



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

**Stoneham Board of Appeals Minutes**  
**Thursday, June 26, 2025**  
**Town Hall Hearing Room**  
**6:00 PM**

Members of the Board present: Vice Chair Robert Saltzman acting as Chair, R. Michael Dufour, Eric Rubin, Kevin McLaughlin and Associate Members William Sullivan and Stephen Levy.

Also present: Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Attorney Charles Houghton, Attorney William Heney, Rick and Cristina Pignone and Dave Piscatelli.

The meeting was called to order at 6:01 PM by Acting Chair Robert Saltzman. Mr. McLaughlin led the Pledge of Allegiance.

The Board confirmed August 7, 2025 as the next meeting date. Mr. Saltzman introduced the Board members and explained the procedure the Board follows for public hearings.

Mr. McLaughlin made a motion to approve the minutes for May 29, 2025 which was seconded by Mr. Rubin. All members present voted in favor 4-0.

5 David Circle

Mr. Saltzman moved to the first public hearing of the evening. The legal notice had previously been read into the record as follows when the public hearing began on April 24, 2025:

“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”.

A site visit had been scheduled for June 19, 2025 when the matter was continued on April 24<sup>th</sup>. The Board cancelled the site visit after being informed by Attorney Houghton that his client's would be requesting the matter be withdrawn without prejudice.

At this time Attorney Houghton appeared before the Board to request the petition be withdrawn without prejudice. Mr. Rubin made a motion to grant the request which was seconded by Mr. McLaughlin. A roll call vote was taken. Mr. Sullivan, sitting in for Mr. Shulman voted no with the remaining four members voting in the affirmative. The petition was withdrawn without prejudice by a vote of 4-1.

### 93 Elm Street

Mr. Saltzman read the meeting notice into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, June 26, 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 Richard J. Pignone and Cristina Pignone, 93 Elm Street, Stoneham, Massachusetts to construct a 19 foot by 32 foot open deck and an above ground pool at 93 Elm Street. The petitioners are requesting a variance from the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements. The minimum side setback in Residence A is 10 feet. The proposed side setback is 3.5 feet for the deck and less than 10 feet from the pool deck. A proposed plot plan of 93 Elm Street by Edward J. Farrell, Professional Land Surveyor dated May 12, 2025 may be seen daily except Friday afternoon in the Town Clerk's Office”

Mr. Dufour recused himself on the matter as he is an abutter to the property. Mr. Sullivan and Mr. Levy would sit in on the matter in Mr. Dufour and Mr. Shulman's absence.

Richard Pignone appeared before the Board and explained the requested relief. He explained that when he had purchased the house there was a pool with decking around it. It was difficult to go down the stairs to then go up to the pool. He wanted to put a deck to the pool. He apologized because he did so without a building permit. The contractor cut the pool in the process which caused it to collapse. With the original plan he had the pool too close to the neighbors. He spoke to DPW Director Brett Gonsalves. He was told to cut back four feet because of a town easement. When the Building Commissioner became aware, she asked Mr. Pignone to take off the railings. Mr. Pignone continued explaining that he doesn't really have backyard. It's all side. He wanted to make a deck that was more accessible and usable for his family. He stated that the shape of the land and the existing easement cause a hardship.

Mr. Saltzman asked if there was a deck around the previous pool. Mr. Pignone indicated that it was a Gibraltar pool with a deck. Mr. Saltzman asked if it was conforming. Mr. Pignone was not sure. Mr. Saltzman stated that it looks like the lot line comes away from the street at an angle. He then asked if there was any way to cut it back three feet and make it symmetrical. Mr. McLaughlin asked if the deck could be built at an angle. Mr. Pignone said that it would be hard to place furniture if you did that because the deck would be very narrow at spots. Mr. Levy asked about the easement and any drainage issues. Mr. Saltzman explained that if anything were put in

the easement it may need to later be ripped up for access. Mr. Pignone explained that Mr. Gonsalves had told him that he could not cross into the easement. Mr. Sullivan asked if what they are looking at is what is currently staked in the yard. Mr. Pignone stated that it is.

Mr. Saltzman opened the meeting up to the public. Eric Cappucci of 73 Washington Street stated that he had no objection to the deck. Mike Dufour of 84 Elm Street stated that he also had no objection and added that the property always had a pool and deck. Mr. Saltzman asked about the size of the old pool. Mr. Pignone responded that it was 12 x 24 with six feet wide decking around. Mr. Sullivan asked if the other deck extended as far. Mr. Pignone indicated that it had not. Mr. Levy asked about noise complaints. Mr. Pignone indicated that there have been none in the 24 years he has lived in the house.

Mr. Saltzman read a letter from Josh and Erin Hiltz of 94 Elm Street indicating they had been neighbors for 10 years and are in full support. A letter of support from Edward Seabury and Erin Stevens of 71 Washington Street was also read into the record.

Attorney William Heney appeared representing Marybeth and Ashley Wilson the next door neighbors. Mr. Heney had submitted a memo to the Board dated June 19, 2025 which he summarized. He showed pictures of the deck deconstructed after inspectional services found that work was done without a permit. Mr. Heney also indicated that the plan does not meet all of the requirements listed on the application. He indicates that the 28% lot coverage on the plan does not list if that is before or after the deck and pool are added. He did acknowledge that the applicant has a shape issue but he does not have a hardship. He could put in a deck that is compliant. A smaller deck. Mr. Heney indicated that it is a self-created hardship. The applicant bought the home, added 13 feet with an addition, not leaving enough room for a deck to be built within the setbacks. The proposed deck and pool are larger than the old deck and pool. Mr. Heney then reinforced that the applicant can and should build within the setbacks.

Ashley Wilson of 95 Elm Street spoke against the deck. She said in July or August 2024, Mr. Pignone mentioned to her mother that they were going to build a deck. My mother thinks it's nice. They pour the concrete and then built a deck the size of Texas. Ms. Wilson decided to educate herself on the rules. She stated that she went to inspectional services and asked about setbacks and found out from the office manager that the setback is ten feet and no permits were pulled. She added that they are aware of the variance process because they received a variance in 2005.

Ms. Saltzman asked Ms. Wilson what her actual objection is. Mr. Wilson replied that it is too close to her property line and the easement should there be drainage issues.

Mr. Pignone stated that when he had talked to Marybeth Wilson earlier she didn't seem to have a problem with the deck. Mr. Pignone continued to say that their house is thirty feet away and there is a big tree that blocks everything.

Mr. Saltzman stated that the 2005 variance has no relevance on this. Mr. Sullivan added that Brett Gonsalves has been out there and would have had him take down a lot more if he thought it necessary in terms of the drainage easement. The question is whether to grant the variance for 6½ feet or not.

Ms. Wilson spoke about how she can't put a fence up because of the easement. Mr. Saltzman stated there isn't enough room on either side.

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

Mr. Sullivan stated that there is a 32½foot deck. If it were brought back to the stairs with an angle, it would put him in compliance. Mr. Saltzman stated that it can't be moved as it would be in the setback. Mr. Sullivan stated if he builds a conforming deck there would be no screening for either party. Mr. Levy asked what credence should be given to Attorney Heney's claims. Mr. Saltzman responded that they could have had another plan done, but what is in front of the board is the petition. It is a sizable ask in view of such opposition from the neighbor.

Mr. Sullivan made a motion to approve which was seconded by Mr. Rubin. A roll call vote was taken. Mr. Sullivan, Mr. Levy, Mr. Rubin and Mr. Saltzman voted against, Mr. McLaughlin voted in favor. The petition failed 1-4.

Mr. Dufour came back into the meeting at 6:56PM but Mr. Rubin had to leave for a work commitment at the same time. Mr. Sullivan and Mr. Levy would sit on the next matter in Mr. Rubin and Mr. Shulman's places.

#### 6-8 South Street

Mr. Saltzman 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, June 26, 2025 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by J-MARG, LLC, 3 George Root Way, North Reading, MA to convert the existing two-family dwelling to a three-family dwelling at, 6-8 South Street, Stoneham, Massachusetts. Petitioner is requesting a variance of: Section 4.2.3. This use requires a variance granted by the Board of Appeals. Additionally, a variance of Section 4.2.3.1(b) will be required as the lot area is 7,179 square feet and the required area is 30,000 square feet and variances of Section 6.3.4.2.4 and 6.3.4.2.5 will be required as all parking spaces shown on the proposed plan are tandem and require moving one vehicle to access another parking space and all parking spaces exit the property by backing out rather than in a forward motion for entering or exiting parking spaces. A plan filed with the petition by Medford Engineering and Survey, dated, May 21, 2025, entitled, “Certified Plot Plan 6-8 South Street Stoneham, MA” shows the proposed three-family dwelling and associated parking and a plan by LR Designs dated May 18, 2025, shows the existing and proposed floor plans. Plan may be seen mornings except Fridays in the Board of Appeals office and daily except Friday afternoon in the Town Clerk's Office.”

Attorney Houghton is invited to speak on behalf of his client. He explains that the existing building will stay. There will be no changes to the footprint. It is an existing two family with eight bedrooms total and a bathroom on each floor. Mr. Houghton described it as a flop house.

There was an absentee landlord and the house is in terrible condition. His client would like to clean it up.

Mr. Houghton explained that they made one change to the existing plan to allow for exiting the property in a forward motion. South Street is difficult to pull onto especially when traffic is backed up.

Mr. Houghton had provided pictures of the conditions inside the house. Mr. McLaughlin asked if he had other pictures showing what the house will look like. How many units will there be? Mr. Houghton responded that it is a legal two family and they want to add a unit. Mr. McLaughlin asked if there would be one front door. He asked about a second means of egress for the upper floors. Mr. Houghton said that they would all access the units through the one front door. It has to be sprinklered and for that reason a second means of egress is not required. Mr. McLaughlin stated that it even if it isn't required you need more than one means of egress. They can add stairs in the back and make another egress. Mr. Houghton agreed they may be able to do that.

Mr. McLaughlin asked if there is one bathroom per unit. Mr. Houghton stated it is currently two floors with one bathroom on each floor with four bedrooms. He said with two units it will stay rentals and they'd essentially put lipstick on a pig with the likelihood that it would become a flophouse again. To make it economical they need to add a unit. They intend on the three units being condos not rentals.

Mr. Saltzman asked how many adults recently lived in the house. A neighbor indicated there had been three adults on the first floor and 2 adults on second floor with 6 children in the house. Mr. Saltzman asked about parking. Mr. Houghton's client David Piscatelli responded there would be two spots for each unit. Some neighbors were expressing concerns about parking on the street. Mr. Houghton stated that if you buy a unit, you won't want to park down the street. Mr. McLaughlin spoke about the house next to him that had a fire several years back. It was owned by an absentee landlord. After the fire, they rebuilt two units and they are condos. It worked out well.

Mr. Houghton continued to explain that the structure is in need of an incredible amount of work which creates a financial hardship.

Mr. Saltzman opened the hearing up to the public. Elaine Newman of 44 Parkway Road appreciates that Mr. Piscatelli would like to do this. If each unit has three bedrooms and the third floor has two, you could potentially have up to sixteen cars. You can't guarantee they wouldn't park on the street. Michael Newman of 44 Parkway agreed, especially if some of the bedrooms have teenagers. Bob Nolan of 36 Parkway spoke about the location near the highway and how the area is a major cut through. He was thankful that the property would be rehabbed and glad it is condos but was still concerned there'd be parking on the street.

Mr. Saltzman stated that it sounded like they needed resident only parking in that area.

Sheila Moran of 14 South Street wasn't as concerned about the parking on the street but asked if there could be more parking in the back. Mr. Houghton explained they are only required to provide 1.7 spaces per unit.

Some neighbors then expressed concern that there wasn't a financial hardship. That he didn't need to buy it, but that he also could leave it as two units and make money. Mr. Piscatelli explained that after the purchase price and cost to rehab it would only work as a rental. It's next door to a gas station which makes it likely that a condo wouldn't sell for more than \$700,000.

Another neighbor commented on the square footage. It's only 7300 square feet and 30,000 is required. Mr. Houghton said that whether it is a two family rental or three family condo, you'd need relief.

Joan McDermott of 31 Parkway Road asked if you could add an additional bathroom to each unit. Mr. Piscatelli suggested that if he were to add another bathroom it would cause a change in the framing and a change to the structure. Mr. Piscatelli also explained that he is not changing the total number of bedrooms. The number is the same. There are eight now and would be eight total in the three units

Mr. McLaughlin brought up the second means of egress again. He wanted to see stairs up to the top unit. Mr. Piscatelli stated that he had wanted to provide private decks for the units but he could add stairs going all the way from the top to the ground as another means of egress.

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

Mr. Sullivan stated that rentals go by how the landlord is. He was skeptical about putting three families in single and two family neighborhoods.

Mr. Saltzman stated that the owner has a problem with what he owns. He bought it and there's no going back. If kept to two units it will remain a rental and at some point as a landlord, you stop putting in money. Or you can have three units which creates an incentive to maintain the property. Although it may not be a perfect solution, it seems to be the way to go.

Mr. Sullivan understands construction costs are up there. He bought the building for \$800,000. Mr. Saltzman asked how much money he'd have to put in. Moe to make three units but they'd be sold and owner occupied.

Mr. Dufour asked about the stairway for the third floor. Can you connect it to the second floor? Mr. Piscatelli responded that they hadn't connected the decks to give each unit privacy but the stairs could connect to every floor if that is the board's preference.

Mr. Dufour made a motion to approve the petition for three units with the condition that there would be a second egress for the 2<sup>nd</sup> and third floors. Mr. McLaughlin seconded the motion. A roll call vote was taken. Mr. Dufour, Mr. McLaughlin, Mr. Levy and Mr. Saltzman voted in favor with Mr. Sullivan voting against. The petition was approved 4-1.

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

The meeting adjourned at 7:43PM.

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 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.

A proposed plot plan of 93 Elm Street by Edward J. Farrell, Professional Land Surveyor dated May 12, 2025.

Two letters of support for 93 Elm Street.

A plan filed with the petition by Medford Engineering and Survey, dated, May 21, 2025, entitled, “Certified Plot Plan 6-8 South Street Stoneham, MA” shows the proposed three-family dwelling and associated parking and a plan by LR Designs dated May 18, 2025.