

LYNNFIELD PLANNING BOARD MEETING - March 30, 2022

1. Call to Order

Chair Brian Charville called the regular, monthly meeting to order at 7:00pm and stated the complete Planning Board (PB) was in attendance, including himself, Vice Chair Kate Flaws, Clerk Edward Champy, III, and members Amy MacNulty and Page Wilkins; he added that Planning and Conservation Director Emilie Cademartori and Planning Assistant Sondria Berman were present and that the meeting was being recorded.

2. ZBA Case 21-24 – 3 Perkins Lane Special Permit Sec. 8.3 Accessory Apartment

Chair Charville introduced the request for a special permit review under section 8.3 for 3 Perkins Lane to extend and enlarge principal dwelling to accommodate an accessory apartment. Attorney Timothy Doyle presented the proposal on behalf of the owner/applicant, stating the homeowners seek to build an accessory apartment for one set of grandparents who assist said homeowners with day-to-day caregiving needs for their handicapped child. Atty. Doyle explained that the accessory apartment will be built over an existing two-bay garage, with an addition of a third garage bay to expand the above garage space and enable separate stairway access to the dwelling. Atty. Doyle noted that the additional garage bay expansion would be within existing setbacks, but that the applicant would require a special accommodation from the ZBA to expand the garage as part of the accessory apartment construction. Atty. Doyle then proceeded to describe the interior design of the apartment, noting a single bedroom, handicap bathroom, kitchen area and living room space; he specified two methods of egress- one staircase within the garage and a two-floor elevator within the home.

Chair Charville asked Atty. Doyle for confirmation that the only special permit being requested for the proposed plan was for an accessory apartment; to which Atty. Doyle added there would also be an additional special accommodation request to the ZBA for the expansion of the existing footprint of the home to include the third garage bay and above garage space.

Chair Charville noted that the accessory apartment zoning regulations stipulate an expansion to the existing dwelling is permitted if it enables access/entry to the new accessory apartment. Atty. Doyle responded he was unsure if the expanded garage bay would exceed that permitted allowance, and therefore preferred a request for a special accommodation.

Director Cademartori asked if the proposed square footage of the accessory apartment complies with zoning regulation that the apartment not exceed 25% of the total square footage of the existing dwelling; Atty. Doyle stated he anticipates the apartment will be “slightly larger” than the 25% maximum, but that he is confident the ZBA will allow the project to proceed.

Clerk Champy asked if the switchback staircase on the proposed plan was existing or new to the proposed accessory apartment; Atty. Doyle responded he was unsure based on the plans.

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Ms. MacNulty asked Atty. Doyle if the exact square footage percentage of the accessory apartment relative to the existing dwelling was known; Atty. Doyle stated he did not have the exact calculation, but specified the additional space would come from the addition of the garage and accessory apartment above the three-bay garage.

Chair Charville invited Board members, staff, and audience members to comment on the proposed special permit.

Chair Charville requested a motion that the Planning Board not oppose the request for special permit for 3 Perkins Lane; Clerk Champy motioned in favor and Ms. Flaws seconded it. The motion carried 5-0.

3. ZBA Case 21-26 – 800 Main Street Special Permit Sec. 8.3 Accessory Apartment

Atty. Doyle began by stating the request for special permit for 800 Main Street had been presented previously to the PB in 2018, but that the approved permit expired in 2020; he explained the present request for accessory apartment would again be for an in-law use, and would be constructed within the footprint of the existing dwelling by converting the garage into the accessory apartment. The breezeway which connects the existing home and garage would be used as the entrance to the accessory apartment space. Atty. Doyle also specified there is also a variance issued in 2018 that was approved by town counsel and remains valid and on record.

Chair Charville requested to view additional plans and drawings of the proposed accessory apartment, to which Atty. Doyle presented an additional hand-drawn plan with square footage information. Director Cademartori confirmed the existing garage space would be converted to the accessory apartment space without any exterior changes, and Atty. Doyle confirmed it would include a bedroom, bathroom living space and kitchenette. Director Cademartori added the square footage of the proposed accessory apartment was within the 25% limit of total square footage of dwelling; specifically, that 689 sq. feet was the maximum and the accessory apartment would be approximately 626 sq. ft.

Ms. MacNulty inquired about Title 5 septic conditions as it related to accessory apartment special permit approvals; Director Cademartori explained that all building permits trigger a septic review to confirm compliance with septic rules and regulations. Atty. Doyle confirmed the petitioner plans to install a new septic system.

Director Cademartori asked Atty. Doyle if the lot had adequate square footage to add an additional bedroom within the accessory apartment; Atty. Doyle stated that the petitioner is considering taking away an existing bedroom in the main house to add a bedroom within the accessory apartment. He added the home would transition from an existing four-bedroom colonial to a three-bedroom colonial plus a single bedroom with the accessory apartment. Director Cademartori noted that because the lot is

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within the groundwater protection district, the septic permit requires 10,000 square feet of lot area per bedroom allowed.

Atty. Doyle also stated that it is possible the petitioner would return to the PB for another special permit review for a two-family conversion in place of the accessory apartment permit. Atty. Doyle explained that Section A of the Zoning Bylaws permits the conversion of a single-family home to a two-family, provided that the lot area is at least double what is required. Director Cademartori added that in contrast to the special permit for the accessory apartment, the special permit for a two-family conversion would not require a bond or the removal of the kitchen once family member(s) vacated the apartment.

Ms. Wilkins asked Atty. Doyle if the plan for the accessory apartment as proposed would change with the possibility of applying for a two-family special permit, to which Atty. Doyle explained that he and the petitioner would need to discuss the option further before he could affirmatively answer.

Chair Charville confirmed the petitioners plans to continue using the detached garage as pictured on the plans, given that the attached garage is slated to become the accessory apartment space. Atty. Doyle confirmed the detached garage is still in use and there are no current plans to alter it.

Ms. MacNulty asked what the process would be if the petitioner decided to pursue the alternate special permit for a two-family conversion. Atty. Doyle explained the petitioner would withdraw the existing special permit to the ZBA and file a new request to the PB for review and the ZBA for approval.

Chair Charville invited PB members, staff and audience members to comment on the proposed special permit request; Chair Charville then requested a motion to not oppose the special permit request to the ZBA for an accessory apartment at 800 Main Street; Ms. Wilkins motioned in favor and Clerk Champy seconded the motion. The motion passed 5-0.

4. ANR Plan #1 & #5 Sagamore Place Map 9 Lots 818 & 147

Director Cademartori explained that the agenda item was added as a placeholder for the current meeting, however, the plans did not come together in time for the PB meeting to review. Director Cademartori added the ANR plans may still come before the PB at a future date.

5. Sagamore Place Definitive Subdivision Bond- Warrant Article

Clerk Champy recused himself from the discussion and voting in regards to Sagamore Place due to conflict of interest.

Chair Charville opened the discussion reiterating the PB's previous motion and request from the February 16th, 2022 meeting for a warrant article to pull the bond for Sagamore Place, should it be necessary to do so in the future.

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Chair Charville read aloud the warrant article text, as provided by town counsel Tom Mullen:

“To submit a warrant article at the May 2022 Town Meeting to grant the PB authority to pull the bond, to see if the Town will vote, pursuant to G.L.c. 41, s. 81U, to appropriate from the proceeds of a bond posted by Hannah’s View Estates, LLC as security for the construction of ways and the installation of municipal services in the Sagamore Place subdivision, the sum of \$167,372.00 for the purpose of completing such construction and installation and to authorize the Planning Board to take all such other and further measures as may be necessary or appropriate to accomplish the purpose of this Article.”

Chair Charville explained it was recommended by town counsel to specify the full dollar amount of the bond, so that in the event all was needed, it would be possible for the PB to appropriate the entirety of the funds. Director Cademartori added that under subdivision law, requiring permission to appropriate funds applies to amounts exceeding \$100,000. In the event that the PB wished to pull only a portion of the existing bond to finish the street, and that amount was under \$100,000, the PB would not need to seek appropriations permission from the Town.

Ms. Flaws commented she felt it less likely the PB would need to pull any portion of the bond and asked if there have been any updates on the outstanding work to be completed; Director Cademartori stated a site visit was scheduled for the week of April 4th, 2022, but that not much work had been done since the last meeting outside of the start of streetlight installations. Director Cademartori explained roadway sitework has not been completed due to ongoing work happening on individual lots; she added that at least three streetlights are slated to be installed by May 1st, with the fourth light to be installed in June of 2022. Chair Charville commented that he anticipated a more detailed update would be provided to the PB at the April 30, 2022 meeting, and Director Cademartori concurred adding that an updated timeline for street completion would likely be presented as well.

Ms. MacNulty asked if the extension date for street completion was still May 30 of 2022; Director Cademartori stated that at the upcoming April 30th PB meeting the PB would discuss updating the extension, if needed, beyond the May 30 date.

Chair Charville requested a motion to submit the warrant article, as read, from town counsel; the motion was made by Ms. Wilkins and seconded by Ms. Flaws. The motion passed 4-0.

6. Continued Public Hearing – 109 Lowell Street (“Vallis Way”) Proposed Subdivision Plan

Clerk Champy re-joined the PB dais. Chair Charville began by asking the PB if there was a motion to re-open the hearing regarding 109 Lowell Street and the proposed subdivision plan for Vallis Way; Ms. Flaws motioned in favor and Ms. Wilkins seconded the motion. The motion passed 5-0 in favor.

Attorney Jay Kimball, began by introducing audience members present to discuss the proposed Vallis Way subdivision plan: Peter Ogren, of Hayes Engineering; Atty. Tim Doyle representing property owner Linda Vallis (also present in the audience), and Paul Caggiano (represented by Atty. Kimball),

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developer and applicant for the Vallis Way subdivision proposal. Atty. Kimball presented three topics for discussion: 1) drainage system relocation from under the road to an alternate location; the request to keep lot 5 undeveloped; and the variance to extend the street length of Vallis Way. Atty. Kimball mentioned that they received a letter that day (March 30th, 2022) from town engineer Pat McAlpine; he stated that Mr. Ogren had not yet reviewed the letter and was not able to comment in full on the items therein.

Atty. Kimball expressed that his client is open to installing a waterline loop as opposed to a dead-end stub line; adding that after having a conversation with superintendent of the LCWD, John Scenna, it was noted that adjacent streets to the proposed plans for Vallis Way (Pocahontas Ln, Lil's Way, and Mohawk Ln), all have adequate pressure and flow for their water supply. A discussion ensued between the PB and Atty. Kimball regarding where best to tap into the water main line for the Vallis Way subdivision. Atty Kimball indicated the applicant's support of a loop design with Smith Farm Trail, but did not believe it was the applicant's responsibility to request an easement over private property. Atty. Kimball also noted that the easement to tap into the water main to create the loop would potentially require more trees to be removed to install the pipeline.

Mr. Ogren confirmed that a pressure test had been completed in January of 2022, and that the LCWD had confirmed there was sufficient flow and pressure of water for the Vallis Way subdivision.

Chair Charville requested Director Cademartori follow up with Mr. Scenna to confirm that a stubbed water line down Vallis Way was acceptable should a loop system not be adopted. Director Cademartori referenced the February 2022 LCWD letter to the PB; she clarified that while both were considered permissible options by LCWD, the LCWD along with the Lynnfield Fire Department stated it would be preferable to have the loop system over the stubbed water line. Chair Charville recommended the applicant do as much as possible to ensure the water line maintains adequate levels of pressure and flow required by the LCWD. Clerk Champy added that water pressure and flow can be affected, in part, by the distance between homes on a given street. Clerk Champy recommended to the applicant that the homes be spaced apart from one another to augment pressure and flow.

Chair Charville directed the applicant to comment on the second issue of drainage on the roadway. Mr. Ogren explained that Ms. Vallis offered to have some of the street drainage be collected and infiltrated underground on her property in the setback area, so as to not interfere with potential home construction in the future. Mr. Ogren added that he did not submit a new plan to reflect this and other potential changes, as he believed it was not necessary to revise the plans.

Chair Charville referenced town engineer, Mr. McAlpine's, letter which requested new plans and new calculations for the drainage system. Mr. Ogren responded that he did not anticipate the calculations to be different, as the soils are consistent and the infiltrators remain the same; he added that he felt a letter would be sufficient to confirm these changes.

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Chair Charville shared with the applicant there needs to be a revised definitive plan presented before a waiver and approval can be granted by the PB; Atty. Kimball concurred. Chair Charville clarified that for the Vallis Way subdivision, the PB would require only one hard copy of the updated definitive plan provided a PDF digital copy was also submitted.

Mr. Ogren confirmed that there needs to be a revised definitive plan for the subdivision, but did not think it prudent to revise the plan ahead of the current PB meeting as he anticipated additional changes would be made at the meeting. Chair Charville requested Mr. Ogren make a note to update the definitive plan with the new drainage system plans that depict the areas where the water will be discharged on Ms. Vallis' private property.

Clerk Champy asked to review the final decision for the water line; Chair Charville commented he would like to see efforts made on behalf of the applicant to install a water line system best suited for flow and pressure for the street.

Chair Charville introduced an additional topic from Mr. McAlpine's letter wherein he requested an update on gas line accessibility/approval for the subdivision. Mr. Caggiano responded stating that he is involved in active conversations with National Grid to install a gas line for the street and is confident the gas line will be installed once calculations can be done for the lot and home plans. Clerk Champy recommended the applicant obtain a will-serve letter from the gas company which indicates approval; Mr. Caggiano agreed he would obtain the letter.

Atty. Kimball raised concerns of potential gas supply issues and the requirement for a gas line as a condition of subdivision approval. Ms. Flaws questioned the conditional requirement, citing the growing availability of alternative, green energy sources. Chair Charville commented the PB could consider waiving the condition for gas line approval; Clerk Champy added that if the PB intends to grant a waiver, it would be prudent to do so as soon as possible to avoid the developer incurring unnecessary costs to obtain a will-serve letter. Mr. Ogren commented he believes there is a trend among new homeowners to have a gas tank solely for their stove and use electricity to power other home energy systems such as heating and cooling.

Chair Charville requested a motion to waive the natural gas requirement for subdivision approval for Vallis Way. Ms. Flaws motioned in favor and Clerk Champy seconded the motion. Chair Charville opened the motion up to debate amongst the PB and audience members. Director Cademartori spoke on behalf of Mr. McAlpine (who was not present in the audience), and referred the PB to Mr. McAlpine's letter wherein he requested confirmation of a gas line installation for Vallis Way. Chair Charville asked for Director Cademartori to expound on her comments; Director Cademartori stated she could not speak on behalf of Mr. McAlpine but noted that the condition exists to provide the homeowner a choice for energy access; she suggested if the condition is to be waived, the PB should consider what

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replacements would be substituted for energy access. Chair Charville called for a vote, 5-0 in favor of the waiver.

Chair Charville requested an update from the applicant regarding the PB requests that Lot 5 remain undeveloped. Atty Doyle explained his client, Ms. Vallis, along with Atty. Kimball's client, Mr. Caggiano, had discussed the PB's request that Lot 5 remain undeveloped; he stated both parties reluctantly agreed to forfeit development plans for Lot 5 provided the concession would result in the PB approving the street waiver and overall subdivision plan for Vallis Way. Atty. Kimball noted the PB's concerns regarding Lot 5 included topography challenges and conservation-related concerns; he added that Lot 5 would not be included in the subdivision and would remain under the ownership of Ms. Vallis.

Chair Charville asked if the dimensions of Lot 5 would remain the same as outlined on the current proposed subdivision plans; Atty. Doyle concurred.

Ms. Wilkins asked Atty. Doyle if there are any restrictions placed on future development plans for Lot 5, noting Ms. Vallis could sell Lot 5 to another developer, or develop Lot 5 on her own; Atty. Doyle stated that he and Ms. Vallis had not discussed restrictions or future plans for Lot 5.

Ms. Flaws offered a suggestion to sell a portion of Lot 5 to a rear abutter, thereby earning Ms. Vallis some income for a portion of the lot; she explained the transaction would give the abutter additional backyard land, and shrink the remaining size of Lot 5 to preclude future development.

Chair Charville asked Director Cademartori her thoughts on ways to restrict future development on Lot 5; Director Cademartori stated Ms. Vallis could divide and/or sell a portion of Lot 5 so as to make the remaining lot or lots non-conforming by zoning regulatory standards and deter future development. Director Cademartori noted that simply moving lot lines does not guarantee protection from future development; she emphasized a deed restriction or shared HOA regulation are the best means of protecting trees on Lot 5, should this be a desired goal by the PB.

Director Cademartori then asked if Lot 5 is left undeveloped, and the street is to become a four-lot subdivision, if the extended street length waiver is still necessary or if reducing the street length would allow greater distance between the stormwater catch basin and the property line.

Ms. Flaws asked if the lot lines for the four lots could all be moved slightly towards the left; Director Cademartori explained that frontage measurements on a cul-de-sac are larger and therefore, the measurements would need to be calculated in order to confirm movement of lot lines would not conflict with frontage requirements.

Atty. Kimball questioned the frontage requirements on the side of each lot; Mr. Ogren stated he was doubtful lot lines could be moved without inhibiting frontage requirements. Mr. Caggiano questioned if frontage requirements could still be met if Lot 5 is removed from the subdivision plan and the street is

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shortened; he added he is not in a position to purchase more land from Lot 5 for the subdivision. Ms. Flaws suggested a portion of the land from Lot 5 be given to Mr. Caggiano from Ms. Vallis so that the development could achieve approval by increasing frontage availability.

Director Cademartori asked Mr. Ogren if the frontage for Lot 2 is significantly greater than the frontage for Lot 3; Mr. Ogren stated he believed Lot 2 had greater frontage.

Chair Charville asked Mr. Ogren if shifting the shared lot lines between lots 4 and 5 south would successfully shorten the street, and if so, by how many feet. Atty. Kimball stated that the topography of Lot 5 makes it challenging to modify adjacent lots in the subdivision.

Ms. Flaws questioned if the stormwater system size or design requires any adjustment with the concession of Lot 5 as part of the development; Mr. Ogren said the loss of Lot 5 has an immaterial affect on the size or design of the system. Director Cademartori clarified that the infiltration basin size could decrease if the road is shortened. Clerk Champy discussed frontage requirements could be maintained on Lot 2 should the existing lot lines shift clockwise; Ms. Flaws asked if the applicant would consider requesting a waiver for frontage minimums for the development. Mr. Champy explained that this would be a waiver issued by the ZBA. Atty Kimball stipulated the waiver would not be possible to acquire from the ZBA based on the fact that the request for a waiver is not due to a pre-existing condition, but rather a new condition of conflict internal to the development itself; he added the lack of frontage alone is not considered a hardship as defined under ZBA conditions for approval.

Chair Charville circled back to Clerk Champy's question about the movement of lot lines shifting clockwise to meet frontage requirements and shorten the street; Mr. Ogren stated there would need to be revisions made to the plan and calculations completed to confirm it could be done.

Ms. MacNulty acknowledged the PB's appreciation to the applicant and owner for the concession of Lot 5 as a part of the Vallis Way development; she added that in previous PB meetings it was also conveyed the street needed to be shortened. Ms. MacNulty expressed frustration at the lack of new plans presented with alternative options for the Vallis Way development that incorporated other requests from the PB and town officials.

Director Cademartori asked the PB to clarify their goals as it related to shortening the street length- whether the primary focus was the total amount of feet granted by waiver extension, the reduction of stormwater runoff, and/or the conservation of trees. Director Cademartori recalled that it was presented by the applicant previously that the subdivision required a street length waiver in order to address the challenging topography and reach the developable land behind the hill of Lot 5. If this is in fact the case, the PB would need to explain what benefits would be achieved by not issuing the waiver and shortening the street.

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Ms. Flaws stated that shortening the street would reduce stormwater and potentially make the basin size smaller and allow it to be further from the back property line. Director Cademartori explained the benefits of shortening the road are important to outline given that the request for a waiver has been documented by the applicant; she added with competing interests enumerated on both sides, the PB can more accurately determine the appropriate length for the street (with or without a waiver granted).

Director Cademartori discussed the area on Lot 2 bearing the burden of the detention basin for the street, but without the benefit of an oversized lot area; she added that by shortening the street, it might be possible to reduce the amount of area needed on Lot 2 for the basin and/or the possibility of shifting lot lines to give more land area to Lot 2.

Ms. Flaws stated that it would not be possible for the PB to vote on a street length waiver without being able to review updated plans and the calculations therein for new lot lines. Ms. MacNulty added it is worthwhile to see what street length reduction can be achieved given the potential benefits to stormwater reduction and improved design possibility for Lot 2. A discussion among the PB ensued regarding frontage requirements and whether or not adopting a portion of Lot 5 into the development would result in cutting down more trees that would otherwise remain undisturbed. Mr. Caggiano explained the current lot lines and extended street length were included in the proposed plan so as to meet zoning requirements and save as many trees as possible; he added moving lot lines and shortening the street could compromise both of these priorities.

Chair Charville asked PB members who wish to see Lot 5 remain undeveloped, if they would consider a plan to reduce Lot 5's square footage to below 40,000 square feet and therefore make it a non-buildable lot. Ms. Flaws consented. Director Cademartori reiterated the options would be to either deed restrict the property or make it zoning non-compliant.

Chair Charville inquired if there is unanimous PB approval for Lot 5 to remain undeveloped for the future, it would be beneficial for the PB to make a formal request to the property owner, developer and Mr. Ogren so that they can amend the subdivision plans accordingly. A discussion among PB ensued about the best means of ensuring Lot 5 remains undeveloped. Mr. Ogren explained that it would be possible to shorten the street by moving Lot 4's lines towards the left and acquire land in Lot 5 and to increase the distance between the basin and the property line, but cautioned these changes would significantly alter the plan. Ms. Wilkins responded to Mr. Ogren citing that many of the changes being discussed have been requested by the PB for months but have not been addressed by the applicant; she added that if the Vallis Way subdivision plan needs significant revisions it is because the plans were never amended when the requests were initially issued. Chair Charville concurred that the PB has a sense of "déjà vu" regarding the topics discussed, but added that the concession of Lot 5 has brought the PB closer to a sufficient plan for approval. Mr. Ogren countered by saying that smaller changes had been acknowledged, but that larger revisions to plans were put on hold due to postponed agreement amongst owner and developer on how to proceed with PB requests.

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Clerk Champy summarized the new agreement between owner and developer to concede the development of Lot 5 as part of the Vallis Way subdivision proposal; he added this begs the question as to how both parties will decide to manage the lot lines for Lot 5. Clerk Champy questioned whether it would be beneficial to allocate additional land from Lot 5 to Lot 4 or sell a portion of land from Lot 5 to the rear abutting property. Mr. Ogren concurred that further discussion is needed on behalf of the owner and developer to decide what land will be added to the development from Lot 5 and if there will be any restrictions made for future development of the lot.

Director Cademartori stated the PB would support a waiver to create a four-lot subdivision, but questioned the inherent benefit of the concession of Lot 5 if the lot remains unrestricted and/or zoning compliant for future development.

Chair Charville asked for a PB straw poll to state that it is amenable to granting a street length waiver should the development be reduced to a four-lot subdivision with Lot 5 being restricted. Ms. Flaws said she would be amenable to granting the waiver, provided that something can offered from the owner that ensures Lot 5 will not be developed at a later date.

Chair Charville asked Mr. Ogren how much time he would need to make the necessary changes to the plan, taking into account the discussions and decisions that need to occur between owner and developer. Mr. Ogren recommended adjusting the existing plan before completing another definitive plan until a PB straw vote can be done to approve the changes. Clerk Champy concurred, and acknowledged that hand-drawn adjustments to the existing plan were acceptable.

Director Cademartori asked what the PB would like to see on the colored drawing for changes to the subdivision plans; Chair Charville suggested the removal of Lot 5's designation as a developed lot, updated lot lines, shortening of the street, location of the cul-de-sac, the location (should it change) of the detention basin, and the location, species and designated removal of trees on the subdivision. Director Cademartori noted that there would be necessary grading and a retaining wall to be completed on Lot 5 to accommodate the roadway, and it would be helpful to review the proposed encroachment onto the property's noted hill and trees. A discussion ensued between Mr. Ogren and the PB as to possible ways to move the roadway so as to have as little impact on Lot 5 trees and the hill as possible. Mr. Ogren also discussed the town requiring an easement needed to build the retaining wall on Lot 5 and the maintenance considerations therein.

Director Cademartori turned the PB attention to a previous plan submitted to the PB that showed the size and species of existing trees on the Vallis Way subdivision. Director Cademartori highlighted that a selection of large oak trees exist on the hill and some within the proposed roadway; she added it is important to see how many of these trees will be impacted by removal or root damage from construction. A discussion ensued among the PB, Mr. Ogren and Director Cademartori about the

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impact of the roadway on the hill and respective trees, and whether or not moving the road would protect more or less trees.

Ms. Flaws asked about whether or not the PB wanted to assign trees as significant and to be protected; Director Cademartori stated it was perhaps a larger discussion and review to make such assignments given that location, species, and size all contribute to deciding whether or not a tree or groups of trees warrant special significance. Ms. Wilkins noted that the rear half of Lot 1 has a significant number of trees, seemingly outside the building envelope, that she would recommend be protected by the TPB.

Director Cademartori explained that the TPB allows for tree preservation but is not all-encompassing; she used the example of the previously approved subdivision at Tuttle Ln to illustrate the disadvantage of having a significant number of trees in the proposed roadway, and contrasting it with Vallis Way's existing tree layout with pockets of trees being easily protected during development. Ms. Flaws and Ms. Wilkins discussed parts of Lot 1 and 2 wherein they would like to see sections of trees protected. Clerk Champy recommended the PB be given an updated plan wherein the building envelope is shown as an overlay to the tree map, so that trees can more easily identified as protected, or not protected, by the TPB. Chair Charville emphasized this would simplify the task of assigning significance to trees. Ms. Flaws concurred. Ms. MacNulty added the PB seeks to avoid clearcutting of lots for new subdivisions. Atty. Kimball stated that he does not believe his client, Mr. Caggiano, desires to clearcut any of the lots given that trees provide an aesthetic and practical benefit to the subdivision.

Director Cademartori added that the work on behalf of the applicant and sub-contractors to identify and map trees throughout the lots will be necessary after the subdivision is approved and the applicant needs to apply for a TPB permit.

Mr. Ogren asked for the PB to explain to Mr. Caggiano the financial impact of the TPB; Chair Charville explained that the TPB gives the applicant the choice to either preserve existing trees or mitigate for trees removed by either paying a fee to the Town or by re-planting inch-for-inch a commensurate amount of trees from an approved list. Chair Charville advised that the larger trees are often more costly to mitigate given their size. Director Cademartori said that trees must be a minimum of 2" in diameter, and the current rate to purchase approved 2" trees is approximately \$400.00; she added that if a 24" tree is cut down and needs to be mitigated, the contribution amount based on the scale referenced would be \$4800.00 for said tree.

Mr. Ogren asked if it was possible for the developer to get "credit" towards his mitigation costs for the concession of Lot 5 as a restricted lot; Ms. Flaws stated under the TPB the PB has the discretion to grant relief on a case-by-case basis. Director Cademartori stated that once mitigation calculations have been completed through the TPB application process, it is possible to discuss with the applicant appropriate costs and re-planting plans; she added that often, a good portion of mitigation costs are funded through landscaping costs already included as part of a development plan's budget. Atty. Doyle

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asked if the TPB distinguishes between dying or dead trees in its mitigation calculations; Director Cademartori clarified that dead and/or dying trees are not considered eligible for mitigation calculation under the TPB.

Chair Charville invited additional comments from PB members, audience members and staff.

Jane Bandini of 577 Essex St asked if it was possible to move the opening of the roadway on Lowell Street further south towards Main Street by removing the curb cut/driveway to Ms. Vallis' property and relocating the driveway entrance to the new roadway for Vallis Way. Ms. Bandini believed this might save more significant street trees on Lowell Street. Atty. Kimball noted that the street entrance was placed at a certain location on Lowell Street for rounding and radius requirements for the entrance to Vallis Way. A discussion ensued between PB members and Ms. Bandini about possibilities to move the entrance of the street and how Ms. Vallis' driveway might attach to the new roadway for Vallis Way. Atty. Doyle stipulated that the new driveway curb cut on Vallis Way for Ms. Vallis' property was a proposed idea, but was not definitively decided on by Ms. Vallis as of yet.

Mr. Caggiano explained that the removal of Lot 5 from the subdivision development could allow for change to the location of the street entrance and the opportunity to save more street trees. Director Cademartori summarized the applicant and PB members have stated and agree the street trees on Lowell Street are significant, and efforts should be made to preserve them by making possible changes to the entrance location to Vallis Way.

Chair Charville asked if there was any further comment on Vallis Way.

Linda Vallis of 109 Lowell Street stated that she did not desire to make Lot 5 a restricted lot. Clerk Champy responded to Ms. Vallis suggesting selling a portion of Lot 5 to a rear abutter would earn her a profit for a portion of Lot 5 and therefore only restrict development on the remaining Lot 5 area. Ms. Flaws stated that the rear abutters would likely prefer to have additional acreage added to the back of their lot. Chair Charville confirmed that the sale of a portion of Lot 5 to an abutter was not a condition of approval for the subdivision, but a suggestion of economic significance wherein Ms. Vallis could benefit from a sale of a portion of Lot 5; Clerk Champy stated that this suggestion on behalf of the PB is a way to not encumber the entire Lot 5 from development.

Ms. Vallis requested the next meeting of the PB occur before the end of April; Chair Charville stipulated that the necessary condition for a meeting relies more on the developer's engineer (Mr. Ogren) having sufficient time to prepare the updated plans for PB review. Ms. Vallis stipulated that she believed new plans were to be presented at the current meeting, and was surprised this was not the case. Chair Charville confirmed the next meeting date of Wednesday, April 27th; Mr. Caggiano asked Mr. Ogren if he would have enough time to produce a new plan for approval; Mr. Ogren confirmed he would have enough time if he could present a line drawing instead of a definitive set of plans. Mr. Ogren questioned how a change to the plans could have completed for the current meeting given the

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changes discussed at present; Ms. Vallis stated that there were changes requested at previous PB meetings that could have been presented in a new plan for the current meeting. Ms. MacNulty concurred, adding that the PB had made consistent requests for updated plans to review for months.

Chair Charville requested a motion to extend the time of action to May 31, 2022; Clerk Champy motioned in favor and Ms. Flaws seconded the motion. The motion passed 5-0.

Chair Charville requested a motion to continue the public hearing regarding the definitive plan for Vallis Way to Wednesday, April 27th 2022 at the PB monthly meeting at 7pm at Town Hall; Ms. Flaws motioned in favor and Clerk Champy seconded the motion. The motion passed 5-0.

7. Discussion of Bylaw Initiatives – Scenic Road Bylaw

Chair Charville requested an update from PB regarding the proposed changes to the Scenic Road Bylaw (SRB); Ms. Wilkins stated that she and Ms. Bandini met and discussed the SRB on Friday, March 25th and reviewed similar bylaws from other local towns; she added Ms. Bandini was helpful in providing her with understanding of the historical context surrounding the development of the SRB in Lynnfield. Ms. Wilkins stated she and Ms. Bandini worked together to review the state SRB statute as written and had a document of proposed red-lined edits aimed at making small changes to improve the Bylaw for clarity, particularly the Bylaw's stated purpose, authority, and procedure for application. Ms. Wilkins added that another consideration was adopting more scenic roads for consideration for the fall Town Meeting. Director Cademartori stated that it was best to give the Town Select Board ample time to review proposed changes to the SRB well in advance of Town Meeting.

Chair Charville asked for additional comments from the PB; Ms. Flaws stated she believes it is also important to review the zoning bylaw and regulations pertaining to accessory apartments. Director Cademartori stated that the building department desires to make enforcement-based changes, and asked if the PB would seek to broaden the conditions for approval- specifically, which persons are permitted to live in the accessory apartment. Ms. Flaws responded that any family member should be permitted to live in an accessory apartment; she added the requirement to dismantle the kitchen post-tenant is not necessary. Chair Charville inquired what significant impacts to the town would occur should any individual, related or not to the owner, be allowed to live in an accessory apartment. Director Cademartori cautioned that removing an accessory apartment's tenant conditions could make the permit indistinguishable in use from a two-family permit. A discussion ensued between the PB and Director Cademartori regarding the impacts of expanding tenant criteria including: family members over 55 years of age, family members of any age, or unrelated persons. Ms. Wilkins considered some tangential effects on expanding accessory apartment tenant criteria as it related to street parking, school systems, public safety, septic and other utilities; Director Cademartori responded that instituting permits and other conditions to the zoning bylaw can reduce costly or negative impacts on the town. Clerk Champy added that without restrictions imposed on tenant criteria, there can be significant

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impacts on the demographics and housing stock within the town. Director Cademartori advised the PB to focus on limited modifications to include enforcement; Clerk Champy and Ms. Flaws added that expanding the tenant criteria to include any family member would yield a greater benefit to the town than the current Bylaw as written. Clerk Champy added the justification for the update to the SRB is due to the fact that the Bylaw “doesn’t work as written”. Director Cademartori added that building inspector Joe O’Callaghan desired to amend the Bylaw to include mandatory yearly inspection of accessory apartments to ensure they remain compliant and safe.

Chair Charville noted that Ms. Wilkins took the lead to revise the SRB; he asked Ms. Flaws if she would be the lead on the Accessory Apartment revisions. Ms. Flaws consented.

8. Approval of Minutes – February 16, 2022

Chair Charville requested a motion approve the February 16, 2022 meeting minutes as distributed; Ms. MacNulty motioned in favor and Ms. Wilkins seconded the motion, which carried 5 – 0.

9. Administrative Matters/Topics for Next Meeting

- Director Cademartori announced to the PB the Annual Town Budget Meeting was coming up in April, and to note the additional capital budget request of \$10,000 for the mini master plan for Lynnfield.
- Director Cademartori shared that the PB may be presented with a citizen’s petition for a warrant article zoning change; she asked the PB if they preferred to host a special hearing or wait for a regularly scheduled monthly meeting. Director Cademartori indicated it was a request from the developer at Grandview Estates seeking to modify the scope of his original 40B permit; specifically, to not finish 40B project as permitted and instead finish a smaller elder housing project with fewer total units. Director Cademartori stipulated the permit was originally issued to include a 40-unit project consisting of 30 market-rate and 10 affordable units; she stated that phase 1 of the project has completed 18 units of which 14 are market rate, and 4 are affordable. If approved, the applicant would prefer to finish phase 1 of the project with an additional 2 market-rate and 2 affordable, for a total of 22 units, and then proceed to phase 2 with 16 age-restricted, market rate units. With this plan, Director Cademartori explained, the town would lose 4 affordable units from the original permitted plan, but the current ratio of market-rate to affordable units build would remain compliant with the conditions outlined for the 40B permit requiring a minimum of 25% of the total project units being affordable (within phase 1). Director Cademartori added that the applicant’s justification for the permit modification was financially based.

Clerk Champy inquired if there was a bond collected for the 40B development; Director Cademartori indicated there had been a bond with the Town, but it expired over five years ago without follow-up.

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Clerk Champy asked if the state had made a recommendation, to which Director Cademartori said the applicant conferred with the state and told her the state deferred action to local town government.

Director Cademartori added that the applicant has not presented anything to the zoning board regarding his request and counter to her recommendation; she added that if the petition is received by the planning office in time for the monthly PB meeting for April, it will be added to the agenda.

(Ms. Flaws left the meeting)

- Amendments to 40A, MBTA Communities- Director Cademartori indicated that although Lynnfield may not wish to meet the criteria, it is a requirement from the state that the PB discuss it and present it to the Select Board. Director Cademartori stated the state requires each town to locate a zoning district with a minimum size of 50 acres that would allow multi-family homes by right to be built; she added that the only area in Lynnfield that could fit this description would likely be an area of Route 1. Director Cademartori indicated that the PB role is to decide whether it wishes to comply or not comply; the latter possibly resulting in Lynnfield being removed from certain state funding opportunities in the future. Clerk Champy inquired if any of the golf courses in Lynnfield could comply; Director Cademartori indicated the area must be a contiguous zoning district with a minimum of 50 acres and that the re-zoning must be approved at Town Meeting. Chair Charville agreed the Route 1 area would be best to consider in the Town's application; Director Cademartori concurred.

Chair Charville asked if there was a motion for the PB to adjourn the meeting; Clerk Champy motioned in favor, and Ms. Wilkins seconded the motion, which carried 4 – 0 at 9:24 PM.

Respectfully submitted,

Sondria Berman