



T O W N O F
S T O N E H A M
M A S S A C H U S E T T S
Town Hall
35 Central Street
Stoneham, Massachusetts 02180
BOARD OF APPEALS
781-279-2695

Stoneham Board of Appeals Minutes
Thursday, October 28, 2021
Town Hall Hearing Room
6:00 PM

Members of the Board present: R. Michael Dufour, Robert Saltzman, Chairman Tobin Shulman, Eric Rubin, Kevin McLaughlin and Associate Member Lucas Brown

Also present: Marie Mercier from Sign Design representing 167 Main Street, Attorney Mark Vaughan, Michael Nowicki & Architect James Yi representing 240 Main Street, Attorney Charles Houghton and Brian Dundon from RJ O'Connell & Associates representing 95 Maple Street

Meeting was brought to order by Chairman Tobin Shulman at 6:14 PM. Mr. Shulman began the meeting by introducing the board members and associate member present and setting out the procedure to be followed and instructions for the public hearings.

First order of business, Mr. Saltzman made a motion to accept the minutes from the October 21, 2021 meeting. Mr. McLaughlin seconded. Roll call vote was taken. All members present voted in favor.

The Board set the dates for their next two meetings to be November 18, 2021 and December 16, 2021.

Public Hearings:

The Chairman, Mr Shulman begins by reading the legal notice for the first public hearing.

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday October 28, 2021 at 6:00 P.M. in the Hearing Room of the Town Hall, to hear all persons interested in the appeal and petition of Nicole Handricken of Sign Design for a variance from the Stoneham Town Code Chapter 15, Zoning Bylaw, Section 6.7.5 at 167 Main St., Stoneham, MA. The proposed Free-standing LED sign, is 35.375 x 96.5. Section 6.7.5 (g) prohibits electronic changeable message signs. A copy of the application and Plan may be seen mornings except Fridays in the Board of Appeals Office and daily except Friday afternoon in the Office of the Town Clerk.”

Marie Mercier from Sign Design is present to represent on behalf of Speedway gas station. She begins by explaining that she is present to request that a third LED reader board be added to the sign on the existing pylon. Mr. Shulman asks if it's a changing message. She explains that it changes with a fluctuation of the gas price. Mr. Shulman asks how often it would change. Not more than daily? She believes not. She explains it's not a flashing sign. Mr. McLaughlin states that the sign on the street will change as well as price on pump. Mr. Shulman states that the sign on the street would add a third price. Mr. Rubin clarifies that it will change the price but it's not a changing LED animated sign. It should only change once a day. Mr. McLaughlin mentions

that our bylaw only allows for one change per day. Mr Shulman explains that the Board can condition an approval so that it only changes once a day. Mr Saltzman is looking at letter from the Building Commissioner Cheryl Noble. He questions the sign mentioned in the letter. Marie Mercier explains the sign cabinet. Mr Saltzman explains that the sign is prohibited. Ms Mercier explains that the sign is already there. They are adding a third sign. They speak to how LED is throwing it off. They are lit by LED but they are just price signs. Mr Saltzman asks if it will be a sign like is currently standing, 25 square feet is bottom to top with all of the prices? Ms Mercier states that it will be.

Mr Shulman opens it up to the public. Marylou Bracciotti, 36 Broadway has a property on Victoria Lane and questions why they need a variance. The sign is there but they are adding a third price. The sign will be the same size. Mr Shulman explains that our bylaw is written in a broader sense. In this case, although it is electronic and LED it is not what one imagines. Mrs. Bracciotti states that gas prices fluctuate and the sign could change multiple times a day. Ms Mercier shows her the image. Mr Rubin stands corrected that the sign might change more than once a day.

Mr Saltzman motioned to close the public hearing and Mr McLaughlin seconded. All in favor.

Mr Shulman asks if there is any deliberation. Mr McLaughlin adds that the bylaw states that it can only change once a day. Mr Shulman states that it can be a condition. Mr Rubin states the intent of the bylaw was not to have animation. Mr Shulman would not want to see it change more than once a day. Mr Rubin asks what the vendor would do if the price changed more than once a day. Mr Shulman doesn't believe the condition to change once a day and not to have the sign flashing is unreasonable.

Mr Saltzman makes a motion to grant the relief sought with the condition that sign not change more than once a day and that it not flash anytime of the day or night. The sign should only be on when the gas station is open. The motion was seconded by Mr Dufour. Roll call vote was taken. All members present voted in favor.

The Chairman Tobin Shulman read the legal notice for 240 Main Street into the record as they began the second public hearing.

“You are hereby notified that the Stoneham Zoning Board of Appeals will hold a Public Hearing Thursday, October 28, 2021 at 6:00 P.M. in the Hearing Room of the Town Hall, to hear all persons interested in the petition of Northern Bank and Trust Company for a variance from the Stoneham Town Code Chapter 15, Zoning Bylaw, Section 5.2.1, Footnote 4 as it relates to a Side Yard Setback and/or for an appeal of the Building Inspector's refusal to grant a permit pursuant to Section 7.6 of the Zoning Bylaw as it relates to property located at 240 Main Street, Stoneham, MA. The Applicant proposes to construct a pergola in the Side Yard setback approximately 8.4' from the property line in violation of the 15' minimum setback requirement. In addition to or in the alternative, the Applicant seeks to overturn the Building Inspector's Interpretation of the Zoning Bylaws as it relates to the classification of a pergola as a "Building". A copy of the application materials and plans may be seen mornings except Fridays in the Board of Appeals Office and daily except Friday afternoon in the Town Clerk's office.”

Attorney Mark Vaughan appears to represent Northern Bank & Trust. Northern Bank & Trust is in the process of upgrading the location. The request is for a variance for a decorative pergola on the William Street side for outdoor use. They applied for a variance but also asked that you overturn the Building Commissioner's decision. The side yard setback is only 5 feet. Footnote 4 in the bylaw is what is in question. Attorney Vaughan states that the curb line is 18 feet away. He indicates that the definition of a building states that the

structure would have a roof. This is a pergola with slats, maybe not considered a roof. The outdoor space seems to be a result of the events of past year and a half with COVID. It complements the building quite well as shown in the artist's rendering. It will not interfere with sight distance. Ample space between this and the travel portion of the street. Attorney Vaughan mentions the memo that was submitted with the application which gives more explanation. Relief can be granted without detriment to the public good.

Mr. Dufour asks if there is a doorway from bank to pergola. Attorney Vaughan states that there are glass doors leading out from the bank. Mr McLaughlin said he would like to see some kind of bollards to protect the pergola in the event something happened with a motor vehicle on the William Street side. It would be for safety reasons. Mr. Shulman gives the applicant time to confer with the architect. Attorney Vaughan hears the point and is familiar with that concern being raised. They do not want to lose the aesthetics. They'd like flexibility in accomplishing this effect. Mr McLaughlin is fine with anything even large planters. Mr Shulman states that design flexibility can be given. Mr Vaughan mentions the existing telephone pole and utility box are also out there.

No comment from the public.

Mr Dufour made a motion to grant the variance with the condition that bollards be added on the William St side. Mr McLaughlin seconded. The Chair took a roll call vote. All members present voted in favor.

The legal notice for the third public hearing is read into the record by the Chair.

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, October 28, 2021 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by 95 Maple Street Stoneham Property Owner, LLC with an address of 30 Speen Street, Framingham, MA 01701, to construct a 270 Unit apartment complex with amenities at 95 Maple Street, Stoneham, Massachusetts and to grant a variance of Section 4.23.5 (g) – Density Bonus – of the Town of Stoneham Zoning By-law which allows a maximum density in the Maple Street Residential Overlay District of 1 unit per 1,000 square feet of total land area (235 units), which the planning board may increase by 10%. The proposed number of units is 270 which is a 15% increase over the base unit density allowed. A plan filed with the petition by RJO'Connell & Associates, Inc. entitled “95 Maple Street, Stoneham, MA - Site Plan SP-1” dated September 17, 2021 shows the proposed building. Plan may be seen mornings except Fridays in the Board of Appeals office and daily except Friday afternoon in the Town Clerk's office.”

Attorney Charles Houghton is present to represent 95 Maple Street Stoneham Property Owner LLC. He begins by giving a little history on the property being a parking lot for Winchester Hospital, totally paved with very little drainage components and prior to that it was a trucking terminal. It floods with heavy rains. Attorney Houghton mentions that the property was rezoned for different housing in May. They kept the senior overlay in place and added another residential component with regular housing. This development will include 15 studios, 126 one bedroom units and 129 two bedrooms. It was originally going to be a few less units and four stories instead of five but changes had to be made to accommodate the new stormwater regulations put in place by the town. They needed to design for a 100 year storm. It needed to be taller and have much more flood storage which increased costs substantially. The numbers were impractical, adding the additional units makes the project financeable. The tax impact should see a \$700,000 increase. The Planning Board wanted 10% affordable but then an inclusionary zoning bylaw was passed in May. So now we need 14% affordable. That is now a cost factor. We are asking for a dimensional variance for a few more units. This will make the project more viable.

Attorney Houghton began to explain the plan and hardships. There is a topography issue on the southerly side where the slope is steep. There is a brook on the northerly side with three sewer easements with MWRA. You cannot put any structures not even for drainage. They have already talked the storm water board. It is currently a parking lot so they are investing a considerable amount of money. Mr Houghton introduces Brian Dundon of RJ O'Connell & Associates to present on the plan that his company has come up with thus far. He continues to explain the storm water runoff into Sweetwater Brook. He also talks about the floodplain and the existing flooding on the property. The redevelopment will try to mitigate this flooding. The design of the storm water system accomplishes three goals. It reduces peak flows and has increased landscaping. Storm water will be collected onsite and there will be no direct flow into Sweetwater Brook. There will also be natural rain gardens to control and treat runoff. There will a post construction maintenance plan to maintain the storm water system consistent with new regulations adopted by the town.

Mr Rubin asks about the proposed rain garden. Will it be treated? Mr Dundon explains that the rain garden is a treating component as well it is a mixture of soil and plant materials that will remove pollutants. Mr Shulman comments that it would be different from a retention pond. Mr Dundon agrees and elaborates on that comment. Mr Shulman asks about whether there would be an increase in pervious area on site. Mr Dundon said there will be an increase in pervious green space of approximately 55,000 square feet. Mr Saltzman asks about the parking garage. Will there be trees planted around it? Mr Dundon states that there will be landscaping surrounding the perimeter. Mr Shulman asks whether the parking structure will be below grade at all. Mr Dundon explains that it is all above grade and you won't see the structure as the building wraps around on three sides. Mr Houghton explains that they are well under the height requirements. Just looking for variance on unit count. Mr Shulman asks about the EA zone and what height it floods to. Mr Dundon responds that it is at 48. Mr McLaughlin asks if there is any commercial component. Mr Houghton responds that it is all residential. Mr McLaughlin asks about snow removal. Mr Houghton responds that it is a good question. Mr Dundon says that there would be some stockpile areas in the front and provisions in place to dispose off site. Mr Saltzman asks about the retaining wall on the side adjacent to the bike bath. Mr Dundon said it will be 5-6 feet at its peak and feather down to less than a foot on both ends. Mr Shulman asks about the sense of cut and fill. They are not anticipating a significant. They expect a balanced site. Mr Saltzman states that he believes it would help for the Board to see the property. Maybe they should continue and have a site visit. Before they entertain that happening Mr Shulman opens it up to the public.

John Melkonian, representing 88 Montvale LLC speaks as a direct abutter. They have no objections and hope that the proposed storm water management helps with the flooding on their parcel. Scott Folberg representing Wakefield Investments owner of 100 Maple Street. The issues they have are the flooding and don't want anything else brought in unless the flooding is corrected. They do not oppose the project but want the problems corrected first. The bike path project caused runoff. Mr Folberg mentions that they just signed a lease for a daycare. There will be pickup and dropoff for about 100 children daily. They want it to remain safe. Mr Folberg would be happy if they can control or divert the water. If they can be of any help they gladly would be. Mr Saltzman asks if there is anything specific they would like to see. Mr Folberg just wants the flooding controlled. The culvert isn't big enough to handle to the flooding. Mr Houghton responds by saying that under storm water management we have to do more. The sooner we get going and build will help the situation. They looked at all solutions other than what they are doing on their lot. There isn't anything else that can be done in that area. This system would be good for a 100 year storm if every site were to do this. Mr Shulman states that no one site is responsible for all of the flooding. Mr Houghton mentions that town meeting unanimously

rezoned the property. There is a shape issue, the brook, topographical issues and it comes down to a financial hardship.

The Board discusses a date for a site visit prior to continuing the hearing to their next meeting date of November 18th. The Board agrees to Thursday, November 4th at 4:30PM for a site visit.

Mr Rubin makes a motion to continue the public hearing on November 18, 2021 at 6PM pending a site visit on November 4th. Motion is seconded by Mr Dufour. Roll call vote. All members present vote in favor.

Mr McLaughlin makes a motion to adjourn which was seconded by Mr Saltzman. All members vote in favor. Meeting adjourned at 7:24PM.

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

Minutes for the meeting held October 21, 2021

Allen Industries Site Plan and Scope of Work for Speedway #2515 167 Main Street

Plot Plan for 167 Main Street

Plot Plan for 240 Main Street by Feldman Land Surveyors dated October 5, 2021

Site Plan Layout for 240 Main Street

Brief in support of petition for 240 Main Street

Rendering of proposed pergola for 240 Main Street

Site Plan of 95 Maple Street by RJ O'Connell & Associates, Inc dated 9/17/2021