



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

Stoneham Board of Appeals Minutes
Thursday, April 28, 2022
Town Hall Hearing Room
6:00 PM

Members of the Board present at the meeting: Chairman Tobin Shulman, Vice Chair Robert Saltzman, Kevin McLaughlin and Associate Member Mark Russell (Mr. Russell sat in on the hearings as a voting member)

Members not present: Eric Rubin, R. Michael Dufour and Associate member Lucas Brown.

Also present: Zack & Niki Pietrantonio 15 Green St, Christina Moreau Agnoli Sign Co. Attorney Charles Houghton, William Goulet 1 Washington Ct, William Sullivan 15 Charles Street.

The meeting was brought to order by Chairman Tobin Shulman at 6:09 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. He does point out that there would be four voting members and that each petition would require all four members to vote in the affirmative for a variance to be granted. He advises the petitioners that they can ask for a continuance if they would like a full board present to hear the matter.

The Board will wait until next meeting to reorganize.

Mr. Saltzman made a motion to approve the minutes from March 3, 2022 which was seconded by Mr. McLaughlin. A roll call vote was taken and all four members present voted in favor.

The Chair reminded the petitioners present that with only four members present, a single no vote would mean that an application is denied. People may ask for a continuation or to withdraw without prejudice during the course of the hearing.

The Chair introduced the first public hearing and 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, April 28, 2022 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Zachary Pietrantonio and Niki Pietrantonio of 15 Green Street, Stoneham, Massachusetts for the conversion of the existing dwelling at 15 Green Street, Stoneham, Massachusetts to accommodate an additional dwelling unit which requires a variance of Section 4.2.3.1 and Section 4.2.3.1 (b) requires a variance of lot size for a two-family dwelling in Residence A. The required lot size is 20,000 square feet and the proposed lot size is 18,670 square feet. Parking spaces were not noted on the plan provided. Section 4.2.3.1 (c) requires that there shall be at least one (1) off street parking space for each bedroom or efficiency

unit in the converted portion. Additionally, Section 4.2.3.1 (d) requires that each unit shall be a complete and independent dwelling unit which was not provided for on the plan. A plan by OBDG Design Group Inc dated 1/21/2022 may be seen mornings except Fridays in the Board of Appeals Office and daily except Friday afternoon in the Town Clerk's Office.

The petitioners decided to have their matter heard with only four Board members present.

Zack and Niki Pietrantonio were present to represent themselves. Mr. Pietrantonio began by explaining to the Board that they were trying to convert their one family to a two family. He mentions the plot plan with measurements on both sides of the driveway. He explains where the parking for the extra unit would be in the driveway. He goes on to say that if the application is approved, they would separate the utilities at that time as required. Mr. Pietrantonio then states that there is a doorway into their kitchen that leads to stairs for the second floor. They will need to block off to have separation of the two units. He continues to explain the stairs that will be added to the back of the house as a second point of egress for the upstairs unit. It will be off of the second floor living room.

Mr. Pietrantonio submits a letter in support signed by a few neighbors, the Legaults, the Potters and James Devine.

Mr. Shulman asks about the plot plan. He asks if there is an addition being added to the front of the house. Mr. Pietrantonio responds that there is no outside work being done. He asks Mr. Shulman if he was referring to the block area with the lines that was shown on the plot plan and continues to say that that is an existing brick area of the house and the rest is siding. It's a bedroom. Mr. Saltzman references the existing structure shown on the plot plan and confirms that nothing else is being built. Mr. Pietrantonio responds that it will be contained in the existing house. They will only build the stairs on the back to provide egress for the second floor unit. It's labelled as proposed stairs second floor. It will be directly behind the house. Mr. Shulman References the plan dated 1/27/2022. Mr. Pietrantonio stated that they had to add notes about the driveway and the second egress. Mr. Shulman then goes onto talk about the variances request. The first is for lot size. The required size is 20,000 square feet and they have 18,670. Then it says that parking spaces were not noted on the plan provided. An updated plan was submitted in response to the Building Commissioner's denial letter to address the parking. Mr. Shulman continues on to say that Section 4.2.3.1 (c) requires that there shall be at least one (1) off street parking space for each bedroom or efficiency unit in the converted portion. He counts four spaces total shown with two per unit. Mr. Saltzman asks how many bedrooms. Mr. Pietrantonio responds that there will be two in each unit. Mr. Shulman states that that relief would no longer be requested because they meet the parking requirements. Finally Mr. Shulman talks about Section 4.2.3.1 (d) which requires that each unit shall be a complete and independent dwelling unit which was not provided for on the plan. That is something a plot plan can't show the Board. Mr. Shulman asks if there are architectural plans for the house. Mr. Pietrantonio explains that the house is basically already created to be a two family the ways it's structured. From the kitchen they just need to block off a doorway to have physical separation of the units. Then they need to provide the second means of emergency egress for the upstairs unit. Mrs. Pietrantonio states that there are already two bedrooms, a bathroom, a living area and a kitchen upstairs. The downstairs is the same thing. Mr. Shulmans discomfort or question as a Zoning Board is to grant relief from building code requirements. The lot size is straight forward as a request. If the house

is set up to be two separate units, then the relief wouldn't be required. The Board can't grant you relief. Mr. Pietrantonio asks how they could prove that. Mr. Saltzman reads Section 4.3.2.1 pertaining to conversion of an existing dwelling unit provided that in subsection (d) each unit shall be a complete and independent dwelling unit. Mr. Saltzman asks how they do not have complete and independent dwelling units. Mr. & Mrs. Pietrantonio both respond that it's just blocking the doorway and the stairs on the outside that will lead to the second floor. Mr. Shulman goes over what they've already stated about two kitchens, two bedrooms and bathrooms in each unit. Mrs. Pietrantonio indicates that when they bought it, they thought it was a two family. It looks like a two family. There are two sets of stairs in the house and separate entry ways. Mr. Saltzman states that there is a finding that they are not two separate units but we don't know why they are not. One way to determine this is if the Board were to go out and look and make a finding that it is. Another would be for the Board to send him to the Building Commissioner to inspect and report back to the Board. Mr. Shulman would prefer not to look themselves and judge whether they meet building codes. Mr. Saltzman suggests that they continue it a month and the petitioners go back to the Building Commissioner and she gives some kind of answer. Mr. Shulman adds that it would simplify things as then it would be a straightforward request to grant relief for the lot size. Mr. Shulman states that delay is better than error. The petitioners ask to continue in a month. Mr. Saltzman makes a motion to continue the public hearing until May 26, 2022 at 6PM which was seconded by Mr. McLaughlin. A roll call vote was taken and all four members present voted in favor to continue.

The chairman read the next legal notice into the record as follows:

You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, April 28, 2022 at 6:00 P.M. in the Hearing Room of the Town Hall, to hear all persons interested in the appeal and petition of Christina Moreau of Agnoli Sign Co., Inc., 722 Worthington St, Springfield, MA for a variance from the Stoneham Town Code Chapter 15, Zoning Bylaw, Section 6.7.5 at 249 Main Street, Stoneham, MA. The proposed free-standing LED digital sign is 33 Square feet. The petitioner is requesting variances as follows: Section 6.7.5 (g) - Electronic changeable message signs are prohibited. Section 6.7 Table Highway Business District - Maximum square footage for free standing sign in Highway Business District is 24 square feet. The proposed sign is 33 square feet. Section 6.7.5 (b) – Off premise signs are prohibited. Since the sign is entirely on another parcel it is considered an off-premise sign. Section 6.7.5 (b) - The maximum height allowed for a free standing sign in Highway Business District is 15 feet. The proposed overall height of the sign is not included in the application. A copy of the application and plan may be seen daily except Friday afternoon in the Office of the Town Clerk.

Ms. Moreau from Agnoli Sign Company is invited to speak on the application. She went to the Building Commissioner to replace the existing sign face to electronic digital units. She will leave the existing sign, take the face off of it and replace with a digital unit. It is a twelve foot sign that does meet the height requirement. He does exceed the square footage. It is on the Stop and Shop store property. Stop and Shop owns both the store and the gas station properties. She said that it would be similar to Speedway which was just done. Mr. Shulman mentions that in

the past what the Board has done is limit in the decision, the number of times per day that the message on the sign can change to once per day.

Mr. Shulman reiterates that they are not seeking a change to location, height or size, just a change to the face of the sign itself.

Mr. Saltzman believes this is an improvement. Ms. Moreau states that currently they change the numbers with a pole and suction cups. Mr. Russell asks how long the existing sign has been there. Ms. Moreau responds that it's well over twenty years as she couldn't find anything recent on it. Mr. Saltzman explains the relationship between Stop & Shop and the Stop & Shop gas station.

There were no members of the public present to speak on the matter. Mr. Saltzman made a motion to close the public hearing which was seconded by Mr. McLaughlin. All members present voted in favor.

Mr. Saltzman states that this isn't what we usually think of for an LED sign. It's less intrusive. He made a motion to grant the relief restricting the sign to the size it is now with the condition that it not be changed once it goes on in the morning and stays that way until it closes. The sign should also be turned off when the business closes. Mr. Russell seconded the motion. A roll call vote was taken. All four members present voted in favor.

Mr. Shulman read the next legal notice into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, April 28, 2022 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by John Paul Fulciniti and Guido Fulciniti of Burlington, Massachusetts for the conversion of the existing dwelling to accommodate an additional dwelling unit at 109 Summer Street, Stoneham, Massachusetts. Section 4.2.3.1 requires a variance by the Board of Appeals to create the additional dwelling unit and Section 4.2.3.1 (b) requires a variance of lot size for a two-family dwelling in Residence A. The required lot size is 20,000 square feet and the proposed lot size is 11,653 square feet. The proposed two-unit dwelling is also in violation of Section 4.2.3.1 (d) which requires that each unit be a complete and independent dwelling unit. The proposed two-unit dwelling has two separate gas meters but one electric meter. A plan filed with the petition by Edward J. Farrell PLS, dated December 17, 2021, entitled “Plot Plan 109 Summer Street Stoneham, Mass.” shows the proposed two-family. 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 asks the Board to continue until May 26, 2022 at 6:00 PM. Mr. Saltzman made a motion to continue the public hearing to May 26, 2022 at 6:00 PM which was seconded by Mr. McLaughlin. A roll call vote was taken. All members present voted in favor.

Mr. Shulman read the next legal notice into the record as follows:

You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, April 28, 2022 at 6:00 p.m. to hear all persons interested in the application by Joseph Donovan with an address at 53 Washington Street, Stoneham, MA 02180, to grant variances at 53 Washington Street & 0 Washington Court, Stoneham, Massachusetts as follows: 5.2.1 Dimensional Requirements –Minimum frontage in Residence A is 90 feet. The proposed Lot B 0 Washington Court, has 67.84 feet of frontage. A frontage variance will be required for Lot B. Also, a variance of Section 5.3.1 which requires Contiguous Lots under Single Ownership to add land to create conforming lots as far as possible will be required to create separate lots. Also a variance is required for lot area for 53 Washington Street (Lot A) in order for 0 Washington Court (Lot B) to be buildable. The required lot size in Residence A is 10,000 square feet. The lot size for Lot A is 6,678 square feet. A variance for lot size for 53 Washington Street (Lot A) is required. A plan filed with the petition by Benchmark Survey dated March 7, 2022 entitled “Plan of Land 51 & 53 Washington Street and 0 Washington Court Stoneham, Mass.” shows Lot A, 53 Washington Street and Lot B, 0 Washington Court may be seen mornings except Fridays in the Board of Appeals office and daily except Friday afternoon in the Town Clerk’s office.

Mr. Houghton was invited to speak on the matter. He begins by giving a history of the house. Mr. Houghton submits a plan from 1869 when this lot was subdivided. The house has been in the family for over 90 years. The issues are created by MGL Chapter 40A section 6 and our bylaws you have contiguous lots with the same owner. By inheritance, Mr. Donovan ended up owning both lots. Mr. Donovan lives at 53 Washington Street known as lot 7 (lot A on Benchmark plan) on the plan. The house needs a lot of work. They need a variance for frontage on lot and a variance on lot 7 that is less than the minimum. In 1869 it was a separate buildable lot. It conformed until the early 1950s. If this Board grants the variance, the petitioner will then go to the Planning Board because the street is not a public way. The road would need to be paved and possible drainage done. Mr. Shulman clarifies. On the 1876 plan it’s lots two and twelve. Mr. Houghton states that on the 1869 plan recorded in 1876 it’s lot 7 which is lot 8 on the Benchmark. On the Benchmark plan, 53 Washington Street is lot seven and 0 Washington Court is lot eight.

Mr. Shulman asks about the house on lot seventeen. Mr. Houghton responds that there is and it was owned by the same family. That lot was deeded to the daughter. Mr. Houghton continues to say that there is a hardship to the land. It would be helpful for Mr. Donovan to be able to sell the other lot. They will have to improve the road at the direction of the Planning Board and the Town Engineer. Mr. McLaughlin asks who is paying the taxes on Lot A. Mr. Donovan is paying for Lot A and Lot B. Kathleen Luciano owns Lot C. Mr. McLaughlin asks about C being torn down. Mr. Shulman states that C is not involved. Mr. Houghton continues to say that the lot fits in the neighborhood and is the same size as the other houses. It was laid out 150 years ago.

Mr. Shulman opens the hearing up to public. Bill Sullivan, 15 Charles Street asks what the size of the proposed lot for Residence A is. Mr. Houghton states that it’s 10,000 square feet. This lot is 11,000 and change. Mr. Sullivan talks about the two houses being in deplorable condition. He mentions that you have an opportunity to increase the square footage of the other lot. You would still deal with the Planning Board for your access but you are adding on to that other piece of property to about 7500 square feet. You would have 10,000 for the lot you want to build on and over 7500 for the other lot, close to 8,000 square feet. Mr. Houghton looks at the plan from

Benchmark and realizes it's only just over 10,000 so that what Mr. Sullivan suggested wouldn't work.

Mr. Shulman asks about the Assessor's maps. It shows up as two separate lots. Mr. Houghton states that 40A section 6 and the bylaws say that if they're two contiguous lots and you're the same owner that you must do this. Mr. Shulman questions if there are two tax bills. Mr. Houghton states that there are and that the Assessor's and the zoning don't always match.

William Goulet, 1 Washington Court states that the neighborhood is kind of cramped. He is across the street. One back from Washington Street. Mr. Goulet has a concern about the road. He maintains it and he is concerned about water run-off. He wants thought on how the street is addressed. General improvements would be appreciated. Mr. Houghton explains that besides the Planning Board, they will have to deal with storm water and containing the run-off from any new structure. There will be infiltration. There most likely will be a drainage upgrade. The street itself will get paved. But they have to deal with run-off, storm water management is a requirement now. Mr. Shulman explains when you do any new construction in town you must comply with the storm water management bylaw. It usually requires Cultec units. Mr. Goulet is familiar as he is a civil engineer. Mr. Shulman continues to say that the bylaw is pretty stringent and the DPW enforces it very aggressively. You need a sign off from them for any building permit. Mr. Houghton also states that under zoning bylaw section 7.5.2.3, you must comply with what public works. Mr. Houghton goes on to say it won't be cheap and he's sure the road will have to be paved.

Seeing no further public comment, Mr. Saltzman made a motion to close the public hearing which was seconded by Mr. Russell. All members present voted in favor.

Mr. Shulman asks for the Boards thoughts. Mr. Saltzman states there is no dispute that there is a need for the improvements and this is the vehicle for which it happens. Mr. Saltzman suggests that lot B needs the frontage and with A you have dimension and frontage. A and C look very similar. The relief would not derogate from the intent of the bylaw given what's in the neighborhood and clearly it would serve the public good as far as the adjoining street. An immediate improvement. Mr. Saltzman states this in the form of a motion to grant the relief requested by the petitioner. Mr. Saltzman doesn't believe they would need to add any conditions.

Mr. Houghton reminds them that according to the Building Inspector, the frontage on lot A is existing, non-conforming.

Mr. Shulman agrees that it's an odd duck. It's acting like a subdivision but it's two lots that already exist since 1869 that appear to be similar in size and configuration to other lots in the neighborhood.

Mr. Shulman accepts Mr. Saltzman's motion to grant the relief which was then seconded by Mr. McLaughlin. A roll call vote was taken. All members present voted in favor.

Mr. Saltzman motions to adjourn into executive session and not to return to open session. A roll call vote was taken and all members present voted in favor. The Board entered into executive session at 7:06 PM to discuss strategy with respect to all pending litigation where an open

meeting may have a detrimental effect on the bargaining or litigating position of the Town and the chair so declares; pursuant to M.G.L. c. 30A, sec. 21(a)(3) to wit: Weiss Farm (Stoneham Board of Appeals v. Housing Appeals Committee, et al).

After some time in executive session (for which the minutes will be released at a later date), the Board adjourned the meeting at 7:32PM.

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 by OBDG Design Group Inc dated 1/21/2022 for 15 Green Street.

Letter in support of 15 Green Street signed by three neighbors.

Existing conditions plan of land by vhb of Watertown and drawings of existing and proposed signs for 249 Main Street.

A plan filed with the petition by Benchmark Survey dated March 7, 2022 entitled "Plan of Land 51 & 53 Washington Street and 0 Washington Court Stoneham, Mass." shows Lot A, 53 Washington Street and Lot B, 0 Washington Court.

A plan of land surveyed for J.E. Farwell dated 1869.

Respectfully submitted:

Maria Sagarino
Town Clerk