

LYNNFIELD PLANNING BOARD MEETING, February 3, 2021

1. Call to Order

A special meeting of the Planning Board (PB) was held on Wednesday, February 3, 2021. Chair Charville called the meeting to order at 7:03 PM and said the meeting was being held to resume discussion of the proposed Tree-Protection Bylaw, and that all 5 PB members were present.

Chair Charville announced that he would be seeking election to the School Committee in April. This was met with disbelief, great sadness, and one humorous threat to fund a campaign against him so that he would remain on the PB. Chair Charville noted the meeting was being conducted virtually per current state regulations, and that it was being recorded.

2. Continued Discussion – Proposed Tree Protection Bylaw

PB member Kate Flaws suggested using Chair Charville's circulated draft of possible revisions to discuss, reword, and simplify the Tree Bylaw (TB). Planning and Conversation Director Emilie Cademartori reminded all that Town Counsel (TC) had previously advised that removing language can make "enforcement difficult and appeals easy". PB member Ed Champy suggested revising the title for clarity; discussing this led to discussion of what circumstances would trigger the TB, and whether the trees therein should be described as "protected" or "preserved". Tree Committee member Jane Bandini favored "preserved"; Susan Tomich, 14 Willowby Way, suggested checking other towns' adopted bylaws, and Ms. Flaws found that "protected" was most often used. Ms. Cademartori asked whether an event should be the trigger, or if "all trees, all the time" were to be protected. PB member Michael Sheehan favored using a building event as the trigger, and Chair Charville agreed. Discussion among PB and audience members resulted in the following agreed upon revisions to the draft TB:

- "expansion work" will now be termed "building activity"
- TB would be triggered only by:
 1. exterior building activity
 2. any new home construction

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3. any existing home expansion of 50% or greater; this was amended to add “excluding basement, porches, and decks”
4. Site Plan Approvals
 - “tree yard” will now be termed “tree border”

Chair Charville suggested that Section 225-1. Purpose. be in a bulleted format vs. the existing narrative. Ms. Cademartori opined that the minimum TB jurisdictional DBH of 6” remain as-is. Exempting the Town government from the TB was discussed; Mr. Sheehan suggested asking TC about this. Ms. Tomich said the Town should be subject to the Bylaw. Resident Ken MacNulty, 40 Merrow Rd., said the expansion of the High School fields had sacrificed many trees to the dismay of abutters on Keniston Road. The PB agreed the Town should be subject to the TB. Discussion of lot size exemption and setbacks of the Tree Border resulted in:

- No changes to Table 1. as it is currently in the TB
- Clarification that septic system work and hazardous tree removal are exempt from the TB as they are not triggering events

Chair Charville said that the figure used to clarify the Bylaw would be updated and included; it may also be used for marketing purposes. TB issues remaining to be determined include:

- Availability of waivers by the PB if the situation “benefits the greater community”
- Tree Replacement ratio (currently 1” = 1”)
- Adding a cap on total mitigation required for a single project on a single site

Staff member Jennifer Welter shared Tree Warden John Tomasz’s tree replacement costs which state that a 6’ – 8’ red maple is priced at \$80 - \$100 for a 1” tree, and \$100 - \$200 for a 2” tree; she added that planting and delivery costs are \$200. Ms. Cademartori said that these wholesale prices should be used for mitigation; Chair Charville suggested considering use of a flat fee of \$250 per tree. Resident Page Wilkins, 3 Cranberry Lane, noted that Wellesley’s Bylaw specified \$150 per inch of tree removed; Ms. Cademartori agreed with using an “average” \$ amount per inch removed metric. Additionally, removing these sections from the TB was agreed upon:

- Establishing a Town Tree Fund (as this is already in existence)

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- Language that bars Town employees and Board members from benefiting from the Tree Fund (as such a bar is not needed when the Tree Warden already independently administers the Town Tree Fund)

Ms. Cademartori asked if a lookback period shall be applied to enforcement fines; Mr. Champy said no building permit should be issued without such a review, and Chair Charville noted that Concord's lookback period is 12 months, and fines for separate, daily offenses will remain in place in the draft bylaw. Chair Charville stated that good progress had been made during this meeting, and cited the following action steps:

- Chair Charville to circulate an updated draft of the TB
- Ms. Cademartori will review the Subdivision Rules & Regulations regarding tree rules
- Staff will do marketing updates, including a 1-page flyer in either water or tax bills, and possibly a color postcard mailer immediately preceding Town Meeting

Ms. Cademartori asked all to email in any additional thoughts or suggestions.

3. Administrative Matters/Topics for Next Meeting

Topics for the February 24th meeting will include:

- 271 Main St., continued PH

Mr. Champy motioned to adjourn the meeting at 8:36 PM; Mr. Sheehan seconded the motion. The vote was taken via roll call: Charville-Aye, Sheehan-Aye, Champy-Aye, and Guerriero-Aye. While adjourning, the absence of recording the meeting was discovered; Meeting Minutes will be prepared from staff notes. Additionally, staff will research how many building permits were pulled in 2020 in order to have a sense of how many projects a TB would apply to in a typical year, and whether the Subdivision Rules & Regulations can reference the TB.

Respectfully submitted,

Susan Lambe, Planning Office