



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, April 13, 2022

Town Hall
Hearing Room
7:00 PM

Members present: Chairman Frank Vallarelli, Vice Chairman Kevin Dolan, Daniel Moynihan, Terrence Dolan and Marcia Wengen.

Also present: Attorneys Steven Cicatelli, Mark Vaughan and Charlie Houghton, Marco Borba with WS Development, Frank Petrillo, residents Ellen McBride, Greta Garniss, Joan Lemire and Laura Sibia and Steve Glowacki with PJ O'Connell Associates.

Acting as Chairman, the Vice Chairman Kevin Dolan brought the meeting to order at 7:03 PM in the Town Hall Hearing Room and announced that they would be reorganizing the Board. Before doing so, Mr. Dolan recognized Mr. August Niewenhaus for his many years on the Planning Board and welcomed the newly elected member, Marcia Wengen, to the Board.

First order of business was to reorganize. Vice Chairman Dolan entertained a motion for Chairman. Mr. Moynihan made a motion for Frank Vallarelli which was seconded by Mr. T. Dolan. All members present voted in favor.

Mr. K. Dolan then entertained a motion for Vice Chairman. Mr. Moynihan made a motion for Kevin Dolan which was seconded by Mr. T. Dolan. All members present voted in favor.

Mr. Dolan then entertained a motion for Secretary. Mr. Moynihan made a motion for Terrence Dolan which was seconded by Mr. Vallarelli. All members present voted in favor.

At this time, Mr. Vallarelli took over as Chairman and the next order of business was to confirm the next meeting. There was some discussion of schedules before tabling the matter until later in the meeting.

Mr. K. Dolan made a motion to approve the minutes of March 2, 2022 which was seconded by Mr. Moynihan. Four members voted in favor with one abstention from Ms. Wengen (4-0).

Mr. K. Dolan made a motion to approve the minutes dated March 29, 2022 which was seconded by Mr. Moynihan. Three members voted in favor with abstentions from both Mr. T. Dolan and Ms. Wengen (3-0).

Mr. Vallarelli invited Attorney Steven Cicatelli to speak on his request for approval of outdoor seating at Evviva Trattoria located in Redstone Shopping Center. Mr. Cicatelli reminds the Board that Redstone had previously requested outdoor seating in five different locations. He further explains that it was for various sidewalk areas and that they had asked both the Select Board and the Planning Board to approve all five locations so they wouldn't have to keep coming back and noticing abutters for public hearings. He states that the Select Board had approved five locations and this Board had approved five locations but with conditions. He further explains that the Planning Board retained jurisdiction with conditions four and five of their decision dated May 9, 2014 in order to receive input from fire, police and inspectional services.

For the record, conditions four and five of the May 9, 2014 decision read as follows:

4. The Board retains jurisdiction, in its sole discretion, of final seating layouts, configurations and safety provisions subject to recommendations of the Fire, Inspectional Services and Police Departments for the other four (4) areas shown in the Plans of Record.

5. Requests for approval as noted in Condition 4, herein shall be acted upon at a regularly scheduled meeting of the Planning Board and will not require further public hearings.

Mr. Cicatelli continues to mention that they have a new tenant, Evviva Trattoria which will be occupying the location where the Paper Store is currently located. Mr. Cicatelli refers to the photographs he had provided showing the outdoor seating up on the curb and entirely enclosed by these barriers that are planters that will be filled per the recommendation of the Police Chief, the Building Inspector, the Fire Chief and the Planner. There will obviously be planting materials and plants but beneath that the planters will be filled with either gravel, sand or cement so that the weight will approximate a jersey barrier. You will have the curb, then posts that are countersunk thirty inches into the ground providing protection and the planters that will be filled with heavy material then soil and the actual plants. The planters will be affixed to the concrete as recommended by the Police Chief. Mr. K. Dolan asks Mr. Cicatelli how wide the area would be between those outside barriers and the end of the curb. Mr. Cicatelli indicates that it was shown on the blow up of the site plan that he provided. Mr. Dolan answers his own question as he looks that it is nine feet. Mr. Moynihan asks if that is basically the sidewalk width and Mr. Cicatelli answers that it is. Mr. Cicatelli indicates there will be some LED lights strung. Mr. Cicatelli continues to tell the Board about some parking calculations that they had done to reinforce the opinion of the Building Inspector that this need not go before the Select Board. The parking calculation is listed on the plans that the Board has been approving, they've really never wavered from the total of 1289. He said that proposed restaurant C had a requirement of 90, it was reduced to 31 and 60 seats are being allocated to Evviva Trattoria. They will go before the Select Board for a liquor license and Common Victualler's license which will include the outdoor area as well as indoor. The Building Inspector will be reviewing building code for seating around tables and aisle width as part of the licensing in two weeks. Mr. Cicatelli reiterates that based on the input of police, fire and building it's probably one of the safer outdoor eating areas in town. Mr. K Dolan asks if there are 53 outdoor seats. Mr. Cicatelli believes so after counting. Mr. Dolan agrees that there are 12 four person tables and then five. Mr. Moynihan inquires to the number of seats inside. Mr. Cicatelli believes if you look at the parking chart on the plan that it lists both indoor and outdoor. The revised chart shows 180 seats. So the remainder are inside, then there's a kitchen and services areas. Mr. Moynihan asks if he said 130 inside and he said that there are 180 total so it's the balance [127]. Mr. Vallarelli asks about the projected opening. Mr. Cicatelli responds that it goes to the Select Board in two weeks, then to the ABCC. He assumes the end of the summer. Mr. Borba from WS Developments states that the build out is 120 days after they take possession. Mr. Vallarelli believes they may not even use it this year.

Mr. Vallarelli entertains comments from the Board. Mr. K. Dolan likes the proposed design and layout. He likes that there's nine feet. One of his concerns with some of the other restaurant's outdoor seating is that it limits access to the sidewalk. This doesn't appear to do so. He also like the fact that it will be seen as you enter the site. Mr. Vallarelli asks if they will have doors on the side unlike the Paper Store that just has a front door. Mr. Cicatelli responded that it would be for staff. Mr. Moynihan asks if there will be a door to get to the outside seating. Mr. Borba states that there is a door on the side to the outdoor seating that is seen on the last page of the packet handed out to the Board. Mr. T. Dolan would like clarification. Do you enter the main building and then are seated by the hostess? Mr. Cicatelli responds that you need to see the hostess. They want to seat you. They do not want to people just walking up and seating themselves in the area. Mr. Moynihan clarifies that they are here because of condition four of the decision. Mr. Cicatelli states that they had agreed to that to gain approval and the Board was kind enough not to require a full public hearing. Mr. Moynihan believes it to be a nice layout and his primary concern is safety and some protection because you have cars going every which way there. During COVID you saw people throwing up half-baked protection barriers which weren't really protection barriers. Mr. Moynihan stated that he was going to ask about bollards but he thought those cement barriers seem even

better than bollards. Mr. Cicatelli agrees that it is actually better, originally they were planters at about 500 pounds but the Police Chief and Building asked if they would add to that and affix them.

Mr. Vallarelli asked if there were any other comments. Mr. Moynihan believes that they are only approving the layout. Mr. K. Dolan agrees. Mr. Vallarelli asks if they will amend it so the new restaurant name goes in there. He states that the original decision had the names of restaurants that were having outdoor seating and some of them aren't even there anymore. Mr. Cicatelli concurs. That's a problem because a tenant can come and go. Mr. Cicatelli says that as long as you approve the structure and the layout it's fine.

Mr. Vallarelli asks for comments from the public. Leisure Lane resident Greta Garniss asks if it's going where the Paper Store is? And if the little book library will be removed. Mr. Borba from WS Development answers that it is going into where the Paper Store currently is. The little library will be moved to another spot on the property and the Paper Store will move to where Talbots is currently located.

Seeing no further comments, Mr. Vallarelli entertained a motion to close the public hearing. Mr. K. Dolan so moved and Mr. Moynihan seconded. All members present voted in favor. Mr. K. Dolan made a motion to approve the petition which was seconded by Mr. Moynihan. All members present voted in favor. Approval of outdoor seating for Evviva Trattoria was granted. [The approval is subject to recommendations from Fire, Inspectional Services and Police as stipulated in Condition 4 of the May 9, 2014 Planning Board decision].

As to the next agenda item to comment on the DPW subdivision regulation changes, Mr. K. Dolan states they should ask the Director, Mr. Gonsalves, to attend a meeting. Mr. Dolan did review his comments but thought he might elucidate them at a meeting. He believes they should invite him. Most of them made sense to him, but Mr. Dolan did have one or two questions. Mr. Vallarelli asks if the revisions need to be taken up at Town Meeting. Mr. K. Dolan responds that they do not. They are not zoning. Mr. Vallarelli states that Mr. Gonsalves will be invited to the next [regular] meeting.

Mr. Vallarelli introduced the next matter of the sign change at BJ's Wholesale Club. He invited Attorney Mark Vaughan to speak on the matter. Mr. Vaughan congratulates Mr. Vallarelli on his new Chairmanship and Ms. Wengen for her recent election to the Board. Mr. Vaughan then reminds the Board that he had been before them back in 2015 for approval at BJ's to incorporate a retail gas facility onto their property. Pursuant to that special permit there was a condition five which was inserted similar to the last matter heard [for Redstone]. This is less involved with no department review. Mr. Vaughan then read condition 5 from the Planning Board decision dated September 17, 2015:

"The Planning Board retains jurisdiction for the approval of all signage relating to the retail sale of petroleum on the site, notwithstanding any variances that be sought from or granted by the Board of Appeal. Said approval process will take place at a regularly scheduled public meeting of the Planning Board without any additional notice requirements."

Mr. K. Dolan states that you are replacing the sign that's already there with a new one. In fact you've already done so. Mr. Vaughan is glad Mr. Dolan brought that up. He explains that they had an overly ambitious sign vendor. He continues to say that the pylon sign that is out on the highway is the one in question. They are not looking to increase the size. They are just looking to replace that sign face. They sign vendor just thought they could replace the sign face with one of the same size that listed gas. They were not aware of the special permit condition. Mr. Vaughan apologizes for that. He was contacted after the fact. He has been in touch with the Building Inspector and she pointed out this provision. The signage proposed is what was submitted in the package. It is updating and refreshing the logo at the top and adding the BJs Gas language to the bottom. They are keeping the same method of illumination. They are not putting up prices. Mr. K. Dolan questions whether this sign is slightly wider than the formerly existing sign? Mr. Vaughan states that it is meant to be the same exact size. Mr. K. Dolan states that he has no problem with it. Mr. Moynihan says that he doesn't have any questions. He says that it is still 10 x 17. The size stays the same and you are just changing the face and marketing the other aspect of the business that's there.

Mr. Vallarelli opens it up to the public. The Clerk mentions that the Building Commissioner wanted to make sure that the sign would not be bigger than 80 feet due to the existing variance as that was not depicted in the packet submitted. Mr. Vallarelli asks if the poles are being replaced. Mr. Vaughan responds that they are not. Mr. K. Dolan inquires if the representation is consistent with the terms of the variance granted. Mr. Vaughan agrees that it is. Mr. Vaughan says that the Building Commissioner wanted an affidavit from a structural engineer just to confirm that the pylon is fine and they are doing so as part of the building permit. Mr. K. Dolan believes that any motion would include department comment or recommendations.

Mr. Vallarelli entertained a motion to close the public hearing which was made by Mr. K. Dolan and seconded by Mr. Moynihan. All members present voted in favor.

Mr. K. Dolan then made a motion to approve the petition incorporating any and all department comments. Mr. T. Dolan seconded. All members present voted in favor. [The Building Commissioner Cheryl Noble's comments were verbal. She provided a copy of the variance and asked that the Board verify that the height hadn't changed as she could not see that depicted in the information provided].

Mr. Vallarelli moves on to the next agenda item which was an ANR to be presented by Attorney Houghton. Mr. Houghton states that is for a property on 3 Virginia Lane and the plan was not ready. He hopes to have it on the next meeting agenda.

The Chair moves on to the continuation of the public hearing for 95 Maple Street which had been opened on January 12, 2022 and previously continued to January 26, 2022, February 9, 2022 and March 2, 2022 with a site visit held on March 12, 2022. The legal notice had been read into the record on February 9, 2022 as follows:

“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. Houghton was invited to speak. He begins by stating that this hearing had been continued several times. They had most recently discussed the project on February 9th when they spent about an hour and a half talking about it. He said one of the outstanding questions was storm water management which has since been approved. Mr. K. Dolan acknowledges that they were given approval of the storm water management plan on 3/29/22. Mr. Houghton proceeds to say that the only change since February 9th is that they are now asking for 10% three bedroom units. They provided the Board with a chart showing the original make up of units and the newly proposed units with the three bedroom units added as well as an estimate of school age children. There are affordable units at every size and type. Mr. Houghton explains that the affordable units will be distributed throughout the building equally according to what the Department of Housing and Community Development requires. DHCD will oversee this but Mr. Houghton had a thought that the Planner and the Planning Board might review this mix once the building is built. Mr. K. Dolan states that Ms. Wengen suggested that any decision incorporate our inclusionary bylaw. Mr. Houghton responds that it would. This project came along around the same time that bylaw was passed in May and it's designed to meet that. Mr. K. Dolan asks if there are thirty nine affordable units. Mr. Houghton stated that it sounds right, either 39 or 40 depending on the architectural design. It might change slightly but the percentage would still meet the bylaw. Mr. K. Dolan said that you are essentially going from studios, ones and two to include 25 three bedrooms. Mr. Dolan then asks what the parking is. Mr. Houghton states that they left that the same at 1.7 per unit. Visiting the site, Mr. K. Dolan mentions that you are normally more concerned about parking when it's a dense area infringing upon other areas. This is basically by itself, the only area that might be affected by this is the site to the north that fronts on Montvale and he didn't feel there would be. Mr. Houghton mentions that at the Board of Appeals meeting, John Melkonian, representing the Melkonian family, came in support of this. Mr. Moynihan asks about the parking structure having five levels. Mr. Houghton agrees that it does. Mr. Vallarelli says that there are outside spaces too. Mr. Houghton answers that there are twenty nine. Mr. Houghton mentions that the

engineer is present but if the Board is happy with the information so far then they're happy. Mr. K. Dolan acknowledges the information previous provided on the traffic study and that he was helpful at the site visit. In looking at the handout and the addition of the three bedrooms, Mr. K. Dolan asks how many school age children they expect. Mr. Houghton answers twelve going from two to three bedrooms. He said it's hard to visualize but the number ends up being lower than you'd expect. Mr. Houghton also mentions that the Mave development on Fallon Road only has three listed in the Town Clerk's residency records. Mr. K. Dolan asks how many three bedrooms. Mr. Houghton states there are none but it is 298 units. Mr. Dolan believes that the \$140 million for a new High School, the schools can absorb those twelve. Mr. Houghton reminds the Board that there are substantial tax dollars with this project. Mr. K. Dolan acknowledges that it's a site that's been largely dormant for thirty years. Mr. Houghton agrees that has been the case except for parking by Winchester hospital. It was trucking terminal years ago. Mr. Houghton states it has its challenges particularly with storm water management and Sweetwater Brook. They've met all requirements even a 100 year storm.

Mr. Vallarelli invites members of the public to speak. Ellen McBride, 30 Butler Ave. mentions that this is right on the Greenway. She asks if there are any plans for bike racks. Mr. Houghton says that they are planning on connecting to the bike path. Mr. Glowacki with PJ O'Connell Associates responds that they are planning to add bike racks along the plaza in the front, the back and there will be consideration for storage inside for bikes. It hasn't been designed yet but it's part of their program. Joan Lemire 12 Fairview Rd is interested in the connection to the greenway. Will there be a stairway up from the property? Maybe up from the parking lot? Mr. Glowacki responds that they haven't designed it yet but the intention maybe would be to add a sidewalk to connect on Maple. They believe it to be the easiest way to do it. It would be on the east side of Maple. They are willing to have that connection as part of the conditions. It's a great amenity for the site. Greta Garniss, 100 Leisure Lane asks about the affordable component and how people would qualify. She asks if they will use tax credits, home funds, vouchers. Mr. Houghton explains that it's too early but it would be dictated by the Town and the DHCD. Mr. K. Dolan mentions that there is a Housing Trust hopefully being created. Mr. Houghton adds to that by saying that there is an article being presented at Town Meeting for a Housing Trust and this trust would answer a lot of her questions. Ms. Garniss states that affordable is a broad term and there are many meanings. Mr. Vallarelli mentions that there are certain State guidelines.

Seeing no further comment, Mr. Vallarelli entertains a motion to close the public hearing. Mr. Moynihan makes a motion to close which is seconded by Mr. T. Dolan. All members present voted in favor.

Mr. Moynihan moves to accept it. He states that they've been here, three or four times. Mr. Houghton responds that including the zoning change at Town meeting last May, probably half a dozen. Mr. Moynihan continues to say that they've seen a lot. Storm water management has developed and been approved. It's a good project and like Mr. K. Dolan said it's been dormant for thirty years. Mr. Moynihan again moves to accept and asks Mr. Houghton to run through the criteria. Mr. K. Dolan seconds the motion subject to Mr. Houghton incorporating 7.4.3.1 and he would also like to amend by incorporating all town department recommendations, a condition that the sidewalk be connected to the greenway and the petitioner will work with the Director of Planning & Community Development to make sure that the affordable units are constructed and occupied in accordance with our zoning bylaw section 6.12, our inclusionary bylaw. Mr. Moynihan accepts that amendment to his motion. Mr. Dolan then asks Mr. Houghton to go through 7.4.3.1. Mr. Houghton reads each section and comments.

(a) the specific site is an appropriate location for such use, structure, or condition.

He states it has been zoned for this type of use for almost a year but before that it was zoned for senior.

(b) The use as developed and operated will not adversely affect the neighborhood.

He states that it is kind of separate from the neighborhood. There's a brook on one side and a steep bank in the back. The neighborhood is a mix and mostly commercial. Proximity to highway is good for residential.

(c) There will be no nuisance or serious hazard to vehicles or pedestrians.

The traffic study said there was no downside. It's all a B. A pretty good rating traffic wise.

(d) *Adequate and appropriate facilities will be provided for the proper operation of the proposed use.*

Mr. Houghton states that they have gone through all of this with all of the department reviews.

(e) Access to the site over streets is appropriate for the type of vehicles involved.

He stated that it will only be regular vehicles and access is off of Maple Street and it's very close to the highway.

Mr. K. Dolan asks in regard to the sidewalk connection, how they would like to handle it. They could come back to the Board or work with the Director of Planning. Mr. Houghton states that they will have that designed prior to the Site plan review. Mr. Dolan states that the select Board can review and approve it.

Mr. Vallarelli reiterates that the motion was made by Mr. Moynihan and seconded by Mr. K. Dolan. A roll call vote was taken. All five members present voted in favor.

Next Mr. Vallarelli read a pertinent portion of the legal notice into the record for 25 Waverly Street. The complete legal notice is as follows:

“You are hereby notified that the Stoneham Planning Board acting as a Special Permit Granting Authority will hold a Public Hearing Wednesday, April 13, 2022 in the Hearing Room, Town Hall at 7:00 p.m. to hear all persons interested in the petition of Sathes & Cristina Easwaramuthali, of 11 Longview Road, Framingham, MA for a Special Permit pursuant to Stoneham Town Code, Chapter 15 Section 4.2.4.1, to use a portion of the dwelling to be constructed at 25 Waverly Street for an Accessory Dwelling (Family Apartment). A plan by Two-Fold Design Group dated August 3, 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.”

The Board had previously heard this petition back on July 14, 2021. The Clerk gives the Board a history as to why it's back before them. The Special Permit was granted subject to revised plans being submitted. The petitioner did not submit the plans which are dated August 3, 2021 until February 2022. The Chair at the time, Mr. Niewenhous, consulted with the Building Commissioner who noticed certain changes with the entrance to the accessory unit from the outside and a few other items that caused her to believe the plans were too different. Mr. Niewenhous believed it should be noticed and heard again.

The owner, Mr. Easwaramuthali explains that the accessory unit never changed. It was supposed to be a renovation with an addition but they found structural issues. They ended up taking down the house and because of that they had to follow the existing setback rules. They pushed the house back to align with the setback rules.

Mr. K. Dolan tries to clarify. He states that you had an existing house, you knocked it down so you have a vacant lot there now. Mr. Easwaramuthali replies that there is a partial foundation. Mr. K. Dolan asks if he is looking to construct a new house with an accessory dwelling. Mr. Easwaramuthali responds that is right. While Mr. K. Dolan looks at the bylaw, Mr. T. Dolan asks how long he has owned the property. Mr. K. Dolan answers January 2021. Mr. K. Dolan inquires about the total square footage of the accessory dwelling. Mr. Easwaramuthali responds with 745 square feet. Mr. K. Dolan then asks if he will be occupying the residence. Mr. Easwaramuthali then responds he will be occupying the main residence and his mother will occupy accessory unit. Mr. K. Dolan asks if he understands if there is a change in ownership if the special permit is granted tonight, this accessory dwelling would have to come back before the Board for a new approval or if the person moved out of the unit. Mr. Easwaramuthali understands. Mr. K. Dolan reiterates that it's under 750 square feet, there is sufficient parking and we've talked about the occupancy. If this is granted to tonight you would have to record this decision with the Middlesex Registry of Deeds. You will comply with all State, Federal and local laws. Mr. K. Dolan acknowledges to the Chair that 4.2.4.1. (a) through (h) appears to have been met. Mr. Moynihan asks if the accessory dwelling is on the second floor. Mr. Easwaramuthali responds yes. Mr. Vallarelli asks how many square feet is the entire house. Mr. Easwaramuthali says that the main house is about 3200 square feet plus the 745. Mr. K. Dolan asks whether there is one entrance for access and one

egress. Mr. Easwaramuthali states that there is one access in the front and an egress in the back off of the deck. Mr. Moynihan inquires about the parking. One bay of the three car garage is for the accessory unit. Mr. Moynihan asks if the unit is over the garage and it is. Mr. Moynihan doesn't recall any new dwellings where they were adding the accessory. Mr. K. Dolan believes it to be the first one that he recalls. Mr. Moynihan supposes it doesn't change things. The bylaw requirements are the same. Mr. K. Dolan sees nothing in our bylaws for that.

There was no one from the public present to comment. Mr. Moynihan made a motion to close the public hearing seconded by Mr. T. Dolan. All members present voted in favor to close.

Mr. K. Dolan makes a motion to approve the petition incorporating the requirements under our bylaw 4.2.4.1(a) through (h). It has to be an owner occupant. It represented in the petition that the owner's mother and mother-in-law respectively is occupying the accessory dwelling and is the only one doing so. The accessory dwelling is less than 750 square feet. There will be adequate parking as detailed in the plans. The occupancy should be limited to no more than two people, in this case there's one. Any decision will be filed with the Registry of Deeds so it's noted when anyone runs a title on the property. Construction and occupancy of the accessory dwelling shall comply with all applicable state, federal, and local laws and regulations. Ownership of the principal dwelling and the accessory dwelling shall be by the same person(s). That combined with our Special Permit requirements under 7.4.3.1 Mr. K. Dolan believes it to be an appropriate petition for approval and he so moved. It was seconded by Mr. Moynihan. A roll call vote was taken. All five members present voted in favor agreeing to incorporate all department recommendations.

The chairman explains that they will be moving the public hearing for 371 Main Street to the end as an abutter, Mr. K. Dolan is unable to hear the matter.

Mr. Vallarelli read a portion of the legal notice and explanation of Article 7 of the Annual Town Meeting as listed on the agenda:

“Article 7 seeks to amend the Stoneham Town Code, Chapter 15, Zoning by-law by deleting Section 4.22 Residential Overlay Fallon Road District in its entirety and by amending Section 4.13 Commercial Mixed Use District. Additionally it seeks to amend Section 5.2.1 of the Table One Dimensional Requirements to replace the “Residential Overlay Fallon Road District” with “Fallon Road Mixed Use District” and to remove the maximum density- 20 units/acre. Finally, the article seeks to amend the Official Zoning Map dated October 15, 2018 by deleting the Residential Overlay Fallon Road District and renaming the Commercial/Mixed Use District to Fallon Road Mixed Use District on the legend.”

Mr. Houghton represents the owner of the property Marjam. It was time for some thought on renovation and potential new uses. He's been discussing housing off and on with his client as Fallon Road already has housing. Then along came G.L. c.40A §3A that says the Town has to do an area for housing, so we put the two together. Mr. Houghton had discussions with the Planner and the two of them drafted this article to allow all the commercial uses allowed at Fallon to still exist and allow housing that complies with c.40A §3A. We could get about 25 acres of the 50 acres required so the town stays eligible for certain State programs. If you don't comply by the end of 2024, you lose your right to those programs and a lot of grants. Fallon Road is a good spot for housing. There are already 298 units at the Mave and not too many kids. It's not a kid friendly area. You have Ryder Truck that's not going anywhere, a storage facility and Marjam. Marjam would like to stay on about an acre with a new, modern facility and then build units on the remainder of the property. It would be built under the inclusionary bylaw. Mr. Vallarelli asks how many acres Marjam has. Mr. Houghton replies just over six. Mr. K. Dolan guesses the acreage for the entire Fallon Road area to be about thirty acres. Mr. Houghton believes it's about 17 on one side and the Mave has 15 which 5 are wet and maybe two for the self-storage. They approximate 25. You'd have to think about elsewhere as well. Mr. Houghton mentions that the friendly's intersection will be redesigned with a roundabout. This would have to go to MEPA. Mr. K. Dolan believes c.40A §3A may get revamped a little but he feels this is a good start for the Town toward the 50 acres. He continues to say that c.40A §3A is not necessarily about providing affordable housing but more housing. Between the Director of Planning, the Board and the Select Board we will have to figure out what's best for the Town. This site is appropriate. Mr. Houghton gives an idea of tax dollars. Marjam currently pays \$110,444.

The build out of the residential portion of this proposal is \$108 million. Even if you said \$80 million to the tax rolls it's a lot of tax revenue. A new Marjam would be a good \$10 million. This is a good way to help the tax base grow. He believes it's a perfect location and it would serve the Town well. Mr. K. Dolan agrees that it is an appropriate site for a mix. Ms. Wengen asks Mr. Houghton if whatever is put out there would be subject to inclusionary zoning and he replies that it has to be. Mr. K. Dolan states that the only difference between this and 95 Maple was that 95 Maple required approval by the Board. This project would be by right. Regardless they're both subject to the inclusionary zoning bylaw. Mr. Houghton agrees but states that this project would have Site Plan or if they needed a variance. Obviously Conservation.

There was no further comment. Mr. K. Dolan made a motion for favorable action which was seconded by Mr. Moynihan. All members present voted in favor.

The Chair read Article 8 into the record as follows:

“Article 8. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning bylaw by amending Inclusionary Housing Section 6.12.3 Applicability, with deletions shown as strikethroughs, to read as follows:

6.12.3 Applicability

1. Division of Land. This Bylaw shall apply to the division of land into eight (8) or more lots and shall require a special permit from the Planning Board under Section 7.4 et seq. of the Zoning Bylaw. A special permit shall be required for land divisions under G.L. c.40A §9. ~~as well as for “conventional” or “grid” divisions allowed by G.L. c.41 §81L and §81U, including those divisions of land that do not require subdivision approval.~~
2. Multiple Units. This Bylaw shall apply to the construction of eight (8) or more dwelling units, whether on one or more contiguous parcels ~~and shall require a special permit from the Planning Board pursuant to Section 7.4.”~~

Mr. Houghton begins to explain this article and the need for the bylaw change. There is a section of 6.12.3 that puts a subdivision approval on a Special Permit. There is case law in Massachusetts that you can't do that. You can't condition subdivision approval under a Special Permit. G.L. c. 41 §81M states if you meet the requirements, the Planning Board shall approve. That's basically what the case says. Mr. K. Dolan asks if it's a land court case and if it was appealed. Mr. Houghton says it's been law for about a year. Mr. K. Dolan does not disagree with the decision but he did pass it on to Town Counsel. What Mr. Houghton is saying is that with G.L. c. 41 §81, you're entitled to a subdivision if you do a, b & c. We said you can but if you go more than eight you've got to get a Special Permit but you really can't require that. Mr. K. Dolan doesn't disagree, but Town Counsel seemed to suggest that our bylaw that was approved by the AG has some nuances from the case law that Attorney Houghton cited that allows our bylaw to stand as is. Mr. K. Dolan feels that before the Board supports this that they should receive a little more detail from Town Counsel and his opinion. Mr. Moynihan asks if this case was only a year old. Mr. Houghton responds that it wasn't appealed and it's a little more than that. Mr. Houghton believes Mr. K. Dolan is thinking of another case that's a little less than a year old that goes even further to say you can't condition a subdivision on inclusionary. That's yet to be determined. Town Counsel told Mr. Houghton that with his amendment, the bylaw would be okay. The Board discusses the second case, the Concord case brought by Symes Associates that says you cannot do the inclusionary on a Special Permit for a subdivision. Mr. Houghton would love to see Town Counsel come and talk. Mr. K. Dolan doesn't believe the Board has a comment from Town Counsel on this article. He'd like to at least get something from Town Counsel before deciding favorable or unfavorable. Mr. Houghton would like to have a meeting in the next couple of Wednesdays just on this article. Mr. Houghton will forward the cases to the Board. They would like to get an opinion from Town Counsel. The Board agreed to schedule another meeting. They discuss the court cases. Particularly the one in land court decided in five days. They discussed having Attorney Galvin at their meeting.

Mr. K. Dolan made a motion to continue the public hearing to April 20, 2022 at 6:30PM with Mr. Galvin present. The motion was seconded by Mr. Moynihan. All members present voted in favor.

Next, Mr. Vallarelli reads the language for Article 9:

“Article 9. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning by-law by amending Section 4.3 Residence B District as follows:

To amend Section 4.3.1 to add the underlined language as follows:

- 4.3.1 Purpose: The purpose of the Residence B District is to provide residential areas of medium intensity with a variety of housing types and recreational and educational not-for-profit uses.

and to add a new section 4.3.4.5 as follows:

- 4.3.4.5 Conversion of an existing building that is in existence at the time of the adoption of this Section to allow not-for-profit recreational and educational uses provided that the lot size is 20,000 square feet or greater.

and further to amend Section 6.7.6 to add the underlined language as follows:

6.7.6 Permitted signs:

- (a) Table 2 – Permitted Signs by Zoning District to add to Residence B Wall Signs for recreational use – sign permit required – Max. sign area 18 square feet.”

Mr. Houghton provides explanation as to why he is bringing this zoning change to Town Meeting. He represents the Boys & Girls Club. They have a teen center on Central Street. The one year extension for the Special Permit is up in August. They are asking for a change to Residence B allowing recreational and educational not-for-profit uses as long as you have 20,000 square feet. If this were to pass, the Boys & Girls Club Teen Center would be an allowed use. It’s for an existing building. You can’t build a new building and it has to be a recreational or educational use not for profit. It can’t just be a commercial use. They decided they wanted a sign. Residence B currently allows for a sign of one square foot, so he amended the bylaw further to allow a wall sign with a maximum of 18 square feet.

Mr. Moynihan asks about the number of lots twenty or more. The Board members look at the map that the DPW Director provided. There were 18 at 20,000-30,000 and 38 30,000 and over. Ms. Wengen asks if the diocese still owns the building. The Boys & Girls Club leases. Is there any issue that they do not own it? Mr. Houghton explains that there is not because zoning goes by the use.

There were no further comments from the Board or members of the public. Mr. Moynihan made a motion to provide a favorable report which was seconded by Mr. K. Dolan. All five members present voted in favor.

The Board took at recess at 8:33PM and reconvened at 8:37PM.

The Chair brought the meeting back to order and read the final public hearing notice into the record as follows:

“You are hereby notified that the Stoneham Planning Board, acting as Special Permit Granting Authority, will hold a Public Hearing Wednesday evening, April 13, 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 OGF LLC of 31 Main Street, North Reading, MA for a special permit pursuant to Section 4.6.3.1 of the Town of Stoneham Zoning By-laws to construct a four story building with retail/office use on the first floor, and three residential units on each of the second, third and fourth floors for a total of nine residential units at 371 Main Street, Stoneham, MA. Petitioner is also seeking a special permit, pursuant to Section 6.3.8.1 to reduce the parking space requirement of Section 6.3.3 from twenty-one (21) to five (5) parking spaces with the remaining spaces to be provided in accordance with Section 6.3.8.1.1 and Section 6.3.8.1.2. A plan by PJF and Associates dated March 14, 2022, entitled “Plot Plan of Land of 371 Main Street in 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. K. Dolan is a direct abutter of the property and had to recuse himself. He left the meeting. Mr. Moynihan discloses that he too is an abutter but the rule of necessity allows for him to sit in on this as four votes are needed. His property is a bit further away than Mr. Dolan's. He acknowledges that he has no financial interest.

Mr. Houghton recognizes Mr. Moynihan's disclosure and the rule of necessity.

Mr. Houghton passes out a couple of artist's renderings. There aren't a lot of uses. They would like to do housing. He explains the building and color scheme. There would be an office in the front and the rest would be housing. It has five parking spaces in the rear. If they leave the building the way it is there is no parking requirement under the present use. If they take the building down they have to comply. With nine units there would be one affordable unit. Mr. Houghton continues on to say that the idea is to tear down the building and build new. Mr. Vallarelli inquires about a party wall and underground parking. There is a party wall and it's not underground parking but the grade of the back part of the building. It's all on grade.

Mr. Vallarelli asks for comments. Ms. Wengen inquires about the building. Mr. Houghton states that they will be taking it down and building a completely new building. Ms. Wengen asks if the architect could take some design cues from the Chase building next door. Mr. Houghton says they can do that. What they have now is just a quick sketch. Mr. Houghton says they are early in the process. They still need storm water and utilities. They are looking for parking relief. Mr. Moynihan asks about Board of Appeals. Mr. Houghton thinks it's better to go to one Board. He talks about the 2.5 requirement needing to be looked at. Mr. Moynihan asks where they would propose the other 14 people park. Mr. Houghton suggests the street or municipal parking lots. The annual parking permit is \$200. Mr. Moynihan asks about the layout of the units. One page of the designs handed out showed the layouts. Ms. Wengen asks about Curtain Time. The gentleman didn't want to sell to Frank Petrillo. Ms. Wengen talks about the façade. Mr. Houghton believes they will match the red brick on the other buildings. They will brick the front to match Main Street and the wood in the back to fit in the neighborhood. Plus the cost is more with all brick. The cost of building this building has doubled in the last few years. Mr. Moynihan thinks it is a good improvement but has concerns of the parking. Maybe it should be scaled down. Maybe you should go to the Board of Appeals for a variance for the parking. Mr. Houghton states they could make a little more parking with the commercial space being smaller. Mr. T. Dolan concurs with Mr. Moynihan about the parking. He has concerns as well. Mr. Houghton thinks the thing they'd do would be to continue. Mr. Vallarelli thinks maybe it's premature. Mr. Houghton would like to continue not withdraw. Mr. Houghton would like to hear from any abutters while he is here. Laura Sabilia, 100 Leisure Lane owns a house on Hersam and states she's all for growth but does have concerns about parking. She talks about parking on Hersam Street.

Mr. Houghton suggests they could keep it a restaurant with more parking on Thursday, Friday, Saturday. This seems like a better use for the neighborhood or the Town than another restaurant. From a traffic use, it's more. Mr. Petrillo own a building in the square and there hasn't been parking issues. Mr. Petrillo mentions that if it were a restaurant there would be more cars Thursday, Friday, Saturday in the square. This way there is a small office or retail. Mr. Moynihan says another option would be fewer residential units. Mr. Petrillo states the numbers don't work. Mr. Moynihan asks about six units. Mr. Houghton says you'd still need thirteen spaces instead of twenty one.

They decide for now to continue it to the next meeting. Mr. Moynihan made a motion to continue the public hearing to April 20, 2022 at 6:30 PM in the Hearing Room. Mr. T. Dolan seconded. The four members present voted in favor.

Motion to adjourn was made by Mr. T. Dolan and seconded by Mr. Moynihan seconded. All four members voted in favor.

Meeting adjourned at 9:02PM.

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:

Site Plan for Redstone Shopping Center, Route 28, Stoneham, Massachusetts by Tighe & Bond Consulting Engineers dated February 17, 2022. Evivva Trattoria Patio Details dated 3/18/2022.

Planning Board decision dated May 9, 2014.

Replacement Face rendering of sign for BJ's Wholesale & Gas, 85 Cedar Street, Stoneham.

Planning Board decision dated September 17, 2015.

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

School age children estimates provided by Fougere Planning & Development, Inc. relative to 95 Maple Street.

A signed statement from Ms. Wengen acknowledging that she watched the video for the February 9, 2022 public hearing on 95 Maple Street and was caught up on that single session as allowed by the Mullin Rule.

Plan titled New Construction Single Family Home, 25 Waverly Street provided by Two-Fold Design Group dated August 3, 2021.

Annual Town Meeting Articles 7, 8 & 9

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 or documents submitted during the public hearings.

Respectfully submitted:

Maria Sagarino
Town Clerk