



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, September 28, 2023**  
**Town Hall Hearing Room**  
**6:00 PM**

Members of the Board present: Chair Tobin Shulman, Vice Chairman Robert Saltzman, Kevin McLaughlin, Eric Rubin, 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 William Heney.

The meeting was called to order at 6:02 PM by Chair Tobin Shulman. Mr. Shulman began by making introductions and explaining the procedure for the public hearings. Mr. Saltzman made a motion to approve the minutes for July 27, 2023 which was seconded by Mr. McLaughlin. All members voted in favor 5-0.

Mr. Saltzman made a motion to approve the minutes for September 14, 2023 which was seconded by Mr. McLaughlin. Dufour, Shulman, Saltzman, Sullivan voted in favor 4-0.

Mr. Dufour made a motion to approve the minutes from the August 3, 2023 meeting to change the Comprehensive permit Regulations which was seconded by Mr. McLaughlin. McLaughlin, Dufour, Rubin, Sullivan voted in favor 4-0.

The Board then confirmed the next two meeting dates of October 26<sup>th</sup> and November 30<sup>th</sup>.

The Board was then asked to vote to accept the proposed fee schedule with increased application fees. Mr. Saltzman made a motion to approve which was seconded by Mr. Rubin. All members present voted in favor 5-0.

Next Attorney Houghton Asked the Board to amend the decision for 4 Sherwood Road voted on July 28, 2022. His client had made arrangements to plant different trees in his neighbor's yard to accommodate her need for privacy. Mr. Houghton requested that the condition requiring the planting of five arborvitaes be removed. The Board had received an email from Cynthia Wise at 122 North Street stating that she was fine with the change. Mr. Saltzman made a motion to remove that language from the decision which was seconded by Mr. Rubin. The members who had originally voted on the petition voted in favor 5-0. (McLaughlin, Saltzman, Dufour, Russell, Shulman)

The Chair moved on to the first public hearing of the evening for 26 Broadway. This public hearing had been continued from July 27, 2023. Mr. Shulman read the legal notice 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 Lynn Homes, LLC, 105 Salem Street, Suite B, Malden, MA to divide the existing lot at 26 Broadway into Lot A and Lot B and to renovate the existing one-story brick structure on Lot A to be used as a single-family dwelling and continue the use of a single-family dwelling on Lot B at 26 Broadway, Stoneham, Massachusetts. Lot A would be number 24 Broadway and contain 15,484 square feet and Lot B at 26 Broadway would contain 22,348 square feet. Applicant is requesting a variance for Lot A of: Section 5.2.1 Dimensional Requirements - The lot frontage and width required in Residence A is 90 feet. The proposed lot frontage and width for Lot A is 73.72. The applicant is also requesting a variance for both Lot A and Lot B of Section 5.2.1 Dimensional Requirements – The minimum side setback in Residence A is 10 feet. The proposed side setback for Lot A is 4.2 feet and the proposed side setback for Lot B is 4.2 feet. A plan filed with the petition by Benchmark Survey, dated, June 26, 2023, entitled, “Proposed Division of Land 24 and 26 Broadway Stoneham, MA” shows the proposed Lot A and Lot B. Plan may be seen daily except Friday afternoon in the Town Clerk's Office.”

Attorney Houghton appeared before the Board and began by explaining that most of the neighborhood is currently nonconforming to the current zoning. He explains that they are requesting a variance for the side setback. The existing building is where it is. The Building Commissioner asked that any connections to the main house be disconnected completely. The building that they are hoping to convert into a single family dwelling has existed since the early 80s and has mainly been used as storage. They are not adding anything to the outside of the building. It would require new windows and utilities.

Mr. Houghton continued to explain that the structure itself is causing the hardship. He had presented the Board with a memo which included the Johnson case where the structure itself caused the hardship. He reminds the Board that they are now proposing a conforming use as a single family residence instead of the two units they had previously proposed putting in the structure. Mr. Houghton further explained that the structure itself is oversized to be used as anything. It is way too big to be used as a garage.

Mr. Saltzman asked if they would add anything onto the building. Mr. Houghton responded that they will put in new windows but otherwise all of the renovation will be done internally. Mr. Houghton provided the Board with a computer generated rendering of the interior and exterior. There would be three bedrooms.

Mr. Shulman asked about the connection piece being removed. Mr. Houghton responded that the structure would be completely separated from the existing house. The separation would need to be done before a building permit would be issued.

Mr. Dufour asked about the parking in the front. Mr. Houghton explained it was done that way to keep it further away from the neighbor in the existing house on the property.

Mr. Rubin asked about separate utilities and water and sewer. Mr. Houghton responded that everything needs to be added. It will all be separate.

Mr. Saltzman asked what the square footage of the house would be. Mr. Houghton stated that it is 4500 square feet.

The Chair read the letters from abutters that had been submitted to the Board prior to the meeting. He also commented on receiving a memo from Attorney William Heney that is rather lengthy. All were opposed.

Michelle Nuzzo of 34 Broadway spoke in opposition. Juan Yepez of 39 Broadway spoke in opposition. Fred Preffer also spoke in opposition as did Jim Melkonian of 28 Broadway. He also questioned the structure being a hardship. Mr. Houghton explained that the Johnson case talked about a church that the court allowed to be renovated and used as another use citing the structure as a hardship.

Mr. Saltzman clarified that there's ninety foot frontage and asked what year the main house was built. Mr. Houghton responded that it was the 1950s. Mr. Saltzman asked what the cost might be if the structure had to come down. Mr. Houghton stated it would be about \$85,000-\$100,000.

Mr. Shulman mentioned that the former application to put two units in the structure for a total of three on the site would have met 4.2.3.1 for a multifamily use in Residence A with a variance. That section allowed pursuing three units. Now they are back with an application to add a second single family home in a neighborhood of single families.

Attorney William Heney appeared on behalf of his client Robert Wopperer. He summarized the sixteen page memo he had submitted to the Board in opposition. He did not agree with the Johnson case being cited. He provided four other appeals cases that he felt better fit the situation. He also added that if variances were to be granted they would want the buildings to have sprinkler systems since they'd be in such close proximity to one another. He closed by saying that this petition should be denied due to an incomplete application and lack of hardship.

Robert Wopperer of 19 Broadway also spoke against the petition.

Attorney Houghton responded and disagreed that the Johnson case wasn't relevant. He did agree that sprinklers could be possible. Mr. Saltzman thought that sprinkler systems would make sense or at the very least the Fire Department should inspect the property to determine what would be necessary. Mr. Houghton responded that they would be required to comply with all building and fire coded. Mr. Heney added that should be a condition if granted.

Mr. Yepez commented that it was permitted to be used for sporting as an indoor tennis court or pool. The previous owner used it for storage. Mr. MacComber thought there were a number of potential uses so what would be the hardship in that for the structure. He believed that by removing the structure the value of the property would increase. He urged the Board to read Mr. Melkonian's letter into the record. Mr. Melkonian of 28 Broadway added that when you take away Attorney Houghton's case law, you take away his argument. He doesn't want Broadway turned into a college town.

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

Mr. Saltzman went over what has been requested. There's 73.72 feet of frontage and width and a side setback of 4.2 feet on both sides. The requirement is ten. Lot A is 15,484 and Lot B is 22,000 square feet, each clearly meeting dimensional requirements. The neighbors were previously opposed to the requested three units. This is a much more difficult question. The structure exists without ever needing to be approved by a Board. This massive brick structure was allowed when it was built. Opposing counsel states that it's not a hardship, just take it down and drag it away. That's easy to say when it's someone else's structure. Mr. Saltzman continued to say that he disagrees that the church case has no bearing. In that case to demolish was \$1500 and considered a hardship then. The trial judge found the locus couldn't be used. He then clarified that nobody came in to indict the neighborhood in talking about the nonconforming properties. It was just pointed out that many neighbors have less than ninety feet of frontage. This would be a solution to the gaping eyesore in the neighborhood. He again states that the case has been made for hardship.

Mr. Dufour agreed. He felt the same way about the structure. It's there. Something needs to be done with it. The side setback only affects the other house on the lot.

Mr. Rubin grappled with whether the whether the proposal for two singles is better than multifamily.

Mr. McLaughlin didn't like the structure. He felt it looked like a blob. He also didn't like the parking in front.

Mr. Shulman added that the first proposal was unacceptable, now a proposal for single families is met with the same opposition. He understands that the neighbors just want the structure to go away. 4500 square feet of storage is a lot. Going away completely is not realistic.

Mr. Rubin again says the hard part is that they asked for multifamily first and then came back with two single family houses. There was compromise. He added that the structure is an odd building for a single family. Mr. Shulman agreed that it would not look like other houses. Mr. Saltzman asked if a house would improve the look of things. Maybe some arborvitaes or other trees could be planted again for screening. Mr. Shulman added that they could mandate screening. Mr. Saltzman believed it would obscure what was there.

Mr. Saltzman didn't want to speculate on if the answer is no what might happen with the property. He added that the 73 feet of frontage is not inconsistent with the neighborhood. You can't change what is there, but maybe you can let it be improved to benefit the neighborhood.

Mr. Dufour was not keen on the parking in front. He liked the garden on the side, but also commented that the plan allowed for no screening... Mr. Shulman thought there could be a densely planted edge and the possibility of driving back and parking in the rear. Mr. Saltzman asked if that could be a condition of a decision.

Mr. Saltzman made a motion to grant the relief with the condition that parking would be located in the rear of the structure. Both structures on the property should have proper fire code and building code to meet today's standards. The hardship was delineated in the Johnson case as

structural and financial. It doesn't derogate from the intent of the bylaw and would serve the public good. Mr. Dufour seconded. A roll call vote was taken. Dufour, Saltzman, Shulman voted in favor. McLaughlin and Rubin voted against. The relief was not granted. The Board took a five minute recess at 7:42PM and resumed at 7:48PM.

The Chair read the legal notice for 25 Everett Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, September 28, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Jean David Thomas, 25 Everett Street, Stoneham, Massachusetts to construct a 18.2 foot x 24 foot addition to the side of the existing structure and a 6.2 foot x 6.5 foot addition in the front of the existing structure as well as a 180 square foot accessory structure at 25 Everett Street. The applicant is requesting variances from Stoneham Town Code Chapter 15, Section 5.2.1 Dimensional Requirements which state the minimum front setback in Residence A is 20 feet. The proposed side addition front setback is 10.4 feet and for the smaller addition in the front, the front setback is 4.9 feet. Additionally, the side and rear setbacks for an accessory building (shed) are 10 feet on the side and 15 feet in the rear. The shed is 2.8 feet from the side and 6.7 feet from the rear. A plot plan by David Philip Terenzoni, Professional Land Surveyor dated April 25, 2023.”

Martin Guherrez appeared on behalf of the homeowner to explain the requested relief. They are seeking a variance for a garage which is so small it cannot be used as a garage. He explains that the hardship would be the topography. The back is all stone or ledge. They are moving the garage back to conform for the side setback. He also mentioned that to try to remove the ledge would disturb the neighborhood possibly cracking some of the fieldstone foundations.

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

Mr. Shulman didn't believe they could see a clearer case of topography being a hardship. Mr. Saltzman agreed and made a motion to grant the relief. It does not derogate from the intent of the bylaw and serves the public good. Mr. Rubin seconded the motion. All members present voted in favor 5-0.

The Chair read the legal notice for 2 Myopia Road into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, September 28, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Jon Chiavelli & Diane Chiavelli, 2 Myopia Road, Stoneham, Massachusetts to demolish the existing house at 2 Myopia Road and build a new house with an accessory dwelling approved by the Stoneham Planning Board. The petitioners are requesting a variance of Stoneham Town Code, Chapter 15, Section 5.2.1. The minimum lot size in Residence A is 10,000 square feet. The lot for the proposed new dwelling is 7,781 square feet. In addition, they are seeking a variance of Section 4.2.2.2 (c). The existing shed must be five feet from the side and rear property line. More than half the shed is on the abutting property. A plot plan of 2 Myopia Road prepared by John D. Sullivan III, Professional Engineer and stamped by

Paul J. Finocchio, Professional Land Surveyor dated July 26, 2023 may be seen daily except Friday afternoon in the Office of the Town Clerk.”

Jon Chiavelli appeared along with his builder Chuck Mulik of CJM Builders to explain the requested relief. Mr. Mulik explained that the original plan was to leave the house and add on. The height wouldn't work in the accessory dwelling. They are seeking to demolish the house and build it back the way it was with the planned additions. They are trying not to make it any more nonconforming.

Mr. Saltzman asked if it would be the same footprint. Mr. Mulik said it would be. Mr. Shulman added that the structure conforms with additions for all setbacks. The lot is too small.

The neighbor at 4 Myopia mentioned that five feet of their fence shown on his survey differs from what is shown on the 2 Myopia plot plan. He wants to make sure that it doesn't interfere with his property.

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

Mr. Saltzman made a motion to grant the relief mentioning they still required a new Special Permit from the Planning Board. Mr. Rubin seconded. All members present voted in favor 5-0.

The Chair read the legal notice for 63 Lincoln Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, September 28, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by James Corbett, 63 Lincoln Street, Stoneham, Massachusetts to construct a 12 foot x 20 foot shed at 63 Lincoln Street. The applicant is requesting a variance from Stoneham Town Code Chapter 15, Section 5.2.1 Dimensional Requirements which states the maximum number of accessory structures allowed in Residence B is one. The shed would be the second accessory structure at this location. Additionally, the applicant is seeking a variance of section 6.7. The maximum square footage allowed for accessory structures is 240 sq. ft. The proposed shed and existing shed equal to more than 240 sq. ft. A plan of land showing proposed shed at 63 Lincoln Street Extension by Andrew Bramhall, Professional Land Surveyor dated August 10, 2023 may be seen daily except Friday afternoon in the Office of the Town Clerk.”

Mr. Shulman stated that Mr. Russell would sit in on this hearing for Mr. Rubin who had to leave the room for a few minutes.

James Corbett appeared to explain the requested relief. He wants to build a second shed for his two snow plows and ride on lawn mower. He cannot have the shed because of the garage on his property. Even if he knocked down the garage couldn't build the shed without a variance due to the size.

Mr. Shulman acknowledges that Mr. Corbett has a hardship due to the pork chop shape of his lot.

With no members of the public present. 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. Russell made a motion to grant the relief. The shape of the lot creates a hardship. It doesn't derogate from the intent of the bylaw and it serves the public good. Mr. Saltzman seconded the motion. All members present voted in favor 5-0. (Russell, McLaughlin, Dufour, Saltzman, Shulman)

Mr. Shulman stated that Mr. Russell would continue to sit in for Mr. Rubin on the next matter.

The Chair read the legal notice for 4 Birch Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, September 28, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Muhammad Saleem, 4 Birch Street, Stoneham, Massachusetts to construct a 247 square foot front porch, a 1,127 square foot L-shaped two-story addition, a 97 square foot sunroom and a 208 square foot open deck at 4 Birch Street. The applicant is requesting a variance from Stoneham Town Code Chapter 15, Section 5.2.1 Dimensional Requirements which states that the minimum front setback in Residence A is 20 feet. The setback from Birch St on the north side of the house is 9.7 feet. A proposed plot plan of 4 Birch Street prepared by Vernon J. LeBlanc, Professional Land Surveyor dated June 26, 2023 may be seen daily except Friday afternoon in the Office of the Town Clerk. “

Muhammed Saleem explained that he would like to add on to provide more space for his family. They have no place to put anything.

Mr. Shulman asked Mr. Saleem if the shape of the lot was causing him a hardship. Mr. Saleem responded that the shape is a hardship. Mr. Shulman also asked if there was no neighbor along the property line that measured 9.7 feet. Mr. Saleem stated there was no neighbor on that side.

Mr. McLaughlin asked if there were any drawings or elevations to show what the house will look like. William O'Fay of 10 Carol Street used to own the house and would like to see what it would look like as well. Mr. Saleem showed the Board some plans on his phone and was then asked to email them to the Board for the file.

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

Mr. Shulman stated that the shape of the lot causes three fronts.

Mr. Saltzman made a motion to grant the relief. The shape of the lot creates a hardship. It doesn't derogate from the intent of the bylaw and it serves the public good. Mr. McLaughlin seconded the motion. All members present voted in favor 5-0. (Russell, McLaughlin, Dufour, Saltzman, Shulman)

For this hearing, Mr. Rubin had returned to the meeting but Mr. Saltzman had to step out. Mr. Shulman stated Mr. Russell would now sit in for Mr. Saltzman.

Mr. Shulman read the legal notice for 559 Main Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, September 28, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Carl Conui and Melissa Cassarino of 559 Main Street, Stoneham, MA to add an additional unit to the existing two unit condominium at 559 Main Street, Stoneham, Massachusetts by constructing an L-shaped addition 31 X 46 feet to create the third unit. Section 4.3.3.1 (b) (1). All parking spaces shall be located to the rear of the front building line. The proposed parking is not to the rear of the front building line. Section 5.2.1 Dimensional Requirements The maximum percent coverage in Residence B is 20%. The percent coverage for the proposed is 21%. Section 5.2.1 note 6 The minimum front setback in Residence B for 3 units is 30 feet. The proposed front setback is 17.9 feet. Section 5.2.1 note 6 The minimum side setback in Residence B for 3 units is 30 feet. The proposed side setback is 16.2 feet from Main St. and 19.7 feet from the abutter to the south. Section 6.3.4.2 (5) No vehicle shall be forced to enter or exit by backing up. The proposed spaces require the backing of the vehicles into or out of the spaces. A plan filed with the petition by John Russell, P.L.S., dated June 17, 2023, revised August 2, 2023 entitled “Plan of 559 Main Street Stoneham, MA.” shows the proposed addition. Plan may be seen daily except Friday afternoon in the Town Clerk’s office.”

Attorney Houghton appeared to explain that his clients planned on an accessory dwelling for Mr. Canui’s mother, but the Building Commissioner considered it Residence B for the purpose of an accessory unit. The house sits in Residence A and Residence B, but the unit would fall completely in the Residence B portion of the house in front. He added that there is existing parking that abuts Graystone Road.

Mr. Rubin asked about the addition being on Main Street but the front door is on Graystone. Mr. Houghton agreed. The address is Main Street but the front door is Graystone.

Mr. Shulman asked Mr. Houghton to explain the parking. Mr. Houghton said that you pull in and back onto Graystone. The spaces are the required 9 x 18. The parking already exists and is paved, so they left it alone.

Mr. Houghton stated that this fits the bylaw because the unit is being built in the Residence B part of the house.

Mr. Shulman opened it up to the public. Maryann Braganzi lives next door and asked about the upstairs being rented out as an AirBnB every weekend. She sees car with out of state license plates. She also mentions they have a lot of parties but she shuts her windows and it’s fine. They are good neighbors. She then asked who lives in the house now. She sees a lot of strangers. Will it be a rental or an in-law?

Mr. Conui and Ms. Cassarino responded that the property is condos and they each owned a unit. He owns Unit A and she owns Unit B. They are married now and live in Unit A. Unit B is rented to their niece.

Mr. Shulman asked why the second unit couldn't be the in law. Mr. Conui stated that his mother cannot go up the stairs at her age. She needs the first floor.

Mr. Shullman asked why they don't just create additional rooms instead of an entire condo unit. He asked if it was so she could have a kitchen.

Mr. Houghton responded that Ms. Noble said no to the accessory dwelling (in law). She does want her own unit and they would stipulate that it would be for Mr. Conui's mother.

Mr. Shulman asked what would happen if the mother wasn't living in the unit. Mrs Braganzi then asked about the foot clinic she saw advertised online.

Mr. Conui stated that he is a podiatrist with an office in Wakefield but he uses his home address for his business mailing address.

Theresa Rivera of 567 Main Street is opposed to this but also has questions. She wanted to know how many bedrooms and bathrooms there would be in new unit.

Mr. Houghton stated there is one bedroom and one bedroom. He added that there are five parking spaces for the three units.

Ms. Rivera wonders about the ledge. Will there be drilling in the ledge that could cause water in our cellars? She also mentions the VRBO advertisement that she saw online for \$439 per night. She sees people there on the weekends. The unit is rented for the next few weekends. Our neighborhood is not meant for that.

Mr. Shulman explained that they do not enforce the zoning but that short term rentals of under thirty days are not allowed per our bylaws. Mr. Shulman stated that they would contact the Building Department for enforcement.

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

Mr. Rubin asked if there was a way of restricting the third unit to a family member even though it isn't an accessory dwelling. Mr. Houghton stated that they can put in a condition. Mr. Russell mentioned the traffic on the street. Graystone Road is used as a cut through. Mr. Rubin mentioned that they have the required parking spaces and have said they do not need to park on the street. Mr. Shulman added that the home has three fronts. Mr. Dufour liked the restriction added to the unit for a family member.

Mr. Rubin made a motion to grant the relief but cited G.L. c. 40A §10 to stipulate that the third unit can be added for family use only. The shape and topography of the lot creates a hardship. It doesn't derogate from the intent of the bylaw and serves the public good. Mr. Dufour seconded the motion. A roll call vote was taken. All members voted in favor 5-0. (Russell, McLaughlin, Rubin, Dufour, Shulman)

With the full Board back in their seats, Mr. Shulman moved on to the next public hearing and read the legal notice into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, September 28, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Guido Vittiglio and Lisa M. Vittiglio, 24 Country Club Road, Stoneham, MA to construct a second floor on the newly constructed garage to be used as a Single Family dwelling unit and to convert a portion of the garage below to living space with one garage bay to remain, and to renovate the existing three unit main structure to remove one unit at 57 Wright Street, Stoneham, Massachusetts. Section 5.2.1 Dimensional Requirements note (6) - The required side setback in Residence B for three or more units is 30 feet. The proposed side setback for the additional unit is 10.9 feet and 11.3 feet for the North and South side, respectively. Section 5.2.1 Dimensional Requirements note (5) – The required lot size in Residence B with three units is 12,000 square feet. The lot size for the proposed is 10,572 square feet. Section 5.2.1 Dimensional Requirements – The maximum percent coverage in Residence B is 20%. The proposed percent coverage is 20.3%. Section 5.2.1 Dimensional Requirements note (7) – The minimum frontage and width in Residence B with three or more units is 150 feet. The frontage and width for the proposed is 55.25 feet and 55.38 feet, respectively. Section 4.3.3.1(d) – The minimum open space in Residence B is 750 square feet per unit for a total of 2,250 square feet. The proposed open space is 782 square feet total. Section 6.5.2.4 Screening and Landscaping – A four-foot strip of landscaping is required wherever setbacks are required. The proposed does not meet this requirement. Section 6.3.4.2.(3) Layout – A minimum 24-foot aisle width is required for two-way traffic driveway. The proposed driveway is only 17 feet for two-way traffic. Section 4.3.3.1 (h) - There shall be a minimum of 60 feet between each structure on the same lot. The two structures on this lot are not separated by 60 feet. A plan filed with the petition by PJF & Associates dated July 7, 2023 entitled “Plot Plan of Land in Stoneham, MA.” shows the proposed second floor addition over the garage and will be available on-line for review. Plan may be seen daily except Friday afternoon in the Town Clerk’s office.”

Mr. Houghton appeared and explained that they’ve heard this before and rendered a decision in 2021 and 2022. Mr. Vittiglio wanted to make some changes and therefore it needs to go through the whole process again. The most recent approval was for three units and two garage bays, but his client would now like to reduce the number of units to two and to make one of the two garage bays into a room for the apartment above.

Rosemarie Taliari of 69 Wright Street asked about the number of units. It would now be two.

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

Mr. Dufour made a motion to grant the relief. It’s still a great design. It doesn’t derogate from the intent of the bylaw and would serve the public good. He would add any previous conditions if any. Mr. Saltzman seconded the motion. All members present voted in favor 5-0.

The Chair read the legal notice for 51 Washington Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, September 28, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Sanco Builders, LLC, of 82 Bedford Road, Woburn, MA to demolish the existing single family dwelling and construct a new two family dwelling at 51 Washington Street, Stoneham, Massachusetts. Section 4.2.3.1 Conversion of an existing dwelling to accommodate more than one dwelling unit with provisions. The proposed is not a conversion of the existing dwelling. The proposed is to convert the entire existing dwelling into a new two-family dwelling. Section 4.2.3.1 (b) The minimum lot size for a two-family dwelling in Residence A is 20,000 square feet. The lot size for the proposed is 6,772 square feet. Section 4.2.3.1 (c) The proposed duplex has 3 bedrooms in each unit, the requirement is one (1) parking space per bedroom. The proposed number of parking spaces is four spaces. Section 4.2.3.1 (e) (2) The exterior appearance of the structure shall not be altered except for restoration consistent with the original architecture of the structure. The entire structure is proposed to be new construction. Section 4.2.3.1 (e) (3) The exterior appearance of the structure shall not be altered except for additions in the rear or side yards not visible from the street and not more than 10 percent of the original floor area. The entire structure is proposed to be new construction. 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 89.79 feet and 89.92 respectively. Section 6.3.4.2 (4) Each off-street parking space shall be designated without requiring the moving of any other vehicle or the passing over of any other parking space. Two of the proposed parking spaces are tandem. A plan filed with the petition by Edward Farrell PLS dated August 25, 2023 entitled “Plot Plan of 51 Washington Street Stoneham, MA.” shows the proposed two-family dwelling (Duplex). Plan may be seen daily except Friday afternoon in the Town Clerk’s office.”

Mr. Houghton appeared and explained that his client would like to tear down the house which has no chance of being rehabbed. He brought photos to show the deplorable condition of the interior of the house. He stated that a big mcmansion was not a good idea. A duplex would fit nice in the neighborhood similar to what Mr. Santullo has built on Central Street and William Street recently.

Mr. Dufour asked which street it would face. Mr. Houghton stated it would be on Washington Court side and that street is being paved. Mr. Dufour stated it will definitely improve property values in the area. Mr. Houghton stated that it is existing nonconforming. The new house would meet all of the setbacks. Mr. Dufour asked if it would meet lot coverage. Mr. Houghton stated that it does.

Mr. Houghton continued on to say that the hardship is the shape of the lot and topography. It will be nice for the neighborhood to have something new and property values will increase.

Mr. McLaughlin stated that he was leaning toward no for 6000 square feet but saw what Mr. Santullo did on Central Street and feels it was a nice job.

Mr. Shulman read a letter in opposition from Matthew and Lauri Barrett into the record. He also read a letter from Katelyn Tripp who is in favor.

William Goulet of 1 Washington Court spoke in opposition. He felt they were building the largest structure they could for the most profit. He understands that the house has to go. He also asked about the paving plans.

Mr. Shulman stated that it would be 22 feet with a 1 foot berm on each side. It would be paved past the fire hydrant.

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

Mr. Dufour said it's an improvement. The trees had to go. Mr. Shulman agreed the rendering face is attractive.

Mr. Dufour made a motion to grant the relief. It doesn't derogate from the intent of the bylaw. They put some thought into it. It serves the public good. Mr. Saltzman seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

Mr. Saltzman made a motion to adjourn which was seconded by Mr. McLaughlin.

The meeting adjourned at 9:21 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:

New fee schedule

Letter from Cynthia Wise 122 North Street approving condition change for 4 Sherwood Rd.

A plan filed with the petition by Benchmark Survey, dated, June 26, 2023, entitled, "Proposed Division of Land 24 and 26 Broadway Stoneham, MA" shows the proposed Lot A and Lot B.

Opposition letters from abutters of 26 Broadway and opposition memo from Attorney William Heney and Memo from Attorney Charles Houghton

A plot plan of 25 Everett Street by David Philip Terenzoni, Professional Land Surveyor dated April 25, 2023.

A plot plan of 2 Myopia Road prepared by John D. Sullivan III, Professional Engineer and stamped by Paul J. Finocchio, Professional Land Surveyor dated July 26, 2023

A plan of land showing proposed shed at 63 Lincoln Street Extension by Andrew Bramhall, Professional Land Surveyor dated August 10, 2023

A proposed plot plan of 4 Birch Street prepared by Vernon J. LeBlanc, Professional Land Surveyor dated June 26, 2023

Drawings and elevations of Birch Street provided by email after the meeting

A plan filed with the petition by John Russell, P.L.S., dated June 17, 2023, revised August 2, 2023 entitled “Plan of 559 Main Street Stoneham, MA.” shows the proposed addition.

A plan filed with the petition by PJF & Associates dated July 7, 2023 entitled “Plot Plan of Land in Stoneham, MA.” shows the proposed second floor addition over the garage.

A plan filed with the petition by Edward Farrell PLS dated August 25, 2023 entitled “Plot Plan of 51 Washington Street Stoneham, MA.” shows the proposed two-family dwelling (Duplex).

Letter of opposition from Matthew and Lauri Barrett and Letter of support from Katelyn Tripp for 51 Washington Street.

Photos of existing house 51 Washington Street