



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

Stoneham Board of Appeals Minutes
Thursday, September 29, 2022
Town Hall Hearing Room
6:00 PM

Members of the Board present: R. Michael Dufour, Vice Chairman Robert Saltzman, Chairman Tobin Shulman, Kevin McLaughlin, Eric Rubin and Associate Members Mark Russell and William Sullivan.

Also present: Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Attorney Steven Cicatelli, Attorneys Charles and Patrick Houghton.

The meeting was called to order at 6:04 PM. Chairman Tobin Shulman opened the meeting by making introductions and explaining the procedure for the public hearings.

The board reconfirmed that October 27, 2022 and November 17, 2022 were still good for their next two meetings. Mr. McLaughlin indicated that he would not be present on November 17, 2022.

Mr. Saltzman made a motion to approve the minutes dated September 8, 2022 which was seconded by Mr. Dufour. A roll call vote was taken. All members present voted in favor (5-0).

Mr. Saltzman made a motion to approve the executive minutes dated September 8, 2022 and not to release to the public which was seconded by Mr. Dufour. A roll call vote was taken. All members present voted in favor (5-0) with Mr. Rubin abstaining and Mr. Sullivan voting in his place.

Mr. Shulman introduced the first public hearing for 17 Philips Road which had been continued from September 8, 2022. The legal notice had previously been read 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, September 8, 2022, at 6:00 p.m., to hear all persons interested in the application by Clare F. Robertson for two frontage variances, one side Lot variance, and two minimum lot size variances, under Section 5.2.1, to divide the property at 17 Philips Road into Lot A of 7,443 and Lot B of 8,554 square feet, respectively. Section 5.2.1 - Dimensional Requirements – Minimum frontage in Residence A is 90 feet. The frontage for the proposed Lot A is 60 feet. The frontage for the proposed Lot B is 60 feet. The minimum side setback in Residence A is 10 feet. The proposed side setback for Lot A is 9.2 feet. Minimum lot size in Residence A is 10,000 square feet. The proposed Lot A size is 7,443 square

feet; the proposed Lot B size is 8,554 square feet. All required variances are shown on a Plan entitled, "Plan of Land 17 Philips Road Stoneham, Mass. Dated August 12, 2022 and prepared by Benchmark Survey. Plan may be seen daily except Friday afternoon in the Town Clerk's office."

Mr. Saltzman recused himself from this matter and Associate Member William Sullivan sat in as a voting member for this petition.

Attorney Patrick Houghton was invited to speak on behalf of his client Clare Robertson. He began by passing out several documents to the Board: A 1933 subdivision plan of Philips Road, a portion of Assessor's Map 4 showing Philips Road, the deed for 17 Philips Road, an assessor's list of homes on Philips Road, a listing showing house and lot sizes on Philips Road, a petition signed by the neighbors in favor and renderings from Benchmark Survey showing a concept of the house from the front and an aerial view of proposed house as it would fit in between houses. Mr. P. Houghton begins by referring to the 1933 subdivision plan for Philips Road showing lots 15A (7443 sq ft) and 16A (8654 sq ft) which are currently owned by his client. The lot size required in 1933 was 6,000 square feet, so the lots conformed at the time the subdivision was created. The current plan dated August 12, 2022 which was submitted with the application has slightly different square footage for the lots due to the advanced technology we have today. He continued to say that the deed from 1985 shows a total square footage for both lots as 16,097 square feet. His client has owned the property for 37 years and she believed that she was purchasing two lots with only lot 15A being developed. His client is requesting a variance to subdivide her property as it was originally intended. At this time Mr. Houghton shows the Board some pictures taken of the home as it currently sits on the street with the other lot beside it along with photos of the neighboring houses and some concept renderings done by Benchmark Survey to show a proposed 1 ½ story house with a maximum of 2,000 square feet shown with a frontal view as well as an aerial view. Mr. P. Houghton goes on to say that his client will require a variance for frontage, side setback and lot size. Mr. Houghton states that the hardship is the land which is two lots. He reiterates that the lots met the zoning requirements at the time that they were created in 1933 and was intended to be two buildable lots. He explains that this intention is shown as his clients house was solely built on one of the lots. He states that granting the variance here would not be a substantial derogation from the intent or purpose of the bylaw. It has the same frontage as the surrounding houses. His client's lots have much more area than the surrounding lots. He believes that relief can be granted without substantial derogation from the public good as they have 14 abutters from 9 properties who signed a petition in favor of what is being proposed to be built on the lot. Mr. Houghton states that his client is older and if she can build on the other lot, this will allow her to stay in her home and take away the burden of maintaining that lot. His client is willing to set specific conditions as to the square feet of the house. It would be 1 ½ story, single family dwelling with a maximum square footage of 2,000 square feet.

At this point Attorney Charles Houghton takes over the presentation to the Board. Mr. Houghton explains that his client Clare Robertson is not getting any younger and something needs to happen. He continues to say that if she sells the property you would probably end up with a

mcmansion being built. It's a 16,000+ square foot lot on a street that has mostly 6,000 square foot lots. He states that with the real estate market the way it is, we all know what would happen. Her house that is about 1300 square feet would be torn down and a mcmansion with a three car garage would be built. He continues to say that with their proposal you would end up with a smaller house. He points out that they have been provided with a rendering to show what it would look like in the neighborhood from the front and an aerial view. He believes that it would fit in well and he would stipulate to the size. It will allow Clare to stay and not have to maintain the lot. The Town approved that lot in 1933 as shown on the subdivision plan.

The Chairman asked for questions from the Board. Mr. Shulman asked for clarification on the date of the subdivision plan for Philips Road. Mr. C. Houghton responded that it was 1933.

The Chair then opened up the hearing to the public. He began by reading an email into the record which was forwarded to the Board of September 8, 2022. It was addressed to the Building Commissioner and DPW Director and it was read into the record as follows:

“Dear Ms. Noble and Mr. Gonsalves:

We live at 21 Philips Road and are in receipt of your hearing notice, letting us know that our abutting neighbor Clare Robertson at 17 Philips has applied for several variances to convert part of her yard into a buildable house lot. We have since learned that you've denied this request on August 16th, due to a series of zoning violations.

After reviewing Clare's application, we believe the idea of adding more structures to this street is extremely unsafe; we are against it. Our street is a cut-through to Route 93, with heavy rush-hour traffic, school buses, and racing motorcycles at night. As you may know, earlier, the Town has tried to mitigate this traffic problem by changing Philips Road to a "DO NOT ENTER" at the street's end, connecting to Lynn Fells Parkway. This may help at the end of our street, but we live at the beginning of Philips, in the first house, where speed is a problem. Cars approach Philips Road from the long strip of West Wyoming Ave; Philips is then curved as you approach. Drivers swing around the corner -- almost into our driveway, to rush up to 93, in the morning. We often fear for our lives. Our street is narrow and mad with traffic.

Adding another house to Philips Road would make traffic more dense here, and reduce the number of available on-street parking spaces by at least two spaces, due to the twenty-four-foot-wide curb-cut, required in this case (if I am correct). Fitting this house in, with two to four cars -- coming, going, and backing out, would make the street even more unsafe, especially for pedestrians.

Our street is filled with newer young families who have lots of small children, who walk up and down Philips Road, all day long, with moving bikes, baby carriages, and leashed dogs. It's busy. We, as well, have a backyard pool, which entices our fifteen grandchildren to visit often. We have lived and raised our kids here for over forty years.

We would like to keep the character of our street the same and as safe as possible. We enjoy living here. Thank you for your consideration.

Sincerely,
Elaine and Adrian Maher
21 Philips Road
Stoneham, MA 02180”

Mr. Shulman also read a petition into the record which was signed by several neighbors on Philips Road. It was read into the record as follows:

“To my neighbors on Philips Road, Ravine Road and West Wyoming in Stoneham, MA 02180 and Melrose, MA 02176. You have received a notice for a Board of Appeals Hearing to allow a house to be built on the vacant lot that I own next to my house. The proposed house would be 1 ½ story, a maximum of 2,000 square feet on and 8,553 square foot lot at 19 Philips Road, Stoneham, MA 02180, Sincerely, Clare F. Robertson. “It then stated “I support the petition” with the names and addresses of 14 people who live at 10 locations.

Mr. Houghton said that the flavor of the neighborhood is support. He continued to say that it will not stay a vacant lot. If his client has to sell, it will be bought and replaced with a much larger home. Mr. Houghton began to speak in response to the letter read into the record from Elaine and Adrian Maher. He spoke about the curb cut and said they’d stipulate a curb cut less than 24 feet if necessary. As for traffic, it’s a one way street. Traffic can only go one way. It won’t add any more traffic to the street than anybody else adds. His client has one car, but whatever happens on this property would cause there to be more cars whether it be a mc mansion or a second, smaller home added on the second lot. With their proposal they are trying to do something that is best for the neighborhood and they hope the Town will see it that way.

Mr. Houghton went on to say that there is no question that this lot was meant to be developed and it’s substantially larger than Ms. Maher’s parent’s lot. It doesn’t meet the current 10,000 square feet but it’s one of the closest on the street with 8,500. He reminded the Board that his client bought the property thinking that she had a second buildable lot which would help in her retirement years. Unfortunately there are setback issues with the current zoning. His client got as much support as she could get from the street. He welcomes any questions or conditions.

Mr. Shulman believes that the limitation of a 1 ½ story house would be appropriate given that was in the petition of support signed by the neighbors. He then invited members of the public to address the Board.

Ms. Karen Keohane from 27 Ravine Road in Melrose was invited to speak. She abuts the property in question. She began by saying it would not be good for the neighborhood. A new house wouldn’t fit in with the 90+ year houses. There might be other options. Some of the other neighbors have expressed interest in purchasing parts of the land. It would give more yard space. Several people on ravine Road get the burden of traffic. Philips does have a one way street but they also get traffic. With a corner lot it will be dangerous. It’s a family neighborhood with

little ones. There might be other options for this land if it's all about the money. Some of us would be delighted to add land to our own property. Mr. Dufour asked her if she had seen the rendering. He continued to tell her that it's impossible to tell which house was being added. The rendering depicts a house that fits into the neighborhood. Ms. Keohane said it might look like it fits in but it's not the same. The existing homes were built solidly. They're strong. They didn't go up in a day. New houses aren't made well. They will look and not have same ambience of the neighborhood. By adding another house, it is a new piece and takes value away from everybody else. They might put up new fences and the commotion of building a property might be too much for the neighborhood to handle. She then spoke of the traffic on Ravine Road having 3000 cars a day on a residential street. Again there are other options. Yes you purchased it as two lots but bylaws change. This will affect the neighborhood.

Attorney Charles Houghton responded by saying this is not Ravine Road and has nothing to do with the traffic on Ravine Road. To say that the house being proposed would devalue the existing houses is absurd. Anybody knows that a modest, dignified house that fits in the neighborhood would be an added value to the neighborhood instead of a vacant lot. A mega mc mansion that could have a negative effect on the neighborhood and that's the only alternative if his client sells her lot. He understood that there may have been some discussion with some of the abutters about buying the lot, but nothing transpired and that's not what is before the Board. His client would like to develop the lot in a modest and dignified way that fits in the neighborhood. Given his clients age, something is going to happen relatively soon. The value is far more as a lot than what the neighbors would value it if they wanted it. As far as traffic, Mr. Houghton said that with one extra house you couldn't even measure a difference in traffic on the street.

Michelle Maher, daughter of the residents at 21 Philips Rd spoke about Philips Road being a do not enter during certain hours. It is two way traffic. With a house being built there would be nine feet on one side and ten feet on the other. More traffic would take away two parking spaces on the street. It's more and more dense and unsafe. All of the construction would be a nightmare. There's a lot of ledge in the neighborhood. It could compromise the integrity of my parent's house and some of the other houses. She wondered why the whole street was developed and not that lot. It made her think there might be ledge. She explained that her parents lived next door and when their neighbor was dying, he sold the property. Ms. Maher explained that her mother told her sister Clare that this house was available. Not two lots, but a house with a big yard. She didn't believe it was presented to her mother or Clare as two lots. She references another home on the street being 2300 and the house across the street, they aren't all small lots.

Mr. Houghton responded that Philips Road is a public way so you can't control who parks there. The do not enter makes it a one way. The bulk of the traffic is Melrose to 93. Being in Stoneham, we all know Melrose and others go through Stoneham to get to 93. He continued to say that there would be construction on this lot, whether it's a mega mc mansion or the smaller single family house being built. He spoke of the houses across the street being bigger. They are built

next to conservation land. There is a brook behind the properties. It's not developable land. As far as ledge, there's nothing visible but who knows.

Next Ms. Lee Boda 276 west Wyoming Ave in Melrose spoke. Her backyard abuts the lot. She has a swing set for her seven year old son, a shed and a patio. The last thing they need is another house or the construction of that house. She said electric, water and sewer would all be affected. Mr. Shulman asked her to show her home on the map so the Board could understand where she lives.

With no other members of the public wishing to speak, Mr. Dufour made a motion to close the public hearing which was seconded by Mr. McLaughlin. All members present voted in favor (5-0).

Mr. Rubin commented that stipulating to a condition of the size of the house seemed fair. He mentioned that the traffic exists cutting through that street. He himself drives through. That will not change with another house being built. He also mentioned that it looked like there would be a driveway with tandem spots for parking on the property. He felt the rendering's design showed the house to fit in with the rest of Philips Road. Mr. Shulman stated the conditions would run with the land. Mr. Sullivan asked if that would be a deed restriction. Playing devil's advocate, Mr. Sullivan stated that it wouldn't take much to chop off the top of the house and build up. Mr. Sullivan also stated that he lives on a street that was quiet and then Pomeworth Street was made one way and his street then became a cut through. He feels for the neighbors but it's the way society is today. Everyone drives. Mr. Shulman also speaks to his living on Chestnut St which is also a major cut through. Mr. Sullivan again mentioned if the 2000 square feet would be as a deed restriction or how that worked. Mr. Shulman believes that it rolls with the variance and the variance runs with the land but invites Mr. Houghton to respond. Attorney Houghton stated that if it is made a condition of the approval and is in the decision if granted, the decision is recorded at the Registry of Deeds and it would be a restriction that 2000 square feet would be the maximum built. He continued to explain, they thought this restriction was important for the neighborhood. He adds that his client would be living next door. She is the most affected and the smaller house is most appropriate.

Mr. Dufour made a motion to accept with the restriction that it be a 1 ½ story, single family home with a maximum of 2,000 square feet that would run with the land. As far as the hardship, it would be the shape and size of the land. There is no derogation from the public good. With a few exceptions, the neighbors seem to be in support. Mr. Dufour added that the driveway curb cut should stay 24 feet. It's more dangerous to come to an abrupt stop to turn into a narrow driveway than it would be to pull into something wider. He also asked if the rendering was pretty close to what would be built. Mr. Houghton stated that is the idea obviously without the architectural plans. The intent was to have a house that fit into the neighborhood in size and scope. Mr. Rubin seconded the motion that was made. A roll call vote was taken and all members present voted in favor 5-0. (Sullivan, McLaughlin, Rubin, Dufour, Shulman)

Mr. Saltzman returned to the meeting.

The Chair moved on to the next public hearing. The legal notice for 6 Crosby Street was read into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing on Thursday, September 29, 2022 at 6:00 pm in the Hearing Room, Town Hall to hear all persons interested in the application by Mark Marzino, 6 Crosby Street, Stoneham, MA to construct a 6’ x 10’ open porch. The petitioner is requesting a variance at 6 Crosby Street of the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements. The minimum front setback in Residence A is 20 feet. The proposed setback is 17 feet. A plot plan by Gloral Associates dated August 12, 2022 shows the proposed porch. The plan may be seen daily except Friday afternoon in the Office of the Town Clerk.”

Attorney Steven Cicatelli was invited to speak on the matter. Mr. Cicatelli began by stating that is client Mark Marzino is the owner of the property and it is his primary residence. He has been making improvements to the property. The latest project would be to replace the front steps and add a small, open porch. Mr. Cicatelli handed out a packet showing photos of the existing steps which are badly in need of repair. The stone is cracked. They must be replaced. The intent is to replace them with new steps, a bluestone cap, something that is attractive. He believes that there is a substantial hardship due to the topography of the property. The rear of the house is unusable because of a severe drop off in the back. For this reason, this home and many others on the street were built closer to the street. Unfortunately to replace any part of the steps it would violate the front setback of 20 feet. There was no derogation from the intent or purpose of the bylaw. The homes on the street have similar setbacks. There is no detriment to the public good. Three of the principle neighbors have supported the petition. This is a situation where the owner is doing a needed renovation from a code and aesthetic point of view.

Mr. Rubin asked about the six foot landing that is there now would be replaced with something similar in size maybe a little wider. Mr. McLaughlin questions what materials will be used. Mr. Marzino, the homeowner, responded that it will be brick with granite caps. There will be six sono tubes dug down four feet and built off of that. Mr. Cicatelli adds that it will brick with granite caps from an aesthetic point of view instead of the concrete that exists now.

With no comments from the public, Mr. Saltzman made a motion to close the public hearing which was seconded by Mr. McLaughlin. All members voted in favor 5-0.

Mr. Saltzman stated that a hardship exists due to the topography of the land. The new steps would not derogate from the intent of the bylaw. They would serve the public good. He moved to grant the relief. Mr. Rubin seconded. A roll call vote was taken. All members voted in favor 5-0 (McLaughlin, Rubin, Saltzman, Dufour, Shulman)

Mr. Saltzman stepped out of the meeting again. Mr. Shulman indicated that Mr. Russell would sit in on the next public hearing.

The legal notice for 29 Warren Street was read 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, September 29, 2022 at 6:00 p.m., to hear all persons interested in the application by Jerard Fredette, Nicholas Fredette and Necktaria Panagiotaris of 9 Cowdry Street, Stoneham, Massachusetts for a variance to demolish the existing two family dwelling and construct a new– 36’ x 46’ two family dwelling at 29 Warren Street, Stoneham, Massachusetts. The property is located in Residence B district. The petitioners are requesting a variance from Section 5.2.1 Dimensional Requirements – Minimum required lot size in Residence B for a two family is 9,500 square feet. The existing lot size is 5,760 square feet. Minimum frontage and width required in Residence B is 75 feet. The existing frontage is 71.25. The maximum percentage coverage allowed in Residence B is 20%. The proposed percent coverage is 32.9%. The petitioners are also requesting a variance from Section 6.3.4.2 (5) each required parking space shall be required to enter into or exit from the property in a forward direction. The parking spaces provided will back up onto the street or onto the property. A plan filed with the petition by Benchmark Survey, dated August 25, 2022, entitled “Plan of Land 29 Warren Street Stoneham, Mass.,” shows the existing building and proposed two-family building. Plan may be seen daily except Friday afternoon in the Town Clerk’s office.”

Attorney Charles Houghton is invited to speak on the matter. Mr Houghton began with background information. His clients purchased a legal two family in Residence B for \$549,000. When they began renovating and walls were taken down, they found a lot of structural issues. Mr. Houghton provided pictures to the Board. There were problems with the rafters and support beams. It would have been a simple rehab if it were structurally sound, but not now. They would need to tear down. The lot fronts on two streets. The topography is unique. Mr. Houghton showed a simple rendering and said that MS. Wengen, Co-Chair of the Historical Commission thought it would fit into the neighborhood. Mr. Houghton provided some plans to the Board. The house wouldn’t be more than thirty feet. An additional parking space would be added.

Mr. Shulman asked if it was staying a two family to which Mr. Houghton responded that it was. Mr. Shulman then asked if Warren would still be the front. He believed it appeared to be front to back town houses. Mr. Houghton mentioned that the only members of the public present were family members and Mr. Murphy, a contractor who would give his opinion on the structural soundness of the existing house.

After looking at the elevations, Mr. Shulman believed that the side facing Wright Street would look similar to the front facing Warren Street, like a mirror image. Mr. Houghton agreed. Mr. Houghton explained that it’s in a multifamily zone so it fits in the neighborhood. There is no derogation from the intent of the bylaw. He does state that the lot coverage in Residence B is 20% but in Residence A it is 30%. It makes no sense that the zone with multifamilies is less. The Bylaw Review Committee might look at that.

Mr. Shulman stated that all variances but for the lot coverage relate to the dimensions of the lot as it is today. The other piece of it is that the new structure is going to cover a greater percentage.

It is 29.1% and will be going to 32.9% for a slight increase. It's an extra 220 square feet added. The percentage jump is because the lot is so small.

Mr. Houghton stated that when this was built this is how it was with small lots. He continued to say that it doesn't meet current code and is not structurally sound.

Mr. Rubin mentioned that the shed and garage would be razed.

Mr. Russell asked about parking. Mr. Houghton stated that four are required but they are showing five on the plan. Mr. Shulman thought the intent would be to landscape in between the parking spaces.

Mr. McLaughlin stated that there would still be one address. Mr. Houghton answered that it would be 29 Warren Street.

Mr. Tom Murphy, a builder for forty years, talked about the existing structure. They removed six layers of flooring. There were 4 x 4 posts. It was so far gone. It's a tear down. You need to start from the bottom and build something solid. He was squared walking in the house with his size. It needs to be knocked down.

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

Mr. Rubin stated that the building is unsafe. There is a huge financial hardship. He made a motion to grant the relief due to the hardship of the small lot size. It doesn't derogate from the intent of the bylaw and it serves the public good. Mr. Dufour seconded. A roll call vote was taken. All members present voted in favor 5-0 (Russell, McLaughlin, Rubin, Dufour, Shulman).

Mr. Saltzman sat back in for the final public hearing. Mr. Shulman read the 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, September 29, 2022 at 6:00 p.m., to hear all persons interested in the petition by Nine John Street LLC, 311 Massachusetts Avenue, Arlington, MA for a variance to erect a 25 square foot freestanding sign at 44 Montvale Avenue, Stoneham, Massachusetts. Petitioner is requesting variances of Section 6.7 Table 2 Highway Business– The required front setback for a freestanding sign is 20 feet. The proposed setback from Montvale Avenue and Chestnut Street is 4 feet. The maximum size for a free-standing sign in Section 6.7 Table 2 is 24 sq. ft. The proposed sign is 25 sq. ft. A plan filed with the petition by PJF and Associates dated July 13, 2022 with revisions through August 22, 2022 entitled “Site Plan of Land of 44 Montvale Avenue in Stoneham, MA” shows the existing building and proposed sign. Plan may be seen daily except Friday afternoon in the Town Clerk’s office.”

Attorney Charles Houghton appeared for the petitioner. He had previously been before the Board for this property. They were now seeking a variance for a freestanding sign. The only place for the sign would be on the corner. He knows the shrubs would need to be cut back. The sign can't be more than 3 ½ feet over grade. He continued to state that if you set the sign back twenty feet you'd be into the house. The hardship is the size of the lot. He also mentioned that the property is located in the Highway Business District and it's anticipated that there would be a freestanding sign.

Mr. Shulman asked about the shrubs. Dr. Hart stated that the existing line of shrubs would be the most elegant place to put the sign. It would fit in and not jump out. So the shrubs would be cut back. Mr. Shulman mentioned that the shrubs are a hazard when they grow. Mr. Shulman would like that as a condition.

Mr. McLaughlin asked if the signs would be internally lit. Dr. Hart stated they would be so as not to bother abutters. They would be on from dusk to dawn on photoelectric sensors.

Dr Hart agrees to an 11PM shut off time.

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

Mr. Saltzman said there's not much else he can do. Mr. Rubin appreciated that the sign would blend in and make a lot of sense. Mr. Saltzman added that the change to the shrubs would serve the public good.

Mr. Shulman stated that the conditions would be:

1. Maintaining the shrubs to 3 ½ feet
2. An 11 PM shut off time with a 6AM turn on

Mr. Saltzman questioned the times but then acknowledged that it's on Montvale Ave.

Mr. Saltzman made a motion to grant the relief subject to the two conditions. It doesn't derogate from the intent of the bylaw and serves the public good. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members present voted in favor 5-0 (McLaughlin, Rubin, Saltzman, Dufour, Shulman).

Mr. Saltzman made a motion to go into executive session to discuss strategy with respect to all pending litigation where an open meeting may have a detrimental effect on the bargaining or litigating position of the Town and the chair so declares; pursuant to M.G.L. c. 30A, sec. 21(a)(3) to wit: Weiss Farm (Stoneham Board of Appeals v. Housing Appeals Committee, et al) and not to return to open session. A roll call vote was taken. All members voted in favor 5-0 (McLaughlin, Rubin, Saltzman, Dufour, Shulman). Mr. Rubin would not be in the executive session due to his conflict as an abutter.

The regular meeting adjourned at 7:27PM.

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:

Plan of Land 17 Philips Road Stoneham, Mass. Dated August 12, 2022 and prepared by Benchmark Survey

1933 Subdivision Plan for Philips Road

Portion of Assessors Map 4 showing Philips Road

Deed for Philips Road

Assessor's listing of properties on Philips Road

List of house and lots sizes for homes on Philips Road

Concept of proposed house from front and aerial view for 17 Philips Road done by Benchmark Survey

Petition in support of proposed house signed by neighbors of 17 Philips Road

Email against the variance being sought for 17 Philips Rd received on 9/8/2022 from Michelle Maher on behalf of her parents Elaine and Adrian Maher, 21 Philips Road

A plot plan of 6 Crosby Street by Gloral Associates dated August 12, 2022.

Photos of existing steps at 6 Crosby.

A plan filed with the petition by Benchmark Survey, dated August 25, 2022, entitled "Plan of Land 29 Warren Street Stoneham, Mass.,"

Pictures of existing conditions of the interior of 29 Warren Street.

A plan by PJF and Associates dated July 13, 2022 with revisions through August 22, 2022 entitled "Site Plan of Land of 44 Montvale Avenue in Stoneham, MA"

Respectfully submitted by:

Maria Sagarino
Town Clerk