

LYNNFIELD PLANNING BOARD MEETING April 24, 2019

1. Call to Order

A meeting of the Planning Board (PB) was held on Wednesday, April 24, 2019 in the Maney Meeting Room at Town Hall. Present: Chairman Brian Charville, Vice-chairman Michael Sheehan, Clerk Charlie Wills, Katherine Flaws, and Thomas Wallace. Chairman Charville called the meeting to order at 7:01 PM.

2. 70 Oakridge Terrace – BOA Case #19-06

Mr. Ivaylo Vladov spoke about his application for a Variance and Special Permit in order to build an addition. Mr. Vladov had presented this same plan at a prior PB meeting, and the Board had voiced no objection. He explained that the ZBA had said the prior application for a Variance was incorrect and the proposed nonconforming home required a Special Permit; as a result, Mr. Vladov is now applying for both. Mr. Wills asked which would actually apply in this case; Chairman Charville said it is not definite and Mr. Vladov said even the ZBA was unsure, so he is applying for both. Mr. Wills made a motion that the PB not oppose this application and Ms. Flaws seconded it; the motion carried 5 – 0

3. 24-38 Broadway (Christmas Tree Shops) – BOA Case #19-07

Atty. Ted Regnante spoke on behalf of the applicant, the Christmas Tree Shops (owned by Bed Bath & Beyond [BB&B]); he introduced Atty. Jesse Schomer and BB&B architect David Cameron. Site Plan approval for façade review and signage change are requested. Mr. Cameron explained the proposal is to update and modernize the exterior façade in order to harmonize it with new shops being built. He added there will be no changes to sidewalks or the parking area. Mr. Cameron said the Christmas Tree Shops had extended their lease and agreed to renovate their exterior to mimic the new shops while maintaining the original seaside character. Chairman Charville asked if anything being proposed differed from the original agreements; Atty. Regnante said no. Mr. Cameron said the new signage would incorporate a new logo. Mr. Sheehan asked if the new sign would be lit from behind; Mr. Cameron said from behind and internally. Mr. Sheehan asked if the prior decision allowed for that: Atty. Regnante said yes. Mr. Cameron added there will be no change in the size of the sign or the panel. Mr. Cameron said that materials to be used include: stone for wainscoting bases, metal for roofing, new siding, and asphalt roof shingles. Chairman Charville requested a motion that the PB not oppose this application. Ms. Flaws motioned, and Mr. Wills seconded; the motion carried 5 – 0.

4. 45 Lynnbrook Road – BOA Case #19-08

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Atty. Tim Doyle spoke on behalf of the applicants, Heather and Matthew Klee, and said a Special Permit is needed to add 50 sq. ft. to the kitchen of an existing nonconforming structure on a nonconforming lot. He added that the home is zoned RA, has frontage on 2 public ways, and the addition would add 10' and 5 sq. ft. to the existing nonconformities. Chairman Charville asked if abutters had been contacted; Atty. Doyle said yes and they support the plan. Chairman Charville requested a motion that the PB not oppose the application; Ms. Flaws made the motion, and Mr. Wills seconded; the motion carried 5 – 0.

5. American Legion, Lynnfield Post #131

Commander Paul Donato distributed a list of Lynnfield Veterans who were killed or missing in action and explained the American Legion's goal of naming new streets in their honor. He respectfully requested the PB support this goal. Chairman Charville asked that the American Legion members in attendance be introduced and thanked them for coming and for their service. Chairman Charville asked for guidance in determining an order of priority for naming streets and if other veterans had already been recognized. CDR Donato said those already recognized were not included on the list. Mr. Wills mentioned that Todd Lane was named in honor of 2 veterans and CDR Donato agreed. Chairman Charville asked if names should be chosen chronologically; CDR Donato said the American Legion did not wish to choose. Chairman Charville asked if the subdivision developers had been contacted; Atty. Regnante said he was in full agreement with this proposal. Ms. Flaws asked if starting with a WWII veteran might make it possible for family members to attend a street dedication; CDR Donato said he would research this, and Chairman Charville said this research would be appreciated.

6. 7:30 Continued Public Hearing "Road A", 333, 339, & 349 Summer Street – Proposed Definitive Plan of Subdivision.....Williams & Sparages

Mr. Sheehan motioned to reopen the PH and Mr. Wallace seconded; the motion carried 5 – 0. Chairman Charville announced the PH was open at 7:35 and the meeting was being audio recorded. Atty. Regnante distributed an agenda of issues he wished to update the PB on, including:

Historical Commission:

The project is subject to the Demolition Delay Bylaw and Architect Mat Cummings has reached an agreement with the Historical Commission (HC) regarding this. The HC has concerns about protecting the streetscape and has inquired about building specs for all the properties.

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Streetscape and Construction Covenants:

Mr. Cummings distributed plans that addressed protecting the streetscape and provisions for the remaining lots. He said that restrictive covenants would exist in perpetuity and Town Counsel (TC) has opined on this. He explained that his firm studies the character of a whole town before they agree to do a project, and their findings reflect 45-50% Cape and Ranch style homes in Lynnfield even though the center of town is distinctly Colonial. Mr. Cummings explained that in order to protect the existing streetscape, the 2 homes bordering Summer Street would feature gables and stone walls with gates. Other homes on Road A will be “neo-Colonial” in style, and although they will not be pre-designed, they will adhere to strict guidelines, including: correct Colonial proportions, authentic details, and no vinyl siding.

Atty. Regnante asked for the definition of the McMansion style (which will not be allowed). Mr. Cummings explained that the style is not 1 specific thing, but a smorgasbord of details added to a home that give no thought to proportion, design or details, and, in order to add all elements the homeowner desires, the final project is often cheapened with vinyl siding or inexpensive windows.

HC member Kirk Mansfield informed that they had met with the Road A team and are in agreement with their plans.

Engineering, Conservation, and Tree updates:

Engineer Chris Sparages said that after receiving input from the Conservation Commission (ConCom), Fire Department (FD), peer review engineer Bill Jones, and the LCWD, a revised set of plans would be available in 2 days. Revisions would include:

- Water supply would be looped through the Cranberry Lane easement
- Homeowner at #4 Cranberry Lane has offered to loop the water lines through a non-treed area on that property
- Stormwater management area has been elongated in order to comply with the 25' no disturb zone bordering a wetland and the 25'-50' tree protection zone.
- Invasive species of plants bordering the wetlands will be replaced with native, berried shrubs

Extension of Planning Board Action date:

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Atty. Regnante submitted a letter extending the PB action date from June 5, 2019 to July 1, 2019.

Stub Road to Reed Property:

Atty. Regnante requested postponing this item until the following meeting so the Reed's Atty. Kimball could be present. Chairman Charville said that documents found recently regarding a buildable lot on the property would affect the PB's view on whether the stub road is needed. Atty. Regnante said they planned to lay out the stub and convey a 20' easement to the Reeds to access the lot.

Ms. Flaws said she had been unable to attend the September PB meeting when the road length waiver was granted and asked what the length of the road was; Atty. Regnante said it was 800' vs. the allowed 500'. He added that the FD had requested a road connection through the Cranberry Lane easement, but the developers intend to go forward with the waiver request. Ms. Flaws asked if no road length waiver would result in less building lots; Mr. Sparages said yes. Ms. Flaws asked if a conforming road length would affect the FD's view; Lt Richard Ripley of the FD answered yes, the FD needs access, their mission is life saving and preserving property. He added that redundant access is beneficial for all residents. Ms. Flaws asked if shortening the road length would then change the FD's point of view; Lt. Ripley said they would be satisfied with either following the bylaw or connecting the streets. Chairman Charville asked if the standard radius for a cul-de-sac allows for turning of a fire truck; Lt Ripley said this is "just enough" space to be adequate. Atty. Regnante said this cul-de-sac is in accordance with the regulations, and they were willing to remove the plantings if it is requested by the PB. Lt. Ripley mentioned the list of 16 local cul-de-sacs that had been granted waivers in the past and said that in almost all of these there was no alternative; he added that this proposal is not such a case, and the waiver is being requested for aesthetics and convenience.

Atty. Regnante reminded all that the PB did approve the Preliminary Plan with the 800' road waiver, that thousands of dollars had been spent to create this plan, and that the road would not be lined with large trees. Lt. Ripley said that since that time there has been a change of administration at the FD. Mr. Sheehan asked if the road were conforming, would that not necessitate the connection to the easement; Lt Ripley said yes. Mr. Sheehan then asked which option would be safer. Lt Ripley said the Fire Chief would be the arbiter, but added that the guidelines would be followed unless there is a reason they cannot be. Ms. Flaws asked what had transpired at ConCom meetings. ConCom

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Chairman Paul Martindale said several endangered species that feed on the margins of the wetland had been identified; therefore, the ConCom would prefer the Cranberry Lane easement be utilized to keep activity away from that area. Mr. Sparages said that while no one has seen a plan with that connecting road, it would still require activity near the wetland. Mr. Wallace said that the connection to Cranberry Lane would have an environmental and aesthetic impact due to the loss of trees. Ms. Flaws said she was eager to see the peer review report on the spillway, and that she was absent when the Preliminary Plan was voted on and would have voted against it. She added that she feels house lot #5 should not be there and her preference would be a 500' road length.

Chairman Charville asked if audience members would like to be heard and that this PH would be continued at the May 29th PB meeting. Atty. Paige Wilkins provided photos of the easement with the existing trees, and how it would appear without the trees. She said the neighborhood adamantly opposes using the Cranberry Lane easement, and she would love having the road be limited to 500'. Atty. Wilkins said their concerns also include safety and traffic and that connecting the road is unnecessary. She added that the easement is spoken of "as if it is a given", and her research shows it was deeded in 1985 but not created until 1987. Atty. Wilkins said using the Cranberry Lane easement would create an unreasonable burden on the neighborhood and she expects the neighbors would challenge it. Chairman Charville asked if the developer had answered the group's question about moving the house on lot #5; Atty. Wilkins said yes, all their concerns have been addressed. She then urged the PB to vote consistently with their Preliminary Plan vote. Mr. Wills (the original developer) said that the Cranberry Lane stub was on the plan that was approved when it was built and the deed for it may have come later. Atty. Wilkins said that it was not conveyed to the town until 1987, and her group feels so strongly about not using the easement that they may look for a legal remedy. Mr. Sparages detailed 37 additional evergreen trees to be planted to protect abutter's views. Resident Rich Whelan stated using the stub would create more danger of a traffic accident than a possible tree accident. A Cranberry Lane resident said her children, ages 5 and 7, play on the landscape island regularly. Chairman Charville said he appreciated Lt. Ripley's frankness, and that the policy change within the FD is key. Mr. Wills asked the architect if stone walls currently exist on the Summer Street properties; Mr. Cummings said that fragments of old stone walls remain and these would be rebuilt to comply with the Scenic Road Bylaw. Mr. Wills asked if the requested arborist evaluation of the 2 significant silver maples had been done; developer Michael Hannon said yes, and protection measures have been recommended. Mr. Wallace said this developer has

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worked with residents, the ConCom, the HC, hired an outstanding architect, and worked to create a plan that is pleasing to all parties. Mr. Wallace then expressed concern if the PB were to change their rules at the midpoint. Chairman Charville stated that the product and streetscape design were excellent. Mr. Cummings said the streetscape will enhance the other homes; Mr. Hannon added that protective covenants have been established for the remaining lots. Chairman Charville asked Ms. Flaws if the PB should request an opinion from TC regarding ruling on a Definite Plan vs. a Preliminary; Ms. Flaws suggested waiting until the peer review report is read. Chairman Charville told Mr. Wallace he would inquire about the Mullin Rule regarding his eligibility to vote on the Definitive Plan as a new member of the PB.

Chairman Charville requested a motion to continue the PH until Wednesday, May 29 at 7:00 PM in the Maney Meeting Room at Town Hall. Mr. Sheehan made the motion, and Mr. Wills seconded; the motion carried 5 – 0.

7. Approval of Minutes – March 27, 2019, April 2, 2019, and April 16, 2019

Chairman Charville requested a motion that the PB approve these minutes with stated changes. Mr. Sheehan motioned, and Ms. Flaws seconded; the motion carried 5 – 0.

8. Administrative Matters/Topics for Next Meeting

Chairman Charville informed that he has received extensive feedback about the Board's recommendation on the Woods of Lynnfield rezoning Warrant Article, and then asked if there was a motion for the PB to reconsider; none was made.

The newly proposed amendment to Warrant Article #15 was reviewed and it was agreed to post a Meeting Notice considering the article for 6:45 PM on 4/29/2019 at the Lynnfield Middle School, just prior to Town Meeting. Chairman Charville will contact Town Counsel regarding this.

Ms. Flaws motioned to adjourn the meeting at 9:20 PM; Mr. Sheehan seconded, and the motion carried 5 – 0.

Respectfully submitted,

Susan Lambe, Planning Office