



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

Stoneham Board of Appeals Minutes
Thursday, August 7, 2025
Town Hall Hearing Room
6:00 PM

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

Also present: Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Attorney Charles Houghton, Attorney William Heney, Jennifer Pederson and Jim Plunkett.

The meeting was called to order at 6:04 PM by Acting Chair Robert Saltzman. He introduced the board members and explained the procedure the board follows for public hearings. Mr. McLaughlin led the Pledge of Allegiance.

The Board confirmed the next meeting dates of September 25, 2025, October 30, 2025 and November 20, 2025.

Mr. Dufour made a motion to approve the minutes for June 26, 2025 which was seconded by Mr. McLaughlin and Mr. Levy. All members present voted in favor 4-0.

7 Gerald Road

Mr. Saltzman 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 EVENING, August 7, 2025 at 6:00 p.m. to hear all persons interested in the application by Jennifer Pedersen, a/k/a Jennifer Pederson, Trustee of the Jacqueline M. Von Kanel 2023 Living Trust and Robert L. Hiltz with an address of 7 Gerald Road, Stoneham, MA 02180, to request variances to divide their property at 7 Gerald Road, Stoneham, into two lots, and to demolish the existing dwelling at 7 Gerald Road. Both proposed lot A and Lot B will need a variance of: Section 5.2.1 Dimensional Requirements – for frontage and lot width. The required frontage and lot width is 90 feet per lot. The proposed frontage and lot width for Lot A is 82.50 feet, and the proposed frontage and lot width for Lot B is 82.50 feet. A plan filed with the petition by Benchmark Survey dated July 8, 2025, entitled “Plan of Land 7 Gerald Road Stoneham, Mass.” shows the proposed Lot A and Lot B. Plan may be seen daily except Friday afternoon in the Town Clerk’s Office.”

Mr. Saltzman invited Attorney Houghton to speak on behalf of his clients. Mr. Houghton explained that Gerald Road was a subdivision done in the 1940s. Back then 82.50 feet was more than enough frontage. The lot size was only 7,000 square feet back then. Mr. Houghton continued to say that his client inherited the property from her mother and her uncle owns an

interest in it as well. The house is not structurally sound and the roof is falling in. It would take a lot of money to make it livable and up to code. The house had not been taken care of and at this point needs to be town down. His client would like to build a new house on the empty portion of the lot and tear down the old house which would be for her uncle to sell or build on.

Mr. Saltzman commented that they are looking for 90 feet from 82.5. It appears that they will be building houses that are conforming and comply with the bylaws if given the variance for frontage. Mr. Houghton said that's about right. There are only two things that can happen. His clients could get the approval and sell. Or Jennifer and her husband build a small house and the old house is town down.

Mr. Saltzman asked about the frontage for the house next door. Mr. Houghton responded that it was 82.5 feet. Mr. Saltzman asked about the house next to that and the answer was 67 feet.

Mr. Houghton stated that it is not a sound investment to rehab the existing house. There is a financial hardship. The house is a detriment to the public good. The shed in the back is a fire hazard. This project doesn't derogate from the intent of the bylaw. You are almost there but for 7.5 feet of frontage. All other bylaws are being met. He added that if you were to treat it as one lot, you could build a large house that would dwarf everything on the street. Mr. Saltzman agreed. He added that the 82.5 doesn't conform to the bylaws but it does conform to the neighborhood.

Mr. Dufour thought it would require more variances to rehab the existing house which sits right on the line. Mr. McLaughlin looked at the photos of the house that were provided by the petitioner and commented on the butterfly wallpaper and the windows. Mr. Saltzman commented on the terrible state of the shed in the back yard.

Mr. Saltzman opened the meeting up to the public. Paula Sarno of 6 Ellen Road, an abutter who lives directly behind the house, commented on how the house is in disrepair and has been an eyesore for many years. She had to pay to have trees taken down at the back of the property because she feared they might fall on her house during a storm. She continued to comment on a shack/shed in the back yard that seems to be a severe fire hazard. The mortgage was paid off so she doesn't even believe there is any insurance homeowner's insurance should something happen. She feels that it would be a bonus to have a variance granted. She's in favor of the variance, but would be concerned about potential blasting. She also commented that the charming neighborhood really couldn't support a mega-mansion if it were not granted and the property was developed as one lot.

With no further public comment, Mr. McLaughlin made a motion to close the public hearing which was seconded by Mr. Dufour and Mr. Levy. All members voted in favor 4-0.

Mr. McLaughlin thinks it's a win-win for the petitioner and the neighbors to grant the variance. He made a motion to approve. It doesn't derogate from the intent of the bylaw. It serves the public good as the existing house is in such disrepair. Mr. Levy seconded the motion. A roll call vote was taken. All members voted in favor 4-0.

At 6:30 PM, Mr. Saltzman asked the Board to take a 10 minute recess so they could contact Mr. Shulman to see if he would make it for the second public hearing. Mr. Saltzman asked Attorney William Heney to confer with his client as to whether he wished to move forward with a 4 member Board should Mr. Shulman not make it.

Mr. McLaughlin made a motion to recess which was seconded by Mr. Levy and Mr. Dufour. All members voted in favor of the recess 4-0.

Mr. Saltzman brought the meeting back to order at 6:41PM. Mr. Heney indicated that his client wanted to move forward with four members knowing he would need a unanimous vote of the Board.

14 Brackett Avenue

Mr. Saltzman 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, August 7, 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 Biscotti Realty, LLC, 6 Briar Wood Lane, Wakefield, Massachusetts to divide the lot at 14 Brackett Avenue to create a second parcel as 0 Stonecroft Avenue. The petitioner is requesting a variance from the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements. The minimum frontage required in Residence A is 90 feet. The frontage for 14 Brackett Avenue is 85 feet. A plan of land of 14 Brackett Avenue by Paul J. Finocchio, Professional Land Surveyor dated July 8, 2025 and revised July 21, 2025 may be seen daily except Friday afternoon in the Town Clerk's Office”.

Attorney William Heney of Beverly was invited to speak on behalf of his client. He explained that the parcels shown as 14 Brackett and 0 Stonecroft are in the Residence A District and were part of an approved subdivision in 1911. In 1911 0 Stonecroft was two parcels and 14 Brackett Avenue was also two parcels. The parcels were merged by the Assessors at some point for tax purposes. Mr. Heney explained that they originally thought that the Governor's Affordable Home Act did not apply to their lots. When they went before the Planning Board for endorsement of an ANR plan, the Planning Board would not endorse the plan as Town Counsel had advised against doing so without a variance from the Board of Appeals for the frontage at 14 Brackett Avenue and the square footage unless altered. Mr. Heney agreed with Attorney Galvin's argument. They shifted the line to create two lots with at least the required 10,000 square feet. Now they are here seeking the variance for frontage. He further explained that 14 Brackett Avenue will remain as it is. If you are walking down the sidewalk it would look the same. This would take away half of the backyard and a new lot would be created which would front Stonecroft Avenue. Mr. Heney believed the sloping in the back created a hardship. He believed that it did not derogate from the intent of the bylaw as it would create compliant housing.

Mr. Saltzman mentioned that he knew a lawyer and that lawyer might ask the question, is this not a self-created hardship. Attorney Heney found the irony in that statement as he had appeared before the Board three times in opposition for various neighbors and each instance had claimed

that the petitioner had a self-created hardship. Mr. Heney did explain that the hardship was due to the subdivision being laid out before zoning was in place. This variance would allow 14 Brackett Avenue to be a conforming lot which it currently is not under the present zoning. What they are proposing as 0 Stonecroft is not suited as the backyard for 14 Brackett due to the slope.

Mr. Saltzman opened the hearing up to members of the public. Brendan Loftus of 13 Brackett Avenue asked if they are keeping all structures on 14 Brackett Ave the same. Mr. Heney indicated that it would remain the same. Mr. Loftus then asked about blasting since the lot for 0 Stonecroft would need to be cleared before building.

Mr. Plunkett responded that he is just selling the land. He wouldn't be the one developing it. Mr. Dufour added that if this were to be approved, the Board could add a stipulation that there be no blasting. There are chemicals that can be used to expand ledge and break it up instead of using dynamite. The condition would be binding on any new owner.

Mr. Heney presented the Board with letters of support from 12, 16 and 23 Brackett Avenue. Mr. Saltzman read into the record and stated that the others were carbon copies. Catherine Kelly of 13 Brackett Avenue spoke in support after hearing there would be no blasting and 14 Brackett would stay as is.

With no other members of the public present for comment, Mr. McLaughlin made a motion to close the public hearing which was seconded by Mr. Dufour. All members voted in favor 4-0.

Mr. Saltzman stated that what we have is a 114 year old, pre-existing, non-conforming structure. Mr. Dufour agreed that it would not derogate from the intent of the bylaw and would serve the public good by creating an additional house. He made a motion to approve with the condition that there be no blasting and an alternative form be used to remove ledge. Mr. McLaughlin seconded the motion. A roll call vote was taken. All four members voted in favor 4-0.

Mr. Dufour made a motion to adjourn which was seconded by Mr. McLaughlin. A roll call vote was taken. All members voted in favor 4-0.

The meeting adjourned at 6:57 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 plan filed with the petition by Benchmark Survey dated July 8, 2025, entitled "Plan of Land 7 Gerald Road Stoneham, Mass."

Pictures of the current condition of the house and shed at 7 Gerald Road provided by the petitioner.

A plan of land of 14 Brackett Avenue by Paul J. Finocchio, Professional Land Surveyor dated July 8, 2025 and revised July 21, 2025.

Copy of the subdivision plan for Bracket Avenue from 1911.

Letters of support for 14 Brackett Avenue/0 Stonecroft Avenue from owners at 12, 16 and 23 Brackett Avenue.