

# **LYNNFIELD PLANNING BOARD MEETING December 16, 2020**

## **1. Call to Order**

The regular monthly meeting of the Planning Board (PB) was held on Wednesday, December 16, 2020. Chair Charville called the meeting to order at 7:00 PM and said the meeting was being recorded and held remotely per current state regulations, and that a quorum of Board members was in attendance, including Chair Brian Charville, Vice Chair Michael Sheehan, Clerk Kate Flaws, and Tom Wallace. Chair Charville recognized Mr. Wallace as it was his final meeting; he thanked him for his work as an excellent public advocate and hoped he may resume service in the future.

## **2. Continued Public Hearing, 271 Main Street, Proposed Definitive Subdivision Plan**

Ms. Flaws motioned to reopen the Public Hearing (PH) and Mr. Sheehan seconded it; the vote was taken via roll call: Charville-Aye, Flaws-Aye, Wallace-Aye, and Sheehan-Aye. Atty. Jay Kimball said that Civil Engineer Peter Ogren had visited the site and received Town Engineer (TE) Richter's comments on the proposed waiver list. Chair Charville added that he, Planning and Conservation Director Emilie Cademartori and all PB members had also visited the site.

Mr. Ogren said that an elevation study had been completed based on the Village Row abutters feedback about their wet rear yards. Mr. Ogren said these conditions have always existed and the elevation study includes the projected wetlands border which illustrates the low elevations of the rear yards in question; he added that when Village Row was built, wetlands regulations were less strict, hence the rear yards with very low elevations. Mr. Ogren said the proposed home would be built at a much higher elevation. Mr. Ogren said the TE would support the plan if the road remained a private way, and the next step in the process would be to begin the peer review. Chair Charville asked Mr. Ogren what effect the construction would have on abutters; Mr. Ogren said none, as the stormwater regulations now in place would mitigate these. Mr. Ogren said that since imperviousness of the site would be reduced, there would be no change to current conditions in the area.

Chair Charville addressed the list of requested waivers on the plan:

1. Plan Waivers – no questions or objections
2. Sheet Waivers –
  - a. No street lighting; Chair Charville said if the road remained private, he had no objection and Mr. Sheehan agreed as it is only one house.
  - b. No separate erosion control plan; Ms. Cademartori said since this is a small plan, it is fine to combine this with the topographic plan.
3. Design Waivers – of the 7 listed waivers, only 2 were commented on:

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- a. Mr. Sheehan cited the Fire Department's (FD) response letter to the reduced road width and turnaround logistics; Mr. Ogren said he and Atty. Kimball would meet with the FD to review.
- b. No sidewalks; Chair Charville commented it was better to have less pavement on such a small area

Ms. Cademartori said that one needed waiver was missing from the listed requests; the plan proposes a T-turnaround vs. a full cul-de-sac with 120' turning radius. Mr. Ogren agreed and said this should be a separate waiver and be discussed with the FD. Chair Charville asked if an alternative driveway layout around existing trees was being considered; Mr. Ogren said yes, and also offered to have a staff botanist evaluate the trees. Ms. Flaws asked if the driveway was within the allowed setback; Mr. Ogren said that would depend on the final layout, but currently it was 10' from the property line at the entrance. Chair Charville asked about the rounding easement on the neighboring property, and Atty. Kimball said that easement was recorded on the deed.

Abutter Arthur Katz, 11 Village Row, submitted photos showing rear yards on December 5<sup>th</sup> (after a rain event) and acknowledged that this land was "low" due to regulations at the time Village Row was built. Mr. Katz asked Mr. Ogren if the elevated new home would not cause more water runoff "downhill"; Chair Charville said that Mr. Ogren had already stated that construction would not alter the current situation. Peter Franchi, 3 Village Row, stated his agreement with Mr. Katz and asked what the alternative driveway would look like; Chair Charville said it would only be a slight change in alignment in order to save trees.

Chair Charville restated that the applicant had requested this discussion on waivers in order to gain feedback prior to Peer Review Engineering, and that discussion with the FD was still pending. Mr. Sheehan asked how input from the FD might impact the development; Ms. Cademartori said the FD usually prefers a full cul-de-sac, and she added that the PB will need to make the decision of what they are willing to approve. Mr. Ogren stated that the applicant was prepared to offer concessions to the FD if the cul-de-sac can be waived. Ms. Cademartori said the FD also wanted closer fire hydrants; Mr. Ogren said this need would change if sprinkler systems were installed. Ms. Cademartori cited both the Perley Burrill and Violet Circle subdivisions as similar examples with differing outcomes and suggested the PB compare these to decide upon their preference. Atty. Kimball cited another similar project, 321 Main St., that waived the cul-de-sac and had a successful outcome in that less impervious area was created and the town incurs less expense as it is a private road. Chair Charville said feedback from the FD and Linden Engineering would be discussed at the next meeting. Ms. Flaws asked if the proponent would consider a cleanup of the wetlands area between the property and the abutters

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in order to improve function there; Mr. Ogren said this would be done on their property within the limits of Conservation restrictions. Ms. Flaws said this could offer a better outcome for all.

Mr. Sheehan motioned to continue the PH regarding 271 Main St.'s proposed definitive plan until 1/27/2021 at 7:00 PM and Chair Charville seconded the motion. The vote was taken via roll call: Charville-Aye, Flaws-Aye, Sheehan-Aye, and Wallace-Aye.

### **3. Proposed Tree Protection-Bylaw – Community Engagement and Citizen Feedback**

Chair Charville said this discussion would be the start of a reset in preparation for a vote on the Tree Bylaw at Spring Town Meeting (TM); he added that MAPC consultant Ella Wise would present ideas for community engagement. Ms. Wise said that while the outcome of the Fall TM was disappointing; the many circulated misconceptions about the bylaw can be addressed by engaging stakeholders, in particular, those with concerns. Ms. Wise outlined a plan using 3-5 engagement meetings allowing stakeholders to air their concerns, and review bylaw drafts.

The new edits of the bylaw and additional ideas discussed included:

- Using concrete terminology and ideas whenever possible, e.g., under what circumstances the bylaw applies, and specific penalties vs. using less common and less specific terminology, e.g., “expansion work permit”
- Ms. Flaws suggested allowing “thinning” of trees to ensure the survival of others; Ms. Wise said this could be solved by setting a higher (8”?) DBH for exempt trees
- Excluding exemptions at the recommendation of arborists, and, possibly, hazardous trees as this has been problematic in other towns; Mr. Sheehan opined this exclusion would ensure the defeat of the bylaw
- Mitigation at a reduced rate of 50% vs. 1:1

Ms. Flaws suggested use of a mailer as the advocates for school's expansion had used successfully. Tree Committee member Jane Bandini asked for the definition of “maintain” in the tree fund portion of the bylaw, and informed that a tree fund is already in existence and controlled by the Tree Warden. This fund was established with a \$10K donation from Townscape. Ms. Cademartori suggested the bylaw could direct mitigation monies to the existing Tree Fund. Mr. Wallace said if the bylaw applies only during building activities, this allows for a loophole of removing trees beforehand. Ms. Wise gave feedback on the ideas discussed, including:

- Mailers can be very successful; she suggested including a question on it to inform and engage citizens

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- Building permits can contain a lookback period to discourage early tree removal; Wellesley does this
- Newton is the only town where the Tree Bylaw applies at all times
- Timing is key; engage citizens, especially critics, early and often in the process to make them feel invested in the success of the bylaw

Chair Charville said next steps would include scheduling a special PB meeting to discuss the bylaw and invite participation. Ms. Cademartori said the Spring 2021 TM would likely be delayed until June. Amy MacNulty, 40 Merrow Road, suggested focusing on specific problems in the bylaw. Ms. Cademartori said she would discuss the bylaw with the Building Inspector, and Chair Charville will engage the ZBA and plan a January “kickoff” meeting to begin the process of revising the Tree Bylaw.

### **4. Approval of Minutes – November 18, 2020**

Mr. Wallace motioned to approve the November 18, 2020 meeting minutes as circulated, and Ms. Flaws seconded it. The vote was taken via roll call: Charville-Aye, Wallace-Aye, Flaws-Aye, and Sheehan-Aye.

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

Topics for the January meeting will include:

- Continued Public Hearing, 271 Main Street
- Potential update on Sagamore property rezoning
- PB member short term appointment; Ms. Cademartori to forward letters of interest
- Any updates on Ch. 61, Bali Hai appeal, or ZBA Variances to be heard on 1/5
- Revision of Subdivision Rules & Regulations; staff to compile list of potential updates and collect feedback from Board members and TE

Ms. Flaws motioned to adjourn the meeting at 8:50 PM; Mr. Wallace seconded the motion. The vote was taken via roll call: Charville-Aye, Flaws-Aye, Sheehan-Aye, and Wallace-Aye.

Respectfully submitted,

Susan Lambe, Planning Office