



October 1, 2019

Lynnfield Planning Board
55 Main Street
Lynnfield, MA 01940

RE: Public Hearing, October 2, 2019

Attention Emilie Cademartori VIA Email

Dear Board Members:

I understand that a public hearing has been scheduled for October 2, 2019 at 7:00 PM to provide opportunity to comment on proposed corrections to the Lynnfield Zoning Bylaws. According to the published notice, the amendments are being proposed to correct errors inadvertently introduced with the recodification of the Bylaw in 2017. Unfortunately, I have other commitments on October 2nd that will prevent me from being able to attend the hearing so I am submitting my comments in writing and would appreciate them being read into the record at the hearing.

A recodification by definition is the rearranging of the content of the Bylaw to a more systematic form. That is **not** what was voted on and approved at the 2017 Town meeting. There are differences in the previous and current (2017) bylaw that clearly go well beyond the definition of a recodification and are in fact bylaw changes which I had previously corresponded to the Board.

The following is a summary of the items that I have come across from working with the pre 2017 and the current Bylaw. By no means should this outline be construed to identify all of the differences in the bylaws that exceed the definition of a recodification and as such fall into the category of bylaw changes. These are just the ones that I currently am aware of. For convenience I will refer to the pre 2017 Bylaw as the "Old Bylaw" and the 2017 Bylaw as the "New Bylaw".

1. Section 7.4 of the Old Bylaw required the issuance of **site plan approval** from the Zoning Board for any alteration, enlargement or expansion of a non-conforming building. In Section 5.3 of the New Bylaw, any alteration, enlargement or expansion of a non-conforming building requires the issuance of a **special permit** from the Zoning Board.
2. Section 10.6 Lot Size Exceptions of the Old Bylaw was completely eliminated from the New Bylaw.
3. Section 11.1 of the Old Bylaw specified that an existing non-conforming use or structure may be continued "... unless and until abandoned for a period of two years". Section 5.6 of the New Bylaw in addition to the word abandon, the words, "not used for a period of two years" we added to the definition.



In summary, these type of differences in the bylaws do not satisfy the definition of a recodification and are actually zoning changes. As such the current bylaw should be replaced with the previous bylaw until such time as a proper recodification or zoning changes are approved at Town meeting.

Please do not hesitate to contact me if there are any questions.

Sincerely,
Marchionda & Associates, L.P.

A handwritten signature in blue ink, appearing to read "Paul A. Marchionda", is written over a light blue rectangular background.

Paul A. Marchionda, PE
Managing Member