

LYNNFIELD PLANNING BOARD MEETING October 24, 2018

A meeting of the Planning Board was held on Wednesday, October 24, 2018 at 7:00 p.m. in the Maney Meeting Room at Town Hall.

1. Chairman Charville called the public meeting to order at 7:00 PM. Present were Chairman Brian Charville, Michael Sheehan, Katherine Flaws, and Charlie Wills. Absent was John Gioioso. Chairman Charville announced the meeting was being recorded.

2. **Final Bond Release – Parsons Avenue Ext.**

Planning Office Clerk informed the Planning Board (PB) that the developer, Jeff Rhuda, is working with Town Engineer Charlie Richter to resolve the final issues in order to have the remaining \$1000 bond released.

3. **Tree Regulations – Proposed Revisions to Subdivision Rules and Regulations**

Director of Public Works and Tree Warden John Tomasz said that the proposed revisions were created using the tree regulations from 4 – 5 cities and towns for input. Mr. Tomasz said that while tree regulation on private property cannot be controlled, regulations can be used effectively as leeway. He added that the definitions in the regulations are subjective. Chairman Charville noted the distinction between hardwood and softwood had been removed, and asked for clarification of the “woodland concept” definition. Lynnfield Tree Committee member Jane Bandini said trees are an asset to the community, and while they can’t all be saved, protecting large sections at a time will be valuable. Chairman Charville asked for a thumbnail sketch of Best Practices for protecting all trees 12” and greater at a new construction site. Mr. Tomasz said it would mean barriers to avoid damage during construction. Chairman Charville asked what it would mean for Road A to try and preserve all such trees; Mr. Tomasz said that identifying them all would give the PB an idea of the impact of the construction and the option to recommend saving as many as possible. Ms. Bandini added that trees have a huge impact on stormwater runoff. Chairman Charville asked if the other towns studied for the revisions were peers to Lynnfield; Mr. Tomasz said no, only 1 was in Massachusetts. Mr. Sheehan asked if the revisions would enable the PB to prevent developers from acting, and added that if it’s private property, the PB can only recommend even if there is a new standard in place. Mr. Tomasz answered that it gives “no teeth”, but can be used as leverage in negotiating. Mr. Tomasz said that if private property is involved, we can’t prevent developers from acting, but the revisions would set the town standard. Mr. Sheehan said that the degree to which the standard can be enforced will depend on the individual project. Ms. Flaws asked if there would be changes to Section 7.5. Ms. Bandini referred

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her to the redlined version of the regulations. Ms. Flaws added that including “woodlands” as protected would have a significant impact. Chairman Charville asked if a “significant” tree can be any size; Ms. Bandini said yes; it can be any unusual tree. Ms. Flaws asked if every significant tree on a site would have to be identified. Mr. Tomasz said that as the Tree Warden, he would do that. Chairman Charville said this will be helpful for Road A, and would have been useful for Zepaj Lane.

Chairman Charville gave feedback on the proposed revisions; including:

- Agreement with deleting the distinction of hardwood/softwood trees
- Regarding significant trees: accord with Mr. Tomasz identifying them, and concern with the terminology “the Board should make every effort to preserve the tree”. Ms. Flaws recommended striking that sentence.
- Deleting the definition of softwood tree is unnecessary

Chairman Charville asked Board members if they agreed with protecting trees with a 12” DBH and greater. Ms. Flaws said the main idea should be to identify trees that can be saved but recognizing that many changes cannot be avoided. Mr. Tomasz said trees can be protected by using wells around them. Mr. Wills said that the PB must recognize that so many changes cannot be avoided and cited Heritage Woods as an example where trees could not be saved. He added that the development looks fine now. Chairman Charville asked where the 12” standard originated. Planning and Conservation Director Emilie Cademartori said that 12” had been the standard in Wenham since 1984. Chairman Charville added that changing the standard from 24” to 12” would affect all plans and detail sheets. Mr. Wills asked if this would mean marking all 12” trees; Chairman Charville answered yes, as well as all significant trees, and the PB would then assess each one. Ms. Cademartori asked Ms. Bandini to clarify that this would involve only trees in construction and woodland areas; Ms. Bandini said yes. Ms. Cademartori noted the proposed revisions do not require marking every tree on the property, only those in Section 375-7.5 B. that begins “Special consideration”. Chairman Charville asked if the “designated tree protection zone” is shown only on the detail sheets. Ms. Bandini answered that she was unsure where to include that, but as it is an arboricultural standard, it must be included. Ms. Flaws said that Section 375-7.5 could be said to include protecting all trees in a project. Resident Atty. Page Wilkins agreed with Ms. Flaws that this indicates the Board can designate any tree greater than 12” DBH as significant; she then asked if the PB has the authority to pass this as a By-Law and if it is enforceable. Chairman Charville said the proposed revisions should be reviewed by Town Counsel for clarification. Atty. Wilkins asked if this can be approved before the Road A project is

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approved; Mr. Sheehan said Town Counsel should advise on that. Chairman Charville said he will contact Town Counsel and asked Mr. Tomasz if it would be possible to schedule another meeting after feedback is received. Mr. Tomasz agreed.

4. Continued Public Hearing- Sagamore Place (Janet Way)

At 7:45, a motion to reopen the Public Hearing was made by Mr. Wills and seconded by Mr. Sheehan. The motion carried 4 – 0. Engineer Peter Ogren shared that Town Engineer Charlie Richter had requested a revised definitive plan; he added that the developer was not in agreement with that. Mr. Ogren recapped the history of the project:

- It was originally a 2 lot subdivision.
- When 2 ANR lots were added, drainage issues resulted in including them in the subdivision.
- Mr. Richter agreed with the proposed plan to use pipe drainage and the grading proposed; the plan showed the drainage basin in detail.
- Mr. Richter and Ms. Cademartori now think the subdivision plan should be updated; Mr. Ogren said this is too much to ask.

Mr. Ogren added that the Public Hearing could not be closed at this meeting as he needs to hear what Mr. Richter wants in the new plan. Chairman Charville asked which plan sheets would change. Mr. Ogren said that all would, but he would like to meet with Mr. Richter to review the request, and the meeting would include Ms. Cademartori. Chairman Charville noted the email requested “fencing to secure the site”. Mr. Ogren said that developer Angus Bruce is willing to discuss this with Mr. Richter, as the subdivision has stalled and he is trying to reorganize. Chairman Charville asked Ms. Cademartori about following up; she agreed it was a good idea and said the goal was “to legally bind all the lots”. She added that Mr. Bruce wanted to revisit the HOA and covenants, and it needed to be determined if all the lots (including the ANRs) would share equally. Mr. Ogren added that the lot with frontage on Main Street is no longer included in the plan. Ms. Flaws motioned to continue the Public Hearing until November 28, 2018 at 7:00 PM. Mr. Wills seconded the motion, which was voted in favor of 4 – 0.

5. 1 Pyburn Road – Board of Appeals Case #18-21

Architect Julia Rabin and homeowner Alyssa Morrison proposed a farmers porch requiring a Variance and displayed 2 plan ideas. Chairman Charville asked if the elevation and footprint of the plans was the same; Ms. Rabin said yes and the porch was 9’ at its widest point. Ms. Morrison said the porch was needed to for the safety of children. Mr. Wills asked what the street setback was. Ms. Rabin said 17’; Mr. Wills

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stated the requirement is 30'. Ms. Flaws asked if any abutters had objected; Ms. Morrison said no and Ms. Rabin said that other homes on the street did not meet the required setback. Chairman Charville said safety should be considered, but could be addressed in other ways; for instance, the sidewalk could be configured differently. Mr. Wills noted that 9' was a big difference, but the ZBA is the deciding Board. Chairman Charville said that the PB has traditionally recommended against such variances and also added that the ZBA is the arbiter. Mr. Wills asked what the ZBA had decided in a similar case on Stanley Road; Ms. Cademartori thought the Variance had been granted. Ms. Flaws said she would recommend allowing this since it is not living space. Ms. Morrison said the existing stairs were deteriorating and must be replaced. Mr. Wills motioned the PB recommend against the request based on the significant difference in street setback; Mr. Sheehan seconded the motion. The motion carried 3 – 1, with Ms. Flaws voting against.

6. Wing Road – Board of Appeals Case #18-22

Atty. Michael Dolan of Brown Rudnick said Cingular Wireless is proposing modification of their existing equipment by adding 3 antennas on top of an LCWD water tank, and this requires ZBA approval. Chairman Charville noted the Section referred to in the application should be 7.4.7; Atty. Dolan said his partner was made aware of the change in Bylaws. Mr. Wills asked how much the outward appearance of the site would change. Atty. Dolan said no changes would be noticeable unless specifically searched for. Mr. Wills moved the PB offer no objection to the plan; Ms. Flaws seconded and the motion carried 4 – 0.

7. 68 Highland Avenue – Board of Appeals Case #18-23

Homeowner John Ring seeks a Variance to add an addition to the front of his home which will extend the footprint a few feet further. He said a hardship situation exists due to the small size of the home and lot. Mr. Ring said he is unable to add an upstairs (per his architect), and the side yards are too narrow and contain the septic system. He was unable to sell the home; now, adding in front is his only option to expand. Mr. Wills asked when the home was built; Mr. Ring answered the 1920's. Mr. Wills said the main house was required to be 20' from the street at the time. Mr. Sheehan asked if the addition would leave only a 10' – 11' street setback; Mr. Ring said yes. Mr. Wills said this would have been legal when the home was built. Chairman Charville noted the existing nonconformity and Mr. Ring said other nearby homes are also nonconforming. Ms. Cademartori said all lots in the area are nonconforming, some as small as 5000

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square feet. Mr. Sheehan recommended allowing this based on the pre-zoning age of the home. Chairman Charville asked if a Variance was needed for the addition at the rear of the home; Mr. Ring said no. Mr. Sheehan said if the addition conforms to the character of nearby homes, he has no objection. Mr. Ring said there are no sidewalks on the street. Chairman Charville asked if other homes are as close to the street; Mr. Ring said yes. Mr. Wills moved that the PB voice no objection to the Variance; Mr. Sheehan seconded the motion. The motion carried 4 – 0.

8. 333, 339, 349 Summer Street – Road A

Mr. Wills read a letter he had written regarding easements and stub streets, and requested copies be sent to Atty. Regnante, Atty. Kimball, and developer Brian Hannon. Mr. Wills' findings show that existing Subdivision Rules and Regulations require "proper projections to existing boundaries shall be built" and improved as required. Chairman Charville said this will avoid future problems (such as Cranberry Lane) by using existing policy to pave stub roads when they are laid out, rather than simply have them shown on paper. Ms. Flaws wanted to express her concern over the road length being greater than 500' as she did not attend the prior meeting. Chairman Charville said that the needed waiver allowing that had not yet been granted. Atty. Wilkins noted that if the waiver is not granted, thereby necessitating a loop through Cranberry Lane, it would be very close to wetlands.

9. Public Comment

None

10. Approval of Minutes

Chairman Charville requested a motion to approve the minutes from the 9/26/2018 PB meeting as drafted with stated corrections to the Pagos Way agenda item. Mr. Wills made the motion; Mr. Sheehan seconded it. The motion carried 3 – 0, with Ms. Flaws abstaining as she had not attended that meeting. Chairman Charville noted a correction to the 5th item in the 10/11/2018 minutes and requested a motion to approve them as distributed. Mr. Sheehan made the motion; Chairman Charville seconded it and the motion carried 4 – 0.

11. Topics for next meeting

- Continued Public Hearing for Sagamore Place/Janet Way

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- Possible Special Meeting to Continue Proposed Revisions to Tree Regulations

Ms. Flaws motioned to adjourn the meeting at 8:55 PM; Mr. Sheehan seconded. The motion carried 4 – 0.

Respectfully submitted,

Susan Lambe, Planning Office