



STONEHAM PUBLIC SCHOOLS
149 FRANKLIN STREET
STONEHAM, MASSACHUSETTS 02180
781.279.3802

TO STONEHAM SCHOOL COMMITTEE
STONEHAM BOARD OF SELECTMEN
FROM LES OLSON, SUPERINTENDENT
SUBJECT STATEMENT OF INTEREST TO MASSACHUSETTS SCHOOL BUILDING
AUTHORITY FOR HIGH SCHOOL PROJECT
DATE MARCH 7, 2014

Attached for your consideration is a Statement of Interest to the Massachusetts School Building Authority for a High School renovation project.

As with the Statement filed in 2008 for a Middle School project, there are no projected budget costs or timeframe identified for the proposed work. The focus is on the status and deficiencies of the current facility and what we would like to see accomplished in a project. Potential costs, schedule and possible reimbursement rates will be established if the study moves forward. Any future commitment of funding would need Town Meeting approval.

There are separate resolutions that the two boards would need to approve to authorize me to submit the Statement to the MSBA.

Please let me know if you have any questions. Thank you.

RESOLUTION TO BE VOTED BY BOARD OF SELECTMEN

Resolved: Having convened in an open meeting on March 18, 2014, the Board of Selectmen of the Town of Stoneham, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated April 2014 for the Stoneham High School, located at 149 Franklin Street, Stoneham, Massachusetts which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future:

Priority 5 – including but not limited to the need to renovate and/or replace the following building systems to improve energy efficiency and ensure the continued long-term use of the building: exterior window walls; boilers and related pumps and motors; unit ventilators and other air handling units; and all associated energy controls and management systems; and

Priority 7 – to renovate or replace all of the science laboratories to incorporate more flexible learning designs, safety precautions and systems, storage and preparation areas, and to convert the current laboratories into additional classroom spaces;

and hereby further specifically acknowledge that by submitting this Statement of Interest form, the Massachusetts School Building Authority in no way guarantee the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

RESOLUTION TO BE VOTED BY SCHOOL COMMITTEE

Resolved: Having convened in an open meeting on March 18, 2014, the School Committee of the Town of Stoneham, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated April 2014 for the Stoneham High School, located at 149 Franklin Street, Stoneham, Massachusetts which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future:

Priority 5 – including but not limited to the need to renovate and/or replace the following building systems to improve energy efficiency and ensure the continued long-term use of the building: exterior window walls; boilers and related pumps and motors; unit ventilators and other air handling units; and all associated energy controls and management systems; and

Priority 7 – to renovate or replace all of the science laboratories to incorporate more flexible learning designs, safety precautions and systems, storage and preparation areas, and to convert the current laboratories into additional classroom spaces;

and hereby further specifically acknowledge that by submitting this Statement of Interest form, the Massachusetts School Building Authority in no way guarantee the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

Request that the Board of Selectmen approve the establishment of a Committee known as the Stoneham Substance Abuse Coalition.

Name: Stoneham Substance Abuse Coalition (SSAC)

Purpose: To promote drug and alcohol abuse awareness and drug and alcohol abuse prevention within the Town of Stoneham. Specific goals may be approved by the SSAC as it seeks to fulfill this purpose.

Permanent Members: Town Administrator
Superintendent of Schools
Chief of Police
One Selectman voted by the Board of Selectmen
One School Committee Member voted by the School Committee
One Board of Health Committee member voted by the Board of Health
Other members as may be voted by the SSAC

Financial: Committee shall have the right to receive gifts, apply for and receive grants, and other funds. The Committee shall have the right to make appropriate expenditures from those funds, which shall be held in a Town account established by the Town Accountant for the exclusive use of the Stoneham Substance Abuse Coalition.

**TOWN OF STONEHAM
Budget vs Expenditures Summary
As of February 28, 2014**

PERSONNEL

OPERATING

TOTAL BUDGET

Depart. #	Department	PERSONNEL				OPERATING				TOTAL BUDGET			
		FY'14 Budget	Current Month Expended	Year-to-date Expended	% Used	FY'14 Budget	Current Month Expended	Year-to-date Expended	% Used	FY'14 Budget	Current Month Expended	Year-to-date Expended	% Used
114	Town Moderator	0	0.00	0.00	0.00%	220	0.00	0.00	0.00%	220	0.00	0.00	0.00%
122	Board of Selectmen	70,995	0.00	45,219.79	63.69%	10,000	0.00	7,525.57	75.26%	80,995	0.00	52,745.36	65.12%
123	Town Administrator	317,752	0.00	206,677.62	65.04%	42,500	0.00	29,812.82	70.15%	360,252	0.00	236,490.44	65.65%
135	Town Accountant	169,232	0.00	110,195.92	65.12%	1,550	0.00	318.98	20.58%	170,782	0.00	110,514.90	64.71%
141	Assessors	129,880	0.00	84,328.78	64.93%	4,300	0.00	2,672.30	62.15%	134,180	0.00	87,001.08	64.84%
145	Town Treasurer	237,528	0.00	154,283.97	64.95%	17,010	0.00	3,602.71	21.18%	254,538	0.00	157,886.68	62.03%
151	Town Counsel	107,480	0.00	70,004.65	65.13%	6,725	0.00	1,936.50	28.80%	114,205	0.00	71,941.15	62.99%
155	Data Processing	96,257	0.00	63,312.72	65.77%	122,453	0.00	113,519.16	92.70%	218,710	0.00	176,831.88	80.85%
161	Town Clerk	124,667	0.00	80,082.38	64.24%	5,450	0.00	3,206.59	58.84%	130,117	0.00	83,288.97	64.01%
162	Elec. & Reg.	56,511	0.00	36,829.02	65.17%	35,400	0.00	16,293.33	46.03%	91,911	0.00	53,122.35	57.80%
172	Whip Hill park	0	0.00	0.00	0.00%	10,950	0.00	10,198.64	93.14%	10,950	0.00	10,198.64	93.14%
182	Planning/Appeals/Cons	38,770	0.00	25,099.84	64.74%	1,160	0.00	261.06	22.51%	39,930	0.00	25,360.90	63.51%
192	Public Property Maint.	500	0.00	0.00	0.00%	89,612	0.00	34,272.61	38.25%	90,112	0.00	34,272.61	38.03%
210	Police	3,152,053	0.00	2,080,420.25	66.00%	233,570	0.00	149,588.31	64.04%	3,385,623	0.00	2,230,008.56	65.87%
211	Traffic Directors	131,408	0.00	72,794.59	55.40%	4,500	0.00	1,473.24	32.74%	135,908	0.00	74,267.83	54.65%
212	Dispatchers	362,557	0.00	226,976.06	62.60%	4,910	0.00	1,091.99	22.24%	367,467	0.00	228,068.05	62.06%
220	Fire	2,553,762	0.00	1,673,148.99	65.52%	119,650	0.00	64,258.25	53.71%	2,673,412	0.00	1,737,407.24	64.99%
241	Building & Wire	174,310	0.00	109,952.63	63.08%	6,900	0.00	5,182.83	75.11%	181,210	0.00	115,135.46	63.54%
291	Civil Defense	2,000	0.00	1,166.69	58.33%	0	0.00	0.00	0.00%	2,000	0.00	1,166.69	58.33%
300	Schools	19,335,484	0.00	11,687,477.10	60.45%	4,916,407	0.00	3,163,001.25	64.34%	24,251,891	0.00	14,850,478.35	61.23%
398	Minuteman Voc.	0	0.00	0.00	0.00%	50,000	0.00	23,309.00	46.62%	50,000	0.00	23,309.00	46.62%
399	Northeast Reg. Voc.	0	0.00	0.00	0.00%	948,815	0.00	711,611.25	75.00%	948,815	0.00	711,611.25	75.00%
400	Public Works	775,710	0.00	585,869.03	75.53%	2,360,050	0.00	1,570,079.83	66.53%	3,135,760	0.00	2,155,948.86	68.75%
510	Board of Health	133,964	0.00	87,643.09	65.42%	1,840	0.00	411.21	22.35%	135,804	0.00	88,054.30	64.84%
541	Council on Aging	73,507	0.00	46,122.54	62.75%	30,827	0.00	20,080.55	65.14%	104,334	0.00	66,203.09	63.45%
543	Veterans Service	38,143	0.00	24,843.30	65.13%	170,699	0.00	113,203.28	66.32%	208,842	0.00	138,046.58	66.10%
610	Public Library	532,002	0.00	352,489.24	66.26%	189,582	0.00	107,623.30	56.77%	721,584	0.00	460,112.54	63.76%
630	Unicorn Golf Course	181,506	0.00	121,018.06	66.67%	283,274	0.00	172,272.32	60.81%	464,780	0.00	293,290.38	63.10%
631	Unicorn Rink	157,915	0.00	112,004.70	70.93%	265,280	0.00	164,001.44	61.82%	423,195	0.00	276,006.14	65.22%
710	Maturing Debt	0	0.00	0.00	0.00%	3,495,000	0.00	2,245,000.00	64.23%	3,495,000	0.00	2,245,000.00	64.23%
750	Interest	0	0.00	0.00	0.00%	1,401,769	0.00	986,661.47	70.39%	1,401,769	0.00	986,661.47	70.39%
911	Contributory	0	0.00	0.00	0.00%	4,454,753	0.00	4,454,753.00	100.00%	4,454,753	0.00	4,454,753.00	100.00%
912	Health Insurance	0	0.00	0.00	0.00%	7,678,051	0.00	5,104,370.56	66.48%	7,678,051	0.00	5,104,370.56	66.48%
918	Capital	0	0.00	0.00	0.00%	0	0.00	0.00	0.00%	0	0.00	0.00	0.00%
919	Unclassified	0	0.00	0.00	0.00%	1,271,529	0.00	1,031,054.04	81.09%	1,271,529	0.00	1,031,054.04	81.09%
920	Non-Departmental	0	0.00	0.00	0.00%	36,085	0.00	23,106.69	64.03%	36,085	0.00	23,106.69	64.03%
TOTAL GENERAL		28,953,893	0.00	18,057,960.96	62.37%	28,270,821	0.00	20,335,754.08	71.93%	57,224,714	0.00	38,393,715.04	67.09%
440	Sewer	539,522	0.00	355,734.18	65.94%	113,600	0.00	49,688.12	43.74%	653,122	0.00	405,422.30	62.07%
440	Intergovernmental	0	0.00	0.00	0.00%	4,452,189	0.00	3,116,532.30	70.00%	4,452,189	0.00	3,116,532.30	70.00%
710	Maturing Debt	0	0.00	0.00	0.00%	92,400	0.00	46,640.00	50.48%	92,400	0.00	46,640.00	50.48%
750	Interest	0	0.00	0.00	0.00%	0	0.00	0.00	0.00%	0	0.00	0.00	0.00%
TOTAL SEWER		539,522	0.00	355,734.18	65.94%	4,658,189	0.00	3,212,860.42	68.97%	5,197,711	0.00	3,568,594.60	68.66%
450	Water	521,373	0.00	344,062.63	65.99%	207,650	0.00	121,771.00	58.64%	729,023	0.00	465,833.63	63.90%
440	Intergovernmental	0	0.00	0.00	0.00%	3,262,031	0.00	2,283,421.70	70.00%	3,262,031	0.00	2,283,421.70	70.00%
710	Maturing Debt	0	0.00	0.00	0.00%	273,636	0.00	100,000.00	36.54%	273,636	0.00	100,000.00	36.54%
750	Interest	0	0.00	0.00	0.00%	0	0.00	0.00	0.00%	0	0.00	0.00	0.00%
TOTAL WATER		521,373	0.00	344,062.63	65.99%	3,743,317.00	0.00	2,505,192.70	66.92%	4,264,690	0.00	2,849,255.33	66.81%
		30,014,788				36,672,327				66,687,115			

REVENUE SOURCE		FY 2014 ESTIMATED	FY 2014 ACTUAL THRU 3/14/14	% COLLECTED
Board of Selectmen-	Licenses & Permits	\$55,000	53,998	98.18%
	Billboard Lease	\$50,000	0	0.00%
Assessors	Fees	\$1,400	838	59.86%
Town Treasurer-	Interest Earned	\$25,000	18,929	75.72%
	Trash Fee	\$1,320,000	1,049,436	79.50%
	Personal Property Taxes	\$1,050,000	801,041	76.29%
	Real Estate/Def. Real Estate	\$41,784,485	31,032,681	74.27%
	Motor Veh. Excise	\$2,600,000	2,256,682	86.80%
	Penalties/Interest on Taxes	\$175,000	111,975	63.99%
	Payment in Lieu of Taxes	\$55,100	54,560	99.02%
	Other Charges and Fees	\$117,929	53,595	45.45%
Town Clerk-	Licenses & Permits	\$31,000	24,999	80.64%
	Fees	\$60,200	41,861	69.54%
	Fines	\$1,400	675	48.21%
Planning/Appeals	Fees	\$6,000	11,095	184.92%
Police	Licenses & Permits	\$5,000	3,980	79.60%
	Fees	\$64,300	42,043	65.39%
	Fines	\$25,150	14,275	56.76%
Fire	Licenses & Permits	\$25,000	18,650	74.60%
	Fees	\$24,000	21,299	88.75%
Building & Wire-	Building Permits	\$262,000	251,791	96.10%
	Wiring Permits	\$40,000	61,154	152.89%
	Plumbing/Gas Permits/Other	\$39,000	50,135	128.55%
Weights & Measures	Fees	\$3,500	3,226	92.17%
School-Medicaid Reimb.		\$165,000	35,399	21.45%
DPW-	Recycling Stickers	\$8,600	7,040	81.86%
	Cemetery	\$80,000	56,150	70.19%
Board of Health	Licenses & Permits	\$40,000	14,503	36.26%
Library		\$1,280	1,049	81.95%
Recreation	Stoneham Oaks(Par 3)	\$80,000	43,066	53.83%
	Unicorn Golf	\$332,000	210,093	63.28%
	Stoneham Arena	\$580,000	293,242	50.56%
State Aid		\$8,332,293	6,134,690	73.63%
Meals Tax		\$270,000	156,629	58.01%
District Court Fines		\$48,000	38,720	80.67%
Other Departmental Revenues		\$35,000	23,084	65.95%

GENERAL FUND

TOTAL REVENUES

\$57,792,637	42,992,583	74.39%
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SEWER FUND

TOTAL REVENUES

\$5,603,601	4,329,270	77.26%
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WATER FUND

TOTAL REVENUES

\$4,644,449	3,523,410	75.86%
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DEPARTMENT	FY14 FINAL BUDGET			FY15 TA RECOMMENDATION			FY15 vs FY14	%
	PERSONNEL	OPERATING	TOTAL	PERSONNEL	OPERATING	TOTAL	INC./(DEC.)	Change
114 Town Moderator	\$0	\$220	\$220	\$0	\$220	\$220	\$0	0.00%
122 Board of Selectmen	\$70,995	\$10,000	\$80,995	\$73,253	\$10,000	\$83,253	\$2,258	2.79%
123 Town Administrator	\$317,752	\$42,500	\$360,252	\$324,319	\$42,500	\$366,819	\$6,567	1.82%
132 Reserve Fund	\$0	\$0	\$0	\$0	\$51,652	\$51,652	\$51,652	100.00%
135 Town Accountant	\$169,232	\$1,550	\$170,782	\$169,674	\$1,550	\$171,224	\$442	0.26%
141 Board of Assessors	\$129,880	\$4,300	\$134,180	\$132,801	\$4,300	\$137,101	\$2,921	2.18%
145 Treasurer	\$237,528	\$17,010	\$254,538	\$242,883	\$18,510	\$261,393	\$6,855	2.69%
151 Town Counsel	\$107,480	\$6,725	\$114,205	\$109,090	\$6,725	\$115,815	\$1,610	1.41%
155 GIS/MIS	\$96,257	\$122,453	\$218,710	\$117,617	\$122,453	\$240,070	\$21,360	9.77%
161 Town Clerk	\$124,667	\$5,450	\$130,117	\$122,676	\$5,450	\$128,126	(\$1,991)	-1.53%
162 Elections & Registrations	\$56,511	\$35,400	\$91,911	\$74,311	\$18,600	\$92,911	\$1,000	1.09%
172 Whiphill Park	\$0	\$10,950	\$10,950	\$0	\$10,950	\$10,950	\$0	0.00%
182 Planning Bd/BOA/Conserv.	\$38,770	\$1,160	\$39,930	\$41,543	\$1,160	\$42,703	\$2,773	6.94%
185 Economic and Comm Dev	\$0	\$0	\$0	\$62,912	\$10,000	\$72,912	\$72,912	100.00%
192 Public Property Maint.	\$500	\$89,612	\$90,112	\$500	\$80,612	\$81,112	(\$9,000)	-9.99%
210 Police Department	\$3,152,053	\$233,570	\$3,385,623	\$3,334,406	\$249,770	\$3,584,176	\$198,553	5.86%
211 Traffic Directors	\$131,408	\$4,500	\$135,908	\$135,128	\$4,500	\$139,628	\$3,720	2.74%
212 Dispatchers	\$362,557	\$4,910	\$367,467	\$375,860	\$7,610	\$383,470	\$16,003	4.35%
220 Fire Department	\$2,553,762	\$119,650	\$2,673,412	\$2,648,223	\$119,650	\$2,767,873	\$94,461	3.53%
241 Building & Wire	\$174,310	\$6,900	\$181,210	\$181,616	\$6,900	\$188,516	\$7,306	4.03%
291 Civil Defense	\$2,000	\$0	\$2,000	\$2,000	\$0	\$2,000	\$0	0.00%
300 Public Schools	\$0	\$24,251,891	\$24,251,891	\$0	\$24,922,305	\$24,922,305	\$670,414	2.76%
397 North Shore Vocational	\$0	\$0	\$0	\$0	\$137,500	\$137,500	\$137,500	100.00%
398 Minuteman Voc. School	\$0	\$50,000	\$50,000	\$0	\$55,000	\$55,000	\$5,000	10.00%
399 Northeast Voc. School	\$0	\$948,815	\$948,815	\$0	\$1,045,756	\$1,045,756	\$96,941	10.22%
400 Public Works Admin.	\$775,710	\$2,360,050	\$3,135,760	\$752,451	\$2,336,200	\$3,088,651	(\$47,109)	-1.50%
440 Sewer	\$539,522	\$4,565,789	\$5,105,311	\$631,625	\$4,597,105	\$5,228,730	\$123,419	2.42%
450 Water	\$521,373	\$3,469,681	\$3,991,054	\$552,503	\$3,705,814	\$4,258,317	\$267,263	6.70%
510 Board of Health	\$133,964	\$1,840	\$135,804	\$136,500	\$1,840	\$138,340	\$2,536	1.87%
541 Council on Aging	\$73,507	\$30,827	\$104,334	\$79,988	\$30,827	\$110,815	\$6,481	6.21%
543 Veterans	\$38,143	\$170,699	\$208,842	\$39,676	\$171,699	\$211,375	\$2,533	1.21%
610 Public Library	\$532,002	\$189,582	\$721,584	\$545,134	\$198,850	\$743,984	\$22,400	3.10%
630 Unicorn Golf	\$181,506	\$283,274	\$464,780	\$157,701	\$273,074	\$430,775	(\$34,005)	-7.32%
631 Arena	\$157,915	\$265,280	\$423,195	\$169,622	\$265,280	\$434,902	\$11,707	2.77%
710 Maturing Debt & Interest	\$0	\$5,262,805	\$5,262,805	\$0	\$4,986,125	\$4,986,125	(\$276,680)	-5.26%
911 Contributory Pension	\$0	\$4,454,753	\$4,454,753	\$0	\$4,788,848	\$4,788,848	\$334,095	7.50%
912 Health Insurance	\$0	\$7,678,051	\$7,678,051	\$0	\$7,753,762	\$7,753,762	\$75,711	0.99%
919 Unclassified	\$0	\$1,271,529	\$1,271,529	\$73,003	\$1,380,000	\$1,453,003	\$181,474	14.27%
920 Non-Departmental	\$0	\$36,085	\$36,085	\$0	\$37,085	\$37,085	\$1,000	2.77%
Total Budgets:	\$10,679,304	\$56,007,811	\$66,687,115	\$11,287,015	\$57,460,182	\$68,747,197	\$2,060,082	3.09%

Funded from Fallon Road Funds

No longer included in State Assessments

ESTIMATED REVENUES

	FY2014	FY2015	DIFFERENCE	
Tax Levy	\$40,327,940	\$41,750,655	\$1,422,715	
New Growth	\$345,049	\$280,000	(\$65,049)	
Debt Exclusion	\$2,592,521	\$2,494,253	(\$98,268)	
State Aid	\$7,210,160	\$7,491,128	\$280,968	
SBA Reimbursement	\$1,148,093	\$1,148,093	\$0	
Local Receipts	\$6,625,859	\$6,699,477	\$73,618	SEE ATTACHED
Sewer Enterprise Fees	\$5,603,601	\$5,876,257	\$272,656	
Water Enterprise Fees	\$4,644,449	\$4,855,900	\$211,451	
Telecom Funds	\$32,500	\$32,500	\$0	
CPC Income	\$35,000	\$35,000	\$0	
Sale of Lots & Graves	\$36,000	\$36,000	\$0	
Sale of Dog License Fund	\$8,000	\$8,000	\$0	
Whip Hill Trust/Stockwell	\$13,500	\$13,500	\$0	
225 Fallon Road Fund	\$0	\$62,912	\$62,912	

GROSS REVENUES

	\$68,622,672	\$70,783,675	\$2,161,003	
Less: State Charges	(\$1,504,532)	(\$1,546,704)	(\$42,172)	
Less: Overlay Reserve	(\$431,025)	(\$489,774)	(\$58,749)	

NET REVENUES

	\$66,687,115	\$68,747,197	\$2,060,082	
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3/14/2014

FY2015 ESTIMATED LOCAL RECEIPTS

DESCRIPTION	FY'11 ACTUAL REVENUE	FY'12 ACTUAL REVENUE	FY'13 ACTUAL REVENUE	FY'14 EST. REVENUE	3 YR TOTAL	3 YR AVERAGE	REALIZATION FACTOR	FY2015 ESTIMATE
MOTOR VEHICLE EXCISE, NET OF REFUNDS	2,532,214.88	2,641,700.72	2,754,973.58	2,600,000	7,773,915.60	2,591,305.20	103.00%	2,669,044
PENALTIES/INTEREST ON TAXES & EXCISE	231,512.48	198,300.84	180,067.24	175,000	553,368.08	184,456.03	95.00%	175,233
PAYMENTS IN LIEU OF TAXES	94,036.84	74,853.43	60,167.27	55,100	190,120.70	63,373.57	95.00%	60,205
FEES	245,714.36	313,262.83	300,626.05	276,400	822,740.41	274,246.80	100.00%	274,247
RENTALS	46,848.74	43,769.93	32,678.39	30,000	106,448.32	35,482.77	50.00%	17,741
DEPARTMENTAL REVENUE								
_ SCHOOLS	168,636.35	277,767.36	184,379.09	165,000	518,015.44	172,671.81	100.00%	172,672
_ LIBRARIES	2,805.31	1,746.18	1,284.27	1,280	4,310.45	1,436.82	100.00%	1,437
_ CEMETERIES	75,370.00	76,179.50	104,725.00	80,000	231,549.50	77,183.17	100.00%	77,183
_ RECREATION	1,028,065.50	983,822.69	1,040,231.89	992,000	3,003,888.19	1,001,296.06	100.00%	1,001,296
OTHER DEPARTMENTAL REVENUE	19,461.68	17,495.22	5,966.81	5,929	29,391.03	9,797.01	75.00%	7,348
LICENSES & PERMITS	510,961.20	514,331.90	663,354.00	497,000	1,522,293.10	507,431.03	105.00%	532,803
FINES & FORFEITS(Parking & Dog Fines)	28,995.00	33,675.00	28,558.00	26,550	84,103.00	28,034.33	100.00%	28,034
INVESTMENT INCOME	21,121.35	18,440.34	32,163.38	25,000	64,561.69	21,520.56	100.00%	21,521
DISTRICT COURT FINES	52,599.85	48,091.00	55,247.00	48,000	148,690.85	49,563.62	100.00%	49,564
TRASH FEE/RECYCLING STICKER	42,612.00	1,407,969.84	1,394,093.22	1,328,600	2,765,305.22	921,768.41	140.00%	1,290,476
BILLBOARD LEASE	50,000.00	50,000.00	50,000.00	50,000	150,000.00	50,000.00	100.00%	50,000
MEALS TAX	134,294.64	272,390.15	280,098.84	270,000	676,684.79	225,561.60	120.00%	270,674
MEDICARE PART D SUBSIDY	21,283.85	6,174.52	0	0	6,174.52	2,058.17	0.00%	0
TOTAL LOCAL RECEIPTS	5,306,534.03	6,979,971.45	7,168,614	6,625,859	18,651,560.89	6,217,186.96		6,699,477



Business and
Professional
Women/MA

March 1, 2014

David Ragucci, Town Administrator
Town Hall
35 Central Street, 2nd Floor
Stoneham, MA 02180

Dear Mr. Ragucci:

On Tuesday, April 8, 2014, the members of the Massachusetts Federation of Business and Professional Women will be joining millions of Americans nationwide in celebrating Equal Pay Day. Equal Pay Day is the symbolic day where woman's earnings reach a man's earnings of the previous year. It is always on a Tuesday, as it takes a woman seven days to reach what a man makes in five days. So, thanks to the gender pay gap, it takes women an extra three months of wages to make up that 23% difference. Equal Pay Day 2014 will fall on Tuesday, April 8, so mark your calendar!

We are asking the 351 Cities and Towns that make up the Commonwealth of Massachusetts to issue a proclamation marking Equal Pay Day. I encourage you to consider issuing a Proclamation to officially declare April 8, 2014 Equal Pay Day in Stoneham, and to help raise the awareness of this disparity.

Equal Pay Day 2014 is particularly significant because it falls between two legislative milestones that have helped women advance in the workplace. But, there is still more to do. January 29, 2014, was the fifth anniversary of the Lilly Ledbetter Fair Pay Act, and July 2, 2014, is the 50th anniversary of the Civil Rights Act.

We hope you will join us on Equal Pay Day by issuing a Proclamation for this noteworthy observance. If you have any questions, please contact me at (617) 462-7480 or deborah.bouras@verizon.net.

Sincerely,

Deborah Bouras
President, BPW/MA

Enclosure

Sample Equal Pay Day Proclamation (2014)

WHEREAS, fifty years after the passage of the Equal Pay Act and Title VII of the Civil Rights Act, women, especially minority women, continue to suffer the consequences of unequal pay; and

WHEREAS, according to the U.S. Census Bureau, year-round, full-time working women in 2010 earned only 77% of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and

WHEREAS, in 2009 the Lilly Ledbetter Fair Pay Act was signed into law which amends Title VII of the Civil Rights Act and now we must pass The Paycheck Fairness Act, which amends the Equal Pay Act by closing loopholes and improving the laws effectiveness; and

WHEREAS, wage disparity persists across all educational levels and in all states, as women with a college degree or higher lose \$713,000 over a 40-year period versus a \$270,000 loss for women who did not finish high school; and

WHEREAS, there were 68 million women in the workforce in 2008, a significant increase from 18.4 million in 1950, and women were 46.8 percent of the labor force in 2010; and

WHEREAS, over a working lifetime, this wage disparity costs the average American woman and her family an estimated \$700,000 to \$2 million in lost wages, impacting Social Security benefits and pensions; and

WHEREAS, fair pay equity policies can be implemented simply and without undue costs or hardship in both the public and private sectors; and

WHEREAS, fair pay strengthens the security of families today and eases future retirement costs, while enhancing the American economy; and

WHEREAS, Tuesday, April 8 symbolizes the time in the new year in which the wages paid to American women catch up to the wages paid to men from the previous year,

NOW, THEREFORE, I, *(insert name of Mayor/Commissioner/etc)*, do hereby proclaim Tuesday, April 8, 2014:

EQUAL PAY DAY

(Insert name of City/County/State) urges the citizens of (insert name of City/County/State) to recognize the full value of women's skills and significant contributions to the labor force, and further encourages businesses to conduct an internal pay evaluation to ensure women are being paid fairly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of *(insert name of City/County/State)* to be affixed.

Signature

Date

Town of Stoneham

A Proclamation

We, the Board of Selectmen of the Town of Stoneham, Massachusetts, by virtue of the authority vested in us by the people of the Town of Stoneham as elected officials, do hereby proclaim Tuesday, April 8, 2014 as

EQUAL PAY DAY

Whereas, fifty years after the passage of the Equal Pay Act and Title VII of the Civil Rights Act, women, especially minority women, continue to suffer the consequences of unequal pay; and

Whereas, according to the U.S. Census Bureau, year-round, full-time working women in 2010 earned only 77% of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and

Whereas, in 2009 the Lilly Ledbetter Fair Pay Act was signed into law which amends Title VII of the Civil Rights Act and now we must pass The Paycheck Fairness Act, which amends the Equal Pay Act by closing loopholes and improving the laws effectiveness; and

Whereas, wage disparity persists across all educational levels and in all states, as women with a college degree or higher lose \$713,000 over a 40-year period versus a \$270,000 loss for women who did not finish high school; and

Whereas, there were 68 million women in the workforce in 2008, a significant increase from 18.4 million in 1950, and women were 46.8 percent of the labor force in 2010; and

Whereas, over a working lifetime, this wage disparity costs the average American woman and her family an estimated \$700,000 to \$2 million in lost wages, impacting Social Security benefits and pensions; and

Whereas, fair pay equity policies can be implemented simply and without undue costs or hardship in both the public and private sectors; and

Whereas, fair pay strengthens the security of families today and eases future retirement costs, while enhancing the American economy; and

Whereas, Tuesday, April 8 symbolizes the time in the new year in which the wages paid to American women catch up to the wages paid to men from the previous year,

The Town of Stoneham urges the citizens of Stoneham to recognize the full value of women's skills and significant contributions to the labor force, and further encourages businesses to conduct an internal pay evaluation to ensure women are being paid fairly.

Given at the Executive Chamber of the Board of Selectmen, the Town of Stoneham, this 11th day of March, in the year of our Lord, two thousand fourteen.

Robert W. Sweeney, Chairman

Ann Marie O'Neill

Thomas Boussy, Vice Chairman

Frank Vallarelli

John F. DePinto

LAW OFFICES

CICATELLI & CICATELLI

266 MAIN STREET
STONEHAM, MASSACHUSETTS 02180-3502

AREA CODE 781 438-4060
TELECOPIER 781 438-9674

February 19, 2014

FEB 20 11 47 AM '14

STONEHAM
TOWN

Stoneham Board of Selectmen
Stoneham Town Hall
35 Central Street
Stoneham, Massachusetts 02180

RE: Redstone Shopping Center
Main Street
Stoneham, MA 02180
My file #87003-SF

Dear Mr. Chairman and Members:

As you are aware, this office represents Redstone Shopping Center Limited Partnership, the owner of the above-referenced property.

On or about May 6, 2008, the Board granted Site Plan Approval in connection with the redevelopment of the shopping center. (copy attached). The decision allowed two years for completion of the project. This approval was amended on December 2, 2011 to allow for outdoor seating. (copy of decision attached)

With regard to the original approved Site Plan there are no proposed modifications to said plan with the exception of the outdoor seating previously approved by the Board.

M.G.L. Ch. 240 provides in part "Notwithstanding any general or special law to the contrary, an approval in effect or existence during the tolling period shall be extended for a period of 2 years, in addition to the lawful term of the approval". (copy attached)

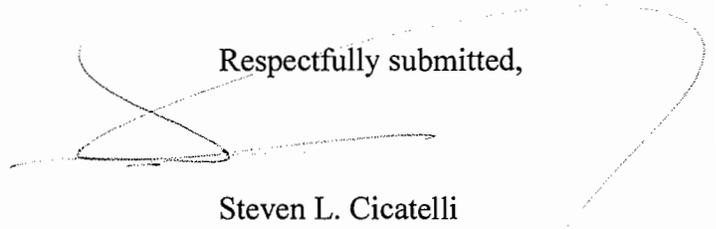
Based on the foregoing, the time period within which to complete the project would have expired on May 6, 2010, however, was extended by statute to May 6, 2012, and further extended by the Board to May 6, 2014 (see attached decision).

Due to the fact that the redevelopment of the shopping center has not been completed, the purpose of this letter is to respectfully request that the Board grant an additional two year extension for completion to May 6, 2016.

February 19, 2014
Page 2

Kindly place this matter on the agenda for your meeting scheduled for March 18, 2014 at which time I will be present to elaborate on the foregoing and to answer any questions the Board may raise.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven L. Cicutelli", is written over the typed name. The signature is fluid and cursive, with a large loop at the end.

Steven L. Cicutelli

SLC/dml

Enclosures

cc W.S. Development
cc Building Inspector
cc Town Clerk

VIA HAND DELIVERY



A TRUE COPY-ATTEST
John J. Hausiglet
 Town Clerk
 TOWN OF STONEHAM

TOWN OF
 STONEHAM
 MASSACHUSETTS

TOWN HALL
 35 CENTRAL STREET
 STONEHAM, MA 02180

Board of Selectmen

781/279-2680

John F. DePinto, *Chairman*
 R. Paul Rotondi, *Vice Chairman*
 Frank A. Vallarelli, *Secretary/Selectman*

Richard S. Gregorio, *Selectman*
 Robert W. Sweeney, *Selectman*
 Muriel Doherty, *Office Manager*

May 6, 2008

Redstone Shopping Center Limited Partnership
 c/o S.R. Weiner and Associates, Inc.
 1330 Boylston Street
 Chestnut Hill, Massachusetts 02467

Re: **Redstone Shopping Center**
Main Street, Stoneham, MA

2008 MAY - 7 P 3:16
 STONEHAM
 TOWN CLERK
 REGISTRARS

Dear Sirs:

Please be advised that the Board of Selectmen, at our meeting on April 22, 2008, voted to approve your petition to partially redevelop the shopping plaza, including the non-signalized right-in, right-out access at the southern portion of the site by relocating it approximately 30 feet to the north, and including demolishing the existing vacant Cherry & Webb store, bank, and Ground Round building and constructing a 12,834 ± sf retail store in the northwestern portion of the site and an 11,970 ± sf pharmacy with a drive-thru in the southeastern portion of the property located at Redstone Shopping Center, Main Street, Stoneham, MA on land owned by Redstone Shopping Center Limited Partnership c/o S.R. Weiner and Associates, Inc., 1330 Boylston Street, Chestnut Hill, MA 02467.

Said approval was granted subject to your incorporation on this plan the recommendations of Town departments as stated in the following correspondence:

Project Review Report - Received April 16, 2008

Board of Appeals – Decision dated March 3, 2008

Building Inspector – Letter dated March 12, 2008

Conservation Commission – Letter dated April 3, 2008

Health Agent – Letter dated March 4, 2008

Fire Department – Letter dated April 15, 2008

Planning Board – Letter dated March 18, 2008

Planning Board – Special Permit

Police Department – Letter dated March 21, 2008

Public Works Department – Letter dated March 4, 2008

This site plan approval is subject to the issuance of a Special Permit by the Stoneham Planning Board. Two years is allowed for completion. The Board of Selectmen reserves the right to amend and modify the plan at any time.

Very truly yours,

Board of Selectmen

John F. DePinto ms

Chairman

md

cc: Steven L. Cicutelli, Esq.
Town Administrator
Inspectional Services
Fire Department
Board of Health
Planning Board
Police Department
School Committee
Department of Public Works

Voting to approve:

John F. DePinto, Chairman
Richard S. Gregorio
R. Paul Rotondi
Robert W. Sweeney
Frank Vallarelli

✓ Filed with Town Clerk: May 7, 2008

TOWN OF STONEHAM

Project Review

Review Report

Project: Redstone Plaza

Representative(s): Steven Cicatelli

Status: Site Plan Review

Review Meeting Date:

Project Review Team: Robert Bracey, Robert Grover, Joe Rolli, Laurence Rotondi

The information contained herein is subject to review and a final determination by the Board of Selectmen. The purpose of the Project Review is to provide the applicant with an opportunity to understand the regulatory mandates, and to further receive input from Town departments relative to the proposed project. At no time are non-regulatory conditions to be considered final and binding until such time that the Board of Selectmen has agreed to same, and/or others when applicable.

Department	Issue(s) Raised	Applicant's Response
DPW Engineering	<ul style="list-style-type: none">See comments to Planning Board	Agreed
Police Department	<ul style="list-style-type: none">See comments to Planning Board	Agreed

RECEIVED
2008 APR 16 A 9:47
TOWN OF STONEHAM
BOARD OF SELECTMEN

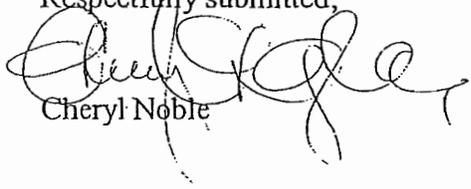
Board of Health	<ul style="list-style-type: none"> • See Attached 	Agreed
------------------------	--	--------

Fire Department	<ul style="list-style-type: none"> • See Attached 	Agreed
------------------------	--	--------

Inspectional Services	Landscaping must be properly maintained.	Agreed
------------------------------	--	--------

Please note this document has been provided to the each of the department heads and a copy has been transmitted to the applicant.

Respectfully submitted,



Cheryl Noble



TOWN OF
STONEHAM
MASSACHUSETTS 02180

Handwritten initials or mark, possibly 'B-3'.

OFFICE OF THE TOWN CLERK
Telephone: (781) 279-2650
FAX: (781) 279-2653
Email: town.clerk@ci.stoneham.ma.us

Maria R. Sagarino
Assistant Town Clerk



Bk: 58182 Pg: 294 Doc: DECIS
Page: 1 of 6 12/28/2011 02:03 PM

December 27, 2011

RE: Redstone Shopping Center, Main Street, Stoneham, Massachusetts

I, Maria R. Sagarino, Assistant Clerk of the Town of Stoneham, hereby certify that the decision of the **Board of Selectmen** regarding the above property was filed on **December 2, 2011 at 11:50AM** and no appeal has been filed in the twenty (20) days following this decision.

19984-118

Handwritten signature of Maria R. Sagarino

Maria R. Sagarino
Assistant Town Clerk



TOWN OF
STONEHAM
MASSACHUSETTS

TOWN HALL
35 CENTRAL STREET
STONEHAM, MA 02180

781/279-2680

Board of Selectmen

R. Paul Rotondi, *Chairman*
Frank Vallarelli, *Vice Chairman*
Richard S. Gregorio, *Secretary/Selectman*

John F. DePinto, *Selectman*
Robert W. Sweeney, *Selectman*
Muriel Doherty, *Office Manager*

December 2, 2011

Redstone Shopping Center Limited Partnership
c/o W.S. Development
1330 Boylston Street
Chestnut Hill, Massachusetts 02467

Re: **Redstone Shopping Center
Main Street, Stoneham, MA**

ATRUE COPY-ATTEST
MARIA R. SAGANUB
Assistant Town Clerk
TOWN OF STONEHAM

Dear Sirs:

Please be advised that the Board of Selectmen, at our meeting on November 15, 2011, voted to approve your petition to amend the existing site plan to allow for outdoor seating as more particularly shown on the plan by Appledore Engineering dated October 12, 2011, entitled "Redstone Shopping Center Route 28 Stoneham, Massachusetts", on the property located at Redstone Shopping Center, Main Street, Stoneham, MA on land owned by Redstone Shopping Center Limited Partnership c/o W.S. Development, 1330 Boylston Street, Chestnut Hill, MA 02467.

Said approval was granted subject to your incorporation on this plan the recommendations of Town departments as stated in the following correspondence:

Project Review Report - Received November 8, 2011

Health Agent - Letter dated September 26, 2011

Public Works Department - Letter dated August 11, 2011

Police Chief - Letter dated October 24, 2011

Police Chief - Letter dated August 12, 2011

Fire Chief - Letter dated October 24, 2011

2011 DEC - 2 A 11:50

REGISTRARS
TOWN CLERK
12 15 11

Planning Board - Amendment to existing Special Permit – Approved
October 12, 2011

This site plan approval is subject to the requirement that an existing or new Common Victualler License and, if applicable, an existing or new Liquor License would have to reflect outdoor seating. Two years is allowed for completion. The Board of Selectmen reserves the right to amend and modify the plan at any time.

Very truly yours,

Board of Selectmen

R. Paul Rotondi, MD

Chairman

md

cc: Steven L. Cikatelli, Esq.
Town Administrator
Inspectional Services
Fire Department
Board of Health
Planning Board
Police Department
School Committee
Department of Public Works

Voting to approve:

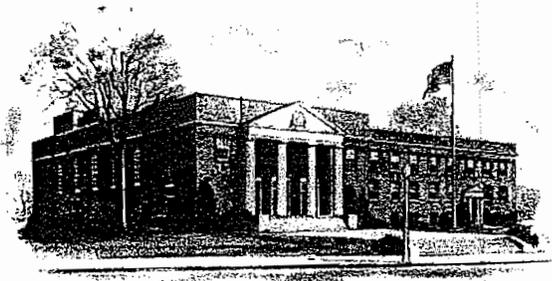
R. Paul Rotondi, Chairman
John F. DePinto
Richard S. Gregorio
Robert W. Sweeney
Frank Vallarelli

ATRUE COPY-ATTEST
Maria R. Saganis
Assistant Town Clerk
TOWN OF STONEHAM

✓ Filed with Town Clerk: December 2, 2011

2011 DEC - 2 A 11:50

STONEHAM
TOWN CLERK
REGISTRARS



TOWN OF
STONEHAM
MASSACHUSETTS

TOWN HALL
35 CENTRAL STREET
STONEHAM, MA 02180

781/279-2680

Board of Selectmen

Frank Vallarelli, *Chairman*
Robert W. Sweeney, *Vice Chairman*
Thomas Boussy, *Secretary/Selectman*

John F. DePinto, *Selectman*
Richard S. Gregorio, *Selectman*
Muriel Doherty, *Office Manager*

May 22, 2012

Redstone Shopping Center Limited Partnership
c/o W.S. Development
1330 Boylston Street
Chestnut Hill, MA 02467

Re: **Redstone Shopping Center
Main Street, Stoneham, MA**

Dear Sirs:

Please be advised that the Board of Selectmen, at our meeting on May 1, 2012, voted to extend the Redstone Shopping Center site plan approval to May 6, 2014.

The Board of Selectmen reserves the right to amend and modify the plan at any time.

Very truly yours,

Board of Selectmen

Chairman

md

cc: Town Administrator
Inspectional Services
Fire Department
Board of Health
Planning Board
Police Department
School Committee
Department of Public Works
✓ Steven L. Ciatelli, Esq.

Voting to approve:

Frank Vallarelli, Chairman
Thomas Boussy
John F. DePinto
Richard S. Gregorio
Robert W. Sweeney

Filed with Town Clerk: May 23, 2012

We the undersigned registered voters of the Town of Stoneham submit the following article for the annual Town meeting:

6

"To see if the Town will vote to petition the Massachusetts General Court (State Legislature) for a special act authorizing, notwithstanding any general or special law to the contrary, including Section 10 of Chapter 39 of the General Laws, that the Annual Stoneham Town Meeting shall be held and conducted as follows:

FEB 6 11 31 AM '11

STONEHAM TOWN

Section 1. Two Session Town Meeting:

The Annual Town meeting will consist of two (2) sessions, the deliberative session and the official ballot session.

Section 2. The deliberative session will be process as follows:

An original motion will be made on each Warrant Article by the original proposer of the Article. Amendments to the original motions may be voted on by the voters attending the open deliberative session in accordance with the process set forth herein. All motions, original or amended will be voted on to establish the final motion to be voted on during the official ballot session.

Section 3. The official ballot session will be as follows:

One (1) week from the adjournment of the deliberative sessions the Town Clerk will have a written ballot of all the final motions available at the Town Hall to be voted on by any registered voter who requests the ballot.

The process used for absentee ballots will be used in the official ballot session and voters will have seven (7) working days from the time the ballots are ready to cast their vote.

Section 3 Default Budget

If the final motion on the budget is defeated, a default budget shall be established by a joint meeting of the Board of Selectman and Finance Board, after a public hearing, but the total budget can not exceed the amount of the total budget in the original motion.

Name Address

R. Pascal Rotondi

- 1. Wayne N. Lillard 9 MYOPIA RD
- 2. Julia K. Ollard 9 Myopia Rd.
- 3. [Signature] 5 MYOPIA RD.
- 4. Stacy Corvins 5 Myopia Rd.
- 5. John Ruffe 189 William St.
- 6. Russell Watta 24 Assisatelo
- 7. Sharon Potock 7 Contribution Rd

PAGE 1.
7
FEB 6 11 31 AM '14
STONEHAM
TOWN

We the undersigned registered voters of the Town of Stoneham submit the following article for the annual Town meeting:

“To see if the Town will vote to amend the Stoneham Town Code Chapter 2, Administration, by deleting Article III Finance and Advisory Board Sec 2-16 and replacing it with the following:

Sec. 2-16 Creation Composition; Terms of members, Subsequent appointments; Vacancies; Removal.

“There shall be a Finance and Advisory (“Finance Board”) consisting of nine (9) members, all of whom shall be registered voters of the town. The new nine member (9) Board shall consists of Three members appointed by the Selectmen, Three members appointed by the School Committee and three members appointed by the Finance Board. The initial term of the three (3) appointments by each appointing authority shall be as follows: one for one year, one for two years and one for three years. All subsequent appointments will be for a term of three (3) years. Any vacancies on the Board other than normal expiration of a term will be made by the applicable appointing authority to fill the unexpired term.

After notification properly given to all members setting forth reasons and after hearing for cause the Finance and Advisory Board, upon a two-thirds vote of those members of the Board present and voting can remove a member. Said removal shall be made in writing to the member to be removed and to the Town Clerk at which time the removed member’s position shall be considered vacant.

Or do anything in relation hereto

R. Paul Rotondi

Name

Address

- | | | |
|---|-----------------------|-------------------------------|
| 1 | <i>Myopia Pollard</i> | 9 MYOPIA RD. |
| 2 | <i>Julia Pollard</i> | 9 Myopia Road |
| 3 | <i>[Signature]</i> | 5 Myopia R.D.
5 Myopia Rd. |
| 4 | <i>Stacy Graves</i> | |
| 5 | <i>John Rolfe</i> | 189 William St |
| 6 | <i>Ralph Gaeta</i> | 24 Arnold Rd |
| 7 | <i>Rosalie Gaeta</i> | 24 Arnold Rd |
| 8 | <i>Sharon Petros</i> | 7 CONSTITUTION RD |

Paul Misano, 10 Gorham Ave suggests pay as you throw program. A resident spoke on composting. Chairman Sweeney suggested she get in touch with the committee and meet with them regarding this idea. Mr. Ranieri states he feels the committee was sent to come back with a system and that is what they did. He is a bit surprised about the pushing for numbers. He feels the numbers have been covered. Selectwoman O'Neill suggests the residents email and put their comments or suggestions along with the selectmen's comments and submit to the committee and have the committee come back with a long term goal. Selectman Boussy is interested in looking to increase the recycling coordinators hours/position. Devon Manchester states he is glad to see no decision being made without the numbers. Richard Mangerian speaks about his thoughts on trash. Tara Lawler makes a comment on the performance of Hiltz that is not happy seeing the trucks broken down. A resident clarifies these recommendations are per unit. Selectman Boussy made a motion that this item be tabled and the selectmen will put their questions together for the committee and forward resident questions/comments to Dave's Office, motion was seconded and **unanimously voted (5-0)**.

Selectman Boussy made a motion for a five minute recess; motion was seconded and **unanimously voted (5-0)**.

Meeting recessed at 8:50 p.m.

Meeting reconvened at 8:59 p.m.

Comprehensive Infrastructure Initiatives and Zoning Warrant Articles/Paul Misano

105:35 Paul Misano, 10 Gorham Ave is requesting the board to open a warrant for a special town meeting within the annual town meeting at 8:00 pm on May 5, 2014. Mr. Misano discusses the three articles that he is interested in having a special town meeting for. Chairman Sweeney asks if he has been in front of the Planning Board. Mr. Misano states yes. Selectman Vallarelli would like to see recommendations from the Planning Board. Paula DeBartino who lives on Gould Street spoke and is opposed to these articles. She submits a letter from businesses in the overlay district opposing these articles. Selectwoman O'Neill asks what the goal of these articles is. Mr. Misano goes into a little more detail on these articles. Selectman Boussy suggests bringing this back to October Town Meeting after further data and review. Mr. Misano states this is the time for action. Selectmen Vallarelli tells Mr. Misano to go to the neighborhood and get support.

Approve/New Entertainment Licenses/URC, LLC d/b/a Uno Fresco/101 Main Street

Selectman DePinto moves approval of the following new Entertainment License, URC, LLC d/b/a Uno Fresco, 101 Main Street contingent on approval from all other department processes, seconded by Selectwoman O'Neill and **unanimously voted (5-0)**.

Approve/New Common Vic Licenses/URC, LLC d/b/a Uno Fresco/101 Main Street

Selectman DePinto moves approval of the following new Common Victualler License, URC, LLC d/b/a Uno Fresco, 101 Main Street contingent on approval from all other department processes, seconded by Selectwoman O'Neill and **unanimously voted (5-0)**.

Accept and Accept as Numbered Town Meeting Warrant Articles

Selectman DePinto moved to accept the articles as proposed #1-28 and sign the warrant, seconded by Selectwoman O'Neill and **unanimously voted (5-0)**.

Sign Town Meeting Warrant

Selectman DePinto moved to sign the warrant. **Motion was unanimously voted (5-0)**.

Revoke Tank License for 14/16 Main Street

Selectman DePinto moved to revoke tank license, seconded by Selectwoman O'Neill and **unanimously voted (5-0)**.

Approve Minutes

Selectman DePinto moved to accept the minutes of 2/18/2014, seconded by Selectman Vallarelli and **unanimously voted (4-0-1)**. Selectman Boussy abstained.

Appoint Member to Disability Committee

Selectman DePinto moved to appoint Gerald Powers Jr., to finish the (3) three-year terms that expires 4/30/2015 and **unanimously voted (5-0)**.

Reappointment of Town Counsel

Selectman DePinto moved to reappoint Bill Solomon as Town Counsel, seconded by Selectwoman O'Neill and **unanimously voted (5-0)**. Chairman Sweeney states that it has been a pleasure working with Bill and he is doing a super job. Selectman Boussy states that Bill does a great job and no one really know how hard he works and we are lucky to have him.

Miscellaneous

Chairman Sweeney states that the Memorial Day Parade Committee has only had \$7000.00 in the budget for the past 10 years and he is requesting \$1000.00 be added to the budget due to the pricing of the bands going up. Selectman DePinto made the motion for Dave to look to fund this, seconded by Selectman Boussy and **unanimously voted (5-0)**. Selectman Vallarelli says he has been receiving calls regarding the second meters and ask if that can be opened up for the month of April. Selectman DePinto confirms with Attorney Solomon that the Comcast checks are correct. Mr. Solomon states yes it is correct. Chairman Sweeney asks Mr. Ragucci about the request for a handicapped sign in front of house on Collincote. Mr. Ragucci states that Disability Committee is looking into addressing that request.

Chairman Sweeney asks Mr. Ragucci about the letter submitted by Mr. Sullivan. Mr. Ragucci states he will forward this off to the Building Department. Chairman Sweeney asks that the Building Inspector respond to Mr. Sullivan.

Town Administrator Reports

Mr. Ragucci states that he will be sending out the RFP for the Senior Center wireless. Mr. Ragucci states that the anticipated 3% increase from GIC our health insurance carrier is only going to be 1%. Mr. Ragucci states that Light It Up Blue which is on April 27, 2014 is looking for our support. Lastly, Mr. Ragucci states that he has a meeting arranged on March 13, 2014 with Representative Lewis, Executive Director of Mass Housing to discuss the Weiss Farm issue. Mr. Ragucci states unfortunately we do not have much information to go by but this is an opportunity to address some of the issues. Selectwoman O'Neill asks if anyone has taken up the opportunity to send in question. The response was no.

Executive Session

Selectman DePinto moved to go into executive session, pursuant to Chapter 30A of the General Laws to discuss Stockwell and not to return as the Board of Selectmen. Motion was seconded by Selectwoman O'Neill and was **unanimously voted (5-0)**.

Voting in Favor:

Selectman Boussy
Selectman DePinto
Selectwoman O'Neill
Selectman Vallarelli
Chairman Sweeney

Meeting adjourned at 9:55 p.m.

Respectfully submitted,

Erin Sinclair

Stoneham - Trash Advisory Committee

Waste Disposal Policy Changes and Recommendations

1/29/2014

<u>Subject</u>	<u>Existing Policy</u>	<u>Recommendation</u>	<u>Neighboring Communities</u>
Trash Quantity	Unlimited	3 Barrels or Bags, not to exceed 90 gallons Stickers may be purchased for any excess (No limit at Christmas)	Melrose - 4 bags or barrels Reading- 3 Barrels or 4 bags, 120 gallon limit Wakefield - 8 containers single family, 16 containers
Recycling	Bi-weekly, single stream, unlimited weight and amount	Weekly, single stream, unlimited	Melrose - bi-weekly, dual stream, unlimited Reading - weekly, dual stream, unlimited Wakefield - weekly, single stream, unlimited
Recycling	Voluntary	Mandatory	Melrose - voluntary. Reading - mandatory, Wakefield
Bulk Items - Amount	One per week	One per week - Maximum 50 pounds	Melrose - one per week. Reading - one per week Wakefield - No specified limit
- Weight	no weight limit	50 pound maximum. Some items to require a sticker/fee (see Melrose policy)	Melrose - 45 pound limit, some items require stickers Reading - no specified weight limit Wakefield - no specified weight limit
White Goods	Fee/Sticker Required, take item to Stevens St. Items picked up for additional fee	No change	Melrose - Fee/sticker required, curbside city pick-up Reading - \$20 fee, call contract hauler directly Wakefield - \$20 fee, curbside town pick-up

Cost

No additional net cost is expected. Expense for weekly recycling is approximately \$100,000. This should be offset by reductions in tipped tonnage and savings from reduced total tonnage.

Open issues

Stevens Street Hours of Operation: Viewed as inadequate but incurs additional cost

Hazardous waste program: Quite expensive, in the past was done jointly with other communities

Additional Comments

Successful mandatory weekly recycling requires communication and education. This will probably require end-user notification, brochures, flyers use of social media (Town website, facebook, Stoneham Independent, Stoneham Patch). Educate in the schools.

Purchasing stickers needed for additional trash, white goods, and relevant bulk items needs to be convenient



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC SAFETY—DIVISION OF FIRE PREVENTION
1010 COMMONWEALTH AVENUE. BOSTON

STONEHAM July 26 1973
(City or Town) (Date)

APPLICATION FOR LICENSE

For the lawful use of the herein described building ... or other structure..., application is hereby made in accordance with the provisions of Chapter 148 of the General Laws, for a license to use the land on which such building... or other structure... is/are or is/are to be situated, and only to such extent as shown on plot plan which is filed with and made a part of this application.

Location of land END OF MARION ST Nearest cross street ADAM RD
(Street & Number)
Owner of land General Foods Corp Address 250 North St White Plains N.Y.
Number of buildings or other structures to which this application applies.....
Occupancy or use of such buildings.....
Total capacity of tanks in gallons:—Aboveground 850000 Gals Underground.....
Kind of fluid to be stored in tanks BUNKER "C" #6 OIL

Approved—~~Disapproved~~ Sept 18 1973 General Foods Corp
Capt. William F. McCall (Signature of Applicant)
(Head of Fire Dept.) Hill St Woburn
(Address)

STONEHAM
TOWN CLERK
REGISTRARS

2013 APR 17 A 8:36



April 10, 2013

Town of Stoneham
Office of the Town Clerk
Stoneham, MA 02180

RE: Flammable Registration

Please be informed that we no longer wish to retain the flammable storage license.
We no longer own the property.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane Hoyt", written over a horizontal line.

Jane Hoyt
Plant Manager



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC SAFETY—DIVISION OF FIRE PREVENTION
1010 COMMONWEALTH AVENUE, BOSTON

STONEHAM- SEPT. 21, 19 77
(City or Town) (Date)

LICENSE

In accordance with the provisions of Chapter 148 of the General Laws, a license is hereby granted to use the land herein described for the lawful use of the building... or other structure... which is/are or is/are to be situated thereon, and as described on the plot plan filed with the application for this license.

Location of land 32 PINE STREET Nearest cross street PINE STREET
(Street & Number)
 Owner of land CHRISTOPHER R. COVIELLO Address 39 WEST EMERSON STREET, MELROSE, MAS
 Number of buildings or other structures to which this license applies ONE (1)
 Occupancy or use of such buildings GARAGE
 Total capacity of tanks in gallons:—Aboveground 200 gals #2 fuel and engine oil com- Underground *
 Kind of fluid to be stored in tanks bined.
 Restrictions—If any:
 *4000 gals. high-test, leaded gasoline
 2000 gals. unleaded gasoline
 3000 gals. fuel oil

Charles J. Houghton
 Chairman (Signature of Licensing Authority) Stoneham Board of Selectmen

THIS LICENSE OR A PHOTOSTATIC OR CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED IN A PROTECTED PLACE ON THE LAND FOR WHICH IT IS GRANTED

Copy



FP - 5
(Rev. 05-2009)

The Commonwealth of Massachusetts

City/Town of Stoneham

STONEHAM TOWN CLERK REGISTRARS	GIS Coordinates LAT: _____ LONG: _____ APR -3 A 11:24 License Number _____
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Certificate of Registration 2013

Massachusetts General Law, Chapter 148 §13

In accordance with the provisions of Massachusetts General Law, Chapter 148 § 13, the undersigned hereby certifies that:

Person, partnership, corporation or other entity: Chris Coviello & Sons

Name of License Holder

30 Pine Street, Stoneham, MA 02180

Business Address of License Holder

Is the holder of a license granted on 9/21/1977, and subsequently amended on _____

For the lawful use of buildings and structures located or to be located at:

30 Pine Street Map 13 Parcel ID 40

Number, Street and Assessor's Map and Parcel ID

NOTE:
★

I no longer wish to retain the license,
As relates to the keeping, storage, manufacture, or sale of flammables, combustibles, or explosives.

<u>Chris Coviello</u>	<u>3-29-13</u>	
<small>Signature of License Holder or Agent</small>	<small>Date</small>	<small>Printed Name</small>

All materials must be stored in accordance with the provisions of Massachusetts General Law, Chapter 148, the Massachusetts Fire Code (527 CMR), and all other applicable laws and regulations, including the terms and conditions of the subject license. Quantities stored may not exceed the maximum quantity specified by the license.

REGISTRATION

This is to certify that the within named license holder has in accordance with the provisions of Massachusetts General Law, Chapter 148 §13 filed with me, a certificate of registration setting forth that the above named entity is the holder of license as relates to the keeping, storage, manufacture, or sale of flammables, combustibles, or explosives at the above described location.

_____ <small>Signature of Official</small>	_____ <small>Title</small>	_____ <small>Date</small>
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THIS REGISTRATION AND THE LICENSE MUST BE CONSPICUOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.

Warrant for Annual Town Meeting

Tuesday, April 1, 2014

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 Tuesday, April 1, 2014, at seven o'clock in the forenoon to act on the following articles of this warrant:

Article 1. To choose the following officers:

One (1) Selectman for three (3) years.

Two (2) School Committee Members for three (3) years.

One (1) Board of Health Member for three (3) years.

One (1) Planning Board Member for five (5) years.

One (1) Board of Assessors Member for three (3) years.

One (1) Housing Authority Member for five (5) years.

Two (2) Library Trustees for three (3) years.

For consideration of the following Articles, the meeting shall be adjourned to meet in the **Town Hall** at 7:00 o'clock in the evening on Monday, May 5, 2014, in accordance with provisions of Article II, section 2-3 of the By-Laws of the Town of Stoneham.

Article 2. To choose all other necessary Town officers for the ensuing year in such a manner as the Town may determine.

Board of Selectmen

Article 3. To hear the reports of Town officers and committees and to act thereon and to choose committees.

Board of Selectmen

Article 4. To see if the Town will vote to fix the salaries of the several elective officers and the Boards of the Town for the 2014/2015 fiscal year.

Town Moderator	\$0
Board of Assessors	\$1,200
Board of Selectmen	\$3,000
Town Clerk	\$65,975

Board of Selectmen

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

1.) by amending the Zoning Map of the Town of Stoneham to add to the Residence B District the following described property at 42 Pleasant Street:

Beginning at a point on the Northerly side of Pleasant Street being the Southwesterly lot corner of the subject property; thence

N 24°41'00" E Thirty-three and 00/100 (33.00) feet; thence

N 61°44'00" W Thirty and 64/100 (30.64) feet; thence

N 13°03'10" E Three Hundred Forty and 42/100 (340.42) feet; thence

N 17°52'10" E Sixteen and 00/100 (16.00) feet; thence

S 76°07'55" E Eighty-three and 39/100 (83.39) feet; thence

S 86°53'47" E Eighty-nine and 75/100 (89.75) feet; thence

by a curve with a radius of One thousand, One hundred Twenty-five and 23/100 (1,125.23) feet and an arc length of One hundred Twenty-one and 17/100 (121.17) feet; thence

S 12°53'45" W Two Hundred Seventy-five and 09/100 (275.09) feet; thence

N 52°21'50" W Fifty-three and 82/100 (53.82) feet; thence

S 37°38'10" W Eighty-six and 18/100 (86.18) feet; thence

N 52°21'50"W Ninety-four and 84/100 (94.84) feet along Pleasant Street to the Point of Beginning

The above described property contains 75,891 square feet of land, and

2.) by amending Section 4.3.3.1(h) to read as follows: Section 4.3.3.1(h) If there is more than one (1) such structure on a lot of record, there shall be at least sixty (60) feet between each structure **except for town houses where there shall be at least thirty (30) feet between each structure.** The only exception may be that no more than three (3) buildings may each be interconnected by a covered walkway or breezeway for reasons of convenience and shelter from the elements, if such walkway, in the opinion of the Planning Board and the Board of Selectmen, shall not impair services to the buildings by emergency vehicles or equipment. Such buildings so interconnected shall be deemed as separate and individual buildings for the purposes of administering the Rules and Regulations Governing the Subdivision of Land for the Town of Stoneham. (5-1-95, Art. 11) and,

3.) and by amending Section 5.2.1 Table One - Dimensional Requirements as attached:

Section 5.2.1 TABLE ONE - DIMENSIONAL REQUIREMENTS

District	Minimum Lot Size in Square Feet	Frontage & Lot Width in Feet ⁽²⁾	Percent Coverage ⁽³⁾	Front	Minimum Setback in Feet Side ⁽⁴⁾⁽⁵⁾	Rear ⁽¹⁵⁾	Height in Feet
<i>Residence A</i>	10,000 ⁽¹⁾	90	30	20	10 ⁽⁸⁾	15 ⁽⁸⁾⁽¹⁰⁾	30
<i>Residence B</i>	7,000 ⁽⁵⁾	75 ⁽⁷⁾	20 ⁽²⁴⁾	15 ⁽⁶⁾	10 ⁽⁶⁾ 15	15 ⁽⁶⁾⁽⁸⁾⁽¹⁰⁾⁽²⁵⁾	30
<i>Neighborhood Business</i>	10,000	100	50	15	15	15	30
<i>Business</i>	None Required	None Required	75	15	10	15	45
<i>Central Business</i>	None Required	None Required	100	None	None	None	45
<i>Highway Business</i>	10,000	100	75	20 ⁽⁹⁾	5	5	45
<i>Commercial</i>	20,000	100	75	15	10	10	65 ⁽¹⁸⁾
<i>Residential Overlay Fallon Road</i>	200,000 ⁽²³⁾ Maximum density = 20 units/acre	150	30	20	20	10	65 ⁽¹⁹⁾
<i>Medical⁽¹¹⁾</i>	40,000	150	40	40	20	50	65
<i>Recreation/Open Space</i>	40,000	150	5	40	20	50	30
<i>Education⁽¹²⁾</i>	50,000	45	35	20	13	20	55
<i>Medical/Office/Residential</i>	200,000/200,000/200,000	150/150/150	30/30/30	40 ⁽¹³⁾ /30 ⁽¹³⁾ /30 ⁽¹³⁾	20 ⁽¹³⁾ /20 ⁽¹³⁾ /10 ⁽¹³⁾ (14)	20 ⁽¹³⁾ /20 ⁽¹³⁾ /10 ⁽¹³⁾ (14)	97/97/65
<i>Railroad Right-of-Way Overlay District</i>	None ⁽¹⁷⁾	None ⁽¹⁷⁾	75 ⁽¹⁷⁾	5 ⁽¹⁶⁾ (17)	5 ⁽¹⁶⁾ (17)	5 ⁽¹⁶⁾ (17)	20
<i>East School Multi-Family Overlay District</i>	20,000	Frontage – 150 Width – 130	50	40 ⁽²⁰⁾	10 ⁽²⁰⁾	30 ⁽²⁰⁾	40 ⁽²¹⁾
<i>North Elementary School Overlay District</i>	100,000	Frontage – 50 Width – 50	20	Front 20 ⁽²⁰⁾	Side 10 ⁽²⁰⁾	Rear 30 ⁽²⁰⁾	40 ⁽²²⁾

(1) Except 40,000 feet for all non-residential uses.

(2) See 5.3.4 (Reserved)

(3) Portion of lot devoted to structure.

(4) Except that no part of a building may be placed within 15' of any street.

(5) Plus 2,500 for each dwelling unit over one in a structure.

(6) 30' for three or more dwelling units.

(7) 150' for three or more dwelling units.

(8) A minimum distance of ten (10') feet between buildings on adjacent lots in Residence A and B must be maintained.

(9) Except 15' for freestanding pole or ground signs.

(10) Except for pools which shall have a ten (10') foot minimum rear setback requirement. (5-12-86)

(11) Residential uses in the Medical District shall conform to the requirements specified herein for the Residence B District.

(12) No setback required where abutting public open or recreational space. (5-7-98)

(13) Retaining walls over four (4) feet in height are permitted within the required front, side, and rear setbacks in the Medical/Office/Residential District.

(14) Minimum Space between principal buildings on the same lot is ten (10') feet.

(15) Fences as structures of six (6') feet in height or less and retaining walls of four (4') feet in height or less are excluded from front, side, and rear setback requirements except retaining walls over four (4') feet in height are permitted in the Medical/Office/Residential District in Note (13).

(16) Except that there shall not be a setback requirement if the property abutting the subject lot line is owned by the same person or entity that is using the property in the Railroad Right-of-Way Overlay District.

(17) Property in the Railroad Right-of-Way District shall not be used in calculating or otherwise complying with the frontage, lot size, percent lot coverage or setback requirements of an abutting property. (Art. 11, 4-7-09)

(18) Height may be increased to 85 feet by Special Permit from Planning Board.

(19) Height may be increased to 80 feet by Special Permit from the Planning Board.

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

(21) A cupola, chimney or appurtenance accessory to a residential structure and use allowed under this Section 4.20 are all excluded from this height limitation, but in no event may they be greater than fifty-five feet (2 (55') in height.

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

(23) 10% of Lot Area shall be open space.

(24) Except for town houses 30% coverage.

(25) Twenty-five (25') feet for town houses.

Article 6. To see if the Town will vote to petition the Massachusetts General Court (State Legislature) for a special act authorizing, notwithstanding any general or special law to the contrary, including Section 10 of Chapter 39 of the General Laws, that the Annual Stoneham Town Meeting shall be held and conducted as follows:

Section 1. Two Session Town Meeting:

The Annual Town meeting will consist of two (2) sessions, the deliberative session and the official ballot session.

Section 2. The deliberative session will be process as follows:

An original motion will be made on each Warrant Article by the original proposer of the Article. Amendments to the original motions may be voted on by the voters attending the open deliberative session in accordance with the process set forth herein. All motions, original or amended will be voted on to establish the final motion to be voted on during the official ballot session.

Section 3. The official ballot session will be as follows:

One (1) week from the adjournment of the deliberative sessions the Town Clerk will have a written ballot of all the final motions available at the Town Hall to be voted on by any registered voter who requests the ballot.

The process used for absentee ballots will be used in the official ballot session and voters will have seven (7) working days from the time the ballots are ready to cast their vote.

Section 3 Default Budget

If the final motion on the budget is defeated, a default budget shall be established by a joint meeting of the Board of Selectman and Finance Board, after a public hearing, but the total budget can not exceed the amount of the total budget in the original motion.

**R. Paul Rotondi
15 Steele Street**

Article 7. To see if the Town will vote to amend the Stoneham Town Code Chapter 2, Administration, by deleting Article III Finance and Advisory Board Sec 2-16 and replacing it with the following:

Sec. 2-16 Creation Composition; Terms of members, Subsequent appointments; Vacancies; Removal.

There shall be a Finance and Advisory (“Finance Board”) consisting of nine (9) members, all of whom shall be registered voters of the town. The new nine member (9) Board shall consists of Three members appointed by the Selectmen, Three members appointed by the School Committee and three members appointed by the Finance Board. The initial term of the three (3) appointments by each appointing authority shall be as follows: one for one year, one for two years and one for three years. All subsequent appointments will be for a term of three (3) years. Any vacancies on the Board other than normal expiration of a term will be made by the applicable appointing authority to fill the unexpired term. After notification property given to all members setting forth reasons and after hearing for cause the Finance and Advisory Board, upon a two-thirds vote of

those members of the Board present and voting can remove a member. Said removal shall be made in writing to the member to be removed and to the Town Clerk at which time the removed member's position shall be considered vacant, or do anything in relation thereto.

R. Paul Rotondi
15 Steele Street

Article 8. To see if the Town will transfer any school-related remaining balances from Article 9 of the October 2012 Special Town Meeting (Middle School Midi-Lab) and from Article 2 of the May 2013 Special Town Meeting (Robin Hood windows) for improvements to the security systems of the School Department elementary schools, or to take any other action thereon.

School Committee

Article 9. To see if the Town will vote to reauthorize a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2, for the purpose of using receipts generated from renting space at the senior center building to help pay the cleaning, utilities and maintenance costs of the senior center, and authorize expenditures by the Council on Aging Director, not to exceed \$30,000 during the fiscal year 2015 which may be made from such fund. In addition, to transfer any balance remaining on June 30, 2014 from the existing Revolving account into the reauthorized Revolving account, or do anything in relation thereto.

Council on Aging

Article 10. To see if the Town will vote to reauthorize a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2, for the purpose of using receipts generated from fees charged for outings and transportation services at the senior center to cover costs associated with these outings and providing these transportation services, and authorize expenditures by the Council on Aging Director, not to exceed \$40,000 during Fiscal Year 2015 which may be made from such fund. In addition, to transfer any balance remaining on June 30, 2014 from the existing Revolving account into the reauthorized Revolving account, or do anything in relation thereto.

Council on Aging

Article 11. To see if the Town will vote to accept Massachusetts General Law Chapter 59, Section 5N. The acceptance of Section 5N would allow qualified veterans who own and live in their homes to volunteer their services to the Town and in exchange therefore receive a reduction in their real property tax obligation based on an per hour dollar limit and total reduction of the veteran's real estate tax bill as set out in said 5N of Chapter 59; and further, to authorize allowing an approved representative to so volunteer for veterans physically unable to provide such services to the Town, or do anything in relation thereto.

Stoneham Veterans Services

Article 12. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-Laws, Section 4.18 Railroad Right-Of-Way [Overlay] District, by amending Section 4.18, more specifically Sections 4.18.1, 4.18.2.2 and 4.18.2.3, by replacing the date of "June 30, 2014" with the date of "June 30, 2015" as used in the respective sections as a time limitation applicable to and in said Overlay District, or do anything in relation thereto.

Stoneham Bikeway/Greenway Committee

Article 13. To see if the Town will vote to authorize the Town Administrator to license (which shall include a use and occupancy agreement) on a month to month basis, not to extend beyond the earlier of the following: (i) the commencement of construction of the former Railroad Right-of-Way ("ROW") as a bikeway or linear part, or (ii) June 30, 2015, with the right of early termination by the Town Administrator, the below described parcels of said ROW, or a portion thereof, with said authorization further limited as follows: (i) no such licensed property (hereinafter referred to as "such property") shall exceed twenty-five feet (25') in width across the ROW; (ii) no such property shall include any land identified for use as a multi-use trail in the 75% plans submitted by Fay, Spofford & Thorndike (FST), the project engineer for the Tri-Community Bikeway (said plan on file with the Stoneham Town Clerk and hereinafter referred to as the "75% Plan"); (iii) any license shall be at no less than market rate, as determined through procedures customarily accepted by the appraising profession as valid; (iv) no portion of the ROW may be licensed to a party currently leasing or licensing said portion of the ROW, unless said party clears the area within the currently licensed parcel which is identified to be used as a multi-use trail in the 75% Plan, of all obstructions and debris, if any, and return said property to its natural state; and (v) no portion of the ROW may be licensed without the requirement of a bond sufficient in the determination of the Town Administrator to remove all obstructions and debris, if any, on said portion of the ROW or other Town property at the expiration or termination of the license, and return said property to its natural state.

Said former Railroad Right-of-Way land being as follows:

- (i) Approximately 6599 linear feet of railroad right-of-way, being shown on plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in book 13117, page 113 of December 27, 1976, and further described as follows:

Parcel 1: Beginning at the northerly sideline of Maple Street, a public way, and running northeasterly approximately 1070 feet to station 60 + 28.3, said portion being 41.25 feet in width. Thence continuing in a northeasterly direction from station 60 + 28.3, approximately 510 feet to the southerly side said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 33.00 feet in width.

Parcel 2: Beginning at a northerly sideline of the aforementioned Montvale Avenue and running northeasterly approximately 820 feet to the southerly sideline of Cottage Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 49.50 and 54.50 feet in width; and including a triangular area bounded on the north by the southerly sideline of Lindenwood Road, a public way, on the west by the easterly sideline of Cottage Street, a public way, and on the east by land now or formerly of Bradford currently shown on the zoning map of the Town of Stoneham as residence B land.

Parcel 3: Beginning at the northerly sideline of the aforementioned Lindenwood Road and running northeasterly approximately 730 feet to the westerly sideline of William Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as highway business being of variable widths of approximately 50 feet.

Parcel 4: Beginning at the north easterly sideline of the aforementioned William Street and running northeasterly approximately 225 feet to the westerly sideline of Main Street, Route 28, a state highway, said portion shown on the zoning map of the Town of Stoneham as highway business land being 49.50 feet in width.

Parcel 5: Beginning at the easterly sideline of Central Street, a public way, and running in a southeasterly direction approximately 1,570 feet to the northerly sideline of Pomeworth Street, a public way, approximately 788 feet of said portion shown on the zoning map of the Town of Stoneham as commercial land

and the remaining portion, approximately 782 feet shown on the zoning map of the town of Stoneham as residence B land and being 49.50 feet in width.

Parcel 6: Beginning at the southerly sideline of the aforementioned Pomeworth Street and running southerly approximately 780 feet to the northerly sideline of Pleasant Street, a public way, said portion shown on the zoning map of the Town of Stoneham as commercial land and being of variable width of approximately 50 feet.

Parcel 7: Beginning at the southerly sideline of the aforementioned Pleasant Street and running southwesterly approximately 340 feet to the northerly sideline of Gould Street, a public way, said portion shown on the zoning map as commercial and being 49.50 feet in width.

Said parcels 1 through 7 containing a total area of 302,550 square feet, more or less and meaning to include herein all property now (or previously) owned by the (MBTA) along the railroad right-of-way between Maple Street and the end of Gould Street in Stoneham, Massachusetts.

Any funds from the license of said ROW shall be placed in the special fund for the Railroad Right-of-Way, as may be enacted by the Commonwealth, or do anything in relation thereto.

Stoneham Bikeway/Greenway Committee

Article 14. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-Laws by amending the Zoning Map of the Town of Stoneham by adding the property at which the Stoneham Senior Center is located, 136 Elm Street (also shown as Parcel 80 on Map 6 of the Town of Stoneham Assessor's Maps) to the "Wireless Services Facility Overlay District" set out in Section 4.11 of the Town of Stoneham Zoning Bylaws, or do anything in relation thereto.

Board of Selectmen

Article 15. To see if the Town will vote authorize the lease of the Senior Center barn and a portion of the Senior Center property located at 136 Elm Street (also shown as Parcel 80 on Map 6 of the Town of Stoneham Assessor's Maps), for Wireless Service Facilities. And further to authorize the Board of Selectmen and/or Town Administrator to take any action necessary to carry out this vote, or do anything in relation thereto.

Board of Selectmen

Article 16. To see if the Town will vote to amend the Stoneham Town Code, Chapter 1 General Provisions, Section 1-4A Non-Criminal Disposition, as follows (with the deletion shown by a strike-out, and the additions shown as underlined):

Sec. 1-4A. Non-criminal disposition.

Violations of the following Town bylaws, rules and regulations, may be enforced by non-criminal disposition in the manner provided by General Laws, Chapter 40, Section 21D. For purposes of this bylaw, the specific penalty which is to apply for a violation shall be listed below. In addition to police officers of the Town of Stoneham, who shall have authority to enforce all of the below referenced bylaws, rules and regulations, the municipal officer(s), if any, listed below shall also have authority to enforce the respective bylaw, rule or

regulation by non-criminal disposition. Each day any violation continues shall constitute a separate violation. Any specific monetary fine or penalty that is set forth below shall be considered to apply only to a non-criminal disposition of such violation and shall not be construed as a limitation upon the monetary penalty recoverable pursuant to Section 1-4 above or other applicable law.

BYLAWS

Section	Subject	Additional Enforcing Person(s)	Fine
Chap. 2 - Sec. 44	Numbering of Buildings	Fire Chief or Fire Prevention Officer	\$50.00
Chap. 3 - Sec. 7	Leash Required	Dog Officer	1st Offense - \$25.00 2nd Offense - \$40.00 3rd Offense - \$50.00
Chap. 6 - Sec.1	Depositing of offensive or injurious substances	Board of Health or its agent	\$50.00
Chap. 6 - Sec. 2	Deposit of substance subject to Decomposition	Board of Health or its agent	\$50.00
Chap. 6 - Sec. 4	Sewer Use Ordinance	Board of Health or its agent, Superintendent <u>Director</u> of Public Works	\$50.00
<u>Chapter 7 – Secs. 1 -11</u>	<u>Junk and Secondhand Articles</u>	<u>None</u>	<u>See Chapter 7, Sec. 12</u>
Chap. 7 - Sec. 13	Flea Market	None	\$50.00
Chap. 7 - Sec. 14	Automatic Amusement Devices	None	\$50.00
Chap. 8 - Sec 8	Unlawful Parking	None	\$50.00
Chap. 9 - Sec. 5	Discharging firearm, air rifle, etc.	None	\$50.00
Chap. 9 - Sec. 9	Interfering with hydrants, fire alarms, etc	Fire Chief or Fire Prevention Officer	\$50.00
Chap. 9 - Sec. 9.1	Fire Lanes	Fire Chief or Fire Prevention Officer	\$50.00
Chap. 13 - Sec. 1	Excavations	Building Inspector	\$50.00
Chap. 13 - Sec. 2	Obstructions or dumping	Board of Health or its agent	\$50.00
Chap. 13 - Sec. 7	Placement of materials in erecting, repairing or removing buildings	Building Inspector	\$50.00

Chap. 13 - Sec. 8	Standing so as to obstruct passage	None	\$50.00
Chap. 13 - Sec. 11	<u>Snow Removal and</u>		
Chap. 13 - Sec. 12	Deposits of snow on certain sidewalks or streets	Director of Public Works or his the <u>Director's representative(s) as designated in writing by the Town Administrator</u>	1st Offense per season Nov. 1-Apr. 30 - Written Warning 2nd Offense per season - \$25.00 Subsequent offenses per season - \$50.00 Each day of violation constitutes a separate violation
<u>Ch. 13 – Sec. 13</u>	<u>Printer Material Vending Machines</u>	<u>Director of Public Works or the Director's representative as designated in writing by the Town Administrator</u>	<u>1st Offense in 24-month period - \$50</u> <u>2nd Offense in 24-month period - \$100</u> <u>3rd Offense and each subsequent offense</u>
Chap. 13A - Sec.1	Earth Removal	Building Inspector	\$50.00
			<u>1st Offense in 24-month period - \$50.00</u> <u>2nd Offense in 24-month period - \$100.00</u> <u>3rd Offense and each subsequent offense in 24-month period - \$200.00</u>
Chap. 14	Water Use	<u>Director of Public Works or the Director's representative as designated in writing by the</u>	
<u>Chap. 15</u>	<u>Zoning Bylaws</u>	<u>Building Inspector</u>	<u>1st Offense in 24-month period - \$50.00</u> <u>2nd Offense in 24-month period - \$100.00</u> <u>3rd Offense and each subsequent offense in 24-month period - \$200</u>
Chap. 15 Sec. 4.2.2.2	Unregistered Motor Vehicle Per Lot	Building Inspector	\$50.00
Chap. 15 Sec. 5.3.6.3	Corner lot fences, business	Building Inspector	\$50.00
Chap. 15 Sec. 6.3.4.2.9	Maintenance of parking lots	Building Inspector	\$50.00
Chap. 15 Sec. 6.3.4.2.10	Snow storage	Building Inspector	\$50.00
Chap. 15 Sec. 6.3.5.2.1	Maintenance of screening	Building Inspector	\$50.00

Chap. 15 Sec. 6.5.2.4	Landscaping	Building Inspector	\$50.00
Chap. 15 Sec. 6.5.3.1(a)	Pool Enclosures	Building Inspector	\$50.00
Chap. 15 Sec. 6.6.2.2	Lighting	Building Inspector	\$50.00
Chap. 15 Sec. 6-7	Signs and Illuminations	Building Inspector	\$50.00
Chap. 15 Sec. 6.8.9.1	Hazardous materials	Building Inspector	\$50.00
Chap. 16 –Sec. 20 thru 69=	Vehicle for Hire Regulations	None	1st Offense in six month period - \$50.00 2nd Offense in six month period - \$100.00 3rd Offense and each subsequent offense thereafter, in a six month period - \$200.00
Chap. 20 –Sec. 2 thru 120	Board of Health Regulations	Board of Health or its <u>health inspector or agent</u>	See Regulations or otherwise as follows: \$50.00 for each day such violation continues after receipt of notice thereof <u>1st Offense in 24-month period -</u> <u>\$50.00</u> <u>2nd Offense in 24-month period -</u> <u>\$100.00</u> <u>3rd Offense in 24- month period -</u> <u>\$200</u> \$50 for each day such violation continues after receipt of written notice
	<u>Stoneham Fire</u> Regulations	Fire Chief or Fire Prevention Officer	

Or do anything in relation thereto.

Board of Selectmen

Article 17. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-Laws, Section 4.14 Commercial District III, Section 4.14.4 Uses Permitted on a Special Permit by the Planning Board and Site Plan Approval by the Board of Selectmen, by adding Section 4.14.4.5 Medical Marijuana Treatment Center as a use permitted on a special permit by the Planning Board and site plan approval by the Board of Selectmen, as follows:

4.14.4.5. Medical Marijuana Treatment Center

4.14.4.5.1 *Definitions*

- (a) **Medical Marijuana Treatment Center:** A “Medical Marijuana Treatment Center” shall mean a not-for-profit entity, as defined by Massachusetts law Chapter 369 of the Massachusetts Acts and Resolves of 2012 (St. 2012, ch. 369) which codifies the Citizens Initiative Petition #11-11, Question #3 on the November, 2012 state ballot] and applicable regulations of the Massachusetts Department of Public Health [105 CMR 725] only, registered under said law and regulations, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. Unless otherwise specified, a Medical Marijuana Treatment Center refers to the site(s) of dispensing, cultivation, and preparation of marijuana. A Medical Marijuana Treatment Center is pursuant to 105 CMR 725 “to be known as a “Registered Marijuana Dispensary”, and as such requirements of this bylaw, or other law or regulations applicable hereto, shall be applicable regardless of whether the term Medical Marijuana Treatment Center or Registered Marijuana Dispensary is used.
- (b) **Marijuana for Medical Use:** Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as defined in G.L. c. 94G and the applicable regulations of the Massachusetts Department of Public Health, 105 CMR 725.
- (c) **Marijuana:** The same substance defined as “marihuana” under Chapter 94C of the Massachusetts General Laws.; and the substance defined as “marijuana” by 105 CMR 725.

4.14.4.5.2 *Purpose*

The purpose of this bylaw is to:

- (i) limit the establishment of Medical Marijuana Treatment Centers to appropriate locations under strict conditions in accordance with St. 2012, ch. 369 and 105 CMR 725.
- (ii) minimize the adverse impacts of Medical Marijuana Treatment Centers on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Facilities.
- (iii) regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Medical Marijuana Treatment Centers.

4.14.4.5.3 *Applicability*

- (a) No Medical Marijuana Treatment Center shall be established except in compliance with the provisions of this Section 4.14.5
- (b) The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless permitted as a Medical Marijuana Treatment Center under this bylaw.
- (c) Nothing in this Bylaw shall be construed to supersede any state or federal laws or regulations governing the sale and distribution of narcotic drugs. The commercial

cultivation, production, processing, assembly, packaging, retail or wholesale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a Medical Marijuana Treatment Center under this bylaw.

4.14.4.5.4 *General Requirements and Conditions for all Medical Marijuana Treatment Centers.*

The following requirements and conditions shall apply to all Medical Marijuana Treatment Centers:

- (a) All Medical Marijuana Treatment Centers not otherwise specifically exempted by State law shall be contained within a building or structure.
- (b) No Medical Marijuana Treatment Center shall have a gross floor area of less than 1,000 square feet or in excess of 20,000 square feet.
- (c) Medical Marijuana Treatment Center shall not be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.
- (d) The hours of operation of Medical Marijuana Treatment Center shall be set by the Special Permit Granting Authority and the Board of Selectmen as Site Plan Granting Authority, but in no event shall a Medical Treatment Center be open and/or operating between the hours of 8:00 PM and 8:00 A.M.
- (e) No Medical Marijuana Treatment Center shall be located on the same lot or a lot which abuts any of the following within the Town of Stoneham: a public or Private school, licensed child care facility or any public playground, recreation facility, athletic field or other park where children congregate within the Town of Stoneham.
- (f) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Medical Marijuana Treatment Center.
- (g) Medical Marijuana Treatment Centers shall not be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a trailer, recreational vehicle, movable or stationary mobile vehicle.
- (h) No products shall be displayed in the facilities windows or be visible from any street or parking lot.
- (i) Notwithstanding any provisions of Section 6.7 of the Zoning Bylaws, signage for all Medical Marijuana Treatment Centers shall include the following language: "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height. The sign shall be located in a visible location near the main entrance to the facility. Exterior signs shall identify the name of the establishment but shall not contain any other advertising information.
- (j) Medical Marijuana Treatment Centers shall provide the Stoneham Board of Health, the Stoneham Police Department, and the Stoneham Fire Department with the names, phone

numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the center and update that list whenever there is any change in management staff or keyholders.

4.14.4.5.5 *Special Permit Requirements*

4.14.4.5.5.1 A Medical Marijuana Treatment Center shall only be allowed by special permit in accordance with G.L. c. 40A, §9 and Section 7.4 of the Zoning Bylaws, subject to the regulations, requirements, conditions and limitations of contained in Section 4.14.5.

4.14.4.5.5.2 A Special Permit for a Medical Marijuana Treatment Center shall be limited to one or more of the following uses that shall be determined by the Planning Board:

- (a) cultivation of Marijuana for Medical Use (horticulture) except that sites protected under Chapter 40A Section 3 shall not require a Special Permit;
- (b) processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products; or
- (c) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;

4.14.4.5.5.3 In addition to the application requirements set forth in the in this Section 4.14.4.5, the Zoning Bylaws and the Rules and Regulations of the Planning Board, a Special Permit application for a Medical Marijuana Treatment Center shall include the following:

- (a) the name and address of each owner of the establishment and property owner;
- (b) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the establishment;
- (c) evidence of the applicant's right to use the site for the establishment, such as a deed, or lease;
- (d) if the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the names and addresses of all individuals associated with that entity;
- (e) Proposed security measures for the Medical Marijuana Treatment Center, including lighting, fencing, surveillance cameras, gates and alarms, to help to best ensure the safety of persons and to protect the premises from theft. The security measures shall be reviewed and approved by the Police Department.

4.14.4.5.6 *Mandatory Findings*

In addition to the findings required under Section 7.4 of the Zoning Bylaws, the Planning Board shall not issue a Special Permit for a Medical Marijuana Treatment Center unless it finds that:

- (a) the establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;

- (b) the applicant clearly demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all applicable State laws and regulations; and
- (c) the applicant has satisfied all of the conditions and requirements of this Section 4.14.4.5.

4.14.4.5.7 *Annual Reporting*

Any Medical Marijuana Treatment Centers permitted under this Bylaw shall as a condition of its Special Permit file an annual report with the Planning Board, Board of Selectmen, Building Inspector and Town Clerk no later than January 31st of each year. The Annual Report shall include a copy of all current applicable state licenses for the establishment and/or its owners and demonstrate continued compliance with the conditions of the Special Permit. In the event that the Annual Report is not received by January 31st or if the report is incomplete, the owner(s) of the Medical Marijuana Treatment Center May be required to appear before the Board of Selectmen or its designee to provide the required information.

4.14.4.5.8 *Term of Special Permit*

- (a) A special permit issued pursuant to this Section 4.14.4.5 shall be valid for a period of five (5) years from the date of issuance. Any renewal of the special permit shall be governed by the standards and procedures set forth in this Section 4.14.4.5 and the rules and regulations of the Planning Board. A special permit shall remain in effect until the conclusion of the public hearing and filing of the decision on the renewal. In granting the renewal, the Planning Board may impose additional conditions. Nothing in this Section 4.14.4.5.8 shall prevent or restrict the Planning Board from placing a shorter time limitation on the length of a special permit granted pursuant to this Section 4.14.4.5.6 if specific circumstances warrant.
- (b) A Special Permit granted under this Section 4.14.4.5 shall have a term limited to the duration of the Special Permit applicant's ownership or lease of the premises as a Medical Marijuana Treatment Center. A Special Permit may be transferred to another party only with the approval of the Planning Board in the form of an amendment to the special permit with all information required in this Section 4.14.4.5. This term limitation shall be independent of the five (5) year special permit time limit above, and shall neither affect nor negate said five (5) year limitation.

4.14.4.5.9 *Bond*

The Planning Board shall require the applicant that obtains the special permit to post a bond prior to the issuance of a building permit to cover costs for the removal of the Medical Marijuana Treatment Center in the event contrary to the requirements of Section 4.14.4.5.10 below and applicable law and regulations, the Town must remove said Center and to properly transfer or dispose of all equipment, materials and other items. The value of the bond shall be based upon the ability to completely said removal, transfer and disposal, and properly clean the facility at prevailing wages. The value of the bond shall be based upon the applicant providing the Planning Board with three (3) written bids to meet these requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure adequate funds for the Town to remove the improvement in compliance with applicable law.

4.14.4.5.10 *Abandonment or Discontinuance of Use*

A Medical Marijuana Treatment Center shall be required to remove all materials, plants equipment and other paraphernalia: (a) prior to surrendering its state issued licenses or permits; or (b) within six (6) months of ceasing operations; whichever comes first.

4.14.4.5.11 *Site Plan - Additional Submission Requirements*

In addition to the application requirements for Site Plan contained in the Zoning Bylaws and the Board of Selectmen's Site Plan Regulations, an applicant for Site Plan approval for a Medical Marijuana Treatment Center shall submit with the Site Plan application and each copy of the application submitted to the Board of Selectmen, copies of the application submitted to the Planning Board for its special permit, and any subsequent amendments to said application, and shall update any information that has changed since the time of that application or the grant of the special permit.

Severability

If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable, or do anything in relation thereto.

**Board of Selectmen
Planning Board**

Article 18. To see if the Town will vote to petition the Massachusetts General Court (State Legislature) for and/or in support of a special act to: (i) dispose by sale, subject to further authorization(s) and requirements that may be included in said special act, a parcel of land located on Lynn Fells Parkway in the Town of Stoneham and currently under the control of the Department of Conservation and Recreation ("department"). The parcel subject to this act contains 25,011± square feet and is described in Certificate of Title No. 225345, in the Middlesex South District Registry of Deeds in Book 1256, Page 195, and is shown as Lot 8 on Land Court Plan 34101-C; (ii) provide that any such conveyance is or may be subject to an easement requiring the grantee to make available maintain at its expense on the parcel a certain number, not greater than ten (10) parking spaces in an accessible location, to be available for use by the public during the hours the Middlesex Fells Reservation is open, as set by said Department, such location to be determined and configured by the grantee, subject to the reasonable approval of said Department; and (iii) direct that no less than five percent (5%) of the consideration received from the sale of the parcel shall be paid to the Town of Stoneham, or do anything in relation thereto.

Board of Selectmen

Article 19. To see if the Town will vote to reauthorize a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from renting space at the Fire Station to pay the utility, cleaning and maintenance costs, and capital improvements of the Fire station, and authorize expenditures by the Fire Chief, not to exceed \$30,000 during Fiscal Year 2015 which may be made from such fund. In addition, transfer any balance remaining on June 30, 2014 from the existing Revolving account into the reauthorized Revolving account, or do anything in relation thereto.

Board of Selectmen

Article 20. To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow, a sum of money to pay prior year invoices, or do anything in relation thereto.

Board of Selectmen

Article 21. To see if the Town will vote to raise and appropriate from taxation or by transfer from available funds, such sums as may be necessary to defray Town charges for the ensuing year, including debt and interest and a reserve fund, or do anything in relation thereto.

Board of Selectmen

Article 22. To see if the Town will vote to reauthorize a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from fees charged for public health services to cover the costs of these services, and authorize expenditures by the Board of Health, not to exceed \$50,000 during Fiscal Year 2015 which may be made from such fund. In addition, transfer any balance remaining on June 30, 2014 from the existing Revolving account into the reauthorized Revolving account, or do anything in relation thereto.

Board of Selectmen

Article 23. 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 2014 departmental budgets approved under Article No. 16 of May 6, 2013 Annual Town Meeting, as amended, or do anything in relation thereto.

Board of Selectmen

Article 24. To see if the Town will vote to establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using the proceeds from the leasing or licensing (including any use and occupancy agreements) of the Railroad Right-of-Way to help cover the costs of hiring consultants and experts, including engineers, surveyors and/or counsel, if necessary, in order to address any engineering, construction or legal matters and/or issues, necessary for the construction of the Stoneham portion of the Tri-Community Bikeway/Greenway and/or linear park, as well as capital improvements to, or maintenance and repair of, the multi-use trail and/or linear park to be constructed on said Railroad Right-of-Way Property, and authorize expenditures by the Town Administrator, not to exceed \$50,000 during Fiscal Year 2015 which may be made from such fund, or do anything in relation thereto.

Board of Selectmen

Article 25. To see if the Town will vote to raise and appropriate or transfer from available funds \$400,000 for the purpose of defraying the cost of constructing water mains or replacing or relining existing water mains, street repairs, hydrant replacement, water meter installations, purchasing equipment, or maintain the water system within the limits of the Town, or do anything in relation thereto.

Board of Selectmen

Article 26. To see if the Town will vote to raise and appropriate or transfer from available funds \$400,000 for the purpose of defraying the cost of construction or rehabilitation of sewer mains, manholes, pump stations or appurtenances, street repairs, purchasing equipment, or maintain the sewer system within the limits of the Town, or do anything in relation thereto.

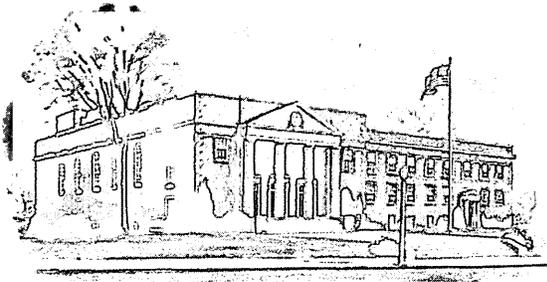
Board of Selectmen

Article 27. To see if the Town will vote to transfer the \$11,250 remaining funds from Article 1 of the May 6, 2013 Special Town meeting. (DPW Roof) for the repair/replacement of the D.P.W. garage doors, or do anything in relation thereto.

Board of Selectmen

Article 28. To see if the Town will appropriate \$37,000 to upgrade Microsoft Office said funding is contingent upon release of funds from the overlay account.

Board of Selectmen



TOWN OF
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TOWN COUNSEL
WILLIAM H. SOLOMON, ESQ.

To: Robert W. Sweeney, Chairman
Board of Selectmen

From: William H. Solomon
Town Counsel

Date: March 14, 2014

Subject: Additional Information Regarding Draft Site Plan Bylaw

I am submitting this follow-up memorandum to two earlier memoranda, the last dated March 7, 2014, forwarded to the Board regarding the draft Site Plan Bylaw prepared by this office pursuant to earlier discussions with the Board with regard to this matter. Forwarded herewith is also a further revised draft Bylaw.

Although I anticipate that the Board's meeting of April 8th may be a better time than the upcoming March 18th meeting (which meeting includes, in part, a concurrent meeting with the School Committee) to discuss the proposed bylaw and whether and how to proceed ahead with further consideration and/or vote by town meeting, I have placed the matter on the agenda for next week's meeting in the event that the Board would like to discuss this matter or its future consideration at that time.

As noted in the March 7th memorandum, forwarding the draft Bylaw at that time, I met on multiple occasions, both as a group and individually, with relevant Town department heads (the Building Inspector, Director of Public Works, Fire Chief and Health Agent), the Board's liaison, the co-Chairman of the Historic Commission, the Planning Board, the Chairman of the Planning Board, local counsel who represents a number of site plan applicants, and other Town officials in order to get input from multiple parties. This draft takes into account the very helpful input provided.

Reasons To Update The Site Plan Bylaw¹

¹ For background purposes I again note that the current Site Plan Bylaw, Section 7.2 is from Stoneham's 1985 Zoning Recodification, except for Section 7.2.4 regarding "Review Fees For Outside Consultants". The rest of both the substantive and procedural site plan provision are contained in the Board of Selectmen's Regulations in Chapter 16, Sections 16-1 through 16-19 which date back to prior to 1975.

1. Although there have been reasons to consider updating the Site Plan bylaw and regulations prior to this time, because of the challenges in doing so arising, in significant part, from the lack of statutory guidelines in the state Zoning Act and the resulting different views of how site plan should and can work, there was also reason to continue with what was working.²

2. The reasons to amend the Site Plan at this time include:

- (a) To clarify and update the standards and guidelines which are applicable to Site Plan for the following reasons: (i) clarification for applicants, the Board and the public; and (ii) to be a useful resource for the Board when considering a site plan application;
- (b) To provide an increased level of consideration for more complex proposals, while at the same time providing for a less formal or involved review for more minor amendments to previously approved Site Plan;
- (c) To best protect against any challenges to Site Plan determinations; and
- (d) To simultaneously petition the State Legislature for a special act authorizing appeals from any party with standing (aggrieved by a Site Plan determination) to a court of competent jurisdiction pursuant to the provisions of Section 17 of Chapter 40A (the Zoning Act). Despite the fact that most site plan bylaws of towns (and ordinances of cities) provide for an appeal from Site Plan to court most Land Court judges, as well as the Attorney General's office, take the position, that appeals from site plan decision must be taken by the after the denial of a building permit, to the Zoning Board of Appeals. (In fact, the Zoning Reform Act, supported by over 50 legislator, but which is not certain of appeal, has provision, as currently drafted, for judicial appeal by another legal means, known as "certiorari")

² The lack of clarity regarding the parameters regarding the site plan process in the Commonwealth has been written about and commented on by zoning practitioners. It reflects the fact that site plan is not provided for in the State's Zoning Act (Chapter 40A), although it has been subsequently upheld as lawful and allowable as a zoning tool by the Supreme Judicial Court. As noted recently by the proponents of the proposed Zoning Reform Act, which provides a section dedicated to site plan: "Site Plan Review Current Status: Although not included in the Zoning Act, many communities now employ a form of site plan review (SPR) under their home-rule powers. Without statutory guidance, a number of ambiguities have plagued SPR including uncertainty about: 1) the degree of discretionary that may be exercised by a review board; 2) the ability to require mitigation; 3) timelines for approval; 4) public hearings; 5) voting majorities; 6) duration of SPR after approval; and 7) an appeal process."

Outline/Summary of Draft Site Plan Bylaw Sections

7.2 *SITE PLAN:*

7.2.1 *Authority/Statement of Purpose*

Sets out the broad scope of the Board's authority to promulgate rules, regulations and guidelines (hereinafter also referred to as "Regulations") to implement the Site Plan bylaw. Greater emphasis is placed on the Bylaw than was done in the 1985 zoning codification and prior zoning codifications, but the more variable areas of application process and substantive guidelines are delegated to the Regulations. Additionally, specific reference is made to design.

Reference is made to: (i) preserving and enhancing economic, cultural, and aesthetic resources and values; (ii) reasonably ensure that the design, layout and development of such uses and/or buildings, structures and the site itself will constitute development appropriate to site and will not result in a detriment to the surrounding neighborhood(s), the nearby area, including the visual and environment qualities of the area and the Town at large; and the goal to preserve and promote the viability of the Town both economically and as a community, by preserving and enhancing property values and promoting the attractiveness of the Town as a place to live, work and visit.

7.2.2 *Applicability*

The following types of uses, buildings or structures used therefore, or changes thereto as set out below, require Site Plan Approval when Site Plan is required for the subject use in a zoning district under these Zoning Bylaws:

- (a) Any new use requiring Site Plan Approval under these Zoning Bylaws;
- (b) Any new construction of a building or structure for a use requiring Site Plan Approval under these Bylaws;
- (c) Any increase in size of an existing building or structure (which building or structure has previously obtained Site Plan approval) or in excess of 750 square feet or thirty percent (30%) of the existing gross floor area, whichever is less;
- (d) Any increase in the area designated or used for an existing use (which use has previously obtained Site Plan approval) in excess of 750 square feet or thirty percent (30%) of the existing gross floor area, whichever is less;
- (e) Any change or intensification of a use which increases the parking requirement under the Zoning Bylaws by more than two (2) parking

spaces, unless such additional parking spaces already exist pursuant to a previously approved site plan; and

- (f) Grading, clearing or other non-residential land development activity except for the following: (i) work in conjunction with a permit for land fill or movement pursuant to Section 6.10 of these Zoning Bylaws when there is no proposed or planned use or construction otherwise requiring zoning approval; or (ii) work incidental to an allowed or exempt agricultural activity.

The draft bylaw thus exempts certain more minimal changes from the Site Plan approval process, but as seen below, still requires a departmental review. I note that in some communities, but not most, the entire site plan is handled by a departmental review. If the Board likes this approach, that's fine. If not, it does not have to be included in an updated Site Plan bylaw. If not, it does not need to be included in an updated bylaw. It is a proposal only. Please note that an applicant who is not happy with the results of the departmental review, would still have a right to a Site Plan hearing from the Board of Selectmen. The department heads (Building, Public Works, Fire and Health) were fine with the approach, as was the Chairman of the Planning Board (who requested that the department review section set out the participants). Section 7.2.2.2.1 sets out the development review team.

7.2.3 *General Standards/Criteria for Site Plan Review and Approval:*

Section 7.2.3 provides that the Board shall determine that reasonably adequate provisions have been made for the matters set out therein and in a manner consistent with the requirements of the Zoning Bylaws and the Site Plan Rules, Regulations and Guidelines promulgated by the Board of Selectmen. (See Section 7.2.3 for the general standards/criteria)

7.2.4 *Site Plan Guidelines*

Section 7.2.4 provides for the establishment of Site Plan Guidelines by the Board in order to review applications in accordance with the General Standards described in Section 7.2.3.

Site Plan Guidelines are not intended to be exhaustive, and specific additional guidelines may be applied for a project, as the Board determines they are necessary. The Guidelines are intended to encourage good projects and good design, without discouraging creative and/or innovative solutions to problems of a site. The issues and concerns represented by the Guidelines should be addressed to the reasonable satisfaction of the Board in the final site plan.

In developing Site Plan Guidelines, the Board of Selectmen shall seek input and recommendations from Town boards and departments,

including, to the extent such Town boards or positions are available, the Planning Board, a Town planning or community/economic development employee, the Building Inspector, the Department of Public Works, the Fire Department, the Police Department, the Board of Health and the Historic Commission.

See the general criteria to assist the Board of Selectmen in its adoption of Guidelines in Section 7.2.4.3 of the proposed Bylaw.

7.2.5 *Site Plan Application - Contents:*

Site Plan contents are to be set out in the Site Plan Regulations.

Waiver - The Board of Selectmen or its designee may waive application requirements if the Board (or its designee) concludes that: (i) compliance therewith will because of the nature of the proposal, including, its relative size or special nature, create an undue hardship on the applicant, and (ii) the waiver of said requirement(s) will not be harmful to the public interest. Waiver of application requirements by the Board shall require a vote of three (3) members of the Board of Selectmen.

7.2.6 *Submission Procedures*

Filing - with the Board of Selectmen, and a copy of the application and plan shall be also be filed by the applicant with the Town Clerk.

Filing fees shall be established by the Board of Selectmen.

The Board of Selectmen shall distribute copies of the Site Plan application and plan(s) to all appropriate Town boards and departments for their comments and recommendations.

7.2.7 *Review Fees for Outside Consultants*

Minor non-substantive amendments from which presently exists.

7.2.8 *Public Hearing*

The Board of Selectmen shall commence a public hearing on the application within forty-five (45) days of the receipt of a completed application, plan(s) and filing fee, or such later date as may be agreed to by the applicant and the Board or its designee.

Notice of the hearing shall be given by: (i) mailing notice to all abutters, owner of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line of the applicant, as they appear on the most recent applicable tax list (it shall be the responsibility of the applicant to mail such notices) preferably at least fourteen (14) days prior to the date of the hearing, but in no event seven (7) days prior the hearing date; (ii) publication once in a newspaper of

general circulation in the Town [**currently the legal notice must be published twice**]; (iii) posting on the Town's web-site no later than seven (7) days prior to the hearing date; and (iv) posting a notice in a conspicuous place in Town Hall no later than seven (7) days prior to the hearing date.

If the Site Plan hearing is at the determination of the Board of Selectmen and Planning Board held concurrently with a hearing by the Planning Board on a Special Permit application, the Site Plan hearing and the Special Permit hearing shall be held at the same time, notwithstanding the 45-day time limitation contained in Section 7.2.6.1 above.

7.2.8 *Site Plan Approval and Conditions:*

The Board of Selectmen shall act on the Site Plan application within 45 days of the close of the public hearing or such later date as may be agreed to by the applicant and the Board or its designee.

If the Board does not act within said forty-five (45) days or said extended period of time, the Site Plan shall be deemed approved upon a written notice of the passing of said deadline being filed by the Applicant with the Board of Selectmen and Town Clerk prior to a decision being filed by the Board with the Town Clerk.

Any such constructive approval shall, however, be subject to the recommendations submitted up to that date by Town boards and departments pursuant to Section 7.2.4.1.3, above. Said recommendations to be deemed requirements/conditions of said constructive approval.

If the Site Plan hearing is at the determination of the Board of Selectmen and Planning Board held concurrently with a hearing by the Planning Board on a Special Permit application, the time period for a Site Plan determination by the Board of Selectmen shall be the later of the time period set out in Section 7.2.7.1 above or the time period in which the special permit must be acted upon by the Planning Board.

In approving a Site Plan, the Board of Selectmen may attach such conditions, limitations, and safeguards as are deemed necessary to protect the inhabitants of Stoneham and the Town. The Site Plan shall be modified by the Applicant to reflect said conditions, limitations and safeguards.

The Board of Selectmen may establish dates for the lapse of site plan approval without substantial use thereof or commencement of construction, as applicable, and/or completion dates for construction, said deadlines not to be less than one (1) year or greater than two (2) years, unless otherwise agreed to by the parties, and subject to exceptions, as determined by the Board for good cause, including time awaited with respect to an appeal of the Site Plan decision.

If requested by the Board of Selectmen, an applicant shall submit a written statement indicating the estimated time needed for substantial use, commencement of construction and/or completion of construction.

Site Plan approval may be denied by the Board of Selectmen only upon a failure of an applicant to modify its plan, as required pursuant to Section 7.2.8.4 or for compelling reasons having to do with the public health, safety and general well being, including being so intrusive of the needs of the public in a matter which is a subject of Site Plan approval pursuant hereto, and for which no reasonable solution or condition would remedy the problem with said application/plan.

Site Plan approval shall require an affirmative vote of four (4) members of the Board of Selectmen. (This is the same quantum of vote as currently required.)

7.2.9 *Bonding:*

The bonding requirement is similar in approach to that required in the current Site Plan Regulations.

7.2.10 *Appeals:*

As noted in the forwarding memorandum, even though the Town's current site plan provisions call for a judicial appeal, when such appeal has been taken to the Land Court, that court has held, in at least two instances, that it does not have jurisdiction, and the matter has gone to the Board of Appeals. In the current Gould Street appeal of a denial of an amendment of a site plan, the applicant took an appeal from the denial by the Board of Selectmen directly to the Board of Appeals, and then after the Board of Appeals upheld the Board of Selectmen's decision, the applicant appealed to the Land Court. I believe that an appeal to the Board of Appeals is a poor use of everyone's resources, and that is so even without considering the merits of a board appointed by the Board of Selectmen, reviewing a decision of the Board of Selectmen. In fact, many site plan bylaws provide for a similar judicial appeal, and more recently the Attorney General's office has not been approving that portion of a zoning bylaw, when included. I propose, as part of the warrant article for these changes, to petition the State Legislature for a special act allowing such direct judicial appeal from a site plan decision of the Board of Selectmen

The draft Site Plan Bylaw provides that absent a Massachusetts General Law or a Special Act of the Legislature allowing for an appeal by a person aggrieved by a Site Plan decision to a court of competent jurisdiction, there is no judicial appeal of a Site Plan decision, rather an appeal may be taken by an aggrieved party, to the permit granting authority (the Zoning Board of Appeals), after the issuance or denial of a building permit, pursuant to Section 8 of Chapter 40A. However, if the Board votes to ask Town Meeting to update the Site Plan Bylaw, it is proposed that Town

Meeting also be asked to petition the State Legislature for a Special Act providing that an appeal from a Site Plan decision by an aggrieved party be allowed pursuant to Section 17 of Chapter 40A (the Zoning Act), as is currently intended by the Town's (Board's) Site Plan Regulations, and is provided for, whether lawfully, or not, in many zoning bylaws and ordinances across the Commonwealth.

7.2.11 *Compliance:*

Limits the issuance of building permits and occupancy permits without Site Plan approval

7.2.12 *Maintenance:*

For the first time, specifically sets out that improvements required as a condition of Site Plan must be maintained, replaced and repaired as needed, to insure continued compliance with the approved Site Plan.

7.2.12 *Modification To Approved Site Plans*

Sets out that applications for modifications of site plans will, in most instances, be subject to the same submittal, review and hearing procedures as was the original filing. However, if the Board determines that a particular modification is consistent with the previously approved Site Plan or Development Review determination, the Board of Selectmen may decide not to hold a public hearing.

Requests for an extension of time to commence or complete work pursuant to an approved Site Plan shall not require a public hearing, unless the Board of Selectmen determine otherwise, based upon the facts and totality of circumstances, a request for an extension of time.

7.2.12.2 The Board of Selectmen shall, to the maximum extent allowable under applicable law, have the right to amend and modify a Site Plan approval at any time for reasons consistent with the authority of the Board of Selectmen under the Site Plan Bylaw.

Additional Provisions Which May Result From The Process To Become A Green Community

If Stoneham decides to proceed ahead with the Green Communities initiative, there may be a few additional provisions or amendments hereto that are proposed in order to become a "Green Community", such as narrowing the discretion for denial of a Site Plan approval for applicable facilities.

Two Matters Which This Draft Site Plan Bylaw Does Not Address

Two matters which this Site Plan Bylaw do not address, are:

- (1) The issue of mitigation for impacts caused by development which receives site plan approval. There are two reasons for this: (i) if mitigation is to be addressed in a more formal manner, such as by bylaw, I believe it best to do so, as part of a more comprehensive review, which should not be limited to site plan alone; and (ii) I believe that any such review and consideration will detract from the planning reasons for updating and amending the Site Plan Bylaw at this time;
- (2) The draft bylaw does not attempt to confirm to the possible changes that might be required in the event that the Zoning Reform Act were it to be enacted into law. For one thing, it is uncertain as to whether the bill will be enacted into law, despite the need, particularly from municipal and planning perspective, to update the Zoning Act. Additionally, even if it were enacted, it is not certain what the law would, in its final form, require with respect to the site plan process. Also, as the bill is currently drafted, there would a need to make a number of significant changes to the vast majority of site plan bylaws and ordinances in the Commonwealth, including in Stoneham whether or not the Site Plan Bylaw is amended at this time. Under the bill as currently proposed, there is a two (2) year period to adopt a new site plan bylaw or ordinance pursuant to the new Zoning Act. Accordingly, if the Board believes there is good reason to update the Town's Site Plan Bylaw at this time, it should not, in my opinion, not do so because the Zoning Reform Act, including a provision regarding site plan, might be adopted.

Please feel free to contact me if there are any questions or if I can be of assistance.

Thank you.

DRAFT
AMENDED SITE PLAN BYLAW
FOR REVIEW ONLY
(Updated - March 14, 2014)

7.2 ***SITE PLAN:***

7.2.1 *Authority/Statement of Purpose*

7.2.1.1 The Board of Selectmen (also referred to in this Section 7.2 as the “Board”) shall have authority for Site Plan approval required pursuant to the Zoning Bylaws, and the Board is hereby empowered and authorized to hear and decide petitions for Site Plan approval as set out in this Section 7.2. The Board is hereby authorized to adopt rules, regulations and standards (“Site Plan Rules, Regulations and Guidelines”) to implement the provision of this Bylaw, including submission and procedural requirements, development standards, design criteria and other general requirements consistent with this Bylaw. In case of a conflict between this Bylaw and a rule or regulation promulgated pursuant hereto, this Bylaw shall prevail.

7.2.1.2 The purpose of the Site Plan process and approval is to protect and further the public health, safety and general well-being of the inhabitants of the Town and to preserve and enhance economic, cultural, and aesthetic resources and values by providing a comprehensive review of proposals and plans for uses, including buildings and structures related thereto, that require Site Plan approval pursuant to the Zoning Bylaws, and in doing so reasonably ensure that the design, layout and development of such uses and/or buildings, structures and the site itself will constitute development appropriate to site and will not result in a detriment to the surrounding neighborhood(s), the nearby area, including the visual and environment qualities of the area and the Town at large. The Site Plan process is intended to preserve and promote the viability of the Town both economically and as a community, by preserving and enhancing property values and promoting the attractiveness of the Town as a place to live, work and visit.

The Bylaw is also intended to assist those seeking to move forward with a use, building and/or structure requiring Site Plan approval by providing them with the necessary information about Town zoning requirements affecting their project prior to the start of any such use or construction or the issuance of any permits.

7.2.2 *Applicability*

7.2.2.1 The following types of uses, buildings or structures used therefore, or changes thereto as set out below, require Site Plan Approval when Site Plan is required for the subject use in a zoning district under these Zoning Bylaws:

- (a) Any new use requiring Site Plan Approval under these Zoning Bylaws;
- (b) Any new construction of a building or structure for a use requiring Site Plan Approval under these Bylaws;

- (c) Any increase in size of an existing building or structure which building or structure has previously obtained Site Plan approval or in excess of 750 square feet or thirty percent (30%) of the existing gross floor area, whichever is less;
- (d) Any increase in the area designated or used for an existing use which use has previously obtained Site Plan approval in excess of 750 square feet or thirty percent (30%) of the existing gross floor area, whichever is less;
- (e) Any change or intensification of a use which increases the parking requirement under the Zoning Bylaws by more than two (2) parking spaces, unless such additional parking spaces already exist pursuant to a previously approved site plan; and
- (f) Grading or clearing of land or the placement, removal or movement of soil, loam, sand, gravel, minerals or other earth material on land for purposes of commercial or business (non-residential) development, including such commercial or business development as proposed or planned. Nothing in this Section 7.2.2.1 shall relieve a party subject to Section 6.10 from also having to obtain a permit thereunder from the Building Inspector.

7.2.2.2. Any increase in area, including within a building or structure, used for a use requiring Site Plan approval, or increase in a building or structure used therefore, which use and/or any building or structure requires Site Plan approval but does not have the minimum increase in square footage or minimum increase in parking as set out in Section 7.2.2.1 above, shall nevertheless require an administrative review by a development review team which shall assist the Building Inspector. (Hereinafter also referred to as “Development Review”.) Said Development Review team shall, to the extent available, consist of the Director of Public Works, the Fire Chief, the Police Chief, the Health Inspector, a Town planning or community/economic development employee, the Historical Commission, and any other Town department head or enforcing official designated in writing by the Board of Selectmen, or any of the their individual designee(s). Submission requirements for Development review shall be promulgated by the Board by regulations after input from relevant Town officials and departments. The Development Review team shall have authority to impose requirements and conditions consistent with this Section 7.2 and the Regulation and Guidelines promulgated by the Board of Selectmen pursuant to this Section 7.2.

7.2.2.3 Any person or entity owning whose land is subject to Development Review pursuant to Section 7.2.2.2 above who completes said Development Review process, and as a result thereof is aggrieved by the said Development Review requirements, may within thirty (30) days of receiving a written copy of said Development Review requirements, apply for and obtain the right to a Site Plan

hearing and approval process before the Board of Selectmen, pursuant to the provisions of this Section 7.2.

7.2.3 *General Standards/Criteria for Site Plan Review and Approval:*

7.2.3.1 In reviewing any Site Plan application, the Board of Selectmen shall determine that reasonably adequate provisions have been made for the following and, as applicable, in a manner consistent with the requirements of the Zoning Bylaws and the Site Plan Rules, Regulations and Guidelines promulgated by the Board of Selectmen:

- (a) Traffic access and circulation;
- (b) Pedestrian safety and access;
- (c) Off-street parking and loading;
- (d) Emergency vehicle access;
- (e) Storm water drainage, utilizing on-site absorption and low impact development integrated stormwater management practices;
- (f) Erosion control;
- (g) Protection and preservation of existing natural features;
- (h) Screening, including the use of natural land features and plantings;
- (i) Exterior lighting appropriate to the use and the neighborhood/area;
- (j) Signage appropriate to the neighborhood/area;
- (k) Site and building/structure (architectural) design which preserves and/or enhances property values and promotes the attractiveness of the Town as a place to live, work and visit, taking into account compatibility with the surrounding area, landscape, natural features, and the character and scale of surrounding buildings and structures both on site and in the surrounding area. Review of design and any Guidelines promulgated shall not impose inflexible requirements or discourage creativity, invention or innovation.
- (l) Protect and preserve buildings, structures and areas of historical and/or aesthetic significance.
- (m) Visual impact of parking, storage and other outdoor service areas;
- (n) Water pressure and sewerage adequate to support the intended use;
- (o) Electric and gas (where available) utilities; and fiber-based telecommunications facilities;
- (p) Energy and other resource efficient design, through appropriate building orientation, landscaping, use of resource efficient materials, and use of energy and resource efficient systems.

7.2.4 *Site Plan Guidelines*

- 7.2.4.1 The Board shall review Site Plan Review applications in accordance with the General Standards described in Section 7.2.3 above. In doing so, the Board shall consider any Guidelines it adopts. Site Plan Guidelines, as adopted, are intended to provide guidance to the Applicant in the preparation of plans, as well as guidance to the Board during its review. They are not intended to be exhaustive, and specific additional guidelines may be applied to a project, as the Board determines they are necessary. The Guidelines are intended to encourage good projects and good design, without discouraging creative and/or innovative solutions to problems of a site. The issues and concerns represented by the Guidelines should be addressed to the reasonable satisfaction of the Board in the final site plan.
- 7.2.4.2 In developing Site Plan Guidelines, the Board shall seek input and recommendations from Town boards and departments, including, to the extent such Town boards or positions are available, the Planning Board, a Town planning or community/economic development employee, the Building Inspector, the Department of Public Works, the Fire Department, the Police Department, the Board of Health and the Historic Commission.
- 7.2.4.3 In addition to the purposes of the Zoning Bylaws set out in Section 1.1¹, the following general criteria shall serve to assist the Board of Selectmen in its adoption of Guidelines:
- (a) Promote vehicular and pedestrian safety both on-site and off-site;
 - (b) Promote access for emergency vehicle and enhance and further the protection of public safety;
 - (c) Site buildings and structures so that they relate harmoniously to the terrain and to the use, scale, and siting of existing buildings and structures in the vicinity that have functional or visual relationship to the proposed building(s) or structure(s), and so they minimize disruption of topography. Attention shall be paid to the proper functional, visual and spatial relationship of all buildings, structures, paved areas and landscape elements on the site;

¹ (a) Encouraging the most appropriate use of land,
(b) Preventing overcrowding of land,
(c) Conserving the value of land and buildings,
(d) Lessening congestion of traffic,
(e) Preventing undue concentration of traffic,
(f) Providing adequate light and air,
(g) Reducing hazards from fire and other danger,
(h) Assisting in the economical provision of transportation, water, sewerage, schools, parks and other public facilities,
(i) Encouraging the provision of housing for persons of all income levels, and
(j) Preserving and increasing the amenities of the Town.

- (d) Minimize visual intrusions by reasonably laying out and screening of parking, loading areas, storage, dumpsters/recycling containers, generators; other outdoor service areas viewed from public ways or residentially zoned premises, and large areas of unbroken pavement by including landscaped areas;
- (e) Maximize property enhancement through the use of landscaping and other site amenities;
- (f) Minimize obstructions of scenic views from publicly accessible locations;
- (g) Minimize glare from lighting intrusions, including motor vehicle headlights;
- (h) Provide safe parking areas, consistent with the reasonable minimization of visual intrusions, which should, as appropriate, include rails, bumper guards, bollards, islands, crosswalks and sidewalks²;
- (i) Reasonably balance, control and/or minimize impacts on adjacent properties though reasonable limitation of hours of operation, deliveries, and noise, consistent with the nature and purpose of the particular area as zoned and used, such as areas zoned and/or used for commercial purposes. Egress to dumpsters and recycling containers shall provide, to the extent feasible, for efficient removal with a minimum of backing required by service vehicles;
- (j) Minimize the volume of cut and fill, soil erosion, area of impervious surface, the number of trees six inches (6") in caliper or larger removed, and the area of wetland vegetation displaced;
- (k) Conform stormwater drainage to the Town's Stormwater Bylaw and, as appropriate, to other standards as set out in the Guidelines;
- (l) Reasonable measures shall be taken to minimize and eliminate contamination of groundwater and soil;
- (m) Promote buildings and structures (and components, features and elements thereof), signs, and site development with architectural scale, design and elements that further the standard set out in Section 7.2.3.1, including subparagraph (k) thereof, and address issues relating to compatibility of buildings and structures, and site design, with buildings, structures and land both on the subject property and in the surrounding area;
- (n) Protect and preserve buildings, structures and areas of historical and/or aesthetic significance; and
- (o) Buildings and structures should be sited, to the extent reasonably feasible, to take advantage of renewable energy and conservation sources and resources.

² It was mentioned by a participant in the development of this draft that sidewalk should refer to concrete sidewalks. I believe that specific references, where appropriate, are helpful, but for purposes of this draft, I concluded that such specifics are best left to the substantive Regulations which will follow.

7.2.5 *Site Plan Application - Contents:*

7.2.5.1 Applications for site plan approval shall contain a fully executed and signed application for Site Plan review, including all documents, plans and information as set out in the Site Plan Regulations promulgated by the Board of Selectmen pursuant to this Section 7.2.³

³ Alternatively, this Section could list some of the submission requirements, while also indicating that further submission requirements may or will be promulgated by the Board of Selectmen in the Regulations. In discussion with Town officials and department heads regarding this issue, the preference was to keep this section of the bylaw abbreviated and to include the specifics in the Regulations where there can be adapted going forward as needed, in the same manner that fees are dealt with immediately below in Section 7.2.6.1.1. I concur. Accordingly, the following additional language was deleted:

- (a) Application - a fully executed and signed application for Site Plan review;
- (b) Land – Deed reference at the Middlesex South District Registry of Deeds.
- (c) Owner(s) – Name(s) and address(es) of all owners. If different from the Applicant, a signed statement by the same shall be included with the application, consenting to the application for purposes of Site Plan approval.
- (d) Abutters – a list of the names and addresses of abutters, owner of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line of the applicant, as they appear on the most recent applicable tax list.
- (e) Easements – copies of existing and proposed easements;
- (f) Plans - Fifteen (15) paper copies and one (1) electronic copy to the Board of Selectmen and one (1) paper copy to the Town Clerk for record purposes. Plans shall be stamped by a professional engineer, surveyor or landscape architect, unless said stamp requirement is waived pursuant to Section 7.2.3.1(f) below, and drawn at a scale sufficient to allow review of the items listed under the General Standards set out in Section 7.2.3.1 above, as further set out in the Regulations, and showing each of following, both existing and proposed:
 - (i) Applicant(s)' name and address;
 - (ii) Locus map showing general location of the site within the Town;
 - (iii) Boundary of the entire parcel held in common ownership in whole or in part by the Applicant or an Owner of the property, regardless of whether being developed at this time;
 - (iv) The bearings and distances of all property lines;
 - (v) Zoning classification(s) of the property and the location of the zoning district boundaries if the property is located in two (2) or more zoning districts;

7.2.5.2 Waiver – The Board or its designee may waive any of the preceding application requirements if the Board (or its designee) concludes that: (i) compliance therewith will, because of the nature of the proposal, including its relative size or special nature, create an undue hardship on the applicant, and (ii) the waiver of said requirement(s) not be harmful to the public interest. Waiver of application requirements by the Board shall require a vote of three (3) members.

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- (vi) Existing and proposed buildings, including elevations, and relationship to any other structures and setback lines;
 - (vii) Dimensions having to do with compliance with dimensional zoning requirements, including setbacks, height and frontage requirements;
 - (viii) Existing and proposed topography of the site at one foot (1') intervals;
 - (viii) Vehicular ways, including traffic flow patterns, traffic channels and traffic calming;
 - (ix) Pedestrian sidewalks and crossings;
 - (x) Easements;
 - (xi) Parking and garaging of motor vehicles;
 - (xii) Driveway openings;
 - (xiii) Service, storage and refuse areas;
 - (xiv) Surface water drainage systems and facilities and stormwater drainage plan;
 - (xv) Sewerage facilities and the size and location of the nearest sewer;
 - (xvi) Water mains, including size and location;
 - (xvii) Landscape features, fences, walls, plantings, and trees of 6' caliper or greater;
 - (xviii) Open space;
 - (xix) Wetlands, streams, water bodies, drainage swales, areas subject to flooding;
 - (xx) Unique natural land features;
 - (xxi) Signs;
 - (xxii) Historic buildings, structures, sites and features; and
 - (xxiii) Utilities.

7.2.6 *Submission Procedures*

7.2.6.1 Filing - In accordance with Section 7.2.3.1 above, the Applicant shall submit the Site Plan application, plan and fee with the Board, and also provide copy of the application and plan to the Town Clerk.

7.2.6.1.1 Filing fees shall be established by the Board of Selectmen.

7.2.6.1.2 The Site Plan shall not be deemed to have been filed with the Board until a complete application, including all plans and filing fee, has been received by the Board. The Board may deny a Site Plan application for being incomplete.

7.2.6.1.3 The Board of Selectmen shall distribute copies of the Site Plan application and plan(s) to all appropriate Town boards and departments for their comments and recommendations.

7.2.7 *Review Fees for Outside Consultants: [The Section on Review Fees is the same as exists with 3 minor edits.]*

- (a) When reviewing an application for site plan approval or modification. (hereinafter also referred to as a "proposal"), the Board of Selectmen may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed development or because of its potential impact. The Board may require that applicants pay a review fee to the reasonable costs incurred for the employment of outside consultants engaged by the Board to assist in the review of an application.
- (b) In hiring outside consultants, the Board may engage engineers, planners, traffic consultants and/or other appropriate professionals who can assist the Board in analyzing a proposal to ensure compliance with all relevant laws, bylaws and regulations. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue ~~or~~ and three or more years of practice in the field at issue or a related field.
- (c) Funds received by the Board pursuant to this section may be deposited with the town treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been collected from the applicant. In the alternative, the funds received may, upon a determination by the Board, be deposited in the general fund subject to the requirement of providing a refund in the amount proscribed below. Failure of an applicant to pay a review fee shall be grounds for denial of the site plan approval or modification.
- (d) Review fees may only be spent for services rendered in connection with the specific proposal for which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a

project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession.

- (e) Any applicant may take an administrative appeal from the selection of an outside consultant to the Board of Selectmen sitting outside of its site plan hearing process. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. (5-5-97, Art. 1)

7.2.8 *Public Hearing*

7.2.8.1 The Board of Selectmen shall commence a public hearing on the application within forty-five (45) days of the receipt of a completed application, plan(s) and filing fee, or such later date as may be agreed to by the applicant and the Board or its designee. Notice of the hearing shall be given by: (i) mailing notice to all abutters, owner of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line of the applicant, as they appear on the most recent applicable tax list (it shall be the responsibility of the applicant to mail such notices) preferably at least fourteen (14) days prior to the date of the hearing, but in no event seven (7) days prior the hearing date; (ii) publication once in a newspaper of general circulation in the Town; (iii) posting on the Town's web-site no later than seven (7) days prior to the hearing date; and (iv) posting a notice in a conspicuous place in Town Hall no later than seven (7) days prior to the hearing date.

7.2.8.1 If the Site Plan hearing is at the determination of the Board of Selectmen and Planning Board held concurrently with a hearing by the Planning Board on a Special Permit application, the Site Plan hearing and the Special Permit hearing shall be held at the same time, notwithstanding the 45-day time limitation contained in Section 7.2.6.1 above.

7.2.8 *Site Plan Approval and Conditions:*

7.2.8.1 The Board of Selectmen shall act on the Site Plan application within forty-five (45) days of the close of the public hearing or such later date as may be agreed to by the applicant and the Board or its designee. If the Board does not act within said forty-five (45) days or said extended period of time, the Site Plan shall be deemed approved upon a written notice of the passing of said deadline being filed by the Applicant with the Board of Selectmen and Town Clerk prior to a decision being filed by the Board with the Town Clerk. Any such constructive approval shall, however, be subject to the recommendations submitted up to that date by Town boards and departments pursuant to Section 7.2.4.1.3, above. Said

recommendations to be deemed requirements/conditions of said constructive approval.

7.2.8.2 If the Site Plan and Special Permit hearings are held concurrently, the time period for a Site Plan hearing and determination by the Board of Selectmen shall be the same time period(s) as applicable to the special permit.

7.2.8.3 The Board of Selectmen shall not approve an application for Site Plan Approval unless it finds that said Site Plan complies in all respects with the applicable requirements of these Zoning Bylaws.

7.2.8.4 In approving a Site Plan, the Board of Selectmen may attach such conditions, limitations, and safeguards as are deemed necessary to protect the inhabitants of Stoneham and the Town. The Site Plan shall be modified by the Applicant to reflect said conditions, limitations and safeguards.

7.2.8.5 The Board of Selectmen may establish dates for the lapse of site plan approval without substantial use thereof or commencement of construction, as applicable, and/or completion dates for construction, said deadlines not to be less than one (1) year or greater than two (2) years, unless otherwise agreed to by the parties, and subject to exceptions, as determined by the Board for good cause, including time awaited[?] with respect to an appeal of the Site Plan decision.

7.2.8.5.1 If requested by the Board, an applicant shall submit a written statement indicating the estimated time needed for, commencement of construction and/or completion of construction.

7.2.8.6 Site Plan approval may be denied by the Board only upon a failure of an applicant to modify its plan, as required pursuant to Section 7.2.8.4, or for compelling reasons having to do with the public health, safety and general well being, including being so intrusive of the needs of the public in a matter which is a subject of Site Plan approval pursuant hereto, and for which no reasonable solution or condition would remedy the problem with said application/plan.

7.2.8.7 Site Plan approval shall require an affirmative vote of four (4) members of the Board of Selectmen.

7.2.9 *Bonding:*

7.2.9.1 The Board of Selectmen may require the posting of a bond, deposit of funds or other security in such form as may be further set out in the Site Plan Regulations or reasonably required by the Board, and in such amount as deemed reasonably necessary by the Board of Selectmen to: (a) ensure the completion of infrastructure, improvements or related work required as a condition of Site Plan approval that directly or indirectly impact: (i) Town infrastructure or services; (ii) public safety; (iii) vehicular and pedestrian ways and related infrastructure, including the conditions related thereto imposed pursuant to the general standards set out in Section 7.2.3, above; and/or (b) provide for the elimination of safety or health hazards which may result from preparation of the site for construction or construction on the site.

7.2.9.2 Provision for inspection, control and notice of satisfactory performance sufficient to guarantee the release of the bond required by the Board of Selectmen shall be made by the Board or its designee(s).

7.2.10 *Appeals:*

7.2.10.1 Absent a Massachusetts General Law or a Special Act of the Legislature allowing for an appeal by a person aggrieved by a Site Plan decision to a court of competent jurisdiction, there is no judicial appeal of a Site Plan decision. Instead, an appeal may be taken by an aggrieved party to the permit granting authority (the Zoning Board of Appeals) after the issuance or denial of a building permit, pursuant to Section 8 of Chapter 40A.

7.2.11 *Compliance:*

7.2.11.1 (a) No building permit shall be issued by the Building Inspector for a use or building or structure related thereto which requires Site Plan approval pursuant to the Zoning Bylaws.

(b) No final occupancy permit shall, other than as provided pursuant to paragraph (b) below, be issued for any building or structure, or portion(s) thereof, until the Building Inspector certifies that all conditions of the approved site plan have been met. If requested by the Building Inspector to assist in the Inspector's determination of such compliance, the person seeking the occupancy permit shall submit to the Building Inspector a certification from an professional engineer, land surveyor or registered architect that the conditions of the approved site plan have been met, other than those conditions which are specifically listed on said certification as being outside of said consultant's expertise and/or knowledge.

(c) Occupancy permits may be issued for a portion of a building or structure, if the only incomplete work shown on the site plan is landscaping and/or roadway top course work, and the Board may require surety in an amount to ensure that the incomplete landscaping and/or roadway top course is completed within a reasonable period of time thereafter, weather conditions permitting.

7.2.12 *Maintenance:*

7.2.12.1 All improvements required as a condition of Site Plan approval that impact infrastructure or services, including the conditions imposed pursuant to the general standards set forth in Section 7.2.3 above, shall be adequately maintained and repaired or replaced when necessary to insure continued compliance with the approved Site Plan.

7.2.12 *Modification To Approved Site Plans*

- 7.2.12.1 To request a modification to an approved Site Plan or a Development Review determination pursuant to Section 7.2.2.2, an applicant shall submit a written description of the proposed modification(s) to the Board. Applications for modifications of Site Plans or Development Review determinations shall be subject to the same submittal, review and hearing procedures as applicable to an original filing for Site Plan approval or a Development Review determination. Unless the Board of Selectmen determine otherwise, based upon the facts and totality of circumstances, a request for an extension of time to commence or complete work pursuant to an approved Site Plan, shall not require a public hearing.
- 7.2.12.2 The Board of Selectmen shall, to the maximum extent allowable under applicable law, have the right to amend and modify a Site Plan approval at any time for reasons consistent with the authority of the Board of Selectmen pursuant to this Section 7.2. Site Plan modifications by the Board of Selectmen shall be subject to the same submittal, review and hearing procedures as was applies to original filing, unless: (i) the Board determines that a particular modification is consistent with the previously approved Site Plan; (ii) the applicant that received the earlier Site Plan approval or their successor agrees to waive the hearing requirement; and (iii) a Development Review is held pursuant to the process set out in Section 7.2.2.2 above.

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

MIDDLESEX SS.

To either of the Constables of the Town of Stoneham

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said (City or Town) who are qualified to vote in the Special State Election to vote at

Precinct 1, 2, 3, 4, 5, 6 and 7

Stoneham Town Hall

on **TUESDAY, THE FIRST OF APRIL, 2014**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Election for the candidates of political parties for the following office:

SENATOR IN GENERAL COURT. . . . FOR THE FIFTH MIDDLESEX DISTRICT

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 18th day of March, 2014.

Robert W. Sweeney, Chairman

Thomas Boussy

John F. DePinto

Ann Marie O'Neill

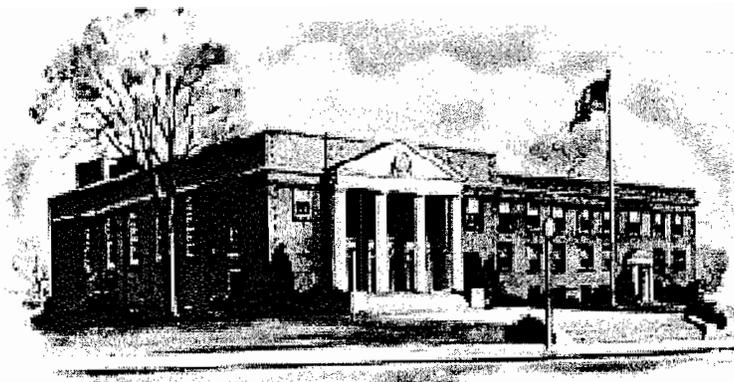
Frank Vallarelli

Selectmen of Stoneham

Pursuant to the within warrant I have notified and warned the inhabitants of the Town of Stoneham qualified to vote in elections and Town affairs of the within meeting by posting attested copies of the said Warrant in at least ten (10) public places in the Town on March 19, 2014 and by publishing duly attested copy of said Warrant in the Stoneham Independent on March 19, 2014.

Constable of Stoneham

March 19, 2014



TOWN OF
STONEHAM
MASSACHUSETTS

TOWN HALL
35 CENTRAL STREET
STONEHAM, MA 02180-2087

Inspectional Services
Cheryl Noble
Building Inspector
781-279-2670
Fax. 781-279-2671

March 13, 2014

Certified & Regular Mail

E.B. Rotondi & Sons, Inc
21 Manison Street
Stoneham, MA02180

Re: 21 Manison Street, Stoneham, MA 02180
Site Plan

To Whom it May Concern:

This notice is sent to you as the record owner of the above-mentioned property.

It has come to the attention of this office that you are in violation of the Site Plan Approval dated June 29, 2004 for this property. You are currently running a contractor yard at the above-mentioned site, with material storage and equipment storage throughout the site. The site plan allows for combination office, warehouse and garage space. The site plan does not allow for a contractors yard nor does it show any storage of materials or equipment on the plans.

This use requires a Special Permit from the Planning Board and Site Plan Approval from the Board of Selectmen. In 2005 and 2006 you were in front of the Planning Board for a Special Permit, but the application was withdrawn on April 12, 2006, see attached letter.

You are hereby ordered remove all equipment and storage from the property and restore the site to the approved site plan. You have fourteen (14) days to comply with this order to avoid legal action

7.6 RIGHT TO APPEAL:

- 7.6.1 Actions of the Building Inspector may be appealed to the Board of Appeals by:
 - 7.6.1.1 Any person aggrieved by an order, act or refusal of the Building Inspector to grant a permit.
 - 7.6.1.2 Any person aggrieved by the issuance of a permit by the Building Inspector.
 - 7.6.1.3 Any person aggrieved by inability to obtain enforcement action from the Building Inspector in accordance with the provisions of Section 7 of Chapter 40A of the Massachusetts General Laws, as amended.

If you have any questions or concerns regarding this matter, please do not hesitate to call.

Sincerely yours,



Cheryl Noble
Building Inspector

Date	Invoice No.	Doc No.	Gross	Discount	Net
03/06/2014	1300772014 04-1664340 Verizon New England Inc. An	1900006918	1,872.00	0.00	1,872.00

Check Total

1,872.00

1231

Please call 1-888-483-3911 if there are questions regarding this payment

PAGE 1 / 1

For further payment information visit our web site at

FOLD ALONG PERFORATED DOTTED LINE & REMOVE CHECK

THIS DOCUMENT CONTAINS MULTIPLE FRAUD DETERRENT SECURITY FEATURES - SEE REVERSE



66-156/531

Check No

Date: 03/07/2014

1231004300

PAY EXACTLY *** ONE THOUSAND EIGHT HUNDRED SEVENTY-TWO USD and ZERO Cents

\$*****1,872.00*

1231

TO THE TOWN OF STONEHAM
ORDER OF

Wells Fargo Bank, N.A.

Verizon Treasury

Security Features Included ED Details on back

⑈ 1231004300 ⑈ ⑆053101561⑆ 8018013196⑈



March 7, 2014

Board of Selectmen
Town of Stoneham
35 Central Street
Stoneham, MA 02180

**Re: Annual License Fee - YE 2013
Annual Notice - 2014**

Dear Chairman and Members of the Board:

In accordance with M.G.L.c.166A §9, enclosed please find the 2013 license fee payment for your Community. This payment is equal to \$0.50 per subscriber and reflects 4,595 subscribers as of December 31, 2013.

Also, in accordance with Massachusetts cable regulations (207 CMR 10.01(2) and 10.02(6)), enclosed is a copy of Comcast's policies and procedures, sample subscriber bill and rate & channel line-up information for your community.

Please do not hesitate to contact me with any questions at (978) 927-5700 x43024.

Sincerely,

Jane M. Lyman

Jane M. Lyman, Sr. Manager
Government & Regulatory Affairs

Enclosures



COMCAST FINANCIAL AGENCY CORPORATION
 A Comcast Cable Communications Group Company
 1701 JFK Boulevard
 Philadelphia, PA 19103-2838

REMITTANCE ADVICE

No. 209852102

Date : 27-FEB-14

Vendor Name : STONEHAM TOWN OF

Vendor No. : 203193

INVOICE NO.	INVOICE DATE	ACCOUNT NUMBER	DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
13LicenseFee	26-FEB-14		2 FF ML -2013 .50 ANNUAL	0.00	2,297.50
TOTAL				0.00	2,297.50

THE FACE OF THIS DOCUMENT HAS A MULTI COLORED BACKGROUND - NOT A WHITE BACKGROUND



JPMorgan Chase, N.A.
 Columbus, OH 43271
 56-1544/441



No. 209852102

COMCAST FINANCIAL AGENCY CORPORATION
 A Comcast Cable Communications Group Company
 1701 JFK Boulevard
 Philadelphia, PA 19103-2838

Date 27-FEB-14
 Void After 180 Days

Pay Two Thousand Two Hundred Ninety-Seven Dollars And 50 Cents*****

\$ *****2,297.50

To The Order Of
 STONEHAM TOWN OF
 35 CENTRAL ST
 BOARD OF SELECTMEN
 STONEHAM, MA 02180

Authorized Signature *Catherine Gorgius*

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈ 209852102⑈ ⑆044115443⑆

675528343⑈