

LYNNFIELD PLANNING BOARD MEETING June 24, 2020

1. Call to Order

The regular monthly meeting of the Planning Board (PB) was held on Wednesday, June 24, 2020; the meeting was held virtually via the Zoom platform. Chairman Charville began by welcoming newly-elected PB member Edward Champy. All PB members were in attendance, including Chairman Brian Charville, Michael Sheehan, Kate Flaws, and Tom Wallace.

2. Election of Officers

Chairman Charville requested nominations for PB Officers for the coming year:

- Mr. Sheehan motioned that Mr. Charville remain as Chairman, and Ms. Flaws seconded the motion. The vote was taken via roll call: Flaws-Aye, Champy-Aye, Sheehan-Aye, Wallace-Aye, and Charville- Abstain.
- Ms. Flaws motioned that Mr. Sheehan remain as Vice-Chairman, and Chairman Charville seconded the motion. The vote was taken via roll call: Flaws-Aye, Charville-Aye, Champy-Aye, Wallace-Aye, and Sheehan-Abstain.
- Chairman Charville motioned that Ms. Flaws be elected as Clerk, and Vice-Chairman Sheehan seconded the motion. The vote was taken via roll call: Charville-Aye, Sheehan-Aye, Champy-Aye, Wallace-Aye, and Flaws-Abstain.

3. Calvary Christian Church – 47 Grove Street

Atty. Jay Kimball presented a minor site plan addition and introduced Calvary Christian Church (CCC) Facilities Director Tom Granger. Atty. Kimball explained that the proposed addition would add 875 sq. ft. to the existing 24,000 sq. ft. for a net increase of 3%; he added that no residences were located within 150' of the site and the construction would take place on the Route 128 side of the property. Engineer Peter Ogren said the addition does not change any of the usage of the property, it only enhances existing buildings. Planning and Conservation Director Emilie Cademartori stated there was no reason to not approve this minor modification. Chairman Charville requested a motion to approve the requested site plan modification at CCC. Ms. Flaws made the motion and Mr. Sheehan seconded it. The vote was taken via roll call: Charville-Aye, Flaws-Aye, Sheehan-Aye, Champy-Aye, and Wallace-Aye. Ms. Cademartori asked for clarification of the date of the plan being approved; Mr. Ogren said the plan was dated January 3, 2020 and revised on June 18, 2020.

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4. Janet Way (Sagamore Place) – Certificate of No Change for 2017 ANR

Mr. Ogren stated that the PB had originally endorsed this ANR, and due to ongoing issues at the site, the attorney had never recorded it at the Registry of Deeds. Chairman Charville noted the 2 homes shown on the plan had since been razed, and asked if Ms. Cademartori agreed with the no-change certification. Ms. Cademartori said that she trusted Mr. Ogren had the original, signed mylar plan. Mr. Ogren said the Town Engineer (TE) had asked him to amend the plan to enlarge a drainage easement to accommodate 5 homes. Ms. Flaws asked if the plan remained “unchanged” in light of this change to the stormwater system; Ms. Cademartori said that change was reflected on the Definitive Plan, not the ANR. Mr. Champy asked if the stormwater system was suitable for 2 homes or 5; Mr. Ogren answered 5 and that, hopefully, this system could connect to the adjoining land (Hannah’s View Estates) in the future. Chairman Charville requested a motion that the PB grant the requested Certificate of No Change. Mr. Sheehan made the motion and Ms. Flaws seconded it. The vote was taken via roll call: Charville-Aye, Flaws-Aye, Sheehan-Aye, Champy-Aye, and Wallace-Aye.

5. Violet Circle – Bond Determination

Chairman Charville reviewed the memo from TE Richter detailing the bond at the gross amount of \$373,885, less work completed of \$259,125, for a net amount of \$114,760. Mr. Wallace motioned to set the bond amount at \$114,760, and Mr. Champy seconded the motion. The vote was taken via roll call: Charville-Aye, Sheehan-Aye, Flaws-Aye, Wallace-Aye, and Champy-Aye. Developer Marco Tammaro said he will be starting the first home in September and is pleased to be “finally moving forward”.

6. Hannah’s View Estates, 1414, 1452 & 1466 Main Street and 2, 4 & 6 Sagamore Place

The updated, proposed Preliminary Plan for the subdivision was presented by Engineer Scott Cameron who said he wanted to show the overall layout using standardized assumptions at this point, as homebuyers would have their own ideas. Mr. Cameron said the homes would be 5000 – 7000 sq.ft. with 3 car garages and maximum septic capacity of 6 bedrooms. Current plan features include:

- a focus on preserving trees and buffers
- underground stormwater system
- full road build-out in 6 – 12 months
- 15% impervious coverage to meet watershed requirements

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Mr. Cameron said he had determined the abutting land had been deeded to the Sagamore Realty Trust by the LCWD, with a reserved easement to access their land. Mr. Cameron agreed to forward this deed information to Ms. Cademartori.

Ms. Flaws asked if trees to be preserved had been identified; Mr. Cameron said yes, and that this would be reexamined in the definite plan phase. Chairman Charville reminded that this is a requirement of the Definitive Plan. Chairman Charville asked if Mr. Cameron had received the letter from the Fire Department; Mr. Cameron said he had received it and the LCWD letter. Chairman Charville noted that cisterns and fire hydrants are required on the plan; Mr. Cameron said he planned to have 2 50,000-gallon cisterns but wanted fire department input as to their location. Mr. Champy asked if easements were planned for the cisterns; Mr. Cameron said there was enough flexibility in the planned lots to allow for the easements. Mr. Champy asked if the cisterns would be maintained in the HOA; Mr. Cameron was unsure and felt the town may want to maintain them. Fire Chief Davis stated the need for access and egress and his concern that there was no available water in the area for fire suppression. Chief Davis added that the town currently does not maintain any cisterns. Developer Angus Bruce said that towns usually maintain cisterns as they are low maintenance as well as a potential liability for an HOA. Mr. Sheehan expressed concern over so many large wells impacting the water supply; Mr. Cameron said our Zoning Laws protect resources as a maximum of 6 bedrooms are allowed on 60,000 sq. ft. lots and added that groundwater is recycled for septic use. Mr. Sheehan noted the property is a Chapter 61 site and asked if the Right of First Refusal (ROFR) offer had been presented to the town. Mr. Bruce said some issues were being resolved and the ROFR would be sent "shortly". Chairman Charville asked who would supply the ROFR; Mr. Bruce said the seller's counsel was Atty. Jill Mann. Mr. Bruce informed that the property had been previously tested and found to contain an aquifer that offered "plenty of water, and it's separate from the water being used now".

Chairman Charville stated that considering a Preliminary Plan before considering the ROFR was not proper process; Mr. Cameron said they considered the Preliminary Plan a fact-finding mission. Mr. Bruce said the ROFR would be submitted before the next meeting. Mr. Champy asked if the ROFR had been submitted for the Elderly Housing (EH) plan proposed for the site; Mr. Bruce said yes. Ms. Cademartori said it had not been a formal submission, but rather a discussion with the BOS. Mr. Bruce said the BOS had not been in favor of the ROFR. Ms. Cademartori said the formal ROFR would have had to be initiated if the requested Zoning Change had been accepted; Mr. Bruce said his understanding was the BOS had refused the offer. Mr. Champy noted that both these statements can't be true. Chairman Charville stated that the administrative process was not completed; Ms. Cademartori added that the BOS

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agreement not to purchase the property was based on many other conditions of the Will's Brook project. Fire Chief Glenn Davis asked what water source would supply the cisterns; Mr. Cameron said non-potable wells would be used for cisterns as well as irrigation. Chairman Charville asked when the applicant was hoping to have a determination on the plan; Mr. Cameron said at the next meeting. Mr. Bruce agreed and said that would allow time for the ROFR, the addition of trees to the plan, and further discussion with the Fire Chief; he asked if anything else was needed for the plan. Ms. Cademartori said the TE had not had adequate time to respond to the plans, but noted that no utilities are shown. Mr. Cameron said those determinations are made by the power companies, but he would add those to the plan. Chairman Charville said the plans still needed to show the stub road, proper well locations, and the trees in the road. Ms. Flaws said input from the BOH was still needed. Mr. Sheehan requested input from the LCWD regarding the separate water source Mr. Bruce had informed of.

Chairman Charville reminded all that this was only a Preliminary Plan and opened the meeting to questions from audience members. Resident Ken McNulty said he resided in the LCWD and that he was a board member of the IRWA; he questioned why the town was currently at the highest drought level if additional water supply exists. Mr. Bruce explained that this was the information he had been given.

Chairman Charville requested the applicant allow the PB to continue the Preliminary Plan meeting until July 29, 2020; Mr. Cameron said he would confirm this via email. Ms. Cademartori said she would request a formal response from the LCWD commenting on the water source mentioned by Mr. Bruce. Chairman Charville continued the discussion until the meeting of July 29th, 2020.

7. Proposed Resolution Regarding Exclusionary Zoning

The Board discussed the final revisions to the circulated resolution that had been agreed upon at the June 10th meeting. Ms. Flaws motioned to adopt the resolution with amendments as presented, and Mr. Wallace seconded the motion. The vote was taken via roll call: Flaws-Aye, Charville-Aye, Wallace -Aye, Champy-Aye, and Sheehan-Aye.

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RESOLUTION OF THE LYNNFIELD PLANNING BOARD

REGARDING PAST DISCRIMINATION AND PRESENT AND FUTURE SOLUTIONS

WHEREAS, the Lynnfield, Massachusetts, Planning Board exists pursuant to the Massachusetts General Laws and the Town Charter of the Town of Lynnfield; and

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WHEREAS, the Lynnfield Planning Board is directed by the Town Charter to “make recommendations to the Board of Selectmen on all matters concerning the physical, economic, and environmental development of the Town”, and the Town’s physical, economic, and environmental development is first and foremost affected by how the Town’s residents and visitors treat each other fairly and with respect; and

WHEREAS, given recent events, it is imperative that government entities at every level point out evidence of racial discrimination and policies that have contributed to racial inequality in their communities whether those policies were enacted with an intent to discriminate or not; and

WHEREAS, in our country’s and in our community’s past, systemic policies, covert and overt, have led to discrimination against Black Americans and other people of color, and discrimination is not just an insult to our most basic notions of fairness, it causes a significant loss, as families and individuals facing discrimination are unable to make the best use of their diverse talents and this hurts all of us; and

WHEREAS, we are a better country when everyone is empowered to meet his or her full potential, and discrimination based on race is contrary to the values we promote in Lynnfield; and

WHEREAS, specific historical planning and zoning practices, like an overt race ban in a homeowners’ association document and covert exclusionary zoning based on minimum lot sizes, were discriminatory and had negative effects,

NOW, THEREFORE, BE IT RESOLVED BY THE LYNNFIELD PLANNING BOARD THAT:

- 1) Our nation’s best interests are served when we ensure that everyone enjoys full and equal opportunity, and we are committed to ensuring equal opportunity to the extent within our authority;
- 2) We are committed to pointing out and addressing, to the extent within our authority, all instances of discrimination we encounter, whether on the basis of age, race, religion, gender, sexual orientation, or socioeconomic status; and
- 3) Going forward we recommit ourselves to acting upon our values of caring, mutual respect and unity and making the Town of Lynnfield a welcoming place for All.

8. Proposed Tree Bylaw and Regulations – Update

Ms. Cademartori said additional time was needed in order to streamline the bylaw by moving some of the onerous details from the actual bylaw to the regulations portion; she added that this would be presented at the July 29th PB meeting. Ms. Cademartori said that MAPC consultant Ella Wise would begin preparing marketing materials for the bylaw. Ms. Flaws informed that towns with solar bylaws were now able to sell excess kilowatt hours to RMLD; Ms. Cademartori added that substantial energy grants had recently been announced. Chairman Charville suggested adding this topic to the July or August agenda.

Ms. Flaws again mentioned the need to inform the town about the Ch. 61 ROFR opportunity on the proposed Hannah’s View Estates land; Ms. Cademartori agreed saying that the current project was entirely new and, therefore, the BOS need to reconsider this option.

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9. Approval of Minutes – June 10, 2020

Chairman Charville requested a motion to approve the June 10, 2020 meeting minutes as presented; Mr. Sheehan made the motion and Mr. Wallace seconded it. The vote was taken via roll call: Charville-Aye, Wallace-Aye, Sheehan-Aye, Flaws-Aye, and Champy-Abstain.

10. Administrative Matters/Topics for Next Meeting

- Hannah's View Estates - Preliminary Plan continuation
- 420 Chestnut Street – Scenic road Bylaw
- Tree Bylaw
- ZBA Cases

Ms. Flaws motioned to adjourn the meeting at 9:17 PM; Mr. Sheehan seconded the motion. The vote was taken via roll call: Charville-Aye, Wallace-Aye, Flaws-Aye, Sheehan-Aye, and Champy-Aye.

Respectfully submitted,

Susan Lambe, Planning Office