

**MINUTES FOR SPECIAL TOWN MEETING**

**MONDAY, OCTOBER 1, 2012**

To either of the Constables of the Town of Stoneham in the County of Middlesex, Greeting:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stoneham qualified to vote in elections and Town affairs to meet in the **Town Hall, 35 Central Street**, on

**Monday, October 1, 2012**

at 7:00 o'clock in the evening to act upon the following articles of this Warrant:

Tellers were appointed to check the names of voters entering the Town Hall and the checklist showed 162 voters were inside the meeting.

The meeting was called to order by Moderator Larry Means at 7:16 PM. Moderator Means asked School Committee member Shelly MacNeill to lead the Pledge of Allegiance. Moderator Means thanked Amy Palmerino and her staff from Stoneham TV for broadcasting the Town Meeting live to residents and the warrant was read.

**Article 1.** To see if the Town will vote to amend the Stoneham Town Code, Article I, by adding the following:

Section 2-13

Only registered voters of the Town of Stoneham shall be allowed to speak on an article(s) at Town Meeting, unless consent is voted by majority vote by Town Meeting to allow a non-registered voter to speak on the article(s).

**Board of Selectmen**

**Article 1.** **Voted** that the Town indefinitely postpone the subject matter of Article 1.

**Passes Per Moderator  
Indefinitely Postponed**

Motion made by Selectmen Richard Gregorio, 17 Crystal Drive to table Article 2 until after the completion of Article 17.

**Motion Passes  
Art 2 Tabled until after Art 17**

**Article 3.** To see if the town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-law by adding the following land to the Medical District:

A certain tract of land located in the town of Stoneham, Middlesex County, Massachusetts. Beginning at an iron pin at the most southwesterly corner of the property on Franklin Street thence running

N 29°08'30"E a distance of three hundred eight six and 20/100 (386.20) feet to an unmarked point, thence running

S75°29'36"E a distance of one hundred seventy three and 64/100 (173.64) feet to an unmarked point, thence running

S 14°50'15"W a distance of two hundred forty three and 44/100 (243.44) feet to an unmarked point, thence running

S73°29'30"E a distance of forty nine and 80/100 (49.80) feet to an unmarked point, thence running

S15°44'45"W a distance of thirty and 69/100 (30.69) feet to an unmarked point thence running

S26°42'15"W a distance of one hundred six and 57/100 (106.57) feet to an unmarked point, thence running

S16°36'46"W a distance of one hundred fourteen and 45/100 (114.45) feet to an unmarked point, thence running

S34°19'00"E a distance of eight four and 57/100 (84.57) feet along Franklin Street to a stone bound, thence running

One hundred thirty three and 46/100 (133.46) feet along an arc with a radius of two hundred sixty three and 08/100 (263.08) feet to an unmarked point, thence running

N63°23'00"W a distance of eleven and 23/100 (11.23) feet along Franklin Street to the point of beginning

### **Planning Board**

**Article 3.** Voted that the Town amend the Stoneham Town Code, Chapter 15, Zoning By-law by adding the following land to the Medical District:

A certain tract of land located in the town of Stoneham, Middlesex County, Massachusetts. Beginning at an iron pin at the most southwesterly corner of the property on Franklin Street thence running

N 29°08'30"E a distance of three hundred eight six and 20/100 (386.20) feet to an unmarked point, thence running

S75°29'36"E a distance of one hundred seventy three and 64/100 (173.64) feet to an unmarked point, thence running

S 14°50'15"W a distance of two hundred forty three and 44/100 (243.44) feet to an unmarked point, thence running

S73°29'30"E a distance of forty nine and 80/100 (49.80) feet to an unmarked point, thence running

S15°44'45"W a distance of thirty and 69/100 (30.69) feet to an unmarked point thence running

S26°42'15"W a distance of one hundred six and 57/100 (106.57) feet to an unmarked point, thence running

S16°36'46"W a distance of one hundred fourteen and 45/100 (114.45) feet to an unmarked point, thence running

S34°19'00"E a distance of eight four and 57/100 (84.57) feet along Franklin Street to a stone bound, thence running

One hundred thirty three and 46/100 (133.46) feet along an arc with a radius of two hundred sixty three and 08/100 (263.08) feet to an unmarked point, thence running

N63°23'00"W a distance of eleven and 23/100 (11.23) feet along Franklin Street to the point of beginning

**2/3 Vote Required**  
**2/3 Vote Passes Unanimous**

**Article 4.** To see if the Town will vote to amend the Stoneham Town Code Chapter 15, Zoning Bylaw, by adding Section 4.17, Residential/Business Overlay District and amend the Zoning Map of the Town of Stoneham as follows:

4.17 Residential/Business Overlay District

4.17.1 Purpose: The purpose of the Residential/Business Overlay District is to allow the development of housing within portions of the Business and Central Business Districts.

4.17.2 Uses within the Residential/Business Overlay District are permitted on a Special Permit granted by the Planning Board and Site Plan approval by the Board of Selectmen.

4.17.2.1 Residential use is allowed on all floors in the Residential/Business Overlay District provided that no more than five (5) dwelling units shall be allowed in a building.

Amend the Zoning Map to add the parcels of land on Main Street from Hancock Street to Marble Street, the parcels of land on Franklin Street from Main Street to Pine Street, the parcels of land on Montvale Avenue from Main Street to Cottage Street and the parcels of land on Hill Court.

**Planning Board**

**Article 4.** **Voted** that the subject matter of Article 4, Residential Business Overlay be indefinitely postponed.

**Passes Unanimous**  
**Indefinitely Postponed**

**Article 5.** To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-Laws, by:

1. Adding Section 4.21 – North Elementary School Overlay District, as follows:

4.21.1 Purpose:

The purpose of the North Elementary School Overlay District is to allow the as-of-right development and use of a residential building with no more than twelve (12) dwelling units on a portion of the site of the former North Elementary School at 195 Collincote Street, located within the underlying Resident A Zoning District, in order to best reuse this unique property and building. The North Elementary School Overlay District allows an additional land use option and does not eliminate or alter zoning rights permitted in the underlying zoning district.

4.21.2 Use(s) Permitted As Of Right:

4.21.2.1 One building for residential use with no more than twelve (12) dwelling units:

- (a) Each dwelling unit containing no more than two (2) bedrooms.
- (b) There shall be one thousand (1,000) square feet of usable common open space per dwelling unit. Usable common open space shall mean areas left substantially in a natural state or improved by such landscaping as required in Section 6.5 and primarily designed and intended for the active and passive recreation of the occupants of the dwellings. Usable common open space shall not include street rights-of-way, open parking, or service areas, driveways, easements for above-ground utilities, required minimum front yards, land with greater than a ten percent (10%) slope or land deemed unsuitable for common open space by the Building Inspector after consultation with the Town Engineer for reason of poor drainage.

4.21.3 Accessory Buildings and Structures:

4.21.3.1 There shall be no accessory buildings or other structures, other than a flagpole or as otherwise required by applicable law, bylaws or regulations of the Commonwealth of Massachusetts or the Town of Stoneham, except as allowed by Special Permit from the Planning Board, pursuant to Section 7.4. There shall be no personal wireless service facility, including, but not limited to, a cellular facility, tower or antenna, or any other telecommunication facility or structure, except to the extent required by applicable federal or state law.

4.21.4 Off-Street Parking, Layout, Screening and Loading Requirements

4.21.4.1. Off-Street Parking, Layout, Screening and Loading Requirements shall be in accordance with Section 6.3, except as follows: (a) two (2) off-street parking spaces for every dwelling unit; (b) the Section 6.3.5.2 requirement regarding the shielding of abutting properties from headlight glare shall apply to the protection of properties across a public or private way from the subject property, other than in the area of a driveway or other entrance or egress; and (c) Section 6.3.7 (Off-Street Loading) shall not be applicable.

2. Amending Section 5.2.1 – Table One – Dimensional Requirements, by adding the following (footnotes currently existing on the top line of Section 5.2.1 setting out the dimensional categories are not shown below, but shall be applicable):

**SECTION 5.2.1      TABLE ONE - DIMENSIONAL REQUIREMENTS**

<b>District</b>	<b>Minimum Lot Size in Square</b>	<b>Frontage and Lot Width in</b>	<b>Percent Coverage</b>	<b>Minimum Setback in Feet</b>	<b>Height in Feet</b>
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	<b>Feet</b>	<b>Feet</b>					
North Elementary School Overlay District	100,000	Frontage – 50 Width - 50	20	Front 20 <sup>(20)</sup>	Side 10 <sup>(20)</sup>	Rear 30 <sup>(20)</sup>	40 <sup>(21)</sup>

(20) A flagpole, retaining wall of no greater than five feet (5’) in height, ramp, stairway or bulkhead from the ground level to the basement are all excluded from the setback requirements.

(21) A cupola, chimney or appurtenance accessory to such multi-family residential structure and use allowed under this Section 4.21 are all excluded from this height limitation, but in no event may they be greater than fifty-five feet (55’) in height.

3. Amending Section 6.7 – Signs, by adding the following to the end of the title of the Residence A chart – “and North Elementary School Overlay District”.

4. Amending the Zoning Map of the Town of Stoneham by adding a portion of the current North Elementary School property located at 195 Collincote Street to the new North Elementary School Overlay District, as shown as Lot D on a plan entitled “Subdivision Plan of Land at #195 Collincote Street Stoneham, Massachusetts Scale: 1” = 40’ January 25, 2012 Robert E. Grover Town Engineer”, on file with the Town Clerk, and more specifically shown on the Plan of Land, as follows:

Lot D

Beginning at a point in the northerly sideline of Collincote Street, a 50.00 foot public way, the line runs along said northerly sideline westerly by a curve to the left of radius 454.53 feet, 54.33 feet, to a point; thence the line turns and runs north 21-40-00 east, 40.00 feet, to a point; thence continuing north 11-32-11 east, 65.18 feet, to a point; thence the line turns and runs north 73-54-50 west, 147.00 feet to a point at land now or formerly of Colonial Court Realty, Inc.; thence the line turns and runs by land of Colonial Court realty, Inc., north 16-05-10 east, 418.33 feet, to a point; thence the line turns and runs south 72-47-00 east, 60.95 feet, to a point; thence the line runs south 74-27-40 east, 164.63 feet, to a point; thence the line turns and runs south 19-22-40 west, 160.26 feet, to a point; thence the line turns and runs south 70-37-20 east, 74.00 feet, to a point; thence the line turns and runs south 19-22-40 west, 213.61 feet, to a point; thence the line turns and runs north 70-37-20 west, 50.00 feet, to a point; thence the line turns and runs south 30-27-39 west, 98.99 feet, to a point; thence continuing south 19-22-40 west, 40.00 feet, to the point of beginning. Said Lot D containing 111,380 square feet, more or less.

Or do anything in relation thereto.

**Stoneham Planning Board**

**Article 5.**        **Voted** that the subject matter of Article 5, North School, be indefinitely postponed.

**Passes Unanimous  
Indefinitely Postponed**

**Article 6.** To see if the Town will vote to accept as a Public Way the following way as laid out by the Town Administrator.

Constitution Rd, Stoneham, MA from the corner of Crosby St to the corner of Hanford Rd a distance of nine hundred fifty-one and twenty-eight Hundredths (951.28) feet more or less.

And authorize the Board of Selectmen or Town Administrator to obtain by purchase, accept as a gift, and take by right of eminent domain under provisions of Chapter 70 or 80a of the General Laws, or otherwise acquire any land or interests in land necessary or proper of acceptance of such ways, and to raise and appropriate or transfer from available funds a sum of money for plans, recording fees, legal expense in connection with acceptance of said ways, or do anything in relation thereto.

**John F. DePinto et al  
3 Rebecca Lane**

**Article 6.** **Voted** that the Town accept as a Public Way the following way as laid out by the Town Administrator.

Constitution Rd, Stoneham, MA from the corner of Crosby St to the corner of Hanford Rd a distance of nine hundred fifty-one and twenty-eight Hundredths (951.28) feet more or less.

And authorize the Board of Selectmen or Town Administrator to obtain by purchase, accept as a gift, and take by right of eminent domain under provisions of Chapter 70 or 80a of the General Laws, or otherwise acquire any land or interests in land necessary or proper of acceptance of such ways, and to raise and appropriate or transfer from available funds a sum of money for plans, recording fees, legal expense in connection with acceptance of said ways, or do anything in relation thereto.

**Passes Unanimous**

**Article 7.** To see if the Town will vote to amend the Stoneham Town Code, Chapter 2 – Administration, Article V- Committees, by amending Section 2-37.3. “Capital Improvement Advisory Committee” by adding Subsection (a)(vii) “one member of the School Committee” and making the appropriate grammatical and punctuation changes to Subsections (a)(v) and (a)(vi), all shown below with the additions shown in bold and underline, and the deletions in strikeout:

Section 2-37.3. Capital Improvement Advisory Committee

(a) The Board of Selectmen shall establish and appoint a Capital Improvement Advisory Committee (hereinafter referred to as the “Committee”), composed of:

- (i) one member of the Board of Selectmen as chosen by the Board;
- (ii) one member of the Planning Board as chosen by the Board;
- (iii) one member of the Finance and Advisory Board as chosen by that Board;
- (iv) the School Superintendent or his designee;
- (v) the Town Administrator; ~~and~~
- (vi) three residents of Stoneham selected by the Board of Selectmen; and
- (vii) one member of the School Committee.

The Town Accountant shall assist the Committee in its work. The Committee shall choose its own officers.

(b) The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which:

- (i) are purchased, or undertaken, at intervals of not less than five years;
- (ii) have a useful life of at least five (5) years; and
- (iii) incur a total cost over \$5,000.

(c) All departments, officers, boards and committees, including the Selectmen and School Committee, shall, by February 28<sup>th</sup> of each year, give to the Committee, on forms prepared by the Committee, information concerning all anticipated projects requiring Town Meeting action during the ensuing five (5) years. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town.

(d) The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year and a Capital Improvement Program including recommended capital improvements for the following five (5) fiscal years. The report shall be submitted to the Board of Selectmen prior to the annual town meeting to assist the Board of Selectmen with their recommended Capital Budget.

(e) The Committee's report and the Selectmen's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Finance and Advisory Board Town Meeting recommendations. The Committee shall file its report with the Town Clerk.

### **Board of Selectmen**

**Article 7.** Voted that the Town amend the Stoneham Town Code, Chapter 2 – Administration, Article V- Committees, by amending Section 2-37.3. “Capital Improvement Advisory Committee” by adding Subsection (a)(vii) “one member of the School Committee” and making the appropriate grammatical and punctuation changes to Subsections (a)(v) and (a)(vi), all shown below with the additions shown in bold and underline, and the deletions in strikeout:

Section 2-37.3. Capital Improvement Advisory Committee

(a) The Board of Selectmen shall establish and appoint a Capital Improvement Advisory Committee (hereinafter referred to as the “Committee”), composed of:

- (i) one member of the Board of Selectmen as chosen by the Board;
- (ii) one member of the Planning Board as chosen by the Board;
- (iii) one member of the Finance and Advisory Board as chosen by that Board;
- (iv) the School Superintendent or his designee;
- (v) the Town Administrator; ~~and~~
- (vi) three residents of Stoneham selected by the Board of Selectmen; **and**
- (vii) one member of the School Committee.**

The Town Accountant shall assist the Committee in its work. The Committee shall choose its own officers.

(b) The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which:

- (i) are purchased, or undertaken, at intervals of not less than five years;
- (ii) have a useful life of at least three (3) years; and
- (iii) incur a total cost over \$10,000.

(c) All departments, officers, boards and committees, including the Selectmen and School Committee, shall, by February 28<sup>th</sup> of each year, give to the Committee, on forms prepared by the Committee, information concerning all anticipated projects requiring Town Meeting action during the ensuing five (5) years. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town.

(d) The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year and a Capital Improvement Program including recommended capital improvements for the following five (5) fiscal years. The report shall be submitted to the Board of Selectmen prior to the annual town meeting to assist the Board of Selectmen with their recommended Capital Budget.

(e) The Committee's report and the Selectmen's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Finance and Advisory Board Town Meeting recommendations. The Committee shall file its report with the Town Clerk.

**Majority Vote Required  
Passes Unanimous**

**Article 8.** To see if the town will vote to transfer a sum of money from available funds or Surplus Revenue into the Capital Stabilization Fund.

**Board of Selectmen**

**Article 8.** **Voted** that the Town transfer a sum of One Hundred Thirty-Seven Thousand Two Hundred Ninety-Three Dollars (137,293) into the Capital Stabilization Fund. Said sum to be transferred from Surplus Revenue.

**Passes Unanimous**

**Article 9.** To see if the Town would vote to raise and appropriate, transfer from available funds, or borrow, a sum of money to fund capital projects, or do anything in relation thereto.

**Capital Committee**

**Motion Made by Selectman/Capital Committee member Richard Gregorio 17 Crystal Drive to divide the question into two parts for voting purposes. First part (referred to as Part A) requires  $\frac{2}{3}$  vote. Second part (referred to as Part B) requires a majority vote.**

**Article 9. Part A.** **Voted** that the Town appropriate a sum of One Million Three Hundred Thousand Dollars (\$1,300,000) to purchase a Fire Ladder Truck and the Town Treasurer, with the approval of the Board of Selectmen, be authorized to sell from time to time, as the occasion requires, town notes, bonds, or other evidence of indebtedness in the amount not to [exceed] One Million Three Hundred Thousand Dollars (\$1,300,000) in accordance with Chapter 44, Section 7 (1) of the Massachusetts General Laws.

**$\frac{2}{3}$  Vote Required  
 $\frac{2}{3}$  Vote Passes Unanimous**



**Article 9. Part B.** Voted that the Town appropriate One Hundred Eighty-Six Thousand Twenty-Eight Dollars (\$186,028) for the following capital items:

2 Marked Police Vehicles	\$70,000
8 Police Tactical Patrol Rifles	\$8,528
Police Computer Software	\$8,000
Replace Town Hall Boilers w/ Gas	\$40,000
HVAC Pneumatics at the Library	\$12,000
Replace Windows at the Library	\$12,500
Repair/Replace/Install Hot Water Storage at the Arena	\$5,000
Renovate Music Lab at the Middle School	\$30,000

Said sum to be transferred as follows: One Hundred Twenty-Five Thousand Three Hundred Forty-Nine Dollars (\$125,349) from the Sale of Town Property Reserve for Appropriation Account; Fifty-Two Thousand Five Hundred Twenty-Five Dollars (\$52,525) from the Gutierrez Gift Account; and Eight Thousand One Hundred Fifty-Four Dollars (\$8,154) from Surplus Revenue.

**Majority Vote Required  
Passes Unanimous**

**Article 10.** To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to help pay down the existing liability resulting from employees accrued vacation, sick and compensatory time, or do anything in relation thereto.

**Board of Selectmen**

**Article 10.** Voted that the Town transfer a sum of One Hundred Seventy-Five Thousand Dollars (\$175,000) from Surplus Revenue, to help pay down the existing liability resulting from employees to help pay down the existing liability resulting from employees accrued vacation, sick and compensatory time.

**Passes Unanimous**

**Article 11.** To see if the Town will vote to accept Section 108P of Chapter 41, which provides additional compensation for collectors or treasurers who have been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer. Said certified Massachusetts municipal collector or treasurer shall receive as compensation from such city, town or district, in addition to the regular annual compensation paid by such city, town or district for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. A collector or treasurer who has been awarded both certificates referred to above shall receive such additional compensation for only one such certificate. In order to qualify for such additional compensation, a collector or treasurer shall submit to the mayor or board of selectmen of such city or town, or the governing board of a district proof of the award of either or both such certificates. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of collector or treasurer for 12 consecutive months. Such additional compensation shall be discontinued when certification is discontinued or withdrawn.

**Board of Selectmen**

**Article 11.** **Voted** that the Town accept Section 108P of Chapter 41, which provides additional compensation for collectors or treasurers who have been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer. Said certified Massachusetts municipal collector or treasurer shall receive as compensation from such city, town or district, in addition to the regular annual compensation paid by such city, town or district for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. A collector or treasurer who has been awarded both certificates referred to above shall receive such additional compensation for only one such certificate. In order to qualify for such additional compensation, a collector or treasurer shall submit to the mayor or board of selectmen of such city or town, or the governing board of a district proof of the award of either or both such certificates. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of collector or treasurer for 12 consecutive months. Such additional compensation shall be discontinued when certification is discontinued or withdrawn.

**Majority Vote Required  
Passes Unanimous**

**Article 12.** To see if the town will vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act and beginning in Fiscal Year 2013, by approving a surcharge on real property for the purposes permitted by said Act, including the

acquisition, creation and preservation of open space,  
acquisition, preservation, rehabilitation and restoration of historic resources,  
acquisition, creation, preservation, rehabilitation and restoration of land for recreational use,  
acquisition, creation and support of community housing,

that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property; to determine whether the Town will accept any of the exemptions from such surcharge permitted in Section 3 (e) of said Act; and to act on anything relating thereto.

**John Warren et al  
25 Dean Street**

**Article 12.** **Voted** that the Town accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, (“Act”), by approving a surcharge on real property for the purposes permitted by said Act, summarized as follows:

The Act (including Section 3(b½) and Section 5(b)(2)) authorizes the town to establish a dedicated local funding source for the  
acquisition, creation and preservation of open space;  
acquisition, preservation, rehabilitation and restoration of historic resources;  
acquisition, creation, preservation, rehabilitation and restoration of land for recreational use;  
acquisition, creation, preservation and support of community housing; and  
rehabilitation or restoration of open space and community housing that is acquired or created as provided by the Act;

The funding source(s) for these community preservation purposes will be

- (1) a surcharge on real property of 1 per cent of the annual real estate tax levy against real property commencing in fiscal year 2014
- (2) additional municipal funds no more than 2% of the annual real estate tax levy that may be committed by Town meeting as provided in Section 3(b1/2) of Chapter 44B; and
- (3) and annual distributions made by the State from a trust fund created by the Act

If approved the following shall be exempt from the surcharge;

- (1) property owned and occupied as a domicile by a person would qualify for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of the Act
- (2) \$100,000 of the value of each taxable parcel of class three, commercial property and class four, industrial property as defined in Section 2A of Chapter 59 of General Laws.

A taxpayer receiving an exemption of real property authorized by said Chapter 59 or any other law shall be exempt from any surcharge on real property established under Section 3 of the Act. The surcharge to be paid by a taxpayer receiving an abatement of real property authorized by said Chapter 59 or any other law shall be reduced in proportion to the amount of such abatement.

Subject to acceptance of the Act by a ballot election, a Community Preservation Committee shall, by bylaw, be established by the Town to study community preservation needs, possibilities and resources of the Town, and to make recommendations to the Stoneham town meeting. Including for the expenditures of such funds, in accordance with the Act.

**Majority Vote Required  
Passes Unanimous**

**Article 13.** To see if the Town will vote to raise and appropriate a sum of money to implement certain rehabilitation and construction projects on the Town's sanitary sewer system under Phase 8 of the Massachusetts Water Resources Authority Assistance Program and the Town Treasurer, with the approval of the Board of Selectmen, be authorized to sell from time to time, as the occasion requires, town notes, bonds, or other evidence of indebtedness in the amount not to exceed \$424,000 in accordance with Chapter 44, Section 7 (1) of the Massachusetts General Laws and further to accept any grants or gifts for those projects or do anything in relation thereto.

**Board of Selectmen**

**Article 13. Voted** that the Town raise and appropriate a sum of Four Hundred Twenty-Four Thousand Dollars (\$424,000) to implement certain rehabilitation and construction projects on the Town's sanitary sewer system under Phase 8 of the Massachusetts Water Resources Authority Assistance Program and the Town Treasurer, with the approval of the Board of Selectmen, be authorized to sell from time to time, as the occasion requires, town notes, bonds, or other evidence of indebtedness in the amount not to exceed Four Hundred twenty-Four Thousand Dollars (\$424,000) in accordance with Chapter 44, Section 7 (1) of the Massachusetts General Laws and further to accept any grants or gifts for those projects.

**Majority Vote Required  
Passes Unanimous**

**Article 14.** To see if the Town will vote to appropriate \$488,069 to be received by the Town from the Commonwealth of Massachusetts Chapter 90 local transportation aid funding for fiscal year 2013 for the purpose of continuing the permanent construction program on public ways within the Town

or other eligible municipal projects and authorize the Town Administrator to make such expenditure or do anything in relation there to.

**Board of Selectmen**

**Article 14.** **Voted** that the Town appropriate Four Hundred Eighty-Eight Thousand Sixty-Nine Dollars (\$488,069) to be received by the Town from the Commonwealth of Massachusetts Chapter 90 local transportation aid funding for fiscal year 2013 for the purpose of continuing the permanent construction program on public ways within the Town or other eligible municipal projects and authorize the Town Administrator to make such expenditure.

**Majority Vote Required**  
**Passes Unanimous**

**Article 15.** To see if the Town will vote to transfer the sum of \$75,000 from available funds for the purpose of defraying costs of constructing water mains or anything in relation thereto within the limits of the Town.

**Board of Selectmen**

**Article 15.** **Voted** that the Town transfer a sum of Seventy-Five Thousand Dollars (\$75,000) from the Water Retained Earnings Account for the purpose of defraying costs of constructing water mains within the limits of the Town.

**Majority Vote Required**  
**Passes Unanimous**

**Article 16.** To see if the Town will vote to transfer a sum of money from available funds or Surplus Revenue into the Stabilization Fund.

**Board of Selectmen**

**Article 16.** **Voted** that the Town transfer a sum of Five Hundred Thousand Dollars (\$500,000) from Surplus Revenue in to the Stabilization Fund.

**$\frac{2}{3}$ Vote Required**  
**Passes Unanimous**

**Article 17.** To see if the Town will vote to amend the amount to be raised and appropriated under Article No. 22 of the May 7, 2012 Annual Town Meeting and adjust the Fiscal Year 2013 departmental budgets and funding sources, or to do anything in relation thereto.

**Board of Selectmen**

**Article 17.** **Voted** that the Town amend the amount to be raised and appropriated under Article No. 22 of the May 7, 2012 Annual Town Meeting and adjust the Fiscal Year 2013 departmental budgets and funding sources, or to do anything in relation thereto.

**Passes Unanimous**

## Article 17. Exhibit A

DEPARTMENT	FY13 BUDGET (PER 5/7/12 ATM)			10/1/12 STM ADJUSTMENTS			REVISED FY13 BUDGET		
	PERSONNEL	OPERATING	TOTAL	PERS	OPERATING	TOTAL	PERSONNEL	OPERATING	TOTAL
114 Town Moderator	\$0	\$220	\$220	\$0	\$0	\$0	\$0	\$220	\$220
122 Board of Selectmen	\$91,083	\$10,000	\$101,083	\$0	\$0	\$0	\$91,083	\$10,000	\$101,083
123 Town Administrator	\$308,146	\$42,500	\$350,646	\$0	\$0	\$0	\$308,146	\$42,500	\$350,646
135 Town Accountant	\$162,982	\$1,550	\$164,532	\$0	\$0	\$0	\$162,982	\$1,550	\$164,532
141 Board of Assessors	\$126,773	\$4,300	\$131,073	\$0	\$0	\$0	\$126,773	\$4,300	\$131,073
145 Treasurer	\$225,161	\$17,010	\$242,171	\$0	\$0	\$0	\$225,161	\$17,010	\$242,171
151 Town Counsel	\$98,390	\$6,725	\$105,115	\$0	\$0	\$0	\$98,390	\$6,725	\$105,115
155 GIS/MIS	\$69,831	\$122,453	\$192,284	\$0	\$0	\$0	\$69,831	\$122,453	\$192,284
161 Town Clerk	\$124,068	\$5,750	\$129,818	\$0	\$0	\$0	\$124,068	\$5,750	\$129,818
162 Elections & Registrations	\$53,468	\$35,600	\$89,068	\$0	\$0	\$0	\$53,468	\$35,600	\$89,068
172 Whiphill Park	\$0	\$10,950	\$10,950	\$0	\$0	\$0	\$0	\$10,950	\$10,950
182 Planning Bd/BOA/Conserv.	\$36,019	\$1,160	\$37,179	\$0	\$0	\$0	\$36,019	\$1,160	\$37,179
192 Public Property Maint.	\$500	\$89,612	\$90,112	\$0	\$0	\$0	\$500	\$89,612	\$90,112
210 Police Department	\$3,122,523	\$212,920	\$3,335,443	\$0	\$0	\$0	\$3,122,523	\$212,920	\$3,335,443
211 Traffic Directors	\$124,908	\$4,500	\$129,408	\$0	\$0	\$0	\$124,908	\$4,500	\$129,408
212 Dispatchers	\$351,325	\$4,910	\$356,235	\$0	\$0	\$0	\$351,325	\$4,910	\$356,235
220 Fire Department	\$2,437,750	\$116,250	\$2,554,000	\$0	\$0	\$0	\$2,437,750	\$116,250	\$2,554,000
241 Building & Wire	\$172,610	\$6,900	\$179,510	\$0	\$0	\$0	\$172,610	\$6,900	\$179,510
291 Civil Defense	\$2,000	\$0	\$2,000	\$0	\$0	\$0	\$2,000	\$0	\$2,000
300 Public Schools	\$0	\$23,651,966	\$23,651,966	\$0	\$0	\$0	\$0	\$23,651,966	\$23,651,966
398 Minuteman Voc. School	\$0	\$95,000	\$95,000	\$0	(\$4,993)	(\$4,993)	\$0	\$90,007	\$90,007
399 Northeast Voc. School	\$0	\$842,930	\$842,930	\$0	\$4,993	\$4,993	\$0	\$847,923	\$847,923
400 Public Works Admin.	\$750,237	\$2,400,650	\$3,150,887	\$0	\$0	\$0	\$750,237	\$2,400,650	\$3,150,887
440 Sewer	\$520,986	\$4,578,600	\$5,099,586	\$0	(\$112,062)	(\$112,062)	\$520,986	\$4,466,538	\$4,987,524
450 Water	\$541,766	\$3,232,650	\$3,774,416	\$0	\$79,419	\$79,419	\$541,766	\$3,312,069	\$3,853,835
510 Board of Health	\$130,770	\$1,840	\$132,610	\$0	\$0	\$0	\$130,770	\$1,840	\$132,610
541 Council on Aging	\$60,326	\$30,827	\$91,153	\$0	\$0	\$0	\$60,326	\$30,827	\$91,153
543 Veterans	\$35,000	\$149,050	\$184,050	\$0	\$0	\$0	\$35,000	\$149,050	\$184,050
610 Public Library	\$528,954	\$189,582	\$718,536	\$0	\$0	\$0	\$528,954	\$189,582	\$718,536
630 Unicorn Golf	\$179,126	\$280,574	\$459,700	\$0	\$0	\$0	\$179,126	\$280,574	\$459,700
631 Arena	\$148,314	\$265,280	\$413,594	\$0	\$0	\$0	\$148,314	\$265,280	\$413,594
710 Maturing Debt & Interest	\$0	\$4,722,500	\$4,722,500	\$0	(\$601,298)	(\$601,298)	\$0	\$4,121,202	\$4,121,202
911 Contributory Pension	\$0	\$4,133,397	\$4,133,397	\$0	\$0	\$0	\$0	\$4,133,397	\$4,133,397
912 Health Insurance	\$0	\$7,663,987	\$7,663,987	\$0	\$0	\$0	\$0	\$7,663,987	\$7,663,987
919 Unclassified	\$0	\$1,190,054	\$1,190,054	\$0	\$0	\$0	\$0	\$1,190,054	\$1,190,054
920 Non-Departmental	\$0	\$36,085	\$36,085	\$0	\$0	\$0	\$0	\$36,085	\$36,085
<b>Total Budgets:</b>	<b>\$10,403,016</b>	<b>\$54,158,282</b>	<b>\$64,561,298</b>	<b>\$0</b>	<b>(\$633,941)</b>	<b>(\$633,941)</b>	<b>\$10,403,016</b>	<b>\$53,524,341</b>	<b>\$63,927,357</b>

Said Sum to be raised or transferred as follows:

Revenue of the Current Year	\$54,482,933	(\$601,298)	\$53,881,635
By transfer from the Cemetery Perpetual Income Fund	\$65,000	\$0	\$65,000
By transfer from the Sale of Lots & Graves Res. For Approp.	\$36,000	\$0	\$36,000
By transfer from the Sale of Dog License Fund	\$12,000	\$0	\$12,000
By transfer from the Whip Hill Trust	\$10,000	\$0	\$10,000
By transfer from the BOS Stockwell Trust	\$7,000	\$0	\$7,000
By transfer from the Estimated Sewer Receipts to:			
Department #440 Sewer Department	\$5,099,586	(\$112,062)	\$4,987,524
Department #710 Debt Service	\$90,640	\$0	\$90,640
Department #135 Town Accountant	\$13,508	\$0	\$13,508
Department #145 Town Treasurer	\$20,294	\$0	\$20,294
Department #155 MIS/GIS Department	\$15,787	\$0	\$15,787
Department #911 Contributory Pension	\$171,353	\$0	\$171,353
Department #912 Health Insurance	\$112,102	\$0	\$112,102
Department #919 Unclassified Budget	\$46,794	\$0	\$46,794
By transfer from the Estimated Water Receipts to:			
Department #450 Sewer Department	\$3,774,416	\$79,419	\$3,853,835
Department #710 Debt Service	\$236,080	\$0	\$236,080
Department #135 Town Accountant	\$10,514	\$0	\$10,514
Department #145 Town Treasurer	\$15,796	\$0	\$15,796
Department #155 MIS/GIS Department	\$12,287	\$0	\$12,287
Department #911 Contributory Pension	\$178,179	\$0	\$178,179
Department #912 Health Insurance	\$114,211	\$0	\$114,211
Department #919 Unclassified Budget	\$36,818	\$0	\$36,818
Total Estimated Revenues	\$64,561,298	(\$633,941)	\$63,927,357
Surplus/(Deficit)	\$0	\$0	\$0

**Motion made by Charles Houghton 15 Kimball Drive to adjourn Town Meeting to Monday, October 15, 2012 at 7 PM in the Town Hall.**

**Passes Per Moderator**

Meeting adjourned at 8:49PM to reconvene on October 15, 2012 at 7PM in the Town Hall Auditorium.

The second night of the Special Town Meeting adjourned in the Town Hall Auditorium on October 15, 2012. Tellers were appointed to check the names of voters entering the Town Hall and the checklist showed 103 voters inside the meeting.

The Moderator brought the meeting to order at 7:03 PM. After the Pledge of Allegiance, Mr. Means acknowledged Frank Geary's awards for Helping Our Troops which are displayed on the Auditorium wall. He thanked Amy Palmerino and Stoneham Tv. Mr. Means explained that nobody filed for reconsideration on any of the articles acted on at the meeting held on October 1, 2012. For that reason article 2 would be the only business to be taken up and article 2 was read.

**Article 2.** To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-law by amending Section 4.13 and adding Section 4.22 and amending the Zoning Map of the Town of Stoneham and amending Section 5.2.1 to read as follows:

1.) Amending Section 4.13 Commercial District II

4.13.1 Purpose

The purpose of the Commercial District II is to provide for the development and redevelopment of the Fallon Road area. The district provides for commercial, office, and light industrial use.

4.13.2 Uses in the Commercial District II permitted as of right.

4.13.2.1 Restaurant, public dining room or lunch room with a gross floor area not greater than five thousand (5,000) square feet.

4.13.2.2 Retail store, service establishment, and retail business with gross floor area not greater than fifty thousand (50,000) square feet.

4.13.2.3 Medical and dental offices, laboratories and clinics.

4.13.2.4 Office Buildings.

4.13.2.5 Office Parks.

4.13.2.6 Research and Development Laboratory engaged in any one of the following: experimental research and testing activities and production, including but not limited to the fields of life sciences, biology, chemistry, electronics, engineering, geology, medicine and physics excluding nuclear and hazardous biological uses.

4.13.2.7 Light Manufacturing.

4.13.2.8. Industrial Parks.

4.13.2.9 Elder Congregate housing, resident care living facility, including without limitation, nursing facility, assisted living facility, hospice care facility and long term care facility.

4.13.2.10 Storage warehouses and distribution buildings.

4.13.3 Uses permitted with a Special Permit Granted by Planning Board:

4.13.3.1 Wireless Service Facility (including its supports) subject to the provisions of 6.11 Wireless Service Facility Regulations and Restrictions.

4.13.4 Uses Permitted with a Special Permit Granted by the Planning Board and Site Plan Approval by the Board of Selectmen:

4.13.4.1 Restaurant, public dining room or lunch room with gross floor area of greater than five thousand (5,000) square feet with or without drive through facilities.

4.13.4.2 Retail store, service establishment, and retail business with gross floor area greater than fifty thousand (50,000) square feet.

4.13.4.3 Hotels including both full service and extended stay and related accessory uses in support of a hotel such as fitness and dining facilities, business center, restaurant, meeting rooms and retail shops wholly within the premises.

4.13.4.4 Electric utility substation.

4.13.4.5 Auto repair services provided that:

- (a) All service is performed within an enclosed structure.
- (b) Such building shall be located not less than one hundred (100') feet from properties used or zoned for residential purposes, and not less than six hundred (600) feet from a school.
- (c) Such building shall be set back at least fifty (50') feet from the street right-of-way.
- (d) No motor vehicles in an inoperative condition are to remain on such site for more than a two (2) week period unless enclosed in a building or fenced or screened from abutting properties.

4.13.4.6 Banquet Facilities, Function Halls, and Dinner Theaters.

4.13.5 Off-Street Parking, Layout, and Loading Requirements for Commercial District II shall be in accordance with Section 6.3 Off-Street Parking Requirements except as follows:

- (a) Parking spaces shall be on the same lot as the principle use except that parking spaces may be provided on an adjacent lot provided there is a special permit granted for said parking by the Planning Board.
- (b) A minimum of one (1) off-street loading area per office, commercial or retail building.

2.) Adding Section 4.22 Residential Overlay Fallon Road District

4.22.1 Purpose

The purpose of the Residential Overlay Fallon Road District is to provide for the redevelopment of a portion of the Fallon Road area for residential use.

4.22.2 Uses in the Residential Overlay Fallon Road District permitted as of right.

4.22.2.1 Apartment Building or Town house Design Dwelling Units, not to exceed four hundred ten (410) units in the Residential Overlay Fallon Road District provided that:



- (a) There is a maximum of twenty (20) units per acre.
- (b) Each structure shall be connected to and serviced by municipal water and sewer.
- (c) All existing or proposed utilities shall be installed underground at the time of initial construction.
- (d) The applicant must provide documentation to the Town of Stoneham Department of Public Works that the site is satisfactory in regard to drainage, water supply, and sewage disposal for the number of units to be constructed, such documentation to be prepared by a registered professional engineer and approved by the Town Engineer.

4.22.2.2 Off-Street Parking, Layout, and Loading Requirements for Residential Overlay Fallon Road District shall be in accordance with Section 6.3 Off-Street Parking Requirements except as follows:

- (a) Minimum required parking of 1.7 parking spaces per dwelling unit.
- (b) Parking spaces shall be a minimum of eight (8') feet by sixteen (16') feet.
- (c) Minimum aisle width of twenty-two (22') feet.
- (d) No minimum or maximum for the number of driveways permitting entrance to and exit from a lot to a street.
- (e) Parking spaces shall be on the same lot as the principle use except that parking spaces may be provided on an adjacent lot provided there is a special permit granted for said parking by the Planning Board.
- (f) Tandem parking spaces are allowed for Town house use.
- (g) One level of parking within the building footprint is allowed beneath the uses permitted as described in 4.22.2.1 above in which case the height regulation of Section 5.2.1 Table One will be raised ten (10') feet for that building.
- (h) No requirement for off-street loading area for Apartment Building or Town house design residential use.

3.) Amending the Zoning Map of the Town of Stoneham by adding a portion of the property on Fallon Road to the Residential Overlay Fallon Road District more specifically shown below as Parcel 1 and Parcel 2 as follows:

#### PARCEL 1

Property Address: 200 Fallon Road, Stoneham, MA

All that certain lot piece or parcel of land situate, lying and being in Stoneham, Massachusetts on the west side of Route I-93, so called, (said Route also being known as Route 93), shown as Lot Three on a plan dated July 20, 1967, by Raymond C. Pressey, Inc., entitled, "Plan of Middlesex Industrial Park, Stoneham, Massachusetts", recorded with Middlesex South District Deeds in Book 11407, Page 653, more particularly bounded and described as follows:

NORTHERLY: by land of Alfred A. Sartorelli, Trustee of the Fallon Land Trust, two hundred nine and 84/100 (209.84) feet;

NORTHEASTERLY

And NORTHERLY: by the southwesterly and southerly line of the cul-de-sac and strip shown as Fallon Road on said plan, a total distance of two hundred seven and 42/100 (207.42) feet (distance along said cul-de-sac being are distances totaling one hundred forty-three and 56/100 (143.56) feet);

EASTERLY: by land now or formerly of Servomation of New England, Inc., six hundred and 28/100 (600.28) feet;

SOUTHERLY: by land of the Commonwealth of Massachusetts (Metropolitan District Commission) three hundred eighty-eight and 76/100 (388.76) feet; and

WESTERLY: by the Town line between Winchester and Stoneham, five hundred eighty-four and 23/100 (584.23) feet.

Containing, according to said plan, 5.29 acres, with any of said measurements or contents more or less.

PARCEL 2

Property Address: 225 Fallon Road, Stoneham, MA

A certain parcel of land located in the Town of Stoneham shown as a portion of Lot A on Plan No. 887 of 2008 recorded at the Middlesex South District Registry of Deeds, described as follows:

Beginning at the southeasterly corner of the premises herein described at a point on the northerly sideline of Fallon Road; thence running

S77°50'05"W along said sideline a distance of 52.56 feet; thence running

Westerly along said sideline with a curve turning to the right with an arc length of 195.48 feet on a radius of 350.00 feet; thence running

N70°09'55"W along said sideline a distance of 147.46 feet; thence running

Northwesterly along said sideline with a curve turning to the right with an arc length of 24.38 feet on a radius of 30.00 feet; thence running

Westerly along said sideline with a reverse curve turning to the left with an arc length of 40.64 feet on a radius of 50.00 feet; thence turning and running

N70°09'55"W a distance of 260.21 feet to a point on the Stoneham/Winchester Town Line; thence turning and running

N19°25'01"E along said Town Line a distance of 85.20 feet; thence turning and running

N26°57'32"E a distance of 4.43 feet; thence turning and running

N18°07'23"E a distance of 25.73 feet to a point on the Stoneham/Winchester Town Line; thence turning and running

N19°25'01"E along said Town Line a distance of 78.87 feet; thence turning and running  
N25°42'51"E a distance of 26.58 feet; thence turning and running  
N21°57'32"E a distance of 102.14 feet; thence turning and running  
N13°48'04"E a distance of 41.98 feet; thence turning and running  
N20°19'36"E a distance of 79.93 feet; thence turning and running  
S58°36'12"E a distance of 0.77 feet; thence turning and running  
N18°38'48"E a distance of 270.00 feet; thence turning and running  
N16°07'53"E a distance of 30.21 feet to a point on the Stoneham/Winchester Town Line; thence turning  
and running  
N19°25'01"E along said Town Line a distance of 379.41 feet; thence running  
N19°25'01"E continuing along said Town Line a distance of 161.02 feet; thence turning and running  
S85°35'12"E a distance of 63.77 feet to a point on the southerly location line of Interstate Route 93;  
thence turning and running  
S27°57'00"E along said location line a distance of 541.34 feet; thence turning and running  
S00°33'39"W along said location line a distance of 460.99 feet; thence running  
Southeasterly along said location line with a curve turning to the left with an arc length of 77.04 feet on a  
radius of 280.00 feet; thence turning and running  
S68°22'31"W a distance of 75.24 feet; thence turning and running  
Southeasterly with a curve turning to the right with an arc length of 78.58 feet on a radius of 141.87 feet;  
thence running  
S02°45'06"W a distance of 21.34 feet; thence running  
Southerly with a curve turning to the right with an arc length of 53.00 feet on a radius of 88.00 feet;  
thence running  
S37°15'35"W a distance of 17.12 feet; thence running  
Southeasterly with a curve turning to the left with an arc length of 36.10 feet on a radius of 112.00 feet;  
thence running  
S18°47'37"W a distance of 4.70 feet; thence running  
Southeasterly with a curve turning to the left with an arc length of 69.58 feet on a radius of 112.00 feet;  
thence running  
S16°48'07"E a distance of 86.61 feet to the point of beginning.

Containing an area of 649,862 Square Feet, or 14.919 Acres

4.) Amending the Zoning Table One - Dimensional Requirements as attached.

Section 5.2.1

**TABLE ONE - DIMENSIONAL REQUIREMENTS**

District	Minimum Lot Size in Square Feet	Frontage & Lot Width in Feet <sup>(2)</sup>	Percent Coverage <sup>(3)</sup>	Minimum Setback in Feet			Height in Feet
				Front	Side <sup>(4)(15)</sup>	Rear <sup>(15)</sup>	
<i>Residence A</i>	10,000 <sup>(1)</sup>	90	30	20	10 <sup>(8)</sup>	15 <sup>(8)(10)</sup>	30
<i>Residence B</i>	7,000 <sup>(5)</sup>	75 <sup>(7)</sup>	20	15 <sup>(6)</sup>	10 <sup>(6)</sup>	15 <sup>(6)(8)(10)</sup>	30
<i>Neighborhood Business</i>	10,000	100	50	15	15	15	30
<i>Business</i>	None Required	None Required	75	15	10	15	45
<i>Central Business</i>	None Required	None Required	100	None	None	None	45
<i>Highway Business</i>	10,000	100	75	20 <sup>(9)</sup>	5	5	45
<i>Commercial</i>	20,000	100	75	15	10	10	65 <sup>(18)</sup>
<i>Residential Overlay Fallon Road</i>	200,000 <sup>(22)</sup> Maximum density = 20 units/acre	150	30	20	20	10	65 <sup>(19)</sup>
<i>Medical<sup>(11)</sup></i>	40,000	150	40	40	20	50	65
<i>Recreation/Open Space</i>	40,000	150	5	40	20	50	30
<i>Education<sup>(12)</sup></i>	50,000	45	35	20	13	20	55
<i>Medical/Office/Residential</i>	200,000/200,000/200,000	150/150/150	30/30/30	40 <sup>(13)/</sup> 30 <sup>(13)/</sup> 30 <sup>(13)</sup>	20 <sup>(13)/</sup> 20 <sup>(13)/</sup> 10 <sup>(1)</sup> 3 <sup>(14)</sup>	20 <sup>(13)/</sup> 20 <sup>(13)</sup> /10 <sup>(13)(14)</sup>	97/97/ 65
<i>Railroad Right-of-Way Overlay District</i>	None <sup>(17)</sup>	None <sup>(17)</sup>	75 <sup>(17)</sup>	5 <sup>(16)(17)</sup>	5 <sup>(16)(17)</sup>	5 <sup>(16)(17)</sup>	20
<i>East School Multi-Family Overlay District</i>	20,000	Frontage – 150 Width – 130	50	40 <sup>(20)</sup>	10 <sup>(20)</sup>	30 <sup>(20)</sup>	40 <sup>(21)</sup>

- (1) Except 40,000 feet for all non-residential uses.
- (2) See 5.3.4 (Reserved)
- (3) Portion of lot devoted to structure.
- (4) Except that no part of a building may be placed within 15' of any street.
- (5) Plus 2,500 for each dwelling unit over one in a structure.
- (6) 30' for three or more dwelling units.
- (7) 150' for three or more dwelling units.
- (8) A minimum distance of ten (10') feet between buildings on adjacent lots in Residence A and B must be maintained.
- (9) Except 15' for freestanding pole or ground signs.
- (10) Except for pools which shall have a ten (10') foot minimum rear setback requirement. (5-12-86)
- (11) Residential uses in the Medical District shall conform to the requirements specified herein for the Residence B District.
- (12) No setback required where abutting public open or recreational space. (5-7-98)
- (13) Retaining walls over four (4') feet in height are permitted within the required front, side, and rear setbacks in the Medical/Office/Residential District.
- (14) Minimum Space between principal buildings on the same lot is ten (10') feet.
- (15) Fences as structures of six (6') feet in height or less and retaining walls of four (4') feet in height or less are excluded from front, side, and rear setback requirements except retaining walls over four (4') feet in height are permitted in the Medical/Office/Residential District in Note (13).
- (16) Except that there shall not be a setback requirement if the property abutting the subject lot line is owned by the same person or entity that is using the property in the Railroad Right-of-Way Overlay District.
- (17) Property in the Railroad Right-of-Way District shall not be used in calculating or otherwise complying with the frontage, lot size, percent lot coverage or setback requirements of an abutting property. (Art. 11, 4-7-09)
- (18) Height may be increased to 85 feet by Special Permit from Planning Board.
- (19) Height may be increased to 80 feet by Special Permit from the Planning Board.
- (20) A flagpole, retaining wall of no greater than five feet (5') in height, ramp, stairway or bulkhead from the ground level to the basement are all excluded from the setback requirements.
- (21) A cupola, chimney or appurtenance accessory to a residential structure and use allowed under this Section 4.20 are all excluded from this height limitation, but in no event may they be greater than fifty-five feet (55') in height.
- (22) 10% of Lot Area shall be open space.

**Planning Board**

**Article 2.** Voted that the Town amend the Stoneham Town Code, Chapter 15, Zoning By-law by amending Section 4.13 and adding Section 4.22 and amending the Zoning Map of the Town of Stoneham and amending Section 5.2.1 to read as follows:

1.) Amending Section 4.13 Commercial District II

4.13.1 Purpose

The purpose of the Commercial District II is to provide for the development and redevelopment of the Fallon Road area. The district provides for commercial, office, and light industrial use.

4.13.2 Uses in the Commercial District II permitted as of right.

4.13.2.1 Restaurant, public dining room or lunch room with a gross floor area not greater than five thousand (5,000) square feet.

4.13.2.2 Retail store, service establishment, and retail business with gross floor area not greater than fifty thousand (50,000) square feet.

4.13.2.3 Medical and dental offices, laboratories and clinics.

4.13.2.4 Office Buildings.

4.13.2.5 Office Parks.

4.13.2.6 Research and Development Laboratory engaged in any one of the following: experimental research and testing activities and production, including but not limited to the fields of life sciences, biology, chemistry, electronics, engineering, geology, medicine and physics excluding nuclear and hazardous biological uses.

4.13.2.7 Light Manufacturing.

4.13.2.8. Industrial Parks.

4.13.2.9 Elder Congregate housing, resident care living facility, including without limitation, nursing facility, assisted living facility, hospice care facility and long term care facility.

4.13.2.10 Storage warehouses and distribution buildings.

4.13.3 Uses permitted with a Special Permit Granted by Planning Board:

4.13.3.1 Wireless Service Facility (including its supports) subject to the provisions of 6.11 Wireless Service Facility Regulations and Restrictions.

4.13.4 Uses Permitted with a Special Permit Granted by the Planning Board and Site Plan Approval by the Board of Selectmen:

4.13.4.1 Restaurant, public dining room or lunch room with gross floor area of greater than five thousand (5,000) square feet with or without drive through facilities.

4.13.4.2 Retail store, service establishment, and retail business with gross floor area greater than fifty thousand (50,000) square feet.

4.13.4.3 Hotels including both full service and extended stay and related accessory uses in support of a hotel such as fitness and dining facilities, business center, restaurant, meeting rooms and retail shops wholly within the premises.

4.13.4.4 Electric utility substation.

4.13.4.5 Auto repair services provided that:

- (a) All service is performed within an enclosed structure.
- (b) Such building shall be located not less than one hundred (100') feet from properties used or zoned for residential purposes, and not less than six hundred (600) feet from a school.
- (c) Such building shall be set back at least fifty (50') feet from the street right-of-way.
- (d) No motor vehicles in an inoperative condition are to remain on such site for more than a two (2) week period unless enclosed in a building or fenced or screened from abutting properties.

4.13.4.6 Banquet Facilities, Function Halls, and Dinner Theaters.

4.13.5 Off-Street Parking, Layout, and Loading Requirements for Commercial District II shall be in accordance with Section 6.3 Off-Street Parking Requirements except as follows:

- (a) Parking spaces shall be on the same lot as the principle use except that parking spaces may be provided on an adjacent lot provided there is a special permit granted for said parking by the Planning Board.
- (b) A minimum of one (1) off-street loading area per office, commercial or retail building.

2.) Adding Section 4.22 Residential Overlay Fallon Road District

4.22.1 Purpose

The purpose of the Residential Overlay Fallon Road District is to provide for the redevelopment of a portion of the Fallon Road area for residential use.

4.22.2 Uses in the Residential Overlay Fallon Road District permitted as of right.

4.22.2.1 Apartment Building or Town house Design Dwelling Units, not to exceed four hundred ten (410) units in the Residential Overlay Fallon Road District provided that:

- (a) There is a maximum of twenty (20) units per acre.
- (b) Each structure shall be connected to and serviced by municipal water and sewer.
- (c) All existing or proposed utilities shall be installed underground at the time of initial construction.
- (d) The applicant must provide documentation to the Town of Stoneham Department of Public Works that the site is satisfactory in regard to drainage, water supply, and sewage disposal for the number of units to be constructed, such documentation to be prepared by a registered professional engineer and approved by the Town Engineer.

4.22.2.2 Off-Street Parking, Layout, and Loading Requirements for Residential Overlay Fallon Road District shall be in accordance with Section 6.3 Off-Street Parking Requirements except as follows:

- (a) Minimum required parking of 1.7 parking spaces per dwelling unit.
- (b) Parking spaces shall be a minimum of eight (8') feet by sixteen (16') feet.
- (c) Minimum aisle width of twenty-two (22') feet.
- (d) No minimum or maximum for the number of driveways permitting entrance to and exit from a lot to a street.
- (e) Parking spaces shall be on the same lot as the principle use except that parking spaces may be provided on an adjacent lot provided there is a special permit granted for said parking by the Planning Board.
- (f) Tandem parking spaces are allowed for Town house use.
- (g) One level of parking within the building footprint is allowed beneath the uses permitted as described in 4.22.2.1 above in which case the height regulation of Section 5.2.1 Table One will be raised ten (10') feet for that building.
- (h) No requirement for off-street loading area for Apartment Building or Town house design residential use.

3.) Amending the Zoning Map of the Town of Stoneham by adding a portion of the property on Fallon Road to the Residential Overlay Fallon Road District more specifically shown below as Parcel 1 and Parcel 2 as follows:

PARCEL 1

Property Address: 200 Fallon Road, Stoneham, MA

All that certain lot piece or parcel of land situate, lying and being in Stoneham, Massachusetts on the west side of Route I-93, so called, (said Route also being known as Route 93), shown as Lot Three on a plan dated July 20, 1967, by Raymond C. Pressey, Inc., entitled, "Plan of Middlesex Industrial Park, Stoneham, Massachusetts", recorded with Middlesex South District Deeds in Book 11407, Page 653, more particularly bounded and described as follows:

NORTHERLY: by land of Alfred A. Sartorelli, Trustee of the Fallon Land Trust, two hundred nine and 84/100 (209.84) feet;

NORTHEASTERLY

And NORTHERLY: by the southwesterly and southerly line of the cul-de-sac and strip shown as Fallon Road on said plan, a total distance of two hundred seven and 42/100 (207.42) feet (distance along said cul-de-sac being are distances totaling one hundred forty-three and 56/100 (143.56) feet);

EASTERLY: by land now or formerly of Servomation of New England, Inc., six hundred and 28/100 (600.28) feet;

SOUTHERLY: by land of the Commonwealth of Massachusetts (Metropolitan District Commission) three hundred eighty-eight and 76/100 (388.76) feet; and

WESTERLY: by the Town line between Winchester and Stoneham, five hundred eighty-four and 23/100 (584.23) feet.

Containing, according to said plan, 5.29 acres, with any of said measurements or contents more or less.

## PARCEL 2

Property Address: 225 Fallon Road, Stoneham, MA

A certain parcel of land located in the Town of Stoneham shown as a portion of Lot A on Plan No. 887 of 2008 recorded at the Middlesex South District Registry of Deeds, described as follows:

Beginning at the southeasterly corner of the premises herein described at a point on the northerly sideline of Fallon Road; thence running

S77°50'05"W along said sideline a distance of 52.56 feet; thence running

Westerly along said sideline with a curve turning to the right with an arc length of 195.48 feet on a radius of 350.00 feet; thence running

N70°09'55"W along said sideline a distance of 147.46 feet; thence running

Northwesterly along said sideline with a curve turning to the right with an arc length of 24.38 feet on a radius of 30.00 feet; thence running

Westerly along said sideline with a reverse curve turning to the left with an arc length of 40.64 feet on a radius of 50.00 feet; thence turning and running

N70°09'55"W a distance of 260.21 feet to a point on the Stoneham/Winchester Town Line; thence turning and running

N19°25'01"E along said Town Line a distance of 85.20 feet; thence turning and running

N26°57'32"E a distance of 4.43 feet; thence turning and running

N18°07'23"E a distance of 25.73 feet to a point on the Stoneham/Winchester Town Line; thence turning and running

N19°25'01"E along said Town Line a distance of 78.87 feet; thence turning and running

N25°42'51"E a distance of 26.58 feet; thence turning and running

N21°57'32"E a distance of 102.14 feet; thence turning and running

N13°48'04"E a distance of 41.98 feet; thence turning and running

N20°19'36"E a distance of 79.93 feet; thence turning and running

S58°36'12"E a distance of 0.77 feet; thence turning and running



N18°38'48"E a distance of 270.00 feet; thence turning and running

N16°07'53"E a distance of 30.21 feet to a point on the Stoneham/Winchester Town Line; thence turning and running

N19°25'01"E along said Town Line a distance of 379.41 feet; thence running

N19°25'01"E continuing along said Town Line a distance of 161.02 feet; thence turning and running

S85°35'12"E a distance of 63.77 feet to a point on the southerly location line of Interstate Route 93; thence turning and running

S27°57'00"E along said location line a distance of 541.34 feet; thence turning and running

S00°33'39"W along said location line a distance of 460.99 feet; thence running

Southeasterly along said location line with a curve turning to the left with an arc length of 77.04 feet on a radius of 280.00 feet; thence turning and running

S68°22'31"W a distance of 75.24 feet; thence turning and running

Southeasterly with a curve turning to the right with an arc length of 78.58 feet on a radius of 141.87 feet; thence running

S02°45'06"W a distance of 21.34 feet; thence running

Southerly with a curve turning to the right with an arc length of 53.00 feet on a radius of 88.00 feet; thence running

S37°15'35"W a distance of 17.12 feet; thence running

Southeasterly with a curve turning to the left with an arc length of 36.10 feet on a radius of 112.00 feet; thence running

S18°47'37"W a distance of 4.70 feet; thence running

Southeasterly with a curve turning to the left with an arc length of 69.58 feet on a radius of 112.00 feet; thence running

S16°48'07"E a distance of 86.61 feet to the point of beginning.

Containing an area of 649,862 Square Feet, or 14.919 Acres

5.) Amending the Zoning Table One - Dimensional Requirements as attached.

Section 5.2.1

**TABLE ONE - DIMENSIONAL REQUIREMENTS**

District	Minimum Lot Size in Square Feet	Frontage & Lot Width in Feet <sup>(2)</sup>	Percent Coverage <sup>(3)</sup>	Minimum Setback in Feet			Height in Feet
				Front	Side <sup>(4)(15)</sup>	Rear <sup>(15)</sup>	
<i>Residence A</i>	10,000 <sup>(1)</sup>	90	30	20	10 <sup>(8)</sup>	15 <sup>(8)(10)</sup>	30
<i>Residence B</i>	7,000 <sup>(5)</sup>	75 <sup>(7)</sup>	20	15 <sup>(6)</sup>	10 <sup>(6)</sup>	15 <sup>(6)(8)(10)</sup>	30
<i>Neighborhood</i>	10,000	100	50	15	15	15	30

District	Minimum Lot Size in Square Feet	Frontage & Lot Width in Feet <sup>(2)</sup>	Percent Coverage <sup>(3)</sup>	Minimum Setback in Feet			Height in Feet
				Front	Side <sup>(4)(15)</sup>	Rear <sup>(15)</sup>	
<i>Residence A</i>	10,000 <sup>(1)</sup>	90	30	20	10 <sup>(8)</sup>	15 <sup>(8)(10)</sup>	30
<i>Business</i>							
<i>Business</i>	None Required	None Required	75	15	10	15	45
<i>Central Business</i>	None Required	None Required	100	None	None	None	45
<i>Highway Business</i>	10,000	100	75	20 <sup>(9)</sup>	5	5	45
<i>Commercial</i>	20,000	100	75	15	10	10	65 <sup>(18)</sup>
<i>Residential Overlay Fallon Road</i>	200,000 <sup>(22)</sup> Maximum density = 20 units/acre	150	30	20	20	10	65 <sup>(19)</sup>
<i>Medical<sup>(11)</sup></i>	40,000	150	40	40	20	50	65
<i>Recreation/Open Space</i>	40,000	150	5	40	20	50	30
<i>Education<sup>(12)</sup></i>	50,000	45	35	20	13	20	55
<i>Medical/Office/Residential</i>	200,000/200,000/200,000	150/150/150	30/30/30	40 <sup>(13)</sup> / 30 <sup>(13)</sup> / 30 <sup>(13)</sup>	20 <sup>(13)</sup> /20 <sup>(13)</sup> /10 <sup>(13)</sup> 3 <sup>(14)</sup>	20 <sup>(13)</sup> /20 <sup>(13)</sup> /10 <sup>(13)(14)</sup>	97/97/ 65
<i>Railroad Right-of-Way Overlay District</i>	None <sup>(17)</sup>	None <sup>(17)</sup>	75 <sup>(17)</sup>	5 <sup>(16)(17)</sup>	5 <sup>(16)(17)</sup>	5 <sup>(16)(17)</sup>	20
<i>East School Multi-Family Overlay District</i>	20,000	Frontage – 150 Width – 130	50	40 <sup>(20)</sup>	10 <sup>(20)</sup>	30 <sup>(20)</sup>	40 <sup>(21)</sup>

- (1) Except 40,000 feet for all non-residential uses.
- (2) See 5.3.4 (Reserved)
- (3) Portion of lot devoted to structure.
- (4) Except that no part of a building may be placed within 15' of any street.
- (5) Plus 2,500 for each dwelling unit over one in a structure.
- (6) 30' for three or more dwelling units.
- (7) 150' for three or more dwelling units.
- (8) A minimum distance of ten (10') feet between buildings on adjacent lots in Residence A and B must be maintained.
- (9) Except 15' for freestanding pole or ground signs.
- (10) Except for pools which shall have a ten (10') foot minimum rear setback requirement. (5-12-86)
- (11) Residential uses in the Medical District shall conform to the requirements specified herein for the Residence B District.
- (12) No setback required where abutting public open or recreational space. (5-7-98)
- (13) Retaining walls over four (4') feet in height are permitted within the required front, side, and rear setbacks in the Medical/Office/Residential District.
- (14) Minimum Space between principal buildings on the same lot is ten (10') feet.
- (15) Fences as structures of six (6') feet in height or less and retaining walls of four (4') feet in height or less are excluded from front, side, and rear setback requirements except retaining walls over four (4') feet in height are permitted in the Medical/Office/Residential District in Note (13).
- (16) Except that there shall not be a setback requirement if the property abutting the subject lot line is owned by the same person or entity that is using the property in the Railroad Right-of-Way Overlay District.
- (17) Property in the Railroad Right-of-Way District shall not be used in calculating or otherwise complying with the frontage, lot size, percent lot coverage or setback requirements of an abutting property.  
(Art. 11, 4-7-09)
- (18) Height may be increased to 85 feet by Special Permit from Planning Board.
- (19) Height may be increased to 80 feet by Special Permit from the Planning Board.
- (20) A flagpole, retaining wall of no greater than five feet (5') in height, ramp, stairway or bulkhead from the ground level to the basement are all excluded from the setback requirements.
- (21) A cupola, chimney or appurtenance accessory to a residential structure and use allowed under this Section 4.20 are all excluded from this height limitation, but in no event may they be greater than fifty-five feet (55') in height.
- (22) 10% of Lot Area shall be open space.

**2/3 Vote Required  
2/3 Vote Passes Unanimous  
Motion for Reconsideration  
Cannot be Reconsidered**

**Motion to dissolve.  
Meeting dissolved at 7:29PM.**