



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

Stoneham Board of Appeals Minutes
Thursday, March 27, 2025
Town Hall Hearing Room
6:00 PM

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

Also present: Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Ian Gasco-Wiggin or JM Corcoran & Company and Attorney Steven Cicatelli.

The meeting was called to order by the Chair at 6:02 PM. Mr. Shulman introduced the board members and explained the procedure for the public hearing. Mr. McLaughlin led the board in the Pledge of Allegiance.

The Board confirmed their next meeting dates as April 24th, May 22nd and June 26th.

Mr. Shulman invited Ian Gasco-Wiggin of John M. Corocran & Company to speak regarding the Weiss Farm Apartments LLC request for an insubstantial change to plans for layout, finishes, color selections, etc. Mr. Gasco-Wiggin explain that there were some changes made to the sign to provide for something cleaner and more modern. Mr. Gasco-Wiggin had provided the board with a rendering of the new sign. Mr. McLaughlin asked if this would be a black instead of brown. Mr. Gasco-Wiggin indicated that it would now be black and that the sign would be rectangular and no longer curved in shape. Mr. McLaughlin asked if it would be lit up. Mr. Gasco-Wiggin stated that it would be internally lit.

Mr. Sullivan questioned the reconfiguration of the pool. He didn't understand it. Mr. Gasco-Wiggin explained that the pool was originally parallel to the club house. It was reoriented to now be perpendicular to the club house providing for more landscaping. Mr. Sullivan asked if it was in the same location. Mr. Gasco-Wiggin responded that the location was the same.

Mr. Sullivan commented to Mr. Gasco-Wiggin that he was tired of hearing about the pump house. Mr. Sullivan questioned if the pump was engineered and whether the engineer had been out after installation to make sure it was working properly. Mr. Sullivan would like to see a report. He indicated that there are a lot of weeds and silt coming in and it appears to easily clog. Mr. Gasco-Wiggin agreed that there were issues months ago with the clogging but maintained that had been rectified. Mr. Sullivan asked if he was aware of any current issues. Mr. Gasco-Wiggin didn't believe it was still clogging. Mr. Sullivan reminded Mr. Gasco-Wiggin that they own the pump and are required to have it operational. It has become a thorn in the board's side. Mr. Gasco-Wiggin stated that the pump was installed to the engineer's specifications. Mr. Dufour asked about the clogging and Mr. Gasco-Wiggin explained the layers of screening they had put in place.

Mr. Shulman indicated that the Board needed to have the provider of the pump out to inspect. The Board should also see data that Mr. Sullivan mentioned showing the pump is working. Perhaps the Board could be given a report from the manufacturer after a review showing that it is suitable and functioning as was intended and if it is the correct product to be used in that location. In summary, Mr. Shulman wanted: 1. Proof that the pump was working proven by data 2. It's the right application given the location 3. The Board may want to hear from the engineer.

Mr. Saltzman thought it might be prudent to have Mr. Gasco-Wiggin come in again in April for another update on the pump. He added that it would be nice to know about the positioning of the pump. Is it in the right spot or would there be a better way to position it so that it doesn't get clogged. They have pictures showing that it isn't working. Now the Board just needs to hear from the engineer. Mr. Sullivan asked if there were chart recorders and Mr. Gasco-Wiggin responded there are and added that he could send them along as built and he indicated that he would speak to the engineer.

Mr. Saltzman made a motion to approve the insubstantial change as requested for the sign and design changes. Mr. McLaughlin seconded the motion. A roll call vote was taken. Four members voted in favor with Mr. Sullivan voting against while sitting in for Mr. Rubin who has been recused on the matter.

Public Hearings:

28 Summit Road and 3 Arthur Street

Mr. Shulman read the legal notice into the record as follows for the only public hearing of the evening:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, March 27, 2025 at 6:00 P.M. in the Hearing Room, Town Hall to hear all persons interested in the appeal of Brent Paul Kersanske and Lauren Mattos, owners of 28 Summit Road and John C. Mota and Maria Fatima Mota, owners of 3 Arthur Street, for any necessary variances in Chapter 15, Section 5.2.1 to allow both said properties to be made conforming. Both properties are located in the Residence A Zoning District. The property at 3 Arthur Street presently contains 9,671 sq. ft. and is shown as Lot A and Parcel A on the plan filed with the application. The property at 28 Summit Road contains 9,083 sq. ft. The Owners of the 3 Arthur Street property propose to convey said Parcel A to the owners of the 28 Summit Road property leaving the 3 Arthur Street property with 7,649 sq. ft. of land in violation of the minimum area of 10,000 sq.ft. required by Section 5.2.1 of the By-law. A plan filed with the petition by SCOTT M. CERRATO, PLS MEDFORD, MA dated JANUARY 15, 2025 shows the aforesaid properties. Plan may be seen daily in the Town Clerk's office except Friday afternoon.”

Mr. Shulman invited Attorney Steven Cicatelli to speak on behalf of his clients. Mr. Cicatelli explained that both lots are presently nonconforming. They are seeking the variance to make one conforming but the other would remain nonconforming. He mentioned that several years ago they had a similar situation with lots on Plaza Avenue and Pinewood Road. They tried to divide the lots and found that it wasn't considered legal due to infectious validity. Mr. Cicatelli explained that a parcel of land that itself complies with zoning requirements is considered to be in violation of zoning

laws because of the circumstances of its creation. So they had to go before the ZBA, drainage was improved and variances were granted to make both parcels legal. Mr. Cicatelli indicated that this is a similar situation but they are asking for permission first by way of the variances before any transfer of land.

Mr. Cicatelli explained that there is a hardship due to the topography. Parcel A shown on the plan is land currently used by Summit Rd and is not used by Arthur, so it makes sense to transfer. There is no derogation of the intent of the bylaw. The area of the structure is not changing. The total square footage remains the same. Parcel A is located in the backyard of 28 Summit so this transfer of land might increase the valuation. Mr. Cicatelli provided the Board with letters from the abutters indicating that they are in favor.

Mr. Dufour asked for clarification that 28 Summit Road has been using this piece of land. Mr. Cicatelli indicated that to be the case as it is not accessible to the other property because of a fence that is installed.

Mr. Shulman asked about the easement shown on the plan. Is it for sewer? Mr. Cicatelli indicated that it is a sere easement which was placed in a good position as that corner is not buildable. Mr. McLaughlin asked if the easement went all the way up to Graystone Rd. Mr. Cicatelli indicated that it did. Mr. Sullivan questioned a number of 10.4 shown on the plan and asked if the other corner came any closer. Mr. Cicatelli responded that the lot is rectangular and he did ask if the 19.52 was the rear and the Building Commissioner stated it is the rear. The front is Summit.

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

Mr. Dufour believed the topography works to make it part of Summit Road. It doesn't derogate from the intent of the bylaw. It serves the public good as it only effects the owners in question. Mr. Shulman added that there were two nonconforming lots and with the variances granted only one lot would remain nonconforming. It seems clerical to clear it up. With all of this in mind, Mr. Dufour made a motion to grant the relief which was seconded by Mr. Rubin. A roll call vote was taken. All members voted in favor 5-0.

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

The meeting adjourned at 6:33 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:

Rendering of new sign to be displayed at Weiss Farm Apartments

A plan of 28 Summit Road and 3 Arthur Street by SCOTT M. CERRATO, PLS
MEDFORD, MA dated JANUARY 15, 2025.

Letters from the abutters to 3 Arthur Street and 28 Summit Road.