

**WARRANT FOR SPECIAL TOWN MEETING
THURSDAY, OCTOBER 24, 2002**

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 24, 2002

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

Agreeable to the warrant signed by the Selectmen on September 24, 2002 the inhabitants of the Town of Stoneham qualified to vote in elections and Town affairs met in the Town Hall, 35 Central Street on Thursday, October 24, 2002 at 7:41 in the evening.

Tellers were appointed to check names of the voters entering the Town Hall and the checklist showed 173 voters were inside the meeting.

The meeting was called to order by the Moderator, Michael Rotondi, the National Anthem was sung by Stoneham High School student Jessica Jackson and the warrant was read.

Article 1. To see if the Town will vote to hear the report of the Fire Station Design Review Committee, which was appointed by the Town Administrator to oversee the renovation/reconstruction of the Fire Station.

Town Administrator

Article 1. **Voted** that the Town hear the report of the Fire Station Design Review Committee, which was appointed by the Town Administrator to oversee the renovation/reconstruction of the Fire Station.

Motion Accepted

Article 2. To see if the Town will vote to appropriate a sum of money for the Renovation and Furnishing of the Senior Center Barn as Stoneham Adult Day Health Center, provided that any authorized renovation may include repairs, reconstruction, original equipment and related site improvements; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow under Chapter 44 of the General Laws; that the Selectmen and/or Town Administrator are authorized to contract for and expend any federal, state aid, and/or private funds, including trust funds specifically designated for health institutions in Stoneham, available for the project, and to take any other action necessary to carry out this project.

Or do anything in relation thereto.

Board of Selectmen

Article 2. **Voted** that the Town appropriate the sum of \$400,000 for the renovation and furnishing of the Senior Center Barn as the Stoneham Adult Day Health Center, provided that any authorized renovation may include repairs, reconstruction, original equipment and related site improvements. To meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow the sum of \$400,000, pursuant to Chapter 44 of the general Laws. Further, the Selectmen and the Town Administrator, as provided by law or hereby authorized, may contract for and expend any federal or state aid, and/or private funds available for the project.

**2/3 Vote Required
Motion Fails**

Article 3. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to amend the Fiscal Year 2003 Departmental Budgets pursuant to Article 10 of the May 2002 Annual Town Meeting; or do anything in relation thereto.

Board of Selectmen

Article 3. **Voted** that the Town transfer from Surplus Revenue \$865,044 to amend the Fiscal Year 2003 Departmental Budgets pursuant to Article 10 of the May 2002 Annual Town Meeting as printed in the handout entitled "Exhibit A".

Said sum to be transferred as follows:			
EXPENDITURES			
	Personnel	Operating	Total
#132 Reserve Fund		\$ 42,000	\$ 42,000
#145 Treasurer		\$ 1,309	\$ 1,309
#161 Town Clerk	\$ 1,400		\$ 1,400
#192 Public Buildings		\$ 1,700	\$ 1,700
#210 Police Department		\$ 17,200	\$ 17,200
#300 Schools			\$ 113,000
#399 Vocational School		\$ 14,264	\$ 14,264
#710 Maturing Debt/Interest		\$(160,000)	\$ (160,000)
#918 Capital		\$ 32,248	\$ 32,248
#919 Unclassified		\$ 322,762	\$ 322,762
#920 Non-departmental		\$ 2,000	\$ 2,000
TOTAL EXPENDITURES			\$ 387,883

REVENUES	
Transfer from Surplus Revenue	\$ 865,044
Decrease State Aid	\$ (317,161)
Decrease Debt Exclusion	\$ (160,000)
TOTAL REVENUES	\$ 387,883

**Majority Vote Required
Motion Passes Per Moderator**

Article 4. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of refurbishing Stoneham Fire/Rescue Engine #4 or to do anything in relation thereto.

Board of Selectmen

Article 4. **Voted** that the Town indefinitely postpone the subject matter of Article #4.

**Motion to Indefinitely Postpone
Motion Seconded
Motion Passes
Article Indefinitely Postponed**

Article 5. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$5,000 to pay prior year medical invoices for police and fire employees and retirees who were injured while on duty; or do anything in relation thereto.

Board of Selectmen

Article 5. **Voted** that the Town transfer from surplus revenue the sum of \$5,000 to pay prior year medical invoices for police and fire employees and retirees who were injured while on duty.

**Requires 9/10 Vote
Motion Passes Unanimous**

Article 6. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$6,000.00 for parking enforcement; or do anything in relation thereto.

Board of Selectmen

Article 6. **Voted** that the Town indefinitely postpone the subject matter of Article #6.

Motion to Indefinitely Postpone

Motion Passes Unanimous

Article 7. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$5,000.00 for traffic enforcement or do anything in relation thereto.

Board of Selectmen

Article 7. **Voted** that the Town indefinitely postpone the subject matter of Article. #7.

Motion to Indefinitely Postpone
Motion Passes Unanimous

Article 8. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$150,000 for the construction, reconstruction, or repair of sidewalks; or do anything in relation thereto.

Board of Selectmen

Article 8. **Voted** that the Town indefinitely postpone the subject matter of Article #8.

Motion to Indefinitely Postpone
Motion Passes Unanimous

Article 9. To see if the Town will vote to transfer from available funds the sum of \$60,000 to be added to the Stabilization Fund; or do anything in relation thereto.

Board of Selectmen

Article 9. **Voted** that the Town indefinitely postpone the subject matter of Article #9.

Motion to Indefinitely Postpone
Motion Passes Unanimous

Article 10. To see if the Town will vote to appropriate \$258,837.23 to be received by the Town from the State Highway Funds account Chapter 246 of the Acts of 2002, as provided by the Commonwealth of Massachusetts 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 10. **Voted** that the Town appropriate \$258,837.23 to be received by the Town from the State Highway Funds account, Chapter 246 of the Acts of 2002, as provided by the Commonwealth of Massachusetts 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 Required
Motion Passes Unanimous

Article 11. To see if the Town will vote to authorize the return to the General Fund of \$43,000 in unexpended funds as appropriated in Article 8 of the Special Town Meeting held on May 6, 2002, to replace the East School boiler system, or act in any relation thereto.

School Committee

Article 11. **Voted** that the Town rescind the authorization to borrow \$43,000 pursuant to Article 8 of the Special Town Meeting held on May 6, 2002, to replace the East School boiler system, which amount is no longer needed, or expected to be used for said purpose.

2/3 Vote Required
Motion Passes Unanimous

Article 12. To see if the Town will vote to raise and appropriate or transfer from available funds \$32,000 to fund the replacement and related repairs of the East School roof, or act in any relation thereto.

School Committee

Article 12. **Voted** that the Town appropriate \$32,000 for the purpose of replacing and conducting related repairs to the east School roof; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$32,000 under Chapter 44, Section 7 of the General Laws or any other enabling authority; and that the School Committee is authorized to take any other action necessary to carry out this project.

Motion Passes Unanimous

Article 13. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund accumulated vacation leave of school employees, or act in any relation thereto.

School Committee

Article 13. **Voted** that the Town indefinitely postpone the subject matter of Article #13.

Motion to Indefinitely Postpone
Motion Passes

Motion for Reconsideration of Article 12
Motion Seconded
Cannot Be Reconsidered

Article 14. To see if the Town will vote to raise and appropriate, or transfer from available funds or to borrow the sum of money of \$15,000.00 for the purpose of joining and participating in East Middlesex Mosquito Control Project.

Board of Health

Article 14. **Voted** that the Town indefinitely postpone the subject matter of Article #14.

**Motion to Indefinitely Postpone
Motion Passes**

Article 15. To see if the Town will vote to accept Section 6 of Chapter 16 of the Acts of 2002:

Section 6. Section 3 of Chapter 71 of the Acts of 1996 is hereby amended by inserting after the second paragraph, as amended by Section 45 of Chapter 88 of the Acts of 1997, the following paragraph:

Members of the retirement system of a political subdivision who were eligible to apply for creditable service pursuant to this chapter, but failed to do so within 180 days of the acceptance of the act by the local legislative body may apply for such creditable service within 180 days of a vote by the local legislative body to allow such members an additional period of time to apply for such creditable service. A local legislative body shall be defined in this section but the local legislative body for a regional retirement system shall be the regional retirement system advisory board. A local legislative body may vote to allow the additional time period under this paragraph only once.

Board of Selectmen

Article 15. **Voted** that the Town accept Section 6 of Chapter 16 of the Acts of 2002:

Section 6. Section 3 of Chapter 71 of the Acts of 1996 is hereby amended by inserting after the second paragraph, as amended by Section 45 of Chapter 88 of the Acts of 1997, the following paragraph:

Members of the retirement system of a political subdivision who were eligible to apply for creditable service pursuant to this chapter, but failed to do so within 180 days of the acceptance of the act by the local legislative body may apply for such creditable service within 180 days of a vote by the local legislative body to allow such members an additional period of time to apply for such creditable service. A local legislative body shall be defined in this section but the local legislative body for a regional retirement system shall be the regional retirement system advisory board. A local legislative body may vote to allow the additional time period under this paragraph only once.

Motion Passes Unanimous

Article 16. To see if the Town will vote to amend the Stoneham Town Code Selectmen-Administrator Act Section 13 by:

Adding to Sec. 13 the words: "The Board of Library Trustees shall appoint all library personnel."

The amended section shall read:

Sec. 13 Town Administrator – Appointments

The Town Administrator shall appoint the town treasurer, tax collector and all other town officials whose appointment or election is not specifically provided for herein. The Board of Library Trustees shall appoint all library personnel. The Town Administrator shall appoint and may remove subject to the civil service laws where applicable, all department heads, all officers and subordinates and employees for whom no other method of appointment is provided in this act. Appointments to permanent positions made by the Town Administrator shall become effective seven working days following the date on which the notice of the appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within seven days, by a majority of the full board, vote to reject any such appointment.

Or do anything in relation thereto.

Board of Library Trustees

Article 16. **Voted** that the Town petition the Legislature to amend Chapter 26 of the Acts of 1981, An Act Establishing a Selectmen – Town Administrator Form of Government for the Town of Stoneham, as amended:

Adding to Sec. 13 the words: “The Board of Library Trustees shall appoint all library personnel.”

The amended section shall read:

Sec. 13 Town Administrator – Appointments

The Town Administrator shall appoint the town treasurer, tax collector and all other town officials whose appointment or election is not specifically provided for herein. The Board of Library Trustees shall appoint all library personnel. The Town Administrator shall appoint and may remove subject to the civil service laws where applicable, all department heads, all officers and subordinates and employees for whom no other method of appointment is provided in this act. Appointments to permanent positions made by the Town Administrator shall become effective seven working days following the date on which the notice of the appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within seven days, by a majority of the full board, vote to reject any such appointment. Or do anything in relation thereto.

Motion Passes
Motion for Reconsideration
Cannot Be Reconsidered

Letters Sent to Legislators October 29, 2002
Senator Richard R. Tisei
Representative Paul C. Casey
Representative Michael E. Festa
Representative Carol A. Donovan

Article 17. To see if the Town will vote to amend the Stoneham Town Code, Chapter, Animals and Fowl section 3-4 to insert and include the following:

Sec. 3-4: The feeding of wild animals:

- (a) *Prohibited:* No person within the Town of Stoneham shall intentionally feed a wild animal.

(b) *Penalties:* In addition to the general penalties provided pursuant to Section 1-4 of this Stoneham Town Code, the non-criminal disposition penalties that shall apply to a violation of this bylaw shall be as follows:

- First offense within a twenty-four month period.....Warning
- Second offense within a twenty-four month period.....\$25.00
- Third and subsequent offense(s) within a twenty-four month period.....\$50.00

Each day a violation continues shall be a separate offense.

In addition to police officers of the Town of Stoneham, the Animal Control Officer and the Board of Health and its inspector(s) and/or agent(s) shall have authority to enforce this bylaw by non-criminal disposition.

And further to amend Section 1-4A “Non-criminal disposition” to include the above referenced non-criminal disposition penalties.

Or do anything in relation thereto.

**Board of Health
Animal Control Officer**

Article 17. **Voted** that the Town amend the Stoneham Town Code, Chapter, Animals and Fowl section 3-4 to insert and include the new Sec. 3-4 as presented in article #17 of the warrant for the October 24, 2002 Special Town Meeting.

As Amended

Article 17. **Voted** that the Town will vote to amend the Stoneham Town Code, Chapter, Animals and Fowl section 3-4 to insert and include the following:

Sec. 3-4: The feeding of wild geese:

(b) *Prohibited:* No person within the Town of Stoneham shall intentionally feed a wild goose.

(b) *Penalties:* In addition to the general penalties provided pursuant to Section 1-4 of this Stoneham Town Code, the non-criminal disposition penalties that shall apply to a violation of this bylaw shall be as follows:

- First offense within a twenty-four month period.....Warning
- Second offense within a twenty-four month period.....\$25.00
- Third and subsequent offense(s) within a twenty-four month period.....\$50.00

Each day a violation continues shall be a separate offense.

In addition to police officers of the Town of Stoneham, the Animal Control Officer and the Board of Health and its inspector(s) and/or agent(s) shall have authority to enforce this bylaw by non-criminal disposition.

And further to amend Section 1-4A "Non-criminal disposition" to include the above referenced non-criminal disposition penalties.

**Original Motion Read
Amended Motion Read
Motion to Amend Article
Motion Fails
Main Motion
Main Motion Fails
Motion For Reconsideration of Article 17
Cannot Be Reconsidered**

Article 18. To see if the Town will vote to amend the Stoneham Town Code, Chapter 3; Animals and Fowl, Section 3-6 "Keeping barking, biting, etc., dog" by deleting the existing Section 3.6 which reads as follows: No person shall own or keep in the town any dog which by barking, biting, howling or in any other manner disturbs the quiet of any person", and substituting the following:

Section 3.6 Keeping of barking or howling dog.

(a) *Prohibited:* No person shall own or keep in the town any dog which by excessive barking or howling or by biting disturbs the quiet of any person.

(b) *Penalties:* In addition to the general penalties provided pursuant to Section 1-4 of this Stoneham Town Code, the non-criminal disposition penalties that shall apply to a violation of this bylaw shall be as follows:

First offense within a twenty-four month period.....Warning

Second offense within a twenty-four month period.....\$25.00

Third and subsequent offense(s) within a twenty-four month period.....\$50.00

Each day a violation continues shall be a separate offense.

In addition to police officers of the Town of Stoneham, the Animal Control Officer shall have authority to enforce this bylaw by non-criminal disposition.

And further to amend Section 1-4A "Non-criminal disposition" to include the above referenced non-criminal disposition penalties.

Or do anything in relation thereto.

**Board of Health
Animal Control Officer**

Article 18. **Voted** that the Town amend the Stoneham Town Code, Chapter 3; Animals and Fowl, Section 3-6 "Keeping barking, biting, etc., dog" by deleting the existing Section 3.6 which reads as follows: No person shall own or keep in the town any dog which by barking, biting, howling or in any other

manner disturbs the quiet of any person”, and substituting the new section 3.6 as presented in article #18 of the warrant for the October 24, 2002 Special Town Meeting as follows:

Section 3.6 Keeping of barking or howling dog.

(a) *Prohibited:* No person shall own or keep in the town any dog which by excessive barking or howling or by biting disturbs the quiet of any person.

(b) *Penalties:* In addition to the general penalties provided pursuant to Section 1-4 of this Stoneham Town Code, the non-criminal disposition penalties that shall apply to a violation of this bylaw shall be as follows:

First offense within a twenty-four month period.....Warning

Second offense within a twenty-four month period.....\$25.00

Third and subsequent offense(s) within a twenty-four month period.....\$50.00

Each day a violation continues shall be a separate offense.

In addition to police officers of the Town of Stoneham, the Animal Control Officer shall have authority to enforce this bylaw by non-criminal disposition.

And further to amend Section 1-4A “Non-criminal disposition” to include the above referenced non-criminal disposition penalties.

**Majority Vote Required
Motion Passes Per Moderator**

Approved by the Attorney General February 14, 2003

Article 19. To see if the Town will vote to amend the Stoneham Town Code, Chapter 3 Animals and Fowl by adding the following as Section 3-12:

Section 3-12: Feral Cat(s)

(a) Purpose: The Town of Stoneham finds it necessary to regulate and control feral cat(s) within the Town in order to protect and preserve the health and safety of the general public, including the reduction of spread of disease, property damage, and accidents caused by feral cat(s).

(b) Definition(s):

Feral Cat: a cat born in the wild, which has not become domesticated, or once a domesticated cat, which has been abandoned and/or allowed to become free roaming and is no longer socialized to humans.

Person: every individual, partnership, corporation, firm, association, or any other group acting as a unit, as well as a natural person.

(c) Capturing and confinement of feral cat(s):

The Animal Control Officer and/or his Agent(s) shall have the authority to capture and confine feral cat(s). Confinement shall be in a place suitable for the detention and care of cats and kept in a sanitary condition; or they may be placed in the care of a holder of a kennel license or of a charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse.

(d) Confinement of feral cat(s):

Cat(s) confined under the authority of this section shall, unless otherwise claimed by the owner, be kept for a period of ten (10) days, unless said cat(s) is sick or injured so that in the determination of the animal control officer, after consultation with a veterinarian, it should be humanely euthanized. After ten (10) days the cat(s) may, if adoptable, be adopted, or humanely euthanized.

(e) The feeding of feral cat(s):

No person shall intentionally feed feral cats.

(f) Penalties:

In addition to the general penalties provided pursuant to Section 1-4 of this Stoneham Town Code, the non-criminal disposition penalties that shall apply to a violation Section 3-12(a), the intentional feeding of feral cat(s), shall be as follows:

- First offense within a twenty-four month period.....Warning
- Second offense within a twenty-four month period.....\$25.00
- Third and subsequent offense(s) within a twenty-four month period.....\$50.00

Each day a violation continues shall be a separate offense.

In addition to police officers of the Town of Stoneham, the Animal Control Officer and the Board of Health and its inspector(s) and/or agent(s) shall have authority to enforce this bylaw by non-criminal disposition.

And further to amend Section 1-4A "Non-criminal disposition" to include the above referenced non-criminal disposition penalties.

Or do anything in relation thereto.

**Board of Health
Animal Control Officer**

Article 19. **Voted** that the Town indefinitely postpone the subject matter of Article #19.

- Motion to Indefinitely Postpone**
- Motion Seconded**
- Motion Passes**
- Motion for Reconsideration**
- Motion Seconded**
- Cannot Be Reconsidered**

Article 20. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, by deleting Section 6.7 Signs and Illumination and adding a new section 6.7 Signs or to do anything in relation thereto.

Copies of the proposed Section 6.7 Signs are available for inspection and or copying in the Town Clerk's Office, The Stoneham Public Library, and the Office of Community Development/Planning Board.

Planning Board

Article 20. **Voted** that the Town amend the Stoneham Town Code Chapter 15, Zoning bylaw by deleting the existing section 6.7 in its entirety and in its place inserting a new section Section 6.7 Signs as follows;

6.7 Signs

Sec. 6.7.1 Purpose

The purpose of this bylaw is:

- a. To maintain and enhance the aesthetic environment.
- b. To improve pedestrian and traffic safety.
- c. To minimize the possible adverse effect of signs on public and private property.
- d. To enable the fair and consistent enforcement of these sign restrictions.

Sec. 6.7.2 Applicability

A sign may be erected, placed, established, painted, created or maintained in the town only in conformance with the standards, procedures, exemptions, and other requirements of this bylaw.

Sec. 6.7.3 Computations

Sec. 6.7.3.1 Area of individual signs

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the total area of the square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming a part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall (provided that said framework, bracing, fence, or wall does not exceed thirty percent (30%) of the supported sign alone and is not designed or used as an advertising device).

Sec. 6.7.3.2 Area of Multi-faced Signs

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

Sec. 6.7.3.3 Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) the existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

Sec. 6.7.3.4 Maximum permitted signs:

The maximum number of signs permitted are listed by district in Section 6.7.3.7.4. The types of signs allowed are listed by district in Section 6.7.6.1-Table 2 of this bylaw.

Sec. 6.7.4 Definitions:

Words and phrases used in this Section shall have meanings set forth in this Section. Words and phrases not defined in this Section but defined in Section 2.0 of this Chapter 15, hereinafter referred to as Section 2.0 shall be given the meaning set forth in Section 2.0.

All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Sec. 6.7.4.1 Animated sign

Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Sec. 6.7.4.2 Awning sign

A non-illuminated sign painted on or attached to a fabric or vinyl cover on a rigid frame. Only business names and/or logos may be attached to, painted, stenciled, or otherwise placed on these devices.

Sec. 6.7.4.3 Banner

Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any religious, educational, not-for-profit institution are exempt.

Sec. 6.7.4.4 Beacon

Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Sec. 6.7.4.5 Billboard

A sign which does not advertise a business or profession conducted, a service offered or a commodity sold upon the premises where such sign is located.

Sec. 6.7.4.6 Building marker

Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze and is a permanent attached marker.

Sec. 6.7.4.7 Building sign

Any sign attached to any part of a building, as contrasted to a freestanding sign.

Sec. 6.7.4.8 Business center

A location with retail/ service businesses or potential businesses which collectively have an aggregate floor area equal to or greater than fifty thousand (50,000) square feet and which has a name different from the name of any of the individual businesses and which has common private parking and vehicular entrances.

Sec. 6.7.4.9 Business center sign

A sign identifying a business center and individual businesses within the center.

Sec. 6.7.4.10 Canopy sign

A canopy is a multisided structure supported by columns or attached on one end to a building design to protect people directly overhead from the weather. A canopy sign is attached to the vertical surface of a canopy.

Sec. 6.7.4.11 Changeable copy sign

A sign that is designed so that characters, letters or illustrations can be changed or rearranged either manually or automatically without altering the [non-letter] face of the sign.

Sec. 6.7.4.12 Commercial message

Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Sec. 6.7.4.13 Discontinued sign

A legal or non-conforming sign which no longer identifies or advertises a bona fide business, lessee, service, owner, product or activity.

Sec. 6.7.4.14 Electronic message center

A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

Sec. 6.7.4.15 Externally illuminated sign

A sign whose illumination is derived entirely from an external artificial source

Sec. 6.7.4.16 Flashing sign

A sign that contains an intermittent or sequential flashing light source.

Sec. 6.7.4.17 Free-standing pole sign

Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or structure.

Sec. 6.7.4.18 Historical markers

Historical markers erected or placed by historical association, governmental agency or owner of property that has been placed on the State or Federal Register of Historic Places, or a property approved as being historic by the Town of Stoneham Historic Commission.

Sec. 6.7.4.19 Identification sign

A sign whose copy is limited to the name and address of the building, institution, or person and/or activity or occupation being identified.

Sec. 6.7.4.20 Informational sign

An on-premise sign identifying a premises or activity conducted upon such premises and providing direction for the safe and/or efficient flow of vehicular or pedestrian traffic. An informational sign has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance," "loading only," "telephone," "handicap" and other similar directives. No sign with a commercial message, including but not limited to logos and trademarks shall be considered informational.

Sec. 6.7.4.21 Internally illuminated sign

A sign whose illumination is derived entirely from an internal artificial source.

Sec. 6.7.4.22 Marquee sign

A sign painted on, attached to, or consisting of interchangeable letters on the face of a permanent overhanging shelter, which projects from the face of a building.

Sec. 6.7.4.23 Monument sign

An outside sign identifying a development, business(es), service(s), or home(s), the bottom of which is attached directly and permanently to the ground and physically separated from any other structure.

Sec. 6.7.4.24 Non-commercial message

A message that does not direct attention to a business operated for profit, or to a commodity or service for sale.

Sec. 6.7.4.25 Off-premise sign

A sign that pertains to a use which is not located or maintained on the premises (other than non-commercial message signs) including a sign that which identifies goods or services that are not sold on the same premises as the said sign.

Sec. 6.7.4.26 On-premise sign

A sign that pertains to the use of the premises on which it is located and maintained.

Sec. 6.7.4.27 Pennant

Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Sec. 6.7.4.28 Portable Sign

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Sec. 6.7.4.29 Real estate sign

A temporary sign advertising real estate upon which the sign is located as being for rent, lease or sale.

Sec. 6.7.4.30 Roof sign

Any sign erected and constructed wholly on and/or over the roof of a building, supported by the roof structure.

Sec. 6.7.4.31 Secondary Sign

Any sign that serves to complement the main sign by promoting the primary use, building name, parking area, or for significant directional purposes.

Sec. 6.7.4.32 Sign

Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sec. 6.7.4.33 Temporary sign

Any sign that is used only temporarily and is not permanently mounted.

Sec. 6.7.4.34 Wall sign

Any sign attached parallel to, but within 6 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Sec. 6.7.5.35 Window sign

A sign installed on or affixed to a window and intended to be viewed from outside.

Sec. 6.7.6 Prohibited signs:

The following are prohibited

- a) Animated, moving, flashing and revolving signs, beacons, searchlights, pennants, portable signs, and balloons.
- b) Off-premise signs and billboards, except for non-commercial signs.
- c) Roof signs.
- d) Portable signs on wheeled trailers.
- e) Signs which are attached in any form, shape or manner to a fire escape.
- f) Any sign not specifically permitted in this bylaw is prohibited.

Sec. 6.7.7 Permitted signs:

- a) Table 2- Permitted Signs by Zoning District.
- b) Non-commercial message signs- Any sign, display or device allowed under this bylaw may contain, in lieu of any other copy, any otherwise lawful noncommercial message which complies with all other requirements of this bylaw.
- c) Historical markers approved by the Stoneham Historic Commission MA Historic Commission are allowed in all districts.
- d) Temporary Signs allowed in all districts
 - ~~1. Political Display not to exceed a period of 90 days 60 prior to and 30 following the subject event. Signs are not to exceed 6 square feet in total size.~~
 2. New Construction- During construction of a building, a free standing pole or ground sign may be erected on the premises identifying the building, owner, contractors and shall not exceed 36 square feet in surface area nor 10 ft in any dimension. Such sign shall be promptly removed after completion of the building but in no event after one (1) year from the original date of the building permit.
 3. Alteration/Repair- One sign identifying contractor not to exceed 6 square feet and to be promptly removed upon completion of activity.
 4. Banners-Allowed with building permit for total of 30 calendar days.

Sec. 6.7.8 Procedures

Sec. 6.7.8.1 Applications

Application for a sign permit shall be made in writing upon forms furnished by the Building Inspector. Such application shall contain the location by street and number of the proposed sign(s) as well as the name and address of the owner and the sign contractor or erector. The Building Inspector may require the filing of plans (including elevations) or other pertinent information.

Sec. 6.7.8.2 Certificate of Insurance:

- a) When a sign is permitted to be erected on a Town way or in an area adjacent to a Town way, which proximate location could under normal conditions create a hazard to travelers on such a public way, the Building Inspector may, before issuing a permit, require the person, firm, or corporation to file a certificate of insurance issued by a company authorized to do business in the Commonwealth of Massachusetts stating that there is in effect an insurance policy in an amount equal to the sum required if a bond were filed (as decided by the Building Inspector and or the Town Administrator), insuring the Town against any and all claims for personal injury or damage to property that in any way may result from such a sign. The Town Counsel shall approve all such certificate of insurance. The certificate shall also state that the policy shall not be canceled or in any manner amended, changed or altered without giving the Town Clerk fifteen (20) days written notice thereof, return receipt required.

- b) If a surety bond be required in lieu of a certificate of liability, such bond shall be approved by the Town Counsel and shall be conditioned for the installation and erection of signs in accordance with the provisions of this Section and other bylaws of the Town and laws of the Commonwealth of Massachusetts and shall provide for the indemnification of the Town for any and all damages or liability which may accrue against it by reasons of faulty installation, erection, demolition, repair, removal or defects in or collapse of any sign for a period of one (1) year after erection and for such a time that such sign is maintained or serviced by or under the direction of the maker of such bond. Such bond shall further provide for the indemnification of any person who shall, while upon public property or in any public place, incur damage for which the principal named in the bond is legally liable.

Sec. 6.7.8.3 Location of sign; inclusion of permit number on sign

All signs shall be erected in the exact location described in the permit. The permit number shall be clearly visible and located at the lower right hand corner of the face of the sign.

Sec. 6.7.8.4 Changing lettering on changeable letter signs

No permit shall be required to change the advertising copy or message on a changeable letter sign allowed at the time of adoption of this bylaw.

Sec. 6.7.8.5 Maintenance; inspection

All signs, together with their supports, braces, guys and anchors shall be kept in repair and in a proper state of preservation to the extent that the State Building Code does not govern such. The display surfaces of all signs shall be kept neatly painted or posted at all times.

Sec. 6.7.8.6 Removal upon vacancy

Any sign affixed to a building or advertising a business or office which becomes vacant shall be removed within one-hundred eighty (180) days of said vacancy by the owner of the subject premises.

Sec. 6.7.8.7 Non-Conforming Signs

Any sign legally erected prior to the effective date of this bylaw which was permitted by previous provision contained in the Zoning Bylaw; or other bylaws of the Town but which is not in conformity with the provisions of this Section 6.7, shall be considered a non-conforming sign. Non-Conforming Signs may be maintained, except as hereafter provided:

- a) A non-conforming sign shall be brought into compliance with this Section 6.7 of the Zoning Bylaw if there is a:
 - 1. change in the use, or
 - 2. change in the location of the sign on the premises, or
 - 3. change in the location of the building, or the property line in a manner that renders the sign to be nonconforming with respect to dimensional requirements.
- b) A non-conforming sign shall be brought into compliance with this Section 6.7 if it is rebuilt or relocated. Rewording or re-lettering of a non-conforming sign is allowed as long as such sign is not required to be brought into compliance for a reason provided in Section 6.7.8.7 (a) above.
- c) A non-conforming sign shall not be changed or altered to another sign, which does not comply with this Section 6.7 of the Zoning Bylaw.

Sec. 6.7.8.8 Removal of Discontinued Signs

A discontinued sign shall not be maintained or re-established after the activity, business, or usage to which it relates has been discontinued or ceases to operate for one hundred and eighty (180) days or longer. The permit holder or the owner of the premises upon order of the Building Inspector shall remove such sign.

**Table 2
Signs**

Residence A

Sign Type Allowed	Permit Required	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number	Comment
-------------------	-----------------	----------------	----------------	---------------	--------------	-------------	---------

Wall							
Real Estate	N	6 SF	NA	NA	NA	1	
Informational	N	1 SF	NA	NA	NA	1	
Accessory Use	N	1 SF	NA	NA	NA	1	
Free Standing Pole							
Real Estate							
Informational	N	6 SF	6	NA	NA	1	
Accessory Use	N	1 SF	NA	NA	NA	1	
	N	1 SF	NA	NA	NA	1	
Temporary	N	*	*	NA	NA	*	
<p>Temporary Signs*</p> <ul style="list-style-type: none"> ● Political: Not to exceed 90 days; exempt from maximum number limit ● New Construction: Not to exceed one year. During construction of a building, a free standing pole or ground sign may be erected on the premises identifying the building, owner, and or contractors; not to exceed 36 SF in surface area nor 10 ft. in any dimension. Such sign to be promptly removed upon completion of the subject building. ● Alterations/repairs: Not to exceed duration of activity. One sign for purpose of identifying contractor; not to exceed 6 SF. 							

Residence B

Sign Type Allowed	Permit Required	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number	Comment
-------------------	-----------------	----------------	----------------	---------------	--------------	-------------	---------

Wall & Free Standing Pole							
Real Estate							
Informational	N	6 SF	NA	NA	NA	1	
Accessory Use	<u>N</u>	1 SF	NA	NA	NA	1	
	N	1 SF	NA	NA	NA	1	<u>Less than 5 units</u> 5 plus units
	N	10 SF	NA	NA	NA	1	
Temporary	N	*	*	NA	NA	1	
<p>Temporary Signs*</p> <ul style="list-style-type: none"> ● Political: Not to exceed 90 days; exempt from maximum number limit ● New Construction: Not to exceed one year. During construction of a building, a free standing pole or ground sign may be erected on the premises identifying the building, owner, and or contractors; not to exceed 36 SF in surface area nor 10 ft. in any dimension. Such sign to be promptly removed upon completion of the subject building. ● Alterations/repairs: Not to exceed duration of activity. One sign for purpose of identifying contractor; not to exceed 6 SF. 							
Illuminated Externally Lit only	Y	1 SF	NA	<u>NA</u>	NA	1	Less than 5 units 5 plus units
	Y	10 SF	NA	<u>NA</u>	NA	1	
<p>Illuminated Signs</p> <ul style="list-style-type: none"> ● <u>No red or green light shall be used on any such sign if in the opinion of the Stoneham Chief of Police it creates a driving hazard.</u> ● No sign shall be illuminated between the hours of 1 AM and 6 AM ● Source of external lighting shall be directed at sign only. 							
Directory	Y	12 SF	6	<u>Standard</u>	<u>Standard</u>	1	

Open Space & Recreation
Education Districts

Sign Type Allowed	Permit Required	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number	Comment
-------------------	-----------------	----------------	----------------	---------------	--------------	-------------	---------

Wall & Informational	Y	10 SF	NA	Standard	Standard	NA	
Free Standing Pole	Y	25 SF	15	Standard	Standard	<u>NA</u>	
Informational	Y	15 SF	15	Standard	Standard	NA	
Accessory	Y	4 SF	15	Standard	Standard	NA	

Neighborhood Business

Sign Type Allowed	Permit Required	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number	Comment
Wall	Y	10 SF	NA	NA	NA	1	If lit sign, external lit only and shall not be from 10 PM to 6 AM
Individual Letter	Y	NA	10	NA	NA	1	
Illuminated Externally Lit only	Y	10 SF	NA	NA	NA	1	

Illuminated Signs

- **No red or green light shall be used on any such sign if in the opinion of the Stoneham Chief of Police it creates a driving hazard.**
- No sign shall be illuminated between the hours of 1 AM and 6 AM
- Source of external lighting shall be directed at sign only.

Medical

Sign Type Allowed	Permit Required	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number	Comment
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Wall	Y	25 SF	4	NA	NA	1	1 sign per business; not to exceed 25% of total facade
Secondary	Y	12.5 SF	4	NA	NA	1	Second sign allowed if a second building entrance available; not to exceed 50% of total SF allowed
Individual Letter	Y	NA	1	NA	NA	1	
Awning	Y	75% length of awning	1	NA	NA	NA	
Monument	Y	25 SF	6	15	15	1	
Informational	Y	6 SF	6	NA	NA		
Illuminated	Y	25 SF	NA	NA	NA	1	1 per business; not to exceed 25% of total facade

Illuminated Signs

- **No red or green light shall be used on any such sign if in the opinion of the Stoneham Chief of Police it creates a driving hazard.**
- No sign shall be illuminated between the hours of 1 AM and 6 AM
- Source of external lighting shall be directed at sign only.

Business

Sign Type Allowed	Permit Required	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number	Comment
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Wall	Y	75 % length of linear store frontage	Building Setback: 0-20' = 2' 21'-30' = 3' 31'+ = 4'	NA	NA	1	1 per business 1 st floor only
Secondary	Y	50% of primary wall sign	Building Setback: 0-20' = 2' 21'-30' = 3' 31'+ = 4'	NA	NA	1	Second sign allowed if a second building entrance available; not to exceed 50% of total SF allowed
Free Standing Pole	Y	24 SF	15'	15	10		
Individual Letter	Y	75 % length of linear store frontage	Building Setback: 0-20' = 2' 21'-30' = 3' 31'+ = 4'	NA	NA	1	1 per business 1 st floor only
Identification	Y	1/2 wall sign					Must be below roof line
Awning	Y	3/4 length of awning	1	NA	NA	1	
Window	N	30% of window area	NA	NA	NA	NA	

Business
Continued

	Permit	Rem	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number	
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Sign Type Allowed							Comment
Monument	Y	30 SF	6	15	10	1	
Informational	Y	6 SF	6	NA	NA		
Illuminated	Y	75 % length of linear storefrontage	Building Setback: 0-20' = 2' 21'-30' = 3' 31'+ = 4'	15	10	1	1 per business 1 st floor only

Illuminated Signs

- **No red or green light shall be used on any such sign if in the opinion of the Stoneham Chief of Police it creates a driving hazard.**
- No sign shall be illuminated between the hours of 1 AM and 6 AM
- Source of external lighting shall be directed at sign only.

Central Business

Sign Type Allowed	Permit Required	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number	Comment
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Wall & Illuminated Externally Lit only	Y	75 % length of linear storefrontage	Building Setback: 0-20' = 2' 21'-30' = 3' 31'+ = 4'	NA	NA	1	1 per business 1 st floor only
Secondary	<u>Y</u>	50% of primary wall sign	Building Setback: 0-20' = 2' 21'-30' = 3' 31'+ = 4'	NA	<u>NA</u>	1	Second sign allowed if a second building entrance available; not to exceed 50% of total SF allowed
<p>Illuminated Signs</p> <ul style="list-style-type: none"> • <u>No red or green light shall be used on any such sign if in the opinion of the Stoneham Chief of Police it creates a driving hazard.</u> • No sign shall be illuminated between the hours of 1 AM and 6 AM • Source of external lighting shall be directed at sign only. 							
Individual Letter	Y	75 % length of linear storefrontage	Building Setback: 0-20' = 2' 21'-30' = 3' 31'+ = 4'	NA	NA	1	1 per business 1 st floor only

Central Business
Continued

	Permit	Reqd	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number
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Sign Type Allowed							Comment
Marquee	Y	NA	Shall have m clearance of 10'	NA	NA	1	
Awning	Y	75% length of awning	1	NA	NA	NA	
Window	N	30% of window area	NA	NA	NA	NA	
Informational	Y	6 SF	6	NA	NA		

Highway Business

Sign Type Allowed	Permit Required	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number	Comment
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Wall	Y	1 per 2 linear feet of building front max. of 100	NA	NA	NA	1	1 per business 1 st floor only
	Y	50% of primary wall sign	<u>NA</u>	<u>NA</u>	<u>NA</u>	1	Second sign allowed if a second building entrance available; not to exceed 50% of total SF allowed
Free Standing Pole	Y	24 SF per face max. of 48 SF	15	20	5	1	
Business Center	Y	24 SF for main, 10 SF per individual bu max of 64 SF	15	20	5	1	Must be the only free standing sign on premises

Highway Business
Continued

Sign Type Allowed	Permit Required	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number	Comment
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Individual Letter	Y	NA	1	NA	NA	1	
Projecting	Y	4 SF	NA	NA	NA	1	Maximum number per doorway
Marquee	Y	NA	10' minimum cl	20	5	1	
Awning	Y	75% length of awning	1	NA	NA	NA	
Window	N	30% of window area	NA	NA	NA	NA	
Canopy	Y	18 SF	1	15	NA	NA	Max. SF applies to total for all canopies
Informational	Y	6 SF	6	NA	NA		
<p><u>Illuminated Signs</u></p> <ul style="list-style-type: none"> • <u>No red or green light shall be used on any such sign if in the opinion of the Stoneham Chief of Police it creates a driving hazard.</u> • No sign shall be illuminated between the hours of 1 AM and 6 AM. • Source of external lighting shall be directed at sign only. 							

Commercial I, II, & III

Sign Type Allowed	Permit Required	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number	Comment
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Wall	Y	1 SF per 2 linear feet of building front max. of 100 SF	4	NA	NA	1	Not to exceed 25% of total facade
Secondary	Y	max of 50 SF	4	NA	<u>NA</u>	1	Second sign allowed if a second building entrance available; not to exceed 50% of total SF allowed
Identification	Y	25 SF	4	NA	NA	1	
Free Standing Pole	Y	24 SF	15	15	10	1	
Business Center	Y	24 SF for main, 10 SF per individual max of 64 SF	15	15	10	1	Must be the only free standing sign on premises

Commercial I, II, & III
Continued

Sign Type Allowed	Permit Required	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number	Comment
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Awning	Y	75% length of awning	1	NA	NA	NA	
Illuminated	Y	25 SF	NA	NA	NA	1	1 per business; not to exceed 25% of total façade
<p><u>Illuminated Signs</u></p> <ul style="list-style-type: none"> • <u>No red or green light shall be used on any such sign if in the opinion of the Stoneham Chief of Police it creates a driving hazard.</u> • No sign shall be illuminated between the hours of 1 AM and 6 AM. • Source of external lighting shall be directed at sign only. 							
Projecting	Y	24 SF	NA	NA	NA	1	Projection not to exceed 6' from building
Monument	Y	100 SF	15	15	15	1	
Marquee	Y	NA	10' minimum c	NA	NA	1	
Informational	Y	6 SF	6	NA	NA		

Medical Office

Sign Type Allowed	Permit required	Max. sign area	Max Height Ft.	Front Setback	Side setback	Max. Number	Comment
-------------------	-----------------	----------------	----------------	---------------	--------------	-------------	---------

Wall	Y	1.5 SF for each linear foot of frontage, max of 40' width	6	NA	NA	1	Per business
Informational	Y	6 SF	6	NA	NA	1	
Monument	Y	½ area allowed for wall sign	15	15	15	1	

Note 1.

Changeable letter signs are allowed as part of the signage for petroleum product distribution facilities (i.e. gas stations). The area is considered to be part of the total allowed signage. No additional sign area will be permitted for changeable letter signs.

Note 2

Signs and postings required by Federal, State, or local agencies or authorities pursuant to applicable law and or regulations made there under shall be exempt from this bylaw to the extent required by Federal, State and or local agencies or authorities.

Article 20
2/3 Vote Required
Motion Passes Per Moderator

**Approved by the Attorney General February 14, 2003 contingent upon the deletion of the following:*

Section 6.7.7

d) Temporary Signs allowed in all districts:

- 1. Political-Display not to exceed a period of 90 days-60 prior to and 30 following the subject event. Signs are not to exceed 6 square feet in total size.**

Article 21. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning Bylaw, by adding to Section 4.2.4 Uses permitted with Special Permit granted by the Planning Board the following section:

4.2.4 Uses permitted on a Special Permit granted by the Planning Board

4.2.4.1 Accessory Dwellings (family apartments)

- (a) Owner occupancy required: The owner(s) of the single-family lot and dwelling upon which the accessory dwelling unit, or family apartment, is located or to be located shall occupy at least one (1) of the dwelling units on the subject property. The Special Permit shall be issued to the owner of the subject property and shall be filed with the Registry of Deeds and the Planning Board shall forward a copy to the Inspector of Buildings. In the event there is a change in ownership of the subject property via a transfer to a family member an amendment to the Special Permit must be applied for. The Planning Board retains rights of rescission should any portion of conditions be violated.
- (b) In the event a change in residence of either family member occurs, or a conveyance occurs that is to someone other than a family member, or a voluntary surrender of the Special Permit, the subject property will automatically revert to a single family dwelling and no longer enjoy the rights granted under the Special Permit that allowed for the accessory dwelling. This does not preclude a new application for a Special Permit in accordance with the described use at any time in the future.
- (c) The size of the accessory dwelling, or family apartment, shall not exceed twenty percent (20%) of the total square footage of the subject property and shall not exceed 750 square feet under any circumstance or condition. The accessory dwelling unit must be attached to the subject property primary dwelling unit by way of minimum shared wall coverage of 75% (of length). In addition all utility services shall be single service (meter) to the subject property primary dwelling and accessory dwelling.
- (d) One additional parking space shall be provided for the accessory dwelling, or family apartment, in addition to a minimum of two spaces for the principal unit, or other parking requirements as determined by the Planning Board.
- (e) Occupancy of the accessory dwelling, or family apartment, shall be limited to two people and may not be used for business or commercial purposes.
- (f) A deed restriction for the affected lot must be filed with the Registry of Deeds to the effect that principal dwelling or accessory dwelling, or family apartment, be owner occupied as a condition for the issuance of an occupancy permit for the subject accessory dwelling, or family apartment.
- (g) Construction and occupancy of the accessory dwelling, or family apartment shall comply with all applicable state, federal, and local laws and regulations. No Certificate of Occupancy shall be issued until evidence of the recording of the Special Permit and Deed Restriction has been provided to the Planning Board and Building Inspector.
- (h) Ownership of the principal dwelling and the accessory dwelling, or family apartment, shall be one and the same, and may not be separated. There shall be one accessory dwelling allowed per single family dwelling. There is to be no other apartment or accessory dwelling unit on the subject lot.

Planning Board

Article 21. Voted that the Town amend the Stoneham Town Code, Chapter 15, Zoning Bylaw, by adding to Section 4.2 Uses permitted with Special Permit granted by the Planning Board the following section:

4.2.4 Uses permitted on a Special Permit granted by the Planning Board

4.2.4.1 Accessory Dwellings (family apartments)

- (a) Owner occupancy required: The owner(s) of the single-family lot and dwelling upon which the accessory dwelling unit, or family apartment, is located or to be located shall occupy at least one (1) of the dwelling units on the subject property. The Special Permit shall be issued to the owner of the subject property and shall be filed with the Registry of Deeds and the Planning Board shall forward a copy to the Inspector of Buildings. In the event there is a change in ownership of the subject property via a transfer to a family member an amendment to the Special Permit must be applied for. The Planning Board retains rights of rescission should any portion of conditions be violated.
- (b) In the event a change in residence of either family member occurs, or a conveyance occurs that is to someone other than a family member, or a voluntary surrender of the Special Permit, the subject property will automatically revert to a single family dwelling and no longer enjoy the rights granted under the Special Permit that allowed for the accessory dwelling. This does not preclude a new application for a Special Permit in accordance with the described use at any time in the future.
- (c) The gross floor area of the accessory dwelling, or family apartment, shall not exceed 750 square feet under any circumstance or condition. The accessory dwelling unit must be attached to the subject property primary dwelling unit by way of minimum shared wall coverage of 75% (of length). In addition all utility services shall be single service (meter) to the subject property primary dwelling and accessory dwelling.
- (d) One additional parking space shall be provided for the accessory dwelling, or family apartment, in addition to a minimum of two spaces for the principal unit, or other parking requirements as determined by the Planning Board.
- (e) Occupancy of the accessory dwelling, or family apartment, shall be limited to two people and may not be used for business or commercial purposes.
- (f) A deed restriction for the affected lot must be filed with the Registry of Deeds to the effect that principal dwelling or accessory dwelling, or family apartment, be owner occupied as a condition for the issuance of an occupancy permit for the subject accessory dwelling, or family apartment.
- (g) Construction and occupancy of the accessory dwelling, or family apartment shall comply with all applicable state, federal, and local laws and regulations. No Certificate of Occupancy shall be issued until evidence of the recording of the Special Permit and Deed Restriction has been provided to the Planning Board and Building Inspector.
- (h) Ownership of the principal dwelling and the accessory dwelling, or family apartment, shall be one and the same, and may not be separated. There shall be one accessory dwelling allowed per single family dwelling. There is to be no other apartment or accessory dwelling unit on the subject lot.

2/3 Vote Required
Motion to Move the Question
Question Moved
Vote On Main Motion
Motion passes Per Moderator
Motion for Reconsideration
Motion Seconded
Cannot be Reconsidered

Motion for Reconsideration of Article 20
Motion Seconded
Cannot Be Reconsidered

Approved by the Attorney General February 14, 2003

Article 22. To see if the Town will vote to amend the Stoneham Town Code Chapter 17 zoning bylaw section 5.2.1 Table One – Dimensional Requirements footnote (13) by adding the phrase after the word height “and retaining walls less than four (4) ft. in height.” The footnote as amended will read:

(13) Fences as structures if less than six (6) ft in height and retaining walls less than four (4) feet in height are excluded from side and rear setback requirements.

Or to do anything related thereto.

Planning Board

Article 22. **Voted** that the Town amend the Stoneham Town Code Chapter 15, Zoning Bylaw section 5.2.1 Table One – Dimensional Requirements footnote (13) by adding after the word height, the following “and retaining walls less than four (4) ft. in height.” So as to read as follows;
(13) Fences as structures if less than six (6) ft in height and retaining walls less than four (4) feet in height are excluded from side and rear setback requirements.

2/3 Vote Required
Motion Passes Per Moderator
Motion for Reconsideration
Motion Seconded
Cannot be Reconsidered

Approved by the Attorney General February 14, 2003

Article 23. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court by submitting a proposed bill for a special law relating to the Town of Stoneham, granting the Town Meeting the authority to authorize the issuance of pension obligation bonds and/or notes for the purpose of funding part or all of the unfunded pension liability of the Town’s retirement system, and to establish a pension stabilization fund; provided further that the General Court may reasonably vary the form and substance

of the requested legislation within the scope of the general objectives of the petition, with the approval of the Board of Selectmen.

Town Administrator

Article 23. **Voted** that the Town authorize the Board of Selectmen to petition the General Court by submitting a proposed bill for a special law relating to the Town of Stoneham, granting the Town Meeting the authority to authorize the issuance of pension obligation bonds and/or notes for the purpose of funding part or all of the unfunded pension liability of the Town's retirement system, and to establish a pension stabilization fund; provided further that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general objectives of the petition, with the approval of the Board of Selectmen.

Motion Passes Unanimous

Letters Sent to Legislators October 29, 2002

Senator Tisei

Representative Casey

Representative Donovan

Representative Festa

Motion to Dissolve

Meeting Adjourned at 10:31 PM