

LYNNFIELD PLANNING BOARD MEETING– JULY 26, 2023

1. 7:02pm - Call to Order

Chair Charville called the meeting to order at 7:02pm and identified the Planning Board (PB) members in attendance, including himself, Vice Chair Kate Flaws, Amy MacNulty and Page Wilkins. He noted it was expected Clerk Edward P. Champy would be arriving shortly. Chair Charville introduced 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. 7:03pm – 271 Main Street Definitive Subdivision - Bond Approval & Request for Lot Release

Director Cademartori stated 271 Main Street was a previously approved one-lot subdivision. She explained the original house at 271 has been demolished, re-built and is nearing completion. Director Cademartori stated that developer is now seeking a lot release to begin work on the rear portion of the property, where a private roadway has been principally constructed and built to binder with water and electricity utilities installed. She noted outstanding items on the rear lot include stormwater infrastructure and catch basins which will be completed as a part of site development. Director Cademartori added the bond is estimated at \$60,000, and would include funds to complete stormwater infrastructure, tree plantings and final pavement of the private roadway. She indicated the owner has requested a lot release with cash on hand and that the town engineer has reviewed and approved the lot release. She noted that should the bond request and lot release be approved by the PB, the developer still needs to complete outstanding items including designs for roof infiltration and interior fire suppression as part of the definitive decision before he can receive a building permit.

Chair Charville asked if there is roof infiltration for the house at the front of the property at 271 Main Street; Director Cademartori stated roof infiltration is depicted on the building permit plan but is not required as part of the subdivision decision and has yet to be installed. She continued that the subdivision decision required roof infiltration for the rear lot only.

Chair Charville requested audience comments; hearing none, ***Chair Charville asked for a motion the PB accept the \$60,000 performance bond secured by deposit, and grant the certificate of release for Lot #2 regarding the definitive subdivision at 271 Main Street; Vice Chair Flaws motioned in favor and Ms. Wilkins seconded the motion. The motion passed 4-0.***

- 7:08pm Clerk Ed Champy arrived and joined PB members at the dais. -

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3. 7:08pm – ZBA Case #23-17, 29 North Hill Drive, §§9.3.8 Special Permit Groundwater Protection District

Chris Sparages of Williams and Sparages, LLC presented on behalf of owner and applicant in attendance, Troy DiNapoli, of 29 North Hill Drive, and presented the request for Groundwater Protection District (GWP) Special Permit from the Zoning Board of Appeals (ZBA) to construct a detached, 60 x 40 ft. garage at the rear of the property with a crushed stone driveway to accommodate vehicle, boat and other storage. Mr. Sparages noted the garage would not trigger a wetland permit, as the limit of work for construction would be outside the 100ft buffer zone to a wetland. Mr. Sparages stated the property lies within the GWP district and is compliant with an existing impervious calculation of 14.9%. He added that the addition of the garage would increase imperviousness of the lot to 18.9%, and therefore, the applicant has agreed to install a subsurface infiltration system to capture and recharge up to 6.3 inches of rainfall, mitigating the impervious area added. Mr. Sparages discussed the Cultec infiltration system details and design of the subsurface chambers.

Chair Charville asked when the home was built; Director Cademartori stated that it was built in 1973. Chair Charville asked if there was an existing recharge system; Mr. Sparages stated that he is not aware of an existing system for roof infiltration.

Clerk Champy noted that the 100ft. distance from the gutters to the infiltration chamber could present some challenges, and noted that an underground connection would be ideal.

Chair Charville asked about any zoning use restrictions pertaining to the garage as proposed; Director Cademartori stated that garages have a vehicle storage limit outlined in the zoning bylaw use table.

Director Cademartori stated the proposed driveway is made of crushed stone and coupled with the slope moving downward, voiced concerns about stormwater run-off; Mr. Sparages stated that due to favorable soils on site, he was not concerned about excess water run-off. Director Cademartori asked if the driveway would eventually be paved; Mr. Sparages stated he was unaware of any intention to pave the driveway. Director Cademartori advised should the driveway be paved in the future, the drainage would need to be captured and recharged into the ground per the GWP district regulations.

Vice Chair Flaws asked if a Tree Preservation Bylaw (TPB) permit was issued for the property; Director Cademartori explained that although special permits trigger the TPB, depending on the special permit the project may not be applicable. PB members discussed the types of projects that require

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special permits for GWP and trigger the TPB. Vice Chair Flaws and Ms. Wilkins stated they wished to explore the GWP special permit and TPB at the next PB meeting.

Chair Charville asked for a motion the PB not oppose the special permit under §§9.3.8 for a detached garage and driveway at 29 North Hill Drive subject to the condition that additional infiltration would be required if the crushed stone driveway is paved; Ms. Wikins motioned in favor and Vice Chair Flaws seconded the motion. Director Cademartori noted that typically with GWP special permit review, the PB recommends maintenance plans of the infiltration systems.

Chair Charville requested an amended motion- that the PB not oppose the special permit under §§9.3.8 for a detached garage and driveway at 29 North Hill Drive subject to the following conditions: that additional infiltration would be required should the crushed stone driveway be paved, and that the ZBA require that the property owner implement an operations and maintenance (O&M) plan for the infiltration system in perpetuity; Ms. Wilkins motioned in favor and Vice Chair Flaws seconded the motion. The motion carried 5-0.

4. 7:26 pm ZBA Case# 23-18, 10 Glen Drive § 9.3.8 Special Permit Groundwater Protection District & Site Plan Review

Director Cademartori stated it is uncertain whether or not the Lynnfield Center Water District's (LCWD) water treatment plant at 10 Glen Drive requires a Site Plan Review and a GWP special permit. She noted that the project meets all the state stormwater standards and that the facility is infiltrating roof runoff. She added the project doesn't need Conservation Commission approval because it is outside the 100ft buffer and doesn't discharge stormwater to any wetlands. She added the project also doesn't trigger the stormwater bylaw because it doesn't discharge to a wetland or the town's MS4 collection system. Director Cademartori stated she does not believe the project requires a special permit for GWP as the project will not exceed 15% imperviousness of the total lot area. She noted the project is a conforming, by-right municipal use in the district but due to the scale of the project, storage of chemicals and other special materials, and the proximity of the facility to the end of a residential street, the building inspector and town counsel requested site plan review by the ZBA.

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Vice Chair Flaws asked if a change in facility type triggered site plan review; Director Cademartori stated the site is increasing in size and scope, but that the use is not changing and remains zoning compliant.

Ms. MacNulty discussed the PFAS treatment system and expressed interest in learning more about how the new facility would remove the contaminant from the LCWD water supply. The PB debated whether or not there was enough information to oppose or not oppose the requested special permit.

Chair Charville asked if the facility is accessible to the public; Director Cademartori explained the facility can only be reached through the cul-de-sac for Glen Drive, with a small road into the facility.

Chair Charville asked for a motion the PB not oppose the requested ZBA special permit under §9.3.8 for the Groundwater Protection District and site plan review under §10.6 for a LCWD new water treatment plant at 10 Glen Drive; Clerk Ed Champy motioned in favor and Ms. MacNulty seconded the motion. The motion carried 5-0.

5. 7:44pm – Lynnfield Community Vision Plan and Survey Results

Andrea Harris-Long of MAPC introduced colleague Sarah Scott to present on the Lynnfield 2040 Vision Survey results. She stated the survey had been open approximately 2 months, and received an approximate total of 850 responses. Ms. Scott shared an overview of survey engagement, survey demographics, and important themes/issues raised by respondents. Ms. Scott explained that most respondents were older adults ages 50-70 who lived in Lynnfield for over 20 years; she highlighted the important issues related to public health and safety, social opportunities for various groups while diversification of the local economy was highlighted as the least important issue facing the Lynnfield community. Respondents also expressed interest in recreation, town infrastructure, and thoughtful growth management with specific mention of sustainability of water, sidewalk repairs, bike paths and support for the completion of the rail trail. Ms. Scott discussed respondents' views on housing- affordability, availability, and equitability, as well as overall commercial growth of the town. She noted that approximately 40% of respondents felt some kind of future housing instability.

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PB members discussed ways to address housing affordability and availability by amending the accessory dwelling unit (ADU) bylaw. Vice Chair Flaws and Mr. Champy discussed ways to amend the bylaw without creating unintended consequences (e.g. increased housing prices). Both agreed the goal is to create more affordable housing options for seniors and other vulnerable populations.

Ms. Harris-Long stated that a comprehensive plan could focus on addressing housing strategies to drive improved housing solutions for the town.

Chair Charville asked when the results would be formally shared with the Select Board; Director Cademartori stated that the results were sent to town administrator Robert Dolan, with the expectation that the Select Board would receive an update at their upcoming meeting. Ms. Harris-Long shared that a shorter summary of survey results would also be forthcoming and would be shared with the public.

Director Cademartori asked if any summary was completed for the individual comments of respondents; Ms. Scott stated that MAPC plans to categorize comments to allow them to be more easily aggregated and analyzed in the coming weeks.

Ms. Harris-Long discussed the way in which a vision plan is created from survey results, drawing “aspirational solutions” and “guiding principles” from the aggregate survey responses. Ms. Harris-Long described three broad categories as paramount tenants for inclusion the Lynnfield Vision Plan: 1) desire for a sense of belonging, 2) importance of transparency in government, and (3) support for better growth management.

Ms. Harris Long stated that the Lynnfield 2040 Vision Plan initiative will continue engagement post-survey with community members and target underrepresented demographics to complete one-on-one interviews. She noted that these demographics included people of color, renters, young people and people with low incomes. PB members suggested ways to reach these demographics directly.

Ms. Harris-Long shared that a shorter review of the survey results will be available next week. Additionally, a draft of the vision plan will be presented to the PB and the public in the fall, with online opportunities to solicit public comment and feedback. Ms. Harris-Long emphasized that individuals are always welcome to reach out the planning office and MAPC to provide additional feedback outside the coordinated outreach and engagement events. Ms. Harris-Long also stated that MAPC will draft an email in the coming week thanking all the individuals who participated in the survey and includes a link to review the survey results. Ms. Harris-Long stated that the email language and information can also be shared by planning office staff.

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Director Cademartori noted that some individuals expressed interest in having in-person opportunities to review and give feedback about the survey results but that the ability to coordinate and gather groups of individuals in-person is a challenge. Ms. Harris-Long stated that individuals are always encouraged to communicate their feedback to MAPC via mail, email, or phone even if an in-person option is not available. She also mentioned that the PB could set aside time to receive public comments about the survey at their next meeting, if needed, to provide in-person feedback.

PB members discussed survey responses, survey questions and feedback previously communicated to individual PB members.

6. 8:57pm: Vallis Way Subdivision Update

Director Cademartori stated that Vallis Way subdivision construction remains on hold, due to infrastructure issues and outstanding permits.

She noted that developer re-installed the erosion control and limit of work after the cease & desist was issued. Director Cademartori stated at her last site visit, she approved the re-installation and permitted the resumption of tree stump removal once the cease and desist was lifted. The developer then completed the water main tap, but the trench later collapsed shortly thereafter. Town engineer, Lisa DeMeo, then required the developer repair the trench, as well as complete all outstanding permits before proceeding with any further work on-site; Director Cademartori stated that she has not received word from Ms. DeMeo or the developer that any additional work has been completed.

Clerk Champy asked about the specifics of the trench collapse; Director Cademartori explained the collapse happened after the backfill and pavement were installed over the trench. She added that the trench runs across the opening to the Vallis Way, and with heavy machinery crossing over the repair was deemed necessary by the town engineer.

Director Cademartori also added that the developer has not received approval from the LCWD and whether or not the water line will be looped to Smith Farm Road or not; additionally, the developer has not submitted a final retaining wall design for PB review.

Director Cademartori stated that she spoke with the superintendent of Sagamore Golf Course regarding the tree removals and damages caused by GTA operating tree removal equipment on their property and asked the PB if they wished to issue any violations or pursue action against the developer for the damages caused to Sagamore Golf Course.

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Director Cademartori stated that there is no place to put trees back on the Vallis property, and the trees need to be re-installed on the golf course property. Director Cademartori stated that the trees offered necessary screening and protection for a future homeowner on Vallis Way. She stated that with the PB enforcement, the developer could be required to pay for the re-installation of the trees on Sagamore Golf course so that the property owner would not have to take on their own civil action against the developer.

Clerk Champy voiced concerns about the PB getting involved in a legal dispute between two land owners, citing costs related to attorney fees. Clerk Champy recommended instead the PB issue a formal violation, and allow Sagamore Golf to pursue their own civil case. Vice Chair Flaws concurred with Clerk Champy's recommendation.

Director Cademartori stated that developer acknowledged the mistake and the importance of having trees replanted to provide screening from the adjacent golf course. She added that she has photographs of the cut tree stumps, but has not formally measured them. She added that the number of lost trees is estimated at six, and the estimated cost to restore the trees is approximately \$4000.

The PB discussed under what bylaw or statute a violation could be rendered to the developer, as the Tree Preservation Bylaw pertains to the permitted property and requires trees be planted on the permitted property versus an abutters land. Vice Chair Flaws stated that there are state laws which prevent homeowners from taking down trees on another person's property.

Ms. Wilkins suggested the PB could mediate a conversation with the developer and Sagamore Golf Course at an upcoming PB meeting to determine a financial remedy for the damages in lieu of the PB taking more serious action to modify or rescind the subdivision decision.

Clerk Champy summarized that the PB can work within its authority to issue a violation or alter a decision as needed, but emphasized that any legal action to acquire remedies should be taken by Sagamore Golf course.

Director Cademartori noted that the PB did not oppose a GWP Special Permit from the ZBA for Lot 1 at Vallis Way. She noted that since the PB issued its recommendation, she discovered the subdivision decision included stricter rules regarding the imperviousness of each lot than the GWP Bylaw. She stated that Lot 1's GWP plan does not appear to conform to the subdivision decision requirements. Director Cademartori stated that the stormwater decision stipulates all roof area must be infiltrated, and any additional imperviousness over 2500 sq. feet on the lot needs to be infiltrated.

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Director Cademartori noted that the special permit has not been heard yet by the ZBA, and that she would send an additional letter to the ZBA informing them of the additional subdivision infiltration requirements.

Administrative Matters

7. 9:18pm - Approval of Minutes- May 31, 2023

The PB agreed to review the June 2023 PB minutes at the next PB meeting.

8. 9:19pm: Administrative Matters/Discussion for Next Meeting

- Director Cademartori stated that the next meeting would possibly include ADU Bylaw revisions to review for the upcoming fall town meeting.
- Chair Charville expressed interest in amending the bylaw on Site Plan Review to make it less ambiguous in terms of applicability. He will discuss with the Planning Director, the ZBA and Town Counsel.

10. 9:24pm – Adjournment

Chair Charville requested a motion to adjourn. Vice Chair Flaws motioned in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.

Respectfully submitted,

Sondria Berman