



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, August 9, 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 and Attorney Charlie Houghton.

The Chair brought the meeting to order at 7:04 PM. Mr. Vallarelli introduced the members of the Board. He then moved onto the first agenda item to approve the minutes for July 12, 2023. Mr. T. Dolan made a motion to approve the minutes for July 12, 2023 which was seconded by Mr. Moynihan. All members present voted in favor 5-0.

Ms. Sagarino updated the Board on the status of the Zoning Bylaws passed at the Annual Town Meeting. All of the Zoning Bylaw changes from the Annual Town Meeting had been approved by the Attorney General and posted including the Associate Planning Board Member Bylaw. The opening for an Associate Member has been advertised. The Board is invited to join the Select Board at their September 5, 2023 meeting in order to make nominations and vote jointly to choose the Associate Planning Board Member.

Next the Board was asked to approve two changes to the subdivision rules and regulations that the DPW Director had asked them to adopt in June 2022. When asked about the subdivision fees, Mr. Gonsalves had noticed a few typing errors in the version of the rules and regulations that were adopted. At the time, Mr. Gonsalves had verbally explained the fees. The Board is being asked to take care of the errors that Mr. Gonsalves noticed on page 13 for the preliminary fees and page 15 for the definitive fees to be in line with what he had told the Board in June 2022.

Mr. K. Dolan made a motion to amend the preliminary subdivision fees to \$1000 filing fee plus \$100 per lot. The motion was seconded by Mr. Moynihan. All members present voted in favor. Mr. K. Dolan added that they don't really see preliminary subdivisions, usually the applicants just submit the definitive plans.

Mr. K. Dolan next made a motion to amend the definitive subdivision fees to \$1500 filing fee plus \$100 per lot. The motion was seconded by Mr. Moynihan. All members present voted in favor.

Mr. Vallarelli pointed out that the Board had received a response from the request that had been submitted for an Advisory Opinion from the Executive Office of Housing and Livable Communities (EOHLC) regarding the 40A eligibility for 134 Elm Street. The Board commented on the document which stated that 134 Elm Street is considered an eligible location.

Mr. Vallarelli moved on to the agenda item of further discussion of the rezoning of 134 Elm Street to Residence B District. Mr. Houghton stated that his client Mr. Cullen recently called EOHLC and found out from EOHLC that the calculation for the affordable units that would be required with his proposed project would be \$260,000 per affordable unit. His client Mr. Cullen would have to sell two townhouses at a more substantially reduced rate than he had anticipated. Mr. Cullen is still trying to figure out if he can make that work financially. Mr. Cullen is going to try to negotiate a reduction in the sale price from Mr. Mellett, the current owner of 134 Elm Street. Mr. Houghton asked that this discussion be continued until the September meeting.

Ms. Wengen mentioned that she would be interested in how they get the calculation. The other Board members agreed. Ms. Sagarino mentioned that sometimes State agencies can send employees out to train and/or explain things. She will reach out and see what can be done, even if they just send a memo explaining the process.

Attorney Houghton asked the Board to sign an Approval Not Required (ANR) Plan for 19 Skyewood Drive and 16 Dapper Darby Drive. He explained that Betty Biggio would be giving a small strip of land to her relative at 19 Skyewood Drive. The Board took a moment to look over the plan and to sign for recording at the Registry of Deeds.

Mr. Vallarelli moved to the next item for discussion which was possible comment on the appropriateness of the Residences at Spot Pond, the proposed 40B project at 5 Woodland Road. The comments for eligibility were due to the Select Board by August 11<sup>th</sup> but Mr. Houghton explained that the developer and the Select Board had agreed to seek a sixty day extension [Mass Housing has since granted a 30 day extension to the Town, so comments are due from the Select Board by September 18<sup>th</sup>].

Mr. K. Dolan thought the location was good for housing but was wary of having so many more rentals. He also thought that 378 units are not necessary to reach the 10%. If we only need 300 to comply with 40B with our inclusionary bylaw we should be good going forward. He believed if you were going to have a 40B project that location is as good a place as any.

Mr. T. Dolan asked Mr. Houghton if he thought this 40B application would bring back the Friends of the Fells and others who filed suit in the past. Mr. Houghton didn't believe so. Mr. Vallarelli asked about the other neighbors on the property. Mr. Houghton indicated they would be talking to them. There are issues to discuss such as the parking easement that exists with the Executive Drive condominiums but Mr. Houghton feels it can be worked out.

Mr. Houghton mentioned that they had previously been granted the Special Permit for R & D. Unfortunately they couldn't find a tenant for the life science building, the research and development market dried up. An alternative would be office buildings but there's no demand for that right now either. Mr. Houghton continued to say that housing made the most sense. People need a place to live and this project would provide affordable units. He added that Stoneham has been discovered. We are seven miles from downtown with two interstate highways. Mr. K. Dolan doesn't want it to be too built out. Mr. T. Dolan doesn't want it to be as developed as Somerville.

Ms. Wengen mentioned that she had sent in a personal comment. She would like to see some commercial. The nearest bread and milk is at the Mobil station in Medford. She was hoping for a small grocery/convenience type store. Mr. Houghton said that would probably be addressed. Ms. Wengen also added that Chief Grafton will need a substation. This will add 300 more units up there. She mentions the burden and the response time from the existing Central Street station. Mr. Houghton stated that he's heard that a substation would cost about twenty million dollars at this point.

Mr. K. Dolan suggested that with the extension the Board members take some time to think of their comments. They could be submitted to Ms. Sagarino ahead of the September meeting and the Board could discuss a possible response to the Select Board at that time.

Ms. Sagarino explained that the Board of Appeals had recently increased their comprehensive permit fees in anticipation of the next application as they hadn't been updated since 2014. They increased the per proposed unit fee from \$100 to \$200. Attorney Galvin stated that that wasn't necessarily in line with the other development fees in Town. Mr. Galvin suggested that our fees as a whole are low. He wanted the boards to take a look at increasing fees, particularly in regard to the permitting for conventional units in multi-families. Ms. Sagarino went on to explain to the Board that their Special permit fees should have a per unit cost or tiers by total square footage. The fees for a 371 Main Street nine unit development shouldn't be the same as 270 units on Maple Street or even the 30 units proposed tonight for 323 Main Street. Ms. Sagarino would be researching fees in other Towns for Special Permits, subdivisions, variances and Site Plans. The information would then be distributed to the Planning Board, the ZBA and the Select Board for review with a recommendation from Director of Planning Erin Wortman.

Mr. Vallarelli now moved on to the public hearings. The first hearing was 62 High Street. This public hearing is a continuation from October 12, 2022, November 16, 2022, December 14, 2022, January 18, 2023, February 15, 2023, March 15, 2023, April 12, 2023, May 17, 2023, June 21, 2023 and July 12, 2023 with a site visit held on October 22, 2022. Mr. Vallarelli recused himself and turned the gavel over to Vice Chair Kevin Dolan. Mr. Houghton indicated that Stormwater was still waiting on more information from Linden Engineering, the peer reviewer, after the contract was extended. The Stormwater Board will have to meet once they are given the updated plans. He is hopeful that the hearing can continue at the Board's next scheduled meeting on September 13, 2023 and asked for a continuance waiving all time standards. Mr. T. Dolan made a motion to continue the public hearing for 62 High Street until September 13, 2023 at 7PM waiving all time standards. Mr. Moynihan seconded the motion. All members sitting on the matter voted in favor with one abstention from Mr. Vallarelli 4-0-1.

Mr. Vallarelli took the gavel back and moved on to the public hearing for 323 Main Street. He read the newest 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 Wednesday evening, August 9, 2023 in the Hearing Room at 7:00 p.m. to hear all persons interested in a petition by MERCURY PROPERTIES GROUP, INC., of 84 Bacon Street, Winchester, MA to amend the Special Permit dated July 14, 2023 to increase the number of residential units from 29 to 30 units in the proposed new four-story building at 323 Main Street, Stoneham, Massachusetts pursuant to Stoneham Town Code, Chapter 15 Section 4.6.3.1 and 4.6.3.2. The proposed building will have a 11,160 square foot footprint and contain any uses permitted in the Business District on the 50% of the first-floor area adjacent to Main Street and 30 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 46 parking spaces. A plan by Hayes Engineering, Inc. and Associates dated July 25, 2023, entitled “Amended Site Plan 323 Main Street Stoneham, Mass.” may be seen daily except Friday afternoon in the office of the Town Clerk.”

Mr. K. Dolan asked if this was the same plan that the Board had seen last meeting. Mr. Houghton indicated that it was and reminded the Board that they had voted on 29 units because that was how it had been noticed. The Site Plan dated July 12, 2023 that the Board was given that night showed the thirty units. Mr. Houghton had provided a new plan of land showing an additional parking space for a total of 46 spaces which are required for 30 units.

Mr. Vallarelli read the new department comments into the record. The Police and Fire comments were unchanged. In addition to the comments she made for the earlier application, the Building Commissioner had now commented that the accessible spaces must be 9 x 18. She also reminded the Board that the maximum height allowed is 45 feet to highest point of top story, measurement is to the plate, confirm 45' or less. Ms. Sagarino explained to the Board that Cheryl Noble had been looking at the plan and measuring the accessible spaces while she was with her. Ms. Noble didn't mention exactly how wide they were but did comment they weren't the right size.

Mr. Moynihan questioned the other comment and asked what “to the plate” meant. There was some discussion about what that might have meant. Ms. Sagarino told the Board that she would ask Ms. Noble in the morning. Mr. Houghton didn't know what “to the plate” meant but he did assure the Board that the building would meet the bylaw of 45 feet maximum height.

Mr. Moynihan made a motion to close the public hearing which was seconded by Mr. K. Dolan. All members voted in favor 5-0.

Mr. K. Dolan made a motion to accept the petition incorporating what was set forth in the decision dated July 14, 2023, including amended department comments and the plan submitted with confirmation that all spaces are 9' x 18'. Mr. Moynihan seconded the motion. A roll call vote was taken. Four members voted in favor with Mr. T. Dolan voting against 4-1.

The board took a roll call vote to go into executive session to discuss strategy with respect to all pending litigation where an open meeting may have a detrimental effect on the bargaining or litigating position of the Town and the chair so declares; pursuant to M.G.L. c. 30A, sec. 21(a)(3)

to wit: 323 Main Street 29 units (Middlesex Investment Partners LLC v. Stoneham Planning Board and Mercury Properties Group Inc.) and not to return to open session. (5-0).

The regular meeting adjourned at 8:06PM.

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:

The 40A Eligible Advisory Opinion from the Executive Office of Housing and Livable Communities dated July 27, 2023 regarding 134 Elm Street.

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

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

New Department Comments for 323 Main Street

A Site Development Packet entitled “Stoneham Mixed-Use 323 Main St, Stoneham, MA 02180” dated July 12, 2023

Amended Plan of Land for 323 Main Street by Peter J. Ogren dated July 25, 2023.