeowner to ensure successful, continuous operation.

LYNNFIELD PLANNING BOARD MEETING – May 31, 2023

Vice Chair Flaws moved to not oppose the special permit for 4 Haywood Farm, subject to the following condition: that the special permit stipulate maintenance requirements for the infiltration systems. Vice Chair Flaws asked for debate and comment; Director Cademartori asked if the PB wished to amend the motion with an additional condition for improving the infiltration on the lot.

Vice Chair Flaws amended her motion to the following: that the PB not oppose the special permit for 4 Haywood Farm, subject to the following conditions: that the special permit stipulate maintenance requirements for the infiltration systems and that the applicant explore means by which to increase the infiltration on the existing non-conforming lot to the extent practicable; Ms. Wilkins seconded the motion. The motion carried 3-0.

3. 7:23pm – ZBA Case #23-11, 177 Chestnut Street, §§5.5 Special Permit Expansion of Existing Non-Conforming Home

Brian McGrail, Esq. presented on behalf of applicant and owner, Allison Schelzi, requesting a special permit from the ZBA for 177 Chestnut Street. The proposal included the addition of a front farmers porch, increasing the existing non-conforming home structure by reducing the required frontage on the lot. Attorney McGrail cited that while the structure would in fact increase the non-conformity of the home, the addition of the porch itself would not be substantially detrimental to the property and instead make it aesthetically consistent with other non-conforming homes on the street.

Director Cademartori concurred that the addition of the farmers porch would be a minor structural change to the existing non-conforming home and would be consistent with other homes on the street. Director Cademartori noted, however, that based on aerial imagery and measurements, the plans submitted for the project do not reflect the actual size of the existing home and other impervious areas said to have been previously removed. Calculating the increased square footage estimated by aerial imagery, Director Cademartori stated the home is likely no longer zoning compliant with the groundwater protection district regulations and therefore requires a special permit application. Atty. McGrail expressed appreciation to the PB for bringing this information to his attention and stated he would reach out to Director Cademartori to revise the plans and determine how to apply to the ZBA for a groundwater protection district special permit.

PB members discussed if it would be possible to issue a recommendation only on the special permit request on hand; *Vice Chair Flaws moved the PB not oppose the requested special permit for 177 Chestnut Street, subject to the condition that the applicant revise plans and imperviousness*

LYNNFIELD PLANNING BOARD MEETING – May 31, 2023

calculations to submit a request for special permit under Section 9.3.8 Groundwater Protection District; Ms. Wilkins motioned in favor. The motion carried 3-0.

4. 7:37 pm ZBA Case# 23-12, Vallis Way Lot 1 §§ 9.3.8 Special Permit Groundwater Protection District

Attorney Tim Doyle spoke on behalf of the applicant for Vallis Way, Lot 1. He explained the subdivision decision stipulated that all homes built in the subdivision would require full roof infiltration; he asked the PB to clarify how calculations for imperviousness would proceed for the lot.

Director Cademartori stated that based on her conversations with Hayes Engineering, engineer for Vallis Way, two distinct conditions were concluded: first, that the subdivision decision required entire roof infiltration for each home on each lot, and second, that the groundwater protection district regulations require any impervious structure greater than 2500 sq. ft. to be infiltrated, as well. Director Cademartori explained that Hayes Engineering submitted the proposed driveway's impervious calculations to be just under the 2500 sq. ft. mark, at 2457 sq. ft. Given that the proposed pool and patio include infiltration systems, Director Cademartori stated the proposed home and infiltration appear to be in compliance with both the subdivision decision and the groundwater protection district.

PB members discussed how the infiltration system was incorporated into the pool and patio design; Atty. Doyle explained the infiltration for the pool occurs through drains as well as slope and grading on the patio to direct water run-off into the adjacent grass/ground.

Vice Chair Flaws asked for PB and audience comments; Jeff Stelman of 6 Mohawk Lane asked why a new construction home would be permitted if not compliant; Vice Chair Flaws explained that based on the subdivision decision requirements for the lot, the groundwater protection district restrictions, and the impervious calculations presented with the request for special permit, Lot 1 is fully compliant. She explained the PB reviews ZBA special permits to issue recommendations related to compliance with the applicable laws, rules and regulations. Director Cademartori indicated that as with other ZBA cases, the PB can highlight important aspects such as required maintenance of infiltration systems but that the ZBA ultimately would debate and issue, modify or deny the special permit.

Vice Chair Flaws requested a motion the PB not oppose the requested special permit for Vallis Way Lot 1, subject to the condition that the special permit stipulate maintenance requirements for infiltration systems; Ms. MacNulty seconded the motion. The motion carried 3-0.

LYNNFIELD PLANNING BOARD MEETING – May 31, 2023

5. 7:58pm – 271 Main Street Definitive Subdivision Lot Release Request

Vice Chair Flaws stated the applicant and owner at 271 Main Street has requested a lot release prior to the road being built; Director Cademartori added that the typical process for an approved subdivision includes signed plans from the PB, as well as other forms such as the Form G which requires that the road be built prior to lots being released as a protective measure for the town. She continued that Town Counsel advised the PB not to approve the request, as an approval would be in direct conflict with the signed Form G covenant and open the Town up to other liability issues if water and utilities are not established in the proper order.

Vice Chair Flaws requested a motion the PB decline the request for 271 Main Street Definitive Subdivision Lot Release Request on the advice of Town Counsel and in accordance with signed covenant Form G; Ms. Wilkins seconded the motion. The motion carried 3-0.

6. 8:05pm Vallis Way Construction Update- LCWD

Director Cademartori stated for the past three weeks, Vallis Way has been under a cease-and-desist order by the Town for all construction. This order was prompted by multiple violations to the limit of work – including trespassing on abutting properties and damages therein, a lack of required site supervision, and absence of required permits. As of the current meeting, the general construction permit is finally in place and the limit of work has been re-staked and re-established. Director Cademartori stated it is expected in the next few days the Town will conduct a visit and if all is in order, allow the tree removal work to resume.

Vice Chair Flaws asked if a site supervisor will be on-site every day; Director Cademartori stated that the resumption of tree work will be conditioned on the requirement of a daily supervisor on-site and provide daily reporting to the Town. She added the developer will be restricted to completing minor earthwork since they have not yet secured access to water (required for dust control under the general construction permit) and an approved, engineered plan and design for the retaining wall on Lot 5. She emphasized that LCWD must approve the water system connection for Vallis Way before additional work can proceed. Vice Chair Flaws asked why the delay on the design of the retaining wall; Director Cademartori stated that both the PB comments and the peer review consultant's comments were given to Hayes Engineering but that a revised design has not been received. Ms. MacNulty stated at both site visits for Vallis Way, Director Cademartori and the Town Engineer explained the permitting process to the developer. Director Cademartori explained that the developer

LYNNFIELD PLANNING BOARD MEETING – May 31, 2023

proposed a schedule and process for construction which the Town Engineer approved and signed, however, since the signing the developer has continually requested to modify the agreement.

Ms. Wilkins and Ms. MacNulty agreed it is unfair to the Town and abutters to have a developer not comply with required limits of work and permitting processes. Director Cademartori stated that the developer will not be permitted to begin any grading or other site work by the Town until the required plans, permits and/or approvals are in place. She noted that the developer must meet with LCWD to propose a viable water connection that the district favors and will keep both pressure and water quality intact for Vallis Way. Currently, the LCWD prefers a loop system to Smith Farm Trail to improve water quality and the flushing of the system. Hayes Engineering, on behalf of the developer, has proposed instead to install a new hydrant on Smith Farm Trail and relocate or add additional hydrant on Vallis to allow for flushing of both streets' systems and in turn, improve water quality. The proposal would also be beneficial should the elder housing on Sagamore golf not be built.

Jeff Stelman of 6 Mohawk Lane expressed his gratitude to the PB for overseeing the Vallis Way subdivision; he asked who hires the on-site supervisor for the development. Director Cademartori stated there are two individuals primarily responsible for site supervision: 1) a contractor hired by the developer to serve as a daily site supervisor and 2) a civil engineer hired as a peer reviewer on behalf of the Town who completes on-site inspections and reviews reports. She added that town officials and other officers such as the Building Inspector, Town Engineer and herself are also tasked with inspections for compliance purposes. Mr. Stelman asked about potential tree violations given that the limit of work fencing had been breached; Director Cademartori explained that with the limit of work successfully re-installed, she can review the site and examine if there were any trees removed outside the limit of work. Director Cademartori reviewed the Tree Preservation Bylaw relative to the Vallis Way subdivision.

7. 8:32pm – Lynnfield Community Vision Plan- Public Engagement Update

Director Cademartori explained that the Lynnfield 2040 Vision Plan tabling events have been completed, along with other marketing and outreach initiatives throughout the month of May. She stated the survey has collected just under 600 responses, and that the office has received both positive and negative feedback about the survey.

She noted that MAPC presented a grant opportunity for Lynnfield to acquire funds to do a full master plan, however, after speaking with Chair Charville and the Town Administrator, it was agreed

LYNNFIELD PLANNING BOARD MEETING – May 31, 2023

the grant opportunity appears premature. Director Cademartori explained due to the fact the vision plan results are incomplete, it is difficult to determine if a grant for a master plan is needed versus a more focused grant initiative for a corridor study or an MBTA Communities zoning study. PB members discussed the low response rate for the survey and opportunities to reach more residents and send out additional announcements before the survey closes on June 20th.

Administrative Matters

8. 8:44pm - Approval of Minutes- April 26, 2023

Vice Chair Flaws asked for comments or corrections to the April 26, 2023 minutes as circulated to the PB. Hearing none, *Vice Chair Flaws requested a motion to approve the April 26, 2023 minutes as circulated; Ms. Wilkins motioned in favor and Ms. MacNulty seconded the motion. The motion carried 3-0.*

9. 8:45pm: Next Meeting Agenda Items

- Director Cademartori mentioned that the PB was requested to participate in a joint hearing with the ZBA for a special permit for site plan approval in late June for the complex at South Fire. Currently, the Town is reviewing if a special permit is required. Director Cademartori explained she would provide an update once available. Director Cademartori stated there may also be a joint hearing with the ZBA for site plan approval for the King Rail Golf Clubhouse in the coming weeks, with more specifics to be shared at a later date.
- Ms. MacNulty asked for feedback about the Town's efforts to become more "green" with respect to energy efficiency with capital projects such as the King Rail Clubhouse and South Fire; Vice Chair Flaws asked what, if anything, the municipal safety buildings will have in terms of energy efficiency. Director Cademartori explained the Town is incorporating some EV charging stations incentives through Reading Municipal Light District and National Grid. Ms. Wilkins asked if the PB could submit a letter to the Town with recommendations for municipal safety buildings; Director Cademartori stated that the PB can submit their recommendations to the ZBA.
- Director Cademartori explained that there will likely be a Scenic Road Bylaw application combined with a public shade tree removal request from Greenbelt to create a new small parking lot with 6 spaces in the Richardson Green parcel.
- Ms. Wilkins stated she will not be able to attend the June 28, 2023, PB meeting.

LYNNFIELD PLANNING BOARD MEETING – May 31, 2023

- PB members inquired about the Tuttle Lane street-tree plantings; Director Cademartori stated that the developer wanted to wait to plant so that the tree growth would be even.
- PB members asked about Tree Preservation Bylaw at 10 Orchard Lane; Vice Chair Flaws stated that the contractor has stopped working on the site. Director Cademartori noted that the contractor's TPB permit stipulates he owes the town for tree removals; she added that any construction equipment should be off the site if work is not being done.

10. 9:01pm – Adjournment

Vice Chair Flaws requested a motion to adjourn. Ms. MacNulty motioned in favor and Ms. Wilkins seconded the motion. The motion carried 3-0.

Respectfully submitted,
Sondria Berman