

Stoneham Board of Selectmen – Minutes of Meeting February 4, 2014

Vice Chairman Thomas Boussy called the meeting to order at 7:10 p.m. Also present were Selectman John F. DePinto, Selectwoman Ann Marie O'Neill, Selectman Vallarelli, Town Administrator David Ragucci and Town Counsel William H. Solomon.

Pledge of Allegiance

Mass Office of Business Development/Peter Milano/Tax Incentive Program for Developers

Peter Milano from Massachusetts Office of Business Development gives a brief power point presentation on what is available for business owners. He speaks on the Economic Development Incentive Program. Vice Chairman Boussy asks if this would have to be passed at Town Meeting. Mr. Milano responds and says no this would only require a majority vote by the Board of Selectmen. Vice Chairman Boussy asks about joining with a neighboring community. He also states that there has been discussion with Woburn and they are interested in working together on this incentive program. Mr. Ragucci confirms having this conversation with Woburn. Selectman DePinto asks if we can make the tax benefit they get conditional on hiring x amount of people from Stoneham? Mr. Milano says yes you can write it in the agreement but it can not be a binding part of the contract and he advises doing this. Mr. Ragucci asks if there is a retro active clause. Mr. Milano states they apply a letter of intent as long as they have not spent any money. George McCormack has put a lot of working into this and Vice Chairman Boussy thanks him for that. Selectman Vallarelli made a motion for Stoneham to have a discussion with the City of Woburn on adding Stoneham to the economic target area, seconded by Selectman DePinto.

Voting in Favor:

Selectman DePinto
Selectwoman O'Neill
Selectman Vallarelli
Vice Chairman Boussy

Motion was unanimously voted (4-0).

Weiss Farm Update/Jon Witten

Attorney Jon Witten states the Board of Selectmen submitted a very thorough, very comprehensive memorandum to MassHousing in response to the applicants request for project eligibility towards the end of December. That then what we believe triggered the applicant to submit a revision on the proposed project. What we do now is wait for MassHousing to issue a decision. The decision MassHousing could be either a denial of the application or the typical response from MassHousing is an approval noting issues that are raised by the Local Board of Selectmen. Mr. Witten states as we know the applicant has not changed the plans other than what we have seen and they have not been in contact with MassHousing. Vice Chairman Boussy states that there has been a new set of plans issued but it was the same amount of units. Mr. Witten states there are things the town can do in anticipation of an application but because we are a public entity all those participatory events are held within the Open Meeting Law. The next step for the applicant is to obtain the project eligibility letter and then the applicant can apply to the Board of Appeals. Mr. Witten feels they should expect the project eligibility letter to be issued because MassHousing is in the business of issuing these. Until this happen there is nothing the Board of Selectmen or the Board of Appeals can do beyond what has already been done. His advice is that the Board of Appeals needs to stay out of this discussion process for now. This is the Board of Selectmen's opportunity to comment and we have now we wait for MassHousing to respond. Selectwoman O'Neill asks how the developer was able to submit a new set of plans without the Town knowing. Mr. Witten states that MassHousing plays by its own rules they will entertain change after change. It doesn't mean that the comments are any less potent. Jon Witten states he doesn't feel Stoneham was treated unfairly he states that this is how MassHousing deals with the process. Vice Chairman Boussy ask where there has been a new set of plans can the Town continue to comment. Mr. Witten states yes the public and the Board of Selectmen can continue to comment. Mr. Witten states the truth is in his experience that MassHousing doesn't listen to public comment. Selectwoman O'Neill follows up with encouraging people to comment on new points. One of the things she has looked at recently is the State regulations and recommendation on Smart Growth. She states that is very contradicting. Selectwoman O'Neill suggests revisiting these points and commenting. Mr. Witten states no harm in a follow up letter on this issue. Vice Chairman Boussy reiterates the smart growth contradictions and addressing them. Selectman DePinto asks going forward if the eligibility letter is issued where will the updates be at the Board of Selectmen meeting or other meetings? Mr. Witten states if an eligibility letter is given that is the ticket for the applicant to submit an application to the Board of Appeals. At that point the application stays at the Board of Appeals and the Board of Selectmen under the statue serves as a local board and does have a role in the process through the Board of Appeals. The Board of Selectmen can always hold meetings or information sessions. The Board of Selectmen doesn't loose their authority but the actions will be under the Board of Appeals. Vice Chairman Boussy opens the discussion up to the public. John Eaton, 18 Citation Ave speaks on reviewing the new proposal that was submitted. Mr. Eaton asks if there are any specific changes in the zoning laws that the developer is seeking relief from? Is it the same six (6) and has there been any change there? Mr. Witten states he believes the waivers are the same. Mr. Witten states he has not spent the Towns money on reviewing the applicant's application. That is their responsibility to make sure they have everything they have. Mr. Eaton asks what has the Board of Appeals done in preparation for the receipt of this application. Mr. Witten and Mr. Solomon have met with the Board of Appeals to discuss 40B in general and was very helpful discussion. Mr. Witten does not feel the Board of Appeals needs anymore prep or training. Mr. Witten and Mr. Solomon have spoken about outside consultants and this will all be decisions made by Board of Appeals. Mr. Eaton asks what the MEPA roll will be. Mr. Witten is implicated by this project but he can not say when the applicant will submit an application to MEPA. Mr. Eaton asks what role does the Federal EPA have in this process. Mr. Witten states that the EPA may have a role along with army core of engineers on the volume of wetlands or fill that may be triggered by the project. Paula Sarno, Ell Road asks about the letter from the Fire Department that was posted on the website regarding public safety. Ms. Sarno asks if this letter was received in time prior to the Selectmen's response to MassHousing. Ms. Sarno states that since they put in this new cosmetic change which doesn't address the other issues do we have the right now to send more letters to MassHousing. Vice Chairman Boussy states the door has not closed

to send letter to MassHousing on the new set up plans. Mr. Witten states that the Selectmen's response to MassHousing did highlight the traffic, public safety issues. Mr. Witten also states that the Housing Appeals Committee is on record stating that if you do not have a fire truck that is sufficient to go buy one. Mr. Witten states that MassHousing will not have public meeting, hearing or session. Jim Sullivan, 6 Sunset Road speaks on the new set of plans being a new set not a revision. Mr. Witten states that the application to MassHousing is a moving target. If the applicant was in front of the Board of Appeals and then changed the plans that would be a very different process. Mr. Witten states that plans can change as many times as they want prior to being issued the eligibility letter. Frank DeStefano, Citation Ave asks if we don't have any control over MassHousing can we hold MassHousing responsible for any accidents that happen on Franklin Street. Mr. Witten states that MassHousing is not able to be held responsible due the fact it is a state agency. Marybeth McAteer-Margolis, Member of the Board of Melrose Aldermen, asks we are with meeting requirements on 40B. Vice Chairman Boussy states we are close but not there. Mr. Witten states that the Town of Stoneham is not at the 10% but the Board of Selectmen put in the comment letter to MassHousing that they feel they are consistent with local needs. Mrs. McAteer-Margolis states assuming this gets approval from MassHousing then going to go to Board of Appeals can you enlighten us on that process once it get to Board of Appeals. Vice Chairman Boussy states there will be public hearings/meeting and they will be televised. Mr. Witten explains the process once the application is received by the Board of Appeals and states that abutting community input would be welcomed. John Tramontozzi, Melrose Ward 1 Alderman comments on Smart Growth and says it would be good to use and does MassHousing consider the impact this project would have on neighboring communities. Mr. Tramontozzi also asks what if anything can the citizens of Melrose do in addressing the issues. Mr. Witten states abutting communities have an opportunity at the Board of Appeals process. Mr. Witten states that abutting communities can comment to MassHousing from a regional standpoint. MassHousing will have to entertain comments from everyone. Selectwoman O'Neill would like to see the lines of communication open to Wakefield along with Melrose. Resident from Fairview Road states there are many projects that are around town that are apartments and have not been put on the market is this something that should be addressed as a statement that there is not a need in town. Mr. Witten states that if the town does not have a statutory minimum then there is a presumed need statute that you need more affordable housing. Mr. Witten discusses this further. Russ Wilson, Tamarock Terrace feels that there has taken a passive nature of the approach. He feels there needs to be a much more aggressive approach, learning the facts, see what the impact is on the community and publicizing it. Mr. Witten states the Board of Appeals can do research but should not prejudge an application. Vice Chairman Boussy states that the complaints he has heard are that there has been no updates to the public. Vice Chairman Boussy feels we need a public liaison to inform the public. Mr. Witten states that we can ask the applicant to fund this position. Selectwoman O'Neill made a motion that any and all information coming from the developer to any board or committee is to make sure Attorney Witten is cc, seconded by Selectman DePinto **and unanimously voted (4-0)**. Vice Chairman Boussy asks Attorney Ciatelli if he would like to comment and he states no.

Veterans Tax Work Off Program/James Devlin

Veterans Agent James Devlin speaks on the adoption of the Board adopting a Veterans Tax Work off Program and he is asking for \$10,000 to be set aside for the Veterans who own property in Stoneham. Selectman DePinto asks if the Veterans will coordinate like the Senior Center. Mr. Devlin responds yes. Selectman DePinto made a motion to adopt the Veterans Tax Work off Program with the change of \$10.00 an hour instead of minimum wage and you can only apply for one or the other, seconded by Selectwoman O'Neill and **unanimously voted (4-0)**.

Approve Class II Renewal/Pine Street Motors/45 Pine Street

Selectman DePinto moved approval of the Class II License renewal for Pine Street Motors, 45 Pine Street. Motion was seconded by Selectman Vallarelli and **unanimously voted (4-0)**.

Liquor Licensing Authority

Selectman DePinto moved to go into Liquor Licensing Authority and return as the Board of Selectman, seconded by Selectman Vallarelli.

Voting in Favor:

Selectman DePinto
Selectwoman O'Neill
Selectman Vallarelli
Vice Chairman Boussy

Motion was unanimously voted (4-0).

Meeting recessed at 8:55 p.m. to go into Liquor Licensing Authority.

Meeting reconvened at 9:03 p.m.

Warrant Articles Update & Discussion/Town Counsel

Attorney Solomon gives an update on the warrant articles he will be submitting on behalf of the Board. Attorney Solomon briefly discusses the Medical Marijuana Bylaw, Property Maintenance Bylaw, Beer and Wine package stores licenses, Non Criminal Disposition Bylaw, Site Plan Bylaw and DCR Article.

Memorial Day Parade Request

Selectman DePinto moved approval of the Memorial Day Parade on 5/26/13 at 10:00 a.m. and notify Police, Fire and DPW, seconded by Selectwoman O'Neill and **unanimously voted (4-0)**.

Accept Donation to General Fund from Richard S. Gregorio Committee which was dissolved

Selectman DePinto moved to accept donation from Richard S. Gregorio Committee and send a Thank You. Motion was seconded by Selectman Vallarelli and **unanimously voted (4-0)**.

Approve Minutes

Selectman Vallarelli moved to accept the minutes of 1/28/2014 of executive session minutes and not to release, seconded by Selectman DePinto and **unanimously voted (4-0)**.

Town Administrator Reports

Mr. Ragucci states that as of today our snow defect is \$160,000 and we expecting another storm. Mr. Ragucci states that in submitting the FY15 budget he is working on reorganizing the Golf course. He is looking for permission from the Board to hire two employees at the Golf Course. They will be used at the Golf Course and DPW. Selectman DePinto made a motion to hire two people for the golf course, seconded by Selectman Vallarelli.

Voting in Favor:

Selectman DePinto
Selectwoman O'Neill
Selectman Vallarelli
Vice Chairman Boussy

Motion passed (4-0).

Miscellaneous

Selectman Vallarelli confirms that the trash discussion will be on the March 4th meeting. Selectwoman O'Neill asks if there has been a response from Real Time and the response was no. Selectwoman O'Neill asks what the waterways from Mass DEP is all about? Ellen McBride explains what this license is all about and explains it is normal procedure.

Executive Session

Selectman DePinto moved to go into executive session, pursuant to Chapter 30A Section 21-3 of the General Laws to discuss Executive Session/Weiss Farm Litigation Regarding Agricultural Exemption-Status of Stay of Litigation unrelated to comprehensive permit also to move into the Hearing Room and not to return as the Board of Selectmen. Motion was seconded by Selectwoman O'Neill and was **unanimously voted (4-0)**.

Voting in Favor:

Selectman DePinto
Selectwoman O'Neill
Selectman Vallarelli
Vice Chairman Boussy

Meeting adjourned at 9:40 p.m.

Respectfully submitted,

Erin Sinclair