



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

Stoneham Board of Appeals Minutes
Thursday, January 18, 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 Member William Sullivan.

Also present remotely: Associate Member Mark Russell.

Also present: Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Attorney Charles Houghton, Scott Weiss representing Fellsway Development LLC/The Gutierrez Co. and Town Counsel Attorney Robert Galvin.

The meeting was called to order at 6:16 PM by Chair Tobin Shulman. Mr. Shulman began by introducing the Board. He then explained the procedure for this public hearing. The developer would be invited to make a presentation followed by any questions by the Board. At the next meeting the Board would hear from the peer review consultants, experts who will review and provide commentary to the Board. Once that is complete, the Chair would open the meeting up to the public.

Mr. McLaughlin led the Pledge of Allegiance.

Mr. Shulman read the legal notice into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, January 18, 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Fellsway Development LLC c/o The Gutierrez Company located at 200 Summit Drive, Suite 400, Burlington, Massachusetts, (collectively the “Applicant”) for approval of a Comprehensive Permit in accordance with M.G.L. c. 40B § 20 to 23 for the property at 5 Woodland Road, Stoneham, Massachusetts (See assessors Map 27, Parcels 3, 3CM and 6), regarding a proposed 378-unit residential development known as The Residences at Spot Pond located at 5 Woodland Road in Stoneham, Massachusetts. Pursuant to M.G.L. c. 40B, the applicant requests that the Stoneham Zoning Board of Appeal waive the requirements of the Stoneham By-Laws and act on behalf of any Stoneham permitting authority. The following is a preliminary list of waivers necessary to permit the proposed project. Section 4.15.2.4 for the number of 378 additional units allowed and the maximum density of units per acre of thirty-eight (38). Section 5.2.1 Table One Dimensional Requirements – The proposed front yard setback is 9.2 feet for an accessory structure (garage). Section 5.2.1 Table One Dimensional Requirements – The proposed lot coverage is 31.1%. Section 4.15.2.10 (a) requires 1.7 parking spaces per unit. A waiver of the minimum parking requirements may be needed. Section 18-33R requires twenty-five (25) copies of the application be filed. The application was

submitted electronically along with several paper copies. Additional paper copies will be provided as requested. This list will be updated as necessary as permitting proceeds. This hearing is being conducted pursuant to the comprehensive permit provisions of M.G.L. c. 40B and the Town of Stoneham Bylaw Chapter 18. The plans and additional supporting materials may be seen daily except Friday afternoon in the Town Clerk's Office.”

Mr. Shulman invited Town Counsel, Attorney Robert Galvin, to speak. Mr. Galvin reinforced the procedure that Mr. Shulman had outlined. The Board needed to follow a plan that would be most efficient. The Board doesn't know any more than the public. The developer will present, the Board will choose peer reviewers. Tonight, the Board needs to pay attention to the safe harbor. With a community the size of Stoneham, the Board can reject 300 more units for size of the project. This project is 378 units, so if this were to be approved the Town would reach the 10% necessary for safe harbor. The Board has fifteen days from tonight's meeting to decide whether or not to invoke safe harbor.

Mr. Saltzman made a motion that the maximum of 378 units under consideration gives the option to meet the safe harbor. The Board will accept the 378 units. The Board will not invoke the safe harbor provisions and will consider the project as proposed. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members present voted in favor 5-0.

Attorney Galvin moved on to the peer reviewers for the project. For traffic, Mr. Galvin suggested Jeffrey Dirk, followed by Architect Cliff Boehmer from Davis Square Architects and Susan Spratt from the McKenzie Engineering Group to provide civil engineering peer review.

Mr. Shulman was familiar of course with Jeffrey Dirk but also with Davis Square Architects and was not familiar with the civil engineers. Mr. Galvin provided background on McKenzie Engineering. Mr. Saltzman made a motion to engage all three peer review consultants suggested by Attorney Galvin. Mr. Dufour seconded. A roll call vote was taken and all members present voted in favor 5-0.

Mr. Shulman asked whether the Board needed a separate vote to allow the developer to speak with the peer reviewers. Mr. Galvin responded that as long as the Board gives a sense that they are okay with that no vote is necessary. It promotes a better, quicker review and less fees.

The Board talked about the timeline for the peer review. About four weeks would be sufficient time. The Board proposed February 29th for the next meeting. Attorney Houghton indicated that Mr. Weiss had a conflict on the 29th so the Board proposed February 28th at 6PM which worked for everyone's schedules.

Attorney Houghton was invited to begin the presentation for the developer. He gave a brief history of the site which had formerly been New England Memorial hospital. The hospital went bankrupt in 1999. There was a hospital building on the site, two office buildings including the Medical Arts building, 22 homes, three row houses, a school and a daycare most of which is no longer there. The Life Care Center located at 25 Woodland still has about 10-12 years left on their lease. There was a water tower. There was a power plant that will need to be removed before being fully developed. Since his client purchased the property there have been many proposals including three office buildings then a 550 unit 40B project and most recently research

and development. In 2011 the property was rezoned to Medical/Office/Residential. Sterling Hill was built which is two buildings with 24 condo units each. Alta Clara apartments were built. The old hospital and the old stone church will need to be removed. This parcel is slightly more than ten acres. Mr. Houghton moves back to 2011 when the proposed Executive Drive subdivision created the roadway with a fifty foot layout and sidewalks of eight feet on either side. The Gutierrez Company built this big, wide roadway and has no intention on having it accepted as a public way. This development would be inside that subdivision. Most of the drainage will go out the back. There are no wetlands. With the previous approval for the research and development project stormwater management was approved. This project is similar to 95 Maple Street which is 271 units built on five acres, but this project is not as dense.

Mr. Houghton continued to mention that one garage would require a waiver. There is 30% lot coverage allowed, this is 31.1% which would also require a waiver. The project would require a parking waiver. 1.7 spaces per unit are required everywhere except for the downtown.

Mr. Houghton recommended a site visit. He continued to say that it would cost upwards of \$21 million to take down the hospital site which is full of asbestos and the power plant. The building would be enveloped, basically encased to mitigate the asbestos. It will take a while before the actual demo.

Scott Weiss from The Gutierrez Company took over the presentation at this point. He showed renderings on the screen. He explained that the hospital was 5 Woodland Road, the Medical Arts building which is connected was also part of 5 Woodland and another medical building sits at 3 Woodland Road. These new buildings will be built on Executive Drive. Mr. Weiss also explains a little bit of history. It is important to know that this property was purchased out of bankruptcy with the idea that the hospital would be reused. Lahey Hospital intended on using the building. Several other plans were proposed over the years. An office building was approved with six stories and parking underneath. A couple of years ago, a life science building for research and development was approved. Economic conditions changed. They would build that tomorrow if there was a market for it.

Mr. Weiss continued to say that the hospital site needs to be resolved. It must be abated and taken down. They understand there is a housing shortage and a great housing need. They are proposing to buildings. Building A would be a 4-5 story structure. Building B would be built into the hill. There would be parking underneath in back building. As far as layout, 10% are required to be 3 bedrooms with a comprehensive permit and there could end up being more.

Mr. McLaughlin would like to see less than 10% be three bedrooms. Mr. Weiss explains that would not be allowed under the State program. Mr. Galvin agrees that 10% is the minimum under State guidance.

Mr. Weiss continues to describe that there will be a few studios with the rest 1-2 bedrooms. There will be 85% 1-2 bedrooms with more 1 than 2 bedrooms. 25% must be affordable units. Each unit type must be dispersed equally and built the same as other units as approved by the State. The affordable units are made available to those with 80% of the average median income. A one bedroom would be rented to someone earning \$80,000 or less. An affordable unit would rent at about \$2,000. Mr. Weiss points out that the Alta Clara apartments located on Executive

Drive rent for \$2,500-\$3,000 per unit. Under the comprehensive permit, this is supposed to be considered workforce house, not a low income rent type housing.

Mr. Weiss considers the traffic. He mentions that the former hospital, approved office park and the approved research and development building would have resulted in more traffic than this development would. He goes on to address some of the public comments made during the eligibility phase about the project size and the Sterling Hill condos concerns and the rights to parking in the front area. They are asking for a waiver for parking in front. Mr. Weiss mentions concerns about lighting and landscaping. They will provide adequate lighting and landscaping while recognizing the environment. They have no problem providing landscaping with native plantings. As for dogs, they would plan appropriately knowing the entirety of the Fells is at their doorstep. With demolition and construction there would be proper rodent control.

Mr. Houghton steps back in at this point and reaffirms that 10% are required to be three bedrooms. He adds that 95 Maple has 10% three bedrooms and it was not a 40B application. Under the Town's bylaw, the calculation is made for 30 or fewer to be 12% and for over 30 units it's calculated at 15% affordable units. So for something this size it would be 30 something units for this size. Under 40B all 378 units are counted in the calculation. It would make the Town bullet proof and put us in the safe harbor. His client has worked with the Town to make this work for the Town. They have met with the Executive Drive residents and Friends of the Fells. He reminds everyone that it has been 25 years since the hospital closed.

At this point Mr. Shulman asked if the Board had any questions. Mr. Galvin points out that the applicant made a project that required an eligibility filing. The Select Board opposed the project initially as there was a prior agreement in place not to develop a 40B project. There is now a new agreement. The applicant had to prepay \$25,000 which would then be applied to the filing fee. If approved, the developer is required to pay all applicable fees. They will be donating a sum of money to the affordable housing trust. There are one time mitigation payments depending on the number of units approved. Local preference will be given to residents and Town employees. The applicant agreed to donate a 2 acre lot on the northerly end to the Town for a municipal purpose if approved.

Mr. Shulman asked about the local preference. Mr. Galvin explained that any resident or employee of the Town who qualifies for affordable would be given preference over someone outside of Stoneham. This would not be required by the developer under normal circumstances but was specified in the agreement with the Select Board provided the Board of Appeals agrees.

Mr. Weiss feels that was an important component and they expect that it would become a condition of any approval that would come from the ZBA. They are not seeking relief on any of the fees.

Mr. Shulman states that they will continue the hearing until February 28th after the peer review is completed. The consultants would come to that meeting.

Mr. Saltzman made a motion to continue until Wednesday, February 28, 2024 at 6PM in the Town Hall Hearing Room. Mr. Rubin seconded the motion. A roll call vote was taken and all members present voted in favor 5-0.

Mr. Dufour made a motion to adjourn which was seconded by Mr. Rubin. All members voted in favor 5-0.

The meeting adjourned at 7:18 PM.

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