



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

Stoneham Board of Appeals Minutes
Thursday, November 30, 2023
Town Hall Hearing Room
6:00 PM

Members of the Board present: Vice Chair Robert Saltzman, Eric Rubin, Kevin McLaughlin, R. Michael Dufour and Associate Member William Sullivan.

Also present: Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Andrew and Anna Leigh Madison , Attorney Charles Houghton, Vincent Casazza and Michael Santullo.

The meeting was called to order at 6:03 PM by Vice Chair Robert Saltzman who would Chair the meeting in Mr. Shulman's absence. Mr. Saltzman began by making introductions and explaining the procedure for the public hearings. Mr. McLaughlin led the Board in the Pledge of Allegiance.

The Board chose to move the December meeting date from December 28th to December 21st. They also confirmed that their January meeting would be held on January 25th. There was also conversation of what date in January the Board might meet if the application were to be made for the Residences at Spot Pond.

Mr. Sullivan gave the Board an update on what was happening at Weiss Farm. There was a pre-construction site visit to help familiarize Conservation with the barriers staked out and the demarcation shown. Mr. Sullivan mentioned future meetings. Mr. Saltzman mentioned that a Board member should be present for all future meetings. Mr. Sullivan agreed and said that site work should start within the next three weeks.

The Board received a copy of the eligibility letter for the Residences at Spot Pond at 5 Woodland Road. Mr. Houghton explained to the Board that they need to formalize a new development agreement with the Select Board at their next meeting on Tuesday which will release a prior covenant. When that is taken care of, they will move forward with the Comprehensive Permit application to the Board. They would expect to hold the first hearing sometime in January.

Mr. Saltzman moved on to the first 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, November 30, 2023 at 6:00 p.m. in the Hearing Room, Town Hall, 35 Central Street to hear all persons interested in the application by Andrew and Anna Leigh Madison, 80 Pleasant Street, Stoneham, Massachusetts to construct a two story addition for garage and second floor at 80 Pleasant Street which requires a variance of Stoneham Town Code Chapter 15, Section 5.2.1

Dimensional Requirements. The required side setback in Residence A is 10 feet. The proposed side setback is 2.3 feet. A Plot Plan of 80 Pleasant Street, Stoneham, MA by Edward J. Farrell, Professional Land Surveyor dated November 3, 2023 may be seen daily except Friday afternoon in the Office of the Town Clerk.”

Andrew Madison appeared before the Board to explain the requested relief. He explained that his house sits in a very tight area. There is no room out back to put an addition because of the ledge. There is also an issue with flooding which he hopes to have solved with this project.

Mr. Saltzman described the property as being pie shaped and asked Mr. Madison if that is what might be creating the hardship along with the ledge. Mr. Madison agreed. He stated that he has no alternatives and no additional ways to expand the house. He could only go up.

Mr. Dufour is very familiar with the property and is aware of the water issues. Mr. Sullivan asked how far the garage is from the property line. Mr. Madison indicated that it was seven feet.

Richard Jackson of 76 Pleasant Street is a direct abutter and the garage is adjacent to his property. He mentioned that the garage is about forty feet from his house. He has no issues with what Mr. Madison wants to do. Paul Hegarty of 75 Pleasant Street also spoke in support.

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

Mr. Dufour is familiar with the property both inside and out. He made a motion to grant the relief. Hopefully this will alleviate the water issues. It doesn't derogate from the intent of the bylaw. It will serve the public good. Mr. Rubin seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

Mr. Saltzman read the legal notice for 577 Main Street as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, November 30, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Vincenzo Casazza, Trustee, The Middlesex Purple Realty Trust, 968 Main Street, Wakefield, MA to construct a four unit town house building at 577 Main Street Stoneham, Massachusetts. Section 5.2.1 Dimensional Requirement – required minimum lot size in Residence B for a four unit building is 14,500 square feet. The existing lot size is 11,071 square feet; Section 5.2.1 Dimensional Requirements note 7 – required minimum frontage and width for three or more units in Residence B is 150 feet. The frontage and width proposed is 114.04 feet and 119.87 respectively. Section 5.2.1 Dimensional Requirements note 6 requires a minimum side setback in Residence B District for three or more units is 30 feet. The proposed side setbacks are 3.5 feet on the north side, 8.7 feet on the west side and 15.4 feet on the east side (Main Street). Section 5.2.1 Dimensional Requirements – required maximum allowed lot coverage in Residence B District is 20%. The proposed lot coverage is 30%. Section 4.3.3.1(b)1 requires all parking spaces to be located to the rear of the front building line. Four tandem parking spaces are in front of the proposed building. Section 6.3.4.2(4) does not allow tandem spaces for the required number of parking spaces. Section 6.3.4.2(3) requires each off street parking space to have access to a 24 foot aisle width for two-

way traffic. The proposed aisle width is 20 feet. A plan filed with the petition by Hayes Engineering, Inc. dated November 8, 2017 with revisions through November 13, 2023 entitled "Site Plan – Multi-Family Dwelling – No. 577 Main Street, Stoneham, Mass." shows the proposed four townhouses. Plan may be seen daily except Friday afternoon in the Town Clerk's Office."

Attorney Houghton appeared before the Board and explained the requested relief. His client has been before the Board twice before. His client had applied for a foundation permit thinking that would grandfather him in. He needed to apply for the actual building permit.

Mr. Saltzman read letters from Jonathan Gray of 15 Fairview Road and Stephen K. Potter of 11 Fairview Road into the record. Both were in opposition of the project.

Mr. Houghton responded to some of the comments in the letters for flooding, parking and the size. He explained that this parcel does not require approval by the stormwater board but a lot of time and money has been spent to address stormwater management to improve flooding in that area. He further explained that Mr. Casazza is building four units. Building two units wouldn't make sense. Cars are not allowed to park on street and they have the required parking on site as required under the bylaw. Mr. Houghton continued to say that this had gone to Town Meeting for rezoning. It was already before the Board of Appeals, Planning Board and had Site Plan. There were extensions granted while it was in court for over two years. It had already been litigated when there was an appeal made.

Mr. Saltzman reiterated that this had already been litigated in court. Mr. Sullivan mentions that part of Rte. 28 is State owned and parking is not allowed on the street. Mr. Saltzman added that it is not fair to extrapolate what is on another lot. Mr. McLaughlin asked what the units would look like and if they would be two or three bedrooms. Mr. Houghton responded that they are two bedroom, townhouse style with a garage. Mr. Sullivan asked if everything is the same on the plan. Mr. Houghton stated that the only difference in the plan is that the house was demolished. Nothing else has changed.

With no other public comment, Mr. Sullivan made a motion to close the public hearing. Mr. McLaughlin seconded. All members voted in favor.

Mr. Sullivan made a motion to approve. It is exactly what had already been approved, appealed through the court. The petitioner made a mistake in not pulling the building permit. The same hardships exist. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

Mr. Saltzman read the legal notice for 3-5 Graystone into the record as follows:

"You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, November 30, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Louis Ferrari and Carolyn Jasiul Ferrari, Trustees of the Ferrari Realty Trust of 18 Broadway Stoneham, Massachusetts for the properties at 3 and 5 Graystone Road, Stoneham, Massachusetts. 5 Graystone Road is shown as Lot C and 3 Graystone Road is shown as Lot B on a Plan entitled "Boundary Survey Sketch 5 Graystone

Road Stoneham, Mass. 02180,” dated October 16, 2023, prepared by Otte & Dwyer, Inc. Land Surveyors. The applicant’s proposal is to construct a single-family dwelling at 5 Graystone Road, Stoneham, MA, which will require a variance for lot width for both 3 Graystone Road and 5 Graystone Road. Section 5.2.1 requires lot width in Residence A to be 90 feet. The width for 3 Graystone Road is 86.31 feet, which requires a variance. The width for 5 Graystone Road is 85.77 feet, which requires a variance. Also, Section 5.3.1 requires if contiguous lots are under one ownership, the owner shall be required to add to such lot any land adjoining, in his ownership, in order to permit a lot to be created that can meet the requirements as far as possible. 5 Graystone Road and 3 Graystone Road are contiguous Lots, and a variance of 5.3.1 is required. Plan may be seen daily except Friday afternoon in the Town Clerk’s office.”

Mr. Houghton appeared before the Board to ask for a continuance. He was unaware that the existing house at 3 Graystone was a two family. Prior to 1985, the bylaws allowed alteration to a two family and his client had added a unit back then. He stated that neither lot meets the width. Mr. Sullivan believed it would be more advantageous to withdraw without prejudice. Why continue. You would end up holding two hearings. Mr. Houghton agreed and asked to withdraw without prejudice instead. Mr. Sullivan made a motion to accept his request. Mr. McLaughlin seconded. A roll call vote was taken. All members voted in favor 5-0.

Mr. Saltzman read the legal notice into the record for Rockville Park as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, November 30, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Sanco Builders LLC, 82 Bedford Road, Woburn, MA to construct a 46 unit multi-family building on Rockville Park, Stoneham, Massachusetts. Petitioner is requesting a variance of: Section 4.3.3.1(b)(1) – All parking spaces shall be located to the rear of the front building line. Some of the proposed parking is in the front of the building line. Variances of Section 5.2.1 Dimensional Requirements – Variances for frontage and building height will be required. The required frontage in the Residence B district for 3 or more units is 150 feet. The proposed frontage is 40 feet on a private way. The maximum building height in Residence B is 30 feet. The proposed building height is 38 feet. A plan filed with the petition by Daniel E. Dragani, P.E., Dragani Engineering Group LLC and Edward Farrell, PLS, dated November 12, 2023 entitled “Board of Appeals Plan Rockville Park Stoneham, MA” shows the proposed 46 unit multi-family building. Plan may be seen mornings daily except Friday afternoon in the Town Clerk’s Office.”

Attorney Houghton appeared before the Board on behalf of Sanco Builders and explained that his client had originally planned for 16 condo units at the same time that COVID happened. In the meantime he had purchased the Sinclair and Robinson properties. They rezoned that area at Town Meeting last year. They no longer want to build townhouses. Mr. Santullo took out all of the old fill. He has a new design. They are seeking a variance of frontage even though they are creating frontage. The new layout will change the bubble portion of the cul de sac. There will be parking underneath the building. With this larger site town houses would be difficult. This project also requires affordable units. Mr. Houghton continued to say that it’s a tough lot with a lot of ledge and huge grade differences. This new plan moves the building away from Mauriello Drive. Mr. Santullo added that everything would be put in one area away from the wetlands.

Mr. Houghton further explained that this new plan would require them to appear before the Stormwater Board. But they already have their permit from DCR. After the ZBA they will need to go to the Planning Board, Site Plan and Con Comm.

Mr. Saltzman asked about the height. Mr. Houghton indicated that the height allows them to add 7 to 30 feet because of topography. Mr. Saltzman remembered that fill was an issue last time. Mr. Houghton stated that all the fill has to come out. Mr. Sullivan stated that it looked like three stories of living space with wood frame siding. How big would it be? 192 x 70 L shaped. He also asked if the 46 units would be 1 and 2 bedrooms with no threes. Mr. Dufour asked if they would be apartments or condos. Mr. Houghton indicated that they would be one and two bedroom condos.

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

Mr. Rubin said they still have a long way to go. There have been a lot of roadblocks, but it is definitely an improvement to the neighborhood. Mr. Rubin made a motion to grant the relief based upon the same hardships as before. The topography being the biggest hardship. It doesn'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.

Mr. McLaughlin made a motion to adjourn which was seconded by Mr. Rubin. All members voted in favor.

The meeting adjourned at 7:16PM.

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 of 80 Pleasant Street, Stoneham, MA by Edward J. Farrell, Professional Land Surveyor dated November 3, 2023

A plan filed with the petition by Hayes Engineering, Inc. dated November 8, 2017 with revisions through November 13, 2023 entitled "Site Plan – Multi-Family Dwelling – No. 577 Main Street, Stoneham, Mass."

Plan entitled "Boundary Survey Sketch 5 Graystone Road Stoneham, Mass. 02180," dated October 16, 2023, prepared by Otte & Dwyer, Inc. Land Surveyors.

A plan filed with the petition by Daniel E. Dragani, P.E., Dragani Engineering Group LLC and Edward Farrell, PLS, dated November 12, 2023 entitled "Board of Appeals Plan Rockville Park Stoneham, MA