

MINUTES FOR SPECIAL TOWN MEETING

THURSDAY, JUNE 19, 2014

To either of the Constables of the Town of Stoneham in the County of Middlesex, Greeting:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stoneham qualified to vote in elections and Town affairs to meet in the **Town Hall, 35 Central Street**, on

Thursday, June 19, 2014

at 7:00 o'clock in the evening to act upon the following articles of this Warrant:

Tellers were appointed to check the names of voters entering the Town Hall and the checklist showed 165 voters were inside the meeting.

School Superintendent Dr Les Olson led the Pledge of Allegiance. There was a moment of silence for the recent passing of Dan Towse. The meeting was called to order by Moderator Larry Means at 7:10 PM and the warrant was read.

Article 1. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-Laws, Section 4.18 Railroad Right-Of-Way [Overlay] District, by amending Section 4.18, more specifically Sections 4.18.1, 4.18.2.2 and 4.18.2.3, by replacing “(i) the commencement of construction of the former Railroad Right-of-Way as a bikeway or linear park, or (ii) June 30, 2014” with “(i) as required by MassDOT or its representatives for planning, design and/or engineering purposes for the proposed Tri-Community Bikeway/Greenway, or (ii) October 15, 2014.” After expiration of the Railroad Right-of-Way overlay district extended hereby, the below referenced Parcels 1 and 2 will remain zoned in accordance with their underlying zoning of Recreation/Open Space District .

Further to amend the Zoning Map of the Town of Stoneham effective July 1, 2014 by replacing the current Railroad Rights-Of-Way zoning [overlay] district with the following portions of the former Railroad Right-of-Way:

(i) Approximately 1950 linear feet of railroad right-of-way, being shown on plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in Book 13117, Page 113 on December 27, 1976, and further described as follows:

Parcel 1: Beginning at the northerly sideline of Maple Street, a public way, and running northeasterly approximately 1070 feet to station 60 + 28.3, said portion being 41.25 feet in width. Thence

continuing in a northeasterly direction from station 60 + 28.3, approximately 510 feet to the southerly sideline of Montvale Avenue, a public way, said portion being 33.00 feet in width.

Parcel 2: Beginning at a northerly sideline of the aforementioned Montvale Avenue and running northeasterly approximately 820 feet to the southerly sideline of Cottage Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 49.50 and 54.50 feet in width; and including a triangular area bounded on the north by the southerly sideline of Lindenwood Road, a public way, on the west by the easterly sideline of Cottage Street, a public way, and on the east by land now or formerly of Bradford.

(Upon the expiration of the current Railroad Right-of-Way [Overlay] District for Parcels 3 – 7 shown and referenced in said plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in Book 13117, Page 113 on December 27, 1976, and as a result of the above amendment of the Zoning Map of the Town of Stoneham, said Parcels 3 – 7 will after June 30, 2014 remain zoned in accordance with the underlying zoning of Recreation/Open Space District.).

Or do anything in relation thereto.

STONEHAM BIKEWAY/GREENWAY COMMITTEE

Article 1. **Voted** that the Town amend the Stoneham Town Code, Chapter 15, Zoning By-Laws, Section 4.18 Railroad Right-Of-Way [Overlay] District, by amending Section 4.18, more specifically Sections 4.18.1, 4.18.2.2 and 4.18.2.3, by replacing “(i) the commencement of construction of the former Railroad Right-of-Way as a bikeway or linear park, or (ii) June 30, 2014” with “(i) as required by MassDOT or its representatives for planning, design and/or engineering purposes for the proposed Tri-Community Bikeway/Greenway, or (ii) October 15, 2014.” After expiration of the Railroad Right-of-Way overlay district extended hereby, the below referenced Parcels 1 and 2 will remain zoned in accordance with their underlying zoning of Recreation/Open Space District .

Further to amend the Zoning Map of the Town of Stoneham effective July 1, 2014 by replacing the current Railroad Rights-Of-Way zoning [overlay] district with the following portions of the former Railroad Right-of-Way:

(i) Approximately 1950 linear feet of railroad right-of-way, being shown on plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in Book 13117, Page 113 on December 27, 1976, and further described as follows:

Parcel 1: Beginning at the northerly sideline of Maple Street, a public way, and running northeasterly approximately 1070 feet to station 60 + 28.3, said portion being 41.25 feet in width. Thence continuing in a northeasterly direction from station 60 + 28.3, approximately 510 feet to the southerly sideline of Montvale Avenue, a public way, said portion being 33.00 feet in width.

Parcel 2: Beginning at a northerly sideline of the aforementioned Montvale Avenue and running northeasterly approximately 820 feet to the southerly sideline of Cottage Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 49.50 and 54.50 feet in width; and including a triangular area bounded on the north by the southerly sideline of Lindenwood Road, a public way, on the west by the easterly sideline of Cottage Street, a public way, and on the east by land now or formerly of Bradford.

(Upon the expiration of the current Railroad Right-of-Way [Overlay] District for Parcels 3 – 7 shown and referenced in said plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in Book 13117, Page 113 on December 27, 1976, and as a result of the above amendment of the Zoning Map of the Town of Stoneham, said Parcels 3 – 7 will after June 30, 2014 remain zoned in accordance with the underlying zoning of Recreation/Open Space District.).

2/3 Vote Required

Hand Count Taken

Yes No

61 91

Fails Per Moderator

Article 2. To see if the Town will vote to authorize the Town Administrator to license (which shall include a use and occupancy agreement) on a month-to-month basis, the below referenced Railroad Right-of-Way land, not to extend beyond the earlier of the following: (i) the commencement of construction of the former Railroad Right-of-Way (“ROW”) as a bikeway or linear park, (ii) October 15, 2014, or (iii) as required by MassDOT or its representatives for planning, design and/or engineering purposes for the proposed Tri-Community Bikeway/Greenway, with the right of early termination by the Town Administrator, the below described parcels of said ROW, or a portion thereof, with any authorization or license entered into by the town further limited as follows: (i) no such licensed property (hereinafter referred to as “such property”) shall exceed twenty-five feet (25’) in width across the ROW; (ii) no such property shall include any land identified for use as a multi-use trail in the 75% plans submitted by Fay, Spofford & Thorndike (FST), the project engineer for the Tri-Community Bikeway (said plan on file with the Stoneham Town Clerk and hereinafter referred to as the “75% Plan”); (iii) any license shall be at no less than market rate, as determined through procedures customarily accepted by the appraising profession as valid; (iv) no portion of the ROW may be licensed to a party currently leasing or licensing said portion of the ROW, unless said party clears the area within the currently licensed parcel which is identified to be used as a multi-use trail in the 75% Plan, of all obstructions and debris, if any, and return said property to its natural state; and (v) no portion of the ROW may be licensed without the

requirement of a bond sufficient in the determination of the Town Administrator to remove all obstructions and debris, if any, on said portion of the ROW or other Town property at the expiration or termination of the license, and return said property to its natural state.

Said former Railroad Right-of-Way land being as follows:

(i) Approximately 1950 linear feet of railroad right-of-way, being shown on plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in book 13117, page 113 of December 27, 1976, and further described as follows:

Parcel 1: Beginning at the northerly sideline of Maple Street, a public way, and running northeasterly approximately 1070 feet to station 60 + 28.3, said portion being 41.25 feet in width. Thence continuing in a northeasterly direction from station 60 + 28.3, approximately 510 feet to the southerly side said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 33.00 feet in width.

Parcel 2: Beginning at a northerly sideline of the aforementioned Montvale Avenue and running northeasterly approximately 820 feet to the southerly sideline of Cottage Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 49.50 and 54.50 feet in width; and including a triangular area bounded on the north by the southerly sideline of Lindenwood Road, a public way, on the west by the easterly sideline of Cottage Street, a public way, and on the east by land now or formerly of Bradford currently shown on the zoning map of the Town of Stoneham as residence B land.

Any funds from the license of said ROW shall be placed in the special fund for the Railroad Right-of-Way, as enacted by the Commonwealth in Chapter 102 of the Acts of 2014.

Or do anything in relation thereto.

STONEHAM BIKEWAY/GREENWAY COMMITTEE

Article 2. Voted that the subject matter of Article 2 be indefinitely postponed.

Passes Per Moderator

Motion to Dissolve.

Town Meeting dissolved at 8:20PM