

LYNNFIELD PLANNING BOARD MEETING– June 28, 2023

1. 7:00pm - Call to Order

Chair Charville called the meeting to order at 7:00pm and identified the Planning Board (PB) members in attendance, including himself, Vice Chair Kate Flaws and Amy MacNulty. He noted it was expected Clerk Edward P. Champy, III and Page Wilkins would not be in attendance. Chair Charville noted staff members in attendance; Director Emilie Cademartori and Administrative Assistant Sondria Berman, and stated the meeting was being recorded by audio to assist with the preparation of minutes.

2. 7:01pm – Scenic Road & Public Shade Tree Removal Public Hearing – 1452 Main Street

Chair Charville requested a motion to open the joint public hearing on 1452 Main Street regarding the Scenic Road and Public Shade Tree Removal; Vice Chair Flaws moved in favor and Ms. MacNulty seconded the motion. The motion carried 3-0.

Director Cademartori read aloud the first half of the public hearing notice. *Chair Charville requested a motion the PB waive reading the remainder of the public hearing notice aloud; Ms. MacNulty moved in favor and Vice Chair Flaws seconded the motion. The motion carried 3-0.*

Director Cademartori acknowledged the presence of applicant David Rimmer, Director of Stewardship at Essex County Greenbelt Association as well as Lisa DeMeo, Lynnfield Town Engineer and Tree Warden, who oversees the approval of Public Shade Tree removals for the town. Director Cademartori noted that the application seeks to establish safe driveway access on the Lynnfield Woodlot (formerly Richardson Green parcel) at 1452 Main Street to build a small parking lot area for visitors to the Willis Woods conservation area. She noted due to steep slopes, the line of sight needed to create a safe driveway involves significant grading in the right-of-way and the removal of 18 trees.

Mr. Rimmer explained the Town of Lynnfield holds a conservation restriction (CR) on the Lynnfield Woodlot property, which includes a provision in the CR agreement for construction of a driveway and parking lot for no more than 6 vehicles with written permission from the Town. He noted that additionally, the project requires approval from the Planning Board for the removal of trees in the right-of-way on a designated scenic road (Main Street) pursuant to the Scenic Road Bylaw, and permission from the Tree Warden to remove public shade trees. He described the driveway and parking area will be made of pervious gravel, and a handicap parking spot will be included.

Ms. MacNulty asked about the timeline for construction of the parking lot and the establishment of the Willis Woods trail network; Mr. Rimmer stated that the Willis Woods trails are already in decent shape and require less work to be established; he added that the site work for the parking lot and tree

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removal will be contracted out, and Greenbelt staff will complete trail work that includes signage, blazes, and a kiosk.

Ms. MacNulty and Vice Chair Flaws stated it is critical that Greenbelt maintain clear communication with the contractor and tree removal specialist to ensure the project stays within the limits of work. Mr. Rimmer agreed.

PB members noted the Tree Preservation Bylaw does not apply to conservation restricted properties, but inquired if any mitigation measures could be made by the applicant. Mr. Rimmer expressed that Greenbelt would consider the Town's suggestions to either re-plant trees or allocate funds to the Town's tree fund.

Chair Charville acknowledged receipt of a letter of approval from Ms. DeMeo granting permission for the removal of public shade trees at 1452 Main Street. Ms. DeMeo suggested the Town also consider alternative forms of mitigation for tree removal, including a collaborative art installation at the site incorporating the cut trees. Ms. MacNulty expressed enthusiasm for the idea of an artistic collaboration with Greenbelt, the Conservation Commission, the Tree Committee and residents to develop awareness and/or fundraising opportunities.

Chair Charville inquired if there will be any additional access points along Main Street to enter the conservation areas; Director Cademartori stated the Conservation Commission engaged an outside consultant to map the existing trails and access points and is expected to receive a final draft once the Lynnfield Center Water District has reviewed it. She continued that while this project will likely be the first formal access point to the conservation area, multiple locations to access the over 700 acres of Willis Woods are planned, including two on LCWD property; one at the end of Glen Drive, and another off Main Street south of Sagamore Spring Golf Course. Additional access points include one through the Bostik property with parking at the adjacent Peabody Rail Trail, and one from North Reading at the City of Lynn Water & Sewer pump station access bridge.

Chair Charville invited staff and audience comments; Patricia Campbell of 7 Patrice Road stated that she does not object to the removal of the 18 trees and supports the PB's suggestion to consider mitigation efforts. She expressed concern over the loss of trees in town, and emphasized the importance of preservation. She expressed hope that with improved access to the Willis Woods trail system, community members will become better stewards of trees and conservation lands. Ms. Campbell asked if the Tree Committee provided any formal comment on the tree removals at 1452 Main Street;

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Director Cademartori stated there had been no formal statements received from members of the committee.

Chair Charville requested a motion to approve the removal of 18 trees and associated grading and landscaping activities within the right-of-way at 1452 Main Street pursuant to the Scenic Road Bylaw and the Public Shade Tree law; Ms. MacNulty motioned in favor and Vice Chair Flaws seconded the motion. Director Cademartori clarified that the PB is only able to issue an approval under the Scenic Road Bylaw as the Public Shade Tree decision rests with the Tree Warden.

Chair Charville requested to amend the motion as follows: that the PB approve the removal of 18 trees and associated grading and landscaping activities within the right-of-way at 1452 Main Street pursuant to the Scenic Road Bylaw, in concurrence with the Tree Warden's letter of approval to the Planning Board dated June 27, 2023 for Public Shade Tree removal pursuant to MGL Ch. 87 Section 3; Ms. MacNulty motioned in favor and Ms. Flaws seconded the motion. The motion carried 3-0.

Director Cademartori asked Ms. DeMeo if there is any formal approval required under the Public Shade Tree law that must take place during the public hearing; Ms. DeMeo stated that her written letter to the PB included in the record to the PB is sufficient.

Chair Charville requested a motion to close the joint public hearing for 1452 Main Street Scenic Road and Public Shade Tree Removal request; Ms. MacNulty moved in favor and Vice Chair Flaws seconded the motion. The motion carried 3-0.

3. 7:23pm – ZBA Case #23-13, 1000 Main Street, §§5.5.3 Special Permit Expansion of Existing Non-Conforming Home

Director Cademartori described the project at 1000 Main Street as a 15,000 sq. ft. lot with existing non-conformities. She explained the request is to increase existing non-conformity by encroaching further into the front yard setback. She added that the project does not increase the existing non-conformity on the side yard setbacks. Chair Charville confirmed the construction includes the addition of a front porch and garage. Homeowner and applicant, Margaret Marotta-Smith, stated the improvements to her home will make the home appear more consistent with other homes on the street.

Director Cademartori stated the existing rear yard setbacks from the property line to the home are at 12.9 feet, and that the proposed garage will not encroach further than the existing non-

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conformity. Director Cademartori explained that the Board of Health will need to supply the ZBA with a letter informing the ZBA if the bedroom count is compliant with Title 5; she noted the property is currently a 3 bedroom, and will be enlarged to a 4 bedroom with the addition of a master bedroom over the garage.

Chair Charville asked Ms. Marotta-Smith if she had shared her project plans with abutting neighbors and if she received any feedback; Ms. Marotta-Smith stated she talked with some of her neighbors and no concerns were raised.

Chair Charville asked for further comment from PB and audience members; Vice Chair Flaws asked about imperviousness calculations related to the Groundwater Protection District (GWP). Director Cademartori stated that the property may need to update their impervious calculations to confirm it does not exceed the 15% GWP limit.

Chair Charville asked for a motion that the PB not oppose the requested special permit for ZBA Case #23-13, 1000 Main Street; Vice Chair Flaws motioned in favor and Ms. MacNulty seconded the motion. The motion carried 3-0.

4. 7:36 pm ZBA Case# 23-16, 54 Essex Street § 9.3.8 Special Permit Groundwater Protection District

Chris Sparages of Williams & Sparages Engineering, accompanied by homeowners Joan and David Patterson, presented the proposed project at 54 Essex Street to include an in-ground pool and patio and associated grading and landscaping. Mr. Sparages explained the project would add to the existing non-conforming imperviousness for the lot. He noted that half the lot is in the groundwater protection district (GWP); he stated his team included the house, driveway, and patio walkways in their impervious calculations, which totaled to 18.9 %. Factoring in the square footage of the non-groundwater protection district portion of the lot, the final impervious calculation for the entire property was 16.9%. Mr. Sparages stated that the pool and patio create an increase of 4.7% of impervious area, and therefore to better comply with bylaw, the applicant plans to include a groundwater recharge system in the form of a stone-filled trench around the perimeter of the patio to mitigate the increased imperviousness.

Director Cademartori noted that the applicant plans to address only the new impervious area, but is not addressing the existing non-conforming imperviousness; Vice Chair Flaws stated grandfathering was not applicable as the bylaw was adopted in 1996 and Mr. Patterson's home was built in 2002.

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Vice Chair Flaws discussed the difficulty in prescribing a recommendation to the ZBA if the home remains out of compliance with the GWD; she asked the applicant if there are additional ways to infiltrate and bring the property into compliance.

Chair Charville asked if the project would include tree removal; Mr. Patterson stated there would be no tree removal required. Mr. Sparages stated that the property has some existing impervious areas such as a rain garden area, that were not included in the calculations. Vice Chair Flaws stated that while she did not oppose the project, she hoped more infiltration from roof run-off could be added to the project scope and bring the property into compliance with the GWD bylaw. Director Cademartori stated there should be a clarification made for internal policy to ensure uniform application of the GWD regulations. Chair Charville recommended suggesting that the applicant consider additional infiltration in their recommendation to the ZBA.

Pat Campbell of 7 Patrice Road requested to view her home location on a map relative to the property being discussed; Ms. Campbell expressed gratitude that the PB asked about tree removal for the project.

Alan Dresios of 64 Bourque Road addressed the PB regarding the GWP bylaw and recommended if the bylaw needs clarification or improvement to proceed with implementing the necessary changes. Director Cademartori stated that the GWP district map has been updated three times since its inception, and the bylaw amended twice.

Vice Chair Flaws asked if there is any maintenance required for the infiltration system; Mr. Sparages stated that the infiltration system is self-maintained, but has accessibility for periodic inspections and any repair work if needed.

Vice Chair Flaws requested a motion the PB not oppose the requested special permit for 54 Essex Street subject to the condition that the special permit stipulate maintenance requirements for infiltration systems and that the applicant explore ways to increase infiltration on the existing non-conforming portion of the lot within the GWD; Chair Charville motioned in favor and Ms. MacNulty seconded the motion. The motion carried 3-0.

5. 8:03pm – Vallis Way Subdivision Construction Update

Director Cademartori reiterated the cease and desist (C&D) for the Vallis Way subdivision was issued a month ago for limit of work violations, damages to abutting property, and lack of required

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permits. She shared that after the C&D was issued, the developer has been working to collect the requisite permits, restore the limit of work, and obtain LCWD approval for a water line connection to resume tree cutting. Director Cademartori added that the specifications are being finalized to allow tapping into a water main on Lowell Street to allow for water access to the site, which is expected to be approved in a week. Director Cademartori stated that a site visit meeting took place that day re-establishing the limit of work and erosion control for the roadwork. She added the developer has proposed a plan to the LCWD to address the LCWD concerns about water quality and pressure at Smith Farm Trail and that the developer intends to resume discussions about a loop water system with LCWD at their July monthly meeting. Director Cademartori stated she expects construction to resume in a week or so, once water is available on site and all required permits have been received. Director Cademartori noted that the water main location also requires approval from the Fire Chief, as the location of the main is now being moved across the street.

Director Cademartori noted that it is possible the developer may attend the next monthly PB in July to request an amendment to the subdivision to reverse the gas waiver and use a different pipe material for the drainage work. She explained the subdivision decision granted a pipe material waiver for certain portions of the property however the developer is now asking to use alternate pipe material throughout. Director Cademartori indicated the Town Engineer is willing to grant the requested waiver for the pipe as the material proposed is sufficient.

Director Cademartori asked the PB if the two requested amendments are minor modifications or significant modifications to require a public hearing for a formal decision amendment; Ms. MacNulty stated she considers it to be minor; Chair Charville concurred. Chair Charville asked how the minor modifications would be documented and recorded; Director Cademartori noted that the street acceptance plan would be recorded at the Registry, and the Town would receive as-built plans for the street reflecting the minor modifications.

Director Cademartori added the retaining wall for Vallis Way still needs an updated design from the developer's engineer, Hayes Engineering. She noted that the developer worked with Clerk Champy to consider alternate designs and materials to construct the retaining wall. Ultimately, despite the improved aesthetic, the engineering for alternative walls did not work, making it wider and taller exceeding the allotted 15-foot easement. Director Cademartori recommended the original manufactured concrete wall was the best option, as it requires the least amount of grading and is the

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shortest in height at 11ft high compared to 18ft. Director Cademartori added the manufactured wall would offer the least amount of encroachment on the hill, and allow for plantings at the top and evergreen tree plantings in the 3-4 ft grass strip in front of the wall.

Director Cademartori asked for the PB to approve the design aesthetic to allow the developer to move forward with engineering and landscaping plans.

The PB agreed the requested changes to the subdivision were minor and could be presented at the next monthly PB meeting; Chair Charville said he recommended the PB issue a letter formalizing approval for the minor changes after they have been presented by the developer to the PB.

6. 8:23 pm Community Visioning Effort and Survey

Director Cademartori stated the Lynnfield 2040 Vision survey closed the prior week; she added that some completed surveys have been handed and sent over to MAPC for inclusion in the final tally of responses for a total of approximately 950 responses. She added that if you consider the responses in terms of households, the 950 responses equate to approximately 20% of Lynnfield households, which offers statistical significance.

The PB discussed the outreach efforts, survey design, and Lynnfield community reactions and responses. Director Cademartori stated survey results and analysis by MAPC would likely be presented at the upcoming PB meeting in July.

Pat Campbell of 7 Patrice Road stated that the distribution of the survey was excellent and easily accessible to the community, but expressed dissatisfaction about the phrasing of questions on the survey. Chair Charville stated that results of the survey, as well as community responses, would be revisited at a future PB meeting.

Alan Dresios of 64 Bourque Road submitted to the PB shared a document outlining applied survey methods for statistically significant survey results. Mr. Dresios recommended that the populations be segmented to showcase the makeup of the Town. Chair Charville requested the planning office staff scan and share the document with MAPC for consideration in conducting their survey analysis.

7. 8:30pm - Approval of Minutes- May 31, 2023

The PB reviewed the May 31, 2023 PB meeting minutes. *Chair Charville requested a motion to approve the May 31, 2023 minutes as circulated; Vice Chair Flaws motioned in favor and Ms. MacNulty seconded the motion. The motion carried 3-0.*

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8. 8:33pm: Administrative Matters/Discussion for Next Meeting

- Director Cademartori stated the LCWD will be before the ZBA for site plan approval for the new water treatment facility on Main Street. Site plan approval comes to the PB for comments prior to the ZBA hearing.
- Director Cademartori stated that site plan review is not taking place for the Town Hall / Public Safety building or South Fire Station. Vice Chair Flaws expressed confusion as to why there is no opportunity for public comment or review; Chair Charville stated he would reach out to Town Counsel for clarification. Vice Chair Flaws asked if the Town pursued any low-impact energy systems; Director Cademartori stated she was not sure.
- Chair Charville asked about site plan review for King Rail Golf; Director Cademartori stated she was unsure if that project would be subject to site plan review.
- Director Cademartori stated that if the PB wishes to put anything forward for Fall town meeting, it would be prudent to begin drafts for review, such as the ADU Bylaw amendments.
- Director Cademartori stated the zoning provisions are very loose for the proposed development of Elderly Housing (EH) at Sagamore Golf; she added that almost every EH project in town does not conform to these standards. She noted that as the EH Special Permit Granting Authority, the PB may be able to grant variances but in Lynnfield this may be under the purview of the ZBA. As such, Director Cademartori asked the PB to also consider an alternative method for approval to have Toll Brothers attend the upcoming fall town meeting and request the EH zoning provisions be updated. Chair Charville stated that Toll Brothers applying for the special permit and the ZBA for variances would be a preferred process instead of updating the EH zoning provisions at Town Meeting.

10. 8:43pm – Adjournment

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

Respectfully submitted,
Sondria Berman