

# **LYNNFIELD PLANNING BOARD MEETING July 31, 2019**

## **1. Call to Order**

The monthly meeting of the Planning Board (PB) was held on Wednesday, July 31, 2019 in the Maney Meeting Room at Town Hall. Chairman Charville called the meeting to order at 7:02 PM and said it was being recorded with audio. Planning Board (PB) members present were: Chairman Brian Charville, Vice-chairman Michael Sheehan, and Thomas Wallace; Charlie Wills was absent. Katherine Flaws arrived at 7:05.

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

Chairman Charville requested a motion to reopen the Public Hearing (PH); Mr. Sheehan made the motion, and Mr. Wallace seconded; the motion carried 3 – 0. Atty. Tim Doyle explained that a new engineering firm (Hayes) had been hired to complete the needed modifications. Peter Ogren of Hayes had met with Planning and Conservation Director Emilie Cademartori and Town Engineer Charlie Richter earlier in the day. The revised engineering plans are underway. The Lotting Plan is complete, the Existing Conditions, Demolition, and combined Topography, Erosion Control and Stormwater plans are pending. Atty. Doyle said the 6 Witham Street lot is under agreement and this is close to completion. He added that 2 local residents have come forward as potential buyers. Atty. Doyle requested the PB consider voting on the plan tonight and added that there is no real risk to this as the outstanding revised plans are in progress.

Chairman Charville asked if the modified subdivision plan will include the lot on Witham Street; Atty. Doyle said yes. Ms. Cademartori said it was shown on the prior approved plan but not identified as part of the subdivision. Mr. Sheehan asked if this had been done before (voting on a plan that is not complete); Chairman Charville said he did not think so. Mr. Richter said the PB has approved a plan subject to certain conditions, but this would be “a bigger leap”. Developer Marco Tammaro said a perk test with the BOH will be done next week so they can begin to work on house plans with the buyers. Chairman Charville suggested the Board could approve the completed Lotting Plan; Atty. Doyle said he would prefer approval of the entire plan. Chairman Charville felt approval of the Lotting Plan would appease the land seller. Ms. Cademartori noted that whichever option the Board chooses, the written decision must be very clearly defined, as this is a modification, not a rescission. Chairman Charville said the final decision, as well as the waivers, could be completed at the August monthly meeting. He then asked Ms. Cademartori and Mr. Richter if they agreed with approving the revised Lotting Plan; both were in agreement. Chairman Charville requested a motion to approve the revised Lotting Plan dated 7/30/2019. Mr. Sheehan made the motion and Ms. Flaws seconded it; the motion

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carried 4 – 0. Ms. Cademartori detailed what would be needed to ensure final approval at the August 28<sup>th</sup> meeting:

- a. Existing Conditions Plan
- b. Demolition Plan
- c. Erosion Control Plan, which shall include stormwater and topography plan

Chairman Charville requested a motion to continue the PH until Wednesday, August 28 at 7:00 PM. Mr. Sheehan made the motion and Ms. Flaws seconded it; the motion carried 4 – 0.

(Note: Agenda items taken out of order to accommodate Public Hearings)

### **4. Parsons Ave. Extension**

Developer Jeff Rhuda said that a plan to cut new driveway aprons to address puddling issues had been detailed by Mr. Richter. Chairman Charville asked what the timing of this plan was; Mr. Rhuda said that as soon as the PB agreed with the plan, the work would be done. Mr. Richter said no vote was needed; this is a status update only; he added that the puddling issues being addressed were not significant.

### **6. 60 Chestnut Street – proposed ANR**

Chairman Charville announced that this item had been taken off the agenda at the request of the applicant.

### **5. 36 Alexandra Road – BOA Case #19-11**

Atty. Doyle explained this matter had previously been presented to the Board and now an application to modify an existing Variance was being considered. The property abuts wetlands, Route 128, and has proven difficult to perk. The original developer, Charlie Wills, was granted a Variance for frontage in order to install the septic system. Atty. Doyle said the property owner feels he could fit in another septic system if the original Variance was modified, and that all additional lot requirements would be met. Chairman Charville said this was originally submitted to the PB as an ANR in late 2017 and that PB member Charlie Wills had informed the Board of the existing frontage Variance. Chairman Charville asked if after ZBA approval, this project would be an ANR; Atty. Doyle said yes and added that all future plans would be subject to the results of the perk test.

Chairman Charville said the Variance established 42 years ago was well thought out and should not be interfered with. Atty. Doyle said this would be up to the ZBA to decide and there is

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adequate frontage for an additional lot. Ms. Flaws asked what led to the original Variance. Ms. Cademartori said there were 2 lots on the original Subdivision Plan, but due to the location of the perkable soil, the PB suggested getting ZBA frontage relief in order to locate the septic system without an irregular parcel shape. Mr. Sheehan said he was opposed to endorsing the current application for modification of the Variance; Ms. Flaws agreed. Mr. Sheehan then motioned to oppose recommending this to the ZBA and Ms. Flaws seconded; the motion carried 4 – 0.

### **3. 7:30 Continued Public Hearing – Tuttle Lane/"Road A", 333, 339, & 349 Summer Street - Proposed Definitive Plan of Subdivision**

Mr. Sheehan motioned to reopen the continued PH for Tuttle Lane at 7:45 PM. Mr. Wallace seconded the motion, which carried 4 – 0. Atty. Regnante said updates on engineering and legal issues would be covered tonight and that he had sent a proposed agenda to the PB. He added that the Conservation Commission (ConCom) had approved the latest relocation of the stormwater area and this resulted in an additional 30' of distance from the wetland and the saving of 17 additional trees.

Engineer Chris Sparages offered a recap of what had transpired since he last presented at the May PB meeting:

- Review of all comments from Peer Reviewer and Town Engineer
- ConCom requested moving the stormwater area based on the additional land area provided by eliminating the Reed stub, and subsequently approved the revised basin location. The new location is an additional 30' from the wetland and will save 17 trees.
- Revision to the streetlight model #, streetlight spacing, and correction of typos based on Mr. Richter's comments

Mr. Sparages said that these revisions were included on the revised plan delivered to the PB earlier today, but these plans do not yet address the comments from Peer Review Engineer Bill Jones, including:

- Rooftop runoff details
- Needed revisions to light fixtures, bulbs, and light poles

Mr. Sparages said they have also added an invasive species eradication plan for the edge of Reedy Meadow.

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Atty. Regnante requested addressing the needed revision of Waiver #1. Chairman Charville requested a motion to modify the prior Waiver #1 to list Model #247-20LEDE70-MVOLT-4K-R5-AY-PCLL. Mr. Sheehan made the motion and Ms. Flaws seconded it; the motion carried 4 – 0. Atty. Regnante said the new entity of HPI Mass RE Development LLC had been created. Chairman Charville asked if this was reflected in the HOA; Atty. Regnante said yes. Chairman Charville informed that Town Counsel (TC) had signed off on the HOA. Atty. Regnante said the HOA references the agreement made with the Historical Commission (HC) regarding Summer St. streetscape. The HOA will be ready to be recorded as soon as the final date of 7/29/19 (to correspond with the final plan) is added. Ms. Cademartori noted that the referenced title of the stormwater maintenance plan (which will be attached to the HOA) differs in the HOA and Atty. Regnante said this would be corrected. Atty. Regnante said he hoped the PB would vote on their decision, record it with the Town Clerk, wait for the 20 day appeal period, and endorse the plan. Mr. Jones said that the plan would require an additional date to add his revisions; Mr. Sparages agreed. Chairman Charville said the Board needed to review the decision draft. Atty. Regnante proposed to continue the PH until August 28, 2019, and extend the completion date to September 9, 2019; he submitted a letter stating this. The final vote on the decision and Plan Form G would take place at the August 28<sup>th</sup> meeting. Chairman Charville asked Mr. Jones and Mr. Richter if this was acceptable. Mr. Jones agreed but added he would need to review the final plan prior to that date. Atty. Regnante said Mr. Richter had also requested several Sheet Waivers; Ms. Cademartori said those were already listed on page 3 of the decision draft. Mr. Jones said he and Mr. Richter are in agreement with the Sheet Waivers. Chairman Charville asked if it was acceptable to include these as part of the decision; Atty. Regnante said yes. Chairman Charville asked Mr. Jones if he was in agreement with the roof recharge system; Mr. Jones said yes based on the approval of the ConCom and added that the recharge system could move slightly based on future house plans. Chairman Charville asked how the invasive species plan would be incorporated into the plan; Mr. Sparages said it would be on the OOC from the ConCom.

Resident Paige Wilkins requested an updated version of the HOA as she had questions about ongoing maintenance of the cul-de-sac island and Summer St. stone walls and gates. Atty. Regnante said the walls and gates were referenced in the agreement made with the HC. Ms. Wilkins asked who would maintain the walls and gates; Atty. Regnante said the developer, and the cul-de-sac would be maintained through the HOA. Developer Brian Hannon said the walls and gates were part of the corner lots and therefore maintained by property owners. Chairman Charville said that the HOA references “common expenses” on page 2. Ms. Wilkins asked if the town could enforce this; Chairman Charville said yes, and the HC could also enforce. Ms.

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Wilkins noted that the LCWD access had been moved from the Cranberry Lane easement to abutting property and wanted to know if this had been documented. Ms. Cademartori said this issue was between the LCWD and the town. Atty. Regnante said an easement was being created on the abutting property; Ms. Wilkins asked when this would be completed. Mr. Sparages said the surveying had been done; Ms. Cademartori asked if this should be reflected on the plan. Mr. Jones said that if this changes the Subdivision line, it must be completed before the decision can be finalized on August 28<sup>th</sup>. Chairman Charville requested the new easement be shown on the plan; Mr. Sparages agreed.

Chairman Charville requested a motion to continue the PH for Tuttle Lane until Wednesday, August 28 at 7:30 PM in the Maney Room. Mr. Wallace made the motion, and Ms. Flaws seconded it; the motion carried 4 – 0. Atty. Regnante requested that absent PB member Mr. Wills review the audio of the meeting in order to satisfy the Mullin Rule; Chairman Charville agreed. Ms. Cademartori said funding was needed to cover peer review expenses; Mr. Hannon provided a check.

### **7. Ipswich River Watershed – Discussion of Interjurisdictional Collaboration**

Ms. Flaws said that the PH for the 40B project on Elm St. in North Reading was scheduled for August 8<sup>th</sup>. She feels strongly that some type of watershed protection for the Ipswich River should be in place; as such protection would include restrictions on development and density. Ms. Flaws said that research shows the Ipswich River to be one of the most endangered in the nation, and currently only the Quabbin Reservoir, Ware River, and Wachusett Reservoir are protected by the Watershed Protection Act. Ms. Cademartori said the town of North Reading now pursuing water from Andover rather than the Ipswich River Basin.

Ms. Flaws said the bylaws for private wells should be addressed as these also draw on the total water supply. Chairman Charville suggested inviting the Ipswich River Watershed Association's Executive Director to attend a future meeting. Ms. Cademartori agreed and noted that Lynnfield is now a member community of Greenscapes North Shore. Mr. Wallace asked if the Master Plan includes any water preservation measures; Ms. Cademartori said no. Ms. Flaws asked who had responsibility for regulating private wells; Ms. Cademartori said she will look into this. Ms. Flaws asked if work on a tree protection bylaw was continuing; Ms. Cademartori said notification of a grant for this would be forthcoming. Chairman Charville suggested including these topics on the next meeting agenda.

### **8. Approval of Minutes – June 26, 2019, July 17, 2019**

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The Board approved these minutes 4 – 0.

### **9. Administrative Matters/Topics for Next Meeting**

- Continued Ipswich River Watershed discussion
- Approval of Minutes – September 28, 2016, October 26, 2016
- Zoning Map review
- 60 Chestnut Street ANR
- Tree Protection Bylaw
- 7:00 Continued PH #914 Salem Street
- 7:30 Continued PH Tuttle Lane

Ms. Cademartori reviewed progress on the Zoning Map revisions and said that extensive research has been done to correct errors and inconsistencies; she added that approval of the revised map will be on the Warrant for October Town Meeting. Ms. Cademartori said that revisions to the Zoning Bylaws should also be addressed now. Chairman Charville asked if the services of CAI were being used for the Zoning Map revisions; Ms. Cademartori said they were being done in-house and the resulting shape files would be sent to CAI for updating.

Ms. Cademartori said there will possibly be a Special Town Meeting in September to authorize engineering funds for the proposed Rail Trail (RT); she added that the BOS were not in favor of the special meeting. Chairman Charville said the design shortfall of \$700K would be split between Lynnfield and Wakefield and that RT advocates would request \$350K at the meeting.

Ms. Flaws motioned to adjourn the meeting at 8:56 PM; Mr. Wallace seconded, and the motion carried 5 – 0.

Respectfully submitted,

Susan Lambe, Planning Office