



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, February 9, 2022

Town Hall
Hearing Room
7:00 P.M.

Members present: Chairman August Niewenhaus, Vice-Chair Kevin Dolan, Daniel Moynihan, Terrence Dolan and Frank Vallarelli

Also present: Nicole Cabral & Christopher Richmond, 30 Sunrise Avenue, Attorney Charles Houghton, Scott Weiss with The Gutierrez Company/Fellsway Development LLC, David Robinson with Allen & Major, a few residents of Executive Dr, Tim Collis with Calare Properties, Steve Glowacki with PJ O'Connell Associates, Marcia Wengen and Frank Petrillo.

The Chairman brought the meeting to order at 7:06 PM in the Town Hall Hearing Room and made introduction of all members present.

First order of business was to reconfirm the next meeting for March 2, 2022.

Next, Mr. T. Dolan made a motion to approve the minutes dated January 26, 2022. Mr. Moynihan seconded. Four members voted in favor with an abstention from Mr. K. Dolan as he was not present at the meeting (4-0-1).

Public Hearings:

30 Sunrise Avenue (public hearing continued from January 12, 2022 and January 26, 2022)

The Chairman read the legal notice into the record:

“You are hereby notified that the Stoneham Planning Board acting as a Special Permit Granting Authority will hold a Public Hearing Wednesday, January 12, 2022 in the Hearing Room, Town Hall at 7:00 p.m. to hear all persons interested in the petition of Nicole Cabral and Christopher J. Richmond, of 30 Sunrise Avenue Stoneham, MA for a Special Permit pursuant to Stoneham Town Code, Chapter 15 Section 4.2.4.1, to use a portion of the existing dwelling at 30 Sunrise Avenue for an Accessory Dwelling (Family Apartment). A plan by Gloral Associates entitled, “Plot Plan in Stoneham, MA, Owner Nicole Cabral” dated November 29, 2021 and a Proposed Floor Plan by JMB Design Studio dated December 15, 2021 may be seen mornings except Friday in the Office of the Planning Board and daily except Friday afternoon in the Office of the Town Clerk.”

Mr. Niewenhaus explains the procedure for the public hearings and then invites the homeowners to speak on their behalf. Nicole Cabral states that she and her fiancé Christopher Richmond

would like a permit for an in law apartment for her mom. They are getting married and hopefully getting pregnant and it would be helpful to have her mother downstairs.

Mr. K. Dolan explains that if the Special Permit is granted and her mother were to leave that they would have to appear before the board again. Mr. Niewenhaus read the department comments from the Building Commissioner and the Fire Chief into the record. The petitioners understood and agreed that they would need to comply with the comments as presented.

No members of the public were present to comment. The members positively commented on the packet presented and the plans provided by the architect. No questions from the board members.

Mr. T. Dolan made a motion to close the public hearing which was seconded by Mr. Vallarelli. All members present voted in favor (5-0).

Mr. T. Dolan made a motion to approve the Special Permit under Stoneham Town Code, Chapter 15, Section 4.2.4.1 to allow an accessory dwelling. The motion was seconded by Mr. K. Dolan who added that the accessory dwelling must comply with section 4.2.4.1 sections a through h. Mr. K. Dolan then mentions if it is approved the decision must be filed at the Registry of Deeds in Cambridge. He comments that it's a nice plan and a big lot. Mr. Moynihan adds that the Fire Dept comments be incorporated. A roll call vote was taken. All members present voted in favor (5-0).

5 Woodland Road (public hearing continued from Dec 15, 2021, Jan 12, 2022 & Jan 26, 2022)

Represented by Charles Houghton

The legal notice had been read into the record on December 15, 2021 as follows:

“You are hereby notified that the Stoneham Planning Board acting as a Special Permit Granting Authority will hold a Public Hearing WEDNESDAY EVENING, December 15, 2021, in the Hearing Room, Town Hall at 7:00 p.m. to hear all persons interested in the petition of Fellsway Development LLC, 200 Summit Drive, Suite 400, Burlington, MA for a Special Permit pursuant to Stoneham Town Code, Chapter 15 Section 4.15.4.4 to construct a two-story, 150,000 square foot Research and Development, Office, Life Science, Support and Production Facility at 5 Woodland Road, Stoneham, MA 02180. A plan by Allen & Major Associates, Inc. dated November 15, 2021 entitled, “R&D, Office, Life Science, Support and Production Facility 5 Woodland Road, Map 27 Lots 3 and 3E2 Stoneham, MA” may be seen mornings except Friday in the Planning Board office and daily except Friday afternoon in the office of the Town Clerk.”

Mr. Niewenhaus states that this hearing had been continued from December 15, 2021, January 12, 2022 and January 26, 2022. The last two continuations were due to the lack of a substantive quorum to hear the matter. Since then there was a view of the site [on January 8, 2022] with the petitioner's representatives, one member of the Select Board, a group from the Planning Board and at least one member from the tenant's association of the abutting condominium. Mr. Niewenhaus states that all of the recommendations from town departments were previously put into the record but for a memo from the Board of Health received that day. He mentioned that the Planning Board had previously asked for the Board of Health to promulgate biomedical regulations. Mr. Niewenhaus read the memo into the record.

Mr. Niewenhaus stated that the Board had previously agreed that there would be no biohazard level 4 but biohazard level 3 with special agents should also be discussed. The Board of Health

usually maintains control of this at the local level, but the State department of Public Health along with some other agencies also have jurisdiction on the matter.

Mr. Niewenhous invites Attorney Charles Houghton to speak. Mr. Houghton reiterates that there was a site visit held on January 8th. He mentions that the old hospital will be demolished and that it will be a careful demolition. A 150,000 square foot building would be put in its place which is smaller and requires less parking. Mr. Houghton discusses that if the Special Permit for the building is approved that they would waive the rights to the easement discussed at the December meeting which is a lot of land in front of the Executive Drive condominiums. The easement would only be necessary if they were building a regular building of 250,000 square feet which would require more parking spaces. As long as this building is approved they could waive rights to the easement. Mr. K. Dolan questions whether you could just release the easement. Scott Weiss from the Gutierrez Company clarifies that the easement is a deed item and their preference would be to have as part of this approval, the use of that lot is restricted. We can't use it as long as it is part of this approval, for this use. This is permanent as long as this permit is active. Mr. K. Dolan asks about a copy of this easement. Mr. Weiss explains that the area was originally reserved in case they built a 250,000 square foot building and required more parking but this life science use is smaller. We would propose it is written in as a condition of the approval. Mr. Weiss further explains that the condo association owns the land. It's not written into an easement document, it is written into the deed. Mr. T. Dolan questions if it's a separate encumbrance and Mr. Weiss explains that it is part of the deed not a separate encumbrance. Mr. Moynihan questions that they would just restrict access and reference the deed. Mr. Weiss agrees. Mr. Niewenhous then states that there is agreement or methodology of the board that they restrict use. Mr. Houghton states that the thought process would be that as long as this building is in place the land would not be used. Life Science doesn't require the same size building or parking. Mr. K. Dolan mentions asking Town Counsel. Mr. Houghton says that the Special Permit would be conditioned on it. Mr. K. Dolan would like it run by Town Counsel, Attorney Bob Galvin. Mr. K. Dolan asks if Storm Water Management is resolved. David Robinson, Allen & Major Associates, civil engineer on the project speaks to this. He stated that the only outstanding item was in regards to whether their current storm water system being proposed was removing enough phosphorous from the site per stormwater regulations. Mr. Robinson reworked the calculations and sent them to the DPW Director Brett Gonsalves. They believe they capture enough phosphorous. Mr. K. Dolan asks if they just take their calculations. Mr. Robinson states that Mr. Gonsalves will go over them. Mr. K. Dolan now mentions the development agreement in place and asks about a shuttle service that was mentioned. It would shuttle people from the site to the orange line. Mr. Houghton stated that they do not anticipate the need. There is a T stop there. Mr. K. Dolan states that the Town Administrator had brought it up. He asks if all payments have been made and Mr. Houghton responds that they had. Mr. K. Dolan also mentions any decision would incorporate covenant. Mr. Houghton states that it is a recorded covenant. Mr. K. Dolan also states that any decision incorporate the petitioner's agreement to any subsequently adopted Board of Health regulations. All of the department comments had been put into the record. Mr. Niewenhous will add a comment from Marcia Wengen to some salvaged material from the site. Discussions gets back to the Board of Health regulations. Mr. Houghton reminds them that we do not need the regulations because it is awhile before we will apply for a building permit. The Planning Board Clerk/Town Clerk mentions the process that the Board of Health has taken so far in meeting with Burlington Board of Health Chair, Health Director and environmental engineer and that they will meet with another environmental engineer who will attend their Board meeting on February 15th. Mr. Houghton states that they will agree with whatever the Board of Health comes up with. Mr. Niewenhous states that they aren't unique novels. They have something to look at ahead of time. Mr. K. Dolan asks if there are currently life science buildings in Burlington. Mr. Weiss answers that the ones they have are level 1 & 2. Burlington doesn't allow level 4. Mr. K. Dolan

mentions that level 3 allows research of serious diseases and that can be by transmitted by inhalation. Mr. Niewenhous mentions level 3 with special agents. It could be a greater risk than regular level 3. Mr. Moynihan said that it should be the Board of Health deciding this issue. Mr. K. Dolan states that they haven't promulgated anything. Mr. Moynihan believes they are making a decision subject to the Board of Health. Mr. Niewenhous agreed. Mr. Niewenhous will try to attend the Board of Health meeting. Mr. Moynihan also questions Cheryl Noble's letter stating that a large snow fall requires snow removal. Who determines what a large snowfall is? Mr. Weiss answers that at department review it was discussed and means if it's more snow than can be stored around the edges on site.

The Chair asks for comments from the public. There are no comments. Marie Larcom, 7 Executive Drives asks a question about the easement. Would it be taken off completely and not be put back for any reason. Mr. Niewenhous states that the representation of the petitioner as long as it is this structure at 150,000 square feet with this parking requirement, they would not exercise their rights under the easement. Mr. K. Dolan had wanted that understood in writing. Ms. Larcom asks if it would still be on their deed. Mr. K. Dolan elaborates that the petitioner does not want to unwittingly hamstring themselves if this project doesn't work out in 10-15 years and they want to build something that is 250,000 square feet. We will get Town Counsel's opinion. Mr. K. Dolan doesn't see it being released in its entirety. Ms. Larcom states that leaves them in a bind. They are paying for that property, to maintain it and the taxes. One of the other members of the Sterling Hill condo association refutes that and states that although they maintain it, it is in the agreement that the Gutierrez Company is reimbursing them for the taxes. Ms. Larcom questions whether the easement would come back if he sold the property. Mr. Niewenhous states that it depends what is done with the property. She then asks about the different level of hazards. How hazardous is level 3 to the environment and the people living nearby? Mr. Niewenhous states that is why the matter is with the Board of Health.

Mr. Houghton mentions the criteria for section 4.7.3.1 a-b. This is the exact type of use. It's in the bylaw. They meet all of the criteria. Appropriate location. Will not adversely affect the neighborhood. It's not a nuisance or a serious hazard. There is plenty of parking. There is a bus stop and access for vehicles.

Mr. Niewenhous reads a letter from Marcia Wengen, Co-Chair of the Historical Commission into the record pertaining to salvage of stones for one of the local pastors. Marcia Wengen, 56 Washington St, elaborates that the pastor wants some stones before they are carted away. Mr. Niewenhous states that he will be notified and should come take the stones right away. Mr. Houghton states that they are agreeable.

Mr. Moynihan moves to close the public hearing but the Board decides that it should remain open until they get the answers to their questions about Storm water and Board of Health. Mr. Moynihan thought they would make a decision subject to or conditionally. Mr. Houghton explains that it is concurrent with the Select Board. Mr. Houghton would like it contingent on Storm water. Mr. Niewenhous tries to get a sense of what the Board would like. Mr. K. Dolan states it is incumbent upon the Board not to rush it. Mr. Niewenhous asks Mr. Houghton to draft a proposal for Attorney Galvin with a copy of the documents for comment by March 2nd. Mr. K. Dolan asks if there are any time standard issues.

Mr. Vallarelli made a motion to continue until March 2, 2022 at 7PM. Mr. K. Dolan seconded and ask the petitioner waive any time standard issues. Mr. Houghton consents to any time standard issues. All members voted in favor of the continuance (5-0).

There was a brief recess taken from 7:57PM-8:02PM.

95 Maple Street (public hearing continued from January 12, 2022 & January 26, 2022)

Represented by Charles Houghton

The Chairman read the legal notice for the next public hearing into the record:

“You are hereby notified that the Stoneham Planning Board, acting as Special Permit Granting Authority, will hold a Public Hearing Wednesday evening, January 12, 2022 in the Hearing Room, Town Hall at 7:00 p.m. to hear all persons interested in a petition for a special permit by 95 Maple Street Stoneham Property Owner, LLC of 30 Speen Street, Framingham, MA to construct a single multi-family 270 unit residential building and parking garage at 95 Maple Street, Stoneham, MA in accordance with Town of Stoneham Zoning By-law 4.23.2.1. A plan by R J O’Connell and Associates, Inc. entitled “95 Maple Street Stoneham, MA – Site Plan SP-1” dated September 17, 2021 showing the proposed building and parking may be seen mornings except Friday in the Planning Board office and daily except Friday afternoon in the office of the Town Clerk.”

Mr. Niewenhous invites Attorney Houghton to speak. Mr. Houghton begins by reminding the Board of the rezoning that was done a year ago to create the Maple Street Residential Overlay that allows regular housing along with the senior housing already in place. Mr. Houghton goes over the project. It will be a five story building with a parking structure adjacent. They are allowed 65 feet and they do not believe they will go over. This is the only flood zone in Stoneham so they will work with that to control the runoff. They will put in mitigation, rain gardens and infiltration. They went to the Board of Appeals for a variance. He then talks about the inclusionary zoning. They had a review of the traffic and the Board was given a summary. Mr. T. Dolan asks if it will be a problem at Montvale and Maple. Steve Glowacki from RJ O’Connell Associates is the civil engineer on the project. Mr. Glowacki goes over the traffic and the impact study that was done. The study states that project could safely accommodate the traffic. Mr. T. Dolan asks the hours of the study. He talks about the light cycles. It’s a busy area. Everyone is flying out of there to get to work. Mr. Glowacki goes on to say six intersections were studied and that the project would generate 1470 vehicle trips on an average week day, there would 70 additional trips expected, 13 entering and be 57 additional vehicles exiting in the weekday morning peak hour. It would be a vehicle a minute over the hour. Mr. K. Dolan asks about the level at Maple and Montvale. Mr. Moynihan mentions it is page 24. Mr. Glowacki responds that it is a level of service B during the weekday. It is not anticipated to be a detriment and is projected out to 2028. They based this on the counts today. Mr. Niewenhous will read the department comments into the record. Before doing so, Mr. K. Dolan states that the Board of Appeals variance took the Planning Board bylaw that was just implemented allowing for 235 units that could go up 10% accounting for roughly 260 and the variance gives 270. Mr. Houghton states the variance was for 12 units. So it would be 258 units? Mr. K. Dolan questions that 14% would be affordable? Mr. Houghton says it’s 15%. Tim Collis from Calare Properties clarifies that it is 12% for the first 30 units and from 30-270 is 15%. Mr. Collis believes it is 38 affordable units but then corrects himself to say 40 units.

Mr. Niewenhous read the department comments into the record. Mr. Houghton agrees with all comments as presented. They are still awaiting comment from Public Works. Marcia Wengen, 56 Washington Street, mentions the inventory list for affordable units. Mr. K. Dolan suggests a site visit. Mr. Houghton mentions the Board of Appeals site visit. Mr. Moynihan mentions the

pictures they received are a good depiction of the site. Mr. Niewenhous said that he is familiar with the site. The members of the board agree to Saturday, February 26th at 9AM in front of the existing building on Maple Street. Mr. Houghton suggests it will take about a half hour. Mr. Niewenhous suggest that they put together a template for when the affordable units need to be put in. Mr. Collis acknowledges the new bylaw.

Mr. K. Dolan made a motion to continue the public hearing until March 2, 2022 at 7PM. Mr. Vallarelli asks about the storm water management which is not yet available. Mr. Glowacki acknowledges that they have met with Brett Gonsalves and others to discuss the design and then met informally with the Stormwater Board. Mr. Niewenhous points out that they would like to see the report. Mr. Vallarelli inquires about previous drainage. Mr. Houghton wasn't familiar with any. Mr. K. Dolan repeated the motion to continue until March 2nd at 7PM and it was seconded by Mr. Vallarelli. Mr. Houghton agrees to waive any time standard issues. All members voted in favor of continuing (5-0).

39 Pleasant Street, Unit 2A (public hearing continued from January 26, 2022)

Represented by Charles Houghton

The Chairman read the legal notice into the record:

“You are hereby notified that the Stoneham Planning Board acting as a Special Permit Granting Authority will hold a Public Hearing WEDNESDAY EVENING, January 26, 2022 in the Hearing Room at Town Hall at 35 Central Street, Stoneham, MA at 7:00 p.m. to hear all persons interested in the petition of Young Men’s Christian Association of Metro North, Inc of 497 Main Street, Melrose, MA for a Special Permit pursuant to Stoneham Town Code, Chapter 15 Section 4.8.3.3, to change the use of Unit 2A at 39 Pleasant Street, Stoneham, MA from a non-profit day care (Charitable Use) to an internet technology company (retail/service). Unit 2A contains 3476 square feet. A plan filed with the petition by Norse Design Services, Inc., dated May 15, 2017, with revisions through December 16, 2021, entitled, “Site Plan 39 Pleasant Street Stoneham, Massachusetts” may be seen mornings except Friday in the Planning Board office and daily except Friday after noon in the office of the Town Clerk.”

Mr. Niewenhous invites Mr. Houghton to speak on the matter. Mr. Houghton reminds the Board that this is the fourth unit and two had previously come before the Board as they were over 3000 square feet. This is the third unit. The Y has sold and moved to Maple Street. Mr. K. Dolan inquires about the current zoning. Mr. Houghton responds that it is commercial but this new technology use would fall under retail service. They started with a variance for parking. It’s a very appropriate use for a commercial zone. It’s an IT company expanding from the one unit to another to enlarge. Mr. Niewenhous reads the department comments into the record and Mr. Houghton agrees to all comments. Mr. Niewenhous asks for comments from the public. Seeing none, he asks for questions from the Board. Mr. Houghton reiterates that they are just changing the use.

Mr. Moynihan made a motion to close the public hearing which was seconded by Mr. T. Dolan. All members present voted in favor (5-0).

Mr. Moynihan made a motion to accept the request for the Special Permit for the change of use from charitable use to retail service use. There are no structural changes. Along with depart comments incorporated into the Special Permit. The motion was seconded by Mr. T. Dolan.

Mr. K. Dolan stated that is complies with 7.4.3.1. A roll call vote was taken. All members present voted in favor (5-0).

22 Wright Street (public hearing continued from January 26, 2022)

Represented by Charles Houghton

The Chairman read the legal notice into the record:

“You are hereby notified that the Stoneham Planning Board, acting as Special Permit Granting Authority, will hold a Public Hearing Wednesday evening, January 26, 2022 in the Hearing Room, Town Hall at 7:00 p.m. to hear all persons interested in a petition for a special permit by 22 Wright Street LLC of 31 Main Street, North Reading, MA to construct a three (3) unit residential condominium building with parking under at 22 Wright Street, Stoneham, MA in accordance with Town of Stoneham Zoning By-law 4.3.3.1. A plan by PJF and Associates entitled “Plot Plan of Land in Stoneham, MA” dated April 5, 2021 with revisions through October 15, 2021 showing the proposed building may be seen mornings except Friday in the Planning Board office and daily except Friday afternoon in the office of the Town Clerk.”

Mr. Niewenhaus invited Mr. Houghton to speak on the matter. Mr. Houghton begins by mentioning that it is in the Residence B zone. A Special Permit is required for three units. He gives the history of how it started as a four unit project and was reduced to three units when it was before the Board of Appeals. He describes the plan with the setbacks. There are garages underneath. There are several large trees that will stay in the back and they add some more to the back. The building itself is not salvageable. Mr. K. Dolan asks about the relief granted by the Board of Appeals. The Board has a copy of the decision for their records. Mr. K. Dolan asks about the garage access from the back of the building. Mr. Houghton shows them the plan of the back. Mr. Niewenhaus asks for a complete set of plans. Mr. K. Dolan inquires about the size of each unit. Mr. Houghton responds that they are three bedroom units with one of the units on the first floor. There is discussion of the Board of Appeals hearings with the neighborhood opposition and the compromise that was made. Mr. Niewenhaus allows Marcia Wengen, Co-Chair of the Historical Commission to read a letter addressed to the Board into the record. As her main point she asks that the house blend in with the neighborhood. She discusses demolition delay with the Board. Mr. K. Dolan asks Ms. Wengen what she thinks of the proposed design. She stated that it’s a big improvement but she would like to see shutters like the neighboring homes and on the hood door arrangement she would like to see corbels. Ms. Wengen asks if she can take pictures of the demolition for historical purposes. The developer agrees. Mr. Houghton reiterates that it is a three unit townhouse development that fits in the neighborhood.

No members of the public were present to comment.

Mr. Vallarelli made a motion to close the public hearing and Mr. K. Dolan seconded the motion. All members present voted in favor (5-0).

Mr. Vallarelli made a motion to approve the application as presented. Mr. K. Dolan seconded the motion with incorporating the town department comments and Ms. Wengen’s suggestions about the shutters at least in the front and the corbels. Mr. Houghton states that they will show them the design at another meeting. A roll call vote was taken. All members present voted in favor (5-0).

Motion to adjourn was made by Mr. K. Dolan and seconded by Mr. T. Dolan. All members present voted in favor (5-0).

Meeting adjourned at 9:01PM

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:

Planning Board minutes dated January 26, 2022

A plan by Gloral Associates entitled, "Plot Plan in Stoneham, MA, Owner Nicole Cabral" dated November 29, 2021 and a Proposed Floor Plan by JMB Design Studio dated December 20, 2021 with revisions dated January 6, 2022.

A plan by Allen & Major Associates, Inc. dated November 15, 2021 entitled, "R&D, Office, Life Science, Support and Production Facility 5 Woodland Road, Map 27 Lots 3 and 3E2 Stoneham, MA"

A plan by R J O'Connell and Associates, Inc. entitled "95 Maple Street Stoneham, MA – Site Plan SP-1" dated September 17, 2021

A plan filed with the petition by Norse Design Services, Inc., dated May 15, 2017, with revisions through December 16, 2021, entitled, "Site Plan 39 Pleasant Street Stoneham, Massachusetts"

A plan by PJF and Associates entitled "Plot Plan of Land in Stoneham, MA" dated April 5, 2021 with revisions through October 15, 2021

Any comments submitted by the Police, Fire, Community Development as submitted to the Select Board, Public Works Department including the Stormwater Board, the Board of Health and/or the Building Commissioner are included for each public hearing address.

Any and all letters read into the record during the public hearings.

Respectfully submitted:

Maria Sagarino
Town Clerk