



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

Stoneham Board of Appeals Minutes
Thursday, May 26, 2022
Town Hall Hearing Room
6:00 PM

Members of the Board present at the meeting: R. Michael Dufour (arrived at 6:22 PM), Vice Chairman Robert Saltzman, Kevin McLaughlin, Chairman Tobin Shulman (arrived at 7:19 PM for 109 Summer St, 3 Virginia Ln and 371 Main St) and Associate Member William Sullivan (Mr. Sullivan sat in for 149 Franklin St, 15 Green St, Rockville Park & 5 Mauriello Dr and 85 Central St).

Also present: Town Administrator Dennis Sheehan, School Building Project team members David Warner from Warner Larson Landscape Architects, Joel Seeley from SMMA, Robert Smith from SMMA, Stephen Messinger from Perkins & Will, Select Board and School Building Committee Member Raymie Parker, resident Ellen McBride, Attorney Charles Houghton, Attorney Steven Cicatelli, residents Zack Pietrantonio, Bernice and Arthur Bennett, Jim Sullivan, Robert and Camille Thomas, Bob Sinclair, Bob Antonelli, Anna Yaskell, Michael and Wendy Bradford, Erin, David and Donna Riddell, Megan Cullen, Laura Sibilina and Town Clerk Maria Sagarino acting as the Board of Appeals Clerk.

The meeting was brought to order at 6:07 PM by Vice Chairman Robert Saltzman who would Chair the meeting until Mr. Shulman's arrival. 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 first opened there were only four members present (Saltzman, Rubin, McLaughlin and Sullivan), so Mr. Saltzman explains that with only four voting members present a petitioner would need a unanimous vote as a super majority vote is required. Next Mr. Saltzman explains the public hearing procedure.

The members confirmed the next meeting date as June 23, 2022. Mr. McLaughlin made a motion to table reorganization of the Board until the next meeting which was seconded by Mr. Sullivan. A roll call vote was taken. All members present voted in favor. (McLaughlin, Rubin, Sullivan and Saltzman).

Mr. McLaughlin made a motion to approve the minutes of April 28, 2022 which was seconded by Mr. Rubin. Mr. McLaughlin, Mr. Rubin and Mr. Saltzman voted in favor. Mr. Sullivan abstained.

Mr. Saltzman read the legal notice for 149 Franklin Street 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 the Town of Stoneham to construct a new public high school at 149 Franklin Street, Stoneham, Massachusetts which requires variances of the Stoneham Town Code, Chapter 15, Section 6.3.3 Minimum Number of Spaces – The minimum number of parking spaces required per gymnasium occupancy is 500 spaces. The existing number of parking spaces is 346 and the proposed number of spaces is 351. Section 6.3.7.2 Off Street Loading Areas – The minimum number of off street loading areas required is 8. The proposed number of loading areas is 2 areas that meet the school needs. Section 6.6.2.1 Lighting – All parking lots shall maintain a minimum intensity of one (1) footcandle over the entire parking surface. The proposed is an average of one (1) footcandle over the entire parking surface.

A plan by Perkins & Will and Warner Larson Landscape Architects may be seen daily except Friday afternoon in the Office of the Town Clerk.”

The Town Administrator Dennis Sheehan was present and introduced Joel Seeley and Bob Smith from SMMA our project management team, Stephen Messinger from Perkins & Will, the architects on the project and finally David Warner from Warner Larson Landscape Architects. Mr. Warner gave a brief overview of the overall High School project followed by more detailed information regarding the three variances being sought. Mr. Warner talks about the plan submitted. He explains that there are currently 346 existing parking spaces. Only 250 spaces are being utilized on a normal day. The additional parking spaces are great during large events but they are not needed on a daily basis. For the new High School they are proposing 351 spaces. He then speaks to loading docks. The current school does not have eight which is required due to gross square footage in the zoning requirements. Mr. Warner confirms there are two loading spaces at the back of the building. Two trucks could be parked side by side at the loading dock. He talks about the wider aisle for parking which will allow for an additional 58 spaces during special events, bringing the total to 409.

On the lighting, Mr. Warner explains the difference between minimum footcandle and average footcandle. The difference is significant for number of poles and light fixtures. They based this level of lighting on what was designed at the Central Middle School. They used the same electrical engineer on that project. The lighting calculations show an average of 1.53 with a maximum of 4.2 while the minimum is .1. He believes the intent of the bylaw is probably focused on a 1 footcandle average because that is what the Illuminating Engineering Society (IES) considers standard for parking in suburban locations. If they bumped it up to 1 there would be more light than you need for public safety, adding to the cost and more glare for the neighbors. They zero out near abutting properties. It is the right thing to do. It was acceptable to public safety with the Middle School. Mr. Dufour enters the meeting at 6:22PM.

Mr. Saltzman asks about the lighting. The bylaw says “All parking lots shall maintain a minimum intensity of one (1) footcandle over the entire parking surface.” So that’s the bare minimum. It’ll be an average of 1 footcandle. Which sounds somewhat like a distinction without a difference. But there is a slight difference. He asks Mr. Warner if he would agree. Mr. Warner agrees because on this calculation the minimum footcandle is .1 and to go up to 1 as a minimum you would have to increase the amount of fixtures and decrease the space between the fixtures. Mr. Saltzman asks him to repeat how they get from 346 parking spaces to 409. For event parking only, it would show on the plan provided by orange striped areas. The spaces are only available during special events.

Mr. McLaughlin asks about the size of the parking lot, specifically the width where the plan is showing the extra spaces in orange. Mr. Warner answers that it’s eight feet wide. The space between the orange line and the back of the parking stalls is 22 feet wide. The overall distance is thirty feet wide. There is adequate space for a vehicle to maneuver out.

Mr. Sullivan asks if during event, they would still be able to use the sides along the entrance and exit to the driveway as they do now. Mr. Warner answers that the driveway width coming in and out is the same as what is existing so that would be up to the safety officials. He further explains that there may not be adequate area as you exit onto Franklin Street with the turning lanes.

Mr. Sullivan also asks about clarification of the proposed being .1 footcandle. Mr. Warner answers that they are proposing an average of 1 footcandle that meets the IES standard for suburban parking lots. The minimum level of lighting is .1. The average is 1.53. Mr. Sullivan clarifies that there are some that are .1 but others up to 4. Mr. Warner agrees.

Mr. Saltzman asks for questions from the public. Jim Sullivan from 6 Sunset Road lives in the abutting neighborhood. He mentions that what he sees now, during special events, are people parking on Fieldstone Drive and Sunset Road. He knows it's a public street but he'd like to know the plan in the winter when snow takes away some of the spaces. He also asks about the path that exists from Fieldstone Drive up to the High School. He asks if that will be closed. He also mentions the access road shown on the plan to access the loading area at the back. He wants to know how they will mitigate the effect of trucks loading and unloading at the back of the building. The Town Administrator responds about the number of parking spots. The School Building Committee made every effort to maintain the number of parking spaces currently at the site while trying to provide extra spaces. The pedestrian path from Fieldstone Drive will remain but will have a gate to be locked. It will allow for emergency vehicles if necessary. There will be an additional pedestrian access point from Benjamin Terrace. The facilities department needs the loading dock. They can increase the landscaping for abutters as necessary.

Arthur Bennett, 7 Sunset Road is concerned about possible blasting near the tennis courts as his house is located behind the tennis courts and sits on wooden piles. Mr. Saltzman points out that that is beyond the subject matter of the variances before the Board but he allows Mr. Sheehan to respond. Mr. Sheehan mentions that they have done some test pits. There may be a need for tactics to remove the rock throughout the site. The construction team is not on this meeting, Consigli Construction is the construction manager on the project, Mr. Sheehan states that they are happy to have someone reach out to Mr. Bennett directly and maybe even meet him at his property to talk about preconstruction videos.

Raymie Parker, Select Board member and School Building Committee member just wanted to mention the back path from Fieldstone and by Benjamin Terrace. She states that the committee wanted to increase student/pedestrian access to help to unclog Franklin Street. She understands the parking outside the High School during large events, but she felt that overall there would be less parking because kids could travel to school by foot.

Mr. Saltzman asks Mr. Warner if he has any other comments. He does mention the barrier gate with the rear access. It will only be used for emergency purposes.

Mr. McLaughlin made a motion to close the public hearing which was seconded by Mr. Rubin. All members present voted in favor (Sullivan, McLaughlin, Rubin, Dufour, Saltzman).

Mr. Saltzman reiterates what variances they are seeking. It appears they will have 351 parking spaces but make it possible to have an additional 58 spaces that can be utilized during large events, bringing the total to 409 which gets you closer to the 500 required under the bylaw. He believes there is a need for the school to have the two loading docks in the back because it works for the schools needs and the lighting is elsewhere in the Town at other schools and the public safety people have signed off. Mr. Rubin feels that they are working with what they have to work with. The 409 parking spaces are significantly more than they have today. He understands for the neighborhood it is a pain during events but they have provided more parking. He believes that the lighting works as we have seen with the Middle School. As for the loading dock, as they've seen with the design of the building, it works in the back. Mr. Sullivan understands the lighting. Public safety is going to sign off. Maybe under the canopies it won't be lit up but he's sure it's designed purposely where there are areas that won't be lit. There are plenty of other areas that will be more than what's required. It's the same as what's at the Central Middle School and there really have been no issues there. Mr. Sullivan continues to say that the parking is what it is. It's been there since the 1960s. The events aren't there every day and the requirement is what it is because of the gymnasium.

Mr. Sullivan makes a motion to grant all requested relief for parking, lighting and the loading areas required. What we have is what we have. They have done a good job mitigating. Mr. Saltzman adds that

the hardship is the lot and it doesn't derogate from the intent of the bylaw. Mr. Sullivan adds that it serves the public good. Mr. Rubin seconds the motion. A roll call vote was taken. All members present voted in favor (Sullivan, McLaughlin, Rubin, Dufour, Saltzman).

Mr. Sheehan thanks the Board for their consideration.

The public hearing for 15 Green Street had been continued from the last meeting on April 28, 2022. The legal notice had been read into the record on April 28, 2022 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.”

Mr. Sullivan states that although he was not a sitting member at the time, he was present at the original public hearing. Mr. Rubin and Mr. Dufour had not been present at the beginning of the public hearing on April 28th. They watched the video prior to this meeting to get caught up and have signed affidavits to that effect under the Mullin Rule.

Mr. Pietrantonio reminds the Board about the variances required to make his one family into a two family. He is about 1,000 square feet under the minimum requirement. The Board had wanted the inspector to come to verify two separate and independent units. The Building Commissioner had just asked that if the variances were granted that the Board add as a condition that the requirements of Zoning Bylaw Section 4.2.3.1 (d) which “requires that each unit shall be a complete and independent dwelling unit” would be met. Mr. Pietrantonio mentioned that the meters would all be separate. There would be separate means of egress. The Building Commissioner had seen the updated plot plan and was satisfied with the parking provided so that variance would no longer be needed.

Mr. Saltzman tells Mr. Pietrantonio should the variances be granted that Section 4.2.3.1 (d) Each unit shall be a complete and independent dwelling unit would be a condition. Mr. Pietrantonio understood that to be the case. Mr. Rubin mentions that he had a conversation with the Building Commissioner and she did verify that if the Board decided to grant the variance that she would like that section to be a condition.

Mr. Sullivan believed it could have been resolved last meeting if there had been plans showing the layout. Mr. Sullivan would be in favor of granting the relief with the stipulation that 4.2.3.1 (d) is maintained to the satisfaction of the Building Commissioner before occupancy. He has already agreed to separate utilities. He has a separate means of egress. Inside it's already set up for two units, so it's just a matter of closing up a doorway.

Mr. McLaughlin motions to close the public hearing and it is seconded by Mr. Rubin. All members present vote in favor of closing the public hearing. (Sullivan, McLaughlin, Rubin, Dufour, Saltzman).

The Board sees no need for further deliberation as most of the information was presented on April 28th. The Board just needed clarification on the separation of the units required by subsection d.

Mr. Sullivan makes a motion to grant the requested relief for the square footage of the lot. [Requested relief is to accommodate an additional dwelling unit which requires a variance of Section 4.2.3.1 and Section 4.2.3.1 (b) which requires a variance of lot size for a two-family dwelling in Residence A.] The parking is no longer an issue, so no variance is required. Mr. Sullivan adds that it is contingent upon him meeting the requirements of Section 4.2.3.1 (d) Each unit shall be a complete and independent dwelling unit to the satisfaction of the Stoneham Building Commissioner. Mr. Rubin seconded the motion. A roll call vote was taken. All members present voted in favor. (Sullivan, McLaughlin, Rubin, Dufour, Saltzman).

The next public hearing is 109 Summer Street which was also a continuation from April 28, 2022. Attorney Houghton asks that this be tabled until Mr. Shulman arrives. Mr. Sullivan was the Wiring Inspection who reviewed this and he would rather he not deliberate on this matter.

Mr. Saltzman read the legal notice into the record for Rockville Park and 5 Mauriello Drive 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 Sanco Builders LLC, 82 Bedford Road, Woburn, MA to construct sixteen townhouse units at the end of Rockville Park and 5 Mauriello Drive, Stoneham, Massachusetts. Petitioner is requesting a variance of: Section 5.2.1.note (25) Dimensional Requirements – The required rear setback in Residence B district is 25 feet for walls over 4 feet in height. The proposed wall is between 4 and 15 feet in height. The proposed wall is setback from the rear property line 10 feet. Section 6.3.4.2 (4) Parking Layout – Each required parking space must be designed so that each vehicle can proceed to and from the parking space without the moving of another vehicle. The parking at this location is proposed to be tandem parking. A plan filed with the petition by Daniel E. Dragani, P.E., Dragani Engineering Group LLC and Edward Farrell, PLS, dated April 23, 2022 entitled “Proposed Setbacks, Zoning and General Layout Rockville Park Stoneham, MA” shows the proposed sixteen townhouse units. 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 reminds the Board that they had previously granted variances for this property, but the one year and a six month extension has run out. Since appearing before the Board, COVID has happened, they had been to Planning Board for a Special Permit, Conservation for approval, the storm water management was approved and Site Plan approval from the Select Board. They won't have time to get a building permit and they cannot obtain another extension. So they are asking for a new variances. There is one wall which was changed so that the variance which was necessary before is not being asked for this time.

Mr. Houghton has pictures of the property to refresh the Board's memory of the site. Mr. Houghton reminds the Board that it went to town meeting for rezoning. They were in front of all of the Planning Board, Storm Water, Conservation and Select Board on multiple occasions but they will need an extension from this Board. Mr. Houghton states that the hardship is the topography of the lot. Mr. Houghton talks about how they've moved one wall so it meets the bylaw but they will need one wall variance. It is still sixteen town houses. Nothing else has changed.

Mr. Sullivan clarifies that the variance was granted before, there's one less wall and your extension is up so you need a new variance so that you don't lose your Site Plan. You have your Planning Board and other approvals. It's running out of time and this is the only thing you can do. Mr. Houghton agrees with him.

Mr. McLaughlin made a motion to close the public hearing which was seconded by Mr. Dufour. All members present voted in favor. (Sullivan, McLaughlin, Rubin, Dufour, Saltzman)

Mr. McLaughlin made a motion to grant the variances requested which was then seconded by Mr. Dufour. A roll call vote was taken. All members present voted in favor (Sullivan, McLaughlin, Rubin, Dufour, Saltzman).

Mr. Saltzman read the next legal notice into the record for 85 Central Street 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 Sanco Builders LLC, 82 Bedford Road, Woburn, MA to demolish the existing structures and construct a new two-family dwelling at 85 Central Street, Stoneham, Massachusetts. Petitioner is requesting a variance of: Section 5.2.1 Dimensional Requirements – The required minimum lot size in Residence B is 9,500 square feet for a two-family dwelling. The lot for the proposed is 8,414 square feet. Section 5.2.1 Dimensional Requirements – The required side setback in Residence B District is 10 feet. The proposed structure is 7 feet from both side property lines. Section 5.2.1 Dimensional Requirements – The maximum percent lot coverage in Residence B is 20%. The proposed percent lot coverage is 30.4%. Section 5.2.1 Dimensional Requirements – The minimum frontage and width in Residence B is 75 feet. The frontage for the proposed is 70.55 feet. Section 6.3.4.2 (4) Layout – Each off-street parking space shall not be tandem. Two proposed spaces are tandem. A plan filed with the petition by Edward J. Farrell, dated, April 19, 2022, entitled, “Proposed Plot Plan 85 Central Street Stoneham, MA” shows the proposed two-family 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.”

Attorney Houghton is invited to speak on the matter. He talks to the Board about the building being in bad condition. There's mold and it's basically a tear down. They would replace it with a two unit town house style condominium for which they have been given plans. He discusses the necessary variances. Given the structure and the shape of the lot, it's the only thing that will work there. To rehab is not feasible with the mold and structural issues. He compares the existing dwelling to 22 Wright Street and 109 Elm Street which the Board had previously seen on site visits. He said it is not salvageable. Mr. Saltzman states that none of those structures showed the conditions from the outside and he believes this would be the same. In driving past the building, he doesn't think it looks too bad from the outside. Mr. Houghton asks if they need a site visit.

The petitioner, Mike Santullo, Sanco Builders, mentions that he told Mr. Houghton to invite the Board for a site visit. He wanted the Board to see how badly decrepit the dwelling is. He said there was no chance any permits were ever pulled for any work that was ever done there. All the way to zero setbacks on the right side. The rear setback is currently four feet. There are all of these sheds on the property. The rest of the property is concrete and asphalt. It's completely ransacked. There's black mold. Rats, water, you name it. He continued to say that he's done some bad ones in town and this ones probably tops. He mentions that he had done 102 William Street similar to what he wants for this property. What he is currently proposing is better than what is there now in every aspect. It doesn't make it any worse. It makes everything better. He states that it's considered a two family but they've been using it as an illegal three.

Mr. Houghton asks if they'd like him to go over the detriment to the public good and the derogation of the intent of the bylaw. Mr. McLaughlin asks if there are any renderings. Mr. Santullo has a front elevation in his truck. Mr. McLaughlin suggests that if they go for a site visit, they could see the rendering.

Mr. Saltzman asks for questions or comments from the public. Attorney Steven Cicatelli is recognized. His office is at 266 Main Street. He owns the lot behind on Central Street. He doesn't imagine the dwelling was built to code or complies with zoning. It was a series of sheds connected. He feels that what is there now is dangerous and should not be used as a multifamily. The prior owner did not maintain it and he is very much in favor of the granting of the variances.

Anna Yaskell, 83 Central Street has lived next door since 2019. Her yard space is directly adjacent to 85 Central Street and there is a brick wall separating them. She has seen rats, mice and bunnies under this wall. She has been inside the house. The previous owner had up to ten people residing in this house at one time. It's not to code at all. She has seen the mold. The plumbing is horrible. She said the house should be condemned and it's 100% infested. She would love it rebuilt, up to code with no rats please.

Jim Sullivan, 6 Sunset Road states that he's not an abutter and doesn't know this property. He believes it's clear the existing structure should come down. He lost track of all of the variances needed. He talks about driving around this town and how he sees us building all these plastic town houses and cramming them onto lots that are too small. He asks if the Board believes if the variances aren't granted that they won't go forward or can modifications be made so that it will be within our bylaws. He states that we have bylaws for a reason. Mr. Saltzman replies that they are looking for a variance for the frontage. The frontage is 70.5 feet. It's in an old part of town. Most of the houses in that part of town don't conform to the bylaws already. He explains that that is why we have a Board of Appeals. You aren't going to get a 10,000 square foot lot on Central Street because we don't have any. So any time you are trying to do something, you need a variance to conform to the area requirements currently in place. He further explains that these variance requests that he finds offensive, that's how we got there. Mr. Saltzman also mentions that if you look at the existing structure and you look at everything under the sun that it currently offends and you look at what someone is trying to put in there as offending fewer things and is a manifest improvement to what's there. That's a good thing. Jim Sullivan says that he would support rehabbing any structure especially when it's a public safety issue. But can these structures be built within the bylaws? Mr. Saltzman explains that they start with requiring 90 feet of frontage. They don't have it. They need 10,000 square feet. They don't have it. Somebody wants to improve what's there so they have to ask for these things.

Bob Antonelli, 83 Central Street has a question about process and timing. He'd like to know when and how tearing down and building happens. Living next door and working from home causes him to want this information. Mr. Saltzman explains that all that is in front of them tonight are the variances. If this is allowed there would be a decision written and filed with a twenty day period of appeal. There aren't any other approvals required for this project so they would then apply for a building permit.

Mr. Saltzman asks if there are any other comments. Mr. Saltzman asks the Board in view of the fact the neighborhood seems hugely in favor of this, is a site visit necessary? Mr. Sullivan responds that he drives by 10-15 times a day and shakes his head every time he sees it. He wouldn't need a site visit. Mr. Rubin agrees. The outside doesn't do it justice to how bad it is inside, but he also drives by and has seen it. Mr. Saltzman says that they usually do a site visit because there is a difference of opinion but we have a whole neighborhood showing up and saying tear it down. The Board concurs that they do not need the site visit. Mr. Dufour adds that just seeing the footprint of the existing building is enough to say that it needs improving.

Mr. Shulman enters the meeting at 7:19 PM while Attorney Houghton is stating that it's a multifamily neighborhood and this structure will be quite an improvement to the neighborhood and the value. Mr. Santullo again invites the Board see the house. Mr. Saltzman states that they are a Board that will go where invited but in this case after hearing from the neighborhood, it's not necessary.

Mr. Rubin made a motion to close the public hearing which was seconded by Mr. Dufour. All members present voted in favor (Sullivan, McLaughlin, Rubin, Dufour, Saltzman).

Mr. Rubin made a motion to grant the variances requested. It does not derogate from the intent of the bylaw. It will do the neighborhood much good. Mr. McLaughlin adds that he'd like to see that the wall next door [mentioned by the neighbor at 83 Central St] will be taken care of. Mr. Houghton and Mr. Santullo agreed that it would be. Mr. Dufour seconded the motion. A roll call vote was taken. All members present voted in favor. (Sullivan, McLaughlin, Rubin, Dufour, Saltzman).

At this time Mr. Shulman takes over the Chairman duties from Mr. Saltzman.

The next hearing for 109 Summer Street was continued from April 28, 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, 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.”

Mr. Houghton is invited to speak. He begins by telling the Board that his client bought the property in 1989. In 2019 he went to renovate the property and it had two gas meters. It was always used as a two family. He rented it as a two family up until 2019. He would like the variance to be granted for the house to be a legal two family. Mr. Houghton provides the Board with letters from thirteen neighbors in support. He has a plan of the neighborhood showing that it predominantly two families. About two-thirds are multifamily. His client will need a variance for lot size. He has 11,000 square feet but needs 20,000 square feet. This was before the Board before. The issue was whether it was an existing nonconforming. The Board didn't agree that it was but that is not what we are here to argue now. Mr. Houghton continues to say they are here asking for relief for something his client bought when he was a lot younger. The hardship is that he's stuck with it. The structure is the structure. It's hard to renovate a house that's built as a two into a single. His client wants to make it a legal two. It would need a separate electric meter. It would need two separate heating systems. Mr. Shulman asks if it is because there is only one electric meter that makes it not a complete and separate dwelling unit. Mr. Houghton states that is the case. Yes. Mr. Houghton provides the Board with the floor layouts. Mr. Shulman asks if they are looking to make any changes to the exterior of the building. Mr. Houghton states that they are not. He also gives the Board the thirteen support letters from neighbors. Mr. Houghton reiterates that the hardship is the structure because it would be hard to make it into a single family. They aren't going to be making any physical changes except for adding a second electrical meter. They have 11,353 square feet which in

that neighborhood is a decent size. The hardship is to the structure as it exists. It's a financial hardship. His client hasn't been renting the unit since 2019.

Mr. Rubin asks about the prior renting of the unit. Did the landlord pay the electric bill as there was only one meter for the two units? Mr. Houghton responds that yes, his client paid the electric bill.

Mr. Shulman opens it up to the public. Mr. Sullivan asks a question to clarify what relief they are seeking as far as the electric meter because of the way the legal notice was written. Mr. Houghton responds that they need a variance to add a second electric meter to satisfy 4.2.1.3(d). Mr. Shulman asks if it would be acceptable if they were to grant to relief that they add a condition that a second electric meter be installed since you are planning on doing it anyway. Mr. Houghton agrees. Mr. Houghton adds that he asked it to be part of the relief as the Building Commissioner's denial letter cited Section 4.2.1.3(d) which requires that each unit be a complete and independent dwelling unit. Mr. Houghton states that if the Board were to make adding the second electric meter to meet the requirement under section 4.2.3.1(d) as a condition that would be a perfect solution.

Mr. Saltzman moved to close the public hearing which was seconded by Mr. McLaughlin. All members present voted in favor (McLaughlin, Rubin, Saltzman, Dufour, Shulman)

Mr. Rubin clarifies that they are looking for a variance on the lot size with a condition that a second electric meter be installed to meet the requirement under Section 4.2.3.1(d). Mr. Shulman states that that is understanding and as he mentioned at the original hearing on 15 Green Street, Section 4.2.3.1(d) puts the Board in a difficult spot to grant a variance as the Board isn't in a position to determine what constitutes a complete and independent dwelling unit because that gets into Building Code, electrical, plumbing and gas. Mr. Saltzman mentions that with 15 Green Street the Board voted that the petitioner would have to comply with Section 4.2.3.1(d) to the Building Commissioner's satisfaction.

Mr. Rubin says that it is his understanding that this particular property has been used as a two family for a long time. For whatever reason for all of these years it only had one electric meter and it never came up until now.

Mr. Saltzman states that it is within the Board's authority to grant the relief. If you look at other two families in the neighborhood, he thought there was one that's under 5,000 square feet. The lot is on the smaller side but there are several that are smaller size than this. The relief is certainly reasonable. It doesn't derogate from the intent of the bylaw. It is a house that was built long before zoning. It would never comply otherwise with the requirements that came along later. He reiterates that it doesn't derogate from the intent of the bylaw and it would serve the public good which would be keeping up the property. So Mr. Saltzman would move that the Board grant the relief. Mr. Rubin adds with the condition of Section 4.2.3.1(d). Mr. Saltzman adds with a condition that the requirements of Section 4.2.3.1(d) be met to the satisfaction of the Building Commissioner. The Motion was seconded by Mr. Dufour. A roll call vote was taken. All members present voted in favor (McLaughlin, Rubin, Saltzman, Dufour, Shulman).

Next, Mr. Shulman read the legal notice into the record for 3 Virginia Lane 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 Michael J. Bradford and Wendy A. Bradford, 3 Virginia Lane, Stoneham, Massachusetts to erect a second shed of 12' x 16' shed at 3 Virginia Lane, Stoneham, Massachusetts. Petitioner is requesting a variance of: Section 4.2.2.2 Accessory uses –One accessory building is allowed per lot. The proposed is the second accessory building on this lot. A plan filed with the petition by

Benchmark Survey, dated April 27, 2022 entitled, “Plan of Land No. 3 Virginia Lane Stoneham, Mass.” shows the proposed shed. 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. Houghton is invited to speak on the matter. He begins by telling the Board that an ANR Plan was signed by the Planning Board on May 18, 2022 which increased the lot size to 27,930 square feet. The proposal would be to put a second shed in the grassy area added to the lot. The existing shed is a workshop and they would like a second shed. The area is used communally by the neighborhood with a swing set and a fire pit. Mr. Houghton provides some photos to the Board. The original woodshop had been before the Board. The second shed would hold lawn equipment. There is almost three time the lot size. The neighbors are all in favor. It has adequate frontage and access. It doesn't derogate from the intent of the bylaw.

Mr. Dufour asks if this is the parcel behind a house that was just built on Curve Road and Mr. Houghton states that it is. Mr. Bradford said it's a unique spot, everyone gets along. They have Friday night movies. This shed would be used to store lawn equipment for them and their neighbors.

Mr. Shulman opened the hearing up to the public. There was no public comment.

Mr. McLaughlin made a motion to close the public hearing which was seconded by Mr. Saltzman. All members present voted in favor (McLaughlin, Rubin, Saltzman, Dufour, Shulman).

Mr. Saltzman states there is more than enough room for it. Mr. Rubin agrees and says that it's tucked in the back. Mr. Shulman agrees that it is a reasonable ask.

Mr. Saltzman made a motion to grant the requested relief which was seconded by Mr. Dufour. A roll call vote was taken. All members present voted in favor (McLaughlin, Rubin, Saltzman, Dufour, Shulman)

Mr. Shulman read the next legal notice for 371 Main Street into the paper 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. Houghton is invited to speak on the matter. Mr. Houghton provides the Board with some renderings. He explains that the plan is to demolish the existing structure and build a new structure. Downtown zoning requires on the first floor, front as commercial space. The new building would have 736 square feet of commercial on the first floor. There would be three additional floors above with three apartments on each floor. There would be 2 two bedrooms and 1 one bedroom on each floor. At 411 Main Street, his client built a twenty five unit building with twenty five parking spaces. This would propose the same ratio. One space per unit. This is the downtown Stoneham area and there is no building that meets the

requirement. Mr. Houghton has a letter from the Town Planner which mentions that this project complies with the Housing Production Plan of 2020 and it also complies with the Stoneham Downtown Parking Study of 2021. There is plenty of parking to meet the demand. It doesn't meet the bylaw which is 2.1 per unit. The IT requirements are between 1.5 and 1.7 for this area for big developments and downtown Stoneham is less than that because every business relies on municipal or on-street parking. This building would have one space per unit which would come in off of Minot Street. There's a party wall between the existing structure and Curtain Time. That will remain. This building would need to be built with steel to reinforce and would not derogate from that at all. All the setbacks are met because there aren't any in the downtown. This is the type of use proposed and they will need a Special Permit from the Planning Board. They initially talked to the Planning Board about the parking. Two Planning Board members are abutters and referred them to the Board to seek a variance. Mr. Saltzman asks what problem they are going to solve. Mr. Houghton responds that the Planning Board has to issue a Special Permit for the housing over the first floor.

Mr. Shulman asks about the units going in. Mr. Houghton clarifies that there will be three floors above the first floor which will each hold three apartments, 2 two bedrooms and 1 one bedroom per floor. Mr. Houghton mentions that the lot is narrow so the building has to be long and narrow which is the hardship. There's no other way. The design would have the parking in the back of the building coming off of Minot. The lot slopes down. Mr. Shulman clarifies that the intent would be that the tenants turn in from Minot Street to pull into the parking under the building. Mr. Houghton said that is correct. Mr. Houghton states there isn't a lot of room to do any fancy aisles or anything like that. All of the buildings in that area would have the same problem designing parking today.

Mr. Shulman asks how much parking the current building has. Mr. Houghton responds that there are four spaces out back. Mr. Saltzman asks if any of the spaces out back will survive. Mr. Houghton states the existing four get utilized plus a few more. Mr. Dufour clarifies that there will be nine apartments with commercial on the first floor and parking in the back. Mr. Houghton states that is the case including some mechanical, a stairway and the elevator behind the commercial then the parking. Mr. Shulman asks what type of use they anticipate in the commercial space. Mr. Houghton reminds them it's small. Only 736 square feet. It'll be hard to rent. He reminds them of 471 Main Street, everything is rented but the commercial in the front. It's a much more difficult market for that space. Mr. Dufour asks what hypothetically happens with the parking that comes along with the commercial. Mr. Houghton thinks that they could buy municipal parking placards if necessary. The downtown shows that there are plenty of spaces in the downtown area.

Mr. Saltzman asks if the first floor would have more than one business? Mr. Houghton says it's not big enough for more than one.

Mr. Shulman opens it up to the public. Erin Riddell, 6 Minot Street begins by saying that the back of the building faces her house. There are currently three parking spots for that building. The parking lot is tiny. The building is tiny. There is no room for parking. Parking is an issue on Minot Street because it is a small one way. She noticed they said it was two way. Mr. Shulman clarifies that the application refers to the parking lot with two ways in. Nothing to do with Minot Street.

Attorney Steven Cicatelli speaks on behalf of the owner of Curtain Time at 367 Main Street, the property that shares the party wall will 371 Main Street. His client is not opposed to the project. He would just like a few items stipulated to. The lot line runs through the middle of the party wall. They would like the party wall to remain. He believes that a free standing would be built and they want it stipulated that the party wall remain. They would also like the structural engineer to give a report on the existing condition of the party wall and the roof in order to protect both parties from any damage that might occur. Mr.

Houghton responds that they would agree to those conditions. A preconstruction video would be a good idea.

Laura Sibilia owns a property on Hersam Street. She speaks to the lack of parking on Minot Street and the parking issue that already exists on Hersam Street. She is against this because of the parking issue.

David Riddell, 11-13 Minot Street has lived on Minot Street for 47 years. He said the parking is ridiculous and they would have a problem with this project being built. There will not be enough parking. He would like the Board to forget this variance. It's a bad area for traffic and parking.

Megan Cullen, 11 Hersam Street lives on the corner of Hersam and Wright Streets. She finds this hugely concerning. Her condo has parking but there are people always parked out on the street. The parking and traffic are a major issue. She has a big objection.

Donna Riddell, 11-13 Minot Street. She has a thought about the construction. The houses on the street are very old. She believes building and digging would damage their foundations. That is a concern as well as the parking. She also has a concern that it is worse in the winter when the snow comes and there are snow banks. With a building going up, a tall building will make them feel blocked in.

Mr. Houghton responds that they are not looking for a height variance. The building next door on the other corner of Minot and Main is tall. They would have covered parking so there would be no snow removal. They are not blasting. Mr. Petrillo states that they are underpinning what is there with steel beams. They would be doing what you see done in Boston, like in the Back Bay. They wouldn't be banging, blasting or doing any of that. They are underpinning and pouring big footings in their own basement. They would come off of that with columns and set beams across and pour a floor. The party wall does nothing for him. It'll be a wall for Curtain Time. Mr. Petrillo will build beside it. The foundation will be staying.

Mr. Shulman asks if Mr. Houghton has any further comments on the parking questions or concerns. Mr. Houghton responds that they already have one parking space per unit with works pretty well already with 411 Main Street. The Downtown Parking study shows that there is plenty of parking. Mr. Houghton says that one thing people are assuming is that this building currently uses no parking. Any use of this building uses parking. It's not like we are starting from zero spaces being used. If they don't do anything the building would be rented for some use. Any use would require parking. Mr. Shulman asks to see the parking study. Mr. Houghton reiterates that the study showed plenty of parking in the area as did a similar study from 12-14 years ago. Mr. Rubin states that the Google earth photo shows six vans parked in the back at one time. It looks like there are actually five spaces in the picture. They will add four more under for covered parking. Mr. Houghton says that Minot Street is one way and there is no parking allowed on Minot Street. Mr. Houghton again mentions there would be one space for each unit. You are on Main Street where there is a bus line. People can walk to stores in the square. They most likely won't need a lot of parking. Mr. Shulman asks if there is signage that could be added to the building to help the neighborhood? Mr. Petrillo mentions that he owns 411 Main Street which has mainly two bedroom apartments. He said about 75% of the two bedrooms are leased to one person who has one car. The second bedroom tends to be used as an office and they have one car. He gets a lot of older people who live in the center of town. They can walk everywhere. They might have one car between them that doesn't even get much use. A few tenants just take the bus from the square to Oak Grove. Mr. Petrillo says there are always spaces on the street and always spaces available in the municipal parking lot. Mr. Houghton mentions that parking permits can be utilized. There are several municipal lots. Mr. Saltzman states that there are a lot of offices in the area that require parking, but those offices clear out at night. He believes the issue here is that you would have nine units that would require parking overnight. Mr. Saltzman continues to say that we've come to expect is that if you have two bedrooms, you will have two

cars. Mr. Saltzman understands what they've been talking about and he does see it becoming a trend, but it seems if you could find a few more spaces it would make all the difference. He believes with nine units and six of them being two bedrooms and thinking nine spaces is going to do the trick, it's probably not. If you could just find a few more spaces, this would be much easier to do. Mr. Houghton asks for a two minute recess so he can speak to Mr. Petrillo. The Board takes a recess at 8:28PM.

Mr. Shulman brings the meeting back to order at 8:40 PM. Mr. Houghton comes back to ask if they might have a continuance to the next meeting on June 23, 2022. They'd like to see if they can add any more spaces or do a parking analysis. They'd like to look at the whole picture and come up with better data. Minot Street is small. There isn't a lot of parking. It's not a problem they are creating, but they don't want to make it worse.

Mr. Shulman makes sure that there is no one in the audience that would like to be heard on the matter in case they are unable to attend if the hearing should be continued to June 23, 2022. They aren't closing the public hearing, they would just be continuing it to the next meeting so that the petitioner can do some work. Mr. Shulman assures the members of the public that they are welcome back on June 23rd.

Resident Laura Sibia says that if you are going to make the assumption that this is similar to 411 Main Street and that a two bedroom could have one car, you also should assume that a two bedroom could have three cars. She then asks if there is any way to make it so people have to park in a municipal lot. Mr. Shulman responds that he doesn't know what the mechanism would be on enforcement of that but he's sure somebody does and it could be figured out. Mr. Houghton states that you couldn't have a bylaw that treats people differently. It wouldn't be constitutional.

Mr. Shulman entertains a motion to continue. Mr. Saltzman made a motion to continue the public hearing for 371 Main Street until June 23, 2022 at 6PM which was seconded by Mr. Dufour. A roll call vote was taken. All members present voted in favor (McLaughlin, Rubin, Saltzman, Dufour, Shulman).

Mr. Saltzman made a motion to adjourn which was seconded by Mr. McLaughlin. All members voted in favor. The meeting adjourned at 8:44PM.

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 Perkins & Will and Warner Larson Landscape Architects for the new High School at 149 Franklin Street.

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.

A plan by Daniel E. Dragani, P.E., Dragani Engineering Group LLC and Edward Farrell, PLS, dated April 23, 2022 entitled "Proposed Setbacks, Zoning and General Layout Rockville Park Stoneham, MA"

A plan by Edward J. Farrell, dated, April 19, 2022, entitled, "Proposed Plot Plan 85 Central Street Stoneham, MA"

A plan by Edward J. Farrell PLS, dated December 17, 2021, entitled "Plot Plan 109 Summer Street Stoneham, Mass."

Letters of support from thirteen neighbors abutting 109 Summer Street.

Drawing of floor plan for each unit at 109 Summer Street.

A plan by Benchmark Survey, dated April 27, 2022 entitled, "Plan of Land No. 3 Virginia Lane Stoneham, Mass."

ANR plan for 3 Virginia Lane signed by the Planning Board on May 18, 2022 was shown.

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

Renderings of the proposed building at 371 Main Street with unit floor plans also provided.

Downtown Parking Study dated November 9, 2021.

Review letter done for the Planning Board from the Director of Planning & Community Development dated April 16, 2022.

Respectfully submitted:

Maria Sagarino
Town Clerk