



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, March 9, 2022**  
Town Hall  
Hearing Room  
**7:00 P.M.**

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

Members not present: Daniel Moynihan, Jr. and Terrence Dolan.

Also present: Attorney Charles Houghton, Betty Biggio, Heidi Bilbo and Anthony Guardia Stoneham Boys & Girls Club and Town Clerk Maria Sagarino acting as clerk to the Planning Board.

The Chairman brought the meeting to order at 7:07 PM in the Town Hall Hearing Room and made introduction of all members present.

The Chairman confirmed the next meeting date to be March 29, 2022. He then mentioned that they would wait until there was a full board on March 29<sup>th</sup> to approve the minutes dated March 2, 2022. Mr. Vallarelli made a motion to defer the minutes until March 29<sup>th</sup> which was seconded by Mr. Dolan

Mr. Niewenhaus acknowledges Mrs. Biggio and Mrs. Bilbo and invites Attorney Houghton to speak on behalf of Mrs. Biggio for the lot release for 28 Skyewood Drive (Lot A). Mr. Dolan states that there are two bonds totally \$75,000 and the remainder of work is about \$65,000. Mr. Houghton agrees but mention that Dominic Cimina will be purchasing the lot and doing the work himself as part of the deal and it will be at less of a cost. Mr. Houghton states that he will take care of the sidewalk as part of his deal. Mr. Dolan asks if he will do the final binder too? Mr. Houghton answers yes. Mr. Houghton explains that the original lot A was a large lot that evolved into two lots plus 26 Emery Court. The original release said "all of the lots" but then it listed lot numbers and A was not in the numbering. Mr. Dolan questions when they will be passing on the lot. Mr. Houghton responds next week. Mr. Dolan made a motion to approve the release of the lot which was seconded by Mr. Vallarelli. The three members present voted in favor and signed the release for filing with the Registry of Deeds.

Next the Board discussed the proposed zoning articles for the Annual Town Meeting in May. Mr. Niewenhaus stated that it is not a public hearing but continued discussion from the last meeting. Mr. Houghton explains the first article he submitted was to create a new zone called the Fallon Road Mixed Use District by deleting the Fallon Road Overlay District and combining Fallon Road with Commercial Mixed Use District. This would create one district that would include those commercial uses plus residential. He was attempting to make G.L. 40A § 3A to fit into Fallon Road. His represents Marjam on Fallon Road and his client would like to be able to develop housing. Mr. Dolan asks how many acres Marjam is? Mr. Houghton answers 6.6 acres. Mr. Dolan states that the total area is about 33 acres and Mr. Houghton agrees that it's something like that if you count the part that's in Winchester. Mr. Houghton states that the whole site was about 40 acres. Mr. Vallarelli questions if he's talking about the Middlesex Fells and Mr. Houghton states that no, it is land going toward Winchester that was part of the original farm before it was subdivided into lots, one of which ended up in Winchester. Mr. Dolan explains that with 40A, 3A you have to have 50 acres. This will get you about 33 of them. He states that you don't get credit for all of your housing. The way you do it is to back into the number, assuming

something that is already built on, you factor in how many you could build under density regulations and you get credit for that. Mr. Houghton agrees that you could get credit for something like the Mave which is already housing down there. Mr. Houghton would like to discuss with the Board or have a workshop because this is all new stuff. Mr. Houghton put this together along with a change to the Inclusionary bylaw which cannot require a Special Permit under 40A 3A. He had another concern about 4.24. You cannot condition a subdivision per say on a Special Permit. You can do like Wilmington does a Special Permit Conservation subdivision but you can't just condition upon a Special Permit. G.L. 41, 81 says right in the beginning "shall". Mr. Dolan states that the easiest way would be to list the number of inclusionaries. Mr. Houghton agrees that you'd state this is what you are going to have and you can't condition it. Mr. Dolan asks if this is in final form. Mr. Houghton states that it needs some changes. Mr. Vallarelli asks about this change and how many units it would be. Mr. Houghton states whatever could be agreed upon. He mentions that he had to delete maximum density of 20 units/acre from the table in section 5.2.1. Mr. Houghton mentions that we probably need to send it to Town Counsel or whoever else is reviewing the affordable stuff. Mr. Niewenhaus did say that Town Counsel has it and that he is aware that the Board would like his input on this article in particular. As Mr. Dolan understands 3A you need to have a minimum of 15 units/acre. Mr. Houghton states that our language said maximum so it had to go. Mr. Dolan believes that this is a good start. There is further discussion of Mr. Houghton's citizen's petition and possible changes that may have to be made. An amendment could be presented to the town meeting. Mr. Houghton said that if it were up to him we would sit down with a few Board members, the town Planner, a couple of Select Board member and sit down and put our heads together. Mr. Dolan states that this would help alleviate questions at town meeting by some of those same people. Mr. Dolan mentions that we are considered a bus community. Mr. Niewenhaus elaborates that here has been some discussion among the planner, the Town Administrator and Town Counsel about what type of community we are considered between a bus community and an adjacent bus community without a final ruling from Town Counsel. Mr. Dolan believes that we are not considered an adjacent bus community but a bus service community. He mentions that it's 2000-2500 units. Mr. Houghton agrees that it's a pretty good size and they are dangling a lot of carrots. He doesn't know how you can say no. Mr. Dolan states that Fallon Road is a good site for it as you already have a jump on it. You get partial credit and then you find 17 more acres. Mr. Houghton mentions that the Planner thought it was a good location. Mr. Dolan mentions Monterosa. Mr. Houghton didn't believe those would work but maybe the apartments across the street. They look at the zoning map showing the Residence B zone. Mr. Houghton does bring up Main Street and mentions to the Board that the Melkonians bought China Moon and will be looking to develop the property as mixed use, probably in October. Might make sense to make some changes to Highway Business. Mr. Niewenhaus reminds the Board that 40A, 3A was foisted on us without a lot of input. Mr. Houghton says that it's the law and we have to deal with it. The Board agrees. Mr. Dolan mentions there is a housing shortage and they want to encourage housing. Mr. Niewenhaus appreciates Mr. Houghton doing this.

The next article is the amendment to the inclusionary zoning bylaw. Mr. Houghton explains that he removed the Special Permit language. It's pretty straight forward. He states that when you look at 40A, §3A the first thing is pretty much that you can't condition it on Special Permit. He didn't touch 4.24. He wasn't sure if that conflicts with 40A, 3A. The only thing he struck out was the language requiring a Special Permit. Mr. Vallarelli asks about affordable units and Mr. Houghton explains that anything over 8 requires an affordable component. It's like 12% for the first 30 units then 15% after 30 units. Mr. Dolan asks if out of the entire inclusionary zoning bylaw, Mr. Houghton is just amending 6.12.3 numbers 1 & 2. Mr. Houghton responds in the affirmative. He didn't touch anything else. He does mention that we might want to talk about 4.24 in the future. Mr. Dolan further questions what happens with something that doesn't require a division of lots. Mr. Houghton questions like an ANR? After looking at the bylaws and the language in the article, Mr. Dolan works through what he brought up to realize that we are covered. The first sentence of number 2. Covers something like that. Mr. Houghton again mentions 4.24 and how it seems similar to 6.12. After looking at 4.24 Mr. Dolan asks why we created this section which seems duplicitous. The Board added 4.24 last May with the help of Attorney Jon Witten. In looking at the language, Mr. Dolan believes the last sentence of 4.24 "the Planning Board's special permit powers shall be limited to enforcing the provisions of Section 6.12 of the Zoning Bylaw" should cover them. It makes you okay for now. Mr. Dolan agrees with how Mr. Houghton presented the article removes the Special Permit language from 6.12 as shown by strikethrough.

The last article is the Boys Club. Mr. Dolan questions whether it will still require a Special Permit. Mr. Houghton says that it will require a special Permit. He refreshes the Board's memory about the Boys & Girls Club having a temporary Special Permit for a year. Then they were granted a second year which will be up in August. He needed to do something, so he submitted this warrant article relative to Residence B. He answers yes to Mr. Dolan when he asks if the current Special Permit was granted under 4.3.3.1? Mr. Houghton then mentions that he was a bit restrictive with this article when he created 4.3.4.5 which is for the conversion of an existing building that way it couldn't be just anywhere. There is other language like it in Residence B. Mr. Niewenhaus asks if the language pertaining to recreational and educational is consistent with other areas of the bylaws. Mr. Houghton answers that it is and that he did not define recreational. He thought he should stay away from a definition. It should speak for itself. Mr. Dolan asks what Webster calls it. Mr. Dolan asks if we should go to 20,000 or 30,000. Mr. Houghton said that if he goes to 30,000 he would need an ANR. For 20,000 it would still require a special permit. Mr. Dolan states that we want to encourage redevelopment rather than demolition and new in some cases but is that too restrictive on one end. Mr. Houghton says if you go to 4.3 you can convert an already existing to a two family. So that language is already in there. Mr. Niewenhaus feels that it would be easier to pass with the existing language in there especially for an abutter. Mr. Houghton states that the last bit of the bylaw is for signs. Mr. Houghton added maximum 18 square foot sign in Residence B. Mr. Dolan asks if there is currently a sign. Mr. Guardia from the Boys & Girls Club answers that there was an old sign but it is dilapidated and they had a temporary banner hanging over it. Mr. Dolan knows that they are lessees but is wondering if they would be able to do something to the aesthetics. Mr. Guardia mentions that they would like to and that they had started to do something but had been slapped on the wrist by the Building Department. They want to power wash it and clean it up. The Church would let them paint and clean it up a bit. Mr. Niewenhaus notes that the hearing for the warrant articles will be at the April meeting.

Motion to adjourn made by Mr. Dolan and seconded by Mr. Vallarelli. All members voted in favor.

Meeting adjourned at 7:44 PM.

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:

ANR Application for 28 Skyewood Drive including original plan, original lot release document and new lot release document.

Proposed bylaw language for the Annual Town Meeting as submitted by Attorney Charles Houghton for articles relative to Fallon Road, Residence B District and Inclusionary Zoning.

Zoning Map showing Residence B parcels that are over 20,000 square feet.

Respectfully submitted:

Maria Sagarino  
Town Clerk