



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

Stoneham Board of Appeals Minutes
Thursday, February 16, 2023
Town Hall Hearing Room
6:00 PM

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

Also present: Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Attorney Charles Houghton, petitioners Jennifer Evangelista, 110 Summer Street and Sara Craven, 434 William St.

The meeting was called to order at 6:03 PM. Chairman Tobin Shulman opened the meeting by making introductions and explaining the procedure for the public hearings.

The Board confirmed the next meetings would be held on March 23, 2023 and April 27, 2023.

The Chair moved on to approval of minutes. Mr. Saltzman made a motion to approve the regular meeting minutes for January 26, 2023. Mr. McLaughlin seconded. A roll call vote was taken. All members present voted in favor.

Mr. Saltzman made a motion to approve the executive session minutes of January 26, 2023 and not to release to the public. The motion was seconded by Mr. McLaughlin. Before Voting Mr. Sullivan asked if the minutes would be released to the public. The Board was not yet at the point of releasing to the public according to Attorney Galvin, but it would be soon. A roll call vote was taken. All members present voted in favor.

Attorney Houghton appeared to ask the Board to grant a six month extension of the variance for) Rockville Park & 5 Mauriello Drive. Mr. Houghton mentioned that they may also come back later with a somewhat different project that would increase the number of units but for now they were seeking the extension. Mr. Saltzman made a motion to grant the extension which was seconded by Mr. McLaughlin. All members present voted in favor

The Chair moved on to the first of two public hearings. Mr. Shulman read the legal notice for 110 Summer Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, February 16, 2023 at 6:00 p.m. in the Hearing Room, Town Hall, 35 Central Street to hear all persons interested in the application by Ronaldo Martins of 110 Summer Street, Stoneham, Massachusetts for the conversion of the existing two family dwelling at 110 Summer Street to accommodate an additional dwelling unit. Stoneham Town Code, Chapter 15, Section 4.2.3.1 requires a variance by the Board of Appeals to create the additional dwelling unit. A variance of Section 4.2.3.1 (b) is also required. The minimum lot size for a three family dwelling in Residence A is 30,000 square feet. The proposed lot size is 10,074 square feet. Section 4.2.3.1 (d) requires that each unit

shall be a complete and independent dwelling unit. Additionally a variance of Section 6.3.4.2 (3) is required. The minimum aisle width is 24 feet. The proposed aisle width is less than 11.4 feet. A plot plan prepared by David P. Terenzoni, , Professional Land Surveyor dated November 3, 2022 and revised December 8, 2022 may be seen daily except Friday afternoon in the Town Clerk's Office.”

With the absence of Mr. Rubin, Mr. Sullivan sat in on this petition.

Jennifer Evangelista, Mr. Martins partner, appeared to speak to their petition. Ms. Evangelista explained to the Board that when they purchased the house the third unit existed and they later learned that it wasn't legal. She explained that the unit in question is above ground in the back of the house and has two entrances that are also above ground. She stated that there was parking for at least six cars. They have mostly asphalt in the back yard.

Mr. Dufour asked Ms. Evangelista if the third unit was occupied when they purchased the house. She stated that it was rented when they purchased the house and is right now.

Mr. Sullivan asked if there were two or three heating systems. Ms. Evangelista stated there are two. He then asked if there were separate utilities for two or three and again she responded two. Mr. Sullivan asked why they thought it was a three family if they saw only two heating systems and meters for utilities. Ms. Evangelista said that they didn't notice that when they looked at the house. Mr. Sullivan then asked if the realtor told them it was a three family property. Ms. Evangelista stated that she had not but she had told them it was occupied. She had gone back to the realtor to discuss it and right away she went in a different direction. Ms. Evangelista said that it was a first time home buying situation and she and her partner didn't know any better seeing the units occupied.

Mr. Dufour asked how this was brought to her attention. She explained that they had applied for permits and the Building Commissioner had sent them a letter.

Mr. Saltzman mentioned that there was just enough land for a one family. Usually someone with this square footage would be asking for two units not three. He continued to say that they are not an unforgiving Board but this was a stretch. They are asking for three which requires 30,000 square feet and they are not even close. That is a problem because they are asking for a lot of relief. They'd have their work cut out for them if they needed to ask for a two family.

Ms. Evangelista stated that she at least had to try to get the variance.

Mr. McLaughlin mentioned that if they do not get the variance, the person in that third unit would have to move. He agreed with Mr. Saltzman that it was a stretch.

Mr. Shulman opened the hearing up to the public. Steven White from 106 Summer Street speaks against the petition. He stated that it's a residential neighborhood zoned for a two family in that spot. It's nothing personal, but the dwelling is too small to accommodate a third unit. He stated that the back yard is not completely paved. It is just too small to have three families.

Mr. Saltzman asked Mr. White if he was aware that three families were living there before. Mr. White stated that he thought there might be.

Gary Longo, 112 Summer Street appeared to speak against the petition and he gives some history. He said that the house was a foreclosure sale. For years it was an illegal three family with one person living on each floor. He stated that Ms. Evangelista said that there is parking for six cars. Right now, he has been seeing 10-12 cars parked on the street, the grass and the back yard. He also mentioned a dump truck parked on the property at times. He stated that it's gotten so bad that he paid \$8000 to put up a fence and will have to sell his house if this continues.

Ms. Evangelista clarified that she meant to say that most of the bark yard was paved, not all.

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

Mr. Sullivan began by mentioning that the house across the street granted the variance to become a legal two family was contentious. Ten thousand square feet for a three family, that's a small house on a small lot. He continued to say that Summer Street is a busy street, everyone parks on the sidewalk which is a violation anyway and he has concerns granting the relief based on what the neighbors have said. There's no reason to grant it statutorily. He is against it.

Mr. Saltzman reminded the Board that variances under the law are rare and must be justified by a hardship. He doesn't see the hardship. It was not conveyed as a three seeing that the deed says it's a two family. Essentially they are asking to make a one family lot into three and it's fair enough that it's considered a two family.

Mr. Shulman spoke in fairness to the applicant, he would advise her that with two members indicating that they would vote no, the petitioner has the option to withdraw. He explained that two no votes would be fatal to the application as you need four affirmative votes for the granting of relief. Ms. Evangelista would like to proceed.

Mr. Saltzman made a motion to grant the relief which was seconded by Mr. Sullivan. A roll call vote was taken. All members present voted against 0-5 (Sullivan, McLaughlin, Saltzman, Dufour, Shulman against).

Mr. Shulman asked Mr. Russell to sit on the next public hearing. Mr. Shulman read the legal notice for 434 William Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday evening, February 16, 2023 at 6:00 p.m. in the Hearing Room, Town Hall, 35 Central Street to hear all persons interested in the application by Sara B. Craven, 434 William Street, Stoneham, Massachusetts to construct a 16.3' x 21.8' addition for use as an accessory dwelling and an 8' x 12' open deck on the home at 434 William Street which requires a variance of Stoneham Town Code Chapter 15, Section 5.2.1 Dimensional Requirements. The required side setback in Residence A is 10 feet. The proposed addition and deck are 6.8' and 7.5' respectively from the side property line. Additionally, the maximum lot coverage in Residence A is 30%. The proposed lot coverage is 33.1%. A Plot Plan of 434 William Street, Stoneham, MA by Edward J. Farrell, Professional Land Surveyor dated January 5, 2023 may be seen daily except Friday afternoon in the Office of the Town Clerk.”

Ms. Craven appeared to speak on her own behalf. She explained that she lives in the house with her three children and her mom who is a widow moved in with them. They are looking to add an addition off of the family room for an accessory unit so that her mother can have her own space with a bedroom, small bathroom and small kitchen. They do have a driveway that can support an extra car.

Mr. Dufour told Ms. Craven that if granted the variance, she would then have to seek a Special Permit from the Planning Board of which she was aware.

Mr. Shulman mentions that they are giving up the family room mostly. Keeping a bit to make a bigger kitchen for herself and the balance of the accessory dwelling is made by squaring off. Ms. Craven mentioned that her mom will have her own entrances.

With no members of the public present for comment, Mr. Dufour made a motion to close the public hearing which was seconded by Mr. McLaughlin. All members present voted in favor.

Mr. Dufour believes that this is something that they are going to see a lot of. He hopes that something changes with the bylaw review committee to make this easier.

Mr. Shulman commented that it's a modest expansion and there's nowhere else to put it given the shape of the lot. Mr. Saltzman added that's the hardship.

Mr. Saltzman wishes they could keep it from going to the Planning Board, but it needs to go for the accessory unit.

Mr. Saltzman made a motion to grant the relief. The shape of the lot creates a hardship, there is no derogation from the intent of the bylaw and it serves the public good. Mr. McLaughlin seconded that motion. A roll call vote was taken. All members present voted in favor 5-0 (Russell, McLaughlin, Saltzman, Dufour, Shulman).

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

The meeting adjourned at 6:38PM.

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 plot plan prepared by David P. Terenzoni, , Professional Land Surveyor dated November 3, 2022 and revised December 8, 2022

A Plot Plan of 434 William Street, Stoneham, MA by Edward J. Farrell, Professional Land Surveyor dated January 5, 2023 and floorplans of 434 William Street

Respectfully submitted:

Maria Sagarino
Town Clerk