



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 APPEALS
781-279-2695

Stoneham Board of Appeals Minutes
Thursday, June 23, 2022
Town Hall Hearing Room
6:00 PM

Members of the Board present at the meeting: R. Michael Dufour, Vice Chairman Robert Saltzman, Kevin McLaughlin, Eric Rubin and Associate Member William Sullivan (Mr. Sullivan sat in as a voting member for this meeting)

Members Absent: Chairman Tobin Shulman, Associate Member Mark Russell

Also present: Attorney Charles Houghton, Attorney Steven Cicatelli, property owner Frank Petrillo, residents Erin Riddell, David Riddell, Donna Riddell, Megan Cullen, Laura Sibia, Chris Collins, business owner Phuong Tran, JB Hoyt, Jason Waldren, Paul Lacy, Brandon Currier, resident Dan Kraby, Select Board member Raymie Parker, Conservation Co-Chair Ellen McBride and Town Clerk Maria Sagarino acting as the Board of Appeals Clerk.

The meeting was brought to order at 6:10 PM by Vice Chairman Robert Saltzman who would Chair the meeting in Chairman Tobin Shulman's absence. Mr. Saltzman 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. When the meeting opened there were only four members present so Associate Member Bill Sullivan would sit in on the hearings.

Reorganization was tabled again. The members confirmed the next meeting date as July 28, 2022.

Mr. McLaughlin made a motion to approve the minutes of May 26, 2022 which was seconded by Mr. Rubin. All members voted in favor (5-0).

Attorney Houghton requested a six month extension be added from the date 95 Maple Street was approved for the variances. He explained that they still needed to go before the Select Board for Site Plan approval so they wouldn't apply for the building permit before the year was up. A motion to grant the extension was made by Mr. McLaughlin and seconded by Mr. Rubin. A roll call vote was taken. All five members present voted in favor.

The first public hearing was continued from May 26, 2022 at which time the legal notice was read into the record as follows:

"You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday evening, May 26, 2022 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by OGF LLC, 31 Main Street, North Reading, MA to demolish the existing structures and construct a new four-story business/residential dwelling at 371 Main Street, Stoneham, Massachusetts. Petitioner is requesting a variance of: Section 6.3.3 – Minimum Number of Spaces – The minimum number of parking spaces for the proposed

business/residential use is 21. The proposed number of parking spaces is 9. Section 6.3.4.2 Layout – The minimum aisle width for parking in the case of two-way traffic is 24 feet. The proposed aisle is approximately 11-12 feet wide. Section 6.3.7.2 Number of Off-Street Loading Areas – The minimum number of off-street loading areas required is one (1). No off-street loading areas are proposed. A plan filed with the petition by P.J.F. and Associates, dated, March 14, 2022, entitled, “Plot Plan of Land 371 Main Street Stoneham, MA” shows the proposed four-story business/residential dwelling. Plan may be seen mornings except Fridays in the Board of Appeals office and daily except Friday afternoon in the Town Clerk's Office.”

Mr. Saltzman invites Attorney Houghton to speak on the petition. Before Mr. Houghton begins, Mr. Sullivan states that he was not sitting on the Board for the first night of the public hearing but he was sitting in the meeting and heard it on May 26, 2022. Mr. Houghton accepts that he can sit and hear the petition as long as he is up to speed. Mr. Sullivan indicates that to be the case. Mr. Houghton lets the Board know that since their last appearance they managed to add one more parking space for a total of ten. Mr. Houghton shows the Board members an updated plot plan revised on June 22, 2022 showing ten parking spaces. Mr. Houghton reminds the Board of bylaw:

6.3.1.1 Parking shall be on the same lot as the principal use, with the following exceptions for off-site parking:

Central Business District:

1. A Special Permit by the Planning Board subject to the provisions of section 6.3.8 and Site Plan Approval by the Select Board when required.
2. There will be no off-street parking requirement for any existing structure in the Central Business District, provided that any alteration, rehabilitation or addition to any existing structure does not increase the requirements as outlined in Section 6.3.3.

Mr. Houghton continues to explain that it's an existing building. If it isn't approved for this use it won't just evaporate. It may have a restaurant and it would with the square footage and parking requirement existing be able to be used as a 27 seat restaurant with the nine parking spaces. That would be the most likely use although there could be a commercial use that requires nine spaces but not more. Mr. Saltzman reminds the Board that there used to be a pizza place there. Mr. Houghton states that the most recent use was a caterer. He continues to talk about the recent downtown parking study and some other information that has indicated that our parking requirements in the downtown might be too stringent and should be reduced. Parking should be one space per unit. Many of the surrounding communities have a lesser requirement in their downtown areas. He says that they are asking for a variance as the requirement of 2.1 spaces per unit. That's not really what the demand is. The building doesn't go away and becomes something else. It's existing so if it becomes something that doesn't exceed the existing use you don't need any additional parking.

Mr. Houghton continues to say there are now ten parking spaces for the nine units being proposed with one affordable unit included. So Mr. Saltzman reiterates that if the current use were to remain in effect, the requirement for the present use of catering would be nine spaces. Mr. Houghton agrees. He continues to say with the use they are before the Board for they have exceeded the parking, but if it were to be a restaurant that would go in by right with the same amount of parking. They could have 27 seats. Restaurants require one parking space for every three seats. So with nine spaces it would be 27 seats. If the Board doesn't approve it, something else will go there. It will not be vacant.

Mr. Saltzman asks how they got from five spaces to ten. Mr. Houghton states that they put the other spaces under the building. They took away from some of the first floor but they were able to keep enough in the front for the commercial space required. The new plan shows that. Mr. Sullivan asks how the spaces are accessed. Will there be curbing. Mr. Houghton states that all access will be off of Minot Street. Mr. Rubin believes that it's wide open right now with no curbing. Mr. Houghton agrees.

Mr. Saltzman asks about the configuration of the building, if Mr. Houghton could go through the number of units one more time. There are two 2 bedrooms and one 1 bedroom on each of three floors and a commercial space on the first floor as required. Three floors above the first. Mr. Saltzman anticipates that it will be a small commercial space, like a small office. Mr. Houghton agrees. The parking takes up a lot of the first floor. Mr. Saltzman continues to say that last time they were here there were five spaces on the existing property, now there are ten.

Mr. McLaughlin is looking at the siding on the renderings. He asks what the grey siding at the back is. Mr. Houghton says that it is Harvey plank. The rest of the building is brick.

Mr. Sullivan asks where the dumpster would be located. Mr. Houghton responds that it would be inside as it is with Mr. Petrillo's property at 411 Main Street.

Mr. Saltzman asks about Minot Street. There's no parking on Minot but we want to make sure that none of the tenants would park on Minot Street. Mr. Houghton agrees and says they would even stipulate to that.

Mr. Saltzman asks if there are any members of the public who wish to speak in favor. Attorney Steven Cicatelli represents the direct abutter. He reiterates what he said at the May meeting. His client is in favor, he just respectfully requests two conditions which Mr. Houghton stipulated to at the last meeting. They would like that the building be freestanding and not affixed to the party wall that the two parties share. They would also ask as a condition that the petitioner prior to the issuance of a building permit have the structural engineer on the project do a video report of the party wall foundation, the roof, etc. to establish existing conditions.

Raymie Parker, 111 Franklin Street, speaking as a resident, mentions the downtown redesign meeting held two weeks before states there is plenty of parking in the downtown. She wants to see the redesign. For this project the parking is going to be on his property. She believes our parking requirements could be updated. There are a lot of things changing. The MBTA is proposing an additional bus route, an east west connection. She said her new neighbors next door only have one car. They bike everywhere. She also talks about the possibilities for the

downtown redesign as well as her plans to try to get the Boards and Committees in town to get together to discuss this and anything else moving forward as well as to discuss a review of the zoning. Mr. Saltzman says that the Board would love to be included in that conversation.

Mr. Saltzman asks if anyone would care to speak in opposition of the project. David Riddell, 11-13 Minot Street has lived there for over 40 years. He said the parking has always been a problem. He believes there's no way there are ten parking spaces. There aren't even five now because of the dumpster taking up space. Mr. Saltzman asks if Mr. Riddell would like the petitioner to answer and explain the ten parking spaces. Mr. Houghton and Mr. Petrillo show Mr. Riddell the plan so that he can see the ten spaces drawn out. Most will be under the building, but at street level. The cars will pull into their spaces from Minot Street. To help Mr. Riddell understand, Mr. Saltzman explains that there is a sizable first floor. They will be taking a lot of that square footage from the back of the first floor to create these extra parking spaces under the second floor of the building. Mr. Riddell continues to say he's concerned about the traffic and the safety on the street. People drive up the street the wrong way sometimes. People at the light on Main Street block Minot Street. Mr. Saltzman asks if ten parking spaces are better than the original five. Mr. Riddell agrees. Erin Riddell, Minot Street, asks how the people get in and out of the parking spaces. It's a congested area. She is in favor of improvement if it stayed a one story building like it is now and was renovated. She really wants to know how they get in and out of the parking spots without utilizing more of the parking area. Mr. Saltzman asks the petitioner to respond. Mr. Houghton explains that it isn't a garage, it's parking under the building. They would pull in and then back out of the spaces. Ms. Riddell is shown the plan so she can better understand the in and out as if you were in any lot and pulled in then backed out of your space. Mr. Sullivan thinks the rendering is causing a bit of confusion. Mr. Dufour thinks that they think there need to be an aisle. Mr. Rubin clarifies. It is like a driveway under the building. You will pull forward right into your parking space. Ms. Riddell just finishes by saying that it's already too congested. It'll create a bigger issue.

Laurie Sibilgia has a rental property on Hersam Street. She questions the legal notice stating that they are looking for relief from the twenty one spaces and they have nine. Mr. Houghton responds that it was originally five, then nine and they got it up to ten. She says that her understanding is that they only managed to come up with once space from the nine three weeks ago at the May 26th hearing. She goes on to say she lived in a two bedroom with two daughters and they have three cars. You could have three cars with some of these units. What about guests or visitors. She is concerned overflow would go to Hersam Street. She doesn't care if it's a restaurant. She is 100% against.

Donna Riddell, 11-13 Minot Street. She wants to know what happens when they have guests or it's a holiday. She also states that if each unit is going to have more than one car, that's more than nine spaces. She brings up the winter and asks where the snow will go. She also mentions the rat problem and asks about the dumpster. They also feel like they will be boxed in with the height of the building. There's no room on that little tiny block.

Mr. Houghton believes snow will be taken off site. He says prior to demolition the area would be baited. He continues to go back to what it could be, a twenty seven seat restaurant. It would create more traffic. It's a downtown are. They are trying to make something that will fit.

People at Mr. Petrillo's building at 411 Main Street buy municipal parking permits. There are a lot of municipal lots in the area. The dumpsters will be inside the building.

Megan Cullen, Hersam Street. She doesn't see how nine units with ten spaces will work. If there were three less units, one less floor. She loves the look but is concerned about overflow onto her street.

David Riddell mentions that people going to the Stones are parking all over the place illegally. Mr. Saltzman states that Mr. Petrillo didn't create that problem, nor is he required to remedy the problem. He's looking to improve a property. He shouldn't have to answer for people going to the Stones. Mr. Riddell says the big problem is the unknown of how many cars. Mr. Houghton says that they can put it in the lease that if a unit has more than one car, they buy a medallion [municipal parking placard]. The board could make that a condition.

Ms. Sibilis questions why when she proposed that at the last meeting did they say it was illegal. Mr. Houghton and Mr. Saltzman explain that it would be the property owner requiring that in the lease not the Town conditioning the tenants to buy a parking permit.

Mr. Houghton goes over the hardship. The land cannot accommodate anything in accordance with the current bylaw. To leave it as a restaurant would make a more serious parking issue. The building has outlived its usefulness. They are adding parking to what currently exists on the property which is improving the public good in that respect.

Mr. Sullivan asks the square footage for the office space. Mr. Houghton responds that it's about 600 square feet.

Mr. Rubin made a motion to close the public hearing which was seconded by Mr. Dufour. All members present voted in favor (5-0).

Mr. Dufour believes that if they stipulate in the lease that after one car they have to buy a parking placard, that's big. Mr. Saltzman agrees it be a condition of any relief granted. Mr. Dufour believes it's a good remedy. Mr. Rubin says it could be two cars, it could be zero. It's an unknown. Requiring a medallion will alleviate that problem. Mr. Saltzman states the parking study shows plenty of parking. Mr. Rubin said that making those five spaces to ten by going under the building was a remedy. Mr. Saltzman said the parking problem on Minot Street might be an enforcement issue but it is not Mr. Petrillo who needs to remedy that yet he took a problem and dealt with it in a constructive way. Mr. Saltzman believes the hardship is the old building in a space that was built before zoning. This is a far better use than a restaurant which could have 27 seats and if everyone brings their car, that's 27 cars. For this use, every unit as its own space and any extra cars will buy a medallion. It seems like a solution.

Mr. Dufour made a motion to grant the relief as proposed with the conditions that the dumpster(s) will be inside the building, that any additional cars after the ten spaces will be required to have a municipal parking placard as part of their lease and snow will be removed from the property. Mr. Rubin seconded. A roll call vote was taken. All members voted in favor (Sullivan, McLaughlin, Rubin, Dufour and Saltzman 5-0).*

[*petitioner had previously stipulated to conditions proposed by Attorney Cicitelli representing the direct abutter, which the Board also agreed to on May 26, could be a condition if granted: They would like that the building be freestanding and not affixed to the party wall that the two parties share. They would also ask as a condition that the petitioner prior to the issuance of a building permit have the structural engineer on the project do a video report of the party wall foundation, the roof, etc. to establish existing conditions.]

A recess was taken at 8:05PM. The meeting was brought back to order at 8:11PM

Mr. Saltzman read the legal notice for 58-66 Montvale Avenue into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, June 23, 2022 at 6:00 P.M. in the Hearing Room, Town Hall to hear all persons interested in the appeal of CRA Realty Trust, owner of 58-66 Montvale Avenue, for any necessary variances in Chapter 15, Section 6.7 to allow the replacement of the existing free standing pole sign with new signage in accordance with plans by Barlo Signs International and Marchionda & Associates, LP, duly filed with the petition. Section 6.7 allows a maximum square footage of 64 s.f. for a business center sign. The proposed sign is 125 s.f. Section 6.7 allows a maximum height for a business center sign of 15’. The proposed sign has a height of 16’9”. Section 6.7 requires a minimum front setback of 15’ for a freestanding pole sign. The proposed sign is setback 3’6” from the street. Plan may be seen mornings daily except Friday afternoon in the Town Clerk’s Office.”

Mr. Saltzman invited Attorney Steven Cicitelli to speak on the matter. Mr. Cicitelli gave an overview of the request reminding the Board that they were before them for the various roof signs. At that time they didn’t add into the request anything for the freestanding sign. At this time they are really just modernizing the sign. The actual poles will remain in the same spot. The sign location is not changing. The height is not changing. The size is pretty much the same. With the exception of having every tenant listed, the changing of the Montvale Place and adding of numbers. It is slightly different. Mr. Cicitelli states that the hardship is that there are two shopping centers in Stoneham, the other being Redstone. The sign bylaw is designed for the smaller buildings. You need the plaza and the tenants to be identified. As far as derogation from the intent and purpose of the bylaw, if you had a smaller building with a sign this big that might not be appropriate but on a larger size shopping plaza with the speed on that street it makes more sense. There is no detriment to the public good. This is the last step to the renovation of the shopping center. This is an improved sign and the numbers on the sign improve public safety.

Mr. Dufour questions if the sign is internally lit. Mr. Cicitelli responds that it is. Mr. Dufour asks if the new sign is more monotone with less of a graffiti look. Mr. Cicitelli responds that it is. Mr. Dufour asks if the new sign will be internally lit. Mr. McLaughlin asks if the landscaping underneath will be done. Mr. Collins from the management company says that it will be done at some point.

Mr. Sullivan brings up the variance that was granted October 5, 1990. There were 14 spaces for tenants as a condition and now you have 16. Another condition was the size which was granted has changed 4.25 square feet which is a negligible amount. Mr. Sullivan just wanted to point out

that this Board would be overriding few of the conditions previously granted. Mr. Saltzman doesn't see any reason they need to remain faithful to their past mistakes.

Mr. Saltzman believes it's a much cleaner sign. He compliments the sign person. Mr. McLaughlin asks if the light on the time shuts down. Mr. Collins responds that it's on a timer and goes off when the last business closes at 10PM.

Mr. Rubin made a motion to close the public hearing which was seconded by Mr. McLaughlin. All members present voted in favor (5-0).

Mr. Sullivan made a motion to approve the petition. The sign is about the same size as what is there. The only part is that in the 1990 Board of Appeals decision there were two conditions, number 9 that limited it to 14 placards and they now have 16, so he'd like to amend that to now include 16 placards. And the sign space in the 1990 decision was limited to 120 square feet. Mr. Sullivan would like to change that condition to 124.17 square feet. It doesn't derogate from the intent of the bylaw. It's a better looking sign. It serves the public good. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members present voted in favor. 5-0 (Dufour, Sullivan, McLaughlin, Rubin, Saltzman)

Next, Mr. Saltzman read the legal notice for 451 Main Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing on Thursday, June 23, 2022 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Phuong Tran of 11 Houston Avenue, Saugus, Massachusetts to appeal the decision of the Building Commissioner denying the request to add micro blading at 451 Main Street, Stoneham, Massachusetts. In the denial letter, the Building Commissioner cites Stoneham Town Code, Chapter 15 Section 4.6 - Central Business District - Body Art is NOT an allowed use in the Central Business District. Body Art, as defined in Chapter 15, Section 2.1.7, is only allowed in the Commercial III District. The applicant contends that micro blading is not Body Art. The applicant requests that the Board of Appeals determine that the use of micro blading is an allowed use at the above mentioned location. A copy of the application may be seen daily except Friday afternoon in the Office of the Town Clerk.”

The business owner of Born Pretty Nails, Phuong Tran appears to speak on the matter. She states that she is before the Board to request them to overturn the Building Commissioners decision that micro blading is not an allowed use. She states that prior to the start of the pandemic she was issued a permit by the Board of Health that caused her to believe it was an allowed use.

Mr. Dufour states that this has been in front of the Board before. Mr. Saltzman asks Ms. Tran if she had been before the Board before. She responds that she had not. Mr. Saltzman continues to say that micro blading had come before the Board before. Mr. McLaughlin remembered that they had her a petition from Redstone. There was also 3-5 Central Street. In looking at the permit she received from the Board of Health, Mr. Saltzman asks Ms. Tran what micropigmentation is. To clarify for Ms. Tran, Mr. Saltzman asks if she told the Board of Health what she intended on doing with the micro blading. She responds that she did. Mr. Saltzman

asks her to explain the micro blading process. Is it a permanent change to the person? She responds that it's just temporary. Mr. Saltzman asks if you'd have to come back in a month. She responds that you would come back about four weeks after the first visit when the skin heals. It would last about two years. Mr. Saltzman states that body art, which is not allowed, is a permanent change. He asks her if this would be a permanent change to a person. She states no.

Mr. Sullivan is looking at the information Ms. Tran provided with her application. It states that the difference between micro blading and tattooing is how deep the pigmentation is inserted. It is a meticulous tattooing just below the skins. Mr. Sullivan states that everything he looks at states it's a form of tattooing.

Jeanne Brian, another local business owner, neighboring Ms. Tran's shop, helps explain micro blading. She states that a blade is used to scrape the skin and then ink is put on. With tattooing they are using needles and electricity to get the ink deeper into the skin. Ms. Tran adds that there are three layers. She scrapes the skin and goes to the second layer, but tattooing goes deeper into the third layer. Ms. Brian adds that tattooing goes deep into the skin, where this is scratching into the skin and dyeing it. Mr. Saltzman again asks if it is permanent. Jeanne Brian reiterates that it's not a permanent effect. In three years at most, you'd have to do it again. Mr. Saltzman states, but tattooing is forever.

Mr. Rubin asks if it's just eyebrows. Ms. Tran states that they only do eyebrows. Mr. Sullivan says that there is cosmetic tattooing. His point of contention is that tattooing is tattooing. He doesn't believe it matters how deep you're going. It's the art of tattooing. He looked up micro blading. Everything says it's a form of tattooing. The way he interprets the bylaw, he doesn't believe it's a use they should allow. Mr. Saltzman states that the Board has in the past considered it as an allowed use, taking into account that it is not a permanent affect and how it's done. It seems to be cosmetic.

Jeanne Brian, 459 Main Street speaks in favor and says that the Board of Health has approved it twice. Ms. Brian asks if the zoning laws had changed in the last few years. Mr. Saltzman asks if she does anything else at her establishment. Ms. Brian responds that Ms. Tran does nails, pedicures and facials.

Raymie Parker, 111 Franklin Street speaks as a resident in support. As someone who does get tattoos, this is a little different. This is another example of a problem with the zoning bylaws for which the Boards should come together. She continues to say this is a luxury or some people, but the bigger thing is to change the bylaws to help people out. Help the businesses and retail.

Mr. Dufour made a motion to close the public hearing which was seconded by Mr. McLaughlin. All members present voted in favor of closing the public hearing (5-0).

Mr. Saltzman believes that they have done this twice. There was somebody in the square and then again at Redstone. The Board did not believe it to be body art but cosmetic. Mr. Dufour agrees. Mr. Saltzman continued to say it was cosmetic being offered with other cosmetic services as this petitioner is doing. The other aspect is that it is not permanent. Mr. McLaughlin states that a lot of times it has to do with ladies who have cancer having their eyebrows put on. Mr. Dufour adds that sometimes it's not a luxury but a necessity. Mr. Rubin brings up Ms.

Parker's point and Mr. Sullivan's on the verbiage used. Mr. Rubin's complaint is that the word is tattooing and causes confusion. Mr. Rubin agrees that this isn't permanent.

Mr. Saltzman states that the petition is asking the Board to overrule the determination of the Building Commissioner that micro blading is body art. The Board would be deciding it is not body art, that it is cosmetic.

Mr. McLaughlin made a motion that micro blading is not body art but is cosmetic. The motion was seconded by M. Dufour. A roll call vote was taken. (Dufour, McLaughlin, Rubin and Saltzman voted in favor, Mr. Sullivan voted against (4-1). The building commissioner's determination was overruled.

Next, Mr. Saltzman read the legal notice for 28 Congress Street into the record as follows:

"You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing on Thursday, June 23, 2022 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Mark Devries, 28 Congress Street, Stoneham to convert the existing shed at 28 Congress Street into a garage. The petitioner is requesting variances from the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements – The required side setback in Residence A District is 10 feet. The proposed side setback for the garage is 7.9 feet. The required rear setback in Residence A District is 15 feet. The proposed rear setback is 2.6 feet. A plan by Benchmark Survey may be seen daily except Friday afternoon in the Town Clerk's Office."

The homeowner, Mr. Devries appears to speak to his petition. When he purchased the property there had been a substantial fire at the rear of the property. In May of 2016 he obtained a building permit to address the fire damaged structure at the rear of the property. During that time the Building Inspector inspected and asked for a plot plan. The building inspector raised the question of the setbacks. As far as he can tell that structure was constructed between 1924 and 1946. It has always been there in that location as the cement slab will attest. The walls he constructed were the same. The footprint hasn't changed. The height changed a little.

Mr. Saltzman asks if it's been there since the 1920s. Mr. Devries states that it appears that way. Mr. Rubin says it was a shed? Mr. Devries calls it more of a carriage house or garage, Mr. Saltzman asks if there is 44 feet of frontage. Mr. Devries agrees. Mr. McLaughlin says it has always been a carriage or a man cave. Mr. Sullivan pulled up google pictures and asks Mr. Devries if these depict what his property looks like, both at the time he bought it and now. The Board looks at the google maps. Mr. Saltzman asks how long between fire and repair. Mr. Devries purchased the property in 2012 and it was already fire damaged. He began work on it in 2016.

Mr. Saltzman asks for comment from the public. Jason Waldren, Dean Street, whose property abuts his backyard speaks in favor. The garage has always been there and terrible looking. He can reach it from his backyard and it doesn't bother him at all. Paul Lacey, 8 Dean Street, says the structure was there in 1976 when he moved in. He has no problem with that being turned into a garage.

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

Mr. McLaughlin makes a motion to approve the petition. Besides the hardship of the size and shape of the lot, it doesn't derogate from the intent of the bylaw, it's been there for a few years and it serves the public good. Mr. Sullivan clarifies that the relief is to make it into a garage with the setbacks. A roll call vote was taken. All members present voted in favor. (Sullivan, McLaughlin, Rubin, Dufour, Saltzman (5-0)).

Mr. Saltzman reads the following legal notice into the record for 14 Charles Street as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing on Thursday, June 23, 2022 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Daniel J. Kraby and Maria Lourdes Fama-Kraby, 14 Charles Street, Stoneham to construct a 4' x 16' deck, 4' x 8' porch, above ground pool, shed and a pergola at 14 Charles Street. The petitioners are requesting variances from the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements – The required front setback in Residence A is 20 feet. The proposed deck is 10.9 feet from the property line and the porch is 10.3 feet from the property line. Section 5.2.1 (note 4)- No part of any structure shall be within 15 feet of any street. The proposed porch is 10.5 feet from Charles Street. Chapter 15, Section 4.2.2.2 (c) Accessory building-One accessory building is allowed in the Residence A District. Two accessory dwellings are proposed, a shed and a pergola. Section 4.2.2.2 (c) also states that the required setbacks for accessory buildings under 130 square feet is 5 feet for the side and rear. The proposed setback for the shed is 3 feet and the proposed setback for the pergola is 2 feet. Chapter 15, Section 5.2.1 (note 10) Pool-Required setback for a pool is 10 feet. The proposed setback for the above ground pool is 1.5 feet. A plot plan for 14 Charles Street prepared by Edward J. Farrell, Professional Land Surveyor may be seen daily except Friday afternoon in the Town Clerk's Office. “

Mr. Sullivan discloses that he is a direct abutter. Mr. Saltzman states that with four members available to vote, you can proceed tonight but would require a unanimous vote. Or you may continue to the July meeting with five members present. Attorney Sheila Grant takes a moment to confer with her client, the homeowner Dan Kraby. Ms. Grant comes back and asks the Board to continue. Mr. Rubin makes a motion to continue the hearing to the July 28, 2022 meeting at 6PM which is seconded by Mr. McLaughlin. A roll call vote was taken. All four members voted in favor with one abstention from Mr. Sullivan. (McLaughlin, Rubin, Dufour, Saltzman 4-0).

Mr. Saltzman read the final legal notice for 44 Montvale Avenue into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing in the Hearing Room, Town Hall on THURSDAY EVENING, June 23, 2022 at 6:00 p.m., to hear all persons interested in the petition for a Section 6 special permit by Nine John Street LLC, 311

Massachusetts Avenue, Arlington, MA to renovate the existing building at 44 Montvale Avenue, Stoneham, Massachusetts to allow dental office use on the first floor and residential use on the second and third floors of the existing building at 44 Montvale Avenue Stoneham, MA. The property is in the Highway Business District. Previously, there was single-family dwelling use in the existing building. Section 6.2.5 - Abandonment or Non-use - The existing nonconforming use has been abandoned for more than two years. The petitioner is requesting that the Board of Appeals grant a Special Permit for reestablishment subject to provisions of Section 7.4. Pursuant to Section 6.2.5, the Board of Appeals may grant a special permit to re-establish the nonconforming residential use on the second and third floors. The petitioner is proposing to use the first floor for a conforming dental office use. The petitioner is also requesting a special permit pursuant to Section 6.2.2.1 whereby the Board of Appeals may grant a “Section 6 special permit” to change from one nonconforming use to another less detrimental, nonconforming use. Petitioner is also requesting the following variances: Section 5.2.1 Dimensional Requirements – The required lot size in Highway Business District is 10,000 square feet. The existing lot is 4263 square feet. Section 5.2.1 – Dimensional Requirements – The required frontage and width in Highway Business District is 100 feet. The frontage and width of the existing lot is 77.6 feet. Section 5.2.1 Dimensional Requirements – The required front setback in Highway Business District is 20 feet. The setback for the existing building is 5.9 feet. Also, the petitioner is proposing a 6.67’ x 24.33’ addition on the Chestnut Street side (front) of the existing structure for enclosed access to the second floor that is 4 feet from the front lot line. Section 6.3.3 Minimum Number of Spaces – The minimum number of spaces for the proposed uses are 6 spaces. The proposed only shows 4 spaces. Section 6.3.4.2.(3) Minimum aisle width for parallel parking for one way traffic is 12 feet. The proposed one way aisle is only 10 feet. Section 6.3.4.2.(2) Each parking space must meet the setback for the district which is 5 feet. Three of the parking spaces do not meet the side setback. Section 6.5.2.4 A minimum 4 foot strip of landscape is required where setbacks are required. There is no landscaping proposed with the required setbacks. A plan filed with the petition by PJF and Associates dated April 1, 2022 with revisions through May 9, 2022 entitled “Site Plan of Land of 44 Montvale Avenue in Stoneham, MA” shows the existing building and proposed addition and parking. Plan may be seen daily except Friday afternoon in the Town Clerk’s office. “

Mr. Houghton is invited to speak on the petition. He begins with the history of this property and stating that this will be the third time before the Board. It was a residential use that then went to commercial and residential with two residential units. Now there is no nonconforming use at the property. He now has to reestablish the nonconforming residential use on the second and third floor and the nonconforming commercial space. Mr. Houghton has rendering to show access to second floor. There will be an elevator lift for the handicapped accessibility. Mr. Sullivan asks about the entrance way just into where the staircase is. The handicapped access is where the four care driveway is.

Mr. Houghton states that Chestnut is the front with the longer dimension. This is on the corner of Montvale and Chestnut. Mr. Rubin clarifies that the legal address is Montvale even though the front of the building is on Chestnut. Mr. Houghton continues on to talk about the façade being brick veneer to fit in with the buildings in that area. They will save the bones of the house. His client will have his dental business on the first floor and he will live with his wife and daughters on the other floors. He may need a site plan but that is still to be determined by Ms. Noble. Mr. Houghton explains that Highway Business doesn’t allow residential but that may change in

October. They are talking to the Planning Board about allowing residential in Highway Business.

Mr. Saltzman states that he read a lot of variances into the record. He'd like to know what the hardship is. Mr. Houghton responds that the lot is what it is and the structure could use some improvement. They will rehab quite a bit. They were able to get four parking spaces in. The requirement is six spaces. The addition in the rear is too close to the street. The lot size itself also requires a variance.

Mr. Saltzman asks about support staff. Mr. Houghton responds there would be one additional person. The owner, Mr. Hart said there will be a few patients each week. It would be an improvement for the public good. It will no longer be a detriment. It'll be a big improvement. Mr. Sullivan asks if there would be one dentist and a receptionist. Mr. Hart responds that there would be one dentist, a hygienist and an assistant. He will have four stations set up for various procedures, extractions, fillings, cleanings etc. So Mr. Houghton indicates that it appears there would be two support staff.

Seeing no members of the public present and no other questions, Mr. Saltzman entertains a motion to close the public hearing. Mr. McLaughlin makes that motion which is seconded by Mr. Rubin. All members present voted in favor (5-0).

Mr. Saltzman states that this is section 6. It fits within that. The new use is not substantially more detrimental than what is there. Mr. Sullivan says what's there is nothing. Mr. Saltzman continues to say that the variances seem to be a small price to pay for the improvement to the property.

Mr. Rubin made motion to grant the variance based upon the hardship the small, odd shaped lot, what is going to be there will definitely be a benefit to the neighborhood, it does not derogate from the intent of the bylaw and it serves the public good. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members present voted in favor. (Sullivan, McLaughlin, Rubin, Dufour, Saltzman (5-0).

Mr. McLaughlin made a motion to adjourn which was seconded by Mr. Rubin. All members present voted in favor.

The meeting adjourned at 8:13 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:

Minutes dated May 26, 2022

A plan filed by P.J.F. and Associates, dated March 14, 2022, entitled, "Plot Plan of Land 371 Main Street Stoneham, MA" and revised 6/22/22