



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

Stoneham Board of Appeals Minutes
Thursday, November 18, 2021
Town Hall Hearing Room
6:00 PM

Members of the Board present: R. Michael Dufour (entered the meeting at 6:09PM), Vice Chairman Robert Saltzman, Chairman Tobin Shulman, Eric Rubin (excused from the meeting at 6:20 PM), Kevin McLaughlin and Associate Member Lucas Brown (took over as a voting member at 6:20PM when Mr Rubin had to leave). Associate Member Mark Russell was not present for this meeting.

Also present: Attorney Charles Houghton and Brian Dundon from RJ O'Connell & Associates representing 95 Maple Street, Edward Schmitt representing 15 Isabella Street, Leila Pascale & Architect Brian Militano, I representing 4 West Hancock Street, Henrique Da Silva representing 62 Montvale Avenue, Suite M and Attorney Charles Houghton and Michael Plunkett & Hunter Hayes representing 76 Maple Street, Unit 500.

Meeting was brought to order by Chairman Tobin Shulman at 6:06 PM. Mr. Shulman began the meeting by introducing the board members and associate member present and setting out the procedure to be followed and instructions for the public hearings. Mr. Dufour enters the meeting at 6:09PM.

First order of business, Mr. Saltzman made a motion to accept the minutes from the October 28, 2021 meeting. Mr. McLaughlin seconded. Roll call vote was taken. All members present voted in favor.

Public Hearings:

The Chairman mentions that a petition will be withdrawn. He asks for a motion to move 109 Elm Street up in order. Motion was made by the Vice Chairman Robert Saltzman to move 109 Elm Street up in order. Motion was seconded by Mr. McLaughlin. Roll call vote was taken. All members present voted in favor.

Attorney Charles Houghton appeared to ask the Board to withdraw the application without prejudice.

A motion was made by Mr. McLaughlin to allow the applicant to withdraw without prejudice. Mr. Saltzman seconded. Roll call vote was taken. All members present voted in favor.

95 Maple Street

Represented by Attorney Charles Houghton

An application was submitted by attorney Charles Houghton on behalf of 95 Maple Street Stoneham Property Owner, LLC with an address of 30 Speen Street, Framingham, MA 01701, to construct a 270 Unit apartment complex with amenities at 95 Maple Street, Stoneham, Massachusetts and to grant a

variance of Section 4.23.5 (g) – Density Bonus – of the Town of Stoneham Zoning By-law which allows a maximum density in the Maple Street Residential Overlay District of 1 unit per 1,000 square feet of total land area (235 units), which the planning board may increase by 10%. The proposed number of units is 270 which is a 15% increase over the base unit density allowed. A plan filed with the petition by RJO’Connell & Associates, Inc. entitled “95 Maple Street, Stoneham, MA - Site Plan SP-1” dated September 17, 2021 shows the proposed building.

The public hearing was opened on October 28, 2021. The Board of Appeals unanimously voted to continue the matter to November 18, 2021 at 6:00PM after completing a site visit on November 4, 2021 at 4:30PM.

Attorney Houghton asks the Board if they would like any further presentation. Mr. Shulman asks if any of the Board members have any questions subsequent to the site visit.

Mr McLaughlin asks about the size of the building right now and there is discussion surrounding the existing plan shown and the new plan in comparison.

Mr Saltzman mentions a chain link fence on the property where it abuts the bike path. It’s past its prime and rusty. He would like to see the fence replaced.

Attorney Houghton responds that they could replace the fence without a problem.

Mr Rubin asks about the height of the retaining wall along the back wall. Will that be redone?

Brian Dundon with RJ O’Connell responds that it will be replaced with a new modular block retaining wall that will be a couple of feet higher.

Mr Shulman explains that it seems to be moving back slightly to create a fire lane on the edge.

Mr McLaughlin brings back snow removal again. He’s reiterates what was said at the last meeting about snow that he’d like snow removed from the site if it cannot be stored. Mr Dundon responds that that would be the case. With small storms it would be stored on site and large storms would be hauled off and disposed off site. Mr McLaughlin states that he would like to see that stated in the decision. Mr Houghton reminds the Board that he will appear before the Planning Board.

Mr McLaughlin made a motion to close the public hearing which was seconded. Board voted in favor.

Mr Saltzman asks what the conditions are so far.

Mr McLaughlin made a motion to approve the variance because of the size of the property. It does not derogate the intent of the bylaw. If there is a substantial amount of snow it will be moved off site and the existing chain link fence will be replaced. Mr Rubin seconded the motion. A roll call vote was taken. All members present voted in favor.

Mr Rubin excuses himself from the meeting at 6:20PM. Associate Member Lucas Brown will become a voting member for the remainder of the meeting.

15 Isabella Street

The legal notice was read into the record:

You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, November 18, 2021 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Brian F. and Alison L. Schmitt, 15 Isabella Street, Stoneham, MA to construct a 7' x 21' open deck. The petitioner is requesting a variance at 15 Isabella Street, Stoneham, Massachusetts of the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional requirements - The required front setback in residence A district is 20 feet. The proposed front setback is 3.4 feet. A plan filed with the petition by J & B Survey entitled "Plan of Land in Stoneham dated April 14, 2021" shows the existing deck. Plan may be seen mornings except Fridays in the Board of Appeals office and daily except Friday afternoon in the Town Clerk's office.

Edward Schmitt appeared before the Board to speak on this matter. He is the father of the petitioner and a contractor. He will be building the deck. He explains that they'd like to build a deck 3.5' from the property line. It is a private way on one side and the closest neighbor on the other side is 200 feet away. They had moved the entrance to the house, so they would like to move the deck.

Mr Shulman asks about the plot plan showing the deck. The house is already that close. They would be adding the deck.

The Board did not have any questions. There were no members of the public present. Mr Saltzman made a motion to close the public hearing. Mr McLaughlin seconded. All members voted in favor.

Mr Saltzman explains that there is clearly a hardship because of the shape of the lot. It doesn't really add to the existing nonconformity. He would submit that it does not derogate from the intent of the bylaw and clearly serves the public good and doesn't bother anybody. We should grant the relief. Mr Saltzman makes the motion to grant the relief. Mr Dufour seconded. Roll call vote was taken. All members present voted in favor.

4 West Hancock Street

The legal notice was read into the record:

You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, November 18, 2021 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Robert A. Cronan and Leila R. Pascale, 4 West Hancock Street, Stoneham, MA to construct a 6.1' x 17.1 two story addition, 16.1' x 17.4' open deck and a 1.5' x 10.8' open deck. The petitioners are requesting a variance at 4 West Hancock Street, Stoneham, Massachusetts of the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional requirements - The required front setback in residence A district is 20 feet. The proposed front setback is 7.5 feet. The required side setback in residence A is 10 feet. The proposed side setback is 6.6 feet. A survey plan by Spruhan Engineering, P.C. dated September 20, 2021 was filed showing the proposed deck and additions. Plan may be seen

mornings except Fridays in the Board of Appeals office and daily except Friday afternoon in the Town Clerk's office.

Architect Brian Militano appeared before the Board to speak on this matter. He was accompanied by the petitioner Leila Pascale. They are proposing a rear addition which extends the lines of the existing house. The site is narrow, only 50 feet wide. We find that to be a hardship. They will have to take down the existing deck. Mr Militano points out on an elevation what they are seeking to do. It will extend out 6 feet. In the front they will be creating a bump out with a window seat. This bay window will bump out 18 inches bringing you closer to the lot line. It is currently 9 feet and would decrease to 7.5 feet. He states that it would be difficult to extend that house without violating the setback.

Mr McLaughlin asks if the deck would just be on the first floor. Mr Militano states that it will be replacing the existing deck and solely on the first floor.

Mr Shulman asks about the cantilevered addition. Mr McLaughlin asks about the size of the cantilever. It will go from 4 feet to 6 feet. Mr Shulman mentions that the addition will have a foundation under it. Mr Militano explains that the house is chopped up in the back. Mr McLaughlin asks if the room will be wider on the second floor. The answer is yes.

Mr Shulman asks for questions from the Board. Mr Saltzman asks about the bay window. He asks if anything obstructs views. The answer is no. The cantilever is going away.

There were no members of the public present to be heard.

Motion to close the public hearing made by Mr Dufour and seconded by Mr McLaughlin. All in favor.

Mr Saltzman made a motion to grant the relief. It is a narrow lot. The shape of the lot creates a hardship. There is nowhere else for them to put it. It would be hard to imagine an addition not attached to the house. It does not derogate from the intent of the bylaw. It clearly serves the public good. The bay window in the front is a real improvement as well. Motion seconded by Mr Dufour. A roll call vote was taken. All members present voted in favor.

62 Montvale Avenue, Suite M

The legal notice was read into the record:

You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, November 18, 2021 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Henrique Da Silva, 62 Montvale Avenue, Suite M, Stoneham, MA to change the use at 62 Montvale Avenue, Suite M, Stoneham, Massachusetts located in the Commercial I District from office to religious institution. The petitioner is requesting a variance at 62 Montvale Avenue, Suite M, Stoneham, Massachusetts as follows: Stoneham Town Code, Chapter 15, Section 6.3.3 – Minimum number of spaces by use. The previous space as an office required three (3) parking Spaces. The proposed religious use with a total of 50 seats requires thirteen (13) parking spaces. According to a parking analysis done in 2002 by Marchionda & Assoc. there are only six (6) spare parking spaces for the property. A plan filed with the petition by Marchionda & Associates, LP entitled “58-66 Montvale Ave in Stoneham, MA” dated October 20, 2021 shows the existing building and parking. Plan may be seen

mornings except Fridays in the Board of Appeals office and daily except Friday afternoon in the Town Clerk's office.

Henrique da Silva appeared before the Board to speak on the matter. He explains that it used to be an office with three parking spaces assigned. Now they need 14 spaces according to the building code. He makes the point that the Church uses the space on opposite hours of the other tenants at the property. Mr Da Silva brought pictures to show the parking lot on a Sunday. The pictures indicated an empty parking lot. The evening pictures were taken around 7:30-8PM. Mr Saltzman asks what is open then. Dunkin Donuts closes early. It's really just Deli Works that is open at that time. Mr Da Silva explains about the 50 person church and the services. During the week they meet from 7:30PM-9:30PM. On Sunday from 9AM-1:00PM. They also have a women's group once a month on Saturdays in the evening.

No members of the public were present. Mr Saltzman made a motion to close the public hearing. It was seconded by Mr McLaughlin. All in favor.

Mr Saltzman mentions that the bylaw's compelling but the Constitution guarantees freedom of religion which outranks our bylaws. What they are looking for is reasonable and accommodating with the existing tenants. It is not increasing the burden of the parking lot. Mr Shulman mentions that the specific relief is for 50 member church and requires 13 parking spaces and if they exceed the 50 members they would need to come back to the Board.

Mr Saltzman makes a motion to grant the relief as requested. Mr Brown seconded. A roll call vote was taken. All members present voted in favor.

76 Maple Street, Unit 500

The legal notice was read into the record:

You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, November 18, 2021 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Villains Hair Lab LLC, Michael Plunkett, Member of 31 Harrison Street, Stoneham, MA and Hunter Hughes, Member, with an address of 9 MacArthur Road, North Reading, MA, to change the use at 76 Maple Street, Unit 500, Stoneham, Massachusetts to a barber shop/hair salon. Petitioner is requesting a variance at 76 Maple Street, Unit 500, Stoneham, Massachusetts as follows: Section 6.3.4.1.1 - Off street parking space are required to be 9' x 18'. The proposed 8' x 16' handicapped space is in violation of Section 6.3.4.1.1. A plan filed with the petition by Benchmark Survey entitled "Plan of Land, 76 Maple Street, Unit 500, Stoneham, Mass." dated July 6, 2021 with revisions through October 19, 2021 shows the proposed handicapped parking space and existing building. 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 Charles Houghton appears before the Board along with both petitioners, Michael Plunkett and Hunter Hayes. Mr Houghton begins by mentioning the variance that the Board granted in September. At the time the staircase had not been added to the plan. When the architect added the staircase it showed the back in only, accessible parking space that had been agreed upon would no longer fit. They didn't have the necessary size. So they drew a new 8 x 16 spot with an aisle that would run parallel to Maple Street.

With the new space the neighbor granted an easement for a turnaround area. This is a better and safer plan. Their next stop will be for a site plan with the Select Board on 11/23.

Mr Dufour asks about the easement. That will allow the person to turn on the property and not out into the street? Mr Houghton responds in the affirmative.

Mr Houghton states that this an improvement as far as public good is concerned and does not derogate from the intent and purpose of the bylaw. The hardship is created by the space itself. It can't fit. There is no place else to put it and that is where the handicapped ramp is. Mr Shulman says that the reasoning behind a 9 x 18 space would be for the cars parked next to one other and not to accommodate a regular size automobile. The access aisle shown is one continuous level of pavement. There is enough room to pull in and open the door. A car pulling in from Maple would pull in. There is more space here than the parking space so designated.

Mr Saltzman suggests that it is a considerable improvement than backing in from Maple. There were no members of the public present for comment.

Mr Saltzman made a motion to close the public hearing which was seconded by Mr McLaughlin. All voted in favor.

Mr Dufour indicates that it is a better situation by far accessing the spot. He makes a motion to accept as proposed due to the hardship of that particular lot. Motion was seconded by Mr Saltzman. A roll call vote was taken. All members present voted in favor.

Mr McLaughlin mentions Northern Bank already constructing the pergola. Mr Shulman states that they are proceeding at their own risk during the appeal period.

Priscilla Gottwald 106 Elm Street asked a question about the withdrawal of 109 Elm Street. Mr Shulman explains that they would need to refile. She asks if it would be a different plan. Mr Shulman states that would be likely as otherwise they would have proceeded tonight.

Mr Saltzman makes a motion to adjourn which is seconded by Mr McLaughlin. All in favor. The meeting was adjourned at 6:58PM.

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:

Legal notices for all public hearings: 95 Maple Street, 15 Isabella Street, 4 West Hancock Street, 62 Montvale Avenue, Suite M and 76 Maple Street, Unit 500.

A plan filed with the petition by RJ O'Connell & Associates, Inc. entitled "95 Maple Street, Stoneham, MA - Site Plan SP-1" dated September 17, 2021.

A plan filed with the petition by J & B Survey entitled "Plan of Land in Stoneham dated April 14, 2021".

A survey plan filed with the petition by Spruhan Engineering, P.C. dated September 20, 2021.

A plan filed with the petition by Marchionda & Associates, LP entitled “58-66 Montvale Ave in Stoneham, MA” dated October 20, 2021.

Pictures taken of the parking lot at 62 Montvale Avenue showing the parking lot at various times in the evening and on Sunday morning.

A plan filed with the petition titled “Plan of Land, 76 Maple Street, Unit 500, Stoneham, Mass.” dated July 6, 2021 with revisions through October 19, 2021.

Respectfully submitted:

Maria Sagarino
Townclerk