



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, August 17, 2022

Town Hall

Hearing Room

7:00 PM

Members Present: Chair Frank Vallarelli, Vice Chair Kevin Dolan, Daniel Moynihan Jr., Terence Dolan and Marcia Wengen.

Also present at the meeting: Attorney Charles Houghton, Town Clerk Maria Sagarino acting as Planning Board Clerk, Bob Antonelli, Johanna Antonelli, Maureen Soley, Christine Kergaravat, Donna Divirgilio, Sharon Iovanni, Adam Rodgers, Anthony Guardia, Michelle and William Perry, Melissa Symes

The Chair brought the meeting to order at 7:01 PM and introduced the Board members. Mr. Vallarelli then asked the Board to reconfirm the September 13, 2022 Summit Meeting and the September 14, 2022 regular meeting. He then mentioned that Ms. Wengen requested that the Board schedule the next few meetings for planning purposes. Mr. K Dolan then made a motion to set the regular meeting dates of October 12, 2022 and November 16, 2022 which was seconded by Ms. Wengen. All members present voted in favor.

The Board tabled approval of the June 15, 2022 minutes in order to read them. Mr. K. Dolan made a motion to approve the minutes of July 13, 2022 which was seconded by Mr. T. Dolan. All members present voted in favor with the exception of Mr. Moynihan who abstained.

Mr. Vallarelli then introduced a final discussion on the zoning articles for the October Town Meeting. He reminded the Board that the articles had previously been discussed with the Town Planner and the Select Board at the Bi-Board Meeting held on August 9th as well as at the Planning Board's regular meetings in June and July. Mr. K. Dolan mentions that they have a meeting when the warrant is over to finalize any language. He also mentions that the day after the Bi-Board meeting the Department of Housing and Community Development gave communities some guidance. He would like to see what the Director of Planning, Erin Wortman has to say about the information provided. Ms. Wengen asked if Ms. Wortman could come to the next Planning Board meeting. Ms. Sagarino tells the Board the Ms. Wortman will most likely discuss 40A 3A at the Summit Meeting the night before. Ms. Sagarino then told the Board that Ms. Wortman would be sponsoring all of the zoning articles that she had previously discussed with them including the North Main Street Overlay article. Ms. Wengen asks if the Board isn't sponsoring, then they are just commenting on them. Ms. Sagarino responds that they will be making a recommendation to Town Meeting for each article after their public hearing on October 12th. Mr. K. Dolan also summarizes what Ms. Wortman drafted as far as amending the inclusionary zoning and including a fee in lieu of. Ms. Sagarino then explains that Ms. Wortman did not draft the article to fix the split zoning on Central Street. Mr. Houghton drafted that language, so Ms. Sagarino explains that because the intention is to fix several parcels other than Mr. Houghton's client's parcel, the Planning Board may want to sponsor the article. Mr. Vallarelli invites Mr. Houghton to speak on the article and mentions that members of the public will then be invited to speak.

Mr. Houghton gives the Board copies of an old zoning map showing the split zoning going back years and the Board also had the current zoning map to show the same. Mr. Houghton represents 72 Central Street and as he had previously explained to the Board, the parcel along with several others on Central Street are zoned in both Central Business district and residence B. He drafted an article to correct the five parcels that are split zoned to be zoned as Central Business District. The Board spends some time looking at the maps to identify the properties in question. Mr. Houghton states that it's 72, 80, 82, 84 and 86 Central that are split zoned. Mr. T. Dolan asks if the parcels have frontage on Main Street. Mr. Houghton states that 84 Central also has 266 Main Street as an address and 80 Central also has an address of 270 Main Street. Mr. K. Dolan questions other parcels on the map being split zoned such as 68 Central. Mr. Moynihan questions how many parcels Mr. Houghton is seeking to correct. Mr. Houghton responds that he only needs to correct 72 central which is his client's property but the Board and the Planner felt that the others should be corrected as the parcels shouldn't be split zoned because we do not have a bylaw to deal with mixed zones. Ms. Wengen asks Mr. Houghton to explain 84 Central which appears to be an empty lot but looks like it is connected to 266 Main Street. Mr. Houghton explains that they are owned by Steven Cicatelli and 84 is a parking lot out in back of his building at 266 Main Street. Ms. Wengen asks if a parking lot can be Central Business district. Mr. Houghton responds that it should be. He believes that prior to 1985 you could have a parking lot in residence B, so that was probably done before the zoning changed. Ms. Wengen bets there used to be a house on the lot and Mr. Houghton agrees. Mr. Vallarelli asks Mr. Moynihan if he thinks number 68 should be added into the mix after Mr. Moynihan had questioned the number of split zoned parcels on the current zoning map. Mr. Moynihan asked if there was a downside to cleaning that whole section up. Mr. Vallarelli doesn't believe so, he thinks they should clean up the whole triangle shown on the map. Mr. Vallarelli states that the desire would be to include all of the parcels. Mr. Houghton continues to explain that it started because his client wants to build a building with a law office and residential units above which will require a Special Permit, but first he needs the zoning change because his frontage is on Central Street. Mr. K. Dolan asks Mr. Houghton if the neighbors with the other affected parcels are aware of this. Mr. Houghton mentions that he talked to the Mr. Cicatelli and the Riccardellis and left a message for Maureen Soley. He continues to say that the plan was to send a notice before we had the public hearing. Mr. K. Dolan assumes Mr Cicatelli and Mr. Riccardelli had no objections. Mr. Houghton responds that is the case. Ms. Wengen asked if 72 Central is a tear down to which Mr. Houghton responded that it is. Mr. Moynihan asks if it's across from the Boys Club [Teen Center]. It's a few doors down.

Mr. Vallarelli asked for comments from the public. Maureen Soley, 82 Central St states that she was away and unaware of this, she happened to be present for the Boys & Girls Club public hearing. She doesn't like the idea of this part of the street possibly being taken up by businesses and parking lots. There are still some houses and she'd like to keep it that way. She said that there are still three houses on that side of the street just trying to live there. Mr. Houghton explains this use for his client would be office space on the first floor and up to five residential units with a Special Permit. He continues to say that the lots right now in Residence B would allow multifamily. Mr. Vallarelli mentions that some of those lots are small. Mr. Houghton's client's lot is big enough. Mr. K. Dolan states that office on the first floor and five units would be pretty dense. Mr. Houghton states it may not be that but that is what the bylaw allows. Mr. Moynihan asked how many floors. Mr. Houghton responded two and Mr. Moynihan then questioned five units on the second floor. Mr. Houghton again stated that is what is allowed not what his client would necessarily ask for. Mr. K. Dolan said that there would be an office on the first floor and housing above as decided by the Planning Board. Mr. Houghton agrees and states that parking would be an issue and you'd probably just get a couple of units but he needs the zoning change first. Mr. K. Dolan states with Ms. Soley's comments in mind, that Central Street is a busy Street but then you don't want to make it more dense. They have relatively small lots. He does acknowledge that 72 is a bigger lot. Mr. Houghton reminds the Board that it wasn't his idea to rezone all of the parcels. Mr. Moynihan states that the split zoning doesn't make sense. Mr. K. Dolan explains that it makes sense from the standpoint that there's frontage on Main Street and frontage on Central Street and of course Main Street has always been busy. Mr. Houghton talks about 266 and 270 Main Street coming all the way though with parking lots on Central. They were grandfathered in and there were ANR plans filed when the zoning was going to come in in 1985. Mr. Houghton continues to say it doesn't make sense to jump Ms. Soley's lot but to do them all. It would increase the value and the house would stay a house. Ms. Wengen asked if it would affect her taxes. It shouldn't because of the use. Mr. Houghton believes if she sold it would be more valuable. Ms. Wengen doesn't want to do anything to negatively impact the neighbors. Johanna Antonelli, 83 Central Street speaks to keeping it residential. If she were to sell her house in a few years it wouldn't do well to have businesses all along that side of the street. It would also affect her while she is living there. It's already a busy street that

would get busier. It will also impact parking which is already a problem. She said that churchgoers already block her driveway.

Ms. Wengen asked what the expectation is with 72, would it be a law office? Mr. Houghton answers that is what is planned. Ms. Wengen asked what the parking requirement would be. Mr. Houghton states it is currently 2.1 spaces per unit but that may change in October. Ms. Wengen asked if there would be five spaces and Mr. Houghton stated that they'd need to wait until it was laid out.

Mr. Moynihan stated that Ms. Soley's property is currently Residence B and central Business District, so the question is what happens if it is left alone. Mr. Houghton responds that Central Business District requires office or retail on the first floor abutting the street. Mr. Moynihan added that her house is really Residence B as a practical use because they front on Central Street. Ms. Wengen adds that as much as she'd like to clean this up, should they withdraw the language drafted and just let Mr. Houghton fix 72. Mr. Moynihan believes it's what the neighbors seem to want although the change would increase the value of their properties but he understands the concerns. Ms. Wengen was glad the neighbors were present because the Board thought they were cleaning something up but for the neighbors it would have been a problem. Mr. K. Dolan stated that it looks good on paper but then people are involved. That's why they encourage people to come. Ms. Wengen asked Mr. Houghton if he would now submit just 72 Central and get 100 signatures. Mr. Houghton has no choice but to go to Town Meeting, there are no use variances. There's no other mechanism such as if we had something in place to extend fifty feet.

Ms. Soley also noted if it is an office, she wants them to account for parking for employees, clients and then people living in housing units. She adds that the Fire department uses that section of Central Street frequently. Mr. Houghton stated that that would all be addressed through Special Permit with the Planning Board and Site Plan with the Select Board for which the abutters would be noticed of the public hearings.

Mr. Vallarelli states that he understands the intent of the article and it made sense to fix all of the parcels. Mr. K. Dolan adds that it made sense on paper. Ms. Wengen adds that it doesn't with the concerns of the neighbors. She then asked again if that meant the Board would not sponsor the article. Mr. Houghton said that he'd just rezone 72 Central and would get the required signatures.

Mr. Vallarelli moved on to 33 Country Club Rd, the first public hearing of the night. This public hearing had previously been continued from May 18, 2022, June 15, 2022 and July 13, 2022 while the homeowners waited for stamped plans. The legal notice had been read into the record on May 18 as follows:

"You are hereby notified that the Stoneham Planning Board acting as a Special Permit Granting Authority will hold a Public Hearing on Wednesday, May 18, 2022 in the Hearing Room, Town Hall at 7:00 p.m. to hear all persons interested in the petition of Gregory A. Melville and Preetika Melville of 33 Country Club Road, Stoneham, MA for a Special Permit pursuant to Stoneham Town Code, Chapter 15 Section 4.2.4.1, to use a portion of the dwelling at 33 Country Club Road for an Accessory Dwelling (Family Apartment). Plans may be seen daily except Friday afternoon in the Office of the Town Clerk."

The homeowner Greg Melville appears before the Board for an accessory dwelling. Mr. Melville explains that his in-laws come to visit for several months at a time and help with child care. After reading her comments about square footage being unclear, Mr. K. Dolan asked if the Building Commissioner had seen the new plan and she had. Mr. Moynihan then asked who would be living in the apartment. Mr. Melville responded that it would be his wife's parents who usually stay for around four to five months. Mr. Moynihan then asks if this is going in the basement and what is there now? Was there an apartment? Mr. Melville responds that there had been an apartment, some partially finished living space and another partially finished area. Mr. Moynihan asked about parking. Mr. Melville states that there is a two car garage and space for four vehicles if not six in the driveway. He mentions that when his in laws come they usually don't drive.

Mr. K. Dolan explains that his mother and father in law will live there and if this permit is granted it is personal to them living there. If they are no longer there and you want someone else to occupy the space then he would have to come back to the Board and request another Special Permit. If the permit is granted, the decision will

then be recorded with the Middlesex Registry of Deeds. Mr. K. Dolan gives Mr. Melville credit for coming forward with this, there are scores of illegal apartments in town and they could have easily just moved someone in. They are doing it the right way and Mr. K. Dolan believes that should be acknowledged. He continued to say that the plans look good, it meets the square footage, the petitioner's aware of the restrictions on it. He has no further comments but to say the petition should be acted upon favorably. Mr. Vallarelli then read the Building Commissioner's comment about the square footage being unclear, but that had been addressed prior to the meeting. Ms. Wengen would like to be invited to the movies in the movie room. She then asked about the means of egress. Mr. Melville states that the back left corner, the staircase by the gym and egress windows were added on work that has been started in the basement. They added several windows that pop open and swing in so you can step out. Mr. K. Dolan asked about the window dimensions. The windows are two and a half feet by two and a half feet. Mr. Vallarelli then read Fire Chief Grafton's comments into the record.

No members of the public were present for comment. Mr. K. Dolan made a motion to close the public hearing which was seconded by Mr. T. Dolan.

Mr. K. Dolan made a motion to approve the petition. Ticking through 4.2.4.1 (a) – (h) the issuance of a Special Permit will be personal to the person occupying the accessory dwelling which is subsections (a) and (b). The first floor area will not exceed 750 square feet. There will be adequate parking. It may not be used for business or commercial purposes. Of course, work from home is fine. There is a deed restriction. The issuance of the Special Permit will be recorded at the Registry of Deeds and no certificate of occupancy will be issued until that recording is evidenced. Ownership of the principal dwelling and the accessory dwelling is the same. You can't all of a sudden move out and then rent out both units. Must stay the same. It meets the Special Permit requirements under 7.4. Mr. Moynihan seconded the motion. A roll call vote was taken. All members present voted in favor (5-0).

Although the agenda listed 371 Main Street as the next public hearing, Mr. Vallarelli decided to bring 79 Central Street forward first. Michelle Perry, 35 Gould Street stated that they had kicked this down the road a few times and asked if they could not delay it any further. Mr. Vallarelli and Mr. K Dolan state that it will be heard that night. Ms. Wengen asked why it needed to be move. Mr. K. Dolan explains that he cannot sit on 371 Main Street and it makes more sense for him to hear 79 Central Street and leave for the evening. Ms. Wengen made a motion to take 79 Central Street out of order which was seconded by Mr. T. Dolan. Four members voted with Mr. Moynihan abstaining as he will not sit in on the public hearing for 79 Central Street.

Mr. Vallarelli read the legal notice for 79 Central Street 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, August 17, 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 The Boys and Girls Club of Stoneham, Inc. of 15 Dale Court, Stoneham, MA to allow the conversion of an existing building to be used as a teen center at 79-81 Central Street, Stoneham, MA 02180, in accordance with Town of Stoneham Zoning By-law 4.3.4.5. A plan by Edward J. Farrell entitled “Plot Plan 79-81 Central Street, Stoneham, MA” dated July 13, 2022 may be seen daily in the Town Clerk's office, except Friday afternoon.”

Mr. Houghton is recognized on the matter. Mr. K. Dolan asked if this was a Special Permit for an allowed use. Mr. Houghton explained that they had gone to Town Meeting in May to change the zoning to allow the use. The Teen Center had previously been at that location on a temporary Special Permit. The bylaw now allows this use to be permanent on a Special Permit. The parking stays the same, the building stays the same. Mr. Houghton quotes the new section “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.”

Mr. K. Dolan questions that in addition to the temporary Special Permit issued by the Planning Board, they also received a variance from the Board of Appeals. Mr. Houghton acknowledges that they did receive a variance for the parking. They have nine spaces. This is a teen center which kids from the Middle School walk to, none of them drive so they won't be parking. Mr. Houghton believes the use fits

well here and is good for the Town. Mr. Vallarelli reads comments from the Fire Department and the Building Commissioner.

Ms. Wengen asked what the average occupancy is. Adam Rogers, Director for the Boys & Girls Club states that it's about forty or fifty. He then acknowledged that it can be no more than eighty. Mr. K. Dolan believes that this was a rare instance that they were able to have a trial run with the temporary Special Permit being granted.

Mr. Vallarelli opened the hearing up to the public. Christine Kergaravat of 94 William Street appears as a direct abutter whose backyard abuts the property. She mentions that when they came for the temporary use it was for a teen center and she was fine with that but these kids seem to be younger, like third or fourth grade. She said that there is a lot of noise and shrieking when the kids are out there. She was expecting a teen center not a daycare center. She put a lot of time into her backyard, she's semi-retired and can't even go out and enjoy her backyard when the kids are there.

Robert Antonelli, 83 Central Street speaks and goes off of what Ms. Kergaravat stated. He and his wife live next door. He works at home and cannot do anything after 2:30 when the kids get there. The backyard is a playground of screaming and yelling, fighting and bullying with no supervision. His wife went out when bullying and fighting was out of control and she was screamed and sworn at. He continues to say that they have asked for structure which has not happened. He has worked with children, understands the value of this for children. He doesn't feel this space works for them in the neighborhood. Ms. Wengen questions where his house is in proximity. Mr. Antonelli states that he's right next door and he continues to say that the way it works is that when the kids are in the backyard and he has all of his windows closed, it still sounds as if the kids are in his living room. Ms. Wengen asked if there was space between him and the church and he mentions that there is a parking lot where they put their cars but the backyard of the teen center comes right up against there and because it might be out of the way of where the counselors are the kids make their way over there. He said that sometimes trash and toys land in his yard. Ms. Kergaravat mentions that backyard is like a postage stamp and the kids are crammed in. Bill Perry, 35 Gould Street speaks to how much the Boys & Girls Club has done for the community. He thinks this is good for keeping the kids protected and safe. Johanna Antonelli, 83 Central Street believes kids should have a chance to play. She grew up on a farm and could run and scream and play. She stated that it's a problem when she is in her kitchen and she can see a boy being bullied and she goes out to address the situation and the boy turns around and cusses at me, then it's a problem.

Mr. Vallarelli thinks that it is a matter of supervision and asked Mr. Rogers to address it. Mr. Rogers states that the kids at the site are middle school, fifth through eighth grade. They have been trying to figure out the issues and address them. They are a community organization and they do not want the neighbors to hate them. They have tried to address concerns with plantings to mitigate the sound. Ms. Wengen asked about the level of supervision. Mr. Rogers stated that there is a 1 to 15 ratio of one staff member for every 15 kids. In talking about the outdoor space, in the yard, there is always at least one staff member. Ms. Wengen asked if there could be more. Mr. K. Dolan stated that you could have ten staff members but kids are going to be kids. They make noise. We have to acknowledge that it's going to be loud there and if it's going to be loud, is this an appropriate spot for this use. Again, that's why it was excellent that they were able to do a temporary dry run for so long to see if it works or not. Ms. Kergaravat asked how old the children are. Mr. Rogers acknowledges that fifth grade is typically ten. Ms. Kergaravat responds that ten is not considered a "teen". Mr. Rogers stated that the original permit said Middle School and Ms. Kergaravat responds that it said Teen Center.

Donna DiVirgilio, 20 Pond Street and employee at the Boys & Girls Club. The Club has been there for fifty years to give kids a safe place to go. It keeps them from being on the streets doing stuff they shouldn't be. This helps our community. Mr. Antonelli doesn't disagree with what the Boys & Girls Club does for children. The big problem is not what the Boys & Girls Club is doing for the kids, but the area they are choosing right now to be, doesn't seem to fit the neighborhood. When you move next to a playground you expect to hear lots of kids. When you move into a neighborhood, you expect to hear one or two kids maybe more if they have friends over. It's not Monday through Friday 2:30 to 5:00 with

yelling and shrieking. If they are inside it would be great. It's the outside portion that they are talking about.

Anthony Guardia from the Boys & Girls Club points out that there are eighty two abutters and only two families that are here. They have kids they are trying to serve in a terrible time. Don't throw out the baby with the bath water. He believes that this is an important place for the kids. Mr. K. Dolan points out that the neighbors present are the direct abutters. Mr. Vallarelli adds that he believes it is more a matter of supervision and he can appreciate screaming as he has a grandson that's a screecher and sometimes it is difficult to keep him quiet. If that can be controlled it may be a way to solve the problem.

Sharon Iovanni, 16 Girard Road makes a few observations. The Club runs Monday through Friday for basically three hours each day. She is not disregarding what the neighbors are going through, but as a member on the Board of Directors they have struggled to find a place for this population. Their goal was to reach the kids of Middle School ages to keep them from going in a direction we do not want to see them to go in. This property became available and seemed to be a great space for the Teen Center. She continues to mention that it has done wonders for her granddaughter especially during this pandemic. It has done wonders for her granddaughter. Mrs. Iovanni is confident that Adam and his team can make this work. If they could find a better space, they'd be in it. This is a great space, however, with lots of possibility.

Maureen Soley, 82 Central Street is directly across the street. She can sympathize as a retired school principal who had hundreds of kids. This is a service to these young people and the community. The proximity of this space from the Middle School is perfect. She mentions the alternative might be condominiums or office space. This seems to be the lesser of two evils.

Mr. K. Dolan asked where the kids were playing outside on the plan that they have. Mr. Rogers points it out on the plan. Mr. K. Dolan asked if it was the back left when looking at it. Mr. Houghton mentions that they could possibly put up a six foot fence to try to control noise. Mr. Houghton points out that childcare was mentioned earlier. He states that his could be childcare which is exempt from zoning and would be allowed there without the Special Permit. He believes a fence might help. Ms. Kergaravat doesn't believe a fence would work because she sits above the backyard. Mr. T. Dolan asked if Adam could work with the neighbors. They shouldn't be accosted by these kids. Ms. Kergaravat would like to compromise. She sent her boys to the Boys Club, but she has to work from her home. She cannot conduct business in the afternoon. She asked if they could not play in that area. Could they walk to the Middle School and play in that area and then walk back to the Teen Center. Mr. Rogers states that they would be asking them not to utilize a major area. They would like to try to mitigate the situation by maybe moving the play area, but to not use the backyard as a whole is not practical. Ms. Kergaravat was referring to a certain area and she described it as where her shed is.

Lisa Granese, 11 Middle Street, sends her kids to the Teen Center. She has four kids at home so noise never bothers her. They have fifteen kids on her street and her husband works from home. She loves that the Teen Center is there for the kids. She doesn't believe in restrictions on kid noise. She said that his place is helpful for working parents. She does mention they sometimes take kids down the road to play basketball.

Mr. K. Dolan made a motion to continue the public hearing to September 14, 2022 at 7PM and proposes that the petitioners come back with a mitigation plan to limit some noise. Nobody denies that it's a tremendous use of the space and that Mr. Houghton made a good point that it could be a daycare. He believes that a sound mitigation plan might help. Mr. T. Dolan seconded that motion. Mr. Houghton waives all time standards. Four members present voted in favor of continuing with Mr. Moynihan abstaining.

The Board took a two minute recess at 8:29 and Mr. K. Dolan exited the meeting as he is a direct abutter to 371 Main Street, the final public hearing of the evening.

Mr. Vallarelli introduced the final public hearing for 371 Main Street. This public hearing had been continued from April 13, 2022, April 20, 2022, May 18, 2022, June 15, 2022 and July 13, 2022. The legal notice was previously read 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. Moynihan made a statement that he is an abutter to this property as is Mr. K. Dolan who is a direct abutter. The Rule of Necessity allows him to sit in on the matter.

Mr. Houghton stated that they had come to the Board in April at which time the Planning Board asked that they seek a variance for parking from the Board of Appeals. The Board of Appeals granted the variance and the appeal period has run out. Mr. Houghton explains that they made a change to the plan which would allow for additional parking and lessened the square footage of the office space on the first floor. There are now ten parking spaces. At least one space per unit. They will demolish the existing building and build it without resting on the existing party wall with Curtain Time. He explains that the variance required them to add to the lease a requirement with tenants with more than one car must buy a parking placard from the town to park the extra vehicles in the municipal lots. The Board then looks at the revised plan showing the parking created under the building. Mr. Vallarelli asked if a unit was lost. Frank Petrillo explains that he lessened the square footage on the first floor. He pushed the open space forward and left less retail space. Ms. Wengen asked about the dumpster. Mr. Petrillo will be moving the dumpster inside as he did with his building at 411 Main Street. Mr. Vallarelli questions whether there would be curbing on Minot Street or just berm. There will be a curb cut. He asked if the public works director saw the new plan. Ms. Sagarino tells the Board that Mr. Gonsalves did not comment. He stated that he would comment for Site Plan once he saw the plans. Mr. T. Dolan mentions that the Building Commissioner commented on parking. He asked if the Building Commissioner had seen the new plan with the amended parking. Ms. Sagarino reminds the Board that they gave up the authority to deal with the parking issue as they were sent to the Board of Appeals for a parking variance which was granted. Mr. Vallarelli asked about the curbing with the new parking. The DPW Director stated that he would have comment on drainage and such at site plan. Mr. Petrillo explains that the parking is flush with the street. Mr. Houghton explains that a restaurant under 6.3.3 could go into this space with 30-33 seats and it would be more detrimental to the neighborhood. He mentions that would be the only other use. He then comments that the Town Planner and studies on the downtown has shown that one space is adequate in the downtown. Mr. Houghton continues to talk about Minot Street and how narrow it is. Mr. Moynihan asked if there were specs for the inside of the building. Mr. Houghton stated that there is a one bedroom and a two bedroom on each floor. Mr. Moynihan references the letter from Mr. Gonsalves written in April which stated that he has no comments until he sees a site plan. Mr. Vallarelli asked about the retail space and the entryway while looking at the rendering. Mr. Petrillo explains the layout and how he lost retail space by getting the ten parking spaces. He shows the Board layouts of the floors. Mr. Houghton mentions the other conditions specified in the Board of Appeals decision including reference to the handling of the party wall, snow removal, interior dumpster and snow removal.

Mr. Vallarelli asked for further comments from the Board. Ms. Wengen asked about the condition of the building being freestanding and not affixed to the party wall. Ms. Wengen said that she is visual and asked if Mr. Petrillo could draw something. Mr. Petrillo explains that the Smokey's foundation will stay. They will fill the basement in and build up around the foundation.

Mr. Vallarelli asked for public comment. There was no one sitting in the meeting that wanted to comment.

Mr. Petrillo explained what he drew for Ms. Wengen and explains that he will underpin. They dig and pour concrete, stabilizing in three sections. He will give the building a foundation without disturbing the party wall. He'll put a spread footing, come up with steel and cantilever over the building. So you do not touch the party wall. Mr. Vallarelli asked what he would lose. Mr. Petrillo stated that he'd lose about a foot but he'd make that up on the higher floors. Mr. Petrillo stated that the whole process takes three steps and he did the same thing with 411 Main Street. He is pinning the steel to the new footings. Ms. Wengen stated that she almost gets it and Mr. Vallarelli clearly gets it.

Mr. Houghton mentions that Mr. Petrillo brought the brick veneer samples. Ms. Wengen asked if she could decide that outside near the neighboring buildings. Mr. Houghton stated that they are trying to match the existing buildings in the square. Mr. Petrillo stated that's the old port that simulates a water struck brick. Ms. Wengen mentioned that Chris Scenna had shown her a brick.

Mr. Vallarelli asked for a motion to close the public hearing. Mr. Moynihan interjects that they have letters from Erin Wortman and Brett Gonsalves. Mr. Vallarelli stated that he had previously read those letters into the record in April at the first hearing. Mr. Vallarelli reads Attorney Steven Cicatelli's request about the party wall as conditioned in the variance granted by the Board of Appeals. Mr. Moynihan then asked about the letters from Ms. Wortman, Cheryl Noble, Brett Gonsalves, the Fire Chief and Stoneham Police Department. The comments were based on the application submitted. Mr. Vallarelli decided to quickly read the comments into the record.

Mr. Houghton then references 7.4.3.1(a) - (e):

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

He states its downtown business and they're in a business zone. There is an existing structure. It fits in the downtown area. The building won't be higher than any existing buildings in the area.

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

The restriction with requiring the parking placards will relieve any parking problem. They'd rather not do a restaurant. Which would be grandfathered in with the existing building.

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

Mr. Houghton states they are right on Main Street and people can walk or park.

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

Mr. Houghton mentions that they have an elevator inside and they are meeting all of the department requirements.

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

There are only automobiles involved, no trucks.

Mr. Moynihan asked to be clear, if it stayed a restaurant, there would be no parking requirement. Mr. Houghton agrees for an existing structure it would stay the same.

Ms. Wengen asked how many affordable units there would be. Mr. Houghton responds that there would be two. Ms. Wengen asked if they could retain design jurisdiction. Mr. Houghton doesn't have a problem with that.

Mr. Moynihan's biggest concern was the parking and the Board of Appeals dealt with that issue by granting a variance. Mr. Moynihan then acknowledged that it is a good design. It's certainly better than Smokey Joe's. Ms. Wengen agrees. It's in harmony with 40A, 3A which he's not totally in favor of. It does comply with the law. It gives us two more affordable units.

Mr. Moynihan then made a motion to approve the Special Permit for the reasons Mr. Houghton stated under 7.4.3.1 [it's an appropriate site, there is a structure already on site, the buildings around it are same height or taller and it will not adversely affect the neighborhood]. He added that design jurisdiction be retained on the façade and to comply with all Board restrictions and department comments some of which were question marks. Mr. Houghton adds that they can put subject to site plan review and Mr. Moynihan agreed saying it would be

subject to that anyway. Ms. Wengen seconded the motion. Mr. Vallarelli took a roll call vote. Ms. Wengen voted in favor, T. Dolan asked if this was a vote for approval of the project. Mr. Vallarelli stated it was. Mr. T. Dolan said that the developer does great work, 411 looks great, but that he had heard from too many of his constituents about this, seven or eight at least and he was a no [vote]. Mr. Moynihan voted in favor and the Chair was in favor as well (3-1). Mr. Houghton explained that he needed four votes.

Mr. Moynihan moved to close which was seconded by Mr. T. Dolan. All members were in favor. The meeting adjourned at 9:13 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:

Plans of 33 Country Club Rd by Joseph A. Pavao Jr dated 8/16/2022 and plot plan of land prepared by Gloral and Associates dated 5/4/2022.

A plan by Edward J. Farrell entitled "Plot Plan 79-81 Central Street, Stoneham, MA" dated July 13, 2022

A plan by PJF and Associates dated March 14, 2022, entitled "Plot Plan of Land of 371 Main Street in Stoneham, MA"

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