



TOWN OF
STONEHAM
MASSACHUSETTS

STONEHAM SELECT BOARD & PLANNING BOARD BI-BOARD MINUTES

Tuesday, August 9, 2022

Town Hall

Hearing Room

7:00 PM

Select Board members present: Chair George Seibold, Raymie, Parker, Heidi Bilbo, David Pignone, Jr and Shelly MacNeill (remote)

Planning Board members present: Chair Frank Vallarelli, Vice Chair Kevin Dolan, Marcia Wengen

Also in attendance at the meeting: Director of Planning & Community Development Erin Wortman, Town Clerk Maria Sagarino acting as clerk for the Planning Board, resident and Conservation Commission Co-Chair Ellen McBride, Attorney Charles Houghton, Stoneham Ford/China Moon property owner John Melkonian, resident Bob Verner.

Select Board Chair George Seibold welcomed everyone to the Bi-Board meeting with the Select Board and the Planning Board and opened with the Pledge of Allegiance. With one of their members, Shelly MacNeill, remoting into the meeting, Mr. Seibold took a roll call vote to open the Select Board meeting. All members present voted in favor (Pignone, MacNeill, Bilbo, Parker, Seibold).

Planning Board Chair Frank Vallarelli then took a roll call vote to open the Planning Board meeting. All members present voted in favor (Wengen, K. Dolan, Vallarelli).

The meeting was called to order at 7:01PM.

Mr. Seibold explains that the Select Board had planned on meeting with various boards in town. This meeting tonight is being held with the Planning Board.

The first item on the agenda was a discussion centering on the zoning articles that will be submitted for the Special Town Meeting in October. The first article proposed would be amending the Highway Business District to allow residential units. Specific to this article would be discussion of how the town moves forward in complying with Massachusetts General Law chapter 40A §3A.

Mr. Seibold invited the Director of Planning & Community Development, Erin Wortman to speak.

Ms. Wortman began by giving a bit of background. She had previously met with the Planning Board at meetings in June and July to discuss amending the Highway Business District to allow residential units. She continues to say that at the July 13, 2022 Planning Board meeting there was the consensus that we have a larger discussion about the Highway Business District as it relates to not just one or two potential developments along that corridor but as an opportunity to comply with G.L. c. 40A §3A. She explains that this is the MBTA community legislation that says that every MBTA community, which Stoneham is one, must have at least one or more zoning districts of reasonable size in which multifamily housing is permitted as of right. She explains that the statute states that it is fifty acres and there is a unit capacity piece. Ms. Wortman

reminds the Boards that we rezoned in the spring to allow housing by right in the Fallon Road Mixed Use District. It was about thirty six acres and we need to get to at least fifty. In looking at Highway Business on the north part of Main Street, she describes the district from Stop & Shop on the west side of Main Street to Rte 128 and then on the east side of Main Street from the corner of Elm Street up to just before Redstone Villages and then from Redstone Villages up to Rte 128 it's mixed with some Residence B District. It is about seventy six acres. Ms. Wortman had provided the Boards with a memo of what she is proposing, including appropriately renaming the district and allowing certain types of housing uses by Site Plan approval. By having Site Plan approval it would be considered by right. She doesn't want to change the bounds of the district. Highway Business would look the same on the official zoning map but be renamed. She finishes by saying it allows for housing in Highway Business because that's important and it fits in the area. She also expresses that it is important to comply with 40A §3A sooner rather than later.

Mr. Seibold opens the discussion up to the Boards. Mr. K. Dolan asks Ms. Wortman if the seventy six acres she referenced in the Highway Business District is in addition to the thirty six in the Fallon Road District. Ms. Wortman answers that it would be in addition to. Mr. K. Dolan asked if there was a minimum of five acres contiguous necessary for the rezoning. She answered that it didn't have to be. Mr. Dolan then asked if you could rezone fourteen one acre parcels. He thought he had read somewhere that it had to be a minimum of five acres. You could have fourteen one acre parcels, but Ms. Wortman went on to explain that five acres is often thought of as the threshold for spot zoning. The court typically views a property of less than five acres being rezoned for a specific use to be spot zoning.

Planning Board Chair Frank Vallarelli asked Ms. Wortman to clarify what part of the district was being rezoned to comply with 40A §3A. He wants to know if it's both sides of Main Street, just one side or just the China Moon property. Ms. Wortman responded that that is the question before the two Boards. At the July Planning Board meeting part of the discussion was that whatever the consensus were to be between the two Boards during this Bi-Board would result in what would be submitted for Town Meeting in October. She recommends the entire Highway Business District but after speaking with a few board members individually, she understands there might be other ways to do it. She doesn't want to see it split between east side and west. She believes that if there is hesitation because of a loss of commercial space that language for multifamily housing can be deleted and language could be inserted for allowing only mixed use residential development in Highway Business. As it relates to China Moon, it would not impact their project as defined by the definition of mixed use residential voted on at the Annual Town Meeting.

Mr. Dolan shares his thoughts. We have 10,000 housing units in Stoneham. The mandate is to increase by 20% which will be about 2,000 units. You'll be at about 12,000 units, estimating three people per unit, it'll take Stoneham from roughly 24,000 residents for the past forty years into the thirties. He believes that is a concern especially with an increase to traffic. He also has a concern allowing apartment housing which he believes the vast majority will be. Your owner occupancy ratio will significantly decrease in this town. It's currently at about 66%. Mr. Dolan cites the ratios in the surrounding communities as 73%-85% which Malden being 45%. His fear is that if they approve rezoning of the entire district it could move us closer to 50% which would be a lot closer to a Malden than a Reading or a Wakefield. He believes it could be a down

pressure on people's home values. People are less inclined to move into a town with a 50-55% owner occupancy ratio. Mr. Dolan continues to say that he's not against 40A §3A but sees no need to rush into it with more than a year and a half left to comply. He mentions that Wakefield is doing a detailed study and has several potential sites with committees to look into it.

Mr. Vallarelli concurs with Mr. Dolan on many points particularly the owner occupancy ratio of 50%. He doesn't want to be like Malden or Revere. He likes Stoneham the way it is. He doesn't mind more rentals or this zone going in but he believes that we should take baby steps. We shouldn't rezone the whole corridor in one fell swoop especially when we have almost two years to get it done. There are other towns discussing but not going to town Meeting in October. He continues to say if you rezone both sides of Main Street you won't even need the Planning Board because it'll all be by right. He would like to move a little slower right now.

Mr. Seibold questions the acreage without rezoning all of it. He asks how big the China Moon property is. Attorney Houghton responds that it's about 2.7 acres. Mr. Seibold asks if we could use the acres at Weiss Farm to be compliant. Ms. Wortman states that you could but anything would require a zoning change. She explains that we do not allow for multifamily housing by right in any zone in town except for the Fallon Road Mixed Use District. Any means of compliance with 40A §3A would require a zoning change at Town Meeting. Mr. Seibold asks if Weiss Farm would be out. Ms. Wortman explains that it would require a zoning change because it is in Residence A which only allows single family homes regardless of the 40B application that was made. Ms. Wortman continues to explain that it's not necessarily a rezone. You would take a district and add a use.

Mr. Dolan asks if a portion of Highway Business was rezoned, we'd need fifty acres and a certain number of units. Ms. Wortman clarifies that it is unit capacity. She further explains that even with fifty acres, we may not comply because of the unit capacity component. She continues to explain that we are still waiting for guidance from the Dept of Housing and Community Development (DHCD). That is why she was proposing the entire 76 acres of the district. She continues to say that it isn't always rentals. She uses Executive Drive as an example of condos with a high property value.

Ms. Bilbo has a question about the zoning map and that the Highway Business also includes parcels at the other end of Main Street, like the gas station and Tony's tile as well as properties on Montvale Ave. She believes that should be taken into consideration.

Mr. Dolan reminds the boards that not complying doesn't mean Stoneham ceases to exist. It just means we would not be eligible for certain grants. Mr. Dolan asks how much grant money we have received from the State in the last two years. Ms. Wortman responds that we've received over two million dollars. Ms. Bilbo's understanding is that it will open us up to more possible money. Ms. Wortman states that it will allow us to be eligible for at least three programs determined by the State. She further explains that the programs are not written within the legislation. The Commonwealth can decide any programs, but for right now we know of three programs we would not be eligible for if we do not comply. Ms. Bilbo asks if we are currently eligible and Ms. Wortman states that we are.

Ms. MacNeill understands the desire to move slowly and appreciates the comments. She does point out that the Select Board just voted to use two million dollars of ARPA funds to fill a gap with the High School Building project. Two million dollars is significant because that money would have went to fund other projects in town or capital items. We cannot downplay the significance of what two million dollars means to our budgets.

Mr. Vallarelli asks Ms. Wortman if he knows what other communities are doing now, like Melrose, with three t stops and many bus stops. He continues to say, compared to us they have no land to build on. Ms. Wortman explains that the unit capacity issue is still the big question mark with how DHCD will calculate. She explains that the difference with a Melrose, a Malden or Woburn is that in cities a zoning change doesn't have to go to a Town Meeting. It's a vote of the city council which meets regularly and it goes into effect within thirty days. The cities can wait until the last minute to comply whereas in a town we need time to go to Town Meeting followed by a 90 day window to receive Attorney General approval. Ms. Wortman is not sure what other communities are doing while they wait for guidance. She was just looking at it from the point that the legislation is not going to change so why not just take care of it. Right now we know that China Moon is being redeveloped. They want to add housing. In order to do so they need to rezone, so it made sense to kill two birds with one stone particularly because they don't care how it's rezoned.

Ms. MacNeill mentions that while the legislation will not change, the administration will change which means that you will be waiting for guidance from an agency in the middle of this changing of the guard. The directive might be very different a year from now. The guidance may depend on who is in charge at DHCD. For this reason she believes we have some time to look at this.

Mr. Dolan would rather wait to act when we do have the guidance. We need to be cautious especially with 36 acres already in the books.

Mr. Vallarelli asks what we are looking at. Spot zoning China Moon? Rezoning Main Street from China Moon to North Street on that side? Mr. Dolan answers that is what the two Boards are here for tonight.

Mr. Seibold brings up the turnaround area in front of China Moon and where the Monterosa is and the number of accidents. The median strip bogs down the whole area and it becomes a safety issue. He believes we need to slow it down a little bit.

Ms. Wortman thinks that we can hold off on the 40A §3A and leave China Moon to be rezoned by way of a citizen's petition. If you want to carve out an overlay district, she doesn't believe the Town should take the lead unless it furthers compliance with 40A §3A.

Ms. Parker has some questions. She asks if the apartments presently in Highway Business would be included. Ms. Wortman responds that the existing units would not count toward unit capacity unless those units were created by right. The existing units at Fallon Road do not count either.

Ms. Parker then asks the difference between units and unit capacity. Ms. Wortman explains that units are dwelling units where people live with no identifier of bedrooms, size or square footage. Unit capacity is terminology created within guidance of this legislation that says that there be a reasonable size district which is a 50 acre minimum and a unit capacity of twenty percent of the

total housing units. With the changing of the guard the reasonable size might change. Ms. Wortman has asked how the unit capacity will be captured.

Ellen McBride asks what by right means. There is no discretionary approval. The use is by right so you are allowed to do it. The use is allowed without permission such as a Special Permit. By right is a yes. Discretion would mean it depends. Ms. Parker states that you can just say in Stoneham it doesn't go to Planning Board.

Ms. Parker asks if anything with 40A §3A talks about open space. She knows that no matter what we are going to have to change the zoning somewhere. Ms. Wortman states that no, we cannot rezone the Fells or Spot Pond. She continues to say that you have to have the ability to develop. The joke in other towns was let's do the swamp or the landfill or all of the school properties. She believes that's why it is 50 acres and unit capacity because otherwise communities would have rezoned Town Halls, police stations, fire stations and schools.

Mr. Dolan believes to Ms. Parker's point, it might be a good idea to put a committee together to identify other parcels. Mr. Dolan doesn't know if Ms. Wortman looked at everything before coming up with Main Street. Ms. Parker believes Main Street came up because of the opportunity with China Moon. Mr. Dolan doesn't believe we change the whole town based on 2.7 acres and 72 units. Ms. Parker agrees with that and a couple of other points. Ms. Parker would like to strike Ms. Wortman's proposed section 4.7.2.9 for multifamily housing. She doesn't want to see any commercial go away. She'd love for it to stay mixed use. If Sato II were redeveloped, she'd like to see retail on the bottom with units above.

Mr. Dolan mentions that China Moon was not going for mixed use because it wasn't feasible. They were keeping an existing commercial space and hoping to develop condos beside it.

With this market, Mr. Dolan sees lenders going forward with money for rental units because they are easier to fill. He doesn't see a big change between a section eight rate and market rate.

Ms. Parker mentions personally that the comment about Stoneham becoming a Malden is a little offensive. She grew up in Brookline that is very dense. There are section eights. She doesn't believe we'd be like Malden but it's not necessary to say.

Ms. Parker asks Ms. Wortman about what will be submitted. Ms. Wortman answers that it's up to the Boards. If they feel the 40A §3A conversation is moving too fast they can put it on hold in which case a citizen can submit a zoning change to Town Meeting. Ms. Parker does agree we should pump the brakes a little until there's clarification. She agrees with Mr. Dolan in that we could have a committee or a few minds to look at this.

Ms. Bilbo asks Ms. Wortman if we do not rezone and the citizen's petition is brought forth to rezone China Moon. Would it preclude us from counting the units? Would those units count should we rezone later? Ms. Wortman said it depends how the citizen's petition is written. Only those units that were allowed by right would count. If they required a Special Permit, it would not. Ms. Bilbo believes we'd be better served to have the piece for China Moon come from these Boards.

Mr. Vallarelli explains that the Planning Board had earlier conversations about China Moon and rezoning the east side of Main Street from Elm Street down to North Street. There are few spots you could put an apartment building besides China Moon. Maybe the corner of Main and Elm.

Mr. Vallarelli said he wouldn't be adverse to that on one side of Main Street. His concern is Redstone.

Ms. Wortman stated that the pause for her with Main Street from Elm Street to North Street is that there is a lot of Residence B mixed in. She also points out that housing can come in anywhere even Redstone through a 40B application at any time. Mr. Dolan brings up Weiss Farm and how that 40B has turned out. Ms. Wortman's not sure every 40B would turn into an eight or nine year fight. Mr. Dolan asks if that were to go through have we met out threshold and Ms. Wortman responds no.

Ms. MacNeill agrees with Ms. Parker and the mixed use developments. She brings up the other end of Main Street as well for mixed use. She wants to keep mixed use in play.

Ms. Bilbo mentions the zoning map again with all the pockets of Highway Business. She believes we could say the east side of Main Street from Elm Street to Collincote. That would not include Residence B. That is all Highway Business and would include China Moon. Mr. Seibold and Mr. Dolan question what that acreage is. It could be close to the fourteen acres necessary.

Ms. Wortman clarifies what Ms. Bilbo suggested, so it would be the east side of Main Street from Elm Street to Collincote Street. Ms. Parker adds that you'd strike 4.7.2.9 the multifamily housing language and keep it as mixed use. Ms. Wortman states that she'd keep the language but create an overlay even though we were trying to get away from overlays because you don't want all of Highway Business to have the mixed use residential. You'd just like the uses in those sections. She adds that you need to do it by right to count toward 40A §3A.

Ms. Wengen asks if Mr. Houghton would still need an article. Mr. Dolan clarifies that if it is the consensus of the two Boards then Ms. Wortman will draft the article and it will not be necessary for Mr. Houghton to do anything for the Town Meeting. Ms. Wortman said the mixed use residential definition approved in May allows Mr. Melkonian to develop as proposed.

Attorney Houghton is recognized and explains the 72 condos they would like to develop and the commercial building already approved where the tuxedo shop sat. At some point they may do an ANR to divide that part of the property. He explains that parking was the issue in trying to have retail on the first floor. The development will line up with Richardson Street. Mr. Houghton doesn't believe the State would ever allow them to change the turnaround or the median in that area.

Mr. Vallarelli asks about town owned property such as Stoneham Oaks. Or the big parcel on Pond Street. Could we look at rezoning that land? Ms. Wortman states that you can rezone any parcel that you can develop on.

Mr. Seibold again asks about the acres. Ms. Wortman explains that the unit capacity is the more difficult piece. She mentions that the Boards should have a conversation with Mr. Sheehan about the possibility of town owned land.

Ellen McBride, 30 Butler Ave, also born and raised in Malden. She had a few questions. She would like more explanation of the planner terms. Ms. McBride asks about the 40B calculation. She believes Ms. Wortman should speak with Attorney Witten. Ms. McBride would like to wait for the guidelines before doing anything. She thinks we have on residential blinders. She'd like to know what we are doing about our commercial base. She wants to know if the open space

restricts us with the 40A §3A. Ms. Wortman agrees. How can you tell Somerville they need to be more dense? Ms. McBride wants to know how they answer Somerville and Malden. Ms. Wortman says that's where unit capacity comes in. We are an MBTA bus community. So we are 20% of our total housing units. A community like Malden needs 25%. Ms. McBride would like to see push back from Stoneham. Ms. McBride would like to be cautious. Ms. McBride asks about 95 Maple. Mr. Dolan says it doesn't count because it required a Special Permit.

Dolly Wilson, 181 Central, questions the overlay. Would it just be Main Street because part of Highway Business includes Central Street behind the bakery? The Boards do not want to include the parcels on Central and Elm Streets. Mr. Houghton suggests language to say the properties that abut Main Street only.

Ms. Wortman reiterates that the Boards would be supportive of an overlay district allowing mixed use residential development by right on the east side of Main Street from Elm Street to Collincote Street within the Highway Business District for those properties that abut Main Street.

Mr. K. Dolan made a motion that the Boards support a bylaw subject to receipt and review on the east side of Main Street from Elm Street to Collincote Street for the properties that abut Main Street. Ms. Parker duplicates that motion for the Select Board and it is seconded by Mr. Pignone. Mr. Seibold took a roll call vote. All members present for the Select Board voted in favor 5-0 (Pignone, MacNeill, Bilbo, Parker, Seibold). Mr. Vallarelli accepted a motion from Mr. Dolan which was seconded by Ms. Wengen. All Planning Board members present voted in favor 3-0 (K. Dolan, Wengen, Vallarelli).

Mr. Pignone asks if there should be follow up to this with a subcommittee to look into 40A §3A. Ms. Wengen questions whether Mr. Dolan knows the make up by title of the committee formed in Wakefield. Mr. Seibold thinks if that committee is formed, there'd be someone from the Select Board, the Planning Board, maybe Board of Appeals and Conservation. Ms. Parker suggests that it be added to the agenda for the Summit Meeting on September 13th.

Ms. Wortman presents the next article for discussion. She will be submitting an article to lower the parking requirements in the downtown and creating consistency in other districts. She explains that it is based on the most recent parking study and downtown redesign. In the Central Business District the requirement would be one parking space per unit where it is currently 2.1 spaces per unit. Ms. Wortman explains the thought process behind what she is submitting and how she then realized that any zoning change that has been made for multifamily housing development in the last few years has lowered that parking requirement to 1.7 per dwelling unit. She gives examples of Maple Street, Fallon Road, what may be proposed for China Moon as all proposing 1.7 spaces per dwelling unit. Anything multifamily larger than a two family would have this 1.7 requirement town wide. This would provide consistency throughout town. She mentions that the Planning Board was unanimously supportive of this.

Ms. MacNeill asks for a reminder of where the Central Business District boundaries are. Ms. Wortman with Mr. Houghton's assistance responds that it is North of Hancock Street to Elm Street, not including Stop & Shop. Ms. MacNeill brings up a previous issue with Angelo's Restaurant and parking being an issue. People get hampered by it and with Uber and Lyft, this is a great change. She'd like to see Angelo's included. Mr. Houghton states that Angelo's is in

Highway Business. Ms. Macneill thinks there are businesses on that side that could benefit from a lowered parking requirement. Ms. Wortman explains that Angelo's will lower to a 1.7 requirement.

Ms. Parker questions whether this lower parking requirement needs the Select Board's support. Ms. Wortman states that the Planning Board is in support and wanted to provide information knowing it had come before the Board. Ms. Parker thinks it is a good baby step and needed as well.

Mr. Seibold opens discussion up to the public. Anthony Wilson, 181 Central Street speaks what he believes to be a major parking problem in town. He doesn't believe there is enough parking and there are too many cars. He finds cars parked on the sidewalks all around town. He believes lowering the parking requirement will add to the problem. He talks about the buildings near his home that have enough parking but still park on the sidewalk in front of the building. Mr. Dolan states that that would definitely be an enforcement issue. Mr. Dolan suggests that if they get a ticket a couple of weeks in a row that might change. Mr. Wilson would like us to fix the problem before we change the bylaw. We want this to be a walkable community. After seeing some of the photos Mr. Wilson has taken, Mr. Dolan believes the only way to fix this is to the widen the streets and put up curbs which he doubts will happen.

Ms. Parker thinks that Mr. Wilson's point is well taken and she does see cars parked on the sidewalks especially at night. She spoke to the Police Chief and she mentions that it'll help when they have a safety officer again. Ms. Parker also mentions what they just put on Stevens Street when they paved and added berm on one side. Ms. Parker doesn't see this as being mutually exclusive with lowering the parking. It is an enforcement issue. Mr. Wilson doesn't agree. Ms. Parker mentions a variance that was just granted by the ZBA. They had one space per unit and there was a condition that it would be stipulated in the lease that if there were more than one car they would buy a parking placard and park in the municipal lot.

Ms. Wengen wonders if we can make some of the streets one way. Ms. Wortman answers that that would be a request for the Traffic Commission. She continues to explain that it's an advisory committee to the Town Administrator comprised of the Planner, Parking Clerk, Police Chief, Fire Chief, DPW Director and the Safety Officer. The group reviews requests or looks at complaints and ways to alleviate the problem. She encourages people to reach out to the Town Administrator.

Mr. Seibold had planned on discussing the sale of nonmedical marijuana in Stoneham. He decided that he will bring it to Town Meeting and then discuss it with the Boards if the Town is in favor. Mr. Seibold would then come back and discuss the zoning. Ms. Wortman explains that it would remove the prohibition but we cannot allow it unless we know where.

The final item is a preliminary discussion or thoughts on recodifying the Stoneham Town Code, Chapter 15 Zoning bylaws and any other particular goals or future vision surrounding the zoning in town. Ms. Parker feels it is time to look at the Code. She understands that there have been changes but they seem to be more like spot zoning. She would like to talk about it at the Summit Meeting. She has talked to Attorney Galvin. He mentioned that there is a company that will clean everything up and reorganize it for a fee. Mr. Dolan sees no problem with someone taking

a fresh look at it. Mr. Dolan does believe that our bylaw isn't perfect but there are a lot out there that are worse. He likes the dimensional requirement table and the way the districts are laid out. Mr. Vallarelli asks if they would fix the zoning map. She believes they can do that. They can do an initial cleanup for around \$25,000. Ms. Wortman believes that number will be a lot higher. Ms. Wortman states that the bylaws haven't been truly updated since 1985. In Tewksbury, where Ms. Wortman lives, the zoning code took five and a half years and six figures.

Ms. Parker will try to gather more information before the Summit Meeting. Ms. Wengen mentions the ill will over the Chamber of Commerce letter. She asks if the Boards can talk about the Strategic Plan they mentioned. Ms. Parker states that is already on the agenda.

Mr. Seibold thanks Raymie for the idea of getting the Boards together. All of the members agreed that it was a great meeting of the Boards.

Motion to adjourn the Select Board made by Mr. Pignone and seconded by Ms. Bilbo. Mr. Seibold took a roll call vote. All members voted in favor 5-0 (Pignone, MacNeill, Bilbo, Parker, Seibold).

Motion to adjourn the Planning Board made by Mr. K. Dolan and seconded by Ms. Wengen. Mr. Vallarelli took a roll call vote. All members voted in favor 3-0 (Dolan, Wengen, Vallarelli).

The meeting adjourned at 9:01 PM.

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

Memo to Stoneham Planning Board dated June 29, 2022 from the Director of Planning Erin Wortman highlighting possible zoning changes for the October 17, 2022 Special Town Meeting.

MBTA Communities Zoning Requirements, Timelines & Eligibility presented by the Director of Planning

FY22 Commercial Tax information on the top twenty commercial taxpayers

Copy of a letter by Select Board Chair George Seibold printed in the Stoneham Independent titled "Is Stoneham Ready Now?"

Copy of an article by Pat Blais printed in the Stoneham Independent titled "A recreational pot shop in Woburn?"

Respectfully submitted:

Maria Sagarino
Town Clerk