



TOWN OF
STONEHAM
MASSACHUSETTS
Town Hall
35 Central Street
Stoneham, Massachusetts 02180

Stoneham Zoning Bylaw Review Committee Minutes
Wednesday, May 10, 2023
Town Hall Banquet Room
7:00 PM

Members present: Ellen McBride, William Sullivan, Marcia Wengen, Tim Waitkevitch, Jessica Gerke, Erin Wortman, and Maria Sagarino

Members present remotely: Kevin Dolan, Cheryl Noble

Member absent: Tobin Shulman

Also present: Town Counsel Robert Galvin and Town Administrator Dennis Sheehan

The Town Clerk Maria Sagarino brought the meeting to order at 7:19PM. The first item on the agenda was organization of the committee. Mr. Sullivan nominated Mr. Dolan for Chair. Ms. McBride seconded the nomination. A roll call vote was taken. All members present voted in favor 9-0. Ms. Wortman nominated Mr. Waitkevitch as Vice Chair. The motion was seconded by Ms. Sagarino. A roll call vote was taken. All members present voted in favor 9-0. Ms. Wortman nominated Ms. McBride for Secretary. The motion was seconded by Ms. Sagarino. A roll call vote was taken. All members present voted in favor 9-0.

Mr. Dolan first thanked the committee members for volunteering. He stated that the charge of the committee would be to recodify. He further explained that our zoning bylaws were last recodified in 1985. He went on to say that we have attacked our zoning bylaws piecemeal over the years as we saw fit. He believes that it's a good idea to do a recodification again. He continued to say that the best way to do it would be to look at the areas where we are deficient. He thought that we would hire a consultant to guide us through the process.

Ms. McBride asked about the funding for hiring someone. She believed that there was funding put in place after the Summit meeting held in the fall with the Select Board, Conservation Commission, ZBA and Planning Board. Mr. Dolan agreed that was his recollection. Mr. Sheehan explained that had been discussed. He continued to say that the committee needs to decide on the scope of the review, how big and how wide they are willing to go. He then said from there they would figure out the funding source.

Mr. Dolan recalled from the Summit meeting that hiring a company to take a look at our bylaws could be done for relatively short money. Mr. Dolan asked if we would need to go to Town Meeting for the funds. Mr. Sheehan acknowledged that the Finance & Advisory Board has a reserve fund but it would come down to size, scope and timing.

Ms. McBride added that she had the same memory regarding the Summit meeting. She believed money would be appropriated to hire a company. She remembered Raymie Parker speaking about a specific company.

Mr. Galvin mentions that he had brought up Code Publishers at the Summit meeting. They probably help publish more general and zoning bylaws than any other company in Massachusetts. He believes they do a tremendous job. They can not only look at the Zoning but they can do it throughout the entirety of the entire Town Code including the rules and regulations of the boards. Mr. Galvin mentioned that Marshfield had used them and it only cost \$25,000 for all of the bylaws.

Ms. Sagarino stated that she wants to focus on Chapter 15, Zoning Bylaws. She continued to say that she isn't concerned with the format. It's more about the content. She would like to see the zoning bylaws themselves brought up to date with current times. They were fine for 1985 but things have changed and we need to change. She talked about hearing the same issues before the Board of Appeals over and over. She used the example of micro blading. She wants a company or consultant that can help with that. Mr. Galvin responded that Code Publishers could do that. They are familiar with Massachusetts General Laws. They can identify areas that are not compliant if there are any. He used the example of changes to MGL 40A 3A. Code publishers could offer solutions to address those changes. He believed that it would be a third of the cost to do just the zoning bylaws.

Ms. McBride asked if there was value in looking at just Chapter 15. Ms. Sagarino explained that the entire Town Code needs to be looked at, but Chapter 15 is more pressing. Chapter 15 is used by the Building Department on a daily basis. It is used regularly by the Board of Appeals, Planning Board and the Select Board for Site Plan. Ms. Sagarino further explained that we need to bring Chapter 15 up to 2023 and beyond. It's about updating our bylaws and also putting bylaws in place for things we'd like to see in the future for Stoneham. It's about being proactive with the zoning and not reactive.

Ms. Wortman reminded everyone that anything outside of Chapter 15 is outside the scope of the committee. The committee was charged with reviewing and updating Chapter 15, not the entire Town Code. She believes that by focusing on Chapter 15, it will yield to a phase two that will affect some of the other chapters, but the committee is not charged with that purpose. Ms. Wortman believes that the real question is do we want to make substantive changes or just make it look better. If it's just looking better, then the General Code approach is valid. If we want the substantive changes with conversations about accessory dwellings, lot sizes, etc. then we need to hire a consultant.

Again Ms. McBride talks about the Summit meeting and how she believed that discussion was centered on the entire code. She wanted to know who made the decision that we would just be zoning. Ms. Sagarino pointed out that the Summit meeting that she is talking about was attended by the Select Board, Planning Board, Zoning Board of Appeals and Conservation Commission. The people invited were centered around Chapter 15. Ms. Wortman added that the Select Board created the committee specific to be a zoning bylaw review. They created the charge and appointed the members.

Mr. Waitkevitch stated that we have our scope for this board. He believes it might show us, especially if we use a consultant, how this process goes. We might then say when this is done that it was a good process, it went well and we think we can move on to other portions of the Code. He thinks that when looking for a consultant or vendor that we get prices showing an option of what it might cost if we do the rest. We wouldn't take it all on right away but we can at least get an idea of what it would look like.

Mr. Dolan believes that everyone now understands that the charge is specific to the zoning bylaws. He asked Mr. Galvin about the money. Mr. Galvin stated that he believes the committee would work through the Town Administrator. If the money were to come from the Finance & Advisory reserve fund, the Town Administrator would approach that board with the request as soon as the committee has a proposal they deem acceptable.

Mr. Dolan then asked about the company that had been referred to previously. He asked how we'd get an estimate from them. Mr. Galvin stated that you would send them Chapter 15, explain that you are looking for their standard update, formatting recommendations, request substantive changes and they will give you a written proposal. Mr. Galvin explains with that you can decide if you want to get another competitive proposal if the price is too much. You are not required to go out and bid this. You could do just them if you like.

Mr. Dolan would like to start with that company or a company just like them and then as a committee we can decide what additional resources we may need.

Ms. Wortman believes it would be helpful to ask the Town Administrator to get quotes for different services that would encompass our charge and then come back to the committee so that we can determine the next steps from here. She mentions that it could come back at \$25,000 or \$100,000. Ms. McBride stated that Mr. Galvin said it should be less than \$25,000. Ms. Wortman responded that with substantive and those discussions they will add to that \$25,000. They will charge you for every meeting. Community engagement, discussions, GIS, that all comes with a cost. Mr. Sullivan added that you get what you pay for.

Mr. Waitkevitch stated that it starts with gathering information. To Ms. Wortman's point, he'd like to see an itemized list of services, for this it will cost this much. They might have typical packages. We might decide we want something more robust. He doesn't know what we'd be doing, so he'd love to see a menu of options. If we get information first, we can use that to set up the scope for moving forward.

Mr. Dolan asked Mr. Galvin what he has seen with other towns seeking to do this. Mr. Galvin responded that you typically get back a three ring binder with a review of the zoning bylaw in this case that will identify on a page by page basis anything they see that's wrong and will give you options to correct and/or change and give you a draft with the changes. If you are satisfied they will then even draft the article for Town Meeting. It's a very orderly process and works unbelievably well. Mr. Sheehan asked if by that process they would recommend changes to districts or what to do on Main Street. Mr. Galvin stated that wouldn't be the case. Ms. Wortman believes that we are charged at looking at this section by section and make determinations. For example, are single family lot sizes appropriate? Are the setbacks appropriate? Sometimes the answer will be that it's fine, sometimes the answer is change. Ms. McBride stated that is our committee charge but not the charge of this company. Ms. Wortman

agreed. Ms. Wortman stated that there are consulting firms to facilitate this conversation. Mr. Galvin added that Attorney Mark Bobrowski does that type of consulting work. Ms. Wortman agreed and said that he is currently helping Wakefield.

Mr. Dolan asked how often this board should meet. Ms. Sagarino suggested that Ms. Wortman would have an idea because she sat on the Zoning Review in her own community. She believed that they should only meet when they need to meet. If they are asking the Town Administrator to get quotes, we shouldn't meet again until we have that information. If we do the approach Mr. Galvin suggested, we may only meet once a month and be done relatively quickly. In Tewksbury they did a total recodification and the bylaws were only ten years old at that point. They met 34 times over five years. They had long period of time when they didn't meet, maybe three or four months, then they'd meet multiple times over a few weeks for hours at a time. It depends on the work flow. If you hire a consultant for the substantive changes they can group it in a way that's focused. Like one night is definitions. One night the zoning map. It depends on the path we take.

Mr. Dolan would like to set the next meeting. He would like each member to bring two or three ideas they would like to discuss whether it be parking, lot size, etc. He hopes in doing this we can get to see the areas we should really focus on. It will help determine our priorities. Ms. Wengen asked if that is from Chapter 15 and he stated it would be. Mr. Sullivan would like to bring ten items. He believes that there are a lot of outdated bylaws. We need to go through the whole thing. When you look at these bylaws a lot of them tie into each other. Not everything is black and white. Mr. Sullivan thinks that we should look at Chapter 15 first and see what we feel is an issue.

Mr. Sheehan stated that they can see what Wakefield just got for a proposal. Ms. Wortman added that she knows how much Tewksbury paid. Mr. Waitkevitch would like to see other communities' plans and what their outcomes were. Ms. Wortman said we can get quotes. She can reach out to some groups.

Mr. Galvin mentioned that he's seen a lot of communities go away from the narrative bylaws to more charts. Ms. Sagarino thinks that we would like that, especially if it's user friendly. Ms. Wortman agrees that we need a use chart. Mr. Galvin added that use and dimensional charts are customary. It'll help condense the bylaws if they are created properly.

Ms. Sagarino explained that in a lot of communities their Board of Appeals say no a majority of the time. They grant variances sparingly. In Stoneham you find out Board of Appeals saying yes a lot. She believes they make the bylaws more of a gray area and allow more than they might otherwise because they are making up for the bylaws not being as current as they need to be. Mr. Galvin added that your Board of Appeals would know best what needs to be changed, especially when they might be seeing the same things frequently. That indicates that there is an issue. Mr. Galvin and Ms. Wortman talk about different examples of setbacks in town and other communities. Ms. Wortman added that Ms. Noble could easily identify the issues that come up over and over.

Mr. Dolan asked Ms. Noble what she feels needs to be addressed with the zoning bylaws. Ms. Noble responded, everything. Ms. McBride asked her what two priorities might be. Ms. Noble said that she'd definitely like to see a chart of uses. She'd also like to see clearer definitions. She

did indicate that there were a lot of things going to the Board of Appeals for setbacks. That needs to be discussed. Percent coverage in Residence B. Mr. Dolan agreed that definitions are very important. Also Residence B to catch up to Residence A. Mr. Dolan agreed with Mr. Sullivan that we need to go through the whole bylaw. We can all go through it and see what questions or concerns each member has.

Mr. Dolan asked what day works best to meet. Ms. Sagarino pointed out that the employees work until 7 on Tuesday, so to make it easier on Ms. Noble and Ms. Wortman, we might meet at 6 on a Tuesday. She added that Ms. Noble is an integral part as Chapter 15 is her bible. Ms. Wengen asked if the meetings could be recorded. After some discussion, the committee settled on June 6th for the next meeting.

Ms. McBride made a motion to hold the next meeting June 6, 2023 at 6PM. Ms. Sagarino seconded the motion. A roll call vote was taken. All members present voted in favor 9-0.

Mr. Sullivan asked about the specific charge. Ms. Sagarino reminded the committee that she had previously emailed the charge. Mr. Sheehan offered to email it out again tonight.

Before adjourning Mr. Dolan reminds the committee members to look at Chapter 15 and make a list on issues or deficiencies they see. We can start there and then as Mr. Sullivan suggested the group can start looking at the Chapter page by page. This will take some time. We shouldn't change things just to change things. We won't always agree with each other but we should always respect each other.

Motion to adjourn was made by Ellen McBride and seconded by Mr. Sullivan. A roll call vote was taken. All members present voted in favor 9-0. Meeting adjourned at 8:11 PM.

Respectfully submitted:

Maria Sagarino
Town Clerk

Documents and other exhibits used by the ZBRC during this meeting to be made part of the official record but not attached to these minutes:

The Zoning Bylaw Review Committee Mission Statement