



TOWN OF
STONEHAM
MASSACHUSETTS

PLANNING BOARD
781-279-2695

STONEHAM PLANNING BOARD MINUTES

(in accordance with provision of M.G.L. c.30A, §§ 18-25)

Wednesday, September 10, 2025

Town Hall Hearing Room

7:00 PM

Members Present: Chair Frank Vallarelli, Marcia Wengen and Brianna Kelly.

Member Present Remotely: Vice Chair Kevin Dolan

Also present at the meeting: Town Clerk Maria Sagarino acting as Clerk for the Planning Board, DPW Director Brett Gonsalves, Attorney William Heney and Jim Plunkett owner of 14 Brackett Avenue.

The Chair brought the meeting to order at 7:05 PM. There were a few technical difficulties with Mr. Dolan logging into the meeting through Zoom. Stoneham TV worked to remedy the situation while Mr. Vallarelli proceeded with the meeting. He took a moment of personal privilege to say hello to his beautiful granddaughter Ophelia and her two brothers, his grandsons Sterling & Phoenix before moving on to the approval of minutes from the last meeting.

Minutes

Mr. Vallarelli accepted a motion from Ms. Kelly to approve the minutes for July 9, 2025 which was seconded by Ms. Wengen. The three in person members voted in favor 3-0.

Endorsement of an Approval Not Required (ANR) plan for 14 Brackett Ave

Mr. Vallarelli introduced the next item on the agenda for an ANR that the Board had previously been unable to sign. There was a variance needed for frontage which has since been granted by the Stoneham Board of Appeals and recorded with the Middlesex South Registry of Deeds.

Mr. Vallarelli invited Attorney William Heney to speak on the matter. Mr. Heney introduced himself as the attorney for Biscotti Realty LLC/Jim and Maria Plunkett who own 14 Brackett Avenue. He indicated that they had previously been before the Board for endorsement of the ANR due to a mistaken interpretation of Governor Healy's Affordable Homes Act. Town Counsel, Robert Galvin, had set him straight on the matter. Mr. Galvin had advised the Planning Board not to endorse the plan as submitted because at the time while 0 Stonecroft had 100 feet of frontage and over 12,000 square feet, 14 Brackett Avenue did not have the 90 feet of frontage or the 10,000 square feet required in our Zoning by-laws. At 85 feet and with approximately 8,500 square feet, 14 Brackett was non-conforming. Mr. Heney further explained that they had since redrawn the line creating two parcels giving more square footage to 14 Brackett in order to make it conforming. They then appeared before the Zoning Board of Appeals for a variance for the

frontage which remained at 85 feet. There are now two lots. 0 Stonecroft will have 10,505 square feet and 100 feet of frontage and 14 Brackett Ave will have 10,086 square feet and a variance for the 85 feet of frontage. All other setbacks on both parcels comply with today's bylaws. The lot labelled as Lot 2 will be sold as a buildable lot on Stonecroft.

Mr. Vallarelli asked the members of the board if they had any questions. Ms. Wengen asked if Stonecroft is a dead end. Mr. Heney responded that it is. She then asked if it was paved on the Garden Road end or the Elm Street end. Ms. Sagarino reminded the Board that the paved part of the street was on the Garden Road end and reminded them that there was another gentleman who had been before the Board to discuss his lot. He had a landlocked parcel heading toward Elm Street. The gentlemen was hoping to just put in a driveway and DPW Director Brett Gonsalves told him that the roadway would need to be extended with utilities put in. It seemed too costly for the gentleman to move forward. Mr. Heney stated that it was his understanding that the road was paved about 200 feet past this lot on Stonecroft that they are seeking to create.

Ms. Wengen further questioned there being a house and garage on lot 1 and lot 2 being vacant. Mr. Heney stated that there is currently an existing house and garage on 14 Brackett Avenue. They are here to subdivide to create the second lot number 2 out of what is essentially the backyard of 14 Brackett Avenue. This is currently vacant land fronting Stonecroft. The lot is expected to be sold once the plan is endorsed. Ms. Wengen then understood why the plan was showing an old lot line.

At this time, the Board members would have endorsed the plan but Mr. Vallarelli noticed that the Planning Board approval not required language and signature lines were missing. Mr. Vallarelli asked Attorney Heney and Mr. Plunkett to have the signature box placed on the plan. He indicated that the updated plan could then be dropped at the Town Clerk's office at which time the Board members would then stop by and sign it.

Adoption of the mitigation rules & regulations and discussion of submitting as a bylaw for October Town Meeting

Mr. Vallarelli invited DPW Director Brett Gonsalves to speak about the mitigation rules and regulations. Mr. Gonsalves reminded the Board that at the last meeting there were a few edits the Board had requested. He took care of those and emailed out a final draft. Mr. Moynihan had noticed something which had not been corrected. Mr. Gonsalves made the edit and the final version was given to the Board. No further comments were made. Mr. Gonsalves was hoping that the Board would vote to adopt this evening unless there are any additional comments or concerns. Mr. Vallarelli indicated that he was satisfied to this point. He thought it would be a benefit for future development. Ms. Kelly agreed. Ms. Sagarino mentioned that Mr. Moynihan had indicated he was fine with the mitigation rules and regulations when he had called earlier that day to say he would not be able to attend the meeting.

Mr. Gonsalves mentioned that Ms. Sagarino had spoken to Town Counsel and Attorney Galvin believed that it would be wise to move it forward as a by-law to give it more enforcement power. Mr. Vallarelli agreed that made sense and asked if the plan was to move it forward in October. Mr. Gonsalves indicated that was the plan. Ms. Sagarino asked if the Planning Board would like to sponsor the article. Mr. Vallarelli believed that would make sense if they were adopting this as their rules and regulations.

Ms. Wengen had a question about it being adopted as rules and regulations and then having the same language again as a bylaw. She asked what would happen to make a change, would that have to be done at a Town Meeting. There was conversation around the rules and regulations acting as a placeholder while the same language was implemented as a bylaw. It was determined that once it became effective as a bylaw, the Board would vote to rescind the rules and regulations. Future amendments would then be done through Town Meeting.

Ms. Wengen asked about the significant number referred to in section 4 on page 11. She was still bothered by how it was worded. She wanted to see the addition of “as determined by the Planning Board”. Ms. Kelly agreed that would be the proper way to word it. Ms. Kelly also wanted to make sure that the Board could still vote on this tonight. Mr. Gonsalves would add that language and the Board could then vote to adopt with that minor change included. He did remind the Board that the language in this section was for a large scale transportation project and the odds of seeing that type of project in Town were slim since we don’t have the land area.

Mr. Vallarelli entertained a motion to adopt the amended Development Impact Assessment and Mitigation Rules and Regulations as proposed by Director of Public Works Brett Gonsalves. Ms. Kelly made the motion which was seconded by Ms. Wengen. At this point Mr. Dolan was able to remote in. A roll call vote was taken. All members present voted in favor 4-0. Mr. Vallarelli thanked Mr. Gonsalves for the many hours he spent on drafting the document.

Outstanding Subdivision Discussion

- Beacon Street
- Benjamin Terrace
- Birch Street
- Coventry Lane
- Fairview Road
- 215 Park Street/Katherine Road
- Schiappa Circle
- Skyewood Drive/ Two bonds - Bette Biggio and Robert Pecci
- Smitty’s Way
- Stella Way
- Stonecroft Avenue
- Wincrest

Mr. Vallarelli moved on to the final item on the agenda which was a discussion of the outstanding subdivisions. He indicated that Mr. Dolan had sent him a change for the sample letter drafted to send to the developers who had yet to satisfactorily complete their projects. For the next to last line of the sample letter, he would like it to read, “If we do not receive a response by the time stated above, the Board will refer this matter to counsel and avail itself of all legal remedies due to your failure to complete the subdivision in the timeframe set forth by this Board during its approval”. Mr. Gonsalves asked if it could require the response to be in writing. The

language was adjusted to include that request so it would read “If we do not receive a response in writing by the time stated above”.

Mr. Vallarelli asked Mr. Gonsalves if he would like to speak about any of the subdivisions. Mr. Gonsalves indicated that he had drafted a memo back on March 14, 2024 where he detailed most of the outstanding subdivisions along with completion recommendations for the Board. Some of the subdivisions on the list are mostly in a state of completion while others have outstanding items. It was a matter of the Board taking a look at the memo and sending a letter out to the developer giving them a timeframe to complete. He said most will be easy. In looking at the list, he said Beacon Street will be challenging due to severe deficiencies. He is already recommending that some, like Benjamin Terrace, have the surety returned. He mentioned Coventry is still outstanding but easily fixed. He indicated that he’d spoken to the developer on Birch Street several times.

Mr. Vallarelli asked about Smitty’s Way. He indicated that on one of the lists the Planning Board has it states that we are holding a lot. Mr. Gonsalves did not have that one in his memo. Ms. Wengen indicated there are a few others missing. Mr. Gonsalves stated he’d update his memo and add the missing Smitty’s Way, Wincrest and Fairview subdivisions. Ms. Wengen asked about Skyewood. There was conversation about Mr. Houghton recently amending the Skyewood Drive Extension. Mr. Gonsalves indicated that was still active. Ms. Wengen asked about 215 Park Street and Katherine Road. Mr. Gonsalves explained that 215 Park Street had been torn down to develop Katherine Road.

Mr. Vallarelli asked about interest. Ms. Wengen asked if they would get the interest back. Ms. Sagarino indicated that the Treasurer Paulette Gerry had looked at the agreement for Benjamin Terrace which specifically stated the bond had to be kept in an interest bearing account. The developer would receive the interest accrued on any money held and Ms. Gerry suspected all of the agreements would have been written that way.

Ms. Wengen asked if the Board needed to vote tonight. Ms. Sagarino suggested that the Board would vote to return the bond money with interest to the developers on the list once Mr. Gonsalves determined that they had completed the subdivision. She used Benjamin Terrace as an example of a subdivision that Mr. Gonsalves had indicated in his memo was completed. Mr. Vallarelli asked if the retaining wall had been completed. Mr. Gonsalves was unaware of any issue with a retaining wall. Mr. Vallarelli then read from a notation on a list kept by the Planning Board office which mentioned the bond was being held in reference to the retaining wall. Mr. Gonsalves suggested that prior to any action that he drive by Benjamin Terrace and take a look. He would also look at all of the other ones on the list and update the memo. At the next meeting, the Board could go through and determine next steps. Mr. Vallarelli indicated that he planned to take a ride around to look at the subdivisions now that he sees the list of outstanding items in Mr. Gonsalves’ draft memo.

Mr. Vallarelli wondered why, if Benjamin Terrace was finished, the developer hadn’t asked for their money back. Mr. Gonsalves explained that some of them just forget that the Town is holding the money. They lose track of it or in some cases it’s been so long the developer may have passed and those that inherit it have no idea of the status. That’s why the letters are sent out. The Board would be laying out the outstanding items. You are putting them on notice and explaining that they need to finish their development. Mr. Gonsalves explained that in some cases the money being held would not be sufficient for the amount of work that still needs to be

done. He described all of the work that still needs to be done on Beacon Street. We are holding \$20,000, but his quick estimate was that there would be at least \$70,000 worth of work to be done to complete the roadway. All work had stopped after the binder coat. It's sat there unfinished for 20 years so even the binder coat has begun to deteriorate. The curbing is tipping. As Built plans need to be submitted. Much more than the \$20,000 being held.

Ms. Kelly asked if it would be helpful to at least vote on the sample letter to be used to send to developers. Mr. Gonsalves wanted to update his memo further with the additional locations before the Board does anything. He apologized for missing some of the developments. Mr. Vallarelli also apologized as his intention wasn't to wait for it to go on so long after the conversation last year. Mr. Gonsalves just hopes to keep it in the forefront moving forward. Hopefully we can get movement on some of these to put them to bed. Once resolved, some of the roadways that are private ways can become public ways which would allow the Town to be eligible for additional funding. The Town would add them to the lane miles for more Chapter 90 money. Not much but something.

Mr. Dolan had questions about the list. He said that we know what we are holding, but do we know the dollar amount for what it would take for completion. Mr. Gonsalves was waiting to see how the Board felt before working up estimates. Mr. Dolan thought it would be good to know if there was enough money being held to complete the work or if we would be under water. He would like to know that if we had to take the money to finish these up that we would have enough to do so. He believed a rough estimate would help the Board. Mr. Gonsalves indicated that on the draft memo he had some figures like with Beacon Street. He also explained that Birch Street has a few outstanding items with \$50,000 being held. Mr. Gonsalves indicated that with Birch Street, he has to finish the granite curbing, lower the hydrant, finish the street light and submit As Built plans. It's about \$5,000 for the as built, maybe \$10,000 to lower the hydrant and the pole is already there for the street light. He just needs to have it hooked up at about \$2,000. \$50,000 is more than sufficient.

Ms. Wengen asked if we were notifying them that we would do the work. Mr. Gonsalves explained that we would not be doing the work. We would notify them of what we expected them to take care of. Ms. Wengen asked what happens if they don't do it. Mr. Gonsalves said, in that case, we have the right to take the bond. He continued to say that obviously we want to make sure that there is enough money being held to cover the cost. He doesn't want the Town to shell out more money to fix something that the developer should have done. He already knows that Beacon Street doesn't have sufficient funds, but with a cursory glance, it appears all of the others have sufficient money being held to complete.

Ms. Wengen asked if it were to cost us less, could we keep the left over bond money. Mr. Gonsalves responded no and then used Coventry Lane as an example. He stated that a letter would be sent out saying the subdivision has sat idle for 10 years giving them say 6 months to complete. They have to get their contractors out there to finish all outstanding items. We need to reignite the flame for these developers that left loose ends.

Mr. Vallarelli added that what he thought Ms. Wengen was really asking and what he also wants to know, is what happens if they do not do anything. Mr. Gonsalves stated if they don't do anything then the Planning Board could pull the bond and the Town would complete the project.

Mr. Vallarelli asked in the case of the \$50,000 for Birch Street. What happens if the Town pulls the bond, goes out to complete the work and it only costs \$35,000. There's \$15,000 left. Do we get to keep that money? Mr. Gonsalves responded that if the Town pulled the bond, the Town retains that extra money. Mr. Gonsalves gives an example of an instance in Woburn where a developer walked away before a project was finished with about \$60,000 left of work to do. The City pulled the bond and went out to bid for the work to be completed and the developer actually had the nerve to bid it for \$60,000. He didn't get it and he didn't get his money back either.

Going back to what Mr. Vallarelli had asked earlier, Ms. Wengen asked if there was \$15,000 left over, could it go to any project. Mr. Gonsalves said the money being held has to go to the project for which it is being held. Ms. Kelly clarified that what she believed Ms. Wengen was asking was if after the project was completed by the Town and \$15,000 was left over, could it be used elsewhere. Mr. Gonsalves thought so if the project was complete. Ms. Wengen was thinking if one of the subdivisions didn't have enough bond money, like Beacon Street, could the excess on something help pay for that. Mr. Gonsalves believed we could use the remaining money but he'd want to talk to Town Counsel. He added that it is possible we could have a delinquent subdivision fund for any monies left over.

Mr. Gonsalves said he would look at the subdivisions he had omitted. He would add estimates for work to be completed and come back before the Board. Ms. Wengen asked if the letter would be signed by Mr. Vallarelli. Ms. Kelly explained that the letter would be coming from the Planning Board. Ms. Wengen asked if Mr. Gonsalves would create the list. Mr. Gonsalves stated he would create the list of outstanding items to use for the letter and the letter would be sent out by the Planning Board. Ms. Sagarino stated that she would add that information to the letter and the letters would then be sent out by the Planning Board. Mr. Vallarelli would look the letters over and sign after the Board talks about it at one more meeting after there is a final version of Mr. Gonsalves memo including estimates.

With no public hearings or other business this evening, Mr. Dolan made a motion to adjourn which was seconded by Ms. Kelly. A roll call vote was taken. All members voted in favor of adjourning 4-0.

The meeting adjourned at 7:52 PM.

Respectfully submitted:

Maria Sagarino
Town Clerk

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

Final version Development Impact Assessment and Mitigation Rules and Regulations

Outstanding subdivision memo from DPW Director Brett Gonsalves dated March 14, 2024

Outstanding subdivision list and bond account balances received from Treasurer