

**Minutes for Special Town Meeting
Monday, May 5, 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

Monday, May 5, 2014

at 8:00 o'clock in the evening to act on the following Articles of this Warrant:

Tellers were appointed to check the names of voters entering the Town Hall and the checklist showed 268 voters were inside the meeting.

The meeting was called to order by Moderator Lawrence Means at 8:25PM and the warrant was read.

Article 1. To see if the Town will vote to establish a Town study committee, to determine and assess, the existing conditions and future demands, of the public future utilities, & energy logistics, in particular, but not limited to, the natural gas infrastructure, to be referred to as the 'FUEL' committee.

**Paul Maisano
10 Gorham Avenue**

Article 1. Voted that the Town establish a Stoneham Town Committee to determine and assess the existing conditions and demands, of the public future utilities & energy logistics, to be referred to as the "FUEL" committee. Said committee shall have the duties to investigate, assess, summarize, project, and explore, the existing condition of the towns' utility infrastructure within, above, on, and/or, below any, and all such utilities existing, within the surface of the public, and private roads, and/or specifically services the existing gas/electric utility infrastructure to all residential, commercial, and public property. In particular, the committee shall assess, evaluate the existing age, condition, safety, and future requirements, to establish, or the potential need for expansion, if any, of all natural gas/electric utilities, wind, solar power, or any type of alternative fuel source, regardless, if owned by the town, or a public utility, whether operating within, above, on, and/or, below any, and all, existing, or yet to be built roadways, or open property within the town limits. At least, one (1), Public Hearing shall be held to insure input from the general citizens of the Town of Stoneham. A comprehensive written and oral report, and any/all documentation, or recommendations, or any article for action by the town, shall be delivered to the townspeople at the next Annual Meeting, in May, 2015.

The initial committee applications shall be forwarded to, and supervised by, the Town Moderator, within twenty days (20) days of town meeting vote, as directed under the following guidelines;

COMMITTEE COMPOSITION- There shall be five (5) voting members of 'FUEL' committee. Three (3) shall be from the municipality public sector, and two (2) general citizenry resident population private sector, each shall be at least eighteen years (18) of age. There shall be at least two

(2), non-voting alternate members, to serve according to the section below on alternate conditions/duties from the general resident citizen population. There shall be at least one, (1) non-voting ex-officio member, from each public, and, or private, gas/electric utility company, and, or, if any, from the private area propane gas suppliers market.

Public Sector Municipal Representatives:

One (1) member shall be the Town Administrator.

One (1) member shall be the DPW Engineer.

One (1) member shall be a member of the Finance Advisory Board, or a private citizen representative, appointed by a simple majority vote of said board.

Private Sector Citizen Representatives:

Two (2) members shall be of the Stoneham general town resident population, by application to the moderator, appointed by simple majority of the Board of Selectmen.

Additionally, two (2) alternate members shall be appointed by the Town Moderator, of which, at least one (1), may be from the Stoneham High School student body, having attained at least sixteen (16) years of age upon application, recommended by either a member of the Stoneham High School faculty, or nominated by the student body.

Replacement of a Private Sector Citizen Representative:

If, in the event, any permanent voting member from the private sector membership of the committee is absent, unable to attend, or serve, during any scheduled meeting due to scheduling conflict, or illness, said member shall be temporarily replaced, for said meeting, by a simple majority vote of the attending 'FUEL' committee membership. If, any permanent voting member of the committee is recorded as absent, for two (2) consecutive meetings, or three (3) meetings within a four (4) month period, said member shall be moved to an alternate position, his/her temporary replacement shall now transition to a voting member status permanently, according to the replacement appointment procedure previously defined within the paragraph above.

Application Protocol of Private Sector Citizen Members:

Within ten (10) days of the town meeting vote to establish the 'FUEL' committee, the Town Moderator shall commence to publicly advertise, in accordance to the section under, Public Notices & Advertisement procedure listed above, noticing all general town resident private sector citizens to apply to the voting/alternate positions. The public notice must encourage application, and the participation of any interested private citizen. No specific qualifications are required to apply for consideration for appointment, other than the applicant must be a resident of the Town of Stoneham. Any, and all, private residents may apply, except for those who have not reached eighteen (18) years of age, with the exception, of the Stoneham High School student member who shall be at least sixteen (16) years of age. No private sector citizen applicant shall be currently employed by the Town of Stoneham, nor currently employed by any public utility. All letters of interest/or application shall be in writing, and submitted, directly by the applicants to the Town Moderator, within forty-five (45) days of the town meeting vote.

Public Notices & Advertisements for citizen appointments:

The Town Moderator shall advertise the private sector Citizen Representative positions for at least two (2) consecutive weeks in the following manner as follows:

- A) In both public print newspapers as a press release.
- B) In at least one internet news publication most popular within the community.
- C) Posted at the Stoneham Town Clerks Office in a conspicuous public place.
- D) Posted in the Stoneham High School office in a conspicuous public place.
- E) Posted at the Stoneham Public Library in a conspicuous public place.
- F) Posted at the Stoneham Senior center in a conspicuous public place.
- G) Posted on the Town of Stoneham internet website.
- H) Posted on Stoneham Cable Television Access Network.

Appointment Procedure:

Upon receipt of any, and all, applications, in no event, later than sixty (60) days from the recorded public vote of the town meeting members, the Stoneham Town Moderator shall immediately notify the appointing authority, in writing, requesting each citizen applicant to appear for an interview at the next publicly scheduled board meeting, said meeting shall be held no later than ninety (90) days from the original date of the recorded town meeting public vote. An applicant need not be present for the interview process to be appointed. Within thirty (30) days from the beginning of the interview process, each appointed representative name shall be forwarded to the Town Moderator. The Town Moderator shall notify each newly appointed member of the 'FUEL' committee, including alternate positions, forwarding the names to the Town Engineer, & Town Administrator, for organizational purposes. It must be noted that each private sector person shall serve as a volunteer without compensation.

'FUEL' Committee Organization, Procedures & Duties:

The Town Engineer Bob Grover shall be appointed as interim chairperson responsible for the public posting the first meeting of the newly appointed committee no later than September 15, 2014. The Town Administrator Dave Ragucci must also seek to fill the ex-officio positions, prior to the organizational meeting, assuring representation from the servicing gas electric company, or companies, established by the previous section under Committee Composition.

During the first meeting committee members must adopt the standard, Rules of Order revised edition of 2011, to formally select officers of the committee. The committee shall conform to all Massachusetts Open Meeting Laws, including, but not limited to, all subsequent written notice provisions, recorded minutes, and any public requirements prescribed by rule.

The 'Fuel' committee shall meet at least once every thirty (30) days, which may include, the required Public Hearing.

Within one-hundred and twenty (120) days from the initial organizational meeting, the 'FUEL' committee must conduct at least one (1) Public Hearing to record testimony from the general public relative to the concerns of the citizens at large, the public meeting must focus primarily on the underground natural gas infrastructure. The committee shall notify an employ the local cable access television channel to have these proceedings carried live, and subsequently re-broadcasted at least four (4) times to the residents of Stoneham at home.

'FUEL' Committee Annual Town Meeting Report of Findings:

A formal report shall be delivered to the members of the town at the Annual Town Meeting of, May 2015, by representatives of the 'FUEL' Committee including, any, and all, findings, recommendations, or warrant article proposals requesting direction, or actions, on behalf of the town meeting members, including, but not limited to, a motion to extend the existence of the 'FUEL' Committee, for at least one year.

**Motion to Move the Question
Question is Moved
Passes Per Moderator**

Article 2. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-Law; By amending the current Town of Stoneham Zoning Map, of April 1, 2008, revised on October 15, 2012, by immediately removing, the now existing residential overlay section referred to as the, Residential Fallon Rd. District, in the southwest corner of the town located on the western portion of Interstate route 93, within sections 26, & 23, of the Town of Stoneham map. The existing underling commercial area zoning shall be exclusive, and remain intact as defined by right.

**Paul Maisano
10 Gorham Avenue**

Article 2. **Voted** that the Town amend the Stoneham Town Code, Chapter 15, Zoning Bylaws by DELETING IN THE ENTIRETY, Section 4.22, Section 4.22 is defined as the Residential Overlay Fallon Road District, within Stoneham Zoning Town Map of Oct. 15, 2012, of Section #26. Including the deletion of each sub-sections listed below.

- 1.) DELETE – Section 4.22 Residential Overlay Fallon Road District.
DELETE - 4.22.1 Purpose - DELETE - 4.22.2 Uses in the
Residential Overlay Fallon Road District permitted as of right.
DELETE - 4.22.2.1 Apartment building or Design Dwelling Units.
DELETE - 4.22.2.2 Off street parking layout, and Loading
Requirements for Residential Overlay Fallon Road District.

- 2.) Amending the Zoning Map, Section 26, of the Town of Stoneham by removing a portion of the property on Fallon Road from the 'Residential Overlay Fallon Road', more specifically shown below, as Parcels 1, and 2, as follows:
PARCEL 1 – Property address: 200 Fallon Road, Stoneham, MA
Recorded with Middlesex South District Deeds in Book 11407, Page 653. Listed in the Stoneham Town Assessors Map 26, containing a land area of 230,431 square feet, or 5.29 acres, more or less.
PARCEL 2 - Property Address; 225 Fallon Road, Stoneham, MA
Lot A on Plan No. 887 of 2008 recorded at the Middlesex South district Registry of Deeds. Listed in the Stoneham Town Assessors Map 26, containing a land area of 586,731 square feet, or 13.469 acres, more or less.

- 3.) Amending the Zoning Table One – Dimensional Requirements as follows; DELETE in the entirety the section of 5.2.1 of Table One line #8 referred to as the "Residential Overlay Fallon Road". See Stoneham Town Zoning Map of Oct. 15, 2012, section # 26, for Article 2.

**2/3 Vote Required
2/3 Vote Fails Per Moderator**

Article 3. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-Law; By amending the current Town of Stoneham Zoning Map, of April 1, 2008, revised on October 15, 2012, to include a Residential B Overlay District, call the Pleasant, Oriental, Gould Streets, Overlay District. Said overlay shall be from the southeastern section of the existing Telecommunications overlay from the intersecting portion from the center of the Franklin Street public roadway traveling southeasterly for approx. 550' on Franklin Street to the center of the roadway intersection of Franklin Street & Dale Court public roadways, turning northeasterly approx. 300' to the Town of Stoneham Recreation Park, turning northwesterly along the perimeter of Recreation Park for approx. 320' to the edge of the existing commercial zone private property, following the commercial district edge turning northeasterly for approx. 36.6' turning north approx. 16.5' northwesterly for approx 31.24', turning along the section of public railroad right of way open space northeasterly for approx. 567.5' then southerly along the private property line for approx. 112.22' then southeasterly along the rear private property lines for approx. 256.06' turning north easterly along the side private property lines for approx. 207' to the center of Pleasant Street. Turning northwesterly for approximately 461.28' to the center of the intersection of Pleasant, & Spring Streets turning north for approx. 886.39' to the center of Pomeworth Street turning west approx. 1098.515' meeting the established eastern north/south line of the Telecommunications overlay turning south along said line for approx. 1784.95' to the center of the Franklin Street public roadway.

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****NO ACTION WAS TAKEN ON ARTICLE 3 BECAUSE THE ARTICLE WAS NOT ADVERTISED AND HEARD BY THE PLANNING BOARD AT A PUBLIC HEARING AS REQUIRED UNDER MASSACHUSETTS GENERAL LAW CHAPTER 40A, SECTION 5.**

Article 4. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-laws, Section 7.2 – Board of Selectmen, by deleting the current Section 7.2 and replacing it with the following:

7.2 SITE PLAN:

7.2.1 Authority/Statement of Purpose

7.2.1.1 The Board of Selectmen (also referred to in this Section 7.2 as the “Board”) shall have authority for Site Plan approval required pursuant to the Zoning Bylaws, and the Board is hereby empowered and authorized to hear and decide petitions for Site Plan approval as set out in this Section 7.2. The Board is hereby authorized to adopt rules, regulations and standards (“Site Plan Rules, Regulations and Guidelines”) to implement the provision of this Bylaw, including submission and procedural requirements, development standards, design criteria and other general requirements consistent with this Bylaw. In case of a conflict between this Bylaw and a rule or regulation promulgated pursuant hereto, this Bylaw shall prevail.

7.2.1.2 The purpose of the Site Plan process and approval is to protect and further the public health, safety and general well-being of the inhabitants of the Town and to preserve and enhance economic, cultural, and aesthetic resources and values by providing a comprehensive review of proposals and plans for uses, including buildings and structures related thereto, that require Site Plan approval pursuant to the Zoning Bylaws, and in doing so reasonably ensure that the design, layout and development of

the site, such uses and/or buildings or structures will constitute development appropriate to the site and will not result in a detriment to the surrounding neighborhood(s) and area, including the visual and environment qualities of the area and the Town at large. The Site Plan process is intended to preserve and promote the viability of the Town both economically and as a desirable community, by preserving and enhancing property values and promoting the attractiveness of the Town as a place to live, work and visit.

The Bylaw is also intended to assist those seeking to move forward with a use, building and/or structure requiring Site Plan approval by providing them with information about Town zoning requirements affecting their project prior to the start of any such use or building/structure construction or the issuance of any permits.

7.2.2 *Applicability*

7.2.2.1 The following types of uses, buildings or structures used therefore, or changes thereto as set out below, require Site Plan Approval when Site Plan is required for the subject use in a zoning district under these Zoning Bylaws:

- (a) Any new use requiring Site Plan Approval under these Zoning Bylaws;
- (b) Any new construction of a building or structure for a use requiring Site Plan Approval under these Bylaws;
- (c) Any increase in size of an existing building or structure for a use which requires site plan approval in the zoning district under these Zoning Bylaws, unless exempted pursuant to Section 7.2.2.2 below;
- (d) Any increase in the area, regardless of whether in the gross floor area of a building or structure or the land area for a use which requires site plan approval in the zoning district under these Zoning Bylaws, unless exempted pursuant to Section 7.2.2.2 below ;
- (e) Any change or intensification of a use which increases the parking requirement under the Zoning Bylaws by more than two (2) parking spaces, unless such additional parking spaces already exist pursuant to a previously approved site plan; and
- (f) Grading or clearing of land or the placement, removal or movement of soil, loam, sand, gravel, minerals or other earth material on land in an amount in excess of two hundred (200) cubic yards for purposes of commercial or business (non-residential) development. Nothing in this Section 7.2.2.1 shall relieve a party subject to Section 6.10 from also having to obtain a permit thereunder from the Building Inspector.

7.2.2.2. Any: (i) increase in the size of an existing building or structure which has previously obtained Site Plan approval which increase is equal to or less than 750 square feet or thirty percent (30%) of the existing gross floor area; or (ii) increase in the gross floor area of a building or structure or in the area of land which has previously obtained Site Plan approval which increase in area is are equal to or less than 750 square feet or thirty percent (30%) of the existing area, shall require an administrative review (“Development Review”), instead of a site plan review and hearing by the Board of Selectmen. Said development review shall be by a development review team which shall assist the Building Inspector. The Development Review team shall, to the extent available, consist of the

Director of Public Works, the Fire Chief, the Police Chief, the Health Inspector, a Town planning or community/economic development employee, the Historical Commission, and any other Town department head or enforcing official designated in writing by the Board of Selectmen, or any of the their individual designee(s). Submission requirements for Development Review shall be promulgated by the Board as regulations after input from relevant Town officials and departments. The Development Review team shall have authority to impose requirements and conditions consistent with this Section 7.2 and the Regulation and Guidelines established by the Board of Selectmen pursuant to this Section 7.2.

7.2.2.3 Any person or entity whose land or proposal is subject to Development Review pursuant to Section 7.2.2.2 above who completes said Development Review process, and as a result thereof is aggrieved by the said Development Review requirements, may within thirty (30) days of receiving a written copy of said Development Review requirements, apply for and obtain the right to a Site Plan hearing and approval process before the Board of Selectmen, pursuant to the provisions of this Section 7.2.

7.2.3 *General Standards/Criteria for Site Plan Review and Approval:*

7.2.3.1 In reviewing any Site Plan application, the Board of Selectmen shall determine that reasonably adequate provisions have been made for the following and, as applicable, in a manner consistent with the requirements of the Zoning Bylaws and the Site Plan Rules, Regulations and Guidelines promulgated by the Board of Selectmen:

- (a) Traffic access and circulation;
- (b) Pedestrian safety and access;
- (c) Off-street parking and loading;
- (d) Emergency vehicle access;
- (e) Storm water drainage, utilizing on-site absorption and low impact development integrated storm water management practices;
- (f) Erosion control;
- (g) Protection and preservation of existing natural features;
- (h) Screening, including the use of natural land features and plantings;
- (i) Exterior lighting appropriate to the use and the neighborhood/area;
- (j) Signage appropriate to the neighborhood/area;
- (k) Site and building/structure (architectural) design which preserves and/or enhances property values and promotes the attractiveness of the Town as a place to live, work and visit, taking into account compatibility with the surrounding area, landscape, natural features, and the character and scale of surrounding buildings and structures both on site and in the surrounding area. Review of design and any Guidelines promulgated shall not impose inflexible requirements or discourage creativity, invention or innovation.
- (l) Protect and preserve buildings, structures and areas of historical and/or aesthetic significance.
- (m) Visual impact of parking, storage and other outdoor service areas;
- (n) Water pressure and sewerage adequate to support the intended use;
- (o) Electric and gas (where available) utilities; and fiber-based telecommunications facilities;
- (p) Energy and other resource efficient design, through appropriate building orientation, landscaping, use of resource efficient materials and use of energy and resource efficient systems.

7.2.4 *Site Plan Guidelines*

- 7.2.4.1 The Board shall review Site Plan Review applications in accordance with the General Standards described in Section 7.2.3 above. In doing so, the Board shall consider any Guidelines it adopts. Site Plan Guidelines, as adopted, are intended to provide guidance to the Applicant in the preparation of plans, as well as guidance to the Board during its review. They are not intended to be exhaustive, and specific additional guidelines may be applied to a project, as the Board determines they are necessary. The Guidelines are intended to encourage good projects and good design, without discouraging creative and/or innovative solutions to problems of a site. The issues and concerns represented by the Guidelines should be addressed to the reasonable satisfaction of the Board in the final site plan.
- 7.2.4.2 In developing Site Plan Guidelines, the Board shall seek input and recommendations from Town boards and departments, including, to the extent such Town boards or positions are available, the Planning Board, a Town planning or community/economic development employee, the Building Inspector, the Department of Public Works, the Fire Department, the Police Department, the Board of Health and the Historical Commission.
- 7.2.4.3 In addition to the purposes of the Zoning Bylaws set out in Section 1.1, the following general criteria shall serve to assist the Board of Selectmen in its adoption of Guidelines:
- (a) Promote vehicular and pedestrian safety both on-site and off-site;
 - (b) Promote access for emergency vehicle and enhance and further the protection of public safety;
 - (c) Site buildings and structures so that they relate harmoniously to the terrain and to the use, scale, and siting of existing buildings and structures in the vicinity that have functional or visual relationship to the proposed building(s) or structure(s), and so that they minimize disruption of topography. Attention shall be paid to the proper functional, visual and spatial relationship of all buildings, structures, paved areas and landscape elements on the site;
 - (d) Minimize visual intrusions by screening and reasonably laying out parking, loading areas, storage, dumpsters/recycling containers, generators; other outdoor service areas viewed from public ways or residentially zoned premises, and by establishing landscaped areas to prevent large areas of unbroken pavement;
 - (e) Maximize property enhancement through the use of landscaping and other site amenities;
 - (f) Minimize obstructions of scenic views from publicly accessible locations;
 - (g) Minimize glare from lighting intrusions, including motor vehicle headlights;
 - (h) Provide safe parking areas, consistent with the reasonable minimization of visual intrusions, which should, as appropriate, include rails, bumper guards, bollards, islands, crosswalks and sidewalks;
 - (i) Reasonably balance, control and/or minimize impacts on adjacent properties through reasonable limitation of hours of operation, deliveries, and noise, consistent with the nature and purpose of the particular area as zoned and used, such as areas zoned and/or used for commercial purposes. Egress to dumpsters

and recycling containers shall provide, to the extent feasible, for efficient removal with a minimum of backing required by service vehicles;

- (j) Minimize the volume of cut and fill, soil erosion, area of impervious surface, the number of trees six inches (6”) in caliper or larger removed, and the area of wetland vegetation displaced;
- (k) Conform storm water drainage to the Town’s Storm water Bylaw and, as appropriate, to other standards as set out in the Guidelines;
- (l) Reasonable measures shall be taken to minimize and eliminate contamination of groundwater and soil;
- (m) Promote buildings and structures (and components, features and elements thereof), signs, and site development with architectural scale, design and elements that further the standard set out in Section 7.2.3.1, including subparagraph (k) thereof, and address issues relating to compatibility of buildings and structures, and site design, with buildings, structures and land both on the subject property and in the surrounding area;
- (n) Protect and preserve buildings, structures and areas of historical and/or aesthetic significance; and
- (o) Buildings and structures should be sited, to the extent reasonably feasible, to take advantage of renewable energy and conservation sources and resources.

7.2.5 Site Plan Application - Contents:

7.2.5.1 Applications for site plan approval shall contain a fully executed and signed application for Site Plan review, including all documents, plans and information as set out in the Site Plan Regulations promulgated by the Board of Selectmen pursuant to this Section 7.2.

7.2.5.2 Waiver – The Board or its designee may waive any of the preceding application requirements if the Board (or its designee) concludes that: (i) compliance therewith will, because of the nature of the proposal, including its relative size or special nature, create an undue hardship on the applicant, and (ii) the waiver of said requirement(s) not be harmful to the public interest. Waiver of application requirements by the Board shall require a vote of three (3) members.

7.2.6 Submission Procedures

7.2.6.1 Filing - In accordance with Section 7.2.3.1 above, the Applicant shall submit the Site Plan application, plan and fee with the Board, and also provide copy of the application and plan to the Town Clerk.

7.2.6.1.1 Filing fees shall be established by the Board of Selectmen.

7.2.6.1.2 The Site Plan shall not be deemed to have been filed with the Board until a complete application, including all plans and filing fee, has been received by the Board. The Board may deny a Site Plan application for being incomplete.

7.2.6.1.3 The Board of Selectmen shall distribute copies of the Site Plan application and plan(s) to all appropriate Town boards and departments for their comments and recommendations.

7.2.7 *Review Fees for Outside Consultants: [The Section on Review Fees is the same as exists with 3 minor edits.]*

- (a) When reviewing an application for site plan approval or modification. (hereinafter also referred to as a "proposal"), the Board of Selectmen may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed development or because of its potential impact. The Board may require that applicants pay a review fee to the reasonable costs incurred for the employment of outside consultants engaged by the Board to assist in the review of an application.
- (b) In hiring outside consultants, the Board may engage engineers, planners, traffic consultants and/or other appropriate professionals who can assist the Board in analyzing a proposal to ensure compliance with all relevant laws, bylaws and regulations. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or and three or more years of practice in the field at issue or a related field.
- (c) Funds received by the Board pursuant to this section may be deposited with the town treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been collected from the applicant. In the alternative, the funds received may, upon a determination by the Board, be deposited in the general fund subject to the requirement of providing a refund in the amount proscribed below. Failure of an applicant to pay a review fee shall be grounds for denial of the site plan approval or modification.
- (d) Review fees may only be spent for services rendered in connection with the specific proposal for which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession.
- (e) Any applicant may take an administrative appeal from the selection of an outside consultant to the Board of Selectmen sitting outside of its site plan hearing process. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. (5-5-97, Art. 1)

7.2.8 *Public Hearing*

- 7.2.8.1 The Board of Selectmen shall commence a public hearing on the application within forty-five (45) days of the receipt of a completed application, plan(s) and filing fee, or such later date as may be agreed to by the applicant and the Board or its designee. Notice of the hearing shall be given by: (i) mailing notice to all abutters, owner of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line of the applicant, as they appear on the most recent applicable tax list (it shall be the responsibility of the applicant to mail such notices) preferably at least fourteen (14) days prior to the date of the hearing, but in no event seven (7) days prior the hearing date; (ii) publication once in a newspaper

of general circulation in the Town; (iii) posting on the Town's web-site no later than seven (7) days prior to the hearing date; and (iv) posting a notice in a conspicuous place in Town Hall no later than seven (7) days prior to the hearing date.

7.2.8.1 If the Site Plan hearing is at the determination of the Board of Selectmen and Planning Board held concurrently with a hearing by the Planning Board on a Special Permit application, the Site Plan hearing and the Special Permit hearing shall be held at the same time, notwithstanding the 45-day time limitation contained in Section 7.2.6.1 above.

7.2.8 *Site Plan Approval and Conditions:*

7.2.8.1 The Board of Selectmen shall act on the Site Plan application within forty-five (45) days of the close of the public hearing or such later date as may be agreed to by the applicant and the Board or its designee. If the Board does not act within said forty-five (45) days or said extended period of time, the Site Plan shall be deemed approved upon a written notice of the passing of said deadline being filed by the Applicant with the Board of Selectmen and Town Clerk prior to a decision being filed by the Board with the Town Clerk. Any such constructive approval shall, however, be subject to the recommendations submitted to the Board of Selectmen up to that date by Town boards and departments pursuant to Section 7.2.4.1.3, above. Said recommendations to be deemed requirements/conditions of said constructive approval.

7.2.8.2 If the Site Plan and Special Permit hearings are held concurrently, the time period for a Site Plan hearing and determination by the Board of Selectmen shall the same time period(s) as applicable to the special permit.

7.2.8.3 The Board of Selectmen shall not approve an application for Site Plan Approval unless it finds that said Site Plan complies in all respects with the applicable requirements of these Zoning Bylaws.

7.2.8.4 In approving a Site Plan, the Board of Selectmen may attach such conditions, limitations, and safeguards as are deemed necessary to protect the inhabitants of Stoneham and the Town. The Site Plan shall be modified by the Applicant to reflect said conditions, limitations and safeguards.

7.2.8.5 The Board of Selectmen may establish dates for the lapse of site plan approval without substantial use thereof or commencement of construction, as applicable, and/or completion dates for construction, said deadlines not to be less than one (1) year or greater than two (2) years, unless otherwise agreed to by the parties, and subject to exceptions, as determined by the Board for good cause, including time awaited [?] with respect to an appeal of the Site Plan decision.

7.2.8.5.1 If requested by the Board, an applicant shall submit a written statement indicating the estimated time needed for, commencement of construction and/or completion of construction.

7.2.8.6 Site Plan approval may be denied by the Board only upon a failure of an applicant to modify its plan, as required pursuant to Section 7.2.8.4, or for compelling reasons having to do with the public health, safety and general well being, including being so intrusive of the needs of the public in a matter which is a subject of Site Plan approval

pursuant hereto, and for which no reasonable solution or condition would remedy the problem with said application/plan.

7.2.8.7 Site Plan approval shall require an affirmative vote of four (4) members of the Board of Selectmen.

7.2.9 *Bonding:*

7.2.9.1 The Board of Selectmen may require the posting of a bond, deposit of funds or other security in such form as may be further set out in the Site Plan Regulations or reasonably required by the Board, and in such amount as deemed reasonably necessary by the Board of Selectmen to: (a) ensure the completion of infrastructure, improvements or related work required as a condition of Site Plan approval that directly or indirectly impact: (i) Town infrastructure or services; (ii) public safety; (iii) vehicular and pedestrian ways and related infrastructure, including the conditions related thereto imposed pursuant to the general standards set out in Section 7.2.3, above; and/or (b) provide for the elimination of safety or health hazards which may result from preparation of the site for construction or construction on the site.

7.2.9.2 Provision for inspection, control and notice of satisfactory performance sufficient to guarantee the release of the bond required by the Board of Selectmen shall be made by the Board or its designee(s).

7.2.10 *Appeals:*

7.2.10.1 Absent a Massachusetts General Law or a Special Act of the Legislature allowing for an appeal by a person aggrieved by a Site Plan decision to a court of competent jurisdiction, there is no judicial appeal of a Site Plan decision. Instead, an appeal may be taken by an aggrieved party to the permit granting authority (the Zoning Board of Appeals) after the issuance or denial of a building permit, pursuant to Section 8 of Chapter 40A.

7.2.11 *Compliance:*

- 7.2.11.1
- (a) No building permit shall be issued by the Building Inspector for a use or building or structure related thereto which requires Site Plan approval pursuant to the Zoning Bylaws.
 - (b) No final occupancy permit shall, other than as provided pursuant to paragraph (b) below, be issued for any building or structure, or portion(s) thereof, until the Building Inspector certifies that all conditions of the approved site plan have been met. If requested by the Building Inspector to assist in the Inspector's determination of such compliance, the person seeking the occupancy permit shall submit to the Building Inspector a certification from an professional engineer, land surveyor or registered architect that the conditions of the approved site plan have been met, other than those conditions which are specifically listed on said certification as being outside of said consultant's expertise and/or knowledge.
 - (c) Occupancy permits may be issued for a portion of a building or structure, if the only incomplete work shown on the site plan is landscaping and/or roadway top course work, and the Board may require surety in an amount to ensure that the incomplete landscaping and/or roadway top course is

completed within a reasonable period of time thereafter, weather conditions permitting.

7.2.12 *Maintenance:*

7.2.12.1 All improvements required as a condition of Site Plan approval that impact infrastructure or services, including the conditions imposed pursuant to the general standards set forth in Section 7.2.3 above, shall be adequately maintained and repaired or replaced when necessary to insure continued compliance with the approved Site Plan.

7.2.12 *Modification to Approved Site Plans*

7.2.12.1 To request a modification to an approved Site Plan or a Development Review determination pursuant to Section 7.2.2.2, an applicant shall submit a written description of the proposed modification(s) to the Board. Applications for modifications of Site Plans or Development Review determinations shall be subject to the same submittal, review and hearing procedures as applicable to an original filing for Site Plan approval or a Development Review determination Unless the Board of Selectmen determine otherwise, based upon the facts and totality of circumstances, a request for an extension of time to commence or complete work pursuant to an approved Site Plan, shall not require a public hearing.

7.2.12.2 The Board of Selectmen shall, to the maximum extent allowable under applicable law, have the right to amend and modify a Site Plan approval at any time for reasons consistent with the authority of the Board of Selectmen pursuant to this Section 7.2. Site Plan modifications by the Board of Selectmen shall be subject to the same submittal, review and hearing procedures as was applies to original filing, unless: (i) the Board determines that a particular modification is consistent with the previously approved Site Plan; (ii) the applicant that received the earlier Site Plan approval or their successor agrees to waive the hearing requirement; and (iii) a Development Review is held pursuant to the process set out in Section 7.2.2.2 above.

Or do anything in relation thereto.

Board of Selectmen

Article 4. **Moved** that the Town amend the Stoneham Town Code, Chapter 15, Zoning By-laws, Section 7.2 – Board of Selectmen, by deleting the current Section 7.2 and replacing it with the following:

7.2 SITE PLAN:

7.2.1 *Authority/Statement of Purpose*

7.2.1.1 The Board of Selectmen (also referred to in this Section 7.2 as the “Board”) shall have authority for Site Plan approval required pursuant to the Zoning Bylaws, and the Board is hereby empowered and authorized to hear and decide petitions for Site Plan approval as set out in this Section 7.2. The Board is hereby authorized to adopt rules, regulations and standards (“Site Plan Rules, Regulations and Guidelines”) to implement the provision of this Bylaw, including submission and procedural

requirements, development standards, design criteria and other general requirements consistent with this Bylaw. In case of a conflict between this Bylaw and a rule or regulation promulgated pursuant hereto, this Bylaw shall prevail.

- 7.2.1.2 The purpose of the Site Plan process and approval is to protect and further the public health, safety and general well-being of the inhabitants of the Town and to preserve and enhance economic, cultural, and aesthetic resources and values by providing a comprehensive review of proposals and plans for uses, including buildings and structures related thereto, that require Site Plan approval pursuant to the Zoning Bylaws, and in doing so reasonably ensure that the design, layout and development of the site, such uses and/or buildings or structures will constitute development appropriate to the site and will not result in a detriment to the surrounding neighborhood(s) and area, including the visual and environment qualities of the area and the Town at large. The Site Plan process is intended to preserve and promote the viability of the Town both economically and as a desirable community, by preserving and enhancing property values and promoting the attractiveness of the Town as a place to live, work and visit.
- The Bylaw is also intended to assist those seeking to move forward with a use, building and/or structure requiring Site Plan approval by providing them with information about Town zoning requirements affecting their project prior to the start of any such use or building/structure construction or the issuance of any permits.

7.2.2 *Applicability*

- 7.2.2.1 The following types of uses, buildings or structures used therefore, or changes thereto as set out below, require Site Plan Approval when Site Plan is required for the subject use in a zoning district under these Zoning Bylaws:
- (a) Any new use requiring Site Plan Approval under these Zoning Bylaws;
 - (b) Any new construction of a building or structure for a use requiring Site Plan Approval under these Bylaws;
 - (c) Any increase in size of an existing building or structure for a use which requires site plan approval in the zoning district under these Zoning Bylaws, unless exempted pursuant to Section 7.2.2.2 below ;
 - (d) Any increase in the area, regardless of whether in the gross floor area of a building or structure or the land area for a use which requires site plan approval in the zoning district under these Zoning Bylaws, unless exempted pursuant to Section 7.2.2.2 below ;
 - (e) Any change or intensification of a use which increases the parking requirement under the Zoning Bylaws by more than two (2) parking spaces, unless such additional parking spaces already exist pursuant to a previously approved site plan; and
 - (f) Grading or clearing of land or the placement, removal or movement of soil, loam, sand, gravel, minerals or other earth material on land in an amount in excess of two hundred (200) cubic yards for purposes of commercial or business (non-residential) development. Nothing in this Section 7.2.2.1 shall relieve a party

subject to Section 6.10 from also having to obtain a permit thereunder from the Building Inspector.

7.2.2.2. Any: (i) increase in the size of an existing building or structure which has previously obtained Site Plan approval which increase is equal to or less than 750 square feet or thirty percent (30%) of the existing gross floor area; or (ii) increase in the gross floor area of a building or structure or in the area of land which has previously obtained Site Plan approval which increase in area is are equal to or less than 750 square feet or thirty percent (30%) of the existing area, shall require an administrative review (“Development Review”), instead of a site plan review and hearing by the Board of Selectmen. Said development review shall be by a development review team which shall assist the Building Inspector. The Development Review team shall, to the extent available, consist of the Director of Public Works, the Fire Chief, the Police Chief, the Health Inspector, a Town planning or community/economic development employee, the Historical Commission, and any other Town department heard or enforcing official designated in writing by the Board of Selectmen, or any of the their individual designee(s). Submission requirements for Development Review shall be promulgated by the Board as regulations after input from relevant Town officials and departments. The Development Review team shall have authority to impose requirements and conditions consistent with this Section 7.2 and the Regulation and Guidelines established by the Board of Selectmen pursuant to this Section 7.2.

7.2.2.3 Any person or entity whose land or proposal is subject to Development Review pursuant to Section 7.2.2.2 above who completes said Development Review process, and as a result thereof is aggrieved by the said Development Review requirements, may within thirty (30) days of receiving a written copy of said Development Review requirements, apply for and obtain the right to a Site Plan hearing and approval process before the Board of Selectmen, pursuant to the provisions of this Section 7.2.

7.2.3 *General Standards/Criteria for Site Plan Review and Approval:*

7.2.3.1 In reviewing any Site Plan application, the Board of Selectmen shall determine that reasonably adequate provisions have been made for the following and, as applicable, in a manner consistent with the requirements of the Zoning Bylaws and the Site Plan Rules, Regulations and Guidelines promulgated by the Board of Selectmen:

- (a) Traffic access and circulation;
- (b) Pedestrian safety and access;
- (c) Off-street parking and loading;
- (d) Emergency vehicle access;
- (e) Storm water drainage, utilizing on-site absorption and low impact development integrated stormwater management practices;
- (f) Erosion control;
- (g) Protection and preservation of existing natural features;
- (h) Screening, including the use of natural land features and plantings;
- (i) Exterior lighting appropriate to the use and the neighborhood/area;
- (j) Signage appropriate to the neighborhood/area;
- (k) Site and building/structure (architectural) design which preserves and/or enhances property values and promotes the attractiveness of the Town as a place to live, work and visit, taking into account compatibility with the surrounding area, landscape, natural features, and the character and scale of surrounding buildings and structures both on site and in the surrounding area. Review of

design and any Guidelines promulgated shall not impose inflexible requirements or discourage creativity, invention or innovation.

- (l) Protect and preserve buildings, structures and areas of historical and/or aesthetic significance.
- (m) Visual impact of parking, storage and other outdoor service areas;
- (n) Water pressure and sewerage adequate to support the intended use;
- (o) Electric and gas (where available) utilities; and fiber-based telecommunications facilities;
- (p) Energy and other resource efficient design, through appropriate building orientation, landscaping, use of resource efficient materials, and use of energy and resource efficient systems.

7.2.4 *Site Plan Guidelines*

7.2.4.1 The Board shall review Site Plan Review applications in accordance with the General Standards described in Section 7.2.3 above. In doing so, the Board shall consider any Guidelines it adopts. Site Plan Guidelines, as adopted, are intended to provide guidance to the Applicant in the preparation of plans, as well as guidance to the Board during its review. They are not intended to be exhaustive, and specific additional guidelines may be applied to a project, as the Board determines they are necessary. The Guidelines are intended to encourage good projects and good design, without discouraging creative and/or innovative solutions to problems of a site. The issues and concerns represented by the Guidelines should be addressed to the reasonable satisfaction of the Board in the final site plan.

7.2.4.2 In developing Site Plan Guidelines, the Board shall seek input and recommendations from Town boards and departments, including, to the extent such Town boards or positions are available, the Planning Board, a Town planning or community/economic development employee, the Building Inspector, the Department of Public Works, the Fire Department, the Police Department, the Board of Health and the Historical Commission.

7.2.4.3 In addition to the purposes of the Zoning Bylaws set out in Section 1.1, the following general criteria shall serve to assist the Board of Selectmen in its adoption of Guidelines:

- (a) Promote vehicular and pedestrian safety both on-site and off-site;
- (b) Promote access for emergency vehicle and enhance and further the protection of public safety;
- (c) Site buildings and structures so that they relate harmoniously to the terrain and to the use, scale, and siting of existing buildings and structures in the vicinity that have functional or visual relationship to the proposed building(s) or structure(s), and so that they minimize disruption of topography. Attention shall be paid to the proper functional, visual and spatial relationship of all buildings, structures, paved areas and landscape elements on the site;
- (d) Minimize visual intrusions by screening and reasonably laying out parking, loading areas, storage, dumpsters/recycling containers, generators; other outdoor service areas viewed from public ways or residentially zoned premises, and by establishing landscaped areas to prevent large areas of unbroken pavement;
- (e) Maximize property enhancement through the use of landscaping and other site amenities;
- (f) Minimize obstructions of scenic views from publicly accessible locations;
- (g) Minimize glare from lighting intrusions, including motor vehicle headlights;

- (h) Provide safe parking areas, consistent with the reasonable minimization of visual intrusions, which should, as appropriate, include rails, bumper guards, bollards, islands, crosswalks and sidewalks;
- (i) Reasonably balance, control and/or minimize impacts on adjacent properties though reasonable limitation of hours of operation, deliveries, and noise, consistent with the nature and purpose of the particular area as zoned and used, such as areas zoned and/or used for commercial purposes. Egress to dumpsters and recycling containers shall provide, to the extent feasible, for efficient removal with a minimum of backing required by service vehicles;
- (j) Minimize the volume of cut and fill, soil erosion, area of impervious surface, the number of trees six inches (6") in caliper or larger removed, and the area of wetland vegetation displaced;
- (k) Conform stormwater drainage to the Town's Stormwater Bylaw and, as appropriate, to other standards as set out in the Guidelines;
- (l) Reasonable measures shall be taken to minimize and eliminate contamination of groundwater and soil;
- (m) Promote buildings and structures (and components, features and elements thereof), signs, and site development with architectural scale, design and elements that further the standard set out in Section 7.2.3.1, including subparagraph (k) thereof, and address issues relating to compatibility of buildings and structures, and site design, with buildings, structures and land both on the subject property and in the surrounding area;
- (n) Protect and preserve buildings, structures and areas of historical and/or aesthetic significance; and
- (o) Buildings and structures should be sited, to the extent reasonably feasible, to take advantage of renewable energy and conservation sources and resources.

7.2.5 *Site Plan Application - Contents:*

7.2.5.1 Applications for site plan approval shall contain a fully executed and signed application for Site Plan review, including all documents, plans and information as set out in the Site Plan Regulations promulgated by the Board of Selectmen pursuant to this Section 7.2.

7.2.5.2 Waiver – The Board or its designee may waive any of the preceding application requirements if the Board (or its designee) concludes that: (i) compliance therewith will, because of the nature of the proposal, including its relative size or special nature, create and undue hardship on the applicant, and (ii) the waiver of said requirement(s) not be harmful to the public interest. Waiver of application requirements by the Board shall require a vote of three (3) members.

7.2.6 *Submission Procedures*

7.2.6.1 Filing - In accordance with Section 7.2.3.1 above, the Applicant shall submit the Site Plan application, plan and fee with the Board, and also provide copy of the application and plan to the Town Clerk.

7.2.6.1.1 Filing fees shall be established by the Board of Selectmen.

7.2.6.1.2 The Site Plan shall not be deemed to have been filed with the Board until a complete application, including all plans and filing fee, has been received by the Board. The Board may deny a Site Plan application for being incomplete.

7.2.6.1.3 The Board of Selectmen shall distribute copies of the Site Plan application and plan(s) to all appropriate Town boards and departments for their comments and recommendations.

7.2.7 *Review Fees for Outside Consultants:*

- (a) When reviewing an application for site plan approval or modification. (hereinafter also referred to as a "proposal"), the Board of Selectmen may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed development or because of its potential impact. The Board may require that applicants pay a review fee to the reasonable costs incurred for the employment of outside consultants engaged by the Board to assist in the review of an application.
- (b) In hiring outside consultants, the Board may engage engineers, planners, traffic consultants and/or other appropriate professionals who can assist the Board in analyzing a proposal to ensure compliance with all relevant laws, bylaws and regulations. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue and three or more years of practice in the field at issue or a related field.
- (c) Funds received by the Board pursuant to this section may be deposited with the town treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been collected from the applicant. In the alternative, the funds received may, upon a determination by the Board, be deposited in the general fund subject to the requirement of providing a refund in the amount proscribed below. Failure of an applicant to pay a review fee shall be grounds for denial of the site plan approval or modification.
- (d) Review fees may only be spent for services rendered in connection with the specific proposal for which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession.
- (e) Any applicant may take an administrative appeal from the selection of an outside consultant to the Board of Selectmen sitting outside of its site plan hearing process. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. (5-5-97, Art. 1)

7.2.8 *Public Hearing*

7.2.8.1 The Board of Selectmen shall commence a public hearing on the application within forty-five (45) days of the receipt of a completed application, plan(s) and filing fee, or such later date as may be agreed to by the applicant and the Board or its designee. Notice of the hearing shall be given by: (i) mailing notice to all abutters, owner of land directly opposite on any public or private street or way and abutters to the abutters

within three hundred feet of the property line of the applicant, as they appear on the most recent applicable tax list (it shall be the responsibility of the applicant to mail such notices) preferably at least fourteen (14) days prior to the date of the hearing, but in no event seven (7) days prior the hearing date; (ii) publication once in a newspaper of general circulation in the Town; (iii) posting on the Town's web-site no later than seven (7) days prior to the hearing date; and (iv) posting a notice in a conspicuous place in Town Hall no later than seven (7) days prior to the hearing date.

7.2.8.1 If the Site Plan hearing is at the determination of the Board of Selectmen and Planning Board held concurrently with a hearing by the Planning Board on a Special Permit application, the Site Plan hearing and the Special Permit hearing shall be held at the same time, notwithstanding the 45-day time limitation contained in Section 7.2.6.1 above.

7.2.8 *Site Plan Approval and Conditions:*

7.2.8.1 The Board of Selectmen shall act on the Site Plan application within forty-five (45) days of the close of the public hearing or such later date as may be agreed to by the applicant and the Board or its designee. If the Board does not act within said forty-five (45) days or said extended period of time, the Site Plan shall be deemed approved upon a written notice of the passing of said deadline being filed by the Applicant with the Board of Selectmen and Town Clerk prior to a decision being filed by the Board with the Town Clerk.

7.2.8.2 If the Site Plan and Special Permit hearings are held concurrently, the time period for a Site Plan hearing and determination by the Board of Selectmen shall the same time period(s) as applicable to the special permit.

7.2.8.3 The Board of Selectmen shall not approve an application for Site Plan Approval unless it finds that said Site Plan complies in all respects with the applicable requirements of these Zoning Bylaws.

7.2.8.4 In approving a Site Plan, the Board of Selectmen may attach such conditions, limitations, and safeguards as are deemed necessary to protect the inhabitants of Stoneham and the Town pursuant to the authority set out in herein. The Site Plan shall be modified by the Applicant to reflect said conditions, limitations and safeguards.

7.2.8.5 The Board of Selectmen may establish dates for the lapse of site plan approval without substantial use thereof or commencement of construction, as applicable, and/or completion dates for construction, said deadlines not to be less than one (1) year or greater than two (2) years, unless otherwise agreed to by the parties, and subject to exceptions, as determined by the Board for good cause, including time awaited with respect to an appeal of the Site Plan decision.

7.2.8.5.1 If requested by the Board, an applicant shall submit a written statement indicating the estimated time needed for, commencement of construction and/or completion of construction.

7.2.8.6 Site Plan approval may be denied by the Board only upon a failure of an applicant to modify its plan, as required pursuant to Section 7.2.8.4, or for compelling reasons having to do with the public health, safety and general well-being or for being so intrusive of the needs of the public in a matter which is a subject of Site Plan approval

pursuant hereto, and for which no reasonable solution or condition would remedy the problem with said application/plan.

- 7.2.8.7 Site Plan approval shall require an affirmative vote of four (4) members of the Board of Selectmen.
- 7.2.9 *Bonding:*
- 7.2.9.1 The Board of Selectmen may require the posting of a bond, deposit of funds or other security in such form as may be further set out in the Site Plan Regulations or reasonably required by the Board, and in such amount as deemed reasonably necessary by the Board of Selectmen to: (a) ensure the completion of infrastructure, improvements or related work required as a condition of Site Plan approval that directly or indirectly impact: (i) Town infrastructure or services; (ii) public safety; (iii) vehicular and pedestrian ways and related infrastructure, including the conditions related thereto imposed pursuant to the general standards set out in Section 7.2.3, above; and/or (b) provide for the elimination of safety or health hazards which may result from preparation of the site for construction or construction on the site.
- 7.2.9.2 Provision for inspection, control and notice of satisfactory performance sufficient to guarantee the release of the bond required by the Board of Selectmen shall be made by the Board or its designee(s).
- 7.2.10 *Appeals:*
- 7.2.10.1 Absent a Massachusetts General Law or a Special Act of the Legislature allowing for an appeal by a person aggrieved by a Site Plan decision to a court of competent jurisdiction, there is no judicial appeal of a Site Plan decision. Instead, an appeal may be taken by an aggrieved party to the permit granting authority (the Zoning Board of Appeals) after the issuance or denial of a building permit, pursuant to Section 8 of Chapter 40A.
- 7.2.11 *Compliance:*
- 7.2.11.1 (a) No building permit shall be issued by the Building Inspector for a use or building or structure related thereto which requires Site Plan approval pursuant to the Zoning Bylaws.
- (b) No final occupancy permit shall, other than as provided pursuant to paragraph (b) below, be issued for any building or structure, or portion(s) thereof, until the Building Inspector certifies that all conditions of the approved site plan have been met. If requested by the Building Inspector to assist in the Inspector's determination of such compliance, the person seeking the occupancy permit shall submit to the Building Inspector a certification from an professional engineer, land surveyor or registered architect that the conditions of the approved site plan have been met, other than those conditions which are specifically listed on said certification as being outside of said consultant's expertise and/or knowledge.
- (c) Occupancy permits may be issued for a portion of a building or structure, if the only incomplete work shown on the site plan is landscaping and/or roadway top course work, and the Board may require surety in an amount to ensure that the incomplete landscaping and/or roadway top course is completed within a reasonable period of time thereafter, weather conditions permitting.

7.2.12 *Maintenance:*

7.2.12.1 All improvements required as a condition of Site Plan approval that impact infrastructure or services, including the conditions imposed pursuant to the general standards set forth in Section 7.2.3 above, shall be adequately maintained and repaired or replaced when necessary to insure continued compliance with the approved Site Plan.

7.2.12 *Modification To Approved Site Plans*

7.2.12.1 To request a modification to an approved Site Plan or a Development Review determination pursuant to Section 7.2.2.2, an applicant shall submit a written description of the proposed modification(s) to the Board. Applications for modifications of Site Plans or Development Review determinations shall be subject to the same submittal, review and hearing procedures as applicable to an original filing for Site Plan approval or a Development Review determination Unless the Board of Selectmen determine otherwise, based upon the facts and totality of circumstances, a request for an extension of time to commence or complete work pursuant to an approved Site Plan, shall not require a public hearing.

7.2.12.2 The Board of Selectmen shall, to the maximum extent allowable under applicable law, have the right to amend and modify a Site Plan approval at any time for reasons consistent with the authority of the Board of Selectmen pursuant to this Section 7.2. Site Plan modifications by the Board of Selectmen shall be subject to the same submittal, review and hearing procedures as was applies to original filing, unless: (i) the Board determines that a particular modification is consistent with the previously approved Site Plan; (ii) the applicant that received the earlier Site Plan approval or their successor agrees to waive the hearing requirement; and (iii) a Development Review is held pursuant to the process set out in Section 7.2.2.2 above.

A question was asked by Jim Sullivan, 6 Sunset Road which prompted Town Counsel William Solomon to make an amendment to Article 4 on behalf of the Board of Selectmen, by adding to section 7.2.2.2 as follows:

Move to add language at the end of Section 7.2.2.2. “No site plan shall be subject or amended pursuant to the Development Review process set out in this Section 7.2.2.2 more than once.”

**Vote on First Amendment
Amendment Passes Per Moderator
Vote on Second Amendment
Amendment Fails Per Moderator**

Vote on Main Motion As Amended

Article 4. **Voted** that the Town amend the Stoneham Town Code, Chapter 15, Zoning By-laws, Section 7.2 – Board of Selectmen, by deleting the current Section 7.2 and replacing it with the following:

7.2 ***SITE PLAN:***

7.2.1 *Authority/Statement of Purpose*

7.2.1.1 The Board of Selectmen (also referred to in this Section 7.2 as the “Board”) shall have authority for Site Plan approval required pursuant to the Zoning Bylaws, and the Board is hereby empowered and authorized to hear and decide petitions for Site Plan approval as set out in this Section 7.2. The Board is hereby authorized to adopt rules, regulations and standards (“Site Plan Rules, Regulations and Guidelines”) to implement the provision of this Bylaw, including submission and procedural requirements, development standards, design criteria and other general requirements consistent with this Bylaw. In case of a conflict between this Bylaw and a rule or regulation promulgated pursuant hereto, this Bylaw shall prevail.

7.2.1.2 The purpose of the Site Plan process and approval is to protect and further the public health, safety and general well-being of the inhabitants of the Town and to preserve and enhance economic, cultural, and aesthetic resources and values by providing a comprehensive review of proposals and plans for uses, including buildings and structures related thereto, that require Site Plan approval pursuant to the Zoning Bylaws, and in doing so reasonably ensure that the design, layout and development of the site, such uses and/or buildings or structures will constitute development appropriate to the site and will not result in a detriment to the surrounding neighborhood(s) and area, including the visual and environment qualities of the area and the Town at large. The Site Plan process is intended to preserve and promote the viability of the Town both economically and as a desirable community, by preserving and enhancing property values and promoting the attractiveness of the Town as a place to live, work and visit.

The Bylaw is also intended to assist those seeking to move forward with a use, building and/or structure requiring Site Plan approval by providing them with information about Town zoning requirements affecting their project prior to the start of any such use or building/structure construction or the issuance of any permits.

7.2.2 *Applicability*

7.2.2.1 The following types of uses, buildings or structures used therefore, or changes thereto as set out below, require Site Plan Approval when Site Plan is required for the subject use in a zoning district under these Zoning Bylaws:

- (a) Any new use requiring Site Plan Approval under these Zoning Bylaws;
- (b) Any new construction of a building or structure for a use requiring Site Plan Approval under these Bylaws;
- (c) Any increase in size of an existing building or structure for a use which requires site plan approval in the zoning district under these Zoning Bylaws, unless exempted pursuant to Section 7.2.2.2 below ;
- (d) Any increase in the area, regardless of whether in the gross floor area of a building or structure or the land area for a use which requires site plan approval in the zoning district under these Zoning Bylaws, unless exempted pursuant to Section 7.2.2.2 below ;

- (e) Any change or intensification of a use which increases the parking requirement under the Zoning Bylaws by more than two (2) parking spaces, unless such additional parking spaces already exist pursuant to a previously approved site plan; and
- (f) Grading or clearing of land or the placement, removal or movement of soil, loam, sand, gravel, minerals or other earth material on land in an amount in excess of two hundred (200) cubic yards for purposes of commercial or business (non-residential) development. Nothing in this Section 7.2.2.1 shall relieve a party subject to Section 6.10 from also having to obtain a permit thereunder from the Building Inspector.

7.2.2.2. Any: (i) increase in the size of an existing building or structure which has previously obtained Site Plan approval which increase is equal to or less than 750 square feet or thirty percent (30%) of the existing gross floor area; or (ii) increase in the gross floor area of a building or structure or in the area of land which has previously obtained Site Plan approval which increase in area is are equal to or less than 750 square feet or thirty percent (30%) of the existing area, shall require an administrative review (“Development Review”), instead of a site plan review and hearing by the Board of Selectmen. Said development review shall be by a development review team which shall assist the Building Inspector. The Development Review team shall, to the extent available, consist of the Director of Public Works, the Fire Chief, the Police Chief, the Health Inspector, a Town planning or community/economic development employee, the Historical Commission, and any other Town department heard or enforcing official designated in writing by the Board of Selectmen, or any of the their individual designee(s). Submission requirements for Development Review shall be promulgated by the Board as regulations after input from relevant Town officials and departments. The Development Review team shall have authority to impose requirements and conditions consistent with this Section 7.2 and the Regulation and Guidelines established by the Board of Selectmen pursuant to this Section 7.2. No Site Plan shall be subject or amended pursuant to the Development Review process set out in this Section 7.2.2.2 more than once.

7.2.2.3 Any person or entity whose land or proposal is subject to Development Review pursuant to Section 7.2.2.2 above who completes said Development Review process, and as a result thereof is aggrieved by the said Development Review requirements, may within thirty (30) days of receiving a written copy of said Development Review requirements, apply for and obtain the right to a Site Plan hearing and approval process before the Board of Selectmen, pursuant to the provisions of this Section 7.2.

7.2.3 *General Standards/Criteria for Site Plan Review and Approval:*

7.2.3.1 In reviewing any Site Plan application, the Board of Selectmen shall determine that reasonably adequate provisions have been made for the following and, as applicable, in a manner consistent with the requirements of the Zoning Bylaws and the Site Plan Rules, Regulations and Guidelines promulgated by the Board of Selectmen:

- (a) Traffic access and circulation;
- (b) Pedestrian safety and access;
- (c) Off-street parking and loading;
- (d) Emergency vehicle access;

- (e) Storm water drainage, utilizing on-site absorption and low impact development integrated stormwater management practices;
- (f) Erosion control;
- (g) Protection and preservation of existing natural features;
- (h) Screening, including the use of natural land features and plantings;
- (i) Exterior lighting appropriate to the use and the neighborhood/area;
- (j) Signage appropriate to the neighborhood/area;
- (k) Site and building/structure (architectural) design which preserves and/or enhances property values and promotes the attractiveness of the Town as a place to live, work and visit, taking into account compatibility with the surrounding area, landscape, natural features, and the character and scale of surrounding buildings and structures both on site and in the surrounding area. Review of design and any Guidelines promulgated shall not impose inflexible requirements or discourage creativity, invention or innovation.
- (l) Protect and preserve buildings, structures and areas of historical and/or aesthetic significance.
- (m) Visual impact of parking, storage and other outdoor service areas;
- (n) Water pressure and sewerage adequate to support the intended use;
- (o) Electric and gas (where available) utilities; and fiber-based telecommunications facilities;
- (p) Energy and other resource efficient design, through appropriate building orientation, landscaping, use of resource efficient materials, and use of energy and resource efficient systems.

7.2.4 *Site Plan Guidelines*

- 7.2.4.1 The Board shall review Site Plan Review applications in accordance with the General Standards described in Section 7.2.3 above. In doing so, the Board shall consider any Guidelines it adopts. Site Plan Guidelines, as adopted, are intended to provide guidance to the Applicant in the preparation of plans, as well as guidance to the Board during its review. They are not intended to be exhaustive, and specific additional guidelines may be applied to a project, as the Board determines they are necessary. The Guidelines are intended to encourage good projects and good design, without discouraging creative and/or innovative solutions to problems of a site. The issues and concerns represented by the Guidelines should be addressed to the reasonable satisfaction of the Board in the final site plan.
- 7.2.4.2 In developing Site Plan Guidelines, the Board shall seek input and recommendations from Town boards and departments, including, to the extent such Town boards or positions are available, the Planning Board, a Town planning or community/economic development employee, the Building Inspector, the Department of Public Works, the Fire Department, the Police Department, the Board of Health and the Historical Commission.
- 7.2.4.3 In addition to the purposes of the Zoning Bylaws set out in Section 1.1, the following general criteria shall serve to assist the Board of Selectmen in its adoption of Guidelines:
 - (a) Promote vehicular and pedestrian safety both on-site and off-site;
 - (b) Promote access for emergency vehicle and enhance and further the protection of public safety;
 - (c) Site buildings and structures so that they relate harmoniously to the terrain and to the use, scale, and siting of existing buildings and structures in the vicinity that

have functional or visual relationship to the proposed building(s) or structure(s), and so that they minimize disruption of topography. Attention shall be paid to the proper functional, visual and spatial relationship of all buildings, structures, paved areas and landscape elements on the site;

- (d) Minimize visual intrusions by screening and reasonably laying out parking, loading areas, storage, dumpsters/recycling containers, generators; other outdoor service areas viewed from public ways or residentially zoned premises, and by establishing landscaped areas to prevent large areas of unbroken pavement;
- (e) Maximize property enhancement through the use of landscaping and other site amenities;
- (f) Minimize obstructions of scenic views from publicly accessible locations;
- (g) Minimize glare from lighting intrusions, including motor vehicle headlights;
- (h) Provide safe parking areas, consistent with the reasonable minimization of visual intrusions, which should, as appropriate, include rails, bumper guards, bollards, islands, crosswalks and sidewalks;
- (i) Reasonably balance, control and/or minimize impacts on adjacent properties though reasonable limitation of hours of operation, deliveries, and noise, consistent with the nature and purpose of the particular area as zoned and used, such as areas zoned and/or used for commercial purposes. Egress to dumpsters and recycling containers shall provide, to the extent feasible, for efficient removal with a minimum of backing required by service vehicles;
- (j) Minimize the volume of cut and fill, soil erosion, area of impervious surface, the number of trees six inches (6") in caliper or larger removed, and the area of wetland vegetation displaced;
- (k) Conform stormwater drainage to the Town's Stormwater Bylaw and, as appropriate, to other standards as set out in the Guidelines;
- (l) Reasonable measures shall be taken to minimize and eliminate contamination of groundwater and soil;
- (m) Promote buildings and structures (and components, features and elements thereof), signs, and site development with architectural scale, design and elements that further the standard set out in Section 7.2.3.1, including subparagraph (k) thereof, and address issues relating to compatibility of buildings and structures, and site design, with buildings, structures and land both on the subject property and in the surrounding area;
- (n) Protect and preserve buildings, structures and areas of historical and/or aesthetic significance; and
- (o) Buildings and structures should be sited, to the extent reasonably feasible, to take advantage of renewable energy and conservation sources and resources.

7.2.5 *Site Plan Application - Contents:*

7.2.5.1 Applications for site plan approval shall contain a fully executed and signed application for Site Plan review, including all documents, plans and information as set out in the Site Plan Regulations promulgated by the Board of Selectmen pursuant to this Section 7.2.

7.2.5.2 Waiver – The Board or its designee may waive any of the preceding application requirements if the Board (or its designee) concludes that: (i) compliance therewith will, because of the nature of the proposal, including its relative size or special nature, create and undue hardship on the applicant, and (ii) the waiver of said requirement(s) not be harmful to the public interest. Waiver of application requirements by the Board shall require a vote of three (3) members.

7.2.6 *Submission Procedures*

7.2.6.1 Filing - In accordance with Section 7.2.3.1 above, the Applicant shall submit the Site Plan application, plan and fee with the Board, and also provide copy of the application and plan to the Town Clerk.

7.2.6.1.1 Filing fees shall be established by the Board of Selectmen.

7.2.6.1.2 The Site Plan shall not be deemed to have been filed with the Board until a complete application, including all plans and filing fee, has been received by the Board. The Board may deny a Site Plan application for being incomplete.

7.2.6.1.3 The Board of Selectmen shall distribute copies of the Site Plan application and plan(s) to all appropriate Town boards and departments for their comments and recommendations.

7.2.7 *Review Fees for Outside Consultants:*

- (a) When reviewing an application for site plan approval or modification. (hereinafter also referred to as a "proposal"), the Board of Selectmen may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed development or because of its potential impact. The Board may require that applicants pay a review fee to the reasonable costs incurred for the employment of outside consultants engaged by the Board to assist in the review of an application.
- (b) In hiring outside consultants, the Board may engage engineers, planners, traffic consultants and/or other appropriate professionals who can assist the Board in analyzing a proposal to ensure compliance with all relevant laws, bylaws and regulations. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue ~~or~~ and three or more years of practice in the field at issue or a related field.
- (c) Funds received by the Board pursuant to this section may be deposited with the town treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been collected from the applicant. In the alternative, the funds received may, upon a determination by the Board, be deposited in the general fund subject to the requirement of providing a refund in the amount proscribed below. Failure of an applicant to pay a review fee shall be grounds for denial of the site plan approval or modification.
- (d) Review fees may only be spent for services rendered in connection with the specific proposal for which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession.

- (e) Any applicant may take an administrative appeal from the selection of an outside consultant to the Board of Selectmen sitting outside of its site plan hearing process. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. (5-5-97, Art. 1)

7.2.8 *Public Hearing*

7.2.8.1 The Board of Selectmen shall commence a public hearing on the application within forty-five (45) days of the receipt of a completed application, plan(s) and filing fee, or such later date as may be agreed to by the applicant and the Board or its designee. Notice of the hearing shall be given by: (i) mailing notice to all abutters, owner of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line of the applicant, as they appear on the most recent applicable tax list (it shall be the responsibility of the applicant to mail such notices) preferably at least fourteen (14) days prior to the date of the hearing, but in no event seven (7) days prior the hearing date; (ii) publication once in a newspaper of general circulation in the Town; (iii) posting on the Town's web-site no later than seven (7) days prior to the hearing date; and (iv) posting a notice in a conspicuous place in Town Hall no later than seven (7) days prior to the hearing date.

7.2.8.1 If the Site Plan hearing is at the determination of the Board of Selectmen and Planning Board held concurrently with a hearing by the Planning Board on a Special Permit application, the Site Plan hearing and the Special Permit hearing shall be held at the same time, notwithstanding the 45-day time limitation contained in Section 7.2.6.1 above.

7.2.8 *Site Plan Approval and Conditions:*

7.2.8.1 The Board of Selectmen shall act on the Site Plan application within forty-five (45) days of the close of the public hearing or such later date as may be agreed to by the applicant and the Board or its designee. If the Board does not act within said forty-five (45) days or said extended period of time, the Site Plan shall be deemed approved upon a written notice of the passing of said deadline being filed by the Applicant with the Board of Selectmen and Town Clerk prior to a decision being filed by the Board with the Town Clerk.

7.2.8.2 If the Site Plan and Special Permit hearings are held concurrently, the time period for a Site Plan hearing and determination by the Board of Selectmen shall the same time period(s) as applicable to the special permit.

7.2.8.3 The Board of Selectmen shall not approve an application for Site Plan Approval unless it finds that said Site Plan complies in all respects with the applicable requirements of these Zoning Bylaws.

7.2.8.4 In approving a Site Plan, the Board of Selectmen may attach such conditions, limitations, and safeguards as are deemed necessary to protect the inhabitants of Stoneham and the Town pursuant to the authority set out in herein. The Site Plan shall be modified by the Applicant to reflect said conditions, limitations and safeguards.

7.2.8.5 The Board of Selectmen may establish dates for the lapse of site plan approval without substantial use thereof or commencement of construction, as applicable, and/or

completion dates for construction, said deadlines not to be less than one (1) year or greater than two (2) years, unless otherwise agreed to by the parties, and subject to exceptions, as determined by the Board for good cause, including time awaited with respect to an appeal of the Site Plan decision.

- 7.2.8.5.1 If requested by the Board, an applicant shall submit a written statement indicating the estimated time needed for, commencement of construction and/or completion of construction.
- 7.2.8.6 Site Plan approval may be denied by the Board only upon a failure of an applicant to modify its plan, as required pursuant to Section 7.2.8.4, or for compelling reasons having to do with the public health, safety and general well-being or for being so intrusive of the needs of the public in a matter which is a subject of Site Plan approval pursuant hereto, and for which no reasonable solution or condition would remedy the problem with said application/plan.
- 7.2.8.7 Site Plan approval shall require an affirmative vote of four (4) members of the Board of Selectmen.
- 7.2.9 *Bonding:*
 - 7.2.9.1 The Board of Selectmen may require the posting of a bond, deposit of funds or other security in such form as may be further set out in the Site Plan Regulations or reasonably required by the Board, and in such amount as deemed reasonably necessary by the Board of Selectmen to: (a) ensure the completion of infrastructure, improvements or related work required as a condition of Site Plan approval that directly or indirectly impact: (i) Town infrastructure or services; (ii) public safety; (iii) vehicular and pedestrian ways and related infrastructure, including the conditions related thereto imposed pursuant to the general standards set out in Section 7.2.3, above; and/or (b) provide for the elimination of safety or health hazards which may result from preparation of the site for construction or construction on the site.
 - 7.2.9.2 Provision for inspection, control and notice of satisfactory performance sufficient to guarantee the release of the bond required by the Board of Selectmen shall be made by the Board or its designee(s).
- 7.2.10 *Appeals:*
 - 7.2.10.1 Absent a Massachusetts General Law or a Special Act of the Legislature allowing for an appeal by a person aggrieved by a Site Plan decision to a court of competent jurisdiction, there is no judicial appeal of a Site Plan decision. Instead, an appeal may be taken by an aggrieved party to the permit granting authority (the Zoning Board of Appeals) after the issuance or denial of a building permit, pursuant to Section 8 of Chapter 40A.
- 7.2.11 *Compliance:*
 - 7.2.11.1 (a) No building permit shall be issued by the Building Inspector for a use or building or structure related thereto which requires Site Plan approval pursuant to the Zoning Bylaws.
 - (b) No final occupancy permit shall, other than as provided pursuant to paragraph (b) below, be issued for any building or structure, or portion(s) thereof, until the

Building Inspector certifies that all conditions of the approved site plan have been met. If requested by the Building Inspector to assist in the Inspector's determination of such compliance, the person seeking the occupancy permit shall submit to the Building Inspector a certification from an professional engineer, land surveyor or registered architect that the conditions of the approved site plan have been met, other than those conditions which are specifically listed on said certification as being outside of said consultant's expertise and/or knowledge.

- (c) Occupancy permits may be issued for a portion of a building or structure, if the only incomplete work shown on the site plan is landscaping and/or roadway top course work, and the Board may require surety in an amount to ensure that the incomplete landscaping and/or roadway top course is completed within a reasonable period of time thereafter, weather conditions permitting.

7.2.12 *Maintenance:*

- 7.2.12.1 All improvements required as a condition of Site Plan approval that impact infrastructure or services, including the conditions imposed pursuant to the general standards set forth in Section 7.2.3 above, shall be adequately maintained and repaired or replaced when necessary to insure continued compliance with the approved Site Plan.

7.2.12 *Modification To Approved Site Plans*

- 7.2.12.1 To request a modification to an approved Site Plan or a Development Review determination pursuant to Section 7.2.2.2, an applicant shall submit a written description of the proposed modification(s) to the Board. Applications for modifications of Site Plans or Development Review determinations shall be subject to the same submittal, review and hearing procedures as applicable to an original filing for Site Plan approval or a Development Review determination Unless the Board of Selectmen determine otherwise, based upon the facts and totality of circumstances, a request for an extension of time to commence or complete work pursuant to an approved Site Plan, shall not require a public hearing.
- 7.2.12.2 The Board of Selectmen shall, to the maximum extent allowable under applicable law, have the right to amend and modify a Site Plan approval at any time for reasons consistent with the authority of the Board of Selectmen pursuant to this Section 7.2. Site Plan modifications by the Board of Selectmen shall be subject to the same submittal, review and hearing procedures as was applies to original filing, unless: (i) the Board determines that a particular modification is consistent with the previously approved Site Plan; (ii) the applicant that received the earlier Site Plan approval or their successor agrees to waive the hearing requirement; and (iii) a Development Review is held pursuant to the process set out in Section 7.2.2.2 above.

**Motion to Move Question
Question is Moved
Vote on Motion as Amended
 $\frac{2}{3}$ Vote Required
 $\frac{2}{3}$ Vote Passes Per Moderator**

Article 5. To see if the Town will vote to petition the Massachusetts General Court (State Legislature) for a special act providing that a site plan decision of the Stoneham Board of Selectmen or the failure of the Board of Selectmen to take final action concerning an application for site plan approval, may be appealed by an aggrieved person, municipal officer or board pursuant to, in accordance with, and in the same manner that a zoning appeal may be taken pursuant to the provisions of G.L. c.40A, sec. 17. Said special act to read materially as follows: Notwithstanding any general or special law to the contrary, a site plan decision of the Stoneham Board of Selectmen or the failure of the Board of Selectmen to take final action concerning an application for site plan approval, may be appealed by an aggrieved person, municipal officer or board pursuant to, in accordance with, and in the same manner that a zoning appeal may be taken pursuant to the provisions of G.L. c.40A, sec. 17.

Or do anything in relation thereto.

Board of Selectmen

Article 5. Voted that the Town petition the Massachusetts General Court (State Legislature) for a special act providing that a site plan decision of the Stoneham Board of Selectmen or the failure of the Board of Selectmen to take final action concerning an application for site plan approval, may be appealed by an aggrieved person, municipal officer or board pursuant to, in accordance with, and in the same manner that a zoning appeal may be taken pursuant to the provisions of G.L. c.40A, sec. 17. Said special act to read materially as follows: Notwithstanding any general or special law to the contrary, a site plan decision of the Stoneham Board of Selectmen or the failure of the Board of Selectmen to take final action concerning an application for site plan approval, may be appealed by an aggrieved person, municipal officer or board pursuant to, in accordance with, and in the same manner that a zoning appeal may be taken pursuant to the provisions of G.L. c.40A, sec. 17.

Passes Unanimous

Special Town Meeting Dissolved at 10:25 PM