



TOWN OF
STONEHAM
MASSACHUSETTS

PLANNING BOARD
781-279-2695

STONEHAM PLANNING BOARD MINUTES

(in accordance with provision of M.G.L. c.30A, §§ 18-25)

Wednesday, October 16, 2024

Town Hall Hearing Room

7:00 PM

Members Present: Chair Frank Vallarelli, Vice Chair Kevin Dolan, Daniel Moynihan Jr., Terence Dolan and Marcia Wengen

Also present at the meeting: Attorney Charles Houghton, Jeff Rhuda of Symes Associates and Town Clerk Maria Sagarino acting as Clerk for the Planning Board.

The Chair brought the meeting to order at 7:03 PM and introduced the members of the Board.

Minutes

Mr. Vallarelli asked for a motion to approve the minutes June 12, 2024. Ms. Wengen made a motion to approve the minutes which was seconded by Mr. Moynihan. Vallarelli, Wengen, Moynihan and K. Dolan voted to approve the minutes with Mr. T. Dolan abstaining 4-0-1.

Ms. Wengen made a motion to approve the minutes for July 10, 2024 which Mr. T. Dolan seconded. Vallarelli, Wengen, T. Dolan voted to approve with K. Dolan and D. Moynihan abstaining 3-0-2.

Ms. Wengen made a motion to approve the minutes for August 14, 2024 which was seconded by Mr. T. Dolan. Vallarelli, K. Dolan, T. Dolan, Wengen voted in favor with Mr. Moynihan abstaining 4-0-1.

Mr. K. Dolan made a motion to approve the minutes for September 11, 2024 which was seconded by Mr. Moynihan. Vallarelli, K. Dolan, Moynihan, Wengen voted in favor with Mr. T. Dolan abstaining 4-0-1.

Mr. Houghton had not yet arrived so the Skyewood Drive Extension subdivision sidewalk waiver discussion was tabled until later.

380 Main Street

Mr. Vallarelli moved to the first public hearing of the evening. Mr. Vallarelli read the legal notice into the record for 380 Main Street as follows:

“You are hereby notified that the Stoneham Planning Board acting as the Special Permit Granting Authority will hold a Public Hearing Wednesday Evening, October 16, 2024 at 7:00 P.M. in the Hearing Room, Town Hall, to hear all persons interested in the application of C & S CAPITAL

PROPERTIES LLC, for an amendment of the existing Special Permit for C & S CAPITAL PROPERTIES LLC, 380 MAIN STREET, STONEHAM, MASSACHUSETTS to allow the requirement of nine (9) remote parking spaces located at 425-429 Main Street, Stoneham, Massachusetts to be deleted and in its place insert that said remote parking be at 359 Main Street, Stoneham, Massachusetts or some other acceptable alternative that the Board may approve. The property is shown on a SITE PLAN dated May 29, 2018 drawn by Benchmark Survey. Petitioner is seeking an amendment to the Special Permit dated June 21, 2017 pursuant to Chapter 15, § 6.3.8, 6.3.8.1, 6.3.8.1.1 and 6.3.8.1.2, of The Stoneham Town Code. Plan may be seen daily except Friday afternoon, in the Town Clerk's office."

Attorney Cicatelli was present and acknowledged that he had recently sent the Board a letter requesting the matter be withdrawn without prejudice. His client was not ready to move forward on amending the existing Special Permit. Mr. K. Dolan made a motion to accept the request that the matter be withdrawn without prejudice. Mr. Moynihan seconded the motion. All members voted in favor to allow the application to be withdrawn without prejudice 5-0.

Redstone Shopping Center

Mr. Vallarelli moved to the next public hearing for Redstone Shopping Center and read the legal notice into the record as follows:

"You are hereby notified that the Stoneham Planning Board acting as the Special Permit Granting Authority will hold a Public Hearing Wednesday Evening, October 16, 2024 at 7:00 P.M. in the Hearing Room, Town Hall, to hear all persons interested in the application of REDSTONE SHOPPING CENTER LIMITED PARTNERSHIP, for an amendment of the existing Special Permit, at REDSTONE SHOPPING CENTER, MAIN STREET, STONEHAM, MASSACHUSETTS to allow for the construction of an 11,000 sq. ft. structure to be used as a day care facility in place of the approved 12,834 sq. ft. retail structure as shown on a SITE PLAN dated August 26, 2024 drawn by TIGHE & BOND. Petitioner is seeking a Special Permit pursuant to Chapter 15, § 4.7, 4.7.3 and 4.7.3.1, of The Stoneham Town Code. Plan may be seen daily except Friday afternoon, in the Town Clerk's office."

Mr. Vallarelli invited Attorney Steven Cicatelli to speak on behalf of his client WS Development. He explained that they were seeking to amend the Special Permit to replace what had been previously proposed to be developed behind Marshalls with smaller buildings. They have received a certificate of compliance from the Conservation Commission. In the previous proposal there was a loading dock that would now be eliminated in the new plan done by Tighe & Bond. He further explained that they will be building a daycare which is a compatible use for the site. He added that there is a lack of daycare in an area which is surrounded by apartments and condominiums. They feel that more retail would exacerbate the site whereas this is a different use.

Mr. Cicatelli explained that the parking required is minimal. During the day parking is only needed for employees as parents just drop off. There would be no parking variance requested or needed.

Mr. Cicatelli explained that there would be a staggered drop off in the morning between 6:30-9:30am at which time only LA Fitness is open. The peak trip generation time for Redstone is Friday from

noon-2pm and Saturday from 1-3. There would be no traffic to this use during the peak hours. It is an appropriate use for the site. It would not adversely affect the neighborhood. There is no hazard to vehicles. Mr. Cicatelli also mentions that with the Dover Amendment, the Building Commissioner questioned the need for the amended Special Permit. With the history of this site, Mr. Cicatelli thought they'd request the Special Permit even if it isn't legally required for this use as a daycare as it's an educational use and protected under the Dover Amendment.

Mr. K. Dolan asked how many children they thought the daycare might hold. Dan Hesser from WS Development responded that they expected 10-12 classrooms. The number of students might fluctuate but there is a minimum employee to child ration that must be met. He suspected there would be 10-20 students and 10-30 employees per classroom. Mr. K. Dolan and Mr. Moynihan asked if that meant 200-300 people in the building. Mr. Hesser believed it could.

Ms. Wengen asked if there would be a second floor. Mr. Moynihan responded that there was not. She also asked the age. Mr. Hesser said it would be age 3 up to kindergarten.

Mr. K. Dolan asked if the entrance to Marshalls would change. Mr. Cicatelli said it would not. Mr. Vallarelli asked if it was attached or standalone. Mr. Cicatelli stated it would be built as a separate building but would essentially be built right along the existing building. So separate but attached. Mr. K. Dolan asked how big Marshalls is. Mr. Hesser stated that it's about 30,000 square feet. Mr. T. Dolan questioned the access road. Mr. T. Dolan asked if it would be fenced in. Mr. Cicatelli stated that the parking field and buffer was a concern for the Building Commissioner. Mr. Moynihan brought up the rear entrance and questioned if the one way would be a problem. Mr. Cicatelli stated it hasn't been a problem since the cameras were installed to monitor. Mr. Cicatelli stated that most people still enter Redstone from the front. He doesn't anticipate a problem because this is drop off and pickup.

Mr. Moynihan stated that it is a good use. He'd just be concerned about the back entrance and the one way near Dunkin Donuts. Mr. Cicatelli indicated that the passage from Dunkin Donuts is for the Fire Department and public safety. There is signage to that effect. Patrons should not be using that passage. Mr. T. Dolan questions the Governor Road entrance. Mr. Cicatelli explained that the neighbors and the Planning Board wanted Governor Road closed to Redstone.

Mr. K. Dolan stated that it's a good use for the site which has continually improved over the years. He just cautions that with a daycare, people need to safeguard access.

Mr. Vallarelli read the department comments into the record from the Building Commissioner, Fire, Police and Planning & Community Development.

Mr. Dolan asked if there would be a security guard on site with so many children. Mr. Cicatelli stated they would contact police as needed and increase police presence when needed.

Mr. Vallarelli opened the hearing to the public. Mr. Boshawn Bo of Main Street introduced himself as a Stoneham parent and mentioned that he is about to move. He wanted to point out that fertility rates have declined since 2007. It costs parents a lot to send their children to daycare. He added that it isn't affordable to live in Stoneham which is why he is moving. He spoke about parents with a \$3000 mortgage trying to also pay \$6000 per month for two kids to go to daycare. That's \$72,000 a year. He

also asked if Redstone might consider converting some of their parking to a municipal parking lot during the winter months when there are parking restrictions. He said that he can see parking being underutilized. He also commented on the passage from Dunkin Donuts to Marshalls. It needs more signage. People ignore it all of the time.

With no further members of the public present for comment, Mr. Moynihan made a motion to close the public hearing which was seconded by Mr. K. Dolan. All members voted to close the public hearing 5-0.

Mr. K. Dolan made a motion to approve under 4.7.3.1 incorporating all departmental comments. There's over 50,000 square feet. It's an appropriate use for the site. The traffic won't change the current level of service. This use would not be considered a nuisance. Mr. Moynihan seconded the motion but added that the back entrance to Myopia continue to be monitored. Mr. T. Dolan asked about the start date. Mr. Cicatelli stated the lease would be wrapped up by the end of the year. Construction will be started after the Board approvals. They should be in the ground by the same time next year. A roll call vote was taken. All members voted in favor 5-0.

Skyewood Drive Extension Sidewalk Waiver Discussion

With Attorney Houghton now in attendance, Mr. Vallarelli moved back to the discussion about the Skyewood Drive Extension. The Board had done a site visit on October 1st to look at the area. Mr. K. Dolan asked if Mr. Houghton is looking for a waiver of the sidewalk, paving and curbing. Mr. Houghton explained that they hoped to seek a waiver of the sidewalk in front of the house that was set up high. There is fill with heavy stone and boulders that would make it difficult to add sidewalk in that area. They spoke to some geotechnical engineers that didn't want to try to put anything there. If the Board seems amenable, they'd like to work up a design and come back for an amended subdivision. The Board indicated that they were amenable to that.

October 21, 2024 Special Town Meeting Article 1-To amend the Accessory Dwelling Unit Bylaw

Mr. Vallarelli moved to the public hearing for the Special Town Meeting article amending the language for accessory dwelling units. He read the legal notice as follows:

“You are hereby notified that the Stoneham Planning Board will hold a public hearing at 7:00 PM on Wednesday, October 16, 2024 in the Town Hall Hearing Room, 35 Central Street, Stoneham, Massachusetts to hear all persons interested in an article to amend the Stoneham Town Code, Chapter 15, Zoning Bylaw contained in the warrant for the Special Town Meeting to be held on Monday, October 21, 2024 as follows:

To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-law by amending the following sections related to ACCESSORY DWELLING UNIT with deletions shown as strikeouts and additions shown as underlines, as shown herein:

Chapter 15, Section 4.2 RESIDENCE A DISTRICTS:

4.2.2 Uses Permitted:

4.2.2.4 Accessory Dwelling Unit

4.2.4 ~~Uses Permitted on a Special Permit Granted by the Planning Board:~~

4.2.4.1 ~~Accessory Dwellings (family apartments)~~

~~(a) Owner occupancy required: The owner(s) of the single family lot and dwelling upon which the accessory dwelling unit, or family apartment, is located or to be located shall occupy at least one (1) of the dwelling units on the subject property. The Special Permit shall be issued to the owner of the subject property and shall be filed with the Registry of Deeds and the Planning Board shall forward a copy to the Inspector of Buildings. In the event there is a change in ownership of the subject property via a transfer to a family member an amendment to the Special Permit must be applied for. The Planning Board retains rights of rescission should any portion of conditions be violated.~~

~~(b) In the event a change in residence of either family member occurs, or a conveyance occurs that is to someone other than a family member, or a voluntary surrender of the Special Permit, the subject property will automatically revert to a single family dwelling and no longer enjoy the rights granted under the Special Permit that allowed for the accessory dwelling. This does not preclude a new application for a Special Permit in accordance with the described use at any time in the future.~~

~~(c) The gross floor area of the accessory dwelling, or family apartment, shall not exceed 750 square feet under any circumstance or condition. The accessory dwelling unit must be attached to the subject property primary dwelling unit by way of minimum shared wall coverage of 75% (of length). In addition all utility services shall be single service (meter) to the subject property primary dwelling and accessory dwelling.~~

~~(d) One additional parking space shall be provided for the accessory dwelling, or family apartment, in addition to a minimum of two spaces for the principal unit, or other parking requirements as determined by the Planning Board.~~

~~(e) Occupancy of the accessory dwelling, or family apartment, shall be limited to two people and may not be used for business or commercial purposes.~~

~~(f) A deed restriction for the affected lot must be filed with the Registry of Deeds to the effect that principal dwelling or accessory dwelling, or family apartment, be owner occupied as a condition for the issuance of an occupancy permit for the subject accessory dwelling, or family apartment.~~

~~(g) Construction and occupancy of the accessory dwelling, or family apartment shall comply with all applicable state, federal, and local laws and regulations. No Certificate of Occupancy shall be issued until evidence of the recording of the Special Permit and Deed Restriction has been provided to the Planning Board and Building Inspector.~~

~~(h) Ownership of the principal dwelling and the accessory dwelling, or family apartment, shall be one and the same, and may not be separated. There shall be one accessory dwelling allowed per single family dwelling. There is to be no other apartment or accessory dwelling unit on the subject lot.~~

6.3.3 Minimum Number of Spaces by Use:

Use	Requirement
1. Residential	
<u>f) Accessory Dwelling Unit</u>	<u>1 per dwelling unit</u>

The complete text and/or maps relative to the proposed amendment are available for inspection during regular Town Hall business hours in the Office of the Town Clerk.”

Mr. K. Dolan summarized that the Special Town Meeting is being held on Monday, October 21st and this first article is striking out language requiring a Special Permit for something that the law now allows by right. We are just complying by February 2025.

Mr. Vallarelli did not agree with the law at all and for that reason he cannot support amending the bylaw. Mr. Moynihan brought up MGL 40A section 3A and asked if something similar might happen where municipalities choose to file suit instead of complying with the law.

Mr. K. Dolan made a motion for favorable recommendation at Town Meeting. Ms. Wengen seconded the motion. A roll call vote was taken. Mr. K. Dolan and Ms. Wengen voted in favor. Mr. T. Dolan, Mr. Moynihan and Mr. Vallarelli voted against favorable recommendation. The Board then chose to vote again with Mr. Moynihan making a motion of unfavorable recommendation which was seconded by Mr. T. Dolan. A roll call vote was taken. Mr. K. Dolan and Ms. Wengen voted no. Mr. Moynihan, Mr. T. Dolan and Mr. Vallarelli voted yes. The Board voted 3-2 to make unfavorable recommendation at the Town Meeting.

October 21, 2024 Special Town Meeting Article 2- To rezone 134 Elm Street from Residence A to residence B

Mr. Vallarelli read the legal notice for article 2 as follows:

“You are hereby notified that the Stoneham Planning Board will hold a public hearing at 7:00 PM on Wednesday, October 16, 2024 in the Town Hall Hearing Room, 35 Central Street, Stoneham, Massachusetts to hear all persons interested in an article to amend the Stoneham Town Code, Chapter 15, Zoning Bylaw contained in the warrant for the Special Town Meeting to be held on Monday, October 21, 2024 as follows:

To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-law by amending the Official Zoning Map of the Town of Stoneham dated May 1, 2023 to add to the Residence B District the following described property at 134 Elm Street, Stoneham, Massachusetts. The land in Stoneham, Middlesex County, Massachusetts, known and numbered as 134 Elm Street and shown on a plan of land entitled “Plot Plan 134 Elm Street Stoneham, Mass.” dated October 26, 2017, drawn by Edward J. Farrell, more particularly bounded and described as follows:

- EASTERLY: by land now or formerly of the Town of Stoneham, as shown on said plan, three hundred and forty five hundredths (300.45') feet;
- NORTHERLY: by land now or formerly of the Town of Stoneham, as shown on said plan, one hundred forty six and twenty two hundredths (146.22') feet;
- WESTERLY: by land now or formerly of Roman Catholic Archbishop Corp. Sole, as shown on said plan, three hundred sixty four and one hundredths (364.01') feet; and
- SOUTHERLY: by Elm Street, as shown on said plan, one hundred sixty five (165.00') feet.

Containing, according to said plan, 45,810 square feet, more or less. The complete text and maps relative to the proposed amendment are available for inspection during regular Town Hall business hours in the Office of the Town Clerk.”

Mr. Houghton appeared before the Board to explain the history of 134 Elm Street. A few years ago they had fixed an error on the zoning map which had this parcel as Open Space. It was then changed to Residence A. He further explained however that before the recodification in 1985, everything to the town line was Residence B. He then explained that his client wants to rezone to build condos that will be marketed toward seniors as the senior center is right next door.

Mr. K. Dolan likes that it will be condos and states it will come before the Board for a Special Permit down the road.

Mr. K. Dolan made a motion for favorable recommendation of Article 2 at Town Meeting. Mr. Moynihan seconded the motion. A roll call vote was taken. All members voted to make favorable recommendation at Town Meeting 5-0.

Mr. K. Dolan made a motion to adjourn which was seconded by Mr. Moynihan and Mr. T. Dolan. All members voted in favor 5-0.

The meeting adjourned at 8:02PM.

Respectfully submitted:

Maria Sagarino
Town Clerk

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

SITE PLAN for 380 Main Street dated May 29, 2018 drawn by Benchmark Survey

Letter requesting the Special Permit application for 380 Main Street be withdrawn without prejudice submitted by Attorney Steven Cicatelli

SITE PLAN for Redstone Shopping Center dated August 26, 2024 drawn by TIGHE & BOND and revised October 4, 2024.

Article 1 and Article 2 language as printed in the October 21, 2024 Special Town Meeting Warrant

Official Zoning Map dated May 1, 2023

