

## **LYNNFIELD PLANNING BOARD MEETING – August 31, 2022**

### **1. 7:00pm - Call to Order**

Chair Brian Charville called the regular, monthly meeting to order at 7:01 pm and identified the Planning Board (PB) members in attendance, including himself, Vice Chair Kate Flaws, Clerk Edward Champy, III, and members Amy MacNulty and Page Wilkins. Chair Charville also introduced Planning and Conservation staff in attendance as Director Emilie Cademartori and Administrative Assistant Sondria Berman and stated that the meeting was being recorded by audio.

### **2. 7:03pm – Continued Public Hearing - 109 Lowell Street (Vallis Way) – Proposed Subdivision Plan**

*Chair Charville requested a motion to re-open the public hearing for Vallis Way; Mr. Champy motioned in favor and Ms. MacNulty seconded the motion. The motion carried 5-0.*

Atty. Jay Kimball requested a continuation of the public hearing to the next PB meeting on Sept, 28<sup>th</sup> 2022, due to delays in geotechnical reporting for the subdivision.

Chair Charville asked if there was any comment from the audience and PB on Vallis Way; none replied.

*Chair Charville requested a motion to extend the approval deadline for 109 Lowell Street (Vallis Way) through September 30<sup>th</sup>, 2022; Vice Chair Flaws motioned in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.*

*Chair Charville requested a motion to continue the public hearing for 109 Lowell Street (Vallis Way) to Wednesday, September 28<sup>th</sup>, 2022. Ms. Wilkins motioned in favor and Vice Chair Flaws seconded the motion. The motion carried 5-0.*

### **3. 7:05pm – 109 Lowell Street – ANR Plan**

Atty. Timothy Doyle presented an ANR proposal for 109 Lowell Street, depicting Parcel A of Ms. Linda Vallis' property on 109 Lowell Street to be transferred to the abutting owners at 4 Mohawk Lane. Atty. Doyle indicated the ANR was an unrestricted parcel discussed with the PB at previous public hearings for 109 Lowell Street (Vallis Way). Additionally, Atty. Doyle confirmed the conveyance of land does not affect the plans for the Vallis Way subdivision, or create a new lot, but rather affords the owners of 4 Mohawk Lane the additional lot area to entertain a pool or addition to the rear of their property.

Chair Charville requested an updated subdivision plan for Vallis Way to depict the conveyance. Atty. Doyle confirmed the ANR would be reflected in the definitive plan.

Chair Charville asked for comments from the PB. Clerk Champy and Vice Chair Flaws expressed favor for the proposal and the efforts made by Ms. Vallis to accommodate both a conservation

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restriction for the Vallis Way subdivision and abutters interest in acquiring smaller parcels from her land.

Chair Charville asked Director Cademartori for comments; she expressed the ANR meets the appropriate deed standards and regulatory requirements to be endorsed by the PB.

Chair Charville asked for audience comment. None replied.

*Chair Charville requested a motion to endorse the ANR plan for 109 Lowell Street and 4 Mohawk Lane (Parcel A); Clerk Champy motioned in favor and Vice Chair Flaws seconded the motion. The motion carried 5-0.*

### **4. 7:13pm – ZBA Case #22-10 - 75 Oakridge Terrace, §5.3 & §5.6 Raze and Rebuild (Single Family)**

Atty. Joseph Brodigan, on behalf of owner, Stephen Marchand, presented the special permit application for 75 Oakridge Terrace under §5.3 & §5.6 of the Zoning Bylaw Raze and Rebuild. Atty. Brodigan explained the owners are seeking to raze and rebuild an existing single-family home, but require a special permit to for the lot area (measuring 39,159 sq. feet) as it does not meet the 40,000 sq. foot zoning minimum to build. Atty. Brodigan noted that all lots on Oakridge Terrace are in the same zoning district and are non-conforming with substantially less square footage than the minimum requirement. Referencing proposed home construction plans provided to the PB, Atty. Brodigan added the new single-family home will be zoning compliant and meet all other zoning requirements.

Director Cademartori shared an aerial view of the lot. Chair Charville asked if there were any other non-conforming zoning issues pertaining to the property; Atty. Brodigan confirmed the new home would not create any new non-conforming issues, or increase any existing non-conforming issues.

Chair Charville asked Atty. Brodigan if the owner had explored acquiring the additional square footage needed from an abutting property; Director Cademartori replied because all other lots at 75 Oakridge are non-conforming lots, there is no abutting land that can be acquired to make the lot zoning compliant. Noting the number of non-conforming lots on the street, Ms. Wilkins inquired if 75 Oakridge was created by a combination of lots being joined into one; Atty. Brodigan concurred the property was created by combining several smaller lots into one.

Clerk Champy asked if the new home would increase in size; Atty. Brodigan stated that the existing home is approximately 2800 sq. feet and the proposed new home would be approximately 3200 sq. ft.

Ms. MacNulty noted that a number of trees on the lot were removed prior to the enactment of the town's Tree Preservation Bylaw (TPB). She inquired as to whether the existing trees would be subject to the TPB; Director Cademartori confirmed that TPB applies to raze and rebuild projects, and

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therefore all remaining trees on the lot would be subject to it. Atty. Brodigan confirmed his client was aware a TPB permit application is required as part of the proposed construction project.

Vice Chair Flaws asked Atty. Brodigan if the new proposed single-family dwelling will include an accessory dwelling unit (ADU); Atty. Brodigan stated the new single-family home does not include an ADU.

Chair Charville asked for any further questions or comments from the PB.

Director Cademartori inquired if 75 Oakridge Terrace was connected to the new public water line from the Lynnfield Water District that had been brought down the street to provide water access to four properties on Oakridge Terrace; Atty. Brodigan confirmed it received town water access but prior to this, relied on well water.

Vice Chair Flaws asked if septic tests had already been completed; Atty. Brodigan stated he believed perk testing had been satisfactorily completed. Director Cademartori confirmed that the 200ft Zone A setback for the new proposed septic installation was compliant.

Ms. MacNulty noted the property had been clear-cut prior to the TPB enactment and asked if there were any comments from abutters regarding the tree cutting and proposed development at 75 Oakridge Terrace. Director Cademartori stated abutter notices had been sent out by the ZBA for their upcoming hearing in one week, where the request for special permit would be considered and a final decision issued. Atty. Brodigan expressed that the owners of 75 Oakridge had already received informal indications of support, and expected written support from abutters and neighborhood members in the coming week to present at the upcoming ZBA meeting.

Vice Chair Kate Flaws inquired if it was possible to move the location of the septic to avoid having to remove an existing tree. Atty. Brodigan stated he was unsure and suggested the question be asked of the engineer. Director Cademartori added the owners may decide to change the location of the septic should it lower their mitigation costs related to the TPB.

Chair Charville asked if there were any comments from the audience; Melanie Lovell of 68 Bourque Rd shared her concerns regarding the amount of clearcutting on the lot. She stated although she is unaware of the building plans for the property, she asked the PB recommend to the ZBA tree mitigation based on the impact the clear cutting of trees had on the neighborhood character and environment (two considerations for ZBA approval under §10.5.2 of the zoning bylaws). Referencing Ms. MacNulty's earlier comment about trees, Ms. Lovell encouraged the PB to recommend replanting trees and other landscaping activities that would help to restore 75 Oakridge to its original character.

Director Cademartori shared a before-and-after aerial image of 75 Oakridge; Clerk Champy suggested the PB include a recommendation to the ZBA for a landscape plan and Atty. Brodigan stated the

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owners intend to submit a landscape plan. Clerk Champy recommended the landscape plan be brought to the upcoming ZBA meeting to address neighborhood concerns.

*Chair Charville requested a motion that the PB not oppose the request for special permit regarding 75 Oakridge Terrace, on the condition that the PB recommend to the ZBA the applicant submit a landscaping plan that addresses the replanting and/or mitigation of trees removed from clear-cutting; Clerk Champy motioned in favor and Ms. MacNulty seconded the motion.*

Director Cademartori stated that the tree-related concerns were focused primarily on street trees, as these impacted the neighborhood character the most.

Ms. Wilkins stated she considered the proposed motion's condition to be too broad. She indicated the owners acted lawfully in removing the trees prior to the TPB enactment. She noted the owners will remain subject to the TPB as it relates to existing trees on their property, so the added condition for tree mitigation could become an excessive, costly burden for the homeowners who should be afforded reasonable discretion to develop and landscape their property as desired.

Chair Charville asked the PB if there was an interest to amend the motion; none replied in favor.

*Chair Charville asked the PB to vote on the original motion, as previously stated and seconded. The motion carried 5-0.*

### **5. 7:49pm– Tuttle Lane - Definitive Subdivision Update & Letter of Credit Extension and Bond Reduction**

Brian Hannon, Project Manager for Tuttle Lane, narrated a short power-point presentation for PB and audience members that included an update on construction progress and home sales at Tuttle Lane.

He reviewed the previous dates, citing the definitive plan signing in October of 2019 and construction kickoff in February of 2020. In July 2020, the bond amount was settled with the town in the amount of \$468,353. The first home construction began in October of 2020 with Lot 8, (Address #4 Tuttle) and the second in February 2021 for Lot 9 (Address #2 Tuttle), both of which have since been sold and occupied. In late April/ early May 2021, a partial bond reduction in the amount of \$112,261 was approved lowering the new bond amount to \$346,092. In August of 2021, curbs, streetlights, and sidewalks were installed up and down the street in preparation of the selling of the two constructed homes in November of 2021 and January of 2022.

Mr. Hannon stated his development firm is requesting a second bond reduction in the amount of \$148,512, making the new amount \$197,580.

With two homes already sold and occupied, Mr. Hannon stated the order of lots to be built would be 6, 7, 1, 5, 8, 9 and 3. He anticipated lot # 1, 5, 6, and 7 will all be completed by the end of 2023.

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Mr. Hannon explained the following remains to be finished for the street: final paving for street and sidewalks including raising the five catch basin manholes on the street; the remaining roof recharge systems for homes yet to be finished; planting of three required street trees per lot; and the invasive species remediation plan included with Conservation Commission permitting.

Mr. Hannon expressed the developer's commitment to the Conservation Commission's directive to protect and preserve the "buffer zone" area adjacent to wetlands. He stated a retaining wall was built along the back of the property when early sitework began to ensure debris and other materials did not infiltrate the protected area. Director Cademartori explained the as part of the Conservation Commission permit, the developer agreed to mitigate the invasive species and replant native shrubs adjacent to Reedy Meadow.

Chair Charville inquired about the proper function and maintenance for the street's detention basin. Town Engineer, Patrick McAlpine, stated he inspected the basin earlier in the day and observed no significant issues related to standing water or debris obstructions. He added there appeared to be some vegetation growth in the basin, but confirmed this could be easily removed/addressed. Mr. McAlpine noted the street cleaning is being done on a regular basis, with track pads down to remove dust and dirt. Mr. Hannon added the developer has attended to the SWIPP protocols after every rainstorm to ensure debris is properly contained and/or removed in order to keep the street clean.

Chair Charville asked the PB members if they had any questions for Mr. Hannon; Ms. Wilkins stated her home abuts the Tuttle Lane development, and has been pleased with the look and cleanliness of the site. Chair Charville asked if Tuttle Lane continues to limit street access with a construction fence; Mr. Hannon confirmed they have a secured gate and "road closed" sign to ensure only certain vehicles are allowed to pass. Ms. MacNulty inquired about the purpose of the Reedy Meadow restoration as aesthetic or environmental; Mr. Hannon explained it is primarily environmental but a secondary benefit is the aesthetic it provides for the street.

Mr. McAlpine stated that he and field inspector Patrick MacDonald walked the site and felt a reduction in the bond was acceptable, given the steady progress that has been made over the past year. Mr. McAlpine assured the PB he kept certain items within the existing bond so that the Town remains financially protected with adequate funds to complete the street if necessary. He added that to-date, the infrastructure installed continues to function properly; he stated there was no reason to assume the project would not proceed in a timely, efficient manner.

Chair Charville asked for audience comments on Tuttle Lane; Dr. Peter Prokopis of 6 Sagamore Place offered praise for the Tuttle Lane project and its developer, contrasting his experience with the development of his home and street at Sagamore Place.

***Chair Charville requested a motion to reduce the bond with respect to the subdivision at Tuttle Lane to \$197,580 and for the PB to sign the 3<sup>rd</sup> amendment to Northmark Bank's letter of credit, which***

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*modifies the bond down to \$197,580. Clerk Champy motioned in favor; Vice Chair Flaws seconded the motion.*

Director Cademartori clarified the PB needed to *first* sign Northmark Bank's letter for credit extension of the existing bond (\$346,092) as the bond is to be transferred to a new bank (Cambridge Bank). She stated after this transfer, the bond reduction to \$197,580 can be processed.

Chair Charville moved to modify the motion as follows: *to sign the 3<sup>rd</sup> amendment to Northmark Bank's letter of credit with respect to the subdivision at Tuttle Lane for an extension of the current bond amount of \$346,092 through September 1, 2022, and to reduce said bond to \$197,580 after September 1, 2022. Ms. MacNulty seconded the amended motion. The motion carried 5-0.*

### **6. 8:21pm – Sagamore Place – Definitive Subdivision Update**

*(Clerk Champy recused himself and left from the dais.)*

Chair Charville reiterated the street completion timeline agreement reached during the July 27, 2022 PB meeting and stated that the PB was in receipt of Mr. Ryder's memo update, along with staff updates regarding street progress. Director Cademartori added Atty. Lavoie submitted a letter earlier in the afternoon, which she circulated to PB members.

Chair Charville proposed a final paving date of September 12, 2022; he questioned if this date was too soon, given the remaining site work to be done on each of the lots. Director Cademartori noted Mr. Lavoie's letter indicated the sod deliveries are scheduled to be delivered prior to September 12<sup>th</sup>; she inquired if any Sagamore Place homeowners present could attest to this. Dr. Peter Prokopis of 6 Sagamore Place dissented, stating he was unsure if his sod deliveries would arrive by the September 12<sup>th</sup> date. Mr. McAlpine, along with Chair Charville and Director Cademartori, cautioned that should final paving go down before the trucks have finished their deliveries, it is likely the street will not pass inspection from the likelihood of road damage caused by the construction vehicles. Director Cademartori suggested delaying final street paving until all heavy vehicles had made their deliveries. Mr. McAlpine suggested keeping the September 12<sup>th</sup> date as a target date to incentivize the completion of outstanding items, but keep the paving date flexible.

Ms. Wilkins asked if all site work would be completed on the street by September 12<sup>th</sup>; Director Cademartori stated three of the four homes on Sagamore Place have no construction traffic, with the exception of the 4<sup>th</sup> corner lot. She added this lot would be able to utilize a secondary access from Main Street, so the street paving for Sagamore Place could be done even while site work continued on the 4<sup>th</sup> lot. She noted that use of this secondary access would be up to the developer, who has an incentive to protect the street during and after final pavement for the one-year contingency.

Chair Charville asked Mr. Delory if he would be doing the final paving himself or hiring a sub-contractor; Mr. Delory confirmed he hired a sub-contractor. Chair Charville asked what flexibility Mr.

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Delory had with scheduling his sub-contractor; Mr. Ryder explained the sub-contractor is aware of the tentative schedule for the development. Mr. Ryder stated provided he could give the sub-contractor a minimum of a one-week notice, he could reschedule a new paving date within two weeks time.

Ms. Wilkins asked about street tree watering; Mr. Delory said that members of his site crew maintained the water bags during the week to ensure the bags remained filled at all times during the summer. Ms. Wilkins added that street cleaning measures were also expected to continue, as it had been a point of concern for the homeowners in the past.

Chair Charville asked for audience member comments; Mr. Ryder explained the photos shared with the PB showcase the progress made on the street. Ms. MacNulty discussed the extensive retaining walls built on several properties, and whether or not these were built with a purpose to retain earth or for aesthetic reasons. Mr. Delory confirmed that the retaining walls were designed by homeowners' landscape architects.

Chair Charville offered a recommendation that the final paving work be done with as much careful attention as possible, referencing homeowners' concerns about grading and drainage issues. Mr. Delory confirmed his crew would oversee the final paving process on the street to ensure "good flow." Chair Charville asked about the data from the planned street flooding; Mr. Ryder stated that he was not present to review the test, however, he planned to do another test flood of the street before final paving to ensure the catch basins are working properly.

Dr. Prokopis stated that he disagreed with Mr. Delory's prior response to Ms. MacNulty's question regarding the purpose behind the construction of the retaining walls. Dr. Prokopis stated the retaining walls on his property were constructed to address complications from his home construction and to allow for a driveway and yard. Dr. Prokopis added that building the retaining walls came at a significant cost to him. Ms. MacNulty asked why there were two walls; Mr. Prokopis answered the second wall was to allow for ADA accessibility grading to and from the home for trash disposal.

Claudine Prokopis of 6 Sagamore Place asked the PB if a crosswalk was still planned to be installed at the top of the street; Director Cademartori confirmed it would be installed at the time of final paving. Chair Charville confirmed all street markings follow final paving.

Dr. Prokopis stated that his two truckloads of sod delivery will not be delivered by September 12<sup>th</sup>. Chair Charville asked Dr. Prokopis if there had been communication exchanged with Mr. Ryder regarding his sod delivery dates; Dr. Prokopis replied there had been no communication exchanged. Chair Charville asked Dr. Prokopis how Mr. Ryder would be able to take into account Mr. Prokopis' deliveries if he was not kept informed of them; Dr. Prokopis stated they would communicate the dates going forward.

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Mr. Delory stated that Ms. Larsen emailed him regarding the final paving schedule, and Mr. Delory emailed all Sagamore Place homeowners to let them know he would send out a broadcast email when a paving date had been formally scheduled. Mr. Delory cited early November would be a hard deadline for paving.

Chair Charville stated there had been correspondence from homeowners to the PB about street tree species and placement concerns. Director Cademartori explained that tree species had been changed due to homeowner preference from an approved tree list. She shared that tree locations for planting had been approved on a prior plan in May of 2022, but due to individual changes on the lots since this time, the placements appeared to be no longer ideal with trees being planted around newly built structures such as retaining walls.

Dr. Prokopis stated that the planting of the street trees on his property, as staked by the town, risk root impacts to the electrical conduits below and potential repair work. Ms. Prokopis stated that their landscaper suggested a smaller species of tree, specifically, a “beech tree” that might avoid impacts to the underground conduit and/or retaining walls, but that this species might not be approved by the Tree Warden as the town requires a variety of species to be planted.

Chair Charville summarized the discussion, noting that a conflict exists between the regulatory street acceptance requirements (the installation of a set number of approved street trees with designated placement) and the successful implementation of these requirements (potential tree root impacts to electrical conduits and/or adjacent retaining walls). To reconcile this, Chair Charville suggested recommending a waiver that allowed the trees to be planted anywhere on homeowners’ lots, subject to the Tree Warden’s approval and the Planning Board’s approval if ultimately deemed necessary.

Dr. Prokopis stated that although the Tree Warden issued his approval for the species and locations for street trees at Sagamore Place in May of 2022, the homeowners were not made aware of the Warden’s decision until the street walk meeting in early August 2022; he added this provided a short window of time to address their concerns about species selections and placement concerns. Ms. Wilkins stated that often, homeowners are not involved in street tree decisions; she stated street trees are decided by the Tree Warden and implemented by the developer for street acceptance purposes.

The PB discussed possible alternate locations for street trees, but noted that structures such as retaining walls leave few alternate planting options. Director Cademartori noted that the PB can issue a recommendation to the Tree Warden to waive street tree requirements, but that ultimately the authority rests with the Tree Warden to make any changes to the street tree placements. Dr. Prokopis reiterated his previous concerns about the current placement of street trees on his property; Chair Charville acknowledged his concerns and stated the PB would remit them to the Tree Warden for consideration.

Chair Charville asked for final comments from audience members and PB members; none replied. He suggested the PB set an October 30,<sup>th</sup> 2022 deadline, assuming final paving would be completed by this



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time as well as the itemization of completed outstanding projects for street acceptance. Chair Charville noted the PB could also consider a possible reduction in the bond at this time.

Ms. MacNulty asked about construction plans for the abutting lot on Main St; Mr. Delory stated there are no current plans, however, he anticipates a house will eventually be built on the property.

*Chair Charville requested a motion to extend the completion deadline for Sagamore Place through October 30th, 2022. Vice Chair Flaws motioned in favor; Ms. Wilkins seconded the motion. The motion carried 4-0.*

### **7. 8:53pm- Market Street – Minor Change Request- La Gallina Patio Expansion**

*(Clerk Champy returned to the dais.)*

Chair Charville shared three weeks prior, he and Director Cademartori attended a site walk visit at Market Street with Charlotte Woods and Katie Wetherbee of WS Development to review current design standard compliance for issues presented at the July 2022 meeting. Chair Charville stated during this meeting, the group observed the excessive encroachment of outdoor seating at Legal C Bar along the corner and side of the restaurant; he added the rope chain, which served to delineate patio seating from the sidewalk, narrows the sidewalk to a width that does not meet the design standard's minimum for pedestrian access. He specified fixed structures along the sidewalk, such as tree plantings and street lights, became new obstructions for pedestrians. It was decided at the site walk meeting this problem would be addressed and the seating reduced to 2-seat tables along the side of the restaurant until the PB could advise further on the matter. Chair Charville stated that the PB is tasked with ensuring Market Street's compliance with the design standards and that a dereliction of this duty could compromise safety and accessibility.

Director Cademartori asked Ms. Wetherbee what the long-term plans were for patio seating at Legal C Bar; Wetherbee asked the PB to consider a proposed patio seating plan for 62 persons that WS Development created in-house. Chair Charville noted that going forward, similar types of "minor site plan revision plans" will be brought before the PB in order to confirm compliance with the design standards.

Vice Chair Flaws expressed praise for the initiative to provide a sketch plan, however, she did not think the proposed plan allowed ease of access for wheelchair-bound persons based on the turning radius. Ms. Wetherbee stated that the proposed patio plan is ADA compliant; she added that while the ADA standard is a minimum 4ft width, they designed a 5ft width to accommodate the turning radius. Ms. Wilkins noted that the design standards call for an 8ft width, which is larger than the ADA minimum width for sidewalk compliance. Director Cademartori explained that the design standards call for 8ft width to be maintained in areas where outdoor seating is permitted.

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Ms. Wetherbee stated that their proposed patio plan attempts to preserve as many 4-person tables as possible. Mr. Champy noted he did not believe the sidewalk to be a heavily trafficked area, however, he did not think the proposed patio plan was a thoroughly vetted for aesthetic and functionality. Mr. Champy stated the encroachment into the walkway was not a minor modification but rather a significant allowance for additional restaurant expansion; noting that the fine-tuning of the plan should include attention to design details such as the chain boundary, which he believed could be improved.

Ms. Wetherbee stated Legal C Bar is required to maintain an area of contiguous access for waitstaff from the restaurant door to the patio in order to be in compliance with their state liquor license; she noted that this is why there remains a long path to the side door of Legal C Bar.

The PB discussed options for Legal C Bar patio seating; Mr. Champy noted that placing larger, 4-top tables along the side of the restaurant is asking for more than what sidewalk area can provide. He recommended keeping a waitstaff access path along the side of the restaurant to allow for seating closer to the corner of the restaurant, where the larger sidewalk area affords space to maintain both patio seating and 8ft. sidewalk width minimums.

Director Cademartori asked how many seats had been added to the patio prior to the PB reviewing design standard compliance; Ms. Wetherbee answered prior to COVID, Legal C Bar had picnic-table seating to serve approximately 30 individuals but that during and after COVID, Legal C Bar redesigned and expanded patio seating. Director Cademartori noted the expansion measures taken during COVID were meant to be temporary allowances for a time, and now must be reviewed by the PB to determine if they are suitable based on the design standards for long-term implementation.

Ms. Wetherbee responded that moving forward, WS Development will reach out to Legal C Bar and other restaurants to discuss outdoor seating and review compliance with the design standards. She added she is working on a full site plan for Market Street that includes proposed permanent patio seating for PB review along with an update on the Burton's Grille patio design.

Mr. Champy suggested the PB issue temporary permits for outdoor patio seating, to allow for trial periods and adjustments on an ongoing basis to ensure workable solutions for the town's design standards and vendors alike. Ms. Woods noted that state liquor license extensions will be revisited in April 2023, at which time she suggested WS Development could provide the PB with a new seasonal patio proposal for Market Street. Ms. Wetherbee added that while WS supports restaurants making a thoughtful investment in their patio proposals and design, it may be problematic if these designs are subject to change year to year. Mr. Champy clarified that the process would not make significant seasonal changes year to year but rather smaller adjustments each year, if necessary.

Chair Charville asked when patio seating is installed and removed during the year; Ms. Woods answered that the dates can vary depending upon the weather but generally the seating is installed in April and removed by Thanksgiving.

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The PB discussed other locations for outdoor seating at Market Street that remain year-round; the PB noted some restaurants feature fixed, outdoor fire pits and/or covered spaces.

Chair Charville stated that his final thoughts on the Legal C Bar proposed patio plan are generally favorable, as his primary concern with the patio seating was the observed lapse in pedestrian safety. He recommended WS Development issue a memo to the GMs and Assistant GM of Market Street restaurants that their patios must be in compliance with design standards, adding the restaurants must provide a more thoughtful site plan proposal to the PB should they desire for the temporary patio installations to become permanent, seasonal seating areas.

Ms. Wetherbee stated until a more comprehensive patio site plan could be presented to the PB, they would remove the 2-top tables along the side of Legal C Bar but allow for the contiguous waitstaff path to service patio tables towards the front of the restaurant. The PB discussed patio seating at Legal C Bar further; Ms. Wetherbee requested to confer with Legal C Bar to revise the patio plan for the next PB meeting.

Director Cademartori directed the PB to review the patio site plan for La Gallina, which was to be installed in the existing sidewalk bump-out area over an existing square brick-inlay. Director Cademartori urged the PB to consider future development that could occur adjacent to the restaurant when considering the patio design and pedestrian traffic. The PB reviewed the site plan, and stated the planters and flowering plants need to remain fully within the brick area depicted on the plan in order to meet the sidewalk design's standard width. Chair Charville mentioned the patio seating for La Gallina, as well as Legal C Bar and other restaurants at Market Street, is valued by restaurants because it is valued by customers; he emphasized the benefits of this new seating option should be afforded appropriate consideration by PB members when reviewing patio plans; Mr. Champy concurred, adding that outdoor patio seating can draw foot traffic and deliver outdoor engagement for visitors.

Ms. Wilkins added that accessibility for all along sidewalks is paramount; she included the importance of public seating, as well, being preserved as intended within the design standards. Ms. Wetherbee proposed moving the existing public seating by La Gallina to an adjacent bump-out area; she stated there will be a new map created featuring Market Street public seating area locations.

Director Cademartori asked about lighting plans for the La Gallina patio during the evening hours; Ms. Wetherbee stated that the images of lighted trees are for "inspirational purposes" and not indicative of what will be implemented.

Chair Charville asked for additional comments from the PB on La Gallina's proposed patio site plan; Ms. MacNulty stated that she would be in favor of the site plan provided the seating and planters are kept within the brick in-lay area. Ms. Wetherbee stated that they will keep in mind the walkway widths and accessibility with future development at Market Street, whether it requires minor or major site plan review.

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Director Cademartori noted that there are portions of the sidewalk around the patio that will not meet the 8ft minimum due to permanent structures such as static signage; the PB noted the removal of the signage would be necessary to remain in compliance with the design standards.

Chair Charville asked for further comment from the PB; Ms. Wilkins asked about the outdoor seating displays, such as those featured outside at Pottery Barn. Ms. MacNulty expressed concern should every store emulate a similar kind of curbside advertising it would inhibit pedestrian access. The PB noted that the allowances made during COVID to address outdoor accommodations were temporary measures, and that Market Street vendors need to be reminded outdoor marketing installations placed are subject to the design standards and require formal review by the PB.

### **8. 9:32pm Proposed Amended Elder Housing (EH) Definition**

Sagamore Springs Real Estate Trust (SSRE) presented a request for amending the EH definition in the zoning bylaw. In attendance were Attorney Susan Murphy, SSRE representative Richard Luff, and Shawn Nuckolls, Toll Brothers Senior Vice President (developer). Atty. Murphy explained that Toll Brothers has a contract with SSRE to purchase the ANR parcel from Sagamore Springs Golf course for a proposed 66-unit detached elder housing development.

Atty. Murphy stated that SSRE plans to submit two articles at the upcoming special town meeting: to re-zone the ANR parcel at Sagamore Golf to EH; to amend the EH definition to include single-family housing. Atty. Murphy explained her client and Toll Brothers believed it would be helpful to have the PB review the proposed changes to the EH definition ahead of Town Meeting to address any questions or concerns.

Mr. Nuckolls stated the definition change is simply to allow for detached homes to be built, as well as a community recreational facility to include a clubhouse, a pool and exercise room. Chair Charville noted that the requested change to the definition is not an extreme one, as the current definition allows for duplex construction. Director Cademartori discussed the existing elderly housing options in Lynnfield, and noted that amending the definition would allow for a new stock of elderly housing to be built in Lynnfield.

Vice Chair Flaws explained the PB previously attempted to pass a bylaw to allow for cluster development for properties such as Sagamore Golf, but ultimately it was stalled. Chair Charville stated that the PB was impressed by the elder housing project in Concord at Riverwalk where a cluster development proved successful. Vice Chair Flaws inquired if Toll Brothers would consider a cluster zoning project that allowed for single family homes; Mr. Nuckolls stated that the EH zoning bylaws already contain requirements for open space. Mr. Nuckolls added that with the detached home amendment, the development would still be considered a condominium, cluster-style development- just with detached homes instead of duplexes. Mr. Nuckolls stated that the PB would also have site plan

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review. Atty. Murphy clarified allowing for detached homes did not mean there would be single family lots for each home.

Clerk Champy stated that open space can include any area of land that is left open- including small, 2ft areas between homes, or small areas of land in front or behind, versus a larger, contiguous parcel of open space. Vice Chair Flaws added that the PB supports amendments that contribute to sustainable building practices within the town of Lynnfield; she encouraged the developer to explore net-zero building practices. Mr. Nuckolls stated that Toll Brothers intends to comply with all state requirements; and confirmed the company plans to meet all future environmental standards, as well.

Ms. MacNulty asked Mr. Nuckolls if Toll Brothers had completed a similar project to the one proposed for Lynnfield in another town that the PB could review; Mr. Nuckolls stated that the closest example would be in Hudson, Mass. He described it as a 64-lot cluster development of detached homes with a clubhouse.

Vice Chair Flaws asked if there would be natural gas for the homes; Mr. Nuckolls said it would depend on the timing and that propane, along with electric energy sources, are being considered. Director Cademartori added that there may not be existing gas lines available to connect to the golf course.

Ms. MacNulty stated that she would be open to supporting the amended definition to allow for detached homes.

Vice Chair Flaws asked if duplexes would preserve more open space; Mr. Nuckolls stated that whether you build duplexes or detached homes, the difference in open space is minimal. Clerk Champy concurred. Director Cademartori stated that the lot coverage for structures is 25%, regardless of whether duplexes or detached homes are built.

Atty. Murphy specified that although her client is seeking a specific change to the EH definition for their project, she questioned if the proposed amendment would benefit residents of the town seeking new elder housing options. Director Cademartori noted that the potential change to the EH definition would enable new EH development options to be considered by the town; she added this development would offer new amenities and design but likely reflect market rate pricing. Mr. Nuckolls added that they intend to comply with zoning and other lot requirements, but are asking to do so with detached homes versus duplexes as this kind of housing is in demand and appeals to buyers in their demographic.

Chair Charville asked about the proposed redlined draft of EH definition and requested the language stipulate “at least one occupant is an owner who is a minimum of 55 years of age.”

Mr. Luff added that this project by the Toll Brother’s allows the SSRE to preserve the golf course and protect a good amount of open space and conservation efforts; he encouraged the PB to see the bigger picture as it related to the EH definition change.

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Director Cademartori specified that the discussion tonight was a preliminary conversation with the PB to get their feedback about the article; she asked the PB what their final thoughts and recommendations were to the petitioners. Mr. Champy and Chair Charville stated their support of the proposed amended EH definition change; Chair Charville stated that he echoed Vice Chair Flaws comments about supporting bylaw changes and initiatives that address current and future needs of the community.

Atty. Murphy asked if the PB would present the article to the town; Mr. Champy expressed he would support the amendment; Ms. Flaws stated she would support it provided other conditions were met with the project. Chair Charville stated he was open to considering the PB presenting the amendment change. The PB debated the idea of sponsoring the article based on the project and considered options for amending the EH definition on a short-term or long-term basis.

### **9. 10:01pm Approval of Minutes**

Chair Charville asked PB if there were any corrections needed for the minutes. None replied.

*Chair Charville requested a motion to approve the July 27, 2022 meeting minutes, as written. Clerk Champy motioned in favor and Ms. Wilkins seconded the motion, which carried 5 – 0.*

### **10. 10:02pm Administrative Matters**

- Scenic Road Bylaw Update: Director Cademartori confirmed that the PB was in agreement with the proposed redline changes as compiled by Ms. Wilkins; she stated the next steps would be to make a presentation at an upcoming Select Board meeting.

- Town Meeting: Director Cademartori shared with the PB the Town Meeting may be pushed from October to November.

### **11. 10:05pm– Adjournment**

*Chair Charville requested a motion to adjourn. Vice Chair Flaws motioned in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.*

Respectfully submitted,  
Sondria Berman