



TOWN OF  
**STONEHAM**  
MASSACHUSETTS  
Town Hall  
35 Central Street  
Stoneham, Massachusetts 02180  
**BOARD OF APPEALS**  
**781-279-2695**

**Stoneham Board of Appeals Minutes**  
**Thursday, August 3, 2023**  
**Town Hall Hearing Room**  
**6:00 PM**

Members of the Board present: Kevin McLaughlin, R. Michael Dufour and Associate Member William Sullivan

Member of the Board present remotely: Eric Rubin

Also present: Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals

With both the Chair and Vice Chair absent from the meeting, Mr. Sullivan sat in as a full member and agreed to chair the meeting. Mr. Sullivan brought the meeting to order at 6:05 PM and introduced the board members. He explained that this meeting would be to discuss the Comprehensive Permit Rules that have not been updated since 2014.

Before beginning the discussion, Mr. McLaughlin led the Board in the Pledge of Allegiance. Mr. Sullivan proceeded to walk through the sections in Chapter 18 of the Town Code that pertained to their Comprehensive Permit Rules. Mr. Sullivan pointed out the recommended changes that Town Counsel Robert Galvin had provided to the Board.

Mr. Sullivan began with Section 18-30 and moved through the sections in order. He explained Mr. Galvin's recommended changes. Some changes were made in reaction to the Weiss Farm application and/or because nine years have passed since the last update.

When they get to Section 18-34 filing fees, Mr. Sullivan indicates that the current fees are \$3,000 base fee and \$100 per unit proposed. Mr. Sullivan explained that the last application was nine years ago with Weiss Farm and the Board knows all that was involved with that. It's a lot more work for the Board of Appeals clerk. The Town Hall is open more with the additional meetings. He then asks whether the Board feels the fee schedule should go up. The current fees are nine years old. Mr. Sullivan asked for recommendations that could then be discussed.

Mr. McLaughlin would like to recommend \$200 per unit proposed. These fees are from 2014. Everything's gone up. This should go up.

Mr. Dufour agreed. Everything has gone haywire with pricing. It hasn't moved since 2014 and he believed that we could all agree that everything has moved since 2014. He believed that this increase was reasonable. Mr. Dufour also believed that it's a shame it didn't increase slowly over time so it didn't seem so abrupt, but here we are.

Mr. Rubin also agreed. We have been stagnant with fees. The Board's costs and Town Hall costs have gone up, so he is on board for raising these fees.

Mr. Sullivan indicated that he had no problem raising the fees. Does he think \$200 per unit proposed is exorbitant? He is looking at it a different way. As a 100% increase from \$100 to \$200, but then he added that it is over nine years.

Mr. Rubin asked about the per unit proposed fee and whether it is just based on the amount of units they are asking for or if it would be adjusted once they were granted a number of units.

Mr. Sullivan explained that this fee is a filing fee so it's for the total amount of units the developer proposes to build in the application.

Mr. Sullivan moves on to discuss the next few sections and recommended changes and additions by Attorney Galvin. When he gets to the final section 18-39, Mr. Sullivan explains that he does not agree with the addition of an enforcement section. The section reads as follows: "After the issuance of a Comprehensive Permit, the Board may issue directions or orders to Local Boards designed to effectuate the issuance of a Comprehensive Permit (including any Waivers) and the construction of the Project, in accordance with 760 CMR 56.05(10)(b)".

Mr. Sullivan doesn't feel comfortable with the enforcement. The Board of Appeals shouldn't have the authority to tell anyone else what to do. He continued to talk about what they just went through with the previous application when some other Board got involved with our Board and our decision. They had no right in doing it and it caused us a lot of headache, grief and more time. Mr. McLaughlin agreed. Mr. Rubin clarifies that that section is stating that the Board of Appeals has the ability to direct other Boards. Mr. Sullivan has a problem with giving direction or orders. He doesn't believe this volunteer board has the same experience as the volunteer board that handles Conservation. He wouldn't want to tell them what to do.

Mr. Rubin asked if they could change the wording to offer suggestions. Mr. Sullivan is just as happy to delete that section. If Mr. Galvin would like it put back, he can explain why and the Board could look at it again. Mr. Rubin asked if the Board were to nix this language, if they would still retain some way of enforcement if necessary and if not could they come back and add it back in if necessary. Mr. Sullivan believed that they could do that.

Mr. Rubin stated that he would make a motion to accept all of the changes except striking section 18-39. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members present voted in favor 4-0 (Rubin, Dufour, McLaughlin, Sullivan).

Mr. Sullivan moved back to the discussion for Section 18-34 Filing Fee. He reiterated that the current fees are \$3,000 base fee plus \$100 per unit proposed. The Board discussed maintaining the \$3,000 base fee but increasing the per unit proposed to \$200.

Mr. Dufour reiterates that it's unfortunate that the Board didn't creep it up, but the fees need to increase as everything else has. Mr. Dufour then made a motion to keep the base fee at \$3,000 and to include a fee of \$200 per unit proposed. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members present voted in favor 4-0 (Rubin, Dufour, McLaughlin, Sullivan).

A motion to adjourn was made by Mr. Dufour and seconded by Mr. McLaughlin. A roll call vote was taken and all members present voted in favor 4-0.

The meeting adjourned at 6:38PM.

Respectfully submitted:

Maria Sagarino  
Town Clerk

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

Stoneham Town Code Chapter 18 Board of Appeals Comprehensive Permit Rules included as Sections 18-31 to 18-39 as marked up with comments/changes/additions recommended by Town Counsel, Attorney Robert Galvin.