

LYNNFIELD PLANNING BOARD MEETING June 26, 2019

1. Call to Order

A meeting of the Planning Board (PB) was held on Wednesday, June 26, 2019 in the Maney Meeting Room at Town Hall. Chairman Charville called the meeting to order at 7:01 PM and said it was being recorded with audio. All Planning Board (PB) members were present: Chairman Brian Charville, Vice-chairman Michael Sheehan, Clerk Charlie Wills, Katherine Flaws, and Thomas Wallace.

2. 7:00 - Public Hearing #914 Salem Street/6 Witham Street – Request for Modification of Proposed Definitive Plan

Atty. Tim Doyle said he had appeared at the PB April meeting to inform that his clients had purchased a piece of land at 6 Witham Street which will allow for access to a second lot on this already approved Definitive Plan. He stated that the Board of Selectmen (BOS) had added conditions to the approved plan, including one which disallowed adding any additional lots to the plan. Atty. Doyle said the BOS have now lifted that requirement, enabling him to apply for a Variance from the ZBA allowing 100' of frontage on Witham St. vs. the required 110'. The ZBA has granted the Variance, and the decision will be signed on July 9th and then subject to the 20 day appeal period. Atty. Doyle said the final step is having the PB approve this application for modification to the Definitive Plan (which the PB approved in April of 2018). The application requests removal of a series of conditions and approval of the waiver for the aforementioned frontage Variance. Chairman Charville requested a review of the changes. Atty. Doyle explained the addendum to the application outlines that they will no longer be constructing a roadway or in favor of 2 driveways; therefore the earlier construction waivers for road width, a cul-de-sac, Cape Cod curbing, stormwater management, street signs, sidewalks, street lights, and natural gas are no longer applicable. Chairman Charville said the additional plan waivers (drawings) are also no longer applicable; Atty. Doyle agreed, and added the Performance Bond and HOA would no longer be needed. Chairman Charville asked if there is no longer a HOA trust; Atty. Doyle said this is correct since no stormwater management system would be required. Atty. Doyle said the waivers remaining in place include the open DEP requirements and any other conditions imposed by the PB. Atty. Doyle spoke to the feedback from Planning and Conservation director Emilie Cademartori requiring a topographical and erosion plan, and said his client could do these. Discussion ensued about modifying the Subdivision Plan vs. utilizing ANR plans. Atty. Doyle said Ms. Cademartori and Town Engineer Charlie Richter favored the ANR, but Town Counsel Mullen agreed with modifying the Subdivision Plan. Mr. Wills asked why Atty. Doyle did not use ANRs; Atty. Doyle said the project does not qualify due to the lack of frontage on Witham St.

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Discussion ensued regarding which plan sheets were not needed, and Atty. Doyle asked if a peer review would be necessary; Chairman Charville did not think so. Mr. Wills asked if the remaining issue was whether the contour and stormwater management plans were needed; Chairman Charville answered yes. Ms. Flaws felt it would be a dangerous precedent to waive the required stormwater management plan on a Subdivision; Mr. Wills agreed and Chairman Charville said the stormwater management plan would therefore not be waived. Atty. Doyle said the modification requested a waiver for the frontage requirement; Chairman Charville said the PB had voted not to oppose the Variance. Mr. Wills asked if the Subdivision would still not exceed 2 lots; Atty. Doyle said yes. Resident Alan Dresios asked if the Board had previously voted on an 81R waiver; Chairman Charville answered no. Atty Doyle reviewed that the requested plans included: topographical plan, erosion and sediment control plan, and stormwater management plan; Chairman Charville confirmed this.

Owner and developer David Capachietti asked why these plans had not been requested at an earlier meeting with the Planning Director and Town Engineer; Chairman Charville said they likely thought the modifications would be done via ANR, and regardless, the PB is the deciding authority. Chairman Charville requested a motion to continue this PH until July and various dates were discussed. Chairman Charville asked Atty. Doyle if they would be ready to proceed on the 17th; he answered they would try but he could not be certain. Atty. Doyle then asked about prior feedback that the stormwater management plan could be addressed subsequent to house plans being created; Mr. Capachietti said Ms. Cademartori had indicated that stormwater management plans could be addressed when building permits for the houses were applied for. Chairman Charville could not recall any approved Subdivision Plan that does not include footprints for houses and driveways. Mr. Wills asked if the stormwater management system was usually shown in a box on the plan; Chairman Charville said yes. Mr. Wills suggested doing so here, with modifications made if needed. Chairman Charville suggested continuing the PH on July 17th to expedite this matter; Atty. Doyle agreed. Chairman Charville requested a motion to continue this PH until Wednesday, July 17, 2019 at 7:00 PM in the Maney Room. Ms. Flaws made the motion, and Mr. Sheehan seconded it. PB members able to attend that evening are Chairman Charville, Ms. Flaws, and Mr. Wallace; the motion carried 5 – 0.

3. 7:30 Continued Public Hearing Tuttle Lane, formerly “Road A”, 333, 339, & 349 Summer Street – Proposed Definitive Plan of Subdivision

Chairman Charville requested a motion to continue the PH for Tuttle Lane at 7:38 PM. Ms. Flaws made the motion, and Mr. Sheehan seconded; the motion carried 5 – 0. Chairman Charville said the PB had received a request from the applicant to continue the PH until July

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31st in order to have time to complete revisions to the plan; the applicant will also extend completion time until 9/3/2019. Chairman Charville requested a motion to continue the PH for Tuttle Lane until Wednesday, July 31 at 7:30 PM in the Maney Room. Mr. Sheehan made the motion, and Mr. Wills seconded it. Ms. Flaws asked if it was possible to not continue the PH and request a new plan with all stormwater appropriately designed. Mr. Sheehan said it would have been beneficial to have a representative at the meeting. Chairman Charville asked if staff should request an update from the applicant. Mr. Wills noted that in the past 25 years, so many additional requirements have been placed on subdivision plans. Chairman Charville requested that Atty. Regnante be contacted for an interim update so the PB would be aware in what direction the plan was heading. The previously made motion passed 5 – 0.

4. 11 Grant Road – BOA Case #19-10

Applicant Paul Ernest said the plan to remove an existing Family Room (FR) in order to construct a better built FR would add 50 sq. ft. of impervious area, thereby requiring a Special Permit under Section 9.3.8(2). He added that the addition would have a stormwater management system. Chairman Charville said that had been his only concern in reviewing the application. Mr. Wills asked if the increase was only 50 sq. ft.; Chairman Charville said yes, but the existing impervious area was already in excess of the allowed 2500 sq. ft. Chairman Charville requested a motion that the PB not oppose this petition to the ZBA. Mr. Wills made the motion, and Ms. Flaws seconded; the motion carried 5 – 0.

5. Discussion of Cut-off Dates for Submissions for PB Meetings

Ms. Lambe said that late and last minute submissions were frequent, leaving Board members without adequate time to prepare for meetings. The request for all submissions on the Thursday prior to a Wednesday meeting has not been adhered to. After discussion, it was decided to stick with the requested Thursday submission and Chairman Charville recommended notifying attorneys and engineers that “the PB frowns upon later than a week prior” for submission of meeting documents.

6. Approval of Minutes – May 29, 2019

Mr. Wills motioned that the PB approve the minutes, and Mr. Sheehan seconded; the motion carried 5 – 0.

8. Administrative Matters/Topics for Next Meeting

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July 17th will be a special meeting to continue the PH for #914 Salem Street. The July 31st meeting will be the continued PH for Tuttle Lane. Ms. Cademartori questioned (via a memo) if the PB would be interested in pre-drafting a decision letter before the meeting. Chairman Charville agreed this was a good idea; Ms. Flaws agreed it would help to frame the issues and ensure no conditions would be missed. Mr. Wallace asked about the reference to the stub to Reed Road mentioned in notes from the June ConCom meeting, which occurred after the PB had decided not to require the stub. Chairman Charville said he planned to attend the July ConCom meeting to gather more information. Mr. Wallace requested ConCom minutes be distributed to the PB regularly; this will be done.

Ms. Flaws motioned to adjourn the meeting at 8:08 PM; Mr. Wallace seconded, and the motion carried 5 – 0.

Respectfully submitted,

Susan Lambe, Planning Office