



T O W N O F
S T O N E H A M
M A S S A C H U S E T T S
Town Hall
35 Central Street
Stoneham, Massachusetts 02180
BOARD OF APPEALS
781-279-2695

Stoneham Board of Appeals Minutes
Thursday, July 27, 2023
Town Hall Hearing Room
6:00 PM

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

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

The meeting was called to order at 6:09 PM by Vice Chairman Bob Saltzman who would Chair the meeting in the absence of Chairman Tobin Shulman. Mr. Saltzman opened the meeting by making introductions and explaining the procedure for the public hearings. He explained also explained the one of the associates would sit in on each matter to create a full board for each petition with the exception of 26 Broadway as Mr. Russell has a conflict.

Mr. McLaughlin asked to do the Pledge of Allegiance before continuing. After the Pledge, Mr. Saltzman confirmed that the Board would hold a brief meeting on Thursday, August 3rd to discuss and approve some changes that Town Counsel Robert Galvin had made to the Comprehensive Permit Rules. He then confirmed that the next regular meeting would be on September 28, 2023.

Before moving to the first public hearing of the night, seeing a large crowd from the Broadway neighborhood, Mr. Saltzman read a letter from Attorney Charlie Houghton that requested a continuance of 26 Broadway. Mr. Houghton was aware that Mr. Shulman and Mr. Rubin would be absent and that Mr. Russell would recuse himself leaving only four Board members to sit on the matter. Mr. Houghton asked that the matter be continued until September 28, 2023 at 6PM in the Town Hall Hearing Room. Mr. McLaughlin made a motion to continue 26 Broadway which was seconded by Mr. Sullivan. A roll call vote was taken. All members voting on the matter voted in favor 4-0 with Mr. Russell recusing himself.

Mr. Saltzman asked for a motion to approve the minutes of June 22, 2023 with one amendment to the vote on 1 Dale Court. Mr. Sullivan made a motion to approve which was seconded by Mr. Sullivan. All members voted in favor 5-0.

Mr. Saltzman introduced the first public hearing of the evening, 240 Hancock Street, which had been continued from the June 22, 2023. The legal notice had previously been read into the record on June 22, 2023 as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing on Thursday, June 22, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Alejandro Garces of 240 Hancock Street, Stoneham to construct a 6’ x 20.2’ farmer’s porch at 240 Hancock Street. The petitioner is requesting variances from the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements – The required front setback in Residence A District is 20 feet. The proposed front setback is 12.8 feet. Under Section 5.2.1 note 4, the minimum setback of structures from the street is 15 feet. The setback from Hancock Street is 13.4 feet. A plot plan for 240 Hancock Street by Edward J. Farrell, Professional Land Surveyor dated April 13, 2023 may be seen daily except Friday afternoons in the Office of the Town Clerk.”

On June 22, 2023 the Board had asked the petitioner for the dimensions of the existing stairs and landing as well as the dimensions of what he was proposing with the farmer’s porch. The Board had a concern with the line of sight as this house sat on a corner lot. Alisson Geofrida of All Matters General Contracting appeared on behalf of the petitioner and presented an updated plot plan showing both the existing and proposed dimensions. Mr. Sullivan explained to the Board that he went to the property and took measurements. He was satisfied that a new farmer’s porch would not cause a problem with the line of sight. It wouldn’t be effected more than it is now. Mr. Sullivan asked Mr. Geofrida if there would be railings and a roof and whether they would be enclosed at all. Mr. Geofrida responded that they would not be enclosed. Mr. Saltzman stated that it seems like there would be no greater encroachment and that traffic would not be impacted. The Board appeared satisfied with this new information.

There was no one from the public present for comment. Mr. McLaughlin made a motion to close the public hearing which was seconded by Mr. Dufour. All members voted in favor 5-0.

Mr. Sullivan stated that the issues he had at the last meeting regarding line of sight had been satisfied. He made a motion to grant the relief which was seconded by Mr. Dufour. All members present voted in favor 5-0. (Sullivan, Russell, McLaughlin, Dufour, Saltzman)

Next, Mr. Saltzman read the legal notice for 145 Elm Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, July 27, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Kenneth L. Murphy, Christina M. Murphy, Personal Representative of the Estate of Lawrence S. Murphy and Kenneth L. Murphy, Guardian, of Alan Murphy of 145 Elm Street, Stoneham, Massachusetts and John M. Murphy, of 363 Morrill Street, Gilford, New Hampshire. 145 Elm Street, Stoneham, Massachusetts consists of Lot 11 and Lot 18 on Land Court Plan No. 12023A. The applicants’ proposal is to renovate the existing single-family dwelling on Lot 11 at 145 Elm Street, and to construct a new single family dwelling and demolish the existing garage and shed at Lot 18 on Vernon Avenue. The proposed lot sizes of 4979 square feet for Lot 11 at 145 Elm Street and 5,000 square feet for Lot 18 on Vernon Avenue will require variances of Section 5.2.1 for lot size for each lot as the required minimum lot size is 10,000 square feet. Lot 18 on Vernon Avenue will also require frontage and lot width variances of Section 5.2.1 as the lot frontage and lot width for Lot 18 is 50.00 feet and the required minimum frontage and lot width is 90 feet. Lot 11 is shown on a plan entitled, “Plot Plan 145 Elm Street, Stoneham, Mass.” dated May 16, 2023 prepared by Edward J. Farrell, P.L.S. and Lot 18 is shown on a plan entitled, “Plot Plan for Proposed Dwelling Lot 18 Vernon Avenue, Stoneham, Mass.” dated May 31, 2023

prepared by Edward J. Farrell P.L.S. Both plans may be seen daily except Friday afternoon in the Town Clerk's office."

Attorney Charlie Houghton appeared on behalf of the Murphy family and explained the history of the parcel at 145 Elm Street. The property had been divided into Lot 11 and Lot 18. He explained that in researching the title he saw that there was a taking of a portion of Lot 18 on the Vernon Avenue side by the Town where the road curved. Mr. Houghton showed the Board a plan of land from 1927 which showed the two lots. He believes that by removing the run down garage and sheds and adding the small single family house it would improve the value of what's there now.

Mr. Saltzman read an email from Nicholas and Lauren Snow of 3 Crescent Avenue into the record. Their property abuts the back property line. If the relief were to be granted, they were asking the Board to consider a condition that arborvitaes be planted along the property line to give them continued privacy at the expense of the owners of 145 Elm Street. Mr. Houghton agreed to that condition. They would probably plant trees five feet apart and would defer to the abutters.

Mr. Houghton continued to explain that the lot is L shape, a very odd shape to build on which creates a hardship. If you took down the existing house you wouldn't even be able to rebuild that without a variance. The taking by the Town also created hardship. He doesn't believe that it derogates from the intent of the bylaw and it serves the public good as it is much better than what is there. Mr. Houghton added that they are proposing to build a 1746 square foot house with 890 square feet on the first floor and 856 square feet on the 2nd floor. They want to build a smaller house that fits in with the neighborhood rather than one larger house that would probably be built on an angle.

Mr. Sullivan asked if there was just one variance for 145 Elm Street. Mr. Houghton responded yes, that it was for lot size. Mr. Sullivan then asked about Vernon Avenue. Mr. Houghton stated that needed the variance for lot size and the frontage.

Mr. Houghton explained that should the variances be granted, he would then go to the Planning Board for an ANR to split the lot.

Mr. Saltzman pointed out that when this was laid out, it was conforming. He then opened the hearing up to the public.

Deb Joffe from 151 Elm Street asked if they would be renovating the existing house on 145 Elm Street and also building a new house facing Vernon Avenue. She also asked if this new house would have parking. Mr. Houghton responded that they would be renovating the existing house and building a single family house that would become 18 Vernon Avenue and it would have parking as required. Ms. Joffe then asked about the length of construction because there is a bus stop for the kids attending South Elementary School right there. Christina Murphy explained that it depends on who purchases the existing house and the other lot and when that would happen and construction would begin. It could be done with one owner or two separate owners.

Joseph Joffe of 151 Elm Street asked why they were here before the Board. He asked if it was permission to do this. Mr. Houghton stated that the granting of the variances would allow all of this to be done.

Ms. Joffe then asked if someone could buy this and build a bigger house. Mr. Saltzman explained that there was only so much frontage.

Seeing no further public comment, 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. Sullivan stated that the proposed house is a lot better than the existing garage and sheds. He said it is a unique lot and if it gets approved there would be nine lots with fifty feet of frontage in that neighborhood.

Mr. McLaughlin mentioned that he grew up in that neighborhood and remembers the grandfather who raised parakeets. Mr. McLaughlin didn't realize that he owned the whole L shape...

Mr. Sullivan made a motion to approve based on the plan that is in front of the Board, the size of the house proposed and the arborvitaes being planted along the property line to give the neighbors at 3 Crescent Avenue privacy. He added that it's unique and you could never conform in this neighborhood with the zoning bylaws in place right now. It will improve the neighborhood and wouldn't derogate from the intent of the bylaw and would serve the public good. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members voted in favor 5-0 (Sullivan, Russell, McLaughlin, Dufour, Saltzman).

Moving to the next public hearing, Mr. Saltzman read the legal notice for 25 Avalon Road into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, July 27, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Philip Monson, 25 Avalon Rd, Stoneham, MA to relocate the existing 10' x 16' shed. Applicant is requesting a variance for the shed of Section 5.2.1 Dimensional Requirements – The required side setback in Residence A is 10 feet, and the proposed side setback is 4.9 feet. Also the required rear setback in Residence A is 15 feet, and the proposed rear setback is 2.2 feet. A plan filed with the petition by Paul J. Finocchio dated June 30, 2023 entitled, “Plot Plan of Land in Stoneham, MA” shows the proposed shed on Lot A. Plan may be seen daily except Friday afternoon in the Town Clerk's Office.”

Attorney Patrick Houghton appeared before the Board on behalf of his clients Philip and Cynthia Monson to explain the request before them. He began by explaining that the Planning Board granted a Special Permit for an accessory dwelling with the condition that they address the encroachment and setback issues with the existing shed. Mr. Monson was able to cure the encroachment issue but in order to move the shed any further, he would have to take down a tree on his property. Mr. Houghton asserted that the trees create a hardship. Mr. Saltzman added that it appears that the drainage easement on the property would also limit the options for the location of the shed. Mr. Houghton then added that the removal of trees does seem contrary to the public good. He also explained that relief could be granted without derogating from the intent of the bylaw.

Mr. Sullivan asked if the shed would be staying where it is now. Mr. Monson indicated that it is where he would like to keep it. He would not want to cut down his beautiful Maple tree.

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

Mr. Dufour made a motion to grant the relief. He believed that this was Mr. Monson's attempt to correct a bad situation. He pulled the shed as far away from the lot line as he could without cutting down the trees. There didn't appear to be another good spot for the shed. It doesn't derogate from the intent of the bylaw and it serves the public if the trees are not removed. Mr. Russell seconded the motion. A roll call vote was taken. All members voted in favor 5-0. (Sullivan, Russell, McLaughlin, Dufour, Saltzman).

Next, Mr. Saltzman read the legal notice for 21 Sherwood Road into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, July 27, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Bhuwan Giri and Rekha Giri, 21 Sherwood Road, Stoneham, Massachusetts to demolish the existing single family home and construct a new single family home at 21 Sherwood Road. The applicant is requesting a variance from Stoneham Town Code Chapter 15, Section 5.2.1 Dimensional Requirements – The minimum frontage and width in Residence A is 90 feet. The frontage and width for the proposed is 78.22 feet. A plan filed with the petition by Edward J. Farrell, Professional Land Surveyor dated, June 29, 2023 may be seen daily except Friday afternoon in the Office of the Town Clerk.”

Bhuwan Giri appeared before the Board to explain his request. Mr. Giri has a small single family home and they are seeking to take down the house and build a new house that can accommodate the family's needs. He only has 78.22 feet of frontage and the Town requires 90 feet. He explained that there is nothing he can do to create more frontage which is his hardship.

Mr. Saltzman agrees that he is at 78 feet now and would be at 78 feet with a new house. He is conforming in every other way but cannot get anymore frontage.

Mr. Sullivan questions the size. The proposed house is 62 x 42. Would it be two story? It seems like a big house among all of those capes.

Mr. Giri again explains that they have a small house and he has a family that needs more space.

Mr. Saltzman asked how much bigger the new house is than the existing. Mr. Giri answers that his house is 1500 square feet and he is proposing to build 3200 square feet.

Mr. Saltzman opened the hearing up for public comment. Mark Gjerji from 20 Sherwood Road questioned the 90 feet of frontage. He didn't understand what they were talking about. Mr. Saltzman explained that there is a pre-existing house built on a lot with 78 feet of frontage. It was conforming at the time it was built. The current zoning bylaw requires 90 feet of frontage but that doesn't work for Mr. Giri. Mr. Gjerji thanked him for the explanation and mentioned he might want to do something similar in the next few years.

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

Mr. Sullivan stated that he's not happy about the size of the house in the neighborhood but they have plenty of lot, they are just missing some frontage. Mr. Dufour agreed that the house is big. The petition for 145 Elm Street was refreshing as that proposed house would fit in the neighborhood. Mr. Saltzman reminded them that they haven't even exhausted the lot coverage.

Mr. Dufour made a motion to accept as proposed. They are only seeking a variance for frontage. They could have went with an even larger house and sought the same variance. It doesn't derogate from the intent of the bylaw. Mr. Russell seconded his motion. A roll call vote was taken. All members voted in favor 5-0 (Sullivan, Russell, McLaughlin, Dufour, Saltzman).

Mr. Saltzman read the legal notice for the final public hearing of the evening into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, July 27, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Richard Sarkis and Soha Jeha-Sarkis, 7 Gilmore Street, Stoneham, Massachusetts to construct a 15' x 15' two story addition & a 12' 11" x 26' two story addition as well as a 9' 7" x 10' 7" deck with story above at 7 Gilmore Street. The applicant is requesting a variance from Stoneham Town Code Chapter 15, Section 5.2.1 Dimensional Requirements which states the maximum percent coverage in Residence B is 20%. The proposed percent coverage is 22.9%. A plot plan filed with the petition by David Philip Terenzoni, Professional Land Surveyor dated June 17, 2023 may be seen daily except Friday afternoon in the Office of the Town Clerk.”

Richard Sarkis appeared before the Board to explain why he was seeking a variance. He would like to add an extra bedroom and bathroom onto his house. The addition would bring him to 22.9% coverage which is 2.9% over what is allowed in Residence B. He further explained that his family has grown and they need more space. He does not believe that the addition he is building is extreme and he does not feel that it would be detrimental to his neighborhood.

Mr. Saltzman asked what the square footage of the lot is. Mr. Sarkis stated that it is 8850 square feet. He added that he meets all of the setbacks. Mr. Saltzman mentioned that it's a lot just 1200 square feet smaller than 10,000.

Mr. Sullivan asked about the shed to the left of the house that sits on concrete, maybe an old driveway. Mr. Sarkis indicated that would be going.

Mr. Russell asked what the lot coverage is currently. Mr. Sarkis wasn't sure.

Mr. Saltzman told Mr. Sarkis that if he had a 10,000 square foot lot, he'd be under. Mr. Sullivan added that if he was in Residence A he'd be all set too as it's 30%.

Seeing no members of the public present for comment, Mr. Dufour made a motion to close the public hearing. Mr. Russell seconded the motion. All members voted in favor 5-0.

Mr. Dufour made a motion to accept as proposed. He added that they're not encroaching on either side. The lot is narrow and deep. The shed will be removed. It doesn't derogate from the intent of the bylaw and would seem to serve the public good. He proposed granting the relief with the condition that the shed be removed. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members present voted in favor 5-0 (Sullivan, Russell, McLaughlin, Dufour, Saltzman).

With no other business before the Board, Mr. McLaughlin made a motion to adjourn which was seconded by Mr. Russell. All members voted in favor 5-0.

The meeting adjourned at 7:15 PM.

Respectfully submitted:

Maria Sagarino
Town Clerk

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 for 240 Hancock Street by Edward J. Farrell, Professional Land Surveyor dated April 14, 2023.

A plot plan for 240 Hancock Street by Edward J. Farrell, Professional Land Surveyor dated April 14, 2023 and amended June 28, 2023 to show existing porch detail.

A plan entitled, "Plot Plan 145 Elm Street, Stoneham, Mass." dated May 16, 2023 prepared by Edward J. Farrell, P.L.S. showing Lot 11 for 145 Elm Street.

A plan entitled, "Plot Plan for Proposed Dwelling Lot 18 Vernon Avenue, Stoneham, Mass." dated May 31, 2023 prepared by Edward J. Farrell P.L.S. showing lot 18 for 145 Elm Street.

Plan of Land in Stoneham showing Lots 11 and 18 registered June 22, 1927.

Aerial view and computer generated rendering of 145 Elm Street and proposed 18 Vernon Avenue.

Certificate of Title for 145 Elm Street reflecting a taking of easement dated April 14, 1969.

A plan entitled, "Plot Plan of Land in Stoneham, MA by Paul J. Finocchio dated June 30, 2023 for 25 Avalon Road.

A plan of 21 Sherwood Road by Edward J. Farrell, Professional Land Surveyor dated, June 29, 2023.

A plot plan of 7 Gilmore Street by David Philip Terenzoni, Professional Land Surveyor dated June 17, 2023.