



TOWN OF  
**STONEHAM**  
MASSACHUSETTS  
Town Hall  
35 Central Street  
Stoneham, Massachusetts 02180  
**BOARD OF APPEALS**  
**781-279-2695**

**Stoneham Board of Appeals Minutes**  
**Thursday, December 19, 2024**  
**Town Hall Hearing Room**  
**6:00 PM**

Members of the Board present: Chair Tobin Shulman, Vice Chair Robert Saltzman, R. Michael Dufour, Eric Rubin, Kevin McLaughlin and Associate Member William Sullivan.

Also present: Town Administrator Dennis Sheehan, Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Attorney Charles Houghton, residents of Pond Street, Gorham Ave, Murdock Road, Flint Ave & Rowe Street and Attorney Bill Heney.

The meeting was called to order by Chair Tobin Shulman at 6:06 PM. Mr. McLaughlin led the Pledge of Allegiance. Mr. Shulman introduced the Board and explained the procedure for the public hearings.

The Board confirmed the next meeting dates of January 23, 2025 and February 27, 2025.

Mr. McLaughlin made a motion to approve the minutes for September 26, 2024, October 24, 2024 and November 21, 2024. Mr. Sullivan seconded the motion. A roll call vote was taken. All members and the associate voted in favor 6-0.

Next the Board discussed page 18 item 5 of the Residences at Spot Pond Comprehensive Permit which provided planning, pedestrian accessibility & safety efforts at the discretion of the Board. Jeffrey Dirk of Vanasse & Associates at presented the Board with a letter regarding an intersection safety study for Woodland Road at Pond Street as was discussed during the public hearings for the Comprehensive Permit. Mr. Saltzman made a motion to authorize the Town Administrator to engage Jeffrey Dirk when the first payment was provided by the developer. Mr. Rubin seconded the motion. All members voted in favor 5-0.

104 Pond Street

Mr. Shulman moved onto the first public hearing of the night for 104 Pond Street. This public hearing had been continued from November 21<sup>st</sup> after a site visit on December 12<sup>th</sup> at 3PM.

The legal notice had previously been read into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, November 21, 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Trinity Home Builders, LLC, 429 S Main Street, Andover, MA 01810 to build three duplex condominium residences at 104 Pond Street, Stoneham, MA. The proposed use requires a variance of Section 4.2.3 and a variance of Sections

4.2.3.1 and 4.2.3.1(a) as the proposed use does not have an existing dwelling. It is all new construction on vacant property. A variance of Section 4.2.3.1 (c) will be required as that section requires at least one (1) off street parking space for each bedroom in the converted portion of the structure. Each unit has three bedrooms which will require 18 parking spaces. The proposed plan provides 12 parking spaces. Also, a variance of Section 4.2.3.1(e) will be required as that Section requires that the exterior appearance of the structure shall not be altered with specific exceptions and the proposed is all new construction. Plan may be seen and daily except Friday afternoon in the Town Clerk's Office.”

Mr. Shulman invited Attorney Houghton to speak. Mr. Houghton had his client Angus Bruce show some site plan renderings by architect Steven Gibbins. They wanted the neighborhood to see the proposed option with the 6 townhouse style units and what it would then look like if done as a subdivision. Mr. Bruce pointed out that he was trying to provide the least impact to the neighborhood. He commented that with condos there would be less traffic than if he built a subdivision with single family homes.

Mr. Saltzman asked about the small hill they noticed on the property when the Board was there for a site visit. He asked if it would remain. Mr. Bruce indicated that it is a small enough hill that with the 6 townhouse units he would not have to blast. He could use a process called splitting that has no vibration or impact on neighbors. If he were to do the subdivision he would end up needing to blast.

Next Mr. Houghton stated that there was a question about the bylaw itself. He stated that it was designed to replace cluster zoning and was adopted in October 1985. There was a house that the Spadafora family lived in on the lot when the bylaw was adopted in 1985 which would be the existing structure.

Mr. Houghton continued to explain that his client is trying to allow the land with ledge and wetlands to remain undisturbed as they work around it. A four lot subdivision would produce a lot of ledge removal and go right up against the 25 foot buffer zone. He stated that the lot could use a cleanup as the Board saw on the site visit. Mr. Houghton believes there is a hardship with the land. They are trying to save the land from blasting and avoid a subdivision with houses and possibly accessory dwelling units that are now allowed by right beginning in February with a new law that was signed in July. With the proposed plan they are trying to build in front and to leave all of the green space in the back. More pavement creates drainage issues.

Mr. Shulman opened the hearing to the public. Terry Conserva Calkins of 102 Pond Street spoke about living next door. Her house had been in her family since 1938. She stated that with what Mr. Bruce is proposing her house won't have any sunlight. She further stated that she is not against development just the placement.

Manny Tsiantoulus of 30 Murdock Road spoke in opposition. He doesn't believe that the proposal fits in with the character of the neighborhood. He believes that the front of the lot is being overloaded with gigantic structures. The houses in the neighborhood all have frontage. From the street this would look like apartment buildings. He believes it to be detrimental to the neighborhood and stated that Mrs. Calkins will be most affected. He hasn't heard a lot about

what would be good for the neighbors. He asks that any development be done in consideration of the neighbors and smaller structures are considered.

Mr. Saltzman asked if people would be more in favor of the structures moved back onto the lot closer to the wetlands. Would moving back further be a fix that you had in mind? Mr.

Tsiantoulus stated that he feels the structures are megastructures. He'd rather see something smaller, more appropriate and in character with the neighborhood.

Joan Lemire of 12 Fairview Road asked about the actual dimensions of the buildings. Mr. Bruce responded that they are 35 feet deep by 64 feet long. He explained that standard house are 80 feet by 35 feet. Ms. Lemire agreed that her house is about that size. Ms. Lemire the asked if you took frontage on Pond Street would the goal be to have one house without variances. Mr. Shulman stated that 10,000 square feet is required to build. This lot is over 72,000 square feet and lot frontage is 121. The proposal would be to reduce the amount of paving and cluster to avoid a full road being built.

Mr. Houghton stated for the subdivision they would have a 45-50 foot layout. Twenty six feet wide pavement with sidewalks on both sides but maybe one side. A single family home on each lot would be about 30 x 60 or more and on 2/2/25 there will be a game changer as the law will allow accessory dwelling units (ADU) up to 900 square feet by right. Any single family dwelling will be allowed to have one attached or detached. With the 4 lot subdivision you could end up with a single family and an ADU on each lot.

Mr. Saltzman asked if there would be four lots. Mr. Houghton responded that there would. Mr. Saltzman asked about the square footage for each house. Mr. Bruce responded that the houses would be bigger about 3500 square feet most likely with a two car garage and possibly an accessory dwelling unit. The townhouses would only be 2000 square feet.

Mr. Saltzman asked if it would be possible to rework the layout of the structures so an abutter could have light. Mr. Bruce indicated that could be done but he wasn't sure about the flexibility with the plans. He believed the intention would be to come back with new plans. He is willing to explore options. Mr. Saltzman asked if the unit in front could move forward and maybe have another unit move more to the back. Would that cure the problem?

Mr. Bruce responded that he has no objection. He's not trying to create more aggravation. He's trying to do what's most beneficial for the neighborhood. He doesn't believe Murdock Road is terribly affected if the units are built at the front of the lot. He does understand the problem for 102 Pond Street and he believes he can alleviate some of that. He was just hoping with the town houses he could plant out the project and keep the large tree in the front. With the tree in full bloom it almost blocks the entire project from the street.

Mr. Dufour asked Mr. Bruce how much further he could push it back. He could go into the buffer zone. Mr. Dufour mentions that the Murdock Road houses are elevated. Mr. Bruce agreed and stated there's a fence.

Isobel Ponti of 104 Pond Street spoke about a subdivision versus a condo project. A four lot subdivision has its faults.

Mr. Shulman explained that the subdivision is not before the Board. This petition is for another approach to developing the lot. Ms. Ponti indicated that she meant if they were to ask for a four lot subdivision, it may not be four lots by the time they are done with Planning Board and Conservation Commission approvals. Ms. Ponti also questioned the existing structure under 4.2.3 and what she had read in the paper about a donation of land. Mr. Shulman stated that there is 38,000 square feet in the rear that is wetlands and would remain undeveloped green space. Ms. Ponti believes that a subdivision would also keep that green space.

Mr. Houghton stated that there is a 25 foot no disturb zone and they will need a notice of intent when they are within 100 feet. With the townhouses it would be possible to donate the 38,000 square feet of green space to the town. It wouldn't be as large an area with a subdivision. Mr. Houghton further explained that the bylaw speaks to an existing structure at the time the bylaw was adopted which in this case was October 1985. He also mentions that there was a subdivision plan years ago that was withdrawn without prejudice before it could be acted upon.

Charles Poole of 97 Pond Street spoke about how every home on Pond Street faces the front with this proposal you'd be seeing a side view of the townhouses.

Attorney Bill Heney appeared on behalf of his clients Manny and Maureen Tsiantoulus of 30 Murdock Road. As he did at the meeting in November, he argued that the applicant cannot apply for a variance under section 4.2.3 because there is no existing structure. When looking at 6.2.5 you lose grandfathered status. There has been no structure for two years so it has been abandoned. This ask is a pretty big ask. They should be building a single family. It's Residence A District. If you build more homes you make more money. He doesn't see the hardship. Not being able to maximize the lot or make the most money is not a hardship. The bylaw allows 18 parking spaces. They are trying to jam in more houses with less parking. He continued to say that Mr. Houghton glossed over the hardship. There was no discussion of how this lot is different.

Mr. Heney believes this should go through the Planning Board. With that it seems unlikely that you'd get 4 houses with the way the Town's subdivision rules and regulations are spelled out. He continued to say that Mr. Houghton and Mr. Bruce talked about mitigating damages for the neighbors. So he's admitting that there would be damage done to the neighbors. The neighbors and abutters deserve protection. He added that we haven't seen engineering plans. The plans provided don't meet the Board's requirements. They don't even show the height of the houses. He tells the board they should support the bylaw. There is no structure on the property.

John Calkins of 102 Pond Street stated that moving the townhouses away from his property sounds great but there's 1 more problem. Each dwelling unit looks industrial. There's no character. It looks like a two car garage between large frames. It's a big development and he said he'd be looking out his window at the green monster. It's not aesthetically pleasing. There will be a hardship on the abutters with months of construction and debris in the air. They should build something that fits in the neighborhood.

Joan Lemire of 12 Fairview commented that the sidewalk there is horrible and asked if real sidewalk could be requested.

Mr. Houghton responded to an earlier comment that the townhouses would be thirty feet high just as a single family house would be. He also mentioned that his client would be happy to put in sidewalks. He continued to say that whether it is a subdivision or townhouses, there will be change. He commented that 78,000 square feet is enough for a roadway and 4 houses. Sooner or later it will be developed. You don't have that amount of square footage available and not see it developed.

Mr. Saltzman asked about the question of hardship.

Mr. Houghton said it is 78,000 square feet but there is a ton of ledge with wetlands. The land itself creates a hardship.

Mr. Saltzman again brings up the blocking of the light on the property next door and asks about moving the units. Mr. Bruce stated he came forward to remove the wetland impact or going into the buffer.

Mr. Heney reiterated that there is no hardship. You can build a single family house with an accessory structure. A hardship would be rendering it unable to be used or built on.

Seeing no further comment from the public, Mr. Dufour made a motion to close the public hearing which was seconded by Mr. McLaughlin. All members voted in favor 5-0.

Mr. McLaughlin commented that it is too large for the property. He'd want to see something lower than 30 feet and he wanted them moved away from the neighbor.

Mr. Saltzman asked if it was possible to show a plan with the buildings moved away from the abutter. Mr. Bruce agreed.

Mr. Saltzman made a motion to continue the matter until January 23, 2025 at 6PM in the Town Hall Hearing Room. Mr. McLaughlin seconded the motion. All members voted in favor 5-0.

### 1 Montvale Ave

The Chair moved to the second public hearing of the evening, 1 Montvale Avenue, which was also continued from the November 21, 2024 meeting with a site visit held on December 12<sup>th</sup> at 4:15PM. The legal notice had previously been read into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, November 21, 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by One Montvale Ave LLC, 99 East Elm Street, Everett, MA 02149 to renovate the building at One Montvale Avenue, Stoneham, MA to add 51 residential apartments. The proposed use of the building will be 20,779 square feet for Mass. General Brigham/Mass Eye and Ear which requires 104 parking spaces, Thibeault Development 5,413 square feet which requires 16 parking spaces and the balance of the building of 51 apartment units which requires 51 parking spaces for a total parking demand for the building of 171 spaces. The existing parking facilities consist of a two level garage on the Flint Avenue side of the property that has 79, 9'x18' parking spaces that are accessed by a 24 foot drive aisle and an additional 20, 9' x 18' spaces that are accessed by a 19' 5" drive aisle. These 20 spaces will

require a variance of Section 6.3.4.2 for aisle width. The multi-level garage on Montvale Avenue contains 29, 8' x 17' spaces accessed by a 20 foot drive aisle (Level 1), 23, 9' x 18' spaces that are accessed by a 20' wide drive aisle (Level 2) and 29, 8' x 17' spaces accessed by a 19 foot drive aisle (Level 3). This totals 81 spaces in the multi-level garage on Montvale Avenue. A variance of 6.3.4.2.3 will be required for the 23, 9' x 18' spaces in the multi-level garage that are not accessed by a 24 drive aisle and the 58 spaces in the multi-level garage that are 8' x 17' and are accessed by a 20' or 17' drive aisle will require both a variance of 6.3.4.2.3 (aisle width) and a variance of 6.3.4.1.1 minimum parking space size of 9' x 18'. There are an additional 45, 8' x 17' spaces that are accessed by a 20 foot wide drive aisle on levels 4 to 7 of the Montvale Ave garage for a total of 305 spaces on site. Additionally, the proposed height of the building of 61' 8" will require a variance of Section 5.21 which allows a height of 45'. Plans may be seen daily except Friday afternoon in the Town Clerk's Office."

Mr. Shulman invited Attorney Houghton to speak. Mr. Houghton began by saying he misspoke at the last meeting in November. He said that houses produce kids. What he should have said was that single family houses produce 89% of school age children with the other 11% living in multifamilies.

Mr. Houghton pointed out that Stoneham is 6.6 square miles but only 4.4 is developable because the rest is DCR land. With the 4.4, very little is commercial, but residential can make money. He mentions that there are 9 children living in the apartments on Fallon Road but they pay \$900,000 in taxes. The Residences at Spot Pond up at the former hospital site was recently approved for 378 units. The building permit fee will bring in well over a million dollars. Apartments provide tax revenue. It would be nice if they could be condos but with our affordable unit bylaw, you can only sell the affordable units for \$300,000 and they cost more to build. For 51 units, seven would be affordable.

Mr. Houghton explained that the building has been vacant for the past 2½ years except for Mass Eye & Ear. His client has carried the building and he needs to do something to help defray the costs. He could file an abatement for 80% vacancy and you'd see \$130,000 out the window for taxes.

He is proposing a nice design. The height is 60 feet but there are other buildings in the downtown with similar height. 380 Main Street is 58 feet and the Dowe Building is 60 feet. There is a front setback so it's not overpowering. They had a traffic study done by Jeffrey Dirk of Vanasse & Associates. Mr. Houghton spoke about the parking. There are 295 spaces under the bylaw they need 171. Some of the spaces are 8 x 18 under the previous zoning. When the garages were built there were no required aisle widths. There are accessible spaces. He stated that the apartments would use the Montvale Ave garage. The other garage would be for Mass Eye & Ear with a divider blocking the ability to drive straight through as is the case right now.

Mr. Houghton states that the building can't survive the way it is. If someone showed up to rent, he'd keep it commercial but that isn't happening.

Mr. Saltzman asked what the tax revenue would be with the proposed development. Mr. Houghton suspected it would be about \$400,000. It is currently \$172,000 which hasn't been adjusted for the vacancy.

Mr. Houghton added that there isn't an inch of green space. It's all pavement. He can't imagine bringing a kid to live in this building. Mr. Saltzman asked what the cost per pupil would be in Stoneham. Town Administrator Dennis Sheehan responded that it is \$20,000.

Mr. Houghton mentions that the architect is present for any questions. Mr. McLaughlin asked if his truck could fit in the garage. What is the height? Mr. Houghton responded that it's 6'6". Mr. Saltzman asked how many spaces are left after accounting for the number need for the use in the building. Mr. Houghton stated there would be 124 spaces left over.

Mr. Rubin asked about cars entering from Montvale Ave driving through to Flint Ave. Mr. Houghton stated that right now you can drive straight through but they will change that.

Mr. Houghton explained that there is a hardship due to the way the structure in existence was built.

Mr. Shulman opened the meeting to the public. Linda Barth of 12½ Flint Ave abuts the back of the property. She brought up the same concern she raised at the last meeting. She want to be assured that the large crack in the wall of the garage is addressed. She also asked if they planned on allowing cars to park on the top level. Mr. Shulman stated that they will allow parking on the top level and they will have to address the structure. Ms. Barth would like to know the plan for the structural soundness. She would also like to know if there would be security cameras or a super in the building.

The architect stated that the plan is to allow for parking in all spaces. The structural engineer has looked at the garage and the repairs and recommendations made will be addressed.

Mr. Houghton stated cameras were recently installed due to vandalism in the garages during the night time hours. There is also a gate that locks. He continued to say that in the past management has allowed the residents of Flint Ave and Rowe St to park in the garage during snow emergencies along the side of the lower level. They would not want this put in the decision to restrict themselves but feel they can continue with that offer.

Barbara Bex-Ramsey from Mass Eye & Ear stated that Mass Eye & Ear has been a tenant for decades and just signed a new ten year lease. She just found out about these plans and wants to understand the impact. She asked the Board to consider a continuance for more time to look at it. Mr. Saltzman asked if she'd be looking at a month. Mr. Houghton points out that a lessee has no standing and he's not sure it would impact them at all.

Matt Kilty of 6 Rowe Street stated that he measured some spaces at the walk through. He wondered if there was a study done to lay it out to current standards what it actually is. He's struggling to understand the hardship. He again stated that he'd like to see the number of spaces with complied as opposed to not complying. He loves that they want to close access straight through. As for the tax revenue, will they have verified numbers from the assessor.

Mr. McLaughlin asked if this needs Planning Board approval. Mr. Houghton stated it would need Planning Board and Select Board.

Tony D'Ambrosio a condo owner at 271 Main Street believes the Board should have an impact study with this change in use. Mr. Shulman indicated that the Board just received a copy of a trip assessment prepared by Jeffrey Dirk of Vanasse & Associates. In summary, the peak hours are reduced in terms of trips for when this building was a fully utilized office building.

Mr. Shulman asked about a possible continuation. Mr. Houghton asked if he could have a five minute recess to contact his client. The Board took a recess at 7:47PM.

The Board came back at 7:59. Mr. Houghton indicated that the owner of the property, Bill Thibeault talked to Mass Eye & Ear 6-8 months ago about what he planned, but since Ms. Bex-Ramsey asked they will concede to the request, reiterating that there is no standing with a tenant.

Mr. Shulman indicated that the Board was in receipt of letters from the School Committee, Mr. D'Ambrosio and Jeffrey Dirk.

Bill Goss of 7 Rowe Street thanked them for giving consideration to subdividing the garage. Two things disturbed him the most. The structural evaluation of the garage which Linda Barth mentioned. That situation needs to be looked at. He is also concerned because Mr. McLaughlin mentioned his truck won't fit. At 6'6" a good size SUV might not fit and where are they going to go. They are going to park on the street. The little government cars used to park there but they left at 3:00 like government employees do. If these people are residents they will park there at all hours. Mr. Rubin stated for the record that he works until 4. Bill Goss added that he's concerned. He's seeing an urban swarm. It's not a little town anymore. He'd like to keep the integrity of the community intact.

Mr. Houghton stated that most cars can make 6'6" and they are thinking of assigning spaces to the residential units. Matt Kilty acknowledged assigning spaces would be a good idea. Would that be done? Mr. Shulman stated it would be.

Mr. Kilty asked why the building has to be sixty feet high. What is the hardship for height? He asked if he would get answers tonight particularly about his earlier question on the parking spaces. Mr. Shulman responded that parking is a problem. There's a huge need. If they don't get a variance it means less parking spaces. Mr. Kilty is concerned that down the line they will want to add additional residential units. Mr. Houghton reminds him there are 295 spaces and because this is a change of use under the current bylaw parking space size and aisle width is an issue.

Mr. Rubin reminds everyone that this variance is required to convert with today's parking standards. It's not for the residential use. Mr. Houghton agreed. The use is allowed, this will allow for parking that doesn't meet the current standards in place.

Mr. Saltzman made a motion to continue until January 23, 2025 at 6PM in the Town Hall Hearing Room. Mr. Dufour seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

#### 15 Steele Street

Mr. Shulman read the legal notice for 15 Steele Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, December 19, 2024 at 6:00 p.m. to hear all persons interested in the application by R. Paul Rotondi and Elizabeth E. Rotondi, Trustees of the Rotondi Family Irrevocable Trust with an address at 15 Steele Street, Stoneham, MA 02180, to request variances at 15 Steele Street, Stoneham, Massachusetts to divide their property at 15 Steele Street into two lots. Lot A for the existing dwelling and Lot B for a proposed new dwelling. Both proposed lots will need a variance of: Section 5.2.1 Dimensional Requirements – for frontage. The required frontage is 90 feet per lot. The proposed frontage on Steele Street is 50.10 feet for Lot A and the proposed frontage for Lot B on Steele Street is 80.10 feet. Also, the applicant needs a variance of Section 5.3.2 for both Lot A and Lot B as the new lot line for Lot B lies between the existing dwelling at 15 Steele Street and Steele Street. A plan filed with the petition by Benchmark Survey dated November 19, 2024, entitled “Subdivision Plan of Land 15 Steele Street, Stoneham, Mass.” shows the proposed Lot A and Lot B. Plan may be seen daily except Friday afternoon in the Town Clerk’s Office.”

Mr. Shulman invited Attorney Houghton to speak on behalf of his client. His clients are looking to create a lot to build a house for their daughter to move back to Stoneham. This would be a 2200 square foot house with access to Steele Street. The current house is accessed off of Broadway. Mr. Houghton stated that the topography and grade create a hardship. There is plenty of lot area.

Mr. Shulman asked if the driveway for lot A requires going across an access easement. Mr. Houghton responded that it does. It’s unusual; with about 12 feet of frontage. It’s like a corner lot. The house was built 100 years ago. Paul Rotondi stated that it was the third house built on Steele Street.

Mr. Houghton stated there is plenty of setbacks on the side and area but they are short on frontage. There is no detriment to the public good. Mr. Shulman questioned whether they would be modifying the topography. Mr. Houghton answered that they would be pushing the house back to make the grade work with a garage under. Mr. Shulman asked if you’d drive straight into the garage from Steele Street. Mr. Houghton answered yes and explained that the walk out to the back is up a story.

Mr. Shulman opened the hearing up to the public. Shirley Hanlon of 11 Steele Street doesn’t oppose the project but she has a concern about the runoff coming off of their property into her rock garden and wall. She asked if this would change. She mentioned that when they built Coventry Lane, their water flows into her backyard as well.

Mr. Houghton explained that there is a Stormwater bylaw that requires a drainage plan be provided before the issuance of a building permit. The DPW Director has to approve the plan before he will sign off on the building permit. Mr. Shulman added that stormwater management has a high degree of importance since her house was built 100 years ago.

With no other members of the public present for comment, Mr. Saltzman made a motion to close the public hearing. Mr. McLaughlin seconded the motion. All members present voted in favor 5-0.

Mr. Saltzman made a motion to grant the relief. There is a hardship to meet the slope requirement. It doesn't derogate from the intent of the bylaw and it serves the public good. It is to be built substantially in conformity with the plans and must comply with the stormwater bylaw. Mr. Rubin seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

#### 24 Keene Street

Mr. Shulman moved to the final public hearing of the night and read the legal notice into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, December 19, 2024 at 6:00 p.m. to hear all persons interested in the application by Esther S. Shamir and Sebastiao J. Da Silva, Jr., Trustees of the Shamir-Silva 2022 Revocable Trust with an address at 24 Keene Street, Stoneham, MA 02180, to request a variance at 24 Keene Street, Stoneham, Massachusetts. The applicants are proposing to build a one-story garage 20' x 24' on the southerly side of the property, 4.2' from the property line at 24 Keene Street. The applicants are requesting a variance of Section 5.2.1 Dimensional Requirements – the minimum side setback required in Residence A District is Ten (10) feet. A plan filed with the petition by Benchmark Survey dated July 10, 2024, entitled “Plan of Land 24 Keene Street, Stoneham, Mass” shows proposed garage footprint. Plan may be seen daily except Friday afternoon in the Town Clerk's Office.”

Mr. Houghton appeared and explained that his clients currently have a small driveway that doesn't fit his truck causing the back to protrude onto the sidewalk. They'd like to do a driveway and garage on the other side. The neighbor had raised some concerns about drainage, so Mr. Houghton had the plan updated to show drainage. The house sits on the corner of Keen Street and Cowdrey and the proposed garage would be built on the Keene Street side. Mr. Shulman clarifies that they are seeking a variance on the side lot setback which is currently 4.2 feet not 4.2” as misprinted in the legal notice.

Mr. Houghton explained that there would be infiltration required under stormwater management. He also explained that they are trying to solve the problem of the truck hanging over the sidewalk. They could build a one car garage that is deeper with tandem parking but it wouldn't be ideal. The grade slopes.

Mr. Saltzman asked how many vehicles fit in the Cowdrey St driveway. Mr. Houghton responded that two can park tandem but it's tight with truck back sticking out. Mr. Saltzman asked if this was the driveway when they bought the house. Mr. Houghton indicated that it was but they have a family and kids who will all be driving in the next ten years. It was also mentioned that in the winter the plows come very close to his vehicle sticking out.

Mr. Shulman opened the public hearing. Mary Kelly of 22 Keene Street spoke against the petition. She stated that this would be four feet away from her fence. Ms. Kelly stated that she doesn't believe the drainage plan will work. She asked if they can build a two car garage with tandem parking, why is there a hardship. They could build deeper and not as wide and would not need a variance. Mr. Houghton stated that to build a deep tandem garage they would have to

extend out the house. They would stipulate the garage only be one story. The drainage would be dealt with. Mr. Houghton added if there were another place to put it then we'd put it there. Mr. Houghton stated that even digging up the pool in the backyard wouldn't allow for a garage back there. The slope of the lot creates a hardship on the Cowdrey side. Ms. Kelly doesn't agree.

John Tucci of Tucci Builders indicated that the site is developed. There is a pool and finished deck with retaining walls. This was designed by an engineer and made more sense. The onus is on the builder that the owner hires to conform to the drainage required by the Town. The main hardship is trying to do a two car garage and not a tandem garage which is never ideal. A thirty six foot tandem garage is an unsightly, ugly addition. The intent is to make it look nicer for the neighborhood.

Esther Shamir of 24 Keene Street stated that she respects Ms. Kelly both personally and professionally. She explains that she and her husband don't want to build an ugly garage that doesn't fit into the character of the neighborhood.

Mr. Dufour asked if they had a rendering of what this would look like when built. Mr. Houghton stated they did no. They focused on drainage as those concerns had been raised by Ms. Kelly.

Mr. Shulman added that it might be worth their while to do a rendering. There is a character issue but this is a big ask to be four feet from the neighbor. It would be helpful to see.

Sebastian Silva 24 Keene Street describes what it will look like as a two car garage. It will sit behind the second window of the living room and be close to Ms. Kelly's house set back. He said many houses on the street have garages close to the fence. Ms. Kelly added that those were prebuilt. Mr. Silva doesn't want to build a monster on her side.

Mr. Tucci indicates that it's costly to do two designs with two elevations. Mr. Dufour stated that the Board just wants to see the design for what they want to build and what it will look like. Mr. Houghton thinks they can have it by the next meeting.

Ms. Kelly again wants to go on record stating the variance isn't needed and there is no hardship. A garage is a want not a need.

Mr. Saltzman made a motion to continue until January 23, 2025 at 6PM in the Town Hall Hearing Room. Mr. Rubin seconded the motion. All members voted in favor 5-0.

Mr. Saltzman made a motion to adjourn which was seconded by Mr. Dufour. All members voted in favor 5-0.

The meeting adjourned at 9:01 PM.

Respectfully submitted:

Maria Sagarino  
Town Clerk

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

Plan of 104 Pond Street by Sullivan Engineering Group dated October 23, 2024.

A plan of 1 Montvale Avenue by DMS Design LLC dated October 31, 2024.

Letters from the School Committee and Anthony D'Ambrosio against project at 1 Montvale

Letter from Jeffrey Dirk of Vanasse & Associates describing trip assessment for 1 Montvale

Subdivision Plan of Land 15 Steele Street, Stoneham, Mass by Benchmark Survey dated November 19, 2024

Plan of Land 24 Keene Street, Stoneham, Mass by Benchmark Survey dated July 10, 2024