



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, September 13, 2023

Hearing Room

7:00 PM

Members Present: Chair Frank Vallarelli, Vice Chair Kevin Dolan, Marcia Wengen and Associate Member Bill Perry.

Member Present Remotely: Terrence Dolan

Also present at the meeting: Town Clerk Maria Sagarino acting as Planning Board Clerk, Attorney Charlie Houghton, Tim Power, Marlene Mimmo and Lani Mimmo.

The Chair brought the meeting to order at 7:13 PM. Mr. Vallarelli introduced the members of the Board. He also welcomed Bill Perry the Planning Board's new Associate Member who was appointed for a three year term by a joint vote of the Planning Board and Select Board at a meeting held on September 5, 2023.

Mr. Vallarelli moved to the first agenda item at which time Mr. K. Dolan asked that the Board take the agenda out of order. Seeing the room full of residents waiting for the public hearing on 13 Broadway, Mr. K. Dolan made a motion to move that public hearing forward which Ms. Wengen seconded. All members present voted in favor.

Mr. Vallarelli stated that Mr. Perry, the Associate Member, would be sitting in on this public hearing due to Mr. Moynihan's absence for this Special Permit petition.

Mr. Vallarelli 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, September 13, 2023 at 7:00 pm in the Hearing Room, Town Hall, 35 Central Street, Stoneham, MA to hear all persons interested in the petition of Marlene Mimmo for a Special Permit for an accessory dwelling (family apartment) at 13 Broadway, Stoneham, Massachusetts pursuant to Stoneham Town Code, Chapter 15 Section 4.2.4.1. A plan by Roberta Masys, Professional Engineer dated August 19, 2023 shows the existing dwelling and proposed additions and renovations. Plan may be seen daily except Friday afternoon in the Office of the Town Clerk."

Lani Mimmo, the daughter of the property owner Marlene Mimmo, would be living in the main part of the residence appeared before the Board.

Before inviting Ms. Mimmo to speak, Mr. Vallarelli read the department comments made by the Fire Department, the Building Commissioner and the Director of Planning into the record. Next, Mr. Vallarelli read letters/emails into the record which were received from Carolyn Ferrari of 18 Broadway, Robert Wopperer of 26 Broadway and Fred Preffer & Patricia Jenkyns from 30 Broadway. All expressed concern over what they perceived to be rezoning to allow multifamily dwellings. They were not in favor of this.

Mr. K. Dolan states that this is a petition for an accessory dwelling. He asked Ms. Mimmo if her mom and dad would be living in the main dwelling. Ms. Mimmo stated that she and her husband James Bond will reside in the main dwelling. Her mother, Marlene Mimmo, the owner of the property, will move into the accessory dwelling unit.

Mr. K. Dolan wanted to make sure Ms. Mimmo understands a concern for some abutters present as well as a concern he has always had with accessory dwellings. He explained that it is very difficult with accessory dwellings, when someone moves out, to confirm whether the unit is being rented or used by someone else. He added that a few years back he tried to introduce a more restrictive bylaw at Town Meeting which didn't get passed which would have required annual certification of the occupants. That being said, Mr. K. Dolan lists some of the requirements under the accessory dwelling bylaw. The unit must be less than 750 gross square feet, which this is. There must be adequate parking, which there is. There will be a restriction if granted that if her mother Marlene Mimmo no longer lives in the unit, they would have to come back before the Board. Ms. Mimmo understood that to be the case. He also explains that she and her husband would have to occupy the main dwelling under this Special Permit. They couldn't rent out both spaces. Ms. Mimmo understood. Mr. K. Dolan continued to say, personal feeling aside, this complies with section 4.2.4.1 (a)-(h). Mr. K. Dolan does empathize with the neighbors. He does mention that he has mentioned to the bylaw review committee that there be an annual recertification process, but that hasn't gone anywhere yet.

Ms. Mimmo pointed out to the Board that this accessory unit is existing. It was there when her mother purchased the house in the late 90s. They just wanted to renovate it. Mr. K. Dolan pointed out that it was illegal when they bought the house. So he further explained that they are now making legal what was illegal. Ms. Mimmo agreed and explained they didn't know it was illegal. Mr. K. Dolan stated that this is a problem in general but applauds them for coming forward.

Mr. K. Dolan reiterates that all conditions of section 4.2.4.1 have been met. Mr. Perry agreed with Mr. K. Dolan. She is clearly within the boundaries of (a)-(h).

Mr. Vallarelli asked for clarification from Ms. Mimmo that the unit already exists and that they are just renovating it. He asked if there was already a kitchen and a bathroom. She responded that the apartment was already there and that there was a kitchen and a bathroom when they bought the house.

Ms. Wengen pulled up a picture of the property on her cellphone and asked Ms. Mimmo to point out the unit. Ms. Wengen stated that it looks like it was a garage at one time and was turned into the unit. Ms. Mimmo again mentions that it was there when they bought the house. Ms. Mimmo added that there was an addition added behind that area as well which Ms. Wengen cannot see from the street view photo.

Mr. T. Dolan who was remoting in had no comments at this time.

Mr. Vallarelli opened the meeting up to the public. Fred Preffer from 30 Broadway commented that some of these problems may be ameliorated by what Mr. K. Dolan said earlier about putting some teeth into this bylaw. Mr. K. Dolan again stated that a few years ago the Planning Board brought forward a proposed change to the bylaw to make it more restrictive. More reporting would have been required. If this neighborhood had shown up it probably would have passed, but it was defeated at Town Meeting. They needed a two thirds vote but only got a majority. He added that you can't bring it forward for another two years. Mr. Preffer requested that as soon as possible, they'd like to see it brought back. They'd like to be assured that these units won't become rental units.

Patricia Jenkyns of 30 Broadway is curious why this needs to be an apartment. Why can't they renovate it to just give her mother her own room? Mr. Vallarelli explained that it is an accessory dwelling providing them their own space so that they don't need to live together per say. Mr. Vallarelli further clarified that we do not call it an apartment but an accessory dwelling. Ms. Jenkyns asked if the renovation would enlarge the building at all. Mr. Vallarelli responded that the footprint of the building is not changing. Mr. Vallarelli stated that most of the petitions that come before the Board do put on an addition to make space for their elderly parent to come live. This one is unique, the unit already exists.

Mr. Vallarelli asked how many Special Permits have been granted for accessory dwellings since this bylaw came into effect, maybe twenty five. Ms. Sagarino believed it was a bit higher than that. Mr. Vallarelli asked Ms. Mimmo what their unit has been used for all of these years. Ms. Mimmo stated that her grandmother lived there for a while or she and her brothers at various times as they got older. Mr. Vallarelli asked if it has always been family and she stated it had. He further clarified that it was never a rental unit. She agreed to that statement as well.

Marylou Bracciotti of 36 Broadway asked how the Board monitors these accessory units. Do you have a list you check on every year to make sure people are complying? Mr. Vallarelli thinks that's a great question. He then mentions apartments. There is a bylaw that states that every time an apartment in Town turns over, the Board of Health is supposed to do an occupancy inspection. It never happens because enforcement is so difficult. As it also is with the accessory bylaw. It'd difficult to enforce. Mr. K. Dolan agreed, short of amending the bylaw to add annual recertification, it's difficult to enforce. Mrs. Bracciotti agreed that annual recertification is needed. Mr. Vallarelli stated that we'd want to create a bylaw because there is an expense involved and we would probably charge a small fee to recertify. There would also be an enforcement component, but creating a bylaw is a process. Mrs. Bracciotti asked how we would do that. Mr. Vallarelli explained that we'd start by talking to the Town's attorney. Mr. K. Dolan

added that it would go to Town Meeting. We would need to pass a bylaw, but people need to show up at Town Meeting to pass it.

Steven Macomber of 10 Steele Street asked about the plan title which “shows the proposed additions and renovations”. He reminds the Board that they said there would be no additions added to the house. Why are additions mentioned? Mr. K. Dolan stated the plan does show the word additions but asked Ms. Mimmo if there are any additions. Ms. Mimmo stated that there are not. They are just adding a different pitch to the roof to have a cathedral ceiling instead of the current flat ceiling. Mr. K. Dolan clarified that no additional square footage is being added to the house. Mr. K. Dolan doesn’t believe the roof pitch is considered an addition but a renovation.

Mr. Macomber asked if it was really necessary to pursue the accessory dwelling Special Permit. If you already live together in the house. Ms. Mimmo stated that she and her husband do not currently live there. Mr. Vallarelli explained that the mother lives in the house. The kids are going to come and live in the main dwelling and the mother will move into the accessory unit part of the house. Mr. Macomber stated that it’s a single family house, why can’t they all just live there together. Mr. Vallarelli explained that there is already an additional kitchen in the house. This Special Permit kicks in because of that kitchen. A second kitchen is not allowed under our bylaws. This would allow them to conform to the bylaws and make everything that already exists legal to exist.

Martha Callary of 38 Broadway asked about what happens down the line. If they sell the property will it be sold as a single family? Mr. Vallarelli stated it would. She then asked if the real estate listing would say anything about this additional apartment. Mr. Vallarelli explained that any realtor can list what they want and say anything they want in the listing. We have no control over that. The Town would no longer recognize it as a legal accessory dwelling unit. Ms. Callary also makes sure it can only be family living in the unit. Mr. Vallarelli stated that only family members is true, but it will be a specific family member under the Special Permit.

Seeing no further comment from the public. Mr. K. Dolan made a motion to close the public hearing which was seconded by Ms. Wengen. All members voted in favor 5-0.

Mr. K. Dolan made a motion to approve the petition citing that it complies with section 4.2.4.1 (a)-(h) and 7.5.4. We will incorporate the plans and department comments in the decision. It will be clear in the decision that nothing in the footprint or outside is to be done except for the pitch of the roof. All changes will happen internally. Ms. Wengen seconded the motion. A roll call vote was taken. All members present voted in favor 5-0.

The Board recessed at 7:49 PM to allow for the room to clear out before the next items are heard. Mr. Vallarelli brought the meeting back to order at 7:55 PM. At this time, with no other Special Permits on the agenda, Mr. Perry exits the meeting.

Mr. Vallarelli moves back to the first item on the agenda, the approval of minutes. With Mr. Moynihan’s absence, Mr. K. Dolan asked that the minutes be tabled until the next meeting. All members agree.

Attorney Houghton appears to request a waiver of the Birch Street Subdivision sidewalk requirement on behalf of his client Scott Green. Mr. Houghton explained that the subdivision approval required sidewalks on one side of the subdivision. The existing part of Birch Street and Carol Street, both do not have sidewalks. The sidewalks would not connect to anything. The neighbors currently have landscaping that would be disturbed. This is the last thing that would be done for the subdivision to be complete. Mr. Vallarelli read a memo from DPW Director Brett Gonsalves stating it would be the Board's discretion to grant the waiver. In an email he also added that there are no sidewalks on the existing part of Birch Street or Carol Street.

Mr. Vallarelli read the letters from Matt & Rachel McComb of 7 Birch, Peng Xiang of 9 Birch Street and Casey Solas of 11 Birch Street. All stated that they would not like sidewalks installed. There are no sidewalks in the area and the subdivision is at the end of a dead end street. Casey Solas stated that this sidewalk would just connect these three houses with no sidewalk to connect to anything else.

Mr. K. Dolan made a motion to grant the waiver of the sidewalk requirement for the Birch Street subdivision. Ms. Wengen seconded. All members present voted in favor 4-0.

Mr. Vallarelli moved onto the discussion by the Board on possible comment to the Select Board on the appropriateness of the Residences at Spot Pond the proposed 40B project at 5 Woodland Road. Mr. Vallarelli hasn't reviewed this yet and wants to know if there is a reason they need comments now. Ms. Sagarino reminded the Board that they were given an extension to provide comments from the last meeting, but the extension granted was only 30 days. Comments need to be into the Select Board by September 18th.

Mr. K. Dolan would prefer the buildings that go up there to be condominiums and not rentals. Right now the town is about 64% owner occupied and 36% rental. If we keep building rentals, we will be closer to 50% and property values will start to decrease. Also, if we allow this scale of building, which is a lot, he would like to urge the Select Board and the Zoning Board of Appeals to push for condos.

Ms. Wengen stated that with all of the recent development, there is a need for a Fire substation in the south end of Town and would like that addressed. She also had a concern that there is no commercial space being proposed. The nearest bread and milk is at the gas station in Medford and you'd have to walk or drive. It would be nice to have the opportunity to have a small store there with bread, milk and lottery. Mr. Vallarelli acknowledged that Simpson Housing had proposed a commercial store years ago with a former development proposal that never happened.

Attorney Houghton has no comment but mentioned ongoing discussions with the Select Board.

Ms. Wengen asked if Mr. K. Dolan could write a letter on the Board's behalf. Ms. Wengen stated that he could email it around for Board comment separately, not reply all. The Board agrees to have Mr. K. Dolan draft the letter.

Mr. Vallarelli moved onto the proposed fee changes and asked if it was necessary. Ms. Sagarino explained that with the possible 40B application, Attorney Galvin wanted the Planning and

Zoning Board of Appeals to raise some of their fees. Particularly where multifamily housing was concerned. He wanted them to bring fees more in line with what the ZBA had done recently with their Comprehensive Permit fees. Attorney Galvin also thought when looking at the existing fee schedule that our fees were on the lower side. They haven't been increased for years. Ms. Sagarino continued to explain that she and the Director of Planning looked at many communities' fees before coming up with the proposed fee schedule.

Mr. K. Dolan commented that the proposed changes to the Planning Board fees are good. He then made a motion to approve which was seconded by Ms. Wengen. All members present voted in favor 4-0.

Mr. Dolan takes over as Chair of the meeting for 62 High Street which Mr. Vallarelli had previously recused himself from. 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, July 12, 2023 and August 9, 2023 with a site visit held on October 22, 2022.

The stormwater Board did not meet on August 29, 2023 as planned. The developer was not ready. Mr. Houghton once again requests that the matter be continued, waiving all time standards.

Ms. Wengen made a motion to continue the public hearing for 62 High Street until October 11, 2023 at 7PM waiving all time standards. Mr. T. Dolan seconded the motion. All members present voted in favor 3-0.

Mr. Vallarelli took over once again. He read the following legal notice into the record as follows for the Glendale road Subdivision:

“You are hereby notified that the Stoneham Planning Board will hold a Public Hearing, in the Hearing Room, Town Hall, on Wednesday evening, September 13, 2023 at 7:00 p.m. to hear all persons interested in a petition by Orchard Point Development LLC and Treacy Builders Inc. for Definitive Subdivision Approval, pursuant to the Town of Stoneham Zoning By-laws and the Massachusetts Subdivision Laws for the property located at 5 Glendale Road, 10 Orchard Street and Summit Road Rear, Stoneham, Massachusetts, containing approximately 62,196 square feet. A Plan by PVI Site Design, entitled “Proposed Subdivision Glendale Road & Summit Road, Stoneham, MA,” dated August 18, 2023, may be seen daily except Friday afternoon in the Town Clerk's office.”

Mr. Houghton appeared on behalf of his clients to explain his request for the subdivision roadway. They are trying to create legal frontage for the project. They are trying to get the roadway laid out. The road is being proposed at 24 feet although DPW Director, Mr. Gonsalves has commented that it must be 26 feet. It's not a wide layout. Mr. Houghton does think that their engineer should speak to Mr. Gonsalves. Right now they just want to get the road laid out. He indicated that it would be hooked up to sewer which isn't shown on the current plan.

Mr. Vallarelli asked how many lots they are proposing. Mr. Houghton stated that they are still trying to decide whether a 12 unit townhouse style is still viable. Or a subdivision of duplexes is

also being looked at. Mr. Vallarelli asked if it would abut the other project approved with the 16 units. Mr. Houghton stated that it doesn't abut Rockville but it does abut Mosley Park. Mr. Houghton explains that this would have to go before Conservation. It also requires a Special Permit for multifamily and stormwater management.

Mr. K. Dolan asked about the plan. Tim Power, the professional engineer on the project, is present. The plan referenced was August 18, 2023 but there is also a December 2021 plan. Mr. Power stated that it was revised August 18, 2023 and the plan they have is current.

Mr. Vallarelli read the comments from the Fire Department, the Director of Planning and the DPW Director and Mr. Houghton agreed to all comments made.

Mr. K. Dolan clarified that it would be 24 feet paved roadway.

Mr. K. Dolan also pointed out the table on C101 which lists the waivers being requested. Mr. K. Dolan thinks that a site visit is necessary to help the Board understand a lot of things. Maybe a Saturday morning. With the petitioners consent maybe the abutters could attend.

Mr. Vallarelli does open things up to the public. Ria Tipka of 10 Glendale Road raises some concerns. She mentions that there is terrible visualization. Her primary concern is safety on this road adding people and cars. People already use this road to get to Bear Hill Trails. She talks about the dangerous curve in the road. Gravel isn't ideal but right now you can hear someone coming but paving will be different. She'd like the Board to look at that when they are at the Site visit. Mr. Vallarelli explained that is a reason they do a site visit.

Ms. Wengen asked that 10 Glendale be pointed out to her on the plan. She easily counts ten trees on the plan, she asked if all the trees shown would be coming down. Mr. Houghton stated that it's not a heavily wooded area. Ms. Wengen stated they could talk about it after the site visit.

Mr. Houghton went on to explain the right hand turn only that is required out of Orchard and that the Department of Conservation and Recreation (DCR) only allowed them to cut down some vegetation. They would not be able to touch the ledge that they had hoped to remove.

David Shergin 224 Park Street asked if there would be any blasting. Mr. Houghton stated that it would be necessary for the roadwork. He wanted them to pay attention to A1-A9 of Mosley Park for inspections. The Board assured him that preconstruction inspections would be done for abutters that permitted them. Mr. Shergin also talks about the brush that overgrows. It's on DCR land so they are the ones to trim it.

Matthew McComb 7 Birch Street wanted clarification on the gate that will be added. Mr. Houghton explained that the gate would prevent vehicle traffic and access except for emergency vehicles.

At this point the Board schedules the site visit for Saturday, September 30, 2023 at 9:30 AM. They will meet on the level area of Glendale in front of 5 Glendale Road.

Mr. K. Dolan made a motion to continue this public hearing until the next meeting on Wednesday, October 11, 2023 at 7PM. Ms. Wengen seconded the motion. All members present voted in favor 4-0.

Mr. K. Dolan made a motion to adjourn which was seconded by Ms. Wengen. All in favor 4-0.

Meeting adjourned at 8:42PM.

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:

A plan by Roberta Masys, Professional Engineer dated August 19, 2023 shows the existing dwelling and proposed additions and renovations for 13 Broadway.

Letters from 16, 18 and 30 Broadway in opposition of 13 Broadway

Letters from residents of 7, 9 & 11 Birch Street supporting the sidewalk waiver request for the Birch Street subdivision.

Comment from DPW Director Brett Gonsalves on Birch Street

Email comments by Ms. Wengen for the Residences at Spot Pond.

A Plan by Williams Sparages, entitled "Locus Plan Berrywood Estates Stoneham, MA," dated August 22, 2022,

A Plan by PVI Site Design, entitled "Proposed Subdivision Glendale Road & Summit Road, Stoneham, MA," dated August 18, 2023