



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, May 18, 2022

Town Hall

Hearing Room

7:00 PM

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

Members absent from the meeting: Daniel Moynihan, Terrence Dolan

Also present: DPW Director Brett Gonsalves, Attorney Charles Houghton and Town Clerk Maria Sagarino acting as Clerk to the Planning Board and residents David and Kathleen Luciano, 16 Alden Avenue and Tom Boussy, 19 Ellen Road.

The Chairman, Frank Vallarelli, called the meeting to order at 7:05PM. The Board confirmed their next two meeting dates as June 15, 2022 and July 13, 2022.

Mr. Dolan made a motion to approve the minutes for April 13, 2022 which was seconded by Ms.Wengen. All three members present voted in favor.

Mr. Dolan made a motion to approve the minutes for April 20, 2022 which was seconded by Ms.Wengen. All three members present voted in favor.

Mr. Dolan made a motion to approve the minutes for May 2, 2022 which was seconded by Ms.Wengen. All three members present voted in favor.

Mr. Vallarelli introduces the discussion of 53 Washington Street & 0 Washington Court relative to Town of Stoneham Zoning bylaw section 7.5.2.3. Ms. Wengen discloses that as a resident of Washington Street, she is an abutter, but she does not have a financial interest in the matter nor does she have a line of sight to 0 Washington Court. Ms. Wengen had also filed a disclosure of appearance of conflict of interest as required by G.L. c. 268A, § 23(b)(3) with the Town Clerk prior to the meeting. Attorney Houghton is then invited to begin the discussion on the matter.

Mr. Houghton shows the Board the lot that he is speaking of from a photo provided by the DPW Director, Brett Gonsalves. He then shows the Board a copy of the original plan from 1869 and a second plan from Benchmark survey that he had provided to the Board of Appeals recently. Mr. Vallarelli mentions that it's a paper street and asks if there's a name and Mr. Houghton responds that it is Washington Court. Mr. Vallarelli asks how many square feet the lot is and Mr. Dolan responds that it is 10,149 and 67 feet of frontage which would have required a variance. Mr. Houghton states that they were just granted a variance. He is now before the Board to see what they would want for roadway improvements. Mr. Dolan inquires as to whether Mr. Houghton needed to publish under 7.5.2.3. Mr. Houghton responds that the bylaw doesn't say anything about publishing. Mr. Dolan clarifies that Mr. Houghton is there for a

discussion, not a decision. Mr. Houghton states that procedurally it has been so long since they've had to do something like this. Mr. Dolan indicates that it might not be a bad idea to publish. Ms. Wengen knows that Mr. Dolan and Mr. Vallarelli understand what they are looking at but she asks for clarification for herself from Mr. Houghton. Mr. Houghton states that if you go to section 7.5.2.3 (b) ii it states "A determination by the Planning Board or its agent that the way and municipal services referenced in subparagraph (i) above have been constructed in accordance with the plan submitted and approved by the Planning Board or in the opinion of the Planning Board or its agent have been sufficiently constructed for the granting of a building permit with a bond, deposit or passbook or tri-party agreement or other form of security acceptable pursuant to the requirements of the Planning Board securing completion thereof," Mr. Dolan clarifies that essentially the purpose of this bylaw is to allow something that isn't a full blown subdivision, something requiring less than what our subdivision rules and regs require because of the size of the development or lack thereof. Mr. Houghton explains that the idea was, if it's not paved, not accepted and not quite laid out, it requires some improvement. Mr. Vallarelli asks if there is sewer on the street. Mr. Houghton answers that there is both water and sewer and a drain. Ms. Wengen asks the DPW Director Brett Gonsalves if the street gets scraped. Mr. Gonsalves responds that it is a private way but they plow for emergency purposes only.

Mr. Dolan asks about Tax Map 12 Parcel 146. Is it an existing dwelling? Mr. Houghton states that there is an existing dwelling just past the lot we are talking about and another one on the other side. Mr. Vallarelli asks what improvements will be planned. Will it be a glorified driveway? Mr. Houghton states that there will be pavement but the question is, how much pavement and when you get into pavement there's storm water management. Mr. Gonsalves speaks to this. It is a private way. It is unconstructed. It is essentially a dirt road. He continues to say that in order to build the house, you have to create constructive frontage. You have to create the road all the way to the property line. That would be the furthest property line so that it would be that the whole width of the property is constructed. You take a modified version of the subdivision rules and regulations. The roadway is paved. Normally, twenty six feet of pavement. Curbing, sidewalk, drainage and all utilities. He says in this case, maybe not all that but you might require curbing to redirect the storm water runoff because you cannot direct it onto someone else's property. Mr. Dolan asks if there would be curbing on both sides. Mr. Gonsalves responds that that would be most likely. You want to redirect it into the drainage that is out there. You need to construct it to the furthest property line, but then you look at the overall picture, are you leaving a short distance unconstructed? Are you leaving the next house with all dirt? It may have to go a little further than the end of the property line. Ms. Wengen mentions that there is only one house beyond this lot. Mr. Houghton agrees that there is one house on each side. Mr. Gonsalves continues to say that you don't want to do anything that is detrimental to any of the abutters. You want to make sure everything is properly graded and connected. Ms. Wengen asks if the Town does that and Mr. Gonsalves answers that it is all privately done.

Mr. Houghton says that the plan would be to have a developer come in and this would be reflected in the price of the lot. Mr. Houghton tells the Board that twenty six feet of pavement here would be similar to the Wincrest subdivision where Nazareth was and he doesn't believe that's needed here. Mr. Houghton continues to say that Wincrest was reduced from thirty two feet. Mr. Dolan asks if there are drains out there now. Mr. Houghton responds yes and Mr. Gonsalves says there is a catch basin in the roadway, at the low spot in the road. Ms. Wengen asks if it's still private if it gets paved. Both Mr. Houghton and Mr. Gonsalves respond yes. Mr. Gonsalves explains that the Town won't accept anything if it is not built out to full subdivision standards. It needs to be fully designed and constructed. Ms. Wengen asks if there is room to make it that way. Mr. Gonsalves responds no. It would be a modification of subdivision standards to suit the situation. Mr. Dolan mentions the layout width is 40 feet. Our standard is fifty. Mr. Dolan asks if there is a ZBA decision. The Board of Appeals voted but the decision is not filed yet. Mr. Dolan asks if it was just frontage. Mr. Houghton states that it was but technically the lots are common ownership. So there was a lot size variance for lot A and a frontage variance for lot B because of the common ownership. Mr. Dolan asks which lots are common ownership. Mr. Houghton responds that it is lots A & B. Mr. Dolan would like a copy of the ZBA decision. He also thinks it is a good idea to do a site visit. Mr. Dolan asks Mr. Gonsalves if he is suggesting paving beyond the lot line. Mr. Gonsalves says that it would have to be looked at too see. If the roadway is only 250 feet long. When you are out there that's something you look at. You need to look at it from abutter's perspectives. Mr. Gonsalves is happy to attend the site visit. Mr. Vallarelli asks about the utilities. Were they put in privately? Or are

they owned by the Town. Mr. Houghton thinks the sewer would be Town. Mr. Gonsalves will look into that to see. He doesn't know when they were installed. The family member present, Kathleen Luciano, believes it to be the 1960s. The Board chooses to do the site visit prior to their June 15th meeting. Mr. Dolan makes a motion to continue this discussion until 7:00 PM on June 15th with a site visit to 53 Washington Street/0 Washington Court at 6:15 PM. Ms. Wengen seconded and all members present voted in favor.

The Chairman moves on to the next item for discussion and invites the DPW Director to speak about his draft of Subdivision Rules and Regulations. Mr. Gonsalves had handed out a draft of new subdivision rules and regulations and had mirrored them after the City of Woburn where he had done a lot of work with them over his twenty two year tenure in Woburn. He compiled sections. He wanted to focus on drainage. Communities need to comply with MS4 for storm water. In reviewing a lot of projects there are a lot of conditions that must be met and they really weren't incorporated into our existing regulations. We have to design for specific storms once we have design calculations. Two, Ten, Twenty-five, fifty, and one hundred years. Drainage was only designed for a ten year storm in our existing regulations. Culverts need to be designed for a fifty year storm. On site detention on subdivisions have to be designed for a one hundred year event. Anything over one acre of disturbance and we need to adhere to a new design criteria called Atlas 14. Atlas 14 has a specific rate fall intensity over a twenty four hour period. A hundred year storm used to be 6.5 inches, then later on the Cornell method was used which was 7 inches. Now with all these more frequent rain events that we've been having, the model has been engineered so that Atlas 14 is specific for specific regions. In Stoneham it's about 8 inches of rainfall that you have to design for in a twenty four hour period. So our subdivision regulations have to conform to that.

Mr. Dolan asks what the one acre is. Mr. Gonsalves explains that any site that you are disturbing over one acre must conform to the MS4 permitting which is in our bylaws adopted by Town Meeting.

Another thing that Mr. Gonsalves mentions coming across was surety. When a subdivision comes before the Board obviously they have to come up with some surety. Mr. Gonsalves states that he wants to incorporate time limits into a subdivision. There are about thirty subdivisions in Town that are at least thirty years old and are still outstanding. They have never been completed. A lot of them don't have enough money bonded to complete a roadway at today's costs. He believes that the subdivisions should be given a two year time limit with the possibility of two 6 month extensions. The surety submitted should be reviewed every single year and if the construction costs change then that surety should be reflective of those new costs. This way the Town does not bear that burden of absorbing any of the cost if a developer walks away.

Mr. Gonsalves also looked at the road layout requirement of fifty feet. He believes that is too wide for today's standards. A subdivision should be a forty foot layout with twenty six feet of pavement. Sidewalks should be up against curbing, no grass strip. Trees planted behind the sidewalk still within the layout. You won't have issues with the tree roots growing up and uplifting the sidewalk. You would have a two foot area to plant the tree. Mr. Dolan remarks that it would give the property owner the perception that they have more landscape in front even though those feet at the back of the sidewalk would be two feet that are Town owned.

Mr. Gonsalves continues on to say two trees would be required per lot with four for corner lots. We suggest certain trees that are less intrusive. Mr. Dolan states that we are currently two trees per lot.

Mr. Gonsalves mentions approval forms. This gives you checks and balances. For example, you'd have your preliminary sign off, your definitive sign off, your E1 which is an engineer's certificate and a form for release of utilities over to the municipality. All these forms are included in the draft regulations.

Mr. Gonsalves states that the draft is a lot of different sections added from different places. Once the document becomes final everything will be indexed and the pages will be numbered. It will be clear and easy to follow.

Mr. Gonsalves mentions the grade of the roadway and the entrance to the roadway. This would be an example of some of the design criteria that needs to be thought out. Even the class of pavement. We use super pave today that lasts a little longer.

Mr. Gonsalves would like the Board to look it over and ask and questions or give any comment. If the Board would like to approve them then we could do a formal approval.

Mr. Dolan compliments Mr. Gonsalves on a great job. He is looking at construction specifications, preparation of the road way and asks Mr. Gonsalves to clarify when he mentioned going from fifty to forty on the layout. Mr. Dolan mentions that subsection three references fifty feet. Mr. Gonsalves explains that there are different type roadways. There are type one, two, three. Type one is your typical residential road way which most subdivisions would be in. That is a forty foot layout but then you can get into your collective roads and arterial roads. For example, with High Street, you'd go to a fifty foot layout. Mr. Gonsalves states that that section will probably get adjusted a little bit more.

Mr. Vallarelli asks Ms. Wengen if she has any questions. She would like to sit with someone to go over all of her questions and comments on the draft that she has marked. Ms. Wengen noticed some typos but she also needs some explanation.

Mr. Vallarelli states that the Board would like to go over the draft more closely. Mr. Gonsalves expected them to take time to digest the draft and then he'd be happy to come back and go over them further. Mr. Vallarelli doesn't believe that [former DPW Directors] Mr. Grover ever added to what Mr. Reed and Mr. Murphy already had in place in the 90s. Mr. Gonsalves states that this would be bringing them up to the current design standards. Mr. Gonsalves encourages comments from the Board. He welcomes further discussion. Ms. Wengen had mentioned emailing Mr. Vallarelli about the Building Commissioner and Planner looking over the draft. Mr. Gonsalves answers that these regulations stop at the property line. The subdivision rules and regulations only pertain to the roadway construction itself other than the lot being the required dimensions under zoning. Ms. Wengen mentions tree plantings and the tree bylaw. Mr. Gonsalves says that he can reference the tree bylaw. Ms. Wengen believes in some respects what Mr. Gonsalves has is better [than the general language of the tree bylaw-Chapter 24, section 24-5]. It's more specific to the caliber of the trees planted.

Mr. Vallarelli would like to continue the discussion to the June meeting. Ms. Wengen would like the pages numbered. Mr. Gonsalves will do it by the June meeting.

Mr. Dolan asks that an email go out to the Board members that are not present so that they will have their comments for the June meeting.

Mr. Vallarelli moves on to the next item which is an Approval Not Required (ANR) for 3 Virginia Lane. Mr. Vallarelli asks that Mr. Houghton explain what an ANR is for Ms. Wengen's benefit. Mr. Dolan states that it's for lot size and frontage. Mr. Houghton explains that G.L. c.41 §81P would be the statute to look at. Mr. Houghton then explains that as long as the lot has frontage on an accepted street and area then you pretty much have to approve which is why it's called approval not required. You don't have to have a hearing but you have to sign it. The Board can also make sure it has adequate access.

Mr. Dolan explains that the acronym ANR is approval, under the subdivision control law, is not required because the road is already built. We are just splitting a portion of a lot up on a road that is already built.

Mr. Houghton explains that this ANR is for an existing house on Virginia Lane. The owners at 3 Virginia Lane own the parcel out back. They want to combine the lots. Its 12,000 now and they want to add another 15,000 to make 27,000 square feet. Mr. Houghton explains that they are adding to the existing lot so that they can go to the Board of Appeals for a second shed on the property because only one accessory dwelling is allowed. Mr. Dolan states that he doesn't have an objection. Mr. Vallarelli agrees. Ms. Wengen asks if it is okay with three members. Mr. Dolan explains that this only requires a majority but that even if it wasn't acted upon it would be approved within 21 days. Mr. Houghton agrees. Mr. Dolan makes a motion to approve that is seconded by Ms. Wengen. All members present voted in favor and signed the ANR plan for 3 Virginia Lane.

The Chair moves on to the next ANR for 109 Elm Street. Mr. Houghton explains that they are taking some of the back of the parcel from 109 Elm Street and adding it to 10 Penny Lane. They are building an addition onto 109 Elm, as part of an agreement with the neighbor, 1272 square feet is being given to 10 Penny Lane. Mr. Houghton explains that there is already a utility easement undefined as the water and sewer for 10 Penny Lane goes out to Elm Street. Mr. Dolan mentions that there is plenty of frontage, plenty of lot size. Mr. Houghton explains to Ms. Wengen that before the Registry of Deeds will record the change, they need to see the approval from the Planning Board. Mr. Dolan makes a motion to approve the ANR which is seconded by Ms. Wengen. All members present voted in favor and signed the ANR for 109 Elm Street and 10 Penny Lane.

Mr. Vallarelli introduced 371 Main Street which had been continued from both the April 13, 2022 and April 20, 2022 meeting. The legal notice had previously been 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. Houghton asks that 371 Main Street be continued again [as they still need to appear before the Board of Appeals on May 26, 2022]. Ms. Wengen makes a motion to continue until June 15, 2022 at 7:00 PM. Although as an abutter, he has recused himself from this public hearing, for the purpose of getting a quorum, Mr. Dolan seconded the motion. All members present voted in favor to continue as long as the petitioner is waiving any time standards. Mr. Houghton agrees.

The Chair introduces the public hearing for 33 Country Club Road. He then read the legal notice 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 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 petitioner would like a continuance as the net square footage was 750 square feet and it needed to be calculated for gross square footage which the Building Commissioner believed would put them over the 750 square feet. They are also waiting to have their plans stamped by an architect. Mr. Dolan made a motion to accept the petitioner's request for a continuance until June 15, 2022 at 7:00 PM which was seconded by Ms. Wengen. All members present voted in favor.

Mr. Vallarelli entertained a motion to adjourn which was made by Mr. Dolan and seconded by Ms. Wengen. All members present voted in favor.

The meeting adjourned at 8:04 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:

Planning Board minutes from April 13, 2022, April 20, 2022 and May 2, 2022.

Plan of Land surveyed for J.E. Farwell dated 1869 presented for 53 Washington Street and 0 Washington Court.

A plan by Benchmark Survey entitled "Plan of Land of 51 Washington Street & 53 Washington Street & 0 Washington Court, Stoneham, Massachusetts" dated March 7, 2022.

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

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

Respectfully submitted:

Maria Sagarino
Town Clerk