



TOWN OF
STONEHAM
MASSACHUSETTS

PLANNING BOARD
781-279-2695

STONEHAM PLANNING BOARD MINUTES
(in accordance with provision of M.G.L. c.30A, §§ 18-25)
Wednesday, March 15, 2023
Hearing Room
7:00 PM

Members Present: Chair Frank Vallarelli, Daniel Moynihan, Jr and Marcia Wengen.

Member Present Remotely: Terrence Dolan

Also present at the meeting: Town Clerk Maria Sagarino acting as Planning Board Clerk, Attorney Charles Houghton, petitioner Sara Craven, petitioners Jon and Diane Chiavelli.

The Chair brought the meeting to order at 7:06PM and introduced the members of the Board.

The Board discussed changing the April meeting from April 19th to April 12th. Ms. Wengen made a motion to change the date to April 12, 2023 which was seconded by Mr. Moynihan. A roll call vote was taken. All members present voted in favor 4-0.

Mr. Vallarelli accepted a motion to approve the minutes of February 15, 2023 from Mr. T. Dolan which was seconded by Mr. Moynihan. A roll call vote was taken. All members present voted in favor 4-0.

Attorney Houghton appeared before the Board to discuss 95 Maple Street. He wanted to let the Board know that the time was just about up for the variance granted by the Board of Appeals. They had received an extension that would be up in May and they were not sure if they would be able to apply for the building permit before then. Mr. Houghton stated that he would be going before the Board of Appeals to seek a new variance on March 23, 2023. If the same variance was granted, he intended on coming back before the Planning Board to ask that the Special Permit decision be amended to reflect the Board of Appeals' new decision date. Mr. Vallarelli asked that 95 Maple Street be added to the agenda for April 12th.

Mr. Vallarelli moved on to the public hearing for 62 High Street which had previously been continued from October 12, 2022 with a site visit October 22, 2022, November 16, 2022, December 14, 2022, January 18, 2023 and February 15, 2023. Attorney Houghton explained that they were still waiting on the peer review for the Stormwater Board. The Stormwater Board still needed to review and make comments to the Planning Board. Mr. Houghton hoped that they would be ready to go forward at the April meeting. He agreed to waive all time standards.

Mr. Moynihan made a motion to continue 62 High Street until 7PM on April 12, 2023. Mr. T. Dolan seconded the motion. A roll call vote was taken. Mr. Moynihan, Mr. T. Dolan and Ms.

Wengen voted in favor 3-0 with Mr. Vallarelli abstaining as he had previously recused himself from the matter.

Mr. Vallarelli read the legal notice into the record as follows:

“You are hereby notified that the Stoneham Planning Board acting as a Special Permit Granting Authority will hold a Public Hearing WEDNESDAY EVENING, March 15, 2023 at 7:00 pm in the Hearing Room, Town Hall, 35 Central Street, Stoneham, MA to hear all persons interested in the petition of Sara B. Craven, 434 William Street, Stoneham, Massachusetts for a Special Permit pursuant to Stoneham Town Code, Chapter 15 Section 4.2.4.1, for a proposed addition on the existing structure at 434 William Street, Stoneham, MA for an Accessory Dwelling (Family Apartment). A plot plan of 434 William Street by Edward J. Farrell, Professional Land Surveyor dated January 5, 2023 shows the existing dwelling and proposed addition. The plan may be seen daily except Friday afternoon in the office of the Town Clerk.”

Sara Craven appeared before the Board to ask for the Special Permit so that she may add an accessory dwelling for her mother to live in at 434 William Street. She explained that they are adding a small 340 square foot addition. She will have an accessory dwelling that is 710 square feet.

Mr. Moynihan mentioned that a variance had been issued and refers to the copy of the Board of Appeals decision that the Board had been given for their information. He further explained that there were two variances granted for a side setback and lot coverage. Mr. Vallarelli acknowledged the variances granted in February. Mr. Vallarelli asked for comments from the Board.

Ms. Wengen asked if Mr. Vallarelli was going to read the department comments into the record. Mr. Vallarelli proceeded to read comments from the Building Commissioner Cheryl Noble. Ms. Noble mentioned the variance granted, that an existing shed should be relocated and that the plans were not stamped by an architect as the Board requires but the unit appears to be below the maximum 750 gross square feet. Ms. Craven stated that she is happy to relocate the shed. Ms. Craven told the Board that she had her plans stamped by the professional engineer. She was unaware that she had to have an architect stamp. The application that she submitted said that she needed to have a plot plan and drawings consistent with the rules and regulations for the Special Permit. She stated that to have an architect stamp the plans would have cost her extra money and she didn't want to spend that money when she thought that stamp was not necessary. She did acknowledge that she was told to add the total gross square footage of the unit somewhere on the plans but that she was unable to do so before the meeting.

Mr. Moynihan questioned why she did not have an architect stamp. He asked about it being a requirement. Ms. Sagarino responded that when she saw the Building Commissioner's comment specific to the architect stamp, she looked at the application Ms. Craven signed. It indicated that there be a plot plan and drawing with dimensions prepared according to the rules and regulations of the Planning Board as Special Permit Granting Authority. The Planning Board regulations

inserted into Chapter 17 of the Town Code state that a land surveyor or professional engineer may stamp the plans. There was no mention of an architect stamp.

Mr. Moynihan asked if the Board has always been given stamped plans. Ms. Sagarino again responded that the Board always has a certified plot plan stamped by a surveyor and has also had floorplans that have been stamped, but not necessarily by an architect. It has been a professional engineer in some cases. Mr. Moynihan asked Ms. Craven if it would be difficult to have the plan stamped by an architect. She responded that it would be difficult and it would cost more money. Mr. Moynihan asked who prepared the plan. Ms. Craven stated that it was the professional engineer Bill Peters. Mr. Moynihan thought the stamp might read Richard Testa, Professional Engineer but the copy of the plan was small and hard to read.

Mr. T. Dolan asked if the shed had been removed yet. Ms. Craven mentioned that it would be done so as part of the project once this was approved. She added that it made no sense to do anything until she had all of the approvals. Mr. T. Dolan stated that she is asking the Board to take into consideration that the shed would be removed as the Building Commissioner asked and you've come with incomplete plans. Ms. Craven responded that she didn't believe them to be incomplete plans after checking on the requirement. She believed her professional engineer stamp to be sufficient. Mr. T. Dolan responded that in his opinion the accessory dwellings granted in the past have had architect stamps requested and he added that if it was a subdivision, she would have needed a professional land surveyor. Ms. Craven responded that there is a plan by a professional surveyor, Ed Farrell.

Mr. Moynihan mentioned that in the past when they have had plans that were not stamped, the Board has approved conditionally, if the Board is inclined to do that. A bit more discussion happened regarding what is printed in the Board's regulations. Ms. Craven stated that she's happy to do what the Board needs to have this go through. Mr. Moynihan asked if she would be willing to get the architect stamp. She responded that she would if she had to but would prefer not to if it is not an actual requirement. She'd like to save the money but shall the Board need her to do it then she would.

Mr. T. Dolan stated that the next hearing is only a couple of weeks away. He would like to make a motion to continue and sort out the architectural stamp or whatever the building inspector is looking for. Ms. Craven stated that she doesn't believe she needs the architect stamp and would rather go ahead to try to get an approval tonight. She would like to submit her building permit application in the next few days. She does not want to wait another month. It has been a bit of a process and her mother is living with her now and she really needs her own space, specifically her own bathroom that is easier to access. Mr. Moynihan asked if she understands that this Special Permit would be specific to her as the owner with her mother occupying the accessory unit and that if granted it would be filed with the Middlesex South Registry of Deeds. Ms. Craven understood. Mr. Moynihan then asked Ms. Craven where on the plan it showed 710 square feet for the accessory unit. Ms. Craven explained that when she was told that was missing, she contacted her engineer who calculated it to be 710 square feet, which is not shown on the plans. She stated that her engineer would be happy to mark that up for the Board if necessary.

Ms. Craven further explained to the Board that she was doing all of this because her mother was living in a condo by herself and not doing so well. She moved her in so that she'd be around the kids and avoid a nursing home.

Ms. Wengen asked if the Chair could finish reading the department comments. Mr. Vallarelli continued to read the comments from the Fire Chief, DPW Director and Police Safety Officer all of which Ms. Craven agreed to comply with.

After Mr. Vallarelli finished reading the comments, Ms. Wengen asked if the Board could make a decision tonight contingent upon the 710 square feet being shown on the plan. Mr. T. Dolan interrupted to remind the Board of his motion to continue to April. Mr. Vallarelli asked that Ms. Wengen be allowed to finish speaking. Ms. Wengen continued to ask if they could make a decision contingent upon the homeowner providing something in writing for the Board to substantiate the 710 total gross square footage. Mr. Vallarelli agreed that they would like something. Mr. Moynihan added that the plan should be stamped.

Mr. Moynihan reminded that the Board that this would require a 4-0 this evening. Ms. Craven is happy to do whatever the Board needs to move forward. Ms. Wengen explained that she was trying to get this through tonight by adding the conditions that it would be contingent upon. Mr. Vallarelli asked Mr. T. Dolan if he had any comments. Mr. T. Dolan reminded the Board once again of his motion to continue to next month. Ms. Wengen was not willing to second that motion. Mr. Moynihan did not want to second it either but he thought the better alternative would be to continue it. He further explained to Ms. Craven that it appeared that one member wanted it to be continued and she would need a 4-0 vote for the Special Permit to be granted. He continued to explain that she wouldn't want it denied by one vote against. Ms. Craven agreed that she does not want it to be denied but she would like to submit her building permit application this week. Mr. Moynihan again expressed to Ms. Craven that one member really wanted it to be continued. Mr. T. Dolan clarified what he was saying by stating that the building inspector is looking for an architectural stamp. He asked if she really thought a building permit would be issued without an architectural stamp. He'd like to get that squared away prior to any decision being made this evening. Ms. Sagarino clarified that the Building Commissioner does not need the architect stamp, Ms. Noble stated that the Planning Board requires it and that's why she added it as a comment. Mr. Moynihan added that their Board always does require the architect stamp. Mr. Vallarelli added that his problem would be setting a precedent if they were to approve this without the architectural stamp. Ms. Sagarino explained that she was unable to show Ms. Craven where it was stated in writing that the architect stamp was required as it wasn't on the application she signed or in Chapter 17 where the regulations are found. Mr. Vallarelli explained to Ms. Craven that they need a certification of the square footage so that it's clear to the Board that the gross square footage for the accessory dwelling is 750 or less. He further explained that's really the only reason for it. Ms. Craven said that you can look at the plan and do the math.

After some discussion about the building permit, Mr. Vallarelli stated that Ms. Craven could apply for the building permit by Friday as she intended. The addition won't be up in a month, so it should be fine to come back in April. Mr. Vallarelli continued to tell Ms. Craven that it would be to her advantage to come back in April with a stamp and the total square footage added to the plan unless she'd like to do it conditionally. Ms. Craven would prefer to do it conditionally. Mr. Moynihan stated that there are two options. Postpone and come back with everything needed or vote tonight with two conditions that need to be met and risk a vote that may not be 4-0. Mr. Vallarelli added that the three members sitting in the room cannot guarantee approval if a vote is taken this evening. Mr. Vallarelli

added that at the April meeting, Mr. K. Dolan, the Vice Chair should be present which would allow for her to have five members voting. Ms. Craven agreed that she should continue. She thanked the Board for their time and said that she just wished that she had been told earlier that the Board would require the stamp.

Ms. Wengen asked that Ms. Craven be placed on the April agenda before 62 High Street as it should be quicker in comparison. Mr. Vallarelli agreed. Ms. Craven asked where it stated in writing that she required an architect stamp. She was never shown that in writing.

Mr. Moynihan asked if she wanted to continue the hearing. Ms. Craven responded that it was not what she wanted but rather what the board wanted her to do. Mr. Vallarelli stated that they'd like to continue until April 12th. Ms. Craven asked what the Board would need. Mr. Vallarelli said that she should have the plan stamped by an architect as to the total square footage of the accessory unit.

Mr. T. Dolan had previously made a motion to continue to April 12, 2023 at 7PM which was now seconded by Ms. Wengen. A roll call vote was taken. All members present voted in favor 4-0 to continue.

In looking at the comments, Mr. Moynihan mentioned that the next petition might have the same problem by not having an architect stamp according to Ms. Noble.

Mr. Vallarelli read the legal notice for 2 Myopia Road into the record as follows:

“You are hereby notified that the Stoneham Planning Board acting as a Special Permit Granting Authority will hold a Public Hearing WEDNESDAY EVENING, March 15, 2023 at 7:00 pm in the Hearing Room, Town Hall, 35 Central Street, Stoneham, MA to hear all persons interested in the petition of Jon M. Chiavelli and Diane Chiavelli, 2 Myopia Road, Stoneham, Massachusetts for a Special Permit pursuant to Stoneham Town Code, Chapter 15 Section 4.2.4.1 for a proposed addition on the existing structure at 2 Myopia Road, Stoneham, MA for an Accessory Dwelling (Family Apartment). A plot plan of 2 Myopia Road by John D. Sullivan, III, Professional Engineer shows the existing dwelling and proposed additions. The plan may be seen daily except Friday afternoon in the Office of the Town Clerk.”

Jon Chiavelli appeared before the Board to explain that they are seeking approval for an accessory dwelling for his wife's parents. They had started the process a few years ago and had been granted the Special Permit which was recorded at the Registry of Deeds. Mr. Moynihan asked if the problem was they hadn't applied for the building permit in a timely manner. Mr. Chiavelli agreed and stated that they ended up letting it lapse because of COVID and other circumstances.

Mr. Vallarelli indicated that the plans showed a stamp with a total gross square footage of 749 square feet. Mr. Moynihan asked about ample parking. Mr. Chiavelli responded that they will have two garages and a carport. Ms. Wengen liked that one of the garages went directly into the mudroom area. Mr. Vallarelli asked Mr. T. Dolan if he had any comments. Mr. T. Dolan

wanted to know when the Board had last approved this petition. Mr. Moynihan responded that it was March 11, 2020 and Mr. Dolan was present for that vote.

Mr. Vallarelli read the department comments into the record from the Fire Chief, Police Safety Officer and the Building Commissioner.

Mr. Moynihan asked if the house was near Robin Hood School. Mr. Chiavelli responded that they are abutting Redstone and Mrs. Chiavelli added that it's at the intersection of Governor Road.

Mr. Vallarelli continued with the Building Commissioner comments and stated that she commented that this plan was not stamped by an architect. She questioned some interior storage area. Ms. Noble also commented that the shed which sits on the property line must be relocated. Mr. Chiavelli stated that the shed is coming down. Mr. Chiavelli explained that Redstone had put up a fence but it isn't there anymore.

Mr. Moynihan explained that if granted this Special Permit would have to be recorded at the Registry of Deeds.

Mr. Vallarelli read the DPW Director comments into the record. There is some discussion of Brett Gonsalves comments, all which will be addressed with the building permit process.

Mr. T. Dolan had a question about the shed. He didn't remember that being a comment with the previous petition. Ms. Sagarino responded that they did not have the Building Inspector's comments in the original file nor did Mr. Niewenhous cite them in the decision filed three years ago. The original comments were from DPW, Fire and Police.

Mr. Vallarelli asked for further comments. Mr. T. Dolan wanted to make sure they are always treating each petitioner fair and square. He continued to say that he didn't remember the shed and understood that it was because they weren't informed of it before with the absence of comments from the building inspector. He asked if they were operating off of the plan from two years ago. Mr. Vallarelli and Mr. Moynihan both responded that was correct but it was from four years ago. Mr. T. Dolan asked if the petitioner could buff up the plan and they could also continue this. Mr. Vallarelli asked what would be changed. Unlike the Board of Appeals that requires that plans be dated within the last six months, Ms. Sagarino explained to the Board that their application definitely doesn't require that the plans submitted be within a certain date.

Mr. Moynihan asked Mr. Chiavelli if anything had changed on the plan. Mr. Chiavelli stated that they are the same plans and nothing has changed.

Mr. T. Dolan asked if any variances had been granted. Mr. Vallarelli responded that there had not been any variances and in looking at the plot plan he could see that none would be required.

Mr. Moynihan commented that the only thing that seemed to have changed since the Special Permit was granted the last time were the department comments which the Board would incorporate into any decision.

With no further comment from the Board, Mr. Moynihan made a motion to grant the Special Permit under 4.2.4.1. As they decided in March of 2020, it fits the requirements under a) through h). All components have been met. The department comments would be incorporated into the decision. The plans are stamped. The plans have 749 total Square feet which is less than 750. Parking seems to be in order. So he would move to accept. Ms. Wengen seconded the motion. A roll call vote was taken. All members present voted in favor 4-0.

Motion to adjourn was made by Mr. Moynihan and seconded by Ms. Wengen. A roll call vote was taken. All in favor 4-0.

Meeting adjourned at 8:04PM.

Documents and other exhibits used by the Planning Board during this meeting to be made part of the official record but not attached to these minutes:

A plot plan of 434 William Street by Edward J. Farrell, Professional Land Surveyor dated January 5, 2023 and floor plans and elevations by Richard J. Testa Professional Engineer.

A plot plan of 2 Myopia Road by John D. Sullivan, III, Professional Engineer and Floor Plans and Elevations by John Karavolas Professional Engineer dated 5.29.2019.

All department review comments submitted for each petition.

Respectfully submitted:

Maria Sagarino
Town Clerk