

Volume I
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TOWN OF STONEHAM
BOARD OF APPEALS

Public Hearing Re

Comprehensive Permit Request by
Weiss Farm Apartments, LLC
With Regard to 170 Franklin Street

Board Members Present:

Robert Saltzman, Chairman
Lawrence Rotondi
Tobin Shulman
William Sullivan
Michael Dufour
Nate Cramer

Catherine Rooney, Secretary

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(by Jonathan Witten, Esq.)
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for the Board.

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for the Applicant.

Held at:

Stoneham Town Hall
35 Central Street
Stoneham, Massachusetts
Thursday, July 24, 2014
8:12 p.m.

Carol H. Kusinitz
Registered Professional Reporter

ATTORNEY NOTES

Calendar for year 2014

Horizontal lines for attorney notes.

January

Calendar grid for January 2014.

February

Calendar grid for February 2014.

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Calendar grid for March 2014.

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Calendar grid for April 2014.

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Calendar grid for May 2014.

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Calendar grid for June 2014.

July

Calendar grid for July 2014.

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Calendar grid for August 2014.

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Calendar grid for September 2014.

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Calendar grid for October 2014.

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Calendar grid for November 2014.

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Calendar grid for December 2014.

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P R O C E E D I N G S

1
2 CHAIRMAN SALTZMAN: Good evening,
3 everybody. Welcome to the Stoneham Board of
4 Appeals. My name is Robert Saltzman. I am the
5 Chairman of the Board. To my right is Larry
6 Rotondi. To his right is Tobin Shulman. To my left
7 is Bill Sullivan, and to his left is Michael Dufour.
8 All the way to my far right is Nate Cramer.

9 Just very briefly, as everybody knows,
10 tonight we are opening the hearing on the
11 application for a 40B permit, 170 Franklin Street,
12 the property known as Weiss Farm. I would just
13 point out that this is the only meeting I would
14 anticipate where the 40B and a regular Board of
15 Appeals hearing will be occurring on the same night.
16 So after tonight, we anticipate that the 40B
17 hearings will be held separately.

18 I would also point out that at our
19 hearings, usually what happens is we hear from the
20 moving party, the Petitioner, and that will occur
21 after a fashion in this case. The person who is the
22 moving party, the entity which is attempting to move
23 forward with the 40B application, they will be the
24 ones to go first in this.

1 And I would just point out that first what
2 we're going to be doing is, I will read the
3 petition, the legal notice, into the record. We
4 will deal with some preliminary matters as a Board.
5 Attorney Jon Witten has reviewed the proposal, the
6 application, on the issue of completeness, and that
7 will be addressed, along with some other preliminary
8 matters.

9 So, "On Thursday evening, July 24, 2014, at
10 8:00 p.m. in the Stoneham Town Hall Auditorium,
11 pursuant to General Laws Chapter 40B, Sections 20
12 through 23, and Chapter 18, Article VI, of the
13 Stoneham Town Code, the Stoneham Board of Appeals
14 will hold a public hearing on the application of
15 Weiss Farm Apartments, LLC, seeking a comprehensive
16 permit for 264 dwelling units on a 25.6 acre parcel
17 commonly referred to as 'Weiss Farm,' located at 170
18 Franklin Street, Stoneham, Massachusetts."

19 The above noted application is available
20 for public inspection afternoons, except Friday, at
21 the office of the Board of Appeals, and daily at the
22 and Town Clerk's office, except for Friday
23 afternoon.

24 It's my understanding that Mr. Tobin

1 Shulman would like to make an announcement.

2 MR. SHULMAN: Yes. Thank you.

3 Mr. Chairman, pursuant to the rules
4 governing special municipal employees, I wish to
5 disclose a relationship that my architectural firm
6 has with one of the consultants retained by the
7 Applicant for the Weiss Farm Apartments, LLC, matter
8 pending before the Board of Appeals.

9 My architectural firm, Siemasko and
10 Verbridge, is engaged with SEB Consultants in a
11 matter in Weston. I am not an owner of the
12 architectural firm, nor did I have decision-making
13 authority regarding the contractual relationship
14 with SEB. In addition, I am not now nor will I be
15 in the future working on the firm's project with
16 SEB.

17 I do not believe that I have a conflict of
18 interest in participating in the Weiss Farm
19 Apartments, LLC, matter, pursuant to the rules
20 governing special municipal employees, and I'm
21 making this disclosure to dispel any appearance of a
22 conflict of interest. I have also filed a written
23 disclosure with the Board of Selectmen.

24 CHAIRMAN SALTZMAN: Thank you.

1 At this time, Mr. Sullivan will also be
2 making a disclosure.

3 MR. SULLIVAN: Likewise, I have filed an
4 ethics disclosure with the Board of Selectmen for my
5 participation in this comprehensive permit of Weiss
6 Farm. I filed a request for a written determination
7 pursuant to Section 19B of Chapter 268A that my
8 interest is not so substantial as to effect the
9 integrity of the services that the municipality may
10 expect from an employee.

11 I went in front of the Board of Selectmen.
12 I have a letter from the Board of Selectmen that
13 states that "The Board of Selectmen, at our meeting
14 on July 8, 2014, unanimously voted that we find
15 that, with respect to the matter of the above noted
16 application for a comprehensive permit for Weiss
17 Farm (170 Franklin Street), your financial interest
18 and that of your immediate family in and with
19 respect to 152 rear Franklin Street is not so
20 substantial as to affect the integrity of your
21 performance as a member of the Board of Appeals in
22 this matter." That's dated July 11, 2014, by the
23 Chairman of the Board of Selectmen.

24 I do not own a piece of property there. My

1 father owns No. 152 Franklin Street, which is
2 landlocked, and it is on the abutter's list. The
3 tax bill comes to my house, because my father lives
4 in Florida. It's a whopping \$17 and change a
5 quarter, and that's where my interest lies. It
6 could be my inheritance, I suppose.

7 CHAIRMAN SALTZMAN: I would also like to
8 inform, on behalf of an absent member of the Board,
9 Eric Rubin, who learned, when he saw the proposal,
10 that he is on the list of abutters -- it's my
11 understanding that Mr. Rubin has made disclosure of
12 this fact, but I would also anticipate, however,
13 that Mr. Rubin will be recusing himself, given that
14 his primary place of residence is within the list of
15 abutters.

16 Attorney Jon Witten has reviewed the
17 application and will be making a presentation as to
18 its completeness and what, if anything, is missing.

19 MR. WITTEN: Thank you, Mr. Chairman. Good
20 evening, Members of the Board.

21 The Board of Appeals has adopted
22 comprehensive permit regulations pursuant to
23 relevant regulations, and the regulations that the
24 Board adopted were recently updated after a public

1 hearing, an advertised public hearing. Those
2 comprehensive permit regulations are relevant to the
3 application that's before the Board, and one of the
4 first procedural matters that's before a board, when
5 a comprehensive permit application is made, is
6 whether the application is complete.

7 So by memorandum dated July 24th, a copy of
8 which I provided to Attorney Cicutelli, I've gone
9 through the comprehensive permit regulations adopted
10 by the Board and itemized those areas that, in my
11 opinion, are complete or incomplete, and very
12 briefly, Mr. Chairman, I'll identify those for the
13 record.

14 This is Section 18-33, which relates solely
15 to the procedural filing requirements under the
16 comprehensive permit regulations, Subsection A,
17 Preliminary Site Development Plans. It's my opinion
18 that they are incomplete. The existing wetland
19 area, vernal pool area, and areas of wetland
20 resources within 100 feet of the site are not
21 labeled. It's incomplete because of Subsection 4,
22 relating to existing significant environment
23 features, such as ledge outcrops, scenic views and
24 large trees.

1 With respect to 18-33B, the application is
2 not complete, because it does not contain a report
3 on existing site conditions.

4 With respect to Subsection C, the
5 application does contain preliminary scaled
6 architectural drawings.

7 With respect to Subsection D, as in David,
8 there is not a tabulation of proposed buildings with
9 respect to size, type, floor area, bedrooms and
10 ground coverage.

11 With respect to Subsection E, Subdivision
12 Plan, that wouldn't be relevant. The project does
13 not propose a subdivision.

14 With respect to Subsection F, Utility
15 Plans, the application is incomplete. It does not
16 show or the application does not show adequate
17 supporting information to demonstrate that all
18 utilities and related infrastructure meet all
19 applicable federal and state laws and regulations,
20 and in addition, the application does not contain a
21 utility plan or separate utility plan that
22 identifies the itemization included in the
23 regulations.

24 Subsection G, under Project Eligibility,

1 the first item is "Evidence that the Applicant is a
2 public agency, a non-profit organization or limited
3 dividend organization." There is no evidence for
4 any of those three findings. Presumably the
5 Applicant is claiming status as a limited dividend
6 organization.

7 With respect to Subsection H, the Applicant
8 has provided the Board a purchase and sale
9 agreement.

10 With respect to Subsection I, the Board is
11 not in possession -- at least upon information and
12 belief the Board is not in possession of the
13 materials the Applicant has submitted to Mass.
14 Housing.

15 Subsection J, Project Eligibility Letter,
16 the Board is in possession of a project eligibility
17 letter.

18 Subsection K, Pro Forma, the pro forma has
19 been submitted or a pro forma has been submitted,
20 but it is not signed and dated by the Applicant or
21 its agent under the pains and penalties of perjury,
22 nor does it contain the statement required in
23 Subsection K relating to pro formas.

24 Subsection L, Evidence of Local Housing

1 Need, there is no material provided to the Board as
2 to evidence of local housing need.

3 Subsection M is incomplete in that the
4 application does not provide supporting
5 documentation as to the requested waivers. The
6 regulations clearly state that the waiver request
7 must include a statement why, but for the waiver,
8 the project would be uneconomic.

9 Subsection N, as in Nancy, Environmental
10 Impact Analysis, is not complete. There is no
11 environmental impact analysis within the
12 application.

13 Subsection O, Traffic Impact Report, a
14 traffic report or traffic analysis has been
15 provided.

16 Statement of Impact on Municipal Facilities
17 is incomplete. No such statement has been provided.

18 Subsection Q, Roster of Development Team
19 Members, is incomplete. While there is a list of
20 proposed team members, the required itemization as
21 found in the regulations has not been provided.

22 Subsection R, 25 copies of the application
23 have been provided to the Board, but they do not
24 contain cross-sections, nor do they contain

1 full-sized, scalable plans.

2 Subsection S is an abutter's list, and that
3 has been provided.

4 Mr. Chairman, it's my opinion that the
5 Board, after its discussion and deliberations this
6 evening, continue the matter to a date certain,
7 which the Board would do anyway, but, in the interim
8 period of time, request the Applicant to provide the
9 Board with a complete application so that, prior to
10 your continued hearing, the Board would have the
11 application materials as required by your
12 regulations.

13 CHAIRMAN SALTZMAN: Thank you, Attorney
14 Witten.

15 Would the Applicant wish to respond?

16 MR. CICATELLI: Mr. Chairman, we'll
17 probably just take it under advisement at this point
18 and not respond. Thank you.

19 CHAIRMAN SALTZMAN: Attorney Witten, the
20 Board can take action here with reference to the
21 items that have been identified. We can, I suppose,
22 deliberate on that motion among ourselves.

23 I trust everybody has a copy of the items
24 that Attorney Witten has identified?

1 MR. SULLIVAN: I don't.

2 MR. ROTONDI: I don't have a copy of that
3 either.

4 CHAIRMAN SALTZMAN: These are the items
5 that Attorney Witten was referring to (indicating).
6 You got those, right?

7 MR. ROTONDI: I didn't get it.

8 CHAIRMAN SALTZMAN: If we could just take a
9 very short recess, and everybody can be provided
10 with a copy. We'll just take a minute.

11 (Recess)

12 CHAIRMAN SALTZMAN: As we go through the
13 itemization of materials that Attorney Witten has
14 identified as missing from the application, I would
15 just ask that we take note of the fact that we have,
16 during the past year, revised our regulations
17 concerning 40B applications. The purpose in doing
18 so was to put the Board of Appeals in as good a
19 position as Mass. Housing in our assessing such
20 projects. And it would seem to me that we should be
21 entitled to everything that Mass. Housing received,
22 as well as any additional items that members of the
23 Board feel are important at this time.

24 I would point out, among other things,

1 that, although Attorney Witten indicated that the
2 traffic study was presented in full, I would point
3 out that the Board of Public Works reviewed that and
4 stated that they thought that -- Mr. Grover
5 indicated that of some vital importance would be a
6 reporting of traffic accidents on Franklin Street in
7 which less than \$1,000 in property damage was done.
8 And the reason for that would be because fender-
9 benders on the road stop traffic. It doesn't matter
10 whether it's \$1500 or \$500; everybody winds up
11 stopping. And the Board of Public Works indicated
12 that they considered that to be significant
13 information that was omitted.

14 Does anybody have any other items?

15 MR. SULLIVAN: They also mentioned the fact
16 that "The finished floor elevations of the three
17 larger buildings are approximately 10 to 12 feet
18 lower than Franklin Street, which will have the
19 effect of significantly reducing the visual impact
20 of proposed building elevations when viewed from
21 surrounding areas. The finished floor elevations of
22 the five-story buildings is 172 feet, while the
23 elevations of Franklin Street at the entrance to the
24 site is 176 feet, which results in a height

1 difference of only 4 feet. This eight-foot
2 difference, based on Mass Housing's own words, would
3 have a significant visual impact."

4 There is also, on the Site Approval Letter
5 they make reference to "The Site is located
6 immediately across the street from Stoneham High
7 School and is within walking distance to a daycare
8 center, convenience store, laundromat and
9 recreational facilities. An assisted living
10 facility is currently being constructed
11 approximately a quarter of a mile from the site.
12 The convenience store and laundromat were demolished
13 in the construction of the assisted living facility,
14 which puts the nearest replacement facilities over
15 three quarters of a mile away."

16 That's just to touch on the front part of
17 that. There are many others with storm water
18 run-off, waste water treatment, crash reports,
19 traffic, parking. As far as Department of Public
20 Works was concerned, there's a lot of missing
21 documents. There was -- due to error, omission,
22 misrepresentation of the project by the developer to
23 Mass. Housing. So that's just from the DPW.

24 CHAIRMAN SALTZMAN: Does it make sense that

1 we put together a list of items that we're looking
2 for and we take it from there? I think that -- you
3 know, some of the comments identify things that
4 department heads, such as the Department of Public
5 Works, which seemed to work pretty hard on this,
6 would have been looking for in order to make a fair
7 assessment.

8 I don't know that there would be an
9 objection to producing the initial application for
10 Mass. Housing, but --

11 MR. GEOFFREY ENGLER: I think that would be
12 -- for the record, this is Geoff Engler from SEB. I
13 think that's a great idea. I mean, certainly if
14 there are items that the Board feels like it needs
15 to make an informed decision or analysis, we would
16 be happy to look at that and consider that.

17 Honestly, I'm a little confused by the
18 assertion that the Board did not receive the same
19 materials that Mass. Housing did when -- I'll be
20 happy to furnish the stamped copy of the cover
21 letter from the Clerk's office. I personally
22 dropped off that application that went to Mass.
23 Housing. It's part of -- before you can submit
24 something to Mass. Housing, you have to submit it to

1 the municipality. And, as I think Counsel Witten
2 would attest, the communication between Mass.
3 Housing and the municipality was extensive during
4 the site approval review process.

5 So I think the characterization that the
6 Town did not receive the same information that Mass.
7 Housing did is just -- from our perspective, I'm
8 confused by that.

9 And then secondly, the greater point is,
10 yes, we acknowledge and will be happy to appease
11 your concerns. And if Mr. Witten would provide us
12 with a list of those items, we'll endeavor to get to
13 work on that right away.

14 MR. WITTEN: Mr. Chairman?

15 MR. ROTONDI: It might be a good idea to
16 meet with Public Works. You people have never met
17 with the Superintendent or Town Engineering, with
18 their concerns, before this application was even put
19 in. So I think that would have been a step that you
20 would have taken already, which you haven't done.

21 So, you know, before you start coming,
22 maybe you should meet the Public Works. They have
23 concerns about the water. They want to clover-leaf
24 water coming from other towns. Drainage they're

1 concerned about, the separators, the water
2 separators. They have a lot of concerns with the
3 drainage, where the run-off is. I think it would be
4 a good thing to set up with them first and see what
5 their ideas are on this.

6 MR. CICATELLI: Mr. Chairman, one point I
7 would just like to make, if I could, the first step
8 is to file with this Board and begin the public
9 hearing process and to basically produce all the
10 information that was included in the 40B
11 application.

12 At that point, there will be questions.
13 And I do agree, Mr. Grover did put a lot of time in
14 his memorandum. He raises a variety of issues that
15 we can certainly look at. But, again -- and we
16 haven't gotten to this point -- he makes the point
17 in his letter that he's not a traffic consultant.
18 And obviously we're going to at some point be
19 talking about consultants, and I think at that
20 point, you know, we might want to have the
21 consultants speak.

22 So to meet with Mr. Grover may not have
23 been appropriate without first meeting with you and
24 submitting the drainage plans, but I'm assuming that

1 he'd be part of that process, once we identify
2 consultants and we move forward.

3 In terms of Jon's memorandum, he's going to
4 give us some more specifics so that we know, within
5 a category, exactly what the Board is requiring, and
6 then we can consider it at that time.

7 CHAIRMAN SALTZMAN: Thank you.

8 Attorney Witten.

9 MR. WITTEN: Mr. Chairman, the issue on the
10 material to the subsidizing agency is the Board's
11 regulations require any material submitted to the
12 subsidizing agency. So there is no question, and I
13 don't think that the Board is challenging that it
14 received the same application that you submitted to
15 Mass. Housing, but what the Board doesn't know is
16 what else you submitted to Mass. Housing. So that
17 would be anything from the beginning of your Project
18 Eligibility Application until you actually submitted
19 the application to the Town of Stoneham. So the
20 regulations are quite clear. It's any material
21 submitted.

22 Mr. Chairman, the purpose of this
23 conversation is a completeness check, and it's my
24 opinion, respectfully to the Board, that the

1 application is incomplete. And with the Board's
2 permission, I will provide written correspondence,
3 in addition to the memorandum to Counsel, as to why
4 it's incomplete, and the Board will be on record
5 with the Applicant that it deems the application
6 incomplete, and that has important ramifications
7 down the road.

8 The substantive reasons for incompleteness
9 are not relevant at this point in time. What is
10 relevant is the Board's finding that the application
11 is incomplete.

12 CHAIRMAN SALTZMAN: At this time the Chair
13 will entertain a motion from the Board.

14 MR. SULLIVAN: I would make a motion that
15 we agree with Mr. Witten and numerous other boards
16 that the application is not complete as noted, and
17 that he will give these to the Petitioner. I don't
18 know if the next step will be to continue until a
19 date and time certain. What will be the purview of
20 the Board?

21 CHAIRMAN SALTZMAN: I think the first thing
22 that we would be doing is making a finding that the
23 application is not complete, and we will be
24 authorizing Attorney Witten to identify what items

1 are missing and to pursue obtaining those by a date
2 certain, presumably two weeks before our next
3 meeting.

4 Can I have a second?

5 MR. DUFOUR: Second.

6 CHAIRMAN SALTZMAN: It has been moved and
7 seconded. Mr. Shulman?

8 MR. SHULMAN: Yes.

9 CHAIRMAN SALTZMAN: Mr. Rotondi?

10 MR. ROTONDI: Yes.

11 CHAIRMAN SALTZMAN: Mr. Dufour?

12 MR. DUFOUR: Yes.

13 CHAIRMAN SALTZMAN: Mr. Sullivan?

14 MR. SULLIVAN: Yes.

15 CHAIRMAN SALTZMAN: The Chair is in favor.
16 You have that authorization, Attorney
17 Witten.

18 MR. WITTEN: Thank you, Mr. Chairman.

19 CHAIRMAN SALTZMAN: Do you have any other
20 items?

21 MR. WITTEN: Mr. Chairman, the next item is
22 the Town status with two out of the several
23 categories in the Chapter 40B regulations called
24 Consistent With Local Needs.

1 As the Board knows -- and I'll just be very
2 brief, just to be helpful to the public -- under the
3 comprehensive permit statute, if a town or city is
4 consistent with local needs, then an applicant for a
5 comprehensive permit cannot appeal an unfavorable
6 decision from the Board of Appeals to the Housing
7 Appeals Committee. That consistent-with-local-needs
8 threshold is often referred to as the 10 percent
9 threshold. But there are other thresholds as well,
10 and it's my opinion, which I'll explain in just a
11 moment, that the Town of Stoneham has met two of
12 those other thresholds.

13 One of those thresholds is the so-called
14 1.5 percent calculation, which means that 1.5
15 percent of the qualifiable land area of the Town of
16 Stoneham contains housing that is identified by the
17 Department of Housing and Community Development as
18 subsidized. The 1.5 percent calculation is an
19 important milestone. It's hard to achieve, because
20 it measures land area. But in smaller towns, land
21 area towns such as Stoneham, it's achievable, and
22 based on the numbers that we have from the
23 Department of Housing and Community Development,
24 based on the Metropolitan Area Planning Council

1 report from a few years ago, it's my opinion that
2 the Town has achieved the 1.5 percent calculation.

3 It's important for the Board, if the Board
4 agrees with my calculation -- I have a memorandum
5 which I'll hand out to the Board and to Counsel --
6 it's important for the Board to so inform the
7 Applicant that the Town is consistent with local
8 needs, and it must do so within 15 days of the
9 opening of the public hearing.

10 So my advice to the Board would be, if you
11 agree with my advice, to vote that this evening.
12 The Applicant then has 15 days to challenge the
13 Board's determination, and the regulations provide
14 for a process from there on.

15 So it's my opinion that, based on the
16 numbers made available to the Town, that the Town is
17 consistent with local needs for the land area
18 calculation. It's also my opinion that the Town of
19 Stoneham is consistent with local needs, because
20 this project is a so-called related application.
21 And it's a related application because, in December
22 of last year -- excuse me, November of last year,
23 and recorded at the Registry of Deeds on December
24 24th of last year, the Planning Board in Stoneham

1 endorsed an Approval-Not-Required Plan, carving out
2 a portion of the Weiss Farm property as a house lot.
3 That is a related application pursuant to the
4 regulations.

5 A related application means that an
6 application that is not a 40B application precedes
7 by less than 12 months the application of a
8 comprehensive permit. Certainly 12 months have not
9 elapsed since December of last year or November of
10 last year and the filing of this application.

11 So for those two reasons, it's my opinion
12 that the Town of Stoneham is consistent with local
13 needs, and the Board should, if it agrees with me,
14 should so inform the Applicant.

15 I will hand Attorney Cicutelli a letter to
16 that effect, with the Board's permission, if the
17 Board so votes. I will then send by certified mail
18 to the Department of Housing and Community
19 Development that same letter that I'll hand to
20 Attorney Cicutelli, and then the Applicant has its
21 procedural rights if it chooses to follow those.

22 I would like to add one more point, if I
23 could, Mr. Chairman. The definition of consistency
24 with local needs does not mean that the Board can

1 reject the application out of hand. The Board must
2 still deliberate, must still make a decision. What
3 it does mean, if the Town is upheld under this
4 determination, what it does mean is that the
5 Applicant does not have an appeal from an
6 unfavorable decision.

7 So, Mr. Chairman, I'm going to hand to the
8 Board a memorandum summarizing what I just said, and
9 I'll hand a copy to Counsel in just a moment.

10 CHAIRMAN SALTZMAN: Just a very quick
11 question, Attorney Witten. If the Board does not
12 act within the 15 days, what happens to a challenge
13 on this basis?

14 MR. WITTEN: If the Board does not inform
15 the Applicant within 15 days of tonight and a copy
16 of the same to the Department of Housing and
17 Community Development, the Board will have waived
18 forever, on this application, that claim.

19 CHAIRMAN SALTZMAN: And if we make this
20 application -- if we make such a finding, if we
21 agree with what you're proposing, who makes the
22 ultimate decision?

23 MR. WITTEN: The ultimate decision is at
24 the Department of Housing and Community Development,

1 DHCD. They will receive -- because, with the
2 Board's permission, I will send it to them tomorrow,
3 they will receive it on Monday. They and Attorney
4 Cicatelli's clients will review whether they agree
5 with us or not.

6 If they choose to disagree, there is an
7 appellate process, an internal appellate process,
8 which may involve the Board of Appeals. We may be
9 requested to provide additional information, which
10 of course we'll be happy to do. All that while,
11 your 180-day time clock from tonight will be stayed.

12 CHAIRMAN SALTZMAN: How long a period of
13 time does the appeal take?

14 MR. WITTEN: As a general rule, it's 30 to
15 45 days.

16 CHAIRMAN SALTZMAN: So assuming that the
17 Applicant disagrees with the finding, they have 15
18 days from tonight?

19 MR. WITTEN: Yes, sir.

20 CHAIRMAN SALTZMAN: And then the HHS,
21 whoever they are --

22 MR. WITTEN: DHCD.

23 CHAIRMAN SALTZMAN: -- they would have an
24 additional 30 days?

1 MR. WITTEN: Yes. DHCD. And the reason
2 that number is not necessarily set in stone is, if
3 the Department asks for further information from the
4 Town, then that period of time may be extended.
5 I've seen it extended sometimes for several months.
6 Sometimes it's very quick. Sometimes it may take
7 longer.

8 CHAIRMAN SALTZMAN: Thank you. If I could
9 just take a moment.

10 (Pause)

11 CHAIRMAN SALTZMAN: Mr. Sullivan.

12 MR. SULLIVAN: Mr. Witten, I have a
13 question for you. As far as meeting the 1.5 percent
14 of the land area, if we held the developer -- if we
15 feel we met that, what is that? Is that to stay
16 this permit in front of us?

17 MR. WITTEN: So in either case, the 1.5
18 percent or the related application, if the Board is
19 correct, then the Applicant will still be able to
20 move forward with its application before you. You
21 will eventually render a decision, but the Applicant
22 will not have any appeal rights, no appellate rights
23 whatsoever. So if you deny or approve with
24 conditions, reducing dramatically the density, the

1 Applicant either accepts those or walks away. By
2 being consistent with local needs, the Applicant's
3 appellate rights are removed.

4 So that's the Holy Grail in 40B parlance.
5 That's why towns are encouraged to get to this
6 status, and if you get to this status, it turns the
7 table in terms of the power struggle from the
8 Applicant to the Board.

9 CHAIRMAN SALTZMAN: Attorney Witten, with
10 reference to 760 of the Court of Mass. Regulations,
11 that other challenge, if that were to be upheld by
12 the appellate authority, that would simply stay the
13 application until the end of the year?

14 MR. WITTEN: No. Very good question, Mr.
15 Chairman. And that's one of the interesting things
16 about the other ways of protecting consistency with
17 local needs. There is a decision from the Housing
18 Appeals Committee that, if you're consistent with
19 local needs when the application was filed, you're
20 consistent with local needs for the entirety of that
21 application process.

22 So in this case, the related application is
23 for this application for as long -- if upheld by
24 DHCD, for as long as the Applicant maintains this

1 application before the Zoning Board of Appeals.

2 CHAIRMAN SALTZMAN: Thank you.

3 Does the Board have any discussion with
4 reference to the memo that is in front of us?

5 MR. SULLIVAN: A question on the vote.
6 What would we be putting in front -- if we were to
7 agree with Mr. Witten, it would be to notify the
8 Petitioner that we feel that, because of the 1.5
9 calculation found under the General Laws 40B,
10 Section 20, and the related application provision of
11 760 CMR 56.037, would put us in that we are
12 consistent with local needs? Is that what my
13 understanding is?

14 CHAIRMAN SALTZMAN: That's correct.

15 MR. WITTEN: Mr. Sullivan, Mr. Chairman,
16 yes, that's exactly right. I suggested language on
17 Page 2 of the memo. Mr. Sullivan's language is
18 perfect, but if it's easier, that's my recommended
19 language to the Board, just to read as a motion.

20 MR. SULLIVAN: You made it too easy.

21 At this time, Mr. Chairman, I would move
22 that, pursuant to the General Law Chapter 40B,
23 Section 20, and 760 of CMR 56.038, I move the
24 Stoneham Board of Appeals authorize Special Town

1 Counsel to provide written notification to the
2 Applicant, with a copy to the Department of Housing
3 and Community Development, that the Board of Appeals
4 believes that the Town of Stoneham is consistent
5 with needs as set forth in the General Laws Chapter
6 40B, Section 20, 760 CMR, 56.00 and others.

7 CHAIRMAN SALTZMAN: Is there second?

8 MR. ROTONDI: I second.

9 CHAIRMAN SALTZMAN: All right. It has been
10 moved and seconded. We'll take a vote.

11 Mr. Dufour?

12 MR. DUFOUR: Yes.

13 CHAIRMAN SALTZMAN: Mr. Sullivan?

14 MR. SULLIVAN: Yes.

15 CHAIRMAN SALTZMAN: Mr. Shulman?

16 MR. SHULMAN: Yes.

17 CHAIRMAN SALTZMAN: Mr. Rotondi?

18 MR. ROTONDI: Yes.

19 CHAIRMAN SALTZMAN: The Chair is also in
20 favor. You are so authorized, Attorney Witten.

21 MR. WITTEN: Thank you, Mr. Chairman.

22 Mr. Chairman, I will hand now to Attorney
23 Cicatelli that letter that the Board has just
24 authorized me to produce or provide, and I will send

1 a copy of this by certified mail to DHCD tomorrow.

2 Mr. Chairman, these are -- I will hand out
3 copies of the letter I just handed to Attorney
4 Cicatelli, and this is the same letter that I'll
5 send to DHCD tomorrow.

6 CHAIRMAN SALTZMAN: Thank you.

7 Mr. Witten, I would ask that, as there are
8 six Board members sitting here tonight -- generally
9 it's a five-member Board, but this may be a process
10 that goes to many months. I would point out that
11 illness is not a far-fetched concept, nor any of the
12 other events of nature. And I would ask that we be
13 permitted, with the Applicant's approval, to sit
14 six, pretty much in the way that one would sit
15 alternate jurors, and if anything happened to any
16 one of us -- certainly hopefully nothing will -- but
17 that the alternate would then be permitted to sit.

18 Is there any objection to that?

19 MR. CICATELLI: That would be fine, Mr.
20 Chairman. That would be fine.

21 CHAIRMAN SALTZMAN: Thank you.

22 Attorney Witten, do you have anything else?

23 MR. WITTEN: Thank you, Mr. Chairman. The
24 Board is in possession of a third memo from me,

1 dated July 24th -- a copy has been provided to
2 Attorney Cicutelli -- regarding consultants for the
3 Weiss Farm Apartments project. And, Mr. Chairman,
4 as the Board knows, and as the Board has experienced
5 in the past, under Chapter 44, Section 53G, the
6 Board and other boards in town has the right to ask
7 the Applicant to provide funds for a special
8 account, Chapter 44 Section 53G, to enable the Board
9 to hire experts in its review of an application.

10 For simple applications, the Board often
11 doesn't need much help. For complicated
12 applications, the Board often wants outside help.
13 It's solely up to the Board. The only prohibition,
14 as funny as it may sound, against consultants is
15 legal fees. The Housing Appeals Committee and the
16 Court has ruled that the Town can't use 53G money
17 for comprehensive permit reviews for legal fees.
18 But every other imaginable consultant is available
19 to the Board if it feels it's relevant.

20 So I've provided the Board a suggested
21 list, and only suggested list, in terms of topical
22 areas that the Board might want to consider
23 retaining a consultant for the Board's review, for
24 the Board's help in reviewing this application.

1 And I should say, Mr. Chairman, that the
2 most important part of Chapter 44, Section 53G, is
3 what's happening right now, which is the Board
4 providing the Applicant with its interest in
5 retaining consultants, identifying the names of
6 consultants it is interested in, and asking the
7 Applicant, through Counsel, whether the Applicant
8 objects to the hiring of those consultants for only
9 two possible reasons: one, that the requested
10 consultant or interested consultant has a conflict
11 of interest, or, two, that the consultant is not
12 qualified. With no other reasons can the Applicant
13 object to the Board's request for outside
14 consultants.

15 So it's always important, in my opinion, to
16 ask the Applicant right up front, provide the list
17 of consultants the Board is considering, and ask the
18 Applicant whether they believe there's a conflict of
19 interest or a lack of qualifications. Other than
20 that, the Board has the freedom to choose
21 consultants as it sees fit.

22 The other piece of information is the Board
23 should set a reasonable amount of money it wants to
24 fund this special account up front. The Applicant,

1 two months, three months, four months later, can
2 always be asked to put more funds into the account.
3 Any excess funds, by statute, always gets returned
4 to the applicant. It can never go into the General
5 Fund. It's held in escrow by the Town of Stoneham
6 on the Applicant's behalf.

7 So, Mr. Chairman, on the three pages of
8 that memorandum I've identified, by topical areas,
9 traffic engineer, civil engineer, land use planner,
10 architect, landscape architect, hydrogeologist
11 and/or hydrologist, a wetland scientist, a financial
12 consultant and a stenographer.

13 Now, we have a stenographer here this
14 evening that the Town is paying for, but the Board
15 has the right to ask the Applicant to pay for
16 stenographic services from here on in. We have a
17 stenographer from Doris Wong Associates this
18 evening, so obviously the Board would recommend that
19 we retain Doris Wong to continue to be the
20 stenographer.

21 Other than that, Mr. Chairman, the Board
22 certainly can add additional consultants to the list
23 or, if it feels two months down the road it needs an
24 additional consultant, you're not locked into that

1 list right now.

2 CHAIRMAN SALTZMAN: Just having looked at
3 the list, there's one individual that I would ask
4 that the Applicant review as well, and that is a
5 gentleman named Robert Griffin. It's my
6 understanding that he's an engineer -- I believe he
7 did some work for the Planning Board. He would be
8 familiar with the property at 170 Franklin Street.
9 I think he has some familiarity with it. I don't
10 know him. I don't -- I've just heard of him as
11 somebody who is familiar with the area.

12 MR. WITTEN: Mr. Chairman, the procedure
13 that I would recommend to the Board, if the Board is
14 comfortable, is to ask the Applicant whether Mr.
15 Griffin or any of these other consultants pose a
16 conflict or lack qualifications, and then, if the
17 Board is comfortable, authorize the Chairman, in
18 consultation with the Town Administrator, because of
19 procurement laws, to then make a selection based on
20 the Chairman's prerogative.

21 MR. ROBERT ENGLER: Mr. Chairman, could I
22 speak to that for a second?

23 CHAIRMAN SALTZMAN: Please.

24 MR. ROBERT ENGLER: Bob Engler, the 40B

1 consultant with SEB. I've been through many of
2 these hearings. They are supposed to be cooperative
3 between the applicant and the zoning board relative
4 to consultants. And while I agree with Attorney
5 Witten there are only two reasons to turn down a
6 consultant, there is also the cooperation, since
7 it's the Applicant's money, to review the scope of
8 services being proposed and the fee basis and work
9 with them on whether, you know, that's legitimate or
10 not.

11 And the second point of that is, these
12 reviews are supposed to be consistent with what
13 other boards have done in the Town for other like
14 projects, other major rental projects, under special
15 permit or other kinds of reviews. What's been the
16 history being spent? We don't know that yet.

17 So we have a right to say, "You're asking
18 for \$50,000, and you've spent \$10,000 on other
19 reviews of 300-unit projects. What's the
20 difference?" So we certainly want to be
21 cooperative, but we want to understand the fairness
22 principle of all these reviews.

23 And I understand Mr. Witten has just made a
24 laundry list of consultants. We don't have resumes,

1 so we can't say they're qualified. If Mr. Witten
2 thinks I know them all or all of us know them all,
3 we don't. So if he has made that or if you're
4 making the recommendation on any specific topic, we
5 would like to see the qualifications of the people
6 that you're going to, that's all, so that we can
7 know who they are.

8 And I assume, if we're going to look at
9 this as an issue at a time, you're going to do a
10 review at a time of who these consultants are. So
11 we don't have to pick them all in any one night.
12 But if traffic comes up, who are you going to pick
13 for traffic and what are their qualifications and
14 what is their scope; and then you're going to do
15 civil engineering and whatever else.

16 That's all fine. Let's just take it a step
17 at a time, and I'm sure we can work this kind of
18 thing out.

19 MR. WITTEN: Mr. Chairman, not to get into
20 an argument with Mr. Engler, but the Board has 180
21 days pursuant to the regulations. 180 days for a
22 volunteer board is a very short period of time.

23 If the Applicant is willing this evening to
24 extend that time clock, then I certainly would agree

1 with Mr. Engler that the Board can review each item
2 substantively one at a time.

3 But that's not how it works, and that's not
4 how it works in the Board's world. The Board needs
5 a review of each of these substantive areas
6 comprehensively from the beginning, not ad infinitum
7 so that seven months down the road the Board is
8 stuck without having a financial consultant on
9 board.

10 So there's no suggestion that the Board is
11 going to spend all of the Applicant's money up
12 front, but the Board needs to select the consultant,
13 needs to make sure that there's no objection to the
14 consultant, and then when the time is ready, have
15 the consultant ready to produce a substantive
16 report.

17 Because the Applicant will fully remind the
18 Board of the 180-day period. If the Applicant takes
19 that off the table, then by all means, the Board can
20 take its time and work cooperatively with the
21 Applicant.

22 CHAIRMAN SALTZMAN: Is that an acceptance?

23 MR. CICATELLI: Mr. Chairman, we just
24 received this a short while ago, and, again, I think

1 what Bob is trying to say is to ask for resumes and
2 perhaps a scope of work and fees is not
3 unreasonable. So I don't think we're prepared to
4 answer the question this evening, but I think if we
5 can be provided that information, we certainly can
6 answer the question. The intent is not to drag that
7 out.

8 CHAIRMAN SALTZMAN: Would it make sense
9 that, irrespective of what happens -- I mean, the
10 clock is stopped on this for, it would appear to be,
11 somewhere in the neighborhood of 45 days -- 30 to 45
12 days, with what is being filed tonight. Would it
13 make sense that, at the next meeting, if we schedule
14 a meeting, say, 45 days from tonight, that there is
15 an agreement that the clock will be stayed until
16 that next meeting, and we could then take up the
17 issue of the consultants and can get a resolution on
18 that before we start the clock?

19 MR. CICATELLI: I don't think we would be
20 willing to stay the clock at this time, no.

21 MR. ROBERT ENGLER: Well, it's stayed
22 anyway, because if we're appealing, as Mr. Witten
23 has already said, it's stayed until that decision is
24 made.

1 So I agree at that point, if it's over --
2 and it might be more than 45 days. It could be
3 three months before we get an answer. When we come
4 back to convene, we can, in the interim, get the
5 resumes of whoever you're interested in and be ready
6 to go. That would be the topic to get going.

7 CHAIRMAN SALTZMAN: What I'm saying is, I
8 think, just speaking to Attorney Witten's point, in
9 the event that we get the rarest of rarities, an
10 expedited decision, that the clock will not
11 certainly begin until we have sat down at that next
12 meeting.

13 MR. ROBERT ENGLER: That's up to Counsel.
14 I can't answer that for the client, because he's not
15 here. But we certainly can take it up at the next
16 hearing in terms of what that is.

17 We're more concerned about getting the
18 right result than we are about whether it's 180 days
19 or 200 days. So that's more of a concern. So let's
20 see how this goes, and we can raise that in 45 days
21 at the next hearing and see where we are.

22 CHAIRMAN SALTZMAN: Delay is certainly
23 preferable to error.

24 MR. ROBERT ENGLER: Correct. And, you

1 know, I respect Mr. Witten's position, you don't
2 want to do it one at a time -- because we want speed
3 too. We're not trying to say, "Oh, you just ran out
4 of time." So if you want to get people ready to go,
5 fine, but let's just see who they are and what they
6 look like.

7 CHAIRMAN SALTZMAN: So, as I understand
8 this, we're seeking to not lose any time before we
9 get this issue resolved. Can we at least have that
10 agreement, that even if we get an expedited
11 decision, that the clock will not run at least until
12 the next meeting?

13 MR. ROBERT ENGLER: They want the 180 to
14 start in September rather than tonight. Is that
15 what you're asking, Mr. Chairman?

16 MR. WITTEN: Yes.

17 CHAIRMAN SALTZMAN: I'm saying that the
18 clock is stopped tonight until we get a decision on
19 the motion that Attorney Witten is filing tonight.

20 If we get an expedited decision, say, in 30
21 days, I am asking for a commitment from the
22 Applicant that, if we scheduled a meeting 45 days,
23 that the clock will not begin until the 45th day,
24 because we do want to resolve this particular issue.

1 MR. ROBERT ENGLER: The question for Mr.
2 Witten, if the clock started tonight, does it run 15
3 days until we file, and that's the date it gets
4 stayed? So you've only incorporated or only
5 expended 15 days until it's stayed. And then if you
6 want 15 days to hold a hearing after the decision
7 comes down, we're not going to quarrel about that.
8 That's not a big number. So I think we're okay with
9 all of that. It's not -- we're not adding 60 days
10 to this process.

11 CHAIRMAN SALTZMAN: Fair enough.

12 Mr. Witten.

13 MR. WITTEN: Thank you, Mr. Chairman. The
14 only other thing I would like to bring to the
15 Board's attention is the creation of the record.
16 And I advise the Board, while we have the
17 stenographer here and at subsequent meetings, that
18 every piece of written information that the Board's
19 received, including from the Applicant, including
20 from the public, including from the Board seeking
21 submissions, be accepted by the stenographer and
22 marked as an exhibit.

23 It's somewhat painstaking, but it's
24 important, and if we wait too long, then the list of

1 exhibits becomes somewhat voluminous. So we don't
2 have to assemble all the exhibits. We can just
3 simply read them into the record. The stenographer
4 can then identify those, and we could have them
5 marked and then we can proceed.

6 CHAIRMAN SALTZMAN: Fair enough. I would
7 say we could do that. But the one thing I would ask
8 is that we ask the Applicant, the stenographer, that
9 seems to be a reasonably related expense?

10 MR. GEOFFREY ENGLER: Fine.

11 CHAIRMAN SALTZMAN: I see nodding of heads.

12 MR. ROBERT ENGLER: We'll pay for the
13 stenographer. She is finished right now.
14 (Laughter) That's fine. I don't have a problem with
15 that.

16 We need all the information in the record.
17 I assume you mean not the whole body of everything,
18 just the identification of what it is?

19 MR. WITTEN: Correct.

20 MR. ROBERT ENGLER: Excuse me, Mr.
21 Chairman. I would like to ask that we make sure, as
22 the Applicant, we get copies -- sometimes those fall
23 through the cracks -- that we get a copy of
24 everything that's turned in to you and made

1 available to Counsel.

2 MR. WITTEN: And one of the benefits of
3 identifying for the record is to make sure you do
4 that. So we will do that.

5 CHAIRMAN SALTZMAN: (To a member of the
6 audience) I'm sorry, sir, right now, this is not --
7 we're not having public comment right now.

8 FROM THE FLOOR: I would observe that the
9 time specified for the assembling of the Town
10 Meeting has come on quite some time ago, and I wish
11 to inquire what business you have for us that
12 requires us to remain.

13 CHAIRMAN SALTZMAN: This is a public
14 hearing. We're conducting this publicly. This is
15 not a Town Meeting, sir. This is a Board of Appeals
16 meeting. I apologize for any confusion you might
17 have.

18 MR. WITTEN: Mr. Chairman, I would ask that
19 the Board enter into the record first the public
20 hearing advertisement for tonight's meeting, that
21 would be Exhibit 1. Exhibit 2 would be the
22 Application for a Comprehensive Permit submitted by
23 the Applicant, Weiss Farm Apartments, LLC, dated
24 June 2014.

1 (Documents marked as Exhibits 1
2 and 2 for identification)

3 MR. WITTEN: There are comment letters from
4 the public that -- my advice to the Board is that
5 those be identified as a separate exhibit and
6 numbered thereafter. There are comment letters from
7 individual boards and commissions from the Town of
8 Stoneham, including the letter dated July 24th from
9 the Building Commissioner, a letter dated July 24th
10 from the Chairman of the Planning Board on behalf of
11 the Planning Board, a letter from the friends of
12 Stoneham, I believe, dated July 24th.

13 (Documents marked as Exhibits 3
14 and 4 for identification)

15 MR. WITTEN: The Board received, this
16 evening, three memoranda from me, one discussing
17 consistency with local needs, the other discussing
18 the retaining of consultants, and the third
19 discussing the completeness of the application.

20 (Documents marked as Exhibits 5, 6
21 and 7 for identification).

22 (Documents marked as Exhibit 8
23 for identification)

24 MR. WITTEN: And I believe, Mr. Chairman,

1 that those are the materials received by the Board
2 to date with the kind of macro category of comments
3 from the public and comments from the Board being
4 held in a separate category. Whatever documents are
5 part of the record, we will make a copy and make
6 sure that the Applicant gets a copy of each.

7 CHAIRMAN SALTZMAN: Thank you, Attorney
8 Witten.

9 Attorney Cicutelli, I thought we would be
10 getting to this point sooner than we are. You are
11 absolutely free, if you wish, to make an opening
12 statement at this time.

13 MR. CICATELLI: Mr. Chairman, thank you.
14 Basically I think at this point, given the various
15 procedural issues that have been raised by Attorney
16 Witten, that it doesn't make sense to make a
17 presentation. Mr. Mahoney, unfortunately, was not
18 able to attend due to a family emergency. So to do
19 the PowerPoint I think tonight might not make sense.

20 So why don't we just deal with all the
21 issues that have been raised. If Attorney Witten
22 can give us some clarification, again, on the issues
23 of what items are incomplete, that would be helpful,
24 and we will just wait for the continued hearing.

1 And, again, in the interim, if we can get more
2 information regarding consultants, that would be
3 helpful.

4 CHAIRMAN SALTZMAN: At this time, it
5 probably makes sense to set another date. We are
6 open to suggestions, but --

7 MR. ROBERT ENGLER: Mr. Chairman, I think
8 we had a preliminary discussion with Mr. Witten.
9 Everybody's schedules have to be confirmed, but we
10 are looking around the week of September 16th.
11 Whatever day that week works best for the Board,
12 we'll make ourselves available.

13 CHAIRMAN SALTZMAN: How is the 17th?
14 That's a Wednesday.

15 MR. ROBERT ENGLER: Sounds okay at this
16 point. We'll make ourselves available.

17 CHAIRMAN SALTZMAN: Actually, let me just
18 check that. I may have spoken too soon.

19 (Pause)

20 CHAIRMAN SALTZMAN: How about Wednesday the
21 17th? And we don't have to start this at eight
22 o'clock. How about 7:30?

23 MR. ROBERT ENGLER: Fine.

24 CHAIRMAN SALTZMAN: There is one final item

1 we should get to. Our State Senator, Jason Lewis,
2 he has stayed around all this time, and he would
3 like to speak in connection with the process.

4 Senator Lewis.

5 (Applause)

6 SENATOR LEWIS: Thank you, Mr. Chairman and
7 Members of the Board. Good evening, everybody.

8 My name is Jason Lewis, and I'm privileged
9 to serve as Stoneham's State Senator and previously
10 as the Town's State Representative.

11 This is actually my first time ever
12 appearing before the Board of Appeals. Most of the
13 matters that you deal with I don't feel it's
14 appropriate for me to stick my nose in. This matter
15 that is before the Board tonight, however, is
16 different, and it's quite extraordinary, and
17 therefore I wanted to make sure I was here tonight
18 to express my strong and continued opposition to the
19 project, to the development as currently proposed by
20 the Applicant. (Applause) Put simply, the project
21 as currently proposed is too large, too dense and is
22 out of character with the neighborhood where it
23 would be located.

24 Let me state in slightly more detail the

1 three major concerns that I have and that I know are
2 shared by the good residents of the Town who are
3 here tonight, and actually of the City of Melrose as
4 well who are here tonight, and many others who are
5 at home tonight.

6 First is environmental and flood concerns.
7 As we know, the Weiss Farm site is -- much of it is
8 not appropriate for residential construction because
9 over 50 percent of the area is federally and state
10 regulated wetlands. 50 years of documentation and
11 experience that we have show that these wetlands
12 have been prone to flooding time and again. Adding
13 fill to over 6 acres of land in the surrounding area
14 will exacerbate the flooding risks to the community
15 and to the neighborhood and direct abutters.

16 Second, traffic concerns. Franklin Street
17 is already a heavily traveled artery that is home to
18 local businesses, many residential dwellings, the
19 main entrance to the Boys and Girls Club, Stoneham
20 High School, and many other homes and businesses.
21 It features heavy traffic during peak times of the
22 day but also shows consistent use of traffic even at
23 other times. Franklin Street is inadequate to
24 support the increased vehicular traffic that would

1 be caused by such a large development and the
2 residents who live there.

3 And then third is concern about housing
4 density. Mass. Housing guidelines indicate that the
5 appropriate density for a development of this nature
6 would be approximately 8 units per acre. The
7 proposed development that the Applicant has put
8 forward far exceeds this guideline at 20 units per
9 acre.

10 Additionally, this level of density is
11 completely inconsistent with the density of the
12 surrounding Stoneham neighborhoods and community.
13 It appears to many of us that this density mirrors a
14 similar design of a project by the same applicant in
15 Lynnfield, demonstrating to many of us the
16 developer's apparent lack of interest in truly
17 considering, promoting and accommodating the local
18 community character.

19 And then finally, in conclusion, I would
20 also like to mention my disappointment in the fact
21 that the Applicant has not made an attempt to work
22 with the Town of Stoneham, with the Board of
23 Selectmen, the Planning Board, with the residents to
24 really engage in a constructive dialogue about the

1 needs of the community and about what would be
2 appropriate for this site.

3 Stoneham, the Town and the residents want
4 to see more affordable housing for young families,
5 for seniors and for others, but they want to make
6 sure that that affordable housing and housing in
7 general is provided in the right size, the right
8 scale and the right character that promotes the
9 wonderful quality of life that we already enjoy in
10 the Town of Stoneham.

11 So it is my concern and disappointment that
12 that kind of a process has not been undertaken, and
13 I hold out hope that we may still have constructive
14 dialogue and collaboration between the developer and
15 the Town and its residents. (Applause)

16 At this point, with the project as
17 currently proposed, again, I reiterate my serious
18 concerns and reservations and continued opposition
19 to moving forward with this current project.

20 Thank you again for the opportunity to
21 testify tonight. I appreciate it. (Applause)

22 CHAIRMAN SALTZMAN: At this time the Chair
23 will entertain a motion from the Board?

24 MR. SULLIVAN: I make a motion to adjourn.

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MR. DUFOUR: Second.

CHAIRMAN SALTZMAN: All those in favor?

(Chorus of ayes) All those opposed? (No response)

We are adjourned.

(Whereupon the hearing was
adjourned at 9:27 p.m.)

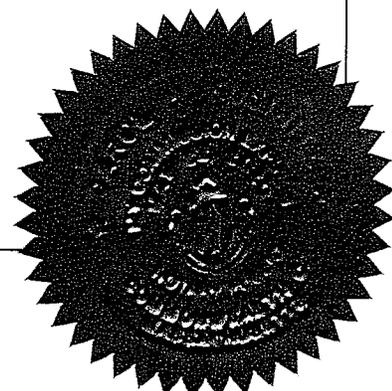
C E R T I F I C A T E

I, Carol H. Kusinitz, Registered Professional Reporter, do hereby certify that the foregoing transcript, Volume I, is a true and accurate transcription of my stenographic notes taken on July 24, 2014.

Carol H. Kusinitz

Carol H. Kusinitz
Registered Professional Reporter

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