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March 27, 2024

Board of Appeals  
Town of Stoneham  
35 Central Street  
Stoneham, MA 02180

RECEIVED  
MAR 27 2024  
STONEHAM  
BOARD OF APPEALS

Re: Comprehensive Permit Application – The Residences at Spot Pond  
5 Woodland Road - Map 27, Parcel 3, Parcel 3CM, and Parcel 6

Dear Chair Shulman and Board Members:

This letter is sent to the Board of Appeals (“Board”) on behalf of the Friends of the Middlesex Fells Reservation (“Friends of the Fells”) in connection with your evaluation of the 40B project proposed by Fellsway Development, LLC at 5 Woodland Road in Stoneham. The interests of the Friends of the Fells in the review and design of this project were expressed previously in a letter addressed to the applicant dated January 11, 2024, which was submitted to the Board on January 18, 2024. The purpose for this letter is to highlight important provisions in the Town of Stoneham’s Zoning Bylaws, Chapter 15, Section 7.2, *Site Plan Review*, which the Friends of the Fells believe are important for the Board to consider and apply in reviewing and creating conditions for this proposed project.

The Board’s authority to apply site plan review standards is stated in G.L. c. 40B, § 21, which provides that a board of appeals reviewing a comprehensive permit application has the same powers as any local board or official who would otherwise act with respect to the application, including the power to attach conditions and requirements to the permit or approval. According to the Massachusetts Supreme Judicial Court, this statutory provision means that the Board, when acting on this application for a comprehensive permit, “has the same scope of authority as ‘any town or city board of survey, board of health, board of subdivision control appeals, planning board, building inspector or the officer or board having supervision of the construction of buildings or the power of enforcing municipal building laws, or city council or board of selectmen.’” Zoning Bd. of Appeals of Amesbury v. Housing Appeals Committee, 457 Mass. 748, 755 (2010), citing G.L. c. 40B, § 20 (definition of “local board”), and quoting Dennis Housing Corp. v. Zoning Bd. of Appeals of Dennis, 439 Mass. 71, 78-79 (2003).

Letter to Town of Stoneham Board of Appeals  
Re: Comprehensive Permit Application for The Residences at Spot Pond  
March 27, 2024  
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First, as stated in Section 7.2.1.2, the purpose of site plan approval is to “protect and further the public health, safety and general well-being of the inhabitants of the Town and to preserve and enhance economic, cultural, and aesthetic resources and values . . . and in doing so reasonably ensure that the design, layout and development of the site, such uses and/or buildings or structures will constitute development appropriate to the site **and will not result in a detriment to the surrounding neighborhood(s) and area, including the visual and environment qualities of the area and the Town at large**” [emphasis added].

Second, the general standards and criteria in Section 7.2.3.1 state the Board shall determine that reasonably adequate provisions have been made for site design, including these particular subsections relevant to the concerns raised by the Friends of the Fells: (a) Traffic access and circulation; (b) Pedestrian safety and access; and (k) Site design which promotes the attractiveness of the Town as a place to live, work and visit, taking into account **compatibility with the surrounding area, landscape, and natural features** [emphasis added].

Third, the use of guidelines for site plan review is authorized under Section 7.2.4.1, including the application of any adopted guidelines *and* creation of any specific additional guidelines that may be applied to a particular project that the board determines are necessary. Under Section 7.2.4.3, general criteria are provided to assist in the adoption and application of such guidelines, including these particular subsections relevant to the concerns raised by the Friends of the Fells: (a) Promote vehicular and pedestrian safety both on-site **and off-site**; and (m) Promote site development with architectural scale, design and elements that **further the standard set out in Section 7.2.3.1, including subparagraph (k) thereof**, and address issues relating to compatibility of site design with land in the surrounding area [emphasis added].

The Friends of the Fells respectfully request that, in fulfilling its obligations to apply the standards, criteria and guidelines in Chapter 15, Section 7.2 to the application filed for The Residences at Spot Pond, the Board will consider imposing permit conditions that reflect the recommendations stated in the Friends of the Fells’ letter dated January 11, 2024. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry P. Fogel". The signature is stylized with a large, sweeping initial "B" and "F".

Barry P. Fogel

cc: Fellsway Development LLC  
Friends of the Middlesex Fells Reservation