

LYNNFIELD PLANNING BOARD MEETING – January 25, 2023

1. 7:16pm - Call to Order

Chair Brian Charville called the meeting to order at 7:16 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. He noted staff members in attendance; Director Emilie Cademartori and Administrative Assistant Sondria Berman, and stated the meeting was being recorded by audio.

2. 7:16pm – Special Permit Rules and Regulations

Director Cademartori explained historically, the PB has never been designated as the Special Permit Granting Authority (SPGA) until a change was made in the Lynnfield Zoning Bylaw to make the PB the SPGA for any Elderly Housing (EH) projects in Town. Although the Town has a Special Permit provision in the Zoning Bylaw, it has yet to develop and implement rules and regulations, which are helpful to both the Town and potential applicants as they navigate seeking review and approval by the SPGA.

The PB reviewed special permit rules and regulations from other Massachusetts towns, along with Lynnfield's Special Permit bylaw and the enabling state legislation (Ch. 40A Sec. 9). Director Cademartori stated that the rules and regulations are intended to prescribe what will be required as part of the Special Permit application and to enable the SPGA to have the requisite information to evaluate a project based on the criteria for approval outlined in the Zoning bylaw (Ch. 260 Sec. 10.5). She stressed the importance of identifying important considerations for the Town's site plan review (included as part of the Special Permit approval). She also noted that clear rules and regulations enable all parties (the applicant, consultants, residents, PB members, the Town, and other affiliated professionals) to understand the special permit hearing and procedure, requirements for application submission, and criteria for approval so that all are able to collaborate with a clear understanding of roles, responsibilities, and expectations.

Ms. Wilkins inquired about evidence-based decisions for Special Permits; she noted that when issuing a decision it is necessary to refer back to the criteria for approval and provide evidence and justification for PB rulings on projects and/or specific conditions.

Clerk Champy recommended parameters for criteria outlined in rules and regulations; he cited the importance of outlining what criteria needs to be "met" by the applicant.

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Ms. Wilkins asked about the Impact Reports outlined in other Town's rules and regulations; Director Cademartori stated it would be beneficial to review these when developing our own.

Director Cademartori noted that while the Planning Board's SPGA pertains only to EH Zoning projects, the rules and regulations for Special Permits can be written to encompass all development projects and allow the Zoning Board to adopt them for their SPGA rules and regulations, as well.

Ms. Wilkins asked when the Impact Reports would be due to allow for requisite time for the SPGA to review, and also, if the SPGA can solicit outside consultants to peer-review said impact reports;

Director Cademartori stated that the Impact Reports would be included as part of the Special Permit application submission. She added that any reports can be peer reviewed at the discretion of the SPGA and included in the Design Review rules and regulations. Director Cademartori also noted that a Fee Schedule, to include both application and design review fees, needs to be incorporated into the rules and regulations.

Ms. Wilkins noted that impact reports and design review are important to include in the Special Permit; Director Cademartori stated the rules and regulations can specify what reports are needed.

Ms. MacNulty inquired about whether or not the six listed criteria for Special Permit approval would be included in the rules and regulations; Vice Chair Flaws suggested having specifics written in the rules and regulations tying the impact reports and other documentation to the criteria for approval.

Director Cademartori noted that the pre-application meeting, recommended in the drafted rules and regulations, serves as a helpful administrative tool to ensure the impact reports are appropriately tailored to the project and location. She noted that waivers could be issued as needed should an application location not necessitate a specific report or review; she cited an example of a project within Lynnfield's Groundwater Protection Overlay District requiring a nitrogen study, versus a location wherein this overlay was not applicable or relevant.

Director Cademartori stated that the language in the enabling zoning legislation (MGL Ch. 40A Section 9) states applications for Special Permits may be declined according to demonstrated adverse impact; she added that this threshold, while enabling discretionary review by the SPGA, requires supporting evidence and justification. Citing the recent ZBA Special Permit review of Bali Hai, Director Cademartori cautioned that rejections come with a higher burden of proof on behalf of the SPGA, versus an approval from the SPGA with conditions/modifications. Ideally, the Special Permit

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process is one where all parties are expected to collaborate and meet criteria for net-positive development projects.

PB members reviewed the rules and regulations draft and options for reconsideration of an application previously denied; debate amongst members included options for reapplication versus reconsideration to be included. PB members recommended the rewording of the language proposed in favor of the phrase, “re-submission of an application”.

Director Cademartori inquired about basic timelines/deadlines included in rules and regulations; Chair Charville recommended citing MGL references.

Clerk Champy asked about zoning regulations and avoiding duplicative application efforts on behalf of the applicant; Director Cademartori stated that EH regulations are listed in various places within the Town Bylaws, but that the Special Permit review can incorporate those requirements and/or reference compliance with other town bylaws in the rules and regulations.

Vice Chair Flaws recommended tying impact reports to criteria for approval; Ms. Berman noted references would be incorporated to draft. Vice Chair Flaws added she would like to allow additional reports to be considered by the PB during Special Permit review.

(Clerk Champy left the PB meeting at 7:55pm)

Chair Charville recommended each member of the PB independently review and make edits to the circulated working draft; Director Cademartori noted that a second draft can be presented for a public hearing at the next monthly PB meeting.

Chair Charville inquired about any updates from Sagamore Springs Golf; Director Cademartori noted that Attorney General issued an approval of the zoning change but other items including the Ch. 61 disposition remain outstanding. She added the movement forward rests with the applicant to complete next steps before applying for a Special Permit.

Chair Charville inquired about PB interest in moving the next PB meeting date of February 22, 2023 as it overlaps with school vacation; he suggested moving the date to Wednesday March 1, 2023 to allow for additional time to review the rules and regulations; the PB consented to move the next meeting to March 1, 2023.

Director Cademartori noted that a public hearing notice would need to be issued by Monday, February 6th to allow for the required notice, at which time a draft of the rules and regulations will need to be on file with the Town Clerk.

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Administrative Matters

3. 8:00pm – Sagamore Place Update

Director Cademartori updated the PB that she has not yet received a request for a bond reduction; she added that she emailed Sagamore Place property owners and counsel to inform them that the Stormwater Bylaw permit for the subdivision will expire before the next Conservation Commission meeting on February 16th. Director Cademartori stated that earthwork and other construction cannot continue without an active permit.

4. 8:05pm - 271 Main Street

Director Cademartori stated that plans were recorded at the registry and the parcel is expected to be developed soon.

5. 8:10pm - Lynnfield Community Vision Plan and Logo Update

Director Cademartori noted that the next meeting for MAPC would be at the next PB meeting scheduled for March 1st. She explained that interviews are in the process of being coordinated, as scheduling conflicts have delayed selecting dates. She noted that a zoom meeting with planning office staff is scheduled for the following week.

Director Cademartori revisited the proposed logo for the Community Vision Plan; she explained that she requested the official pantone colors from the DPW department that are used for Town logos. The PB selected a final logo design and made final slight adjustments to the logo.

6. 8:13pm – Market Street Design Standards Update

Director Cademartori explained that the planning office had been in touch with WS Development staff regarding Design Standards proposal update and other outstanding matters. WS staff reported that progress had been made with a majority of items, however, some would not be ready for an update until February. Although they offered to attend the current meeting, the planning office recommended the WS staff attend the February meeting instead (now March 1, 2023) so provide them additional time to offer a comprehensive update on all outstanding items.

Chair Charville noted at the upcoming PB meeting, he would also recommend addressing the double stop signs now installed at the U-turn intersection by the Lunette Optical and Apple stores. Ms.

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Wilkins noted that the back-up of cars down the main thoroughfare may be impacted by additional stops placed at the start of the center roadway.

PB members closed their discussion of Market Street updates noting the addition of new tenants and others relocating to new locations within the complex.

7. 8:17pm - Discussion of Digitization of Files and Leasing for Temporary Town Offices

Director Cademartori stated that the Town plans to begin leasing temporary office space starting in the next few months to allow time to build-out appropriate spaces for staff personnel to work during the reconstruction and expansion of Town Hall.

Director Cademartori stated that the Town Hall offices are exploring quotes and plans for the digitization of files to not only allow for accessibility of records during construction, but also to address the loss of file physical storage capacity with the new remodeled Town Hall.

Director Cademartori informed the PB that once Town Hall closes for construction, monthly meetings of Town boards, committees and other groups will likely take place at the Merritt Center at Market Street or the Meeting House.

8. 8:25pm Discussion Regarding Topics for Next PB Meeting- January 25, 2023

Director Cademartori stated the Building Inspector has agreed to attend the next PB meeting, to discuss his proposed changes to the ADU Bylaw. Director Cademartori stated she would update the Building Inspector with the meeting date change.

Chair Charville inquired about any items for the warrant for Town Meeting; Director Cademartori did not believe there were any additional items besides the potential ADU bylaw changes. Director Cademartori shared with the PB that N.E. Power/National Grid is returning to Lynnfield for permitting and easements to conduct repair work on a second transmission line corridor. She explained that a parallel transmission line had been successfully repaired during 2021-2022. The second transmission line will include upgrades from wood matting to steel and involve a significant amount of earthwork disturbance in Lynnfield. The entire project stretches from Saugus from Tewksbury, and the Town Engineer for Lynnfield will oversee the access points and road protections/repair.

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9. 8:27pm - Approval of Minutes- November 30, 2022 and December 14, 2022

Chair Charville asked for comments or corrections to the November 30, 2022 and December 14, 2022 minutes as circulated to the PB. Hearing none, *Chair Charville requested a motion to approve the November 30, 2022 and December 14, 2022 minutes as circulated; Vice Chair Flaws motioned in favor and Ms. Wilkins seconded the motion. The motion carried 4-0.*

10. 8:29pm – Adjournment

Chair Charville requested a motion to adjourn. Ms. MacNulty motioned in favor and Vice Chair Flaws seconded the motion. The motion carried 4-0.

Respectfully submitted,

Sondria Berman