



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

Stoneham Board of Appeals Minutes
Thursday, December 16, 2021
Town Hall Hearing Room
6:00 PM

Members of the Board present: R. Michael Dufour, Vice Chairman/Acting Chairman Robert Saltzman, Eric Rubin, Kevin McLaughlin and Associate Member Mark Russell sitting as a full voting member for this meeting. Chairman Tobin Shulman and Associate Member Lucas Brown were not present for this meeting.

Also present: Attorney Charles Houghton and Attorney Patrick Houghton representing 44 Montvale Avenue and 57 Wright Street. Architect Peter Sandorse presented plans & rendering for 57 Wright Street.

Meeting was brought to order by Acting Chairman Robert Saltzman at 6:04 PM. Mr. Saltzman began the meeting by introducing the board members and associate member present, setting out the procedure to be followed and instructions for the public hearings.

First order of business, Mr. McLaughlin made a motion to accept the minutes from the November 18, 2021 meeting. Mr. Dufour seconded. Roll call vote was taken. All members present voted in favor (4-0) with one abstention from associate member Mark Russell.

Public Hearings:

5 Woodland Road

Mr. Saltzman read a letter into the record from Kelen Araujo, Wood Partners & Alta Langwood, LLC:

Dear Zoning Board of Appeals:

Alta Langwood, LLC has applied for a variance from the Stoneham Town Code Chapter 15, Zoning Bylaw, Section 6.7.5 Prohibited Signs in particular 6.7.5(b) "off Premise Signs" at 5 Woodland Road, Stoneham, MA. I, Kelen Araujo, was to be present on behalf of Alta Langwood, LLC but am now under quarantine. Unfortunately, my fellow colleagues are not available to be present, so we ask that this letter serve as our formal statement. We are seeking a variance to replace a Pylon sign in the same location which currently exists at the corner of Woodland Rd and Executive Drive. The proposed sign has the "Alta Clara at the Fells" logo for our apartment community, located at 15 Executive Drive. We are asking for this variance as our apartment community is set back on Executive drive and we need visibility on Woodland Rd as prospective tenants have issues locating the property. The sign has been designed to allow other members of the Fellsway Association to be included with their identification on the sign panel however, several have declined to be included at this time. The existing sign is 11'6" x 7'8" and the new sign proposed is smaller at 8'0" x 7'5". I

greatly appreciate your consideration of this variance and I apologize I am unable to attend in person.
/s/ Kelen Araujo.

Discussion followed involving the Board's concerns about hearing an application without the petitioner or a representative present. Mr. Saltzman states that there is an issue as we have never accepted testimony in someone's absence. He thought the letter might be a request for a continuance. Mr. McLaughlin explains that we cannot give a sign on someone else's property. Mr. McLaughlin suggests continuing it to January. The Interim ZBA Clerk/Town Clerk Maria Sagarino stated that the petitioner may not have known that they could seek a continuance and that possibility wasn't suggested to them when they communicated the inability to attend the meeting due to quarantine. Mr. Saltzman explains that they haven't read the petition into the record so we could hold off to allow them to be present. Mr. Rubin explains that some of us do not know the legal channels. No matter how we feel on the sign, I'd like to give them the opportunity to speak. Mr. Dufour agrees that they should have the chance to be heard. We can blame Maria. She accepts responsibility for not giving them an option to ask for a continuance.

Mr. Rubin made a motion to continue the public hearing to January 27, 2022 at 6:00PM. Motion was seconded by Mr. Dufour. All members voted in favor (5-0) to continue.

44 Montvale Avenue

Represented by Attorneys Patrick Houghton and Charles Houghton

The legal notice was read into the record:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing in the Hearing Room, Town Hall on THURSDAY EVENING, December 16, 2021 at 6:00 p.m., to hear all persons interested in the petition for a Section 6 special permit by Apex New England Construction, Inc., 414 Main Street, Melrose, MA to renovate the existing building at 44 Montvale Avenue, Stoneham, Massachusetts to allow a two-family residential use with a residential unit on the first floor and a residential unit on the second floor at 44 Montvale Avenue Stoneham, MA. The existing use is a single-family dwelling in the Highway Business District. Residential uses are not allowed in Highway Business District, therefore, the current use is a pre-existing non-conforming use. Pursuant to Section 6.2.2.1, the Board of Appeals may grant a Section 6 special permit to allow a change from one non-conforming use to another, less detrimental non-conforming use. A plan filed with the petition by Control Point Associates, Inc. dated August 6, 2021 entitled “Certified Plot Plan Apex New England Construction 44 Montvale Ave Lot 237, Map 17 Town of Stoneham, Middlesex County Commonwealth of Massachusetts” shows the 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 Patrick Houghton was invited to present on behalf of Apex New England Construction. Attorney Houghton began with some history. The property is located in the Highway Business Zone on the corner of Chestnut St located in a Residential Zone. Last year the Board approved 44 Montvale under Chapter 40A, Section 6 approved as a mixed residential business use. There is currently a business on first floor and residential on the second. The second floor is not currently being used as the Building Department requires a sprinkler system to be put in when

there is a business below a residence. This is not cost effective for our client. The client would like to request a Section 6 Special Permit finding to use the property as a two family dwelling. This use is not substantially more detrimental than the existing nonconforming use to the neighborhood and is less detrimental than the mixed residential and business use because the property has always been used as residential nonconforming.

Mr. Saltzman asks if there is a business operating at this time. Attorney Charles Houghton responds that no, once he found out it required a sprinkler system it was not cost effective. Mr. McLaughlin asks about windows. Mr. Rubin states that the plan is to rehab it and sell it. Mr. Saltzman asks if anyone would like to be heard. Marcia Wengen, 56 Washington Street remarks as a preservationist that it is such a thrill to come before the Board for a property that is not going to be demolished. She continues with some history on the property. She would urge approval.

Mr. McLaughlin makes a motion to close the public hearing. All members vote in favor (5-0). The public hearing is closed.

Mr. Dufour mentions it has been sitting there for quite a while and we did approve it with a business but with residential it is less detrimental nonconforming. Mr. Saltzman agrees that they might be trading up. It was built as a residence.

Mr. Dufour makes a motion to grant the Section 6 finding at 44 Montvale Ave as it is not more detrimental and the existing use is preexisting nonconforming as a two family. Mr. Rubin seconded. A roll call vote was taken with all members present voting in favor (5-0).

57 Wright Street

Represented by Attorney Charles Houghton

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, December 16, 2020 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Guido Vittiglio and Lisa M. Vittiglio, 24 Country Club Road, Stoneham, MA to construct a second floor on the newly constructed garage to house an additional dwelling unit and to renovate the existing three unit main structure to remove one unit at 57 Wright Street, Stoneham, Massachusetts. Section 5.2.1 Dimensional Requirements (6) - The required side setback in Residence B for three or more units is 30 feet. The proposed side setback for the additional unit is 10.9 feet and 11.3 feet for the North and South side, respectively. Section 5.2.1 Dimensional Requirements note (5) – The required lot size in Residence B with three units is 12,000 square feet. The lot size for the proposed is 10,572 square feet. Section 5.2.1 Dimensional Requirements – The maximum percent coverage in Residence B is 20%. The proposed percent coverage is 21.4%. Section 5.2.1 Dimensional Requirements note (7) – The minimum frontage and width in Residence B with three or more units is 150 feet. The frontage and width for the proposed is 55.25 feet and 55.38 feet, respectively. Section 4.3.3.1(d) – The minimum open space in Residence B is 750 square feet per unit for a total of 2,250 square feet. The proposed open space is 192 square feet total. Section 6.5.2.4 Screening and Landscaping – A four foot strip of landscaping is required

wherever setbacks are required. The proposed does not meet this requirement. Section 6.3.4.2.(3) Layout – A minimum 24 foot aisle width is required for two-way traffic driveway. The proposed driveway is only 17 feet for two-way traffic. Section 4.3.3.1 (h) - There shall be a minimum of 60 feet between each structure on the same lot. The two structures on this lot are not separated by 60 feet. A plan filed with the petition by PJF & Associates dated June 21, 2021 entitled “Plot Plan of Land in Stoneham, Mass.” shows the proposed second floor addition over the garage and will be available on-line for review. 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 representing Guido & Lisa Vittiglio, owners of 57 Wright St. We appeared six or seven months ago, renovations started and we realized serious code issues with access and egress. To get to one unit you would have to go through the bedroom of another unit. This building was renovated to a three family in the early eighties. The Planning Board felt it should stay a three and not add an additional unit. We would renovate each unit with two points of egress. Adding the third unit over the garage will remove the requirement for a sprinkler system. It is still three units but the Building Commissioner felt that changing the design should go back to the Board of Appeals. Mr. Saltzman questions that it is currently a three and we had allowed it to be a four. That was not approved. Because you are moving an existing unit above the garage, you’re back. Mr. Houghton indicates the need to still go back to the Planning Board and Select Board. Mr. Saltzman asks for questions from the Board. Mr. Dufour reiterates that it will have two units with a third above the garage. Mr. Houghton introduces the architect, Peter Sandorse to walk the Board through his rendering. He explains that the sprinkler system was originally employed to allow for one means of egress. Once we removed the kitchen on the second floor, the configuration allows for a three bedroom unit on the first floor and unit two has four bedrooms. No changes to exterior. The third unit is above the two car garage with a set of stairs above to take you to a unit with two bedrooms.

Mr. McLaughlin asks about the laundry when you enter garage. Peter Sandorse explains that the laundry is for that unit in the garage. In the main house the laundry is located in the basement. Mr. Rubin asks if they become rentals. Attorney Houghton explains that Mr. Vittiglio will continue to rent the place. Mr. Saltzman asks about the height of the house. Height of the house will stay the same. It is 24 feet. Mr. Rubin references the variance previously granted and mentions that they are just moving the third unit. Mr. Dufour asks about dimensions of existing garage. Mr. Saltzman asks if anyone would like to speak for or against hearing nothing he entertains a motion to close the public hearing. Mr. Dufour made a motion to close the public hearing which was seconded by Mr. McLaughlin. All members present voted in favor. The public hearing is closed.

Mr. Saltzman states that last time they were asking for four units, now it’s three. The dimensions are the same. Mr. Rubin states this is just a formality for the Building Inspector. Mr. Saltzman states that it’s almost a pre-existing nonconforming. The size and shape of the lot would seem to be the hardship. Mr. Rubin argues that they are getting more conforming.

Mr. Rubin makes a motion to grant the variance based upon the hardship that still exists from the previous variance. We are becoming more conforming and it does not deviate from the bylaw. Mr. McLaughlin seconded the motion. Mr. Saltzman took a roll call vote. All members present voted in favor (5-0).

Mr. Rubin made a motion to adjourn and Mr. McLaughlin seconded. A roll call vote was taken. All members present voted in favor. Meeting adjourned at 6:40PM.

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:

Minutes for the Board of Appeals meeting dated November 18, 2021

Letter dated and received December 16, 2021 from Kelen Araujo, Wood Partners and Alta Langwood, LLC representing 5 Woodland Road.

Legal notices for 44 Montvale Avenue and 57 Wright Street.

A plan by Control Point Associates, Inc. dated August 6, 2021 entitled “Certified Plot Plan Apex New England Construction 44 Montvale Ave Lot 237, Map 17 Town of Stoneham, Middlesex County Commonwealth of Massachusetts”

A plan filed with the petition by PJF & Associates dated June 21, 2021 entitled “Plot Plan of Land in Stoneham, Mass.”

Stoneham Board of Appeals Decision for 57 Wright Street dated and filed on April 28, 2021.

Stoneham Board of Appeals Decision for 44 Montvale Avenue dated and filed on November 3, 2020.

Respectfully submitted:

Maria Sagarino
Town Clerk