

# **LYNNFIELD PLANNING BOARD MEETING September 29, 2021**

## **1. Call to Order**

Chair Brian Charville called the September monthly meeting of the Planning Board (PB) to order at 7:05 PM on Wednesday, September 29, 2021 and noted a full complement of PB members was in attendance: Chair Charville, Vice-Chair Kate Flaws, Clerk Ed Champy, Page Wilkins, and Amy MacNulty. Chair Charville added that the town had mandated masks in all public places and thanked all in attendance for complying.

## **2. Warrant Article Recommendations**

Chair Charville stated that the October Town Meeting (TM) would have only 4 Warrant Articles (WA): 2 finance articles, the Tree Preservation Bylaw (TPB) which was submitted by the PB, and a citizen's petition for rezoning which would be reviewed later in this meeting; he added that a Public Hearing (PH) for the citizen's petition rezoning article had been scheduled, at which time the PB would make their recommendation. The proposed TPB had been distributed in its final version and Chair Charville requested a motion that TM adopt WA #3, the proposed TPB. Ms. Wilkins made the motion and Ms. MacNulty seconded it; the motion carried 5 – 0.

Chair Charville said the PH for WA #4, the rezoning petition, would be held on Wednesday, October 13<sup>th</sup> at 7:00 PM in the Maney Room at Town Hall, and that comments and recommendations would be made then.

## **3. Cont'd. 36 Canterbury Road – ZBA Case #21-18**

Chair Charville said this case was being continued from the prior meeting as clarification about the right of way (ROW) shown on the plan was needed. Atty. Tim Doyle has since provided the title establishing ownership of the rear parcel and the owner's right to use the ROW. Side setback was reviewed; Ms. Cademartori said the current setback of 10.5' would be reduced to 7.0' and Chair Charville added that the street view shows the adjacent property has sufficient space there. Mr. Champy recommended extinguishing the ROW from the plan and Ms. Cademartori agreed. Ms. Flaws asked about future owners wishing to subdivide and Ms. Cademartori said there was insufficient frontage. Mr. Champy motioned to recommend to the ZBA that the PB not oppose the Special Permit and recommend that the applicant act to extinguish the ROW on the plan; Ms. Wilkins seconded the motion, which carried 5 – 0.

Note: Some Agenda items taken out of order due to scheduled Public Hearings (PH)

## **6. Cont'd. Public Hearing, 109 Lowell St. – Vallis Way, Definitive Subdivision Plan**

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Mr. Champy motioned to reopen the PH and Ms. MacNulty seconded the motion, which carried 5 – 0. Atty. Jay Kimball informed that he had met with Ms. Cademartori, developer Paul Caggiano, engineer Peter Ogren, and peer review engineer Bill Jones to review Mr. Jones's memo of September 2<sup>nd</sup>. The applicant team was now requesting the PB take action on the requested waivers prior to undertaking additional engineering in order to streamline the process; the first waiver being the dead-end street length of over 500', the other being locating all significant trees on the plan. Chair Charville asked for confirmation that the requested street length was between 800' and 900' even though the regulations limit this to 500'; Atty. Kimball said yes. Mr. Champy reminded that he had asked about reducing the height of the hill adjacent to Lot 5; Atty. Kimball said Mr. Ogren had added some area to Lot 5 as the new owner of the neighboring 7 Lowell St. was willing to swap some land. Mr. Champy noted that the height of the hill would affect the length of the road. Atty. Kimball said the team was looking for direction as they revise the plan and Ms. Cademartori said the requested road length was actually 975'. Mr. Champy asked about the easement requested by the Mohawk Lane abutter; Atty. Kimball said it was being discussed. Ms. MacNulty asked why the regulations limit dead-end roads to 500'; Ms. Cademartori said it was for reasons of safety with regard to traffic and pedestrians, utilities and fire safety. Ms. Wilkins noted the bylaw states the road length shall only be extended if "necessitated by conditions" and asked what those were. Atty. Kimball replied that developing the land was the owner's right and access was needed to the proposed lots. Ms. Flaws said she was not comfortable voting on waivers without seeing a completed plan, and the Fire Department has repeatedly requested the PB not allow this. Chair Charville said the only unique topographic feature on the lot was the hill, and asked Atty. Kimball if he would accept a straw poll on the waiver. Atty. Kimball asked that the PB keep in mind the precedent they have set; Ms. MacNulty stated the board was not held to that. Chair Charville asked if another hydrant was added as requested; Atty. Kimball said they had agreed to it.

Resident and Tree Committee Chair Jane Bandini, 537 Essex St, said the waiver would not be in the interest of public safety and it would also destroy the environment; she asked how this could be justified, and Atty. Kimball said a balance between those concerns and property owner's rights must be found. Jeff Stelman, 6 Mohawk Lane, questioned the impact of lowering the hill on the neighborhood, echoed the fire and safety concerns, and said further details were needed to be sure the whole plan makes sense. Rich McCarthy, 4 Mohawk Lane, said his property abuts Lot 5 and not enough answers have been obtained to warrant any votes; he added that where precedence is concerned, "two wrongs don't make a right". Ms. Wilkins asked how a house on the hill would affect him, Mr. McCarthy said it would be aesthetic, as the new house would look directly into his. Chair Charville said he would like more information on the hill, the existing trees, the existing home lot; Ms. MacNulty said she would like more information on

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the driveway proximity. Ms. Wilkins said she had not heard a reason that would necessitate this road length other than precedent and yielding more lots. It was decided to invite the Fire Department to the next meeting to discuss their concerns.

Atty. Kimball said the issue with Mrs. Vallis's remaining property would be addressed with a covenant requiring any new lots to address all surface water and stormwater runoff issues. Ms. Cademartori said she had spoken with Mrs. Vallis about possible choices and recommended that her property be included in the covenants for the subdivision as the best option. Ms. Cademartori said the LCWD is willing to loop the water main to Smith Farm Trail, but this easement was not yet legally completed. Chair Charville asked about an easement shown to Sagamore Golf Course; Atty. Kimball said it was a utility easement in lieu of a stub.

Atty. Kimball raised the final issue of the requirement that all significant trees be shown on the plan as the property is a 'woodland'; he said this would be a massive undertaking. Chair Charville said this requirement was added to give the PB some control of tree loss during development; Ms. Cademartori said if only trees along the roadway were identified, it is impossible to determine if there is a preferable roadway location. Atty. Kimball said the relief was requested as most of the property is woodland; Ms. Wilkins suggested a possible compromise as was done on Tuttle Lane. Chair Charville suggested showing the trees along the proposed lot lines or calling a tree cruising firm to get an estimate for identifying important trees; Ms. Cademartori and Mr. Champy agreed with this. Atty. Kimball requested a continuation of the PH and an extension of time to act until 12/31/21. Chair Charville requested Mr. Jones's memo of 7/28/21 be addressed and a tree survey be completed. Ms. MacNulty motioned that the PB extend the time to act on the plan until 12/31/21; Ms. Wilkins seconded the motion, which carried 5 – 0. Mr. Champy motioned to continue this PH until 10/27/21 at 7:00 PM at the Merritt Center, and Ms. MacNulty seconded it. The motion carried 5 – 0.

### **4. Cont'd. Public Hearing – Revisions to the Subdivision Rules & Regulations**

Ms. Flaws motioned to reopen the PH and Mr. Champy seconded the motion, which carried 5 – 0. The PB and staff reviewed the final revisions and the new Form C. Mr. Champy motioned to approve the new Subdivision Rules and Regulations as shown; Ms. Wilkins seconded the motion, which carried 5 – 0.

### **5. Citizen's Petition for Re-Zoning**

Developer Angus Bruce presented his petition to rezone the Richardson Green parcel into over-55 housing and said he had offered the Select Board (SB) a development agreement including: donating 10 acres as open space, a parking lot for 5 cars to access this, a connection to the LCWD water connection at Lowell and Main Streets for water and hydrants in the area, and an

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impact fee of \$20K per unit. Mr. Bruce requested that the PB support this proposal if the Town chooses not to purchase the property. Discussion ensued on the signatories of the petition, and Chair Charville asked if Mr. Bruce was a contract buyer; the answer was yes. Ms. MacNulty asked if this was the same rezoning the Town had voted against 2 years ago; Mr. Bruce said it was different now that a water source was added. Ms. Flaws questioned the reality of being able to supply water to the area; Mr. Bruce said the water main from Lowell St. would be 1100' and cost \$1 million. Ms. Flaws asked if he had any prior experience doing such work; Mr. Bruce said he had completed a 1.5-mile water line in Ayer. Additional discussion included traffic concerns and emergency access. Chair Charville said a Public Hearing on the petition would be held on Wednesday, 10/13 at 7:00 PM in the Maney Room at Town Hall and he requested that signers of the petition attend so their views could be heard. Resident Ken Peterson, 1477 Main St., said area residents major concerns were about traffic impact on an already dangerous roadway. Mr. Champy noted that if Ch. 61 preserves the land, this petition would be moot; Ms. Flaws said the timing was wrong as it appears to offer a false choice.

### **7. Vision for Willis Woods**

Ms. Cademartori informed that it was decided the Public Forum previously scheduled for 9/22 would be held off on until after TM to allow for realistic discussion of access point(s) when the Ch. 61 decision is final. Ms. Cademartori added that she had reached out to stakeholders Bostik and Sagamore Golf Course, and was researching ownership of the abandoned Lowell-Salem railbed.

### **8. Tree Preservation Bylaw – Outreach Campaign**

Chair Charville thanked Ms. MacNulty for her work on the outreach campaign, and Ms. MacNulty said she was working with the Tree Committee, the Conservation Commission, and other supporters. Ms. Cademartori said that the existing flyer would need revising based on fewer residents being affected; Ms. MacNulty said that she would work with staff next week on this. Recommendations for revising the flyer included not depicting a single-family home.

### **9. Ch. 61 – Richardson Green**

Ms. Cademartori said that the SB had officially accepted the MVP grant for purchase of the property at their recent meeting; she added that the Essex County Greenbelt Association was working on the technical aspects of the purchase and the Conservation Restriction is being created.

### **10. Approval of Minutes – August 25, 2021, September 23, 2021**

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Mr. Champy motioned to approve the August 25 and September 23 meeting minutes as circulated, and Ms. MacNulty seconded it; the motion carried 5 – 0.

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

Chair Charville said topics would include:

- the continued PHs for Vallis Way
- an update on Richardson-Green Ch. 61
- an update on the Willis Woods project

Ms. Flaws asked about the status of litigation on 271 Main St.; Ms. Cademartori said a stay had been requested and Chair Charville said the court had denied this. Ms. Flaws asked the status of Violet Circle and Ms. Cademartori said it was close to being complete; it was decided staff would review completion date of the project. Chair Charville said that reviewing additional bylaws could be undertaken now that the TPB and SRR were finalized.

Ms. Flaws motioned to adjourn the meeting and Mr. Champy seconded; the motion carried 5 – 0 at 9:31 PM.

Respectfully submitted,

Susan Lambe, Planning Office