



T O W N O F
S T O N E H A M
M A S S A C H U S E T T S
Town Hall
35 Central Street
Stoneham, Massachusetts 02180
BOARD OF APPEAL
781-279-2695

Minutes
Stoneham Board of Appeals Meeting
Thursday, October 21, 2021
Town Hall Hearing Room
6:00 P.M.

Members of the Board present: R. Michael Dufour, Vice Chair Robert Saltzman, Chairman Tobin Shulman, Eric Rubin, Kevin McLaughlin

Also present: Attorney Charles Houghton representing the petitioner.

Meeting was brought to order by Chairman Tobin Shulman at 6:10 PM. Mr. Shulman began the meeting by introducing the board members present and setting out the process for the meeting. He explained that they would be hearing a continuation of 22 Wright St from the September 9, 2021 meeting. Before the public hearing continued, the Chair entertained motions to accept minutes.

Vice Chair Robert Saltzman made a motion to accept the meeting minutes of September 9, 2021. Kevin McLaughlin seconded the motion. Roll call vote was taken. All members present voted in favor.

Vice Chair Robert Saltzman made a motion to accept the meeting minutes of September 16, 2021. Kevin McLaughlin seconded the motion. Roll call vote was taken. All members present voted in favor.

Public Hearing

22 Wright Street –Continued from September 9, 2021

Represented by Charles Houghton

Chairman Tobin Shulman recognizes Attorney Charles Houghton

Attorney Houghton begins by submitting amended plans to the Board which show a reduction in units from four to 3. The variances needed for this new plan would be less. Attorney Houghton explains the differences in rear and side setbacks. He mentions the trees that would be planted in the back. The three existing Maples will be staying. All parking will remain inside.

The Chairman asks if there are any questions from the Board. The Chair begins by stating the differences he sees with the plans for three units. There would be a change on the left side from 12.9 to 13.4 and on the right side the change would be 16.2 to 29.2. The lot coverage reduces from 36.5% to 30.5% with three units. The need for tandem parking is eliminated.

Attorney Houghton presents the Board with a memo with an explanation that this address falls within the Residence B districts and what hardships exist. Chairman Shulman enters it into the record. Mr. Shulman asks about the previous rendering shown for four units. Would the design be the same?

Attorney Houghton states that he had spoken to Marcia Wengen, Co-Chair of the Historical Commission. They would like to put something that will fit into the neighborhood.

The Vice Chair Robert Saltzman questions whether the existing Maple trees will remain in the back as with the other plans. Attorney Houghton indicated that the three in the back would stay but the tree in front of the house may need to be removed. That will be determined by the Town if the tree roots disrupt the sidewalk.

Mr. Saltzman brings up the water issues with Mrs. Twohig's property on Lincoln St. This plan would also require a stormwater plan and an infiltration system will be put in.

At this time they will entertain comments from the public. Chairman Shulman enters a letter dated October 15, 2021 from Paul & Barbara Peduto, 41 Lincoln Street into the record. Also accepted into the record is an email received on September 17, 2021 from Sean Cordy, 19 Wright Street.

At this time there is comment from the public. Paul Peduto, 41 Lincoln Street states that he didn't know about the reduction to three units when he wrote the letter. He continues to say that the main reason for the variance request is financial hardship. He starts reciting the law that the hardship should be caused by the terrain, soil, etc. not just a standalone hardship. Mr. Peduto wants to know where the connection is? Attorney Houghton responds that the statute states land or structures. The structure is the hardship. It will take twice the value to renovate. Mr. Houghton continues on to say that 3 units are permitted in Residence B and there isn't a use that doesn't require variances. Mr. Peduto goes on to comment that Mr. Petrillo walked into this with financial hardship. The price he paid is causing the hardship. If he paid less he might make a profit on a two family. Mr. Petrillo just assumed he'd get the variances. Attorney Houghton reiterates that the cost of the renovation creates the hardship not the price Mr. Petrillo paid.

Sean Cordy, 19 Wright St comments that he researched home sales on Redfin. In April 22 Wright Street was listed with a value of \$610,000. Mr. Petrillo paid \$700,000 months later when he knew the neighbors were unhappy. He doesn't understand how he paid that much. Mr. Cordy mentions that in his email to the Board he describes a visit from Mr. Petrillo on September 17th. Mr. Shulman states that the Board of Appeals is not the body to address personal safety. For that you would contact the Police Dept. The Board of Appeals looks at what falls under their purview. Mr. Houghton again states that the hardship is not what he paid but the cost to renovate and build. Mr. Cordy disagrees in saying at the first meeting price was a factor.

Marcia Wengen, 56 Washington St speaking as a preservationist. She appreciates that Mr. Petrillo will try to make this fit into the neighborhood. She asks if the Board can retain façade jurisdiction. Vice Chair Robert Saltzman responds that the Planning Board has primary jurisdiction but that the Board of Appeals has in the past had plans with someone looking for relief.

Mr. Saltzman states that there was a material change from 4 to 3 units. Variances initially sought were reduced dramatically. The petitioner and the abutters are closer tonight to getting together.

Michael Dufour asks if there will be a rendering by the time it gets to the Planning Board.

Michael Twohig, 8 Walsh Avenue comments that plans were supposed to be made available within 10 days of the meeting. He questions whether any of the Board members would pull back if there were a predisposition to vote a certain way. He specifically mentions a conversation with Vice Chair Robert Saltzman after the September 9th meeting about three units. Mr. Saltzman questions whether he'd be happier with 3 or 4 units. Mr Twohig responds 3, 2, 1 but far happier with 2.

Attorney Houghton states that the idea of 3 units came when some of the abutters mentioned at the last meeting that they would be happier with three.

Barbara Peduto, 41 Lincoln St has a question about whether there would still be a fence in back and also if the trees would stay. Mr. Houghton reiterates that they are proposing an 8 ft fence if that's what the neighbors want. They can plant more trees if that's what is desired. The three big trees in back will stay. Mrs. Peduto asks if there will be all grass back there 15 ft from property line. Mr. Houghton explains grass, trees, mulch but no pavement.

Sean Cordy, 19 Wright Street asks why it's 30% coverage. It's still 50% over what standard usage is. He asks what current lot coverage is. Mr. Houghton answers that there is an existing house but also a large garage and shed. Mr. Cordy asks what happens if we let this go, what about the next development. The Chairman explains that the Board does not set precedent. Every case is judged on its own merits.

Attorney Houghton states that there is a discrepancy in the existing zoning. Residence A allows for 30% coverage while residence B is 20%. Mr. Twohig states that we are dealing with law today. Board member Kevin McLaughlin cautions them on the back and forth not being right.

Robert Saltzman made a motion to close the public hearing. Mr. McLaughlin seconded. All members voted in favor.

During the Board's deliberations, Mr. Saltzman states that the concerns of the abutters have been heard by the Board and the petitioner. This is a compromise. The Board would have its discretion to give the variance. He reiterates what an eye opener the site visit was.

Board member Eric Rubin said the site visit and walk though said a lot. Being in the trades he knows the cost of rehab. The original problem with the neighbors was the size and it has been substantially reduced with the building shrunk to 3 units.

Mr. Saltzman adds that the house from the outside is much more attractive. When it became a two family it was not owner occupied and has deteriorated over the last 40 years.

Board member Michael Dufour agrees that the site visit was eye opening. He said the stormwater management is a plus.

Robert Saltzman made a motion to grant relief as amended tonight with the three units and with the variances as set forth tonight. Michael Dufour seconded. Mr. Shulman took a roll call vote. All members voted in favor.

Motion to adjourn made by Mr. Saltzman and seconded by Mr. Rubin. Unanimous in favor. Meeting adjourned at 7:13 PM.

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:

Plan of land titled "Proposed Site Plan of 22 Wright Street in Stoneham, MA revised 10/15/2021

Email correspondence from Sean Cordy 19 Wright Street received September 14, 2021

Letter from Paul and Barbara Peduto , 41 Lincoln Street dated October 15, 2021

Memorandum from Attorney Charles Houghton dated October 21, 2021

Respectfully submitted:

Maria Sagarino
Town Clerk