



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, June 15, 2022**

Town Hall

Hearing Room

**7:00 PM**

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

Also present: DPW Director Brett Gonsalves, Attorney Charles Houghton, Select Board member Raymie Parker, Conservation Commission Co-Chair Ellen McBride, Town Clerk Maria Sagarino acting as Clerk to the Planning Board, Stoneham Ford/China Moon property owner Ralph Melkonian, residents David and Kathleen Luciano, 16 Alden Avenue.

Present remotely: Director of Planning & Community Development Erin Wortman, Stoneham Ford/China Moon property owner John Melkonian and Attorney Patrick Houghton.

The Chairman, Frank Vallarelli, called the meeting to order at 7:02PM and introduced the Board members. The Board confirmed their next two meeting dates as July 13, 2022 and August 17, 2022. The Board decided to table the approval of the May 18, 2022 minutes until the July meeting.

Attorney Charlie Houghton appears to begin a discussion with the Board about the potential rezoning of the former China Moon located at 170 Main Street which was recently purchased by the Melkonian family. He began by showing the Board some rendering. They have a small commercial space on the right which has been approved [by the Select Board] to hold the Stoneham Ford accounting department and other office space. With the remainder of the property they are hoping to build 72 condominiums. It is in the Highway Business zone so they would need a zoning change. They have designed it at 1.75 parking spaces per unit but would propose to change the parking requirement to 1.7 along with adding the use. There are a couple of ways of doing that which he will discuss but first he goes over the picture boards that he has set up showing the lot and some renderings. He describes the layout with 21 one bedroom condos and 52 two bedroom units and a total of 126 parking spaces with parking under and out back. The curb cut would be moved to be opposite Richardson Road. Mr. K. Dolan asks for clarification on the commercial space, asking what is proposed for that space. Mr. Houghton states that would be the Stoneham Ford accounting department. Mr. K. Dolan clarifies that the housing would be from China Moon over to the [Hago Harrington] golf course and Mr. Houghton agrees. Mr. Houghton continues to say that the land is recorded and registered. He mentions a ten foot sewer easement that exists in between the commercial and proposed housing. Mr. K. Dolan asks if the easement is for the residents out back and Mr. Houghton assumes so. Mr. K. Dolan asks if there is an easement document on record. Mr. Houghton answers that there is something recorded. Mr. K. Dolan asks if there will be one or two entrances/exits. Mr. Houghton answers that there will be just one entrance/exit opposite Richardson Street.

Ms. Wengen questions something on the plans close to the sidewalk which Mr. Houghton points out on the plan as being a walkway. He then makes mention of the turnaround. The turn around spot on Main Street would stay as it is in front of what is currently Hago Harrington's. Mr. Houghton explains that it was created from a taking of the original China Moon property by the State. Mr. Moynihan asks if the entrance and exit are the same. Mr. Houghton responds that yes, you would enter and exit the property from the same opening which would require a new curb cut. Mr. K. Dolan asks how wide. Mr.

Houghton assumes that it would be around twenty four feet but what he is showing the board is just conceptual. It is not engineered. Mr. K. Dolan asks if there would be a separate entrance for the commercial space. Mr. Houghton states that there would be. The commercial space would use the existing openings. They already had gone before the Select Board for Site Plan on that space which did not require a Special Permit.

Mr. K. Dolan asks if they are proposing on lining up the entrance with Richardson. Mr. Houghton states that would be the idea. Mr. K. Dolan asks the DPW Director Brett Gonsalves what his thoughts are on that. Mr. Gonsalves states that you always want to have true alignments when you do projects like that for clear access. You'd have to wait until it is designed and actually engineered to get a better understanding of whether there would be any detriment to having that aligned. Once it's engineered then we'll get a better idea of how it will flow. Mr. Houghton states that there proposal would be to bring an article to the Special Town Meeting in October working with the Board and the planner on a scheme to get to town meeting. Mr. Houghton talks about alternatives. One would be to take the Highway Business zone and add housing as a use and put it in under Special Permit requirements. Mr. K. Dolan says that would be a good idea. Mr. Houghton continues to say another option would be to put an overlay then you would only involve this property not all of Highway Business. The first option would be all of Highway Business which is the big strip on Main Street on both sides. There's a lot of housing already existing in Highway Business.

Mr. K. Dolan asks with 72 units, how many affordable. Mr. Houghton answers that it's 12% of the first thirty and the next forty two would be at 15%. Someone throws out that it'd be about nine and Mr. Houghton agreed that that sounded about right. Mr. K. Dolan clarifies that these would be sales not rentals and Mr. Houghton responds that they would be condos. Mr. Moynihan asks if its seventy two total and what capacity. Mr. Houghton says that it is seventy two total, all one and two bedrooms. There are 21 one bedrooms and 51 two bedrooms with 126 parking spaces. The parking is done at 1.75 but they'd ask for 1.7. Everything else in town is 2.1 with the exception of Fallon Road and the old hospital site. Mr. Houghton continues to say that the third way of doing this would be G.L. 40A §3A which would allow housing. If we did it for the whole Highway Business zone it would take us past our number we have to get to with the State but it would eliminate Special Permit. Mr. K. Dolan interjects that you lose complete oversight of it.

Mr. K. Dolan asks how many acres this property is. Mr. Houghton responds less than three. He goes on to say that they'd like to work with the Board getting to Town Meeting. Mr. Moynihan asks Mr. Houghton to ask what the zoning would be. Mr. Houghton states that the commercial part is fine but the property is in Highway Business which does not allow housing, so something has to change for this project to happen. So he repeats the three ways, take Highway Business and add presumably under Special Permit for multifamily housing or mixed use. That would be the easiest change. You can also put an overlay to allow housing just for this site.

Mr. Moynihan questions what is across the street. The complex next to the gas station. Mr. Vallarelli specifies the Monterosa condos. Mr. Moynihan asks what was done then. Mr. Houghton states that it's Highway Business but the housing was built before that zoning change. It was residence B prior. Mr. Moynihan asks about all of the developments up the street. Mr. Houghton states that would be the same, they are existing nonconforming. Mr. K. Dolan asks if there was any thought given to a mixed use building. Mr. Houghton says they looked at it but the problem is parking. For what they are proposing now they've added parking underneath as well as outside. Unless they could change the parking requirement for the commercial part itself, they figured it was biting off more than they could chew. So they went with putting housing at 1.7 with a reduction. We've seen that at the hospital site and Fallon Road and it works. In the Northeast part of the country overall, 1.7 seems to work. Mr. Houghton goes on to say that the world is changing otherwise they might have used this for another car or truck lot.

Times are changing. There will be less demand even for service and repairs as people move toward electric vehicles.

Mr. Moynihan asks if there will be charging stations. Mr. Houghton says that there will be. He adds that Dana Marek put a charging station at the new building being built at 450 Main Street. Mr. Houghton states that pretty much every new building going forward will add charging stations. Mr. Houghton mentions that for \$300 worth of gas you can spend about \$50 on electricity. Mr. Houghton moves onto the last way. As we recently did with Fallon Road, there's G.L. 40A §3A. If we added the Highway Business district we'd more than accomplish meeting what is required. They don't have an opinion as to what choice. They will work with what the Board wants just to get the housing use. Mr. Moynihan asks about the timeline. Mr. Houghton states Town Meeting in October, Special Permit or Site Plan maybe both and possible groundbreaking this time next year. Mr. Moynihan states what they will propose to Town Meeting is unclear. Mr. Houghton doesn't care how they get there. He wants to work with the Board. He's happy there are a few more meetings before Town Meeting so that it can be discussed and we'll hopefully reach a consensus.

Mr. Vallarelli says that either way it doesn't relinquish any control from the Board for future development. Mr. K. Dolan says it would if they were to go with 40A §3A. Mr. Vallarelli says then we won't go that way. Mr. Houghton mentions the other options again and adds that you might also create a new zone of Highway Mixed Use. He doesn't see a down side to adding housing there. Mr. Moynihan and Mr. Vallarelli add that we have it all along Main Street anyway. Mr. K. Dolan adds that the only risk is that you might lose some commercial tax base. You could make a bunch of high rises and all of your businesses go out. Mr. Houghton thinks they'd only do that if the existing businesses went out of business.

Ms. Wengen asks if this is limited to four stories. Mr. Houghton responds that Highway Business is forty five feet. If it were Residence B it would only be thirty feet. Mr. K. Dolan adds that with a variance it could be seventy feet. Mr. Vallarelli asks if there is any further discussion. Ms. Wengen asks if Mr. Melkonian had any comments. He does not. Ms. Wengen stated that she thought it was going to be mixed use and Mr. Vallarelli indicates that he thought the same. Mr. Houghton responds that they thought about that initially but the parking was too much of an issue. It is still mixed in that the commercial building will sit beside the residential units. The parking requirement would have to go down quite a bit to make mixed use work.

The Chair asks the Director of Planning, Ms. Wortman, if she'd like to comment. She states that she has much to say but will wait until the next item for discussion. Mr. Houghton asks the Board what their thoughts are. Mr. K. Dolan and Mr. Vallarelli agree that the general concept is good. Ms. Wengen states that it's too modern for her, but they knew she'd say that. Like Ms. Wengen, Mr. K. Dolan would like a mixed use but he understands their predicament with parking too. Mr. Houghton says that they actually had the architect design that first but it didn't work. Mr. Vallarelli comments that what they are proposing is like what was put up on the Ink Block in Boston where the Boston Herald was. All the buildings look very similar to this plan presented.

Mr. Vallarelli moves on to the discussion of possible zoning articles for the Special Town Meeting in October. The Director of Planning & Community Development, Erin Wortman begins this discussion by going over the three zoning articles she would like to propose pertaining to Highway Business, Inclusionary zoning and the parking in the downtown. She begins by bringing the Board's attention to the six page packet dated June 13, 2022 that was given to the Board outlining and providing analysis for adding the Highway Business District to further comply with 40A §3A. She explains that Highway Business is basically Main Street from 128 to William Street with a few other properties on Montvale

Ave. It's called Highway Business because when it was originally drafted there was no overlay and it's to support those moving on and off of the highway. As you go up Main Street today you see the Seville, the Monterosa and the Redstone Villages and the mixed uses along that corridor. Multifamily housing is not allowed along that corridor today. Ms. Wortman continues to say, as they were thinking about 40A §3A, they thought this is a perfect situation to meet our requirement under the Housing Choice law by allowing added uses that are consistent with the current landscape today of Highway Business. We would add mixed use to this area as we had at the Annual Town Meeting in May for Fallon Road. She proposes renaming Highway Business to Mixed Use Business District. This keeps the focus on business while describing it as a mixed use area. It will provide areas for shopping centers, residences and business and services that will serve a multimodal population, meaning wheels and feet. Looking at the China Moon property, they are not going to drive to Rapid Liquors. Perhaps they will walk along the sidewalk on Main Street to Redstone and cross safely at the light. Perhaps they will hop on the 132 bus. There are a lot of things that aren't car heavy specific. She explained in her memo why this is perfect for 40A §3A. It is not taking away any existing authority for the Planning Board because the authorities that you have today do not include housing.

Ms. Wortman mentions that there have been conversations in town hall and maybe some trepidation about commercial spaces becoming housing. What are we going to do? She continues to say that multifamily housing can happen in Highway Business under G.L. Chapter 40B tomorrow and we wouldn't have a big leg to stand on because we are only at 5%. Our affordable housing percentage is only 5% and because we are under that threshold of that 10% safe harbor minimum, we really wouldn't have a lot of say in design and function as we really would want to.

Mr. K. Dolan interjects here to say on the point of 40B, he thinks that because we have a Housing Production Plan, mostly due to her efforts and an inclusionary bylaw that it would help the Board if there were to be a 40B that it didn't necessarily want to go there. He then states that she makes a good point about adding housing in Highway Business by right because we already have a lot of it in that district. He asks if we have to go all the way to William Street in Highway Business in order to comply with the 40A §3A fifty acres and all that.

Ms. Wortman explains that the fifty acres is a minimum we have to hit. It's a two prong requirement. Its fifty acres which is very black and white. The other thing is a unit capacity piece. We could rezone fifty acres and still not meet the unit capacity requirement. Mr. K. Dolan agrees. Ms. Wortman says that it is confusing and she's commented to DHCD because they don't tell you to calculate unit capacity. Ms. Wortman continues to explain the by adding the entire Highway Business with what has already been accepted on Fallon Road, we would have 100 acres. It kind of gives us a little cushion. She doesn't want to rezone part of Highway Business then to be told we're short. So that's her preference. She thinks its good planning to do the whole district. If anything it's going to add density which will add income from a tax base circumstance. She mentions the possibility of the single story strip next to Monterosa maybe building up at some point. We don't lose that commercial base but we are adding residential use there. They have to make it work from a site plan perspective so they have to worry about traffic and safety and the Select Board is charged with that as the current zoning is written. She doesn't feel it would be appropriate for mixed use residential and multifamily housing by Special Permit because it seems we're all in agreement that that use is appropriate in Highway Business. So in a lot of ways, the discretion of the use is not a question. It's a question of how it looks which is a site plan question not a Special Permit question. Mr. K. Dolan adds, with all due respect to the Select Board, on a Site Plan they have very little authority to deny whereas with a Special Permit you can make that call. You can say that this is too many pounds in a one pound bag. He goes on to say that route 28 is bad traffic now, including these 72 units [proposed at China Moon] and possibly 72 more units, it could get significantly worse. That's one of his concerns. And he agrees, we're crazy not to include housing in Highway Business because it's already

largely there but he doesn't know if they have to take the whole swath of Highway Business to say it can all come in by right. He believes it might be a good idea to take the Mixed Use Highway Business from point X down to North Street. Mr. Moynihan asks where point X would be. Mr. K. Dolan answers China Moon for instance. Ms. Wortman responds that if you create language and require the multifamily housing to be by Special Permit, you then have the onus of finding another area in town to add housing by right. So if not here, she asks where. If it's not going to be Highway Business which is the lowest hanging fruit in town, then where? Mr. K. Dolan responds that we already have it at Fallon. Ms. Wortman reminds that we do not meet the minimum with that. Mr. K. Dolan adds that if you took a portion of the Highway Business you would. He says that we are about thirty two at Fallon so we'd need another eighteen. Ms. Wortman reminds the Board that you need to worry about the unit capacity piece. Mr. K. Dolan asks if we have a number on that yet. Ms. Wortman responds that it is over two thousand units. We've always had the number but it is how they calculate it that has been in question.

Mr. K. Dolan asks how many other towns around us have complied with 40A §3A. He thinks we are ahead of the curve and we have until 2024. Ms. Wortman agrees but says why not comply now. We have this perfect China Moon property that is going to be redeveloped. Mr. K. Dolan feels it's a new statute, we are ahead of most towns, we have several more years to comply and if we don't it's not like we get penalized. We just won't qualify for some potential grants. He continues to say that Ms. Wortman has done a good job, he likes this project. He doesn't want to rush unnecessarily. He'd like to give some thought to taking a piece of Highway Business, rezone that to a mixed use by right and that way you still leave control over what's not already housing. If you take from North Street down, you've already got the housing. To Ms. Wortman's point, he says that you have the commercial space beside Monterosa that may want to go up. Ms. Wortman adds that the height is forty five feet and if they want to go higher they'd have to seek a variance and the Board of Appeals would have a hard time finding a hardship in that. Mr. K. Dolan and the Board appear to believe that might not be the case. Mr. K. Dolan then asks Ms. Wortman how she feels about height. Would she go higher than forty five feet for housing in Highway Business District? She doesn't believe so. Mr. K. Dolan says that the higher you go the quicker you will get your density. She would need to see something and it would depend on the topography. She believes that Maple Street totally works to be higher but Highway Business is pretty flat so you'd really feel it. Mr. Moynihan asks Mr. K. Dolan if his thought would be to adopt Ms. Wortman's proposal but to limit it geographically. Ms. Wortman asks if now that she has heard their feedback, if she could come back on July 13<sup>th</sup> with some more data for the Board or different kinds of scenarios. She understands that they've only had a couple of days with her memos. Ms. Wengen mentions that Ms. Wortman brought up the Reptile place beside the Monterosa and the possibility of going up. She asks if Ms. Wortman could also provide some information on other areas along the highway and what could happen to them. Ms. Wortman agrees but states that there's not much, maybe Sato II, but we really pack it in there. China Moon is a great opportunity. Ms. Wortman continues to say she can also provide information on acreage and the east side and west side of Main Street. She can do a deeper dive on the parcels and opportunity for growth.

For item two, Ms. Wortman brings up inclusionary zoning and speaks to the confusion at the Board's meeting prior to the Annual Town Meeting. As part of her June 13<sup>th</sup> memo to the Board she included a chart with where their authority lies with eight plus units. She also mentions that she spoke to Town Counsel who is happy to come back before the Board. Attorney Galvin understood that there was some confusion maybe about the legality of the inclusionary bylaw passed in May 2021. Ms. Wortman states there is not, but 40A §3A passed since we adopted that inclusionary bylaw and it's appropriate to change it because a Special Permit cannot be required. A discretionary permit should never be required for something that is required. The bylaw says there is a certain percentage of affordable units over a certain

amount. They have to comply. There is nothing to talk about with that. They have to follow the bylaw and it is unnecessary to have a Special Permit for this and Attorney Galvin agreed. Mr. K. Dolan asks the about the Concord case. The conversation gets off topic for a minute and moves to the lawsuit filed against the Town by Virginia Isola's family in reference to the inclusionary bylaw. Getting back on track, while looking at the information provided by Ms. Wortman, Ms. Wengen asks if there are eight districts where inclusionary would work. Ms. Wortman responds that is the case under Chapter 40A, but she said that she'd like to be clear that 40B can happen in any district. What she provided is to strictly deal with 40A. Ms. Wengen says she's confused. Ms. Wortman explains to Ms. Wengen that the Planning Board handles Chapter 40A and the Board of Appeals handles anything under 40B. 40A deals with Special Permit and Site Plans.

Ms. Wortman moves onto her third item, something she feels keeps coming up over and over again, which is the parking in the downtown, the Central Business District. She then mentions the recent downtown redesign meeting that was held on June 8<sup>th</sup>. She goes on to say that at every Chamber meeting, redesign meeting, roadway meeting that has to do with the downtown, this comes up. She provided the Board with another memo on June 14<sup>th</sup> for this subject. Ms. Wortman continues to say that with the Downtown Initiative Plan, the Housing Production Plan, the Local Rapid Recovery Plan and the Downtown Parking study, it was recommended that the downtown parking requirement be reviewed. She provided parking requirements for the abutting communities and goes over that a little bit. She continues to say that our parking consultant who was here for the redesign meeting said that we should eliminate the parking requirement altogether. Ms. Wortman thought that would be too a big leap. She has a couple of ideas but she wanted the Board's input before going forward. Mr. K. Dolan says that he has interest in a property downtown with fourteen parking spaces. He continues to say that eighty percent of the time the spaces are taken by people who are not residents or occupants of the building despite posted tow signs. Although he thinks if there is a study that includes Town Hall Spaces and other spaces around there. He continues to say that there is probably adequate parking but most people like to drive right up close to or next to where they are going and it's going to take time to change that habit. He goes on to talk about the parking study that was done. He doesn't necessarily agree that there is too much parking down there because he knows there isn't. When he goes to the downtown, sometimes he parks at Town Hall, sometimes behind the liquor store, but he doesn't mind walking. He says he just knows people habits and doesn't think they want to walk. Mr. K. Dolan continues to say that we can take a look, you always want to update with the times but to the extent that we get rid of some spaces in the downtown, you're just looking for problems. His tenants would like more parking. You have to keep in mind that you have a furniture store that's been out. There's also a development on the other side of 373 Main Street. It's a good project but they are going to need relief for parking. At some point if you don't have enough parking down there, he thinks your businesses will suffer. He mentions Winchester's .75 requirement. He goes to Winchester a lot for Starbucks and his bank and there are times he'll circle several times without finding a spot. He's not sure they got it right either. Ms. Wortman explains that it was designed that way. They don't care to provide the parking and yet know that you would still get your Starbucks. She continues to say that with the Central Business District we have seen multiple applications wanting to change to mixed use. She uses 370-380 Main Street as an example. They wanted to put housing above but could not make it happen because the parking requirement was so high. So think about that. Also, the parking study captured all of those spaces and it assumed 100% occupancy for every business. They knew Furniture World was going to be out, but they pretended it was occupied. That was the case for anything vacant. They assumed occupancy with the most recent use. So we were fully occupied. With the study they also forecasted both housing and retail growth and there was still more than enough parking with significant growth. That growth also assumed no onsite parking and it still showed more than enough parking. We're not even doing that. We will always require some parking. She also wants

the board to consider some of the most recent developments in the downtown. They have required a Special Permit for the parking and you have granted the relief. You gave the Special Permit for parking because you are saying there are municipal lots nearby or other options nearby. She doesn't want to see another Special Permit process where you say, don't worry the Board is amenable. Don't worry they'll probably give you the Special Permit. It is an extra step that is not guaranteed and it might deter certain kinds of business because they are on a timeline for funding or they want a sure thing. She says they want more predictability for their investment. Mr. K. Dolan doesn't believe it has deterred anyone. He can't remember the last time they denied someone for a Special Permit of that nature. Ms. Wortman says that some have changed uses. 370-380 Main Street didn't go with housing. They put offices above instead. Mr. K. Dolan wasn't even aware that they wanted housing. Mr. K. Dolan continues to say that with all due respect to the parking studies, he has fourteen spaces and he still buys three parking permits from the Town for the municipal lots. He didn't buy them just to throw money away. Mr. Moynihan agrees and says that a few business owners in the downtown have complained that there isn't enough parking. He continues to say that some concerns from a business standpoint are that they can open a business and sometimes people just don't go there when they can't find parking. You will have businesses failing if there isn't adequate parking. Mr. T. Dolan says he also agrees. We had the COVID lull, but prior to that especially when you had all of the funeral homes going, there was no parking. Ms. Wortman believes she's hearing that the Board is comfortable keeping it at 2.1 parking spaces. Mr. K. Dolan says that they're not saying that. They value her input and expertise. He says that personally he is amenable but just wanted to give his initial thoughts. Mr. Moynihan adds that what strikes him is that they aren't too different from the other towns from what he's looking at in her memo. Ms. Wortman responds that it is hard to do apples to apples. She uses Woburn as an example. Every business in downtown Woburn is within 500 feet of a municipal lot. So every business that comes in seeks out approval from the City Council and they get it. She said they didn't need to change their parking requirement because they had a pretty quick mechanism for addressing it. They are not providing onsite parking. Mr. K. Dolan says that to her point, their municipal lot is huge and Mr. Moynihan agrees. Ms. Wortman reiterates that we have a lot of great parking, all within walking distance of the downtown. She does agree that the curbside parking is not ideal, but Hill Street, Fuller Street, the diagonal spaces on Central Street, the Town Hall lot, all provide a great deal of parking. She says that people's expectations should not be to drive and get a spot right in front of the restaurant they want to go to.

Ms. Wortman offers to do proposed language on July 13<sup>th</sup> with some more data and asks if there is anything they would need before then. Mr. K. Dolan says that he was away for the downtown redesign meeting and would like that information. The slides were given to them at this meeting and a link would be emailed to watch the video provided by Stoneham TV. Ms. Wengen asks for Ms. Wortman to explain to the Board the steps to get the articles to Town Meeting when she comes back in July.

Mr. Vallarelli states that the zoning and China Moon rezoning should be added to the July 13<sup>th</sup> agenda for continuing discussion.

Mr. Vallarelli takes the public hearings next.

Mr. Houghton asks for a continuance of 371 Main Street (which had previously been continued from 4/13, 4/20 and 5/18) as he is still waiting for the Board of Appeals to act on the matter of a variance for parking. He asks that the hearing be continued until July 13, 2022 at 7PM waiving all time standards.

Mr. K. Dolan makes the motion to continue which is seconded by Mr. T. Dolan. All members voted in favor to continue (5-0).

Next is the public hearing for 33 Country Club Road which had previously been continued from May 18<sup>th</sup>. The petitioners also would like to continue as they are still waiting for an architect to stamp their plans. They too are waiving all time standards. Mr. K. Dolan makes a motion to continue until July 13, 2022 at 7PM, waiving all time standards. Mr. Moynihan seconds and all members voted in favor (5-0).

Mr. Vallarelli read the legal notice for the next public hearing for 25 Avalon Road into the record as follows:

“You are hereby notified that the Stoneham Planning Board acting as a Special Permit Granting Authority will hold a Public Hearing WEDNESDAY EVENING, June 15, 2022 at 7:00 pm in the Hearing Room, Town Hall, 35 Central Street, Stoneham, MA to hear all persons interested in the petition of Philip D. Monson and Cynthia J. Monson, for a Special Permit pursuant to Stoneham Town Code, Chapter 15 Section 4.2.4.1, for an accessory dwelling in a proposed two-story addition and an additional upper and lower deck on the existing structure at 25 Avalon Road, Stoneham, MA for an Accessory Dwelling (Family Apartment). A plan by PJF & Associates dated May 31, 2022 entitled, “Plot Plan of Land in Stoneham, MA” shows the existing dwelling and proposed addition and additional decks and associated parking. Plan may be seen mornings except Friday in the Planning Board Office and daily except Friday afternoon in the office of the Town Clerk.”

Attorney Houghton appears to speak on the matter. He begins by explain that his clients own the house. They intend on putting on an addition for the accessory unit which they will then live in while retaining ownership of the house and the son, daughter-in-law and grandson would occupy the main part of the residence. Mr. Moynihan looks for the square footage which is exactly 750 square feet. The Building Commissioner had also made comment about a shed that encroaches on the neighbor’s property which would need to be moved. Mr. K. Dolan explains to the petitioner that the Special Permit if granted if for the specific family member or members to live in the accessory unit. If they are no longer doing so, the Special Permit would expire and to make a change you’d appear before the Board again for a new Special Permit. He also explains that if the Special Permit is granted, the decision must be recorded at the Registry of Deeds. Ms. Wengen asks about the garage which she noticed when looking at the Assessor’s records. Mr. Houghton explains that the garage is coming down to put up the proposed two story addition. Mr. Moynihan asks for clarification. Philip and Cynthia own the property but will be the ones to move into the accessory unit while retaining ownership. Mr. Houghton responds that is the case although it could change at some point. For now they will retain ownership and live in the addition. The son and daughter-in-law will live in the main house. Mr. Moynihan reads the Fire Chief comments into the record. The fire chief requires that the entire house be brought up to code with hard wired fire detectors. Must meet all applicable laws and codes. The Building Commissioner required an architect stamp with gross square foot floor area for the proposed accessory dwelling. This was received prior to the meeting. She also required that the existing shed must be moved off of the abutting property and meet the required setbacks. Mr. Houghton agrees that the shed will be moved.

Mr. Vallarelli opens the hearing to the public. There is no one from the public present to comment. Seeing none, Mr. Moynihan makes a motion to close the public hearing which was seconded by Mr. T. Dolan. A roll call vote was taken. All members present voted in favor of closing the public hearing.

Mr. T. Dolan asks the petitioners how long they have owned the property. The response is since 1999. The Board feels it is a great plan.



Mr. Moynihan made a motion to approve the special Permit. The plans are in line with our requirements. It has the square footage. It's a nice looking plan aesthetically. Again, it seems to meet section 4.2.4.1. He moves to accept with the requirements by the Fire Department and the Building Commissioner. The motion is seconded by Mr. T. Dolan. A roll call vote was taken. All members present voted in favor (5-0).

Mr. Vallarelli introduces the next item for discussion and explains that the Board had a site visit at 53 Washington Street & 0 Washington Court just before tonight's meeting. Mr. Vallarelli invites Mr. Houghton to speak. Mr. Houghton begins by explaining that they had gone to the Board of Appeals and received two variances. They are now here to discuss Chapter 15, Section 7.5.2.3 to discuss the road and how to proceed with paving. It's a short road, so the question is how wide. He believes twenty feet would be sufficient. He talks about the existing drainage and the one catch basin. It would be a significant improvement to the neighborhood. The bylaw is designed like it is one lot and rather than going through the full subdivision specs which would be cost prohibitive. The Planning Board has the discretion in this case to come up with what they feel is reasonable. Mr. Houghton continues that in this case twenty feet seems appropriate. Mr. Houghton mentions the fire hydrant near the last house. Mr. Vallarelli then asks if he needs an actual decision from the Board. Mr. Houghton responds that it is necessary under 7.5.2.3 although it only required a public meeting instead of a public hearing. Mr. Houghton offers to go through the criteria. Mr. K. Dolan mentions that you basically want to create an adequate way for access. Mr. Houghton agrees and adds that a dirt road is not adequate. Mr. K. Dolan thanks the DPW Director Brett Gonsalves for attending their site visit. He believes he's the first town engineer to attend one. It appears that twenty feet should be paved at minimum unless it is too narrow. Mr. Gonsalves believes twenty feet would be sufficient in keeping with the area. He goes on to say that twenty feet is the minimum for a fire access road so he wouldn't go any narrower and you don't need anything in excess of twenty here either. With pavement, you need to be mindful of the runoff. You need curbing or berm so that you don't arbitrarily shed water. Mr. K. Dolan adds that any decision they make would be with the criteria that it is subject to design review and approval of the town engineer. Mr. Houghton asks if it could be designed in a "v" so it goes into the existing drain without curbing. Mr. Gonsalves says that the roadway right now is pitching that way but again you don't want to inadvertently redirect water. You have the low point with that catch basin. Mr. Houghton says that he was thinking Cape Cod berm wouldn't work, granite curbing is very cost prohibitive so he was hoping to just tailor the road to catch the water. Mr. K. Dolan asks Mr. Gonsalves his thoughts. Mr. Gonsalves says that typically you'd have some sort of berm or curbing to help the water get directed into the drainage system. You could do a modified berm which is incorporated into the paving process itself. It's like one unit per se. They incorporate the berm into the roadway. Mr. K. Dolan asks if it's just a couple of inches higher than the roadway. Mr. Gonsalves says yes. Mr. K. Dolan asks Mr. Houghton if he could submit a revised plan. He goes on to say that the Board could take a vote tonight submission review and approval of the plan by the town engineer. Mr. K. Dolan also mentions bringing the pavement slightly beyond the abutting property's driveway. Mr. Gonsalves agrees and adds that there is a hydrant and a manhole where the layout line ends. It should go up to that point. It should be past the driveway. Mr. Gonsalves mentions that you cannot just stop for plowing purposes. You need to avoid causing a catch and creating it so that you can plow to the end. You also want to avoid causing erosion. Mr. Vallarelli asks if Mr. Gonsalves knows when the hydrant was put in. Mr. Gonsalves believes it was probably installed when the line was extended. He mentions that if you look at the hydrant there is more than likely a date on it and that's a good indication of when it was installed. Mr. Moynihan missed the site visit and asks if there are photos. The photos were provided at the last meeting, but this time, Mr. Gonsalves has an aerial photo. Mr. Moynihan asks how far back the dirt road goes. Mr. Gonsalves said it goes to the fence. They agreed to go down to the hydrant and the man hole just past the neighbor's driveway. Mr. Moynihan asks

how many houses are on the street. Mr. Houghton answers that there are two. The property owner, Mr. Donovan currently lives at 53 Washington Street. Ms. Wengen asks how this gets paid for. Mr. Houghton says that the lot will be sold and money from that would be used to pay for it. Ms. Wengen asked if that needs to be written in the decision, how it will be paid for. Mr. K. Dolan and Mr. Houghton explain to her that that doesn't matter. Mr. Houghton explains that it's not likely he would pave it first and then have someone come in and buy the lot. He would use a portion of the money from the sale of the lot to fund the paving.

Seeing no further comments from the Board, Mr. Vallarelli asks for a motion. Mr. K. Dolan makes a motion to approve the petition pursuant to Section 7.5.2.3. The recommendation being that the private way be paved to a width of approximately twenty feet. That a proposed design of that plan of the pavement and layout be submitted to and reviewed and approved by the Town Engineer using his reasonable discretion. Mr. Gonsalves will discuss the runoff issue, how far back it will go, the composition of the pavement, etc. Mr. T. Dolan seconded the motion. A roll call vote was taken. All members present voted in favor (5-0).

The final item of the evening is a continued discussion of the subdivision regulations that DPW Director Brett Gonsalves presented to the Board for comment. Mr. Gonsalves reminds the Board that he has been updating the subdivision regulations. He had previously submitted a draft which they discussed at the May meeting. He then sat down with Ms. Wengen and Planning Director Erin Wortman separately to go over and further edit the document. Mr. Gonsalves states that he is trying to get the regulations to reflect the current standards for storm water. He was also looking at the design of the roadways. He felt the old regulations didn't properly address drainage, bonding or sureties. He wants to safeguard the Town and make sure projects are completed in a timely manner. He has added a two year time limit with the possibility of two six month extensions for a total of three years for completion. He also mentions that he would like to review all bonds in place on an annual basis. He continues to say that should costs go up by reviewing the bond we can make sure there are sufficient funds being held. We don't want a subdivision that is outstanding without enough money being held to cover the cost of completion. Mr. K. Dolan asks about when the subdivision is coming up on two years, who will be the checking mechanism or send out notice. Mr. Gonsalves responds that the Board is typically the overseer of that. Mr. K. Dolan clarifies that it would come from us not you. Mr. Gonsalves states that is how he has seen it done in the past. Mr. K. Dolan states that the Board would have no objection if Mr. Gonsalves sent it. Mr. Gonsalves says it could be something coming from the public works department to the Board reminding them to send out notice that the pending completion date is coming up and they need to file for an extension if not completed. Mr. Gonsalves brings up all of the outstanding subdivisions. He wants to minimize that. If there are insufficient funds held, he'd rather not see the town left on the hook. Mr. Gonsalves reiterates that a lot of the changes reflect design standards changing. A lot is different from 2010 when updates were last made.

Mr. K. Dolan summarizes that these regulations are basically providing a 40 foot layout, twenty-six pavement, seven on each side with the grass strip flipped to the back side. Mr. Gonsalves says that the grass strip in front can sometimes disrupt the curbing. This will make it appear that there is a bigger front yard. Mr. Gonsalves mentions that he plans on cleaning it up a little bit further and would like any comments the Board has. Mr. K. Dolan believes the Board can vote on it in one of the next two meetings. Ms. Wengen asks about page 32 mentioning street signs and regulatory signs. She's reading it as being about the physical sign. What's the practice of naming a street? Mr. Gonsalves responds that in his experience, the Planning Board was always in issuance of the street name. He says that in Woburn unless they've changed things, it was always named after a deceased veteran. He says it was always up to the Planning Board with input from the community as you needed to be mindful of similar named streets, especially so it didn't cause confusion with public safety response. Mr. K. Dolan states that the way the Board has done it was to let the developer propose the name with the Board approving with comment from the Fire Department. The Town Clerk points out that the DPW has

always added the numbering and then sent out notice to all relevant departments as to the new addresses based on the water and sewer address.

Mr. Vallarelli then asks Mr. Gonsalves if he has a list of subdivisions that are still outstanding and how much we are holding for a bond. He continues to say that he drives around a lot and he hates when someone has come in and ripped open the street to add water and sewer or a gas line and six months later there's a crevice in the street that nobody comes back to fix. Mr. Moynihan asks Mr. K. Dolan if they asked for that list of outstanding subdivisions a couple of years ago. Mr. K. Dolan agrees that they did. Mr. Vallarelli and Ms. Wengen were not on the Board for that. Ms. Wengen goes back to the question of naming the street and asks if the only way for her to do a personal warrant article at Town Meeting. She mentions that for years she wanted to see a Hay Street. Mr. Houghton thinks if you had a bylaw the Planning Board could do it. Mr. Gonsalves suggests that you can propose a name to the developer. In light of Ms. Wengen's comment, Mr. K. Dolan says he knows what name would be suggested for the next subdivision before the Board. Ms. Wengen believes she'd like to see High Street named after the Isola family who was in town for many years. Mr. K. Dolan says we might have to see how the family's lawsuit against the Town plays out. Ms. Wengen asks to erase that comment. Mr. T. Dolan said that Wengen Way has a nice ring to it. Ms. Wengen disagrees. She then says that adding something here about the street name is not appropriate and Mr. Vallarelli responds, apparently not. Mr. Moynihan suggests asking the next developer to use a recommended name.

Ms. Wengen asks about shade trees next. With item 8 in the regulations there is a disparity from Town Code, Chapter 24, section 24-5. Ms. Wengen mentions that Chapter 24 says four shade trees are required per corner lot. She's looking for some consistency. Mr. Gonsalves says that he would have the regulations reference Chapter 24. As an aside, Mr. K. Dolan thinks that four trees on a corner lot may be more of a hazard for site distance.

Mr. Houghton has a few quick comments. He mentions that the regulations talk about having the plan recorded within sixty days of the Board's approval. He says good luck if it's registered land. Mr. K. Dolan agrees that's impossible. Mr. Gonsalves states that if there are some things prohibiting that from being done obviously there is some leeway that can be granted. Sometimes things are out of your control and there is some forgiveness in that. Mr. K. Dolan mentions language about a reasonable effort being made.

Before adjourning Ms. Wengen mentions that she attended the Capital Improvement Advisory Committee's most recent meeting as a representative of the Planning Board. She received a copy of a letter from the Chamber of Commerce which references the need for a strategic plan and re-evaluating the zoning code. The letter is directed to the Select Board but it involves the Planning Board and she'd like to see it go on the next agenda. Mr. Moynihan asks if it is similar to what the Planner Ms. Wortman was bringing up. Ms. Wengen supposes it sort of does. She talked about specifics but do we want to talk about all of the zoning. Mr. K. Dolan suggests it's added to the next agenda and Mr. Vallarelli agrees. Ms. Wengen reads from the letter to the Select Board strongly urging them to allocate ARPA funds for a "comprehensive/strategic planning process and a comprehensive zoning review". Mr. K. Dolan adds as he reads a copy of the letter that it is littered with inaccurate facts. He quotes "the fact the town has not evaluated the zoning code since the 1980s is again shocking in its negligence." Mr. K. Dolan believes it is shocking that he doesn't know that we've had about 45 amendments to the zoning code since 1980. He goes on to say with all due respect to the Chamber, you have to take it with some grain of criticism. It's inaccurate. Mr. Houghton comments that it's not a bad idea to review it, but he believes you will find that it's not as antiquated as you would think because it has been changed several times. He continues to say that the basic format, the numbering system has been in place since October 12, 1985. Mr. K. Dolan adds that the Town Planner mentioned earlier that after looking at the codes of other towns that ours was far superior. Mr. Houghton adds that the Town did have a consultant in 1985 when they

recodified. He adds that you'd need someone who knows Stoneham. They can't just look at the bylaw and say this from thirty years ago is no good.

Mr. K. Dolan made a motion to adjourn which was seconded by Mr. T. Dolan. All members present voted in favor.

Meeting adjourned at 8:53 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:

Memo from the Director of Planning & Community Development dated June 13, 2022 Re: Zoning Bylaws Review

Memo from the Director of Planning & Community Development dated June 14, 2022 Re: Downtown Initial Parking Analysis

A plan for 25 Avalon Road by PJF & Associates dated May 31, 2022 entitled, "Plot Plan of Land in Stoneham, MA" which shows the existing dwelling and proposed addition and additional decks and associated parking.

Draft of Town of Stoneham Subdivision Rules and Regulations 2022 as provided by DPW Director Brett Gonsalves

A copy of a letter sent to the Stoneham Select Board by the Stoneham Chamber of Commerce regarding the use of ARPA funds

Respectfully submitted:

Maria Sagarino  
Town Clerk