



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, November 8, 2023

Hearing Room

7:00 PM

Members Present: Chair Frank Vallarelli, Vice Chair Kevin Dolan, Terrence Dolan, Marcia Wengen and Associate Member William Perry.

Also present at the meeting: Town Clerk Maria Sagarino acting as Planning Board Clerk, Raymie Parker, Paulette Gerry, Attorney Charlie Houghton, Jon & Diane Chiavelli, Carl Conui & Melissa A. Cassarino and Guido Vittiglio.

The Chair brought the meeting to order at 7:02 PM. Mr. Vallarelli introduced the members of the Board.

He invited Select Board Member Raymie Parker and Treasurer Paulette Gerry to speak about the Stoneham Municipal Affordable Housing Trust on which they both sit. Ms. Parker gave a brief overview of the municipal affordable trust that was adopted at Town Meeting and what the members have been doing at their meetings. The board appreciated the update.

Mr. K. Dolan made a motion to approve the minutes from September 13, 2023 which was seconded by Mr. T. Dolan. All full members present voted in favor 4-0.

Mr. K. Dolan made a motion to approve the minutes from October 11, 2023 which was seconded by Mr. T. Dolan. All full members present voted in favor 4-0.

Mr. Houghton asked for the endorsement of an Approval Not Required (ANR) plan for 45 Pomeworth Street and 28 Washington Street. Mr. Houghton gave a brief explanation, the Board members looked over the plan and signed the plan for recording at the Registry of Deeds.

Mr. Houghton asked for the endorsement of an Approval Not Required (ANR) plan for 1-4 Coventry Lane. Mr. Houghton gave a brief explanation, the Board members looked over the plan and signed the plan for recording at the Registry of Deeds.

Mr. Vallarelli turned the meeting over to Vice Chair K. Dolan for the matter of 62 High Street as he had previously recused himself. This public hearing has been continued from October 12, 2022, November 16, 2022, December 14, 2022, January 18, 2023, February 15, 2023, March 15,

2023, April 12, 2023, May 17, 2023, June 21, 2023, July 12, 2023, August 9, 2023, September 13, 2023 and October 11, 2023 which also included a site visit on October 22, 2022.

Mr. K. Dolan asked Attorney Houghton if he would be seeking another continuance, waiving all time standards. Mr. Houghton acknowledged the need for another continuation as they still awaited comment by the Stormwater Board. The Stormwater Board had met on November 7, 2023 and approved the drainage plan but DPW Brett Gonsalves would need to forward comments to the Board. Mr. T. Dolan made a motion to continue until December 13, 2023 at 7PM which was seconded by Ms. Wengen. Mr. T. Dolan, Ms. Wengen and Mr. K. Dolan all voted in favor 3-0. Mr. Perry abstained. As an associate member he can only act on Special Permits.

Mr. Vallarelli rejoined the meeting and brought forward Glendale Road. This public hearing has been continued from September 13, 2023 and October 11, 2023. There was also a site visit on Sept 30, 2023. Attorney Houghton asked for a continuation for this public hearing, again waiving all time standards. Mr. K. Dolan made a motion to continue until December 13, 2023 at 7PM waiving all time standards which was seconded by Mr. T. Dolan. All members voted in favor 4-0. Mr. Perry again abstained.

Mr. Vallarelli read the legal notice for the next public hearing 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, November 8, 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 to amend the Special Permit for an accessory dwelling (family apartment) which was granted on March 15, 2023 pursuant to Stoneham Town Code, Chapter 15 Section 4.2.4.1. The plan filed with the original petition and incorporated into the Special Permit decision filed on March 22, 2023 has been revised due to the previously unplanned demolition of the existing house. The new plan for 2 Myopia Road prepared by John D. Sullivan, III, Professional Engineer dated October 2, 2023 and the plot plan of 2 Myopia Road prepared by John D. Sullivan, III, Professional Engineer and stamped by Paul J. Finocchio Professional Land Surveyor dated October 5, 2023 may be seen daily except Friday afternoon in the Office of the Town Clerk.”

Jon Chiavelli appeared to explain to the Board that they were requesting a Special Permit for the accessory dwelling again because they needed to actually demolish the house and rebuild to get the proper ceiling height in the accessory unit. They plan on rebuilding the house in the exact footprint of the existing house. There is an updated plan but it is the same plan as was approved by the Board last March. The demolishing of the house required a variance to be sought from the Board of Appeals.

Mr. Vallarelli read department comments into the record.

With no members of the public present for comment, Mr. K. Dolan made a motion to close the public hearing which was seconded by Mr. T. Dolan. All members present, including Mr. Perry voted in favor 5-0.

The Board understood that the plan before them showed the same accessory dwelling that had been approved by the Board twice. The unit is under 750 square feet and Mrs. Chiavelli's parents will be living in the unit. Mr. K. Dolan clarified that they are back because they have an undersized lot and taking down the house triggered the need for a variance. Mr. K. Dolan made a motion to grant the Special Permit incorporating all department comments. All conditions of 4.2.4.1 have been met and the homeowner understands that they will file the decision with the Registry of Deeds. Should anything change, they would come back before the Planning Board. Mr. T. Dolan seconded the motion. A roll call vote was taken. All members present, including Mr. Perry, voted in favor 5-0.

Mr. Vallarelli read the legal notice for the next public hearing 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, November 8, 2023, in the Hearing Room, Town Hall at 7:00 p.m. to hear all persons interested in the petition of Carl Conui and Melissa A. Cassarino of 559 Main Street, Stoneham, Massachusetts for a Special Permit pursuant to Stoneham Town Code, Chapter 15 Section 4.3.3.1, to construct an L-shaped addition 31” x 46 feet containing 978 square feet at 559 Main Street, Stoneham, Massachusetts to create a third unit at the existing two-unit condominium. Plans by O’Sullivan Architects, Inc. dated June 15, 2023, revised October 10, 2023 and plan entitled, “Plan of Land 559 Main Street, Stoneham, MA showing proposed addition” by John J. Russell, P.L.S. dated June 17, 2023, revised August 2, 2023 may be seen daily except Friday afternoon in the office of the Town Clerk.”

Attorney Houghton appeared before the Board on behalf of his clients Carl Conui and Melissa Cassarino. He also introduced Mr. Conui's mother. Mr. Houghton explained that they have been working with the building department. The goal is to have an apartment for Mr. Conui's mother. Mr. Conui owned a unit at 559 Main and Melissa Cassarino also owned a unit. They married and moved into the unit on the first floor. They own two legal condo units. The second floor unit, which is larger, is rented out. Mr. Conui and Ms. Cassarino would like his mother to come live with them. Mr. Houghton continued to explain that the extra unit is located up too many stairs and is larger than Mrs. Conui would need. So they started working on a plan to add an addition on the first floor to create a third unit. This property is located in the Residence A and Residence B Districts. The addition would be built in Residence B which allows multifamily. This would not be an accessory unit. Ms. Noble said that accessory dwellings are not allowed in Residence A. Mr. K. Dolan was surprised because they are allowed in Residence A under 4.2.4.1 and Residence B 4.3.1 says that anything you can do in A, you can do in B. Mr. K. Dolan believes you can put an accessory dwelling unit in Residence B. Mr. Houghton thought so too but Ms. Noble pointed out that 4.2.41(a) refers to the owner of the single family lot. Mr. K. Dolan stated that Ms. Noble is probably right. When we created the bylaw we were thinking about these units in singles family homes. Mr. Houghton continued to explain that derailed his idea to ask for an in law apartment. So we are here for a third unit. The addition is in the front and built to eliminate as many steps as possible for Mr. Conui's mother.

Mr. K. Dolan asked about the other unit. If they'd rent it out. Mr. Houghton said they intended it to be a rental. He also explained that they had an issue when they were before the Board of

Appeals. They did not realize that Airbnbs were not allowed. Mr. Houghton explained that it is legal to rent it but not for a short period of time. Mr. K. Dolan asked where that was in the bylaws. Ms. Sagarino explained that Cheryl Noble had stated they are not allowed when the rental is under thirty days but she hadn't cited the section in the bylaws. Mr. K. Dolan and Mr. Houghton would be curious to find out where it is mentioned.

Mr. K. Dolan questions the Board of Appeals decision including a condition that family live in the unit. Mr. Houghton said that they agreed that would be fine. Mr. Vallarelli mentioned that would be an enforcement issue. Mr. Houghton walks the Board through the plan and parking provided.

Ms. Wengen asked if it would be a separate third unit. Mr. Houghton said it would. Mr. Vallarelli asked if it would be a condo. Mr. Houghton stated that it would. Mr. K. Dolan asked if there were any other multifamilies in the area. Mr. Houghton indicated there are up and down Main Street.

Mr. Vallarelli read the department comments into the record. Mr. Houghton agreed to all comments.

Mr. Vallarelli asked what would happen with the family member restriction if you wanted to sell the third unit. Mr. Houghton said you'd have to sell it as part of one of the other units. Mr. Vallarelli asked Mr. Conui and Ms. Cassarino if they are willing to take that chance. They responded that they would rather not but it is the only option right now. They need a place for Mrs. Conui to live. She cannot do stairs, they cannot do stairs, so the upstairs unit is not ideal for any of them and Mrs. Conui needs here separate living space.

Mr. Vallarelli opened the hearing up to the public.

Ed Rivera of 567 Main Street questions the frontage of 174.9 feet. He said that number is the side running down Graystone Road. Mr. Vallarelli explained that on a corner lot, you take the longer of the two lot lines. In this case, the frontage is on Graystone. Mr. Rivera also questions whether they are still renting it out because there were cars parked there over the weekend. Ms. Cassarino stated those were college friends visiting.

Mr. Vallarelli asked about Airbnb. He understands that they did not understand that is not allowed. Mr. Vallarelli explains that we are trying to avoid a transient community. Mr. K. Dolan said the concern was the Airbnb usage. How do you prove it when it's friends staying there? Mr. Rivera shows the Board the Airbnb ads. Mr. Vallarelli asked when they stopped advertising on Airbnb. Ms. Cassarino stated that they stopped when they were told that it was not allowed at the Board of Appeals meeting.

Mr. Rivera asked if the addition was one story. Mr. Houghton stated it would be one level with a basement. Mr. Rivera talks about the parking issues and the narrowness of Graystone Road.

Seeing no other public comment, Mr. T. Dolan made a motion to close the public hearing. Mr. K. Dolan seconded the motion. All members voted in favor, including Mr. Perry, 5-0.

Mr. Vallarelli indicated this is an unusual application.

Mr. K. Dolan made a motion to approve for discussion purposes. Mr. Perry seconded the motion.

Mr. K. Dolan understood the argument that the mother cannot use the upstairs unit. He wondered if the petitioners could use that unit.

Mr. Perry said that parking seems to be a serious issue. Mr. T. Dolan thinks this is a very unusual petition. Mr. Vallarelli said that with the housing crisis we may see more of these. Mr. Houghton mentioned that they could try to move the parking away from Graystone. Maybe they can redesign it. Ms. Wengen asked how it would be accessed. Mr. Houghton responded that it would be accessed from Alice Lane. Ms. Wengen asked if it could be put on hold to see the alternative parking plan. She asked if parking came up at the Board of Appeals. Mr. Vallarelli said it looked like it had not.

At this point Ms. Cassarino explained why none of them could do the stairs. The second unit is on the second floor and has another flight up to the bedrooms. Even if she could make it up there, it's too large for Mrs. Conui's needs.

Mr. K. Dolan asked Mr. Houghton if he would like to continue. Mr. K. Dolan made a motion to continue until December 13, 2023 at 7PM which was seconded by Mr. T. Dolan. All members voted in favor, including Mr. Perry, 5-0.

Mr. Vallarelli read the legal notice for the final public hearing of the evening 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, November 8, 2023, in the Hearing Room, Town Hall at 7:00 p.m. to hear all persons interested in the petition of Guido Vittiglio and Lisa M. Vittiglio of 24 Country Club Road, Stoneham, Massachusetts for a Special Permit pursuant to Stoneham Town Code, Chapter 15 Section 4.3.3.1, to construct a second-story addition over the newly constructed garage at 57 Wright Street, Stoneham, Massachusetts to be used as a single family dwelling unit and to convert a portion of the garage below the unit to living space with one garage bay to remain and to renovate the existing three-family dwelling to a two-family dwelling for a total of three units at 57 Wright Street, Stoneham, Massachusetts. Plans by Phoenix Architects dated June 10, 2023 Sheets 1-4 and plans by P.J.F. and Associates entitled, “Plot Plan of Land” and “Site Plan of Land of 57 Wright Street in Stoneham, Mass.” dated July 7, 2023 and July 14, 2023 respectively may be seen daily except Friday afternoon in the office of the Town Clerk.”

Attorney Houghton appeared before the Board on behalf of his client Guido Vittiglio. Mr. Houghton reminds the Board that this has been in front of them before. Mr. K. Dolan remembered it had been. Mr. Houghton stated there are two garage bays under the unit they created. They are removing one of the bays and making it part of the unit. Mr. K. Dolan asked why Mr. Houghton would need the Board's approval before realizing that they sought new

variances from the Board of Appeals. Mr. K. Dolan clarifies that you are just losing a garage bay and inquires if there is enough parking. Mr. Houghton responded that there is enough parking. Mr. Houghton explained this house was in disrepair and had a lot of work. Mr. T. Dolan remembered that it needed a lot of variances. Mr. K. Dolan stated that it was a better project because they weren't increasing the units. The house was a legal three and it is now going to be two units with one garage bay. Mr. Perry said that it looks like a small unit. Mr. Vittiglio said there were two bedrooms. Mr. K. Dolan stated that nothing is really changing but replacing a bay to be part of the unit.

Mr. Vallarelli read all department comments. Mr. Houghton agreed to all comments.

With no members of the public present for comment, Mr. K. Dolan made a motion to close the public hearing which was seconded by Mr. T. Dolan. All members present voted in favor, including Mr. Perry, 5-0.

Mr. K. Dolan made a motion to approve incorporating all department recommendations and the ZBA decision. You aren't adding units to the site. You are improving what is there. Mr. T. Dolan seconded the motion. A roll call vote was taken. All members present voted in favor, including Mr. Perry, 5-0.

Mr. K. Dolan made a motion to adjourn which was seconded by Mr. T. Dolan. All members voted in favor.

The meeting adjourned at 8:33 PM.

Respectfully submitted:

Maria Sagarino
Town Clerk

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 Plan by Williams Sparages, entitled "Locus Plan Berrywood Estates Stoneham, MA," dated August 22, 2022

A Plan by PVI Site Design, entitled "Proposed Subdivision Glendale Road & Summit Road, Stoneham, MA," dated August 18, 2023

A plan for 2 Myopia Road prepared by John D. Sullivan, III, Professional Engineer dated October 2, 2023 and the plot plan of 2 Myopia Road prepared by John D. Sullivan, III, Professional Engineer and stamped by Paul J. Finocchio Professional Land Surveyor dated October 5, 2023

Plans by O'Sullivan Architects, Inc. dated June 15, 2023, revised October 10, 2023 and plan entitled, "Plan of Land 559 Main Street, Stoneham, MA showing proposed addition" by John J. Russell, P.L.S. dated June 17, 2023, revised August 2, 2023

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