

Stoneham Select Board
Tuesday, March 15, 2022
6:30 p.m.

Open Session

Members Present: Heidi Bilbo, George Seibold, David Pignone Shelly MacNeill, Raymie Parker (remote)

Also Present: Town Administrator Dennis Sheehan, Town Counsel Robert Galvin

Call to Order: Bilbo called the meeting to order at 7:00 p.m. (To view this meeting in its entirety go to Stoneham TV on Demand available from the Town’s homepage at www.stoneham-ma.gov)

Agenda Item 1: Open Meeting Bilbo opened the remote meeting with roll call attendance.

Agenda Item 2: Pledge of Allegiance

Agenda Item 3: Citizens’ Comments Kathy Hudson, Chair of the Council on Aging, stated the two warrant articles that have been submitted by the Council on Aging create a property tax deferment under M.G.L. 41A, and are a tool to assist the senior community with lowering its tax burden. She stated that only 2 or 3 people used the deferment mechanism this year, but it allows them to save if they qualify and they want to participate.

Pignone moved to hear agenda items 6 and 7. Seibold seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

Agenda Item 6: Façade Program Waiver – Kennedy’s Café Director of Planning and Community Development Erin Wortman stated that Kennedy’s Café has made application to participate in the façade program, a 1:1 match of up to \$3000 for business owners to make improvements to the outside of their businesses. Kennedy’ Café would like to go outside of the program parameters and use blue as its awning color. She stated that she is in favor of the design as it is timeless and allows the owner to select the color for her entrance. Seibold moved to approve the waiver request. Pignone seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

Agenda Item 7: MBTA Communities Briefing Wortman provided a brief overview of the MBTA Communities Program. She stated that M.G.L. c 40A, sec. 3A was enacted as part of new economic development legislation and effects all MBTA and MBTA adjacent communities. Meeting the requirements of section 3A allows a community to remain eligible for housing choice, local capital project funds, and local choice. Wortman stated that the requirements are as follows: At least 1 District of reasonable size (Minimum 50 acres total); Multifamily housing permitted by-right (Multifamily = 3+ units; By-right can be Site Plan Review); No age or bedroom restrictions (Units can be any size by-right); and Minimum gross area of 15 units/acre. She stated that the intent of the legislation is to create enough space for housing that is by-right three family and above on 50+ acres with a capacity 2032 units. Bilbo asked how close Stoneham is to complying. Wortman stated that she does not know yet because many of the multifamily units were created using discretionary permits and they are not part of the 2032 unit.

MacNeill stated that we just need to have the capacity to have the units and to build them by right, but we do not need to build the units. Wortman stated that MacNeill was correct and that she is working on GIS maps to make sure we have the acreage. Seibold asked is height restriction by laws will need to be changed Wortman stated there will need to be by law changes, but she does not anticipate a height restriction change. Bilbo asked for an example of what the Town could lose without compliance. Wortman stated that the Town would lose Mass Works large scale infrastructure projects such as traffic lights and intersection safety measures. She continued that the Town would no longer be able to participate in Housing Choice programs such as playground and side walk replacement and the Housing Capital program that assists the Housing Authority.

Resident Martin Wantman asked if the program allows open space residential development by right. Wortman stated that Wantman's property is Residence A, not open space residential development – that district does not exist in Stoneham.

Seibold moved to return to agenda item 4. Pignone seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

Agenda Item 4: Site Plan Hearing: 170-180 Main Street/Melkonian 170 Main , LLC Seibold read the notice of hearing. Attorney Charles Houghton appeared for the applicant, John Malkonian with him. Houghton stated that the plan is to use the tuxedo building to allow accounting, auto storage, and parts storage. Ultimately, Houghton continued, the plan is to apply for mixed use development later this year, but this will allow some use of the property. Bilbo stated that some of the comments mention demo and razing. Houghton stated that this site plan is only for a change of use of one building. Parker stated that she is concerned about traffic accidents at Richards and Main. Houghton stated that there is no retail so there will not be a lot of coming and going from the site and that any change would require state approval. Parker stated that if the owner is planning on mixed use, she would urge the conversations about that intersection to happen sooner than later.

Seibold moved to approve the Site Plan including all for the conditions in the Department Review. MacNeill seconded the motion. Resident Anthony Wilson asked for clarification that the Site Plan being voted on is for one building only as the entire property is appropriate for commercial use. Houghton stated that it is not the owner's plan to leave the tuxedo building out of the future mixed use planning. He stated that he will need to return for zoning changes and approval by other boards and committees. He stated that this site plan allows his client to use on building. MacNeill stated that the Board cannot deny an allowed use and they have to vote on the use that is before them, not future uses. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

Agenda Item 5: Site Plan Hearing: 5 Woodland Road/Fellsway Development LLC Bilbo stated that Houghton requested to continue the site plan hearing to 4/12/22 at 7:00 p.m. MacNeill moved to continue the hearing to 4/12/22 at 7:00 p.m. Seibold seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

MacNeill moved to hear agenda item 14 and to enter into the Liquor License Authority to return to the Select Board. Seibold seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

Agenda Item 14: Change of Manager – Gaetano’s Restaurant – 271 Main Street Houghton stated that the owner and new manager of Gaetano’s Restaurant are present and that the proposed manager has been with Gaetano’s for 27 years. Seibold moved to approve the change of manager. MacNeill seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

MacNeill moved to return to the Select Board and to hear agenda item 8. Seibold seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

As Galvin was not present in the hearing room, Parker moved to hear agenda item 9. MacNeill seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker

Shelly MacNeill

Motion Passes (5-0)

Agenda Item 9: Approve Minutes: 2/15/22 MacNeill moved to approve the minutes for 2/15/22. Parker seconded the motion stating that she would like the minutes to reflect that the Select Board requested that Eversource reach out to the residents in the area. MacNeill amended her motion to approve the 2/15/22 minutes as amended. Seibold seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (4-0-1) with Pignone abstaining.

MacNeill moved to hear agenda item 11. Seibold seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

Agenda Item 11: Approve Out of State Travel – Eric Duffy/Paulette Gerry Bilbo stated that Town Accountant Eric Duffy and Town Treasurer Paulette Gerry have requested to attend the GFOA conference in Texas. MacNeill moved to approve the out of state travel for both Duffy and Gerry. Seibold seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

MacNeill moved to return to agenda item 8. Seibold seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

Agenda Item 8: Appoint Town Counsel Galvin stated that at the end of last week he submitted his Annual Report as well as a new fee agreement. He stated that later, in executive session, he will be discussing all ongoing litigation. Galvin continued that the last few years have really changed what we do and how we do it as a Town. He stated that he took over the Weiss Farm litigation from Joh Witten and that oral arguments will take place this spring.

Seibold thanked Galvin for his availability. Bilbo praised Galvin for his timely responses. Parker stated that Galvin is always available to answer questions, but that Stoneham must be a priority. MacNeill stated that it is a pleasure to work with Galvin and she moved to reappoint Galvin at Town Counsel. Seibold seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

Agenda Item 10: Town Meeting Warrant – Accept Warrant Articles/Sign Warrant Parker moved to accept article 1-6 and articles 10-23 onto the May 2nd Town Meeting warrant. Pignone seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

MacNeill moved to sign the warrant. Seibold seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo
David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

Parker added that Kilbride could sign her name to the warrant electronically.

Agenda Item 12: COVID Bills/Outdoor Dining Update MacNeill stated that the House voted to extend outdoor dining to 6/15/23 and that the Senate must vote to approve and the Governor sign the extension. Sheehan stated he would continue to monitor the matter. MacNeill stated that this is a good time to reach out to licensees to see if they are interested in outdoor dining and compare the results with the Chamber of Commerce's survey results.

Agenda Item 13: High School Building Project Update Sheehan stated that the committee is interviewing solar vendors this Friday and that they have been discussion project phasing. Parker stated that there is an ongoing discussion about the culvert and making repairs/changes before construction.

Agenda Item 15: Town Administrator's Report – Dennis Sheehan Sheehan thanked staff and public safety personnel for the great display in memory of State Trooper Tamar Bucci. He continued that the Board of Health is collecting medical supplies for Ukraine on 3/17 and 3/18. Sheehan continued that the downtown redesign forum was very well attended. He stated that DOT is holding a virtual redesign information session on the Friendly's intersection on 3/26/22. Sheehan concluded that the Town now has vendors for the arena and old Central School roof repairs. Seibold commented that he spoke to a business owner in the square who was not notified of the redesign forum.

Agenda Item 16: Non-Deliberative Announcements and Scheduling Pignone recognized David Eustace for willing a gold medal for sled hockey in the 2022 Paralympic Games. MacNeill stated that there is information on the Attorney General's website regarding securely donating to the Ukraine.

MacNeill moved to enter into executive session not to return to the Select Board to discuss strategy with respect to all pending litigation where an open meeting may have a detrimental effect on the bargaining or litigating position of the Town and the chair so declares pursuant to M.G.L. c. 30A, sec. 21(a)(3) and to consider the purchase, exchange, lease or value of real property where the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body pursuant to M.G.L. c. 30A, sec. 21(a)(6) not to return to open session. Parker seconded the motion. A roll call vote was taken.

Voting in favor:

Heidi Bilbo

David Pignone
George Seibold
Raymie Parker
Shelly MacNeill

Motion Passes (5-0)

Respectfully submitted,

Dava Feltch Kilbride, Office Manager