

LYNNFIELD PLANNING BOARD REGULAR MEETING – March 27, 2024

1. 7:04pm - Call to Order

Chair Brian Charville called the meeting to order at 7:04 pm and identified the Planning Board (PB) members in attendance, including himself, Vice Chair Kate Flaws, Clerk Ed Champy III, Amy MacNulty and Page Wilkins. Chair Charville introduced staff member in attendance –Administrative Assistant Sondria Berman, and stated the meeting was being recorded by video and audio to assist with the preparation of minutes.

2. Public Hearing- 26 Pinewood Road Tree Preservation Bylaw Permit Appeal

Chair Charville stated that the PB received an email from the applicant requesting a continuance due to the birth of their child. Chair Charville noted audience members in attendance wished to speak on the matter, and proceeded to read the public hearing notice aloud (see attached notice).

Chair Charville asked if there was a motion that the PB open the public hearing on the Tree Preservation Bylaw Appeal for 26 Pinewood Road; Vice Chair Flaws moved in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.

Chair Charville stated that the appellants would present their case at the next regular monthly meeting of the PB on April 24th, 2024. Chair Charville invited audience comment; Kimberly Salem-Jackson of 30 Pinewood Road spoke in favor of the appellants' request to remove the tree, stating that as an abutter she believed the tree's placement presents a "safety issue" for the appellants' home, particularly during intense storms.

Daniel Jackson of 30 Pinewood Road addressed the PB and noted the tree canopy predominantly hangs over the appellants', and his, property and is a danger to the appellants' home. Chair Charville asked if the loss of tree canopy on one side of the tree in question was due to pruning over the years; Mr. Jackson stated he believed some pruning may have been done years ago. He added that the branches that overhang are at risk for breakage. No other audience members rose to comment.

Chair Charville requested a motion the PB continue the public hearing on the Tree Preservation Bylaw Appeal for 26 Pinewood Road to Wednesday, April 24, 2024 at 7 pm at the Merritt Center; Clerk Champy motioned in favor and Vice Chair Flaws seconded the motion. The motion carried 5-0.

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3. Continued Public Hearing- 1301 Main Street/ Special Permit – Elderly Housing Development/ The Regency at Lynnfield by Toll Brothers, Inc.

Chair Charville requested a motion that the PB re-open the public hearing regarding the Special Permit application to build an age 55+ Elderly Housing zone development at 1301 Main Street, “The Regency at Lynnfield”; Clerk Champy moved in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.

No members of the applicant team were present in the audience. Chair Charville asked for any updates from Planning office staff; Ms. Berman stated the applicant continues to craft their response letter to the Town’s peer reviewers’ report. Chair Charville stated that the applicant requested a special meeting on April 10th to present their response to the PB; PB members discussed schedules and meeting room availability and determined the regular monthly PB meeting on April 24th was the best date to host the continued public hearing.

Chair Charville requested audience comment; Conservation Commission (CC) member K. Erin Hohmann addressed the PB and stated during the CC’s most recent regular monthly meeting the Commission reviewed revised conceptual plans for aspects of The Regency and requested the applicant revisit the design and present alternative plans reducing impacts to the wetlands. Clerk Champy inquired if anyone discussed the roadway connection to Friendship Lane; Ms. Hohmann stated the CC discussed the water main loop and wetland crossing area with the applicant’s engineer with the hopes that alternative plans could be developed.

Vice Chair Flaws suggested DPW Director John Tomasz review and comment on the traffic peer review report and to review the “four corners” intersection at Main Street and Lowell Street ahead of the PB’s next traffic study discussion with the applicant. Clerk Champy noted that the applicant may also provide temporary solutions to address traffic concerns that may be more expeditious than a permanent installation; Ms. MacNulty stated the Town completed a Complete Streets engineering assessment of street infrastructure projects in town including one at the four corners intersection and recommended the DPW Director consider the engineered plan as a possible design solution. Chair Charville stated he would invite Mr. Tomasz to the PB’s upcoming meeting on April 24th, 2024.

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Chair Charville requested a motion the PB continue the public hearing for an elderly housing special permit at 1301 Main Street to Wednesday, April 24, 2024 at 7pm at the Merritt Center; Ms. Wilkins moved in favor and Vice Chair Flaws seconded the motion. The motion carried 5-0.

4. Review Warrant Article – Petition for Street Acceptance – Sagamore Place

Chair Charville explained the PB is tasked with issuing a recommendation for the article for street acceptance for Sagamore Place for the upcoming April Town Meeting warrant. Town Meeting will be on Monday, April 29th, at 7:00 p.m. at Lynnfield Middle School. Clerk Champy asked if the Town Engineer reviewed the street for satisfactory compliance; Chair Charville stated this was the PB's last opportunity to issue a formal opinion ahead of the warrant closing and asked for final comments. Ms. Wilkins stated that the street was satisfactorily completed in the fall, when the PB voted to reduce the bond and permitted the Town to take over trash and snow removal. Chair Charville stated in speaking with Director Cademartori, she confirmed the Town's peer review report of the street was satisfactory and compliant. Chair Charville added the Town still holds a small amount of the performance bond to be released upon the successful street acceptance at Town Meeting.

Chair Charville requested audience comment, hearing none, Chair Charville requested a motion the PB recommend the Town adopt the warrant article for street acceptance for Sagamore Place; Clerk Champy motioned in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.

5. Approval of Minutes

Chair Charville requested PB comment on the circulated minutes from the February 28, 2024 and March 13, 2024 PB meetings; hearing none, *Chair Charville requested a motion the PB approve the February 28th 2024 and March 13th 2024 meeting minutes as circulated; Vice Chair Flaws motioned in favor and Ms. Wilkins seconded the motion. The motion carried 5-0.*

6. Lynnfield 2040 Vision Plan

Chair Charville stated he reviewed the redlined changes to the draft vision plan based on the feedback surveys, and believed the changes made were an improvement to the final plan as presented.

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Ms. MacNulty stated she was pleased with the plan, but requested the language in the vision statement be more aspirational using the future tense. Ms. MacNulty stated a lot of comments mis-interpreted the vision as a picture of Lynnfield at present, instead of a vision of Lynnfield for the future as intended.

Vice Chair Flaws asked why the last sentence of the draft vision statement was changed; Sarah Scott of the Metropolitan Area Planning Council (MAPC) addressed the PB and stated the original survey and feedback surveys did not have significant responses regarding climate change but focused more on water-quality issues. She continued that she placed climate change concerns as well as affordable housing in the “emerging themes” section of the final plan, which features items that were mentioned less frequently in surveys than other topics.

Ms. Wilkins expressed gratitude to those who read the draft plan and provided comments; she noted many individuals were confused about the vision statement, and she agreed with Ms. MacNulty’s suggestion to change the vision statement language to the future tense.

Chair Charville recommended to include the phrase “continue to” in reference to managing fiscal resources and managing tax burdens in the vision statement; Vice Chair Flaws stated she valued adding specificity to the kind of “resources” being managed.

K. Erin Hohmann addressed the PB and stated there should be a separation from the survey results and the vision plan; Chair Charville clarified his comments are specific to the management of fiscal resources alluded to in the vision statement. Ms. Hohmann clarified her statement, indicating she believed it might be more beneficial to highlight “continued stewardship”.

Ms. Scott presented on the survey feedback and the final draft plan. She stated the survey, which stayed open for the month of February 2024, received 68 completed online surveys, 2 handwritten feedback responses and 9 additional responses from individuals who answered only the first two questions.

Ms. Scott stated that all respondents stated they read the draft vision; she added that the feedback survey demographics were not dissimilar to that of the vision survey; Chair Charville noted the original visioning survey conducted in spring 2023 was intended to formulate the substance of the vision plan itself, whereas the survey of February 2024 was intended to fine-tune the final plan.

Ms. Scott stated the responses about the vision statement implied some confusion that was also highlighted by the PB; Ms. Scott stated that 46% mostly agreed with the vision statement. She noted

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the responses helped MAPC reframe some of the priorities within the vision plan. She reviewed some of the quotes from the survey and stated that fiscal responsibility, transparent communication, and lifelong community, stewardship and balanced growth were among respondents' top priorities.

Ms. Scott explained the open feedback section of the feedback survey received 26 responses; MAPC categorized the responses and noted many respondents wanted to preserve the small-town feel of Lynnfield, limit excessive development and address the lack of progress on the Rail Trail. She added that some comments cited approval for the plan as fair and optimistic and noted areas for improvement, such as how Lynnfield could be more inclusive and diverse.

Ms. MacNulty stated the vision plan offers a solid starting point for the town to explore more in-depth analyses of what the Town's strengths, weaknesses, opportunities and threats are and will be going forward. Ms. Scott concurred the vision plan serves as a high-level strategic planning exercise for the Town.

Vice Chair Flaws noted that in the vision plan, the Town's 2002 Master Plan action items are discussed and it is implied that they were all completed, which Vice Chair Flaws noted is not the case. She recommended the plan specify what was and wasn't completed as part of the master plan.

Ms. Scott noted that based on the feedback survey, the final vision plan included additions and deletions. Specifically, Ms. Scott outlined the additions focused on topics related to public safety, the importance of maintaining a small town feel and home ownership, and water quality; deleted items related to affordable housing, living and working in Lynnfield, and environmental issues. Ms. Scott noted that the deletions were made not based on their importance, but rather on the frequency in which they were addressed in surveys and other discussions. With respect to themes, Ms. Scott stated that connected community, transparent town government, and balanced growth; she noted these main themes did not change, however, the framing around these themes was modified. Ms. Scott noted that the final plan also featured direct quotes from survey respondents. The identification of principles from the final plan were refined according to the results from the feedback survey and a desire to create better clarity and understanding. She noted that public health and safety to the list of principles.

Ms. MacNulty, Ms. Wilkins, and Chair Charville stated they were pleased with the tweaks to the final vision plan; they all echoed the importance of clarifying the principles so that readers could better understand what is meant by each principle outlined.

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Ms. Wilkins asked about the “emerging goals” featured in each section and their purpose; Ms. Scott stated that the emerging goals feature suggestions for how to address the vision plan’s themes and principles; Ms. Scott noted that term “goals” might be a misnomer as these are ideas for consideration, not necessarily for implementation, over the next twenty years. Clerk Champy noted that sometimes, those unfamiliar with planning and development may not consider the trade-offs between seemingly disparate priorities, and therefore it is wise to offer suggestions in lieu of prescribed goals when considering multiple priorities for the Town.

Vice Chair Flaws noted that Town administration has not issued any claims about how to act on the vision plan’s themes, but that the vision plan can be used to provide Town officials with ideas for future exploration and consideration.

Chair Charville stated that the draft vision plan was reviewed and fine-tuned to address any inconsistencies or clarity issues; Ms. Scott concurred. Ms. MacNulty confirmed that the vision statement would be amended with aspirational language as suggested, and other comments from the PB would be incorporated into the final draft plan. Ms. Wilkins thanked MAPC and the Lynnfield community for their collaborative efforts to bring the vision plan to fruition; PB members concurred.

Chair Charville asked for audience comment; none replied with commentary on the final plan. Ms. Scott proceeded to review next steps for finalizing the final plan with the PB and the process for voting on acceptance and possible Town adoption. She added that a future master plan would allow a deeper analysis of the themes and principles outlined in the vision plan and that state grants are available to fund the development of a master plan.

Chair Charville stated he anticipated the PB would consider adopting the final plan at the next PB meeting on April 24, 2024.

7. Request for Extension of Definitive Subdivision: Violet Circle

Applicant Marco Tammaro of 9 Pine Street, and abutters in attendance, Michael Provost of 8 Cortland Lane and Steven Grasso of 9 Apple Hill, addressed the PB. Mr. Tammaro noted that in 2022, he spoke with Director Cademartori about a subdivision extension for Violet Circle, who explained Mr. Tammaro would need to apply for an extension before April 2024 to remain in compliance. Mr. Tammaro explained the list he provided to the PB for work to be completed in 2022 is similar to the list

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of work to be completed if approved for an extension; he stated that he is in the midst of a highly-contested divorce which has impacted construction progress on the subdivision. He expressed a desire to complete the subdivision as soon as possible; he shared information about legal matters pertaining to his personal and professional work.

Vice Chair Flaws stated that upon reviewing the applicant's letter and proposed work items to be completed that many of the items highlighted cannot be completed until the homes are built. Mr. Tammaro stated he had a list of what can be done and what he has been currently working on; he added that the construction equipment placed on-site is permitted and the site is not a construction yard. Mr. Tammaro stated he has been willing to work with abutters and communicate with them regarding development of the site.

Mr. Grasso addressed the PB and stated his intention was not to object to the subdivision extension request, but to explain to the PB his experience as an abutter, and the experiences of other abutters, to Violet Circle. He provided the PB with documentation of email conversations dating back to August 2, 2023 with the Town building department staff and other Town officials in regards to concerns about the site's condition and lack of progress. Mr. Grasso also provided the PB with a signed letter from abutters voicing complaints and other concerns about the Violet Circle development. He asked the PB to only grant an extension if it is conditioned so that the lack of progress on the site does not continue indefinitely. He noted that heavy equipment continually moves in and out of the site, but that no progress appears to occur and that abutters requests for site cleanup have gone unaddressed. Mr. Grasso stated he spoke with Building Director Joe O'Callaghan earlier this year in regards to Mr. O'Callaghan's letter to Mr. Tammaro requiring he remove equipment from the property; Mr. Grasso stated that after the truck removal did not happen, he contacted Mr. O'Callaghan who stated that Mr. Tammaro was planning to seek a subdivision extension that would determine future work and permits. Mr. Grasso stated abutters' priority is to see the property cleaned and free of debris and other collections of construction materials.

Vice Chair Flaws provided a summary of the Violet Circle subdivision; she noted that Mr. Tammaro purchased the property in 2015 and in 2016 received approval from the PB for a definitive subdivision plan. She noted that DEP issued an order of conditions and that shortly thereafter an abutter appealed the order through state and federal litigation that was ultimately dismissed in 2019.

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Mr. Tammaro stated that he filed a counter-suit against the appellant for damages, which is pending. Vice Chair Flaws confirmed that by 2020, there were no legal proceedings that precluded construction work from being done at Violet Circle. Vice Chair Flaws noted that DEP's order of conditions, which was issued an extension during COVID, has expired. Mr. Tammaro stated that his work within the buffer zone is completed; he stated he needed to discuss the order further with the Conservation Commission.

Vice Chair Flaws stated that two years ago, Mr. Tammaro appeared before the PB and promised to continue developing the site and cleaning up debris; she noted that to date, work is not being completed and the same debris and abutter concerns remain. Mr. Tammaro compared his worksite to others in Town noting that construction equipment and materials are permitted on an active site; Vice Chair Flaws stated that his claims to complete work and clean up the site back in 2022 were not completed. Chair Charville stated that other subdivisions pending completion do not have vehicles and equipment being stored on site; he added that the storage of construction equipment on the property presents a potential zoning use problem per subdivision regulations and the zoning bylaw that the PB must address.

Ms. Wilkins asked what work has been completed on the property in the last year; Mr. Tammaro stated that his divorce and family have been his priority, but that he had been in communication with Mr. O'Callaghan about starting the sidewalks for the subdivision. Ms. Wilkins asked why vehicles continue to move in and out of the property without work being completed; he stated the equipment on site is being used to complete work, but that not all equipment is used all the time. He added that it is better to allow equipment to remain on-site than to continually bring it back and forth to the site. Ms. Wilkins reiterated Chair Charville's comment that keeping equipment on site but not completing work in a timely manner is not a permitted use per subdivision regulations. Mr. Tammaro stated that he continues to work on the property; Ms. Wilkins asked if Mr. Tammaro has used the on-site equipment for any other jobs; Mr. Tammaro stated that he has helped his dad with a project in Wakefield.

Vice Chair Flaws stated that she is in favor of granting the extension, provided the applicant is honest about the work that has not been completed, and is able to articulate future work to be

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completed. Vice Chair Flaws stated that the order of conditions is expired; Mr. Tammaro stated that he anticipates closing out the order soon.

Vice Chair Flaws asked if equipment and other construction materials could be moved off the site until such time as work begins; Mr. Tammaro stated he continues to work on the site. Vice Chair Flaws recommended the PB issue short extensions with conditions for completion of specific work items; Chair Charville noted that given the significant number of abutters' concerns, an extension should be granted only on the condition that demonstrable progress is made. Ms. Wilkins stated that the subdivision permit expires April 8th, which does not allow much time for Mr. Tammaro to make required demonstrable progress. Chair Charville noted that shorter extensions would mean more application fees incurred by the applicant, which he stated is not the intent of the PB's approach.

Chair Charville reiterated progress needs to be made on the site; he stated that Mr. Tammaro did not provide to the PB documentation to substantiate his claims that sufficient progress has been completed to date; Mr. Tammaro stated that he completed landscaping clean up and continues to visit the property 2-3 times a week to maintain it. Mr. Grasso argued the landscaping clean-up has not been maintained along the property line to date.

Chair Charville noted abutters' complaints appear to be directed at the lack of cleanliness at the site, as opposed to the lack of development, and said it is noteworthy that the abutters' concerns are not broader than are being raised at this meeting. Mr. Tammaro discussed with the PB what items could be completed and what time frame would be sufficient to complete those items. Clerk Champy stated a decision on the subdivision extension should require the applicant to make progress on specific items within a designated time frame and address abutters' concerns about site cleanliness.

Chair Charville and Vice Chair Flaws stated that if a shorter extension is necessary, the PB would consider waiving the extension fee so that the applicant is not overly burdened with fees. Clerk Champy expressed a willingness to walk the site with Mr. Tammaro and review ways to improve site maintenance.

Clerk Champy discussed what timeframe Mr. Tammaro would need to complete work items; Mr. Tammaro and Clerk Champy agreed that a 12-week extension would allow Mr. Tammaro to demonstrate progress and clean up the site so that a portion of the bond could be released. Clerk

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Champy noted that construction equipment should remain on site for the 12-week extension to enable complete work as outlined.

Mr. Grasso stated that the abutters do not want Mr. Tammaro to abandon the property or sell it to another developer, but instead, abutters want a clean up of the property and progress with construction. He stated he supported the PB's idea to issue a shorter extension for the subdivision.

Chair Charville asked Clerk Champy to outline the agreed upon items to be completed within the proposed 12-week extension for the record; Clerk Champy stated the applicant agreed to complete drainage and railing installations, granite curbing, ADA ramp or temporary berm by the street entrance depending on what is possible; and site clean-up including the street-facing privacy fence barrier.

Ms. MacNulty asked about subdivision extension laws and procedure; Vice Chair Flaws stated the PB can choose to issue or deny extensions as necessary based on the applicant's appeal.

Chair Charville thanked abutters for attending the meeting and sharing their perspectives; ***Chair Charville requested a motion the PB approve an extension of the subdivision deadline for completion for Violet Circle to June 30, 2024 and return to the developer the extension fees on the conditions that not later than June 30, 2024, the developer will complete the following items: to allow for a portion of the bond to be released in an amount to be determined at a future PB meeting: drainage system, granite curb, and railing installations; a clean-up of the property including restoration of the zip-tie visual barrier; and reducing the height of soil piles on site to 14 feet or less; Vice Chair Flaws moved in favor and Ms. Wilkins seconded the motion.*** Chair Charville asked for any further debate or commentary; Mr. Tammaro asked about the extension deadline and procedure, Chair Charville reiterated the subdivision extension date would run through the June 2024 regular monthly meeting of the PB; he recommended Mr. Tammaro contact staff ahead of the June PB meeting to schedule a site visit of Violet Circle and later present on his progress at the June PB meeting; ***the PB voted 5-0 in favor of the motion.***

Administrative Items:

- Vice Chair Flaws noted that she would not be able to attend the June and July PB meetings in person, as she would be travelling.
- Chair Charville and Ms. MacNulty discussed the possibility of an ADU discussion with the ZBA and Town Counsel in May, with a date to be decided.

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7. Adjournment

Chair Charville requested a motion to adjourn; Vice Chair Flaws moved in favor and Clerk Champy seconded the motion. The motion passed 5-0.

Respectfully submitted,

Sondria Berman

Land Use Administrative Assistant, Planning and Conservation