

LYNNFIELD PLANNING BOARD MEETING MAY 25, 2016

A regular meeting of the Planning Board was held on Wednesday May 25, 2016 in the Merritt Center at 600 Market Street 2nd floor. Co-Chairman Faria called the meeting to order at 7:00 PM and adjourned at 10:15 PM Present: Co-Chairmen John Faria and Alan K. Dresios, Vice Chairman Heather Sievers, Clerk Charles B. Wills and Michael Sheehan

1. 7 PM CONTINUED PUBLIC HEARING VIOLET CIRCLE, Marco and Julie Tammaro

Present for the discussion: **Richard Cutts, Linden Engineering (Planning Board consultant); Town Engineer Charles Richter; Peter Ogren, Hayes Engineering and Attorney's Jay and Jason Kimball.** Dresios chaired the public hearing. Charles Richter approves all requested waivers on the plan dated May 19, 2016 stating they are technical. He discussed each waiver request: 1) Sight distance - it is impossible to negotiate the turn change of direction (40 & 60 degrees) if going more than 20 MPH and that is difficult; a limited number of vehicles will be coming out of Violet Circle. 2) Test pits and storm water management – Richter noted the plans meet the requirements; houses are not designed, therefore it is not practical to do calculations for roofs runoff into recharge infiltration system; this will be done when houses are designed. **Richard Cutts** concurs with Richter that the requested waivers are okay and on the Stormwater Management. He noted the Conservation Commission is involved as well. 3) Sump is the catch basins which catch water from road and piped; solids are caught. **Mark Ahern, 4 Cortland Lane** inquired about sump pumps - there is a small pool on the corner of his property and wants to make sure it is piped. Ogren stated the grading plan shows it will be accommodated with a pipe and swale. 4) Catch basins (sumps) outside subdivision were presently filed with debris at time. He is okay that they do not provide additional information for this subdivision. 5) Other waivers were more for legibility of plan ex. 2 foot contours versus 1 foot contours. 6) Is already on the plan. 7) Detail is on profile sheet for flow of plan. 8) DPW is in favor; this is a small subdivision one side walk is fine. **Stephanie Rauseo, 8 Russett Lane** said the ConCom determined there is a stream on the property. To her inquiry the Board responded the location of the house and septic falls under Board of Health and ConCom. **Richard Cutts** read from his report, at the last concom meeting the commission verified the line on the south side of property. **Sue Martin, 18 Orchard Lane** is concerned there is no side walk. “S” curve – Ogren noted no super elevation on road. Richter stated he drove it. Twenty MPH is fairly accurate and have adequate sight distance at 20 mph. Cutts stated a sign would block the sight distance; he is ok with leaving it as is.

Jason Burnabie 6 Cortland Lane said many told Marco not to build a street they would like a driveway. **Jane Taylor-McDuffie, 15 Tophet Lane** agrees noting the curve. Faria asked residents present if they wanted a road or driveway. A number of neighbors agreed on a driveway **Jane Bandini Nichols Lane**, not a neighbor, who is on the Tree Committee said if you are concerned about water runoff you want the most vegetation and less pavement in right of way. Faria said the town is loaded with two lot subdivisions. Faria said taking into consideration the neighbor's aesthetic would require a new plan, engineering of the site and going back to the Conservation Commission and do not know if financial cost or time would be desirable to the applicant. A lengthy discussion with on street waivers and setting precedence ensued. Faria noted after approval the developer could come back to modify the plan. **Stephanie Rauseo** believes vehicles are going faster than 20MPH and wants speed radar set up to see how fast cars are going on the “S” curve and wants the curve straightened. **Dennis Mello, 17 Apple Hill Lane** would like a private way, which would minimizing the overall width of the roadway. His driveway is four feet from the proposed road. The residents present agreed not ask for an “S” curve caution sign. Tammaro noted Tennessee Gas dug test pits with Kinder Morgan.

Mr. Sheehan was elected to the board in April missing more than one public hearing. He cannot vote on the subdivision, as cited in the Open Meeting Law, and will abstain from voting.

Faria asked for a motion on the following conditions of approval.

- 1. Motion by Sievers seconded by Sheehan four members voted as a condition of approval no residence shall be built unless construction is approved.*
- 2. Motion by Sievers seconded by Sheehan four members voted as a condition of approval the applicant shall provide easement(s) to the town.*

3. *Motion by Dresios seconded by Sievers the four members voted as a condition of approval the applicant shall provide proof of Kinder Morgan's consent.*
4. *Motion by Dresios seconded by Sheehan the four members voted as a condition of approval, the Homeowners Association Trust shall be approved by Town Counsel and shall be recorded with reference there to each first deed out.*
5. *Motion by Sheehan seconded by Sievers the four members voted as a condition of approval, shall show drainage from 6 Cortland Lane*
6. *Motion by Wills seconded by Sievers the four members voted as a condition of approval, there shall be an unappealed Conservation Commission Order of Conditions or if appealed shall be resolved in favor the applicant.*
7. *Motion by Dresios seconded by Sievers the four members voted as a condition of approval, no plan shall be recorded unless and until the written decision of this board is recorded.*

It was stated that the Form G "Conditional Approval Contract" includes condition #1 that no lot can be sold or built upon until the roadway is completed to the satisfaction of the Planning Board and that the Town Counsel approves all homeowner's association trust agreements. Jay Kimball stated in reference to #7 the registry would not record the plan without the decision; they are recorded at the same time.

Anthony Moccia, 16 Apple Hill Lane requested time to talk with the neighbors. *Motion by Dresios seconded by Sievers the Board unanimously voted to grant a 20 minute recess until 9:30PM. The board addressed other items at this time.*

9:30 PM the public hearing continued

Anthony Moccia asked the board not to vote tonight so the neighbors could get together and asked to continue the public hearing to the next meeting. **Marco Tammaro** stated he is asking the board to vote tonight and he will still talk with the neighbors.

1. *Motion by Sievers seconded by Sheehan four members voted to close the public hearing.*
2. *Separate motions by Sievers seconded by Sheehan four members voted to approve the requested waivers:*

From Section

6.4.2.1 *Waive requirement to show one-foot contours on the existing conditions plan; topographical plan.*

6.4.2.8 *Waive requirement to show wetland 150 feet beyond the property.*

6.4.3.2. f. *Waive requirement to show sump elevation in the plan view.*

6.4.3.2. f. *Waive the requirement to show sump elevations of existing utilities adjacent to the subdivision.*

6.4.4.2 *Waive requirement to show one-foot contours on the topographic plan.*

6.4.4.5 *Waive requirement to show hardwood tress with a DBH greater than 24 inches, or softwood tress with a DBH greater than 36 inches, on the topographic plan. (They are shown on the existing conditions plan)*

6.4.7.1. a *Waive requirement to show street and sidewalk cross-section on the detail sheet. (They are shown on the profile sheet)*

8.2.2.11 *Waive requirement for sidewalks on both sides of roadway as shown on the plan. No sidewalk on the south side of the roadway.*

3. *Motion by Sievers seconded by Sheehan four members of the board voted to have the recharge system left to the discretion of the Conservation Commission with the advice and consent of the Town Engineer.*

The members discussed the Apple Hill Lane "S" curve. Sievers is concerned about a sign because of visibility issues but people may be shocked that there is a road there now. Faria his particular view is that the only people driving by there for the most part will be people from the neighborhood. It's not like Main, Lowell and Essex where you have general traffic passing through; it's an area where almost all the neighbors know its there. Moccia said he arrived late getting hearing second hand there is a sign

LYNNFIELD PLANNING BOARD MEETING MAY 25, 2016

warning motorists going down Apple Hill Lane from Lowell Street that there is an “S” curve. Faria stated that was one of the proposals but there is nothing requiring that; unless there is a recommendation from some member of the board, he would just as soon leave the unaddressed and as shown on the plan. Dresios would like to drive it at 20 mph to see if its there: his preference is not to have a sign; it’s a safety issue and he does not know enough about it to make a decision this evening. Faria said it is simple enough to ask the residents present if they want the sign, all in favor raise your hand, all not in favor raise your hand all against a sign raise your hand. Faria said it looks pretty consistent. Dresios said this is not the whole neighborhood; he is not ready to vote on this issue this evening and he has many other questions, so he does not view this as being approved tonight, close to approval, but he is not ready to vote this evening. Faria said as of right now there is no sign and there is no plan for sign, which is more consistent with the nature of the neighborhood.

Dresios cited his issues: 1.) There is another waiver 6.4.3.2.e for bench mark, identified in the Linden Report #67, so there is an elimination of a bound; why wasn’t it put in, does it include multiple bounds? Ogren stated I think it refers to; there was one place that it did not look like they would be able to place a bound because of the retaining wall and the fence. If it can’t be placed in there is plenty of bounds to control and it wasn’t a bench mark, it was a horizontal alignment of the roadway. There are about 12 bounds shown on the road because of its nature, so there are plenty of bounds to control. **Dick Cutts** said their current report of May 19th says they are satisfied with the applicant’s response. 2.) Dresios stated # 65 identified in the Linden Report, the proposed house is more than 50 feet from the cul-de-sac; addressed in fire department’s letter, they objected to that wanting the house closer to the roadway or sprinklers installed; that has not been address so that is an open item. Ogren believes the requirement is that a driveway be at least 20 feet to a door that has access to the house and the plan was adjusted to show 20 feet to the door that; he has talked with the fire department. Dresios feels the fire department has to send us a letter that it is okay. His objection is not to what they want to do, if the fire department is happy with it then they should say that. Faria said there is more than one way to accomplish this. Dresios read the fire department letter; the house is in the same spot its 150 feet away. Faria reiterated the codes cited in the letter. Dresios stated again he wanted a letter from the Fire Department. Again, Faria stated what they want to accomplish could be done another way. He took a few minutes drafting the wording; he said we can take care of that by simply putting in the decision “that no residence shall be constructed unless in compliance with 527 CMR” citing the section and subsections. 3.) Dresios’ next item was the drainage easement on private property 6 Cortland Lane; if an agreement has been reached, there should be a letter in the file before we go forward with that; he had another question and Faria asked him to hold on a second taking a few minutes. He then said we can take care of that by place in the written in the decision applicable to the lot. He asked Kimball to identify the easement location. Kimball said the drainage easement accesses across the whole lot, 6 Cortland Lane; the construction by the original developer only goes across a portion of that drainage easement; there is a grant of easement to the new applicant all the way across giving them the rights to go on and construct in accordance with the Planning Board and Department of Public Works requirements of the drainage, has been filed that was submitted to and approved by Town Counsel. Faria proposes in the written decision approval by this board is subject to a drainage easement across 6 Cortland Lane as approved by Town Counsel and recorded with the plan and the written decision. Kimball noted it is registered land and they will not let it be recorded again. Faria wants the recording information referenced on the plan; Kimball agreed. 4) Dresios wants documentation from Tennessee Gas stating they have permission, it is alright. Faria stated that they do not need it; they are not crossing the easement. Tammaro stated they did a test pit for the height of the pipe with Kinder Morgan; paper work has been filled out. Kinder Morgan has a representative on site. Kimball said they have the fee in the land; once Kinder Morgan sees the plan they will give approval consent to the activity. Faria took a few minutes drafting the wording; subject to the approval of Kinder Morgan for the use of drainage easement through the Kinder Morgan easement.

The Homeowners Association Trust agreement has been approved by town counsel and will be recorded with the plan.

Motion by Sievers seconded by Wills the four members voted to approve the definitive subdivision plan entitled "Violet Circle" subject to the waivers and conditions of approval previously voted on.

2. BOARD OF APPEALS CASE RECOMMENDATIONS

#16-07 Kareem Abu-Zahara, 331 Salem Street Applying under Section 11 and its subsections, to demolish the existing single family dwelling and construct a new single family dwelling: Mr. Abu-Zahara presented his proposal to the Board ***Motion by Faria seconded by Wills the board unanimously no objection to the proposal.***

#16-08 BTL T0055 Salem, LLC and Robin Lauziere, 555 Salem Street Applying under sections 10.10 and 11.4 for a special permit/finding to construct a building on the on premises to be connected to the existing building at 553 Salem Street: Attorney Jay Kimball presented the proposal to the board. Intend to remove the lot line between the parcels, construct a new building for day care and connect it to the existing day care building located at 553 Salem Street, considerably more square footage when the lots are combined, allow merger of the lots, tear down existing structure on 553 Salem Street. ***Motion by Sievers seconded by Faria the board unanimously voted no objection to the proposal provided a plan of a single lot is recorded.***

2. MARKET STREET - Discussion Design Review Compliance Process with Walter Adams

Adams stated he expects a 10% - 15% tenant change a year and his term ends when the Planning Board decides; one unresolved issue is the unscreened utilities on some tenant façades. WS Development always does a pre-review of all tenant plans (façade, signs and lighting) before he sees them. Adams said things haven't worked out that well; about a ¼ to 1/3 of submissions have glaring mistakes, not huge - an example the maximum wattage for a blade sign is in the Design Standards. He always double checks the design standards. Wills stated the present process charges the tenant is for the review and National pays Adams; it's a wash. He would like to keep the same process. Faria believes we can adopt regulations to charge the tenant a fee for review. Adams stated construction has not started on Building 11. The Board agreed to keep Adams on. The parties discussed payment for Adams services when National Development no longer pays his fee; charging a fee to any proposed tenant for façade, sign and lighting plan reviews. **Pat Campbell, Patrice Lane** about safe passage for ArborPoint residents to the shopping area. Faria responded the board is strictly limited what we can do under the law. Adams stated there are two designated paths that are on the plan and in place. Some towns have flashing lights to allow pedestrians to cross. **Bruce Siegel LIFE member** stated he is on the LIFE Board and is aware of this issue. Faria commented this is private property.

3. 898 SALEM STREET, PERLEY BURRILL PROPERTY– Discussion Subdivision

Correct address is 906 Salem Street. Phil Crawford Chairman Board of Selectmen, Peter Ogren Hayes Engineering, Attorney Jay Kimball and several area neighbors were present for this preliminary discussion. Attorney Kimball noted they have had discussion with the neighbors. Mike Merullo a mortgage holder is interested in creating a subdivision. There are some economic issues: extent of hazardous cleanup and cost; \$225,000 owed in taxes and profit margin. The town does not want to buy the property and do the cleanup. Peter Ogren of Hayes Engineering presented two plans. The first: three lots - two on the proposed street and one on Salem Street. The second: Four lots: one on Salem Street, two on the proposed roadway and a park on Witham Street. The lot on Witham Street has 100 feet of frontage, the requirement at the time the area lots were created, but does not meet the current 110 foot frontage requirement. Mike Merullo, who owns a hazardous clean up company, stated everything comes back to hydrocarbons on the property or adjacent properties and wants to do more test pits. Ogren noted the cul-de-sac has a forty-five foot radius, twenty foot paved way with curb and no sidewalks. **Julie Davie, 4 Witham Street**, whose property abuts the "park" lot, is not in favor of the park. They clean up syringes etc., parked cars dealing drugs. She feels at night a park will bring more problems.

LYNNFIELD PLANNING BOARD MEETING MAY 25, 2016

The police have come by several times but they cannot be there all the time. Several residents agreed with Davie's comments. **Stacy Dillon, 892 Salem Street**, asked about contamination under buildings and Faria asked if the contamination migrated to adjacent lots. Mike Merullo stated the contamination is centralized but the environmental engineer wants to do some more test pits. **David Battaglia, 21 Fairview Avenue** would like to see maintenance of the green space where Fairview Avenue splits into East and West. The maintenance of the green space is the responsibility of the town, however there has an "Adopt an Island" program with the DPW. Crawford said they would come in with the 4-lot subdivision if they think they can get a frontage variance. Dresios noted the surrounding lots have 100 foot frontages. Under subdivision control, the Board has the ability to waive the frontage requirement; a Board of Appeals Approval for a frontage variance would be required. The board consensus is in favor of a waiver and variance.

4. GEORGIE'S WAY – Request To Rescind The Subdivision, Julie Tsakirgis

Tsakirgis wants the property to go back to one lot. Recommended she employs counsel.

5. FENCES

Charles Wills said a neighbor at the corner of Smith Farm Trail and Lowell Street was putting up a fence. He is concerned if fences are at street corners it would block the sight line/distance. He continued that many towns have a bylaw to guard against a fence and shrubs at street corners. The board agreed to look into the matter and submit an article for the October 2016 Town Meeting Warrant.

6. ZONING MAP

Mrs. Randeale advised the board of her meeting with Tim Fountain of CAI. CAI produces the town tax maps. CAI produced the 2002 map. MAPC produced the latest map that did not include utilities from the previous map. CAI will e-mail their scope, and cost.

7. ZONING BYLAWS

Dresios discussed the zoning bylaw updates summation dated May 1, 2016 he e-mailed to the members. The document lists the amendments in order of adoption. Faria and Dresios will meet with Randeale on May 4th to go over the updates.

8. MASTER PLAN

Faria suggested a subcommittee of two, who will hold public hearings. Any of the members can go but are not required to. Sievers noted last year she and Dresios considered a steering committee incorporating other departments. The selectmen did not implement the last plan, and departments that feel they were not served well would be less likely to participate; if someone has not participated, the process could be daunting. The board agreed to establish a priority list, what is the most pressing issue in town now, how to implement and why. CFAC has been working the last year or more on a plan which would be helpful. CFAC was established by the Board of Selectmen initially to make recommendations; now the CFAC makes suggestions. ***Motion by Faria seconded by Sheehan the board unanimously voted to establish a master plan subcommittee composed of Heather Sievers, Michael Sheehan and Alan Dresios to work on the master plan and establish priorities.*** The subcommittee agreed Sievers head the committee.

9. MINUTES the minutes of the March 29, 2016 and April 22, 2016 meeting were approved as written.

10. ITEMS FOR THE MAY 25, 2016 AGENDA

National Development
Safety, Screening, Payment
Zoning Map

LYNNFIELD PLANNING BOARD MEETING MAY 25, 2016

Scenic Road Bylaw

MGL 40D - Faria wants to take a look at the law.

ITEMS FOR A REVIEW/WORKING SESSION

The Board will vote at each monthly meeting if a second meeting is needed. This will not include new business or continued public hearings. ANR plans and subdivision plans submission are accepted as required by MGL.

The Board will meet on Wednesday May 11, 2016 at 7PM will include:

Scenic Road

Rules and Regulations

40D

Review of Status of Master Plan Committee

Respectfully submitted,

Kathy L. Randele, Planning and Land Use Assistant

APPROVED: January 17, 2017