

# **LYNNFIELD PLANNING BOARD MEETING August 26, 2020**

## **1. Call to Order**

The regular monthly meeting of the Planning Board (PB) was held on Wednesday, August 26, 2020. Chairman Charville called the meeting to order at 7:00 PM and said the meeting was being held virtually per Governor Baker's directive and would be recorded. Chairman Charville said PB members in attendance were Chairman Brian Charville, Vice Chairman Michael Sheehan, Clerk Kate Flaws, Tom Wallace, and that Ed Champy was expected shortly. Mr. Champy joined the meeting during the PB's consideration of the 1 Walsh Road case.

## **2. 1 Walsh Road – ZBA Case # 20-05**

Planning and Conservation Director Emilie Cademartori said the existing house on a non-conforming lot had already been razed without the appropriate permitting in place. Atty. Tim Doyle said this application for a Special Permit would be heard by the ZBA at their next meeting in order to add a garage and living room to a pre-existing, non-conforming structure on a non-conforming lot. Chairman Charville asked Atty. Doyle if a Special Permit was appropriate in light of the fact that the structure had been removed; Atty. Doyle said after renovations had begun it was determined the then-existing structure could not support a 2<sup>nd</sup> story. Atty. Doyle said this had not been the intent (to remove and rebuild most of the structure), rather the home was being rebuilt in sections. Chairman Charville asked what remained today of the original structure; Atty. Doyle said the foundation and a portion of the back wall. Chairman Charville asked what the gross floor area change would be; Atty. Doyle said it would not go up by more than 100%, therefore, the addition would only require a Special Permit from the ZBA, not a Variance. Chairman Charville asked if this was by right; Atty. Doyle said yes. Mr. Champy asked if a structural engineer had been used; Atty. Doyle said the contractor had determined to use 2" x 4" lumber vs. 2" x 6". Mr. Champy asked if an architect had been consulted about this; Atty. Doyle said that the architect had designed the structure and the contractor had determined once work was underway that the then-existing structure was not suitable for adding a 2<sup>nd</sup> story. Mr. Champy asked who had selected the lumber; Atty. Doyle said that once the structure was "opened", the lumber size was determined. Mr. Champy said that plans need to be stamped in advance.

Chairman of the Historical Commission (HC), Kirk Mansfield, said he had met with the applicant and Atty. Doyle regarding the demolition delay bylaw, and since the property was in poor condition, the HC would likely have approved the razing had the HC been consulted before the razing actually occurred. Mr. Mansfield said the applicant had said he intended to build onto the existing home, and the Building Inspector (BI) subsequently informed him that the house was gone. Chairman Charville asked what was left of the home when Mr. Mansfield

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viewed it; Mr. Mansfield saw nothing left and requested a meeting at which the applicant said his contractor had advised him to take the structure down and then ask for forgiveness. Mr. Mansfield added that a fine had been agreed upon and the drawings for the proposed home were approved, and this would allow for approval by the HC. Mr. Champy commented that the HC is “very flexible”; Atty. Doyle said that final outcomes will be determined by the ZBA. Chairman Charville asked what the amount of the fine imposed was; Atty. Doyle said that would be finalized after Town Counsel (TC) opines. Ms. Cademartori asked if the new structure would remain on the HC list; Mr. Mansfield said he would research whether the structure or the address is considered in the HC’s purview, and Atty. Doyle said this applies to all structures built prior to 1910. Ms. Cademartori cited the need to record any changes made on the permit. Ms. Flaws said the applicant clearly knew not to proceed and raze the home and that fines imposed should be publicized to deter others. Chairman Charville asked how this process would have been different if the HC had been approached beforehand; Mr. Mansfield said that he had been inside the home and found it to be in dangerous disrepair with no chance of saving it. Mr. Sheehan asked if the new structure was more nonconforming; Atty. Doyle said the new plan had been approved by the BI and the front yard non-conformity was not greater than before. Mr. Mansfield said the HC was becoming much stricter and was able to levy fines of up to \$1500 per day. Resident Alexandra Donovan asked what the range of the fine levied was; Atty. Doyle said the fine imposed by the HC and agreed to by the applicant was \$7500. Ms. Donovan asked where this money went; Atty. Doyle said back to the Town.

Chairman Charville requested a motion that the PB inform the ZBA that the PB does not oppose the requested Special Permit while noting the Board’s concern with how the applicant did not follow the protocol for governmental approvals before commencing work. Mr. Champy made the motion and Ms. Flaws seconded it; the vote was taken via roll call: Charville-Aye, Flaws-Aye, Sheehan-Aye, Wallace-Aye, and Champy-Aye.

### **3. Hannah’s View Estates – 1414, 1452 & 1466 Main St. & 2, 4 & 6 Sagamore Place**

Chairman Charville informed that he and Ms. Cademartori had met with developer Angus Bruce and engineer Scott Cameron twice to discuss potentially having the project developed in conjunction with the proposed OSRD bylaw; he added that adoption of an OSRD bylaw has not yet been embraced by Town government. Chairman Charville reminded all that the parcel does qualify as a by-right Subdivision. Mr. Cameron reviewed recent project updates, including: engaging a landscape architect, staking out all trees located within the right of way, and inventorying all of these trees over 12” caliper; he added that these trees were 60% red oak and 40% white pine. Mr. Cameron estimates the property contains 3000-3200 trees with an average caliper of 15”-18”. Mr. Cameron then reviewed a proposed plan that “checks off all the goals of

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such a (an OSRD) bylaw”, and balances it with the needs of a developer. The plan includes a shared water supply well, 50% open space, preservation of the existing walking path, and reduced site disturbance, all of which reduces the developmental footprint by 40-50%. Mr. Cameron said the roadway reduction from 2400’ to 1700’ will decrease the impervious footprint 25-30%. Mr. Bruce said he is in favor of the cluster plan if it is financially feasible.

Chairman Charville asked if the shared well would meet the needs of the development; Mr. Cameron said yes as the maximum home size would be 5 BRs drawing 10,000 GPD. Chairman Charville was pleased that the same size homes could still be built with 50% of the parcel preserved as open space. Mr. Champy said that cluster worked well here due to the 60,000 sq. ft. zoning and asked “if cluster is not accepted, would the Board of Health allow a 5 BR home on a 30,000 sq. ft. lot”? Mr. Cameron said that was a zoning question, but cluster would allow the PB to adjust setbacks to reduce infrastructure. Ms. Flaws complimented the plan and asked if the developer would be open to low-impact landscaping, and Chairman Charville asked if the open space’s panhandles to roadways, as shown on the concept plan, could access hiking trails; Mr. Bruce said lot restrictions could be placed on the deeds to accomplish this. Ms. Flaws asked if the cul-de-sac was sufficient for fire trucks to turn; Mr. Cameron said yes, it is a conventional size. Mr. Sheehan also complimented the plan and asked if the shared well would be monitored by the DEP; Mr. Cameron said that monitoring and maintenance would be contracted by the subdivision’s HOA to comply with law. Ms. Cademartori thanked the team for their efforts and noted that the pending Preliminary Plan needed a deadline extension. Chairman Charville said that he and Ms. Cademartori would “aggressively reach out” to the TA and BOS about the proposed OSRD bylaws and placing it on the next Town Meeting warrant, in order to brief them on how the OSRD will function if adopted.

Chairman Charville recapped that the property could be developed under the plan just shown if the Town adopts the OSRD bylaw, otherwise, the PB will consider the Preliminary Plan. Ms. Donovan voiced approval for the cluster plan but added that sidewalks were needed and she hoped the cul-de-sac island would be landscaped. Chairman Charville said that even if the Preliminary Plan is approved, the subsequent Definitive Plan would need more detail. Former PB member Charles Wills suggested using the existing Greenbelt zoning bylaw to avoid the need for variances; Chairman Charville said if OSRD fails to pass, Greenbelt could be considered. Mr. Wills asked what size the total parcel was; Mr. Cameron said 25.5 acres. Mr. Wills said the minimum for Greenbelt was 25 acres; therefore, Greenbelt would make this by right and could be useful. Resident John Thomas, 1385 Main St., asked if the proposed by right plan of 18 homes with septic systems would fit on the parcel; Mr. Cameron said the original Sagamore Place plan yielded 3 lots and the new property will add 15 lots. Chairman Charville

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asked if a total of 20 new homes were still planned, between the Richardson Green lots and the Sagamore Place lots; Mr. Cameron said yes and all zoning requirements would be met.

Chairman Charville asked if septic systems and wells would work on all the lots; Mr. Cameron said testing is ongoing and the soil is suitable. Mr. Thomas opined that 18 homes with septic systems and private wells would not fit on the property.

Ms. Cademartori informed that a formal extension of the Preliminary Plan or other action was needed. Resident Ken Peterson, 1477 Main St., said the zoning must remain at 1.5 acres (60,000 sf minimum lot size) north of the Sagamore Spring golf course due to the lack of water supply and fire protection in that area. Chairman Charville asked Mr. Peterson if he had seen the cluster plan; Mr. Peterson said no and it was decided that staff would provide him with a copy of the plan. Mr. Peterson again stressed enforcing zoning as it currently exists and not adopting OSRD; Ms. Cademartori said that cluster zoning is not being requested by Mr. Bruce, but rather is a long-term planning effort by the PB, in the works long before Mr. Bruce proposed the Hannah's View project, that would apply to the entire town. Mr. Champy said to Mr. Thomas that the site is not "too tight" for the proposed plan. Ms. Cademartori said the BOH still had to review the septic systems. Mr. Thomas asked how many of the Janet Way/Sagamore Place lots perked (passed a percolation test); Mr. Bruce answered that all 5 did.

Chairman Charville said in addition to the regular PB meeting on September 30<sup>th</sup>, an additional meeting on the 9<sup>th</sup> would be held to discuss the potential Town Meeting Warrant Articles (OSRD; Tree Protection); he asked Mr. Cameron to request an extension until the 9<sup>th</sup> in hopes of closing the PB's ongoing consideration of the Preliminary Plan at the meeting on the 30<sup>th</sup>. Mr. Cameron said they could request the extension through 9/30 and Mr. Bruce agreed. Ms. Cademartori reminded that the Sagamore Spring Golf Course (GC) would demand a stub road to their adjacent property on the Preliminary Plan; Mr. Bruce suggested a possible land swap. Ms. Cademartori asked when a Definitive Plan might be submitted; Mr. Bruce said November.

### **4. Richardson Green – Notice of Intent/Ch. 61 Sale**

Chairman Charville asked if the BOS had reacted to the Right of First Refusal (ROFR) received by them from Richardson Green around July 31; Ms. Cademartori said they were looking for feedback from Boards and residents. Ms. Cademartori said a working group to present to the BOS was being created and would include 1 member from the ConCom, Tree Committee, PB, and IRWA; she stressed that the BOS had not received any feedback to date. Chairman Charville requested a motion that the PB designate Kate Flaws and Tom Wallace to serve on this group. Mr. Champy made the motion and Mr. Sheehan seconded it; the vote was taken via roll call: Charville-Aye, Flaws-Aye, Wallace-Aye, Champy-Aye, and Sheehan-Aye. Ms.

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Cademartori said her initial impression was the BOS may support the purchase if no town funds are needed. Mr. Sheehan asked if the BOS will hold a hearing about this; Ms. Cademartori said they must either exercise the ROFR, assign it to another group, or decline it. Mr. Peterson said his impression was that the BOS was looking for guidance from Town Boards. Chairman Charville said the working group would be finalized and beginning its fact-finding prior to the PB meeting on September 9<sup>th</sup>.

### **5. Proposed Tree Protection Bylaw Update**

Ms. Cademartori said the bylaw was being reviewed by Town Counsel (TC) as the Warrant for Town Meeting was now open, and his comments were forthcoming; she added that MAPC consultant Ella Wise was drafting the Rules and Regulations (R&R) for the bylaw. Ms. Wise said that the R&R draft could create new questions as our bylaw is unique in that it applies at all times. Ms. Cademartori said outreach will include a library of shared tree links on the website. Resident Kendall Inglese, 23 E. Huckleberry Rd., mentioned the Community Preservation Act (CPA) that was proposed 14 years ago and Chairman Charville asked if she was suggesting revisiting that; Ms. Inglese opined that the town is losing much of its character.

### **6. Proposed OSRD Bylaw Update**

Chairman Charville said he and Ms. Cademartori will speak with the TA and the BOS as soon as possible on this matter. Chairman Charville directed using Tuttle Lane as an example in the pending slide presentation; Mr. Champy said using a cluster plan for Tuttle Lane was not viable due to the size of the parcel.

Ms. Cademartori asked how best to proceed with the OSRD bylaw; Chairman Charville said TC should review it, and it was decided not to add density bonuses at this time, for this October's Town Meeting, but that the PB may choose to propose density bonuses (by amendments to an adopted OSRD bylaw) at a future Town Meeting. Ms. Wise said the current draft bylaw does not protect the GC, thereby not allowing it to count as open space (of which only 10% can be Active Recreation).

### **7. OSRP (the Town's proposed Open Space and Recreation Plan) – Revisions/Letter of Endorsement**

Chairman Charville requested a motion that the PB submit a letter in support of the OSRP revisions being submitted to the state. The PB had discussed portions of the proposed OSRP at a recent meeting. Ms. Flaws made the motion and Mr. Wallace seconded it; the vote was taken via roll call: Charville-Aye, Wallace-Aye, Champy-Aye, Flaws-Aye, and Sheehan-Aye.

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### **8. Approval of Minutes – July 29, 2020, August 3, 2020, and August 18, 2020**

Chairman Charville requested a motion to approve the July 29, 2020, August 3, 2020, and August 18, 2020 meeting minutes as circulated; Mr. Wallace made the motion and Mr. Champy seconded it. The vote was taken via roll call: Charville-Aye, Wallace-Aye, Champy-Aye, Flaws-Aye, and Sheehan-Aye.

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

Chairman Charville said a Special Meeting of the PB would be held on Wednesday, September 9<sup>th</sup> to continue discussion of HVE, review upcoming Warrant Articles, and to update the PB on meeting with the TA and Selectmen about the proposed OSRD bylaw.

Mr. Sheehan motioned to adjourn the meeting at 10:05 PM; Mr. Champy seconded the motion. The vote was taken via roll call: Charville-Aye, Wallace-Aye, Champy-Aye, Flaws-Aye, and Sheehan-Aye.

Respectfully submitted,

Susan Lambe, Planning Office