

LYNNFIELD PLANNING BOARD MEETING January 27, 2021

1. Call to Order

The regular monthly meeting of the Planning Board (PB) was held on Wednesday, January 27, 2021. Staff announced the meeting was being held remotely per current state regulations and that the meeting was being recorded. Chair Charville called the meeting to order at 7:06 PM with all Board members in attendance, including Chair Brian Charville, Vice Chair Michael Sheehan, Clerk Kate Flaws, Ed Champy and Anthony Guerriero.

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

Ms. Flaws motioned to reopen the Public Hearing (PH) and Mr. Champy seconded it; the vote was taken via roll call: Charville-Aye, Flaws-Aye, Guerriero-Aye, Champy-Aye, and Sheehan-Aye. Atty. Jay Kimball said that he and Civil Engineer Peter Ogren had just received comments from Town Engineer (TE) Charlie Richter and Peer Review Engineer Bill Jones, and he requested a continuation of the PH in order to allow time to review them. Atty. Kimball said that the timetable for acting on the Definitive Plan allowed the PB until March 14, 2021 to act. Mr. Ogren said he had spoken to Director of Planning and Conservation Emilie Cademartori regarding the needed response from the BOH's percolation test, and needed responses from other departments, including the Fire Department (FD). Ms. Cademartori said the FD had responded, but additional comments were needed regarding the requested road waivers; Atty. Kimball said he would meet with Jim Alexander of the FD to finalize this. Former PB member Charlie Wills restated the requirement of providing a stub access to the adjoining property; Atty. Kimball said this is only required if a roadway is public and the current owner has no interest in developing the adjacent land. Mr. Champy said it would be important to ensure that 2 parallel, private ways not be created, and suggested a right-of-way easement. Atty. Kimball said this was a complex issue; Mr. Champy said the language of the decision would need to be carefully crafted and Mr. Wills said this matter is best resolved beforehand. Mr. Champy said the burden should fall on the adjacent property (#259 Main St.) if they wish to develop in the future.

Chair Charville requested a motion to continue the PH until February 24, 2021. Robyn and John Yannone, 15 Village Row, reminded all about the water issues on their property; Mr. Ogren said all required stormwater standards will be adhered to at 271 Main. Mr. Ogren added that many of the adjacent properties have "lawns" that are actually wetlands, as Village Row was

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developed before current wetland regulations were enacted. Resident Arthur Katz asked about the drainage easement and what the next steps in the process would be; Chair Charville said the PH will resume on February 24th. Mr. Yannonne asked where the new home's septic would be located; Mr. Ogren said in front of the home and close to the southwest lot line. Mr. Sheehan motioned to continue the PH regarding the proposed definitive plan at 271 Main St. until 2/24/2021 at 7:00 PM and Mr. Champy seconded the motion. The vote was taken via roll call: Charville-Aye, Flaws-Aye, Guerriero-Aye, Champy-Aye, and Sheehan-Aye.

3. 160 Moulton Drive

Chair Charville began with remarks about Agenda Item #3., including:

- the Site Plan Application (SPA) before the PB was for a 2-story, 23-unit apartment building, and was needed for feedback to the ZBA before they make their final decision regarding the SPA
- feedback, discussion, and comments would be limited to this SPA only
- in 2018, the PB had voted 3-2 that the ZBA *not* grant a Special Permit for this project
- the ZBA did *not* vote unanimously to grant the Special Permit, therefore
- the ZBA's Special Permit decision was appealed to the Land Court, who ruled in the applicant's favor and granted the Special Permit

Chair Charville then said the Land Court's decision was final and SPA is the next step in the process, and that speakers would be limited to 2 minutes. Atty. Ted Regnante introduced Mr. Ogren, architect Dennis Greenwood, and landscape architect James Emmanuel; he stated that he did not think review by the PB was needed given that the PB had made recommendations to the ZBA regarding an earlier, 2018 SPA for the site, and the team was present as a courtesy. Atty. Regnante recapped the revisions made to the plan since the PB's earlier review, including:

- reducing the height from 3 stories to 2 for a total height of 23'
- reducing the number of apartments from 32 to 23, consisting of 14 – 2 BR and 9- 1 BR
- reducing the site's impervious area from 55% to 51%

Atty. Regnante said 56 parking spaces would be created, with an additional 16 spaces for Newhall Park; he added that Mr. Ogren had improved the drainage scheme, and there would be

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a reduction in sewage and traffic due to the reduced unit count. Mr. Greenwood reviewed the new positioning of the building which favors the streetscape and landscaping, and Mr. Emmanuel said the landscaping would include deciduous and evergreen trees.

Mr. Guerriero asked if any changes had been made to the Oak St. sidewalk, and about the condition of the sidewalk and lighting on Oak St. Developer David Palumbo said there would be a stairway from the parking area to the ballpark; Mr. Ogren said lighting would comply with all standards. Mr. Sheehan complimented the plan and asked if only 1 entrance/exit to and from the parking lot is sufficient for the Fire Department; Mr. Ogren said yes and ladder-truck access was also possible. Mr. Sheehan asked if existing trees will be removed; Mr. Ogren said that most would remain. Chair Charville said that while the PB appreciated this “courtesy” review, the Site Plan being reviewed looked very different from what had been seen in 2018, and the applicants’ team clearly had responded to and changed the SPA due to the PB’s 2018 feedback.

Atty. Nina Pickering-Cook, representing several people who live in the site’s vicinity, asked 2 questions:

1. Where are the stairs to access the park, and how will the 16 designated parking spaces be reserved for park use?
2. In order to realize and maintain the landscape plan, would an escrow account be established?

Atty. Regnante said that signage for the 16 spaces had been agreed upon with the Recreation Commission to designate that these spaces remain open during games. Ms. Cademartori said access to the park this way would be beneficial, and Mr. Palumbo reiterated there will be a stairway there, from the parking area down toward the Park. Ms. Cademartori noted the applicant must file a stormwater permit with the ConCom; Chair Charville said the written recommendation to the ZBA would include the following acknowledgements:

- the necessity of a stormwater permit
- inclusion of the stairway on the plan
- demarcation of recreational parking spaces with signage
- inclusion of a bond for landscape maintenance

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Mr. Champy motioned that the PB not oppose the Site Plan for 160 Moulton Dr. to the ZBA, subject to the foregoing recommendations, and Ms. Flaws seconded the motion. The vote was taken via roll call: Charville-Aye, Flaws-Aye, Guerriero-Aye, Champy-Aye, and Sheehan-Aye.

4. 1 Sylvan Circle

Atty. Kimball presented the plan to construct a 2-story addition to the existing, nonconforming home on a nonconforming lot; the addition would add a 2nd story to the existing, attached garage, but would not change any of the current setbacks and all height requirements will be met. Chair Charville asked how the existing garage's area would be used; Atty. Kimball said it would become an entrance with a mudroom and laundry room, and the 2nd story would be a master bedroom. Mr. Sheehan asked if this would result in a change of more than 100% over the existing home's square footage; the answer was no. Mr. Sheehan motioned to not oppose the requested Special Permit and Mr. Champy seconded the motion. The vote was taken via roll call: Charville-Aye, Flaws-Aye, Guerriero-Aye, Champy-Aye, and Sheehan-Aye.

5. 2, 4, 8 7 10 Harvey Park

Atty. Jay Kimball, developer Michael McNiff, and engineer Bob Griffin appeared to continue discussion about this parcel. Atty. Kimball noted an ANR had been endorsed by the PB in 2006, but it was never recorded at the Registry; and that the property has recently been erroneously divided into 4 separate lots by the Assessor. Ms. Cademartori said that she requested that this error be corrected. Atty. Kimball said he had been in contact with the Board of Health and the Fire Department about this plan. Chair Charville asked if all 4 units were currently leased; Atty. Kimball said all were occupied with tentative leases. Mr. Griffin displayed plans showing 4 new homes (2 SF and 2 multi-family) and 4 proposed septic systems. Atty. Kimball noted the current homes were built around 1900 and in poor condition; this project would be a benefit to the neighborhood. Ms. Flaws expressed concern for current residents and their safe relocation; Mr. McNiff said all had been notified last summer. Mr. Champy asked if Grove St. neighbors had been spoken with; Atty. Kimball said they had been notified as abutters and Mr. Griffin planned to query them.

Mr. Champy asked what relief was requested; Atty. Kimball said the requirements not being met were frontage, and the limit of 1 dwelling per lot. Tree Committee member Jane Bandini

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asked about a landscaping plan; Mr. Griffin said that would be addressed after ZBA approval. Ms. Flaws motioned that the PB not oppose the requested Special Permit for 2, 4, 8, and 10 Harvey Park; Mr. Champy seconded the motion. The vote was taken via roll call: Charville-Aye, Flaws-Aye, Guerriero-Aye, Champy-Aye, and Sheehan-Aye.

Ms. Cademartori asked if each new structure would have a leaching field; Mr. Griffin said yes, there would be 4 systems. Ms. Cademartori said this may necessitate a stormwater permit and total impervious area must be calculated; it was decided to include the stormwater research as part of the recommendation to the ZBA.

6. 2 Edward Avenue

Atty. Tim Doyle appeared representing homeowner Frank Lopilato. Atty. Doyle said the home was located in RB zone on a 30,000 sq. ft. lot with 150' of frontage; he added the home was built in 1950 prior to Zoning Regulations, making it a pre-existing, nonconforming structure on a nonconforming lot. The plan adds a rear deck which has a required 20' setback; the current setback is 12' – 17' and the proposed deck would extend the nonconformity. Ms. Cademartori asked if the rear deck was 1 story; Atty. Doyle said the 2nd story deck already exists. Mr. Sheehan asked about neighbor's feedback; Atty. Doyle said he had a letter in support of the project signed by neighbors. Mr. Champy asked if the rear neighbor had been included; Mr. Lopilato said there had been initial concern and Atty. Doyle said this led to the elimination of a planned new 2nd floor deck. Former PB member Charlie Wills said that Zoning Regulations had been established in town in 1929, not 1950, and, therefore, this 5.1' setback would not have been allowed at the time the house was built. Chair Charville said the PB does not opine on Variances and added that Mr. Wills' point was well taken. Ms. Cademartori asked what the tree impact would be; Mr. Lopilato said none. Ms. Flaws suggested a paver patio vs. needing a permit; Atty. Doyle said for an existing nonconformity, a Special Permit was applicable and could be decided by the ZBA. Mr. Sheehan said he did not favor extending the nonconformity.

Ms. Flaws motioned that the PB NOT recommend the ZBA grant the requested relief Special Permit for 2 Edward Ave.; Mr. Sheehan seconded the motion. The vote was taken via roll call: Flaws-Aye, Sheehan-Aye, Mr. Champy-Nay, Mr. Guerriero-Nay, and Mr. Charville-Aye.

7. Approval of Minutes – January 13, 2021

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Ms. Flaws motioned to approve the January 13, 2021 meeting minutes as circulated, and Mr. Champy seconded it. The vote was taken via roll call: Charville-Aye, Flaws-Aye, Guerriero-Aye, Champy-Aye, and Sheehan-Aye. Mrs. Flaws departed the meeting at this time.

8. Administrative Matters/Topics for Next Meeting

A special meeting of the PB will be held February 3rd for the purpose of discussing revisions to the proposed Tree Bylaw. The regular February meeting will be held on the 24th; topics will include:

- Continued Public Hearing, 271 Main Street proposed Definitive Plan of Subdivision
- Possible Zoning Article regarding language change to FEMA and Flood Plain regulations
- Potential updates on Warrant Articles, Sagamore property rezoning, and Richardson Green property
- ZBA Cases scheduled to be heard at the ZBA's March monthly meeting

Mr. Sheehan motioned to adjourn the meeting at 9:43 PM; Mr. Champy seconded the motion. The vote was taken via roll call: Charville-Aye, Sheehan-Aye, Champy-Aye and Guerriero-Aye.

Respectfully submitted,

Susan Lambe, Planning Office