



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

Stoneham Board of Appeals Minutes
Thursday, April 24, 2025
Town Hall Hearing Room
6:00 PM

Members of the Board present: Chair Tobin Shulman, Vice Chair Robert Saltzman, R. Michael Dufour, Kevin McLaughlin and Associate Member William Sullivan who would sit in on all public hearings due to Mr. Rubin's absence.

Also present: Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Attorney Charles Houghton, Scott Weiss of The Gutierrez Company dba Fellsway Development LLC, Ian Gasco-Wiggin of JM Corcoran & Company and Martin Wantman 20 Gerald Rd.

The meeting was called to order by Chair Tobin Shulman at 6:01 PM. Mr. McLaughlin led the Pledge of Allegiance. Mr. Shulman introduced the Board and explained the procedure for the public hearings. The Board would reorganize at the next meeting now that the Select Board had made their appointments.

The Board confirmed the next meeting dates. The Board changed the May 22nd meeting to May 29, 2025 and confirmed that the June meeting would still be held on June 26th.

Mr. Saltzman made a motion to approve the minutes for February 27, 2025 and March 27, 2025 which was seconded by Mr. McLaughlin. A roll call vote was taken. All members voted in favor 5-0.

Mr. Shulman invited Attorney Houghton to speak on the matter of the Residences at Spot Pond (10 & 20 Executive Drive) request for an insubstantial change due to the transfer of ownership from Fellsway Development LLC to Fairfield Spot Pond. Mr. Houghton stated Fairfield Development is seeking to purchase the property and take over the development from Fellsway Development LLC. They would need the board to vote on the transfer of ownership as an insubstantial change. Mr. Houghton continued to say that shortly after the closing on May 8th, Fairfield would look to apply for the demo permit to take down the hospital. They believe that the demolition would be about 6 months. They expect to file for a building permit sometime in FY26 with a permit fee of about \$1.5 million. Mr. Houghton also brought up Lot M. This lot had been gifted to the Town and accepted by the Select Board and Town Meeting for general municipal use. His clients are okay with whatever use the Town decides to go with.

Mr. Saltzman asked about the Lot and whether the Town was getting the property with the restriction. Mr. Houghton indicated that the Town Meeting had accepted the property for general municipal purposes. Mr. Saltzman asked if that prohibited the Town from selling the property.

Mr. Weiss of the Gutierrez Company stated that there isn't a restriction listed on the deed. Mr. Saltzman asked for a recess to call Town Counsel.

A recess was taken at 6:11PM. Mr. Saltzman returned and the meeting was brought back to order at 6:18 PM. Mr. Saltzman indicated that Attorney Galvin saw no problem with the Board voting to accept the insubstantial change.

Mr. Sullivan made a motion to approve the transfer of ownership as an insubstantial change. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

Next the Chair invited Ian Gasco-Wiggin of John M. Corcoran & Company to give an update on the pump station at the Weiss Farm Apartments. Mr. Gasco-Wiggin stated the pump was pulled up for an annual maintenance check. The pump propellers were checked and everything else was in order. Mr. Gasco-Wiggin also mentioned that they had provided the Board with a copy of the partial Certificate of Compliance issued by DEP which showed the float levels.

Mr. Sullivan asked about chart recorders and whether the Board might be provided with a copy of the levels on a daily basis. Mr. Shulman asked if the pump is operational and hitting the required levels. Mr. Dufour asked why the neighbors were still being flooded.

Mr. Gasco-Wiggin explained that the levels are set on what is across the street. It is 160.7 at the bottom of the culvert. Mr. Dufour stated that he thought this was supposed to control the water for the neighbors. Mr. Saltzman asked if the pump is currently working. Mr. Gasco-Wiggin indicated that the pump is working properly. It is operating at the proper float levels set by DEP. Mr. Saltzman shared Mr. Dufour's concern that if it is set properly and the levels are set the way they should be, why does it not stop the flooding. Mr. Gasco-Wiggin stated that they floats are set to what the system downstream can handle. Mr. Saltzman is concerned that they are getting the intended result for downstream but not the surrounding area. Mr. Dufour questioned if those downstream are even close to being flooded. He then asked if we could pump more downstream.

Mr. Sullivan stated that two weeks ago it was almost dry on the Weiss Farm side. We haven't had that much rain. So why is there flooding. That's why he'd like to see the chart recorder.

Mr. Shulman would like to see conclusive information from the engineer. He wants to make sure that we are doing everything we can do within conservation land. If the pump is operational and the problem is not solved it might be essential to have a conversation with the engineer. Mr. Gasco-Wiggin stated that DEP has reviewed this with the engineer. Mr. Shulman thought it might be a good idea for their engineer, DPW Director Brett Gonsalves and DEP to have a conversation.

Mr. Shulman invited Martin Wantman of 20 Gerald Road to speak about his flooding next door. Mr. Wantman thinks the floats should be set at 159.50 to have his property be water free. The floats should be tested.

Mr. Shulman asked Mr. Gasco-Wiggin to provide daily numbers and to set up a meeting with their engineer, Mr. Gonsalves and DEP as soon as possible.

Public Hearings:

17 South Marble Street

Mr. Shulman read the first legal notice into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, April 24, 2025 at 6:00 p.m. in the Hearing Room, Town Hall, 35 Central Street, Stoneham, Massachusetts to hear all persons interested in the application by David Sloat, 17 South Marble Street, Stoneham, Massachusetts to construct a front porch, side decks and two landings with stairs at 17 South Marble Street. The petitioner is requesting a variance of the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements. The minimum front setback in Residence A is 20 feet. The proposed front setback is 5 feet. On a corner lot the longer side is considered the front lot line under Stoneham Town Code, Chapter 15, Section 5.3.6.1. A plot plan of 17 South Marble Street by Cerrato Land Surveying dated September 13, 2024 may be seen daily except Friday afternoon in the Town Clerk's Office”.

The Chair invited the homeowner, Margaret Sloat to speak to the requested relief. She explained that a neighbor's tree fell in January 2024 and crushed their deck. They want to replace all of the boards and stairs. The five steps off the kitchen move into the front setback because it's a corner lot and the frontage is on the longer side. They just want to replace the deck in the same frame it had been.

Mr. Sullivan stated that everything is already there. They will just be replacing the side of the deck that is gone where the tree fell.

Mr. Shulman opened the meeting up to the public. David Schurgin of 224 Park Street spoke in favor of the petition. With no other members of the public present for comment, Mr. Saltzman moved to close the public hearing which was seconded by Mr. McLaughlin. All members voted in favor 5-0.

Mr. Sullivan indicated that it is pre-existing, non-conforming. Mr. Saltzman agreed with that sentiment. They aren't looking for anything that isn't already there. They have a hardship due to the shape of the lot. It doesn't derogate from the intent of the bylaw and would serve the public good. Mr. Shulman asked Mr. Saltzman if that is a motion. Mr. Saltzman indicated that he was making a motion to approve. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members voted in favor of the petition 5-0.

207 Park Street

Mr. Shulman read the next legal notice for 207 Park Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, April 24, 2025 at 6:00 p.m. in the Hearing Room, Town Hall, 35 Central Street, Stoneham, Massachusetts to hear all persons interested in the application by Olga Verzhinina and Thomas Graffeo, 207 Park Street, Stoneham, Massachusetts to construct a new 16' x 20.2' two

story addition with attic at 207 Park Street. The petitioners are requesting a variance of the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements. The minimum front setback in Residence A is 20 feet. The proposed front setback is 18.8 feet. The required side setback in Residence A is 10 feet. The proposed side setback is 7.4 feet. The maximum height allowed in Residence A is 30 feet. The proposed height of the addition is 36.83 feet. A plot plan of 207 Park Street by Paul J. Finnochio, Professional Land Surveyor dated March 11, 2025 and revised March 24, 2025 may be seen daily except Friday afternoon in the Town Clerk's Office”.

Orazio Guevera, of Justdrawit.com, the contractor on the project appears before the board to explain the requested relief. The homeowners are looking to onto the top of their house. The attic will hold mechanical equipment and a future bedroom. Mr. Sullivan asked how far it would jut out. Mr. Guavera responded that it would be another six feet.

Mr. Saltzman asked what the current height of the house is. Mr. Guavera stated that it is currently 30 feet. Mr. Saltzman asked if there were any other structures that are 37 feet in height in the area. Thomas Graffeo responded that there are some brick buildings and some houses going to Marble that might be that high.

Mr. Shulman opened the public hearing. David Schurgin of 224 Park Street stated that he has no objection to the lot lines, but does have objection to the height since it is well over the bungalows in the area.

Mr. Guevera stated that the alternative would be dormer style to create a livable third level but would not give them as much square footage. He mentioned that the heat pump system takes up a lot of space which was the reason for the existing plan.

Mr. Shulman stated that he'd rather see a roof with some dormers. Mr. Shulman and Mr. Saltzman both suggested that the matter be continued so that they could come back in May with a new design.

Mr. Guevera and his clients agreed. Mr. Saltzman made a motion to continue the public hearing to May 29, 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 of continuing to May 29th 5-0.

23 Citation Avenue

The Chair read the final legal notice into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, April 24, 2025 at 6:00 p.m. in the Hearing Room, Town Hall, 35 Central Street, Stoneham, Massachusetts to hear all persons interested in the application by Elieani Coelho and Mariana DeFranca Coehlo, 23 Citation Avenue, Stoneham, Massachusetts to construct a new canopy and stairs at the front entryway at 23 Citation Avenue. The petitioners are requesting a variance of the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements. The minimum front setback in Residence A is 20 feet. The proposed front setback is 16.1 feet from the front property line. A proposed plot plan of 23 Citation Avenue by Scott M. Cerrato,

Professional Land Surveyor dated February 19, 2025 may be seen daily except Friday afternoon in the Town Clerk's Office”.

Mr. Coelho appeared before the Board to describe the relief he was seeking. He explained that he would like to extend the canopy to cover the new stairs that he added to allow for protection from rain and snow.

Mr. Sullivan asked if the proposed addition on the right was already built. Mr. Coelho responded that it was.

With no members of the public present to comment, the Chair entertained a motion to close the public hearing which was then made by Mr. Saltzman. Mr. Dufour seconded. All members present voted in favor of closing the public hearing 5-0.

Mr. Saltzman believed that this was de minimus in nature. He added that there is nowhere else to put the stairs and the canopy. The shape of the lot creates a hardship. It doesn't derogate from the intent of the bylaw and would serve the public good. For these reasons, he made a motion to grant the relief which was seconded by Mr. Dufour. A roll call vote was taken. All members present voted in favor 5-0.

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

The meeting adjourned at 7:11 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:

A plot plan of 17 South Marble Street by Cerrato Land Surveying dated September 13, 2024.

A plot plan of 207 Park Street by Paul J. Finnochio, Professional Land Surveyor dated March 11, 2025 and revised March 24, 2025.

Floor plans of 207 Park Street by JustDrawIt.com.

A proposed plot plan of 23 Citation Avenue by Scott M. Cerrato, Professional Land Surveyor dated February 19, 2025.