



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, February 15, 2023

Hearing Room

7:00 PM

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

Also present at the meeting: Town Clerk Maria Sagarino acting as Planning Board Clerk, Attorney Charles Houghton, Attorney Adam Costa, resident Linda Salerna, and resident Ellen McBride.

The Chair brought the meeting to order at 7:02PM and introduced the members of the Board.

Mr. Vallarelli began the meeting with approval of the minutes.

Mr. Moynihan made a motion to approve the minutes from January 18, 2023 which was seconded by Mr. T. Dolan. All members present voted in favor (5-0).

Mr. Vallarelli moved on to the next agenda item regarding an update provided by the Director of Planning Erin Wortman concerning the Subsidized Housing Inventory. Mr. Vallarelli referenced her memo to the Planning Board dated February 7, 2023. He mentioned that there are some projects still up in the air and there would be more information later. He asked the Board members if they had any comments. Mr. K. Dolan commented that it looks like the number will go up dramatically once a certain project is finalized. We should come pretty close to our number. Mr. Moynihan and Mr. T. Dolan agreed with Mr. K. Dolan and had no additional comments. Ms. Wengen asked if this could be discussed again when the 2020 US Census numbers were incorporated and the project Mr. Dolan mentioned has finalized. Mr. Vallarelli indicated that Ms. Wortman's memo is a public record if anyone was interested in reading a copy. Ellen McBride 30 Butler Ave asked if the Subsidized Housing Inventory was the same as the affordable housing. She mentions that it was listed on the agenda as the Subsidized Housing Inventory. Mr. Vallarelli explained that is what the Department of Housing & Community Development refers to it as. Ms. McBride just wanted clarification for the public that it is the affordable housing inventory. Ms. McBride asked if Ms. Wortman referenced just the 10% or did she add the 1.5% land calculation? Ms. Wengen responded that it was just the 10%. Ms. McBride asked if they could discuss the 1.5% land calculation at a future meeting. Mr. K. Dolan agreed that could happen.

Mr. Vallarelli introduced the next item for discussion. Ms. Wengen had asked that the Board discuss the Planning Board term being reduced from 5 years to 3 years. Mr. Vallarelli explained that the Planning Board term is currently five years and each year one Planning Board seat is up. Mr. Vallarelli references the information provided to the Board from a recent Town Meeting article in Tewksbury. He then asked Ms. Wengen if she'd like to speak to the matter. Ms. Wengen explained that she had found the map presented in Tewksbury to be interesting. The map being referenced was colored to

show which Massachusetts communities had 3, 4 or 5 year terms. She questioned the gray areas on the map. Mr. Moynihan thought they might be appointed. He mentioned that his father had been an appointed Planning Board member in Lowell for many years and that the map was showing Lowell in gray. The map appeared to show most communities had 5 year terms for their Planning Board. Ms. Wengen commented that 4 years was least popular with a few communities in the western part of the state showing four. Mr. K. Dolan noticed a little more blue which represented five years than orange which represented three years.

Mr. K. Dolan shared his thought that the Planning Board, unlike the Select Board with a three year term, handles more of the day to day, planning by its nature and definition takes a little longer. He went on to say that sometimes they've had hearings stretch out over a year. He doesn't have strong feelings but in his more than thirty years on the Board the term had never been an issue. He continued to say that it has always been five years and there have been no problems with that. If someone feels that they cannot finish the term, they can leave and an appointment can be made. Mr. Dolan mentioned that he had filled an unexpired term. Mr. Vallarelli added that he had as well.

Ms. Wengen stated that she'd like to see it changed to three because she believes it would attract more people and it wouldn't affect the Board members with their current terms. She said that five is a lot for people and she had to think twice about running knowing that it was five years. Mr. K. Dolan prefers to keep it five. Mr. Vallarelli added that he likes the staggered terms. Mr. K. Dolan added that there is a little more continuity. Mr. T. Dolan agreed with Mr. Dolan and Mr. Vallarelli. He also added that he doesn't know why they are looking at something from Tewksbury and he wanted to know who the person from Stoneham was that was quoted. He then read the quote to the Board. Nobody seemed to know who made the quote.

Mr. Moynihan added that five years is a big commitment. He continued to say that he had just decided to run for another term and with another five years it will be fifteen years on the Board. The only downside to the five is if someone resigns and there is a vacancy. The vacancy is temporarily filled by appointment. The associate member would be an appointment as well. Mr. T. Dolan asked about the associate member and the Mass General Law. He wanted to know who would decide about the associate member. Mr. Moynihan responded that it would be Town Meeting because this would be a bylaw. Ms. Sagarino added that it is specifically a zoning bylaw.

Attorney Houghton asked to weigh in as he was the person to bring it up with the Board initially after looking at 40A section 9. He stated that this would be a Special Permit. You can't have an associate sit on Site Plans but the Planning Board doesn't deal with that. He continued to say that the fairest way to fill an associate position would be for the Planning Board and Select Board jointly as they do with the elected vacancy on the Board. Ms. Wengen asked if it would be one year. Mr. Houghton believed it would be like the Board of Appeals that has their associate members appointed each year. Mr. Vallarelli did not like the idea of needing to get together with the Select Board each year and questioned that. Mr. Moynihan asked why one year? Ms. Sagarino explained that it didn't say that in the statute but it was used as a starting point for the article. Mr. Vallarelli would rather see it be three years. Mr. Moynihan agreed. Mr. Houghton just explained to the Board that he'd like to see another member for efficiency so they can avoid continuing.

Mr. Vallarelli interrupts at this point to remind everyone that they were still on the five year term being reduced to three discussion. The associate member is an item further down on the agenda, so he apologized for the discussion being sidetracked. Mr. K. Dolan thinks it's premature to put the term reduction on the warrant for the Annual Town Meeting. He continued to say the associate member seems to be a bit more pressing. Mr. Moynihan thinks it relates directly to the five year in a way. If they vote to have an associate that might dilute the move from five to three. Mr. Houghton agreed that it removed one of the issues.

Mr. T. Dolan wanted to make a motion to table the term reduction from five to three until April's meeting. Ms. Wengen stated that would be too late for May's Town Meeting. Mr. Vallarelli feels too rushed to support that article right now. Again he refers to the map and the blue color being predominant for five years. Mr. K. Dolan added that if you took the Cape off of the map it would show blue to be even more predominant on the map.

Mr. T. Dolan again motioned to table the term reduction which was seconded by Mr. K. Dolan. Members voted 4-1 to table.

Mr. Vallarelli moves on to the discussion of possible zoning articles for the Annual Town Meeting and the date for public hearing. The first item is the rezoning of Rockville Park and Glendale Road. Attorney Houghton asked to discuss these two properties. Over three years ago, both properties were rezoned to Residence B. Originally his clients wanted to build 16 units on Rockville and 12 units on Glendale. Those projects don't work today with the inflated costs. They'd like to come before the Board to discuss a larger number of units for both projects. Mr. K. Dolan asked why the agenda was to rezone. Ms. Sagarino and Mr. Houghton explained that Erin Wortman was originally drafting language to rezone the area to help comply with Chapter 40A Section 3A because there is a good possibility that the Town hadn't done enough to comply. Mr. K. Dolan asked as he has before, why the need to rush things. We have plenty of time to be in compliance. He added that most Towns aren't near where we are. Mr. Houghton doesn't care either way because it is zoned Residence B for multifamily. He had thought that the Town might benefit from it, but if the Board doesn't care to do that it is fine and he's not worried about it. Mr. Houghton continued to mention to the Board that the Special Permit would be up soon for both Rockville and Glendale and the cost side of the market has gone bananas. They need to make some changes to make this work. The number of units no longer works financially. Mr. K. Dolan would like him to talk to the neighbors before coming back to the Board. Mr. Houghton was just trying to get the Board's thoughts first. He also mentioned to the Board that he was told by DCR that they'd have to redesign where it meets North Border Rd without touching the ledge because it's historic. The Board was curious as to how they would do that. Mr. Houghton stated they will make the changes they can as long as the Town departments are okay with it. They will redesign Orchard Rd. They will T it up a little better which will help straighten the road. Mr. Houghton showed the Board and explained to Ms. Wengen what is shown on the plan. Mr. Houghton stated there would hopefully be 23 units for Glendale instead of 12. Rockville would most likely be rezoned to create a buffer. Mr. K. Dolan again suggested a neighborhood meeting. Mr. T. Dolan then asked Mr. Houghton when he would come back with actual numbers. Mr. Houghton guessed it would be in April or May.

Mr. Vallarelli moved on to the next item on the agenda which was to discuss correction of the Zoning Map for the Dale Court area. Mr. Vallarelli recognized Attorney Adam Costa who was present

representing Linda Salerna of 3 Dale Court. Mr. Costa explained some of the background including his correspondence with the Town Clerk regarding a mistake on the Zoning Map. When looking at the map for an unrelated matter, Attorney Costa had stumbled upon the fact that his clients parcel was zoned as Recreation/Open Space when he knew that it had always been zoned as Residence A. Initially it was thought to be an error with the zoning map that was posted on the Town web site. Several months later, after thinking the issue was resolved, Mr. Costa noticed that the map once again showed his client's parcel was Recreation/Open Space instead of Residence A. After some more back and forth with the Town Clerk it was identified that Article 5 of the October 15, 2018 Town Meeting accepted a new zoning map which replaced the zoning map previously dated April 1, 2008 which Town's do from time to time. The new zoning map was adopted which included the parcel incorrectly zoned. Mr. Costa stated that he was here to request guidance in correcting this error. He asked the Board what their pleasure would be in correcting the mistake. Should they come forward with a citizen's petition or would the Board be willing to sponsor an article given it was an error inadvertently made by the Town. Most importantly, Mr. Costa would like 3 Dale Court rezoned back to Residence A but he also acknowledged that 5 Dale Court is also incorrect on the map. The property is now owned by the Boys & Girls Club who would most likely want to keep the error, but Mr. Costa stated that they'd like to see that corrected as well.

Mr. Vallarelli asked if there is any idea how this occurred. Ms. Sagarino, as the Town Clerk, responded. For several years the zoning map was maintained by the Assessor whose use of GIS was self taught and unfortunately a mistake happened. There were several parcels in that area that were inadvertently rezoned. Two parcels on Dale Court and a few abutting Franklin Street that were colored for Residence A when they are in fact zoned as Residence B. Ms. Sagarino further explained that she and the Building Commissioner looked back at several older zoning maps and town meeting records to determine that there was never any rezoning and that the zoning in place right now for those parcels was due to a maintenance error with the map. Unfortunately the map with the mistakes was presented to Town Meeting for acceptance. She continued to explain that to correct the mistake we need to go back to Town Meeting with an accurately zoned map and have it voted.

Mr. K. Dolan asked who sponsored the article in 2018. Ms. Sagarino answered that it was the Planning Board. She explained that about every ten years we adopt the official map because in the years in between we have to list out any of the amendments that happen in the margin or at the bottom of the map, so by adopting it periodically, you have the cleanest version of the map.

Mr. K. Dolan would like an opinion from Town Counsel as to how to handle this. Mr. Moynihan mentions that correcting 3 Dale Court is fine but 5 Dale Court isn't present. Mr. Houghton acknowledged that he represents the Boys & Girls Club. Mr. Moynihan said that they should correct all of the mistakes but it does put the Boys & Girls Club in a pickle with 5 Dale Court. Mr. T. Dolan asked Mr. Houghton if this was similar to the mistake he found on Elm Street where a parcel there was incorrectly shown on the map as Recreation/Open Space. Mr. Houghton stated that there are most likely other mistakes. There was another parcel near Capen Street. Mr. Houghton is fine with changing 3 Dale Court, but he would oppose a change to 5 Dale Court. Mr. Vallarelli stated that 5 Dale Court was a mistake also though. Mr. Costa doesn't want to fight about it, but would like 3 Dale Court fixed. He continued to say that the Boys & Girls Club is getting the advantage of what was effectively a mistake. He said what they should have had to do is go to Town Meeting to have that parcel rezoned. Mr. Moynihan understands that Mr. Costa's client is being prejudiced by this. He

asked how this should be fixed. Mr. K. Dolan once again said that it should be referred to Town Counsel. Mr. Vallarelli asked how this would affect the homeowner with the parcel zoned as Recreation Open Space. Mr. Costa stated that its existing nonconforming but if you wanted to do something, residential use is not allowed in Recreation/Open Space. Mr. K. Dolan added that if you wanted to put on an addition it would require a Special Permit. Mr. Houghton asked if Town Counsel could also give an opinion on 5 Dale Court. Mr. K. Dolan made a motion to ask Attorney Galvin for an opinion which was seconded by Mr. T. Dolan. All members present voted in favor 5-0.

Mr. Vallarelli moved back to the Associate Planning Board Member bylaw as allowed under c.40A §9 which had been discussed earlier. Mr. T. Dolan made a motion to table this as they had with the term reduction. Mr. Vallarelli responded that he was interested in that article. There was discussion about the language in the article and when the associate would be necessary. Mr. Houghton believed there was case law stating the petitioner is entitled to five members to hear the Special Permit. Mr. Houghton doesn't care how they do it, but the idea is to get a fifth member when needed. Mr. K. Dolan stated that whenever there is less than a full board the Chair shall appoint an associate member. Mr. Vallarelli stated that the Board could just vote to reserve the spot on the warrant for the article and work on the language later. Ms. Wengen asked Mr. K. Dolan how he'd like to see it reworded. After a little discussion, Mr. K. Dolan made a few minor adjustments so the article would now read as follows and made a motion to submit this article for Town Meeting as follows:

“To see if the Town will vote to amend the Stoneham Town Code, Chapter 15 Zoning Bylaws to add a new section 7.4.1 “Planning Board Associate Member” as follows:

Pursuant to M.G.L. Chapter 40A, Section 9, the Stoneham Planning Board, acting as the Special Permit granting authority, shall have up to one associate member, who shall sit on the Board when there are less than five members sitting, for the purposes of acting on a Special Permit application. This position of associate member will be filled by joint appointment of the Select Board and the Planning Board and the term shall be fixed for three years. If provision for the associate member has been made, the Chair of the Planning Board shall designate the associate member to sit on the board for the purpose of acting on a Special Permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Board.”

Mr. Moynihan seconded the motion. All members present voted in favor 5-0.

Mr. Vallarelli introduces an ANR for 111-113 Elm Street. Mr. Houghton represented this matter. He explained to the Board that the Board of Appeals granted a variance and he was now before them with the ANR plan to split the lot. They are keeping the two family and building a small single family home for the parents. Mr. K. Dolan asked if the same people own the two lots and Mr. Houghton responded yes. Mr. Vallarelli asked if it was 22,000 square feet for the two family and Mr. Houghton responded yes. There is some discussion about the history and zoning of the existing two family house.

Mr. Houghton asked the Board to sign the ANR.

Mr. Vallarelli moved to the final discussion regarding the condition contained in the Special Permit decision for 22 Wright Street. Mr. Petrillo would like to leave the shutters off of the house. He believed it would be

too busy. Ms. Wengen asked if the house would stay white. She mentioned that the original plan had the house as blue and she liked the white. Mr. Houghton believed a vote would satisfy the Building Commissioner.

Mr. K. Dolan made a motion that they amend their Special Permit granted for 22 Wright Street to remove the condition requiring shutters which was seconded by Mr. Moynihan. All members present voted in favor 5-0.

Once again the public hearing for 62 High Street was not ready to move forward as the Board was waiting to hear from the Stormwater Board. Mr. Houghton requests to continue to March 15, 2023. Mr. K. Dolan asked if he was still waiving all time standards and Mr. Houghton agreed. Mr. K. Dolan made motion to continue the hearing until March 15, 2023 at 7PM waiving all time standards which was seconded by Mr. T. Dolan. All members present voted in favor 5-0.

Ms. Wengen asked if they could put Ellen McBride's request to find out about the 1.5% of developable land area on the next agenda. Mr. Vallarelli didn't think the number would be ready. Ms. McBride would like the number that was done for Weiss Farm if possible. She knows that a calculation was done when we were appealing the Weiss Farm decision. She knows Attorney Jon Witten put it together. Ms. McBride would look at both numbers. The 10% and the 1.5%. She then states that she doesn't like that we're putting up so much housing and not trying to build more of a commercial base. She would like to see a master plan.

Mr. K. Dolan made a motion to adjourn which was seconded by Ms. Wengen. All members present voted in favor 4-0. Mr. Moynihan had left the meeting five minutes before.

The meeting adjourned at 8:39PM.

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 Erin Wortman, Director of Planning & Community Development dated February 7, 2023 providing an update to the Planning Board – Stoneham Subsidized Housing Inventory

Information regarding the Planning Board term article presented in Tewksbury which included a map showing which communities had 3 year, 4 year and 5 year terms.

Town Meeting article language for proposed Associate Member position.

Pictures of 22 Wright Street and some of the abutting houses.

Respectfully submitted:

Maria Sagarino
Town Clerk