

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

**Article 1. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, zoning By-law by amending Section 4.15 and by adding Section 5.2.2 to read as follows:**

**4.15 MEDICAL / OFFICE / RESIDENTIAL DISTRICT**

4.15.1 *Purpose:* The purpose of the Medical / Office / Residential District is to provide an area for medical and related services, and to provide for development of general office, technological and research related uses and to provide for multi-family residential uses.

4.15.2 *Uses in the Medical / Office / Residential District permitted as of right.*

4.15.2.1 Elder congregate housing.

4.15.2.2 Hospital, related medical treatment, diagnostic care and services.

4.15.2.3 Health Care Practice and Services whether offered in an individual or group practice setting, including free standing and mobile diagnostic facilities.

4.15.2.4 Garden or Town house design dwelling units not to exceed 310 units in the Medical / Office / Residential District provided that there is a maximum of thirty (30) units per acre for Garden style dwellings and a maximum of ten (10) units per acre for Town house style dwellings.

4.15.2.5 Medical, Professional, Administrative, Executive or Management Offices.

4.15.2.6 Office Buildings

4.15.2.7 Office Parks

- 4.15.2.8 Research laboratory with uses such as, but not limited to, electronics, engineering and software.
- 4.15.2.9 Accessory uses incidental to and in support of any of the as of right uses described in above are permitted Section 4.15.2. Accessory uses greater than 2,500 of the gross floor area shall be allowed only with the grant of a Special Permit pursuant to Section 4.15.4.3. Further provided that there shall be no exterior advertising of accessory uses. A clubhouse for the residents of Garden and Town house design dwelling units is a permitted accessory use not to exceed 5,000 square feet without a special permit.
- 4.15.2.10 Off-Street Parking, Layout, Screening and Loading Requirements for Medical / Office / Residential District are in accordance with Section 6.3 except as follows:
- a.) Minimum 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 recorded parking easement for said parking.
  - f.) Tandem parking spaces are allowed for Town house use.
  - g.) No side and/or rear parking setbacks are required and the parking setback for any street is two (2') feet except the parking setback for Woodland Road is ten (10') feet.
  - h.) No requirement for off-street loading area for Garden or Town house design residential use and a minimum of one (1) off-street loading area per office building,
  - i.) No requirement to protect abutting properties from headlight glare.
- 4.15.2.11 The four (4) foot wide area of landscaping adjacent to the property boundary required by Section 6.5.2.4 is not required in the Medical / Office / Residential District.
- 4.15.2.12 Up to two levels of parking within the building footprint is allowed beneath the uses permitted as described in 4.15.2 above.
- 4.15.2.13 Pre-existing wireless facilities subject to the provisions of 4.11 Wireless Facility Regulations and Restrictions.

*4.15.3 Uses in the Medical / Office / Residential District Permitted with Site Plan Approval by the Board of Selectmen:*

- 4.15.3.1 Resident care living facility, including, without limitation, nursing facility, assisted living facility, hospice care facility, and long term care facility.
- 4.15.3.2 Medical laboratories or clinics, dental laboratories or clinics.
- 4.15.3.3 Clinics and facilities licensed by the Department of Public Health or by the Department of Mental Health or any successor agency.

4.15.4 *Uses Permitted in the Medical / Office / Residential District with a Special Permit Granted by the Planning Board and Site Plan Approval by the Board of Selectmen after concurrent hearings held by the Boards:*

- 4.15.4.1 Medical schools, medical training facilities and training facilities for health professions.
- 4.15.4.2 Conference center.
- 4.15.4.3 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 shops wholly within the premises.
- 4.15.4.4 Research and Development Laboratory engaged in any one of the following: research, experimental and testing activities and production, including but not limited to the fields of life sciences, biology, chemistry, electronics, engineering, geology, medicine and physics, excluding any high hazard uses.
- 4.15.4.5 Restaurant, public dining room or lunch room, with a gross floor area not greater than five thousand (5,000) square feet.
- 4.15.4.6 Multi-level parking facility accessory to a principal use permitted in Section 4.15.2, 4.15.3, or 4.15.4 including enclosed and open facilities and above and below ground.
- 4.15.4.7 Non-residential uses that provide services ancillary to uses permitted by right or on a special permit in the Medical / Office / Residential District, including, without limitation, maintenance shop, machine shop, water tower, steam plant and power plant.

SECTION 5.2.2

TABLE TWO - DIMENSIONAL REQUIREMENTS

District	Minimum Lot Size in Square Feet	Frontage and Lot Width in Feet	Percent Coverage <sup>(1)</sup>	Minimum Setback in Feet			Height in Feet
				Front <sup>(2)</sup>	Side <sup>(2)</sup>	Rear <sup>(2)</sup>	
<i>Medical/Office/Residential</i>	200,000/200,000/200,000	150/150/150	30/30/30	40 <sup>(3)</sup> /30 <sup>(2)</sup> /30 <sup>(3)</sup>	20 <sup>(3)</sup> /20 <sup>(3)</sup> /10 <sup>(3)(4)</sup>	20 <sup>(3)</sup> /20 <sup>(3)</sup> /10 <sup>(3)(4)</sup>	97/97/65

- (1) Portion of lot devoted to structure
- (2) Except that no part of a building may be placed within 15' of any street
- (3) Retaining walls over four (4') feet in height are permitted within the required front, side, and rear setbacks in the Medical/Office/Residential District.
- (4) Minimum Space between principal buildings on the same lot is ten (10') feet.

**Planning Board**

**Article 2.** To see if the Town will vote to amend the amount to be raised and appropriated under Article No. 12 of the May 2, 2011 Annual Town Meeting and adjust the Fiscal Year 2012 departmental budgets and funding sources (as described in Exhibit A), or to do anything in relation thereto.

**Board of Selectmen**

**Article 3.** To see if the Town will vote to raise and appropriate or transfer from available funds or borrow a sum of money for various capital projects, or to do anything in relation thereto.

**Capital Committee**

**Article 4.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay for prior fiscal year invoices, or to do anything in relation thereto.

**Board of Selectmen**

**Article 5.** To see if the Town will vote to transfer Seventy-Nine Thousand Forty-Two Dollars and Ninety-Five Cents (\$79,042.95) from the FEMA Snow & Ice Reimbursement Grant, Two Hundred Fifty-Five Thousand Five Hundred Ninety Dollars (\$255,590.00) from Surplus Revenue, and One Hundred Eight Thousand Seven Hundred Twenty-Four Dollars and Twelve Cents (\$108,724.12) from the Stabilization Fund for the purpose of funding the Fiscal Year 2011 Snow & Ice Deficit of Four Hundred Forty-Three Thousand Three Hundred Fifty-Seven Dollars and Seven Cents (\$443,357.07).

**Board of Selectmen**

**Article 6.** To see if the Town will vote to rescind Two Hundred Seventy-Four Thousand Four Hundred Dollars (\$274,400) remaining on the authorization to borrow for the Arena Roof that was voted under Article No. 8 of the May 7 & 10, 2007 Special Town Meeting, or to do anything in relation thereto.

**Board of Selectmen**

**Article 7.** To see if the Town will vote to appropriate \$492,232 to be received by the Town from the Commonwealth of Massachusetts Chapter 90 local transportation aid funding for fiscal year 2012 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 thereto.

**Board of Selectmen**

**Article 8.** To see if the Town will vote to raise and appropriate, or transfer from available funds, Ten Thousand Dollars (\$10,000) which will allow the taxpayers of the Town of Stoneham, along with taxpayers from other communities, and Tax Reform for Education, Inc., a non-profit corporation, to participate in a lawsuit claiming “the Massachusetts General Laws Chapter 70 public school funding system unconstitutional”.

**Board of Selectmen**

**Article 9.** That the Council on Aging be authorized to use a revolving fund in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53E1/2, that may be spent by the Council on Aging without further appropriation during fiscal year 2012 to pay salaries, expenses and contractual services required to provide services and activities for the Towns elderly residents. The Council on Aging Revolving Fund is to be credited with all rentals, fees and charges received during fiscal year 2012 from persons using said programs. The Director of the Council on Aging may spend up to \$60,000 in revolving fund monies during Fiscal Year 2012. In addition transfer any balance remaining on June 30, 2011 from the existing Senior Center accounts into the authorized revolving account. Or do anything in relation thereto.

**Board of Selectmen**

**Article 10.** To see if the Town will vote to authorize the lease of a portion of up to ten thousand (10,000) square feet (at the southwest corner) of the Stevens Street Recycling Center, located off Stevens Street, for a period of up to five (5) years, pursuant to Section 10(h) of the Town of Stoneham Selectmen-Administrator Act (Chapter 26 of the Acts and Resolves of 1981, as amended). And further to authorize the Town Administrator to take any action necessary to carry out this vote.

Or do anything in relation thereto.

**Board of Selectmen**

**Article 11.** To see if the Town will vote to authorize the Town Administrator to enter into a lease of up to three (3) years with up to two (2) additional option years (which options(s) shall be at the sole discretion of the Town, through its Town Administrator) for those areas of the Stoneham Arena used for Concessions, the Pro Shop, and/or Vending Machines so as to allow a third-party(ies) to operate all or any one of these uses in the leased areas. And further to authorize the Town Administrator to take any action necessary to carry out this vote.

Or do anything in relation thereto.

**Board of Selectmen**

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 20th day of September in the year of our Lord two thousand eleven.

**Board of Selectmen**

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R. Paul Rotondi, Chairman

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John F. DePinto

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Richard S. Gregorio

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Robert W. Sweeney

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Frank A. Vallarelli

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