



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

Stoneham Board of Appeals Minutes
Thursday, January 23, 2025
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 Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Attorney Charles Houghton, Thomas Walsh, Angus Bruce, residents of Pond Street, Gorham Ave, Murdock Road, Flint Ave & Rowe Street, Attorney Bill Heney, Mary Kelly of Keene Street and Frank Petrillo.

The meeting was called to order by Chair Tobin Shulman at 6:02 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 February 27, 2025, March 27, 2025 and April 24, 2025.

Mr. McLaughlin made a motion to approve the minutes for December 19, 2024. Mr. Saltzman seconded the motion. A roll call vote was taken. All members present voted in favor 5-0.

A brief update was given by Mr. Sullivan on the status of the Residences at Spot Pond (former hospital site). He explained to the Board that the Gutierrez Company would be selling the property to Fairfield Development and they would be coming before the Board for approval at some point. He also summarized their immediate timeline. Mr. Saltzman brought up the email communication received from Attorney John Kalish representing the New England Memorial Hospital Medical Condominium. Mr. Saltzman didn't believe that the matter should be before the Board. He made a motion to authorize Attorney Galvin to handle any response if necessary. Mr. McLaughlin seconded the motion.

Mr. Shulman moved to the first public hearing of the evening and indicated that Mr. Sullivan would sit in as Mr. Rubin would not be present until 7:00.

Mr. Shulman read the legal notice for 65 Butler Avenue into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, January 23, 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 Frantz Brizard of 65 Butler Avenue, Stoneham, Massachusetts to construct a 4.5’ x 5.5’ addition to square off the house and the accessory structure in the rear corner of the property at 65 Butler Avenue. The petitioner is requesting a variance of the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements. The minimum side setback in Residence A is 10 feet. The petitioner is also requesting a variance from Section 4.2.2.2. Accessory structures up to 130 square feet must be 5 feet from the side and rear property line and structures between 130 and 250 must be 10 feet from the side and 15 feet from the rear property line. The structure is 1.4 feet from the side and 1.5 feet from the rear property line. A plan of 65 Butler Avenue by Spruhan Engineering, PC dated November 17, 2024 may be seen daily except Friday afternoon in the Town Clerk's Office.”

Mr. Shulman invited the petitioner Mr. Brizard to explain what relief was being sought. Mr. Brizard explained that his kitchen is 10 feet wide and it comes in at 4 feet and 5 feet in spots creating a zig zag. He explained that he had already squared it off during his renovation when Ms. Noble brought to his attention that what he had done would require a variance. So he is before the Board to seek a variance for the setback.

Mr. Shulman asked Mr. Brizard about the accessory structure in the backyard. He asked if there was a roof and if the structure would be enclosed. Mr. Brizard stated that there is just a roof and it will not be enclosed. Mr. Shulman also asked if there was previously something in that spot. Mr. Brizard stated that there was not and this was a new structure. Mr. Dufour asked if it is a poured concrete pad with a gazebo over it. Mr. Brizard responded that it is. Mr. Sullivan asked when this was brought to Mr. Brizard's attention. Mr. Brizard responded that it was brought to his attention when the inspector came by to look. Mr. Sullivan asked if the plan was drawn that way at first. Mr. Brizard had not. Mr. McLaughlin asked about the structure in the back. Mr. Brizard stated it would be a patio area.

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

Mr. Sullivan commented that this application is coming in after the fact, the hardship is making him comply with something already built but the accessory structure should have to comply. Mr. Saltzman agreed. The hardship for the kitchen is the shape of the lot. There is no reason the accessory structure can't be moved.

Mr. Sullivan made a motion to grant the relief for the 7.5 feet of kitchen wall. The accessory structure should be moved to meet the proper setbacks. Mr. Saltzman seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

Mr. Shulman introduced the next public hearing and read the legal notice for 7 Sherwood Road into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, January 23, 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 Srinivasa Balemarthy, 7 Sherwood Road, Stoneham, Massachusetts to construct a 5 foot x 18.7 foot porch at 7 Sherwood Road. 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 porch is 18.1 feet from the property line. A plan of 7 Sherwood Road may be seen daily except Friday afternoon in the Town Clerk's Office.”

Mr. Balemarthy appeared before the Board to explain the requested relief. He explained that he has a building permit to build a porch that is 3.1 feet. He is here asking for the extra feet to make it 5.

Mr. Shulman commented that the addition on the house conforms but the porch projects out. So it's 18.1 feet to the face of the porch, not the steps. With the step it would be more like 16. Mr. Balemarthy agreed and stated he just needs the 1.9 feet to make the porch 5 feet.

Mr. Shulman asked how close the current entrance is to the street. Mr. Balemarthy stated its 3 feet. Mr. Sullivan mentioned that he is relocating the front door and moving the stairs to where the addition is. Mr. Sullivan asked about the gas meters. Mr. Balemarthy stated they would be moved. He had already contacted National Grid.

Mr. McLaughlin mentioned that 5 Sherwood has a roof across the whole house. He asked if Mr. Balemarthy would do that or only half on his house. Mr. Balemarthy stated it would only be half.

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

Mr. Saltzman stated that it is permitted for three feet. He is looking for just under two more feet, otherwise it conforms. It's a good plan. Mr. Saltzman made a motion to grant the relief. The shape of the lot creates a hardship. It doesn't derogate from the intent of the bylaw and it serves the public good. Mr. Dufour and Mr. Sullivan seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

With Mr. Rubin still not arrived, Mr. Shulman proceeded with 24 Keene Street. Mr. Sullivan had been present for the previous meeting and could sit on the matter. Mr. Shulman had previously read the legal notice into the record on December 19, 2024 when the public hearing was first opened, 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.”

Attorney Houghton began by explaining that at the last meeting on December 19, 2024 it was agreed that they would come back with a rendering of the garage they were seeking to build. Mr. Houghton had provided the Board with copies of said rendering.

Mr. Dufour asked if there would be a finished room above the garage. Mr. Houghton stated it would be all garage. The architect was trying to make it blend in.

Mr. Shulman asked if there had been any further conversations between the applicant and the abutters. Mr. Houghton stated there had not been any further conversations.

Mr. Sullivan asked for a refresher on the hardship. Mr. Houghton explained that there is currently no garage. When the applicant uses the driveway on Cowdrey Street his truck sticks out into the road. There is no other spot to fit a garage. They want a two car garage because they have a family that will require more cars soon. The way the shape of the lot is with the house, there is no place else to put it. There’s a pool and it’s a corner lot. Mr. Sullivan asked about the deck on Cowdrey where they park now. Mr. Houghton asked if they might be able to take down part of the structure. Mr. Da Silva responded that is where the sewer line comes in right at the driveway on Cowdrey Street. Mr. Saltzman asked what the total square footage is. Mr. Shulman stated it looks like 12,080 on the plan. Mr. Houghton stated that it’s 12,080 with a retaining wall and with the stormwater regulations you have to put in an infiltration system. Mr. Saltzman asked if a one car garage would conform. Mr. Houghton thinks it would be close but could fit. It wouldn’t have the same aesthetic and they had to figure out how to pitch the roof.

Mary Kelly of 22 Keene Street appeared again and said she has a hard time understanding the hardship. As she stated at the last meeting. Aesthetics are not a hardship. Three children who will drive is not a hardship. She commented as she did at the last meeting. You need a hardship with the land. They can build a one car garage or even a two car tandem garage without a variance.

Mr. Houghton and Mr. Da Silva are surprised by Ms. Kelly as initially she was concerned with drainage which was satisfied by the drainage plan. Mr. Da Silva doesn’t think a forty foot tandem garage is ideal. It would be best as a 2 car garage. The Town won’t allow parking on the street in the winter.

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

Mr. Saltzman stated that it is a 12,000 square foot lot and there is no hardship even if the drawing is pleasing to the eye. Mr. Sullivan agreed. Mr. Saltzman made a motion to grant the relief. Mr. Dufour seconded. A roll call vote was taken. Mr. Sullivan, Mr. McLaughlin, Mr. Saltzman and Mr. Shulman voted against. Mr. Dufour voted for. The relief was denied by a vote of 1-4.

Mr. Rubin had entered the meeting at 6:46PM. Mr. Shulman moved to the public hearing for 104 Pond Street which had been continued from November 21, 2024 and December 19, 2024. A site visit was held on December 12, 2024. Mr. Shulman had previously 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, 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 daily except Friday afternoon in the Town Clerk's Office.”

Attorney Houghton told the Board that they had updated plans showing the duplexes moved 34 feet further away from the Calkins house at 102 Pond Street. They also showed a plan of what would be expected if a roadway was built with four house lots which is what they would do under the subdivision control law. A subdivision would lead to more roadway and a massive amount of ledge that would need to be chipped away at. Then they need to worry more about the wetlands. They chose instead to propose three duplexes. They were able to shift it 34 feet. The duplexes would be 60 feet wide as opposed to an 80 foot single family home.

Mr. Saltzman commented that you really need to be on the property to see all three duplexes. Mr. Rubin asked if the only change to plan from last time was the 34 foot shift over. Mr. Houghton stated that was all that changed.

Angus Bruce commented that the properties would be nicely built. Aesthetically pleasing. We could do dormers or not depending what the neighbors want.

Joanne Conserva from 100 Pond Street had concerns about how close the project would be to her sister in law at 102 Pond Street. She questioned how much backyard the first two units would have. Mr. Bruce said there would be a 20 foot setback. Ms. Conserva worried about her sister in law looking at such a big structure. Even 34 feet away they are large structures. Mr. Houghton explains that if they were to do the subdivision then there would only be a 15 foot setback. They are trying to avoid that. He reminded everyone that this is a large piece of land that will be developed.

Mr. Saltzman asked how long it is from the unit to Pond Street. Mr. Bruce responded that it is 60 feet.

Shirley Martis of 107 Pond Street had concerns about how difficult it would be to get in and out of her driveway with additional units across the street. She already has a problem. Thomas Walsh responded that the school is interested in purchasing the property for a nursery school. There is also the alternative of 4 single family homes which would each be eligible to have detached accessory dwelling units due to the recent change in the law. Just some thoughts on what could happen instead of this proposal of three duplexes.

Carlos Altavera of 104 Pond Street the property adjacent to this lot spoke in opposition. He stated that they are packing them all in front. They are basing this on the previous structure and there is no structure. He added that even if the school was interested, they have their own parking lot. He brought up a proposal from years ago for 3-4 houses which was scrapped. This belongs before the Planning Board. The neighborhood is against this project.

Sean Kearns of 99 Pond Street appreciates that it was moved 30 feet. He knows it has to be developed but is concerned about the safety. This will add a lot of cars. Can we do something about the road and sidewalks that Angus had previously talked about?

Maureen Tsantoulas 30 Murdock Road spoke about how huge the buildings are. She said they are double the size of her house and triple the size of most others on the street and they are squished on the property. She stated that they would prefer four single family homes.

Rob Romeo of Gorham Ave wants to understand the process. He wants to know where the Planning Board and Conservation come in. He stated that Gorham is already a cut through. This needs to be understood.

Attorney Bill Heney appeared representing 30 Murdock Road. He spoke about all of the discussion. He reiterated what he has said before. He believes that this is improperly before the Board. There is no existing structure. This is also devoid of any of the criteria for hardship under 40A §10. This property can be developed while conforming with 1 maybe 2 homes. Aesthetics aren't at play. It is not a hardship to avoid doing a subdivision.

Terry Calkins-Conserva of 102 Pond Street thanked the Board for acknowledging her concerns about the sunlight blocking her house. She stated that after asking people, they'd rather see

single family houses instead of three huge duplexes. Mr. Houghton stated that she didn't ask him. He wouldn't mind them. He lives behind Monterosa. He reminds them that they aren't here to hurt the neighborhood. There is a hardship with the ledge and the wetlands. They are trying to do what's best in this situation.

Seeing no other public comment, Mr. Dufour made a motion to close the public hearing. Mr. Saltzman seconded the motion. All members voted in favor 5-0.

Mr. Saltzman stated that the neighbors' judgment should control the situation. They've had plenty of time to look at this and it isn't what they want. Hardship seems to be in dispute. And there is a question of the bylaw and it doesn't seem that it serves the public good. He stated that his vote will be no. Mr. Shulman shared his sentiment. It's their judgment as to what would be less impactful. Mr. Rubin stated that they would like single family homes.

Mr. Saltzman made a motion to grant the relief which was seconded by Mr. Rubin. A roll call vote was taken. All members voted against 0-5. The petition was denied.

The Board took a five minute recess at 7:29PM.

After the recess, Mr. Shulman brought the meeting back to order at 7:35PM. He moved on to the continued public hearing for One Montvale Avenue which had begun on November 21, 2024, continued to December 19, 2024 and January 23, 2025 with a site visit held on December 12, 2024.

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 gave a brief recap. His client is not building, but renovating his existing building. They need variances for the parking space size and the aisle width. They will have a total of 295 spaces. The building is currently 20% occupied, so something needs to happen. For years there were offices rented by the IRS, Coast Guard and FDA. When they left his client couldn't find tenants. So he is looking to add residential apartments. Mr. Houghton thought the architect did a great job with the design. Mr. Houghton brought up the idea to divide the parking garages as was discussed at the previous meetings. They would put a gate that would prevent traffic flow from Montvale to Flint Ave. He mentioned that they had a structural engineer in to look at both garages. Mr. Saltzman asked if the structural engineer found any problems with the parking facing Flint Ave as resident Linda Barth had brought up at the initial meeting. Mr. Houghton stated that the crack Ms. Barth had mentioned was aesthetic but would be addressed. Next, Mr. Houghton reminded the Board that Vanasse & Associates had done a report. There would be 55% fewer vehicle trips at peak times.

Mr. Saltzman asked if the parking issues on Flint Avenue are caused by Rosetree Plaza instead of 1 Montvale Ave with its 20% occupancy. Mr. Houghton agreed that Rosetree does not have adequate parking and is part of the issue.

Mr. Houghton continued to talk about the town house style apartments his client thought would add a nice feature to the downtown. He then mentioned that when the garages were built you didn't have the 9 x 18 or 20 foot aisle requirement. Mr. Saltzman asked if there was anything they could do about the aisle width. Mr. Houghton said they couldn't so anything unless they blow it up and start over. The engineer drove his Escalade around without a problem, but the spaces aren't to code.

Linda Barth of 12 ½ Flint Ave spoke about the structural report the Board received on October 31st. She thought it was lacking. The Board then provided her a copy of the report received that evening.

Adysn Kilty of 6 Rowe Street appeared before the Board on her father Matt Kilty's behalf as he was unable to attend. She summarized some of the key points from a letter that Mr. Kilty and his wife Rachael had submitted to the Board on January 23, 2025. She began by pointing out that the legal notice had a discrepancy with the number of parking spaces. She also pointed out that at the last meeting her father asked for a parking study to be conducted to determine how many spaces the property would have if the petitioner designed a compliant parking layout. Ms. Kilty also pointed out that there was no justification for the height. She mentioned that there was no mention of the room for snow storage or the commercial requirements for deliveries and there will be a lot of Amazon deliveries with 51 units.

Mr. Houghton responded that he had listed 305 spaces in the legal notice but when the engineer went through and eliminated a few spaces the number was reduced to 295. He mentions that the building is on the corner of Main and Montvale. It's a commercial area. Vanasse & Associates' shows that there is less of an impact with residential as opposed to the office space. Mr. Houghton then stated that the hardship is with the existing structure. If they were building something it would be another story, but they are renovating and have to deal with the existing structure. This has a lot less impact on the neighborhood. Ms. Kilty stated that they could just repaint the parking spaces. Mr. Houghton asked why they would reduce spaces. With a variance they can provide more parking. Ms. Kilty responded that they wouldn't need the variance if they reduced the spaces. Mr. Houghton stated that you could restripe but then you'd have about 171 spaces instead of 295. Why have less parking? Whether the spaces are 9 x 18 or not, the cars can fit. The Board of Appeals looked at this many years ago and didn't want to reduce parking.

Linda Barth of Flint Ave still had concerns that the cracks in the parking structure were more than cosmetic. The Board assured her that if relief were to be granted they could condition it upon addressing the structural concerns.

Kathy Hudson of 13 Flint Ave had questions about vehicles during construction. The architect on the project explained that during the permitting process a construction plan is given to DPW and Inspectional Services. Mr. Houghton added that Mass Eye & Ear that occupies 20% of the building just finished an internal renovation. Ms. Hudson also mentioned that there are no sidewalks at the top part of Flint. Is that something that could be fixed? Mr. Houghton thought no parking signs on Flint might be a good idea.

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

Mr. Rubin started the deliberation by discussing the site visit with the Board walking the property. We saw the site and are familiar with the location. We have a preference for commercial space but that doesn't work now given the current market. Something has to happen. The design is pretty well. Not starting from scratch. It's an internal conversion. The garages are already there. It is less impactful. A better project than others we've had. It has ample parking.

Mr. Saltzman agreed that it is the best possible use of the space as it is. They are making the best use of what they have. There are 100 spaces left over when they are done. He can't imagine that the parking variances requested do anything but serve the public good. It would be ludicrous in those circumstances to deny the parking. We have the engineering study and the parking study. He spoke to the parking study being criticized as it was not independent. Mr. Saltzman pointed out that if the Board requested a parking study, they would have chosen Jeffrey Dirk of Vanasse as they have in the past knowing he is one of the premier traffic engineers in the State. Mr. Shulman agreed that Mr. Dirk's work is very credible. Mr. Saltzman also thought relief being conditioned on the engineering report would address another concern of the neighbors.

With all that being said, Mr. Saltzman made a motion to grant the relief with the condition of the engineer's report and the gate providing separation of the parking structures. He stated that the hardship was the structure itself and the economics. It doesn't derogate from the intent of the bylaw and with ample parking it would serve the public good. Mr. Rubin seconded the motion. A roll call vote was taken. All members voted in favor 5-0 (McLaughlin, Rubin, Saltzman, Dufour, Shulman).

Mr. Shulman moved on to the public hearing for 147 Franklin Street 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, January 23, 2025 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by A & F Realty Partners LLC, Frank Petrillo, Manager, with an address of 31 Main Street, North Reading, MA 01864, to demolish the existing single-family dwelling and garage and to construct a five unit town house style building at 147 Franklin Street, Stoneham, Massachusetts. Petitioner is seeking a variance of the following Sections: 5.2.1 Dimensional Requirements Notes (3), (6), and (7). 5.2.1. Dimensional Requirements – Front Setback. The required front setback in Residence B for three or more units is 30 feet, the proposed is 20.5 feet. 5.2.1 Dimensional Requirements – Side Setback - The required side setback in Residence B for three or more units is 30 feet. The proposed side setback is 10.5 feet on the left side. 5.2.1 Dimensional Requirements – Frontage and Lot Width - The required frontage and lot width in Residence B for three or more units is 150 feet, the existing frontage and lot width is 100 feet. 5.2.1 Dimensional Requirements - The maximum lot coverage in Residence B is 20%. The proposed lot coverage is 28.1%. In addition, the petitioner is requesting a variance of Section 6.3.4.2 (3) Layout – The required aisle width in Residence B is 24 feet in case of two-way traffic. The proposed aisle width is 21.5 feet and Section 6.3.4.2(4) prohibits the passage over any other parking space to access a parking space. The plan shows proposed tandem parking for spaces in front of the garage of each unit which requires the moving of one car to exit the space. Section 6.3.5.2 Lighting and Screening – abutting property to the parking lot must be protected from headlight glare. The proposed parking lot does not have any protection from headlight glare. Section 6.5.2.4 Screening and Landscaping – a four-foot strip of landscaping is required whenever setbacks are required. The proposed does not meet this requirement in all areas required. A plan filed with the petition by P.J.F. and Associates entitled "Site Plan of Land of 147 Franklin Street, Stoneham, MA." dated December 28, 2024, shows the proposed building and associated parking. Plan may be seen daily except Friday afternoon in the Town Clerk's office."

Attorney Houghton was invited to speak on behalf of his client Frank Petrillo. He reminded the board that they had just recently granted variances to his client. When they were preparing to go to the Planning Board for a Special Permit they realized they were off on a few dimensions. So instead of seeking a variance for the setback and having two decisions to worry about, they decided to just refile for all of the variances including the change in one of the setbacks from 20.5 to 21. The side lot is a bit closer to the High School driveway.

Mr. Saltzman asked if the plan was the same otherwise. Mr. Houghton stated that it was the same.

Mr. Shulman opened the meeting to the public. Steven Joyce of 6 Emerald Court asked if the plan could be modified again from 5 units to 4. He wants to put 5 units on 6,000 square feet. He thought he'd ask since the Board just denied 104 Pond Street which was six units on 72,000 square feet. He had thought that when the Board previously reduced it from 6 to 5 that the units would be built smaller but the size of each unit increased. The footprint stayed the same but he was hoping it would have been reduced.

Andrea Walters of 155 Franklin Street is concerned about the beautiful, old shade bearing trees on the lot. She is also concerned about the traffic on Franklin Street due to the impact of Weiss and the High School. With five units come more cars.

Mr. Houghton explained that when they rezoned the property at Town Meeting, people were told it was for the purpose of building six units and Town Meeting was okay with that. His client graciously agreed to reduce from 6 to 5 units at the original hearing before the Board after hearing from the neighbors. He is surprised that they are now being asked for 4. It is Residence B which allows multifamily. The existing house is 6.8 feet from Mr. Joyce's lot line. They are moving it and planting trees. He continued to say that Franklin Street is what it is and that isn't his client's fault. He mentions the nice units Mr. Petrillo built at 135 Franklin Street and 22 Wright Street.

Mr. Joyce understands Mr. Houghton's point but this seems like putting a size ten foot in an eight shoe.

Mr. Saltzman made a motion to close the public hearing which was seconded by Mr. Rubin and Mr. McLaughlin. All members voted in favor 5-0.

Mr. Saltzman made a motion to grant the relief for the reasons stated last time and adjusting for the change in the plan. Mr. Rubin seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

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

The meeting adjourned at 8:27PM.

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 plan of 65 Butler Avenue by Spruhan Engineering, PC dated November 17, 2024

A plan of 7 Sherwood Road

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 Ave

Letter of concern from Matthew and Rachael Kilty regarding 1 Montvale Ave

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

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

A plan by P.J.F. and Associates entitled "Site Plan of Land of 147 Franklin Street, Stoneham, MA." dated December 28, 2024

