



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 21, 2023
Hearing Room
7:00 PM

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

Also present at the meeting: Town Clerk Maria Sagarino acting as Planning Board Clerk, Attorney Charles Houghton, Attorney Steven Cicatelli, Mark Doherty of Mercury Properties Group, Inc. and John Cullen.

The Chair brought the meeting to order at 7:01 PM. Mr. Moynihan entered the meeting less than a minute later. Mr. Vallarelli introduced the members of the Board and moved onto the first agenda item to approve the minutes for May 17, 2023. Mr. K. Dolan made a motion to table the minutes until the end of the meeting which was seconded by Mr. T. Dolan. All members voted in favor 5-0.

The next item of business was approval of the changes made to the Special Permit rules and regulations incorporated into Chapter 17 of the Town Code. Mr. K. Dolan made a motion to approve the changes which Mr. Moynihan seconded. A roll call vote was taken. All members voted in favor 5-0.

Mr. Vallarelli asked for approval of the Special Permit application packets. Mr. K. Dolan made a motion to approve which was seconded by Mr. Moynihan. A roll call vote was taken. All members voted in favor 5-0.

The Board decided to table the discussion for the rezoning of 134 Elm Street until the end of the meeting at the request of Attorney Houghton.

The first public hearing of the evening would be the continuation of 62 High Street. Mr. Vallarelli recused himself for the moment. Mr. K. Dolan took over as Chair. Mr. Houghton once again asked the Board to continue the public hearing for 62 High Street. Again, waiving all time standards. He explained that the Storm Water Board still hadn't approved the drainage plan and would be meeting again after holding their own site visit. Mr. Moynihan made a motion to continue the public hearing for 62 High Street until July 12, 2023 at 7PM, waiving all time standards. Mr. T. Dolan seconded the motion. All members present on the matter voted in favor 4-0 with Mr. Vallarelli abstaining.

Mr. Vallarelli returned to the meeting and read the legal notice for 17 Arnold 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 21, 2023 in the Hearing Room, Town Hall at 7:00 p.m. to hear all persons interested in the petition of RANDY DEMARCO, 17 ARNOLD ROAD, STONEHAM, MASS. for a Special Permit pursuant to Stoneham Town Code, Chapter 15 Section 4.2.4.1, for a change in the occupant of the accessory dwelling within the existing structure at 17 ARNOLD ROAD for an Accessory Dwelling (Family Apartment). A plan by J&B Survey dated October 16, 2020 revised 1/25/21 entitled, “Plan of Land in Stoneham, prepared by J&B Survey” showing the existing dwelling may be seen daily except Friday afternoon in the office of the Town Clerk.”

Attorney Houghton appeared before the Board on behalf of his client Randy DeMarco and explained that the Board had previously issued a Special Permit for an Accessory Dwelling at 17 Arnold Road. The unit hasn't changed. The plan is the same. The only thing that would be changing is the nephew that is living in the unit. He got married and moved out. Mr. DeMarco has another nephew that he'd like to move in but the change requires them to come before the Board again for a new Special Permit.

Mr. K. Dolan clarified that the dimensions of the accessory dwelling unit hadn't changed. Mr. Houghton stated that it is the original plan. Nothing has changed except the occupant of the accessory dwelling.

There were no department comments given for this petition.

Mr. Vallarelli opened the hearing up to the public. Seeing no public comment, Mr. K. Dolan made a motion to close the public hearing which was seconded by Mr. Moynihan. All members present voted in favor 5-0.

Mr. K. Dolan made a motion to approve the petition as it still met all of the requirements under the bylaw. Mr. Moynihan seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

Moving on to 323 Main Street, the Chair read the legal notice 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, June 21, 2023 in the Hearing Room at 7:00 p.m. to hear all persons interested in a petition for a special permit by MERCURY PROPERTIES GROUP, INC., of 84 Bacon Street, Winchester, MA for a Special Permit pursuant to Stoneham Town Code, Chapter 15 Section 4.6.3.1 and 4.6.3.2 of the Town of Stoneham Zoning By-laws to construct a new four-story building at 323 Main Street, Stoneham, Massachusetts with a 11,160 square foot footprint containing any uses permitted in the Business District on the 50% of the first floor area adjacent to Main Street and 29 dwelling units above the first floor and with parking under on the remainder of the first floor and associated parking outside for a total of 45 parking spaces. A plan by Hayes Engineering, Inc. and Associates dated

June 5, 2023 entitled “Site Plan 323 Main Street, Stoneham, Mass” may be seen daily except Friday afternoon in the office of the Town Clerk.”

Attorney Houghton appeared on behalf of his client Mark Doherty. He explained that Mr. Doherty is a developer from Winchester who is looking to move into Stoneham and develop the former Bank of America site. He further explained that Mr. Doherty would like to build 29 one and two bedroom apartments with 50% of the first floor adjacent to Main Street to be used as commercial space. At this time they are unsure as to whether that would be retail, restaurant or office space, but it will be something in compliance with the bylaw.

Mr. Houghton brought the Board’s attention to the plan done by Hayes Engineering dated June 5, 2023. He explained that there are no variances required with the current plan or a Special Permit necessary for parking.

Mr. Houghton described an access easement on the Bank of America property where the bank drive thru had previously been. This property granted the access easement to what had been the Stoneham Savings Bank at 335 Main Street. Mr. K. Dolan asked Mr. Houghton for a copy of the easement which Mr. Houghton said he would give to the Board.

Mr. Moynihan asked what their thoughts were for the first floor space. Mr. Doherty responded that he has four or five ideas, but does not have a tenant for the space which will be the deciding factor for the use. Mr. Houghton explained that while housing is in big demand, the commercial space on the first floor is more challenging to rent.

Mr. Houghton went over some rough tax numbers. The property is currently paying about \$28,000. He believes that number will increase to \$175,000-\$200,000 with this development.

Mr. Houghton stated there would be four affordable units. He also explained that under MGL 40A § 9, this Special Permit requires a majority vote.

Ms. Wengen asked about snow removal which Mr. Houghton responded would be off site. She then asked about the dumpster. Mr. Houghton stated that they are working on the placement of the dumpster. Ms. Wengen asked about the four affordable units. Would they be placed together in the most undesirable spot? Mr. Houghton explained that they have to be spread out. The State would dictate that when we apply to add them to the inventory.

Mr. Vallarelli read the department comments into the record. Mr. Houghton agreed to all comments. He also mentioned that any lead paint and asbestos have been abated.

Mr. Houghton concluded by stating that criteria (a)-(e) under Chapter 15, section 7.4.3.1 have been met.

At this time, Mr. Vallarelli opened the public hearing. Attorney Steven Cicatelli appeared representing C & S Properties and their interests as owner of 335 Main Street. He explained the egress for the site and the reciprocal easement in place between 325 Main Street and 335 Main Street. His client is concerned that the easement would be blocked during construction. They don’t believe that construction can happen without blocking the easement particularly with the building materials and equipment being spread out on site. Mr. Cicatelli also doesn’t know that all of the conditions under 7.4.3.1 have been met.

Again Mr. Cicatelli mentions the easement. He stated that this project would create an overburdening of an easement. The holder of the easement would be using the easement for

something other than the original intent. He wonders how you'd construct without encroaching on the easement.

Mr. K. Dolan explained that the easement is more of a private issue and is not in the Board's jurisdiction.

Mr. Doherty spoke of what he thought had been a cordial conversation with Chris Senna of C & S Properties who happened to be an unsuccessful bidder for the property. He explained that Mr. Senna had told him that it is a great project as long as it doesn't impact his adjacent property at 335 Main Street. Mr. Doherty had indicated that he would respect his neighbors and the easement.

Mr. Houghton believed that Mr. Cicatelli's client was the pot calling the kettle black. He spoke of his property across the street at 380 Main Street which required variances for parking and height. Mr. Houghton agreed that the Town shouldn't get involved in business matters.

Kristen Wigandt of 154 Central Street asked how this project would impact traffic and parking on Main Street. Mr. Houghton responded that there are no variances for parking. The project complies with the bylaws. The most recent use of the property was as a bank with a drive thru. Mr. K. Dolan added that the property at 325 Main Street has the most parking of probably any address in that part of Main Street. He also mentioned that planners will tell you that it isn't reasonable to think you will always have a spot right in front of the address that you're visiting. Mr. Dolan further explained that there is plenty of parking on site and within a circumference of that building with the municipal lots and on street parking in the area.

Mr. T. Dolan stated that he has heard from some residents as it's a key parcel. They would like to see retail, maybe a fish market would be nice. He is concerned after watching the project at the former Smokey's (371 Main Street) stall. He asked about a traffic study. Mr. K. Dolan indicated that having traffic move through that area at a slower pace might be a good thing safety wise.

The Board thought it would be nice to see some renderings. Mr. K. Dolan also wanted to digest the recorded easement document.

Mr. K. Dolan made a motion to continue the public hearing until July 12, 2023 at 7PM. Both Mr. T. Dolan and Mr. Moynihan seconded the motion. All members voted in favor 5-0.

Mr. Moynihan made a motion to approve the minutes from May 17, 2023 which was seconded by Mr. K. Dolan and Mr. T. Dolan. All members voted in favor 5-0.

Attorney Houghton asked that the Board place 134 Elm Street on the agenda to have a preliminary discussion on the rezoning of the property to residence B which he would be seeking in October. He represents John Cullen who just signed a Purchase & Sale Agreement for the 49,000 square foot property located at 134 Elm Street. Mr. Cullen would like to develop twelve condos which would include two affordable units. As the property is adjacent to the Senior Center, Mr. Cullen would like to market the units to seniors. He even mentioned putting in chair lifts to the second floor.

Mr. Houghton stated that Mr. Cullen had been doing some research and he noticed that the Town could ask for an advisory opinion as to whether this site would qualify for a majority vote on the

zoning change as opposed to a two third vote under MGL Chapter 40A and the new Housing Choice Law.

Mr. Cullen then read the language from the Executive Office of Economic Development listed on the web site: “If there is uncertainty about whether a zoning proposal affects an eligible location, a municipality may request an advisory opinion from EOHED. Such a request must be made by the mayor, city council, board of aldermen, or planning board (when the zoning amendment is proposed in a city); or by the select board or planning board (when the zoning amendment is proposed in a town). A request may not be made by an individual member of the council or board. EOHED will endeavor to provide a written advisory opinion within 30 days of receipt of a complete request.”

Mr. Cullen asked that the Planning Board consider requesting an opinion. Mr. Moynihan stated that he would like to take a look at that information before deciding to seek an opinion. He wanted a better understanding. The Board also thought it might be nice to see some renderings of what Mr. Cullen had in mind for the property. The Board agreed to continue this discussion at the next meeting.

Ms. Wengen asked if there was any way to save the house or the upholstery place built in 1898. Mr. Houghton didn't believe you could develop the site with the structures staying or if anyone would want to buy them and move them. Mr. K. Dolan mentioned that he had a client in Burlington who brought in a restorationist who then salvaged some of the house and donated the money to the Historical Commission. Ms. Wengen asked if there was any way that the Historical Society of Historical Commission could get in to look at the house once Mrs. Hanright, the current tenant, moves out. Mr. Houghton believed that to be possible. Ms. Wengen stated that there are probably a lot of old tools from the upholstery business. She'd hate to see those end up in a dumpster. Mr. Houghton responded that Mr. Mellett the current owner is older and might not care to keep the tools at this point. Mr. K. Dolan asked that they consider letting a restoration person in to salvage whether they donate the money or not. Mr. Houghton and Mr. Cullen seemed amenable.

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

The meeting adjourned at 8:16PM.

Respectfully submitted:

Maria Sagarino
Town Clerk

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:

Town Code, Chapter 17 and the Special Permit application packets

A Plan by Williams & Sparages, entitled “Locus Plan Berrywood Estates Stoneham, MA,” dated August 22, 2022.

A plan by J&B Survey dated October 16, 2020 revised 1/25/21 entitled, “Plan of Land in Stoneham, prepared by J&B Survey”

A plan by Hayes Engineering, Inc. and Associates dated June 5, 2023 entitled “Site Plan 323 Main Street Stoneham, Mass.”

<https://www.mass.gov/forms/request-an-advisory-opinion-on-ch40a-eligible-locations>