



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

Board of Appeals Minutes
Thursday, May 29, 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, Ian Gasco-Wiggin of JM Corcoran & Company, John Schipe of Fairfield Residential and Orazio Guevera of Justdrawit.com.

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

Reorganization

Mr. McLaughlin nominated Mr. Shulman to be Chair. Mr. Rubin seconded the motion. A roll call vote was taken. All members including Mr. Sullivan voted in favor 6-0.

Mr. Shulman had passed the gavel to Mr. Saltzman and made a motion nominating Mr. Saltzman as Vice Chair. Mr. Rubin seconded the motion. A roll call vote was taken. All members including Mr. Sullivan voted in favor 6-0.

The Board confirmed the next meeting dates of June 26th and August 7th. They chose not to hold a meeting in July.

Mr. McLaughlin made a motion to approve the minutes for April 24, 2025. Mr. Dufour seconded the motion. A roll call vote was taken. All members present voted in favor 4-0-1 with one abstention by Mr. Rubin.

Weiss Farm Apartments LLC update on the pump station

Mr. Ian Gasco-Wiggin from JM Corcoran & Company appeared before the Board to describe what had transpired since his last update on the pump station in April. He explained that the Board had requested he meet with DEP, the engineers and DPW Director Brett Gonsalves to discuss the pumps operation and the float levels. In response to his meeting request, Jill Provencal of DEP sent an email stating that there is a partial permit and the float levels cannot be changed. He then met with Mr. Gonsalves and their engineers to talk through the report the engineers forwarded to the Board on April 2, 2025. Mr. Gasco-Wiggin stated that Mr. Gonsalves

was in agreement with the engineers. Mr. Sullivan corrected Mr. Gasco-Wiggin and stated that he believed Mr. Gonsalves agreed with the thought process. Ms. Sagarino clarified that Mr. Gonsalves had stated to her that he agreed with the methodology behind the engineers numbers but wanted to monitor through the Spring and Summer and any heavy rains to have a better idea of the pump's operation.

Mr. Saltzman stated that the DEP has said they won't change the numbers. He then asked Mr. Gasco-Wiggin if the Weiss Farm property was flooding would DEP change the numbers. Mr. Gasco-Wiggin didn't believe so. Mr. Saltzman then asked if they changed the float levels would they be noncompliant. Mr. Gasco-Wiggin stated that would be the case. Mr. Saltzman further clarified that this is where DEP has it set and this is where it needs to stay without triggering noncompliance and that Corcoran is in no position to defy this and be noncompliant. Mr. Gasco-Wiggin agreed.

Mr. Saltzman stated that DEP is saying the reading is the reading irrespective of harm to a resident and that basically they don't care. Mr. Gasco-Wiggin agreed that you could look at it that way.

Mr. Saltzman thought that the Board should speak to Town Counsel about sending a letter to DEP. There is a notion this could be remedied by setting the pump at a lower level. Corcoran has done everything they can, he believed that it was now incumbent on the Board. So they should have Town Counsel take it up with DEP. Mr. Shulman agreed. He didn't see any other way forward. The reality is that there is still flooding. It could be possible that if an alternative is considered that might be ironclad.

The Board agreed to have Mr. Saltzman contact Town Counsel to discuss the matter and have him draft a letter.

Residences at Spot Pond request for an insubstantial change of design

Attorney Houghton appeared representing Fairfield Development, the new owners of the Residences at Spot Pond. He reminded the Board that at their last meeting they approved the change in ownership. He explained that Fairfield would be keeping the same amount of units with the same size, but would like to tighten up the layout.

John Shipe of Fairfield Residential appeared before the Board. He explained that they wanted to enhance the design. They have added a few zig zags to the plan to help the living community. They don't want to change too much. They will build the same 378 units with the same unit mix and the same number of parking spaces. He stated that everything is still in compliance with the waivers and conditions. They will engage with a local architect to advance the design. Mr. Shipe told the Board that they expect to apply for the demo permit around July or August.

Mr. Shipe continued going over the plan Mr. Houghton had submitted from Allen & Major which showed the changes. He pointed out that Building A, 10 Executive Drive, shown on the top of the plan showed the swimming pool moved from the left hand corner to the center to give room for outside showers and cabanas. For Building B, 20 Executive Dr, shown on the bottom of

the plan he described four stories over parking. He explained they wanted to cover over some of the impervious space for activities.

They will have more parking near Building A to make up for parking removed elsewhere.

Mr. Shipe described roof space on Building A. They will be making a sky deck which is essentially an outdoor patio space.

Mr. Sullivan questioned note 8 on the plan and the fourth wing of living space. Mr. Shipe stated that wouldn't create additional units. Some of the places on the plan weren't efficient. They are refining the space. They will be adding bike storage and mechanical room space.

Mr. Sullivan asked if they were taking units out of other areas and putting them elsewhere. Mr. Shipe agreed that was an easier way of saying it. Mr. Sullivan further clarified that all bedrooms stayed the same but some units are redesigned space wise. Mr. Ship agreed and added all would have the same views.

Mr. Saltzman made a motion to approve the insubstantial change in design. Mr. Dufour seconded. A roll call vote was taken. All members present voted in favor 5-0.

207 Park Street

Mr. Sullivan would sit on this matter as Mr. Rubin had missed the hearing last meeting.

This hearing is continued from April 24, 2025 when the legal notice was read 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 Vershinina 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 architect and builder appeared on behalf of his clients. He reminded the Board that at the initial hearing they were okay with the setbacks on the addition shown on the original plan but had a concern about the height. They asked him to come back with a new plan showing the allowed thirty feet in height. Mr. Guevera came back with a plan showing three options. Option 1 was what was originally presented. Option 2 showed a

reduction in height to the 30 feet. Option 3 was a compromised version showing the height falling in between option 1 and option 2. They would prefer for the Board to approve option 3 as it works better for having a third floor. It would give them 6 foot walls.

Mr. Saltzman asked Mr. Guevera to qualify what option provides the 30 foot height. Mr. Guevera indicated that was option 2 but added that they don't see it as feasible for head room. They would like to go two feet more which would be meeting in the middle from the original plan.

Mr. Shulman stated that option 2 still amounts to adding a full third story to this building. Mr. Guevera agreed. Mr. Dufour questions the existing height of the original dormer. Mr. Guevera points out the height on the plan. Mr. Saltzman stated that the April proposal was 36.83, almost 37 feet along with a request for front and side setback. The question from the Board was whether you could come back with a proposal that met the height requirement. Mr. Guevera stated he had and it is shown on the plan as option 2. Mr. Saltzman asked if that was the option the Board should consider. Mr. Guevera indicated that they would prefer option 3 with a height a few feet over the allowed 30 feet.

Mr. Shulman stated that he thought he'd design a third floor built into the roof. A design that had an enlarged roof with some head space and dormers. All of the versions are a version of adding the same third story on top of a house. Mr. Guevera responded that option 2 does meet the bylaw. Mr. Saltzman had hoped to see something that worked for everybody including relief for the setbacks.

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 present voted in favor 5-0, with Mr. Sullivan voting in place of Mr. Rubin.

Mr. Saltzman stated that it looks like they will be working with option 2. He made a motion to grant the relief for the setbacks, not height. It is an old lot. It doesn't derogate from the intent of the bylaw and serves the public good. Mr. Shulman added that it is an oddly shaped lot. Mr. Sullivan also added that the house is situated relative to the odd shape of the lot.

Mr. Saltzman made a motion to grant the relief for the setbacks. Shown as Option #2 on the plan given to the Board. The shape of the lot creates a hardship. It doesn't derogate from the intent of the bylaw and would serve the public good. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members present voted in favor 5-0, with Mr. Sullivan sitting in for Mr. Rubin who was not present at the opening of the public hearing on April 24th.

5 David Circle *Represented by Attorney Charles Houghton*

The legal notice was read into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing, THURSDAY EVENING, May 29, 2025, at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Daniel and Carrie Smith of 5 David Circle, Stoneham,

MA, to build a 44 foot x 32 foot garage at 5 David Circle, Stoneham, Massachusetts. The applicant is requesting a variance of Section 4.2.2.2 and/or to appeal the Building Inspector's refusal to grant a permit pursuant to Section 7.6.1.1. Section 4.2.2.2 allows accessory uses which are proper and usual with residences and are not injurious to a neighborhood including (a) private garage for not more than three (3) cars. Section 4.2.2.2 - The proposed 44 foot by 32 foot – 30 foot high garage with bathroom and access off of Wilbur Street is not accessory. Section 4.2.2.2(a) – Private garages as accessory uses are allowed for not more than three cars. The proposed garage can house more than 3 cars and the dwelling has a two-car garage. Section 5.2.1 – The required rear setback in Residence A is 15 feet. The proposed rear setback is 10 feet. A plan filed with the petition by Edward J. Farrell, PLS dated April 1, 2025, entitled “Variance Plan 5 David Circle Stoneham, Mass,” shows the proposed garage. Plan may be seen daily except Friday afternoon in the Town Clerk's office”.

Attorney Houghton appeared before the Board to explain his clients' request. He began by stating that they have amended the plan to downsize by 25% and adhere to the rear setback. He read the bylaw out loud to the Board and stated that there is no mention of size just that three cars are allowed. His clients would like to build this garage to create a man cave for Mr. Smith with a bathroom, slop sink and room to park his pickup truck and vintage car. Originally they hoped to build to house an RV but can no longer do so with the reduction in size.

Mr. Houghton shows the Board a copy of the Assessor's map with several abutters parcels highlighted of those neighbors in support of the project. Mr. Houghton then gave some background history. A year ago the Town went out to bid to sell 4600 square feet of Town own land. His client's were the only bid and purchased the piece of land on Wilbur for \$31,500 from the Town. The square footage was added to 5 David Circle with an Approval Not Required (ANR) Plan endorsed by the Planning Board. Mr. Houghton further explained with an easement running across it limits them to where this garage can be built. He further stated that there will be water & sewer for bathroom but no living quarters. Mr. Houghton also mention that MGL now allows accessory dwellings up to 900 square feet by right. There is also a loft incorporated for storage.

Mr. Saltzman asked if they would be agreeable to have a condition it not be for a residential dwelling use. Mr. McLaughlin asked if there would be heat. Mr. Houghton stated there would be electric heat. Mr. Dufour asked if this would be used as a mechanic shop. Mr. Houghton stated that it would not. Mr. McLaughlin asked if there would be 12 foot doors. Mr. Houghton stated they'd be 10 foot. Mr. Shulman asked if the lots were combined. Mr. Houghton indicated that they had been to the Planning Board and he showed the Board the ANR plan. Mr. Shulman asked what the easement was for. Mr. Houghton indicated that it was water for Mauriello Drive. A neighbor on Gorham Ave, Paul Maisano, indicated that the Town put in the easement but didn't need it for Mauriello Drive but left the easement in place just in case.

Mr. Houghton stated they are willing to stipulate there would be no commercial use. Mr. Saltzman asked about a height reduction. Mr. Houghton stated that it's 25 feet. Mr. Saltzman mentioned that the size is still 28 x 40 x 25. Mr. Shulman said that is the case. It's 40 feet x 28 x 25. Mr. Dufour asked about the lot size. Mr. Houghton indicated it was 13 and change and they added the 4600 square feet.

Mr. Houghton further described the property as an irregular shaped lot. The house is a split with 2 car garage.

Mr. Rubin thought that you may not see the garage from Wilbur. Mr. Saltzman asked if the intention is to park cars in this structure. Mr. Houghton stated they would like to park his pickup truck and summer car. If it were big enough they would want to park an RV.

Mr. Shulman asked if there would be a window on the side of the garage facing the neighbors. Mr. Houghton said they could stipulate that there wouldn't be.

Mr. Shulman opened the meeting up to the public. He read two letters of opposition into the record from Michelle Maisano of 2 Wilbur Road and John Belmonte of 3 Wilbur Road. Mr. Shulman invited Mr. Houghton to respond. Mr. Houghton stated that they had already addressed the size by reducing the garage from what was submitted with the application. Mr. Houghton spoke about Wilbur Street. There are no sidewalks with about 28 feet of pavement. It is a two way passable road. Wilbur Street has not been accepted by the Town and is a private way. His client purchase the lot on Wilbur Street from the Town and has frontage on Wilbur therefore allowing access. Mr. Shulman asked who plows Wilbur Street. Mr. Houghton stated that the Town plows. The Town plows private ways unless there is an agreement in place to the contrary.

John Belmonte of 3 Wilbur doesn't believe they should access this garage from Wilbur Street. He also opposed the size since it is almost as big as his house. He also raised concerns about flooding.

Michelle Maisano of 2 Wilbur Street stated that the front of her house is facing this and she will have to look at 10 foot garage doors. She spoke about the letter that had been submitted and signed by many of the direct abutters. They already have a two car garage. Now they basically want five car garage space. We will lose green space and privacy. This garage is two stories high. It is large and imploring. This garage is much bigger than the average 30 x 24 foot garage.

Paul Maisano of 10 Gorham Ave spoke about the validity of the intension of zoning. He believes the standard is violated by such a large structure. It's a huge building. Shouldn't it be auxiliary? Supporting the main structure. This is almost as big even though it's been reduced in size. Mr. Maisano continued to say that there is no hardship. They have a two car garage to house vehicles. They can add a third. He quoted part of MGL Chapter 40 section 10 about hardship. He wanted it on record that there is no hardship.

Michael DeBarcelo of 4 Arthur Road was under the impression the Town owned land on Wilbur Street was not buildable. Mr. Houghton explained that on its own it wasn't buildable. The parcel was added to his clients existing parcel at 5 David Circle with an ANR plan endorsed by the Planning Board.

Mr. Shulman asked Mr. Houghton to address the hardship. Mr. Houghton indicated that with the easement in place there is no other place to build the garage. The whole idea in buying the property from the Town was to do this. The structure will be an enhancement to the overgrown lot. His clients bought it and are going to develop it somehow. Although he understands the need

for privacy that is not covered in the bylaw. It also just states three car garage in the bylaw, but doesn't speak to the size allowed.

Michelle Maisano stated that within the denial the bylaws are specified. Twenty five feet or so is high for a garage. This affects her privacy. She stated it will be over her house. It will have a negative impact to everyone in the neighborhood but the owner. They already have a garage, a shed and a pool. Every neighbor that she had spoken to felt the same way. A standard garage is 12-15 feet high.

Mr. Houghton responded that he had given the Board a copy of the Assessors map and highlighted about thirty parcels for those neighbors who are in support of the garage being built. They are neighbors who would be able to see the garage but have no problem. Is there a benefit to the neighbors if they have a garage? No but it is also not a detriment. They are trying to compromise. Something is going to go there.

Mr. Shulman spoke about the reduction in size and shifting the garage on the property. The revised sketch shows a 15 foot rear setback so now it conforms. Landscaping and screening could now be provided. Mr. Houghton acknowledges that they plan to put up a six foot vinyl fence. He would stipulate to that.

John Belmonte stated that he would see the garage regardless of the fence. Why can't this garage be put in their side yard? With only a six foot fence it leaves a lot of garage to look at. He also was afraid this would set precedent. Mr. Shulman explained that as a Board they do not set precedent with their decisions. Mr. Belmonte asked the Board respectfully to go look at the area. He understands that they want to build and he doesn't want to be that neighbor but it's too large.

Mr. Maisano, 10 Gorham Ave, added two points of information. Building this structure even with a 25% reduction, Mr. Belmonte's house is still smaller than this garage. He also explained that if you build a garage now, a few years later, you might subdivide and make a house. Mr. Shulman stated that it has been suggested that there be a condition not to use as a residence. Mr. Saltzman stated that we are talking about waiving a right to residential. Mr. Houghton stated that if this is not approved they could add an ADU of 900 square feet under MGL.

Mr. Maisano believes this is a self-imposed hardship.

Mr. Dufour suggested that the Board conduct a site visit. The Board decided to meet at Wilbur Street on June 19th at 9AM.

Mr. Rubin made a motion to continue the public hearing to June 26, 2025 at 6PM in the Town Hall Hearing Room after a site visit on June 19th at 9AM. Mr. Saltzman seconded the motion. All members present voted in favor 5-0.

7 Victoria Lane

Mr. Shulman 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, May 29, 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 Mason Poce and Meaghan O’Halloran Poce, 7 Victoria Lane, Stoneham, Massachusetts to demolish the existing dwelling and construct a new 54 foot by 68 foot L-shaped single family dwelling at 7 Victoria Lane. The petitioners are requesting variances from the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements. The minimum lot size in Residence A is 10,000 square feet. The lot for the proposed is 9,273 square feet. The minimum front setback in Residence A is 20 feet. The proposed front setback is 16.5 feet. The minimum setback from a street is 15 feet. The proposed setback from Kays Road is 13.9 feet. The minimum side setback in Residence A is 10 feet. The proposed side setback 7.5 feet. The maximum percent coverage in Residence A is 30%. The proposed is 31.7%. A plan of land showing the proposed foundation for 7 Victoria Lane by Andrew Bramhall, Professional Land Surveyor dated February 25, 2025 may be seen daily except Friday afternoon in the Town Clerk’s Office.”

Mason Poce appeared before the Board to describe the requested relief. He explained that his other-in-law would be moving into their house after his father-in-law’s passing. They would like to demolish the existing home and start from scratch, adding an in law unit. They do not meet the 10,000 square foot requirement but showed the Board what they are proposing to build. He explained that they are near the corner of Kays. With the proposed house they will be moving further from the street than they are now but still fall within the setback.

Mr. Saltzman stated that he’d be more conforming, but still within the setback. You can’t do anything about the turn in the road.

Mr. Poce has the signatures of 30 abutters who are in favor of the proposed house. Alan Dilendick the closest abutter 8 feet from where the garage is going has no concerns. There are no windows on the side of the garage and it maintains his privacy. Mr. Poce continued to say that they are under 30 feet. They will not need a height variance like one of the previous petitioners.

Connie McDonald of 1 Victoria Lane had a question as to whether it would be a one story house. Ms. Poce responded that it would be 1 story for the inlaw but 2 story for the main house. The house will fit in with the neighborhood. Ms. McDonald asked about the timeline. Mr. Poce expected that if they were approved and the appeal period had run out, they would get the building permit and start around the end of July, early August. He hoped to be done in six months which may be wishful thinking.

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

Mr. Saltzman stated that the proposed is more conforming and not over 30 feet. There is a hardship with the size and shape of the lot. It doesn’t derogate from the intent of the bylaw and would serve the public good. Mr. Saltzman then made a motion to grant the relief for those reasons stated which was seconded by Mr. McLaughlin. 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. Rubin. All members voted in favor 5-0.

The meeting adjourned at 8:09 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 207 Park Street by Paul J. Finnochio, Professional Land Surveyor dated March 11, 2025 and revised March 24, 2025

Justdrawit.com plans and elevations for 207 Park Street revised May 2025 showing 3 options.

A plan by Edward J. Farrell, PLS dated April 1, 2025, entitled "Variance Plan 5 David Circle Stoneham, Mass," shows the proposed garage.

A portion of the Assesors map for 5 David Circle showing highlighted parcels in support of 5 David Circle.

Letter in opposition of 5 David Circle from Michelle Maisano, 2 Wilbur Street, received May 22, 2025.

Letter in opposition of 5 David Circle from John Belmonte, 3 Wilbur received May 22, 2025.

Letter in opposition of 5 David Circle signed by 12 neighbors of 5 David Circle received May 28, 2025.

A plan of land showing the proposed foundation for 7 Victoria Lane by Andrew Bramhall, Professional Land Surveyor dated February 25, 2025.

Letter of support signed by 30 abutters to 7 Victoria Lane.