

## **LYNNFIELD PLANNING BOARD MEETING May 30, 2018**

A meeting of the Planning Board was held on Wednesday, May 30, 2018 at 7:00 p.m. in the Maney Meeting Room at Town Hall. Present: Vice-chairman Michael Sheehan, Clerk Charlie Wills, Katherine Flaws, and John Gioioso; Chairman Brian Charville was absent. Vice-chairman Sheehan called the public meeting to order at 7:00 PM and announced it was being recorded.

### **1. ANR Plan – 36 Alexandra Road**

Atty. Timothy Doyle said this would be a discussion rather than an ANR hearing presented by the engineer. When the ANR was first presented, Planning Board (PB) Clerk Charlie Wills reminded the board that a ZBA hearing had been held in 1977 that prevented subdividing of this lot. Atty. Doyle then requested background information on the case, and Mr. Wills said this should be done in a public meeting. Atty. Doyle wished to discuss the potential subdivision of 36 Alexandra Road and he hopes to find out how the ZBA restriction came about. He stated that Mr. Wills was the original petitioner of the lot, and Atty. Jay Kimball represented him. Vice-chairman Sheehan asked Mr. Wills to provide background for the group. Mr. Wills said that he and his partner were the original developers of this 12 lot subdivision. When the perk test for lot #7 was not successful, he asked the ZBA to allow the frontage on lots #7 and 8 to be changed to allow for the septic system to be placed in the appropriate spot, which was over 300 feet from the house. This was allowed based on “no further subdivision of lots #7 and 8.” Atty. Doyle asked if the 12 lot size of the subdivision was based on the septic systems, and Mr. Wills answered yes, the septic was very difficult in that area. Mr. Wills said there could not be an additional lot in that area due to the perk tests results and the wetlands. Atty. Doyle thanked him for the information.

Vice-chairman Sheehan announced it was past 7:05 PM and time to reopen the public hearing on Sagamore Place, formerly Janet Way. Ms. Flaws moved to open the hearing, and Mr. Gioioso seconded the motion. The motion carried 4 – 0.

### **2. Continued Public Hearing – Sagamore Place, formerly Janet Way**

William Bruce, owner of the subdivision, said the property is registered land and he is currently in the process of taking it out of registered land, as this is more easily done before construction. He said the plan is changing a bit as access to the land at the rear of the subdivision is still being considered, and one of the lots would be used for this access. Originally, the 3 ANR lots were to be using a combined drainage system. Now, based on the possible Wills Brook project, rather than expand the drainage system as planned, 2 of

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the lots will have individual drainage systems. Mr. Bruce said the 2 lots will still be included as part of the subdivision. The 3<sup>rd</sup> ANR lot will either become access to the Wills Brook project or become part of the subdivision (also with an individual septic). This will not be decided until after the October town meeting. Vice-chairman Sheehan asked what the timeline on the project was now. Mr. Bruce said he hopes the process to un-register the land would be completed in June or July. Vice-chairman Sheehan asked if Mr. Bruce was requesting more time; the answer was yes. Mr. Wills made a motion to extend the public hearing until July 25, 2018. Ms. Flaws seconded it, and the motion carried 4 – 0. Vice-chairman Sheehan requested a motion to close the public hearing. Ms. Flaws made the motion and Mr. Wills seconded it. The vote carried 4 – 0.

### 3. **ANR Plan – 571 Broadway**

Atty. Jay Kimball submitted the plan, reviewed it, and requested the PB to endorse the plan. The site houses a former state police barracks, and has adequate frontage and square footage to be divided into 2 building lots. The creation of the 2 lots presents an issue with the common boundary line, hence the request for a variance:

### 4. **571 Broadway – Board of Appeals case #18-10**

Atty. Kimball explained that the common boundary line should be no more than 20 degrees from the frontage line, but to accommodate the planned house, a 25 degree angle is needed. 571 Broadway is a corner lot, so in order to meet setback requirements on both sides, the variance is needed. Mr. Sheehan asked about the location of the lots in relation to the new subdivision on Zepaj Lane. Atty. Kimball answered it was “right down Green Street”. Vice-chairman Sheehan requested a motion on the ANR plan; the motion carried 4 – 0, and PB members signed the ANR plan. Atty. Kimball requested the PB recommend no objection to the needed variance. Vice-chairman Sheehan requested a motion on this. Ms. Flaws made the motion and Mr. Wills seconded it. The vote carried 4 – 0.

### 5. **385 Broadway – Board of Appeals case #18-06**

Atty. Ted Regnante and John Welch from the Herb Chambers Companies appeared to request a variance for needed signage changes at this dealership location. Atty. Regnante provided PB members with a handout outlining them. Needed changes include: changing the color of all signs from blue to black to comply with a new company standard, and the addition of a sign reading “AMG”. Atty. Regnante requested the PB voice no objection to

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this request. Vice-chairman Sheehan asked where the AMG sign would be located; Atty. Regnante said over the furthest right hand door to the dealership. Mr. Gioioso asked if there was currently a sign there. Atty. Regnante said yes; it currently says “Smart”. Vice-chairman Sheehan requested a motion to voice no objection to these requests. Mr. Wills made the motion and Mr. Gioioso seconded it. The vote carried 4 – 0.

### 6. **850 Main Street – Board of Appeals Case #18-07**

Finding no one in attendance, Vice-chairman Sheehan stated the Board could return to this matter later in the meeting.

### 7. **2 Willis Lane – Board of Appeals case #18-08**

Atty. Doyle represented the owners, who had acquired the property with a previously existing in-law apartment. There is no planned change to the structure, but the special permit needs renewal due to the change in ownership. Vice-chairman Sheehan asked if there had been “no changes at all”; Atty. Doyle said that was correct. The in-law is occupied, and Mr. Wills asked if the occupants meet the qualifications for living in an in-law; Atty. Doyle answered yes. He stated that this was a lapse in properly obtaining permits when ownership changed, and added that this happens fairly often. Mr. Wills asked how this could be better controlled, and if the permit needs to be renewed every year. Atty. Doyle said yes, and that a bond is posted at the time, and kept on file with the building department. Atty. Doyle said the need to renew usually arises during the financing process when an appraiser views the property. Ms. Flaws asked if the surety bond had now been renewed; Atty. Doyle said he was awaiting the approval. Vice-chairman Sheehan requested a motion to issue no objection to this request. Mr. Gioioso made the motion, and Mr. Wills seconded it. The motion carried 4 – 0.

### 8. **33 Beechwood Road – Board of Appeals case #18-09**

Atty. Kimball explained that this property is a corner lot (at Lakewood Road), and therefore has additional frontage and setback requirements on both sides. The lot and the structure are nonconforming. The proposed addition will be further from the property line than the existing house, but both a variance and special permits are needed due to the additional setback needs (of a corner lot) on both sides. Vice-chairman Sheehan asked why the addition is “less nonconforming” than the current house. Atty. Kimball explained that the proposed addition is the same distance or less from the lot lines than the actual house is. Vice-chairman Sheehan asked how this lot compares to surrounding homes;

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Atty. Kimball said the area consists of all original 5000 square foot lots which were built before current zoning regulations. Mr. Wills noted they may have been built before Lynnfield had zoning regulations. Vice-chairman Sheehan asked if there were any objections from abutters; Atty. Kimball said there were none. Vice-chairman Sheehan asked if the PB had other questions. Mr. Wills made a motion to voice no objection to the plan, and Ms. Flaws seconded it. The motion carried 4 – 0.

### **9. 36 Lincoln Avenue – Board of Appeals case #18-11**

Peter Ogren of Hayes Engineering represented the owners (his brother), and requested a special permit to alter a nonconforming lot. It is nonconforming because it has 100 feet of frontage rather than 110. The existing single garage is 10.5 feet from the lot line. The plan is to construct a 2-car attached garage that will be further from the lot line than the existing garage, but still less than the required 15 feet. The existing house was built in 1945. Mr. Gioioso asked if there is a sidewalk on the property; Mr. Ogren answered no. Vice-chairman Sheehan asked about the existing and proposed garage locations on the plan and if the proposed garage had a greater setback than the original. Mr. Ogren answered the difference was only 2 inches. Mr. Wills said that in cases such as this, if the matter had been legal at the time the house was built was a good guide to use in determining recommendations such as this one. Vice-Chairman Sheehan asked if this would have been allowed at the time; Mr. Wills said yes. Ms. Flaws asked if abutters had objections; Mr. Ogren said the public hearing was advertised for the next ZBA meeting. Mr. Gioioso asked if the driveway would be paved; Mr. Ogren said yes, and it would be extended a bit. Vice-chairman Sheehan asked for a motion. Mr. Wills made a motion to voice no objection to the plan, and Mr. Gioioso seconded it. The motion carried 4 – 0.

### **10. 7:30 – Continued Public Hearing – Perley Burrill (#914 Salem Street)**

Vice-chairman Sheehan requested a motion to reopen the public hearing for Perley Burrill. Ms. Flaws made the motion and Mr. Gioioso seconded it; the motion carried 4 – 0. Vice-chairman Sheehan declared the hearing now open.

Town Engineer Charlie Richter said the town would like to continue the public hearing until June 13, 2018. Vice-chairman Sheehan asked if more time was needed to make some revisions to the plan; Mr. Richter answered yes. Vice-chairman Sheehan requested the motion to continue the hearing until June 13, 2018. Ms. Flaws made the motion and Mr. Wills seconded it; the motion carried 4 – 0.

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Vice-chairman Sheehan noted that it was too early to begin the scheduled 8:00 Public Hearing, so he called the next item on the agenda.

### 11. Ramsdell Way status update

Mr. Wills asked Mr. Richter what the present status of the subdivision was. Mr. Richter said the bonding company had resisted the town's effort to use those funds to complete the project. Michael Touchette, the developer of the project, asked to speak. He confirmed that the PB had notified the bond company 2 years ago. Mr. Richter had emailed the bond company earlier in the day and was told they feel the work has been completed. Mr. Wills asked if Mr. Touchette had been called about tonight's meeting; Ms. Lambe said yes, Chairman Charville had said he should be notified. Mr. Touchette said the ongoing, neighboring project, Grandview Estates, is a 40B development and therefore work on the roadway is allowed at any time. This means that Mr. Touchette cannot complete the work on Ramsdell Way even though he is willing to. In order to do so, he would need assurance that the road will be accepted at Town Meeting. Grandview Estates has yet to construct a 180 foot sewer line and this will disrupt Ramsdell Way. He would be willing to finish the roadway and the punch list if he had an agreement in place. Mr. Touchette said that the 40B plan consists of 22 buildings and only 10 have been completed. Vice-chairman Sheehan asked what items remain to be completed on the punch list. Mr. Gioioso asked if the 40B developer had dug up the roadway; Mr. Touchette said the developer had dug it up for gas and water, but still had 450 feet of road left to dig up for a sewer line. Mr. Touchette said the town now wants him to make repairs and finish the punch list, but he needs the town to accept the roadway so he won't be responsible for repairing the road again after the sewer line is completed. He stated the need for a "logical agreement". Vice-chairman Sheehan said that such an agreement could not be decided at this meeting. Mr. Touchette said that he needed to know the PB will "cut him loose" if he repairs the road. Mr. Wills said that such an agreement would involve town counsel. Mr. Richter said he has been to town counsel on the matter, and that 40B projects require approval from the Board of Appeals (BOA), not the PB. He also said the road must be in acceptable condition before it can be accepted. Mr. Touchette asked Mr. Richter if he is in agreement with what he has said tonight. Mr. Richter said that 2 years ago, the PB filed a claim with the Travelers Insurance Surety Bond Co. They responded that they would not require the developer to repair the road. Mr. Richter said that the town cannot accept a road that is not up to par. He also said that the 40B developer has posted a bond, and the BOA should try to secure a cash bond. Mr. Gioioso

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asked if Mr. Touchette had completed the punch list. Mr. Richter said if the punch list is completed, the warrant to accept the road would go before the next town meeting. Mr. Touchette asked to speak, and said "I'm willing to finish the punch list," why can't I put money aside for this. Ms. Flaws asked Mr. Touchette if he finished the work, did he think the 40B developer would react. Mr. Touchette said yes, and that he has actively been trying to sell the project which he has completed Phase 1 of, but not begun Phase 2. Vice-chairman Sheehan said he will ask Chairman Charville to speak to town counsel about this matter, and that he understands now why it has not been resolved yet. Vice-chairman Sheehan added he hoped we can move forward on this. Mr. Gioioso asked if the matter will be referred to town counsel, and Vice-chairman Sheehan said yes, it would make sense to try and reach a resolution. Mr. Wills said a plan showing both projects would help to visualize the situation, and asking the BOA for such a plan would be a good first step. Mr. Wills asked Mr. Touchette if the subdivision was approved in 2006. Mr. Touchette answered that he bought the subdivision after it had been approved. Resident Patricia Campbell asked Mr. Touchette if he would be willing to complete the punch list as a sign of good faith; Mr. Touchette replied that would be too risky. Heather Sievers said a joint meeting of the PB and the BOA could be scheduled. Mr. Richter could provide the site plans and current punch list.

### 12. **8:00 – Public Hearing – 17 Essex Street – Scenic Roads Bylaw/proposed driveway**

Ms. Flaws motioned to open the hearing and Mr. Wills seconded the motion, which carried 4 – 0. Atty. Doyle represented the owners, and Ms. Lambe read the letter from the owner, Gaetano DeNardo, detailing the request. Atty. Doyle said the existing driveway only holds 2 cars and that Essex Street is not wide enough to safely park on without having car wheels on the curb or lawn. Mr. Richter visited the site and had no reservations about the project. The proposed driveway will be 12.5 feet wide and go to the back of the house. Vice-chairman Sheehan asked Mr. Richter if the driveway would affect any trees or stone walls; the answer was no. He noted that under the Scenic Roads Bylaw (SRB), any new driveway must be presented to the PB, and that perhaps this requirement should be revisited. Mr. Gioioso asked if it will be dangerous to back out of the new driveway. Atty. Doyle said this was possible, but still less dangerous than parking on the street. Mrs. Campbell asked if any abutters had concerns. Atty. Doyle said no. Vice-chairman Sheehan requested a motion to voice no objection to the proposal. Ms. Flaws made the motion, and Mr. Gioioso seconded it. The motion carried 4 – 0.

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### **13. Public Comment**

Ms. Lambe explained that Chairman Charville will include this on the agenda for all PB meetings so that any interested participants have a chance to speak. Atty. Kimball reminded all that once a road is accepted by the town, any future issues with it become the town's responsibility. Mrs. Campbell asked for directions to Grandview Estates, who will supervise the town planner, and for the definition of an ANR.

### **14. Discussion of Town Planner position, job description, and posting of ad**

Vice-chairman Sheehan asked Mr. Gioioso if he had completed a preliminary job description. Mr. Gioioso answered yes; he had sent it to Chairman Charville. Vice-chairman Sheehan asked the PB if they wanted to give their input on this now or take it up at the 6/13 meeting. Mr. Gioioso asked what the next steps were now that the budget for the position had been approved, and if a Human Resources (HR) Department existed to determine whether our planned salary was in line with market standards. Vice-chairman Sheehan said as this was a new process for the PB, he was unsure of exact next steps. Ms. Flaws suggested seeking input from other towns; she had contacted Boxborough and discovered their Town Planner (TP) works with all town boards. Ms. Lambe said Lynnfield has no HR department, and the Town Administrator (TA) usually oversees hiring. Ms. Sievers said since we have no HR, the TA often hires a consultant. Mrs. Campbell said she is not in favor of the position; as there was prior inefficiency in the office, a part-timer should be hired and tried before a final decision is made. She also said the PB should consider performance evaluations before someone is hired, and that Lynnfield does have a Personnel Committee (PC) which is not being utilized. Mrs. Campbell then said the current PC is part of the town charter, and the current PC has only 1 member, and therefore does not meet or record minutes. Mrs. Campbell urged the PB to advertise widely for the position, conduct public interviews, and use a fair process. Vice-chairman Sheehan said this matter will be addressed again at the 6/13 meeting with Chairman Charville and Mr. Gioioso's job description.

### **15. Approval of Minutes**

Minutes from the 5/31/2017 meeting were reviewed. Mr. Wills motioned to approve them, and Vice-chairman Sheehan seconded the motion. The motion carried 4 – 0. Minutes from the 4/25/2018 meeting were reviewed; Mr. Wills had 2 comments. One correction was made, and Ms. Lambe will review the tape to determine if Ms. Flaws said “surface treatment” or “sewage treatment” in her remarks about Fairways Edge. Vice-

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chairman Sheehan motioned to have those minutes approved at the 6/13 meeting; the motion carried 4 – 0.

### **16. 850 Main Street – Board of Appeals case #18-07**

Neither the applicant nor a representative was present. Ms. Flaws asked if the PB still had an obligation to review the case. Mr. Wills motioned the appropriate response would be “the PB is not in a position to make a recommendation at this time since the applicant did not appear”. Ms. Flaws seconded, and the motion carried 4 – 0.

Ms. Lambe will send letters to the ZBA advising them of all the PB’s recommendations.

### **17. ANR Plan – 1065 Summer Street**

Peter Ogren of Hayes Engineering submitted the plan, and reviewed it. He explained the house was in disrepair and the plan included razing it and dividing the parcel into 2 lots which met all square footage and frontage requirements. The owner was now in a nursing home and needed the proceeds to pay for care. They did not want to lose their potential buyer who requested a closing at the end of the week. Mr. Ogren requested the PB to endorse the plan. Vice-chairman Sheehan requested a motion to endorse the plan. Mr. Wills made the motion; Mr. Gioioso seconded it, and the motion carried 4 – 0.

### **18. Topics for next meeting**

- Continued Perley Burrill public hearing
- Master Plan update
- Town Planner position
- Letter to School Board discussion
- Review of Minutes

Vice-chairmen Sheehan motioned to close the meeting at 9:00 PM; motion carried 4 – 0.

Respectfully submitted,

Susan Lambe, Planning Office

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