

WARRANT FOR SPECIAL TOWN MEETING

THURSDAY, OCTOBER 13, 2011

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

Thursday, October 13, 2011

at 7:30 o'clock in the evening to act upon the following articles of this Warrant:

Article 1. To see if the Town will vote:

1. To authorize the transfer of the care, custody, management and control of a portion of the former East Elementary School property and the building thereon located at 12 Beacon Street, shown as Lot B on the "Plan of Land on Beacon Street Stoneham, Massachusetts Scale 1" = 40' September 13, 2011 Robert T. Grover Town Engineer" ("Plan of Land"), a copy of which is on file with the Town Clerk, and as further described below, from the Stoneham School Committee to the Board of Selectmen for the purposes of the sale of said property and building located on Lot B by the Board of Selectmen, pursuant to M.G.L. c.40, sec. 15A, and further to authorize the Board of Selectmen to sell Lot B, under terms the Board of Selectmen deems to be in the best interest of the Town, in accordance with the applicable provisions of Massachusetts General Laws, including M.G.L. c.40, sec. 3 and, as applicable, M.G.L. c.40, sec. 15, More specifically, Lot B is shown on said Plan of Land, as follows:

Beacon Street at East School – Lot B

Beginning at a point in the easterly sideline of Beacon Street, said point being 39.50 feet south of a stone bound in said sideline, the line runs north 88-26-21 east, 156.00 feet, to a point; thence the line turns and runs south 1-33-39 east, 119.50 feet, to a point; thence the line turns and runs south 43-26-21 west, 21.21 feet, to a point; thence the line turns and runs south 88-26-21 west, 102.50 feet, to a point; thence the line turns and runs south 1-33-39 east, 27.00 feet, to a point; thence the line turns and runs south 88-26-21 west, 38.50 feet, to a point in the easterly sideline of the aforementioned Beacon Street; thence the line turns and runs north 1-33-39 west, 161.50 feet, to a point of beginning. Said Lot B containing 21,102 square feet.

and

2. To grant two (2) non-exclusive right-of-way easements over and across Lot B to the Buyer of said Lot B, and to Buyer's heirs, successors and assigns, shown as "20.00' R.O.W. For Lot B" and 15.00' R.O.W. For Lot B" on the above referenced "Plan of Land on Beacon Street Stoneham, Massachusetts Scale 1" = 40' September 13, 2011 Robert T. Grover Town Engineer" ("Plan of Land"), for purposes of access to said Lot B, including access to the building and parking on Lot B, including without limitation, access by motor vehicle and on foot, in accordance with the

applicable provisions of Massachusetts General Law, including M.G.L. c.40, sec. 3 and, as applicable, M.G.L. c.40, sec 15, and under such terms the Board of Selectmen deems to be in the best interest of the Town. In order for the Board of Selectmen to grant said right-of-way easements, the care, custody, management and control of such property interest as needed to convey the right-of-way easements in accordance herewith are transferred from the Stoneham School Committee to the Board of Selectmen, pursuant to applicable Massachusetts General Laws, including M.G.L. c.40, sec. 15A, for purposes of the Board of Selectmen granting said easements consistent herewith and in accordance with the applicable provisions of Massachusetts General Laws. More specifically, the right-of-way easements are shown on said Plan of Land, as follows:

20 ft. Right of Way

Beginning at the intersection of the easterly line of Beacon Street and the northerly line of Lot B; thence running easterly along the northerly line of Lot B 156.00 feet; thence turning and running northerly 20.00 feet; thence turning and running westerly 156.00 feet to the easterly line of Beacon Street; thence turning and running along the easterly line of Beacon Street 20.00 feet to the point of beginning.

15 ft. Right of Way

Beginning at the intersection of the easterly line of Beacon Street and a southerly line of Lot B; thence running easterly along a southerly line of Lot B and across land of the Town of Stoneham 106.60 feet; thence turning and running northeasterly 31.70 feet to a point on a southerly line of Lot B; thence turning and running easterly 17.60 feet along said southerly line; thence turning and running southwesterly and westerly across land of the Town of Stoneham 49.40 feet and 115.00 feet to the easterly line of Beacon Street; thence turning and running northerly along the easterly line of Beacon Street 15.00 feet to the point of beginning.

The Board of Selectmen and the Town Administrator are hereby authorized to take any action necessary in furtherance hereof.

Or do anything in relation thereto.

Board of Selectmen

Article 2. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-Laws, by:

1. Adding Section 4.20 – East School Overlay District, as follows:

4.20.1 Purpose:

The purpose of the East School Overlay District is to encourage the as-of-right development and use of a residential building with no more than three (3) dwelling units

on a portion of the site of the former East School at 12 Beacon Street, located within the underlying Resident A District, in order to best reuse this unique property and building. The East School Overlay District confers an additional land use option and does not eliminate or alter zoning rights permitted in the underlying zoning district.

4.20.2 Use(s) Permitted As Of Right:

4.20.2.1 One building for residential use with no more than three (3) dwelling units.

4.20.3 Accessory Buildings and Structures:

4.20.3.1 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 or other telecommunications structure, except to the extent required by applicable federal or state law.

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

4.20.4.1. Off-Street Parking, Layout, Screening and Loading Requirements shall be in accordance with Section 6.3, except as follows:

- (a) Two (2) 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.
- (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**

District	Minimum Lot Size in Square Feet	Frontage and Lot Width in Feet	Percent Coverage	Minimum Setback in Feet			Height in Feet
				Front	Side	Rear	
<i>East School Multi-Family Overlay District</i>	20,000	Frontage - 150 Width - 130	50	Front 40 ⁽²⁰⁾	Side 10 ⁽²⁰⁾	Rear 30 ⁽²⁰⁾	40 ⁽²¹⁾

⁽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.

3. Amending Section 6.7 – Signs, by adding the following to the title of the Residence A chart – “East School Overlay District” so that it reads “Residence A and East School Overlay District”.

The motion for this Article may, to the extent consistent with applicable law, vary any of the above provisions, including the addition or deletion of a provision(s), if it would further the purpose of this Article as set out in Section 4.20 above.

4. Amending the Zoning Map of the Town of Stoneham by adding a portion of the current East School property located at 12 Beacon Street to the new East School Overlay District, as shown on a plan entitled “Beacon St. Overlay District Stoneham Massachusetts Scale: 1”=60’ September 21, 2011 Robert E. Grover, Town Engineer”, on file with the Town Clerk. Said portion of land being rezoned is further described as follows:

Beginning at the intersection of the easterly line of Beacon Street and the southerly property line of #10 Beacon Street; thence, running easterly by the southerly line of #10 Beacon Street 160.00 feet; thence, turning and running southerly at a right angle 220.00 feet; thence, turning and running westerly at a right angle 160.00 feet to the easterly line of Beacon Street; thence, turning and running northerly along the easterly line of Beacon Street 220.00 feet to the point of beginning.

Or do anything in relation thereto.

Planning Board

Article 3. To see if the Town will vote to accept as Public Way Christopher Street from Isabella Street to cul-de-sac 331’ more or less, as laid out by the Town Administrator and authorize the Board of Selectmen or Town Administrator to obtain by purchase, accept as a gift, take by right of eminent domain under provisions of Chapter 79 or 80a of the General Laws, or otherwise acquire any land or interest in land necessary or proper for the 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.

**Marlene Cook et al
1 Christopher Street**

And you are directed to serve this Warrant by posting attested copies in at least ten (10) public places in the Town fourteen (14) days at least before the time for holding said meeting and by causing an attested copy to be published in some newspaper in the town, the publication to be not less than three (3) days before said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place aforesaid.

Given unto our hands this 27th day of September in the year of our Lord two thousand eleven.

Board of Selectmen

R. Paul Rotondi, Chairman

John F. DePinto

Richard S. Gregorio

Robert W. Sweeney

Frank A. Vallarelli

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