



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

Stoneham Board of Appeals Minutes
Wednesday, March 27, 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 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. Many Executive Drive residents, other residents of the area and members of the Friends of the Fells were also present.

The meeting was called to order at 6:03 PM by Chair Tobin Shulman. Mr. McLaughlin led the Pledge of Allegiance. Mr. Shulman introduced the Board. He explained the procedure for the public hearing on the Residences at Spot Pond which had begun on January 18, 2024 and was continued to February 28th, March 20th and again this evening. He acknowledged the letters/emails that the Board had received since March 20th. Tonight, the developer would give a brief update responding to comments. This would be followed by a public comment period.

Attorney Houghton appeared before the Board. He began by explaining the easement that is in place and built into every Sterling Hill owners' deed as this was brought up at the last meeting. They would now be preserving this as green space which had previously been shown as additional parking on the plans submitted with the application. Scott Weiss of the Gutierrez Company/Fellsway Development LLC added that when it was a hospital this land was a parking lot. The parking lot was removed when the Sterling Hill condominiums were developed. If it were going to be a research & development building the easement would have been left alone.

After speaking about the easement, Mr. Weiss commented on the detailed peer review that took place. He stated that they have gone through everything, updating and revising as needed and hope to have it all in by the end of the week in order to then update the plans. Mr. Weiss stated that changes were made in reference to drainage comments, traffic, project operations, architecture, and site design. As for drainage, Mr. Weiss explains that there was a pipe incorrectly labelled and that has been corrected. He talked about the Atlas 14 data difference which was very small. They are updating the numbers to make sure nothing changes. They have completed the test pits which have confirmed the design put forth. He stated that detail would be provided to the peer reviewer. Everything is contained on site.

Mr. Weiss spoke about the traffic/transportation aspect of the plan. He mentioned car sharing like zip car has been suggested. He had a call with the MBTA and the Town's planner about the

bus route. There would be a bus stop closer to the residences with another stop near the medical offices which would also be the layover area.

Mr. Weiss stated that there will be bicycle racks outside and bicycle storage within each building. They will provide real time public transit information. They will provide an area for dogs which is fenced in and provides for waste collection. They will also consider DNA collection.

Mr. Weiss stated that they are looking into adding a children's play area. They will provide a loading/unloading area. The trash collection will consist of internal systems including bins brought out on collection day. They are not proposing dumpsters.

Mr. Weiss stated that second generation anticoagulant will be restricted for rodent control. The building will be fully secured throughout demolition.

For architecture, Mr. Weiss stated that a clear main entrance has been provided for on building B. This project will exceed stretch energy code. It will be all electric and fossil fuel free. There will be operable windows, efficient siding, roofing, LED and low flow plumbing fixtures. There will be amenity spaces provided such as work spaces, gathering/meeting spaces, a fitness center, a package/mailroom, pools, grills, outside seating and a dog park area.

For the site design Mr. Weiss indicated that they were agreeable to reducing or eliminating the 82 space parking lot. If they do this they will fall below the 1.7 spaces per unit as required. They are willing to do so if granted a waiver. They may remove some standalone garage. They do believe 1.7 parking spaces per unit is the right number and would like to hit as close to that as possible. It would help if they knew that the Board was amenable to granting that particular waiver.

Mr. Weiss continued to say that they are looking into revising the grades for the emergency vehicles. The lighting is dark sky compliant. The fixtures are up inside and light only shines down making it less obtrusive. They will be beefing up landscaping and are happy to include more landscaping.

Mr. Houghton added that they will need another meeting at least a month from now, maybe May 1st at 6PM. Mr. Houghton then clarified some of the points Mr. Weiss made. They took out the parking lot at 7-11 Executive Drive where the easement is and will leave it green space. There is a bylaw requiring 4 feet of landscaping and a variance was necessary when it was parking lot to parking lot. They have understood that a parking lot in front of the condos is not what everyone wants but parking is an issue. He would like to know how the Board feels as they proceed.

Mr. Shulman believes that preserving green space is desirable. He does see the benefit and is interested to see what they can come up with to keep it. Mr. Rubin likes to think that eliminating cars might happen with access to public transit but the bylaw states 1.7 spaces per unit for a reason. People drive cars and there never seems to be enough parking. He believes that having a lot that you don't use is a lot nicer than not having enough parking. Mr. Saltzman stated that they can try to keep green space which might be helped with the MBTA bus coming in. Maybe you won't see quite as many cars. Mr. Sullivan added that he'd like to see the numbers. He is not

adverse to reducing parking but doesn't necessarily think you'd see an increase in ridership on the bus. Mr. Shulman wants them to work on it.

Mr. Saltzman asked how many spaces they need to comply with the 1.7 per unit. Mr. Houghton responded that it would be 643 spaces and mentions that reducing it to the 1.58 spaces per unit would amount to a total of 599.

Mr. Shulman opened the meeting up to the public. Alana Anderson of Executive Drive spoke about the 643 required spaces. She read from the eligibility packet which proposed 751 spaces and argued that they didn't need the 82 spaces included where the easement is. Mr. Weiss stated that there are 679 total shown on the plan that was submitted with the application.

Bob Doherty of 11 Executive Dr #132 spoke about density being problematic. Alta Clara is 261 units on 9 acres. There are 48 units in Sterling Hill. The proposed is 378 units on 10 acres. He continued to talk about the office park idea that was scrapped, missing the market on the life science and now they have something way too dense. More housing. He stated that there was an agreement that there would be no more housing. They want to see the hospital taken down and the project done responsibly. Mr. Doherty would like to keep his view. He would like to see a reduction in the number of units and maybe a small waiver on parking. He knows that the technical stuff will get all weeded. The Town has good peer reviewers for stormwater. Jeffrey Dirk for traffic and the other experts. He added that he thinks the MBTA is a good thing. He also asked that the Board find a way to maintain the green space. He also pointed out that he thinks Gutierrez will sell the permits to someone else after approval. Maybe someone who doesn't have the same track record as Gutierrez.

Don Anderson of Executive Drive doesn't understand the need for this amount of units. He talks about this number of units for the developer to justify the expense of the project. He mentions the reality is that there is a requirement of 1013 units to meet the 10% target. He references the letter submitted by the Planning Director Erin Wortman. If this goes through you have 1134 units which is 121 units over the required number. If you bring this project down 121 units, there would be no parking problems and you could save the green space. As this project is presented all of the green space is disappearing. That's a quality of life issue.

Brian O'Leary of Executive Drive stated that he is well aware of the easement. He stated that what changed was the use of the parcel. An office park was proposed with research and development. Imagine a parking lot in your front yard. The density is 30 units per acre. Alta Clara is about 20 units per acre and there is no green space. He would like the developer to let him know of other developments in Town that are similar in density.

Mr. Houghton responded that 95 Maple Street is 271 units on approximately 5.6 acres and is under construction right now.

Mr. Houghton continued to explain that it's 38 units per acre. He also mentions that to take down the old hospital and power plant has a \$21 million price tag. The Town needs 321 units to become bullet proof and fall into the safe harbor. In the next five years numbers will change so this will allow for some growth and let us remain bullet proof. They are trying to be flexible. The Town does, however, have an interest in reaching the safe harbor. Mr. Houghton stated that the

people in Stoneham understand what a 40B means. They just finished trying to fight Weiss farm and after more than 7 years, they lost. This area is mainly housing, surrounded by the green space of the Fells. The experts concluded that this is a great spot for this project.

Mr. Shulman stated that there would be more information coming in a month, with more information following that. It is appropriate to wait and see. Marie Larcom of Executive Drive asked if the public would be allowed to speak at the next meeting. Don Anderson of Executive Drive commented that we will completely sacrifice this parcel of land for the future so that we don't potentially have a problem. He thinks the issue might be that we shouldn't be developing some of what we are developing. We might look instead at the multiuse units that don't have demands upon them. Why have 121 more units. You want to protect the future. You want to overdevelop this parcel to protect the future. It's not a pleasant thing for residents to hear. They also had told us that there would be no more housing up there. Then they looked at R & D when you only found it in Cambridge, Somerville and Boston. This is a business. They want to see how quickly they can get their money back from taking down the hospital. Mr. Anderson thought he had read a 2007 agreement that the hospital be taken down. He also mentioned the purchase of 25% of the Medical Arts. Mr. Anderson mentions the concessions they got so Alta Clara could build four stories.

Mr. Saltzman asked Mr. Anderson if he had a copy of the agreement that stated there would be no more housing built. Mr. Anderson did not. Mr. Saltzman questions whether it is a binding agreement with the Town of Stoneham. Mr. Anderson stated that it is the condominium agreement posted on the web site that he read through.

Mr. Weiss just wanted to clarify some incorrect and possibly misleading facts. Fellsway Development LLC purchased the hospital and some of the surrounding land out of bankruptcy. As part of that purchase in 1999, there were medical office condominiums. They did not purchase 25% yesterday or the year before. It was part of the bankruptcy purchase. They continue to lease and own that space. Fellsway Development had an agreement for the hospital to be reused as a hospital, but it was never reused as a hospital. They did try over the years to find an active reuse for the land. We did look at office buildings. There hasn't been a market for it. They are an office building developer and they have only built one office building since 2010. Every other building has been R & D and Life Science. As they were seeing more research & development outside of Cambridge, there was a life science proposal made. There's more R & D outside of Cambridge than inside. The market changed remarkably as they were seeking approval. The hospital needs to be dealt with. They are trying to make an economically sound project with conditions they can live with if they were to sell. It's not their first choice to sell, but if it does get sold they would have to agree to all the requirements. They need to have an economically viable project to proceed to get funding. As much as you want to say they are greedy, if you don't make money, you don't stay in business. They are willing to try and preserve the land in front of 7-11 Executive Drive to allow for green space. Mr. Weiss continued to ask, is it a dense project? Yes, but there are more dense projects. They are trying to create usable space for residents.

Susan O'Leary of Executive Drive asked why not condominiums instead of apartments. Mr. Weiss stated that there are a number of reasons including the terms in the market and interest rates, but the number one reason is that as he understands it under the 40B rules for ownership

you'd get 25% of the affordable counted. For rental units, all the units are counted in the Town's calculation for the subsidized housing inventory despite only 25% of the units being affordable. This would insulate the town further.

Ed Trocki, 11 Executive Dr asked the Board if they were amenable to a condo project. He brings up the binding agreement that they believed to be in place saying there would be no more housing built up there. It's too large. We'd like the project to be downsized and more green space kept.

Mr. Shulman understands but the Board does not dictate the terms of what is proposed. They just evaluate on what is presented before the Board. They hear from the developer's experts. The Board hears from independent experts for the Town. They weigh all of the information and consider what is credible and impose conditions they think are reasonable and appropriate. The Board will do that as they continue through this process.

Jim McMahon of 7 Executive Drive asked about all the rental units being eligible under 40B as opposed to condos. Mr. Shulman explained that it is how they count the units under the State Law. The Town would get the benefits of all of the units. Mr. Houghton added that another problem with building condos is that they cost \$500,000 to build and you can only sell them under State regulations for about \$300,000 and the numbers don't work.

Chris Redfern, the President of the Friends of the Fells expresses thanks to the developer for willingness to consider native plantings and rodenticides. He then calls attention to the letter that he submitted which talks about the Site Plan bylaw. He discusses the impact of the project. They need to make the development more Fells friendly. They would like to see improved bike safety.

Diane Troto of 11 Executive Drive asked why the 3 acre lot the developer plans to give the Town cannot be used for parking. Mr. Houghton stated that was an agreement made with the Select Board, upon approval it would be given to the Town. It would become Town land and cannot be used for parking. He also responded to Mr. Redfern's comment about Site Plan. Under Chapter 15, Section 4.15 this project is as of right. There would be no Site Plan requirement. He does point out that this project did start out with the Board requesting department comment as the Select Board would do as part of Site Plan Review.

At this point Mr. Saltzman made a motion to continue the public hearing until May 1st at 6PM in the Hearing Room. Mr. McLaughlin seconded. A roll call vote was taken. All members voted in favor 5-0.

The meeting adjourned at 7:36PM.

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/letters/emails submitted to the Board by Town departments and/or the public

Written comment letters submitted by the three peer reviewers engaged by the Board of Appeals

Written response by The Gutierrez Company/Fellsway Development LLC to peer review comments