

**Board of Selectmen
Hearing Room
Stoneham Town Hall**

Tuesday, May 27, 2014
7:00 PM

ITEM	TIME	DESCRIPTION	DISPOSITION
1	7:00 PM	Pledge of Allegiance	
2		Presentation from Chris Huntress w/Huntress Associates/Turf Fields	
3		Presentation of Heritage Award/Historical Commission	
4		Senior Center Update/Maureen Canova	
		Liquor Licensing Authority	
5		Request for Special Liquor License/Chris Hayes/General Manager of Centerplate	
6		Approve LLA Minutes	
7		Grant Discussion/Rachel Meredith-Warren	
8		Appointments to Boards/Committees	
9		Appointment to the Retirement Board	
10		Discussion on Golf Course/Boussy	
11		Approve Minutes	
12		Accept and Number Warrant Article(s) for Special Town Meeting	
13		Sign Warrant for Special Town Meeting	
14		Boston MPO Support Letter Request/Town Administrator	
15		Fallon Road Architectural Design & Landscaping Review	
16		Town Administrator	
17		Miscellaneous Correspondence	
18		Executive Session	

Licensing Board for the Town of Stoneham
(Return to the Board of Selectmen, 35 Central Street, Stoneham, MA 02180)

I hereby make application for a Special Alcoholic Beverage License for the purpose of selling and dispensing all kinds of alcoholic beverages or wines and malt beverages permitted by law at a

Fund Raiser

(State whether banquet, concert, picnic, etc.)

Which is to be held by Zoo New England / Centerplate
(Name of organization)

a non-profit organization, on the 21st day of June, 2014
(Fraternal, military, etc.)

between the hours of 5:00 pm & 9:00 pm at the following described place

Stone Zoo

How many cases or bottles, etc., of all kinds of alcoholic beverages are to be sold?

10-15

How many people do you expect? 500

Are you charging admission fee? Yes How Much? \$50.00

I certify that I am General Manager of the above-mentioned Organization, and that I will be responsible for the proper observance of the laws governing the dispensing of such alcoholic beverages, and for any damage which may occur as a result of such use.

Signed: [Signature] Date: 5/21/14

Home Address: 1210 Webster St, Hanover, MA 02339

Telephone: (617) 335-1759

Police Department Recommendation: Assign two STATE POLICE DETAILERS

TO THE EVENT (THE STONE ZOO IS PATROLLED BY

STATE POLICE - MEDFORD BARRACKS)

Police Detail: Yes No

Signed: [Signature]

MAY 22 8 15 AM '14

RECEIVED
MAY 21 2014

Town of Stoneham
Liquor Licensing Authority
Minutes of Meeting of
May 13, 2014

Chairman Thomas Boussy called the meeting to order at 8:51 p.m. Also present were Selectman DePinto, Selectwoman O'Neill, Selectman Sweeney and Selectman Vallarelli.

Approve Request for Special Liquor License at Stone Zoo/Ed O'Connor, Principle/Cambridge 5K

Selectman DePinto made a motion for approval of the Special Liquor License on July 11-13, 2014 for Ed O'Connor, Principal. Motion was seconded by Selectman Sweeney and **unanimously voted (5-0)**. Ed O'Connor was present to speak and thank the Board for their support over the past 3 years. This is a great event for Stoneham. He states that they are going to support the Stoneham Senior Center this year and every year going forward.

Voting in favor:

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

Approve LLA Minutes

Selectman DePinto moved approval of the April 22, 2014 LLA minutes, seconded by Selectwoman O'Neill.

Voting in Favor:

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

Motion passed (5-0).

Selectman DePinto made a motion to return to the Board of Selectman, seconded by Selectman Sweeney. A roll call vote was taken.

Voting in Favor:

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

Motion passed (5-0).

Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Erin Sinclair

Open Space and Recreation

One (1) appointment for a three year term effective until April 30, 2017.

CANDIDATES

* William Previdi
11 Elmhurst Road

William Previdi
11 Elmhurst Road
Stoneham, Ma. 02180
Tel. 781-438-0036
Fax. 781-435-1573
Email: waprevdi@comcast.net

May 20, 2014

Town of Stoneham
Board of Selectmen
35 Central St.
Stoneham, MA. 02180

RE: Open Space and Recreation Committee

Dear Selectmen,

I understand that there may be a vacancy on the Open Space and Recreation Committee. I am interested in serving on this committee because I believe that an active and involved Committee may have some influence on the operation of our two golf courses. My wife and I frequently golf at both courses and I am very familiar with the golf courses.

I have served on the Finance and Advisory Board for the last 5 years so I am also somewhat familiar with the poor financial performance of the golf courses. One of my objectives, if I am chosen to serve on this committee, would be to improve the revenue to the Town that is generated by these golf courses.

Sincerely,

William A. Previdi

William A. Previdi

MAY 21 8 26 AM '14

STONEHAM
TOWN

Retirement Board – Selectmen Designee

One (1) appointment – Selectmen Designee

CANDIDATES

* Kathleen Sullivan
91 Spring Street

Kathleen Sullivan
91 Spring Street
Stoneham, MA 02180
H 781-438-2045

Board of Selectmen
35 Central Street
Stoneham, MA 02180

May 20, 2014

Subject: Selectmen's appointee to Stoneham Retirement Board

Dear Members of the Board of Selectmen,

I would like submit my name for consideration as your appointee to the Stoneham Retirement Board.

I am an active employee in the Stoneham Retirement system as well as a survivor spouse beneficiary. I served on the Board of Selectmen and feel I understand the needs of the community as well as the members of the Stoneham Retirement system.

My mother worked for a company which went bankrupt and her pension ended up as \$33.00 per month. Employees pension funds stay in tact only as long as the pension system they belong to stays in tact.

I will work to protect the Town of Stoneham's Retirement Board's system.

Thank you for your consideration.



Kathleen Sullivan

MAY 21 8 12 AM '14

STONEHAM
TOWN

Stoneham Board of Selectmen – Minutes of Meeting of May 13, 2014

Chairman Thomas Boussy called the meeting to order at 7:00 p.m. Also present were Selectman John F. DePinto, Selectwoman Ann Marie O’Neill, Selectman Robert W. Sweeney, Selectman Frank Vallarelli, Town Administrator David Ragucci and Town Counsel William H. Solomon.

Senator Jason Lewis Quarterly Update

Jason Lewis gives his first update as the new State Senator. His first matter of business is a number of home rule petitions that were passed at Stoneham Fall Town Meeting. Two of them have now passed both House and Senate and now they are waiting for the Governor’s signature. The third we are still working to get across the goal line. Jason Lewis speaks about the transportation bond bill which is regarding a bunch of transportation projects. Regarding Chapter 90 the governor has approved to release 240 million dollars. Jason Lewis states we are the first to partner with the Boys and Girls Club and DCR for the taking over of the Hall Memorial Pool. We are in great shape and moving forward with this project. Mr. Lewis speaks about the Bikeway/Greenway funding is due to be released on Federal Fiscal Year 15. Another topic is the public safety issues at Ravine Road. He states the island was installed and seems to working out well. He states DCR has a second phase which they are coordinating with MWRA. They are expecting to be done with phase two by the end of the summer. Jason Lewis states there is an important meeting on Monday May 19th regarding Weiss Farm. Mr. Lewis discusses the budget process and that this will be his first year involved in the process. Mr. Lewis talks about Chapter 70. Jason Lewis explains that he agreed on local aid resolution and gives a lot more certainty in the budget process for the cities and towns. He speaks about the formula being reviewed and updated. Mr. Lewis speaks on Green Community and suggests that Stoneham should partner with this program where there a lot of grant money available. Also, Community Preservation Act is another that he encourages to partner with. Lastly, he speaks on active street certification which is part of the transportation bill. Selectman Vallarelli asks about the liquor license request. Selectman DePinto asks why Jason voted yes to end Chapter 70 discussion. Mr. Lewis states that was a misunderstanding. Selectman DePinto asks about gasoline tax being given to MBTA this year and that we will not get any of this money. Jason Lewis explains this is not true and explains where these taxes are going. Selectman Sweeney states the numbers to seem somewhat promising. Mr. Lewis states yes they are the economy is doing better. Selectwoman O’Neill asks about increasing MBTA public transportation. Mr. Lewis states that is something we will definitely look at. Town Administrator Ragucci asks Mr. Lewis what can be done regarding the deficit we have in regional schools budget. Mr. Lewis says there is nothing off the top of his head but he will look into other avenues. He suggests we continue to talk about it and he is committed to try to find a solution. Larry Means on Victoria Lane asks the Senator to vote against the Brewer Bill. Jason Lewis states he will consider that if/when he is presented with it.

Stoneham Strong 5K

David Poland was present explain his plans for the 2nd Annual Stoneham Strong 5K. The race will be held May 24 2014 at 9am kids run will begin and at 10am the adult run will begin. The race is open to the public and it is the same course as last year. David Poland informs the board the police details and portable potties are in place along with the necessary insurance. He would like to thank all the sponsors who are supporting the event. They are looking at 400 runners this year. Selectwoman O’Neill asks where can people register? Mr. Poland states it is available online 5K. Mr. Poland will be donating to SSAC and he is currently helping them build their website.

Fallon Road Design Review Discussion/Houghton

Attorney Charles Houghton was present to represent Fairfield Residential. They are here to update and get input from the Selectmen on the design review for the 298 units being proposed on Fallon Road. Kevin Maley goes over the design plan for this project.

Special Town Meeting Discussion/DePinto

Selectman DePinto is looking to fix an oversight that happened at the last Town Meeting for Article 12 that was not heard that night because of non advertising. Larry Means, 4 Victoria Lane states that his understanding is that the Board of Selectmen does not have the authority to call for a Special Town Meeting. Attorney Solomon states that the Board of Selectmen does have authority to call for a Special Town Meeting. Attorney Houghton speaks on behalf of Montvale Plaza and the Cleveland Family. Attorney Houghton distributes a letter that will be submitted to the Bike Path Committee that they are going to submit on Monday, May 19, 2014. If the Bike Path Committee agrees to the letter then they will submit the warrant article. If they don’t agree then they will not be submitting the article and they will vacate on June 30th. Selectwoman O’Neill asks about the survey being done with people on the bike path. Town Administrator states yes it can be done. Jim Sullivan 6 Sunset Road asks about a Special Town Meeting what if it defeated at Town Meeting are they prepared to vacate on June 30th. Attorney Houghton states yes. Liz Erk 13 Lincoln feels this is unacceptable and someone needs to be accountable for this error. Jim Prior 28 Valley Road states it was embarrassing waiting 3 hours and not being able to vote. Selectman DePinto made a motion to call for Special Town Meeting on June 19, 2014 @ 7:00 p.m. and open the warrant on May 15, 2014 and close on May 22, 2014 at 4:00 p.m., seconded by Selectman Sweeney. A roll call vote was taken.

Voting in Favor

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

Motion was unanimously voted (5-0).

Approve Minutes

Selectman DePinto made motion to approve minutes of April 22, 2014, seconded by Selectwoman O'Neill. **Motion was unanimously voted (5-0).** Selectman DePinto made motion to approve minutes of May 5, 2014, seconded by Selectman Sweeney. **Motion was unanimously voted (5-0).** Selectman DePinto moved approval of the executive session minutes of April 22, 2014, and not to release them, seconded by Selectwoman O'Neill. **Motion was unanimously voted (5-0).**

Liquor Licensing Authority

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

Voting in Favor:

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

Motion was unanimously voted (5-0).

Meeting recessed at 8:51 p.m. to go into Liquor Licensing Authority.

Meeting reconvened at 8:55 p.m.

Annual Appointments

Appoint Members to Committees

Board of Appeals

One appointment for a one-year term effective until 4/30/15

Selectman Sweeney moved to reappoint Nathaniel Cramer to the one (1) one-year term. Motion was seconded by Selectman DePinto and **unanimously voted (5-0).**

Conservation Commission

One appointment for three-year term effective until 4/30/15

Selectman Vallarelli moved to appoint Rachel Rennard from Associate Member to fill the existing vacant three-year term. Motion was seconded by Selectman DePinto and unanimously voted (5-0).

Appoint MAPC Representative

One appointment for a three-year term effective until 4/30/17.

Selectman DePinto moved to appoint Cynthia Mead to the (1) one three-year term. Motion was seconded by Selectman Sweeney and **unanimously voted (5-0).**

Discuss Membership of the Stoneham Center Project Advisory Committee/Town Administrator

Steve Winters Director talks about grant project and the schedule they are planning. Selectman Vallarelli and Chairman Boussy were both nominated and **unanimously voted (5-0).** The Town Administrator states we will advertise on Stoneham Website. Marcia Wengen asks if these will be meetings held under the open meeting law. Mr. Ragucci states yes.

Fill Vacancy of Retirement Board Member/Town Administrator

Mr. Ragucci directs the Board to advertise and appoint the Selectmen Designee to sit on the Retirement Board. The appointment should be put on the agenda and schedule the appointment for May 27th. Selectman DePinto would like to thank Cosmo for his service. Selectman Sweeney suggests giving a Certificate of Appreciation for the 27th meeting.

Arena Rental Discussion/Boussy

Chairman Boussy states that there looks like there was decision made to kick Matignon out and bring Melrose in and that decision was done. Chairman Boussy clarifies that within the Town Administrator act it was in Mr. Ragucci does have the authority to make such decision. Chairman Boussy states that the issue was brought up under miscellaneous correspondence at a meeting and there was a vote. A few members didn't feel there was enough information at that time to vote on the issue. Mr. Ragucci states that the Mayor had approached him months back inquiring on the availability of the Arena. Mr. Ragucci spoke with Lou the rink manager and asked if there was a way to squeeze Melrose in. Lou responded saying no. The option was to either to cut either Matignon or Austin Prep. Mr. Ragucci made the decision to cut Matignon based solely on financial expense of bus rides. Mr. Ragucci states as of now it stands Melrose is out and Matignon is in. Selectman DePinto and Selectman Sweeney are fine with that. Selectwoman O'Neill states this is the time to look at every entity in Stoneham and figure out if it is being used most efficiently for the people of Stoneham. Tim Albert the Athletic Director at Matignon was present to speak on behalf of Matignon. Lynda Allard 4 Evergreen Road agrees with Mr. Sweeney that it is going out of the area of expertise and why are we changing the Town Administrators recommendations. Jim Sullivan 6 Sunset Road state the board needs to reverse their decision and let Mr. Ragucci make his decision. He also agrees with Selectwoman O'Neill that we should be looking at this asset. Selectman DePinto speaks the history of Matignon and the Arena. Selectman Sweeney states he brought

May 13, 2014 (3)

the topic up at the last meeting because to throw out a long term customer is wrong. Don Smith 8 Lincoln Street speaks on having a long term loyal customer goes a long way. James Hanlon Washington Street speaks on his thoughts of the Arena. John Lapiana Crosby Street speaks on behalf of Matignon he states that if they are getting rid of Matignon that they should give them proper notice. Paul Norton 14 South Marble Street speaks on behalf of Matignon Mark Wall, 46 Wright Street speaks on raising the rates for certain times. It doesn't work doing that. The customer history is what the decision should be based on. Cindy Hemingway 14 Fells Road speaks on the history of ice hockey in Melrose and says that Mayor Dolan is a great neighbor and they should be given a chance. Bill Weiss 36 Lafayette Street Wakefield speaks as a town employee working for the Arena and states that Matignon is a great tenant. He states that raising prices will make people leave. Liz Erk asks how can we get another rink. Mr. Ragucci says that it would have to be debt exclusion.

Town Administrator Reports

Mr. Ragucci states that the final trash RFP has been completed and will be on the website tomorrow and will be issued to the three finalists. Mr. Ragucci states that the Town signs that need to be updated should be completed by July 1st by Gamit Signs. Mr. Ragucci states that there is a request from the Disability Committee having office space in the Town Hall. Mr. Ragucci is asking to use the end office of the Selectmen's Office. He will set the times and days that they will be using the office. Mr. Ragucci states that the Fire Department is coming to the Selectmen's meeting on the 27th to give an update on his Department.

Miscellaneous Correspondence

Selectwoman O'Neill asks the Town Administrator where we stand with the Electric Sign for Monday night's meeting. Mr. Ragucci states he is waiting to hear back from Clear Channel. Selectwoman O'Neill asks about the sandwich boards for Monday night's meeting. Mr. Ragucci states the sandwich boards are all set to be set up at the Town Hall, Senior Center and Library.

Executive Session

Selectman DePinto moved to go into executive session, pursuant to Chapter 30A Section 18 of the General Laws to discuss Areas Labor Negotiations (Police Grievances and Negotiations) and PEC regarding Health Insurance and not to return as the Board of Selectmen. Motion was seconded by Selectman Sweeney and was **unanimously voted (5-0)**.

Voting in Favor:

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

Meeting adjourned at 10:15 p.m.

Respectfully submitted,
Erin Sinclair

Article 1

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 "(i) the commencement of construction of the former Railroad Right-of-Way as a bikeway or linear park, or (ii) June 30, 2014" with "(i) as required by MassDOT or its representatives for planning, design and/or engineering purposes for the proposed Tri-Community Bikeway/Greenway, or (ii) October 15, 2014." After expiration of the Railroad Right-of-Way overlay district extended hereby, the below referenced Parcels 1 and 2 will remain zoned in accordance with their underlying zoning of Recreation/Open Space District .

Further to amend the Zoning Map of the Town of Stoneham effective July 1, 2014 by replacing the current Railroad Rights-Of-Way zoning [overlay] district with the following portions of the former Railroad Right-of-Way:

(i) Approximately 1950 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 on 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 sideline of Montvale Avenue, a public way, said portion 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.

(Upon the expiration of the current Railroad Right-of-Way [Overlay] District for Parcels 3 – 7 shown and referenced in said 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 on December 27, 1976, and as a result of the above amendment of the Zoning Map of the Town of Stoneham, said Parcels 3 – 7 will after June 30, 2014 remain zoned in accordance with the underlying zoning of Recreation/Open Space District.).

Or do anything in relation thereto.

Article 2

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, the below referenced Railroad Right-of-Way land, 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 park, (ii) October 15, 2014, or (iii) as required by MassDOT or its representatives for planning, design and/or engineering purposes for the proposed Tri-Community Bikeway/Greenway, with the right of early termination by the Town Administrator, the below described parcels of said ROW, or a portion thereof, with any authorization or license entered into by the town 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 1950 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.

Any funds from the license of said ROW shall be placed in the special fund for the Railroad Right-of-Way, as enacted by the Commonwealth in Chapter 102 of the Acts of 2014.

Or do anything in relation thereto.

STONEHAM BIKEWAY/GREENWAY COMMITTEE

STONEHAM
TOWN
Mar 22 2 42 PM '14

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 27th day of May 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 June 2, 2014 and by publishing duly attested copy of said Warrant in the Stoneham Independent on June 11, 2014.

A true copy. Attest: _____
Constable of Stoneham

PRESS RELEASE**FOR IMMEDIATE RELEASE****May 21, 2014**

Contact: Maureen Kelly
Boston Region Metropolitan Planning Organization

Telephone: 617-973-7100
Email: mkelly@ctps.org

**Public Review Period for Transportation Improvement Program
and Unified Planning Work Program Begins May 21**

The Boston Region Metropolitan Planning Organization (MPO) has released two documents for a 30-day public review period. Members of the public are invited to provide comments on the federal fiscal years (FFYs) 2015–18 Transportation Improvement Program (TIP)—the plan to finance transportation projects in the Boston Region over the next four years; and the FFY 2015 Unified Planning Work Program (UPWP)—the plan for funding transportation studies in the coming year.

The public review period will begin on Wednesday, May 21, and will close at 5:00 PM on Thursday, June 19, 2014. During the public review period the MPO will hold several public meetings to answer questions and listen to comments about the draft documents:

- June 12: Pleasant Street Center, 49 Pleasant Street, Reading from 5:30 PM to 7:00 PM
- June 17: State Transportation Building, 10 Park Plaza, Suite 2150, Boston from 12:30 PM to 2:00 PM (Session One) and 4:30 PM to 6:00 PM (Session Two)
- June 18: Randolph Town Hall, 41 South Main Street, Randolph from 5:30 PM to 7:00 PM

The MPO is planning to take action on these draft documents at its meeting scheduled for June 26, 2014 at 10:00 AM in conference rooms 2 and 3 of the State Transportation Building, 10 Park Plaza, in Boston. Members of the public are invited to attend. Comments on the draft documents will be accepted in writing at the address below before the close of the public comment period, and in writing or orally at the meeting.

For details, including information on the meeting and copies of the draft documents, refer to the MPO website, www.bostonmpo.org, beginning May 21. Copies of the documents also may be obtained by contacting MPO staff by the means listed below. Copies are free of charge and, upon request, will be made available in CD, print, and accessible formats.

To submit a comment or to request a copy of the document, please contact the MPO staff:

Boston Region Metropolitan Planning Organization
State Transportation Building
10 Park Plaza, Suite 2150
Boston, MA 02116-3968

Voice: 617-973-7100
Fax: 617-973-8855
TTY: 617-973-7089
Email: publicinformation@ctps.org

The MPO complies with Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA) of 1990, and other federal and state nondiscrimination statutes and regulations in all programs and activities. The MPO does not discriminate on the basis of race, color, national origin, English proficiency, income, religious creed, ancestry, disability, age, gender, sexual orientation, gender identity or expression, or military service.

MPO Public Outreach

You can provide input to the future of transportation in the Boston region at upcoming public workshops.

Please attend and share your views.

Staff from the Boston Region Metropolitan Planning Organization (MPO) will answer questions and gather comments about important regional transportation planning documents that will be available for public review and comment through June 19, 2014.

- The draft federal fiscal years 2015–18 Transportation Improvement Program (TIP)
- The draft federal fiscal year 2015 Unified Planning Work Program (UPWP)

The TIP establishes the list of highway and transit projects in the Boston region that will receive federal funding. The UPWP establishes the list of transportation-planning studies to be conducted in the region.

You may view the documents at <http://www.bostonmpo.org/Drupal/calendar>



Workshop Information

Thursday, June 12

5:30 – 7:00 PM

Pleasant Street Center, Reading

- 49 Pleasant Street, Reading
- Accessible via the MBTA's Haverhill Commuter Rail Line (Reading Station) and also by MBTA Orange Line (Oak Grove Station), combined with MBTA bus Route 137 to Reading Center.

Tuesday, June 17

12:30 – 2:00 PM and 4:30 – 6:00 PM

(two sessions)

State Transportation Building, Suite 2150

- 10 Park Plaza, Boston, MA.
- Accessible via the Orange and Silver lines (Tufts Medical Center), the Green Line (Boylston or Arlington Station), and MBTA bus Routes 43 and 55.
- A photo ID is required to access the building.

Wednesday, June 18

5:30 – 7:00 PM

Randolph Town Hall, Lincoln Room

- 41 South Main Street, Randolph
- Accessible from Boston via the MBTA's Red Line (Ashmont Station), and MBTA Bus 240 (Crawford Square Randolph via N. Main.)

See mbta.com for more details

MPO meeting sites are accessible to people with disabilities and are near public transportation. Upon request (preferably two weeks in advance of a meeting), every effort will be made to provide accommodations such as assistive-listening devices, materials in accessible formats and in languages other than English, and interpreters of American Sign Language and other languages. Please contact the MPO staff at **617.973.7100 (voice), 617.973.7089 (TTY), 617.973.8855 (fax)**, or **publicinformation@ctps.org**.

Difusión Pública de la MPO

Ud. puede aportar iniciativas para el futuro del transporte en la región de Boston en los próximos talleres públicos.

Por favor concorra y comparta sus puntos de vista.

Personal de la Organización de Planificación Metropolitana de la Región de Boston (MPO) responderá a sus preguntas y recopilará comentarios sobre importantes documentos de planificación del transporte regional, que estarán disponibles para que el público los analice y comente hasta el 19 de junio de 2014.

- El borrador del Programa de Mejora del Transporte (TIP) para los años fiscales federales 2015-18
- El borrador del Programa de Trabajo de Planificación Unificada para el año fiscal federal 2015 (UPWP)

El TIP establece la lista de los proyectos de autopistas y tránsito en la región de Boston que recibirán fondos federales. El UPWP establece la lista de estudios de planificación del transporte que se llevarán a cabo en la región.

Puede consultar estos documentos en <http://www.bostonmpo.org/Drupal/calendar>



Información de los Talleres

Jueves 12 de junio

5:30 – 7:00 PM

Pleasant Street Center, Reading

- 49 Pleasant Street, Reading
- Acceso mediante la línea suburbana Haverhill de MBTA (estación Reading) y también por la línea Naranja de MBTA (estación Oak Grove) en combinación con el autobús de la ruta 137 de MBTA al centro de Reading.

Martes 17 de junio

12:30 – 2:00 PM y 4:30 – 6:00 PM

(dos sesiones)

State Transportation Building, Suite 2150

- 10 Park Plaza, Boston, MA.
- Acceso mediante las líneas Naranja y Plateada (Centro Médico Tufts), la línea Verde (estaciones Boylston o Arlington) y los autobuses de las rutas 43 y 55 de MBTA.
- Deberá presentar una identificación con fotografía para acceder al edificio.

Miércoles 18 de junio

5:30 – 7:00 PM

Randolph Town Hall, Lincoln Room

- 41 South Main Street, Randolph
- Acceso desde Boston por la línea Roja de MBTA (estación Ashmont) y el autobús 240 (Crawford Square Randolph vía N. Main).

Por más detalles, visite mbta.com

Los lugares de reunión de la MPO tienen previsto el acceso para personas con discapacidades y están próximos al transporte público. Para los que lo soliciten (con preferencia con dos semanas de anticipación a la reunión), se realizarán todos los esfuerzo posibles para brindar facilidades tales como dispositivos de audición asistida, materiales en formatos accesibles y en otros idiomas además de inglés, e intérpretes de lenguaje de señas americano y otros idiomas. Por favor póngase en contacto con el personal de la MPO a través de 617.973.7100 (voz), 617.973.7089 (TTY), 617.973.8855 (fax), o publicinformation@ctps.org.

Divulgação Pública MPO

Você pode contribuir, opinando para o futuro do transporte na região de Boston, nas seguintes reuniões públicas.

Por favor, participe e compartilhe sua opinião.

Os funcionários da Organização de Planejamento Metropolitano da Região de Boston (MPO) irão responder questões e coletar opiniões a respeito de importantes documentos do planejamento do transporte que estarão disponíveis ao público para consulta e comentários até o dia 19 de junho de 2014.

- O modelo para os anos fiscais federais de 2015 a 18 do Programa de Melhoria no Transporte (TIP)
- O modelo para o ano fiscal de 2015 do Programa de Trabalho de Planejamento Unificado (UPWP)

O TIP estabelece a lista de projetos de rodovias e trânsito na região de Boston que irão receber financiamento federal. O UPWP estabelece a lista de estudos de planejamento de transporte a serem conduzidos na região.

É possível consultar os documentos na página <http://www.bostonmpo.org/Drupal/calendar>



Informações das Reuniões

Quinta-feira, 12 de junho 17h30 – 19h00

Pleasant Street Center, Reading

- 49 Pleasant Street, Reading
- Acesso através da linha suburbana Haverhill Commuter (Estação Reading) da MBTA e também pela Linha Laranja da MBTA (Estação Oak Grove), combinada à Rota de ônibus 137 da MBTA em direção ao Centro de Reading.

Terça-feira, 17 de junho 12h30 – 14h00 e 16h30 – 18h00 (duas sessões)

State Transportation Building, Suite 2150

- 10 Park Plaza, Boston, MA.
- Acesso através das linhas Laranja e Prata (Tufts Medical Center), da Linha Verde (Estação Boylston ou Arlington), e pelas Rotas de ônibus 43 e 55 da MBTA.
- É necessária uma identidade com foto para obter acesso ao prédio.

Quarta-feira, 18 de junho 17h30 – 19h00

Randolph Town Hall, Lincoln Room

- 41 South Main Street, Randolph
- Acesso a partir de Boston através da Linha Vermelha da MBTA (Estação Ashmont), e da linha de ônibus 240 da MBTA (Crawford Square Randolph via N. Main.)

Consulte a página mbta.com para maiores detalhes

Os locais de reunião MPO têm acesso para pessoas portadoras de deficiências e são próximas ao transporte público. Quando requisitado (preferivelmente com duas semanas de antecedência à data da reunião), será feito todo o possível para oferecer acomodações tais como aparelhos auditivos, materiais em formatos acessíveis e em línguas além do inglês, e intérpretes da Língua de Sinais Norte-Americana e de outras linguagens. Por favor, contate os funcionários da MPO através dos números 617.973.7100 (voz), 617.973.7089 (TTY), 617.973.8855 (fax), ou pelo e-mail publicinformation@ctps.org.

MPO Public Outreach

公众研讨会即将召开，您可就波士顿大都市区未来的交通规划提出意见。

欢迎出席会议并提出您的观点。

MPO参事室将就大都市区重要的交通规划文件回答公众的问题并收集意见。文件的公众审阅及评估期2014年6月19日截止。

- 2015—18联邦财政年度交通改善计划(TIP)草案
- 2015联邦财政年度联合规划工作计划(UPWP)草案

交通改善计划(TIP)将公布大都市地区获得联邦拨款的高速公路和交通项目名单。联合规划工作计划(UPWP)公布大都市区将要开展的交通规划研究名单。

您可登录网站

<http://www.bostonmpo.org/Drupal/calendar>
阅读各项文件。

更多详情请登录网址 mbta.com。



研讨会信息

6月12日 周四
下午5:30 - 7:00

Pleasant Street Center, Reading

- 49 Pleasant Street, Reading
- 可乘坐 MBTA 哈弗希尔通勤铁路班线 (MBTA Haverhill Commuter Rail Line) 在雷丁站 (Reading Station) 下车也可乘坐 MBTA 橙色线 (MBTA Orange Line) 在橡树林站 (Oak Grove Station) 下车，转乘 MBTA 巴士 137 路 (MBTA bus Route 137) 在雷丁中心 (Reading Center) 下车。

6月17日 周二
下午12:30 - 2:00 和下午 4:30 - 6:00
(两场会议)

State Transportation Building, Suite 2150

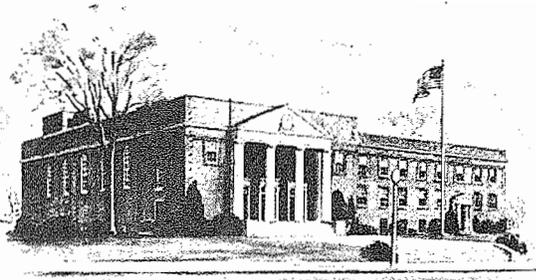
- 马萨诸塞州波士顿 Park Plaza 街 10 号 (10 Park Plaza, Boston, MA)
- 您可乘坐地铁橙色线、银色线 (Orange and Silver lines) 在塔夫茨医学中心站 (Tufts Medical Center) 下车或乘绿色线 (Green Line) 在博伊尔斯顿站或阿灵顿站 (Boylston or Arlington Station) 下车，也可乘坐 MBTA 巴士 43 路和 55 路 (MBTA bus Routes 43 and 55)
- 进入大厦需携带含照片的身份证件

6月18日 周三
下午5:30 - 7:00

Randolph Town Hall, Lincoln Room

- 兰道夫市南大街 41 号 (41 South Main Street, Randolph)
- 可从波士顿乘 MBTA 红色线 (MBTA Red Line) 在阿什蒙特站 (Ashmont Station) 下车，也可乘 MBTA 巴士 240 路 (MBTA Bus 240) 在 Crawford 广场北大街站下车 (Crawford Square Randolph via N. Main.)

MPO会议地点配备无障碍设施，公共交通便利。根据您的要求（最好在会议前两周提出），我们将尽力做好各种准备为您提供帮助，如助听设备、非英语语言材料、无障碍材料、美国手语及其他语言手语翻译等。如需帮助，请联系MPO工作人员，联系电话：617-973-7100(语音)、617-973-7089(电传打字机)、617-973-8855(传真)，电子邮箱：publicinformation@ctps.org.



TOWN OF
STONEHAM

MASSACHUSETTS 02180

319 MAIN STREET
STONEHAM, MA 02180
(781) 438-4543

TOWN COUNSEL
WILLIAM H. SOLOMON, ESQ.

To: August S. Niewenhouse, Chairman
Planning Board

Copy: Thomas Boussy, Chairman David Ragucci
Board of Selectmen Town Administrator

From: William H. Solomon 
Town Counsel

Date: May 22, 2014

Subject: 225 Fallon Road: "Design/Architectural/Landscaping Approval of the Planning Board" Pursuant to the Development Agreement/Mitigation Covenant for 225 Fallon Road

It is my understanding that the owner/developer of the property/proposed residential development at 225 Fallon are scheduled to appear before the Planning Board next Wednesday, May 28th, pursuant to Paragraph 25 of the Development Agreement/Mitigation Covenant entered into between 225 Fallon Road Realty LLC and the Town of Stoneham on October 12, 2012. In order to assist the Planning Board, I have attached a copy of that Agreement/Covenant hereto as Appendix B. Paragraph 25 of the Agreement/Covenant provides that:

25. Nothing herein shall constitute or be deemed to constitute an agreement by the Town, including its Planning Board, Board of Selectmen and/or Building Inspector, to grant any permit or approval. The parties agree that 225 Fallon shall, if requested in writing by the Planning Board prior to issuance of a building permit, submit for the approval of the Planning Board building design/architectural/landscaping plans, for the consent of the Planning Board which consent shall not be unreasonably withheld. The Building Inspector shall have continuing authority to enforce compliance of the approved plan and design, and subsequent plans and drawings thereafter submitted consistent therewith. [Emphasis added.]

To place this review and approval process in context, I note, particularly for individuals who were not involved in the matter at that time, that in the fall of 2012, the Planning Board and the Board of Selectmen supported, and the Town Meeting voted to enact the "Residential Overlay Fallon Road District", Section 4.22 of the Zoning Bylaws. (I have attached a copy of Section 4.22 herewith as Appendix B.) The Overlay District

permits, as of right “Apartment Building or Town house Design Dwelling Units, with a maximum of twenty (20) units per acre (and a maximum of 410 units in the entire overlay District). Accordingly, as you are aware, because there is not a special permit or site plan requirement or process which is applicable, the Section 25 approval process was included in the Agreement/Covenant, and thus has materially greater significance than if there were an applicable zoning review process. It is the Town’s opportunity for input and shaping of the design, architecture and landscaping development, quite beyond the more practical requirements which are set out in the Agreement/Covenant and will apply as a result of state codes.

I also note that I have spoken with counsel for the owner/developer, Attorney Houghton, regarding this matter on a number of occasions over the last year, including as late as yesterday, to emphasize the importance of this process. As you are aware, Attorney Houghton and the owner/developer met with the Board of Selectmen at its meeting of May 13, 2014 to describe depict and updated the Board regarding the proposed residential development. Attorney Houghton made clear at that time, and prior thereto, that his client welcomed the assistance and participation of the Board of Selectmen in this process, without specifying or otherwise limiting the manner in which that assistance and/or participation would proceed. That would, of course, be a matter for the Board(s) to determine, and as such I do not address it herein.

As to the review and approval process itself, I reference matters for which the Planning Board has significant experience, and which therefore may seem self-evident, but I do so to the extent, if any, that it is helpful to the Board:

- (i) It is important that the owner/developer present full and complete plans and depictions consistent with this review/approval process. Importantly, as the Board is aware, the plans and depictions should show the complete development and do so from all perspectives. The Board, of course, should as a result thereof be confident that it will know what the development will actually look like.
- (ii) Submissions, review and approval should include detail, questions and responses regarding various building materials that will be used as they relate to design and architecture, and the approval document and plans should specify what is required.
- (iii) The Board should determine whether it would like to retain professional assistance with respect to design, architectural and/or landscaping matters. The recent review of the proposed Weiss Farm development by architects retained by the Town is the most recent example of the value of such review. The Board should feel free to discuss the details thereof with the Town Administrator and this office.

Please feel free to contact this office if I can be of assistance.

Thank you.

Enclosures



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Appendix A

080-19

**DEVELOPMENT AGREEMENT/MITIGATION COVENANT
BY
225 FALLON ROAD REALTY LLC
WITH
THE TOWN OF STONEHAM**

This Development Agreement/Mitigation Covenant (herein referred to as the "Agreement") is made this 12 day of October, 2012 by 225 Fallon Road Realty LLC, a Massachusetts limited liability company, having its principal office and place of business at 23 Concord Street, Wilmington, Massachusetts 01887 ("225 Fallon") with the Town of Stoneham, a municipal corporation located in Middlesex County, Massachusetts, with its Town Hall at 35 Central Street, Stoneham, Massachusetts 02180 (the "Town"). This Development Agreement/Mitigation Covenant supersedes the previous Development Agreement(s)/Mitigation Covenant(s) entered into between the parties which previous Development Agreement(s)/Mitigation Covenant(s) are hereinafter void. Accordingly, the Development Agreement/Mitigation Covenant between the Town and 225 Fallon Road LLC dated May 2, 2011 and recorded at the Middlesex South District Registry of Deeds in Book 57315, Page 262 and the Development Agreement/Mitigation Covenant dated May 7, 2012 are and shall hereby be terminated and without further force and effect.

WHEREAS, 225 Fallon purchased a certain parcel of land, together with the buildings thereon, located on and off of Fallon Road in Stoneham, Middlesex County, Massachusetts, pursuant to the deed which is recorded at the Middlesex South District Registry of Deeds in Book 46029, Page 551, being shown as Lot A and Lot B on a plan entitled "Plan of Land in Winchester and Stoneham, Massachusetts, Scale 1"=60' dated April 25, 2008 revised June 1, 2008, prepared by Hayes Engineering, Inc." and recorded at the Middlesex South District Registry of Deeds as Plan No. 887 of 2008;

WHEREAS, 225 Fallon sold Lot B to 221 Fallon Road, LLC on December 16, 2010 pursuant to a deed which is recorded at the Middlesex South District Registry of Deeds in Book 56115, Page 290;

WHEREAS, 225 Fallon seeks to develop up to three hundred (300) apartment or town house design residential dwelling units on the above described Lot A, a description of which is attached hereto as Appendix A. (Said development hereinafter also referred to as the "MFD");

WHEREAS, Article 2 of the Special Town Meeting of October 1, 2012 of the Town of Stoneham ("Article 2") proposes to amend the Stoneham Town Code, Chapter 15, Zoning Bylaws by amending Section 4.13, adding Section 4.22 and amending the Zoning Map of the Town of Stoneham and amending Section 5.2.1 to allow for the development (use) of "Apartment Building or Town house design dwelling units ("Residential Dwelling Units") A maximum of twenty (20) such Residential Dwelling

Charles F. Houghton, Esquire
271 Main Street
Suite 202
Stoneham, MA 02180

Appendix A

225 FALLON RD STONEHAM MA

Units per acre on properties located in the Residential Overlay Fallon Road District ("Zoning District") as further described and prescribed therein;

WHEREAS, the amendment of the Zoning Bylaw pursuant to Article 2 would allow for the development of up to three hundred (300) Residential Dwelling Units on the property owned by 225 Fallon in said Zoning District (Lot A, as more specifically described below), as well as the development of Residential Dwelling Units on properties located in the Zoning District;

WHEREAS, 225 Fallon supports the proposed amendment of the Zoning Bylaws pursuant to Article 2;

WHEREAS, the amendment of the Zoning Bylaws pursuant to Article 2 will have financial benefits and costs to the Town, and whereas the parties seek to mitigate some of said financial costs.

NOW, THEREFORE, in the event that Article 2 of the Special Town Meeting is acted on favorably by said Town Meeting so that it allows for the development of up to three hundred (300) Residential Dwelling Units on the property owned by 225 Fallon in the Residential Overlay Fallon Road District and designated as "Lot A" herein, 225 Fallon and the Town hereby agree to the following terms, conditions and requirements in consideration of mutual consideration hereby acknowledged:

1. Should 225 Fallon (hereinafter reference to "225 Fallon" shall be deemed to include its successors in title or interest and/or assigns) construct the MFD, 225 Fallon shall be limited to the development for such MFD project of a maximum of three hundred (300) apartment or town house design residential dwelling units ("Residential Dwelling Units") which shall be on Lot A and at a density no greater than Twenty (20) dwelling units per acre. All three hundred (300) apartment or town house design residential dwelling units (or such lesser number of such Residential Dwelling Units as 225 Fallon may decide to construct) shall be applied for and built at the same time. There shall be no other type of residential dwelling units. There shall be no phased development or further dwelling units applied for or otherwise granted a permit or approval therefore after building permits have been issued for the development provided for herein.
2. The Residential Dwelling Units to be built shall be designed and used as single and two bedroom units only. Unless otherwise approved by a vote of the Board of Selectmen, no greater than fifty-five percent (55%) of said total units shall be two bedroom units. There shall be no units with three (3) or more bedrooms. No den or other room not designated as a bedroom in compliance herewith, shall be used as a bedroom. All dens in any dwelling unit shall be without windows and closets. In the event of the sale of the property and/or buildings, the deed shall include the prohibition on the use of any den, or any other non-bedroom room as a bedroom by any occupant or resident of the unit.

3. All Residential Dwelling Units shall be for rental purposes/rental only, and must be under the same ownership. Condominium or cooperative ownership shall not be allowed.
4. There shall be no subdivision or any other division of Lot A, including by means of the approval not required process. All of Lot A and any buildings, structures and dwelling units located upon it shall be owned by one single owner. In no event shall any individual dwelling units or group thereof be sold or otherwise transferred or assigned. This restriction shall not be applicable if 225 Fallon Road notified the Town, through its Board of Selectmen that it has elected not to proceed with the construction of the MFD on Lot A. (See Paragraph 17 below with respect to payment to the Town being due.)
5. No building including a parking garage, shall be constructed within One Hundred (100') feet of the Stoneham/Winchester Town line and no building, including a parking garage, shall exceed sixty-five (65') feet in height as defined in the Town of Stoneham Zoning Bylaws.
6. Sewer Pump Station – Should 225 Fallon propose to construct on Lot A: (i) the MFD; or (ii) any other permanent structure, regardless of its use, whether commercial, residential or otherwise, or whether or not said permanent structure is authorized pursuant to the Stoneham Zoning Bylaws or is otherwise exempted therefrom or authorized by applicable state law, including, but not limited to M.G.L. c. 40A, sec. 3 or M.G.L. c.40B, secs. 20 – 23/ Comprehensive Permit (“Alternative Permanent Structure”), 225 Fallon shall be responsible for providing all funding of the cost of an engineering study by a civil engineering firm, to be selected by the Town and approved by 225 Fallon, which approval shall not be unreasonably denied, which shall recommend the infrastructure and other improvements and changes required to be made to the Sewer Pumping Station (located on Fallon Road, and owned and operated by the Town) necessitated by such MFD or Alternative Permanent Structure. (See also Paragraph 26, below.)

225 Fallon shall be responsible for providing the Town with the funds for designing, equipping, and installing the same Sewer Pump Station as provided for by said report, as follows: (i) when constructing the MFD; or (ii) when constructing an Alternative Permanent Structure which has a gross floor area of Fifty Thousand (50,000) square feet or greater, but only if said Alternative Permanent Structure and its use do not require a special permit (i.e. may be built as of right or with site plan approval). (With respect to an Alternative Permanent Structure, nothing in this Agreement shall limit or be deemed to limit the authority of any Town board, including the Planning Board, Board of Selectmen, Board of Appeals or Board of Health, with respect to any conditions or requirements regarding sewerage or sewer services, including with respect to the funding of a sewer pump station.) (See also Paragraph 26, below.)

Said funds shall be provided within ninety (90) days of the issuance of any building permit. Independent of 225 Fallon's obligation herein, the Town shall make reasonable good faith efforts to seek, although shall have no legal obligation to obtain, additional funding for said Sewer Pumping Station from other parties who will benefit therefrom, so as to more equitably divide the responsibility for the cost thereof. Additionally, nothing herein shall restrict the Town from seeking funding from the federal and/or state government for this purpose. (See also Paragraph 26, below.)

7. Water Mains – Should 225 Fallon propose to construct the MFD or Alternative Permanent Structure on Lot A, 225 Fallon shall have the water mains serving the MFD or Alternative Permanent Structure tested by a qualified company, reasonably acceptable to the Town, so as to insure that the water mains will meet anticipated demand of the MFD or Alternative Permanent Structure, and shall further be responsible for replacing any water mains that service the development that are deemed to need replacement, and for providing such additional water mains that are required to meet the anticipated demand for service to the MFD or Alternative Permanent Structure, all to the reasonable satisfaction of the Director of Public Works.
8. Storm Drainage – Should 225 Fallon construct the MFD or Alternative Permanent Structure on Lot A, 225 Fallon shall comply with all applicable laws, bylaws and regulations regarding storm water and storm water management. Post-construction runoff cannot exceed pre-construction runoff.
9. Roadway – Should 225 Fallon construct on Lot A: (i) the MFD; or (ii) Alternative Permanent Structure, 225 Fallon shall be responsible for: (i) resurfacing the top coat of Fallon Road from its beginning up to fifty (50') feet beyond the first access point to the MFD on Fallon Road and all portions of Fallon Road to which 225 Fallon, in connection with the MFD or Alternative Permanent Structure makes, or is required to make, utility cuts in; and (ii) installing (or replacing existing, as the case may be) bituminous curbing and sidewalks, on the northerly side of Fallon Road adjacent to 225 Fallon Road (hereinafter referred to as "roadway/sidewalk work"). All of the work shall be done to the reasonable satisfaction of the Director of Public Works. Additionally, nothing herein shall restrict the Town from seeking funding from the federal and/or state government for said roadway/sidewalk work, however in no event shall the Town be responsible for any roadway or related work, or any cost thereof, on Fallon Road or any other public way or private way, including any intersection. 225 Fallon shall have a continuing obligation to maintain, repair, and replace as needed said portion of the road, curbing and sidewalks.
10. Traffic Light At Marble and Park Streets – Should 225 Fallon construct on Lot A: (i) the MFD; or (ii) an Alternative Permanent Structure which has a gross floor area of Fifty Thousand (50,000) square feet or greater, but only if said Alternative Permanent Structure and its use do not require a special permit (i.e. may be built as of right or with site plan approval), 225 Fallon shall be responsible for providing

forty percent (40%) of the actual cost of replacing (including design, equipment and installation costs) the traffic light at the intersection of Marble and Park Streets; said contribution amount not to exceed Eighty-Two Thousand Dollars (\$82,000.00). The Town shall complete such work and fund any remaining amount associated with the same. It is understood and agreed that the traffic light which shall be installed at this location shall include pedestrian signals. Fallon's contribution shall be paid within ninety (90) days of the first building permit for the MFD or an Alternative Permanent Structure at the site. (With respect to an Alternative Permanent Structure, nothing in this Agreement shall limit or be deemed to limit the authority of any Town board, including the Planning Board, Board of Selectmen or Board of Appeals, with respect to any conditions or requirements regarding traffic or traffic lights, including a traffic light at Marble and Park Streets.) (See also Paragraph 25, below.)

11. Internal Roadways, Utility Drainage Systems, Wastewater Collection and Systems – Should 225 Fallon construct the MFD or Alternative Permanent Structure on Lot A, the internal roadways, utility drainage systems, wastewater collection and systems, and all other infrastructure shall remain private, and the Town of Stoneham shall not have, now or ever, any legal responsibility for the operation, maintenance, repair or replacement of the infrastructure, nor for any snow removal and trash collection. It is understood and agreed that no internal road shall or may become a public way, unless otherwise agreed to by the Town Administrator, the Planning Board and the Board of Selectmen, and further authorized by the town meeting.
12. Public Safety – Should 225 Fallon construct the MFD or an Alternative Permanent Structure on Lot A, 225 Fallon agrees to reasonably cooperate with the Chief of Police in addressing public safety issues and the mitigation thereof.
13. Internal Roads – Should 225 Fallon construct the MFD or An Alternative Permanent Structure on Lot A, appropriate driveways, sidewalks and curbing, sufficient for the safe separation of pedestrians from moving vehicles, shall be provided throughout the site to allow for safe vehicular and pedestrian access within the Site and between any proposed buildings.
14. Fire Protection – Should 225 Fallon construct the MFD an Alternative Permanent Structure on Lot A, fire protection methods and systems shall meet all State Fire Code requirements and be approved by the Stoneham Fire Chief or his designee.
15. Utilities – Should 225 Fallon construct the MFD or an Alternative Permanent Structure on Lot A, all utilities, including, but not limited to, electric, gas, cable and telephone, shall be located underground. A final "as-built" utility plan shall be submitted to the Director of Public Works.

16. Hours of Operation/Safety/Cleanup/Repair of Damage/Blasting/Etc. – Should 225 Fallon construct the MFD or An Alternative Permanent Structure On Lot A, 225 Fallon shall also:

- (a) Comply with the following hours of operation for any construction activities “on-site”, unless otherwise authorized by the Planning Board and Board of Selectmen or his/her designee: Monday – Friday between 7:00 a.m. and 7:00 p.m.; Saturday between 8:00 a.m. and 5:00 p.m. No work shall be allowed on-site on Sunday or holidays recognized by the Commonwealth of Massachusetts, unless otherwise authorized by the Town Administrator or his/her designee and in compliance with applicable law and regulations. The restrictions herein shall not apply to work within the buildings so long as it does not cause a nuisance as determined by the Building Inspector and is in compliance with applicable law and regulations. These limits shall not apply in the event any public agency requires emergency work to remediate or mitigate a hazardous situation.
- (b) Take the necessary steps needed to insure that:
 - (i) No vehicle associated with the construction of the project shall remain standing or idling on an adjacent way prior to the designated construction hours. The idling of vehicles shall at all times comply with applicable state law and regulations;
 - (ii) A six foot (6') temporary construction fence shall be erected and maintained around the entire site prior to the commencement of construction activities, unless otherwise authorized by the Building Inspector;
 - (iii) Cleanup of construction debris, including soil caused by site construction activity, on adjacent public roads and within one hundred (100) yards from the site, is performed as needed;
 - (iv) Monitor damage to public and private ways and property from the construction, and repair any damage to infrastructure and public or private property caused by construction activities.
- (c) Require, in the event of blasting, that the blasting operator provide seven (7) days advanced notice of the commencement of blasting operations by certified mail to those property owners entitled to a pre-blasting inspection pursuant to 527 CMR 1.00 et. seq. Copies of said mailing shall be furnished to the Stoneham Fire Department. Copies of the blasting monitoring reports, noting any vibrations in excess of that allowed by regulations, shall be mailed to the above-referenced property owners and the Stoneham Fire Department at and/or before the termination of blasting operations. The Blasting Operator shall provide notice to the Stoneham Fire Department of any reported damage

to real property. Nothing herein shall relieve a blasting operator of also complying with applicable law and regulations, and the lawful requirements imposed by the Stoneham Fire Department.

(d) Comply with all applicable laws and regulations regarding private property during the course of construction, and promptly repair and/or replace, as appropriate, all private property, real or personal, damaged or destroyed as a result of said construction.

17. 225 Fallon shall pay the Town the sum of Thirty Thousand Dollars (\$30,000) prior to the October 1, 2012 Special Town Meeting. In the event that Town Meeting does not act favorably in some manner on Article 2 of the October 1, 2012 Special Town Meeting, then said Thirty Thousand Dollar (\$30,000) payment shall be refunded to 225 Fallon and no further payments shall be due hereunder nor shall 225 have any further obligations hereunder; otherwise, this sum shall be non-refundable. 225 Fallon shall pay the Town an additional sum of Thirty Thousand Dollars (\$30,000) within: (i) ten (10) days of the date of approval by the Attorney General of the Commonwealth of Massachusetts of Article 2 of the October 1, 2012 Special Town Meeting; or (ii) within ten (10) days of the expiration of the 90-day period of time for the Attorney General to approve said zoning bylaw; such amount shall also be non-refundable to 225 Fallon. 225 Fallon shall pay a further sum of Thirty Thousand Dollars (\$30,000) to the Town within ten (10) days after the ninety (90) day appeal period for Article 2 of the October 1, 2012 Special Town Meeting pursuant to M.G.L. c. 40, sec. 32 has elapsed, without appeal of any kind. In the event there is an appeal, then said further sum shall be paid within ten (10) days of a final and favorable resolution of said appeal.

All payments made pursuant to this Section 17 shall be applied to any obligations due pursuant to Section 18 below.

18. 225 Fallon agrees and shall be bound to provide the below referenced payments, in the manner described below, to the Town for use by the Town for public safety, public works, and/or capital expenses and expenditures incurred or anticipated to be incurred as a result of the subject amendment to the Zoning Bylaws pursuant to Article 2 of the Special Town Meeting:

(a) An amount of One Million Eight Hundred Thousand Dollars (\$1,800,000) (the "Maximum Amount") shall be paid to the Town should 225 Fallon proceed with the MFD, and should the MFD include 285 or more Residential Dwelling Units on Lot A (said number of dwelling units being limited by the 300 dwelling unit limit imposed by the density limitation). In the event that less than 285 Residential Dwelling Units are constructed, the payment amount shall be reduced by the product of Six Thousand Dollars (\$6,000) times each Residential Dwelling Unit included in the MFD less than 285. (For instance, in the event of 280 Residential Dwelling Units, the payment shall be reduced by \$30,000 (\$6,000 x 5 dwelling units), from \$1,800,000 to \$1,770,000.)

There shall be no reduction in the amount paid to the Town for any reduction in Residential Dwelling Units resulting in a total number of Residential Dwelling Units of 285 or more Residential Dwelling Units. (For instance, in the event 285 Residential Dwelling Units are constructed the payment amount shall remain One Million Eight Hundred Thousand Dollars (\$1,800,000.) There shall be no phased development or further dwelling units applied for or otherwise granted a permit or approval therefore. Additionally:

- (i) The above-referenced payments do not include water and sewer connection fees to the Town or any other fees imposed by or pursuant to applicable laws or Town By-Laws or regulations or standard policies, including, any betterment fees or charges that may be imposed by the Town under applicable law. Nor shall the above-referenced payment include any amount or payment made to the Town by 225 Fallon, their predecessors and/or successors in interest, including, but not limited to any payment(s) pursuant to any other agreement with the Town so long as said agreements are necessary to obtain a building permit for the premises referenced herein; and
 - (ii) The timing of the payment(s) referenced in Paragraph 17(a) above shall be as follows: One-half of said payments shall be made in a proportional amount upon the issuance by the Town of Stoneham Building Inspector of the building permit for each dwelling unit or for each Building in the MFD (whichever in the reasonable determination of the Town is appropriate). The balance of the payment, as described above, shall be made in a proportional amount upon the issuance by the Town of Stoneham Building Inspector of an occupancy permit for each dwelling unit or for each building in the MFD (whichever in the reasonable determination of the Town is appropriate). No building permit or occupancy permit may be issued by the Building Inspector without the payments required in this Agreement to the Town. No unit or building may be leased or otherwise occupied without the issuance of an occupancy permit by the Building Inspector.
- (b) Provided that there is no change or invalidation by a court of competent jurisdiction or the Attorney General, which is/are not vacated or reversed within six (6) months of the effective date of such invalidation, to any provisions of the Town Zoning Bylaws applicable to Lot A subsequent to the zoning amendment vote by the Special Town Meeting pursuant to Article 2, which would prevent the MFD from being constructed, then the following shall apply: in the event that: (i) prior to the issuance of a building permit for any development of Lot A, 225 Fallon sells or otherwise conveys Lot A (or the controlling interest in 225 Fallon) to a third party not affiliated or otherwise associated with 225 Fallon, The Richmond Company, Inc. or its manager Richmond Stoneham Realty LLC or an individual in the current ownership of 225 Fallon Road, The Richmond Company, Inc. or Richmond Stoneham Realty LLC; or (ii) 225 Fallon (which for purpose of this clause (ii) includes, as provided in numbered Paragraph 1 of this Agreement, "successors

in title or interest and/or assigns”) commences construction of a permanent structure, other than the MFD on Lot A (an Alternative Permanent Structure), regardless of said structure’s use, whether residential, commercial or otherwise, or whether authorized pursuant to the Stoneham Zoning Bylaws or otherwise exempted therefrom or authorized by applicable state law, including, but not limited to M.G.L. c. 40A, sec. 3 or M.G.L. c.40B, secs. 20 – 23 (Comprehensive Permit), or other zoning provisions or rights, then in each case payment of One Million Eight Hundred Thousand Dollars (\$1,800,000) shall be made by 225 Fallon to the Town within thirty (30) days of the closing of such sale or the issuance of a building permit for such Alternative Permanent Structure, respectively. However, with respect to construction of residential dwelling units pursuant to M.G.L. c.40B, secs. 20 – 23 (Comprehensive Permit) or other applicable affordable housing law, the required payment to the Town pursuant to this Paragraph 18 shall be reduced by an amount of Six Thousand Dollars (\$6,000) for each such qualified affordable Residential Dwelling Unit, however said reduction shall be calculated in the same manner as provided for in Paragraph 18(a) above with respect to a general reduction in the number of dwelling units. Nothing in this Paragraph 18(b) is intended or shall relieve or diminish the obligation of 225 Fallon to make payment to the Town pursuant to Paragraphs 17 or 18(a), above in the event that 225 Fallon is not required or does not otherwise make such payment to the Town pursuant to this Paragraph 18(b), but nevertheless constructs the MFD on Lot A pursuant to the amendment to the Zoning Bylaws pursuant to Article 2 of the Special Town Meeting.

All payments made pursuant to Section 17 above shall be applied to any obligations due pursuant to this Section 18.

19. 225 Fallon agrees to pay to the Town, at all times prior to the completion of the MFD, real estate taxes for Lot A as provided under applicable law, provided that said parties also agree that if the assessed value of the subject property for any fiscal year after the execution of this Agreement is lower than the assessed value for the fiscal year ending on June 30, 2012 (the “Tax Base Year”), the respective owner(s) of the subject property shall make a payment to the Town for such fiscal year in lieu of real estate taxes otherwise payable. Such payments shall be made quarterly (as real estate tax payments are ordinarily due and payable), and such payment shall be equal to the amount that would have been due if the assessed value of the Property for the year in question were equal to the assessed value for the Tax Base Year, computed at the applicable tax rate in effect for the particular year in question.
20. Prior to the issuance of any building permit or the commencement of construction, 225 Fallon shall provide to the Director of Public Works or his/her designee, security in such form and such amount, reasonably deemed adequate by the Director, to secure the requirements of this Agreement and installation of internal roadways drainage and other common facilities (e.g. water and sewer). The sum of any such security held hereunder shall bear a direct and reasonable relationship to

the expected cost, excluding the effects of inflation, necessary to complete the subject work. Such amount or amounts shall from time to time be reduced by the Director upon 225 Fallon's written request, duly supported, so that the amount secured continues to reflect the actual expected cost of work remaining to be completed. No such security shall be required pursuant to this Agreement, if in the reasonable discretion of the Director of Public Works, adequate security is otherwise already provided to the Town for said infrastructure requirements pursuant to an approval process.

21. Upon the issuance of a building permit for the MFD, 225 Fallon agrees that the Special Permit issued May 22, 2007 shall be null and void.
22. 225 Fallon may not bring any action for damages against the Town; nor bring an action for reimbursement of past mitigation payments made to the Town pursuant to this Agreement; however 225 Fallon may: (i) bring a legal action against the Town to otherwise require compliance with the terms of this Agreement, or (ii) bring an appeal or legal action regarding the proposed development, including with respect to the issuance (or lack thereof) of a permit, which appeal and/or legal action is not based upon this Agreement, including, without limitation, the right to appeal the decision(s) of the Building Inspector in connection with zoning enforcement actions relating to development on the subject property.

The Town, by and through its Board of Selectmen or Town Administrator, may bring an action at law for damages (other than consequential and punitive damages) or an action for specific performance, including injunctive and equitable relief, for the failure of 225 Fallon to comply with a requirement(s) of this Agreement. Nothing herein shall limit or prohibit the Town from bringing a legal action regarding the proposed development which is not based upon this Agreement.

23. Except as otherwise expressly set forth in this Agreement, the terms and conditions hereof shall be perpetual. In the event that any additional act is required to ensure that the obligations of 225 Fallon and the rights of the Town hereunder are perfected and continuing, then the parties agree to extend this Agreement for further periods of not more than twenty (20) years at a time in accordance with M.G.L. Ch.184, Section 27 and/or such other law as may be applicable. In the event that any owner of the subject property fails to execute, acknowledge and/or deliver to the Town any document or instrument as the Town Counsel may determine is needed by the Town to so extend this Agreement, then said owner(s) is/are hereby deemed to have designated the Town Administrator of the Town of Stoneham as their attorney-in-fact to execute, acknowledge and deliver the same, such appointment to be coupled with an interest.
24. This Agreement shall run with the land, and shall be binding on any and all successors in title and/or assigns of 225 Fallon. It shall be recorded at the Middlesex South District Registry of Deeds by the Town, at the expense of 225 Fallon, and shall be marginally referenced to all relevant deeds, including the deed recorded in

Book 46029, Page 551. 225 Fallon shall notify the Town, in writing, no less than thirty (30) days after the transfer of all or a portion of Lot A prior to the completion of the MFD or payment of the final payment due hereunder. Said written notice shall be provided to both the Board of Selectmen and Town Administrator. 225 Fallon shall incorporate by reference in the deed and/or other instrument for any sale or other transfer or assignment of the property on which the housing development is located, this Agreement and the obligations contained herein. (See Paragraph 4 of this Agreement for restrictions and limitations on subdivision and other division of land.)

25. Nothing herein shall constitute or be deemed to constitute an agreement by the Town, including its Planning Board, Board of Selectmen and/or Building Inspector, to grant any permit or approval. The parties agree that 225 Fallon shall, if requested in writing by the Planning Board prior to issuance of a building permit, submit for the approval of the Planning Board building design/architectural/landscaping plans, for the consent of the Planning Board which consent shall not be unreasonably withheld. The Building Inspector shall have continuing authority to enforce compliance of the approved plan and design, and subsequent plans and drawings thereafter submitted consistent therewith.
26. 225 Fallon, the MFD and any Alternative Permanent Structure on Lot A shall comply with all applicable federal, state and town laws, bylaws and regulations. Nothing in this Agreement shall limit the right of the Town to impose on 225 Fallon, the MFD or an Alternative Permanent Structure on Lot A, requirements under applicable laws, bylaws and regulations, including betterment requirements, assessments and costs. Nothing in this Agreement shall limit the discretion of the Town to limit, condition or otherwise impose requirements or conditions on the development or use of Lot A or any structure thereon, pursuant to a zoning or land use, law or regulation or other approval or permitting processes.
27. The Town has entered into this Agreement in order to further and help protect the public interest and the interests of the Town of Stoneham. The parties hereto do not intend for any third party to be specifically benefited by this Agreement, even though other parties may be benefited. This Agreement shall only be enforceable by the parties hereto and their successors in title and assigns.
28. Jurisdiction and venue over any dispute or legal action arising from this Agreement shall be as follows: any and all disputes or legal actions shall be brought in the Middlesex Superior Court in Woburn (or its successor location) to the extent that subject matter jurisdiction allows. If there is no subject matter jurisdiction in the Superior Court, the legal action shall be brought at the Woburn District Court. The parties by this Agreement subject themselves to the personal jurisdiction of said courts for the entry of judgment and for the resolution of any dispute, action, or suit. This Agreement and all rights and obligations hereunder, including matters of construction, validity and performance, shall be governed by, construed under and

enforced in accordance with the laws of the Commonwealth of Massachusetts, including with respect to conflicts of laws principles.

29. The waiver by either party of the performance of any covenant, condition or promise shall not invalidate this Agreement, nor shall it be construed as a waiver of any other covenant, condition or promise contained herein. The waiver by either party of the time for performing any act shall not constitute a waiver of the time for performing any other act or any incidental act required to be performed at a later time. The delay or forbearance by either party in exercising any remedy or right, the time for the exercise of which is not specifically and expressly limited or specified in this Agreement, shall not be considered a waiver of or an estoppel against the later exercise of such remedy or right.
30. Notices. Any notice required or permitted to be given hereunder must be in writing and shall be deemed to be given: (a) upon receipt when hand delivered; (b) upon receipt when delivered by facsimile transmission; or (c) one (1) business day after pickup by Federal Express, or another similar nationally recognized overnight express service, in either case addressed to the parties at their respective addresses set forth below:

If to 225 Fallon Road Realty LLC:

Phillip Pastan, Manager of Richmond
Stoneham Realty LLC, Manager of
225 Fallon Road Realty LLC
23 Concord Street
Wilmington, MA 01887

If to Stoneham:

Mr. David Ragucci
Town Administrator
Stoneham Town Hall
35 Central Street
Stoneham, MA 02180

With a copy to:
Board of Selectmen
Stoneham Town Hall
35 Central Street
Stoneham, MA 02180

or in each case to such other address as either party may from time to time designate by giving notice in writing pursuant to this section to the other party.

31. Each of the parties hereto represents and warrants to the other that: (a) all actions, votes and consents have been taken or obtained thereby so as to enable it to validly

execute, deliver and perform its obligations under this Agreement; (b) this Agreement has been duly executed and delivered by an authorized representative of such party; and (c) this Agreement constitutes a valid and legally binding obligation enforceable against such party in accordance with its terms.

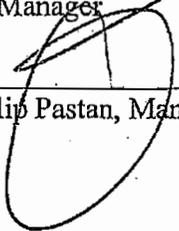
32. This Agreement is a permanent and binding accord and resolution of the parties' rights and obligations with respect to all matters addressed herein. It is binding upon and inures to the benefit of each of the parties and their successors, transferees, assignees, officials, employees, agents, attorneys and representatives to the fullest extent permitted by law.
33. It is the intent of the parties hereto that this Agreement shall be recorded at the Middlesex South District Registry of Deeds by the Town at the expense of 225 Fallon.

This Agreement may be signed in any number of counterparts, and each thereof shall be deemed to be an original, and all of such counterparts are one and the same Agreement.

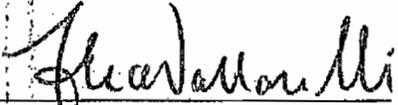
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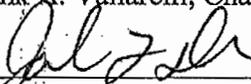
EXECUTED as a sealed instrument, covenant and agreement as of this 15th day of October, 2012.

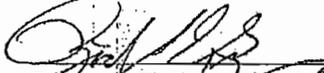
225 FALLON ROAD REALTY LLC
By: Richmond Stoneham Realty LLC,
its Manager

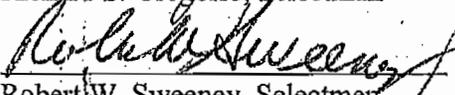

by: Philip Pastan, Manager

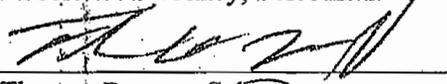
TOWN OF STONEHAM
By its Board of Selectmen

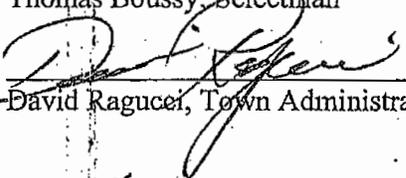

Frank A. Vallarelli, Chairman,


John F. DePinto, Selectmen

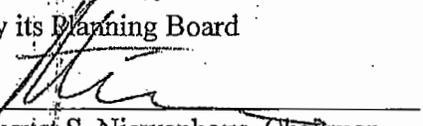

Richard S. Gregorio, Selectman


Robert W. Sweeney, Selectmen


Thomas Boussy, Selectman

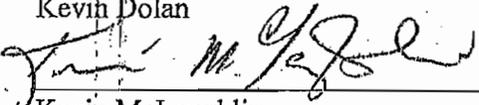

David Ragucei, Town Administrator

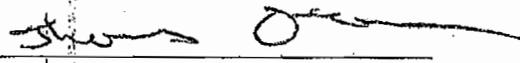
By its Planning Board


August S. Niewenhous, Chairman

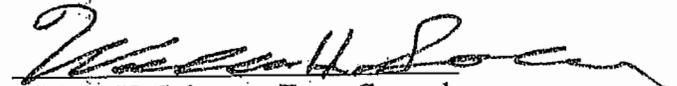
Stephen Catalano

Kevin Dolan


Kevin McLaughlin


Thomas O'Grady

Approved as to legal form

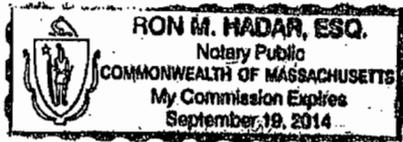


William H. Solomon, Town Counsel

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

On this 12th day of October, 2012, before me, the undersigned notary public, personally appeared Philip Pastan, Manager of Richmond Stoneham Realty LLC, Manager of 225 Fallon Road Realty, LLC who proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he signed it voluntarily for its stated purpose.



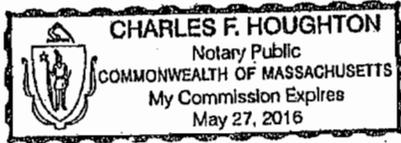
(Handwritten signature)
(official seal)

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

On this 15th day of October, 2012, before me, the undersigned notary public, personally appeared Frank Vallarelli, Chairman of the Board of Selectmen, Town of Stoneham, John F. DePinto, Richard Gregorio, Robert W. Sweeney, and Thomas Boussy, all members of the Board of Selectmen, and David Ragucci, Town Administrator, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document(s), and acknowledged to me that he signed it voluntarily for its stated purpose.



(Handwritten signature)
(official seal)
Notary Public *CHARLES F. HOUGHTON*
My Commission Expires: *MAY 27, 2016*

Appendix "A"

Property Description:

Property Address: 225 Fallon Road, Stoneham, MA

A certain parcel of land located in the Town of Stoneham shown as a portion of Lot A on Plan No. 887 of 2008 recorded at the Middlesex South District Registry of Deeds, described as follows:

Beginning at the southeasterly corner of the premises herein described at a point on the northerly sideline of Fallon Road; thence running

S77°50'05"W along said sideline a distance of 52.56 feet; thence running

Westerly along said sideline with a curve turning to the right with an arc length of 195.48 feet on a radius of 350.00 feet; thence running

N70°09'55"W along said sideline a distance of 147.46 feet; thence running

Northwesterly along said sideline with a curve turning to the right with an arc length of 24.38 feet on a radius of 30.00 feet; thence running

Westerly along said sideline with a reverse curve turning to the left with an arc length of 40.64 feet on a radius of 50.00 feet; thence turning and running

N70°09'55"W a distance of 260.21 feet to a point on the Stoneham/Winchester Town Line; thence turning and running

N19°25'01"E along said Town Line a distance of 85.20 feet; thence turning and running

N26°57'32"E a distance of 4.43 feet; thence turning and running

N18°07'23"E a distance of 25.73 feet to a point on the Stoneham/Winchester Town Line; thence turning and running

N19°25'01"E along said Town Line a distance of 78.87 feet; thence turning and running

N25°42'51"E a distance of 26.58 feet; thence turning and running

N21°57'32"E a distance of 102.14 feet; thence turning and running

N13°48'04"E a distance of 41.98 feet; thence turning and running

N20°19'36"E a distance of 79.93 feet; thence turning and running

S58°36'12"E a distance of 0.77 feet; thence turning and running

N18°38'48"E a distance of 270.00 feet; thence turning and running

N16°07'53"E a distance of 30.21 feet to a point on the Stoneham/Winchester Town Line; thence turning and running

N19°25'01"E along said Town Line a distance of 379.41 feet; thence running

N19°25'01"E continuing along said Town Line a distance of 161.02 feet; thence turning and running

S85°35'12"E a distance of 63.77 feet to a point on the southerly location line of Interstate Route 93; thence turning and running

S27°57'00"E along said location line a distance of 541.34 feet; thence turning and running

S00°33'39"W along said location line a distance of 460.99 feet; thence running

Southeasterly along said location line with a curve turning to the left with an arc length of 77.04 feet on a radius of 280.00 feet; thence turning and running

S68°22'31"W a distance of 75.24 feet; thence turning and running

Southeasterly with a curve turning to the right with an arc length of 78.58 feet on a radius of 141.87 feet; thence running

S02°45'06"W a distance of 21.34 feet; thence running

Southerly with a curve turning to the right with an arc length of 53.00 feet on a radius of 88.00 feet; thence running

S37°15'35"W a distance of 17.12 feet; thence running

Southeasterly with a curve turning to the left with an arc length of 36.10 feet on a radius of 112.00 feet; thence running

S18°47'37"W a distance of 4.70 feet; thence running

Southeasterly with a curve turning to the left with an arc length of 69.58 feet on a radius of 112.00 feet;
thence running

S16°48'07"E a distance of 86.61 feet to the point of beginning.

Containing an area of 649,862 Square Feet, or 14.919 Acres

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX S.S.
SOUTH DIST. REGISTRY OF DEEDS
CAMBRIDGE, MA
HEREBY CERTIFY THE FOREGOING
IS A TRUE COPY OF A PAPER
RECORDED IN BOOK _____
PAGE _____

[Handwritten signature]
REGISTRY

OCT 26 2012

COMMONWEALTH OF MASSACHUSETTS.
MIDDLESEX S. S. _____
SOUTH DIST. REGISTRY OF DEEDS
CAMBRIDGE, MA

I HEREBY CERTIFY THE FOREGOING
IS A TRUE COPY OF A PAPER
RECORDED IN BOOK 60344

PAGE 11

Eugene C. Brune
REGISTER

any other telecommunication facility or structure, except to the extent required by applicable federal or state law.

4.21.4 *Off-Street Parking, Layout, Screening and Loading Requirements:*

4.21.4.1 Off-Street Parking, Layout, Screening and Loading Requirements shall be in accordance with Section 6.3, except as follows: (a) two (2) off-street parking spaces for every dwelling unit; (b) the Section 6.3.5.2 requirement regarding the shielding of abutting properties from headlight glare shall apply to the protection of properties across a public or private way from the subject property, other than in the area of a driveway or other entrance or egress; and (c) Section 6.3.7 (Off-Street Loading) shall not be applicable. (5-7-12, Art. 2)

4.22. RESIDENTIAL OVERLAY FALLON ROAD DISTRICT:

4.22.1 *Purpose:* The purpose of the Residential Overlay Fallon Road District is to provide for the redevelopment of a portion of the Fallon Road area for residential use.

4.22.2 *Uses in the Residential Overlay Fallon Road District permitted as of right.*

4.22.2.1 Apartment Building or Town house Design Dwelling Units, not to exceed four hundred ten (410) units in the Residential Overlay Fallon Road District provided that:

- (a) There is a maximum of twenty (20) units per acre.
- (b) Each structure shall be connected to and serviced by municipal water and sewer.
- (c) All existing or proposed utilities shall be installed underground at the time of initial construction.
- (d) The applicant must provide documentation to the Town of Stoneham Department of Public Works that the site is satisfactory in regard to drainage, water supply, and sewage disposal for the number of units to be constructed, such documentation to be prepared by a registered professional engineer and approved by the Town Engineer.

4.22.2.2 Off-Street Parking, Layout, and Loading Requirements for Residential Overlay Fallon Road District shall be in accordance with Section 6.3 Off-Street Parking Requirements except as follows:

- (a) Minimum required parking of 1.7 parking spaces per dwelling unit.
- (b) Parking spaces shall be a minimum of eight (8') feet by sixteen (16') feet.
- (c) Minimum aisle width of twenty-two (22') feet.
- (d) No minimum or maximum for the number of driveways permitting entrance to and exit from a lot to a street.

- (e) Parking spaces shall be on the same lot as the principle use except that parking spaces may be provided on an adjacent lot provided there is a special permit granted for said parking by the Planning Board.
- (f) Tandem parking spaces are allowed for Town house use.
- (g) One level of parking within the building footprint is allowed beneath the uses permitted as described in 4.22.2.1 above in which case the height regulation of Section 5.2.1 Table One will be raised ten (10') feet for that building.
- (h) No requirement for off-street loading area for Apartment Building or Town house design residential use. (10-1-12, Art. 2)

5.0 INTENSITY REGULATIONS

5.1 *APPLICATION:*

No lot on which a building exists or is erected shall be altered, and no structure shall be constructed, reconstructed, relocated or altered so as to create or increase a non-conformance with this Section, except in accordance with the provisions of Sections 6.2 and 7.0.

5.2 *DIMENSIONAL REGULATIONS BY DISTRICT:*

The accompanying table, entitled "Dimensional Regulations," Table I is hereby incorporated into and made a part of this bylaw.

5.3 *SPECIAL CONDITIONS AND EXCEPTIONS:*

5.3.1 *Contiguous Lots under Single Ownership:* If contiguous lots are under one ownership the owner shall be required to add to such lot any land adjoining, in his ownership, in order to permit a lot to be created that can meet requirements as far as possible.

5.3.2 *Division of Existing Lots to Create Lot Between Existing Building and Street:* Within the zoning Districts known as One-Family, Residence A and B, no land shall be divided into separate lots so that a new lot line is defined within that portion of land which lies between an existing dwelling and the street which the front of the existing dwelling is facing. For the purposes of defining the area thus excluded, the extreme right and left exterior walls of the dwelling shall be visually extended from the front corners of the dwelling out to the street.

5.3.3 *(Reserved)*



S T O N E H A M
Board of Health – Health Department
TOWN HALL
35 CENTRAL STREET
STONEHAM, MA 02180-2087

Teresa Dean, Chairman
Dr. Christine Carino, Vice Chairman
John J. Scullin, Secretary
John R. Fralick, III, Health Agent

Phone 781-279-2621
Fax 781-507-2615
email: jfralick@ci.stoneham.ma.us

5/12/2014

Deutsche Bank National Trust
4828 Loop Central Drive
Houston, TX 77081

RE: 12 Tremont Street, Stoneham, MA

To Whom It May Concern:

On April 23rd, 2014, an inspection of the interior of the property at 12 Tremont Street was conducted by the Stoneham Board of Health and Stoneham Fire Department, accompanied by General Contractor Mike Snyder. At that time, several violations of the Massachusetts State Sanitary Code – 105 CMR 410.000 were noted.

At the time of inspection, the following violations were noted:

- 1. All water damaged flooring must be removed and replaced (410.500)**
- 2. All water damaged drywall must be removed (410.500)**
- 3. All damaged fixtures must be repaired or replaced (410.351)**
- 4. The side door porch is rapidly deteriorating, and is in an advanced state of disrepair, with its ceiling and trim damaged and falling down. (410.500, 410.501)**
- 5. All debris surrounding the property and inside the property must be removed (410.602)**
- 6. All electrical and plumbing utilities must be assessed and repaired as needed upon removal of drywall (410.351)**
- 7. All broken windows in dwelling must be replaced and re-boarded to negate vandalism (410.500)**
- 8. All rodent burrow holes in exterior must be filled and property must be baited for any future activity (410.500, 410.550)**
- 9. All vegetation must be significantly cut back to avoid future overgrowth (410.602)**
- 10. Rear Bulk head in disrepair - must be replaced and secured against unlawful entry (410.450, 410.480)**
- 11. Abandoned dumpster from previous exterior work must be removed at outset of any new work (Dumpster permit must be acquired at BOH office prior to placing new receptacle on property). (410.602)**

The Board of Health requests that this work be completed in a timely manner.
Upon receipt of this notice, you will have 30 Days to begin remediation to the property.

Please call the Board of Health office at 781-279-2621 with any questions you might have. We appreciate your anticipated cooperation with this matter.

Yours in health and safety,

John R. Fralick, III
Public Health Agent



TOWN OF
STONEHAM
MASSACHUSETTS

TOWN HALL
35 CENTRAL STREET
STONEHAM, MA 02180

HISTORICAL COMMISSION

May 19, 2014

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

Board Members,

At our May meeting, the Historical Commission members discussed your approval of Craig Celli's kind offer to restore the T-ball field at the A.P. Rounds Playground. We respectfully request that if you decide to honor his request to name the field after his family that the marker be inscribed

The Celli T-Ball Field (or whatever he wants)
at A.P. Rounds Playground.

Albert P Rounds was the 1940's developer of that MacArthur Road area and generously gave the playground to the Town when he could just have easily added two or three more houses. We need to remember his thoughtful donation.

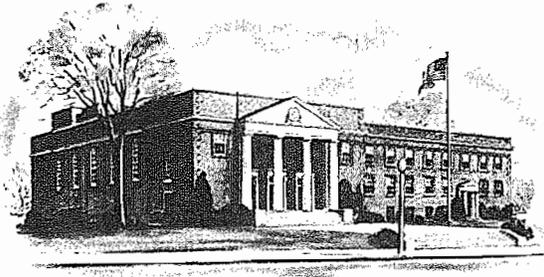
Thank you,

Margaret O. Warren
Margaret O. Warren, Co-Chair

Marcia M. Wengen
Marcia M. Wengen, Co-Chair

MAY 19 11 19 AM '14

STONEHAM
TOWN
MANAGER



TOWN OF
STONEHAM
MASSACHUSETTS

www.stoneham-ma.gov

OFFICE OF TOWN ADMINISTRATOR
35 CENTRAL STREET
STONEHAM, MA 02180-2087
TEL: 781-279-2600
FAX: 781-279-2602
dragucci@ci.stoneham.ma.us

DAVID RAGUCCI

TOWN ADMINISTRATOR

MAY 21 9 46 AM '14

STONEHAM
TOWN

MEMO

DATE: May 21, 2014
TO: Tom Boussy, Chairman, Board of Selectmen
FROM: David Ragucci, Town Administrator
SUBJECT: Board of Assessors –Data Collector

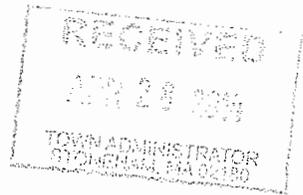
Please be advised that the Town advertised for a Data Collector position in the Assessor's Office and received eight (8) applications.

The Board of Assessors interviewed four (4) applicants and the interview panel recommended Allen Maruzzi, 480 Pleasant Street, Winthrop, MA 02152 for this position. On their recommendation and after reviewing his resume, I concur with the Board of Assessors that Mr. Maruzzi be selected for this position. He will be working as a part-time seasonal employee averaging 18 hours per week at \$20.00 per hour. His anticipated employment start date with the Town of Stoneham will begin on May 29, 2014.

Attached for your perusal is the recommendation letter from the Board of Assessors as well as Mr. Maruzzi's resume.

If the Board has any questions or concerns, please don't hesitate to contact me.

Thank you.
/dp
Attachment



BOARD OF ASSESSORS
TOWN HALL – 35 CENTRAL ST
STONEHAM, MA. 02180
(781) 279-2640

April 24, 2014

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

Dear Mr. Ragucci:

After receiving 8 applications for the new Data Collector position, the Board discussed the interview process and agreed to grant interviews to 4 potential candidates. Of the 4 that were selected and interviewed, 1 was a Stoneham resident.

The interview panel consisted of 2 members of the Board of Assessors; William Jordan and Anthony Kennedy as well as the Director of Assessing, Brian Macdonald. The panel conducted 4 interviews on April 15th. Board member Craig Celli was unable to attend.

After conducting interviews with the 4 finalists, the Board of Assessors agreed that Allen Maruzzi was the best candidate for this position.

Therefore, the Board of Assessors highly recommends to the appointment of Allen Maruzzi as the Data Collector.

Very truly yours,

A handwritten signature in cursive script that reads "William J. Jordan".

William J. Jordan, Chairman

Allen Maruzzi
480 Pleasant Street
Winthrop, MA 02152
Phone: 617-846-3273
almaruzzi@amappraisalser.com

Town of Stoneham
Human Resources Department
Town Hall
35 Central St
Stoneham, MA 02180

This letter is to express my interest in discussing the position of Seasonal Data Collector for the town of Stoneham that was posted on the MA Association of Assessing Officers website. The opportunity presented in this listing is very appealing, and I believe my work experience and qualifications make me a well-qualified candidate for this position.

I feel that my 22 years of work experience as a licensed Real Estate Appraiser, 19 years as owner/operator of A. M. Appraisal Services, and 13 years as a member of the Board of Assessors for town of Winthrop would make me the ideal candidate for this position. As an appraiser and as a member of the Board of Assessors, I have gained extensive experience assessing real property, researching and evaluating deeds, and counseling taxpayers regarding tax information. As a member of the Board of Assessors, I review and make determinations on requests for tax abatements, and have represented the town of Winthrop at the Appellate Tax Board.

I would greatly appreciate the opportunity to speak with you regarding the seasonal data collector position. Thank you for your consideration.

Sincerely,

Allen Maruzzi

A. M. Appraisal Services

Allen Maruzzi

480 Pleasant St • Winthrop, MA 02152 • (617) 846-3273 • almaruzzi@amappraisalser.com

Home

617-905-5952

PROFESSIONAL EXPERINCE

1995-Present **A. M. APPRAISAL SERVICES; Winthrop, MA**

- Owner/operator of A. M. Appraisal Services, a residential real estate appraisal company that provides personal, high quality, cost-effective appraisal solutions to clients' needs.
- Fast and dependable service with quick turn around times.
- A. M. Appraisal Services utilizes the most up to date technology for gathering information relevant to the appraisal process.

2001-Present **WINTHROP BOARD OF ASSESSORS; Winthrop, MA**

- Member of three person board of assessors

2006-Present

- Chairman of the board of assessors

1992-1995 **HAMILTON APPRAISAL SERVICES; Saugus, MA**

- Employed three years as an independent fee appraiser for Hamilton Appraisal Services.

EDUCATION

UNIVERSITY OF MASSACHUSETTS AT BOSTON Bachelor of Arts in Political Science

AMERICAN REAL ESTATE ACADEMY Appraisal courses

MASS BOARD OF REAL ESATE APPRAISERS Appraisal courses & seminars

MASS DEPARTMENT OF REVENUE Course 101 Assessment Administration: Law, Procedures, Valuation

ASSOCIATION MEMBERSHIPS

Member of Winthrop Chamber of Commerce

Current member and past President of Revere Kiwanis

Individual membership-Massachusetts Board of Real Estate Appraisers

PROFESSIONAL LICENSES

Massachusetts Certified Residential Appraiser #75521, Expires 04/10/2015.

Certificate of Achievement from the Commonwealth of Massachusetts Department of Revenue
For Course Studies in Assessment Administration: Law, Procedures, and Valuation

WEB SITE

www.amappraiser.com

E-MAIL

almaruzzi@amappraiser.com

almaruzzi@aol.com



TOWN OF STONEHAM

An Equal Opportunity Employer

Application for Employment

Town Administrator's Office

Human Resources

(781) 279-2600 Main

(781) 279-2602 Fax

The Town of Stoneham is an Equal Opportunity/Affirmative Action Employer and does not discriminate against any applicant because of race, color, religious creed, national origin, ancestry, sex, age, marital status, pregnancy, physical or mental disability, sexual orientation, genetics, gender identity, veteran status or any other class protected by federal, state or local law.

GENERAL INFORMATION

All information must be typed or printed legibly. A resume may be submitted with this application, but "see resume" is not acceptable in any field. Completed applications and resumes will be kept on file one year from the date of submission.

Today's Date: <i>2/27/14</i>	Position you are applying for: <i>Seasonal Data Collector</i>	Date available for work: <i>Any time</i>
Are you available to work: <input checked="" type="checkbox"/> Full-Time <input checked="" type="checkbox"/> Part-time	Are you seeking work on a: <input checked="" type="checkbox"/> Temporary Basis <input checked="" type="checkbox"/> Seasonal Basis	How were you referred to the Town? <i>MA Assoc's website</i>
Have you previously worked for the Town? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If "yes" when and in what capacity?	

APPLICANT INFORMATION

Last Name <i>Maruzzi</i>	First Name, Middle Initial <i>Allen, E</i>	Social Security # (optional) <i>031-34-0567</i>
Street Address and Apartment # <i>480 Pleasant St</i>	City, Town <i>Winthrop</i>	State, Zip <i>MA 02152</i>
Home Phone # <i>617-846-3047</i>	Cell Phone # <i>617-905-5752</i>	Email Address <i>a.maruzzi@pol.com</i>
Are you at least 18 years of age? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Are you legally authorized to work in the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If hired, are you able to perform the essential functions of the position you are applying for, with or without reasonable accommodations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

EDUCATION

Name of High School: <i>East Boston High School</i>	Course of Study: <i>College course</i>	Did you graduate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Address: <i>White St, E. Boston</i>		Special Honors?

Name of Business or Trade School	Course of Study:	Did you graduate? <input type="checkbox"/> Yes <input type="checkbox"/> No
Address:		Special Honors?

Name of College <i>U. MASS - Boston</i>	Course of Study: <i>Political Science</i>	Did you graduate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Address: <i>Boston, MA</i>		Special Honors?

Name of Graduate School	Course of Study:	Did you graduate? <input type="checkbox"/> Yes <input type="checkbox"/> No
Address:		Special Honors?

REFERENCES

Please provide the name, address and telephone numbers of three references (not related to you):

#1 Name <i>Bill Barney</i>	Address/Phone # <i>1-978-977-2215</i>	Years Acquainted <i>20</i>
#2 Name <i>Ken D'Avalio</i>	Company/Address/Phone <i>1-617-846-8558</i>	Years Acquainted <i>35</i>
#3 Name <i>Carol Douglas</i>	Company/Address/Phone <i>617-846-2716</i>	Years Acquainted <i>12</i>

APPLICANT'S STATEMENT

I CERTIFY that answers given herein are true and complete to the best of my knowledge. I authorize investigation of all statements contained in this application for employment as may be necessary in arriving at an employment decision. I understand that this application is not, and is not intended to be a contract of employment. In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand, also, that I am required to abide by all rules and regulations of the Town of Stoneham.

Signature:

Allen Marusz

Date:

2/27/14

APPLICANT'S AUTHORIZATION & RELEASE

I authorize investigation of all statements contained in this application and the release of any pertinent information regarding my education, past employment history and background. I authorize the Town of Stoneham to obtain any information from schools, employers or individuals relating to my activities. This information may include, but is not limited to: academics, achievement, performance, attendance, personal history and discipline. Further, I hereby authorize all references, persons, schools, my current employer (if applicable) and previous employers and organizations named in this application and attachments, unless otherwise stated, to provide the Town of Stoneham any relevant information that may be required to arrive at an employment decision. I understand that the information released is for the Town of Stoneham's use only.

I hereby voluntarily release, discharge and exonerate the Town of Stoneham, its agents and representatives, and any person so furnishing information from any and all liabilities of every nature and kind arising out of the furnishing or inspection of such documents, records and other information or other investigations made by or on behalf of the Town of Stoneham.

I understand that all appointments are probationary and that I must demonstrate my ability for continued employment. I understand that if appointed, my employment will be at-will, for an indefinite period, and can be terminated at any time by the Town of Stoneham, unless otherwise stated in a collective bargaining agreement which covers the position to which I am appointed. I also understand that I must be available from time to time to work outside normal business hours, as the needs of the department require.

If required for the position I am seeking, I agree to take a physical examination which may include testing for drugs or a psychological examination, as required, and recognize that any offer of employment may be contingent upon the results of such an examination.

I understand that any employment offer by the Town of Stoneham is conditional upon my ability to establish employment eligibility under the Immigration Reform and Control Act of 1986 within three days of the date of hire.

I understand that an offer of employment by the Town of Stoneham is or may be conditional upon satisfactory references; upon satisfactory results of a background investigation; a satisfactory criminal history and Criminal Offense Record Inquiry (CORI check) and/or credit check, if required; satisfactory verification of driver's license or certifications, where required. (The Town of Stoneham requires a Criminal Offense Record Inquiry (CORI check) on all prospective employees for certain positions. A conviction will not necessarily be a bar to employment.

I represent that I have read and fully understand the foregoing and seek employment under these conditions.

Signature:

Allen Marusz

Date:

2/27/14

"Discrimination against any person in any practice or procedure in advertising, recruitment, referrals, testing, hiring, transfer, promotion or any other term, condition or privilege of employment which limits or adversely affects employment opportunities, because of political or religious options, or affiliations, or because of race, color, sex, gender orientation, national origin, marital status, pregnancy, parenthood, age or handicap which is unrelated to the person's occupational qualification or any other non-merit factor which is not a bona fide occupational qualification is prohibited."

It is unlawful in Massachusetts to require or administer a lie detector test as a condition of employment or continued employment. An employer who violates this law shall be subject to criminal penalties and civil liability (MGLCh,149, Section 19B)



Comcast Cable Communications, Inc.
12 Tozer Road
Beverly, MA 01915
978.927.5700 Tel
978.927.6074 Fax
www.comcast.com

May 13, 2014

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

Dear Members of the Board:

Enclosed please find a check in the amount of \$74,860.36 in payment of PEG Access Annual Support for the first quarter of the calendar year 2014. This payment is being made pursuant to Sections 6.4 (a) and 6.5 (a) of the Stoneham Renewal License, and includes both operating and capital funding. Related statements of revenues are also enclosed.

Please feel free to contact me at (978) 927-5700, extension 43024, should you have any questions about this PEG Access payment.

Very truly,

A handwritten signature in black ink, appearing to read "Jane M. Lyman". The signature is stylized with a large, looped "J" and "L".

Jane M. Lyman
Senior Manager of Government and Regulatory Affairs

Enclosures



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

14063992

PAGE: 1 of 1

DATE: May 1, 2014
 CHECK NUMBER: 510518635
 AMOUNT PAID: \$74,860.36



00710 CKS BA 14121 - 0510518635 NNNNNNNNNN 1215100005009 X193A1 C
 STONEHAM TOWN OF
 35 CENTRAL ST
 BOARD OF SELECTMEN
 STONEHAM MA 02180



VENDOR NUMBER: 203193

VENDOR: STONEHAM TOWN OF

INVOICE NO.	INVOICE DATE	ACCOUNT NUMBER	DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
154771	03/31/14		62717656-Stoneham MA	\$0.00	\$6,805.49
154555	03/31/14		305162-Stoneham MA	\$0.00	\$68,054.87
TOTALS				\$0.00	\$74,860.36

PLEASE DETACH BEFORE DEPOSITING CHECK



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

CHECK NUMBER 510518635

56-1544
441

May 1, 2014

*** VOID AFTER 180 DAYS ***

PAY TO THE ORDER OF: STONEHAM TOWN OF
 35 CENTRAL ST
 BOARD OF SELECTMEN
 STONEHAM, MA 02180

CHECK AMOUNT

\$74,860.36

EXACTLY *****74,860 DOLLARS AND 36 CENTS

JPMorgan Chase Bank, N.A.
 Columbus, OH



Catherine Grogan

Authorized Signature

⑈ 510518635⑈ 1044115443⑈ 675528343⑈



System Name:

Email: Patrick_Moore@cable.comcast.com

Phone: 610-650-2999

Vendor ID:	203193
Contract Name:	Stoneham MA
Statement Period:	Jan - Mar, 2014
Payment Amount:	\$6,805.49
Statement Number:	154771
CUID:	0
System ID:	8773-1000-2540, 8773-1000-0720

STONEHAM TOWN OF
 35 CENTRAL ST
 BOARD OF SELECTMEN
 STONEHAM, MA, 02180

This statement represents your payment for the period listed above.

Revenue Category	Amount
Expanded Basic Video Service	\$484,755.59
Limited Basic Video Service	\$159,677.28
Digital Video Service	\$306,689.62
Pay	\$147,744.47
PPV / VOD	\$56,712.10
Video Equipment	\$3,858.99
Digital Video Equipment	\$59,371.25
Video Installation / Activation	\$9,336.39
Franchise Fees	\$76,918.41
PEG Fees	\$2,316.93
Guide	\$298.06
Other	\$5,149.33
Late Fees	\$2,581.33
Write-offs / Recoveries	(\$3,646.73)
Ad Sales	\$43,290.63
Home Shopping Commissions	\$6,042.12
Total	\$1,361,095.77
Capital %	0.50 %
Capital	\$6,805.49

To the best of my knowledge and belief, the above is a true and correct statement for the accounting of the gross revenues received by this corporation for the period.



 Pat Moore
 Analyst



System Name: Comcast of Massachusetts/New Hampshire, LLC
 Email: Patrick_Moore@cable.comcast.com
 Phone: 610-650-2999

Vendor ID: 203193
 Contract Name: Stoneham MA
 Statement Period: Jan - Mar, 2014
 Payment Amount: \$68,054.87
 Statement Number: 154555
 CUID: None
 System ID: 8773-1000-0720, 8773-1000-2540

STONEHAM TOWN OF
 35 CENTRAL ST
 BOARD OF SELECTMEN
 STONEHAM, MA, 02180

This statement represents your payment for the period listed above.

Revenue Category	Amount
Expanded Basic Video Service	\$484,755.59
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Late Fees	\$2,581.33
Write-offs / Recoveries	(\$3,646.73)
Ad Sales	\$43,290.63
Home Shopping Commissions	\$6,042.12
Total	\$1,361,095.77
Franchise Fee %	5.00 %
Franchise Fee	\$68,054.87

To the best of my knowledge and belief, the above is a true and correct statement for the accounting of the gross revenues received by this corporation for the period.

Pat Moore
 Analyst



TOWN OF
STONEHAM

MASSACHUSETTS 02180

319 MAIN STREET
STONEHAM, MA 02180
(781) 438-4543

TOWN COUNSEL
WILLIAM H. SOLOMON, ESQ.

MAY 22 2 35 PM '14

STONEHAM
TOWN

To: Thomas Boussy, Chairman
Board of Selectmen

From: William H. Solomon
Town Counsel

Date: May 22, 2014

Subject: Montvale Mobil – Beer and Wine License

As the Board is aware, on January 7, 2014, I wrote to inform the Board, as follows:

After telephone discussions yesterday with the respective counsel for Montvale Fuel Inc. (both local counsel who appeared before the Board of Selectmen (Atty Patalano) and counsel representing Montvale Fuel in its appeal to the Alcoholic Beverage Control Commission (“ABCC”) (Atty Tabit); an in-person meeting earlier today with Montvale Fuel Inc. and counsel in Stoneham; and a follow-up call from Atty Tabit this afternoon, Atty Tabit informs me and represents that Montvale Fuel has agreed to forthwith withdraw its appeal before the ABCC regarding the Board’s denial of a package store license at 96 Montvale Avenue. Going forward Montvale Fuel has expressed its strong interest in reaching out to the Town officials, consistent with any applicable law or standards, to further illustrate its hoped for plan and goal for the sale of beer and wine at this location pursuant to a license. I indicated that consistent with any such applicable law or standards, that Town officials were as a matter of practice open to hearing from Town residents and businesses about matters of interest to them involving the Town. Both sides understand that under applicable state law/regulations, any applicant denied a license has the right to reapply after 12 months, and that under certain circumstances, an applicant can seek reconsideration within the 12 month period, however, the current appeal is being withdrawn without condition(s) or representation(s).

Montvale Fuel and its counsel are eager to have the opportunity to sit down with Town officials to discuss this issue and explain why they think the sale of beer and wine at their store would not be harmful to the Town, and why it is important to them. Consistent with the above outline approach, which recognizes Montvale Mobil’s courtesy in discussing this with the Town, rather than pursuing the earlier appeal to the ABCC and

making this a legal matter, I would ask the Board to appoint two Board members as liaisons so as to enable Montvale Mobil and their counsel can be heard as such. As noted in the earlier e-mail, they may not reapply earlier than 12 months from the prior application. Additionally, and most importantly, while no guarantee has been provided, it is my sense based on discussions that if the Town remains opposed to a beer and wine license at their (which they recognize may in material part be based on a general opposition to beer and wine licenses at convenience stores or gas stations, notwithstanding what they view as a legal issue in that regard, Montvale Mobil may likely be willing to agree to disagree, but accept and respect the Town's conclusion, and not reapply. However just as Montvale Mobile did not require any pre-conditions to dropping its appeal, we would not be requiring any pre-conditions to hear them out.

I am submitting this memorandum to the Board not for discussion purposes at the meeting of May 27th, but rather to provide this information for consideration and a vote at a subsequent meeting.

Please feel free to contact this office if I can be of assistance.

Thank you.

Enclosures



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, MA 02114

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

January 9, 2014

Salim R. Tabit, Esq.
45 Osgood Street
Methuen, MA 01844

RE: Cancellation of Hearing for:

MONTVALE FUEL INC. DBA MONTVALE MOBILE
96 MONTVALE AVE
STONEHAM, MA 02180
LICENSE#: NEW

The Alcoholic Beverages Control Commission is in receipt of your letter dated 01/08/2014, withdrawing your request for a hearing that was scheduled to be held on 02/26/2014.

The hearing has been canceled. This Commission will take no further action regarding this canceled hearing. If you have any questions regarding this hearing please contact Patricia Hathaway (617) 727-3040 x738 or at phathaway@tre.state.ma.us.

Very truly yours,

Ralph Sacramone Executive Director

cc: File
Local Licensing Board
Salim R. Tabit, Esq. via fax 978-327-5144

Broadhurst Tabit LLP

ATTORNEYS AT LAW

45 Osgood Street
Methuen, MA 01844
(P) 978-327-5128
(F) 978-327-5144
(E) broadhursttabit@abstlaw.com

January 8, 2014

VIA FACSIMILE AND U.S. MAIL

Ralph Sacramone, Executive Director
Alcoholic Beverages Control Commission
239 Causeway Street, 1st Floor
Boston, MA 02114

RE: Appellant: Montvale Fuel, Inc.
Appellee: Town of Stoneham
Hearing Date: February 26, 2014
Hearing Time: 10:00 a.m.

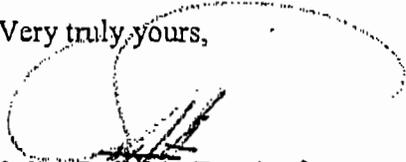
Dear Mr. Sacramone:

Please find enclosed a Motion to Withdraw Appeal regarding the above-referenced matter (Montvale Fuel, Inc.). This matter is scheduled for a hearing before the Alcoholic Beverages Control Commission (the Commission) on Wednesday, February 26, 2014.

At this time the parties seek to withdraw its appeal.

Thank you for your assistance in this regard.

Very truly yours,



Salim R. Tabit, Esquire for
Montvale Fuel, Inc.

SRT/dtm
Enclosure

cc: William H. Solomon, Esquire
for Town of Stoneham



TOWN OF
STONEHAM
MASSACHUSETTS 02180

Public Works Department
16 Pine Street

781-438-0760
Fax 781-438-8183

To: David Ragucci
Town Administrator

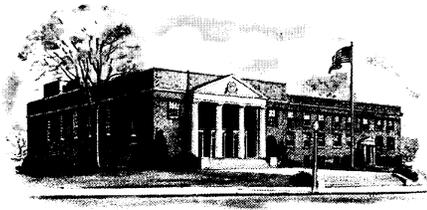
From: Robert E. Grover
Director of Public Works

Date: May 13, 2014

Subject: Seasonal Help – Nick Rolli

Nick Rolli is scheduled to start Monday, May 19, 2014 as seasonal help. He will be working Mondays, Wednesdays and Fridays - 24 hours per week at \$12.00 per hour.

cc. Ginny Ray, Human Resources Director



TOWN OF
STONEHAM
MASSACHUSETTS 02180

Public Works Department
16 Pine Street

781-438-0760
Fax 781-438-8183

To: David Ragucci
Town Administrator

From: Robert E. Grover
Director of Public Works

Date: May 13, 2014

Subject: Seasonal Help – Patrick Dunham

Patrick Dunham is scheduled to start Wednesday, May 21, 2014 as seasonal help. He will be working 40 hours per week at \$12.00 per hour.

cc. Ginny Ray, Human Resources Director

RCN BecoCom, LLC.

650 College East, Suite 3100
Princeton, NJ 08540
Tel (703) 434-8245
Fax (703) 434-8389

May 12, 2014

Town of Stoneham
c/o Board of Selectmen
35 Central Street
Stoneham, MA 02180

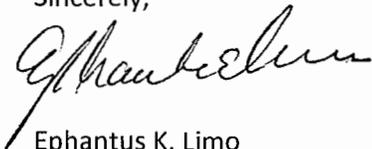
RE: 1st Quarter 2014PEG Fees Section 8.1b

Dear Sir/Madam,

Please find enclosed payment of \$ 5,294.80 for the PEG Section 7.1 Agreement between Town of Stoneham and RCN Becocom, LLC. The payment is for the 1st Quarter 2014.

If you have any question, please feel free to contact me at (703) 434-8245

Sincerely,



Ephantus K. Limo

Senior Tax Accountant

RCN Telecom Services, LLC

650 College Rd E.
Suite 3100
Princeton, NJ 08540

CHECK NUMBER

00757014

VENDOR NAME : TOWN OF STONEHAM

VENDOR NUMBER 37459

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	NET AMOUNT
Q1 2014	05/05/2014		\$5,294.80
TOTAL PAID			\$5,294.80

RCN Telecom Services, LLC

650 College Rd E.
Suite 3100
Princeton, NJ 08540

PNC bank NA
Jeanette, PA 60-162 / 433

*** VOID AFTER 90 DAYS ***

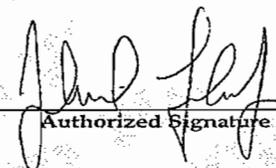
CHECK NUMBER
00757014

CHECK DATE
05/07/2014

CHECK AMOUNT
\$5,294.80

PAY Five Thousand Two Hundred Ninety Four Dollars And 80 Cents

TO THE ORDER OF TOWN OF STONEHAM
OFFICE OF THE TOWN CLERK
35 CENTRAL ST
STONEHAM, MA 02180


Authorized Signature



Quarterly Franchise Payment

RCN-BecoCom, LLC

Town of Stoneham

Sales Statistics:

2014

	January	February	March	Grand Total
VIDEO SUBSCRIBERS	419	413	412	
Video Revenue	34,721.10	35,223.91	35,951.00	105,896.01
	<u>34,721.10</u>	<u>35,223.91</u>	<u>35,951.00</u>	<u>105,896.01</u>

Q1 2014

Quarter Video Total		<u>105,896.01</u>
PEG Fees Section 8.1b	5%	<u>5,294.80</u>
PEG Grant Section 7.1	Fixed	

From: [kathleen.danieli](#)
To: [Sinclair, Erin](#)
Subject: Fw: Stevens St. Recycling Center
Date: Tuesday, May 20, 2014 7:10:29 PM

Good Morning Erin,

I wanted to forward this conversation to the Selectmen to keep them posted of town concerns.

Thanks, Kathleen Danieli

On Tuesday, May 20, 2014 7:07 PM, kathleen.danieli <kdpw99@yahoo.com> wrote:

Good Morning Mr. Ragucci,

I am hoping by writing to you about my concerns about Stevens St. Recycling Center that maybe there will be a resolution. I have addressed my concerns to Mr. Grover but I feel brushed off.

In the 17 years I have been employed by the town the first 12 or so the gate to enter the recycling yard was always locked. In recent years between contractors and DPW employees find it an unnecessary chore to lock the gate. The gate being left open welcomes residents and possibly non-residents to dump any item they see fit. It may not bother me as much if the people followed the rules. Any mess they decide to leave has to be cleaned up by a DPW laborer. There are white goods, tv's, etc. being left without permits, which is a loss of revenue. There are people coming in taking refrigerators and air conditioners and most like cutting the freon lines. Then of course there are the Monday mornings when the recycling yard is scheduled to be open and the gates are left open, by management, because of manpower issues. Let us not forget about the phoney camera set up on the telephone pole to ward off illegal dumping outside the gate.

Then we have the Hiltz employees. Instead of going to Dunkin Donuts or the DPW yard to use a bathroom they insist on urinating between the TV trailer and light bulb shed. Not to mention the defecation episode in the TV trailer this past winter. Then of course the trash along the fence where they are allowed to park their vehicles.

We also see fit to give keys to every contractor who does work for the town and school department. We let landscapers doing work for the school dept. to use the facility yet residents that are landscapers are not allowed to use the yard for their personal yard waste. Two weeks ago a resident called ME to complain about Collings Tree for dumping at the yard. I told them to call Mr. Grover.

I know there is a solution to these problems. My solution would be kick all contractors out, change the lock and only DPW employees have the keys and put a real camera at the gate. In fact there should be a camera in the DPW yard on Pine St. too to identify the people illegally dumping in the back dumpsters and fine them accordingly, more revenue! I am sure there is a perfectly logical resolution.

Thank for your time. If you have any questions or comments you can contact me at any time. I would be glad to give my input.

Sincerely,
Kathleen Danieli

(781)454-8731

Verizon Wireless

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	GROSS	DISCOUNT	NET AMOUNT
NG66525B01LEAS20140601	06/01/2014	IN-LIEU OF TAX PMT	4,829.41		4,829.41

Check No.	Check Date	Vendor No.	Handling Code
03088206	05/15/2014	0000029723	RE

Total \$4,829.41 \$4,829.41

Questions? Call 866/862-4404 BU APREG

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 P.O. Box 21074
 Tulsa, OK 74121-1074
 866/862-4404

The Bank of New York Mellon
 Philadelphia, PA 19106

62-4
 311

03088206

Check Date	Check No.	Check Amount
05/15/2014	03088206	\$4,829.41

PAY *Four Thousand Eight Hundred TwentyNine Dollars AND 41/100s*

TO
 THE
 ORDER
 OF
 TOWN OF STONEHAM MA
 OFFICE OF THE TAX COLLECTOR
 35 CENTRAL ST
 STONEHAM MA 02180

Verizon Treasury

VOID SIX MONTHS AFTER ISSUE DATE

⑈03088206⑈ ⑆031100047⑆ 2970655⑈

Security Features Included @ Details on back

Date	Invoice No.	Doc No.	Gross	Discount	Net
05/05/2014	36559FIOS 36559FIOS Video Payment	1900015662	54,916.79	0.00	54,916.79

Check Total

54,916.79

1231

Please call 972-718-5090 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

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66-156/531



Check No
1231005436

Date: 05/06/2014

PAY EXACTLY *** FIFTY-FOUR THOUSAND NINE HUNDRED SIXTEEN USD and SEVENTY-NINE Cents ***

\$*****54,916.79*

1231

TO THE TOWN OF STONEHAM
ORDER OF

Wells Fargo Bank, N.A.

Verizon Treasury

⑈ 1231005436⑈ ⑆ 053101561⑆ 8018013196⑈

Security Features Included (D) Details on back