

LYNNFIELD PLANNING BOARD MEETING September 26, 2018

A meeting of the Planning Board was held on Wednesday, September 26, 2018 at 7:00 p.m. in the Maney Meeting Room at Town Hall.

1. Chairman Charville called the public meeting to order at 7:02 PM and announced it was being recorded. Present were Chairman Brian Charville, Vice-chairman Michael Sheehan and Clerk Charlie Wills. Absent were Katherine Flaws and John Gioioso.

2. **Pagos Way**

Mr. Tom Pagos informed the Board that the subdivision was 98% complete. The line striping at the crosswalk remains to be done, and Hayes Engineering is completing the as-built plans. Chairman Charville asked what the completion date was; Ms. Lambe said 9/29. Upon further review, the Board discovered that the deadline is 9/26. Town Engineer Charlie Richter agreed with Mr. Pagos and asked if the Planning Board (PB) would authorize release of \$77,095 from the Pagos Way performance bond. Mr. Richter said this would leave a balance of \$29,983 which satisfies the 1 year contingency required. Chairman Charville asked what the contingency percentage was; Mr. Richter said 10%. Chairman Charville requested a motion to authorize release of the recommended amount; Mr. Wills made the motion and Mr. Sheehan seconded it. The motion carried 3 – 0.

3. **Market Street Lynnfield – minor modification – electric vehicle charging stations**

Chairman Charville read a memo from the Lynnfield Fire Department requesting Remote Power Disconnects be added between the proposed service and charging stations to allow for emergency shutoff. Katherine Wetherbee of WS Development outlined the minor modification, including:

- The removal of 3 parking spaces adjacent to Building #1350 in order to enlarge an island to house a transformer and equipment to power 12 electric vehicle (EV) charging stations.
- The location of the 12 stations will be easily visible when driving onto the property.

Chairman Charville asked about the view from the side of the island; Ms. Wetherbee said there will be a fence around the equipment. Chairman Charville asked if there would be any added signs; Ms. Wetherbee answered only Tesla signs, and there will be no additional signage or lighting. Mr. Sheehan asked where the 12 charging stations would fit; Ms. Wetherbee said right within the existing 12 parking spaces.

Resident Alan Dresios said he objected to the modification and that he had sent a letter to the PB noting the prior agreement that any automobile servicing is a prohibited use at

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Market Street. Mr. Dresios noted that 2 charging stations currently exist at Whole Foods, and that at the time of installation, the PB had acknowledged that this was not an allowed use. Chairman Charville asked where charging stations fall into a prohibited use category; Mr. Dresios answered “service”. Mr. Sheehan questioned if charging is considered “service”. Chairman Charville asked Mr. Dresios if this could be considered a minor modification; Mr. Dresios answered no, it should go to Town Meeting (TM). Chairman Charville asked if charging is a justifiable use and should not be prohibited since it is silent and not objectionable in appearance; Mr. Dresios said it is a justifiable use, but should be decided by TM, not the PB. Mr. Sheehan said the 12 spaces should be removed from the parking inventory. Resident Wallace McKenzie agreed this is not a minor modification, but a new use, so it should be debated at TM. He added that it is also retail use, as Tesla is likely paying Market Street to house the stations. Chairman Charville asked if the ice rink should be considered retail use; Mr. McKenzie said no, as it is not a permanent structure. Mr. McKenzie said he is not opposed to the charging stations, but as it is a new use, it should be a zoning warrant article at TM for classification and tax purposes. Mr. Sheehan stated the charging stations had no negative impact, but it must be determined if they are considered “service”, and whether the PB or TM is the arbiter. Mr. Wills asked if Town Counsel (TC) had been consulted; Chairman Charville said TC could determine if this use is service, and that he does not believe it is. Chairman Charville asked Ms. Wetherbee if this matter could be continued at the next PB meeting with the entire Board present; she agreed. Chairman Charville said he would consult with TC. Mr. McKenzie requested asking TC if the Town is permitted to assess the charging stations if they are not considered “retail”, Chairman Charville said that was not a PB matter, but Mr. McKenzie is free to inquire. Chairman Charville told Ms. Wetherbee this matter would be on the agenda for the PB meeting on October 11th, and requested the motion to continue the discussion. Mr. Sheehan made the motion and Mr. Wills seconded it. The motion carried 3 – 0.

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

Chairman Charville announced it was 7:32 and requested a motion to reopen the Public Hearing (PH) for Sagamore Place. Mr. Sheehan made the motion and Chairman Charville seconded it; the motion carried 3 – 0. Atty. Jay Kimball requested continuing the PH until October 24th to allow for more time to look into the possible rezoning to Elderly Housing. Chairman Charville asked for a motion to do so. Mr. Wills made the motion and Mr. Sheehan seconded it; the motion carried 3 – 0.

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5. Parsons Avenue Extension – Street Acceptance

Developer Jeff Rhuda stated that the subdivision was complete. Town Engineer Charlie Richter agreed that it has been completed for 1 year; therefore the warranty period has ended. One driveway is in need of repair; the work is scheduled for 9/28. Mr. Richter recommended bond release in the amount of \$157,415, which leaves \$1,000 to repair the driveway apron. Chairman Charville asked if \$1,000 was sufficient; Mr. Richter said it would be, he had spoken to the paver. Chairman Charville requested a motion to release \$157,415 from the Parsons Avenue Extension bond; Mr. Sheehan made the motion. Mr. Wills seconded it, and the motion carried 3 – 0. Mr. Richter requested it be noted that street acceptance was recommended pending completion of the driveway apron. Chairman Charville asked if this matter should be continued until the PB meeting on 10/11; Mr. Richter said Mr. Curtin needed it prior to that. Chairman Charville asked for a motion to recommend street acceptance pending completion of the driveway apron. Mr. Sheehan made the motion and Mr. Wills seconded it. The motion carried 3 – 0.

6. Zepaj Lane – Subdivision Bond

Atty. Kimball requested moving this agenda item to the 10/11 PB meeting, at which time Mr. Richter will have the bond amount prepared and Form G can be relinquished. Mr. Richter then recommended waiting to set the bond until drainage along the road is completed, and said this will be done shortly.

7. 333, 339, & 349 Summer Street, Road A

Atty. Ted Regnante said this agenda item had been continued in order to have Mr. Wills and Mr. Sheehan present. Rich Williams of Williams and Sparages gave a brief overview of the plan. Atty. Regnante noted that the design has a request for 2 waivers, including to the length of the proposed cul-de-sac and the size of covers over drains. Atty. Regnante said the 3 existing homes require relief from the demolition delay bylaw and a meeting has been scheduled with the Historical Commission to discuss this. The proposed subdivision is also subject to the Scenic Road Bylaw (SRB), and Atty. Regnante said that plans were being revised to preserve the 2 significant trees along Summer Street. Resident J. Costa said that the neighborhood wants no increase in traffic along Todd or Cranberry Lane. Atty. Regnante said this will be a public process as the Preliminary Plan evolves into a Definitive Plan. Resident Atty. Page Wilkins spoke about several concerns, including:

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- large new subdivisions are not supported by the Master Plan (MP) which cites preserving “the semi-rural nature” of the town
- the potential impact to the neighborhood of access through the Cranberry Lane easement. She added that if access is granted, all avenues to prohibit this would be pursued.
- She said the easement should be dissolved, with the developer reimbursing the owner.
- concerns that the new road will necessitate excessive tree removal along the Cranberry Lane side
- The PB should involve neighbors in the discussion about tree removal and the developer should install a tree buffer.
- Reedy Meadow impact warrants further study.

Resident Jeffrey Norden stated his opposition to the proposal in an email. Chairman Charville asked Mr. Wills (the developer of Cranberry Lane) if he owned the easement; he said yes and would be willing to turn it over to the town. Chairman Charville asked Atty. Wilkins if she had stated that she would seek legal remedy if the PB endorses the plan, or if the Cranberry Lane easement is utilized to create a loop road. He also noted that the MP shows this area as remaining residential. Atty. Wilkins agreed, but added that the tree removal and proximity to town center is concerning. Resident Rich Whelan said he is appreciative of the advance planning being done, and added that the easement contains 8 -10 large pine trees. Chairman Charville clarified that the PB’s function is to approve, disapprove, and/or give feedback regarding plans. Resident Tim Allen said that clearing the easement is unnecessary and would remove a large portion of his lot; he added that he is surprised a PB member owns the easement. Resident Steve Coletta said that when Summer Street School (SSS) is dismissed there is major traffic on Todd Lane, including bicycles, and that he is concerned about conserving trees, increased traffic, and water issues. Resident Joe Marine showed satellite images of the number of trees in the proposed development and expressed concern that new homes would be only 45’ from neighboring homes. Mr. Marine also asked if the Fire Department (FD) had made recommendations on the Parsons Avenue Extension subdivision. Resident Nadia Axiotakis asked if the developer was willing to add a buffer of arborvitaes. Chairman Charville replied that she was welcome to discuss this with the developer. Mr. Costa said that parking on Todd Lane during SSS functions can be 100 cars and is a serious problem. Resident Jane Bandini of the Tree Committee noted that the Zepaj Lane subdivision also had issues with tree removal and she asked about the proposed easement to the Reed property. Atty. Regnante addressed the easement to the Reed property saying

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that it is required by the Zoning Bylaw and could only result in a maximum of 1 additional home. Mr. Coletta asked if the Reeds own 3 lots; Atty. Regnante said the easement was laid out as required and Chairman Charville concurred. Atty. Regnante shared the list of 16 cul-de-sacs in Lynnfield that exceed 500'; he then reminded all that if a subdivision meets requirements, the PB cannot stop it and that we should all work together. Chairman Charville agreed with this. Atty. Wilkins said the PB does have control over trees; Atty. Regnante said they are committed to building a subdivision.

Chairman Charville suggested approving the Preliminary Plan with modifications. Mr. Sheehan said the major issues involved were saving the 2 significant trees, and preserving as many others as possible. Atty. Regnante said engineering work was being done to address this. Mr. Costa said there must be another way to resolve this. Mr. Wills voiced his concerns, including: possibly preserving 2 of the existing homes, shortening the proposed street length, and maintaining the Summer Street streetscape to preserve the 2 significant trees (thereby avoiding another Summer Street intersection). Mr. Wills added that he has no stake in the outcome of the easement decision, and that the 16 streets that exceed limits all had zero alternatives. Chairman Charville asked whether the proposed street would be moved east or west to accommodate the 2 trees; Mr. Williams said that was still being decided. Chairman Charville asked if preserving any of the existing homes had been considered; Mr. Williams said no. Mr. Williams added that without access from Summer Street, the proposed street would be even longer. Chairman Charville also questioned if the easement could be used for water access, relinquished, or abandoned. Chairman Charville asked Mr. Wills if he felt preserving the streetscape on Summer Street should be a recommended modification; Mr. Wills said he had tried to purchase the property at the time Cranberry Lane was being developed. Resident James Russo asked if the FD would have an issue if Cranberry Lane were the only access to the subdivision, and added that he hoped the PB would dissolve the easement. Mr. Wills said this would be up to the Town to decide, not the PB. Chairman Charville moved that the PB approve the Preliminary Plan as presented with 2 modifications:

- Modifying the road layout to preserve the 2 significant Silver Maple trees
- Encouraging the developer to work with the holder of the easement to either dissolve it or deed it to the LCWD.

Atty. Regnante asked Mr. Wills to determine if the easement had been turned over to the

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Town; Chairman Charville asked Atty. Regnante if he could check the title on the easement to determine ownership. Mr. Sheehan seconded the motion to approve the Preliminary Plan subject to the 2 modifications; the motion carried 3 – 0.

8. Town Meeting – Proposed Warrant Articles

Chairman Charville announced that a Public Hearing had been scheduled for Thursday, October 11th at 7:00 PM in the Maney Meeting Room at Town Hall to review the 2 articles, which include:

- Corrections to the Re-codified Zoning Bylaws, including building height restrictions.
- Rezoning of Red Twig Lane from Single Residence A to a Limited Business District.

9. Subdivision Rules and Regulation – Proposed Revisions to Tree Regulations

Ms. Bandini of the Tree Committee said that DPW Director John Tomasz, the Town Tree Warden, had prepared the revisions as a guide for all construction. Proposed revisions include:

- The addition of all existing trees over 1 foot in diameter to required plans
- Reducing the required caliper of trees being planted to allow for greater variety and better transplanting
- 28 native trees to allow for variety, but using no more than 25% of any single variety

Chairman Charville asked how these revisions would affect the Road A plan, for example. Ms. Bandini said all existing trees over 1 foot would have to be added to the plan, and she suggested adding a protection zone around those trees to ensure their continued survival. Chairman Charville suggested continuing this matter when Mr. Tomasz could attend, and requested the proposed changes in a red lined version of the existing Subdivision Rules and Regulations. Atty. Regnante asked if these revisions were only applicable to subdivisions or if they would impact existing property owners; Ms. Bandini said they applied to subdivisions. Atty. Regnante said he thought if the revisions are passed, no developers would consider working on subdivisions in Lynnfield in the future. Atty. Kimball agreed, and encouraged the PB not to overregulate. Atty. Regnante requested a copy of the red lined version of the proposal, and said that nothing like this exists in any other communities. Mr. Dresios asked if “significant trees” are already included in the Rules and Regulations; Atty. Regnante answered yes.

10. Public Comment

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- Mr. Dresios inquired about the revisions to the Market Street Design Standards, and having them available in Word format vs. the current PDF. Chairman Charville said the minutes from the May 2017 meeting when the revisions were finalized were complete, and changes to the Design Standards were in progress.
- Mr. Dresios suggested that if the tree revisions discussed are approved, adding in a “pre-construction” meeting to review compliance. Chairman Charville noted that the inclusionary zoning bylaw still needed to be reviewed. Mr. Wills said there is merit to insisting on tree protection. Chairman Charville asked Mr. Wills to stay in touch with the Road A neighbors on Cranberry Lane and perhaps attend the site walk. Mr. Dresios suggested that greenbelt areas could be added to Road A.

11. Approval of Minutes

Chairman Charville requested a motion to approve the minutes from the 7/25 meeting. Mr. Wills made the motion and Mr. Sheehan seconded it; the motion carried 3 – 0. The Chairman then requested a motion to approve the minutes from the 8/6 meeting. Mr. Sheehan made the motion and Mr. Wills seconded it; it was approved 3 – 0. Minutes from the 8/29 meeting could not be approved due to the absence of Ms. Flaws and Mr. Gioioso; Chairman Charville said if these were requested, they could be shared in draft form with the appropriate watermarking.

Chairman Charville requested a motion to adjourn the meeting at 9:38 PM; Mr. Sheehan motioned and Chairman Charville seconded. The motion carried 3 – 0.

Respectfully submitted,

Susan Lambe, Planning Office