WARRANT FOR SPECIAL TOWN MEETING

MONDAY, JANUARY 12, 2015

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

Monday, January 12, 2015

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

Article 1. To see if the Town will vote to authorize the Board of Selectmen to acquire land parcels, permanent and temporary easements, and/or other rights in land and to dedicate Town-owned land for the purpose of obtaining a secure and public right of way in the general area of the former railroad right of way, formerly known as the Stoneham Branch Right of Way for the below referenced Bikeway/Greenway. The parcels affected shall include those shown on plans prepared by Fay, Spofford & Thorndike LLC and on file at town hall. This will allow for the construction of the Multi-Use Trail project and roadway safety improvements of the Tri-Community Bikeway/Greenway project along and in the area of said former railroad right of way running from the Woburn Town line to Gerry Court at the far end of Recreation Park. Further that the Selectmen may acquire such rights in additional real property, including these parcels, modification of these parcels, other necessary rights, easements and/or other rights related thereto through any legal means, including purchase, gift and/or eminent domain and take such other actions as needed to effectuate this vote. Further, to use funds available from the Rail Road Right of Way Special Article Account (fund #029048) and/or Rail Road Right of Way Special Fund (fund #4012) (combined current balance of $47,663 on 10/24/2014) as needed for such acquisitions and to defray any associated right of way or acquisition costs or expenses connected with this project. or act on anything relating thereto.*

Stoneham Bikeway/Greenway Committee

* **Note Authorized by the Board of Selectmen:** Since the gathering of signatures for the petition began MassDOT has changed engineering plans for the Tri-Community Bikeway Greenway to end the trail at the South Side at Gould Street and exclude Recreation Park. No easements will be needed or requested for Recreation Park by the Stoneham Bikeway/Greenway Committee.

Article 2. 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 forty-five (45) 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]	Minimum Setback in Feet Front	Side[4][15]	Rear [15]	Height in Feet
Residence A	10,000[1]	90	30	20	10[8]	15[8][12]	30
Residence B	7,000[5]	75[7]	20[24]	15[4]	10[6] [25]	15[8][8][10][25]	30
Neighborhood Business	10,000	100	50	15	15	15	30
Business	None Required	None Required	75	15	10	15	45
Central Business	None Required	None Required	100	None	None	None	45
Highway Business	10,000	100	75	20[9]	5	5	45
Commercial	20,000	100	75	15	10	10	65[18]
Residential Overlay Fallon Road	200,000[22] Maximum density = 20 units/acre	150	30	20	20	10	65[19]
Medical[11]	40,000	150	40	40	20	50	65
Recreation/Open Space	40,000	150	5	40	20	50	30
Education[12]	50,000	45	35	20	13	20	55
Medical/Office/Residential	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
Railroad Right-of-Way Overlay District	None[17]	None[17]	75[17]	5[16][17]	5[16][17]	5[16][17]	20
East School Multi-Family Overlay District	20,000	Frontage – 150 Width – 130	50	40[20]	10[20]	30[20]	40[21]
North Elementary School Overlay District	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 (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 25% coverage provided however that the lot size is 60,000 square feet or greater.
(25) Twenty-five (25') feet for town houses provided however that the lot size is 60,000 square feet or greater.

August Niewenhous, Chairman
Stoneham Planning Board

Article 3 To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of $10,000.00 to the budget of the Stoneham Public Library in order to replace outdated computer, printer and IT equipment or do anything in relation thereto.

Stoneham Public Library
Board of Trustees

Article 4 To see if the Town will vote to amend the Stoneham Town Code, as follows:

1. Amend Chapter 13 Streets and Sidewalks by adding Section 13-11A Water Discharge On Public Ways and Property, as follows:

13-11A.1 No person, including an owner, tenant or occupant of a building, structure or real property, shall pump, pipe, channel or otherwise place or direct water in such a manner as to cause it to flow onto a public way or other public property so as to create stagnant water, icing, a dangerous driving or pedestrian condition, any other safety hazard, or damage to Town property.

13-11A.2 This bylaw may be enforced by the Town as set out in Section 1-4 and 1-4A of the Stoneham Town Code.

2. Amend Chapter 1 General Provisions, by amending Section 1-4A, as follows: Add the following to Section 1-4A:

Section	Subject	Enforcing Person	Fine
Chap. 13A – Sec. 11A	Water Discharge On Public Ways and Property	Director of Public Works	First Offense in 36-month period -Written Warning Second Offense in 36-month period - $50 Third and each subsequent Offense in 36-month period - $200

Stoneham Public Works

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

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

Given unto our hands this 15th day of December in the year of our Lord two thousand fourteen.

Board of Selectmen

Thomas Boussy, Chairman

John F. DePinto, Vice Chairman

Ann Marie O'Neill

Robert W. Sweeney

Frank Vallarelli

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 December 22, 2014 and by publishing duly attested copy of said Warrant in the Stoneham Independent on December 31, 2014.

A true copy. Attest: Robert E. Moreira
Constable of Stoneham