

LYNNFIELD PLANNING BOARD MEETING September 28, 2016

A meeting of the Planning Board (PB) was held on Wednesday, September 28, 2016 at 7:00 in the Maney Room at Town Hall, 55 Summer Street. Present were: Co-Chairman John Faria, Co-Chairman Alan Dresios, Michael Sheehan, and Heather Sievers. Charlie Wills was absent.

1. ANR – #385 Rear Broadway

Atty. Marc Kornitsky said he would be appearing before the Board of Selectmen (BOS) to purchase town owned land at the rear of the property for his client, Brian Kelly. He added that he has filed the ANR Plan and Form A. Atty. Kornitsky reviewed the plan and said the land in question is adjacent to land owned by Mr. Kelly and would be added to that to create a new lot that is labeled nonbuildable. Co-Chairman Faria asked about the town owned land; Atty. Kornitsky said it was currently owned by the Conservation Commission (ConCom) and had already been approved at the prior Town Meeting. Co-Chairman Faria moved to approve the ANR as presented; Ms. Sievers seconded and the motion carried 4 – 0.

2. Request to Purchase Town Land : #9 Witham Street

Paul Scott of 9 Witham St. reviewed the plan and said he had tried to acquire the town owned land which abuts his backyard; he added that he does not want to build there and only wants to increase his yard size while maintaining existing trees. Robert Parris of 22 Munroe St., whose yard also abuts the land, said he had begun the process to purchase this land in 2013. Co-Chairman Faria asked if he wished to purchase the entire lot; Mr. Parris said that had been his intention. Co-Chairman Faria said that a year ago, the Planning Board had sent the BOS a recommendation to approve the land sale with the stipulation that it not be built on. Mr. Parris said he had been asked to submit a bid for the land but was awaiting a determination of its value from the Assessor. Co-Chairman Faria suggested that Mr. Scott and Mr. Parris discuss a plan for the land that suits them both and present that to the BOS, and added that he sees no problem seeing the land being sold to them both (provided there are no restrictive covenants). Discussion of deeds and correct procedure ensued; Co-Chairman Dresios said the BOS was awaiting an opinion on the sale from the PB. Co-Chairman Dresios requested a motion that lot #639 and #725 on the Assessor's map can be sold for residential use, but not subdivided or built upon at a height of greater than 35'. Ms. Sievers seconded the motion, which carried 4 – 0.

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3. Possible Sale of Land – Assessor’s Map # 52, Parcel #1243

Atty. Marc Miller spoke representing his client who owns the abutting parcel (Louie’s Pizza); he added that at the time the restaurant was licensed, the BOS informed his client that the abutting parcel could be purchased from the town should he ever be interested. Atty. Miller said the parcel was approximately 200 sq. ft., and is currently being leased to his client by the town and being used as parking spaces. He added that his client has resurfaced and maintained the property. The current lease price is \$6000 annually. Mr. Sheehan asked if any other businesses were located there; Atty. Miller said nearby businesses include a tailor shop and a realtor. Mr. Sheehan asked if they also utilized that parking area; Atty. Miller said no. Co-Chairman Faria requested a motion specifically stating “not to recommend unless the deed to Assessor’s map #52, Parcel #1243 contains restrictive covenants limiting the height of any structures on the land to a maximum of 35’ with said restriction also applicable to each adjacent parcel under the ownership, management, or control of the petitioner, recommended provided those restrictions are met”. Ms. Sievers seconded the motion, which carried 4 – 0.

4. Town Warrant Article #5

Co-Chairman Dresios said the library land and Article 8 needed to be discussed. Ms. Sievers said the library land would be discussed at a Public Hearing before Town Meeting (TM). Co-Chairman Dresios asked if there were any concerns regarding the library land; there were none. Co-Chairman Faria motioned to recommend Article 5 which allows the transfer of the care, custody, management, and control of the land located at 175 Summer Street from the BOS to the Board of Library Trustees for the purpose of constructing a new library. Ms. Sievers seconded the motion; which carried 4 – 0.

5. Town Warrant Article #8

Co-Chairman Dresios reviewed the Article and said the language at the end sounded as if “they can also approve the bike path” and expressed concern over this. Discussion ensued as to whether the PB needed to make a recommendation on this “land purchase” article. Co-Chairman Dresios said he was not prepared to vote on the Article until he further researched the bike path, and suggested voting on it prior to TM; Mr. Sheehan agreed. Ms. Sievers said Article 8 was the result of flooding at the end of Perry Avenue. Co-Chairman Dresios said the DPW wants to continue maintaining the culverts going through the railroad property as they have

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been doing for years; they would also request to enlarge the culverts. The language of Article 8 states that in doing so, they would “hold the state harmless”. Co-Chairman expressed concern that this would allow a bike path constructed without input from the town; discussion ensued. Co-Chairman Faria and Mr. Sheehan felt that the Article only applied to “the culverts beneath the railroad beds”. Co-Chairman Faria moved to recommend Article 8; Mr. Sheehan seconded and the motion carried 4 – 0.

6. Town Warrant Article #6

Co-Chairman Faria said a PH had been scheduled for Article 6 and it could be addressed at that time; this Article regards a change to the Zoning Bylaws to regulate the rental of any property zoned Residential. Co-Chairman Faria said he and Co-Chairman Dresios had discussed this, and felt that since the Article was proposed by the BOS, the PB should “stay out of it” and let the matter be discussed and recommended upon at the PH.

7. Minutes

Ms. Sievers stated there were no minutes to be reviewed. Co-Chairman Faria asked if Ms. Randlele was scribing the minutes from the audio tapes; Ms. Sievers said yes. Mr. Sheehan said he would send Ms. Randlele the minutes from the Master Plan meeting prior to the next PB meeting.

8. Town Warrant Article #7

Co-Chairman Faria asked about Article #7 which regards the Zoning Bylaw entitled “Fines” and allows the Building Inspector to determine if a violation will result in a criminal offense and therefore, a daily fine. Much discussion ensued. Co-Chairman Dresios said the daily fine was proposed to increase from \$100 to \$300 and states that the fines will be levied “at the sole discretion of the Building Inspector”. Co-Chairman Faria asked what standard the Building Inspector would adhere to in making such determinations, and if the PB was to make a recommendation on this Article. Ms. Sievers said the advertised PH was for both articles #6 and #7.

9. Proposed Agenda for Next Meeting

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Co-Chairman Dresios said the next meeting would include the 2 aforementioned Public Hearings.

Co-Chairman Faria moved to adjourn the meeting; Mr. Sheehan seconded and the motion carried 4 – 0. The meeting was adjourned at 8:15 PM.

Respectfully submitted,

Susan Lambe, Planning Office