



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

**Stoneham Board of Appeals Minutes**  
**Wednesday, February 28, 2024**  
**Town Hall Hearing Room**  
**6:00 PM**

Members of the Board present: Chair Tobin Shulman, Vice Chair Robert Saltzman, Eric Rubin, Kevin McLaughlin, R. Michael Dufour and Associate Members William Sullivan and Mark Russell.

Also present: Town Administrator Dennis Sheehan, Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Attorney Charles Houghton, Scott Weiss representing Fellsway Development LLC/The Gutierrez Co., Town Counsel Attorney Robert Galvin. Peer reviewers Jeffrey Dirk, Cliff Broehmer and Susan Spratt via GoToMeeting.

The meeting was called to order at 6:01 PM by Chair Tobin Shulman. Mr. Shulman began by introducing the Board. He then explained the procedure for the public hearing on the Residences at Spot Pond which had begun on January 18, 2024. This evening the peer reviewers would be present to give their presentations to the Board. There would be a lot of material and a lot to digest.

The Board confirmed that their next regular meeting would be March 28<sup>th</sup> and the next Residences at Spot Pond meetings would be scheduled for March 20<sup>th</sup> and March 27<sup>th</sup>.

The Board had a few housekeeping matters to settle to avoid holding a separate regular meeting on February 29<sup>th</sup> as there had been no applications made seeking variances.

The Building Commissioner had requested a clarification on the decision the Board made on 145 Elm Street. Mr. Sullivan stated that the intent was that the variance was granted based on the plan filed with the application and [anyone purchasing the property should follow the plan]. As he had voted on this decision, he made a motion which was seconded by Mr. Saltzman who agreed that they should go by the exact plan submitted. A roll call vote was taken. All members present for the original decision for 145 Elm Street voted in favor 5-0. Mr. Sullivan reiterated that what was approved was what was submitted.

Next, Mr. Shulman invited the Town Administrator Dennis Sheehan to speak about an insubstantial change for the Weiss Farm Apartments. He explained to the Board that the plan approved showed a crosswalk with two flashing beacons in front of the entrance to the apartment complex. After discussion with the Traffic Advisory Committee it was determined that may not be the most practical spot for the crosswalk. Mr. Sheehan asked if the Board would be favorable to a payment in lieu of the crosswalk from the developer. It was also discussed that a crosswalk couldn't go across Franklin Street at Rustic Road because the line of sight wasn't safe. The Traffic Advisory Committee suggested a do not block the box instead. Mr. Saltzman stated that

they weren't looking at all of Franklin Street. He felt that this solution for the entire area is encouraging and believed it to be a reasonable request. Mr. Saltzman made a motion to approve the insubstantial change in accordance with Mr. Sheehan's Traffic Advisory Committee recommendations. Mr. Rubin seconded the motion but had been recused from the matter, so Mr. McLaughlin seconded. All members voted in favor 5-0.

Mr. Shulman moved on to the Residences at Spot Pond and invited the first peer reviewer to make their presentation. Jeffrey Dirk of Vanasse & Associates presented a traffic peer review. He ticked off a few points such as the plan complies with State standards. The applicant has quantified traffic and implemented a mitigation program. Mr. Dirk then went through the fourteen page review letter dated February 21, 2024 and mentioned most of the comments. He talked about Pond Street at Woodland Road being a high crash area in relation to the volume of traffic. He suggested there be plans for short term and long term improvements. Mr. Dirk commented on the MBTA bus route. The site is served by the 99 route. There is a plan to reroute the bus from clockwise to counterclockwise and move the bus stop near the parking lot.

Mr. Dirk mentioned that future conditions, not just those existing, were looked at. They looked at 7 years in the future to 2030 with and without traffic and with and without the project. With no other projects approved in the area there would still be more traffic. Volume goes up just by teenagers becoming driving age.

Mr. Dirk mentioned the two large projects external to the site. 170 Franklin Street at 259 units and 95 Maple Street at 270 units.

Mr. Dirk tried to create an understanding of the amount of traffic and brought up the 150 peak hour trips which would be during the going to work and school drop off hours of 7-9am and the home from work and school pick up hours of 4-6pm.

Mr. Dirk mentioned that there would be an increase in queuing by not more than three vehicles while acknowledging there would be delays. How would the project impact those decisions? It would be a matter of 6 seconds with 3 additional seconds. They look at the net difference of how much added delay there is than what is currently being experienced.

Mr. Dirk talked about multiple driveways and making sure there are proper site lines. All site lines met guidelines and actually exceed many.

Mr. Dirk had recommendations. He talked about the shared use path along Spot Pond. He thought this project might help encourage pedestrian and bikes as alternative methods of transportation. The developer could place monitor screens in the buildings to give real time feedback on where the 99 bus is, the commuter rail and orange line as well as providing traffic information regarding backups on Rte 93 so residents can adjust decisions on when to leave the property.

Mr. Dirk talked about incorporating sight triangles on the site plan. He discusses loading and delivery. Building A has a dedicated loading area, he'd like to see one for Building B. Mr. Dirk talks about Uber, Lyft, Door Dash and making accommodations for all of these uses. There should be exterior and interior bike parking/storage.

Mr. Dirk talked about the access and topography concerning the Fire Dept access Road on the site. He wanted to see a levelling area not to exceed 2%. He points out State Fire Code but also states that the Fire Chief would make the determination on access.

Mr. Dirk mentions the quantity of Parking spaces. They are proposing 679 spaces which calculates out to 1.75 per unit and noted that the Zoning Bylaw requires 1.7 spaces per unit. They are exceeding what the Zoning requires. He added that multifamily in a similar setting would typically require just below 1.5 spaces per unit. He mentioned the 82 spaces across the street could be retained as open space and need only be constructed if necessary. With 597 spaces it would calculate to 1.58 spaces per unit which would still be above what is documented.

Mr. Dirk stated that his comments would provide homework for the applicant. Mr. Shulman asked Scott Weiss of the Gutierrez Company about the homework. Mr. Weiss responded that they would be taking Mr. Dirk's comments along with other comments to rework the plan a provide comment back. Attorney Houghton stated that he is satisfied with Mr. Dirk's comments and knows there is work to be done.

Mr. Shulman invited Cliff Boehmer of Davis Square Architects to present his peer review next. Mr. Broehmer introduced himself to the Board stating that he had been retained as a peer reviewer for the project and was not the architect on the project. He explains that they are looking to get the best possible project. He understands that 40B projects are different and knows that the Board has a lot of constraints. He felt that not all building elevations were provided. He wasn't given plans of the upper floors or roof plans.

Mr. Broehmer said there are two big pictures to look at. The impact that the buildings have on the public, the people who don't live there and the people who are driving by on Woodland Road. What would life look like for the residents? This project should be well thought out. He went through the decision phases and talked about design intent, screening, landscaping, screening parking areas, cutting down on impervious area and bicycle parking not shown on the plan or an outdoor space for young children. Building A has a courtyard and swimming pool. What about B? How many bedrooms are there? Is there the potential for children living on site? A space for young children is important. Building A showed a drop off area for delivers but Building B did not. He believed the developer could consider another entry for Building B. Building B does not have the same prominent front door that Building A has.

Mr. Broehmer said that space between buildings would be nice. Maybe multiuse roads to make traffic move more slowly. He talked about the landscape plan and maintaining existing plantings when possible. For community that is important.

He applauds getting rid of the hideous hospital building and stated this is a terrific site for residential development. There is not a lot of impact in terms of light, noise and shadow.

With design he felt it was broken up with a lot of materials. They need to think about their design decisions. He felt that the remote parking area shown was in a weird position.

Mr. Weiss appreciated the review and would absorb it all for later comment.

The final reviewer would be Susan Spratt of McKenzie Engineering who remoted in to the meeting while a bit under the weather. She gave the engineering review while dealing with laryngitis. She began by agreeing in most cases the parking is 1.5 spaces per unit. She talked about the screening between this property and 11 Executive Drive being kept. She agreed with the DPW Director/Stormwater Board comments instructing the applicant to follow the MS4 permitting guidelines. Ms. Spratt stated that soil testings are still necessary and should be done. She suggested that NOAA Atlas 14 data should be used. She goes over various other points in her report concerning retaining walls, sewer connection, dumpster location and screening.

Mr. Saltzman asked about page 7 of her report dated February 21, 2024 that requires an EPA Notice of Intent if more than 1 acre of land is disturbed. She responded that it is different from the Notice of Intent provided by Conservation. This notice is filed online to the EPA.

Attorney Houghton mentions that they had gone before the Stormwater Board and they will be doing test pits.

The board discusses continuing the hearing until March 20<sup>th</sup> at 6PM. Attorney Galvin agreed that this would be a good stopping point for this evening. On the 20<sup>th</sup> they could lead with updates and allow for the bulk of the night to entertain public comment and questions.

Mr. Shulman asked Mr. Weiss how much time they would need. Mr. Weiss responded that it would be a matter of trying to schedule the test pits. That might take maybe a month. The technical comments won't change the plan but labelling might change. He stated that as they hear all comments they will revise plans holistically.

Mr. Shulman stated that the Board would next meet on this matter on March 20<sup>th</sup> at 6PM beginning with a brief update and status report.

Mr. Saltzman made a motion to continue the public hearing until March 20, 2024 at 6PM in the Town Hall Hearing Room. Mr. McLaughlin seconded. A roll call vote was taken. All seven members including the two associates voted in favor 7-0.

The meeting adjourned at 7:38PM.

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:

The Residences at Spot Pond Comprehensive Permit application and exhibits submitted by Fellsway Development LLC

Any and all comments submitted to the Board by Town departments and/or the public including comment letters submitted by the three peer reviewers engaged by the Board of Appeals.